

Submitted to Awaab's Law: Consultation on timescales for repairs in the social rented sector
Submitted on 2024-03-05 18:05:22

Demographic Questions

1 In which capacity are you completing these questions?

Local authority registered provider

If other, please specify: :

2 If responding on behalf of an organisation, please specify which organisation:

If responding on behalf of an organisation, please specify which organisation::

Sheffield City Council

3 Social landlords only: where are the properties you manage primarily based?

Yorkshire and the Humber

4 Social landlords only: How many rental properties do you manage?

20,000-49,999

Scope of Awaab's Law: Hazards

5 Do you agree that Awaab's Law should apply to all HHSRS hazards, not just damp and mould?

Yes

6 Do you agree the right threshold for hazards in scope of Awaab's Law are those that could pose a significant risk to the health or safety of the resident?

Yes

7 If you have answered 'no' to any of the questions in this section, please provide an explanation (with evidence where possible) and/or an alternative suggestion.

If you have answered 'no' to any of the questions in this section, please provide an explanation (with evidence where possible) and/or an alternative suggestion:

Supplementary Context for Q5

Yes - Damp and mould poses a significant and unacceptable risk to our tenants and their families. We welcome and support this approach and are committed to ensuring that tenants and their families live in homes that are decent, safe and secure.

Although dealing with the immediate signs of damp and mould is imperative, the application of HHSRS hazards within Awaab's Law will provide greater consistency and assurance across the sector that landlords are dealing with the causal issues of damp and mould in a consistent way which will in turn drive up long term, sustainable levels of decency.

Supplementary Context for Q6

Yes - We are committed as a social landlord to understanding the diverse needs of our tenants to ensure that the services we deliver are fair and equitable. The proposal that hazards that could pose a significant risk to the health and safety of resident adds greater weight to a person centred, differentiated approach and will provide clarity to landlords in respect of their responsibilities. It will ensure that we are supporting the most vulnerable of our tenants and mitigating and/or removing the risks to them in a timely manner.

However, we believe this will likely be at additional cost and put pressure on the HRA Business Plan. In this respect we would urge Government to consider funding this additional activity.

Proposal 1: Initial investigations of potential hazards

8 Do you agree with the proposal that social landlords should have 14 calendar days to investigate hazards?

Yes

9 Do you agree that medical evidence should not be required for an investigation?

Yes

10 If you have answered 'no' to any of the questions in this section, please provide an explanation (with evidence where possible) and/or an alternative suggestion.

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Supplementary Context for Q8

Yes – The introduction of a consistent timescale for landlords will ensure that tenants and their families are less likely to be exposed to risks for a prolonged period of time. Early investigation is critical in ensuring that hazards are identified and risks to the health or safety of residents and their families are established to enable the adequate and appropriate actions to mitigate and/or remove hazards are investigated promptly and sufficiently. We welcome the definition of the 'Investigation' under Paragraph 66 and the acknowledgement that a landlord should use good judgement in determining the best way of conducting an investigation. In addition, the need of the sector to utilise modern technology to facilitate remote investigations when deemed appropriate. However, this may cause some resource challenges where tenants request a physical investigation which we have determined could adequately be delivered as described above. The impact of this is that resources are stretched, and potentially average investigation times increase.

We do anticipate a level of challenge in up-skilling the current workforce to sufficiently undertake investigation within these timescales but will implement plans to prepare. We believe this will likely be at additional resource and training cost that will put pressure on the HRA Business Plan. In this respect we would urge Government to consider funding this additional activity.

Supplementary Context for Q9

Yes – Conducting an investigation should not require medical evidence as this could extend exposure to a significant risk to the health or safety of residents. We agree that this would put undue pressure on primary care with little benefit in this instance. Undertaking the investigation to establish appropriate actions promptly should remain the primary focus.

Proposal 2: Written summaries of investigation findings

11 Do you agree with the proposal for registered providers to provide a written summary to residents of the investigation findings?

Yes

12 Do you agree with the minimum requirements for information to be contained in the written report?

Yes

13 Do you agree registered providers should have 48 hours to issue the written summary?

Yes

14 If you have answered 'no' to any of the questions in this section, please provide an explanation (with evidence where possible) and/or an alternative suggestion

If you have answered 'no' to any of the questions in this section, please provide an explanation (with evidence where possible) and/or an alternative suggestion:

Supplementary Context for Q11 -Providing a written summary (including all forms of electronic) to residents including the differentiation of temporary repairs and mitigation and actions to permanently rectify problems will provide greater consistency across the sector and provide greater transparency and accountability. We do acknowledge that this will increase reporting expectations on frontline staff which will require changes to ours of working and potentially require upskilling of the current workforce to sufficiently meet these requirements. We will implement plans to prepare for these changes, however, we would urge Government to consider funding this additional activity.

