

**EMAIL FROM RSH TO BCC 30<sup>TH</sup> JANUARY 2023**

**From:** Lisa Driscoll <[lisa.driscoll@rsh.gov.uk](mailto:lisa.driscoll@rsh.gov.uk)>

**Sent:** 30 January 2023 17:54

**To:** Deborah Cadman <[Deborah.Cadman@birmingham.gov.uk](mailto:Deborah.Cadman@birmingham.gov.uk)>

**Subject:** Enquiry from the Regulator of Social Housing

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Dear Ms Cadman

I write following the publication of the Housing Ombudsman Service (the Ombudsman) Special Report on Birmingham City Council. The report was issued by the Ombudsman following concerns about complaint handling and compensation.

We are considering the report in line with our consumer regulation process and to help with that consideration I am writing to request some further information from Birmingham City Council (the Council). The details of our request are included in the attached letter.

We would be grateful for your response (by email) by **Tuesday 7 February 2023**.

If you have any questions or it would be helpful to discuss, please do feel free to contact me.

Yours sincerely

Lisa Driscoll

**Lisa Driscoll**

**Consumer Regulation Advisor**

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Regulator of  
Social Housing

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Deborah Cadman OBE  
Chief Executive  
Birmingham City Council

30 January 2023

Sent via email only to :  
[Deborah.Cadman@birmingham.gov.uk](mailto:Deborah.Cadman@birmingham.gov.uk)

Dear Ms Cadman

### **Referral to the Regulator of Social Housing (the regulator)**

I write further to the publication of the Housing Ombudsman Service (the Ombudsman) Special Report on Birmingham City Council which was issued by the Ombudsman following concerns about complaint handling and compensation.

We are considering the report in line with our consumer regulation process and to help with that consideration I am writing to request some further information from Birmingham City Council (the Council).

Information about our consumer standards can be found on our website here:

<https://www.gov.uk/government/publications/regulatory-standards>

More information on how we regulate the consumer standards can be found in our publication Regulating the Standards, available on our website here:

<https://www.gov.uk/government/publications/social-housing-regulation-regulating-the-standards>

### **The referral**

The Ombudsman shared with us its report about the Council which calls for the Council to make robust changes to its complaints handling. The report was based on 14 case investigations by the Ombudsman over a six-month period from March 2022. This was said to be representative of all relevant cases during this period. The Ombudsman made 25 findings across these cases and found maladministration in 24 of them, including five findings of severe maladministration.

The severe maladministration findings were in relation to repair handling, complaint handling, damp and mould and compensation handling. Maladministration was also found in relation to repairs in six investigations, complaint handling in nine investigations, and record keeping in one investigation. Service failure was found in relation to complaint handling in two investigations and repairs in one investigation.

The Ombudsman identified four key themes; repairs, record keeping, complaint handling and compensation, and made recommendations for improvements.



In its response to the report, the Council said it had commissioned an independent report into its complaint handling and was developing an action plan based on the findings. The Council was also working with Ombudsman to implement their recommendations.

## **Our consideration of this referral**

We are considering these issues under the Home standard and Tenant Involvement and Empowerment standard. The relevant extracts are set out below.

### **The Home Standard**

#### *1.1 Quality of accommodation*

*Registered providers shall:*

- (a) ensure that tenants' homes meet the standard set out in section five of the Government's Decent Homes Guidance and continue to maintain their homes to at least this standard*

#### *1.2 Repairs and maintenance*

*Registered providers shall:*

- (a) provide a cost-effective repairs and maintenance service to homes and communal areas that responds to the needs of, and offers choices to, tenants, and has the objective of completing repairs and improvements right first time*
- (b) meet all applicable statutory requirements that provide for the health and safety of the occupants in their homes.*

### **Tenant Involvement and Empowerment Standard**

#### *1.1 Customer service, choice and complaints*

*1.1.1 Registered providers shall:*

- a. provide choices, information and communication that is appropriate to the diverse needs of their tenants in the delivery of all standards*
- b. have an approach to complaints that is clear, simple and accessible that ensures that complaints are resolved promptly, politely and fairly.*

