

BIRMINGHAM CITY COUNCIL

HOMES OVERVIEW AND SCRUTINY COMMITTEE

THURSDAY, 18 APRIL 2024 AT 14:00 HOURS
IN COMMITTEE ROOM 6, COUNCIL HOUSE, VICTORIA SQUARE,
BIRMINGHAM, B1 1BB

A G E N D A

1 NOTICE OF RECORDING/WEBCAST

The Chair to advise/meeting to note that this meeting will be webcast for live or subsequent broadcast via the Council's Public-I microsite ([please click this link](#)) and that members of the press/public may record and take photographs except where there are confidential or exempt items.

2 APOLOGIES

To receive any apologies.

3 DECLARATIONS OF INTERESTS

Members are reminded they must declare all relevant pecuniary and other registerable interests arising from any business to be discussed at this meeting.

If a disclosable pecuniary interest is declared a Member must not participate in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation.

If other registerable interests are declared a Member may speak on the matter only if members of the public are allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation.

If it is a 'sensitive interest', Members do not have to disclose the nature of the interest, just that they have an interest.

Information on the Local Government Association's Model Councillor Code of Conduct is set out via <http://bit.ly/3WtGQnN>. This includes, at Appendix 1, an interests flowchart which provides a simple guide to declaring interests at meetings.

- 3 - 8**
- 4 **MINUTES**
- To confirm the minutes of the meeting held on 14 March 2024.
- 9 - 12**
- 5 **ACTION TRACKER**
- To note the action tracker.
- 13 - 14**
- 6 **COMMISSIONER'S REVIEW AND COMMENTS ON THE AGENDA**
- For the Committee to note the attached comments on the agenda.
- 15 - 68**
- 7 **REGULATORY COMPLIANCE**
- To provide oversight, scrutiny and productive challenge to City Housing while moving towards compliance with the requirements under the Social Housing Regulation Bill and the recommendations from the Housing Ombudsman special report.
- Councillor Jayne Francis, Cabinet Member for Housing and Homelessness; Paul Langford, Strategic Director, City Housing; Wayne Davies, Director, Asset Management; John Jamieson, Head of Service, Housing Management; Naomi Morris, Head of Strategic Enabling; Stephen Philpott, Director, Housing Solutions and Support Service; and Natalie Smith, Head of Service, Housing Management, in attendance.
- 69 - 74**
- 8 **WORK PROGRAMME**
- To note the Committee's work programme during 2023-24.
- 9 **REQUEST(S) FOR CALL IN/COUNCILLOR CALL FOR ACTION/PETITIONS RECEIVED (IF ANY)**
- To consider any request for call in/councillor call for action/petitions (if received).
- 10 **OTHER URGENT BUSINESS**
- To consider any items of business by reason of special circumstances (to be specified) that in the opinion of the Chair are matters of urgency.

BIRMINGHAM CITY COUNCIL

HOMES O&S COMMITTEE – PUBLIC MEETING**1400 hours on Thursday 14 March 2024, Committee Room 6, Council House****Minutes**

Present:

Councillor Mohammed Idrees (Chair)

Councillors: Ziaul Islam, Saqib Khan, Ron Storer, Penny Wagg and Ken Wood

Also Present:

Councillor Jayne Francis, Cabinet Member for Housing and Homelessness (Online)

Claire Flowers, Assistant Director, Housing Development

Colette McCann, Head of Housing Development

Naomi Morris, Head of Strategic Enabling

Jayne Bowles, Scrutiny Officer

Amelia Wiltshire, Overview and Scrutiny Manager

1. NOTICE OF RECORDING/WEBCAST

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2. APOLOGIES

None.

3. DECLARATIONS OF INTERESTS

Members were reminded they must declare all relevant pecuniary and other registerable interests arising from any business to be discussed at this meeting.

No interests were declared.

4. MINUTES

There were no matters arising from the minutes.

RESOLVED:

That the minutes of the meeting held on 22 February 2024 be confirmed as correct and signed by the Chair.

5. ACTION TRACKER

The Chair confirmed that the contractor performance information had now been provided. The Committee requested that in future this type of information be presented in a more accessible format.

It was suggested that contractor performance should be discussed in a future meeting.

RESOLVED:

That the action tracker be noted.

6. COMMISSIONER'S REVIEW AND COMMENTS ON THE AGENDA

RESOLVED:

That the Committee noted there were no comments on the agenda from the Commissioner.

7. AFFORDABLE HOUSING

Claire Flowers, Assistant Director, Housing Development; Colette McCann, Head of Housing Development; and Naomi Morris, Head of Strategic Enabling, were in attendance for this item.

Councillor Jayne Francis, Cabinet Member for Housing and Homelessness, was in attendance online.

The Assistant Director, Housing Development gave a brief overview of the report and set out the strategic context. The main points included the challenges to the delivery of affordable homes; the approach taken in Birmingham; and information on what else was being done around the country.

The Head of Strategic Enabling advised the Committee that reliance on social housing in Birmingham was 24% of the population whilst the average for the rest of the UK was around 18%. The level of deprivation in the city and the low number of affordable properties in the private rented sector were factors that pushed people towards social housing and Birmingham has in excess of 22,000 people on the housing register, with around 6,000 households in Band 1. The acute need in Birmingham was for family homes, and building larger family homes was challenging.

The Head of Housing Development provided the Committee with an update on the current position with the Birmingham Municipal Housing Trust (BMHT) delivery programme. The main points included:

- There had been some funding through the European Regional Development Fund to test and trial energy saving technology to help inform future developments, addressing in particular the Route to Zero challenge and some of the issues residents face around fuel poverty.
- There was a forecast target of 108 new homes to be handed over within the Housing Revenue Account (HRA) this year and they were around ten units short of that target due to some slippage on one of the schemes.
- An update was given on the Yardley Brook, Primrose Estate, Highgate Road, and Long Nuke Road new schemes.

During the discussion, and in response to Members' questions, the main points included:

Right to Buy

Around 500-600 properties a year were lost through Right to Buy and the Council has limited control and followed imposed rules around how to manage Right to Buy. There was a process in place to buy back properties, which does happen but there was no specific budget set in the HRA for this. A request was made for the Right to Buy regulations to be provided to committee members.

Affordable Housing Delivery

The Government definition of affordable housing was 80% of market rent and social housing was significantly less at around 50% of market rent. There were affordable products in between and a healthy supply of affordable housing would include multiple models to suit multiple households.

The Housing Strategy produced in 2023 stated that 51% of the target of the Birmingham Development Plan requirement for 19,400 affordable homes by 2031 had been achieved. With regard to the planning system and the target of 35% affordable housing for all new developments, the Committee was advised that the Affordable Housing Team was now more engaged at the planning application stage to support negotiations and all new developments were independently assessed.

One of the challenges was the interaction between planning and the affordable housing grant that Homes England provides, which is one of the key ways developers and Registered Providers deliver social or affordable products.

BMHT has always tried to prioritise large family homes where possible and with regard to planning applications, it was about securing the right number and type of affordable homes. One of the challenges was that the grant system works on a per property basis rather than per bed space.

The Committee noted that the delivery of affordable housing was dependent on co-operation with housing associations (HAs) and the Cabinet Member for Housing and Homelessness informed Members that the Council has a good working relationship with HA partners who were keen to deliver in the city.

Housing Register

In response to a query in relation to how many properties had been let to people on the housing register in the last year, the Committee was advised that there had been between 2,000-3,000 lets and the exact figure would be provided.

The Cabinet Member added that there was much work underway in terms of delivering housing and advised the Committee that the first meeting of the Housing Sub-Board, chaired by the Commissioner supporting Housing, had been held earlier that week. The Board was cross-party and will meet at least once a month.

RESOLVED:

That:

- The Right to Buy regulations be provided to committee members.
- The exact number of properties let to people on the housing register in the last year be provided to committee members.
- The report be noted.

8. WORK PROGRAMME

The Chair confirmed that the three items scheduled for the 18 April meeting were:

- Regulatory Compliance.
- Budget Challenge and Financial Recovery.
- Improving Standards of Re-let Properties Task & Finish Inquiry Evidence-gathering - City Housing.

It was agreed that the meeting would be extended by an hour to finish at 1700 hours.

RESOLVED:

That:

- The meeting on 18 April be extended by an hour to finish at 1700 hours.
- The work programme be agreed.

9. DATE OF THE NEXT MEETING

RESOLVED:

That the next meeting be held on Thursday 18 April at 1400 hours in Committee Room 6.

10. REQUEST(S) FOR CALL IN/COUNCILLOR CALL FOR ACTION/PETITIONS RECEIVED (IF ANY)

None.

11. OTHER URGENT BUSINESS

None.

The meeting ended at 1440 hours.

**HOMES O&S COMMITTEE
ACTION TRACKER 2023/24**

Date	Agenda Item	Action	Notes
14 March 2024	Affordable Housing	Right to Buy legislation to be provided to the Committee.	Emailed to Members on 14 th March.
		Exact number of properties given to people on the housing register in the last year to be provided to the Committee.	Emailed to Members on 3 rd April.
22 February 2024	Exempt Accommodation Inquiry Recommendations Tracking Update	Response to be provided to Committee on the number of properties operated by the providers on the preferred provider list and how many properties were operated by providers who had not been assessed or had failed the assessment	Emailed to Members on 21 st March.
25 January 2024	Regulatory Compliance	Information on Contractor Performance to be circulated to the Committee.	Emailed to Members on 13 th March.
19 October 2023	Scrutiny of Delivery of 2023/24 Budget Savings and Update on Council's Response to Section 114 Notice and Financial Recovery Plan	HRA and Temporary Accommodation rent collection figures to be provided to the Committee.	Emailed to Members on 22 nd November.
	Exempt Accommodation Inquiry Recommendations Tracking Update	Next tracking report to be scheduled for three months' time.	Work Programme updated – report scheduled for February.
21 September 2023	Financial Challenges – Scrutiny Contribution to	Scrutiny of Delivery of 2023/24 Budget Savings to be a standing item on the Committee's agenda.	Work Programme updated.

Homes O&S Committee – April 2024

**HOMES O&S COMMITTEE
ACTION TRACKER 2023/24**

Date	Agenda Item	Action	Notes
	the Budget Savings and Recovery Plan		
	Regulatory Compliance	Committee agreed to engage in quarterly meetings specifically on the subject of Landlord Compliance.	Work Programme updated.
20 July 2023	Work Programme	Task & Finish Group to re-visit the Voids Terms of Reference	Task & Finish group established. Outline Terms of Reference for an inquiry on Improving Standards of Council Homes agreed at the September meeting.
		Scrutiny Officers to seek clarification on the following matters raised on behalf of Cllr Wood: <ul style="list-style-type: none"> • Backlog of inspections • Contractor Performance 	Backlog of inspections to be picked up as part of the Regulatory Compliance agenda item at the September meeting. The quarterly HLB performance reports will be shared with committee members – the Q1 2023/24 report was emailed on 13 th September.

**HOMES O&S COMMITTEE
ACTION TRACKER 2023/24**

Date	Agenda Item	Action	Notes
22 June 2023	Developing the Homes O&S Committee's Work Programme 2023/24	City Housing management structure chart and responsibilities to be shared with Members.	Emailed to Members on 27 th June.

Birmingham City Council
Homes Overview and Scrutiny Committee
18 April 2024



Subject: Regulatory Compliance: Regulator of Social Housing

Commissioner Review

It is vitally important that Birmingham City Council sustains and escalates the progress they have made to achieve landlord compliance across its stock. This must include compliance within the areas of regulatory breach as per the transformation and improvement plan. This is a crucial element in building the trust and confidence of tenants, regulators, councillors and partners in the Council's ability to make the necessary and required improvements.

Birmingham City Council

Homes Overview and Scrutiny Committee

18 April 2024



Subject: Regulatory Compliance: Regulator of Social Housing
Report of: Paul Langford, Strategic Director of City Housing
Report author: Naomi Morris, Head of Strategic Enabling

1 Purpose

- 1.1 The purpose of this report is to provide quarterly oversight to Overview & Scrutiny Committee in relation to the Council's position around landlord compliance, including areas of regulatory breach.
- 1.2 The report also provides an update to Overview & Scrutiny Committee on preparation for the Social Housing Regulation Act and the likelihood of a potential regulatory inspection against the new Consumer Standards.

2 Recommendations

- 2.1 That the Committee:
 - Considers the most recent report to the Regulator of Social Housing (Appendix 1), including the response to the question regarding the changes to Repairs & Maintenance contracts following the Housing Ombudsman Paragraph 49 report, and provides any comments.
 - Notes the status of each activity in the Consumer Standards action plan (Appendix 2) and provides any comments.
 - Notes the updated Voluntary Undertaking (Appendix 3) and provides any comments.
 - Notes the Council's consultation response to Awaab's Law (Appendix 4) and provides any comments.

3 Any Finance Implications

- 3.1 There are no specific implications at this stage. However, it is important to note that the Regulator of Social Housing has the power to impose unlimited fines where there are continued areas of non-compliance.

- 3.2 The Council continues to make compensation payments to households where the service may not have managed a complaint appropriately, or where there has been a service failure that warrants this. Compensation is awarded in line with the Housing Ombudsman financial redress guidance and there is budgeted provision in the Housing Revenue Account Business Plan to support this.

4 Any Legal Implications

- 4.1 The Council are currently under a formal engagement process with the Regulator of Social Housing, based on a breach of the Consumer Standards (Home Standard and Tenant Involvement and Empowerment Standard). There are no legal ramifications at this stage, but the engagement is formal in nature and there are risks of legal ramifications should the Council fail to progress at the required pace.
- 4.2 The Housing Ombudsman have formally ended their intervention with the Council, following the Paragraph 49 report issued in January 2023. This was confirmed in February 2024. The Ombudsman will continue to make determinations on both historic and current cases where things have gone wrong, in the same way as any other authority but formal engagement has ceased.

