

Name of meeting: Cabinet

Date: 17 October 2023

Title of report: Ad Hoc Scrutiny Building Panel – health and safety compliance in residential housing stock detail of progress and next steps

Purpose of report: To provide a progress update on the Ad Hoc Scrutiny Panel Residential Stock Health and Safety Compliance report and recommendations.

Key Decision - Is it likely to result in spending or saving £500k or more, or to have a significant effect on two or more electoral wards? Decisions having a particularly significant effect on a single ward may also be treated as if they were key decisions.	Not Applicable
Key Decision - Is it in the <u>Council’s Forward Plan (key decisions and private reports)?</u>	Key Decision – No Private Report/Private Appendix – No
The Decision - Is it eligible for call in by Scrutiny?	No
Date signed off by <u>Strategic Director</u> & name Is it also signed off by the Service Director for Finance? Is it also signed off by the Service Director for Legal Governance and Commissioning?	David Shepherd 9 August 2023. Isabel Brittain - Service Director Finance (S151 Officer) 6 October 2023 Julie Muscroft - Director for Legal 4 October 2023
Cabinet member portfolio	Cllr Masood Ahmed (Housing)

Electoral wards affected: All

Ward councillors consulted: Not applicable

Public or private: Public

Has GDPR been considered? There are no GDPR implications arising from the report.

1. Summary

- 1.1 At a meeting held on 18 March 2021, the Overview and Scrutiny Management Committee agreed to establish an Ad Hoc Scrutiny Panel to consider health and safety compliance for the Council's residential housing stock considering the changing regulatory landscape and the housing management and maintenance functions which transferred back to the Council on 1 April 2021. The Panel considered the Council's policies, procedures and arrangements for managing the health and safety of its residents and its residential portfolio, with a particular focus on high rise and multiple occupancy blocks.
- 1.2 Between July 2021 and July 2022, the Panel used a range of methods to gather evidence to inform the Ad Hoc Scrutiny Panel [Health and Safety Compliance in Residential Housing Stock Report](#). The report also included an action plan and a set of seventeen recommendations. The report was presented to Cabinet in December 2022 where the recommendations and action plan were agreed.
- 1.3 The recommendations have since been aligned to actions and recommendations from previous audits and independent reviews including the RMS 'Robust Management System' review ('the RMS Compliance Review') and the Mazars Audit.
- 1.4 The action plan is managed by the Building Safety and Assurance Board (BSAB) and members are asked to provide bi-monthly updates on progress. Building Safety management and progress is also overseen by the recently established Homes and Neighbourhoods Improvement Board (HNIB).
- 1.5 The action plan has made significant progress since presentation at Cabinet in December 2022. An appendix report (Appendix 1) has been provided to detail progress and where actions have been completed.
- 1.6 Of the seventeen recommendations, two have been identified as complete, and six have been identified as 'ongoing' actions that will always require consideration as part of good practice. Steps have been taken within the 'ongoing' actions to ensure Ad Hoc Scrutiny recommendations have been incorporated. Mechanisms for monitoring and review have also been implemented to ensure that processes are being adhered to and are fit for purpose. All other actions have made good progress, with the remaining nine actions being 50% complete or higher.
- 1.7 A priority activity which has incorporated multiple recommendations is the Management Plans project. Homes and Neighbourhoods commissioned Savills in Spring 2023 to complete a series of Management Plans across three priority areas of the 'big 6' – fire, asbestos and lifts. This has progressed well, with the Management Plans now completed and redesigns/implementations identified for completion between October 2023 and January 2024. The project has a defined scope and assurance – reporting via BSAB and the H&N Improvement Programme to the Homes and Neighbourhoods Improvement Board (HNIB). The Management Plans also report into the change governance structures – providing regular reports to the H&N Improvement Programme Board which reports into Transformation Portfolio Board. The commission also included a data validation exercise to support H&N to review data quality and integrity across its building safety compliance activities. This will be further supported by Corporate Data and Insight through August 2023.
- 1.8 Further progress has also been made in relation to skills, capabilities and resources. A Service Manager for Programme and Performance was recruited and in post in April 2023, whilst a dedicated Project Manager has also been assigned to the Management Plans. An Assurance Manager (risk) is expected to be in role by October 2023. The Assets Team is also developing a PMO, to create rigorous governance and consistent programme/project management approaches for planned works and capital delivery.

