



Civic Centre,
Crook,
County Durham.
DL15 9ES

Tel: 01388 765555 Fax: 01388 766660

Minicom: 01388 761515 e-mail: i.phillips@wearvalley.gov.uk

Iain Phillips Chief Executive

5th December 2006

Dear Councillor,

I hereby give you Notice that a Meeting of the **HOUSING SERVICES COMMITTEE** will be held in the **COUNCIL CHAMBER, CIVIC CENTRE, CROOK** on **WEDNESDAY 13TH DECEMBER 2006** at **6.00 P.M.**

AGENDA

	Page No.
1. Apologies for absence	
2. To consider the Minutes of the last Meeting of the Committee held on 6 th September 2006 as a true record.	Copies previously circulated
3. To consider the revision of Combined Tenancy Enforcement Strategy and Policy Document.	1 - 57
4. To consider key themes identified by the Durham Housing and Neighbourhoods Group (DHNG) for inclusion in the Regional Housing Strategy.	58 - 60
5. To consider an update on the implementation of the mandatory licensing of Houses in Multiple Occupation.	61 - 80
6. To consider proposals to review the ALMO expenditure plans.	80 - 81
7. To consider the forthcoming Best Value inspection of the services of Dale and Valley Homes and the implications for the Council.	82 - 116
8. To consider the performance of Dale and Valley Homes in the first half of 2005/06 across a range of indicators	117-124
9. To consider proposals in regard to Croft Street Depot, Crook. *	125-127
10. To consider authorisation to capitalise revenue expenditure. *	128-129
11. To consider such other items of business which, by reason of special circumstances so specified, the Chairman is of the opinion should be considered as a matter of urgency.	

* It is likely that items 9 and 10 will be taken in the closed part of the meeting in accordance with paragraphs 3 and 4 of Part 1 of Schedule 12a of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006.

Yours faithfully

A handwritten signature in black ink, appearing to read 'A. H. Jones', with a long horizontal line extending from the end of the signature.

Chief Executive

Members of this Committee: Councillors Bailey, Mrs Burn, Mrs Douthwaite, Ferguson, Gale, Harrison, Mrs Jones*, Kay, McKellar, Murphy*, Mrs Pinkney, Mrs Seabury, J. Shuttleworth, Sinclair, Stonehouse, Strongman and Mrs Todd.

*ex-officio, non-voting capacity.

Chair: Councillor Gale

Deputy Chair: Councillor Sinclair

TO: All other Members of the Council for information
Management Team



HOUSING SERVICES COMMITTEE

13 DECEMBER 2006

Report of the Strategic Director for the Community

COMBINED TENANCY ENFORCEMENT STRATEGY & POLICY DOCUMENT

purpose of the report

To advise Committee on the revision of Tenancy Enforcement Strategy & Policy Document.

background

- 1 In September 2005 the Indicative Inspection of the Housing Services Department recommended that the basket of policies and procedures initiated by the Tenancy Enforcement Team to deal with Anti-Social Behaviour (ASB), Racial Harassment, Hate Crime and Domestic Violence be combined into one over-arching document.
- 2 It was recommended that this single document would provide a “one-stop shop” for officers, members and customers who wished to access the Team’s policies and that this represented good practice.

proposals

- 3 Following this the stand-alone documents were combined into one over arching document.
- 4 The previous “Anti-Social Behaviour Policy” has been replaced by a Harassment Policy and a Nuisance & ASB Policy. This is to acknowledge that different forms of anti-social behaviour require responses specific to the problem and that harassment is targeted against specific individuals or groups where as nuisance and ASB can affect the wider community.
- 5 The full contents of the revised document are as follows.
 - Anti-Social Behaviour Strategy
 - Harassment Policy
 - Nuisance & ASB Policy
 - Racial Harassment Policy
 - Hate Crime Policy
 - Domestic Violence & Abuse Policy
 - Tenancy Enforcement Procedure
 - Procedural Guide for Racial Harassment
 - Procedural Guide for Hate Crime
 - Guidance for completing Racial Harassment &

- Hate Crime Monitoring Forms
 - Procedural Guide for Domestic Violence & Abuse
- 6 In addition to this the document has been re-branded to reflect the Tenancy Enforcement Team's position as part of the Strategic Directorate for the Community.

consultation

- 7 An extensive process of consultation with partners and customers was undertaken in preparing the combined document. The combined documents were presented to the Wear & Tees ASB Panel and Wear & Tees Hate Crime Panel in May 2006.
- 8 A series of focus groups with customers were held in July and September 2006. Amendments and suggestions from both were added to the final draft.

resources/financial implications

- 9 There are no resource or financial, IT or human resources implications involved in this revision of the existing policies.
- 10 The legal and equalities implications of the revised document remain as with the original stand alone documents. A copy of the revised document has been sent to Dale & Valley Homes for comments.

anticipated outcomes/service improvements

- 11 It is anticipated that this single document would provide a "one-stop shop" for officers, members and customers who wished to access the Team's policies and that this will assist in the adoption of the Respect Standard for Housing Management.

conclusion

- 12 The revised Tenancy Enforcement Strategy & Policy Document is a significant improvement on the earlier stand alone policies and procedures and should aid staff, elected members and customers in delivering and accessing services.

RECOMMENDED

- 1 Committee notes the revised Tenancy Enforcement Strategy & Policy Document and agrees to its implementation by the Tenancy Enforcement Team.

Officer responsible for the report
Michael Laing
Strategic Director for the Community
Ext 281

Author of the report
Chris Walton
Principal Tenancy Enforcement Manager
Ext 508

Strategic Directorate for the Community

TENANCY ENFORCEMENT TEAM

Anti-Social Behaviour Strategy, Policy & Procedure Guide

Including Neighbour Nuisance, Harassment, Racial Harassment, Hate Crime & Domestic Violence

Chris Walton
Tenancy Enforcement Manager

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Strategic Directorate for the Community

TENANCY ENFORCEMENT TEAM ANTI-SOCIAL BEHAVIOUR STRATEGY

Foreword

In October 2003 the Prime Minister, Tony Blair made the following comments about Anti-Social Behaviour.

“Anti Social Behaviour can ruin neighbourhoods and make life a misery for decent, hard working families. The same things come up time and time again. A tiny number of people on an estate of hundreds making people’s lives a misery: shouted insults in the street, graffiti daubed on the front-door, fireworks used as weapons, abandoned cars left in the streets.”

We are committed to challenging anti social behaviour - from noise nuisance to the consequences of hate crime and discrimination.

We acknowledge that it is the behaviour of a small minority that persistently spoil things for the majority. By setting out our policies, clearly and openly, residents and visitors to the District will know the kind of behaviour that is expected of them and feel empowered to challenge behaviour that falls short of this standard.

We fully acknowledge that we cannot tackle the problem alone and will work closely with our partners not only in fighting anti social behaviour but in engaging young people and diverting them towards alternative activities.

Strategic Statement

To comply with Section 12 of the Anti Social Behaviour Act 2003 we will constantly review the policies and procedures contained within this document. The first review will take place on 13th December 2007 and every 12 months thereafter.

Anti Social Behaviour in Context

Anti-social behaviour ranges from serious criminal activity to low level environmental and neighbourhood nuisance. Whilst criminal activity is generally viewed as more serious, the impact of any anti social behaviour on a resident’s quality of life cannot be underestimated.

Some acts of anti social behaviour are deliberate, with the person responsible being aware that their behaviour will have a detrimental effect on individuals or the local community. Some forms of nuisance however, can occur as a result of a lack of consideration or awareness of the impact of certain acts, or as a result of conflicting, but legitimate, lifestyles.

With the strengthening of the Tenancy Enforcement Team and the introduction of new and comprehensive tenancy conditions Wear Valley District Council is well placed to play a leading role in the fight against anti social behaviour. By acknowledging and understanding that such behaviour undermines the fabric of our communities and by making sure that we embrace the full range of

alternative measures to tackle it we can be a major part of the solution to Anti-Social Behaviour in the District.

Definition of Anti Social Behaviour

We use two definitions of Anti-Social Behaviour to ensure that we encompass the aspect of location and individual, depending on the type of behaviour involved.

- Housing Act 1996 – S.153 A(1) provides that

“Anti-Social Behaviour is conduct which is capable of causing nuisance or annoyance (even if no complaint has been received) and which directly or indirectly relates to or affects the landlord’s management of its housing stock”.

- Crime and Disorder Act 1998 – S1(1)

“acting in a manner that caused or was likely to cause harassment, alarm or distress to one or more persons not of the same household as the perpetrator”

Examples of Anti Social Behaviour

The following are typical examples of anti -social behaviour

- drug/substance misuse and dealing
- street drinking
- begging
- prostitution and kerb crawling
- sexual acts and inappropriate sexual conduct
- abandoned vehicles
- graffiti
- vehicle related nuisance and inappropriate vehicle use
- noise nuisance
- rowdy behaviour
- nuisance behaviour
- inappropriate use of fireworks
- hoax calls
- animal related problems
- Intimidation / harassment
- Verbal abuse
- Menacing gestures (on the grounds of race, sexual orientation, gender, religion, disability or age)
- Criminal damage/vandalism
- Litter / rubbish dumping

Objectives

The aim of the policies and procedures contained within this document is to ensure that all residents, their friends, families and visitors are able to enjoy their home and local community and are able to live safely. The procedures ensure that staff know how to respond to nuisance and harassment promptly and effectively and complaints are resolved at the earliest opportunity.

This document details how Council staff, the Police and other partners will work together to tackle Anti-Social Behaviour. It provides advice, guidance and support and will guarantee that action is prompt, consistent, firm, fair and appropriate. By developing integrated Anti-Social Behaviour policies and procedures we are prioritising Anti-Social Behaviour as a key issue.

The Strategic Director for the Community is responsible for the overall implementation of these policies and procedures. The Tenancy Enforcement Manager will act as the main point of contact for complainants but will work in close co-operation with other teams including Supporting People Team, Homeless Officer and Neighbourhood Managers of Dale & Valley Homes as well as other internal and external partners.

Scope

These policies and procedures provide a framework for responding to Anti-Social Behaviour, harassment and neighbour nuisance cases and recognise the impact that these issues can have on the local community and individuals alike. It is vital that the policies distinguish different kinds of anti-social behaviour so that:

- legal remedies can be appropriately determined
- different types of nuisance and harassment can be monitored
- adequate resources can be appropriately targeted to ensure an effective response to the behaviour in question.

The types of Anti-Social Behaviour that will be covered in this document includes the following categories:

- Harassment
- Nuisance
- Racial Harassment
- Hate Crimes (racist, sexist, homophobic, disabled and elder harassment)
- Domestic Violence

Most incidents of anti social behaviour will fit into one or more of the above categories although the fit may not be precise. It will be the responsibility of the officers to determine the category or description that best fits the incident(s) reported. Once the category of incident is established this policy and procedure guide will determine the way officers should deal with the reported incident. Officers must take into account the depth of response required, the remedies available, the processes to be followed and what must actually be done when dealing with all cases.

Cross tenure issues

We will take action when anti social behaviour is caused by our tenants and will either act, advise or support on action when the perpetrator does not live in one of our properties. If the person causing the ASB does not live in a Wear Valley District Council property we may refer the case to the Anti Social Behaviour Co-ordinator, to a private landlord or to the appropriate Registered Social Landlord.

Multi Agency Working

We recognise that we cannot tackle anti-social behaviour in isolation but need to adopt a joint working practice in partnership with other agencies and organisations. We are committed to working with the Police; Education; Social Services; Victim Support; Youth Engagement Services; Environmental Health; Community Mental Health Team; Registered Social Landlords; Voluntary Agencies and Community Groups as well as all tenants and residents.

In embracing partnership working we will take into account the rights of individuals, families and groups to ensure that these rights are not infringed. In order to do this we will give due consideration to the Children's Act 1989, Disability Discrimination Act 1995, Race Relations Act 1976 and Crime & Disorder Act 2003 as well as a number of other acts that are outlined in this document. We will also ensure that we adhere to the requirements of the relevant protocols in each service area.

The policies and procedures contained in this document support the Corporate Objectives contained in Council Plan for 2004-2007 around the following priorities:

Crime – Corporate Objective

- **The Council will design its services to increase community safety and crime prevention and work closely with key partners to improve crime reduction**

Health – Corporate Objective

- **The Council will use its services to help improve the health and wellbeing of Wear Valley residents and promote healthy lifestyles**

In doing this we will:

- Respond to all complaints of anti social behaviour, nuisance and harassment immediately and effectively
- Ensure that staff take all complaints of anti social behaviour, nuisance and harassment seriously and deal with all incidents in a sensitive and professional manner
- Encourage, support and effectively communicate with complainants so that we can agree the appropriate course of action in partnership
- Take firm and prompt action against perpetrators at the earliest opportunity in order to minimise the stress and inconvenience experienced by the complainant
- Make every effort to support complainants in their own homes during legal proceedings (this may include referrals to specialist agencies or extra security measures)
- Consider moving complainants temporarily where the situation is very serious or life threatening, i.e. where there is clear evidence of danger to the tenant and their family, or where a statutory duty arises as a result of the harassment/nuisance
- Adopt a multi agency working approach with the Police and other agencies with the consent of the complainant to resolve all nuisance and harassment

AIM 1 – Tackling Anti-Social Behaviour – Prevention

Preventative measures are only part of the solution but if anti-social behaviour can be also minimised through multi-agency work, policies on exclusions and environmental improvements then all these measures must play a part to tackle the problem.

Strategic Objectives

- To Continue to develop multi-agency approaches to tackling anti-social behaviour on estates.
- To use environmental improvements in consultation with residents and customers to design out anti-social behaviour, e.g. removing bushes and improving lighting on estates.
- The adoption of a clear and fair ineligibility policy to prevent those involved in serious anti-social behaviour and criminal activity from accessing the housing register whilst at the same time facilitating access to the housing register for those applicants who are no longer offending.

AIM 2 – Tackling Anti-Social Behaviour – Enforcement

There will always been a minority of people who despite preventative measures will still engage in anti-social and criminal behaviour. We can tackle these people by taking strong enforcement action that sends the message that anti-social and criminal behaviour will not be tolerated. The Tenancy Agreement is one of the most important tools in dealing with anti-social behaviour from tenants, members of their household and visitors to their home. Enforcement must be hand in hand with effective estate management and a strong presence in areas suffering the worst anti-social behaviour.

Strategic Objectives

- To use the provisions of the tenancy agreement to take enforcement action against tenants who breach the terms of their tenancy agreement through injunctions, possession proceedings and anti-social behaviour orders.
- To develop closer working relationships with the Police to target known offenders on our estates.
- To further develop the use of the Anti-Social Behaviour Panel as a forum for multi-agency work with individuals to curb anti-social behaviour.
- To effectively monitor and respond to complaints of anti-social behaviour within agreed time limits.
- To effectively monitor and respond to complaints of Racial Harassment and other hate crimes within agreed time limits.

AIM 3 – Tackling Anti-Social Behaviour – Resettlement

Not only must we look to prevention and enforcement as ways to tackle Anti-Social Behaviour but also to resettlement as a way in which the circle of offending behaviour can be broken. What happens to perpetrators of anti-social behaviour after they are evicted and how their behaviour can continue to impact on our communities is of great importance.

Strategic Objectives

- To liase with Police and other agencies before and after eviction to address the causes of anti-social behaviour of individuals enabling a range of services for offenders to prevent re-offending and social exclusion.
- To use exisiting mechanisms to report further incidents of anti-social behaviour by an individuals or family who have been evicted.
- Ensure that exclusions are fair and offer the opportunity to rejoining the housing register if behaviour has demonstrably improved.

AIM 4 – Monitoring and Performance Standards

In order to continuously improve services to customers there must be methods available for gauging customer satisfaction with the way complaints of neighbour nuisance and anti-social behaviour are dealt with.

Customers should be encouraged to make suggestions to improve the service they are offered. Performance Indicators on Anti-Social Behaviour must be monitored so that measurable results can be achieved.

Strategic Objectives

- To achieve customers satisfaction with the way their complaints are handled ensuring effectiveness, efficiency and equality in service.
- To ensure quality services are available to customers by monitoring of performance standards and targets.

Strategic Directorate for the Community

Harassment Policy

We recognise that harassment targets people on particular grounds. It is distinct from and should not be confused with neighbour disputes, general nuisance and other forms of Anti-Social Behaviour. People are targeted for harassment because they:

- Belong to a racial and / or ethnic minority group, and / or they are:
- Women
- Disabled
- People with mental health problems
- People with learning difficulties
- Lesbian, Bi-sexual, Gay, Transgender and Transsexual (LBGTT)
- Older people
- Young people
- People with HIV / AIDS / IDS
- People facing economic disadvantage
- Members of particular faiths or religious groups
- Lone Parent

In general, harassment is any behaviour that intimidates, dominates or harms an individual, a family or group. Offending behaviour should be treated as harassment if it is:

- **Targeted**
- **Deliberate**
- **Continuing**

However, a single severe incident of harassment that targets an individual may be treated as harassment under this policy if it causes physical or mental harm/distress to the complainant.

Ignorance of the effect of the behaviour will not be considered as a defence if it is reasonable to assume the perpetrator should have been aware of the consequences of their actions.

Harassment can take many forms including:

- Abusive, threatening or insulting behaviour
- Threats of violence
- Physical assault
- Vandalism to property
- Arson and attempted arson
- Threatening, abusive or insulting graffiti
- Repeated and unfounded complaints against a tenant or groups of tenants

- Actions/activities intended to deter a person from occupying a particular property
- Abusive telephone calls
- Uninvited visits to someone's home
- Deliberate noise
- Placing rubbish, excrement or offensive materials near or in the complainant's home

We are committed to:

- Countering discrimination, violence and harassment perpetrated against all vulnerable sections of our communities.
- Dealing objectively with allegations made by complainants and carrying out a full investigation of reported cases.
- Correctly recording and monitoring allegations of harassment to intelligently inform service delivery.
- Protecting the health, safety and wellbeing of complainants and witnesses to the best of the Council's ability.
- Supporting and safeguarding those individuals who are willing to be witnesses on behalf of the council in cases where we are pursuing legal action against perpetrators of harassment.
- Working with partner agencies to reduce harassment in general and to provide support to harassed households.
- Making determined efforts to identify perpetrators and take enforcement action against them.

Strategic Directorate for the Community

Nuisance and Anti-Social Behaviour Policy

Nuisance and ASB is likely to affect more than one individual, household or group. It covers behaviour that may not be necessarily carried out with the intention of causing harm but nonetheless unreasonably interferes with other people's rights to the enjoyment of their home and community.

Nuisance and Anti-Social Behaviour is something or someone that annoys or causes trouble for others. A problem may sound very minor when in real terms it can have a very dramatic impact on an individual's life. Nuisance and Anti-Social Behaviour can take place at any time or place and may consist of:

- Youth nuisance
- Noise nuisance
- Animal nuisance
- Parties or similar events for commercial gain
- Car repairs and abandoned vehicles
- Drug and alcohol related incidents
- Littering, rubbish dumping and fly tipping
- Vandalism and damage to communal areas
- Graffiti

Although acts of nuisance may not be targeted against a particular person, their effect on individuals should not be underestimated. We are committed to providing assistance to anyone who is the complainant of general nuisance behaviour.

We are committed to:

- Raising awareness of nuisance and Anti-Social Behaviour to ensure that all staff are able to provide a sensitive and effective response to those experiencing it.
- Dealing objectively with allegations made by complainants and carrying out a full investigation of reported cases.
- Correctly recording and monitoring allegations of nuisance and Anti-Social Behaviour to intelligently inform service delivery.
- Protecting the health, safety and wellbeing of complainants and witnesses to the best of the Council's ability.

- Supporting and safeguarding those individuals who are willing to be witnesses on behalf of the council in cases where we are pursuing legal action against perpetrators of nuisance.
- Working with partner agencies to reduce nuisance in general and to provide support to households suffering neighbour nuisance.
- Making determined efforts to identify perpetrators and take enforcement action against them.

Strategic Directorate for the Community

Racial Harassment Policy

Racial Harassment is a vicious crime which by its persistent and brutal nature damages the everyday lives of victims. We are committed to take all possible action to fight Racial Harassment and provide support to victims. The aim of this policy is to ensure that all staff, elected members and partners accept the perception of the person suffering Racial Harassment and treat them with dignity and respect.

This commitment is underpinned by the Human Rights Act 1998, which creates a duty for the Council to comply with the rights contained in the European Convention on Human Rights. These include the right to respect for private and family life and the home, and the right to property. The Council must comply with this duty without discrimination and, in any action it takes, must ensure that it has those rights in mind.

Further section 71 of the Race Relations Act 1976 establishes that, in the exercise of its functions, the Council must also have regard to the need to eliminate unlawful discrimination, and promote equality of opportunity and good relations between different Racial groups.

Since 2001, the Council's Tenancy Agreement has included a specific clause that forbids tenants, members of their family, or their visitors from harassing or abusing other people on grounds of race or ethnicity. This means the Council can take steps against Racial Harassment on its housing estates, help tenants suffering abuse and take legal action against perpetrators of Racial Harassment. Racist behaviour can result in loss of tenancy.

Definitions

Racial Harassment is an incident or a series of incidents intended or likely to intimidate, offend or harm an individual or group because of their ethnic origin, colour, race, religion or nationality.

The following definitions have been adopted from the Stephen Lawrence Inquiry Report:

- *“A Racist Incident is any incident which is perceived to be racist by the victim or any other person ”*
- *“Racism in general terms consists of conduct or words or practice which advantage or disadvantage people because of their colour, culture or ethnic origin. In its more subtle form it is as damaging as in its overt form ”*
- *“Institutional Racism consists of the collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture or ethnic origin. It can be seen or detected in processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness, and racist stereotyping which disadvantage minority ethnic people”*

The purpose of this definition is not to prejudge the question of whether a perpetrator's motive was racist or not, that may have to be proved if for instance the perpetrator is to be charged with a racially aggravated offence. The purpose of the definition is rather to ensure that investigations take a full account of the possibility of a racist dimension to the incident and that statistics of such incidents are collected on a uniform basis.

Any complaint of Racial Harassment must be treated as such from the time it is reported. Racial Harassment can take many forms and includes but is not limited to:

- Abusive, threatening or insulting behaviour including racist verbal abuse
- Threats of violence
- Physical assault
- Racist graffiti
- Abusive telephone calls
- Arson and attempted arson
- Vandalism
- Repeated and unfounded complaints against a tenant or groups of tenants
- Actions or activities intended to deter a person from occupying a particular property
- Placing rubbish, excrement or offensive materials near or in the complainant's home

As with non-Racial Harassment, offending behaviour should be treated as harassment if it is:

- **Targeted**
- **Deliberate**
- **Continuing**

However, a single incident may be treated as Racial Harassment if it causes physical or mental harm/distress to the complainant.

The fact that a perpetrator did not intend to be racist in their actions is not sufficient defence of their actions if their behaviour has caused offence or distress to a particular group and it is reasonable to assume they should have been aware of this.

Further, the complainant does not have to be the only person to whom the Racial Harassment or abuse is targeted. People from the same or other ethnic groups, who are in the locality, may be affected by incidents. We accept that it is possible for people from one ethnic group to be racially harassed by those from another ethnic group.

We are committed to:

- Raising awareness of Racial Harassment to ensure that all staff are able to provide a sensitive and effective response to those experiencing it.
- Promoting the support services of the relevant agencies available.
- Correctly recording and monitoring allegations of Racial Harassment to intelligently inform service delivery.
- Record and monitor incidents of Racial Harassment reported to the authority and share that information with appropriate agencies.
- Pursuing legal action against anyone who harasses a person on the basis of racial origin.

We recognise the devastating effect of Racial Harassment and that such behaviour is unacceptable. We will use all available powers to prevent Racial Harassment and take action against perpetrators, whilst providing the maximum support to those experiencing Racial Harassment. We will achieve this through:

- Raising awareness of Racial Harassment to ensure that all staff are able to provide a sensitive and effective response to those experiencing it.
- Working in partnership, as Departments within the Council and with other agencies, to identify the perpetrators of racist incidents and take quick and effective action to stop that behaviour.
- Ensuring that the feelings of the person experiencing the Harassment are central in deciding the action taken and the support provided.
- Supporting staff experiencing Racial Harassment.
- We acknowledge that discrimination and disadvantage undermine the quality of life for many people. People's experiences of discrimination vary widely and should be believed. Key to addressing Racial Harassment we will:
- Develop a culture and working environment free from discrimination and Harassment.

- Work with others to provide an environment free from discrimination, harassment and violence.
- Value and promote diversity as a positive asset to be built upon within the community.
- Recognise the harmful effect that racism has on black and minority ethnic people both in service delivery and employment.
- Recognise diversity - for example in language, diet, dress, faith and respond sensitively to the different needs of different groups of people.

Strategic Directorate for the Community

Hate Crime Policy

We celebrate the diversity found within the district and seek to provide an environment in which all employees, customers and members of the public can live free from discrimination and harassment.

Scope of the Policy

This document sets out the departments policy on the reporting and recording of hate crime and harassment based primarily on race, gender, disability, sexuality, religion, faith and belief. It provides guidance to help employees; Councillors and contractors implement the policy.

The aim of this policy is to provide a mechanism for the reporting, recording, investigation, monitoring and evaluation of all hate crimes and to encourage and promote inter- agency responses to incidents of hate crime.

This policy covers all hate crimes because they share a high potential for harming the victim, for harming the victim group and for harming society. Currently the Council is only required to provide information to the Audit Commission on the number of racist incidents recorded and any further action taken against alleged perpetrators. However, in order to provide a consistent level of protection and service all reported hate crimes will be recorded and investigated as such.

Definition of Hate Crime

We have adopted the definition of hate crime found in the Association of Chief Police Officers Hate Crime Manual 2003 in which hate crime is taken to mean:

- *“any crime where the perpetrator’s prejudice against an identifiable group of people is a factor in determining who is victimised.”*

This broad and inclusive definition of hate crime covers incidents in which the perpetrator's conduct is motivated, in whole or in part, by hatred, bias, or prejudice, based upon the actual or perceived race, colour, religion, national origin, gender, age, disability, sexuality, religion, faith or belief of another individual or group.

Hate crime and harassment can cause a person to feel humiliated, embarrassed or angry. It can in extreme circumstances, cause death or injury, and will almost always cause stress, ill health and fear. Repeated harassment may lead to severe distress, making life intolerable. We acknowledge the significance of hate crime or harassment on the community and are committed to taking action in partnership with other agencies to eliminate hate crime and harassment in the district.