5 Any Equalities Implications

- 5.1 There are no equality implications to note.

6 Appendices

- 6.1 Appendix 1 sets out the most recent report to the Regulator of Social Housing as part of the formal monthly monitoring meetings. This includes a response to the Committee's question regarding the changes made to Repairs & Maintenance contracts following the Housing Ombudsman Paragraph 49 report.
- 6.2 Appendix 2 sets out the Consumer Standards action plan which shows the detailed work being undertaken against all of the four new Consumer Standards, in order to prepare for an inspection. This demonstrates the status of each activity.
- 6.3 Appendix 3 sets out the updated Voluntary Undertaking document, setting out our commitments formally to the Regulator. We are awaiting the Regulator's comments prior to sign off.
- 6.4 Appendix 4 sets out the Council's consultation response to Awaab's Law which is currently being formally consulted upon. It is important that the Overview & Scrutiny Committee are sighted on this response given the significant financial and operational implications on the Council if this is to progress as proposed.

Regulator of Social Housing Meeting






12th March 2024

Paul Langford, Strategic Director of City Housing






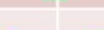








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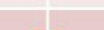






Progress Definitions:

-  Operating at BAU compliance level (no action required outside of normal process)
-  Programme is accelerating and is expected to reach BAU compliance by the June 2024 deadline
-  Programme is in a neutral position- still expected to reach BAU compliance by the June 2024 deadline
-  Programme has decreased but is considered 'within tolerance' and is not anticipated to impact the June 2024 deadline
-  Overdue and not expected to meet the June 2024 deadline
- All compliance data will be fully explained, alongside key messages and risks as part of any monthly reporting process
- Several compliance areas may not always demonstrate 100% and this will be because of 'no access,' or further landlord intervention required to undertake the work
- Key messages (next slide) set out relevant points to note

Landlord H&S Compliance- April 2023- Feb 2024 progress

Compliance area	% Completed April 2023		% Completed for Feb 2024	Number Overdue	Remedial Actions April 2023	Remedial Actions Feb 2024
Gas (domestic)	99.80%		99.95%	34	59	28
Gas (communal)	78.57%		100%	0	1	3
EICR domestic (5 year)	73.69%%		90.12%	5779	870	3319
EICR communal (5 year)	82.01%		87.41%	285	0	0
Asbestos	28.20%		47.44%	10845	0	683
Legionella (block)	100%		100%	0	2	5
Legionella (domestic)	71.12%		75.79%	2052	50	223
Fire Risk Assessments (low-rise)	34.43%		76.86%	475	19	1659
Fire Risk Assessments (high rise buildings)	94.74%		100%	0	12	219
Carbon Monoxide (installation)	50.38%		90.62%	5027	0	0
Lifts	95.60%		99.42%	2	0	0
Smoke Detectors %	52.46%		99.15%	1023	0	0

Landlord H&S Compliance- month on month progress

Compliance area	% Completed Jan 2024		% Completed for Feb 2024	Number Overdue	Remedial Actions Jan 2024	Remedial Actions Feb 2024
Gas (domestic)	99.93%		99.95%	34	42	28
Gas (communal)	100%		100%	0	6	3
EICR domestic (5 year)	86.79%		90.12%	5779	3708	3319
EICR communal (5 year)	84.69%		87.41%	285	0	0
Asbestos	44.76%		47.44%	10845	680	683
Legionella (block)	100%		100%	0	4	5
Legionella (domestic)	77.01%		75.79%	2052	276	223
Fire Risk Assessments (low-rise)	70.83%		76.86%	475	610	1659
Fire Risk Assessments (high rise buildings)	100%		100%	0	243	219
Carbon Monoxide (installation)	85.65%		90.62%	5027	0	0
Lifts	99.42%		99.42%	2	0	0
Smoke Detectors %	98.43%		99.15%	1023	0	0

Remedial Actions- Breakdown

Compliance area	Remedial Actions February 2024	High	Medium	Low	In target	0-30 days overdue			30-180 days overdue			180-365 days overdue			365 days plus overdue		
Gas (domestic)	28		28		28												
Gas (communal)	3			3		H	M	L									
								3									
EICR domestic (5 year)	3319		3319		426				H	M	L	H	M	L	H	M	L
									1174			913			806		
EICR communal (5 year)	0																
Asbestos	683		206	477					H	M	L						
									206			477					
Legionella (block)	5			5	1				H	M	L						
									4								
Legionella (domestic)	223		212	11		H	M	L	H	M	L						
							127	6		85	5						
FRAs (low-rise buildings)	1659	278	963	384	1107	H	M	L	H	M	L						
						210			144	164							
FRAs (high rise buildings)	219	138	79	36	10	108	M	L	H	M	L						
									142	3							
Lifts	0	Area of reduced visibility- inputting remedial actions directly into true compliance, within the implantation plan															

Key Messages:

- Initial procurement for external reviews was unsuccessful; bidder quality was the key reason. Delays expected re the April 2023 deadline, this will be amended in the VU once procurement has been finalised.
- Historic remedial actions across the EICR domestic programme have started to reduce through the mobilisation of sub-contractors and the programme is accelerating.
- The asbestos program is now at risk; BCL withdrew their interest in the direct award process which means the contract won't mobilise until the end of March 2024 and will affect the June 2024 deadline
- Data cleanse work on the carbon monoxide program shows several properties with no gas included in the program, work is still underway but has led to a positive decrease of circa 3,000 with more expected.
- Data cleanse work for the legionella domestic program shows several properties that should not be on program due to new water tanks, these are being physically checked before they are removed off the program which will positively impact figures
- 1346 of the 1878 remedial actions across both the high-rise and low-rise FRA program are remedials identified by Housing Management (HM). Due to the acceleration of the low-rise program, HM do not have the capacity to rectify these within timescales. Additional recruitment to be agreed, supporting the remedial program.

Damp & Mould Reports (raised & completed)

Birmingham City Council Damp and Mould Raised

Year	Damp Inspection	Damp Survey	Mould Treatment	Rectify Damp	Total
2023	7696	16	754	564	8719
March	638	3	82	64	753
April	677	2	77	70	795
May	727		84	74	849
June	586	1	86	65	706
July	613	1	82	71	725
August	646	4	75	44	742
September	673	3	62	46	751
October	971		86	58	1077
November	1219	1	77	41	1314
December	946	1	43	31	1007
2024	2649	2	99	88	2797
January	1382	2	50	43	1454
February	1267		49	45	1343
Total	10345	18	853	652	11516

Birmingham City Council Damp and Mould Completed

Year	Damp Inspection	Damp Survey	Mould Treatment	Rectify Damp	Total
2023	6120	6	481	378	6799
February	34		3		37
March	761	1	65	47	846
April	601	1	46	47	676
May	755	1	53	46	834
June	708		42	40	777
July	542	1	56	59	633
August	491		46	31	552
September	429	1	58	33	500
October	502	1	39	31	552
November	704		44	24	757
December	593		29	20	635
2024	1481	1	79	65	1593
January	801	1	37	33	856
February	680		42	32	737
Total	7601	7	560	443	8392

Damp & Mould/Disrepair & Litigation cases

Damp & Mould

- Since March 2020, the service has received an average of 500 damp and mould reports each month, following seasonal trends (circa 700-1000 during winter and circa 400 over the summer).
- 89.77% of damp and mould repairs are completed first time and this is monitored monthly with contractors.
- A total of 11516 damp and mould reports have been raised across 2023/2024
- Of these, 74% have reported damp and mould on more than 5 occasions
- 18.5% of claims relate to low-rise flats, 17.9% relate to pre-war terraced houses and 11.6% relate to high-rise flats. All other archetypes make up less than 10% of claims.

Disrepair & Litigation

- Across 2023/2024, 1464 section 11 claims have been raised, with 857 claims resolved.
- Across 2023/2024, 444 section 82 claims have been raised, with 421 claims resolved
- 638 damp and mould reports have an open disrepair claim (either section 11 or section 82)

Damp & Mould- contractor requirements post Para 49

- Implemented a service improvement group where contractors are given the opportunity to understanding from complaints/HO cases
- Specific parameters regarding record keeping embedded in contracts
- Embedded a separate damp and mould function within the contractor teams, beginning preparations for Awaab's Law
- Improve reporting and use of systems- amendments made to Northgate, changes to the contact centre script etc.
- New Ombudsman function (June 2023) to support appropriate payment of compensation- including charging back to contractors where it has been their error.
- Top '100 cases' report- focused on missed appointments, repeat repairs, no access etc. to prompt services to challenge specific cases with the contractor.
- Recruitment of a BIO to monitor record keeping, train teams and contractors to support embedding new processes.
- Assurance framework- contacting cross section of tenants to confirm what has been achieved/what has not, to inform service improvement group.

Decent Homes standard- physical assessments undertaken

- Actual stock condition survey (SCS) data:
 - Held on 16827 homes (28.5%)
 - 5837 (9.9%) completed in the last 5 years – considered ‘in date’
 - Sense checking the decency % we have according to the ‘in date’ surveys to give initial estimates
- The 5837 surveys can be added to the newly completed ones below- **5,297** which gives a total of **11,134** aiming to achieve circa 12000 within 12 months (from April 2023)
- RAG rated stock portfolio now on Power BI and automated
- All properties that were RAG rated ‘red’ have now been surveyed and are being prioritised for planned investment moving forward

Month	Apr	May	June	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Total
Acivico	48	123	199	503	556	593	753	838	264	664	293	5,297
Savills											463	

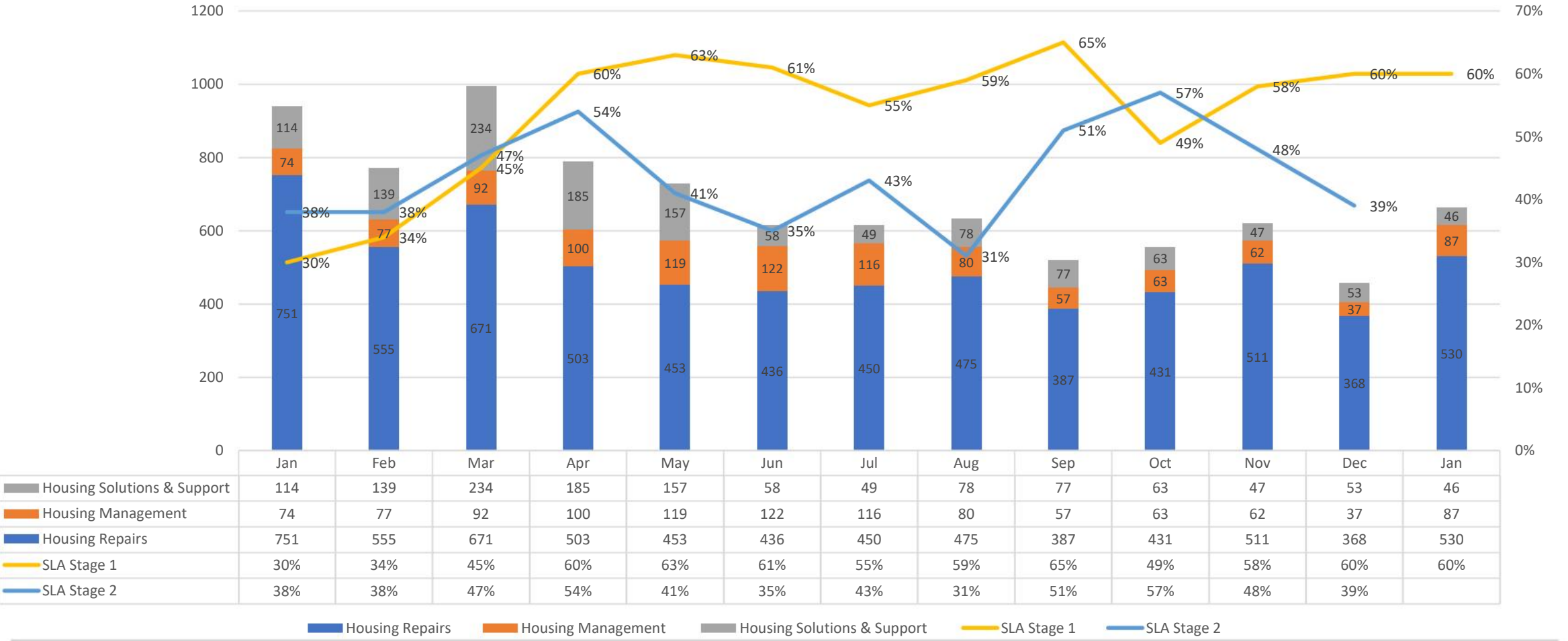
Investment example

Before and after- capital investment



Complaints- Volume of complaints received YTD

Complaints received January 2023 – January 2024



Complaints- Backlog and Summary

	Complaints received	Completed within SLA	SLA %	Number into backlog	Total backlog	Difference	backlog cases closed	All cases closed
Feb-23	768	258	34%	510	1598	-	317	575
Mar-23	996	448	46%	548	1641	43	330	778
Apr-23	788	474	60%	314	1864	223	430	904
May-23	727	457	63%	270	1684	-180	357	814
Jun-23	616	374	61%	242	1520	-164	356	730
Jul-23	614	346	55%	268	1321	-199	354	700
Aug-23	657	374	57%	283	966	-355	324	698
Sep-23	531	343	65%	188	908	-58	260	603
Oct-23	594	273	45%	321	857	-51	382	655
Nov-23	641	369	58%	272	849	-8	339	708
Dec-23	468	279	60%	189	882	33	278	557
Jan-24	674	403	60%	271	913	31	135	538
Total	8074	4398	55%	3676			3862	8260

