
Voluntary Undertaking to the Regulator of Social Housing

March 2024

1. Introduction

- 1.1 This Voluntary Undertaking (VU) is offered by Birmingham City Council ('The Council') in response to the various health and safety and other regulatory compliance issues identified in the Regulatory Notice published by the Regulator of Social Housing ('RSH') on 24 May 2023, which are fully accepted.
- 1.2 This VU also includes elements of the Council's response to the Housing Ombudsman Paragraph 49 report, where referred to in the Regulatory Notice.
- 1.2 The VU sets out specific actions and outcomes the Council will achieve to address the concerns and the timescales by which these will be delivered. It also sets out the arrangements for oversight of delivery of the VU, how this will be reported upon to the RSH, and in due course independently validated when complete.
- 1.3 The VU has been underpinned by a more detailed Consumer Standards action plan, set out to assess the Council's compliance against all of the proposed Consumer Standards.
- 1.4 These plans and documents are not offered formally a part of the VU, as they are working documents, often updated as circumstances evolve; the plan below is a summary of the key points to which the Council commits for the purposes of this VU.
- 1.5 The VU is supported by a chronology of events which is set to assure the Regulator that the Council understand its historic failings in relation to compliance against existing regulatory standards and that there are plans in place to ensure this won't happen again. The chronology is appended to this document for assurance.
- 1.6 All action plans and supporting documentation will be made available on request to the RSH and updated from time to time.

2. Oversight and reporting

- 2.1 The City Housing Directorate hold an officer led Compliance Board on a monthly basis. Matters related to the VU will also be reported into the Council's Overview &

Scrutiny Committee on a quarterly basis, made up of cross-party elected Members and Council officers.

- 2.2 The Committee provides oversight, whilst the Compliance Board will focus on the delivery of the VU and associated action plans.
- 2.3 The Compliance Board will, in summary:
- (1) report at least quarterly to the Council Cabinet through the Oversight and Scrutiny Committee (OSC);
 - (2) meet monthly or as required (online or in person) and consider reports on the delivery of this Voluntary Undertaking and the subsidiary action plans.
 - (3) Share these reports with the RSH and take account of any feedback from the RSH in progressing matters.
- 2.3 The Council will commission an independent validation of the agreed key stages of delivery of the VU upon their respective completion and will share this report with the RSH.

3. Actions and outcomes

- 3.1 The Council will complete the actions and achieve the outcomes in three main phases as set out below.

Phase 1 = by 31st May 2024

Phase 2 = by 28th June 2024

Phase 3 = by 30th September 2024

Phase 4 = by 31st December 2024

Phase 5 = by 31st December 2032

- 3.2 The Council submits the following specific actions and outcomes to be delivered under the terms of this Voluntary Undertaking.

ACTION/OUTCOME	COMMENTS	TIMESCALE
<p>1. OVERALL RSH FINDING: Following the Housing Ombudsman’s Special Report on Birmingham CC’s complaint handling, we investigated the council’s compliance with the consumer standards. Through our investigation we identified Birmingham CC had not completed fire, electrical and asbestos checks and inspections for every property that needed one and that a significant proportion of Birmingham CC properties do not meet the Decent Homes Standard (DHS). We also learned that Birmingham CC has failed to handle complaints effectively and failed to treat tenants with fairness and respect.</p> <p>The regulator considered the case as a potential breach of parts 1.1 and 1.2 of the Home Standard and has concluded that Birmingham CC did not have an effective system in place to allow it to meet its responsibilities both in relation to the quality of its homes, and in relation to statutory health and safety compliance across a range of areas.</p>		
<p>1.1 The Council has fully accepted the findings of both the Ombudsman and the RSH and has developed this Voluntary Undertaking (VU) to ensure that it can move at pace to compliance.</p>	<p>Work on delivery of the VU and arrangements to ensure oversight of its delivery have already commenced.</p>	<p>Immediate</p>
<p>1.2 We will publish a summary version of this VU Plan for tenants, leaseholders, and wider stakeholders of the Council.</p>	<p>This will be part of the Council’s overall communications to tenants and leaseholders, initial communications were provided following the Regulatory Notice in May 2023.</p>	<p>Immediate</p>
<p>2. RISK OF SERIOUS DETRIMENT, RSH FINDING: considering the seriousness of the issues, the duration for which tenants were exposed to risk, and the number of tenants potentially affected, the regulator has concluded that Birmingham CC has breached the Home Standard and the Tenant Involvement and Empowerment Standard and that there is a risk of serious detriment to tenants during this period.</p>		
<p>2.1 During implementation of this VU and the associated action plans, we will implement special arrangements for staff and contractors to report matters of potential safety concern for immediate action to be taken if so required.</p>	<p>A hotline already exists, and we will also create an email address where concerns can be raised, anonymously if the informant so wishes.</p>	<p>Completed</p>