People may be targeted for harassment on multiple grounds. For instance, black and minority ethnic women may face 'multiple abuse' if they are subjected to both sexual and hate crime harassment. Other groups, such as people who have a disability, lesbians and gay men, people who are older, lone parents, or young people, may also experience multiple abuses.

Sexual harassment is 'any unwanted verbal or physical advance, of a sexual nature, sexually explicit derogatory statement or sexually discriminatory remark which is offensive, threatening, abusive or insulting.

Disability harassment includes any unwanted verbal or physical abuse and or behaviour related to a person's disability, which is offensive, derogatory, discriminatory, threatening, abusive or insulting.

A homophobic incident is any incident, which is perceived to be homophobic by the victim, or any other person. In effect, any incident intended to have an impact on those perceived to be lesbians, gay men, and bisexual or transgendered people.

Victims of homophobic crime do not have to be lesbian, gay or bisexual; they just have to be perceived as gay or lesbian and/or the crime to be perceived as containing or being influenced by homophobia. The definition of homophobic crime includes motivation based on transgender or those perceived to be so, therefore recognising the term 'transphobic incidents'

It must be stressed that other forms of hate crimes against faith groups, asylum seekers, refugees, travellers and any other groups are also covered by this policy.

Hate crime incidents or harassment can take a variety of forms and may include:

- Physical attacks on people as well as damage to property;
- Abusive language and 'jokes';
- Physical threats, assault's and insulting behaviour or gestures;
- Unfair allocation of resources;
- Non-provision of services;
- Unfair treatment on the grounds of race, gender, disability, sexuality, religion, faith or belief;
- Anti-social behaviour which causes a nuisance;
- Putting up posters, stickers or writing offensive graffiti;
- Making abusive telephone calls;
- Sending racist, sexist, homophobic, disablist, material or correspondence through the post;
- Unwanted verbal or physical abuse/advances of a sexual nature,
- Sexually explicit derogatory statement or reference made to a person's sexuality or behaviour, which is offensive, threatening, abusive or insulting.
- Continuously complaining about cultural differences and needs
- Social prejudice towards Asylum Seekers and Refugees

We are committed to the principle of a multi-agency approach to the reporting and monitoring of hate crime and will share information with partner agencies when appropriate to do so.

Hate crime and harassment may not always be reported directly as such. There may be circumstances where harassment is disguised or results into repeated requests for advice and help. For example, a tenant with broken windows could contact the Council repeatedly, when the real problem is harassment because of the tenant's race, gender, disability ,sexuality or religion.

Incidents of hate crime and harassment are not only significant offences against an individual, family or group; they have widespread and long-term implications for the whole community. All hate crime incidents have far-reaching effects, beyond those common to neighbour nuisance, anti-social behaviour and harassment that is not hate crime motivated. A victim of hate crime does not have to be a member of a minority group or someone who is generally considered to be a 'vulnerable' person.

Responsibilities of Employees, Managers, and Councillors

Employees

Employees who work for (or who are contracted to work for) Wear Valley District Council have a responsibility under this policy when carrying out their duties to record, report and challenge incidents of hate crime and or harassment if they:

- Witness them (this includes seeing, hearing or reading them)
- Have incidents reported to them by victims or witnesses.
- Have strong suspicion or evidence of hate crime or harassment.

In recording, reporting and challenging incidents, employees should pay due regard to their own health and safety, particularly if working off site and alone.

Employees should note that hate crime or harassment (unless you directly witness or experience it) might not always be obviously or directly disclosed by either the victim or the alleged perpetrator. There are many reasons why a victim may not directly report an incident of hate crime or harassment to a Council employee, however, hate crime could be occurring in a number of circumstances and you should be alert to this.

Managers

We are committed to creating a harassment free environment and have a responsibility to employees, both under the law and as an equal opportunity employer to protect and support employees who may be subjected to harassment from members of the public. As a major provider of services the Strategic Directorate for the Community also recognises its responsibility to protect and support service users.

Although it is the responsibility of all employees to report and challenge incidents of hate crime or harassment, management have a specific responsibility to ensure that they do everything they can to support and protect employees and service users from intimidation and harassment. This may be by:

- Stating clearly to members of the public who harass employees that this behaviour will not be tolerated.
- Stating that the service may be withdrawn, if necessary and appropriate, in order to protect employees.
- Supporting and advising employees who experience hate crime or harassment from service users, protecting them and offering assistance.
- Supporting and advising a member of the public who has experienced or is reporting hate crime or harassment.
- Ensuring details of incidents are recorded and seek further guidance if required from the nominated officer.

- Ensuring that all complaints of hate crime or harassment are taken seriously and investigated as quickly and as effectively as possible by an appropriate officer.
- Making employees who are harassed aware of support workers, counselling services, Trade Union representation, and the support of the Personnel Section. In addition employees can be referred to supporting policies such as the Violence at Work Policy.

An employer is potentially liable for the welfare and conduct of its employees. If it can be shown that alleged hate crime or harassment was not investigated or remedied an employee or service user may have a strong case of unlawful discrimination against the employer/Council. Managers must therefore take all reasonable steps to prevent discrimination from occurring and ensure employees and service users are protected.

Councillors

Councillors also have a duty to use the recording and reporting procedures outlined in these guidelines if they witness, experience or have reported to them, incidents of hate crime or harassment. Councillors can seek advice and guidance from the Tenancy Enforcement Manager.

We are committed to:

- Raising awareness of hate crime to ensure that all staff are able to provide a sensitive and effective response to those experiencing it.
- Promoting the support services of the relevant agencies available.
- Correctly recording and monitoring allegations of hate crime to intelligently inform service delivery.
- Record and monitor incidents of hate crime reported to the authority and share that information with appropriate agencies.
- Pursuing legal action against anyone who harasses a person under the definition of hate crime adopted in this policy.

We recognise the devastating effect of hate crime and that such behaviour is unacceptable. The Council will use all available powers to prevent hate crime and take action against perpetrators, whilst providing the maximum support to those suffering hate crime. We will achieve this through:

- Raising awareness of hate crime to ensure that all staff are able to provide a sensitive and effective response to those experiencing it.
- Working in partnership, as Departments within the Council to identify the perpetrators of hate crime and take quick and effective action to stop that behaviour.

- Ensuring that the feelings of the person experiencing hate crime are central in deciding the action taken and the support provided.
- Supporting staff experiencing hate crime.

We acknowledge that discrimination and disadvantage undermine the quality of life for many people. People's experiences of discrimination vary widely and should be believed. Key to addressing hate crime we will:

- Develop a culture and working environment free from discrimination and harassment.
- Work with others to provide an environment free from discrimination, harassment and violence.
- Value and promote diversity as a positive asset to be built upon within the community.
- Recognise the harmful effect that hate crime has both in service delivery and employment.

Strategic Directorate for the Community

Domestic Violence / Abuse Policy

This policy and procedure document sets out what we will achieve in relation to domestic violence. We condemn domestic violence and recognise that it is a very serious offence that impacts on both individuals and communities. We are committed to working towards providing the best and most appropriate support and services for people experiencing or affected by domestic violence.

We believe that none of our residents or customers should live in fear of violence from a spouse or partner, former spouse or partner, or other member of their household. We are committed to offering assistance to any of our residents or customers who are suffering from domestic violence or threats of violence from someone within their home or from someone outside their home.

The Crime and Disorder Act 1998 defines anti-social behaviour widely and focuses upon acts committed away from the family unit. The Act's definition of anti-social behaviour - *"acting in an anti-social manner as a manner that caused or was likely to cause harassment, alarm or distress to one or more persons not of the same household as the perpetrator"* means that domestic violence falls outside this remit.

Therefore we have adopted the definition framed by the Association of Chief Police Officers:

- ***Any incident or threatening behaviour, violence or abuse (psychological, physical, sexual, financial or emotional) between adults who are or who have been intimate partners or family members, regardless of gender***

We wish to make clear that:

- Domestic violence also occurs in lesbian, gay, bi-sexual and transgender relationships
- Heterosexual men are also abused by heterosexual females
- Domestic violence occurs regardless of race, culture, religion, age or ability
- Domestic violence features very highly in cases of child abuse

Domestic violence can be manifested in a variety of ways, including but not limited to, physical, sexual, emotional and financial abuse, and the imposition of social isolation and is most commonly a combination of them all. Incidents of domestic violence may include:

- Physical abuse, e.g. slapping, pushing, kicking, punching and stabbing, attempted murder or murder
- Sexual abuse e.g. rape and non consensual sex acts
- Emotional or psychological abuse e.g. intimidation, isolation, verbal abuse, humiliation, degradation, not allowing friends or relatives to visit or phone, destruction of belongings, threat of legal sanctions e.g. deportation, custody of children etc
- Financial abuse, denial of rights or restriction of personal freedom e.g. withholding money or medical help.

We recognise that evidence of domestic violence may not always be readily available, we will accept the victim's account and will not insist on the victim providing proof of evidence. Although some form of evidence will be required where legal action is to be taken and verification may be required where other potential solutions are being considered such as a management transfer.

We will maintain confidentiality in dealing with cases of domestic violence. We will seek permission from those reporting domestic violence before disclosing information to any other party other than the victim.

The nature of domestic violence means that some cases will be difficult to resolve or bring to an end. However, we will ensure that complainants are clearly advised when no further action can be taken to resolve an issue and a case being closed. We will seek feedback from the complainant on how well the case has been handled.

Some victims of domestic violence do not wish to leave their home and will be seeking advice and assistance to help them remain there in safety. Alternatively, some clients may not be aware of other options to re-housing.

Housing officers are aware that there are legal procedures that seek to protect victims from violent partners and allow them to remain in their homes. These include for example Occupation Orders

and non-molestation orders. However, such measures are not always quick or effective and clients will always be advised to seek legal advice before considering them.

We can not find a solicitor to act on behalf of a client although we can provide information about solicitors in the district. Council officers will never seek to influence an applicant's decision.

Regardless of a victim's tenancy we can:

- Liaise with Housing Benefit section to ensure double payments (emergency accommodation and tenancy) if necessary. This could apply when a victim is forced to leave home and live in temporary accommodation and is therefore liable to pay 2 rents
- Offer initial advice on homeless procedures and arrange for a homeless interview if required
- Arrange emergency accommodation on a temporary basis by making a referral to a Refuge or the Homeless Officer
- Offer advice and help on how to put extra security measures in their home
- Offer support and advice about tenancy enforcement and legal aspects of injunctions
- Make a referral to other partner agencies and organisations that can help;

If the victim is a tenant, additional assistance from housing officers can take the form of:

- Ensuring repairs and graffiti that result from violence are processed as an emergency
- Using Housing Act 1996 powers to take enforcement action against the perpetrator of the violence or seek an injunction on behalf of the Council if the perpetrator is also a council tenant, having first received the consent of the victim

Under section 152 of the Housing Act an application can be made for an injunction against any person to prohibit that person from engaging in or threatening to engage in conduct causing or likely to cause a nuisance or annoyance to others. This would cover a partner living with or an ex-partner visiting the home of a council tenant. If the tenant perceives there is a real threat attached, an injunction with the power of arrest can be applied for.

Domestic violence victims may need immediate assistance with obtaining money, clothes etc. For people not in emergency accommodation, a referral to the Benefits Agency can be made if required.

Domestic Violence and Child Protection

Where children and young people are living in a situation involving domestic violence we recognise the need to consider whether they are at risk of harm and need protection or support.

While domestic violence and child abuse do not always exist together it can be an important indicator of a child at risk of harm from either actual physical, sexual and/or emotional abuse or by exposure to abusive relationships.

Research carried out by NCH Action for Children in 1994 called “The Hidden Victims – Children and Domestic Violence” showed that 87% of respondents said that their children were aware of the violence at home. In 27% of cases the children were hit or abused themselves.

In incidents of domestic violence the possibility of child abuse must be explored. Listening to the child him/herself is a priority. Factors which officers should consider are:

- The risk of physical injury – for example, where the child is young or disabled; where weapons are used; where there are frequent episodes of violence;
- The risk of emotional abuse – for example, where children are used to get or give information or where children are made to feel responsible for the violence because of their own actions
- The risk of neglect – for example, by withholding or misusing money resulting in an inadequate diet or insufficient clothing
- The risk of sexual abuse – where sexual abuse of a victim by a partner is a feature of domestic violence
- Where there are concerns officers should make a referral to County Durham Social Care & Health or Durham Constabulary.

Marginalised Groups

We recognise that customers from marginalised groups face additional barriers to accessing help and are committed to adopting a multi agency approach in addressing these barriers:

Black and Minority Ethnic Groups (BME):

- Language barriers prevent many BME customers from seeking help – We will provide interpreters when requested and seek to ensure they are of the gender requested by the victim.
- Fear of isolation from their communities may prevent BME customers from seeking help coupled with a lack of recognition and understanding of cultural needs by service providers – We will strive to be sensitive to cultural differences and provide a service that respects those differences.

Disabled People:

- Disabled customers may experience different forms of domestic violence from their abusers such as prevention of mobility, denial of communication and neglect.

- Lack of understanding of the range of care services a disabled customer may need when leaving a violent relationship may hinder our response to disabled customers – We will ensure that services are co-ordinated with partner agencies to ensure a high quality appropriate response.

Same sex relationships:

- Fear of homophobia from agencies may inhibit the reporting of domestic violence in same sex relationships. A customer's sexuality may not be widely known by their friends, family or colleagues so there is an added stress of coming out – We will ensure confidentiality and equality of access to all service users.

Older Women:

- Older women have often suffered domestic violence for a long period of time whilst bringing up a family, there are often fears that they will be disbelieved or judged for not coming forward sooner. The perpetrator may also be a carer.

Travellers:

- Travellers may fear discrimination from service providers and isolation from their own community. There may also be a lack of understanding of cultural needs by service providers - We will strive to be sensitive to cultural differences and provide a service that respects those differences

Young People and young Parents (under 18):

- Young people under 18 may be forced to stay with older violent partners, as they can't access housing. Domestic Violence may result in truancy from school or homelessness due to running away from home. There is evidence showing that young people fleeing domestic violence are vulnerable to sexual exploitation, particularly where young people are coerced into prostitution – We will be sensitive to the specific needs of young people suffering Domestic Violence and ensure that our services are co-ordinated with other agencies supporting the victim. We will seek the victims consent to make appropriate referrals to partner agencies.

We are committed to:

- Raising awareness of domestic violence among communities to ensure that all staff are able to provide a sensitive and effective response to those experiencing it.
- Promoting the support services of the relevant agencies available.
- Correctly recording and monitoring allegations of domestic violence to intelligently inform service delivery.
- To take a victim-centred approach in responding to cases of domestic violence.
- To assist, wherever possible, those threatened with or suffering violence by providing secure accommodation, free from the threat or fear of violence.
- Record and monitor incidents of domestic violence reported to the authority and share that information with appropriate agencies.

We recognise the devastating effect of domestic violence and that such behaviour is unacceptable. We will use all available powers to take action against perpetrators, whilst providing the maximum support to those suffering domestic violence. We will achieve this through:

- Raising awareness of domestic violence to ensure that all staff are able to provide a sensitive and effective response to those experiencing it.
- Working in partnership, as Departments within the Council and with other agencies, to identify the perpetrators of domestic violence and take quick and effective action to stop that behaviour.
- To provide advice to the victims of violence on alternate sources of accommodation and support, including assistance from voluntary organisations, in cases where we are not in a position to provide secure accommodation.
- Supporting staff experiencing domestic violence.

We acknowledge that domestic violence undermines the quality of life for many people. People's experiences of domestic violence vary widely and should be believed. Key to addressing domestic violence we will:

- Develop a culture and working environment free from discrimination and harassment.
- Work with others to provide an environment free from discrimination, harassment and violence.
- Recognise the harmful effect that domestic violence has both in service delivery and employment.

Strategic Directorate for the Community

Tenancy Enforcement Procedure

Role of the Area Teams

It is intended that the Tenancy Enforcement Team will deal with all complaints of Neighbour Nuisance, Harassment, Racial Harassment, Hate Crime, complaints of Domestic Violence or Anti-Social Behaviour made involving tenants.

Any reports of such behaviour made to staff of Dale & Valley Homes at neighbourhood offices must be reported to the Tenancy Enforcement Team immediately using the appropriate Tenancy Enforcement Case Referral Form.

In cases involving untidy or dirty properties the Tenancy Enforcement Team may take enforcement action against the tenant if the housing officer has exhausted all channels open to them and the case has been referred to the Tenancy Enforcement Team by the Neighbourhood Manager. This would require the housing officer to have visited the property and to have issued appropriate formal written warnings advising the tenant of the breach of their tenancy agreement.

In such cases where this action by the housing officer has not resulted in an improvement a Tenancy Enforcement Case Referral Form should be completed and forwarded to the Tenancy Enforcement Team. Details of the action taken by the housing officer, including copies of any warning letters issued, notes of visits made to the property and copies of any photographs that have been taken must be supplied to the Tenancy Enforcement Team when the case is referred.

In serious cases such as threats or allegations of violence or illegal use of tenancies an immediate referral should be made to the Tenancy Enforcement Manager through the appropriate Neighbourhood Manager.

Role of Tenancy Enforcement Team

On receipt of a complaint the Tenancy Enforcement Manager will cause to be created a property based case file and ensure that the case is entered into the logbook and electronic database. Each case file will receive it's own sequential index number specific to the calendar year.

A standard letter addressed to the complainant informing that the matter is being dealt with by the Tenancy Enforcement Team should be sent out at the same time as the file is created.

If the complainant has disclosed confidential or sensitive information that they do not wish to be made available to other officers this should be passed to the Tenancy Enforcement Manager immediately.

Care should be taken to include as much information regarding both the complainant and subject of the complaint as possible and the officer making the referral should ensure that the information given is accurate.

Checking the Background

On receipt of a complaint from any source no action should be taken until the background of the complaint and the tenant(s) involved have been checked. This will always involve a review of property file/personnel Index to check for any previous similar incidents or other relevant information, and may also involve checking on the involvement of other Departments or agencies (e.g. Social Services, Police, etc).

Allocation of Cases

The Tenancy Enforcement Manager will then allocate the new case to an investigating officer within the Tenancy Enforcement Team. This officer will be responsible for the investigation of the complaint.

Interviewing the Complainant

A visit to the complaint should be made within 5 working days unless the complainant has specifically asked that officers of the Tenancy Enforcement Team do not visit their home.

If the complainant does not wish a visit to be made to their home contact should be by telephone. If the complainant does not wish to receive telephone contact from an investigating officer it should be clearly explained to the complainant upon receipt of the complaint that this will hamper any investigation.

If the complainant does not wish any contact with the Tenancy Enforcement Team that wish will be respected and an investigation will be commenced.

The first step in complaint investigation is to interview the complainant and obtain full details of the problem. A case log should be completed for each interview/event.

Upon commencement of the interview, the Officer will discuss the procedure and issues in connection with the case in confidentiality with the complainant. It is important that the complainant understands that information shared with the Officer is confidential to the Department and will not be shared with other agencies without his/her permission (unless failure to share information puts another person at serious risk).

In cases of harassment of lesbians or gay men or other hate crimes it should be stressed that information regarding sexuality or other sensitive areas will be kept confidential. The investigating officer will discuss with the complainant what information can be recorded in the case file.

Guidelines for Interviewing

Interview Techniques

The more skilful you are at interviewing the easier it should be to find out the cause of the complaint. The most important thing is to get all the facts pertinent to the complaint. There are five main questions that you should ask in all cases;

- **What** is the problem? Check that the complaint raised is actually the cause of the problem.

- **Who** is affected? Are there more people than the complainant affected? Extra witnesses may provide more supporting evidence and will be useful if the case goes to court.
- **Where** does it happen? Details of the location (in front of houses, communal stairs etc). This is needed as evidence and can give clues to the likelihood of other potential witnesses.
- **When** does it happen? Find out precise dates and times, this may help you to establish a trend or pattern.
- **Why** does it happen? This will be the complainant's subjective view but will help, for example, in assessing cases of alleged harassment or hate crime.

Interview skills

Listen

Try not to rush or interrupt the other person. Aim to spend 90% of the interview listening and 10% talking. Remember that the person you are working with will be able to think much more clearly and will probably make better decisions if they get your undivided attention and the time to talk through the problem.

Be non-judgmental in your approach

Remember, however, that in harassment cases, it will be important in the first instance to act upon the complainant's information in order to protect them if they are describing a situation where they are at personal risk.

Be clear about what information you need

Use the five main questions described above. Be sure that the answers you get are consistent and if they are not challenge the witness and ask for clarification.

Check you understand the information given

The easiest way to do this is to repeat back what you think you heard. At the end of the interview read through your notes and check that all the information recorded is correct.

If more than one person in the household has been affected make sure they are also interviewed as they may be able to provide further evidence. The investigating officer also should note names and addresses of any witnesses or neighbours who are likely to be affected. These should be interviewed to find out whether they support the complaint.

If neighbours say they have had no problem find out why. It may be because:

- they do not want to get involved
- they are worried about consequences of giving evidence
- they are aware of the problem but it does not bother them

- they are not aware of the problem
- the problem does not exist

Find out the views of any other agencies (e.g. Police, Social Services) who have already been involved.

Triage System

The Tenancy Enforcement Team operates a triage system to ensure that high priority cases receive a fast and efficient response. This system categorises cases as High, Medium and Routine Priority and uses a colour code of Red, Amber and Green to identify each case. In all cases the Service Standard of interviewing the complainant within 5 days of receipt of the complaint will be adhered to.

High Priority Cases

These cases will usually involve actual or threatened violence to a tenant or imminent risk to life or property, and will be responded to within 24 hours.

The procedure will be similar to that followed for medium and routine cases but with the following additions:

- A Senior Officer will be informed as soon as possible to agree an action plan.
- A priority will be the safety of the complainant. This may mean offering temporary accommodation whilst the case is investigated. "Make safe" repairs to the house will be treated as an emergency.
- In some cases it may be appropriate to install an alarm system, installed via liaison with the Police.
- Legal action will be considered at an earlier stage in the procedure if evidence is available. In some very serious cases, the Housing Department may apply for an injunction.
- If a criminal offence has been committed the Police will be contacted with the permission of the complainant.
- The Case Officer will inform the complainant of local groups/agencies who can offer additional support (e.g. victim support schemes, Social Services, etc).

Interviewing the Perpetrator

Having interviewed the complainant and agreeing that the complaint requires further investigation, the Officer should visit the subject of the complaint, accompanied by another Officer if the background checks indicate this may be necessary.

The aim of the visit is to assess the seriousness of the complaint and try to resolve it there and then. It should be noted that during the visit it may become apparent that the complaint is not justified or that no further action is appropriate.

Discussing the Complaint

The Officer should outline the nature of the complaint received, and give the tenant the opportunity to explain their side of the story. It is not possible to give detailed guidance as to how to deal with such conversations, as each one will be different and will need to be dealt with as they occur. It should be noted that such visits may result in counter allegations being made, which may also need to be investigated.

The aim of the discussion is for the Officer to assess the true nature of the situation. If it felt that the complaint is justified, the tenant should be advised that their actions are a breach of their tenancy conditions and encouraged to explore ways of changing their behaviour in order to resolve the complaint.

The Possibility of Further Action

It may be appropriate to advise the tenant of a period of grace (according to the nature of the problem this may vary from 24 hours to 28 days), after which the possibility of further action will be considered.

After a visit in which a complainant was found to be justified, the Officer will write to the subject to confirm:

- the nature of the complaint(s) received
- any required action to be taken by the tenant, in order to comply with the tenancy agreement, and time scales for this to be done
- if appropriate, what the next steps will be

The complainant should be advised of the outcome of the visit and of any further action they should take (e.g. completion of Tenant's Incident Diaries).

Failure to Improve

In some cases of complaint an initial visit to the perpetrator will resolve the matter. In other cases, where the complaint has not been resolved, further visits may be required and further letters sent to the perpetrator. Definite time limits should be set for improvement and the perpetrator should be reminded of the possibility of a Notice Seeking Possession, Injunction or other legal action.

If all attempts at conciliation and reasoning have failed then legal action may need to be initiated.

Diary and Record Keeping

It is important to keep clear and accurate records in order to:

- Demonstrate that the complaint is treated seriously and fairly
- Provide background information for other officers who may become involved
- Document history of a case so that clear information is available should legal action become necessary.

Photographs

Photographic evidence is very important in certain types of neighbour complaints, such as repairing cars or overgrown gardens. Each Tenancy Enforcement Officer has access to a camera.

Storing of Information

All neighbour complaint records will be kept in a lockable filing cabinet due to the sensitive and confidential nature of much of the information contained within.

Monitoring and Review of Cases

All ongoing cases will be reviewed monthly by the Tenancy Enforcement Manager and Case Officers. Action to progress cases which are unresolved will be identified. Persistent and/or serious cases will be brought to the attention of the Neighbourhood Manager so that a case may be considered for legal action. Case conferences may be called to determine what action is required and should be attended by all interested parties.

A Multi-Agency Approach

Dealing effectively with breaches of Tenancy Conditions and, in particular, anti-social behaviour requires that Wear Valley District should look to the contribution which can be made by all professionals, external agencies and the community itself in terms of the resources, experience, expertise and influence they can bring to bear on the issue.

A crucial role for Officers will be to translate the aims and objectives of all agencies involved into practical and effective working practices. It is important to ensure that multi-agency and corporate co-ordination remains positive and dynamic. For instance it may be that a perpetrator of anti-social behaviour or neighbour nuisance need to be referred for Tenancy Support and that this will alleviate the problem.

Victim Support

The Council fully supports agencies and organisations, both locally and nationally, who can offer effective support to the victim. When allegations of harassment/threats of violence are received the Council should, with the consent of the person making the allegations, make the necessary referral to the most appropriate agency or organisation.

Effective arrangements will be made to re-house victims where this is their wish and investigations confirm the existence of serious danger or violent harassment.

Where the tenant(s) wish to remain in their own property, the Council will continue to monitor the situation closely to ensure that the support option is working in practice, particularly with respect to the victim's own wishes.

Possession Procedures

If, after consultation with the Neighbourhood Manager for the area concerned, it is decided to seek an Order of Possession, Immediate, or Suspended, on non-rent grounds then the Case Officer will take appropriate action to present the information required.

Tenants of Wear Valley District fall into three categories:

- Secure Tenants
- Introductory Tenants
- Non Secure Tenants

Secure Tenants

Initially a Notice of Seeking Possession will be served on the tenant with a schedule reciting the grounds under which Possession is being sought. There should normally be at least 4 weeks between the service of the Notice and Court proceedings. However, the 1996 amendment to the Housing Act 1985 allows for Court proceedings for possession to begin immediately in cases of severe nuisance if the Court considers it just and equitable to dispense with the requirement of such a notice.