Quarterly summary

TSM code	TSM Questions	QTR 1	QTR 2	QTR 3	YTD
TP01	Overall satisfaction	55.0%	47.2%	53.3%	51.8%
TP02	Satisfaction with repairs	60.3%	55.8%	54.3%	56.9%
TP03	Satisfaction with time taken to complete most recent repair	57.3%	55.8%	54.7%	56.0%
TP04	Satisfaction that the home is well maintained	54.5%	51.5%	52.3%	52.7%
TP05	Satisfaction that the home is safe	67.3%	63.2%	64.8%	65.1%
TP06	Satisfaction that the landlord listens to tenant views and acts upon them	48.6%	43.4%	49.2%	47.1%
TP07	Satisfaction that the landlord keeps tenants informed about things that matter to them	53.5%	52.9%	45.8%	50.7%
TP08	Agreement that the landlord treats tenants fairly and with respect	77.6%	69.5%	72.0%	73.0%
TP09	Satisfaction with the landlord's approach to handling complaints	17.5%	24.6%	16.2%	19.3%
TP10	Satisfaction that the landlord keeps communal areas clean and well maintained	44.6%	48.3%	47.6%	46.8%
TP11	Satisfaction that the landlord makes a positive contribution to neighbourhoods	54.6%	53.1%	44.5%	50.9%
TP12	Satisfaction with the landlord's approach to handling antisocial behaviour	45.4%	50.5%	43.4%	46.9%

Complaints/TSM- Key Messages

Key Messages:

- Service resources began work on backlog complaints week commencing 19/02/2024, expecting to see reduction in backlog numbers in February 2024 figures
- Backlog figures are currently going through a data cleansing exercise- 143 duplicate cases identified at first count, the service are not yet finished with this process, therefore more are expected.
- SLA continues to remain stable even though volumes have begun to increase
- TSM results are driving refreshed Neighbourhood Plans, to follow up on some of the specific areas of dissatisfaction- understanding why people feel the way they do at a local level. This is followed up with quarterly tenant talk sessions where residents have an area to address individual issues
- Housing Ombudsman have formally written to the Council to confirm that increased levels of monitoring have now formally ended.
- Press release from the Housing Ombudsman formally recognises the improvements made post Para 49- <https://www.housing-ombudsman.org.uk/2024/02/22/6-birmingham-city-council-failings/>
- Thus far, the service have received no severe maladministration determinations post January 2023 (when the Paragraph 49 report was published).

Any Questions?



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ACTION PLAN: ASSET MANAGEMENT STRATEGY 2024-2029										
ID	Service Area	BRAG	Priority	Tracking	Deadline	Action	Business Lead	SRO	Monthly Update (Commentary)	Status
A1	Asset Management		High	On track	30/06/2024	Ensure compliance with all landlord H&S standards in line with the agreed voluntary undertaking	David Stevens	Wayne Davies	12.02.2024- phasing set out in the VU, monitored through Safety & Quality Standard T&F group	Open
A2	Strategic Enabling		Medium	Not on track	31/12/2028	Achieve 60% satisfaction against TSM measures, in line with the national median	Naomi Morris	Guy Chaundy	12.02.2024- initial year's TSM results will be published in April 2024- BCC looking at circa 50% so require a 10% uplift	Open
A3	Asset Management		High	On track	30/06/2024	Achieve stock condition surveys worth 20% of the portfolio by April 2024, then as a rolling programme ongoing to achieve 100% by 2028	Adele Livesy	Wayne Davies	12.02.2024- currently achieving circa 10,000 surveys with Savils on Board to bolster to enable us to meet the April 2024 deadline, long-term cost factored in to the HRA BP	Open
A4	Asset Management		High	Not on track	31/12/2028	Reduce the number of Disrepair & Litigation claims by 50% by end of 2028	Asha X Patel	Wayne Davies	12.02.2024- new service structure proposes a bolstered D&L team, in addition to planned investment which will improve the quality of resident's homes.	Open
A5	Asset Management		Medium	Not on track	31/12/2028	Reduce the number of repairs per property per year from 4.4 to 3.3	Asha X Patel	Wayne Davies	12.02.2024- re-procurement of the R&M contract will drive quality in this area, to be monitored in line with capital investment within specific areas. Power BI build underway to monitor this	Open
A6	Housing Management		Medium	On track	31/12/2028	Re-integrate CCTV and security into blocks/homes where impact assessments support the need.	Naomi Morris	Stephen Gabriel	12.02.2024- CCTV strategy is on the forward plan, Power BI dashboard in place to identify hot spot areas for investment, to be collated with CCTV installation.	Open
A7	Housing Management		High	Not on track	30/06/2024	Address ASB in line with SLA timescales, improving contact and overall performance	Rishi Spolia	Stephen Gabriel	12.02.2024- service standards have been developed, there is a Power BI dashboard now in place setting out performance against SLA timescales. Now reaching circa 60% which has improved but is not yet in line with SLAs	Open
A8	Asset Management		High	Not on track	31/12/2032	Achieve Decent Homes Standards in line with the HRA Business Plan agreed at Cabinet on the 16th Jan 2024	Sayeed Kadir	Wayne Davies	12.02.2024- cabinet agreement on level of investment on the 16th Jan 2024, broken down in to annual spend year on year	Open
A9	Housing Management		Medium	Not started	31/12/2028	Develop Neighbourhood Management offer for high-rise blocks/estates, based on intelligence and good practice across the city	Natalie Smith/Naomi Morris	Guy Chaundy	12.02.2024- initial scoping mechanism undertaken with Bournville Village Trust (BVT) in relation to replicating their stewardship model and testing this on a BCC estate- decision to be made re spend control	Open
A10	Housing Management		Medium	On track	30/06/2024	Develop set of tenant led service standards, in line with recommendations from the TPAS action plan	John Jamieson	Stephen Gabriel	12.02.2024- service standards work underway, development based on order of priority for residents- example available if requested as evidence	Open
A11	Housing Management		High	Not on track	31/10/2024	Review the service model, re-designing this to ensure our services are delivered locally and visibility in estates is improved.	Stephen Gabriel	Paul Langford	12.02.2024- initial slippage whilst the HRA Business Plan was going through sign off processes; service structure beginning route through formal consultation on the 5th March 2024	Open
A12	Asset Management		Low	Not started	31/12/2028	Ensure as many residents as possible are digitally included and can access Wifi within their home	TBC	Wayne Davies	12.02.2024- not yet started, services to be linked in to the digital cities agenda to consider how this can be prioritised for BCC tenants	Open
A13	Strategic Enabling		High	Not on track	31/12/2028	Improve data and intelligence across our full asset portfolio, making sure decisions around sustainability are based on clear evidence.	Brian Clifton/Carl Wallace	Wayne Davies	12.02.2024- True Compliance implementation and improved stock condition information is being prioritised to address areas of the RSH breach first, before all other aspects of assets data can be improved in the long-term	Open
A14	Strategic Enabling/Housing Management		Medium	Not on track	31/12/2028	Undertake full sheltered housing review, a produce a robust offer for older people, in line with their needs.	Rishi Spolia/Naomi Morris	Guy Chaundy	12.02.2024- Initial exploration of this work has begun through a face to face TSM service in sheltered housing and through the support of BSHP, needs shaping in to a longer term piece of work.	Open
A15	Strategic Enabling		Medium	On track	31/12/2024	Develop a City Housing delivery plan, setting out the interventions utilised to help households facing financial hardship	Helen Shervington	Guy Chaundy	12.02.2024- Resources identified in the SE team to co-ordinate and manage this work, supporting HM, NAIS and TA teams to develop interventions that can support tenants, awaiting s.151. approval	Open
A16	Asset Management		Medium	Not on track	31/10/2024	Develop a robust model that enables us to regularly appraise our assets, encouraging regeneration opportunities and thoroughly assessing financial viability.	TBC	Wayne Davies	12.02.2024- Head of Strategic Assets role agreed to support this area of work, to be recruited as part of a broader restructure within the AM team	Open
A17	Asset Management		High	Not on track	31/12/2026	We will undertake a full review of the lettable standard as part of the Repairs and Maintenance contract reprocurement process.	Asha X Patel	Wayne Davies	12.02.2024- re-procurement deadlines have changed following the decision to end the previous process, interim provision agreed. Void standard to be explored as part of the new procurement process	Open
A18	Asset Management		Medium	On track	31/12/2028	Deliver on whole house retrofit and SHDF programme- as set out within the funding agreement	Adele Livesy	Wayne Davies	12.02.2024- programmes currently on track, expansion to the rest of the stock portfolio is more challenging as it is dependent on external, grant funding	Open
A19	Housing Development		Medium	Complete	31/12/2028	Ensure all new build homes are delivered with energy efficiencies in mind and strive to build homes being carbon neutral or net zero ready.	Claire Flowers	Phillip Nell	12.02.2024- this is factored in to the existing BMHT and will continue to be the case as part of the overall review	Open
A20	Asset Management/Strategic Enabling		High	On track	31/12/2024	Embed all of the recommendations of the Housing Ombudsman damp and mould spotlight report	Grant Kennelly	Guy Chaundy	12.02.2024- Damp and mould policy has been drafted, initial draft shared with the relevant service areas for comments and being monitored by bi-weekly task & finish group	Open
A21	Asset Management/Strategic Enabling		Medium	Not on track	31/12/2028	We will source and maximise grant funding working with partners and other Local Authorities and Registered Providers (RPs) to lobby government to increase funding streams and support Decarbonisation.	TBC	Wayne Davies/Guy Chaundy	12.02.2024- Head of Strategic Assets role agreed to support this area of work, to be recruited as part of a broader restructure within the AM team	Open

A22	Housing Management		Medium	On track	31/12/2028	We will reduce the length of time it takes to let our properties (void turnaround)	Natalie Smith	Stephen Gabriel	12.02.2024- Voids turnaround figures have shown consistent improvement; Housemark are now undertaken a review of the voids process, due to be finalised within the next 6 weeks to support the service to be more efficient in relation to voids management	Open