ACTION/OUTCOME	COMMENTS	TIMESCALE
2.2 We will produce quarterly reports for Overview & Scrutiny (O&S) on compliance against all aspects of this VU as well as additional information on the compliance with the wider consumer standards	First formal report took place with O&S in September 2023 and is scheduled on a quarterly basis. The O&S Committee also received training from Campbell Tickell on the Consumer Standards and their whole in scrutinising performance information in September 2023.	Complete
2.3 External reviews will be undertaken on all levels of landlord H&S compliance to provide assurance that the Council understand what is required to bring each area to a place of compliance.	Currently being procured- all reviews due for completion by April 2024.	Phase 2
2.4 We will deliver on all of the recommendations that come from the external reviews of landlord H&S compliance	Reviews currently progressing- timeframe reflects ambiguity around the findings from external reviews.	Phase 3
2.5 We will implement the true compliance computer system which will allow the Council to process compliance data and information without the need for manual intervention	Currently in delivery, workstreams being embedded into true compliance with PM support monitoring this.	Phase 1
3. FIRE SAFETY, RSH FINDING: In respect of fire safety, Birmingham CC has a statutory duty to regularly assess the risk of fire and to take precautions to prevent the risk of fire. The council reported that more than 1,000 Fire Risk Assessments (FRAs) are overdue. These are predominately for low-rise blocks.		
3.1 We will complete FRAs for all high-rise blocks	Consistently at 100% completion	Complete

ACTION/OUTCOME	COMMENTS	TIMESCALE
3.2 We will complete FRAs for all low-rise blocks	Direct award has been made to accelerate the approach, now achieving circa 70%	Phase 2
3.3 We will ensure FRA remedial actions are accurately recorded and completed within a reasonable timescale	Increased level of assurance will be provided through the implementation of true compliance.	Phase 3
4. ELECTRICAL SAFETY, RSH FINDING: For electrical safety, Birmingham CC is required to ensure that electrical installations are in working and safe condition both at the start of any tenancy and throughout that tenancy. At the time of our investigation the council reported around 500 communal and 15,000 domestic electrical inspections were overdue. In addition to this, more than 1,000 domestic electrical remedial actions were overdue.		
4.1 We will complete electrical safety testing in all relevant domestic and communal buildings	Currently achieving circa 85% across both programmes	Phase 2
4.2 We will ensure electrical safety remedial actions are accurately recorded and completed within a reasonable timescale	Increased level of assurance will be provided through the implementation of true compliance	Phase 3
4.3 We will action all historic remedial actions (over 365 days) through the support of additional procured resource	Additional resource has been procured to support this	Phase 3
5. ASBESTOS SAFETY, RSH FINDING: For asbestos safety, the evidence provided to the regulator showed that Birmingham CC had almost 17,000 asbestos surveys overdue.		
5.1 We will complete asbestos survey inspections of all relevant high-rise properties	100% of high-rise properties have been completed	Complete