#### *1.3 Understanding and responding to the diverse needs of tenants*

*1.3.1 Registered providers shall:*

- a. treat all tenants with fairness and respect*
- b. demonstrate that they understand the different needs of their tenants, including in relation to the equality strands and tenants with additional support needs.*

## **Our request for information**

To help with our consideration of this referral, I would be grateful if you could provide the regulator with the following:

- A copy of the independent report commissioned by the Council in response to the Ombudsman findings.
- A copy of the action plan being developed by the Council to address the issues raised.
- The Council's performance figures in respect of handling of complaints for the period covered by the Ombudsman report to the current date. Please separate these out into the complaint stages used by the Council.
- The Council's performance figures in respect of repairs and maintenance for the period covered by the Ombudsman report to the current date. Please separate these out for emergency, urgent and routine repairs (or the equivalent categories used by the Council) and include tenant satisfaction data if this is available.

- How the Council considers tenant vulnerabilities when handling complaints and matters of repairs and maintenance.
- Any further information that the Council feels it would be useful to share regarding how it plans to address the issues raised by the report.

If you would find it helpful to discuss the situation, or our request for information, please feel free to give me a call. We would be grateful for your response by **Tuesday 7 February 2023**

Yours sincerely

*L C Driscoll*

**Lisa Driscoll**  
**Consumer Regulation Advisor**



**Deborah Cadman**  
**Chief Executive**  
Council House  
Victoria Square  
Birmingham B1 1BB

E-mail : [Deborah.cadman@birmingham.gov.uk](mailto:Deborah.cadman@birmingham.gov.uk)

Date: 9<sup>th</sup> February 2023

Dear Ms Driscoll

Thank you for your letter, dated the 30<sup>th</sup> January 2023 about the referral of the Housing Ombudsman Special Report and your request for further information about the Council's response to the matters raised.

Attached and below is the information you have requested, including a summary of the documentation provided: :

**1) A copy of the independent report commissioned by the Council in response to the Ombudsman findings.**

Birmingham City Council commissioned consultancy firm, 4oc to undertake a deep dive into the complaints service to provide further insight into the way in which the service is delivered and any recommendations that could support further improvements. We are sharing full feedback report. Please treat the information in strict confidentiality.

**2) A copy of the Council's action plan to address the issues raised**

Following the recently published Housing Ombudsman Special Report. We are in the process of updating the current action plan to reflect actions taken to date and will provide this to you in the next 2 weeks.

**3) The Council's performance figures in respect of handling of complaints for the period covered by the Ombudsman report to the current date**

A spreadsheet has been attached which provides up to date statistics on complaint performance for the period covered by the Ombudsman, as requested the data is separated into stage 1 and stage 2 complaints.

**4) The Council's performance figures in respect of repairs and maintenance for the period covered by the Ombudsman report to the current date.** Please separate these out for emergency, urgent and routine

repairs (or the equivalent categories used by the Council) and include tenant satisfaction data if this is available.

A spreadsheet has been attached which provides up to date statistics on repairs and maintenance performance covered by the Ombudsman report to the current date. A briefing note on a pilot tenant perception survey has also been provided which sets out a detailed analysis of tenant satisfaction with the repairs service, the pilot survey was undertaken in July 2022 in preparation for the pending Tenant Satisfaction Measures (TSMs).

In addition to performance monitoring and management at service level, the council has a corporate performance management framework which includes regular reporting to the Corporate Leadership Team and Cabinet members on a range of service performance indicators and complaints data to ensure corporate and political oversight. This includes KPIs on housing repairs which are monitored monthly as part of a set of 'vital signs' indicators, a quarterly performance report to Cabinet, and a corporately led and facilitated performance conversation with each directorate quarterly. We have attached 2 presentations taken to the Councils Corporate Leadership Team recently for additional context.

5) How the Council considers tenant vulnerabilities when handling complaints and matters of repairs and maintenance

The Complaints Policy for Birmingham City Council has been attached, reflecting the Council's approach to complaints handling. With regards to vulnerability, all complaints undergo a triage process where officers are trained to take the following criteria in to consideration in their response:

- Urgency of case
- Vulnerability of complainant
- Risk of injury or suffering
- Length of time that the situation has been ongoing
- Frequency and severity of the issue
- Number of different failures
- Impact of the failures and individual circumstances

These indicators have a bearing on the support offered to the tenant when a complaint is raised, the way in which the complaint is handled, and the length of time taken to escalate or respond to a specific complaint. This may include liaison with advocates, support services, safeguarding or other statutory services such as Adult Social Care or Birmingham Children's Trust

**6) Any further information that the Council feels it would be useful to share regarding how it plans to address the issues raised by the report.**

Please see attached briefing note on the Council's response to damp and mould, including a deep dive review in to damp and mould complaints and the pending development of a specific damp and mould policy.