ACTION PLAN: HOUSING OMBUDSMAN PARAGRAPH 49- AMBER											
ID	Service Area	Requirement	BRAG	Priority	Tracking	Deadline	Action	Business Lead	SRO	Monthly Update (Commentary)	Status
A1	Business Support	Review and update new Complaints Policy, in line with the Housing Ombudsman Complaint Handling Code		High	On track	01/04/2023	Amend Complaints Policy to make reference to the new Compensation Policy	Joanne Podmore	Wendy Griffiths	18/12/23 - Complaints Policy now live on BCC website - reference made to Compensation Policy.	Closed
A2	Strategic Enabling	Implement updated Compension Policy in line with the Housing Ombudsman financial remedies guidance		Medium	On track	01/01/2024	Embed Oracle systems to ensure compensation payments can be managed consistently by one team	Naomi Morris	Guy Chaundy	26.09.2023- Cost centre has now been set up and Oracle approvals are organised	Closed
A3	Strategic Enabling	Implement updated Compension Policy in line with the Housing Ombudsman financial remedies guidance		High	On track	01/01/2024	Develop Compensation Policy to provide some governance around compensation payments for emotional distress	Naomi Morris	Guy Chaundy	18/12/24 - Compensation Policy with Corporate Clearance 18/12 then on agenda for Cabinet January 2024. 17/1/24 - Compensation Policy approved by Cabinet 16/1/24 - EIA needs to be re-submitted for approval then policy go-live date can be agreed (policy being worked to at present).	Open
A4	Asset Management	Expand capacity within the wider repairs team to support the reduction of complaints backlogs		Medium	Complete	01/01/2024	Recruit additional resource to support the repairs complaints backlog	Asha X Patel	Wayne Davies	04.07.2023- resources are in post (2 x FTE)	Closed
A5	Business Support	Expand capacity within the wider repairs team to support the reduction of complaints backlogs		Medium	Not on track	01/01/2024	Reduce the backlog of overdue complaints, across all areas but particularly repairs	Joanne Podmore	Wendy Griffiths	06.12.2023- Complaints volumes have reduced, SLA responses improved to 65% in September 2023 and backlog reduced to 908. Risk around number of potential additional repairs and winter influx. SLA on stage 1 dropped to 45% in October but this month's figure is currently higher.	Open
A6	Strategic Enabling	Expand capacity within the wider repairs team to support the reduction of complaints backlogs		Medium	Complete	01/01/2024	Recruit internal Ombudsman function and streamline activity to ensure lessons have been learned in relation to determinations	Naomi Morris	Guy Chaundy	04.07.2023- resources in post as of the 12.06.2023	Closed
A7	Business Support	Expand capacity within the wider repairs team to support the reduction of complaints backlogs		High	Not on track	01/01/2024	Recruit to vacancies in the complaints team, increasing capacity to satisfactorily manage SLA timesclaes	Joanne Podmore	Wendy Griffiths	16.11.2023- recruit of complaints vacancies continues to progress, all interviews sucessfully completed- working through pre-employment checks. 17/1/24 - complaints team now have full complement of staff (still vacancies but being covered by fixed-term staff pending permanent recruitment). Longer term viability of model dependent on spending permission to continue with Member Enquiries team and other funded activities which have freed capacity for dedicated resources.	Closed
A8	Business Support	An action plan for cross departmental communication and information sharing to ensure a joined up coherent response to issues.		Medium	Complete	01/01/2024	Ensure there is a robust reporting process and live data stream to support leaders to understand the position around complaints at any given time	Joanne Podmore	Wendy Griffiths	16.11.2023- Power BI dashboard universally available at any given time, performance reported monthly at F&P DMT, CMB and CLT etc.	Open
A9	Business Support	Annual report 2022/2023 is published as part of the overall governance process for complaints handling		Medium	On track	30/09/2023	Develop and publish annual report on complaints performance for the City Council	Joanne Podmore	Wendy Griffiths	16.11.2023- Challenges with IT and accessibility guidelines, enabling the report to be published- escalated through the AD of DTS 17/1/24 - Annual report is now available on BCC website; this report was produced in March 2023 and does not include the	Closed
A10	Business Support	Identify a lead member on its governing body who will be responsible for monitoring complaint handling performance. This should be communicated across the organisation (including contractors) and publicised to residents.		Low	Complete	01/01/2024	Identify senior lead officer responsible for complaints handling across the Council	Joanne Podmore	Wendy Griffiths	16.11.2023- Responsible officer clear, this will be highlighted as part of the amended Complaints Policy	Closed
A11	Strategic Enabling	A new self-assessment against the Code explaining the actions it intends to take to address areas of non-compliance.		Low	Complete	01/01/2024	Complete a reviewed version of the self-assessment against the Housing Ombudsman Complaint Handling Code	Naomi Morris	Guy Chaundy	04.07.2023- completed and submitted as part of the initial Para 49 submission to the Housing Ombudsman	Closed
A12	Asset Management	Monitor and review repair progress with its contractors to ensure residents do not have to make repeated requests for repairs.		Medium	On track	01/01/2024	Review the dashboards set up in Power BI to monitor service delivery in the repairs area to make sure these are reflective of what is required	Asha X Patel	Wayne Davies	6.12.2023 - Power BI dashboards are finalised, BIO to set up a framework to ensure these are being utilised appropriately 18.12.23 - Recall Report, Right First Time Report, CRE Reports in place - ask from AP of CW to merge data to produce story of customer journey. Recall process changed to recall process - why follow on job required, when carried out etc to enable HOS to challenge contractors - this will be shared with contractors from Jan 24. RFT data indicates performance has been improving as a result of changes made (last 9 months). Contractors to be given access to Power BI - reports to be locked by contractor - AP/AG to check who needs access with contractors - CW to build report. 17/1/24 - Contractor access to Power BI in progress; testing and validation of Power BI dashboards are ongoing but all reports are available for access. 31/1/24 - embedment now in progress within service	Open
A13	Asset Management	Expand capacity within the wider repairs team to support the reduction of complaints backlogs		Medium	Not on track	01/01/2024	Recruit to Business Information Officer position to improve record keeping in the repairs function	Asha X Patel	Wayne Davies	20.12.2023 - Ankit Gupta in place effective from 5 November.	Closed
A14	Business Support	Improve overall complaints performance in line with the Housing Ombudsman Complaint Handling Code		Medium	Not on track	01/06/2024	Ensure both Stage 1 and Stage 2 complaints are managed within SLA timescales	Joanne Podmore	Wendy Griffiths	18.12.2023 - S1 performance fell to 45% in October from year high of 65% in September. YTD - 58% S1, 43% S2 17/1/24 - SLA performance has improved on low in October 2023; trend from 2022 onwards shows improvement however performance not currently at desired level or at level comparable based on benchmarking of other LA's. Jo Podmore's report of 12/1/24 highlights performance trends - expectation is that SLA will improve and backlog will reduce over next 3-	Open
A15	Asset Management	Review existing processes and make improvements to the repairs escalation processes, for maximum efficiency/oversight		High	Not on track	01/0/2024	Ensure Power BI reporting flags specific triggers to service leads and these are acted upon	Asha X Patel	Wayne Davies	6.12.2023- Power BI dashboards are finalised, BIO to set up a framework to ensure these are being utilised appropriately 20/12/23 - Outstanding IT piece to develop automatic triggers via NEC - AP to discuss with JH. Existing reports provide relevant information to manually identify properties/areas/archetypes of concern to HOS/BIO for follow-up. Evidence needed of self-service of SSM's accessing data via Power BI. AG to hold BI session with SSM's to show triggers etc. Ask from AP to schedule reports to be issued to SSM's - top 100 etc for follow-up. Offer from CW to deliver training to SSM's for	Open
A16	Asset Management	Triage repair requests, accurately classifying them by severity and acting on requests within the period specified in its policy.		High	Not on track	01/01/2024	Power BI reports now in place to target service failure, ensure these are utilised proactively by service leads	Asha X Patel	Wayne Davies	6.12.2023- Power BI dashboards are finalised, BIO to set up a framework to ensure these are being utilised appropriately. 20.12.2023 - Reports have been/are being reviewed for assurance. RTF, WIP, CRE and Recall reports enable identification of service failure issues for escalation/resolution via BIO/HOS. 17/1/24 - reporting available on Power BI usage to ensure that reports are being utilised by SSM's etc as required.	Open
A17	Asset Management	Integrated systems for voids, repairs and capital works should be in place		High	On track	01/01/2024	Review voids lettable standard in line with R&M contract re-procurement	Asha X Patel	Wayne Davies	16.11.2023- This area of work has been affected by the changes to procurement of the R&M contract. Identify whether fundamental changes can be made to the void standard as part of the contract extension. 20.12.23 - AP to discuss with WD for current narrative around scope of void changes given Council's position. Visits and pre-vacation check are in contract now - allows flexibility for addressing issues and reduced opportunity for contractors to give poor performance. Void Standard ensures Safe and Warm- what scope is there to provide beyound this? AP/WD to discuss. 17/1/24 - AP/WD have discussed void standard; minor changes have been made to the existing void standard which will form part of the 2024 contract; limited scope to make this standard more aspirational given financial position of Council.	Open
A18	Asset Management	Escalate problem and recurring repairs to someone of appropriate seniority		Medium	On track	01/01/2024	Create report of "top 100" cases by issues (no access, repeat repairs, missed appointments, no contact etc) and implement means of targeting actions	Asha X Patel	Wayne Davies	6.12.2023- Power BI dashboards are finalised, BIO to set up a framework to ensure these are being utilised appropriately. 20.12.2023 - AG/AP reviewing cases to identify issues/triggers for escalation. 17/1/24 - this work is ongoing with AP/AG. 31/1/24 - CW to check and send to AP/AG for review ahead of next meeting "top 100" replaced with "properties of concern" across AM and HM.	Open
A19	Asset Management	Escalate problem and recurring repairs to someone of appropriate seniority		Medium	On track	01/01/2024	Embed automated process for escalating repairs to ensure Senior Management oversight	Asha X Patel	Wayne Davies	24.11.2023 - Report built and oversight via SIG meetings 20.12.2023 - Weeklydaily dashboard in Power BI to include follow-on's.	Open
A20	Asset Management	Take a pro-active approach to repairs, making best use of void periods and intelligence to tackle problems before they arise		High	On track	01/01/2024	Systems developed for pro-active decision making around voids, repairs and capital programmes	Asha X Patel	Wayne Davies	06.12.2023 - Reports in place pending validation by HOS and BIO. Auto repairs history - void reports - block reports/RAG report, linked to AMS - November Summit and joined meetings with Capital and Repairs quarterly from January 2024 - TOR for evidence - AP to produce. 17/1/24 - weekly performance meetings being held with contractors to address WIP, no access, cancellations etc. 31/1/24 - this is now in place as BAU.	Open
A21	Asset Management	Take a pro-active approach to repairs, making best use of void periods and intelligence to tackle problems before they arise		High	On track	01/01/2024	Auto-generate repairs history at void stage and link to Capital programme - share with contractors	Asha X Patel	Wayne Davies	06.12.2023 - IT sorted - AP to confirm how data will be shared with contractors (email or link to BI) 20.12.2023 - AP/AG to investigate whether this can auto-report when a property is changed to PROV in NEC or whether this requires picking up manually via Power BI. 17/1/24 - repairs history being generated at void stage for sharing with contractors and to feed into capital programme. 31/1/24 - work in progress on access for contractors to relevant BI reports then this can be tested and action closed; BIO to confirm which reports contractors require access to.	Open
A22	Asset Management	A framework for its record keeping standards, including the standards expected of contractors acting on its behalf		High	On track	01/01/2024	Explore capability for online storage of photos	Asha X Patel	Wayne Davies	20.12.2023 - Unable to store via NEC - DM360 will resolve issue - AG to explore implementation and clarify existing classifications/free text within DM360 are sufficient. 17/1/24 - AG has now received access to DM360 and will be progressing this work. 31/1/24 - longer term action, soft target for late 2024	Open

A23	Asset Management	A framework for its record keeping standards, including the standards expected of contractors acting on its behalf		High	On track	01/01/2024	A standard process and procedure for maintaining records, with an auditable record of action for internal and contractor staff	Asha X Patel	Wayne Davies	6.12.2023 - AP to implement clauses as part of contract - setting up PDA form for contractors with checklist of actions to feed into BI. AP to discuss with JH/CW. 20.12.2023 - AP adding clause v2.1 to contractor agreements to specify note-taking requirements - ask whether contrctors can complete via PDA to interface with NEC. BCC access to contractor systems is inn contract - firewall issues preventing - BCC do not yet have view access to Maintain system to monitor contractor notes etc. 17/1/24 - record keeping traning delivered in first two weeks of January 2024 to contractors and SSM's for rollout. 31/1/24 - contractor do's and dont's in place, reviewed via BIO and raised with contractors as part of BAU.	Open
A24	Asset Management	An action plan for how it intends to embed the use of the framework throughout the landlord and its contractors to ensure people have access to relevant information when needed. In particular, that its complaint handling staff have access to appropriate and relevant records when responding to complaints		High	On track	01/01/2024	Repairs staff using Contact function and testing effectiveness, then rolling out training to relevant staff with BIO support	Asha X Patel	Wayne Davies	6.12.2023 - Contact function being used - training to be developed and delivered - SIG groups, SD groups, HM wider team meetings, P49 meeting with HM; DMT - embed through interim contract. Clairty needed on Action Plan format. 20.12.2023 - DP training AG/KC on Contact function - backtracking 3-6 months to capture all contacts. This is managed via Customer Services - AP to ask NEC can change to link directly to repairs. DP will train team on contact functionality then to wider team as part of standard NEC training. Contact report will then work via Power BI to highlight issues of no contact etc. 31/1/24 - embedment of P49 actions via embedment plan/BIO - matrix update for April, telephone contacts March, phone samples from Jan - actions throughout 2024.	Open

