

Date: 13 September 2023 (08:30-12:00)

Location: Hallam Conference Centre, 44 Hallam Street, London, W1W 6JJ

Chair: Mike Turner (Chair)

Minutes: Andrew Burke (Deputy Secretary)

Attendees: Aaron Mitchell, Amy Boothman, Andrew Burke, Ben Virgo, Caroline Walters, Chris Monk, Chris Sutton, Claire Bailey-Jones, Connaire McGreevy, David Miller, Debbie McNorthey, Duncan Michell, Ettan Bazil, Fiona Lund, Francesca Redican-Clarke, Gary McIntosh, Imogen Bowen, James Remfry, Jan Taranczuk, Kevin McMahon, Maria Sharples, Matthew Scott, Melissa Woodall, Michael Cleaver, Michael McGovern, Mike Turner, Neal Forse, Nik Flytzanis, Oliver Barlow, Paul Rogers, Rosie Hughes, Russell Thompson, Sarah Patrice (online), Simon Davis, Simon Lowe, Sinead Lee, Sonya Russell, Susie Sinden, Tony Moloney, Tyron Stalberg, Will Goodwin, Rick Mardle, Alex Thomas.

NHMF Contractor Forum Meeting Minutes

Agenda:

No.	Description	Who
01.	Welcome & Introduction	Mike Turner
	MT welcomed everyone to the Service Provider Forum (SPF), which now had 60 members.	
02.	Challenging times for Service Providers	Tyron Stalberg
	<p>TS explained that the sector was living through unprecedented times and outlined the underlying issues facing contractors in the sector. As a result, many well-known and established names have gone under. Paul Maghie had started this discussion in the Forum because it was constantly living close to recession. There were multiple contributory factors, including post-COVID (employees still catching it), Brexit, and the war in Ukraine. [Link here]</p> <p>He then suggested things the sector could do, perhaps with SPF leading:</p> <ul style="list-style-type: none"> • Maintain a healthy cash balance. • Invoice (and pay) promptly. • Focus on profit, not turnover. • Control the pace of growth of businesses. • Price realistically to help clients understand costs (could help with sub-market tenders being rejected). • Monitor inflation & market conditions. • Evaluate each tender opportunity rigorously. 	

	<p>However, there were still things the sector needed to be very cautious about, such as fixed price contracts, unfair penalties, and how a tender was valid. Clients wanted to transfer risk but contractors should consider each very carefully, particularly when there is poor quality data or the absence of key information. He outlined a checklist when considering any contract's legal conditions, such as uncapped liability and consequential losses. In addition, there were other things to be aware of, including costs of labour and materials, skills shortage, and future legislation.</p> <p>In conclusion, he proposed that the Forum has the collective power to work together to change the sector for the better and to help firms from failing.</p> <p>Discussion:</p> <ul style="list-style-type: none"> • SPF should present this analysis to other forums such as CIH members, London Councils, and G15, to lead on the sector's collective challenge and to be more collaborative, especially when things are tough. The SPF could lead the way by working together. It was agreed the client side needed experience. • Proposed new regulations around energy and Net Zero related to the Government's policy for clean heat generation from Jan. 2024 would result in boilers being £300 more. The consultation ends in Oct. 2023, giving the industry a very short time to adapt. There needed to be better collaboration between Government and Industry because not all the different factors were understood by officials because building safety, fire safety, and SHDF were all being delivered by the same supply chain. • Regarding PPP, members commented that poor data and changes to future volumetric data meant that past work was not a good indicator of future demand, particularly with greater emphasis on the residents' voice. Where clients do not have a mechanism in place for this risk, Contractors will price it into the contract. • Clients need to have good property data and also need to talk to the sector before going to the market. It was agreed the SPF could help clients know how to procure. • In conclusion, MT proposed that the SPF should distill this work into key messages for the client side (to protect them) in terms of their budgets, business failures, etc. A draft would be circulated for comment before being circulated to other Fora. JT offered to assist using his contacts. This work could also help CIH's work on repairs (see CIH presentation below). Some industries already had a charter. <p>Action: SPF to draft and circulate for comment its key messages for clients, which MT has taken forward.</p>	
03.	<p>CIH update on Better Social Housing Review (BSHR) & CIH Action Plan 3</p>	<p>Dr Matthew Scott, CIH & Mike Turner</p>

MS reminded members of the background to NHF & CIH's BSHR and the action plan they had published. He was leading CIH's work on Recommendation 3 about R&M to define what an excellent maintenance and repair process should look like. This R&M group had been initiated at CIH's Conference in Brighton and included MT representing the SPF to develop best practice case studies of repairs and maintenance services developed in partnership with residents, contractors, and resident-facing staff. They should reflect on best practices regarding equality, diversity, and inclusivity. Such best practice was seen as an essential element for any charters and outputs to deliver improvements. [\[Link here\]](#)

MS organized small group discussions to consider two sets of questions and for each group to write up their recommendations so that he could analyse responses and draw out key themes to inform CIH's work.