The following information should be sent to the Legal Team in writing with a memorandum:

- Statement of Case Officer (typed)
- Statements of complainants (both original manuscripts and typed versions)
- Copies of relevant correspondence
- Copies of photographs if relevant
- Damage inventories where appropriate
- The full name of the tenant
- The full address
- The date the tenancy began
- The date the Notice to Seek Possession was served
- Details of the tenant's home situation
- Full details of any rent arrears

Thereafter the Legal Section will be responsible for proceedings

Introductory Tenants

As part of its approach to dealing with anti-social behaviour Wear Valley District Council and Dale & Valley Homes has established an Introductory Tenancy Scheme.

Where a decision is made to end an Introductory Tenancy a Notice of Proceedings for Possession will be served on the Tenant(s).

The Notice will state that the Court will be asked to make an Order for Possession of the dwelling house and will set out the reasons for the decision to apply for such an Order. Tenants so served have right to request a review of the decision within 14 days of the service of Notice.

Such a review is carried out by an Introductory Tenant's Review Panel made up from elected Members of the Council. The quality of evidence required at such a review is the same as would be required if the Tenancy was secure and the matter was to be decided in Court.

If the appellant is unsuccessful then the Council is at liberty to apply to the Court for an Order of Possession after 28 days from the service of the Notice. Similarly if no request for review is received, then the Council can approach the Court for such an Order after 28 days from service of the Notice.

If all provisions of Proceeding for Possession have been complied with then the Court shall make such an Order of Possession as requested.

Non-Secure Tenants

Persons housed by the Council under Section 193 of the Housing Act 1996 (Duty to Persons with priority need who are not homeless intentionally) are non-secure Tenants. In the event of such tenants acting in a way that is anti-social or in a manner that does not comply with the reasonable expectations of the Council then the Council, as Landlord can serve a Notice to Quit. To be effective the Notice must recite Prescribed Information advising the tenants of their rights and giving information about the availability of various advice and aid available.

Order for Possession (Immediate)

An Immediate Order of Possession granted by the Court will state the date by which the defendant should vacate the dwelling house and how much must be repaid to the Council. If the tenant does not leave the property by that date nor pays the money owed then the Council is at liberty to ask the Court Bailiff to evict the tenant.

Order for Possession (Suspended)

A Suspended Possession Order granted by the Court will recite those conditions under which the tenant may remain in occupancy. A breach of those conditions gives liberty to the Council to apply for the Order to be made Immediate.

Eviction Procedures

Application to the County Court for a Bailiffs Warrant, to evict a tenant who has not left the dwelling according to an Order, will be made by the Legal Team.

Upon receipt of a date of eviction the Tenancy Enforcement Officer will liaise with the appropriate Neighbourhood Manager and advise them of the date and time of eviction. The Housing Officer on whose patch the eviction will take place will arrange for a joiner to be present at the required time to change the locks to the property.

At the time of eviction the Tenancy Enforcement Officer will meet the Bailiff at the property and sign any official documentation. The Tenancy Enforcement Officer will also take possession of the new set of keys from the joiner and return them to the appropriate Neighbourhood Manager.

Staff Safety

By the nature of their role Tenancy Enforcement staff can be placed in difficult and confrontational situations. The health and safety of the staff of Wear Valley District Council is of prime importance and as such the following guidelines should be followed whenever staff are out of the office.

- Staff should always log in and out of the office using the sheets specifically provided for this purpose. Any delay in returning to the office must be reported as soon as possible and a revised return time arranged.
- Staff must carry a mobile telephone at all times and immediately report any incident of verbal abuse, intimidation, threats of violence or actual violence to the Tenancy Enforcement Manager.
- Whilst staff must be robust in their commitment to discovering the truth of a situation and in advising a tenant of their responsibilities under the terms of the tenancy agreement they must at all times be calm, reasonable and polite. Arguments must be avoided. If a subject becomes verbally abusive this must be reported to the Tenancy Enforcement Manager immediately.
- Any tenant or visitor to a tenant who issues verbal abuse, intimidation, threats of violence or actual violence to any member of staff will be interviewed by the Tenancy Enforcement Manager. The appropriate civil or criminal action will be taken against any tenant of Wear Valley District Council and Dale & Valley Homes, who issues or allows visitors to their home to issue verbal abuse, intimidation, threats of violence or actual violence to any member of staff.
- Staff should at all times be aware of their personal safety. Staff should arrange to visit tenants whom they suspect to be potentially violent or abusive with another member of staff or if appropriate a police officer. Staff should avoid dark or badly lit areas and when entering a property should at all times be aware of the best exit route.
- All work outside normal office hours will be undertaken jointly by two members of staff.
- Staff must exercise their own initiative and judgement to ensure their safety. If a situation feels dangerous, for example if a group of youths are inside a house and the atmosphere is strained or tense, officer should leave immediately and inform the Tenancy Enforcement Manager of the details of the incident.

Case Monitoring, Customer Satisfaction and Performance

It is accepted that some cases, especially those that involve serious incidents of crime or anti-social behaviour or those which require complex multi-agency working may have a long life-span. Never the less the Tenancy Enforcement Team is aware that it is in the interest of the complainant and the wider community to resolve cases as quickly as possible.

The Tenancy Enforcement Manager will review the caseload of each Tenancy Enforcement Officer each month. The purpose of this review will be to ensure that the Officer understands what the procedure should be followed for each case and that cases are not left unresolved.

The Tenancy Enforcement Team will take reasonable measures to ensure that cases are not closed peremptorily and without consultation with the complainant.

Cases will be closed when the complaint has ceased or the issue has been resolved. It is accepted that in some cases this may not be to the complainants satisfaction, who may wish the Tenancy Enforcement Team to take action that is disproportionate or not in line with policy. In cases such as this the officer in the case will confirm with the complainant that the case is to be closed and advise of the reason why.

Customer Satisfaction

When a case is closed it will be removed from the database of active cases and a Customer Satisfaction Survey will be issued to the complainant with an envelope that provides free return postage to the Authority.

The Customer Satisfaction Survey allows the complainant to award a score both for the quality of service and customer care received from the officer in the case and also the level of satisfaction with the way the case was investigated and resolved.

Customer Satisfaction Survey's are analysed quarterly by the Tenancy Enforcement Manager and a report on the finds will be submitted to DMT. In cases where the complainant indicates extreme dissatisfaction with the service the Tenancy Enforcement Manager may deem in appropriate to visit the complainant to ascertain the reasons for the dissatisfaction.

Performance Management

The Tenancy Enforcement Team record a number of volume indicators and performance indicators that are used to inform the delivery of the service. These are collected monthly with regular reports made to Departmental Management Team.

Strategic Directorate for the Community

Procedural Guide for tackling Racial Harassment

Racial Harassment is not an issue confined to Local Authorities and their tenants, but is a wider community issue. To effectively tackle Racial Harassment the Council must not only take immediate effective action against perpetrators but also act to protect victims and take action that can enhance the quality of life for existing and future generations.

Wear Valley District Council will demonstrate by its actions that it will not tolerate Racial Harassment on its estates. Therefore;

- Every report of Racial Harassment will be quickly and formally acknowledged.
- Every report of Racial Harassment will be investigated by a member of the Tenancy Enforcement Team within 24 hours
- Investigators will seek to identify and interview all parties to the complaint.
- Investigations will start at the earliest possible time after receipt of the complaint and will be conducted with all reasonable speed.
- Investigations will accept that the complaint is justifiable.
- Responses will, as necessary and as appropriate, move from advice, conciliation and support for tenant's own action to legal action by Wear Valley District Council and Dale & Valley Homes on behalf of victims of Racial Harassment.
- Action against perpetrators will include injunction and committal proceedings and possession and eviction proceedings.

Whilst incidents of alleged Racial Harassment will be investigated by the Tenancy Enforcement Team in line with the departmental Tenancy Enforcement Policy the Council acknowledges that Racial Harassment is different in nature to general acts of anti-social behaviour and that specific methods of recording, monitoring, investigation and enforcement will need to be used

Identification and Recording of Incidents

This procedure takes into account the recommendations made in the Home Office Code of Practice on reporting and recording of racist incidents. An incident should be recorded in all cases where either:

- The person experiencing Harassment perceives a racist motive or
- There is other information to suggest a racist motive.

Where the victim does not perceive a racist motive but there is other information that suggests one, this should be recorded.

Where an incident is reported it should not be considered in isolation and it is important to identify whether it is part of a broader picture of repeat victimisation.

All incidents **MUST** be recorded (whether or not they constitute a crime) by the officer receiving the complaint and forwarded immediately to the Tenancy Enforcement Manager.

Anybody reporting a racist incident will expect the information given to be properly protected. The Council also has specific legal obligations concerning the processing of data, including manual files, under the Data Protection Act 1998. Processing essentially means the obtaining, holding or disclosure of information.

If you receive a report from a person who is the victim of Racial Harassment tell him or her that you are going to complete a **Racial Harassment Report Form** and ask whether they consent to disclosure of the information to other agencies (which they can choose to specify) or the purpose of the prevention or detection of that or other racist incidents or crimes. A reminder to ask this appears on the Report Form.

If a third party is reporting a racist incident no personal details about the person who is the subject of the incident should be recorded unless you are satisfied that he or she has given their explicit consent. If not, complete the Report Form as an anonymised record.

If it is a serious incident, such as violence or an existing threat of further violence, details can be disclosed to the police without that consent being given. Individuals about whom data is held also have a right to see it. However, there is an exemption from this obligation if doing so would be likely to prejudice the prevention or detection of crime.

Co-ordination and Action

Successfully tackling Racial Harassment requires a speedy response. Many of the remedies available in Racial Harassment cases become difficult or impossible to pursue when intervention is delayed. A person experiencing Racial Harassment may also be vulnerable to further Harassment unless the matter is followed up quickly.

It is essential that reports of Racial Harassment are dealt with promptly. It is the responsibility of the Tenancy Enforcement Manager to make an appropriate and immediate referral to another officer or external agency for action and investigation.

Where two or more departments or agencies may be involved it is good practice to hold a Case Conference to agree a joint action plan, though this should not delay any immediate action required. It will be important at that Conference to identify a lead person who will be responsible for keeping the victim informed of progress, whether it is from the police, Council or other agency.

The remedies employed to deal with acts of Racial Harassment and prevent further incidents will vary depending on the circumstances and the options available. The legal powers that can be used

are explored later, although other options should also be considered These may include withdrawal of services and restrictions on the way services are provided.

Where there is a statutory duty to provide a service it may still be necessary to allow access to an alleged perpetrator, but limits may be placed on use of these services (e.g. banning customers from Council offices if they are racially abusive to staff or other customers).

The emphasis must be on the resolution and closure of cases at the earliest opportunity accepting that in a minority of cases further action may not be possible. An action plan should be set and also date for reviewing a case for closure by the case officer. At each occasion when closure is not appropriate a further review period should be set. Where possible closure of cases should be agreed in consultation with the person reporting harassment and should be confirmed in writing.

Advice and Support for Victims

Staff receiving information alleging racially motivated Harassment must deal with the allegations sensitively and sympathetically, with an understanding of how the victim may feel, and advice and support should be offered to him or her.

It is important to ensure support meets the person 's individual needs. No other organisation should be involved without the consent of the person reporting Harassment. Sharing information with other agencies may allow problems to be better addressed. Although the case for police involvement should be stressed, the final decision on this remains with the person reporting Harassment, other than in exceptional circumstances (see 'Identification and Recording ').

Even where the Council is not taking further action or the case is not going to be referred to the police, those reporting Harassment should be told about the services offered by Victim Support.

Counter-Allegations

Every officer must be aware of the potential for allegations from both parties in a complaint. Underpinning this should be the general principle that a complaint of Racial Harassment should not be discontinued merely because of the allegations made subsequent to the initial complaint, although these should be objectively considered.

Legal Powers

We are committed to using all appropriate legal powers to combat racist behaviour and provide advice, support and protection to victims of Racial Harassment. This will be done by the Council taking action itself on behalf of victims or assisting the police where they have the power to take proceedings.

In using these powers it will always be important to identify what action will be most effective and result in a penalty or sanction that will bring the harassment to an end and prevent a recurrence. The Council will also work in partnership with other agencies to combat Racial Harassment and other racially motivated crime in the community, by taking preventative measures and prosecuting wherever possible.

There is a wide range of both civil and criminal powers. Some refer directly to incidents of Racial Harassment, while others can be used to deal with nuisance or harassment where a specific racial aspect cannot be shown.

The Tenancy Agreement explicitly prohibits harassment directed at an individual because of his or her race, nationality, sex, sexuality, religion or disability. In cases where a tenant of Wear Valley District Council has been found to be in breach of this obligation the Council has a range of power that may be used against the tenant. These include:

- Formally interviewing alleged perpetrators.
- Warning letters and acceptable behaviour contracts.
- Mediation
- Injunctions, including powers of arrest.
- Possession action.
- Anti-Social Behaviour Orders.
- Criminal proceedings by the Council or Police.

Any such action will be lead by the Tenancy Enforcement Manager in consultation with the Neighbourhood Manager.

The Crime and Disorder Act 1998 has increased the ability of the Council, the police and the courts to deal with Racial Harassment or racially aggravated offences, and the penalties which can be imposed. The offences created by the Protection from Harassment Act 1997 encompass racially motivated harassment as a course of conduct that amounts to harassment or which causes someone to fear that violence will be used against them.

The court also has the power to grant injunctions or restraining orders to prevent further harassment taking place. It is an offence under s.31 of the Race Relations Act 1976 to induce or attempt to induce a person to act in a discriminatory manner in relation to matters such as employment, education, planning, accommodation and the provision of goods, facilities or services, and it will also be an offence under s.33 if an employee knowingly aids such discriminatory behaviour. This may be particularly relevant in respect of allegations or statements made in 'hate mail' received by the Council.

Behind all of these are the Council's general powers and duties which will support its response to incidents of Racial Harassment, sometimes by indirect means or in less obvious circumstances.

Under s.71 of the Race Relations Act 1976 the Council has a duty to take appropriate arrangements to secure that its functions are carried out with regard to the need to eliminate unlawful discrimination and promote equality of opportunity and good relations between persons of different racial groups.

Section 111 of the Local Government Act 1972 enables the Council to take action that is 'calculated to facilitate' or which is 'conducive or incidental' to the discharge of any of its functions; e.g. as the owner of a housing estate the Council can take civil injunctive action against anyone responsible for nuisance or trespass, or as an employer can take criminal proceedings against anyone who assaults its staff.

Section 222 of the Local Government Act 1972 enables the Council to appear as a party to proceedings, whether prosecuting or defending, where it is expedient in the promotion or protection of interests of the inhabitants of their area: for example to seek an injunction to stop repeated criminal offences or obstruction of its statutory duty.

Racial abuse and Harassment can take the form of written correspondence or documents received by the Council which may be directed at individuals, ethnic groups or specific events related to those groups. If the content is grossly offensive, or contains threats, then it may be an offence under the Public Order Act 1986, the Protection from Harassment Act 1997 or the Malicious Communications Act 1988, and wherever possible the Council will institute proceedings.

Section 100D of the Local Government Act 1972 exempts from the usual requirements for 'public access' to the background documents of reports, those which are defined as 'confidential information' by s.100A. This will include racist correspondence, the publication of which might in itself amount to an offence.

Monitoring

The Tenancy Enforcement Manager will make an annual report on Racial Harassment issues and the implementation of this policy. The report will include details of the number and type of reported incidents, the action taken, the outcome and any amendments needed to the policy or its implementation.

Mapping incidents can help social landlords to identify areas where systematic or repeat harassment is occurring at an early stage. Since harassment can be very localised mapping should indicate whether harassment is concentrated on a part of a particular block or road.

The report will include the perspective of those who have suffered racist incidents and will also incorporate any staff training issues.

Training

No one should be given the task of recording or resolving racist incidents without first receiving adequate training. This policy should be part of the induction for new staff and should be included in refresher courses for existing staff.

The emphasis of the training is that all staff must:

- Be aware of our commitment to tackle Racial Harassment.
- Be aware of the definition of Racial Harassment.
- Be sensitive in identifying incidents of Racial Harassment and in supporting those who have experienced it.
- Ensure complaints are treated seriously and that those who have experienced Racial Harassment are involved in decisions about how their case is dealt with.
- Ensure that the urgency with which complaints need to be dealt is emphasised.
- Understand how the department deals with Racial Harassment and the identity of its lead officer.
- Understand how and to whom incidents must be reported.

- Understand the importance of co-ordination with other Departments and partner Agencies to identify the wider effect of racist behaviour and ensure that the most effective action is taken.

Strategic Directorate for the Community

Procedures For Employees Working With People Experiencing Or Affected By Hate Crime

This procedure guide is designed to complement the existing Tenancy Enforcement procedures. In cases where an alleged hate crime is perpetrated by a tenant of Wear Valley District Council the investigation and life-cycle of the case will conform to the standard Tenancy Enforcement system. However the complaint will be recorded and monitored as a Hate Crime and due consideration given to the safety and welfare of the victim.

Reporting and Recording Hate Crime

This policy is intended as a guide for employees of the Tenancy Enforcement Team. They cover the action you are expected to take if you witness or deal with a report of hate crime while on duty, whether within your own service or relating to another service area. Councillors can also use many of these guidelines if they witness or have reported to them incidents of hate crime / harassment. The victim or alleged perpetrator could be either an employee or a member of the public.

The first point of contact for any incident of hate crime may vary. Reports may be verbal, written or by phone call, it is therefore important that all staff members are aware of how to record these incidents whatever the source of the complaint. Anyone who wishes to report an incident may do so in person or by telephone at any of the department's reception areas and neighbourhood offices.

Complainants in person will be interviewed by a front-line officer who will complete a Hate Crime Monitoring Form.

Incidents reported by telephone will be recorded by the receiving officer and must be forwarded to the Tenancy Enforcement Manager, who will assume responsibility for ensuring that incidents are acknowledged and investigation initiated immediately.

Allegations of Hate Crime are categorised in the Tenancy Enforcement Triage system as High Priority cases and will be actioned within 24 hours.

In the event of hate crime incidents being reported which are not about Council services, the Hate Crime Monitoring Form should still be completed and sent to the Tenancy Enforcement Manager, who will decide on what action is to be taken.

If there has been violence or threats of violence a visit should be made within 24 hours wherever possible.

The purpose of the visit is to:

- Make an assessment for further action

- Identify appropriate support for the victim.
- Consider actions to prevent the recurrence of further incidents and with the consent of the victim, notify other relevant agencies
- Collection of evidence
- Offer to facilitate external support

Contact with the victim/complainant should be maintained whilst action is pursued and/or until harassment stops.

After or during the visit the Investigating Officer(s) should make arrangements to interview the alleged perpetrator(s) and any witnesses as appropriate. This may include convening a meeting with representatives from relevant partner agencies e.g. Social Care & Health, Police, Victim Support and other department of the Authority.

The Tenancy Enforcement Manager will be responsible for overseeing the investigation/ follow-up action and monitoring reports.

Collection of Evidence

As soon as a complaint is made, evidence should be collected. If the victim is in receipt of abusive hate crime written material, handle the document with care as the police can check for forensic evidence.

Everyone who is involved in the recording or interviewing of a customer experiencing hate crime should be aware of the following points:

- Details taken should be full and accurate. A case could be made stronger by evidence from a number of witnesses about one alleged perpetrator. Therefore, details of minor incidents should be fully recorded.
- Taking a clear statement from a distressed person is by no means an easy task and adequate time should be allowed. Consideration should be given to the need for a private and accessible place of the interview, the need for an interpreter (language or British Sign Language) and if the client wishes support from a friend or relative.
- If the victim has injuries they should be encouraged to visit a GP or hospital for medical reports to be made. The victim should be encouraged to pursue photographic evidence of any visible injuries.

Support the Complainant

Appropriate support is dependent upon circumstances. It is also important to remember to check out any action you plan to take with the complainant **before** you take action - including contacting the Police. The victim has a right, but not an obligation to pursue a complaint against the alleged perpetrator.

If the complainant makes a complaint in person, explain who you are and what you can do to help and ask the victim what they would like you to do. If the complainant is a child under 17, try to make contact with parents or guardians as soon as possible.

If the complainant reports the incident by phone, or in writing, or if there is not the opportunity to discuss the matter properly, make an appointment for the complainant to discuss the incident with an appropriate officer either at their home or on Council premises as soon as possible and within 5 working days (unless the complainant requests a later date).

The following actions may be appropriate immediately or at the follow-up meeting.

- Encourage the complainant to inform the police, doctors, hospital, relatives, children's school (if harassment is being experienced by the family) or other agencies as appropriate.
- Provide immediate quiet and confidential space to discuss the incident with the complainant if possible.
- Ensure that the initial Hate Crime Monitoring Form is completed.
- Suggest they inform the Police of the incident, if this has not already been done.
- Make available the list of community and voluntary organisations that can assist with help advice, counselling and practical help for the complainant.

Action related to the Alleged Perpetrator(s)

Do not collude with hate crime and harassment by saying or doing nothing. For example it may be appropriate to say:

- The Council has a policy opposing all hate crime and you will need to seek further guidance - and then withdraw if appropriate.
- You find a remark or action inappropriate, unacceptable or offensive.
- Ensure that the alleged perpetrator is treated fairly and appropriately in all situations.

Take or assist in legal action against the alleged perpetrator(s)

In certain cases the Council may be a witness to, or initiator of, legal action against the alleged perpetrator.

If relevant (and the complainant agrees) report the incident to the police and be prepared to use your own records of the incident and to act as a witness.

If the complainant requests the Council to take action against the alleged perpetrator, seek advice from the Tenancy Enforcement Manager or your line manager immediately.

Withdraw Council services

If you are in the process of delivering a service to the alleged perpetrator it may be possible to withdraw that service either immediately or by issuing a warning for future withdrawal.

Hate crime and harassment breaks a tenant's tenancy agreement. Action may be taken against a tenancy in extreme or prolonged cases.

Employees have a right to work in an environment which is free from harassment and is safe. Hate crime and harassment from service users can create an intimidating working environment for all employees and other users. All employees have a right to report incidents of hate crime harassment, whether from a user or another employee, immediately to their supervisor or service manager and to remove themselves from a situation in which they feel threatened or in danger.

It is management's responsibility to make decisions on future provision of service to the alleged perpetrator. If the manager or supervisor is the alleged perpetrator or suspected perpetrator an employee should seek advice from their Personnel Section or Trade Union representative.

Strategic Directorate for the Community

GUIDANCE FOR COMPLETING THE RACIAL HARASSMENT AND HATE CRIME MONITORING FORMS

General Guidance

If possible take the victim or complainant to a quiet room to complete the form. If the complainant is distressed it may be necessary to call a senior manager for guidance wherever possible. Where information is not known you must enter NK in the box rather than leaving it blank.

The form should be sent onto the Tenancy Enforcement Team on the same day.

Reporting Centre Information

- Reporting Centre: this is the venue the incident is reported to e.g. Woodhouse Close Neighbourhood Office.
- Telephone Number: this is the telephone number at the Reporting Centre. If the employee normally works at another venue they may need to include their normal work number in brackets after the Reporting Centre number.
- Date and Time: this refers to the date and time the employee or complainant completes the form.

Victim/Complainant Information

- Name: all names should be recorded (include nee names/alias if appropriate).
- Telephone: include any mobile number.
- Occupancy: in 'Other' box include information such as living with parents, Traveller, Homeless, temporary accommodation.
- 1st Language: this includes British Sign Language (BSL) and Sign Supported English (SSE).
- Repeat Victim: applies if the victim has previously been a victim of a hate crime incident within the last 2 years.

Details of Incident

- Date of Incident: if more than one incident obtain the date of the most recent incident.

- Location e.g. home, street, school, college, Community or Leisure Centre, public transport or taxi, shopping centre etc.

Description of incident (include details of the following)

- Incident type e.g. abuse (verbal or gestures), criminal damage, graffiti, physical threats, violence against the victim, arson; offensive leaflets, letters or posters; use of weapons (specify).
- Name of street, park, shopping centre etc.
- If an on-going situation identify the period of time incidents have occurred over and if there has been previous reporting and if so to which agency.
- If victim knows the name(s) of the perpetrator(s).
- Immigration Status: if the victim states they are an Asylum Seeker or a Refugee seek permission from them to record this.

Advice: state if the victim was advised to report the incident immediately to the Police or if they were advised to seek medical attention or a 999 call was made on their behalf.

Alleged Perpetrator(s) details (include victim's perception of the following)

- Did the victim recognise the perpetrator(s)
- Relationship to victim? e.g. neighbour, relative, customer.
- Has the perpetrator been involved in previous incidents with the victim?
- Number, gender and age(s) of perpetrator(s).
- Equality data – use the classification system under Victim/Complainant Information above.

Declaration

- The victim or complainant may need to tick more than one box for complaints made in person.
- Bring to the attention of the victim or complainant the Data Protection Statement at the bottom of the form.

Even If the incident does not appear to involve the services of Wear Valley District Council or you are unsure which department it needs to be referred to please send the form to the Tenancy Enforcement Team.

Strategic Directorate for the Community

Procedures For Employees Working With People Experiencing Or Affected By Domestic Violence

The attached procedures compliment Wear Valley District Council Tenancy Enforcement Team's Domestic Violence Policy. They should be referred to when working with customers who are experiencing or affected by domestic violence.

Please note that customer has been used throughout to represent adults and children affected by or experiencing domestic violence.

Safety and Confidentiality

When a customer approaches the Council they must feel able to do so in the knowledge that we will take all possible steps to ensure their safety and that confidentiality will be maintained. Officers must be aware that breaching confidentiality could put the customer, their family and other workers in danger. Priority should be given to the immediate safety of the customer and their family.

Be clear about confidentiality, information will only be shared on a need to know basis when it is in the best interests of the customer. Be clear about when you might need to exchange information. Make sure you have the customer's agreement if you need to share the information with other agencies.

If you suspect that someone is affected by domestic violence do not ignore it.

Never give information about the customer or their whereabouts to anyone outside of the Tenancy Enforcement Team, including members of their family.

Never pass on letters from the perpetrator. Where possible interview in a private room rather than an open office. Try to make arrangements for accompanying children to be looked after during the interview.

Make sure you have the customer's agreement to send letters or phone them at home, make sure you get contact numbers. Respect their wishes if they do not want to be contacted at home.

