

THE EXECUTIVE

27 MARCH 2007

**JOINT REPORT OF THE CORPORATE DIRECTORS OF CUSTOMER SERVICES AND
ADULT AND COMMUNITY SERVICES**

Title: Respect Standard in Housing Management	For Decision
<p>Summary</p> <p>The Respect agenda forms a key strand of the Council's contribution to the Local Strategic Partnership's vision that together we will Build Communities and Transform Lives. The overall programme would form a strategic contribution to the community priorities around 'developing rights and responsibilities' and 'making Barking & Dagenham cleaner, greener and safer". A wider report to be brought to Executive and Assembly in the summer will present the overarching strategic approach to implementing Respect. However, in the meantime, it is crucial that, with one third of the total housing stock being Council-owned, the anti-social behaviour interventions which are made available to the Council as a social landlord</p> <p>The purpose of this report is to give the Executive information about the Respect Standard and highlight areas which, in order for Barking and Dagenham to sign up to this Standard, require a change of policy.</p> <p>In order to sign up to the Respect Standard the Council needs to consult on adopting an Introductory Tenancy regime, increase our use of Demoted Tenancies and increase the support we give to new and existing tenants to sustain their tenancies.</p> <p>These changes require alterations to existing policy and have funding implications. Therefore the Executive is asked to approve the proposals in the report and agree funding.</p> <p>Wards Affected: All</p>	
<p>Implications:</p> <p>Financial:</p> <p>The introduction of Tenants' Briefing Sessions has a financial implication in the region of £27,000 per annum. If the Executive agree in principle to an Introductory Tenancy regime this will require full public consultation which has an estimated cost of £5,000.</p> <p>If the public agree to the use of Introductory Tenancies this will require a change to the Conditions of Tenancy which has an estimated cost of between £16,500 and £38,565 depending on options chosen.</p> <p>The changes to the Conditions of Tenancy are to be funded from the Housing Revenue Account. Tenants' Briefing Sessions are also to be funded from the Housing Revenue Account, although the set-up costs are to be part funded by the Looked After Children Life Changes Team and Thames Accord. Provision from these budgets has been allowed for.</p>	

Legal:

The adoption of Introductory Tenancies will require a change to the Conditions of Tenancy. This report also seeks Executive approval for the use of Demotion Orders which are a legal power to deal with anti-social behaviour.

Social Inclusion and Diversity:

The Race Relations (Amendment) Act 2000 places a requirement on local authorities to make an assessment of the impact of new and revised policies in terms of race equality. Existing policies have already been subjected to impact assessments. This Authority has adopted an approach of extending the impact to cover gender, disability, sexuality, faith, age and community cohesion.

A policy proofing process has been introduced to assess such impacts and the outcome insofar as this report is concerned is that the proposals do have an impact in terms of diversity issues.

Crime and Disorder:

Section 17 of the Crime and Disorder Act 1998 places a responsibility on local authorities to consider the crime and disorder implications of any proposals. In relation to this report the proposals are suggested in order to help reduce crime and disorder in our area. Further details are in the report.

Recommendations:

The Executive is asked to agree to:

1. Sign up to the Respect Standard for Housing Management;
2. The reviewed Anti-social Behaviour Policy and Procedures (Housing Management);
3. The use of Demotion Orders as a suitable tool to tackle antisocial behaviour in tenancies managed by the Council where appropriate;
4. The use of Introductory Tenancies as a tool to tackle anti-social behaviour in all new Council tenancies, subject to public consultation;
5. Delegate power to the Divisional Director of Housing Services, following public consultation, to revise the Conditions of Tenancy to reflect Introductory Tenancies, new legislation and other changes since 2003.
6. Note that the proposals will be funded from the Housing Revenue Account.

Reason:

Although signing up to the Respect Standard is not mandatory, social landlords will be judged

by the Audit Commission against a Key Line of Enquiry (KLOE) based on the Standard. Therefore, in order to get a good inspection rating, it is vital that the Council signs up to the Respect Standard. This Standard will help to bring Council services in line with those regarded as best practice. This will include using Demoted Tenancies as a tool to combat anti-social behaviour, consulting the community about using Introductory Tenancies for all new Council tenants and looking at developing tenants' briefing sessions as a new way of preventing anti-social behaviour and encouraging pride in the Borough.