Discussion:

The first set of questions about working with clients:

- What are the main challenges and barriers to working collaboratively with housing providers to deliver services at the moment?
- What are the characteristics of a great working relationship between a service provider and a housing provider?
- What principles should housing providers be following to develop a great working relationship with service providers?

As part of the feedback on key issues, SPF members said there needed to be:

- A change from the 'them & us' approach to a partnership.
- Standards for contractors dealing with D&M's that they could demonstrate the required qualifications. While the CIH course was useful, it involved no building pathology. In addition, there was no BS for D&M work.
- A balanced scorecard to show what was important for a good R&M service, looked at in the round. This should involve listening to residents to develop appropriate metrics that are data-driven not KPIs.
- Another common theme was poor diagnostics.
- Housing providers needed to be more proactive and focus on maintenance, not capital delivery.

Second set of questions about Data and delivery:

- When there are instances of poor service provision, what are their root causes, and what can be done to address these causes from a service provider's perspective?
- Service providers collect and hold a large amount of data about their work. How can housing providers work with them to use this data to improve how services are delivered?

As part of the feedback on key issues, SPF members said there needed to be:

- An examination as to whether what was required was set by the RSH, as happened with the Decent Homes Programme.

	<p>There was a danger of this with RSH consulting on TSMs and Consumer Standards.</p> <ul style="list-style-type: none"> • A data-driven service to make sure activities aligned with landlord/client expectations rather than being based on what the RSH set. • Qualitative assessments of how contracts are set up. <p>CIH's work on repairs could be expanded and MS asked SPF members to suggest what other topics, themes, or challenges should be considered and addressed.</p> <p>Action: MS to review all the responses before providing a summary of the SPF's comments during October.</p> <p>MS concluded by thanking the SPF for their help and outlined a program of work for Autumn/Winter with housing providers, professionals, and a diverse range of residents collaborating to define and deliver against clear expectations on repairs and maintenance services.</p>	
04.	Frameworkx	David Miller
	<p>DM provided an update on the Frameworkx for SPF members, reporting that 7 frameworks covering Planned and Responsive Maintenance, Asset Management, Compliance Consultancy, Energy, and Materials Supply, were all operating successfully. Further frameworks were being procured for Heating Services, Estate Services, Communal Mechanical and Electrical Services, Disabled Adaptations and Specialist/Sub-contractor Services.</p> <p>[LABM Frameworkx Article]</p> <p>Discussion:</p> <ul style="list-style-type: none"> • DM confirmed that Auto-Mist systems were included in the current procurement process. 	
05.	Consumer standards and tenant satisfaction	Sarah Patrice Anthony Collins (online)
	<p>SP explained her background of working with tenants, TMOs, CLTs, as well as HACT & TPAS before introducing RSH's consumer standards. These had a clear focus on tenant satisfaction. Her challenge to the SPF was whether the clients they knew what was coming. She outlined the new standards and how they would be measured and enforced. New powers had been given to the Ombudsman and RSH (serious detriment test removed), with clear divisions on responsibilities. Both would name and shame failures by social landlords and Michael Gove and the media would continue to highlight such failures. A quick poll suggested members had less knowledge of the proposed consumer standards and RSH's consultation but were aware of the impact on service providers.</p> <p>Consumer standards would be better regulated as a result of the new powers in the Social Housing Regulation Act. The Tenant Satisfaction Measures had been in force since April 2023 and required annual reporting. This meant landlords' performance could be compared and provided a uniform way to benchmark.</p>	

Landlords have to report from their own records and raw data, as well as survey findings. This meant their data had to be accurate. This had implications and opportunities for SPF members both in helping clients with data and also ensuring their systems up to date. Both contractors and clients could be fined for failures. SP encouraged the SPF to look at the Social Housing Quality Resident Panel reports.

All landlords will need to meet the new Consumer Standards and need to know the physical condition of each property. They could no longer rely on sampling. A draft Code of Practice had been published with RSH consultation (closes 17th Oct). There will be directions from the Government about FOI, Awaad's Law, etc. The RSH expects assurance from landlords on how they are meeting these standards, which will be effective from April 2024 because they will affect RSH's Gradings. RSH and the Ombudsman will be able to share information and collaborate on complaints. Landlords and contractors need to learn from others, including media coverage and Ombudsman reports.