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ACTION PLAN: TRANSPARENCY, INFLUENCE & ACCOUNTABILITY- AMBER												
ID	Service Area	Requirements	BRAG	Priority	Tracking	Deadline	Action	Business Lead	SRO	Monthly Update (Commentary)		Status
A1	Housing Management	Registered providers must use relevant information and data to: a) understand the diverse needs of tenants, including those arising from protected characteristics, language barriers, and additional support needs; and b) assess whether all tenants have fair access to, and equitable outcomes of, housing and landlord services.		High priority	Not on track	01/04/2024	A full audit of tenant's communication and accessibility needs to be undertaken to inform ongoing communication with residents	John Jamieson	Stephen Gabriel	16.11.2023- Re-prioritising approach to tenant engagement (TPAS) action plan following the implementation of proposed consumer standards. 22.01.2024 - CXS working on this and how this ties into vulnerability where tenants identify inability to read/write etc. 05.02.2024- Report from Carl requested on what we do/don't know in terms of data		Open
A2	Housing Management	Registered providers must use relevant information and data to: a) understand the diverse needs of tenants, including those arising from protected characteristics, language barriers, and additional support needs; and b) assess whether all tenants have fair access to, and equitable outcomes of, housing and landlord services.		High priority	Not on track	01/04/2024	Ensure diversity data is recorded as a mandatory field when residents move in, and is updated throughout the life of the tenancy	John Jamieson	Stephen Gabriel	16.11.2023- Ability to record diversity data is available, this isn't well recorded or well utilised and must sit within mandatory processes at lettings stage. 05.02.2024 - Functionality for recording is available; can be made mandatory on proviso that there is a "prefer not to say" option against each area. CXS reviewing what data we have and the validity of this data - GK shared current BI report with ethnicity/language/disability etc as reference point.		Open
A3	Strategic Enabling	Registered providers must use relevant information and data to: a) understand the diverse needs of tenants, including those arising from protected characteristics, language barriers, and additional support needs; and b) assess whether all tenants have fair access to, and equitable outcomes of, housing and landlord services.		Medium priority	Not on track	01/04/2024	Develop a Vulnerability Policy setting out how the Directorate should respond to hard-to-reach groups, addressing issues like language barriers, support needs, accessibility issues etc.	Naomi Morris	Guy Chaundy	16.11.2023- Scope for the policy has been drafted, agree consultation routes and date for the forward plan. 23.01.2024 - draft policy has been reviewed within SE - needs to be shared with LF/JJ to check against service requirements. Housing Ombudsman spotlight report 23.01.2024 makes some specific recommendations around vulnerability/protected characteristic policies so draft policy will need to be reviewed against this report before sharing. 05.02.2024- consultation with operational teams to be organised via GK		Open
A5	Strategic Enabling	Registered providers must ensure that landlord services are accessible, and that the accessibility is publicised to tenants. This includes supporting tenants and prospective tenants to use online landlord services if required.		Medium priority	Not on track	01/04/2024	Review information available for residents to ensure there is a provision of advice, information and this is clear and accessible	Jamie Harrison	Guy Chaundy	16.11.2023- Specification has been identified for this work, full project brief, timescales and scope must be arranged. 22.01.2024 - CXS meeting with JH to discuss current parameters of BRUM as a self-serve function and how other services can then be publicised/made available to tenants. Likely to be via a web page/resource rather than via BRUM. 05.02.2024- Looking for site map/assessing with research teams being undertaken through CXS		Open
A7	Strategic Enabling	Registered providers must take tenants' views into account in their decision making about how landlord services are delivered.		Medium priority	Not started	30/06/2024	Develop Community Influencing and Engagement Strategy setting out how residents will be included in decision making around landlord services	Naomi Morris	Guy Chaundy	16.11.2023- Sought agreement around responsibility through the TPAS action, now agreeing timescales on the forward plan. 22.01.2023 - New framework will be live from March 24 - LF meeting with Carl Wallace and team to discuss reporting etc. 05.02.2024- Key decision form to be completed, engagement folder in MS teams to be populated, CXS leading		Open
A8	Housing Management	Registered providers must give tenants a wide range of meaningful opportunities to influence and scrutinise their landlord's strategies, policies and services. This includes in relation to the neighbourhood where applicable.		High priority	Not on track	30/06/2024	As part of new Residents Influence structure, it must be clearly set out how residents can meaningfully contribute to and scrutinise service delivery	John Jamieson	Stephen Gabriel	05.02.2024- New engagement structure is progressing and is on track for June 2024. Constitution document has been improved and there is a recruitment campaign to pull in more representative sample of tenants		Open
A9	Housing Management	Registered providers must communicate with tenants and provide information on how residents can use landlord services, understand what to expect of them and hold them to account		High priority	On track	30/06/2024	Develop a clear set of service standards with engaged tenants and publish these in a variety of formats	John Jamieson	Stephen Gabriel	16.11.2023- Significant delays to this work since the original inspection, this is now being progressed following the recruitment of a Programme Manager. 22.01.2023 - Service Standards are under review/some have been reviewed. Intention is to publish all once they have all been reviewed. 05.02.2024- Snapshot of where all of the service standards are and what stage they are- HM ones are all on track and have been completed		Open
A10	Strategic Enabling	Registered providers must communicate with tenants and provide information on how residents can use landlord services, understand what to expect of them and hold them to account		Medium priority	Not started	30/06/2024	Review and update Tenants Handbook with up to date information landlord services	Natalie X Smith	Stephen Gabriel	16.11.2023- Identified as part of the self-assessment, agree scope and approach. 22.01.2024 - this work is ongoing via Asha K alongside the Tenancy Conditions review. Intention is for an interim revised version to be published pending full review and implementation. 05.02.2024- tenant handbook is being updated as part of the tenant condition review, consultation will advise on this		Open
A12	Strategic Enabling	Registered providers must meet the Regulator's requirements in relation to Tenant Satisfaction Measures and ensure these inform operational delivery		High priority	On track	30/06/2024	Q1, Q2 TSM information recorded and shared with service teams, Housemark undertaking these for independence, supported by internal online surveys	Naomi Morris	Guy Chaundy	16.11.2023- Collect full 4 quarters of information and publish for residents 23.01.2024 - Q3 results should be available in next couple of days - GK chased 23.01.2024 05.02.2024- Q3 results available, Grant to focus on the submission with Andy/Carl		Open
A13	Housing Management	Registered providers must communicate with tenants and provide information on how residents can use landlord services, understand what to expect of them and hold them to account		Medium priority	Not on track	30/06/2024	Review the content and publish the Annual Report 2022/2023	John Jamieson	Stephen Gabriel	16.11.2023- Delays with this being published, progress support to the service team to finalise. 23.01.2024 - annual report with Cabinet Member for approval. 05.02.2024- not yet received from Cllr F- chasing this via Cabinet support so this can be uploaded		Open
A15	Strategic Enabling	Registered providers must communicate with the Regulator on all material matters of non-compliance in a timely manner through established self-referral routes		High priority	Complete	30/04/2023	Compliance Board mobilised to discuss areas of risk, with clear and visible governance process	Naomi Morris	Guy Chaundy	16.11.2023- complete		Open
A16	Housing Management	Registered providers must treat all tenants with fairness and respect		Medium priority	Not on track	30/06/2024	Develop tenant comms plan, setting out regular opportunities to share information across the board	John Jamieson	Stephen Gabriel	16.11.2023- This was highlighted as part of the TPAS review, and is one of the key recommendations of the review. 23.01.2024 - CXS working with HS on Comms Plan, pulling in local info from services etc.		Open
A17	Housing Management	Registered providers must assist tenants who wish to implement tenant-led activities to influence and scrutinise their landlord's strategies, policies and services. This includes in relation to the neighbourhood where applicable.		Medium priority	Not started	30/06/2024	Neighbourhood Plans must set out activities for genuine resident involvement in the local area- these must be widely publicised and take in to consideration diversity needs	John Jamieson	Stephen Gabriel	16.11.2023- Identified as part of the self-assessment, agree scope and approach 22.01.2024 - this needs to link with Karen Cheney's area re Ward Plans to ensure no duplication/cross-purposes. This will/should require tenant involvement and sign-off. Redesign will deliver locality based model via locality working plans. NM to discuss with RS to ensure that plans are aligned and refer to each other. This needs to link to EBE work - HS speaking to RK re this - to update 05.02.2024- NM has agreed to re-design what a Neighbourhood Plan could look like		Open

ACTION PLAN: SAFETY & QUALITY- AMBER												
ID	Service Area	Requirement	Requirement	BRAG	Priority	Tracking	Deadline	Action	Business Lead	SRO	Monthly Update (Commentary)	Status
A1	Asset Management	Asbestos	Registered providers must take reasonable steps to ensure the health & safety of tenants in their home and in communal areas		High	Not on track	30/06/2024	Deliver on asbestos programme to ensure all outstanding management surveys are completed	David Stevens/Brian Clifton	Wayne Davies	22.02.2024- Programme has been delayed due to failed procurement, looking at options with procurement to accelerate the process and to see whether this can be expedited	Open
A2	Asset Management	Asbestos	Registered providers must take reasonable steps to ensure the health & safety of tenants in their home and in communal areas		High	Not on track	30/06/2024	Cleanse remedial actions received from BCL on asbestos management surveys completed	David Stevens/Brian Clifton	Wayne Davies	22.02.2024- Pricing was returned from both contractors to pick these up, higher pricing than expected. Costs have been re-submitted and an internal QS is reviewing this to make sure they are reasonable. High-risk jobs to be raised and then closed.	Open
A3	Asset Management	Governance	Registered providers must take reasonable steps to ensure the health & safety of tenants in their home and in communal areas		High	On track	30/06/2024	Implement and embed true compliance IT system to reduce manual intervention and to provide certainty re compliance data	Brian Clifton	Wayne Davies	22.02.2024- Property data on true compliance is now accurate following a data cleanse, demo to the Regulator on the 12th March meeting	Open
A4	Asset Management	Fire Safety	Registered providers must take reasonable steps to ensure the health & safety of tenants in their home and in communal areas		High	Not on track	30/06/2024	Ensure all remedial actions are recorded, categorised and audited and there are appropriate processes in place to deliver this	David Stevens/Brian Clifton	Wayne Davies	22.02.2024- Remedials are now being recorded appropriately and this is reflected on the dashboards but there is a capacity issue in HM to pick this up, business case pending	Open
A5	Asset Management	Fire Safety	Registered providers must take reasonable steps to ensure the health & safety of tenants in their home and in communal areas		High	Not on track	30/06/2024	Deliver on fire safety programme in low-rise blocks to ensure all outstanding FRAs have been completed	David Stevens/Brian Clifton	Wayne Davies	22.02.2023- On track, continuing at expected completion rate	Open
A6	Asset Management	Electrical Safety	Registered providers must take reasonable steps to ensure the health & safety of tenants in their home and in communal areas		High	Not on track	30/06/2024	Undertake a full analysis of EICR remedial actions for assurance that historic remedials have been actioned and those outstanding are included within the current programme	Carl Wallace	Wayne Davies	22.02.2024- Remedials are starting to come down, just an analysis of how many are historic and how many are new to make sure there is acceleration on both	Open
A7	Asset Management	Electrical Safety	Registered providers must take reasonable steps to ensure the health & safety of tenants in their home and in communal areas		High	Not on track	30/06/2024	Deliver on electrical safety programme- accelerating in both domestic and communal blocks	Sayeed Kadir/Regan Taylor	Wayne Davies	22.02.2024- EICR domestic programme is now moving forward but there is stagnation on the communal programme due to a need to tackle some very large blocks.	Open
A8	Asset Management	Gas Safety	Registered providers must take reasonable steps to ensure the health & safety of tenants in their home and in communal areas		Medium	Complete	31/10/2023	Savills to undertake a full audit of gas safety cases to provide full data validation around the numbers	Sayeed Kadir	Wayne Davies	23.01.2024- finished all actions now due by Dec 2023, now working on Jan 2024 actions	Open
A9	Asset Management	Carbon Monoxide Installation	Registered providers must take reasonable steps to ensure the health & safety of tenants in their home and in communal areas		High	Not on track	30/09/2023	Deliver the carbon monoxide installation programme in all relevant properties	Sayeed Kadir	Wayne Davies	22.02.2024- Several blocks have already been stripped out which has had a significant impact. Data cleanse is ongoing but is likely the number outstanding will reduce even further.	Open
A10	Asset Management	Smoke detectors	Registered providers must take reasonable steps to ensure the health & safety of tenants in their home and in communal areas		High	Complete	30/06/2024	Deliver smoke detector testing in line with the October 2022 legislation	Sayeed Kadir	Wayne Davies	23.01.2024- operating at BAU	Closed
A11	Asset Management	Legionella	Registered providers must take reasonable steps to ensure the health & safety of tenants in their home and in communal areas		High	On track	30/06/2024	Deliver the legionella programme, improving compliance in domestic properties	Sayeed Kadir	Wayne Davies	22.02.2024- Working through formal contractor performance mechanisms, there are some properties that need to be taken off the system due to implementation of specific tanks. Officers physically checking these are in place before removing from the programme	Open
A12	Asset Management	Lifts	Registered providers must take reasonable steps to ensure the health & safety of tenants in their home and in communal areas		Medium	Complete	30/06/2024	Improve visibility of data and regularity of reporting in relation to lift safety checks	Sayeed Kadir	Wayne Davies	05.02.2024- BAU	Open
A13	Asset Management	Lifts	Registered providers must take reasonable steps to ensure the health & safety of tenants in their home and in communal areas		High	Not on track	30/06/2024	Ensure data on remedial actions is available for LOLER checks and lift safety checks	Carl Wallace/Ricky Jones	Wayne Davies	22.04.2024- All properties now accurately recorded on true compliance, integration underway with NEC to enable reporting	Open
A14	Asset Management	Data	Registered providers must take reasonable steps to ensure the health & safety of tenants in their home and in communal areas		Medium	Complete	01/04/2023	Ensure the 'big 6' are regularly reported on at the Compliance Board and there is a Power BI dashboard to reflect this	Carl Wallace/Ricky Jones	Wayne Davies	04.07.2023- reported on at the Compliance Board at the last 3 monthly meetings and ongoing	Closed
A15	Asset Management	Data	Registered providers must take reasonable steps to ensure the health & safety of tenants in their home and in communal areas		Medium	Not on track	31/10/2023	Undertake a full data validation exercise across all of the 'big 6' to provide confidence in the data being presented	David Stevens	Wayne Davies	22.04.2024- failed procurement due to poor quality bids, new timescales being agreed with procurement	Open
A16	Asset Management	Decent Homes Standards	Registered providers must ensure that tenants homes meet the standard set out in section 5 of the Decent Homes guidance and continue to maintain their homes to at least this standard unless exempt by the Regulator		Medium	On track	30/06/2024 (and ongoing)	Target investment based on RAG rated stock portfolio- taking a risk based approach- this should be regularly updated in line with Compliance	Carl Wallace	Wayne Davies	22.04.2024- operating as part of the BAU process, working on how this is automated re investment.	Open
A17	Asset Management	Decent Homes Standards	Registered providers must ensure that tenants homes meet the standard set out in section 5 of the Decent Homes guidance and continue to maintain their homes to at least this standard unless exempt by the Regulator		High	Complete	31/10/2023	Develop an overarching 30 year investment plan with a specific focus on Decent Homes Standards	Gwen Haq	Guy Chaundy/Wayne Davies	02.01.2024- Reports agreed by commissioners, going to Cabinet on the 16/01	Open
A18	Asset Management	Decent Homes Standards	Registered providers must ensure that tenants homes meet the standard set out in section 5 of the Decent Homes guidance and continue to maintain their homes to at least this standard unless exempt by the Regulator		High	Complete	31/10/2023	Develop an asset management strategy setting out our commitment to providing Decent Homes for our tenants	Gwen Haq	Guy Chaundy/Wayne Davies	02.01.2024- Reports agreed by commissioners, going to Cabinet on the 16/01	Open
A19	Asset Management	Decent Homes Standards	Registered providers must ensure that tenants homes meet the standard set out in section 5 of the Decent Homes guidance and continue to maintain their homes to at least this standard unless exempt by the Regulator		High	Not on track	30/06/2024	Accelerate actual stock condition surveys with the view to achieve 20% a year over the next 5 years	Adele Livesy	Wayne Davies	22.02.2023- Acivico have stalled in relation to the programme but Savills have made up the numbers, still within target to achieve 12,000 by the end of April 2024	Open
A20	Asset Management	Repairs	Registered providers must provide effective, efficient and timely repairs, maintenance and planned improvements for homes and communal area		Medium	Complete	01/01/2024	Ensure there is a framework to monitor record keeping and overall contractor activity within the repairs and maintenance service	Asha X Patel	Wayne Davies	22.02.2024- embedded as part of BAU post HO	Open
A21	Asset Management	Repairs	Registered providers must provide effective, efficient and timely repairs, maintenance and planned improvements for homes and communal area		Medium	Not on track	01/04/2024	Develop assurance process, around contractor activity ensuring quality of service and ensure these are embedded	Asha X Patel	Wayne Davies	22.02.2024- CWOs do not have capacity to support, being managed within S&E	Open
A22	Asset Management	Repairs	Registered providers must provide effective, efficient and timely repairs, maintenance and planned improvements for homes and communal area		High	Complete	01/04/2024	Recommissioning of the R&M contract to reflect aspects of customer satisfaction	Asha X Patel	Wayne Davies	02.01.2024- R&M Cabinet report (section 9) demonstrates new KPIs re customer feedback, Para 49 report.	Open
A23	Asset Management	Contract Management	Registered providers must take reasonable steps to ensure the health & safety of tenants in their home and in communal areas		High	On track	Ongoing	Ensure there are regular contract management meetings undertaken across the 'big 6' areas and these are formally recorded	Sayeed Kadir	Wayne Davies	30.08.2023 meetings have now been set up across each of the contract areas to ensure acceleration.	Closed
A24	Asset Management	Contract Management	Registered providers must provide effective, efficient and timely repairs, maintenance and planned improvements for homes and communal area		Medium	Not on track	30/06/2024	Review process and timeframes for dealing with remedials across the board, liaising with contractors through SIG- develop new SOP	Asha X Patel	Wayne Davies	22.02.2024- Senior Data Analyst to document the rules for priority to ensure these are easily monitored within the WIP process	Open
A25	Asset Management	Asbestos	Registered providers must take reasonable steps to ensure the health & safety of tenants in their home and in communal areas		Medium	On track	31/03/2024	Preparing for tech forge switch off- solely reliant on TC for the 31/03/2024	Jamie Harrison	Wayne Davies	22.02.2024- on track for implementation at present, agreed to track as part of this forum	Open