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1. Introduction

- 1.1 The Respect Standard was introduced by the government on 17 August 2006. It is about greater powers being given to empower local communities to set standards for dealing with antisocial behaviour in their area, and to make changes to service provision in the event of failure.
- 1.2 The Respect Standard requires all social housing providers to self regulate themselves. This will be done by ensuring that all social landlords have agreements with their residents about how they will respond to and deal with anti-social behaviour. The landlord is then measured by the Audit Commission's Housing Inspectorate. The Respect Standard is measured by Key Line of Enquiry (KLOE) 6 on tenancy and estate management and will be used in inspections from April 2007.
- 1.4 The Respect Standard/KLOE 6 covers six principal areas:
- Accountability, leadership and commitment
 - Empowering and reassuring residents
 - Prevention and early intervention
 - Tailored services for residents and provision of support for victims and witnesses
 - Protecting communities through swift enforcement
 - Support to tackle the causes of anti-social behaviour
- 1.5 Each of these areas has a series of good practice recommendations for landlords to measure their services against. This will then help landlords to acknowledge what areas of their service they need to improve. Officers have completed this plan, called the Housing Services Improvement Plan, which reflects the recommendations of this report.

1.6 Housing Services has recently had an intensive peer inspection undertaken by Housing Quality Network (HQN). The HQN is a membership organisation which gives advice on the latest policy issues like efficiency and inspection. HQN were critical that the Council was not using Introductory Tenancies. HQN also identified that the Council was not using Demoted Tenancies in a systematic way. It is therefore important that these areas are addressed.

2. Signing up to the Respect Standard

2.1 The Government is requesting that all social landlords 'sign up' to the Respect Standard. Signing up to the Standard is not mandatory, but as social landlords will be judged by the Audit Commission and Housing Inspectorate against the Standard, any social housing providers who do not sign up to the Standard will be judged accordingly.

2.2 Signing up to the Standard is a way of acknowledging to the community that the Social Landlord plans to deal with anti-social behaviour in line with the Standard. Once a social landlord is signed up to the Respect Standard they can then be held to account by their residents and wider community if they do not meet the Standard they have signed up to.

2.3 The measures outlined in the Respect agenda would form a key plank of the Council's contribution to the Local Strategic Partnership's aim of Building Communities Transforming Lives. The overall programme would form a strategic contribution to the community priorities around 'developing rights and responsibilities' and 'making Barking & Dagenham cleaner, greener and safer". A wider report to be brought to Executive and Assembly in the summer will present the overarching strategic approach to implementing Respect. However, in the meantime, it is crucial that, with one third of the total housing stock being Council-owned, the anti-social behaviour interventions which are made available to the Council as a social landlord are used effectively.

2.4 It is important to note that Landlords can sign up to the Respect Standard, before they have fully met all the best practice recommendations of the Standard. However, Landlords will need an action plan which shows how they are working towards the Standard.

2.5 The main elements of our improvement plan are:

- Consult with residents on a 'Good Neighbour Agreement'. This is an agreement which residents and other stakeholders 'sign up to' about how the Council in its role as a landlord will deal with antisocial behaviour and the types of behaviour that the area expects. These agreements are sometimes called estate agreements. The Council already has Service Standards for antisocial behaviour in our Antisocial Behaviour Policy and Procedures. Residents need to be aware of these and should have the opportunity to agree local service standards or Good Neighbour Agreements if there are specific issues in their area which need to be addressed.
- Consult on adopting an Introductory Tenancy regime and increase the use of demoted tenancies (both discussed in this report)

- Increase the support we give to new and existing tenants to sustain their tenancies. Part of this is the proposals to start holding monthly 'tenancy support' sessions which are discussed later in this report.

3. Review of ASB Policy and Procedure

- 3.1 The Council as a Social Landlord was required by the Anti-Social Behaviour Act 2003 to publish its policy and procedures in relation to anti-social behaviour (including a summary of these) by 31 December 2004.
- 3.2 The Council published the Anti-Social Behaviour Policy and Procedures in December 2004.
- 3.3 The Anti-Social Behaviour Policy and Procedures are required to include the anti-social behaviour policy of the Council as a landlord, and outline how reports of anti-social behaviour will be dealt with; including what action will be taken to resolve anti-social behaviour and the time-scales staff work to. There is also a requirement in the Anti-Social Behaviour Act 2003 to review the policy and procedure document regularly.
- 3.4 This document needed to be reviewed in order to take into account the Respect Standard.
- 3.3 The review of this document includes the use of Demoted Tenancies, and explains Introductory Tenancies. Both of these issues are discussed further, below.

