
Compliance roundtable events

Summary

Two round table events took place in October, sponsored by Kier, working together with the National Housing Maintenance Forum (NHMF), Frankham RMS and Pennington Choices. Participating organisations gathered in London and in Manchester representing a wide geographic spread and size, from 800 to over 80,000 properties. It quickly became clear that regardless of these differences everyone was facing similar challenges in their shared objective of providing safe and healthy homes for their residents. Given the importance of these issues they will feature again in the NHMF Study tour as a day devoted to Fire Safety on 10 November in London, and as a prominent theme or workshop and plenary session at the NHMF Maintenance Conference on 23-24 January 2018 in Birmingham.

Key Points

- Compliance needs to have a higher priority for social landlords. There needs to be good governance and leadership, with Boards exercising effective scrutiny.
- Experience of working with different organisations suggests that the industry is still complacent or has lost skills. Prior to the HCA, compliance was very prescriptive. It should be carried out to fulfil internal objectives as well as for external regulators.
- Competence is required at every stage and every level – competent FRAs, consultants, operational staff and accredited contractors – to achieve effective compliance. Procurement should not focus on lowest price.
- Good compliance regimes involve on-going risk management, acting on FRA recommendations, recording actions, involving residents and reviewing risks (not just reacting to incidents). It involves joined-up organisational working (i.e. maintenance and housing management teams) with good data management to understand and demonstrate compliance.
- Policies, processes and procedures should set out what is required to achieve compliance.
- Clarity should be established over the required frequency of surveys and how to record and access data.
- Compliance should be managed holistically, not just focusing resources and effort on fire (or the most recent incident) or on a particular housing situation, such as high-rise.

- Resident safety should be the driver (not ticking compliance boxes) yet there are no easy ways to engage with residents or gain access to homes. Annual safety (MOT approach) checks could provide a way forward.
- The sector should work together to agree and promote good practice, establishing principles for effective compliance and developing tools to help, such as questions to help Boards exercise effective scrutiny or operational checklists to ensure effective risk assessments and effective management. The NHMF is willing to help the sector promote best practice through publishing case studies, operational checklists and Board scrutiny questions to complement the free best practice resources published at <https://www.nhmf.co.uk/bestpractice/>

Report from London roundtable event (10 October 2017)

The discussion considered the current landscape on compliance areas and what this meant for social housing landlords. Inevitably, the question of Fire Risk Assessment threatened to dominate the conversation. One of the outcomes from the event was the realisation that this is a serious threat to the sector. It would be easy, in the current climate, for resources to be focused on fire protection and neglect other equally important areas of compliance which present a risk to the health and safety of residents. It was agreed that it is always better to take a holistic approach to managing and maintaining buildings covering all areas of compliance including fire, gas, oil, asbestos, legionella and lifts.

The group moved on to consider what processes landlords need to have in place to ensure that they are compliant. This led to the question of the collection and storage of data, and access to data and information which could be critical in the event of an emergency. The support available to the emergency services, and the ability of a landlord to react to a disaster, was thought to be as important as the being able to demonstrate compliance. It was thought that in general, landlords recognised that there is a need to review their policies, data records and procedures. Most landlords were looking to see how their own systems could be improved and how new technology might underpin improvements.

The extent to which landlords engage with their residents was considered a key factor in ensuring that both the landlords' level of compliance and the safety of their homes for residents. It was agreed that it is extremely difficult to establish a positive and continuing dialogue and information exchange between landlords and residents. Residents have busy lives and can ill afford the time to attend meetings or respond to communications from their landlords. It is very hard to disseminate information and explain how certain behaviours can compromise home safety.

A quick survey at the London round table on the number of fires experienced by social landlords revealed a scale from never having had a fire, to an average of one a year, to an average of one a month. Interestingly, there appeared to be no correlation between the number of properties in management and the number of fires recorded. The causes of the incidents reported were attributed to either human behaviour or misuse or faulty electrical appliances such as mobile phones, laptops, kitchen appliances and medical equipment. The high incidences of fires of one a month, were experienced by one landlord with a high number of properties and a smaller landlord specialising in housing for vulnerable people.

