

# CABINET

24 MAY 2024

## REPORT OF THE PORTFOLIO HOLDER FOR HOUSING AND PLANNING

### A.4 CONSIDERATION AND ADOPTION OF A REASONABLE ADJUSTMENTS POLICY, VULNERABILITY POLICY AND UNACCEPTABLE CUSTOMER BEHAVIOUR POLICY

#### PART 1 – KEY INFORMATION

##### PURPOSE OF THE REPORT

To present to Cabinet the following housing policies for approval and adoption:

- Reasonable Adjustments Policy
- Vulnerability Policy
- Unacceptable Customer Behaviour Policy

##### EXECUTIVE SUMMARY

This report presents three housing policies for approval. These policies formalise the work that is already undertaken in the Housing and Environmental Directorate.

The Reasonable Adjustments Policy defines what a reasonable adjustment is and provides an overview of the types of adjustments we will consider together with details of how customers can request a reasonable adjustment.

The Vulnerability Policy sets out our commitment to assisting vulnerable customers to ensure they can access our services and to vulnerable tenants to ensure they receive assistance to sustain their tenancy. The Policy sets out how we will support tenants who are vulnerable and explains how we will define, assess and record vulnerabilities.

Communicating with our housing customers is usually a straightforward process and our customers have the right to express their views and ask questions about our housing services and their comments and suggestions are important in helping us shape and improve the services we deliver. However, in a minority of cases, some customers may choose to behave in a manner towards our staff, contractors or others providing housing services on our behalf and/or place demands on our services that are unacceptable. The Unacceptable Customer Behaviour Policy defines what behaviour will be classed as unreasonable and how we will respond to this.

All of these policies meet the Regulator of Social Housing's revised Consumer Standards that came into effect from 1 April 2024 and the expectations and recommendations of the Housing Ombudsman.

##### RECOMMENDATION(S)

**That Cabinet:**

- 1) Considers and agrees to adopt the Reasonable Adjustments Policy, Vulnerability Policy and Unacceptable Customer Behaviour Policy;**
- 2) Authorises their direct implementation; and**

**3) Delegates authority to the Corporate Director for Operations and Delivery to make future updates or amendments to the policies in consultation with the Portfolio Holder responsible for Housing.**

**REASON(S) FOR THE RECOMMENDATION(S)**

The recommendations are to ensure that the policies are appropriately adopted, in accordance with the Council's Constitution, and to evidence compliance with regulatory standards.

**ALTERNATIVE OPTIONS CONSIDERED**

The only alternative option considered was to not implement these policies.

The policies are designed to assist the Council in meeting the Regulator of Social Housing's revised Consumer Standards which came into effect on 1 April 2024 as well as the requirements and recommendations of the Housing Ombudsman.

Failure to meet the Consumer Standards could result in the Regulator using its enforcement powers which include requiring a registered provider to submit a performance improvement plan or to take particular actions set out in an enforcement notice. The Regulator will also be able to authorise an appropriate person to enter a social housing premises to take emergency remedial action and issue penalties or require the housing provider to pay compensation.

The absence of suitable policies also makes the day to day operation of the service more difficult with the potential for inconsistencies in approach and increases the likelihood of complaints.

**PART 2 – IMPLICATIONS OF THE DECISION**

**DELIVERING PRIORITIES**

These policies contribute to a number of Corporate Plan 2024-28 themes:

- Pride in our area and services to residents
- Raising aspirations and creating opportunities
- Working with partners to improve quality of life
- Financial sustainability and openness

**OUTCOME OF CONSULTATION AND ENGAGEMENT**

Consultation and engagement has been undertaken with members of the Council's Tenants Panel.

**LEGAL REQUIREMENTS (including legislation & constitutional powers)**

<b>Is the recommendation a Key Decision (see the criteria stated here)</b>	<b>Yes</b>	<b>If Yes, indicate which by which criteria it is a Key Decision</b>	<b>X Significant effect on two or more wards</b> <input type="checkbox"/> <b>Involves £100,000 expenditure/income</b> <input type="checkbox"/> <b>Is otherwise significant for the service budget</b>
		<b>And when was the proposed decision published in the Notice of forthcoming decisions for the Council (must be</b>	27 March 2024