4. Demoted Tenancies - Introduction

- 4.1 Demotion Orders are seen by the Government as an important tool in tackling antisocial behaviour.
- 4.2 Demotion Orders are intended to give a serious warning to the tenant, since if they continue to misbehave swift action can be taken to end their tenancy. Demotion Orders also remove a number of their tenancy rights, so can act as a positive incentive to the tenant to change their behaviour. Demotion Orders show a clear link between the enjoyment of the benefits and rights of a Secure Tenancy, and responsible behaviour.
- 4.3 County Courts may award Demotion Orders in cases where the tenant, a member of their household or visitor to their home has behaved or threatened to behave in a way which is capable of causing nuisance or annoyance, or includes using the premises for unlawful purposes. In addition, the Court must be satisfied that it is reasonable to make the order.
- 4.4 In the case of a tenant of a local authority, a Demotion Order ends the tenant's secure tenancy and replaces it with a 'Demoted Tenancy'. The tenant is able to continue to live in their home, but loses some of the rights enjoyed as a secure tenant for a set period of time. They lose the right to buy their home and the right to exchange their home with another tenant.

- 4.5 The period that a Demotion Order usually lasts is 12 months.
- 4.6 If at the end of the demotion period the landlord is satisfied with the behaviour of the tenant then the Demoted Tenancy returns to a secure tenancy.
- 4.7 If the tenant does not improve their behaviour and the anti-social behaviour continues, then action to re-possess the tenancy can be taken quickly. If a local authority decides to end a Demoted Tenancy it may apply to a County Court for a possession order. At the possession hearing, as long as the landlord has followed the correct procedures in bringing the matter back before them the Court, the Court is obliged to grant a possession order and the tenant loses their home.
- 4.8 All social landlords were given the right to apply for Demotion Orders by Part 2 of the Anti-Social Behaviour Act 2003 which came into effect on 30 June 2004.
- 4.9 Demotion Orders are one of the measures introduced by the Government to tackle antisocial behaviour. These Orders allow for a strong warning to be sent to tenants that they must change their behaviour or lose their home and try to encourage residents to see the rights enjoyed by secure tenants as a benefit that can be lost if they act antisocially.

5. Demoted Tenancies - Consultation

- 5.1 The use of Demotion Orders will affect tenants who would usually face eviction proceedings as a result of anti-social behaviour. In these cases the tenant would be given one last chance by the use of a Demotion Order, so could be seen to benefit from the use of this power. A Demotion Order would also give the Council the opportunity to put support in place for that tenant/family (for example parenting support or support from mental health services or drugs and alcohol services) to assist the tenant to sustain their tenancy and prevent the need for further action.
- 5.2 The ability to apply to a County Court to demote a tenancy is a power given to all social landlords and therefore it is not necessary to consult on their use.
- 5.3 If the Council decides that it is appropriate to use Demotion Orders this should be included in the Anti-Social Behaviour Policy and Procedures.

6. Demoted Tenancies - Cost and other implications

- 6.1 In order to use Demotion Orders we will need to create an internal review process for residents who have Demoted Tenancies and who break the terms of this agreement and the authority wishes to evict. This review process is similar to that already used by the authority when making homeless decisions and therefore it is suggested that a similar process is used.
- 6.2 There is a cost implication in setting up a review process as the authority uses an Independent Review Officer who is paid on a case by case basis. However, as Demotion Orders should be less costly in terms of legal expenses this cost will be off

set against the budget for legal expenses. There may also be a hidden cost to support services which may have more pressure put on them to offer support to tenants on Demoted Tenancies. However this is difficult to quantify as it is impossible to estimate what services will be affected as this will depend on the specific needs of the tenant or their family.

7. Introductory Tenancies- Introduction

- 7.1 These tenancies were introduced by means of Chapter 1 of Part 5 of the Housing Act 1996.
- 7.2 Following commencement of an Introductory Tenancy scheme all new tenants are essentially 'on probation' for 12 months.
- 7.3 In cases where there are breaches of the Conditions of Tenancy (rent, anti-social behaviour or anything else) the landlord must apply to a County Court for possession. However, the Court will only look at whether the landlord has followed the correct procedure, not the facts on which the landlord's decision was based, or the merits of their decision. Introductory Tenancies mirror Demoted Tenancies, but apply to all new tenants.
- 7.4 If possession is sought, the tenant has the right to an internal review of the decision, which follow similar lines to decisions around homelessness which we regularly carry out at present.