ACTION/OUTCOME	COMMENTS	TIMESCALE
5.2 We will complete asbestos survey inspection of all relevant low-rise properties	Direct award procurement is underway to support this programme- currently achieving circa 45%	Phase 3
5.3 We will ensure asbestos remedial actions are accurately recorded and completed within a reasonable timeframe	Remedial actions now available for all high-rise blocks	Phase 3
6. COMPLIANCE WITH DHS, RSH FINDING: <i>In relation to the quality of its homes, Birmingham CC reported that 39% of its properties did not comply with the DHS. The council does not hold recent or complete data for its properties so is unable to clearly identify the risks in its non-decent homes.</i>		
6.1 We will develop and publish a full 30-year investment plan to ensure compliance with the DHS over an 8-year period	Housing Revenue Account (HRA) Business Plan was approved at Cabinet on the 16 th January 2024	Completed
6.2 We will develop and publish a 5-year Asset Management Strategy supporting the 30-year investment plan	Asset Management Strategy 2024-2029 was approved at Cabinet on the 16 th January 2024	Completed
6.3 We will undertake stock conditions surveys amounting to 20% of the total portfolio, each year (starting from April 2023) as part of a rolling 5-year programme.	Circa 9,000 stock condition surveys currently 'in date' (within the last 5 years). Aiming to achieve 20% by April 2024.	Phase 1 (and then ongoing annually)

ACTION/OUTCOME	COMMENTS	TIMESCALE
<p>6.4 We will ensure that the level of investment to meet DHS is in line with the approved HRA Business Plan and the overarching Housing Improvement programme.</p> <p>The Council commit to ensuring we deliver the investment we have promised over the 8-year catch up period.</p>	<p>Taken directly from the HRA Business Plan (Housing Improvement programme)</p> <p>Year 1 = £183,678,000 Year 5 = £225,143,000</p> <p>Year 2 = £215,533,000 Year 6 = £228,608,000</p> <p>Year 3 = £218,529,000 Year 7 = £187,998,000</p> <p>Year 4 = £221,751,000 Year 8 = £190,972,000</p>	Phase 5
<p>6.5 The Council will report monthly to the Regulator on the outcome of stock condition surveys and the impact of new surveys on the DHS position.</p>	As part of formal monitoring meetings	Immediate
<p>6.6 The Council will provide the Regulator an annual review of the HRA whilst the DHS catch up programme continues</p>	This will demonstrate that expenditure against DHS has been achieved and the % compliance against DHS	Ongoing until Phase 5 completion date
7. LEGIONELLA		
<p>7.2 We will complete legionella checks in all relevant domestic properties</p>	Currently achieving circa 75%	Phase 2
<p>7.3 We will complete legionella checks in all relevant communal areas</p>	Achieving 100% and operating at BAU levels	Complete

ACTION/OUTCOME	COMMENTS	TIMESCALE
7.3 We will ensure legionella remedial actions are accurately recorded and completed within a reasonable timeframe	Remedial actions now available	Phase 3
8. GAS SAFETY		
8.1 We will undertake a comprehensive data cleanse audit to assess levels of compliance in an area where there is an adequate level of performance.	Savills report available and has been shared with the Regulator	Complete
8.2 Ensure the action plan from the Savills gas safety audit is actioned across in its entirety.	Action plan available and in train	Phase 3
8.3 We will complete gas safety checks in all relevant domestic and communal areas	Operating at BAU	Complete
8.4 We will ensure gas safety remedial actions are accurately recorded and completed within a reasonable timeframe	Operating at BAU	Complete
9. CARBON MONOXIDE DETECTORS		
9.1 Carbon monoxide installation in all properties as required by regulation	Initial programme delivered with 85% completion; mop-up programme is now being costed with contractors	Phase 2
10. SMOKE DETECTORS		