This will also be reviewing what additional project and performance resource is required. A skills and competencies framework across Building Safety, including an organisational structure of roles and responsibilities and a skills gap analysis, is due to be completed by October 2023. This will address competencies required at three levels – strategic, operational and delivery.

1.9 The Fire Safety Resident Engagement Team (FSRE) has completed a number of Person-Centred Fire Risk Assessments with vulnerable residents, in collaboration with the Fire Service and Building Safety Team. The team, alongside Housing Management Officers, have spent considerable time building and maintaining relationships with residents who require additional support in relation to hoarding. The team now has appropriate plans in place to support resident safety in relation to fire risks and these relationships continue to be maintained with residents through regular check-ins and engagement. In addition to this, 17 Fire Safety champions are in place; residents living in high-rise properties, they support the Council and Fire Service in delivering safety messages to their fellow residents.

1.10 Officers have identified a series of next steps and timelines (detailed in the appendix and point 6 below) and it is recommended that completed actions be removed from the action plan.

2. Information required to take a decision

2.1 In December 2022, Cabinet requested to be kept abreast of progress with an annual follow-up report at Cabinet. Cabinet is asked to review and note progress and provide challenge and direction across planned next steps.

2.2 Where actions are identified as 'ongoing' and appropriate measures have been actioned, Cabinet is asked to consider the frequency and level of reporting on these actions. It is proposed that updates be provided quarterly to Building Safety Assurance Board for 12 months after which time reporting requirements be reviewed.

3. Implications for the Council

3.1 Working with People

3.1.1. The Tenant Advisory and Grants Panel (TAGP) and Tenant Voice Panel (TVP) continue to be consulted with on developments from BSAB, and TVP is also represented on the HNIB via the acting chair of TVP attending HNIB.

3.1.2 There is a dedicated Fire Safety Resident Engagement Team that works in conjunction with the Fire Service. The team provide regular updates to residents living in high-rise blocks to ensure they are informed and able to challenge and support plans to mitigate risks to their homes.

3.1.3 Person Centred Fire Risk Assessments (PCFRAs) have been undertaken for and with vulnerable residents in high rise blocks and where referrals have been received and are now being undertaken in 6-storey blocks. In cases where hoarding is identified, PCFRAs are completed with residents with support from Housing Management Officers (HMOs) who dedicate regular time to building relationships with residents and ensuring additional support is in place where required. They and the Fire Safety Resident Engagement (FSRE) Team assist residents to declutter their properties. HMOs maintain relationships with residents through regular checking in to ensure any additional concerns are identified and managed early. Many residents enter into voluntary agreements about how they will manage their homes in future.

- 3.1.4 Previously, consultation has been undertaken with residents at Harold Wilson Court in relation to the implementation of major fire safety works prior to a decision being made by Cabinet. Engagement will continue with residents throughout the duration of the works and post completion to ensure resident safety and involvement.

3.2 Working with Partners

- 3.2.1. Officers continue to work closely with WYFRS and carry out engagement days in a number of different settings, these are usually driven by partnership concerns e.g. increases in secondary fires. Where WYFRS request to carry out training in our buildings e.g last year at Buxton House this is supported and used as an opportunity to engage with tenants.
- 3.2.2. West Yorkshire Fire and Rescue Service (WYFRS) is involved in managing and mitigating ongoing risks to Council homes and buildings. Meetings are held on-site with WYFRS monthly to discuss risks, issues and actions. The impact of remedial works on the safety of buildings will reduce and change these risks and WYFRS will help the development of proposals through advice and guidance on best practice and designing to support their response to incidents. Homes and Neighbourhoods Improvement Board (HNIB) has requested that a protocol be put in place with WYFRS in relation to working together and sharing information and intelligence – for example where residents have PCFRAs or are known to be hoarders.

