

Item No. 11.	Classification: Open	Date: 26 June 2018	Meeting Name: Cabinet
Report title:		Response to Housing and Community Safety Scrutiny Sub-Committee Review of Resident Engagement	
Ward(s) or groups affected:		All	
Cabinet Member:		Councillor Stephanie Cryan, Cabinet Member for Housing Management & Modernisation	

FOREWORD – COUNCILLOR STEPHANIE CRYAN, CABINET MEMBER FOR HOUSING MANAGEMENT & MODERNISATION

Engaging with our residents allows them to have a genuine say in decisions and it is important that we have the right formats and processes in place to meaningfully engage and listen to residents' ideas and views.

This report is in response to the recommendations of the recent housing and community safety scrutiny sub- committee review into resident engagement. As part of that review the council were asked to commission an independent review into the current housing engagement structure which was carried out by Kaizan/Social Engine. The review identified a number of fundamental challenges including the limited coverage of our TRAs, how to involve diverse residents that reflect the makeup of the borough, the representativeness of members of Area Housing Forums, Tenants and Homeowner Councils, low awareness of residents of the resources available and a preference for funding to be directed towards estate-based/local community projects.

The current engagement structures have been in place for several decades and some of the key messages that came out of the review were the need to involve young people, the need to use digital tools and the need to tie in with other community groups and to reach people where they are.

All of our housing engagement structures rely on residents volunteering their services and we can never underestimate the time and commitment they give and I want to thank all of them for the work they do on their estates and for the local community.

This report recommends that cabinet approve the establishment of a co-design panel of residents from across the borough to review the housing engagement and involvement structures and there will be a further report coming to cabinet later in the year with recommendations for the engagement structures going forward.

RECOMMENDATIONS

That the cabinet approves:

1. The establishment of a co-design panel of residents to review the housing engagement and involvement structure.

BACKGROUND INFORMATION

2. Good quality engagement is not just a matter of principle; it has tangible benefits, leading to better decisions and helping residents to understand the council's position, even when they do not necessarily agree with it.
3. Engaging with residents and giving them a genuine say in the decision-making process is particularly important at a time when large-scale budget cuts mean the council has to make difficult and sometimes unpopular choices.
4. This council's commitment to engagement is set out in the council's 'Approach to Community Engagement', adopted by the cabinet in December 2012 and in The Charter of Principles - resident consultation and engagement programme (2014). In September 2017 the council adopted its Social Regeneration Framework for 'ensuring that the places where people live, now and in the future, create new opportunities, promote wellbeing and reduce inequalities so people have better lives, in stronger communities, and achieve their potential'.
5. The council values the input of and engagement with the communities that live in council homes, whether tenants, homeowners or others living in council homes. We are committed to finding better ways to listen and respond to all our residents and the things that matter most to them and believe that if residents, staff and councillors work together in partnership we will be successful in delivering the right services and building stronger and more resilient communities.
6. As the largest council landlord in London and the sixth largest in the UK, the council's relationship with its tenants and homeowners is especially important and is governed by statute that requires the council to consult its tenants on matters of housing management. Many other consultations that the council carries out are not statutory but reflect a genuine commitment to know what residents think about what the council is doing and planning to do. The council intends to remain a large landlord for many years to come. It has invested well over £300 million to improve the standard of existing council homes and pledged to build 11,000 new homes by 2043.
7. The current housing engagement structure has been in place for many years despite considerable changes to the way housing services are delivered and to the way that residents tell us they want to be involved. The current formal hierarchy, whereby Tenants & Residents Associations (TRAs) select members of their Area Housing Forum (AHF), which elect the members of Tenants and Homeowner Councils, has achieved much in the past, however it can exclude a large number of residents where for example there are no active TRAs and it is estimated that only 0.5% of the council's tenants and homeowners actively participate in it.
8. In 2017, the overview and scrutiny committee commissioned an independent review of the housing engagement structure (the Kaizen/Social Engine Report). The review identified a number of fundamental challenges including the limited coverage of TRAs, how to involve diverse residents that reflect the makeup of the borough, the representativeness of members of Area Housing Forums, Tenants and Homeowner Councils, low awareness of residents of the resources

available and a preference for funding to be directed towards estate-based/local community projects.