Risk Register											Current assessment			Residual risk assessment			
Risk Ref	Date raised	Date reviewed	Project/Workstream	Theme	Risk/Event/cause	Impact	Action(s) to mitigate	Risk owner	Risk treatment	Direction of travel	Current Likelihood	Current Impact	Current score	Residual Likelihood	Residual Impact	Residual Score	Risk Status
1	23/01/2024	23/01/2024	SQ	Data	True Compliance implementation has involved a significant data cleanse and therefore our understanding with the numbers might change	Regulator's confidence in the data and numbers	True Compliance implementation will mitigate against this	Wayne Davies	Tolerate	Positive	Likely	Medium	Medium				
2	23/01/2023	23/01/2024	SQ	Data	Integration between True Compliance/Northgate is proving challenging, the systems are likely to say different things	Regulator's confidence in the data and numbers	IT managing change control	Jamie Harrison	Treat	Neutral	Likely	Medium	Medium				
3	30/01/2024		NS	Developmental	Development of New Structures within HM and AM- localisation model embedding, delays and realign integration issues	Regulators confidence, commitments in HRA and AMS	Monitoring or progress and resulting actions through the T&F groups	Paul Langford	Treat	Neutral	Likely	Medium	Medium				
4	30/01/2024		TS	Legal and Regulatory	Assured Tenancy provision in PSL	potential further Breach Notice	agreements to be completed and revisions made accordingly- Actions monitored through T&F groups to ensure a level of compliance is met. External self assessments to be completed by CT to provide further assurance	Stephen Gabriel	Treat	Negative	Likely	High	High				
5	30/01/2024		SQ	Legal and Regulatory	Failure to reach commitments provided to the RSH by June 2024	Regulator confidence and potential financial implications if financial penalties provided	HO continued intervention and monitoring	Naomi Morris	Treat	Positive	Likely	Medium	Medium				
6	30/01/2024		HO	Legal and Regulatory	Progress made and desired, against the action plan is not sufficient to satisfy HO requirements	HO continued intervention and monitoring	Evidence and further assurance provided to the HO in this area	Asha Patel/Guy Chaundy	Treat	Neutral	Likely	Medium	low				
7	30/01/2024		HO	Legal and Regulatory	Complaints performance - if there is not an improvement in the complaint responses and levels then there is an increase in the chance of negative HP determinations	HO continued intervention and monitoring	Complaints monitoring and potential action resulting in a lack of reduction in complaints	Asha Patel/Jo Podmore	Treat	Negative	Likely	High	High				
8	30/01/2024		HO	Legal and Regulatory	Record keeping - process just being embedded and potential system concerns (usage of functions within NEC) and lack of access to such records as contractor records as a potential risk	HO continued intervention and monitoring	Further monitoring of record keeping and functionality issues within NEC	Asha Patel/Guy Chaundy	Treat	Neutral	Likely	Medium	Medium				
9	30/01/2024		HO	Legal and Regulatory	Repairs - reports are built etc and visibility is there but the assurance is just starting and needs to be ongoing and effective to track back with contractors etc where performance is poor	HO continued intervention and monitoring	Further monitoring of reporting process	Asha Patel/Guy Chaundy	Treat	Neutral	Likely	Medium	Medium				
10	02/05/2024		NS	Operational	ASB performance- milestones required from the service, re expected improvement and at which point we can have some assurance that this is improvement	Regulator- preparation for inspection	Service is forecasting milestones for expected improvement	Rishi Spolia/Stephen Gabriel	Treat	Negative	Likely	Medium	Medium				
11	16/02/2024		NS	Operational	Service re-design is a key dependency in relation to the capability and capacity of the HM/AM teams to deliver on some of these key objectives	Service re-design is a key dependency in relation to the capability and capacity of the HM/AM teams to deliver on some of these key objectives	Forecasting completion dates for October 2024	Stephen Gabriel	Tolerate	Neutral	Likely	Medium	M				

Issue Log									
Issue Ref	Date raised	Date reviewed	Project/Workstream	Theme	Issue description	Treatment	Direction of Travel	Impact	Current status
1									
2									
3									
4									
5									
6									
7									
8									
9									
10									

Key

Workstream/Project

HO	Housing Ombudsman
NS	Neighbourhood Standard
TS	Tenancy Standard
TIA	Transparency, Influence and Accountability Standard
SQ	Safety and Quality Standard

Theme

Communication

Data

Developmental Strategic planning, reorganisatio/transformation

Financial Financial loss, fraud

Legal and Regulatory

Operational

People

Political

Reputational

Technology

Risk Treatment

Treat	Take action(s) to reduce the risk
Tolerate	Take no action, accept the risk impact
Terminate	Stop the event from taking place and the risk occurring
Transfer	Transfer the risk to someone else
Opportunity	Exploit it

Impact Classification

4	Catastrophic
3	Critical
2	Marginal
1	Negligible

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: <i>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.</i></p> <p><i>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.</i></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: <i>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.</i></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:

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Name

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Position

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Date

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Signature

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Name

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Position

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Date

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Signature

(1)

Awaab's Law: Consultation on timescales for repairs in the social rented sector

The consultation proposes that specific timescales for the remediation of all hazards under the Housing Health and Safety Rating System (HHSRS) are introduced into legislation, introduces a requirement to carry out inspections to establish the extent of any hazards in line with HHSRS where there is reason to believe that a hazard exists or where the tenant requests an inspection introduces a requirement to communicate the outcome of inspections to tenants within 48 hours of the inspection. The legislation also requires landlords to consider known or potential vulnerabilities within the household which may require a repair to be treated with an elevated degree of urgency than would ordinarily be the case. The proposals seek to increase transparency and enhance tenant rights whilst making the council or registered providers more accountable to tenants.

The outlined proposals will have a significant financial and resource impact on the current operating model and the Council will be required to assess whether the current service level agreements, operational capabilities and allocated budgets are sufficient to meet the enhanced thresholds required by Awaab's Law. Specifically, there are implied requirements around timescales and capacity that will may have wider implications on services' ability to deliver existing and proposed investment given the likely impact of the additional workload arising from Awaab's Law. The potential impact of the proposed changes are particularly stark for the Council, given the scale of retained stock and the current stock condition/Decent Homes compliance. The proposed legislation, extending beyond the damp, mould and condensation perspective into the wider HHSRS sphere, has significant potential implications to drive volume into repairs and to divert resources from the planned activities of delivering compliance and investment.

The consultation does not allude to any further funding to implement these measures (and in most cases implies that the financial implications will be "small" or minimal), but it is clear there will be a significant cost associated with the changes to the operating model and the reduction in time to assess and respond to hazards within the home, particularly for a landlord of the size of the Council. The profile and publicity around Awaab's Law is likely to drive significant additional customer and third-party demand both around inspection/remedy of reported repairs and challenge arising from non-compliance with legislative requirements when the legislation as proposed is implemented.

Whilst the Council welcomes Awaab's law and acknowledges that there are significant improvements that can be made in relation to inspection, treatment and response to identified issues, the proposed legislation as consulted introduces significant additional pressures that will have wider impacts on the Council's ability to deliver planned and necessary improvements across the portfolio which may negatively impact on wider service delivery.

Proposal A: Changes to HHSRS (inclusion of all HHSRS hazards (currently 29 but proposed to reduce to 21, although all 29 current categories will remain within the revised 21 categories) as part of Awaab's law rather than "damp and mould growth").

Question 1 – Do you agree that Awaab's Law should apply to all HHSRS hazards, not just damp and mould? (Y/N)

Answer 1 – No.

Whilst the Council welcomes Awaab's law and recognises the need for a national, enforceable standard to address issues of damp, mould and condensation, the legislation as consulted goes significantly beyond the anticipated resolution of damp and mould issues and places significant additional financial and regulatory burdens on the Council that will be difficult to

achieve within current financial constraints without adversely affecting the Council's ability to carry out planned improvements to the benefit of all tenants. The Council would be more likely to support this if there was new burdens funding associated with this that would enable up to scale up for delivery.

Of particular concern is the requirement to extend the threshold beyond the area of damp, mould and condensation to the (current) 29 categories as set out in HHSRS. These hazard categories cover a disparate and wide-ranging number of potential hazards, with the relevant levels of knowledge and expertise required to assess potential harms against each category differing dependent on the repair issue being reported and the Council's ability to identify or procure a relevant expert to carry out an assessment within the given limited timescales, particularly where the reported issue is outside of the "usual" repairs reported by tenants and may require the intervention of a specific expert or procured service that is not currently provided within the Council's repairs and maintenance service, or where the scope of the Council's ability to respond to the particular issue within the given timescales is likely to be outside the scope of the legislation as written.

Whilst the Council has increased repairs performance in relation to damp, mould and condensation and has ensured that future repairs contracts reflect the anticipated enhanced threshold required by Awaab's Law, there are areas that the Council respectfully considers are outside of its reasonable control, where it would not be possible to comply with the given timescales and where the Council would then be susceptible to challenge based on a failure to meet the enhanced requirements.

Examples of such instances would include where the perceived hazard is a result of antisocial behaviour (ASB) or noise nuisance from a neighbouring tenant, which has a significant impact on the mental health of the reporting tenant. Whilst the Council takes all reasonable steps to address and prosecute issues of noise nuisance or other ASB, it is in most cases unrealistic to expect the Council to be able to resolve these issues within the given timescales, given the corresponding timescales for resolving issues of ASB, including the need to present appropriate evidence to support a successful prosecution. In such cases, where the legislation as consulted requires the Council to offer a decant to an alternative property, this would appear to promote the removal of the victims rather than the perpetrators of any issue.

For instances where the issue arose as a result of a property outside of the Council's jurisdiction, for example a flood resulting from an adjoining property, the Council would again have limited scope to resolve the issue as an emergency repair or gain access to the property in order to resolve the repair in compliance with the consulted legislation.

The inclusion of the "crowding and space" element of HHSRS is also problematic. It is unrealistic to assume that a landlord could, on being contacted by a tenant experiencing overcrowding (where potentially there has been no contact from the tenant regarding their household composition changing for some significant time), carry out any works to remedy this issue within any timescale. The only available avenues of resolution in such cases would be allocation by way of the housing register, assistance to access alternative accommodation in the PRS, or if the conditions were perceived to be so prejudicial to the household, an assessment under the homelessness legislation to commence work to prevent or relieve homelessness. The distinction for this HHSRS element is so disparate from other elements where repair work is a reasonable remedy lead us to consider that this specific element should not be included in the legislation.

The proposed changes to include all HHSRS hazards will place a significant administrative and financial burden on the Council, both in terms of ensuring that there are sufficient

operatives able to carry out inspections as required, within the proposed timescales, and procuring ad-hoc experts where a specialised inspection relating to an element of HHSRS is required (a process that can take time and is likely to be impacted by the additional legislative demands on such experts within an urban area such as Birmingham with a significant number of Registered Providers).

The Council has recently committed to a significant programme of investment in its housing stock, both in order to achieve regulatory compliance following the breach notice from the Regulator of Social Housing in 2023 and to return the Council's stock to a compliant position of decency against the Decent Homes Standard. We are concerned that the significant additional financial pressures implied by the consulted changes will have a negative effect on the Council's planned change programme and will divert focus from a proactive service delivery model intended to improve living conditions for all tenants to a reactive service where resource and funding is diverted solely towards the additional burden of the required inspection and repair regime which we respectfully consider would not be in the best interest of tenants or financially viable in the long-term.

We consider that the scope of Awaab's law should remain that requested by Awaab Ishak's parents following his tragic and untimely death – to ensure that no other family suffers the same tragic consequences of a landlord's failure to take appropriate action to resolve issues of damp, mould and condensation. To extend this to all hazard categories under HHSRS, an inspection regime that is also applicable to social housing stock alongside any proposed new legislation, would impose an unreasonable and unsustainable financial burden on social landlords.

Question 2 – Do you agree the right threshold for hazards in scope of Awaab's Law are those that could pose a significant risk to the health or safety of the resident?

Answer 2 – Yes

We agree that the correct threshold for hazards in scope of Awaab's Law should be those set out at Category 1 and 2 of the HHSRS, specifically relating to the "damp and mould growth" category only.