8. Benefits of Operating Introductory Tenancies

- 8.1 Introductory Tenancies fit in with the 'Respect' agenda as they are seen as a preventative measure to deal with anti-social behaviour (ASB). All new tenants are effectively on probation for the first year which encourages good behaviour. The Respect agenda places more emphasis on preventing ASB and providing incentives for good behaviour, and Introductory Tenancies serve both purposes.
- 8.2 The recent Peer Inspection into the Housing service was critical that no Introductory Tenancy regime was currently in operation.

9. Introductory Tenancies- Consultation

- 9.1 There is a general requirement to consult tenants on matters of housing management and changes in allocation processes (Housing Act 1985, Sections 105 and 106). As required, the Council published its consultation process which is part of the Tenant Participation Compact. The consultation process should include not only existing tenants but also prospective tenants (those most affected by Introductory Tenancies) and the public at large (who of course may become prospective tenants).
- 9.2 In addition to seeking the views of tenants at large the Council needs to consult both officers within the Council, with 'internal' interest groups (e.g. Councillors and tenant representatives) and external partners (e.g. the Police, Race Equality Council etc).

- 9.3 For consultation with tenants and prospective tenants, a leaflet will be produced to outline the key features of Introductory Tenancies in plain English, with arrangements for Braille, tape and community languages. Consultation with internal bodies and stakeholders will be done by presentations at team meetings.

10. Introductory Tenancies- Cost and other Implications

- 10.1 There is a financial cost in terms of information leaflets and staff time to attend meetings (for example, CHP meetings) to discuss proposals.
- 10.2 The adoption of an Introductory Tenancy regime would require varying the Council's current Conditions of Tenancy and therefore would have a cost implication. The estimated cost of varying the Conditions of Tenancy is set out in Appendix 1, attached.
- 10.3 The current Conditions of Tenancy have been in place since June 2005 and are due to be reviewed. Any other changes necessary to the Conditions of Tenancy could therefore be done at the same time.
- 10.4 The finances for consultation and varying the Conditions of Tenancy will come from the Housing Revenue Account.

11. Tenants' Briefing Sessions - Background

- 11.1 The Council currently has a comprehensive sign-up procedure where tenants are given lots of information about the property, rents and benefits and the area that they are going to living in. By the end of the year, all new tenants will be shown a DVD before they sign their tenancy agreement. The DVD is around 17 minutes long and will give the tenant information about how to conduct and get the best out of their tenancy.
- 11.2 By holding a special workshop for new tenants, the Council can give new tenants more detailed information and improve their chances of having an enjoyable and sustained tenancy. All of the sessions will be fully interactive so that the tenants get maximum benefit from them. Evidence shows that the more people get involved the more information they retain rather than just being spoken to.
- 11.3 A visit was carried out to the London Borough of Lambeth where they run a programme similar to this. When Lambeth began to develop the project they asked Broadway 'Its Your Move', who work in partnership with a range of voluntary and statutory organisations to develop pre-tenancy training programmes and resources, to assist them. Lambeth part-funded a post with Broadway specifically to deliver the sessions. Officers have looked at how Lambeth run the sessions and have adapted them to meet the needs of Barking and Dagenham.
- 11.4 We will be working in partnership with the Looked After Children Life Changes Team to provide a comprehensive course for care leavers. The course will comprise of all the support and information the young person will need in order to sustain their tenancy.
- 11.5 The workshops will also allow officers to link residents who have support needs with the specific one to one support they may need: for example, mental health services,

drug and alcohol services, those who may be targeted for or may be the cause of alleged antisocial behaviour, those newly leaving care and also prolific offenders – all of whom may be more vulnerable to not sustaining a tenancy.

12. Tenants' Briefing Sessions- How they will operate

12.1 The aim of these sessions is to:

- Help tenants to take responsibility for their own lives.
- Increase tenants' knowledge and understanding of what is expected from them as a Council tenant.
- Help increase the number of people involved in tenant participation, since participants will be advised on how they can become involved in the management of their homes (which is a Best Value Performance Indicator).
- Increase the amount of rubbish that we recycle, by illustrating what can be recycled and what cannot.
- Help people to understand what repairs are our responsibility and which are the responsibility of the tenant.