3.3 Place Based Working

- 3.3.1 The approach to engagement with residents is place-based. As part of the approach to taking intelligence-led decisions, data sources are currently being explored to identify reoccurring concerns within particular property types or particular streets/communities to allow resources and cyclical plans to be directed accurately.

3.4 Climate Change and Air Quality

- 3.4.1 The recommendations set out in the Ad-Hoc Scrutiny Action Plan do not have specific implications for climate change and air quality. Work on project delivery relating to building safety is looking at the climate impacts of activity and how to manage and reduce these.

3.5 Improving outcomes for children

- 3.5.1. The provision of safe, good quality, decent homes and neighbourhoods will help to contribute to improving outcomes for children. All officers who attend residential homes undertake mandatory safeguarding training and report any concerns through appropriate channels where a child (or person) is considered to be at risk from harm.

3.6 Financial Implications for the people living or working in Kirklees

- 3.6.1. The recommendations set out in the Ad-Hoc Scrutiny Action Plan do not have specific financial implications for people living or working in Kirklees. Work on project delivery relating to building safety continues to assess financial viability of investments and the impact of these on the HRA.

3.7 Other (eg Integrated Impact Assessment (IIA)/Legal/Financial or Human Resources) Consultees and their opinions

- 3.7.1. The Council has numerous statutory duties and obligations as a registered housing provider and must comply with regulatory standards relating to the health and safety of its tenants/leaseholders. Failure to comply could compromise tenant safety and result in a breach of regulatory standards and enforcement action against the Council. Any procurement relating to new IT systems will be in accordance with the Council's Contract Procedure Rules (2023) and the Public Contracts Regulations 2015/new Procurement bill when in force.
- 3.7.2. Where actions arising from the plan result in changes to the service delivered, i.e. a new Management Plan process changes the frequency of an inspection or reporting regime, then an IIA will be undertaken.

4. Consultation

- 4.1 Not applicable.

5. Engagement

- 5.1 Engagement is on-going with residents and councillors where particular wards and/or buildings are undergoing changes or planned activities. As noted above, H&N continues to make significant developments in building relationships with residents in relation to fire safety. Further planned activities for engagement and co-design are also underway within the service's redesign of damp, mould and condensation processes.

6. Next steps and timelines

- 6.1 A detailed break-down of next steps and timelines has been provided in the appendix document. The following provides a high-level view of the priorities activities expected to be completed over the next six months.

Management Plans

- 6.1.1 The majority of the Savills commission is now complete, with Management Plans and gap analysis' completed for fire and lifts. The asbestos Management Plan and gap analysis is due by September 2023. All processes across fire, lifts and asbestos are expected to be resigned and embedded by January 2024.

Assets System Implementation

- 6.1.2. Currently, the focus in Homes and Neighbourhoods is on the development and implementation of a new housing management IT system (Cx). This is planned for implementation in late 2023 (to early 2024). Upon completion of this, the next steps are to develop system specifications for the replacement repairs system with a view to procure/implement the new system for repairs between 2024 and 2026. User requirements for the repairs IT system will be gathered during a planned repairs process redesign activity in October 2022. The replacement asset system is scheduled for procurement and implementation following the procurement of the repairs system. Assets continue to explore options for the procurement or development of an IT system dedicated to compliance.

Data Validation

- 6.1.3. The output from the commissioned Savills data validation exercise is expected imminently. The commission explored data and reports held within IT systems in relation to compliance activities (e.g. certificates and reports on cyclical checks – gas, electric etc) plus data aligned to upgrade programmes. It is noted within the H&N Risk Register that data integrity remains a high risk to the service.

A second piece of work is also currently in scope with the corporate Data and Insight Team to thoroughly understand data management and quality across the six areas of building safety compliance, through a series of data flow maps. This is expected to commence through August 2023.