Supplementary Context for Q12 - This approach will provide greater clarity, defining a minimum summary (as set out in Paragraph 75) ensures greater transparency and accountability to tenants and across the sector. Which will in turn build trust and confidence and provide a more personalised service which in turn will relieve other service demands such 'chasers' from tenants. We welcome the approach set out in Paragraph 77 that social landlords will not be required to provide a written summary ahead of completing repair works when addressing emergency hazards. We would welcome further consideration on a consistent streamlined approach to providing a written summary where a hazard does not pose a significant risk to a resident or no hazard was identified to avoid unintended bureaucracy that will tie up resource that could be better deployed supporting tenants that need us the most.

Supplementary Context for Q13 - However, taking into consideration points made in Question 8 relating instances where a hazard does not pose a significant risk to a resident or no hazard was identified. We welcome the approach set out in Paragraph 81 - If, within 48 hours of the investigation, the registered provider is not able to set out full details of wider repair works, and only the immediate steps they are taking (i.e. temporary repairs), they should inform the resident of when they can expect a full schedule of works. We do acknowledge that this will increase reporting expectations on frontline staff which will require exploration of the use of modern technology and systems to facilitate this. We will implement plans to prepare for these changes, however, we would urge Government to consider funding this additional activity.

Proposal 3: Beginning repair works

15 Do you agree with the proposal that if an investigation finds a hazard that poses significant risk to the health or safety of the resident, the registered provider must begin to repair the hazard within seven days of the report concluding?

Yes

16 Do you agree that in instances of damp and mould, the registered provider should take action to remove the mould spores as soon as possible?

Yes

17 Do you agree with the proposed interpretation of 'begin' repair works?

Yes

18 If you have answered 'no' to any of the questions in this section, please provide an explanation (with evidence where possible) and/or an alternative suggestion

If you have answered 'no' to any of the questions in this section, please provide an explanation (with evidence where possible) and/or an alternative suggestion:

Supplementary Context for Q15

Yes - Acknowledging that by definition this will be detailed within the post investigation written summary report as temporary repairs that are needed to make the property safe until the problem can be permanently rectified, or commencement of works to permanently rectify the problem.

It is likely that there will be instances where a resident will deem that a hazard poses significant risk to the health or safety but this is not aligned with our assessment and this will likely be a challenge that we will need to overcome to ensure that we are able to support the most vulnerable residents.

Supplementary Context for Q16

Yes - Removing mould spores promptly is critically important as it mitigates the health risk to residents in our homes. Taking this approach provides confidence that risk has been reduced in the short term to allow identification of underlying causes of damp and mould, including building deficiencies and inadequate ventilation.

Supplementary Context for Q17

Yes - The definition of a 'worker being on site physically starting to repair and rectify a hazard' as set out in Paragraph 87 is clear. Effective communication with residents aided by the proposal set out in respect of providing a written summary report of actions and timescales will manage expectations. It is noted that this may include a phased approach to more complex remediation works as defined in Paragraph 89. That 'temporary works to remove the mould spores to mitigate the health risk, with wider repair works to follow' is appropriate. It will be critically important that we communicate clearly with residents to ensure that we avoid any misconception between the requirement to 'begin' work and their expectation that we will commence permanently rectifying hazards (which could include a scheme of works or capital programme) within the proposed timescales.

Proposal 4: Completing repair works

19 Do you agree that the registered provider must satisfactorily complete repair works within a reasonable time period, and that the resident should be informed of this time period and their needs considered?

Yes

20 If you have answered 'no' to the question in this section, please provide an explanation (with evidence where possible) and/or an alternative suggestion

If you have answered 'no' to the question in this section, please provide an explanation (with evidence where possible) and/or an alternative suggestion:

Supplementary Context for Q19

Yes - It is critically important that repairs are completed within a reasonable time period to avoid exposure to risk over a prolonged period of time. We recognise that where planned works are delayed the need to assess the ongoing risk to residents must be reviewed and is not a one of exercise as their health and/or circumstances may have changed over time.

We do acknowledge that there is a challenge in this sector particularly in sourcing specialist contractors when demand is at an all time high. In turn, this will likely drive-up costs of procuring competent and reliable specialist contractors which will likely be at additional cost and put pressure on the HRA Business Plan. In this respect we would urge Government to consider funding this additional activity.

