

# Two Regulators

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# Two Regulators – Why?

## Building Safety Regulator

Has the responsibility for safety in all buildings, with a particular focus at the moment on high risk residential properties.

- Building Safety Act
- Fire Safety Legislation
- Building Safety Case from Oct 23 (Apr 2024)
- New Regime for High Risk Buildings from Oct 23
- Tenant Engagement
- Transparent and accurate reporting a legal duty
  - Blind mans eye
  - Reasonable to expect

## Regulator of Social Housing

It is the responsibility of the Governing Body of Local Authorities to assure themselves that they are compliant and providing accurate and up to date data to the regulator and tenants.

- Social Housing Act – Law 20 July 2023
- Tenant Satisfaction Measures now in place
- Competency Levels to be set by the regulator
- Economic Standards – Rent only applies to SMBC
- Consumer Standards – Homes, Tenancy, Neighbourhood and Tenant Engagement

Under consultation – Apr 2024

**“The legislative landscape for a landlord has changed ”**

# Implications for Sandwell – What?

- Key dates that must be met
- Need to create a “Competent” Team within Housing
- Building Safety Cases must be developed and put in place asap
- Tenant engagement model put in place – individual for each HRRP
- Tenant Satisfaction Measures
- A structure and systems that assures ‘competence’ and compliance
- Get the data and systems for one digital version of the truth – not one system
- Put contracts/SLA in place with partners and manage them
- Dashboard and reporting to Cabinet, Tenants and Regulator
- Must maintain data accurately and audit regularly
- Culture change needed to drive transparency – legal duty
- Accountability clarified and delegated authorities – meetings structure and hierarchy

***“If you can’t evidence it, you cannot claim it”***

# Two Scenarios

## **Properties within the Housing stock do not meet regulatory standards so are non-compliant**

*Compliance data should be digital, up to date, accurate and available for anyone who needs to see it. Cabinet (Principal Accountable Person) should have assurance all properties are compliant and have regular and timely stats and are informed of all non compliance. Tenants in High Risk Buildings should have digital access to how compliant their home and the building it is in are. The Tenant Engagement model for those buildings should be telling residents there what the issue is, when it is being resolved and any mitigation actions that should be in place in the meantime.*

## **A smoke detector fails to go off in a flat when there is a kitchen fire?**

*That's a Mandatory Occurrence if in High Risk Building. Need to be able to show, digitally, what detector was installed, when, to what standard, who installed it, has it been maintained, repaired, checked, when, by who, were they competent.*

# General Observations

- Biggest risk is the readiness of building owners
- How have you “assured” yourself you understand the building risk
- How can you evidence the claims that you make
- Regime will be in place for October 2023
- You must know your buildings and the risks and document it
- Risk hierarchy Eliminate, Mitigate, Manage

# DATA

# What do we hold data on?

- People
  - Tenants
  - Employees
  - Contractors
- Buildings
  - Assets
  - Floors
  - Rooms
  - Homes
- Equipment
  - Component
- Transactions
  - Repairs
  - Service/Check
  - Payments
  - Events
- Space
  - Boundaries

# Golden Thread

- Single source of the truth – not single system
- For each data item source of truth must be identified and maintained
- Not prescribed but what you need to manage the building safely
- Building Safety Case part of Golden Thread
- Right people with the right data at the right time
- Justify the data you need and why you don't to manage the building safety



# Building Safety Case – HRRP (ATM)

- Specifically for spread of fire, heat, smoke and structural integrity
- BSC Report includes tenant profile, engagement details
- BSC Report a snap shot of BSC
- Must include the complaints process for Safety matters
- Must include engagement model
- Must include Mandatory Occurrence Reporting System
  - Fire that's spread
  - Unauthorised building work
  - Unexpected failure of component
  - PAP must report to BSR
- Names PAP and Aps

# Consumer Regulations Overview (Consultation)

RSH

# How the RSH will Regulate

- RSH Set outcome based Consumer Standards – not prescriptive
- Responsibility of Councillors to make sure standards are met
- Landlords must show tenants, and RSH, how they meet the standards
- Must help tenants understand performance to hold them to account
  
- Proactive from April 2024 with inspections in a four year cycle
- Standards published February 2024 but not many changes – tweaks
- Order driven by TSM results, ombudsman, referrals etc
- Six week notice and six weeks process, specific to you not standard
- Unlimited fines (unlikely to be used) – order to remediate
  
- Sector has had six years to prepare so no leeway given after April

# Landlords accountabilities and four Standards

- Providing tenants with safe and good quality homes
- Good standard of housing services
- Treating tenants with respect, openness and honesty - engaged
- Safety and Quality Standard – 5 Requirements
- Transparency, Influence and Accountability Standard – 7 Requirements
- Neighbourhood and Community Standard – 4 Requirements
- Tenancy Standard – 4 Requirements

# Safety and Quality Standard

- **Requirement 1: Quality of Homes**  
Accurate up to date information and evidenced understanding
- **Requirement 2: Decent Homes**  
Must meet the standard and be maintained at it
- **Requirement 3: Health & Safety**  
Ensure the safety of tenants in homes and common areas, remedials!
- **Requirement 4: Repairs, Maintenance and Planned Improvements**  
Effective, efficient and timely service agreed with tenants
- **Requirement 5: Adaptions**  
Assist tenants needing adaptions to access appropriate services

# Transparency, Influence and Accountability Standard

- **Requirement 1: Fairness and Respect**
- **Requirement 2: Diverse Needs**
- **Requirement 3: Engagement with Tenants**  
Take tenants views on board when making decisions about services
- **Requirement 4: Information about Landlord Services**  
Clear and timely communications
- **Requirement 5: Performance Information**  
Collect and provide stats to allow tenants scrutiny, including spend
- **Requirement 6: Complaints**  
Addressed fairly, effectively and promptly
- **Requirement 7: Self-referral**  
Timely communication with RSH on non or potential non-compliance

# Neighbourhood and Community Standard

- **Requirement 1: Maintenance of Shared Spaces**  
Collaborate with others on the upkeep and safety of shared spaces
- **Requirement 2: Local Cooperation**  
Cooperate with partners to promote social, environmental and economic wellbeing in the areas they provide social housing
- **Requirement 3: Domestic Abuse**  
Cooperate with agencies tackling domestic abuse and tenants access to services
- **Requirement 4: Safer Neighbourhoods**  
Work in partnership with LA, Police and other agencies to deter and tackle ASB in the neighbourhoods they provide social housing

# Tenancy Standard

- **Requirement 1: Allocation and Lettings**  
Allocate and let their homes in a fair and transparent way, taking the needs of tenants and prospective tenants into account.
- **Requirement 2: Tenure**  
Terms of Occupation that suit the property, efficient use of the stock, the needs of the individual household and sustainability of the community.
- **Requirement 3: Tenancy Sustainment and Evictions**  
Support tenants to maintain tenancy and if they end it give advice and assistance to tenants.
- **Requirement 4: Mutual Exchange**  
Must support relevant tenants in eligible homes to mutually exchange