Resource and Competencies

- 6.1.4. Resource within the service remains a risk. This is resource across operational and strategic delivery, but also change/project resource and resource and capabilities dedicated to data and performance. A review of the service's Improvement and Assurance Team is currently underway to better understand what roles and skills are required within the team to provide capacity to improvement projects. This is being reviewed in conjunction with the development of a Programme Management Office (PMO) within Assets and is exploring existing data and change resource across the service. The structures are expected to be defined by October 2023, with any formal team restructures estimated for completion in Spring 2024.
- 6.1.5. In addition to change resource competencies, Building Safety continue to review and develop a framework and skills gap analysis in relation to competencies and responsibilities required for different roles involved in delivering works and inspections. This is expected to conclude in October 2023.

Fire Safety

- 6.1.6. As noted above, the Fire Safety Resident Engagement Team have completed a series of Person-Centred Fire Risk Assessments (PCFRAs) and are now progressing on to Personal Emergency Evacuation Plans (PEEPs). These will focus initially on residents in high-rise buildings, followed by Retirement Living Schemes, 6-storey blocks and low-rise buildings. Timescales for completion of these is currently being scoped. Building and fire safety in relation to leaseholders is currently being scoped within a new project. Other actions identified within fire safety are within scope of the fire Management Plans.

7. Officer recommendations and reasons

- 7.1 Officers recommend that actions identified as 'ongoing' be reported on less frequently to Building Safety Assurance Board (BSAB) (please see paragraph 1.6 and additional information in the appendix). This is because the change has now been embedded and officer feel it can be reported on less but should still provide regular assurance. Cabinet is asked to acknowledge progress made in these actions and confirm that this is sufficient for these to form part of ongoing good practice (business as usual). The actions identified primarily relate to ongoing engagement and assurance across councillors and residents.
- 7.2 Officers recommend a further update be brought to Cabinet in the next twelve months. In order to provide assurance and demonstrate progress made and seek further decisions on ongoing actions as appropriate.

8. Cabinet Portfolio Holder's recommendations

- 8.1 The report was presented to the (former Housing and Democracy) Portfolio Holder on 8 August 2023.
- 8.2 The Portfolio Holder said the report was good as it recognised the progress made to date and to keep up the momentum and continue delivering. The Portfolio Holder is pleased with progress made to date and agrees with officer recommendations in paragraph 7.

9. Homes and Neighbourhoods Improvement Board recommendations

- 9.1 Homes and Neighbourhoods Improvement Board (HNIB) has been in place since June 2023 and provides robust challenge and support for the delivery of housing activity and strategy. Part of the role of HNIB is to advise and make recommendations on and escalate items and issues to Cabinet.
- 9.2 HNIB considered and discussed this paper on 18 September 2023 and agreed with the officer recommendations set out in section 7 above.

10. Background Papers and History of Decisions

- 10.1 The final report of the Ad Hoc Scrutiny Panel – Housing Stock Health and Safety Compliance was presented to Cabinet on Wednesday 21 December 2022. The report can be found [here](#). In addition, Cabinet was also presented with a full report, detailing the background, context, recommendations and actions. This can be found [here](#). Additional further reading and texts to note are:
- The Ministry for Housing, Communities and Local Government (MHCLG) Social Housing White Paper 'The Charter for Social Housing Residents' published on 17 November 2020: [Social Housing White Paper](#)
 - The Decent Home Standard is defined by guidance from the Department for Communities and Local Government updated in 2006: [Decent Home - Definition and Guidance](#). The Decent Homes Standard underwent a review and consultation through 2022
 - The Consumer Standards, which include The Safety and Quality Standard, are anticipated to be in force from April 2024. At the time of writing, the Consumer Standards are currently out to consultation (closing October 2023). Further information is available [here](#).

11. Contact officers

Sarah Thistlethwaite, Service Development Manager
Sarah.Thistlethwaite@kirklees.gov.uk
01484 221000 ext 71590

Hannah Elliott, Head of Assets & Development
Hannah.Elliott@kirklees.gov.uk
01484 221000 ext 76400

12. Service Director responsible

Naz Parkar for Homes and Neighbourhoods
naz.parkar@kirklees.gov.uk
01484 221000 ext 75312