Never get involved with joint sessions between the customer and the perpetrator. The issue of confidentiality is paramount in cases of domestic violence. If a general enquiry is made by a third party, no indication should be given that a particular person is known to the council and the fact that an enquiry was made and any further details should be passed on to the person concerned immediately.

Creating a safe environment to discuss domestic violence

Customers should be given the choice of seeing someone of the same gender and ethnic origin, where possible.

Some customers may want to bring a friend, advocate or a member of the family with them. In such cases do not insist on seeing them on their own but make it clear to them that they have the option of coming on their own in the future.

Offer an interpreter if the customer's first language is not English, or sign language interpreters are needed.

If they bring a member of the family who is interpreting for them let them know that you may be able to arrange for an interpreter for a follow up visit if necessary.

Ensure that the interview takes place in an accessible venue.

Good Practice guidelines for providing advice and support

Consult with specialist agencies and individuals if the customer gives their permission. Never seek to give specialist advice in areas you have no training but refer to the most appropriate agencies with those skills.

Find out what the customer wants.

Consider and address the additional needs of marginalised groups as outlined in the Domestic Violence Policy.

If forms are to be completed be mindful of any language or literacy problems, give the option of filling in the form if they want you to, always making sure that they agree to and understand the contents.

Give the customer time to share and talk about their experiences, feelings and fears.

Focus the interview on facts and not why it happened.

Believe what you are told, take this seriously and be sensitive in your response.

Make sure all relevant paperwork is available so the customer does not have to repeat any experiences and document the interview accurately.

Be aware that their options may be limited due too lack of resources and be realistic with solutions offered.

Be sure you have a good knowledge of the services available.

Interviews

Anyone who approaches the Council and states they are suffering from domestic violence should be interviewed at the office at which they present themselves. Interviews should be undertaken on the same day or on the next working day.

Applicants should be given the opportunity to be interviewed by someone of the same sex.

The first priority is to ensure the safety of the person claiming domestic violence and their children. As a result temporary accommodation must be offered to all applicants who cannot, by their own assessment, continue to occupy their home – this may mean that a homeless interview is arranged or the Women's Refuge is contacted.

Where women have stated they wish to remain in their own homes or go to the homeless unit they should still be informed about the outreach services on offer by Wear Valley Women's Aid.

Domestic violence cases are often difficult to confirm as mostly there will be no witnesses. As a result an applicant's statement about the violence should be given priority. The applicant should be reassured that the violence is not their fault, and their feelings should be acknowledged.

The underlying aim of the interview is to reassure the applicant that their situation is being dealt with as of matter of urgency. Staff should:

- aim to find out what has happened to the applicant in sensitive and calm manner
- find out who the applicant can turn to for support
- find out what the applicant did in the past to keep themselves safe and whether it worked
- give advice and information e.g. on refuge accommodation, victim support, Rape Crisis, Social Services and other partner agencies and organisations
- help get a doctor where necessary
- help to contact with the police if required
- give advice on claiming benefits etc.

Follow up interviews should be arranged within two weeks of the first one. At the second interview discussion can concentrate on what has happened since the first interview and whether the applicant has a clear idea of what they want to do and what progress has been made to any housing application and what further help and advice can be provided.

Assessment

An applicant's statement will be accepted unless it is proved to be false by investigations carried out as they would be under the homelessness policy. Every effort should be made to substantiate the applicant's account of domestic violence independently, whilst recognising that the absence of evidence should not preclude either the provision of temporary accommodation or permanent rehousing.

Where the family is thought to have an allocated Social Worker or where child abuse is suspected, it may be appropriate to contact Social Services during the course of the investigation.

Legal Action

It is Council policy to evict the perpetrators of domestic violence wherever possible. However any legal action should only be undertaken with the agreement of the person suffering domestic violence. It should always be remembered that taking action under the tenancy agreement because of violence might not always be in the best interest of the person who has suffered the violence since they may have to appear as a witness.

The clauses in the tenancy agreements relating to domestic violence are contained within section 6 Tenancy Agreement, "Anti-Social Behaviour". Domestic Violence is specifically highlighted in the notes to Section 6 of the Tenancy Agreement as behaviour that constitutes a breach of the Tenancy Agreement.

As a result, where relationship breakdown is the result of domestic violence the Council is not obliged to re-house or grant the tenancy to the perpetrator of domestic violence. If the perpetrator of domestic violence is not a tenant but remains in the property, action should be taken to evict them as a "squatter".

To reduce the potential for repercussions against the person who has suffered the violence it should be impressed on the perpetrator that this is standard action when a legal occupier has left.

Where the perpetrator is a tenant, they could be warned that action might be taken by the council against them, or they might be transferred to smaller accommodation if they are under-occupying. However any legal action should only be considered with the prior agreement of the person who has suffered from domestic violence.

Joint tenants

If joint tenants are involved there is a range of possibilities that may be considered.

Once an applicant who is either a joint or sole tenant has been accepted as statutory homeless, they should sign a termination of tenancy form. A new tenancy should not be set up without relinquishment of the earlier tenancy. The LB Greenwich v McGrady case (1982) established that one party to a joint tenancy could terminate the tenancy for both. This procedure effectively gives the council the following options:

- grant a new tenancy to either of the parties
- grant a new tenancy to the applicant elsewhere
- grant a sole tenancy to the applicant after evicting the perpetrator as a trespasser
- transfer the perpetrator elsewhere and grant them a sole tenancy - usually in smaller accommodation

The McGrady case can be used where there is a serious under occupancy of the applicant's former home. The problems using this are:

- the applicant may not wish to be responsible for enabling the council to evict their ex-partner
- in law the joint tenants are trustees for themselves and each other in relation to their joint property - this means that one partner could take legal action against the other or the council for breach of trust.

- it could be seen as mal-administration by the local authority to accept a notice from one party to a joint tenancy and act upon it without consulting the other party and taking their views into account.

Evaluating whether to take legal action

Injunctions may be useful under certain circumstances but some violent perpetrators may not be deterred by an injunction.

Often civil remedies are seen as the only appropriate responses such as injunctions rather than prosecution under the criminal law e.g. for grievous bodily harm, or a civil action and criminal prosecution.

It could well be that civil and criminal actions are not necessarily alternatives; they may be used to complement one another.

Tenants should always be referred to a solicitor. However, the following legal remedies should be borne in mind since they may be available for people suffering from domestic violence:

- non-molestation orders under the Family Law Act 1996 can provide some protection in the short term. Ex-parte orders with a power of arrest attached can be granted and breach of an order is a contempt of court leading to the possible imprisonment or a fine for the perpetrator
- occupation orders under the Family Law Act 1996 may be used to remove the perpetrator from the home temporarily, but this will not affect long term property rights.
- Protection from Harassment Act 1997 provides people suffering from domestic violence with the option of seeking an injunction.

It should be noted that if someone has an income above Income Support levels then they may not qualify for full legal aid and will most likely have to pay a contribution. This may well make such options impractical.

Rent Arrears

The existence of arrears or the lack of an arrangement to pay them off should not be used as a reason for not actively considering an application for housing due to domestic violence and the two issues should be treated separately. It is unlikely the applicant would have wilfully built up arrears and for this reason the debt should never be solely attributed to the applicant if his or her partner can not be traced.

What support is available?

We can provide specific help and support to those experiencing domestic violence to meet the housing needs of the customer. We can also direct victims of domestic violence to other agencies that can provide practical and emotional help. As the contact details of these agencies are subject to change they are not included in this procedure but will be contained within a separate annex distributed to staff.



HOUSING SERVICES COMMITTEE

13 DECEMBER 2006

Report of the Strategic Director for the Community **NORTH EAST REGIONAL HOUSING BOARD CONSULTATION EVENT**

purpose of the report

To seek confirmation of key themes identified by the Durham Housing and Neighbourhoods Group (DHNG) for inclusion in the Regional Housing Strategy.

background

- 1 The North East Regional Housing Board (NERHB) are reviewing the Regional Housing Strategy. The DHNG met on 10 October 2006 to identify the key themes for the review from the sub-regional perspective. DHNG want to ensure that a consistent message is given to the NERHB.

key themes

- 2 The key themes identified by the DHNG were
 - **Regeneration** – focusing on the Market Renewal Project in former coalfield areas. We have a strong evidence base for this theme, have worked with English Partnerships and submitted a Northern Challenge Fund bid to the Housing Corporation. This was seen as the priority for County Durham.
 - **Affordability** – ensuring access to good quality home ownership particularly in regeneration areas. In those areas, low house prices prevent residents from moving to allow regeneration. This theme links to the issues of choice and quality of the stock.
 - **Innovation** – using innovative delivery mechanisms to achieve maximum value from assets. These included community land trusts, special purpose vehicles and releasing 'locked in equity'. Reference was made to the good practice example of the Durham Villages Regeneration Trust (Durham City).
- 3 These key themes are consistent with Wear Valley's Housing Strategy and Council Plan.

context

- 4 DHNG agreed that our key themes should demonstrate
- Support for the Northern Way
 - A connection to the 'City Region' agenda
 - The contribution of housing to economic prosperity
 - Our commitment to developing an evidence base and using existing evidence to inform the sub-regional housing strategy and other action plans.

other themes

- 5 DHNG also discussed
- Rural affordability
 - Achieving decent homes in the public and private sectors

vulnerable groups

- 6 Some specific needs were identified for the following vulnerable groups
- Substance misuse/DAAT
 - Older persons accommodation/remodelling of extra care
 - Learning disabilities
 - Physical disabilities/people with long term limiting illnesses
 - Mental health
 - Domestic violence
 - Gypsies and travellers
 - Teenage parents
 - Offenders
 - HIV/AIDS
 - Care leavers
 - Homelessness and homeless prevention

financial implication

- 7 The NERHB allocates significant capital sums. Its bidding guidance indicates that partnership bids will be preferred. For Wear Valley being part of a partnership that bids successfully may bring in capital allocations.

equalities implications

- 8 The prioritisation of vulnerable groups will help the Council to improve services should funding bids be successful.

RECOMMENDED

- 1 Committee is asked to confirm the key themes and agree that these are put forward as Wear Valley's priorities in the Regional Housing Strategy.

Officer responsible for the report Michael Laing Strategic Director for the Community Ext 281	Author of the report Michael Laing
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HOUSING SERVICES COMMITTEE

13 DECEMBER 2006

Report of the Strategic Director for the Community
LICENSING OF HOUSES IN MULTIPLE OCCUPATION

purpose of the report

To update Committee on the implementation of the mandatory licensing of Houses in Multiple Occupation.

background

1. Part 2 of the Housing Act 2004 gave Local Authorities new powers to License Houses in Multiple Occupation (HMO's). It was recognised on a national level that the number of people living in over crowded properties with little or substandard facilities was an increasing problem. Licensing is seen as the appropriate mechanism for ensuring landlords and agents are responsible, that management standards are adequate, vulnerable tenants can be protected and that health and safety standards are adhered to.
2. A HMO is specifically defined within the Housing Act, through a series of tests which assess matters such as the number of units, whether the occupants form or do not form a single household, the payment of rents and the sharing of amenities such as toilet, personal washing facilities or cooking facilities.
3. There are a number of exceptions to the rule and a number of properties will be exempt from requiring a HMO License. These include properties managed by a Local Housing Authority, a Registered Social Landlord or Health Authority, those occupied by students and managed by the educational establishment and buildings occupied by only two persons who do not form a single household. It is intended that others will be exempted by forthcoming regulations; these will include children's homes, care homes and approved bail hostels.
4. All HMO's comprising of three or more storeys and occupied by 5 or more persons (comprising at least two households) within the District must be licensed. 'Storeys' include basements and attics if they are occupied or have been converted for occupation. Commercial premises on the ground or any upper floor are also included in the calculation.
5. It is the duty of the Private Sector Housing Team to ensure that HMO's throughout the District are identified, inspected and a license issued. There is set information which will be obtained and will form part of the license. This will include the

landlords details, a survey report of the property, Health and Safety aspects and history of any enforcement action that may have been taken in the past.

6. Licences remain in force for no longer than 5 years and can be varied at any time during the life of the licence. Licences are not transferable and can be revoked if major changes to the property or the living conditions are reported and not amended.

current position

7. The Private Sector Housing Team have played a major part in the County Durham HMO working group. This has been a basis for sharing of information and developing robust policies across County Durham.
8. From the offset the issues surrounding HMO's within Wear Valley is limited, we do not have a large number of HMO properties, however it is still a requirement that these HMO's receive the high level of service.
9. A County Durham wide pricing structure for HMO's has been agreed. The formula is based on staff time and associated costs. Each Local Authority have their own variance of the costs of a license. Wear Valley District Council will charge £467 for the license, details of the fee are included in Annex 1. The fee will be the most controversial part of the scheme as Local Authorities have been given free rein on their pricing structure. However we are confident the fee we will impose is based on actual costs and does reflect value for money.
10. It is expected that there will be significant workload in setting up the HMO licensing regime, including preparation of application forms, advisory leaflets, policy and procedures as well as inspection and enforcement of relevant legislation. In addition future needs within the area will need to be identified as part of the annual review of the scheme and may lead to the introduction of additional licensing.
11. If a HMO is refused a license or a license is revoked due to poor conditions and/or overcrowding and the issues are not addressed by the owner it will result in a need for the customers living in the property to be re-housed under the Councils Homeless route.
12. There is a set application form for owners of HMO's to complete, this is attached as Annex 2.

financial implications

13. We will charge £467 for a license. This will be payable of £250 on application and the remainder falling due no later than 60 days following the application date. The license will remain in force for 5 years.
14. There has been a growth bid submit to ensure we have adequate resources to manage this and other projects emerging from the 2004 Housing Act.

legal implications

15. There is a legal obligation to License Houses in Multiple Occupation as outlined in part 2 of the 2004 Housing Act. An example of the license is attached as Annex 3.

human resource implications

16. The Private Sector Housing Team will ensure that this area of work and our legal obligations are addressed. A growth bid for an 'Empty Home and Accreditation Officer' has been submitted for the 2007/2008 budget setting process.

it implications

18. There are no I.T. Implications

crime and disorder implications

19. There are crime and disorder implications relating to this scheme. If Anti-social behaviour etc are identified within the HMO property, the Council can revoke the license and cease the HMO from operating at its current level.

monitoring

20. The Principal Housing Strategy Officer will monitor this scheme.

conclusion

21. The licensing of HMO's is the first stage in better managing landlords within the private sector. Our customers should not be faced with living in sub standard and/or dangerous HMO's. This scheme will highlight all HMO's within the District and ensure they meet the statutory requirements.
22. The full HMO policy is attached as Annex 1, this policy will also be issued to the owner of HMO properties to give them guidance and assistance.

RECOMMENDED

1. Committee agrees to the implementation of the Houses in Multiple Occupation Policy in line with the 2004 Housing Act.

Officer responsible for the report	Author of the report
Michael Laing	Richard Roddam
Strategic Director for the Community	Principal Housing Strategy Officer
Ext 281	Ext 514



Standards and Licence Conditions for HMOs subject to Licensing

Before making an application for a licence for a House in Multiple Occupation (HMO), please ensure that you have read the following standards and accompanying guidance notes. They are detailed and extensive and if followed will enable you to complete the application form correctly and assist you to reach compliance with all the licensing requirements. If you require any further advice or explanation regarding the Licensing Scheme or the relevant standards, please contact the Private Sector Housing Team on 01388 765555.

N.B. Before carrying out any work to comply with the requirements contained within these standards you should consult the Building Control Section and Development team. In addition if the building is Listed or is located in a Conservation Area you will need permission from the Conservation Officer before carrying out any work.

1. Licensing of HMOs

The Licensing scheme commenced on the 6th April 2006. A licence is required for an HMO where there are 5 or more persons living together in a property comprising of 3 or more floors. The licence will be valid for 5 years from the date of issue, it will specify the maximum number of occupants or households.

The occupancy number will depend upon the number and size of rooms and the kitchen and bathroom facilities.

- ❖ Wear Valley District Council maintains a Public Register of all premises licensed under this scheme, or subject to a management order which can be viewed at the Civic Centre, Crook Co. Durham DL15 9ES.
- ❖ Any person who operates an HMO without the requisite licence or allows a greater number of occupants than that allowed by the licence will be guilty of an offence and may on conviction be liable to a fine not exceeding £20,000.
- ❖ Failure to comply with any conditions attached to the licence may result on conviction in a fine not exceeding £5,000 for each offence.

2. Fees

The fees for initial application are based on a property consisting of five lettings and are as follows:

£467.00

A payment of **£250.00** per property will be required with the application, the balance falling due for payment no later than 60 days after the application date.

The fee will be reviewed after 12 months to ensure that it adequately reflects the costs of administering the licensing scheme. If there is to be an alteration to the fee, licence holders will be notified prior to the balance falling due for payment.

For every unit of accommodation in excess of five an additional fee of £28.85 will be payable per letting.

The fee income will be used to provide the following services

- ❖ Processing of application and collection of fee
- ❖ Determination of Fit & Proper Person
- ❖ Inspection of the property, preparation of licence and re-visit if appropriate to verify compliance

Where further visits are required to determine compliance an additional fee of £25.00 will be levied.

Variation fees will be charged as follows:

Agreed increase in occupancy levels £50.00

Amendment to ownership/manager details within the licence period £100.00

Revocation of Licence £50.00

Failure to pay the fee in full by appointed date may result in revocation of the licence and enforcement action being implemented. Should the property be sold before the 7th April 2008 the balance of the fee must be paid prior to completion of the sale. Payment of the full fee is a condition of the licence and non-payment will result in recovery as a civil debt through the County Court Procedures.

3. Completed applications MUST be accompanied by the following documentation

- a. A current Gas Safety Certificate (CP12) issued by a Corgi registered gas engineer (where gas is used in the house).
- b. A declaration by a competent person that all electrical appliances provided by the landlord have been tested and are in safe working condition. (Competency may be through technical knowledge or experience but must be carried out in accordance with the requirements of the Electricity at Work Regulations).
- c. A copy of the current electrical safety inspection of the hard wired system. This is required every 5 years and a report produced on the recognised form. The inspection must be carried out by an authorised competent person who is a member of a scheme approved by the Department of Communities & Local Government e.g. NICEIC or ECA.
- d. A declaration by a competent person, in the opinion of the local authority, that all smoke alarms have been installed, positioned and maintained in proper working order.
- e. A declaration that all upholstered furniture supplied by the landlord including chairs, mattresses, head boards, cushions etc is in a safe condition and that where appropriate it complies with the Furniture and Furnishings (Fire) (Safety) Regulations 1988.
- f. Copies of the terms under which the tenants occupy the property. If this is a standard form only one need be supplied. Alternatively an occupancy record for the previous 3 months should be supplied where a tenancy or licence agreement is not applicable.

4. The licence and any conditions attached to it **MUST** be displayed in a prominent location at the property.

5. **Determination of Fit and Proper Person**

In deciding whether the proposed licence holder or proposed manager is a fit and proper person the Council must take into account circumstances which may compromise the welfare of the tenants and the good management of the property. It must consider amongst other things

- ❖ Any previous convictions relating violence, sexual offences, drugs, fraud or other dishonest
- ❖ Whether the person has broken laws relating to housing or landlord and tenant issues
- ❖ Whether the person has been found guilty of unlawful discrimination in connection with the running of a business
- ❖ Whether the person has previously managed HMOs and has infringed any Approved Code of Practice or been refused a licence.

To enable the Council to determine whether the proposed licence holder or manager is a suitable person the applicant(s) must

- ❖ make a declaration stating that he/she has no unspent criminal convictions relevant to the above clauses
- ❖ make a declaration regarding the other issues detailed on the application from regarding suitability to properly manage the HMO. This will cover information as to whether there have been any County Court judgements made relating to tenancy issues
- ❖ indicate whether it has been necessary for this or any other local authority to take action for failure to comply with any relevant Housing legislation or Approved Codes of Practice or issue an HMO Control Order or Interim or Final Management Order in respect of properties owned or managed by the applicant
- ❖ disclose information which may show that any person associated or formerly associated with the intended licence holder has done any of the above things, since it is necessary to consider this evidence and its relevancy to the applicant's suitability

6. **Standards for Accommodation**

To determine the number of occupants who may occupy the house, consideration must be given to the number, type and quality of amenities available in the property. The standards below will be applied to all properties subject to licensing.

6.1 **Space Standards**

The standards MUST be met with immediate effect. However, where there is an existing tenancy agreement compliance must be achieved at the expiry of the tenancy. Where this agreement is for longer than 12 months action must be taken to obtain possession to ensure compliance no later than 7th April 2008.

- 6.1.2 The HMO should not be overcrowded. Normally sleeping accommodation will be in the form of single or double rooms, although other arrangements may be considered. Every room used as a sleeping room should be capable of accommodating

- ❖ a bed
- ❖ a wardrobe, unless there is a built in wardrobe or cupboard of adequate size
- ❖ a chest of drawers together with activity space to each item

6.1.3 Single unit

- ❖ not less than 10 m² except where a separate communal room is provided which is not a kitchen or a kitchen/dining room, in which case the bedroom shall be not less than 6.5 m²
- ❖ in rooms which have sloping ceilings the above standard will apply, however any floor area which does not have a minimum floor to ceiling height of 1.5m will normally be discounted. Where rooms do not meet this standard discretion may be exercised if there are compensatory factors. The Private Sector Housing team should be contacted for advice in such circumstances.
- ❖ where the letting includes a kitchen, not less than 13m²

6.1.4 Two person unit

- ❖ not less than 15m² except where a separate communal room is provided which is not a kitchen/dining room, in which case the bedroom shall be 11 m²
- ❖ in rooms which have sloping ceilings the above standard will apply, however, any floor area which does not have a minimum floor to ceiling height of 1.5m will normally be discounted. Where rooms do not meet this standard discretion may be exercised if there are compensatory factors. The Private Sector Housing team should be contacted for advice in such circumstances
- ❖ where the letting includes a kitchen, not less than 15m²

Where other arrangements apply the Private Sector Housing team should be contacted enable them to determine the appropriate space standard.

6.2 Kitchen facilities

This standard **MUST** be achieved by April 2008

6.2.1 Space

- ❖ For up to 6 persons the kitchen or kitchen area should have a total floor area of at least 7 m² (measured wall to wall).
- ❖ For each occupant in excess of 6 an additional 1.0 m²/person is required up to a maximum of 13 m². Kitchens must have a layout which is safe and practicable
- ❖ The room should be provided with mechanical extract ventilation

If you do not meet the standard with regard to space within the kitchen consideration will be given to the layout so as to ensure the convenient and safe use of the equipment and facilities.

6.2.2 Sink

- ❖ A suitably sized sink and drainer, provided with a satisfactory supply of cold and constant hot water, and properly connected to the drainage system should be provided for up to 6 persons
- ❖ Where there are more than 6 persons additional sinks must be provided in the ratio of 1:6 persons
- ❖ Consideration may be given to the provision of a dishwasher in place of one of the additional sinks/drainers

6.2.3 Food Storage

- ❖ Accommodation must be suitable and sufficient and provided at a minimum capacity equivalent to a standard 500 mm wall cabinet per person. A 500 mm base unit would be sufficient for 2 persons. Storage below sinks will not count towards this figure

6.2.4 Refrigerated storage

- ❖ A refrigerator with a minimum capacity of 150 litres should be provided for occupancies up to 6 persons
- ❖ Additional capacity should be provided in a ratio of 20 litres per person.
- ❖ Unless a separate freezer is provided the fridge must have a freezer compartment

6.2.5 Food Preparation and Cooking

- ❖ For cooking purposes an oven, grill and 4 burner hob should be provided for 5 or 6 persons. The cooking facilities should be sited away from doorways
- ❖ Where there are more than 6 persons, an additional cooking facility must be provided, which may be a microwave oven.
- ❖ Where there are more than 12 persons an additional oven, grill and 4 burner hob and kettle must be provided.
- ❖ A preparation surface of 1.5 linear metres should be provided for up to 6 persons, part of which must be adjacent to the cooking facilities.
- ❖ For between 7 and 12 persons, 3 linear metres is required
- ❖ For more than 12 persons an additional 1.5 linear metres of workbench must be provided
- ❖ Adjacent walls must be provided with a non-porous finish and easily cleanable finish
- ❖ A suitable bin must be provided for the storage of refuse prior to disposal
- ❖ Electrical sockets must be sufficient to facilitate the use of each fixed appliance plus two double socket outlets

Where cooking facilities are provided within the unit of accommodation (bedsit) and there are no other shared facilities within the house the facilities must comprise:

- ❖ Cooking – two burner hob, an oven, grill and kettle
- ❖ Dry goods – accommodation must be suitable and sufficient and at a minimum capacity equivalent to a 500mm wall cabinet

- ❖ Refrigerated space – a refrigerator with a minimum capacity of 40 litres, together with a freezer compartment
- ❖ Sink – a suitably sized sink and drainer, provided with a satisfactory supply of cold and constant hot water, and properly connected to the drainage system
- ❖ Food preparation – a worktop or table of suitable material at least 500 mm x 1000 mm

Where meals are provided as part of the board arrangements the Landlord must comply with the requirements of the Food Safety Act 1990 and any regulations made thereunder.

The following standards MUST be achieved by April 2008.

6.3 Baths and Showers

- ❖ A bathroom or shower room must be provided for every 5 persons.
- ❖ For 6 to 10 persons an additional bathroom or shower room must be provided
- ❖ Additional facilities must be provided in the ratio of 1:5 persons

6.3.1 The facility must be in the opinion of the Local Authority

- ❖ Readily accessible
- ❖ Adequately heated
- ❖ Situated in a proper room
- ❖ Provided with a satisfactory supply of cold and constant hot water and waste drainage
- ❖ Provided with adequate ventilation and electric lighting, and the adjacent/surrounding walls must have a non-porous and easily cleanable finish

6.3.2 Where the amenity is provided in a house likely to be occupied by children then the facilities must include a bath

6.3.3 A suitable locking mechanism must be fitted to the access door to ensure privacy

6.4 Wash hand basins

6.4.1 Shared housing/hostels

- ❖ A wash hand basin with a tiled splash back and satisfactory supply of cold and constant hot water must be provided for up to 5 persons and may be situated in a bathroom or shower room. Facilities situated within a wc compartment will not be taken into account
- ❖ Additional facilities must be provided as follows:
 - a) 6 to 10 persons, two wash hand basins
 - b) 11 to 15 persons, three wash hand basin
- ❖ Further wash hand basins must be provided in a ratio of one additional basin for up to 5 additional persons

6.4.2 Bed & Breakfast/Bedsit

- ❖ Each letting must be provided with a wash hand basin; if the room is also provided with cooking facilities the a sink with a satisfactory supply of cold and constant hot water must then be provided

- ❖ Each wash hand basin must be provided with a satisfactory supply of cold and constant hot water and waste drainage

6.5 Water closets

6.5.1 Every toilet should have a wash hand basin within the compartment or within an adjacent space which provided the sole means of access to the toilet. The wash hand basin must be provided with a satisfactory supply of cold and constant hot water, and waste drainage

- ❖ A toilet must be provided in a proper compartment separate from the bath/shower room, for up to 5 persons
- ❖ Where there are up to 10 persons a second toilet must be provided. This may be in the bath/shower room
- ❖ Where there are 11 to 15 persons a further separate toilet must be provided
- ❖ Toilets must then be provided in a ratio of one additional facility for up to 5 additional persons
- ❖ At least half of those provided should be in separate compartments

6.5.2 **The room should be provided with adequate ventilation and electric lighting**

6.5.3 **A suitable locking mechanism must be fitted to the access door to ensure privacy**

7 Space Heating

This MUST be met with immediate effect

7.1 Each unit of accommodation including bedrooms, bathrooms and common rooms must be provided with a fixed space heater, which is acceptable to the local authority, where the house is not provided with central heating. In all cases the heating appliance must be of sufficient rating so as to maintain an internal room air temperature of 21°C when the external air temperature is -1°C.