		<b>28 days at the latest prior to the meeting date)</b>	
<p>The Social Housing Regulation Act 2023 builds upon the existing regulatory framework for housing and introduces revised standards that come into force on 1 April 2024. These standards contain specific expectations registered providers of social housing must comply with and detail the outcomes that providers are expected to achieve.</p> <p>The Equality Act 2010 provides a legislative framework to protect the rights of individuals and to advance equality of opportunity for all. The Act sets out the duties the Council has 'to advance equality of opportunity between persons who share a protected characteristic and persons who do not share it'. It also sets out the circumstances when the Council has a legal duty to make adjustments to their services.</p>			
<b>x</b>	<b>The Monitoring Officer confirms they have been made aware of the above and any additional comments from them are below:</b>		
No comments received.			
<b>FINANCE AND OTHER RESOURCE IMPLICATIONS</b>			
<p>There are no significant financial implications associated with the adoption of these policies as they formalise existing arrangements which are currently funded via existing budgets in the Housing Revenue Account</p> <p>However, it is anticipated that the implementation of the revised Consumer Regulations and the actions required to meet these will have a financial impact in the longer term.</p>			
<b>X</b>	<b>The Section 151 Officer confirms they have been made aware of the above and any additional comments from them are below:</b>		
<p>As highlighted within earlier reports relating to the HRA budgets and business plan, the new era of social housing regulation merging from the Social Housing (Regulation) Act 2023 will have a major impact on the overall financial position of the HRA in future years. It is recognised that the impact will likely be due to the aggregation of a number of emerging requirements such as those set out in this report, rather than perhaps any single item.</p> <p>Although the importance of such regulation is acknowledged and reflects the Council's stated commitment and priority to provide good quality housing, the resulting costs involved either directly or through demand for the necessary additional capacity, were not reflected within the self-financing reforms implemented by the Government in 2012. Such costs therefore represent additional financial pressures that will have to be balanced against the broader challenge of delivering a long term financially sustainable HRA in future years.</p>			
<b>USE OF RESOURCES AND VALUE FOR MONEY</b>			
The following are submitted in respect of the indicated use of resources and value for money indicators:			
A)	Financial sustainability: how the body plans and manages its resources to ensure it can continue to deliver its services;	The Council has an adopted Financial Strategy.	
B)	Governance: how the body ensures that it makes informed decisions and properly manages its risks,	The Council has a mature constitutional structure and framework of policy for decision-making. It is intended that the appended policies will augment that framework.	

<p>C) Improving economy, efficiency and effectiveness: how the body uses information about its costs and performance to improve the way it manages and delivers its services.</p>	<p>The Council has an adopted Financial Strategy.</p>
<p><b>MILESTONES AND DELIVERY</b></p>	
<p>If Cabinet agrees to the adoption of these policies, they will come into immediate effect, subject to call-in.</p> <p>The review of the policies will be carried out periodically as indicated with a delegation to the Corporate Director – Operations and Delivery to make future changes and updates to the policy in consultation with the Portfolio Holder for Housing and Planning.</p>	
<p><b>ASSOCIATED RISKS AND MITIGATION</b></p>	
<p>The policies are designed to assist the Council in meeting the Regulator of Social Housing’s revised Consumer Standards with came into effect on 1 April 2024 and the requirements of the Housing Ombudsman’s revised Complaints Handling Code.</p> <p>Failure to meet these standards could result in the Regulator using its enforcement powers which include requiring a registered provider to submit a performance improvement plan or to take particular actions set out in an enforcement notice. The Regulator will also be able to authorise an appropriate person to enter a social housing premises to take emergency remedial action and issue penalties or require the housing provider to pay compensation.</p> <p>The adoption and implementation of the policies is aimed at minimising the risks of non-compliance.</p>	
<p><b>EQUALITY IMPLICATIONS</b></p>	
<p>In line with the Public Sector Equality Duty, within these policies the Council has due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.</p> <p>An Equality Impact Assessment has been carried out in connection with each of these policies.</p>	
<p><b>SOCIAL VALUE CONSIDERATIONS</b></p>	
<p>Creates healthier, safer and more resilient communities: To build stronger and deeper partnership working arrangements whilst continuing to engage and empower tenants.</p>	
<p><b>IMPLICATIONS FOR THE COUNCIL’S AIM TO BE NET ZERO BY 2030</b></p>	
<p>The implementation of these policies does not present a direct impact on the Council’s target for net zero greenhouse gas emissions from its business operations by 2030. The Council will be mindful of energy efficiency measures, wherever relevant, in the implementation of these policies.</p>	
<p><b>OTHER RELEVANT CONSIDERATIONS OR IMPLICATIONS</b></p>	
<p><b>Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.</b></p>	
<p><b>Crime and Disorder</b></p>	<p>The Unacceptable Customer Behaviour Policy sets out our approach to managing housing customers whose behaviour is unacceptable and define what we consider to be unreasonable and / or unacceptable behaviour and the action</p>

	that will be taken in connection with this.
<b>Health Inequalities</b>	The Vulnerability Policy and Reasonable Adjustments Policy will ensure that the Council responds consistently to identified needs and will provide clear information for customers.
<b>Subsidy Control (the requirements of the Subsidy Control Act 2022 and the related Statutory Guidance).</b>	The Council will follow subsidy control legislation and regulations, where applicable, in relation to the content and implementation of these policies.
<b>Area or Ward affected</b>	All

### **PART 3 – SUPPORTING INFORMATION**

#### **BACKGROUND**

The Council has retained its housing stock and currently manages over 3,000 homes as well as more than 400 leasehold properties and 389 garages.