9. The review also noted that Tenants Council and Homeowners Council meetings are too informational rather than contributing to strategic decision making about the housing service and that this has contributed to a breakdown in confidence between resident representatives and the council. At the same time, the flow of information up and down the pyramid is unsatisfactory.
10. The full review report made a number of recommendations under three broad headings:
 - reviewing the overall approach to resident involvement
 - reconfiguring the engagement structures
 - introducing more effective and up to date engagement methods.
11. The key recommendation was that in response to the evidence presented by the review, and the options for change that it sets out, a collaborative co-design process should now be established in which the council is a participant alongside residents. Such an approach is recommended to develop a shared plan for change in response to the review, which is owned by all stakeholders and builds on the widespread participation achieved during the review itself.
12. The scrutiny review was presented to cabinet on 6 February 2018 and officers were tasked with bringing a response back to cabinet with proposals on how to involve residents in taking this important work forward.

KEY ISSUES FOR CONSIDERATION

13. The challenge for the council is to create efficient, effective and inclusive engagement structures, processes and culture fit for the 21st century that provides significantly more and convenient ways for people to have their say, leading to greater confidence in and satisfaction with the council's decisions.
14. The needs and methods of engagement are constantly changing, for example the requirement to undertake regeneration ballots. This requires the council to develop innovative ways to contact and involve borough residents, groups and organisations and to demonstrate the impact their views have on decision-making. Though a quarter of those taking part in the Southwark Conversation identified as already active in their community, there was significant demand for the council to make better use of community groups, for better coordination of activities, more and different types of consultation or engagement including greater use of digital tools as one method of engagement.
15. The Kaizen/Social Engine report demonstrated that there is an urgent need for a comprehensive review of the housing engagement structure to ensure that all LBS tenants and homeowners can access the structure, to empower TRAs, allow for more efficient and accountable use of residents funds and assets (Tenants Fund, Homeowners Fund, TRA halls) and ensure that there is effective resident involvement in the housing management service.
16. In addition to the exclusionary effects of the current structure, there is a lack of clarity around roles and functions, which has led to significant dissatisfaction amongst both active residents and council officers. This means that while a

review would be widely welcomed, how this is undertaken has to be both effective and credible.

17. A Co-Design Panel of Residents should be constituted to involve a representative sample of both established housing representatives and residents currently not actively involved, along with council officers and chaired by an independent expert who can manage an extensive agenda and ensure the effective inclusion of a wide range of views. The Co-Design Panel is modelled on the Fire Safety Residents Scrutiny Panel established in 2017 which was widely acknowledged as an effective way of engaging people.
18. The panel was an independent resident advisory group that carried out a resident scrutiny review of how the council safeguards residents against the risk of harm due to a fire incident. The panel was a task and finish group of a diverse group of residents that gathered evidence and made recommendations on addressing issues of resident concern.
19. In line with the recommendation of the Kaizen/Social Engine report, the Panel should begin with adopting a set of principles to guide its discussions and develop a vision of what the housing engagement structure should look like and do.
20. The methods and order by which the Panel will consider the various elements of its agenda will be decided by the Panel itself, but should include:
 - How residents want to be involved and ensuring that the council's consultation and engagement is representative of the diversity of the population of Southwark
 - Review of the coverage, function and support for TRAs and how they can best be supported to improve their community role and reach and improve their neighbourhoods
 - The role and format of area based housing forums
 - The role, rules, format and servicing of borough-wide housing bodies.
 - The use and management of the Tenants Fund and Homeowners Fund.
 - The role of resident support bodies such as Southwark Group of Tenants Organisations (SGTO)
 - The management of tenant halls and other assets.
21. A proposal for the recruitment of members to the Co-Design Panel and draft terms of reference will be produced by the Communities Division with the aim for the Panel to begin working in July. The aim will be to ensure a diversity of membership in terms of housing tenure, geography and demographics. The Panel will be serviced by the Communities Division and should complete its work by October 2018 for its recommendations to be implemented by January 2019. The Panel will also consider the views of diverse groups of other residents in making its recommendations.

22. The Panel will be established as a Task and Finish Group with membership selected to reflect the diversity of the borough in terms of age, gender, tenure, and ethnicity. It will include officers from the council within housing management and communities and may invite others as appropriate to give evidence.

Outputs, Outcomes and Processes

23. It is vital that there is public confidence in how the council engages and consults with residents and others, which can best be sustained by agreeing clear principles underpinning the process of change, working with key stakeholders to agree a shared vision for engagement and establishing the structures and processes to realise it. The outcomes set out below will be used to guide both the development, as well as the reform of housing engagement structures.