8 Security

This standard MUST be met with immediate effect

- ❖ All ground floor and other accessible windows must be protected by the provision of suitable window locks or other appropriate security measures. Keys must be readily available at all times. See fire precautions section for escape windows.
- ❖ The front and rear doors must be of sound construction and be well maintained. Outward opening doors must have hinge bolts fitted
- ❖ The front door must be fitted with a suitable viewer where the door is not fitted with a useable glass panel
- ❖ The front door should be provided with a suitable safety chain
- ❖ Front and rear access doors must be provided with a secure lock. Those doors fitted with a lock, including final exit doors forming part of means of escape, must be capable of being opened from the inside without the use of a key to facilitate escape in the case of fire. In addition the rear door is to be provided with a barrel bolt

(200mm min) unless the door is fitted with a shoot bolt locking mechanism (3 or 5 point locking). Where locks are fitted to bedroom doors they must be capable of being opened from the inside without the use of a key to facilitate escape in the case of fire.

- ❖ Where the property is fitted with an alarm, key holder details should be notified to the Council's Environmental Department

9. Fire Precautions

You **MUST** comply with the following standard by the 9th January 2007. However those properties which have an existing, mains wired interlinked detection system in the common parts will have until the 1st May 2007 to reach full compliance.

Please note that for a licence to be issued the property must be fitted with a fire detection and warning system which meets the minimum standard laid down under 'Interim Arrangements'.

Interim Arrangements

If you do not already comply with the following standards and you are applying for a licence before January 2007 your application will not be considered unless you have provided as a minimum, tamper proof battery operated smoke alarms fixed in the same locations as required in the full standard.

- 9.1** Every wall which forms part of the protected route of escape, must be half hour fire resisting. Existing lath and plaster walls must retain their integrity and be in sound condition (the plaster must have a good key to the laths). Polystyrene tiles must be removed from ceilings. Where upgrading is necessary the application of 12.5mm plasterboard and 3mm skim coat to the risk side will provide the necessary fire resistance. Walls may be over boarded using long reach nails
- 9.2** A half hour fire resisting ceiling must separate any accommodation from the floor above. Existing ceilings constructed with lath and plaster must be in sound condition (the plaster must have a good key to the laths). For separation between an occupied basement and the floor above, this resistance must be one hour. On un-boarded ceilings this can be achieved by over boarding with two layers of 12.5mm plasterboard, fixed with staggered joints and 3mm skim coated.
- 9.3** Where sleeping accommodation is provided in basements there must be an alternative means of escape via a door or suitable escape window to the external ground level in addition to the access route from within the house.
- 9.4** Where an inner room (a room where the exit route would be through another room) is a bedroom on the ground or first floor then an escape window must be provided with an unobstructed opening that has an area of at least 0.33m² with no dimension being less than 450 mm and with a cill height between 800-1100mm from the floor. For use in an emergency an additional key for the locking device must be permanently available from within the room. On second floors or higher, escape windows are not acceptable and an alternative route will be required. Further advice can be sought from the Private Sector Housing Team.

- 9.5** Fire doors must be fitted to all habitable rooms, kitchens and rooms containing gas burning appliances. Each fire door set must comprise of a 30 minute fire door hung on one and a half pairs of high melt point hinges and be complete with intumescent strips and cold smoke seals. A closer must be fitted to the door which is adequate for the size and weight of the door, the closer to be adjusted to ensure that the door closed smoothly and quietly into the rebate of the door frame overcoming any latching device. All doors must fit correctly into the frame. Any lock or latch must be sleeved in intumescent material.
- 9.6** Existing doors may be capable of being upgraded to provide appropriate fire resistance. Any upgrading must be in accordance with BS 476, and evidence provided to verify the conversion.
- 9.7** Where glazing panels are fitted in or above doors or in walls they must be capable of providing at least the same fire resistance as the surrounding material.
- 9.8** Locks on room doors and any other door leading from the unit of accommodation on to the protected route of escape and the final exit door(s) must be capable of being opened from the inside without the use of keys. Hasp and staple/padlock type of fastening to bedroom doors are not permitted.
- 9.9** Where a bedsit is supplied with an oven/grill it must be fitted with an interlinked heat detector. A stand alone smoke detector must also be provided. The cold smoke seals must be omitted from that room entrance door. A closer must be fitted to the door which is adequate for the size and weight of the door, the closer to be adjusted to ensure the door closes smoothly and quietly into the rebate of the doorframe overcoming any latching device. Any lock or latch must be sleeved in intumescent material.
- 9.10** In properties which use a single unit to house the heat/smoke detector, sounder and back up battery, that system must comply with BS 5839: Part 6 2004, grade D. The units must be interlinked to ensure that sounders will operate throughout the premises. The detection system should be permanently wired to a circuit. The mains to the units should take the form of either –
- a) an independent circuit at the main distribution board or
 - b) a separately electrically protected, regularly used lighting circuit
- 9.11** Where panel type detection is provided then that system must comply with BS 5839: Part 1 2002 (as amended).
- 9.12** Smoke/heat detectors and sounders must be fitted in suitable locations, as advised by Wear Valley District Council or Durham & Darlington Fire & Rescue Service.
- 9.13** A small fire blanket to BS EN 1869:1977, should be provided in each kitchen. A 1 kg multi-purpose fire extinguisher to BS EN 3:1996 should be provided in each kitchen. N.B. Fire fighting equipment must be maintained in accordance with BS 5306: Part 3: 1988.
- 9.14** Any cupboard within the means of escape must not be used for the storage of combustible materials unless the access door meets the 20 minute standard and is kept locked ((the door does not require a self-closing device or cold smoke seals).

- 9.15** All escape routes must be kept clear of obstacles and combustible materials.
- 9.16** The Landlord must provide adequate fire safety instructions for residents and any employees. They must be brought to the attention of all tenants and must be kept available for inspection at the premises. A copy should be included with the application to satisfy the Management Arrangements.
- 9.17** A Fire Precautions log book, (*obtainable from www.ddfra.co.uk* must be used to record the periodic inspection and maintenance of the alarm system, fire fighting equipment and where applicable emergency lighting. It should be maintained and kept available for inspection at the premises. If the property is to be left untended for 4 weeks or longer, the systems and equipment must be checked before tenants take up occupancy and always before re-letting the accommodation.
- 9.18** Any proposals to provide alternative means of protection in the event of fire e.g. sprinkler systems will be considered in consultation with the Fire Service.
- 9.19** Emergency lighting may be required if the protected escape route is not provided with adequate background lighting either natural or borrowed from street lighting to ensure the safe movement to the final exit door(s). Where emergency lighting is provided it must comply with BS 5266 Part 1, 1988.
- 9.20** If the layout of the property does not conform to standard layouts, you must ensure that a protected route to a final exit door is provided. This must incorporate half hour fire resisting walls, ceilings and fire doors. Advice on means of compliance may be obtained from Private Sector Housing team.
- 9.21** In those premises previously requiring a Fire Certificate compliance with these standards does not negate the requirement to carry out a risk assessment as required by the Regulatory Reform (Fire Safety) Order 2005. If you are unsure as to whether this is applicable to your property you must contact the Durham & Darlington Fire Rescue Service for further information.

10 General Conditions and Management Arrangements

In deciding whether the proposed management arrangements for the house are satisfactory, the Council must be satisfied that the person proposed to be responsible for the management of the house has sufficient competency to be so involved, and that the proposed management structures and funding arrangements are suitable.

The licence holder must at all times comply with The Management of HMOs (England) Regulations 2006 and any Approved Code of Practice made under S233 of the Housing Act 2004.

The following conditions MUST be met with immediate effect

10.1 General Conditions

- a) The property must in the opinion of the Local Authority be kept in good repair and be structurally sound.

- b) The property must in the opinion of the Local Authority be kept in a clean condition and in internal good repair.
- c) The property must be maintained in good external decorative repair.
- d) All reasonable efforts must be made to ensure that gardens, yards and paved areas are kept in good order and tidy condition and kept free from all accumulations of refuse and litter, and free from rodent infestation.
- e) A suitable wheeled bin of adequate capacity must be available for use to ensure the proper disposal of domestic refuse. Refuse bags or loose refuse should not be exposed for a period longer than 12 hours prior to collection and do not cause obstruction at any time.
- f) All furniture, furnishings and other domestic contents provided by the landlord must be kept in good repair and serviceable condition.
- g) All windows must be provided with suitable curtains or blinds.
- h) All electrical appliances provided by the landlord must be tested to determine safety for use and a record kept of the examination
- i) The licence holder must allow Wear Valley District Council officers reasonable access at all times.

10.2 Property Management

The intended licence holder must provide evidence of the arrangements for the proper management of the property including appropriate finance. To satisfy this requirement the applicant must provide a statement detailing arrangements which cover the following matters,

- ❖ In particular, where a manager is employed, a declaration stating that adequate funding is available to ensure compliance with these standards and relevant legislation.
- ❖ The periodic inspection of the property both internally and externally to identify where repair or maintenance is needed.
- ❖ Planned maintenance programmes
- ❖ Measures to respond to problems identified through periodic inspection/planned maintenance and notification by tenants of defects
- ❖ The visual inspection of items such as socket outlets, light switches and distribution boards at regular intervals and prior to the commencement of a tenancy and where the property is subject to the Health & Safety at Work Act 1974 at intervals determined under a relevant risk assessment. The determination of the intervals for checking should be on a risk assessed basis (i.e. the likelihood of damage) and should always be carried out prior to the commencement of a new tenancy.
- ❖ A requirement to have in place suitable emergency and other management arrangements in the event of their absence for whatever reason and for whatever length of time.
- ❖ Information provided to tenants and employees (if applicable) regarding the action to be taken in the event of a fire including details of the escape route

The Licence holder must provide the following documents to the Council when Requested

- ❖ Reports of the inspection and testing of the fire detection and alarm system and emergency lighting, where applicable
- ❖ A CP12 Certificate of Gas Safety inspection must be provided where gas is used in the property. All gas appliances must be serviced on a regular basis.
- ❖ Electrical Appliance safety test declarations.

10.3 Tenancy Management

The intended Licence holder must provide evidence of the arrangements for the proper management of the property. This evidence should form a statement which covers arrangements for

- ❖ Dealing with anti-social behaviour practised by the occupants or persons visiting the HMO. If anti-social behaviour arises you can obtain advice from the Wear Valley District Council Anti-Social Behaviour Units on 01388 660953
- ❖ The enforcement of the tenancy agreement when appropriate
- ❖ Tenants to report defects, including emergencies and tenancy issues
- ❖ Providing instructions to tenants and any employees which detail action to be taken in the event of a fire, including the means of escape
- ❖ Informing tenants of their duties and responsibilities not to frustrate the efforts of the landlord in complying with conditions of the licence and to allow access at all reasonable times to enable compliance.

Schedule 1

Mandatory Conditions

The following is a list of conditions that are required to be met at all times whilst the licence is in force:

1. To ensure at all times that, if gas is supplied to the house to produce on demand to the Authority for their inspection a gas safety certificate relating to the property which has been issued within the last twelve months.
2. To ensure that the electrical appliances and furniture made available as part of the tenancy for use by the occupants are kept in a safe place.
3. To be able, on demand, to supply the Authority with a signed declaration as to the safety of such appliances and furniture.
4. To ensure that all smoke and heat alarms required are correctly installed in the house and to keep them in proper working order.
5. To be able, on demand, to supply the Authority with a signed declaration as to the condition and positioning of such alarms.
6. To supply all occupants of the property with a written statement of the terms under which they occupy it.

Schedule 2

Other Conditions

A. GENERAL CONDITIONS

All requirements to be met immediately and adhered to for the duration of the licence.

1. The property must be in good repair and be structurally sound
2. The property must be kept in a clean condition and in internal good repair
3. The property must be maintained in good external decorative repair
4. All reasonable efforts must be made to ensure that gardens, yards and paved areas are kept in good order and tidy condition and kept free from all accumulations of refuse and litter
5. A suitable wheeled bin of adequate capacity must be available for use to ensure the proper disposal of domestic refuse
6. All windows must be provided with suitable curtains or blinds

B. PROPERTY MANAGEMENT

All requirements to be met immediately and adhered to for the duration of the licence.

1. The Licence Holder and/or Manager of the Property to provided and maintain a property inspection record. This record is to be available for inspection upon demand, by the Authority
2. The name, address and telephone number of the Licence Holder or Owner or Manager or emergency contact person (as appropriate) are to be prominently displayed with in the property
3. The actions to be taken by the occupiers in the event of a fire are to be given, in writing, to each individual occupier or to be prominently displayed within the property.
4. The Manager must undertake the following duties and responsibilities
5. To have awareness of the requirements of the Management of Houses in Multiple Occupation (England) Regulations 2006 and in particular;
 - a) to ensure that the water supply and drainage system is maintained in good clean and working condition
 - b) to supply and maintain the gas and electricity supplies
 - c) to ensure that all common parts of the property are –
 - i. maintained in good and clean decorative repair

- ii. maintained in a safe and working condition; and
 - iii. kept reasonably clear from obstruction
- 6. To ensure that each unit of accommodation and any supplied furniture are in a clean condition at the beginning of the occupation.

C. TENANCY MANAGEMENT

The Licence Holder must

- 1. take action in the event of anti-social behaviour practised by the tenants or their visitors, in accordance with their documented arrangements for dealing with such circumstances.
- 2. Take action to enforce breaches of the tenancy agreement when appropriate
- 3. Ensure that all tenants are made aware of the procedures to be followed in the reporting of tenancy issues including their duties and responsibilities not to frustrate the efforts of the landlord in complying with the licence conditions.



House in Multiple Occupation License

This is to certify that

Landlord of

is authorised by Wear Valley District Council to occupy the above dwelling by not more than a maximum of **eight (8) persons and four (4) households** as designated under:

The Housing Act 2004: Part 2 Licensing of Houses in Multiple Occupation

Licensing conditions

- ◆ The dwelling (in the opinion of the licensing authority) must be kept in a good state of repair (including decorative repair) and be structurally sound
- ◆ Appropriate fire precaution equipment (in the opinion of the licensing authority) must be provided, kept in proper working order, regularly tested and serviced with adequate records maintained of such testing and servicing and kept available for inspection.
- ◆ The means of escape in case of fire must be maintained in good order and kept free from obstructions. Signs to indicate the means of escape must be displayed in suitable locations and be clearly visible.
- ◆ All gas (where appropriate) and electrical installations must be properly maintained and tested annually (gas) or 5 yearly (electricity) and certificates of such testing must be made available on request.
- ◆ Any electrical appliances provided by the landlord must be safe to use as required by the Electrical Equipment (Safety) Regulations 1994.
- ◆ All furniture, furnishings and other domestic contents provided by the landlord must be kept in good repair and must comply with The Furniture and Furnishings (Fire) (Safety) Regulations
- ◆ Arrangements are made to the satisfaction of the licensing authority for the disposal of domestic refuse.
- ◆ A proper standard of management (to the satisfaction of the licensing authority) must be undertaken to ensure that all toilets, bathrooms, sinks, washbasins and installations for the storing and cooking of food are maintained in good repair and a clean and tidy condition.
- ◆ All tenants must be provided with contact details of the landlord or managing agent in case of emergency and must be given clear written advice on what action to be taken in the event of a fire including fire escape procedures.
- ◆ All tenants must be provided with a legal tenancy under The Housing Act 1985 (as amended) and provided with a rent book under The Rent Book (Forms of Notice) Regulations 1982 as amended. The tenancy agreement must include reporting procedures for defects and repairs, hygiene, health and safety issues, anti-social behaviour and enforcement of breaches of tenancy.
- ◆ Any other conditions as per schedule 1 and 2 attached to this notice.

License number: **WV/HMO/00**

License expiry date:

Signed on behalf of Licensing Authority by

Name:.....

Designation:.....



HOUSING SERVICES COMMITTEE

13 DECEMBER 2006

Report of the Strategic Director for the Community **ALMO FUNDING PROFILE**

purpose of the report

To update committee to proposals to review the ALMO expenditure plans.

background

- 1 As members will be aware the Department for Communities and Local Government (DCLG) invited all Round 3, 4 and 5 ALMOs to review their expenditure plans for the delivery of the decent homes programme. The DCLG placed new emphasis on creating mixed sustainable communities and increased efficiency in the decent homes programme. The proposals asked ALMOs to consider extending the decent homes timescale beyond 2010.
- 2 Dale & Valley Homes have considered the request and, at their Board meeting of 31 October 2006, agreed that extending the decent homes programme would not realise the benefits that the DCLG were proposing. Therefore, Dale & Valley Homes responded that re-profiting expenditure would not be necessary.
- 3 The responses from all ALMOs to the DCLG were described as 'disappointing'. DCLG organised a series of local meetings and Dale & Valley Homes Chief Executive and Strategic Director for the Community met with Government Office North East and the DCLG to discuss proposals.

dclg proposals

- 4 The DCLG recommended that the council and Dale & Valley Homes revise the expenditure profile to reflect the fact that Dale & Valley Homes have yet to receive a two star or above rating. The DCLG profile proposes to extend the timescale up to 31 December 2011.
5. The revised additional expenditure profile has been agreed by Dale & Valley Homes as being:

	£'s million	
Year	Original profile	Revised profile
2006/07	5.82	0
2007/08	6.0	5.0
2008/09	6.2	5.0
2009/10	5.39	5.5
2010/11	3.59	5.5
2011/Dec 11	-	6.0
Total	27	27

proposed workload

- 5 Whilst the revised profile appears to delay decent homes work until the year 2011, Dale & Valley Homes are drawing up delivery programmes that will move expenditure from the first three years into the later part of the programme. The work effected will be, generally, environmental improvements, such as estate works, improved car parking and structural works, such as repainting and replacement footpaths. This will not be seen by customers as being 'key elements' in the delivery of decent homes.
- 6 The value of these works will be in the order of £5.7m, approximately equal to the proposed £6m expenditure for 2011.

summary

- 7 The revised DCLG profile has allowed Dale & Valley Homes to re-assess work programmes. It is proposed that the main internal decent homes works are undertaken in line with existing proposals to delivering 'decent homes' with the re-profiling of expenditure making external based improvements to 2011. Customers priorities will therefore not be greatly affected by the re-profiling.

RECOMMENDED

1. Committee agrees to the review of ALMO expenditure.
2. Committee receives detailed work plans from Dale & Valley Homes illustrating proposed expenditure.

Officer responsible for the report Michael Laing Strategic Director for the Community Ext 281	Author of the report David Milburn AD of Policy and Resources Ext 379
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HOUSING SERVICES COMMITTEE

13 DECEMBER 2006

Report of the Strategic Director for the Community
BEST VALUE INSPECTION OF DALE & VALLEY HOMES

purpose of the report

To inform Committee of the forthcoming Best Value inspection of the services of Dale & Valley Homes, which will be undertaken by the Audit Commission from 15 January 2007 and the implications for the Council.

background

1. The Council incorporated Dale & Valley Homes (an Arms Length Management Organisation – ALMO) in April 2006. The company is charged with managing, repairing and improving the Council's homes to meet the Decent Homes Standard by 2010.
2. The Council established the company following an extensive stock options appraisal process. This included the undertaking of a detailed stock condition survey, that highlighted a shortfall of £27M driving forward the improvement of Council homes to meet the Decent Homes Standard by 2010.
3. This additional funding is available to the company through the Department of Communities and Local Government (DCLG), upon the condition that Dale & Valley Homes achieves at least a 2 star "good" rating of its services at a full Best Value inspection.
4. The Audit Commission's Housing Inspectorate has confirmed that it intends to undertake a full Best Value inspection of Dale & Valley Homes' services and the company's relationship with the Council from the 15 January 2007.

audit commission guidance

5. The Audit Commission has recently finalised major revisions to its approach to housing inspections. The new methodology requires ALMOs to complete a self assessment of its services in line with the Key Lines of Enquiry (KLOEs). The self assessment must be returned to the Audit Commission six weeks before the inspection team arrives on site.

6. Dale & Valley Homes has completed the self assessment and submitted the document to the Audit Commission on the 20 November 2006. A copy of the self assessment is attached at Annex ?
7. The KLOEs represent sets of questions and statements around either service or judgement specific issues which provide consistent criteria for assessing and measuring the effectiveness and efficiency of housing services. The KLOEs are designed to provide inspectors, inspected bodies and others with a framework through which to view and assess services. Descriptors of excellent and fair services will help organisations to understand how the quality of services are judged against the KLOEs.
8. There are 14 KLOEs in total. 3 of these are primarily focused on the local authority. These include:
 - KLOE 2: Strategy and Enabling
 - KLOE 8: Homelessness and Housing Needs
 - KLOE 9: Private Sector Functions
9. There are also an additional 3 cross cutting KLOEs that concentrate on the themes of Access and Customer Care, Diversity and Value for Money.
10. KLOE 1 focuses on the ALMO's "Prospects for Improvement". It incorporates 2 judgements that ask six questions. These are:

Judgement 1: How good is the service?

 - What has the service aimed to achieve?
 - Is the service meeting the needs of the community?
 - Is the service delivering value for money?

Judgement 2: What are the prospects for improvement?

 - What is the service track record for delivering improvement?
 - How well does the service manage performance?
 - Does the service have the capacity to improve?
11. The self assessment addresses the appropriate KLOEs and each of these judgements and questions.
12. The Audit Commission also published Best Value Inspection Guidance entitled "ALMO inspections and the delivery of excellent housing management services" in 2003. This guidance sets out the expectations of the Housing Inspectorate in relation to the ALMO's delivery of good and excellent services and the criteria used to inspect ALMO governance arrangements. A copy of the guidance is attached at Annex?

13. The guidance also explains how the Housing Inspectorate will examine Dale & Valley Homes' relationship with the Council and the strategic management of the company. In examining how the company relates to the Council and organises itself to deliver housing services the inspectorate will principally focus on the ALMOs prospects for improvement (or the second judgement of KLOE1).
14. This is because although the Council may have delegated the delivery of many of its housing services to Dale & Valley Homes, under Best Value the inspected body remains the Council. In effect Dale & Valley Homes has become the agent of the Council and the Council is accountable for its performance.
15. The Housing Inspectorate will also ask a series of questions about the refinement of corporate strategies, the responsibilities of each partner, links between business plans, strategies and service plans and the Council's arrangements for monitoring Dale & Valley Homes.

hr implications

16. As the accountable body, the Council has a duty to support and advise Dale & Valley Homes in successfully completing the Best Value inspection of its services.
17. Although the Council must continue to operate at arms length from the company, the Council's officers may be required to assist in this process.

legal implications

18. Dale & Valley Homes is legally obliged to undertake a Best Value inspection of its services in order to determine the quality and efficiency of services and gain access to additional funding.
19. In accordance with the Management Agreement (section 8.6) Dale & Valley Homes must co-operate and assist fully with the Council, the Secretary of State and the Audit Commission during any Best Value inspection.

financial implications

20. If the Council and Dale & Valley Homes are unsuccessful in achieving 2 stars at the full Best Value inspection in January 2007, then £27M of funding to meet the Decent Homes Standard will not be drawn down.
21. If the company and the Council fail to achieve 2 stars at the Best Value inspection then both partners will be subject to a further Best Value inspection six months after the initial inspection. Both inspections will come at a cost to the authority and Dale & Valley Homes.

RECOMMENDED

1. Committee notes the contents of the self assessment.
2. Committee support, advise and assist Dale & Valley Homes in undertaking a full Best Value inspection of Dale & Valley Homes' services.

Officer responsible for the report Michael Laing Strategic Director for the Community Ext 281	Author of the report Marie Roe Service Development Manager Ext 345
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Housing Guidance paper ALMO inspections and the delivery of excellent housing management services

The Audit Commission is an independent body responsible for ensuring that public money is spent economically, efficiently and effectively, to achieve high quality local and national services for the public. Our work covers local government, housing, health and criminal justice services.

As an independent watchdog, we provide important information on the quality of public services. As a driving force for improvement in those services, we provide practical recommendations and spread best practice. As an independent auditor, we monitor spending to ensure public services are good value for money.

For further information on the work of the Commission please contact:

Sir Andrew Foster, Audit Commission, 1 Vincent Square, London SW1P 2PN Tel: 020 7828 1212

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1 This guidance sets out the Housing Inspectorate's expectations of organisations delivering excellent/3 star housing management services and the criteria we use to inspect ALMO governance arrangements. It replaces the guidance issued in August 2001 (*The Housing Inspectorate's Framework for Assessing Excellence in Housing Management*) and June 2002 (*ALMO inspections: Housing Inspectorate Advice for Local Authorities and their ALMOs*).

2 It follows the Government's decision to encourage local authorities in England to set up arm's length management arrangements (ALMOs)^I to manage their housing services. The overall objective is to deliver better housing services to council tenants and others, and to provide all social housing tenants with decent homes by 2010. The Government's policy is being promoted by the Office of the Deputy Prime Minister and was re-affirmed in the Sustainable Communities Plan (**Ref. 1**) in February 2003. It applies to English local authorities only.

3 Any local authority can set up an ALMO (subject to the Secretary of State's agreement) to delegate its housing management function. However, the Government has decided that authorities pursuing this option can secure additional capital funding if they are accepted onto the ALMO programme and the new arm's length body receives a 'good' or 'excellent' rating from the Housing Inspectorate for its current services.

