Governance, Risk and Best Value Committee

10.00am, Tuesday, 28 November 2023

Management of Ad Hoc Mixed Tenure Works (PL2302) – Service Area Response

Executive/routine
Wards

1.   Recommendations

1.1   To note the service area response and actions taken to date to address risks raised in the Internal Audit report.

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Report

Management of Ad Hoc Mixed Tenure Works (PL2302) – Service Area Response

2. Executive Summary

2.1 This report provides a summary of progress made by the Housing Service in relation to the internal audit into the management of ad hoc mixed tenure works.

3. Background

3.1 Mixed Tenure blocks consists of housing accommodation (flats) owned by the Council, Registered Social Landlords and private homeowners, including private landlords. These blocks are occupied by owner occupiers, private tenants, Registered Social Landlord tenants and Council tenants. As an owner of social housing and a local authority landlord, the Council has an obligation to maintain and repair homes for its tenants and shares responsibility with other owners to maintain common areas of blocks. Common areas are the shared parts of a block outwith the boundaries of the individual flat and include aspects such as the roof, external walls, stairwells and walkways, common windows and doors, refuse disposal chutes/stores and drying areas.

3.2 The Tenements (Scotland) Act 2004 provides default law, and where required, the legal framework to facilitate the delivery of essential repairs and maintenance to common (shared) areas of the block. The Act requires all owners in mixed tenure tenements (including the Council) to take responsibility for repairs and maintenance to common areas of the block. This responsibility extends to the liability for costs arising from work carried out to Scheme property.

3.3 The Internal Audit review into ad hoc mixed tenure repairs has assessed the adequacy of design and operating effectiveness of the current key controls established to ensure the Council's policies and processes for engaging with owners and private landlords for scheduling and funding/payment for common repairs across mixed tenure blocks are adequate and complied with.

4. Main report

Service Area Response to Internal Audit Findings

4.1 The service area welcomes the findings of the audit and are committed to developing a robust approach to the Council's role as landlord in ad hoc mixed tenure repairs. It is fully accepted that a review of the Housing Service's approach to taking the lead on mixed tenure repairs, how the service area deals with cases when owners take the lead and how it is ensured that procedures are clearly defined, documented, and followed is necessary. Guidance currently given to officers is to limit the instances when the Council takes the lead to emergencies or exceptional cases only, but it is accepted that this approach requires to be reviewed.

4.2 There has been significant progress made in developing the Council's approach to planned mixed tenure works through the work of the Mixed Tenure Improvement Service and the learning, good practice and expertise that has been developed through that team is informing the development of procedures for ad hoc repairs. Guidance has been developed for officers and is being tested through two pilot projects; this will be used to inform the development of procedures moving forward. It is also acknowledged that progressing mixed tenure repairs and ensuring proper engagement with owners takes place is resource intensive and it will be essential to ensure that the service is resourced accordingly.

Progress with Management Actions

4.3 The audit report contained eight recommendations across six findings. In response to this, the service area agreed management actions which are outlined below. Progress with management actions is detailed below.

Action	Summary	Status
1.1: Ad hoc mixed tenure procedures	Develop procedures based on best practice.	Development of procedures for ad hoc emergency repairs is underway based on outcome of pilot projects. Further work required to develop procedures for non-emergency ad hoc repairs. A decision will firstly be required on when the Council will take the lead.
1.2: Policy Register	Allocation of monitoring and review of policy register to a responsible officer.	Complete - A responsible officer has been identified.

2.1: Recording and maintenance of mixed tenure repairs decisions	Records should be recorded electronically.	Briefing and training for staff will take place in November / December 2023.
3.1: Quality Assurance Programme	Create quality assurance programme to review completion and quality of repairs.	Work planned to commence Q1 2024 as part of development of a new Quality Assurance framework for the service.
3.2: Documented Quality Assurance Procedures	Create documented procedures for the quality assurance process.	Work planned to commence Q1 2024 as part of development of a new Quality Assurance framework for the service.
4.1: Role specific learning and induction	Engage with L&D team and update training matrices.	L & D have been contacted. Review of training matrices underway.
5.1: Performance data	Phased implementation – engage with ICT/CGI colleagues regarding NEC upgrade potential	Raised with ICT for consideration.
6.1: Risk management	Review risks and record within Housing Property Risk Register.	Risk session for Housing Operations planned for December 2023.

5. Next Steps

5.1. Evidence of completion of actions will be uploaded to the Team Mate platform for review by Internal Audit colleagues. Actions may be subject to future checks as part of annual audit plan to ensure that controls remain in place and effective.

6. Financial impact

6.1. The actions in this report have no impact on Council budgets, however, the strengthening of controls identified will assist with the implementation of sound financial governance and help protect against risk of fraud.

7. Equality and Poverty Impact

7.1 None.

8. Climate and Nature Emergency Implications

8.1 None.

9. Risk, policy, compliance, governance and community impact

9.1 The audit management actions referenced in this report will contribute to a strong system of risk management and compliance through a strengthening of controls and procedures.

10. Background reading/external references

10.1 Management of Ad Hoc Mixed Tenure Works (PL2302) – Internal Audit report.

11. Appendices

11.1 None.