Proposal 5: Timescales for emergency repairs

21 Do you agree that timescales for emergency repairs should be set out in legislation?

No

22 Do you agree that social landlords should be required by law to action emergency repairs as soon as practicable and, in any event, within 24 hours?

No

23 If you have answered 'no' to any of the questions in this section, please provide an explanation (with evidence where possible) and/or an alternative suggestion

If you have answered 'no' to any of the questions in this section, please provide an explanation (with evidence where possible) and/or an alternative suggestion:

Supplementary Context for Q21 & 22

No – We operate an Out of Hours service to respond to emergency repairs requests. The purpose is to prevent any serious risk to health and safety, major damage to the structure of the property which may result in it becoming insecure. When receiving a report, detailed questions are asked to ensure the repair is a genuine emergency. Our response time is to attend within 4 hours to deal with the repair. It is felt that social landlords already prioritise emergency repairs and that additional regulation is not legislation at this time.

Proposal 6: Decanting if the property cannot be made safe immediately

24 Do you agree that landlords should arrange for residents to stay in temporary accommodation (at the landlord's expense) if the property can't be made safe within the specified timescales?

Yes

25 If you have answered 'no' to the question in this section, please provide an explanation (with evidence where possible) and/or an alternative suggestion

If you have answered 'no' to any of the questions in this section, please provide an explanation (with evidence where possible) and/or an alternative suggestion:

Supplementary Context for Q24

Yes – Our Decant Procedure sets out our approach to temporarily rehousing tenants in emergency situations. This is when a property has been inspected and deemed uninhabitable and includes as the category damp, mould and condensation.

Proposal 7: Record keeping

26 Do you agree that Awaab's Law regulations should include provisions for a defence if landlords have taken all reasonable steps to comply with timeframes, but it has not been possible for reasons beyond their control?

Yes

27 If you have answered 'no' to the questions in this section, please provide an explanation (with evidence where possible) and/or an alternative suggestion

If you have answered 'no' to the questions in this section, please provide an explanation (with evidence where possible) and/or an alternative suggestion:

Supplementary Context for Q26

Yes – This is seen as a key as in some cases we do have issues with no access to the property which means we are not always able to take action at the pace we would like to resolve issues for tenants. It is felt that there is a greater risk of creating more pop-up 'claims handlers' in a way similar to disrepair which will detract resources from resolving issues in our homes and keeping people safe.

Impact Assessment - assessing the costs and benefits of Awaab's Law

28 Do you agree with the assessment that proposals 1, 3, 4, 5, 6 and 7 will create small net additional costs to the sector?

No

29 If not, please can you provide additional information?

If not, please can you provide additional information?:

Supplementary Context for Q28

No – At this stage the ability to define a 'small net additional cost to the sector' to deliver the proposals seems unlikely and the actual cost implication may be wide ranging, dependant on a number of variable factors including stock size and make up. It is felt that costs associated with implementation of Proposals 1,3,4,5,6 and 7 could be significant and put additional pressure on the HRA Business Plans viability.

In that respect of Proposals 3, 4, and 6:

- It is anticipated there will be a greater additional cost to upskill and recruit the right skills to meet demand in the short/medium term. It is important that we understand the skills gap and the cost of upskilling, maintaining and developing skills in our workforce which is for longer than the one-year period defined.
- Proposal 3 – Beginning Repairs Work , Proposal 4 – Completing Repair Works are likely to lead to greater demand on sub-contractors and specialists which in turn will push up costs and impact on availability of reliable, competent tradespersons resulting inflated costs of remediation.
- Proposal 6 - Decanting if the property cannot be made safe immediately could increase once greater public knowledge in respect of Awaab's Law especially linked to impact on health which means less properties for decant and for general needs allocation which may adversely impact homelessness.

30 Do you agree with the assessment of the net additional costs of proposal 2?

No

31 If not, please can you provide additional information?

If not, please can you provide additional information?:

Supplementary Context for Q30

No – The additional staffing resource and technology requirements to simplify and ensure effective record keeping to meet the defined timescales is likely to be greater.

32 Do you agree with the assumptions we have made to reach these estimates?

Yes

33 If not, please can you provide additional information?

If not, please can you provide additional information?:

The assumptions section provides context of the data limitations. We note that there are limitations as data is made up of some landlords and that in instances estimates have been made which means there will likely be a varying impact on providers.

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