4 Inspections of round 2 ALMOs start in April 2003. We needed to update the guidance in the light of changes in Government policy and lessons learnt from the inspections of round 1 ALMOs in September and October 2002. The guidance incorporates:

- our expectations of ALMOs as service delivery vehicles;
- how we expect these new bodies to relate to their local authority partners and to govern their own affairs; and
- specific advice on round 2 ALMO inspections starting in April 2003.

5 If you have read our earlier guidance, most of this document will be familiar. What we look for, and at, in inspections remains generally the same. However, we have made changes to the questions we use in assessing 'prospects for improvement' and there is more detail in the questions we ask to help us assess excellence (Appendices 1 and 2). We consulted the ALMO's new trade body (the National Federation of ALMOs) about the contents of this guidance. The NFA can be contacted through the offices of the Housing Quality Network.^{II}

^I ALMOs are companies set up by a local authority to manage, maintain and improve its housing stock. The local authority remains the landlord and council tenants remain secure tenants of the authority. An ALMO does not trade for profit and is managed by a board of directors comprising council representatives, elected tenants and independent members, usually on a one_third/one_third/one_third basis. Throughout this guidance we will use the term arm's length management organisation (shortened to ALMO) as a designation for these bodies.

^{II} The NFA's affairs are administered through the Housing Quality Network which can be contacted at 8_9 York Place, Scarborough, North Yorkshire YO11 2NP (www.hqnetwork.org.uk).

6 This guidance is divided into the following sections:

- a review of the background to the Government's proposals;
- the framework which the Housing Inspectorate will use to assess excellence in housing management; the context under which the Housing Inspectorate will inspect ALMOs; and
- the approach the Housing Inspectorate will use to inspect local authorities and ALMOs.

7 If there are any points you would like to raise about our approach, please contact:

Roger Jarman or **Graeme Bennett** at 33 Greycoat Street, London SW1P 2QF, telephone: 020 7828 1212. Their email addresses are: r-jarman@audit-commission.gov.uk and g-bennett@audit-commission.gov.uk.

8 You may obtain further copies of this document from the Audit Commission's helpline on 020 7396 1494. You can download copies from the Audit Commission's website: www.audit-commission.gov.uk. It can be found in the Policy and Practice section of the Housing Inspection page.

CHAPTER 2

Background

Policy framework

9 In April 2000 the Government's Housing Green Paper (**Ref. 2**) set out wide-ranging proposals to improve both the quality and choice of housing for people living in England. The Green Paper acknowledged that the estimated cost of bringing local authority housing up to a decent standard was £19 billion and that it would take ten years to tackle disrepair in the sector.

10 The Government identified several ways of boosting investment in social housing to meet this target. These included an accelerated programme of stock transfer, the promotion of the Private Finance Initiative (PFI) for local authority housing, and additional funding for local authorities that set up arm's length management arrangements and deliver high-quality housing services. The Deputy Prime Minister's Sustainable Communities Plan (**Ref. 1**) confirmed that these provisions remained at the heart of the Government's proposals to boost investment in the social housing sector.

11 The Community Housing Task Force (CHTF, part of the ODPM) was created in May 2001 to assist local authorities, tenants and acquiring registered social landlords (RSLs) through the process of stock transfer. Since then, CHTF work has been extended to include advice on ALMOs and stock options.^I An authority considering setting up an ALMO should make contact with the CHTF as early as possible; the CHTF will provide them with advice and support through the whole stock options process.

12 The ALMO initiative provides additional capital investment for housing that remains in local authority ownership. It is 'for authorities which have set up arm's length arrangements, demonstrated excellence^{II} in their performance under the new Best Value regime and met certain other criteria' (paragraph 4.7, *Green Paper Implementation Plan, Quality and Choice: A Decent Home for All*, DETR/DSS December 2000). The funding is currently in the form of additional Housing Revenue Account subsidy that is made available to support borrowing.

13 To access this additional funding an authority must:

- have established an ALMO to manage its housing stock and associated investment; and
- have provided a clear plan showing how it proposes to move to a structure of rents and a lettings scheme that is in line with the reforms agreed following the Housing Green Paper (paragraph 7.40, Ref. 2).

^I Stock options are robust appraisals of the long-term future of a council's housing stock. They should consider financial costs, impact on service delivery, and delivery of 'decent homes'. They should identify the option that best fits local circumstances and delivers additional investment where this is needed.

^{II} The original requirement was that ALMOs must obtain an 'excellent' rating from the Inspectorate. The ODPM amended this to 'good' in July 2002. and the ALMO must:

- have demonstrated sound financial planning and management and long-term financial viability through a high-quality business plan; and
- have demonstrated a high level of performance as measured against the Best Value national housing indicators and an 'excellent' rating following a Best Value housing inspection (see footnote II, page 4).

14 In December 2001, the Government published a White Paper *Strong Local Leadership – Quality Public Services* (**Ref. 3**) in which it outlined proposals to streamline Best Value reviews and inspection in order to focus on poorer-performing authorities. The ODPM has confirmed that ALMOs will need to review all key services transferred to ALMOs. It is still considering the position of local authorities that achieve an 'excellent' Comprehensive Performance Assessment (CPA) rating.

15 The ODPM's PSA Plus Review (**Ref. 4**) considered the progress of the ALMO programme and made a number of recommendations specific to ALMOs:

- the ODPM should learn from the inspections of the Housing Inspectorate and feed them into the processes and checks in the ALMO programme before consent is given by the Secretary of State;
- the ODPM should revise the management of the ALMO programme to reduce uncertainty and improve incentives to improve service delivery and to encourage partial ALMOs; and
- the ODPM should develop a self-financing approach for 3 star ALMOs (ALMO PLUS) as part of the move to a full prudential borrowing regime. This is intended to leave the ALMO greater freedom to run its business.

16 In view of the above, the Inspectorate and the ODPM are currently considering how best to monitor and assess ALMOs' performance in the longer term. This work will include clearer definition of the differences between 'good' and 'excellent' services and how ALMOs can move from one to the other to access the extra freedoms available.

17 In July 2000, following the Comprehensive Spending Review (CSR), the Government announced the resources it would make available to high-performing ALMOs and their partner authorities. £160 million was made available in 2002/03 and a further £300 million in 2003/04. In round 1, eight authorities were given conditional allocations for 2002/03 and 2003/04, and in round 2 a further thirteen were given conditional allocations for years 2003/04 and 2004/05. These allocations will provide additional resources in the first two years of their 'decent homes' delivery programmes.

18 Under the 2002 CSR, the Government agreed to further funding of the ALMO initiative. In February 2003 the ODPM announced a total of £1.994 billion to be spent between April 2003 and March 2006. This will continue funding the programmes run by rounds 1 and 2 as well as providing at least £700 million of new resources for ALMOs in rounds 3 and 4.

19 Authorities interested in applying for round 3 need to express an interest by 4 April 2003, and make a formal bid by 16 May 2003. Round 4 expressions of interest are due in by 26 September and bids by 31 December 2003

20 As outlined in the Green Paper, the former DTLR consulted local authorities and other interested parties on a range of matters linked to the creation of ALMOs in local authority housing (**Ref. 5**). The Department first published guidance on the arm's length management of local authority housing in April 2001 (**Ref. 6**) and the ODPM updated this in March 2003 (**Ref. 7**).

21 During the summer of 2001, many of the round 1 authorities worked with the Local Government Association (LGA), the Housing Inspectorate and others to develop standard documents for use by the authorities and ALMOs. This 'template working group' developed a 'Memorandum and Articles of Association' (the ALMO constitution) and a Formal Agreement (the 'contract' between the authority and ALMO). All round 1 and early round 2 ALMOs have used these documents as the basis for their own arrangements, with variations to suit local circumstances. You can find these documents at www.ecommunities.odpm.gov.uk. You will need a password to enter the site; the CHTF will arrange this when you log in.

CHAPTER 3

Achieving excellence in housing management: the Housing Inspectorate's framework

22 ALMOs need to obtain a service rating of 'good' from the Inspectorate to access additional ALMO funding. However, we are keen for them to deliver excellent services as part of the shared commitment to continuous improvement. Local authorities and ALMOs can find out what good and excellent services look like by reading our inspection reports; we have published more than 330 and they can be found on the Audit Commission website (www.housinginspectorate.gov.uk).

23 In addition, we have published a number of reports which show how authorities can improve the delivery of key service areas. We list these at the end of this guidance. We are also publishing research into the first round of ALMO inspections and reports which identifies some of the key factors which distinguished 'excellent' from 'good' services.

24 We set out below the techniques we use to assess the performance of core housing management services as outlined in ODPM guidance. We are not concerned here with the other housing services delivered by a local housing authority (LHA) such as those linked to the strategic and enabling role, homelessness, housing advice and private sector renovation.

25 Essentially, we judge that a housing management service is excellent if an authority/ALMO manages its stock well, treats its tenants well and delivers value for money. There should also be a high-quality strategy to show how the ALMO will achieve the Government's 'decent homes' target by 2010.

26 However, we have not produced a highly prescriptive and detailed set of conditions that housing authorities and ALMOs must meet to achieve excellence. There are several reasons for this:

- our framework for assessing excellence will evolve over time as our experience develops and the performance of inspected bodies improves;
- what constitutes an 'excellent' service in London will not necessarily be the same as in a rural part of northern England because the housing issues and pressures are different; and
- we do not want to stifle innovation in the sector or see a 'tick box' approach develop for both

Best Value reviews and the associated inspection process.

We believe these are real possibilities if precise conditions are set for achieving excellence in housing management.

Reaching our judgements

27 The criteria against which we inspect go back to the Best Value framework set out in *Seeing is Believing* (Ref. 8) and subsequent revisions. Inspectors reach their judgements by addressing two key questions:

How good are the services being inspected?

What are its prospects for improvement?

28 Underpinning the first judgement we retain the three key questions set out in *Seeing is Believing*. On current performance we ask:

Are the organisation's aims clear and challenging?

Does the service meet the aims?

How does its performance compare (with similar services)?

29 We ask a range of subordinate questions of housing management organisations which can be found in Appendices 1 and 2 of this guidance.

30 The Inspectorate will continue to inspect and 'score' prospects for improvement, including our assessment of governance arrangements. Although it is not directly relevant to the release of additional resources, we believe that it is important to assess the impact of the new ALMO governance arrangements and the new relationship between the LHA and the ALMO (among other issues affecting prospects for improvement). We believe this work will inform ALMOs as they develop their organisation and services. The Government, too, will need reassurance that adequate management and governance arrangements are in place to effectively spend the additional funding it is releasing to ALMOs. Where we assess an ALMO's prospects for improvement as 'poor' or 'uncertain' we will discuss the impact of these with the ODPM.

31 For round 2 ALMO inspections, we have revised the questions we ask to assess prospects for improvement. This incorporates learning from our experience in ALMO and CPA inspections and the re-inspection of 'poor' services. We will in future ask:

What is the evidence of service improvement?

How good are the current improvement plans?

Will improvements be delivered?

32 Appendix 2 shows the range of subordinate questions we ask to assess the prospects for service improvement. For the time being, we will only use these questions during ALMO inspections. It is not always possible to separate inspection issues into either judgement 1 or judgement 2; there are some issues that straddle both. Good examples in an ALMO context are user involvement and performance management issues. We will consider these issues when we review our entire inspection methodology for local authorities, ALMOs and housing associations¹ later this year.

¹ The Audit Commission will take over responsibility for inspections of Registered Social Landlords (RSLs) and housing associations in April 2003.

33 Appendices 1, 2 and 3 are all written in the style of self-assessment questionnaires and authorities/ALMOs should ask themselves these questions as part of their review processes. When we carry out inspections, we expect to see the outcomes of any such exercises.

Putting tenants first

34 When we review standards of service and performance in local authorities, the experience and perception of service users is critical. Inspectors are required, and trained, to take a user perspective when evaluating the performance of inspected bodies. Our housing inspectors therefore spend much of their time reviewing the performance of landlords as experienced by tenants.¹

35 All housing inspections of landlord services involve tenant inspection advisers (TIAs) whom we employ to help us assess services from a user perspective. TIAs are local authority tenants who have direct experience of living in council accommodation and of receiving housing services from a local authority landlord. We do not allow them to inspect their own landlord.

36 We have found their understanding of the conditions affecting the delivery of services ‘on the ground’ invaluable during housing inspections. We give our TIAs appropriate training and guidance to help them undertake the inspection of local authority housing services.

37 Tenants’ views of the housing services they receive have a critical influence over our assessments of a housing organisation’s performance. But we are aware that the past performance of their landlords and other factors can influence tenants’ expectations. We ensure that our inspection teams assess the performance of a housing organisation and the factors that contribute to satisfaction levels objectively, while still giving full consideration to the tenants’ views on the performance of their landlord.

38 Housing inspectors mainly use ‘reality checks’ to assess the quality of service delivered by local authorities and ALMOs. This is the most visible part of the process to councillors, board members, staff and tenants, and is when the inspection will seem to have started in earnest. The inspection team uses its skills and experience to select and tailor reality checks to the local context and the six key questions. A good reality check enables inspectors to gather evidence that helps them answer several questions at the same time. It may help them work back from the outcomes of a service into the organisation to diagnose why a service does (or does not) perform.

Additionally, we can use a reality check to illustrate the effect of a particular decision at the point of service delivery.

¹ Throughout this guidance the term tenants is used (unless stated otherwise) to cover tenants, leaseholders, other service users and other relevant stakeholders.

39 Reality checks enable inspectors to link strategic plans and policies and performance indicators to outputs and outcomes on the ground. Housing inspectors use a range of reality checks to make the connections that inform their judgements. These include:

- interviews with key politicians/ALMO board members;
- observation of decision-making meetings, including board meetings;
- interviews with key managers (LHA and ALMO);
- meetings with service users in focus groups¹ or on a one-to-one basis;
- observations of service delivery in offices or on site;
- case sampling of complaints, repairs, rehousing and transfers;
- inspection of estates;
- visits to occupied and empty properties;
- focus groups with staff;
- discussions with external stakeholders;
- mystery shopping including the testing of complaint systems; and
- surveys of customer satisfaction.

40 We use reality checks and other techniques to feed into the report that sets out our judgement on the performance of an inspected body [Exhibit 1]. The volume and intensity of reality checks we carry out will depend, in part, upon the rigor of the authority’s/ALMO’s own performance monitoring and management arrangements.

41 The qualitative data generated by these techniques are the key components that help us judge the quality of current services as well as inform inspectors of the likelihood of an organisation achieving further service improvement.

42 An excellent housing management service is user focused and responsive to tenants' needs. The Housing Inspectorate will only deliver an 'excellent' rating if housing services can demonstrate that they have involved tenants in setting, monitoring and reviewing service standards. Tenants would also have shown, through surveys or other means, that they are satisfied with the services being delivered for the rent paid and that they believe service quality will probably improve further still.

43 Under the Best Value framework, the ODPM has emphasised the importance of measuring tenant satisfaction with services delivered by local authorities and RSLs (**Ref. 9**). The ODPM has recommended that social housing providers use the Housing Corporation/National Housing Federation STATUS survey (**Ref. 10**) to gauge tenant satisfaction in this way. **II** Indeed, two Best Value performance indicators (BVPIs) have been established based on the STATUS survey. These are the PIs covering satisfaction with the landlord's overall service (BVPI 74) and satisfaction with the opportunities for participation (BVPI 75). The full STATUS survey covers the areas set out below [**Table 1**].

I In ALMO inspections we will use the results of focus groups less, and random surveys more, as we have found that the implications of the inspection score may affect the outcome of focus group discussions.

II Further guidance for local authorities on using STATUS is contained in the letter to all Housing Directors from the former DETR's Divisional Manager, Homelessness and Housing Management Policy, dated 24 May 2000.

Exhibit 1 The reality check framework

Housing Inspectors use these techniques to assess the performance of housing providers.

Table 1 Tenant satisfaction: issues covered in the STATUS survey

Overall service provided by landlord (BVPI 74)

Value for money of landlord services

Accommodation

Size of property/number of rooms

Condition of property

The area as a place to live (including questions on vandalism, litter, racial harassment and nuisance)

Contact arrangements with staff (including ease of contact, helpfulness of staff and satisfaction with outcome)

Repairs service (including appointment arrangements, attitude of workers and speed and quality of work)

Communications (including satisfaction with participation arrangements – BVPI 75)

Source: *Housing Corporation/National Housing Federation*

44 Estimates published by the former DTLR for performance in 2000/01 show that average tenant satisfaction with services provided by landlords was 77 per cent. The average satisfaction level with participation in decision making was 60 per cent. These are the most up to date figures available because local authorities are only required to submit these PIs every three years.

45 Both local authorities and housing associations are being encouraged to use STATUS to gauge satisfaction rates among their tenants. Widespread use of STATUS would help landlords measure their relative performance in enhancing (or at least maintaining) levels of tenant satisfaction. If necessary, landlords can supplement the questions posed under the STATUS framework with ones tailored to local conditions.

46 STATUS does not cover all housing management functions, and even where services are included in the standardised satisfaction survey some issues may need to be explored in more depth. In particular, landlords may want to examine tenant satisfaction in the following service areas:

- allocations and lettings;
- advice on housing benefit and debt counselling;
- arrangements for paying rent and service charges;

- management of void property;
- caretaking; and
- major investment programmes.

47 But surveys are not the only way of gauging the reaction of tenants to landlords' services [Table 2].

Table 2 Examples of methods for collecting tenant views

Face-to-face interviews

Mystery shopping

Focus groups by neighbourhood

Focus groups by service area

Interviews of housing applicants

Telephone interviews/surveys

Specific exercises for 'hard to reach' groups (eg some ethnic minorities)

Interviews for tenants using specific services (eg transfers)

'Planning for real' exercises

Source: Audit Commission, *Listen Up! Effective Community Consultation*, 1999

48 Landlords can only deliver excellent housing management services if there are effective consultation procedures. During inspections, landlords need to demonstrate that consultation has informed their decision making, as well as helped to shape policy and deliver service improvements. They should have also used results from consultation exercises to set local performance standards and targets. Such exercises should have helped to improve a service's cost-effectiveness and ensured the service more closely matches tenants' needs, given available resources.

49 Tenants should also have had the opportunity to play their part in the housing service's decision-making processes [Exhibit 2]. The authority would have agreed its Tenant Participation Compact with its tenants and, in the case of an ALMO, its partner authority. The authority would also have involved its tenants in its stock options appraisal process and its decision to set up an ALMO.

Exhibit 2 Users' views are critical in helping develop service standards

Delivering excellent housing management services

50 Housing managers in the local authority sector tailor their services to local circumstances within the national framework set by Government. A housing management organisation providing excellent services therefore meets its statutory obligations and complies with relevant regulations and guidance, including the latest policy initiatives.

51 Relevant priorities set by Government would mean that organisations providing excellent housing management services would have the following in place:

- plans to bring all their housing stock up to the Government's decency standard by 2010 (Ref. 11), and to ensure improvement works are sustainable;
- development of contract procurement and efficiency in line with the recommendations of the Egan report (Ref. 12);
- housing management services delivered within a business planning context;
- rents set to comply with the ODPM restructuring framework and show that convergence is possible by 2012 (Ref. 13);
- choice-based lettings system established or being planned;
- Tenant Participation Compacts that give tenants a real opportunity to influence their landlord's decision-making processes in place;
- overall annual cost-effectiveness targets of at least 2 per cent a year are set and being (or close to being) achieved (Ref. 14);
- measures to ensure e-government targets are achieved by 2005;
- plans to implement the recommendations of Policy Action Team 5 report on housing management (Ref. 15) in relation to their local circumstances;
- policies and practices that address relevant equality and diversity issues (including the implementation of relevant codes of practice and equality schemes II under Race Relations (Amendment) Act 2000; the findings

of the Race and Housing Inquiry; and the wider Government work on Community Cohesion (**Refs. 16 and 17**);

- plans to implement 'Supporting People' arrangements from April 2003 (where relevant); and
- responses to Homelessness Act 2002 duties to carry out reviews and publish strategies to tackle and prevent homelessness

52 During inspections, we would look for evidence that housing management organisations have addressed the needs of various vulnerable groups in local communities (including older people, people with disabilities, those fleeing domestic violence and asylum seekers) and we would also expect to see policies and practices in place that meet the needs of people from any minority ethnic groups in a local authority area. We would expect to find the ALMO and the council building upon the results from the 2001 Census to shape their services.

I We recognise that while all items will be relevant to inspection of a housing authority, they will not all be relevant to an ALMO inspection.

II Including the CRE Code of Practice in Rented Housing. The Inspectorate would expect ALMOs to adopt their own Race Equality Schemes, but would expect them to be based upon the LHA's own existing scheme.

53 National priorities are important but tenants are usually more concerned about the **standard of service** they receive, day in day out, from their landlords. Many of these services should be delivered to the highest standard no matter where a tenant lives or who the landlord is. Examples of services we would expect to be delivered to the highest standard, irrespective of local conditions are:

- advising secure tenants of their rights and responsibilities;
- ensuring all legal processes (such as those associated with the rights to buy, manage and repair) are completed within appropriate timescales;
- handling complaints efficiently and sensitively, and offering redress (where appropriate);
- dealing with correspondence, emails and telephone calls to standards agreed by tenants and their representatives;
- ensuring easy and equal access for all members of the local community, paying particular attention for those whose first language is not English, people with
- disabilities and older people;
- using plain language in all communications with tenants;
- dealing with tenants in a courteous and open way on all occasions;
- producing clear, well-publicised service standards for each element of the housing service;
- involving tenants in discussions on rent and service charge levels and priorities for spending during a period of rent restructuring;
- informing tenants in good time of changes in rent levels and informing them of the range and scope of services provided through rent and other income;
- providing regular rent statements;
- operating an appointments system for repairs and other visits to tenanted properties within an agreed time frame; and
- opening hours for offices and contact centres have been established in conjunction with residents and meet their expectations and needs.

54 But we are also aware that **local conditions** can vary significantly and we make sure that these are recognised when we are reviewing service delivery on the ground. It is therefore important that our inspectors are familiar with local factors that can influence performance. We recognise, for instance, that stock type, stock condition and demand for social housing will vary from area to area.

55 Past investment and procurement decisions by a local authority (and, in some cases, its predecessors) can have a particular bearing on the type and condition of housing stock available to current and future tenants in an area. Housing inspectors take these factors into account when judging the overall performance of a housing management service. In part, we look to inspected bodies to inform us of the local factors that can influence housing management performance on the ground. We will look to see how an ALMO is going to address such issues and whether it has the real freedom from the council to be able to do so.

56 Local authorities also deliver services within a democratic framework where elected representatives make decisions based on a wide range of factors. Within this context, local authorities have considerable flexibility over how they deliver Best Value services to their communities. Additionally, local social and economic conditions have a major bearing on the approaches adopted by local authorities to deliver improved services in their areas. We understand these issues and take them into account during inspections of housing management services, whether local authorities or ALMOs provide them.

57 Neither can we ignore **governance and management** issues. Excellent housing management organisations are led by people who offer vision for the housing management service and enable staff to do their jobs efficiently and effectively. Governance arrangements (whether in the form of a committee, a board or an executive councillor) set a clear strategic direction for the housing service. We also look for clear strategies with timescales and identified financial resources to meet the organisation's housing management objectives.

58 Staff, tenant and councillor/board member training and development is also critical. Best Value is introducing new approaches to working methods throughout local government and other public services. In addition, the establishment of an ALMO involves significant change and we will be looking at how the ALMO and the council have taken staff through this process using change management techniques.

59 Practices and procedures within inspected bodies are changing and this, inevitably, requires investment in the recruitment, training and development of staff. In a highly competitive labour market with low rates of unemployment, employers have to compete harder to attract and retain staff. There are widespread reports of recruitment and retention problems across local public services, with a range of recruitment and retention initiatives in place. But still it remains a major challenge (**Ref. 18**).

60 Although local authorities are primarily responsible for ensuring the well-being of local communities, excellent housing management organisations (be they LHAs or ALMOs) actively participate in **regeneration** activity to tackle the problems of deprived neighbourhoods, including crime and social exclusion (**Ref. 19**). Such organisations work with other housing providers and local social services, education, health and police authorities to further the interests and improve the quality of life of their tenants. Partnership working with community and voluntary groups would be well developed.

61 Checks on service quality are critically important. Our inspectors therefore expect to see **quality assurance** measures in place that set out clearly the aims and objectives of each service area. They also look for quality standards that are both measurable and made explicit to tenants, and which build on feedback from tenants (including their complaints). Inspectors look for evidence that service providers have systems in place that monitor and review the level and quality of services delivered to users.

62 Our primary concern centres on the quality and value of services delivered to tenants and leaseholders living in social housing throughout the country. Essentially, we aim to evaluate the outcomes of a housing organisation's efforts not the detailed processes that generate those outcomes.

Using performance information and plans

63 If an LHA or an ALMO meets the criteria set out in this framework, it is likely to receive an 'excellent' (or 3 star) rating from the Housing Inspectorate. In forming a view on a housing organisation's performance, we use contextual information to help assess whether excellent services are being delivered to tenants. The contextual information we use includes:

- community strategies;
- Best Value Performance Plans (BVPPs);
- corporate, neighbourhood or service plans;
- performance indicators (PIs) including Best Value PIs (housing and relevant corporate BVPIs) and, importantly, PIs developed locally;
- Government Office assessments of local housing authorities in respect of their housing strategy;
- Local Public Service Agreements in relevant service areas;
- inspection reports that have a direct bearing on the delivery of housing management services;
- relevant assessments by external auditors;

- Ombudsman reports in respect of housing services; and
- successful applications for 'Beacon Council' status in directly relevant service areas.

64 The Modernising Government White Paper (**Ref. 20**), published in March 1999, encourages all public sector organisations to use one of the four main quality schemes. These are the European Foundation for Quality Management Excellence Model, Investors in People, Charter Mark and ISO 9000.

65 All these schemes are useful tools that a local authority could use in its Best Value strategy. Other quality schemes could also help housing organisations deliver better services to their tenants. Landlord organisations may find it helpful to use these accreditation schemes to improve service delivery, but the Inspectorate does not see these as a necessary condition for enhanced performance. Our primary role is to judge the quality of service delivery on the ground and the prospects for further improvement.

66 Performance indicators are used to draw comparisons between housing services and to measure trends over time. They are a way of opening up an analysis and gaining an understanding of the reasons for performance variations. They can also point to areas that require management attention. PIs are not sufficient evidence on which to base our judgements, but a useful starting point. They are used in conjunction with evidence from 'reality checks' from on-site inspections. **Table 3** describes the key purposes for collecting and publishing the BVPIs for housing management services.