The group tried to identify if there were any particular underlying problems in respect of compliance matters and found the following potential areas for further consideration:

- There is a need for a nationwide campaign to educate people living and working in all types of property tenures as to how fires start.
- Inter-departmental working and awareness is essential. Housing management and maintenance departments need to work together to understand better how the physical structure of the building can be compromised by on site behaviour.
- CEOs and boards need to be given good advice based on quality data and information relating to the particular property types for which they are ultimately responsible. The Manchester round table discussed the importance of effective governance in which the Board scrutinised the Executive on compliance.
- Investment in people in terms of relevant training and in terms of employing more local wardens or fire marshals, could be combined with investment in new technology to streamline data collection to create more accurate and accessible information.

Report from Manchester roundtable event (18 October 2017)

The experience of visiting organisations throughout the sector, suggested that the 'big 5' compliance issues (gas, electrical, fire, asbestos, legionella) are still not being done 100% correctly.

A few points were suggested to improve things:

- Appoint competent people to conduct FRAs
- The competent person should be external, so that they can be objective
- Specify what 'must' be done, to comply with the law
- Create a 'risk matrix' such as occupancy risk (people make risk complex!)
- Ensure that the work is overseen by someone who is accountable both strategically and operationally
- Don't only focus on tower blocks
- Consider how often you conduct this programme
- FRA should be person centric
- Consider PEEPS (personal emergency evacuation plan)
- Consider PEEPS with 'stay put policy'

The group suggested conducting compliance checks and FRAs as part of lettings but there is also a need to review the residents' situation since some lettings can be 30 years old.

It was agreed that compliance responsibility should sit with an individual compliance officer within an organisation.

Compliance should not be bottom up, it should be top down and fit an organisation's strategy.

Visible leadership should take notice.

Compliance should be looked at with healthy scepticism and be challenged all the time.

One person said that prior Grenfell compliance was a light touch. Now there is more clarity on what actions they 'must' take.

Another important theme was the importance of capturing the information, even if that information is simply that an FRA isn't currently required, so that there is an audit trail for compliance.

Better outcomes are envisaged if someone on the Board has responsibility for compliance.

There was discussion on the move by organisations from FRA 1s to FRA 3s (FRA 1 = communal; FRA 3 = communal and sample domestic).

Anecdotally, it was noted that residents are less anxious about the recent disaster than housing associations themselves. Residents are more worried that they will be forced to move, when they are happy where they are. Conversely, the London event noted a higher level of anxiety amongst residents post Grenfell.

Honesty and transparency is important. Problems and challenges should be aired and dealt with, especially within organisations, so that boards and people at a strategic level can deal with them. Compliance should be strategic and top down to fit an organisation's objectives.

Conclusion

Five issues were highlighted:

1. **Visibility** for the board. i.e. operative tells the executive that all is fine, executive tells the board that all is fine, but is it really? Also, shift the board to 'skill based' so they can make decisions on these types of things.
2. **Data** – is currently often all held in various spreadsheets and not in a single place. Nor is it tracked or easily accessible in times of emergency. Check that surveys are up-to-date and relevant, particularly after any regulation changes. Example of asbestos post 2012 changes.
3. **Scrutiny** – how often should internal audits be carried out across the 'big 5' compliance areas? A competent person should confirm the recommended frequency and ensure it is externally validated. It was suggested that this should be done annually and the following items should be considered:
 - risk appetite
 - budget
 - best practice
4. **Board involvement** - Standard questions for the board were suggested including a set of proposed questions which will be circulated by the NHMF in November.
5. **Communication** – it was recognised that the communication of key information to both residents and staff posed a significant challenge. It was thought that this is best addressed by involving a wide range of staff in a dissemination project to residents and other interested parties. The group suggested several ways to engage with residents:
 - One-to-one meetings
 - Newsletters and letters (carefully proofed and sent by designated people)
 - Social media (but it was noted that this tends to be a forum for complaints)
 - Umbrella groups
 - Drop-ins (but these tend to attract the same people and usually older people)

20 October 2017