Also attached is a summary of the Council's Housing Transformation programme and an overview of a recent review from consultants Campbell Tickell supporting the

Councils move towards a new, locality-based Target Operating Model. This takes into consideration the requirements of the Social Housing Regulation Bill and focuses on instilling confidence in Birmingham City Council as a landlord.

We have also attached for your information a timeline of relevant activity that illustrates the improvement journey to date and immediate planned future actions.

If there is any further information you need, please do not hesitate to let me know.

We will share the updated action plan to demonstrate our approach to addressing the recommendations in the Housing Ombudsman special report within two weeks

Finally, we would very much welcome the opportunity of discussing our improvement plans with you. Following informal conversations with your officers before Christmas we would like to have further, more detailed discussions regarding our improvement journey and preparations in advance of the new consumer regulation regime. If acceptable Senior officers from the City Housing Directorate will be liaise with your office to arrange.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Deborah', with a long horizontal flourish extending to the right.

**Deborah Cadman**  
**Chief Executive of Birmingham City Council**

**EMAIL FROM RSH TO BCC 16<sup>th</sup> February 2023**

**From:** Lisa Driscoll <[lisa.driscoll@rsh.gov.uk](mailto:lisa.driscoll@rsh.gov.uk)>

**Sent:** 16 February 2023 16:41

**To:** Deborah Cadman <[Deborah.Cadman@birmingham.gov.uk](mailto:Deborah.Cadman@birmingham.gov.uk)>

**Cc:** Paul Langford <[Paul.Langford@birmingham.gov.uk](mailto:Paul.Langford@birmingham.gov.uk)>; Zabrina Magor <[Zabrina.Magor@birmingham.gov.uk](mailto:Zabrina.Magor@birmingham.gov.uk)>

**Subject:** RE: Enquiry from the Regulator of Social Housing - Request for further information

**Sensitivity:** Confidential

Some people who received this message don't often get email from [lisa.driscoll@rsh.gov.uk](mailto:lisa.driscoll@rsh.gov.uk). [Learn why this is important](#)

Dear Deborah

Thank you again for your response to our request for information. Following on from this could I request some further information from the Council?

- The current numbers of homes that do not meet the Decent Homes Standard (DHS) and an overview of the reasons for failure.
- The number of HHSRS Category 1 hazards within Council properties and what these relate to.
- How the Council assesses the condition of its stock, including when the last stock condition survey was undertaken and the percentage of properties surveyed.
- The current number of properties with up to date stock condition data.
- How the Council assures itself on the accuracy the stock condition data it holds, including copies of any audits that have been carried out around asset data/stock condition.
- The Council's year to date and most recent performance figures for gas, fire, electrical, asbestos, water and lift safety, broken down into domestic and communal checks/performance.
- Details of any outstanding or overdue remedial actions in relation to gas, fire, electrical, asbestos, water and lift safety and the risk category of these actions (e.g. high, medium, low etc). Where any actions are overdue, please tell us how far overdue the actions are and when they will be completed .
- Whether the Council is currently compliant with the amended regulations on smoke and carbon monoxide alarms which came into force in October 2022. If the Council is not yet compliant with the amended regulations, please tell us when it expects to be so.
- How the Council assures itself of the accuracy of its landlord health and safety compliance data, including copies of any audit reports that have been carried out around health and safety compliance.
- The number of open disrepair claims and how the Council is managing these.

If you could provide the information by **Thursday 23 February** that would be appreciated.

Following on from reviewing this information it may also be helpful for us to arrange a meeting with officers of the Council to talk through the all the information provided in the round.

If anything is unclear or it would be helpful to discuss our request for information, please do let me know.

Yours sincerely



Lisa

**Lisa Driscoll**

**Consumer Regulation Advisor**

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