Table 3 Best Value Performance Indicators and the delivery of quality housing management services (2002/03 and 2003/04)

Energy efficiency in local authority housing (BVPI 63)

This measures overall energy efficiency including both heat loss from the home and heating system performance. Improving a home's energy efficiency creates a more comfortable living environment, combats fuel poverty and can increase disposable income. There are benefits for the wider environment too. Promoting energy efficiency in housing also helps local authorities meet their obligations under the Home Energy Conservation Act 1995.

Local authority rent collection and arrears: proportion of rent collected (BVPI 66a)

This indicator shows the efficiency of a landlord at collecting rent and managing rent arrears. If landlords do not collect rent or allow arrears to grow, they have to find funding from elsewhere to maintain services. Rent levels can increase as a consequence. Failure to collect rent will also affect a landlord's business plan.

Satisfaction of tenants of council housing with the overall service provided by their landlord (BVPI 74) (results broken down by black and minority ethnic and non-black and minority ethnic) This indicator shows how local authorities' tenants perceive housing services.

Satisfaction of tenants of council housing with opportunities for participation in management and decision making in relation to housing services provided by their landlord (BVPI 75) (results broken down by black and minority ethnic and non-black and minority ethnic). This indicator demonstrates the level of satisfaction that tenants have with participation arrangements in their local authorities.

Commission of Racial Equality code of practice on rented housing (BVPI 164)

The code includes procedures for dealing with the service outcomes from the results of ethnic monitoring. By implementing the code fully, landlords demonstrate their commitment to tackling discrimination in their practices and procedures.

The proportion of local authority homes which were non-decent at 1 April 2002, and (b) the percentage change in proportion of non-decent homes between 1 April 2002 and 1 April 2003 (BVPI 184a and b)

The performance indicator shows the proportion of the council's housing stock which falls below the Government's 'decent homes standard' (DHS) which sets minimum standards for the condition of homes. Councils have a target of bringing all of the properties up to the DHS by 2010 so part (b) of this indicator shows their progress towards this target.

Percentage of responsive (but not emergency) repairs during 2002/03, for which the authority both made and kept an appointment (BVPI 185)

This indicator shows how a council manages its responsive (day to day) repairs service appointments service. A customer-focused service will offer appointments for as many repairs as possible and strive to keep those appointments once booked with tenants.

Source: ODPM, *Best Value Performance Indicators for 2002/2003*, ODPM February 2002

67 We will look at the quality of the data that feeds into the PI calculations. This is important as our inspections have identified that some councils are incorrectly calculating a number of key PIs.

68 The Government consults each year on the content and definitions of BVPIs and, subsequent to its announcement of a review of Best Value, reduced the number of national BVPIs from 123 to 97. The Housing Inspectorate would recommend that authorities retain the discontinued BVPIs as local indicators to aid benchmarking over time. Members of the ALMO benchmarking club are using this approach and are monitoring their performance against three old BVPIs (**Table 4**).

Table 4 ALMO benchmarking club – additional performance indicators

Average re-let times for dwellings let in the financial year (old BVPI 68)

The percentage of urgent repairs completed within government time limits (old BVPI 72)

The average time taken to complete non-urgent repairs (old BVPI 73)

Source: 'HouseMark'

69 Rounds 1 and 2 and prospective ALMO authorities have set up a national ALMO benchmarking club. They have agreed to collect three sets of data:

- annual in-depth cost, resource and performance data using the 'HouseMark'^I methodology;
- quarterly performance data, based on a selection of current and old BVPIs; and
- data they submit annually via Housing Strategy and Business Plan
- Statistical returns and quarterly P1 forms.

The PIs they will be comparing are a mix of current and old BVPIs, as shown in Table 4.

The ODPM will draw from the work of this club when assessing the effectiveness of the ALMO initiative in improving service delivery.

70 Locally developed PIs also have an important role in helping organisations tailor their housing management services to local conditions. The Audit Commission and the Improvement and Development Agency (IDeA) have been developing a library of local and Quality of Life PIs, following an analysis of the indicators used by authorities under the Best Value framework.^{II} Some of the housing management PIs identified in this exercise are reproduced in Table 5. Unlike the BVPIs, these indicators are not mandatory but we would encourage housing management organisations to make use of this type of (or other) indicators according to their local needs and priorities.

^I 'Housemark' is an organisation providing good practice information, performance management and benchmarking for social housing.

^{II} See www.localpi_library@audit-commission.gov.uk for more details.

Table 5 Local Performance Indicators

Average weekly rent for local authority-owned housing (LIB076)

This indicator allows tenants to compare their rent year on year and with the similar indicator for Registered Social Landlords (LIB077).

Percentage of households living in social rented sector accommodation which is (a) overcrowded (b) under-occupied (LIB079)

This indicator helps authorities to match supply with demand and may indicate where authorities need to take a more proactive approach to lettings.

Number of unfit homes per 1,000 dwellings (LIB052)

This indicator provides data that helps landlords plan their investment strategies. The information is also useful for business planning purposes. Tenants can use the data to monitor year-on-year performance of their landlord in tackling disrepair and unfitness.

Source: *Audit Commission*

71 The Best Value framework under Section 5 of the Local Government Act 1999 and subsequent guidance (**Ref. 14**) sets out the targets Best Value authorities should achieve over a five-year period. Milestone targets should feature in BVPPs and Business Plans. Performance targets indicate to local people how an organisation intends to improve its performance.

72 In setting their targets, LHAs and ALMOs need to have regard to their duty to achieve continuous improvement. They need to take an approach to target setting that balances the cost and quality of improvements with the wishes of local people. Targets need to be challenging yet realistic, and need to take into account formal guidance.

73 We expect organisations delivering excellent housing management services to have at least some of their PIs in the top quartile of the performance range at the time of their inspection. However, as we have said already, PIs are a 'way of opening up an analysis'. In cases where authorities have not achieved top quartile performance, we will consider the local context in which the service operates.

74 It is reasonable for people to expect comparable service quality no matter where they live. But national comparisons will not always be appropriate, particularly if there are good reasons for cost variations between types of authority. The ODPM has therefore grouped local authorities according to type (that is: district, unitary, metropolitan councils and London boroughs) in order to set top-quartile targets for cost and efficiency indicators. The Audit Commission uses these groupings to show comparative performance of local authorities. We use this approach when assessing the performance of local authority housing services and ALMOs, while recognising that local market conditions operate differently both between and within regions.

75 The Inspectorate also uses comparisons with an authority's Chartered Institute of Public Finance Accountants (CIPFA) 'nearest neighbour' grouping. Housing management organisations can select their own peer groupings to help them analyse their relative performance. They need to demonstrate to inspectors that their choice of peers is suitable.

76 Table 6 shows the top quartile performance of local authorities in different groups for PIs covering rent collection, rent losses and repairs services, based on performance in 2001/02. Clearly these figures will change over time and we expect performance to aim to achieve the respective top quartile performance levels.

77 Several BVPIs measure performance on equal opportunity issues. We review the performance of housing organisations against those PIs. In particular we would expect all excellent social housing organisations to follow the Commission for Racial Equality Code of Practice on Rented Housing (Public Sector).

Table 6 Upper quartile for key PIs

2001/02 upper quartiles	London Boroughs	Metropolitan Boroughs	Unitary Authorities	District Councils
Percentage rent collected (current BVPI 66a)	96.2%	96.8%	96.8%	98.6%
Rent loss through voids (old BVPI 69)	1.4%	2.6%	1.3%	0.9%
Average relet time in days (old BVPI 68)	36	43	37	26

Repairs within government targets (old BVPI 72)	95%	95%	96%	96%
Average days to complete non-urgent repairs (BVPI 73)	12	17	13	13

Source: ODPM and Audit Commission

78 Inspectors consider ODPM ratings when forming their views on the performance of organisations delivering housing management services. The ODPM primarily scores local authorities for their business planning and housing strategy performance partly to allocate resources under the Housing Investment Programme (HIP) process. However, some elements of the scoring system focus on housing management functions (such as tenant participation) and inspectors take these into account.

79 Local Public Service Agreements (LPSAs), being developed under the Best Value framework, also influence our judgement of performance. Some of these agreements feature the performance of the relevant authority's housing service, whether provided directly or through an ALMO. If an LPSA has been agreed which involves housing, we take into account progress in meeting the LPSA targets.

80 We will probably have inspected all or part of an authority's housing management service before it sets up an ALMO. We review past inspection reports to help shape the focus of our inspection. We will also check progress against any recommendations we made at that time (see also paragraph 106).

81 Each year external auditors undertake reviews of local authority Best Value Performance Plans. Housing inspectors use the external auditors' reports in reaching their judgements on the overall performance of ALMOs and local authority housing services. Where possible, we will try to involve auditors in the ALMO inspection, with a particular focus on governance and performance management arrangements (see also paragraph 110).

82 Inspectors review the reports prepared by the Local Government Ombudsman that comment on the quality of the local housing service. Although Ombudsman cases invariably examine service failure from an individual's perspective, they may reveal service-wide problems as well. Our inspectors review the nature of recent complaints upheld by the Ombudsman in assessing an organisation's housing performance.

CHAPTER 4

Inspecting ALMOs

83 The Inspectorate's *ALMO inspections: Housing Inspectorate advice for local authorities and their ALMOs* sets out how we would examine the ALMO's relationship with its partner authority and the strategic management of the ALMO. In examining how ALMOs relate to their local authority partners and organise themselves to deliver housing services, we are – under the Best Value framework – principally focusing on the ALMO's prospects for improvement (the second judgement).

84 Some areas we examine in terms of 'governance' do also contribute to our assessment of current services. For example, the extent to which tenants are involved in the decision-making processes of the ALMO (including through membership of the ALMO's board) and the role of the board and tenants in monitoring current performance.

85 The purpose of this element of our inspection is to reassure us (and a wide range of stakeholders) that the organisational changes following the creation of an ALMO have not and will not adversely affect service delivery. The detailed questions we will be asking during the inspections are shown in Appendix 3, but we will outline some of the key issues here.

The ALMO's relationship with the 'partner' authority

86 A local authority that chooses to create an ALMO (or ALMOs) will retain several functions centrally while delegating others to the ALMO. In its ALMO guidance, the ODPM suggests a range of functions more appropriately retained by the LHA and those suitable for delegation to the ALMO. There is some flexibility if authorities wish to transfer a wider range of functions.

87 Even though an LHA may delegate the delivery of many of its housing services to an ALMO, under Best Value the inspected body remains the local authority. In effect, the ALMO becomes the agent of the local authority and the authority is accountable for its performance [**Exhibit 3, overleaf**].

88 We will review the effectiveness of the relationship between the ALMO and the LHA, which remains (in law) the tenants' and leaseholders' landlord. At the time the ALMO is set up, first as a shadow body and then with operational responsibilities, the ODPM will have an interest in assessing the nature of the relationship between the LHA and any ALMOs to which housing management functions have been delegated. We will work closely with the ODPM to ensure that our roles are complementary.

I Incorporated as Appendix 3 in this document

Exhibit 3 The relationship between LHA and ALMO

89 We will ask questions about the refinement of corporate strategies, the responsibilities of each party, links between their business plans and strategies, and the LHA's arrangements for monitoring the performance of the ALMO.

The strategic management of the ALMO

90 The ODPM's guidance describes the governance arrangements that ALMOs are likely to follow and makes it clear that ALMOs should be genuinely distinct from the LHA. The CHTF has also produced guidance (**Ref. 21**) on governance and we would expect authorities and ALMOs to follow this guidance or to have sound business or service reasons for not doing so.

91 An inspection will examine evidence that these arrangements are both established and operating effectively to provide the ALMO with the necessary leadership and stewardship, as well as ensuring that the ALMO has sufficient authority to discharge its responsibilities. Again we will ensure that, as far as possible, our role here complements that of the ODPM in evaluating the strategic management of ALMOs.

92 We will look at four general areas:

- the ALMO's constitutional and leadership roles;
- the ALMO's organisational and performance management;
- user involvement; and
- risk management arrangements.

93 The Audit Commission has produced guidance on the auditing issues affecting ALMOs (**Ref. 22**) and will expect ALMOs and LHAs to follow this advice together with the accounting requirements of the Companies Act and guidance produced by CIPFA. ALMO's accounts are audited under the requirements of the Companies Act, and the responsibility for the Housing Revenue Account (HRA) remains with the LHA. It is not the LHA auditor's role to review the ALMO's operational activity, but to assess the audit risk associated with the establishment of the ALMO. The Inspectorate will work closely with the LHA's external auditor to ensure that we do not unnecessarily duplicate work.

94 An integral element of this part of the inspection is scrutiny of ALMO documents (including board minutes) access to which is covered by the Audit Commission Act 1998 (Section 48) and Local Government Act 1999. These will be included in document requests which will be sent to the LHA in advance of the inspection. The inspectors will also wish to observe any ALMO Board meetings which are scheduled during the on-site period – or slightly before or after if our timetable permits.

95 The Inspectorate appreciates that this aspect of inspection will be new not only to the ALMO but also to LHAs which have been inspected before. We would be pleased to make a formal presentation to an ALMO's board members in the months leading up to the inspection. This would cover the background to inspection and the ALMO initiative as well as the 'governance' aspect of the inspection. ALMOs may wish to incorporate this as part of their board training programme.

CHAPTER 5

Inspecting housing services in ALMOs: a flexible approach to the inspection process

96 This section of the framework sets out the broad approach we will use when we inspect ALMOs and their local authority partners. We will be as flexible as possible in agreeing the timing of inspections but will not generally carry out an inspection of an ALMO until it has been operating for at least six months. The relevant Lead Housing Inspector will agree the inspection timing in advance with the council and the ALMO.

97 We recognise that local authorities will have devoted considerable thought, energy and effort to creating their ALMOs. This will inevitably be a disruptive period for authorities, ALMOs and their staff. New organisations take time to 'bed down' and it would be unrealistic to expect ALMOs to have resolved all their teething problems just six months after their creation. Our inspectors will take this into account, and we have framed our questions accordingly. As the ALMO concept and practice matures, our expectations of ALMOs are likely to rise.

98 The CHTF has produced its own guidance for LHAs and ALMOs, in particular on governance issues (**Ref. 21**), and we expect ALMOs to refer to this guidance in establishing their own governance arrangements.

99 The timetable for a prospective round 3 ALMO may look something like the example shown in **Table 7**.

Indicative inspections

100 We would encourage local authorities setting up an ALMO (or ALMOs) to request 'indicative' inspections of their housing management services. Ideally, this should be after the completion of the BVRs of these services but before their transfer to the ALMO. The ODPM requires all key service areas to have been subject to BVR before the ALMO inspection (see paragraph 109).

Table 7 Timetable for establishing an ALMO

Dates	Action
4 April 2003	Express an interest to ODPM
May 2003	ALMO 'shadow' board <ul style="list-style-type: none"> • starts meeting • starts training programme
16 May 2003	Submit formal 'bid' to ODPM
July 2003	ODPM approve 'bid' and announce conditional funding allocation
September 2003	LHA submit S.271 application to ODPM
October 2003	ODPM approve applications
November 2003	ALMO 'goes live', taking over housing management functions
May 2004	ALMO inspection
June 2004	Inspection result announced. If 2 star obtained, LHA draws down additional funding
July/August 2004	Publication of final inspection report

101 The 'indicative' inspection would assess the service, score its performance and identify areas requiring improvement. Such inspections have already enabled some authorities to set a more realistic timetable for their ALMO inspection and identified the key areas of weakness they will need to address to achieve a

positive outcome to that inspection. We charge fees for carrying out 'indicative' inspections where they are not included within the audit and inspection fee envelope. Some authorities may choose to prioritise these inspections and have them included as part of their fee envelope. Others may have these inspections funded separately. As such, the council needs to agree these arrangements with their respective Relationship Manager from the Audit Commission.

102 If an authority's housing management service is rated as 'good' or 'excellent' (with at least 'promising' prospects for improvement) and a transfer to an ALMO follows, our ALMO inspection is likely to concentrate on the new organisation's governance arrangements and the quality of its strategic leadership. We would undertake a less intensive inspection of the housing management service to ensure that the service has maintained its high standards and implemented the inspectors' recommendations.

103 Where the 'indicative' inspection covered only part of the housing management service, but achieved a 'good' or 'excellent' rating, the ALMO inspection would be less intensive in this service area only. We would carry out a full inspection of all services not covered by the initial inspection, and the services which we previously assessed to be 'poor' or 'fair'.

I An authority must submit an application to the ODPM for permission to delegate its housing management functions to an ALMO under Section 27 of the Housing Act 1985.

Scoring method

104 An ALMO inspection will deliver a single score for all services delivered by an ALMO. These will generally be the core services outlined in the ODPM's guidance but some ALMOs may undertake activities that are not linked to the delivery of housing management services to tenants. These services could include those associated with the management of the housing register, the assessment of housing need or the management of private sector housing grants. If so, we would also include our assessment of these services within our overall judgement.

Tenant management organisations

105 The same principle applies where tenant management organisations (TMOs) deliver services on behalf of the council. In its overall assessment of the service, the Inspectorate will consider the standard of services delivered to all residents, including members of TMOs. We will take account of the different management relationships in place between LHAs, ALMOs and TMOs. We will take these into account when considering performance management and 'governance' issues.

Partial ALMOs

106 Some local authorities may want to create one or more 'partial ALMOs' covering only a proportion of their stock represented, say, by a district or area office. In these circumstances, we would inspect each ALMO separately. Where services are delivered locally (and those services are subject to a BVR and subsequent inspection) some housing management functions might be delivered from a central base (for example, a departmental headquarters). If so, inspectors would inspect both the services delivered locally and the relevant services supplied from the central office.

107 Where an authority has set up more than one ALMO, it will need to submit single combined annual BVPIs showing overall performance across the authority. This is to ensure that a full and rounded picture of performance is maintained. Each ALMO should consider its own performance separately and should benchmark against other similar housing organisations. These could be other ALMOs and other organisations of similar sizes using, for example, CIPFA nearest neighbour groups. By doing this, they will be able to address the fact that they are no longer operating as part of one large organisation.

Best Value reviews

108 Authorities or their ALMOs should complete Best Value reviews of all key service areas provided by an ALMO before we inspect the ALMO. This is an ODPM requirement (**Ref. 7**). If an authority has completed a

BVR before the service transfers to an ALMO, we would not expect the new organisation to review the same service again. We would expect the ALMO to be tackling the service improvements identified in the original review and any subsequent inspection.

109 Reviews carried out in the following areas are most likely to help progress service standards:

- repairs and maintenance (planned and responsive);
- delivery of the capital programme;
- rent collection and arrears recovery;
- estate management; and
- any other service transferred to the ALMO which is not a core housing management service listed within section 3.2 of the ODPM's March 2003 guidance. Issues such as diversity and equality, tenant participation, access arrangements and value for money are relevant across all service areas and should form part of all service BVRs.

Support services

110 The procurement of support services is an area in which ALMOs have an opportunity to be innovative, to establish their independence and to look for opportunities to reduce costs. In normal circumstances, we will expect round 3 ALMOs to review their support services (such as IT, legal, human resources, transport services) within 12 months of the ALMO being created. This should be sufficient time to assess the actual services they require in an ALMO environment. For round 2 ALMOs, we will expect to see a clear and detailed programme of reviews by the ALMOs in place for these services when we carry out our inspection. However, we would expect more progress in ALMOs that have existed for more than one year.

The Inspection team

111 Wherever possible, the ALMO inspection team will include

- an inspector who has inspected that authority previously;
- an inspector from another region;
- at least one Tenant Inspection Adviser.

The number of inspectors used will depend upon the size of the stock and any previous inspection scores. The Commission's own auditors are also likely to play a role in the ALMO inspections. And we will also try to involve the authority's external auditors in the inspection, with a particular focus on the council's agreement with the ALMO and performance management arrangements. If this is not possible we will as a minimum have a detailed discussion with them about these issues, and review any audit work they have carried out with the authority.

The timing of inspections

112 Inspections only take place after authorities have completed BVRs of key services and after the ALMO has had time to bed down. Our experience suggests that six months is a **minimum** period. During this period the ALMO has an opportunity to demonstrate a record of its own performance which we can then inspect. For an ALMO established in November 2003, the earliest possible inspection is likely to be May 2004. We are not advocating this as a desirable timescale but understand that LHAs and ALMOs will want to draw down their conditional ALMO funding as soon as they can.

113 An ALMO can expect an inspection of their housing services to take between 10 and 16 weeks from the inspection team's arrival 'on-site', depending upon the intensity of the inspection. This includes the on-site inspection, the report presentation, the publication of the score and then the final report. Local authorities and their ALMO partners will need to factor these timescales into their planning. Internal quality control

114 The Inspectorate has a system of internal quality control, or 'moderation', in which senior inspection staff assess the inspectors' evidence, judgements and report. This process has been enhanced for the ALMO inspections. The moderators will include a minimum of the regional Lead Inspector, the ALMO co-ordinator and one other senior manager. Where 'moderators' are unable to make a clear judgement at their first meeting they probe areas of doubt by requesting and taking account of further information.

Report presentation

115 We introduced new arrangements for the report presentation and the notification of the final judgements **as an option** in round 1 ALMO inspections. These were popular with authorities and we will continue to use them. We will deliver copies of the draft report to the ALMO and the authority and we will invite formal written comments on it. We will agree with the ALMO and the authority whether this is before or after a formal round-table discussion of the report. We have found that this approach generates a productive discussion of the issues arising from the inspection.

116 We will make a presentation to a wider audience if that is the authority's preference or if we believe that this is in the best interests of the local authority, ALMO, its residents and/or other stakeholders.

Notification of scores

117 Once we have considered the authority's comments and decided the final score,^I we will write to the authority, the ALMO and the ODPM telling them the outcome. We will issue a press release at the same time. The ODPM will regard the date of our letter confirming the award of a 'good' or 'excellent' first judgement as the date on which the ALMO qualifies for additional funding. This will allow successful authorities to draw down the additional capital expenditure several weeks ahead of the report publication date.

Re-inspection

118 If an ALMO inspection produces a judgement lower than ODPM requirements for additional capital funding, the Inspectorate will agree a date for a re-inspection with the authority. We consider that it would be unrealistic for the re-inspection to take place less than six months after the report publication date. This allows a reasonable time for the ALMO to address any performance weaknesses, and for us to programme the necessary re-inspection. A longer timescale may be necessary in some circumstances. The ODPM will inform ALMOs how the need for re-inspection will affect their funding allocation, as the provisional allocation cannot be kept on hold indefinitely.

Fees and other issues

119 Authorities intending to set up ALMOs in the near future and seeking an 'indicative' inspection of their housing management services before the end of 2003 need to discuss their plans with their Lead Housing Inspector as soon as possible. Early notification of local authority intentions will help us to prepare our overall inspection programme for 2003/04 (and beyond) including future ALMO inspections.

120 We will charge additional fees for ALMO inspections. The fees for round 1 and 2 ALMO inspections were based upon the stock size being managed and the score from previous substantive housing management inspections (if any). They varied between £17,000 and £50,000. We are unlikely to calculate round 3 fees in the same way. Local authorities and other interested parties will be advised of the charging arrangements for Round III ALMO inspections when these are finalised.

121 As part of our commitment to service delivery and developing our inspection methods, we commissioned a research study on the first round of ALMO inspections. This report will focus on the positive practice found in the round 1 ALMOs and is available from Spring 2003.

^I The score includes both judgement 1 and judgement 2.
Appendix 1: how good is the service?

1.1 Has the organisation challenged the need for the service?

- Are national priorities taken into account?
- Is there a local vision for the service?
- Are resources being maximised?
- Has the organisation challenged the way it plans, delivers and reviews all its investment decisions in conjunction with residents and stakeholders?
- Will it have an objective and rigorous appraisal of investment options complete by July 2005?
- Is there a well-informed and viable HRA Business Plan?

- Is there a clear and real connection between the HRA Business Plan and what actually happens on the ground?
- And maintain and sustain it thereafter?
- Will the organisation be able to rehabilitate its stock and achieve 'decent homes' standards by 2010?
- Is the split between emergency and other response repairs appropriate?
- Is the balance between planned and response repairs likely to secure maximum value for money?
- Have partnering arrangements been fully explored?
- Is it clear to tenants how to order repairs and what service standards they can expect?
- Has the organisation a clear rent-setting policy, which complies with the Government's rent restructuring plans?
- What targets have been set?
- Has the organisation challenged the way the service is organised?
- Is there an appropriate balance between collection services and arrears recovery?
- Is it clear to service users how the service works, and how they can pay their rent or service charges?
- Have members of council/board members, tenants and other stakeholders been involved in shaping the service?
- Has the organisation considered whether other suppliers should provide the service?
- Does the organisation value tenants' input?
- Are national requirements being addressed?
- In establishing Tenant Participation Compact(s), has the dialogue between the organisation and its tenants challenged the current arrangements?
- Is the relationship between the organisation and the tenants one of sharing information, promoting consultation and enabling participation?
- How are tenants best supported?
- How are tenants and prospective tenants involved in shaping the service?
- How are service standards communicated to tenants?
- Have tenants and their representatives been effectively trained to enable them to fully participate in the Best Value process?
- Does the organisation have a clear policy on allocations?
- Does it meet national expectations?
- How are the constituent parts of the housing management service best provided?
- What are the priorities for action from a tenant's perspective?
- Are tenants' views taken seriously?
- Who are the best suppliers of these services and have they been considered?
- How is the service best delivered – through estate- based services, locally or from the centre?
- Are the service standards clearly explained and understood both internally and externally?
- Are the services linked to the business plan?

KEY QUESTIONS Investment recovery, debt counselling Participation and allocations

1 Are the organisations aims clear and challenging?

1.2 Does the service support corporate aims and the community plan?

- Does the organisation's investment approach contribute to the Home Energy Conservation Act Strategy? (HECA)
- What is the effect on the environment of product purchasing decisions?
- What contribution is made to local economy and employment issues?
- How much value is placed on investment that improves community safety?
- Does the service reflect corporate aims?
- Is there an appropriate balance between supporting the business and the way the organisation treats its tenants?
- Are there links to a broader advice service for those on low incomes?
- Are there links between the arrangements within the organisation and others that take a broader neighbourhood/ community view?
- How are hard-to-reach groups dealt with?
- Does the Tenant Participation Compact promote an inclusive view of diversity?
- Are key service standards available in appropriate ethnic languages?
- What are the links within a neighbourhood between housing management and other service providers such as education, social services, health and welfare benefits?

- Is sheltered housing efficient and effective where provided?
- Are the connections in relation to community safety strong enough?
- What actions are in place to effectively combat racial harassment?