The Social Housing (Regulation) Act 2023 aimed to lay the foundations for changes to how social housing is managed. It includes increased regulation of social landlords and new rules for protecting tenants from serious hazards in their homes.

Many of the provisions in the Act are responses to the tragedies of the 2017 Grenfell Tower fire and death of two-year old Awaab Ishak, who died in 2020 from exposure to serious mould.

The Act allows the Regulator of Social Housing to take action against social landlords before people are at risk and hold landlords to account with regular inspections. It introduces new social housing consumer standards and gives the Secretary of State power to require social landlords to investigate and rectify serious health hazards.

The Consumer Standards contain specific expectations registered providers of social housing must comply with and detail the outcomes that providers are expected to achieve. These standards came into force on 1 April 2024.

One of these Consumer Standards – Transparency, Influence and Accountability sets out required outcomes that registered providers must achieve in relation to diverse needs and these are:

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 their housing and landlord services deliver fair and equitable outcomes for tenants.

Registered providers must ensure that communication with and information for tenants is clear, accessible, relevant, timely and appropriate to the diverse needs of tenants.

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.

Registered providers must allow tenants and prospective tenants to be supported by a representative or advocate in interactions about landlord services.

To hold housing providers accountable, the Regulator of Social Housing will inspect larger landlords (those with more than 1,000 properties) regularly, scrutinise tenant satisfaction data and use enforcement powers when necessary. The goal is to drive continuous improvement in social housing and ensure tenants receive the best possible service.

In addition, the Housing Ombudsman's Complaints Handling Code, first introduced in 2020, became statutory from 1st April 2024 and provides a single, robust set of standards for complaints procedures to be accessible, fair and efficient. A legal duty is also placed on the Ombudsman to monitor compliance with the Code, regardless of whether it receives individual complaints from residents about a landlord.

The Housing Ombudsman also issues guidance based on its learning from the complaints investigated and this includes Spotlight Reports that concentrate on an area of service provision where they see a high amount of failure in through their casework. These reports examine the issues and set out recommendations.

Earlier this year, the Housing Ombudsman published a Spotlight report on Attitude, Respect and Rights and this highlighted the need for landlords to create human-centric policies, to adapt to meet the needs of all their residents and ensure the most vulnerable residents are not left behind. Key themes within this report include vulnerability, reasonable adjustments and contact restrictions and these policies are designed to address their recommendations.

#### **CURRENT POSTION**

The proposed new policies are attached.

The purpose of the Reasonable Adjustments Policy is to:

- confirm our commitment to improving access to our housing services
- set out how we define a 'reasonable adjustment'
- set out how a request for a 'reasonable adjustment' can be made
- set out the factors we will consider when dealing with requests for reasonable adjustments
- provide clear information about how we can adapt our services to meet the needs of customers
- ensure that we adopt a consistent approach in our response to any requests for reasonable adjustments to make sure that we provide equal access to our services
- improve customer understanding and satisfaction with our services
- set out how our performance will be monitored and reviewed
- set out how we will meet all statutory and regulatory requirements

The purpose of the Vulnerability Policy is to:

- set out how we define vulnerability
- set out how we will identify vulnerable adults and record their needs

- provide clear information about how we can adapt our services to meet the needs of vulnerable customers
- ensure that we adopt a consistent approach to responding to any resident who is experiencing vulnerability to make sure that they have equal access to our services
- improve customer understanding and satisfaction with our services
- set out how our performance will be monitored and reviewed
- ensure that we meet all statutory and regulatory requirements

The purpose of the Unacceptable Customer Behaviour Policy is to

- set out our approach to managing housing customers whose behaviour is unacceptable;
- define what we consider to be unreasonable and / or unacceptable behaviour;
- identify the steps that may be taken when dealing with unreasonably persistent communicators and unacceptable customer behaviour so that everyone knows what to expect;
- set out what is expected of staff when confronted by such behaviour and what options may be applied to manage this; and
- identify who can authorise the application of this policy.

#### **BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL**

None.

#### **APPENDICES**

**Appendix A – Reasonable Adjustments Policy**  
**Appendix B – Vulnerability Policy**  
**Appendix C – Unacceptable Customer Behaviour**

#### **REPORT CONTACT OFFICER(S)**

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