As stated in Answer 1, we consider that the scope of Awaab's Law should extend only to Category 1 and 2 "damp and mould growth" hazards under HHSRS, or those cases where the hazard is likely to negatively affect the health of a household member irrespective of it constituting a hazard under HHSRS.

The Council is however concerned that the scope of carrying out an initial assessment under HHSRS may be difficult given that there is no requirement for tenants to update the Council on relevant changes in their household composition (such as the birth of a child), or any relevant change in the health or wellbeing of a household member (such as a household member being diagnosed with a breathing condition resulting from, or which could be exacerbated by, damp and mould). As such, at the point of contact, the Council may not in every instance have information available to enable a desktop assessment of the household's potential risk if this information has not been provided.

We consider that the presumption within the legislation that landlords will have up-to-date information on the household composition and wellbeing of all tenants (particularly for large stock-retained authorities such as Birmingham with 59,000+ properties) is unrealistic. We appreciate this may be a requirement of the proposed Consumer Standards, However, these have not yet been formally agreed or launched and landlords will require a period of time in which to achieve compliance. Whilst the Council can of course triage and respond

appropriately to those cases where this data has been communicated and is held, for cases where this data is not known, and cannot be accurately updated with the tenant at the point of the issue being raised, there would again be an additional burden in terms of obtaining this information in every case in order to carry out an initial assessment of potential harm based on the circumstances of the household, or a failsafe position of treating every such report as a potential case under Awaab's Law, again adding to the Council's burden to ensure that no potential hazards are missed.

We suggest that the threshold for hazards in scope of Awaab's Law are therefore those that could pose a significant risk to the health or safety of the resident, solely in relation to "Damp and mould growth".

Proposal 1: If a registered provider is made aware of a potential hazard in a social home, they must investigate within 14 calendar days to ascertain if there is a hazard.

Question 4 – Do you agree with the proposal that social landlords should have 14 calendar days to investigate hazards?

Answer – No

We consider that 14 calendar days is insufficient for landlords to respond to reported issues and that this should be revised to 14 working days.

The Council has published timescales for the response and resolution of repairs, however Awaab's Law as consulted would impose significant additional requirements to carry out investigations/inspections into reported hazards, which would place an additional burden on the ability to meet this target. This concern is particularly acute for local authorities with large retained stock numbers, where a specific target of this kind places a real terms additional burden on the ability to carry out the volume of inspections/investigations required within what is an arbitrary calendar target which does not take account for the Council's limited scope to use weekends (potentially 4 of the 14 calendar days) to carry out inspections, without considering bank holidays/school holidays etc where repairs operatives or contractors may be less available to deliver inspections/investigations at the scale required to meet the requirement. Whilst the Council has sought to innovate to improve response times, including weekend visits where necessary (due to working tenants etc), a blanket timescale of this nature will impose a significant additional pressure on the available resources to investigate concerns. Many providers are tied into contracts with third parties/contractors which do not provide the flexibility to impose specific timescales for investigations, and the lifetime of these contracts may extend way beyond the planned implementation date of Awaab's Law, leaving landlords unable to either renegotiate contract terms or facing additional costs of revising contracts mid-term to accommodate revised legislative provisions.

The requirement to carry out investigations within 14 days will of course also place a significant financial burden on the Council, given the number of repair requests received each year and the potential for these to be escalated under the consulted legislation. Whilst the Council does not disagree that those instances where a full inspection is necessary or repairs are required should be investigated as a matter of urgency, there is ambiguity within the proposals which would require a significant upscaling of visits/inspections, which depending on the size of the landlords' stock may be simply unachievable.

The aim for investigations to be completed within 14 days also requires landlords to carry out an assessment where requested by the tenant, irrespective of the circumstances of the case. This limits the ability for the Council to act in an innovative way by triaging or prioritising cases

based on intelligence/data and placing the onus for specifying where an inspection is needed on the tenant. We consider that in most cases, irrespective of the level of disrepair or the urgency of the matter at hand, where tenants are aware that by requesting an inspection at the point of complaint the Council is “on notice” to carry out an inspection within a specific timescale, it is likely that such a request will be made. Similarly, where tenants reside in areas where legal representation is readily available it is possible that there will be a preponderance of such requests in the “right” legal terms to trigger an investigation/inspection, which removes the Council’s autonomy in determining those cases of most urgent priority and also runs the risk of removing resources from those households who lack the will, awareness or capacity to seek legal representation or reference the relevant legislation to “trigger” an investigation – this decision should remain with the landlord based on the facts of the case rather than being a blanket trigger.

In Birmingham’s case, given the volume of repair requests per annum – c230,000, even a moderate increase in the number of requests where an investigation/inspection is required would have a significant resource implication; the Council cannot realistically carry out inspections at even 10% of this rate, given that this would require in the region of 450 separate inspections per week in addition to the ongoing repairs volume required and the delivery of an ambitious and demanding investment programme. The Council delivers repairs and maintenance via contractors and an increase of even moderate numbers as required by Awaab’s Law would place significant pressure on the Council’s business plans and ability to deliver planned future investment.

We consider that as a minimum, this requirement should be extended to social landlords having at least 14 working days to investigate hazards, with 21 days (equivalent to 15 working days at worst) being a more realistic timescale.

Question 5 – Do you agree that medical evidence should not be required for an investigation?

Answer – No

The Council acknowledges that in many cases there should not be a requirement for a tenant to provide evidence of a causative link (in the opinion of a medical professional) between the condition of the property and any existing or possible health conditions in order to trigger an investigation, and the Council does not adopt a policy of requiring such evidence. We accept that a blanket policy in this regard places the onus on the tenant and increases pressures (both financial and operational) on health services.

We do however consider that to remove the link between medical evidence and the prioritisation of investigations misses the opportunity for landlords to effectively manage the allocation of investigation resources to those households where this may be most urgently required. Those who are genuinely and seriously impacted medically by damp and mould should be prioritised absolutely and the way in which Awaab’s Law is being proposed dilutes the sense of urgency in relation to this.

Given the proposed requirements in terms of timescales for responding to requests and our own experience of tenants in many cases not providing information regarding changes in medical diagnoses within the household, there should not be an absolute removal of the link between a qualified medical opinion and the landlord’s decision to prioritise investigative resources, particularly where (as in Birmingham’s case), in excess of 250,000 repair requests are received per year and the correlation of these requests and known or newly available medical information enables the prompt and effective prioritisation of resources.

Proposal 2: Written summaries of investigation findings.

Question 7 – Do you agree with the proposal for registered providers to provide a written summary to residents of the investigation findings?

Answer – Yes

We agree that in most cases, where the threshold for an investigation to be carried out has been met, the tenant would then benefit from being clearly notified of the investigating officers' findings and the steps that the Council will take to resolve any issues identified.

Question 8 – Do you agree with the minimum requirements for information to be contained in the written report?

Answer - Yes

We agree in principle with the minimum requirements, subject to clarification on the threshold for an investigation and the associated timescales.

Question 9 – Do you agree registered providers should have 48 hours to issue the written summary?

Answer - No

We consider that the proposals give insufficient information on the 48-hour timescale. It is not clear whether this is an absolute timescale in all cases or whether the 48 hours includes weekends, bank holidays etc, where it would be reasonable to conclude that officers are unable to produce such summaries. We would also refer to the previously stated administrative burden of producing such summaries; whilst it might be achievable in many cases to produce a written summary, the requirement to carry out an assessment under all criteria within HHSRS and the associated specificity and complexity of some reports may make such a timescale unachievable. Where landlords are carrying out significant volumes of investigations, capacity issues may prevent the issuing of written summaries within 48 hours in many cases.

We would recommend a revision of this requirement to 7 days from the date of investigation to issue the written notice.

Proposal 3: Beginning repair works.

Question 11 – Do you agree with the proposal that if an investigation finds a hazard that poses a significant risk to the health or safety of the resident, the registered provider must begin to repair the hazard within 7 days of the report concluding?

Answer – No

Whilst we agree with this proposal in principle, the extension of Awaab's Law to all HHSRS categories means that this is not practicably possible in all cases. For instance, where the hazard exists due to overcrowding that the landlord was not previously aware of, there is no practical remedy that can commence within 7 days of the report concluding. Similarly, where the hazard occurs due to external factors beyond the landlord's control (ASB/noise etc), the correlating timescales for resolution of the issue may render it unachievable for the landlord to commit to "repair the hazard" within 7 days.

We consider that a greater degree of subjectivity is provided in relation to the timescale given for beginning repair, to specify that this relates to issues of disrepair only and where it is practicable and achievable for the landlord to carry out remedial works within the property to

remedy the issues rather than for those issues where no practical remedy can be offered within a reasonable period of time. This proposal could be amended to “**remedy** the hazard within 7 days of the report concluding” to resolve this issue.

Again, the text of the proposal implies that landlords will have both the capacity and ability to deal with a potential increased volume of repairs to commence works to rectify them within specific timescales; given the Council’s concerns regarding the potential increase in reports of disrepairs in line with the legislation as consulted, this may have an impact on the Council’s ability to respond to reports and commence works within a set timescale.

The legislation also does not address the responsibilities of landlords in freak or unforeseen circumstances which may make compliance with the proposals unachievable. Freak weather events, the likes of which are becoming more frequent, can affect a significant number of properties simultaneously. Where a landlord is faced with a situation of this nature, the legislation has to recognise that all of the relevant timescales may be unavoidably breached, as landlords cannot realistically plan for such events or divert the volume of resources needed to resolve them in line with the timescales given in the proposals.

Question 12 – Do you agree that in instances of damp and mould, the registered provider should take action to remove the mould spores as soon as possible?

Answer – Yes

Question 13 – Do you agree with the proposed interpretation of “begin” repairs works?

Answer – No

We consider that landlords should be required to commence works as soon as possible after the investigation has concluded and the tenant has been notified of the outcome. However, we consider that by applying a specific target in days this places an unreasonable burden on the landlord, particularly where it is not reasonable or practical to commence works within this timescale. The consultation again adds a lower threshold where work should be commenced than that proposed by the Awaab’s Law campaign – removing the requirement to commence works within 7 days where there is medical evidence of a risk to the health of a household member. We consider that to apply a blanket minimum of 7 days to begin repairs works (when this is taken to mean an operative on site within 7 days) is too high a requirement, and that this should be amended to confirm that works should commence in a timescale commensurate with the nature and complexity of the repairs and the resources realistically available to commence these works.

We note that the consultation links the removal of mould spores as an indication of works that should be commenced within 7 days, which we are in agreement with, but this should be read in the context of the consultation as a whole seeking to require landlords to comply with all relevant categories under HHSRS rather than merely “Damp and mould growth” and that as such it is not realistic or reasonable to apply an indicative timescale for a relatively routine repair where the nature of the works required may be significantly more complex.

Proposal 5: Timescale for emergency repairs.

Question 15 – Do you agree that the registered provider must satisfactorily complete repair works within a reasonable time period, and that the resident should be informed of the time period and their needs considered?

Answer – Yes

Question 17 – Do you agree that timescales for emergency repairs should be set out in legislation?

Answer – Yes

Question 18 – Do you agree that social landlords should be required by law to action emergency repairs as soon as practicable and, in any event, within 24 hours?

Answer – Yes

Proposal 6: Decanting if the property cannot be made safe immediately.

Question 20 – Do you agree that landlords should arrange for residents to stay in temporary accommodation (at the landlord's expense) if the property can't be made safe within the specified timescales?

Answer – No

We acknowledge that in most cases, landlords should be able to resolve issues within a reasonable time. However, the timescales within Awaab's Law, and the reach of the proposals, mean that landlords may be experiencing a significant volume of requests, and carrying out a significant number of investigations.

The requirement to offer a decant where landlords are unable to comply with the set timescales places an unreasonable burden on landlords. In the case of Birmingham, with a housing stock of around 59,000 properties, only 2500 to 3000 lettings take place per year (inclusive of nominations from registered providers). The Council's housing register has in excess of 23,000 households, with in excess of 11,000 households awaiting assessment. It is not reasonable or practical for the Council to be expected to either maintain a stock of suitable decant properties in the event of the need to move tenants where the principles of Awaab's Law cannot be met, or divert properties meant for households from the housing register where these timescales are not met.

The proposed legislation is silent on "suitable alternative accommodation" however given the current pressures on temporary accommodation, with more than 4500 households accommodated by Birmingham under a statutory homelessness duty, there is no viable supply of alternative suitable temporary accommodation that the Council can call on to house households for short periods of time whilst remedial works are carried out. We consider this this proposal will place an unrealistic burden on both the available temporary accommodation for households owed a homelessness duty, and on the available housing stock for households in need.

There may also be circumstances where households are content to remain in their accommodation, in the knowledge that they have written assurance from the Council regarding the repairs that will be carried out and the timescale for these repairs. Again, we consider that to impose moves from properties to temporary accommodation would be both counterproductive and unappealing to tenants, and the time and resources devoted to such endeavours could be better used in ensuring that the property is repaired to a compliant condition.

Proposal 7: Record-keeping.

Question 22 – Do you agree that Awaab's Law regulations should include provisions for a defence if landlords have taken all reasonable steps to comply with timeframes, but it has not been possible for reasons beyond their control?

Answer – Yes

Impact Assessment

Question 24 – Do you agree with the assessment that proposals 1, 3, 4, 5, 6, and 7 will create small additional net costs to the sector?