12.2 The sessions are envisaged to include:

- Anti-social behaviour – who to report ASB to and how to prevent members of their household and visitors to their home become a problem to others.
- Tenant Participation – menu of participation, the tenants can see how they can be involved and then choose at what level they would like to participate.
- Rents, benefits and Council Tax – this will be a game where the tenants are asked a number of questions about different aspects about rents, benefits and Council Tax.
- Safety and security – a “Family Fortunes”-style game. Tenants will look at security in the home and how to avoid accidents.
- Rubbish and recycling – this session will involve a video, a quiz to reinforce what was mentioned in the video and then an interactive task where the teams are given rubbish and asked to sort it out into what can be recycled and what cannot.
- Repairs and maintenance – this session will be an interactive PowerPoint presentation where the tenants watch a conversation between a tenant and the repair call centre. The tenants then are asked a series of questions about what their responsibilities are as a tenant and what the council are responsible for.
- Barking and Dagenham Direct – this would be in the form of a presentation to let the tenants know how to contact the Council.

12.3 The event will run every month and every new tenant will be invited to attend. The event will run at different times some during the day and some in the evening. In addition, childcare provision will be provided if required.

12.4 Each tenant that attends the event will receive a voucher. It is envisaged that the voucher will be purchased from the same company who may be running the tenant incentive scheme, or a high street voucher. This will enable the Council to purchase them at a discounted rate, so reducing the overall cost. The voucher will form part of

an information pack, which will contain information such as our service standards and contact information

13. Tenants' Briefing Sessions- Monitoring Effectiveness

13.1 So that officers can measure how successful the project is, a number of Local Performance Indicators will be set:

- Increase rent collection for new tenants.
- Lower the complaint level about people who attended the course against those who have not attended (monitored on a monthly basis).
- Increase the number of people aged 18-30 involved in participation.
- Increase the number of people with a disability involved in participation.
- Percentage of people who sign a new tenancy agreement that attend an induction course (this target will be reviewed in 3 months as this is a pilot project).
- Increase the amount of new tenants who pay their rent by direct debit.
- Lower the complaint level about people who attended the course against those who have not attended (monitored on a monthly basis).
- Increase the awareness of tenants of how to report a repair to Thames Accord.
- Increase the awareness of tenants of how to reduce the risk of having an accident in their home.

14. Tenants' Briefing Sessions - The Future

14.1 If the performance indicator around reducing anti-social behaviour among those attending the sessions is positive, it is also hoped that a session that encompasses just ASB can be developed. This would be offered to those tenants that have been identified by the local area housing offices as breaking their conditions of tenancy. This session will help tenants acknowledge their responsibilities as a tenant, and help support them to change their behaviour. Having this type of support available is an element of KLOE 6.

15. Cost of New Tenants' Briefing Sessions

15.1 The costs to fund these sessions are attached as appendix 1. The Looked After Children Team will part-fund the set up costs. The remaining costs will come from the Housing Revenue Account. Thames Accord have been asked whether they will contribute to funding the repairs element of the session.

16. Consultation

16.1 The following have been consulted in the preparation of this report:

- Councillor L Smith
- Customer Services Departmental Management Team
- Mary Olawale, Deputy Head of Finance, Regeneration and Customer Services Finance
- Paul Field, Principal Corporate Solicitor

Background Papers

- 'The Respect Standard: what social landlords should be doing and what inspectors will be looking for' (Housing Quality Network, September 2006) and the Housing Customer Services Anti-social Behaviour Policy and Procedures (revised 2006) is available on request

Appendix 1

Estimated cost of Introductory Tenancies

Consultation with tenants and prospective tenants	£5,000
Reviewing Conditions of Tenancy (legal opinion and Plain English)	£2,000
Re-printing Conditions of Tenancy	£9,500 (colour front and back covers printed word document inside)
	£16,825 (full colour)
Distribution of Conditions of Tenancy	2 nd Class- 94p (£19,740) Packet post- 89p (£18,690) Mail sort 64p-73p (13,440- 15,330) Walk sort 51p (£10,710) Staff- negotiable- (approx. £5,000)

Estimated costs of New Tenants Briefing Sessions

Venue:

Valance – not suitable for disabled people

Town Hall - £33 per hour

Eastbury Manor House - £ 49.50 per hour

Castle Green - £ 200 per hour

Average cost for hall hire for 3 hours £150.00

Staffing:

6 staff needed for 3hours £400.00
(this cost will only occur every other meeting)

Crèche facilities £240.00

Refreshments:

Food and refreshments for 30 people £162.00

Information packs:

Including a concertina file £400.00

Incentive Voucher for tenants:

One voucher per tenant and an extra voucher if they are in the winning team £1,100.00

Equipment:

Initial set up costs £1,000.00

Video £4,000.00

PowerPoint presentation £3,000.00

Total set up cost £8,000.00

Monthly Ongoing costs (including staff) £2,452.00

Monthly Ongoing costs (excluding staff) £2,052.00

Yearly ongoing costs £27,024.00