ACTION/OUTCOME	COMMENTS	TIMESCALE
10.1 Ensure that all smoke detectors have been tested in line with Oct '22 regulations.	Operating at BAU	Complete
11. LIFTS		
11.1 We will ensure all relevant lift safety checks are undertaken	Operating at BAU	Phase 2
11.2 We will ensure lift safety remedial actions are accurately recorded and completed within a reasonable timeframe	Remedial actions are not yet visible- progressing through the implementation of true compliance	Phase 3
12. COMPLAINTS HANDLING, RSH FINDING: <i>Regarding complaints handling, the Housing Ombudsman's Special Report identified fundamental flaws in this service, including poor record keeping, poor communication and a failure to learn from complaints. Through our investigation we also identified that more than 1,000 complaints (around 60% of open complaints) were overdue.</i>		
12.1 We will develop and publish our Compensation Policy	Policy signed off at Cabinet on the 16 th January 2024, publishing on the website	Immediate
12.2 We will work with the Housing Ombudsman to cease intervention activities with them.	Evidence files to be sent to the Housing Ombudsman by the 31 st January 2024, confirmation of end of intervention due by the 14 th February 2024.	Phase 1
12.3 We will amend and republish our Complaints Policy, to reflect our new Compensation Policy	New policy is now updated on the website	Complete

ACTION/OUTCOME	COMMENTS	TIMESCALE
12.4 We will create an internal Ombudsman-facing function with defined powers and terms of reference to intervene on behalf of tenants who have submitted complaints.	Mobilised in June 2023	Complete
12.5 We will publish an annual report on complaints performance.	Published on the website for 2022/2023	Complete
12.6 We will achieve BAU tolerance levels on SLA performance for all complaints	90% is the BAU target, with a 10% tolerance	Phase 2
12.7 We will we reduce backlog complaints to BAU tolerance levels	Additional service resource mobilised to accelerate this programme	Phase 2
12.8 We will ensure that learning from complaints informs operational delivery, and this is clearly evidenced and reported at Compliance Board	Meet the Ombudsman and tenant talk events have already started this process- to be embedded by June 2024.	Phase 2
14. TENANT ENGAGEMENT, RSH FINDING: <i>In relation to Birmingham CC's engagement with tenants, external reviews carried out in 2021 and 2022 found there was a lack of proactive, frequent, and effective communication with tenants. The reviews also found that tenants' needs were not understood, and they did not feel valued.</i>		
14.1 We will embed our new Residents Influence engagement structure in line with TPAS recommendations	Constituency review underway and framework agreed by Cabinet Member	Phase 2
14.2 We will embed and develop our new Constituency Influence engagement structure (local boards) in line with TPAS recommendations	As above	Phase 2

ACTION/OUTCOME	COMMENTS	TIMESCALE
14.3 We will then publish and implement our new Community Influencing & Engagement strategy in line with TPAS recommendations	This strategy and overarching comms plan is now on the Cabinet forward plan and is under development	Phase 3
14.4 We will develop our tenant and leaseholder Communications Plan in line with TPAS recommendations	As above	Phase 3
14.5 We will develop and publish service standards for all our service areas, setting out the minimum service our tenants and leaseholders can expect.	Under development in order of priority.	Phase 3
16. OVERSIGHT OF VU DELIVERY		
16.1 Delivery of this VU will be overseen by the Compliance Board, reporting quarterly to Overview & Scrutiny	Compliance Board in place since January 2023 Quarterly reporting in place as of September 2023	Ongoing
17. INDEPENDENT VALIDATION OF VU DELIVERY		
17.1 Once the Council have reached compliance with the areas of breach, external reviews will be undertaken with the results provided to the Regulator for assurance that the Council are operating at BAU compliance levels	Agreement for external assurance via sector industry experts	Phase 3
17.2 Any actions from external reviews will be completed, with evidence supplied to the Regulator for assurance		Phase 4

ACTION/OUTCOME	COMMENTS	TIMESCALE
18. REPORTING TO RSH		
18.1 We will report at least quarterly on delivery of this plan to the RSH, or more frequently if so required.	A standard agenda item as part of monthly monitoring meetings	Ongoing

4. Signature

This Voluntary Undertaking to the Regulator of Social Housing signed for and on behalf of Birmingham City Council by:

.....
Name

.....
Position

.....
Date

.....
Signature

.....
Name

.....
Position

.....
Date

.....
Signature

(1)