Under the new Standards, with the RSH's powers extended and RSH recruiting more staff to enforce and impose Performance Improvement Plans, there were serious implications, as well as fines, for failure to comply. It would be important for clients' and contractors' staff to know what to do if a complaint is raised. SP encouraged members to subscribe to receive Anthony Collins insights - the latest news, legal ebriefings, events, webinars, podcasts and training in sectors that matter to them. They could also sign up for Anthony Collins free blog covering a range of hot topics and of-the-moment legal issues. [\[Anthony Collins blog\]](#)
[\[Link of slides here\]](#)

Discussion:

- SP confirmed that all landlords are covered and RSH expects a physical inspection of every property because sampling was not adequate.
- Even though the new Consumer Standards were out for consultation, there was no lead-in period before they took effect. The sector had had plenty of warning of the planned regulations.
- Members asked who could do physical inspections and whether gas safety inspections be used and data reported.
- Whether leasehold properties would be included in these standards, SP confirmed they would be. Members considered this would not be realistic and asked for clarification. SP agreed to provide this after the meeting, as well as the requirements for physical inspections of each property.
- SP suggested the SPF could help its clients with raw data to support their annual reporting under the Consumer Standards.

Post-meeting clarification from SP:

- The consumer standards are clear that "Registered providers are expected to undertake regular physical assessments of both the inside and the outside of all their homes" and in recent conversations and presentations undertaken with the Regulator, it has become quite clear that in respect of tenanted properties, they will be requiring a physical inspection of all homes, not just sampling. We are also aware of a particular landlord who had conducted an internal stock condition survey, where during an IDA, they were required to obtain a sample

	<p>test, validated externally, to validate their own surveys (carried out by a qualified surveyor).</p> <ul style="list-style-type: none"> The consumer standards do not currently apply to leasehold properties, as the footnotes to the standards confirm that “throughout the consumer standards “tenants” means ‘tenants and other occupiers of social housing which includes licensees and shared owners (unless explicitly stated)”. Having said that, as mentioned, “Registered providers are expected to undertake regular physical assessments of both the inside and the outside of all their homes”. The standards also reference obligations in respect of communal areas. Where there are mixed tenure blocks, then the consumer standards will obviously affect those properties/spaces, but the duties are owed to the tenants. Whilst leaseholders are therefore not specifically caught under the consumer standards, it will obviously be good practice to check the leasehold stock outside and communal areas because they will own the freehold plus they will probably have legal obligations under lease terms or legislation in any event. 													
06.	AOB & Dates for the diary	Mike Turner												
	<p>AOB</p> <ul style="list-style-type: none"> It was explained that MT would be stepping down as SPF chair at the Conference in January and that MW would take over as chair with AmyB as deputy. MW expressed her thanks to MT for getting the SPF to such a strong position and making it possible for her to take over in 2024. He had increased attendance, grown the membership. She felt they were big shoes to fill. Members showed their appreciation of MT’s work as chair. MT concluded by commenting it had been a very full agenda and invited members to join them for drinks at the ‘Willows on the Roof’ John Lewis Rooftop, 300 Oxford St, London (10 minutes’ walk) and reminded members of the NHMF Conference and dates for 2024 meetings(see below). <p>Dates for the diary</p> <table border="1" data-bbox="236 1417 1169 1870"> <thead> <tr> <th>Date</th> <th>Event</th> </tr> </thead> <tbody> <tr> <td>13 Sept 2023</td> <td>Post-Forum Meeting drinks with clients - Willows on the Roof, John Lewis Rooftop, London</td> </tr> <tr> <td>23-24 January 2024</td> <td>NHMF Conference – including Frameworx lounge (Stratford-upon-Avon)</td> </tr> <tr> <td>2 May 2024</td> <td>8:30-12 [London]</td> </tr> <tr> <td>18 July 2024</td> <td>8:30-12 [online]</td> </tr> <tr> <td>12 Sep 2024</td> <td>8:30-12 [London]</td> </tr> </tbody> </table>	Date	Event	13 Sept 2023	Post-Forum Meeting drinks with clients - Willows on the Roof, John Lewis Rooftop, London	23-24 January 2024	NHMF Conference – including Frameworx lounge (Stratford-upon-Avon)	2 May 2024	8:30-12 [London]	18 July 2024	8:30-12 [online]	12 Sep 2024	8:30-12 [London]	
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