KEY QUESTIONS Investment recovery, debt counselling Participation and allocations

1 Are the organisations aims clear and challenging? (cont)

2.1 Is there effective performance management?

- How does the organisation track its investment in terms of benefits to customers, impact on its stock condition data, its energy rating information, future lettable and therefore its business plan?
- What targets have been set against BVPIs?
- Are local performance indicators in use?
- Do staff, partners and suppliers know their role and how the overall service fits together?
- How well is the organisation geared towards continuous improvement?
- What QA systems are in place to ensure the collation of PIs complies with the published definitions?
- How are PIs used as an effective tool by officers, tenants and board members to track and identify performance issues?
- Are there procedures in place to capture and then use informal complaints as a means of improving services?
- Has the organisation defined national targets (related to BVPI 66)
- Are there local performance indicators?
- Do the organisation's plans for improvement set out how it is going to turn aims into actions?
- What outcomes is it seeking in maintaining and enhancing its income flow?
- Have service aims been clearly communicated to staff?
- Are staff geared to deliver the service and meet the targets?
- Do staff have personal collection/ arrears recovery targets?
- How are PIs used as an effective tool by officers, tenants and board members to track and identify performance issues?
- Are there procedures in place to capture and then use informal complaints as a means of improving services?
- What QA systems are in place to ensure the collation of PIs complies with the published definitions?
- What targets have been set for this service area?
- Who set them and who is due to deliver them?
- What does BVPI 75 say about performance in this service area?
- Does the Tenant Participation Compact have an implementation plan?
- Are there procedures in place to capture and then use informal complaints as a means of improving services?
- How are PIs used as an effective tool by officers, tenants and board members to track and identify performance issues?
- What are the performance expectations for lettings, caretaking, grounds maintenance and estate management?
- Is there effective tenancy management?
- What targets have been set?
- Who takes part in performance measurement?
- Are tenants involved?
- Who receives the feedback on performance?
- Does the organisation comply with the Commission for Racial Equality code of practice on managing housing (BVPI 164)
- Are there procedures in place to capture and then use informal complaints as a means of improving services?
- How are PIs used as an effective tool by officers, tenants and Board members to track and identify performance issues?

2 Does the service meet these aims?

2.2 Is the organisation delivering?

- What is the performance?

- What are the tenants' views of the investment decisions taken by the organisation and the quality of services it provides to their homes? Have they engaged effectively with the tenants?
- How does the organisation deal with service failure?
- Is the organisation meeting its business plan requirements on the ground?
- Are all gas appliances serviced every year? Are there clear no access procedures that are rigorously monitored and followed to effect entry where this has not been possible?
- Are responsive repairs efficient and effective?
- What are the trends in customer satisfaction in the key service areas of repairs, voids, planned maintenance and major renewals?
- How are tenants' views recorded and are they used?
- Can the organisation demonstrate to users that it is implementing its actions, achieving its targets and delivering its services?
- Is the collection of rent due being maximised?
- Is performance improving?
- Is the organisation delivering its policy on rent arrears recovery?
- Do customers feel that its actions are consistent with its policy?
- How does the organisation seek out, record and use tenants' views?
- How does customer satisfaction for this service compare with others internally and with the same service area in other housing Organisations?
- Are there effective arrangements for tenant consultation and participation?
- Does the Tenant Participation Compact deliver what it said it should?
- What do tenants think the compact has delivered for them?
- What are the monitoring and reporting arrangements for the compact?
- How are tenants involved in promoting improvements in each service area?
- Are there clear proposals for the development of local TPCs?
- How does the ALMO engage with the main body of tenants outside formal TP structures?
- What do tenants think about the services they receive?
- Are they getting better or worse?
- What benchmarks have been set for measuring improvements?
- How are policies turned into practice?
- Is there effective management of estates and their environments?
- Do tenants feel safer?
- Are estates cleaner?
- Are homes let easier?
- Do tenants stay longer?
- What are the trends in demand?

KEY QUESTIONS Investment recovery, debt counselling Participation and allocations

2 Does the service meet these aims? (cont)

3.1 How does the service compare with the top 25%?

- What is the organisation's performance compared with the top 25 per cent (upper quartile)?
- Are the targets on repairs, voids and appointments likely to deliver upperquartile performance by 2005?
- How does the organisation currently compare with the upper quartile?
- Are its targets on rent collection and arrears recovery likely to deliver upper-quartile performance by 2005?
- Where does the organisation fit with others in delivering good practice in this area?
- What discussions have taken place with other organisations on the involvement of tenants in service improvements?
- Will the organisation reach the upper quartile on relevant BVPIs?
- What local performance indicators exist and what are their trends?

3 How does performance compare?

3.2 Has the organisation demonstrated cost effectiveness?

- Does the organisation know how much the commissioning of this service costs?
- Has it secured discounts for work that has a long lead time or involves empty properties?
- How can it demonstrate value for money?
- How are extras controlled?

- What inspection regimes does it have before and after works are undertaken?
- How has competition in service delivery been demonstrated? Does the service provide demonstrable value for money based on transparent procurement decisions?
- Does the organisation know how much this service costs?
- Does it know the split between collection, recovery of arrears and debt counselling?
- Has there been any external competition for this service in part or in whole?
- What is the level of resources overall for tenant participation?
- How much of this is controlled by tenants and how much by the organisation?
- How are outcomes measured by the organisation and by the tenants?
- How do the costs/service standards compare with the best in the field?
- What overheads are being levied?
- What degree of competition is in place?

KEY QUESTIONS Investment recovery, debt counselling Participation and allocations

3 How does performance compare? (cont)

Appendix 2: what are the prospects for service improvement?

Questions that housing inspectors will be asking about prospects for service improvements.

Key Question One

What is the evidence of service improvement?

- What action has the organisation taken to implement recommendations from previous inspections, and other improvement work where relevant (external audit, peer review)?
- What action has the organisation taken to implement their own corporate and service improvement plans, whether following a Best Value review (BVR) or otherwise?
- What evidence is there that actions have resulted in clear and discernible benefits for customers of the service?
- What do national and local performance indicators say about service improvements?
- What evidence is there that the organisation is implementing service improvements as a result of learning from its own experience, for example complaints systems, customer surveys and staff suggestions?

Key Question Two

How good are the current improvement plans*?

This is both an assessment of the existence/quality of current plans, but more especially a view about how they were arrived at. This will include:

- How did the organisation use the 4Cs (challenge, compare, consult, compete) to create its improvement plans (regardless of whether they followed a BVR)?
- How self-critical was the 'challenge'?
 - What evidence is there that objectives, policies and practices have been fundamentally challenged?
 - What evidence is there that the organisation has considered carefully the need for all parts of the service or who should provide it?
 - How has the organisation acted on the results of this challenge?
- How thorough was the comparison?
 - What efforts have been made to learn from others? What sort of benchmarking has been undertaken and with which organisations?
 - What did the comparisons tell the organisation about its performance?
 - How has the organisation acted on the results of this work?
- Has the organisation involved all stakeholders?
 - How has the organisation consulted with tenants, other local people and stakeholders, including hard-to-reach groups?
 - How has the organisation acted on the results of this consultation?
- How has the organisation demonstrated the competitiveness of its service?
 - What has the organisation done to test whether any other organisation provides higher quality and/or more cost-effective services in the public, voluntary or private sectors?
 - Has the organisation examined the market for these services and, where there is not one, has it looked into creating a market?

- Has the organisation explored the range of procurement methods available, including partnership, joint provision with other authorities or agencies, or negotiated tendering?
- What evidence is there that the organisation developed the plans following an agreed corporate methodology?
- Have the plans taken account of changes in the external environment such as recent or forthcoming legislation?
- Do the plans directly address the key service weaknesses and set new objectives for the future?
- What evidence is there that the proposed actions will deliver substantive improvements for customers, that are both challenging and outward focused?
- Are the plans SMART (specific, measurable, agreed, realistic and time-bound)?
- Do they outline clear responsibilities and accountability for actions?
- Do they outline the financial, human and physical resource implications?
- Do they set out clear and feasible targets and timescales for improvement?

Key Question Three

Will improvements be delivered?

- What evidence is there that the organisation has the capacity to deliver improvements? Are the right resources, skills, information technology, partnerships in place, or where there are gaps are there plans to fill them?
- How effective are the organisation's arrangements to implement improvement plans and to ensure they deliver successful outcomes for customers?
- Are there strong performance management systems in place to ensure the plans are implemented and services meet their stated aims and objectives?
- How effective are the scrutiny and governance arrangements?
- Have local performance indicators been developed and how are they being used?
- How well are risks being managed?
- What evidence is there that the organisation has targeted resources in order to meet stated priorities?
- What evidence is there that key stakeholders 'own' the delivery of these plans and share a common understanding of their meaning?
- What evidence is there that staff, managers, councillors, board members, contractors, partners and other stakeholders support the plans and are committed to their delivery?
- To what extent is continuous improvement seen as part of normal working by staff and managers?

It is within the context of **Key Question Three** that we will consider the ALMO's governance arrangements.

Summary of drivers and barriers for improvement

Inspectors will conclude by highlighting the most important **drivers of** and **barriers to** improvement. Inspectors may wish to identify both service-specific and non-service-specific (corporate) drivers and barriers to improvement, as this will shed the greatest light on where the problems (if any) may lie in achieving improvements in service delivery and outcomes for users.

Appendix 3: ALMO inspections: Housing Inspectorate advice for local authorities and their ALMOs

In devising the questions below, initially published in June 2002, we have drawn from a major Audit Commission report that examined the progress of local authorities under the Best Value framework, which came into force in April 2000. This report – *Changing Gear* (**Ref. 23**) – states that the most effective public service bodies have the following:

- councillors and officers committed to improvements;
- clear and consistent organisational priorities; and
- sound performance management systems at the heart of financial and policy planning.

The self-assessment questionnaire below should help ALMOs and their local authority partners prepare for our inspections. Guidance produced by other parties, particularly the Office of the Deputy Prime Minister (ODPM) and its Community Housing Task Force (CHTF), should also help.

Relationship between the local housing authority and the ALMO

The local housing authority (LHA) retains responsibility for the community plan, housing strategy, finance strategy, the Housing Revenue Account (HRA), borrowing authority and property ownership. Formal delegations, Delivery Plans,^I and legal agreements govern the relationship between the two parties. The purpose of our inspection is to assess the nature and effectiveness of this relationship – focusing (in particular) on its ability to contribute to high-quality and improving services.

Are the LHA's corporate strategies being refined in recognition of the creation of the new body (or bodies)?

Strategies that have been refined or are due to be refined would include those on:

- Best Value Performance Plans;
- Housing Investment Plans;
- crime and disorder, social inclusion and anti-poverty issues; and
- diversity, equality and BME issues.

Have the LHA and the ALMO agreed the responsibilities of each party on relevant strategic and operational matters?

This would include agreement on:

- business planning, risk management, asset management and use of the HRA;
- data management and protection;
- inspection and internal/external audit arrangements;
- respective roles and responsibilities for Best Value and continuous improvement;
- a communications strategy/protocol between the two bodies;
- personnel issues (including TUPE, staff training and development, staff terms and conditions, trade union matters and diversity and equalities); and
- health and safety issues.

I The Delivery Plan sets out the agreement between the LHA and the ALMO on the services to be provided by the arm's length body. The most recent advice on the contents of ALMO Delivery Plans was produced by the former DTLR in March 2002.

Also, how are conflicts of interest between the two parties minimised or resolved?

Are the links between the LHA's housing strategy, its HRA Business Plan and the ALMO's Business Plan consistent and transparent and have they been fed into a clear set of outcomes agreed with tenants?

Have the LHA and the ALMO agreed their respective responsibilities for preparing and maintaining the HRA?

the LHA's role of reviewing the ALMO's performance against its business and Delivery Plans clear, and are there procedures for dealing with poor performance or non-performance by either party?

- Is the Delivery Plan clear and focused on meeting both national and local objectives?
- Is there an effective mechanism to report variances to the Delivery Plan and have it amended by joint agreement?
- Are delegations under the Delivery Plan clear and effective? Strategic management of the ALMO

The ALMO focuses on the delivery of high-quality services to tenants and others. Achievement of the Government's decent homes standards is particularly important. Other responsibilities include board governance, acting as an agent of the LHA, business planning, and undertaking other tasks delegated by the LHA and acceptable to the ODPM. The ODPM's guidance (**Ref. 7**) describes the governance arrangements that ALMOs are likely to follow and makes it clear that ALMOs should be genuinely distinct from the LHA.

As part of our inspection, we will examine evidence that these arrangements are both established and operating effectively to provide the ALMO with the necessary leadership and stewardship. We will also look for assurances that the ALMO has sufficient authority to discharge its responsibilities.

This part of our inspection will consider the following questions, which we would, in turn, expect ALMOs to have addressed themselves. The ALMO governing body: its constitutional and leadership roles

Have delegations from the LHA been established that give the ALMO clear authority and responsibility to fulfil the relevant functions on the LHA's behalf?

Does the ALMO board retain appropriate authority and has this been differentiated from the responsibilities delegated to its officers?

- Does the ALMO operate under the constitutional arrangements set out in the Section 27 delegation agreed with the ODPM? Is it adequately discharging the responsibilities delegated to it under Section 27?
- In the case of a group structure or similar, what delegations have been established to allow local operational freedom but still give the 'partner' ALMO the necessary controls of the group as a whole?
- What are the systems for appointing board members? How do these systems encourage tenant involvement? Is the board representative of the gender, race and age profile of the ALMO's tenants and the broader community served by the body?
- What are the skills and experience of the ALMO board, and does it have the capacity and capability to lead the organisation and direct its affairs? How does the board measure and assess its capabilities?
- What training has the board received and what training is planned?
- How do board members demonstrate that they act in the ALMO's best interests?
- What arrangements are in place to guide the standards of behaviour expected from board members and staff?
- Has the board set clear objectives for the organisation and how has the board demonstrated commitment to those objectives?
- What board member, committee and officer structures has the ALMO devised?

How are the roles and responsibilities of board, committee members and officers defined and implemented?

- How does the ALMO, as an employer and provider of key services, promote diversity and equality of opportunity in all its practices? Has the ALMO adopted a Race Equality Scheme?

Organisational and performance management

Are there effective arrangements for securing Best Value including continuous improvement in services?

Has the ALMO prepared a comprehensive Business Plan, which delivers the LHA's own Business Plan (or part of it where there is more than one service provider) with regular and robust reporting arrangements to the LHA and tenants?

Has the ALMO set up a formal review process for its Business Plan (linked to the LHA Business Plan)?

- What arrangements has the ALMO established to secure best value and achieve continuous improvement in service delivery?
- How does the ALMO ensure effective service delivery and value for money? What techniques does the ALMO use to manage and monitor performance?
- What planning processes are employed by the ALMO? How are the ALMO's aims, objectives and strategies reflected in team and individual targets?
- How are the ALMO's policies and procedures developed and how are they communicated to staff? What mechanisms are used to review the ALMO's policies and procedures?
- What systems has the ALMO set up to work with the LHA in the event of performance failure?

User involvement

Has a range of opportunities been established for tenants and leaseholders to participate in the ALMO's management, development and review processes?

- How do users evaluate and influence the ALMO's performance?
- How do users and other stakeholders (where appropriate) influence ALMO decisions about services? Specifically, what access do tenants have to board and committee meetings?

- How does the ALMO communicate with its users and other parties, for example, its staff and its local authority partner? What type of information does the ALMO communicate to its stakeholders?
- How does the ALMO handle complaints from tenants and other parties? How are appeals against ALMO decisions handled?

Risk management

In the original *Framework paper*, we did not refer to the potentially wide range of risks that these new bodies could face. But risk management is obviously a key issue for ALMOs, so below we set out some self-assessment questions on risk that they might like to consider when preparing for inspection.

- What arrangements does the ALMO have to address the risks associated with the following:
 - the health and safety of tenants and staff;
 - its property and its maintenance;
 - its financial viability; and
 - the relationship between the ALMO and its local authority partner?
- What type of financial monitoring information do board members and senior managers receive to enable them to make informed decisions?
- Are systems in place to ensure proper stewardship and performance management of the ALMO's finances?
- What internal and external audit arrangements have been established to ensure that the ALMO has sound financial controls and accounting policies and complies with legislation and all agreements between the ALMO and its LHA?

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Housing After Transfer: The Local Authority Role, Audit Commission, November 2002.

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Glossary of terms

Arm's length management organisation – ALMO

A Government initiative whereby the council retains ownership of its properties but their management is carried out by a separate organisation.

Beacon status

A Government initiative to recognise high-performing council services.

Best Value Performance Indicators

Government-set indicators that councils must publish each year.

Capital receipts

Money received from the sale of capital assets, such as council housing.

Capital repairs /programme

Money spent on repairs that increases the value of the property and thus delivers a lasting benefit over a number of years.

Charter Mark

The Charter Mark scheme aims to help public sector organisations make real improvements in the delivery of services, from the point of view of service users.

'Choice' agenda

A number of pilots funded by the Department of Transport, London and the Regions (DTLR, now ODPM) to promote choice for applicants in the allocation of housing.

CIPFA

Chartered Institute of Public Finance Accountants.

Commission for Racial Equality (CRE) code

The aims of this code are, first, to provide detailed guidance on the operation of the Race Relations Act 1976 in relation to the field of rented housing and the elimination of racial discrimination, and second, to give examples of good practice in the implementation and promotion of equal opportunities. The code was produced before the Race Relations (Amendment) Act 2000 was passed. Public landlords have new duties under the amended Act.

Decent Homes standard

A 'decent home' is one that meets the current statutory minimum standard for

housing, is in a reasonable state of repair, with reasonably modern facilities and services and provides a reasonable degree of thermal comfort. All homes in the social housing sector must meet this standard by 2010.

DETR

Department of the Environment, Transport and the Regions (DETR) subsequently becoming the Department of Transport, Local Government and the Regions (DTLR).

DTLR

Department of Transport, Local Government and the Regions. Its housing functions are now located within the Office of the Deputy Prime Minister (ODPM).

Egan Report

Department of Environment, Transport and the Regions, Rethinking Construction: Report of the Construction Task Force to the Deputy Prime Minister. The report contains proposals for the construction industry which radically alter contractual arrangements with the aim of achieving greater efficiency.

Estate Action

Government funded initiatives to regenerate deprived council housing estates.

E-government

The key objectives of e-government are to increase the level of service provided to the community and to drive down costs and increase efficiency through the use of information communication technology (ICT).

Fitness standard

A legally defined standard of property condition.

GOs

Regional Government Offices.

HouseMark

This is a joint venture between the Chartered Institute of Housing and the National Housing Federation (NHF) that gives internet access to good practice information, performance management and benchmarking tools.

Housing needs survey

A survey that assesses the extent and pattern of housing need in an area.

Housing Revenue Account (HRA)

A separate account used only for council housing.

Investors in People (IiP)

A national standard for the training and development of people in the workplace.

Large scale voluntary transfer (LSVT)

All or part of a council's properties are transferred to another organisation, usually a registered social landlord.

Leaseholder/Lessee

Usually an owner-occupier who has permission (a lease) to occupy the property on certain conditions. In social housing, leaseholders lease their properties from local authorities or housing associations.

Local Strategic Partnerships (LSPs)

Local Strategic Partnerships are a mechanism for joining up public services at an authority wide level. Their purpose is to bring together public, private, voluntary and

community sectors in a single overarching local co-ordination framework.

ODPM

Office of the Deputy Prime Minister.

Policy Action Teams (PATs)

Eighteen PATs were set up, in the late 1990s, under the Social Exclusion Unit to take forward an intensive programme of policy development. The teams were made up of civil servants and outside experts from a range of backgrounds with experience of working and living in deprived neighbourhoods.

Private Finance Initiative (PFI)

A Government initiative, introduced in the early 1990s, to enable private developers to provide or improve property, which is then leased back to the public sector. Extended to include housing refurbishment schemes in 1998.

Public Service Agreements (PSAs)

PSAs form an integral part of the Government's spending plans. PSAs set out each department's aim, objectives and key outcome targets for improved performance in public services. There are both national and locally negotiated PSAs. The decent homes target is a key housing PSA target.

Registered social landlord (RSL)

A landlord, often a housing association, registered with a Government body with responsibility for social housing – in England, this is the Housing Corporation.

Renovation grants

Renovation grants are means tested financial assistance provided by councils to landlords, owner occupiers and tenants (with repair liabilities) to repair and improve their properties.

Rent restructuring

A new system to calculate rents that is being introduced by the Government. The objective is to secure broadly comparable rents for local authorities and housing associations in different local authority areas by 2012.

Right to buy (RTB)

Programme to enable tenants to purchase their home at a discounted rate.

Right to Repair

A right to compensation for secure council tenants if specified small repairs are not carried out within prescribed timescales.

SAP rating

Standard Assessment Procedure, a measure of energy efficiency.

Service level agreement (SLA)

Agreement between two organisations/departments covering the services provided by one to the other.

Social Exclusion Unit (SEU)

The SEU was set up in 1997 to develop integrated and sustainable approaches to the problems of the worst housing estates, including crime, drugs, unemployment, community breakdown and bad schools. Since May 2002, the SEU has been located within the ODPM.

Single capital pot

Since 2000, councils' previously separate budgets for housing have been combined giving greater discretion as to how the money is spent. This excludes money spent on

council housing.

SMART

Specific, Measurable, Agreed, Realistic and Time-bound.

STATUS survey

The Government requires landlords to carry out tenant satisfaction surveys every three years using the STATUS methodology. This has been jointly developed by the Housing Corporation and the National Housing Federation.

Stock condition survey

A survey that looks at the physical condition and elements of a building, including disrepair, and facilities such as heating.

Supporting People

This is the Government's long-term policy to enable local authorities to plan, commission and provide quality support services which help vulnerable people live independently in the community. The aim of the Supporting People Programme is to establish a new integrated policy and funding framework to replace the current complex and unco-ordinated arrangements for providing housing related support services for vulnerable people.

Tenant management organisations (TMOs)

Voluntary organisations, run by tenants, set up to take on the management of council homes.

Tenant participation compacts

Agreements between councils and their tenants that set out how tenants can get involved collectively in local decisions on housing matters that affect them, what the council and their tenants want to achieve through the compact, such as improving local services, and how the compact will be implemented and monitored to make sure it works properly.

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HOUSING SERVICES COMMITTEE

13 DECEMBER 2006

Report of the Strategic Director for the Community

DALE AND VALLEY HOMES MONITORING REPORT: SEPTEMBER 2006

purpose of the report

To present to Committee a monitoring report on the performance of Dale & Valley Homes in the first half of 2005/06 across a range of indicators.

background

1. Performance management is recognised as an essential requirement in providing a high quality service to our customers. The measurement of performance through the use of performance indicators is an important aspect of this process. The report at Annex ? shows Dale & Valley Homes performance for the first two quarters of 2006/07. The report also shows historic performance for the previous three years so that trends in service performance can be identified. Targets which have previously been developed with customers, Dale & Valley Homes Board, the Council and staff are also included in the annex.
2. Earlier this year, Dale and Valley Homes joined an organisation called Housemark. This provides housing organisations with benchmarking data as well as extensive information regarding good practice across the sector. Consequently they now have access to performance data from other ALMOs operating across the country. This allows us to identify how well we are performing against these and to ascertain if we are providing top-quartile performance in our services. This top-quartile performance is also included in the report where it is available for the year end 2005-06.

results

3. Generally Dale & Valley Homes is performing well. Of the 36 indicators reported, 13, or 36.1% are on or ahead of target. A further 8, or 22.2% are within 10% of their target.
4. There are 10 indicators (27.8%) where the half year information is not yet available. Six of these refer to customer satisfaction with the service and opportunities for customer participation. This is currently being collated through a status survey which we are required to carry out every three years. A full report on the results of this survey will be produced in January 2007. The other four indicators that are not

available refer to performance and customer satisfaction with the capital programme. These are currently being collated and will be reported to a future meeting of the Committee.

under performing indicators

5. There are currently five of these within the reported indicators.

- **Average time taken to complete non-urgent repairs.**

This is currently 14.5 days against a target of 12.5 days. Staff within the Call Centre have been instructed to make appointments for this type of work within the target period in an effort to improve performance. The officer responsible for performance in this indicator is the Technical Services Manager

- **The percentage of housing applications registered within five working days.**

This is 84.4% against a target of 94.0%. Performance in the first quarter of the year was comparatively low, and this was identified. Systems have since been established to ensure that applications are monitored much more closely upon receipt. Consequently, performance in the second quarter was on target and will continue to be monitored by the Principal Neighbourhood Operations Manager.

- **Total former tenants arrears**

At the end of September 2006, these were £266239. However, it can be reported that following the write off of a number of bad debts, together with further collections, they had reduced to £216978 by the end of October. This is almost £20,000 within target and represents a reduction of £43,761 since the beginning of the year. Performance for this indicator is the responsibility of the Principal Neighbourhood Operations Manager.

- **Proportion of homes that are non-decent**

The target of 15% was set at a time when it was envisaged that ALMO capital funding would be available. The figure is currently being revised in the light of changed spending profiles. These revised targets will be reported to the Board with performance at the end of the current quarter. The Technical Services Manager is responsible for delivery of performance.

- **Percentage change in the proportion of non-decent homes**

See above.

financial implications

6. There are no financial implications in the report

legal implications

7. There are no legal implications in the report

human resource implications

8. There are no human resource implications in the report

it implications

9. There are no IT implications in the report

equalities and diversity implications

10. Equality and diversity is recognised in all of the customer satisfaction surveys carried out by Dale and Valley Homes. This ensures that our services are provided fairly to all of our customers.

crime and disorder implications

11. There are no crime and disorder implications in the report.

conclusion

12. In general, it can be reported that performance within Dale & Valley Homes is currently satisfactory. The core services of rent collection, relets and repairs are running at a very high level, quite often within top quartile performance when compared to 2005/06 benchmarking data. However, the performance is reinforced by high and improving levels of customer satisfaction.
13. The importance of performance and customer satisfaction is now well established in Dale & Valley Homes. It is reported and discussed on a regular and frequent basis between managers and officers. Issues regarding failing performance are addressed promptly, and plans put in place to address these. The recently established membership of Housemark will allow them to measure our performance against other organisations, and also give access to good practice across the sector. Top quartile performance will be taken into account when setting future targets.

RECOMMENDED

- 1 Committee receive the report and note the service improvements, and action being taken to address under-performance.

Officer responsible for the report Michael Laing Strategic Director for the Community Ext 281	Author of the report Michael Laing
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