24. The outputs and outcomes that the review will seek to achieve are that our engagement:

- Provides a range of opportunities that enable people to participate in different ways from bite-sized, lighter touch, one-way opportunities through to deeper and more meaningful two-way engagement. This will include better use of technology and social media to have a credible and meaningful, two-way conversation.
- Is shaped to meet the needs of particular groups including in particular younger people who we know are less likely to feel their voices are heard.
- Has clear and consistent agreed definitions of key terms e.g. engagement, consultation and co-production with well defined processes and roles.
- Is accessible with a broad range of opportunities for consultation and engagement that take into account modern technologies and lifestyles and involving as wide a range of relevant stakeholders as possible; reflective of the borough's population, including ensuring that young people's voices are heard.
- Is empowering so that our stakeholders have a meaningful impact on decision making.
- Is collaborative with a common vision; co-designed structures and processes; the involvement of community groups in planning, delivery and review of consultations
- Is innovative with continual development of tools and methods.
- Is efficient, meaningful and avoids duplication with best use of technology, assets and resources.
- Is transparent for example through publication of consultation results and explicit acknowledgement of the impact of consultation on decisions.
- Is compliant, ensuring that statutory, constitutional and equalities duties are met
- Is accountable with local and strategic oversight of consultation.

- Is effective contributing to continuous service improvement and greater resident satisfaction with our services.

Process

To ensure that issues are properly discussed and decisions taken in a timely manner, this paper sets out a timetable through to January 2019.

2018

- June – Cabinet paper to set the principles for reform
- June – Communities Division drafts proposal for the recruitment of the Co-design Residents Panel and its terms of reference for discussion by resident groups and sign off by the cabinet member for Housing & Modernisation
- July – Recruitment of the Co-design Residents Panel
- July - Initial meeting of Co-design Panel
- October – Co-design Residents Panel completes its work and produces a final report and recommendations
- December – Cabinet Paper on the revision of the housing engagement structure, development of new rules and processes for the housing engagement structure and the management of resident funds and assets.

2019

- January – Implementation of the housing engagement structure and associated activities.

Policy implications

25. Homes England took over responsibility for the regulation of social housing providers in January 2018. It works with social housing landlords and tenants to improve the standard of service for tenants and residents and took over responsibility for a series of regulatory standards for social housing providers and their residents to assess their performance against. These include a standard on tenant involvement and empowerment. The purpose of the standards is to help ensure housing services meet a good standard and are continually improved.
26. Local authorities also have a statutory requirement under s.105 of the Housing Act 1985 to put in place arrangements for consulting tenants on matters of housing management.
27. The council's Fairer Future Vision and the current Council Plan set the context for a relationship with residents based on trust, openness and transparency. The vision and plan describe a new relationship with citizens and customers that make more of the council's community leadership role. Part of this role is encouraging others to come together to do more, looking to the community to work with the council to provide solutions to the issues we face together.
28. In September 2017 the council adopted a Social Regeneration Framework for 'ensuring that the places where people live, now and in the future, create new opportunities, promote wellbeing and reduce inequalities so people have better lives, in stronger communities, and achieve their potential'.

29. In this context it is important that the council clearly states its commitment to effective engagement between the council and residents living in council homes and ensuring this is fit for purpose and reaches a broad and diverse range of our residents.

Community impact statement

30. The next steps set out in this report aim to enable the council to carry out more effective community engagement. It is intended that this will lead to improved engagement with all sections of the community. This is about improving the way we support strong, active and inclusive communities that are informed and involved in decision making and enable us to improve public services for everyone in the borough.
31. The approach recognises the diversity of our communities, the importance of community capacity building and the need to provide better opportunities for communities to participate to influence service delivery, decision making and policy development.