Answer – No

In relation to proposal 1, we consider that it is unrealistic to suggest that the potential costs are likely to be small. The Council carries out more than 230,000 repairs per year, to a stock of over 59,000 properties. Most of these repairs are carried out in time under the Council's repairs policy, having been appropriately triaged based on the severity of the issue. Awaab's Law as consulted seeks to require landlords in a significant number of cases to carry out a physical inspection of the property – whilst the Council acknowledges that the intent of the legislation is that such inspections/triages can take place remotely, we feel that the publicity surrounding this legislation and the requirement to carry out an inspection in all cases where the tenant requests this, will lead to a significant increase in the number of inspections carried out per year. Given the potential for a significant number of inspections and the consulted timescale, this will have significant financial implication for landlords in recruiting or appointing sufficient inspecting officers with the "right skills and experience" to carry out inspections, usually at short notice and potentially at weekends (with the associated premium) in order to meet the 14-day timescale. The number of categories under which an inspection could be required would presumably require the procurement of appropriate experts where the in-house expertise does not exist or capacity cannot meet demand. Procuring such resources in competition with other landlords also attempting to meet these timescales will also be likely to result in greater costs in order to ensure compliance.

In relation to proposal 3, it follows that we consider that beginning works within 7 days would have a cost implication for landlords. Whilst we currently have published repair targets and meet these in most cases, there is built-in flexibility to ensure that our repairs contractors are able to realistically meet these timescales. In the event that we are required to comply with this timescale in all cases where the need for remedial works are identified, this is likely to place significant pressure on the supply chain for both personnel and materials. We anticipate that the degree of scaling up required in order for us to be confident in meeting the proposed timescales would result in inevitable further financial pressures and a need to either identify additional investment or divert investment from existing programmed works, leading to delays for other tenants.

In relation to proposal 4, we acknowledge that the requirement to complete repairs within a reasonable amount of time mirrors the current requirements and that as such there are unlikely to be any significant costs, other than those associated with a potentially greater demand for inspections and subsequent repairs.

In relation to proposal 5, we do not agree that the potential costs are likely to be small. The scope of emergency repairs given within the legislation is significantly greater than the Council's current position on repairs and includes elements that would ordinarily be treated as urgent but not emergency. The extension of the scope of emergency repairs, and the associated additional works required to meet the 24-hour target for such repairs as cited in the legislation have the potential to place significant additional costs on landlords in allocating sufficient resources to ensure that these timescales are met.

In relation to proposal 6, we again do not consider that there are no net costs associated with the proposal. Local authorities are under significant pressures in relation to homeless

presentations and the supply of suitable temporary accommodation. Housing registers are facing unprecedented demand from households often in unsuitable living conditions. The available stock to offer accommodation to these households, either by way of direct allocation or nomination via registered providers, is falling year-on-year. It is unrealistic to assume that local authorities are able to either maintain a stock of properties for use as decant as and where necessary, or that to offer properties whilst repairs are being carried out would not have a cost implication. Every property utilised in this way removes a potential letting from the available housing stock, increasing the time spent in unsuitable and costly temporary accommodation for other households. Where landlords face such pressures and are forced to offer procured temporary accommodation (B&B, PSL etc) whilst repairs are being carried out, there is again a financial implication for the landlord in meeting this additional cost.

In relation to proposal 7, we acknowledge that the stated best practice around record-keeping mirrors the Council's own processes and that there would be minimal additional costs in implementing the recommendations as written.

Question 26 – Do you agree with the assessment of the net additional costs of proposal 2?

Answer - No

In relation to proposal 2, there is insufficient information provided to enable landlords to follow the rationale for arriving at the given funding figures. The Council does not routinely issue written reports following inspections and this will place a further administrative burden on landlords, particularly given the timescales within which to do so. The legislation does not specify whether the given 48-hour timescale is exclusive of weekends and bank holidays; if this is not the case then landlords will be required to find additional costs to fund overtime working or additional capacity over these periods in order to ensure compliance. Again, when considering the relative size of the Council's housing stock and the current repairs demand, even if only 10% of reported repairs require a written report (either following a virtual or physical inspection), this would require the Council to issue around 450 written reports within any 48-hour period. The administrative burden of such a requirement cannot be ignored and we do not recognise the inference drawn in relation to costs within the proposals.

Question 28 – Do you agree with the assumptions we have made to reach these estimates?

Answer – No

Whilst we acknowledge the data used to arrive at these assumptions, we consider that given that Awaab's Law is introducing new threshold in relation to investigating, notifying and completing repairs, and in particular given the significant publicity around this tragic case and the implementation of amended legislation in response, using historical data as a realistic indicator for future demand is not valid. We consider that it is inevitable that the legislation as consulted will place significant additional financial pressures on landlords and that as such there has to be a reconsideration of the operational challenges and the associated financial impact of the proposed changes as the proposals as written are likely to create an unsustainable financial pressure for landlords at a time of already significant pressure for many.

Birmingham City Council

Homes Overview and Scrutiny Committee

18 April 2024



Subject: Homes Overview and Scrutiny Committee's Work Programme

Report of: Christian Scade, Head of Scrutiny and Committee Services

Report author: Amelia Wiltshire, Overview and Scrutiny Manager
amelia.wiltshire@birmingham.gov.uk

1 Purpose

- 1.1 This report sets out the work programme for the Homes Overview and Scrutiny Committee during 2023-24. Following the findings and recommendations from the independent Governance Review of the Council, and specifically recommendation 5, the Committee reframed its work programme to be aligned to the Council's improvement and recovery priorities.

2 Recommendations

That the Committee:

- 2.1 Notes the report.

3 Background

- 3.1 The Committee's Terms of Reference is to fulfil the functions of an Overview and Scrutiny Committee as they relate to any policies, services and activities concerning:
- 3.1.1 Council Housing management services, repairs and maintenance programmes.
 - 3.1.2 Best use of housing stock across all housing providers.
 - 3.1.3 Neighbourhood management initiatives and the housing growth agenda (Birmingham Social Housing Partnership).
 - 3.1.4 Private rented sector, licensing and regulation.
 - 3.1.5 Tenancy engagement in the management and development of social housing and Housing Liaison Boards.

- 3.1.6 Exempt accommodation.
- 3.1.7 Housing Options for vulnerable adults, children, young people and offenders.
- 3.1.8 Temporary accommodation provision.
- 3.1.9 Homelessness and rough sleeping.
- 3.1.10 Supply of homes to meet housing need.
- 3.2 The Committee is chaired by Cllr Mohammed Idrees. Its cross party membership comprises Cllrs Ziaul Islam, Saqib Khan, Lauren Rainbow, Rinkal Shergill, Ron Storer, Penny Wagg and Ken Wood.
- 3.3 The [statutory guidance for local government overview and scrutiny](#) sets out the role it can play in holding an authority's decision makers to account. This makes it fundamentally important to the successful functioning of local democracy. Effective Overview and Scrutiny should:
- Provide constructive 'critical friend' challenge.
 - Amplify the voices and concerns of the public.
 - Be led by independent people who take responsibility for their role.
 - Drive improvements in public services.
- 3.4 The role and functions of Overview and Scrutiny Committees are outlined in [The City Council's Constitution | Birmingham City Council](#) They will:
- Make reports and/or recommendations to the full Council, the Executive and/or other organisations in connection with the discharge of the functions specified in their terms of reference.
 - Consider any matter covered in their terms of reference that may affect or be likely to have an effect on the citizens of Birmingham; relevant to the Council's strategic objectives; relevant to major issues faced by officers in managing a function of the Council; and likely to make contribution to moving the Council forward and achieving key performance targets.
- 3.5 Effective scrutiny needs to add value. A well planned and timely work programme enables Overview and Scrutiny Committees to be involved at the right time and in the right way, and ensure their involvement is meaningful and can influence the outcome.
- 3.6 Members often have a number of topics suggested to them and are therefore required to **prioritise** matters for consideration. The Scrutiny Framework sets out the following factors to be considered:
- Public interest: concerns of local people should influence the issues chosen.
 - Ability to change: priority should be given to issues that the Committee can realistically influence.

- Performance: priority should be given to areas in which the Council and Partners are not performing well.
- Extent: priority should be given to issues that are relevant to all or a large part of the city.
- Replication: work programme must take account of what else is happening to avoid duplication.

3.7 Each Overview and Scrutiny Committee identified a 'menu' of issues (including policy development, policy review, issues of accountability and statutory functions). Each Committee has then regularly reviewed their 'menu' and decided which issues needed to be examined further, and how that work would be undertaken. Committees have been advised to consider where they can best add value aligning to the Council's priorities and improvement journey, and how it can prioritise topics for consideration based on the Scrutiny Framework referred to in paragraph 3.5 above.

3.8 There are a range of ways to undertake scrutiny. In line with statutory guidance from 2019, the approach for 2023-24 has enabled a more flexible scrutiny and outlined a shift from monthly formal meetings to a combination of approaches. The Committee has chosen the most effective scrutiny method to achieve the desired aims and objectives for each topic.

4 Outcomes from 2023-24

4.1 During June 2023 – February 2024, the Committee considered the following topics:

4.1.1 Regulatory Compliance – the Committee agreed to undertake quarterly sessions to provide scrutiny, oversight and productive challenge as the Council moves towards regulatory compliance (September); the first session was held in January 2024. The Committee attended further training on how they should carry out this scrutiny in an externally facilitated session (December).

4.1.2 Financial Challenges and Budget Savings and Recovery Plan (September-November) – the Committee received reports on the s114 notice, the Medium Term Financial Plan and the context for services falling under the remit of this Committee including performance on current savings.

4.1.3 Scrutiny Inquiry: Exempt Accommodation (November) – the Committee reviewed progress on the outstanding recommendations from this inquiry.

4.1.4 Request to 'Call In' – the Committee considered a request to 'call in' the decision: Contract Award for Repairs and Maintenance 2024-26. After reviewing the information provided, the Committee recommended not to request the Executive reconsiders the decision.

4.2 The Co-ordinating Overview and Scrutiny Committee on 15 December 2023 acknowledged the recommendations in the Governance Review of Birmingham City Council agreed by Cabinet on 12 December 2023. Recommendation 5 stated the

need to reframe scrutiny work programmes on the Council's improvement and recovery priorities, and that alignment of work programmes should focus on:

- a) Having an active part in the 2024/25 budget development process.
- b) The safe and effective delivery of key services supporting vulnerable people.
- c) Critical performance issues emerging "by exception".
- d) Equality and equity issues arising from the development of the 24/25 Budget, the Emergency Budget (to be identified by exception), and other priority scrutiny activity relating to the Budget.
- e) Culture, behaviour change and organisational development.

4.3 On 15 February 2024, the Homes Overview and Scrutiny Committee met informally to consider the developing Improvement and Recovery Plan and the findings and recommendations of the Governance Review. The Committee reconsidered its work programme for March - April and reframed it to ensure it aligns with the issues set out above.

4.4 In light of this, the Committee considered the following topics in February and March:

4.4.1 The proposed budget for 23-24 and specifically how the City Housing Directorate is mobilising to deliver these savings (February).

4.4.2 A briefing on the proposed Improvement and Recovery Plan (February).

4.4.3 A workshop to inform a new corporate performance management framework (February).

4.4.4 Scrutiny Inquiry: Exempt Accommodation – a further report tracking the outstanding recommendations.

4.4.5 Affordable Housing – the Committee received a briefing report.

5 Inquiry – Improving the Standard of Re-let Properties

5.1 In September 2023, the Committee agreed to undertake an inquiry into improving the standards of Council houses. In November 2023 and following reassurances about the progress achieved addressing the concerns of the Regulator for Social Housing and the Housing Ombudsman, the inquiry was refocused to improving standards of void properties only.

5.2 Evidence gathering commenced for this inquiry in December 2023. The inquiry group has taken part in two site visits to Council properties, as well as an external visit to Pioneer Housing, another Birmingham based provider. Pioneer subsequently provided evidence to the Committee in March 2024. Further evidence gathering sessions are arranged for May. The inquiry is scheduled to conclude in the new municipal year.

6 Looking Ahead

- 6.1 In April, the Committee will be holding an informal Budget Task and Finish Group to consider the delivery plans for relevant savings for 2023-24. In May, the Committee will be continuing with the evidence gathering for its inquiry.
- 6.2 Other areas the Committee identified include (any future work will need to consider how it contributes towards the delivery of the Improvement and Recovery Plan and Governance Stabilisation Plan):
- 6.2.1 Birmingham Social Housing Partnership
 - 6.2.2 Scrutiny Inquiry: Exempt Accommodation – tracking of inquiry recommendations
 - 6.2.3 Customer Services – Housing Repairs
 - 6.2.4 Tenant Engagement
- 6.3 The Council's latest [Forward Plan April 2024](#) may assist Members in identifying further areas for the Committee to explore.

7 Any Finance Implications

- 7.1 There are no financial implications arising from the recommendations set out in this report.

8 Any Legal Implications

- 8.1 There are no legal implications arising from the recommendations set out in this report.

9 Any Equalities Implications

- 9.1 The Council has a Public Sector Equality Duty under the Equality Act (2010) to have due regard to the need to:
- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act.
 - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
 - foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.2 The protected characteristics and groups outlined in the Equality Act are Age; Disability; Gender Reassignment; Marriage and Civil Partnership; Pregnancy and Maternity; Race; Religion and Belief; Sex, and Sexual Orientation.
- 9.3 The Committee should ensure that it addresses these duties by considering them during work programme development, the scoping of work, evidence gathering and making recommendations. This should include considering how policy issues impact on different groups within the community, particularly those that share a relevant

protected characteristic; whether the impact on particular groups is fair and proportionate; whether there is equality of access to services and fair representation of all groups within Birmingham; and whether any positive opportunities to advance equality of opportunity and/or good relations between people are being realised.

- 9.4 The Committee should ensure that equalities comments, and any recommendations, are based on evidence. This should include demographic and service level data and evidence of residents/service-users views gathered through consultation.

10 Appendices

- 10.1 There are no appendices.

11 Background Papers

- 11.1 [Birmingham City Council Constitution](#)

- 11.2 Birmingham City Council Overview and Scrutiny Framework April 2021