Resource implications

32. The next steps set out in this report are achievable within existing council resources.

Consultation

33. The Kaizen/Social Engine review included a large scale outreach programme across the Borough, coupled with an online survey, focus groups and stakeholder interviews were used to engage over 1,000 local tenants and homeowners. The review also incorporated the opinions of Council officers and Councillors and gathered evidence and experience from a range of other housing providers – both local authorities and housing associations as well as an assessment of other research on tenant engagement. Secondary analysis of a range of data held by Southwark Council was also undertaken to provide further evidence to inform the review.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Democracy

34. The law imposes a number of duties on local authorities with responsibilities for the management of housing, in relation to consultation and engagement with occupants of the council's housing. Specifically, in relation to the council's secure tenants, the council is under a duty (by section 105 Housing Act 1985) to maintain such arrangements as it considers appropriate to enable tenants who are likely to be substantially affected by a matter of 'housing management' to be informed of any proposals and to make their views known. Any representations need to be considered in accordance with those arrangements. 'Housing management' for this purpose includes the management, maintenance, improvement or demolition of homes, and the provision of services and amenities (but not including matters relating to rent or charges for services). Other specific consultation duties apply in relation to, for example, proposals to undertake major works (see Landlord and Tenant Act 1985).

35. More indirectly, local housing authorities in England are also regulated as “registered providers of housing” by the Homes and Communities Agency (“HCA”), through its regulation committee, under the Housing and Regeneration Act 2008. It is a requirement that local housing authorities comply with principles and standards set by the HCA. Among the “regulatory standards” set by the HCA and to which local authority providers must adhere is the *Tenant Involvement and Empowerment Standard* (July 2017). This includes a requirement that registered providers ensure that tenants are given a wide range of opportunities to influence and be involved in the formulation of policies and strategic priorities; making decisions about how housing-related services are delivered, including the setting of service standards; scrutinising performance; managing their homes; and managing repair and maintenance services.
36. In the exercise of its housing management functions, a local authority is also required by the Local Government Act 1999 to achieve “best value”; in other words, to “make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness”. The council, in deciding how to fulfil this duty, must consult representatives of a wide range of local people, including representatives of council tax payers, those who use or are likely to use services provided by the authority, and those appearing to the authority to have an interest in the local area.
37. Any consultation undertaken by the council must meet a minimum standard of fairness if it is to be considered lawful. In order to ensure any consultation is fair, the following fundamental principles of sound consultation should be followed: consultation should happen when the proposals are still at a formative stage; sufficient information should be given to enable the proposal to be intelligently considered; adequate time for responses should be given; and decision makers must conscientiously take into account responses to a consultation before finalising any proposal (see the Supreme Court decision in *R (Moseley) v Haringey London Borough Council* (2014)).
38. The community impact statement section of the report seeks to recognise the “diversity” of the communities served by the council, among other things. Cabinet members are reminded that the council, in the exercise of all its functions, must (by section 149 Equality Act 2010) have due regard to the need to (a) eliminate discrimination, harassment, victimisation or other prohibited conduct, (b) to advance equality of opportunity and (c) foster good relations between persons who share a relevant protected characteristic and those who do not share it. The relevant protected characteristics for this purpose are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.

Strategic Director of Finance and Governance

39. The strategic director of finance and governance notes the recommendation of the report to establish a co-design panel of residents in response to an independent review of the housing engagement structure. The timetabled activities of the panel and will be achieved within the existing budget provision.

40. The panel's recommendations will be presented to Cabinet where any identified financial implications of revising the housing engagement structure will be detailed.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Agenda and minutes of housing and community safety scrutiny subcommittee)	160 Tooley Street London SE1 2QH	Shelley Burke 020 7525 7344
Link: http://moderngov.southwark.gov.uk/mgCommitteeDetails.aspx?ID=381		
Review of Resident Engagement - Report from the Housing and Community Safety Scrutiny Sub-Committee	160 Tooley Street London SE1 2QH	Stephen Douglass 020 7525 7344
Link: http://moderngov.southwark.gov.uk/ieListDocuments.aspx?CId=302&MId=5755&Ver=4		
Improving tenant and homeowner engagement in Southwark – a review Carried out by Kaizen and Social Engine	160 Tooley Street London SE1 2QH	Stephen Douglass 020 7525 7344
Link: (copy and paste into browser) http://moderngov.southwark.gov.uk/documents/s73753/Appendix%20A%20Improving%20Tenant%20and%20Homeowner%20Engagement%20in%20Southwark%20A%20Review%20Carried%20out%20by%20Kaizen.pdf		

AUDIT TRAIL

Cabinet Member	Councillor Stephanie Cryan, Housing Management & Modernisation	
Lead Officer	Michael Scorer, Strategic Director of Housing & Modernisation	
Report Author	Stephen Douglass, Director of Communities	
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CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments Included
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
List other officers here		
Cabinet Member	Yes	Yes
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