

External Agents Policy

Policy ref:	
Policy author/holder:	Director of Neighbourhoods
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Approved by:	Ops Strategy Group
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1 Purpose

- 1.1 The purpose of this policy is to outline how LiveWest Homes Limited, and its subsidiaries (“**LiveWest**”) will hold third-party managing agents and management companies (“**External Agents**”) accountable to ensure compliance with all quality, health, safety, legal, and regulatory requirements, and that LiveWest customers receive services of a reasonable quality and cost.
- 1.2 The term ‘**External Agents**’ in this context means a company or person appointed to manage a block, estate and/or area of land in return for a fee. These agents are usually private companies employed by the freeholder, management company, or developer to manage blocks of flats, communal areas (*internal or external*) and large open-space developments.

This is distinct and unrelated to our supported housing ‘Agency Managed’ homes, where a third party provides support for our customers and some landlord services.

2 Policy Statement

- 2.1 LiveWest is committed to providing safe and well-managed homes for our customers. As a registered provider, we recognise the vital role External Agents play in providing services for many of our properties.

This policy applies to customers who rent or lease their home through LiveWest on developments where LiveWest is not the freeholder or where LiveWest is not solely responsible for delivering services or managing communal areas.

This often occurs where LiveWest owns a **headlease** on customers’ homes. The third party will usually be an External Agent who has been appointed by the freeholder or management company of the block or estate.

2.2 This policy sets out how LiveWest will manage our relationship with External Agents to ensure their compliance with legislation and contractual obligations, in order to:

- **Ensure Homes are Safe:** Our customers deserve homes that are safe, secure, and well maintained.
- **Provide Value for Money:** Customers should expect the services they pay for to be delivered sufficiently, frequently, and to a good standard.
- **Provide Transparency and Accountability:** Clear communication and responsiveness from External Agents and LiveWest fosters trust and empowers our customers to hold us to account.
- **Provide Well-Managed Neighbourhoods:** Effectively managed communal areas and neighbourhoods enhance the quality of life for our customers.

2.3 Voting Rights and Involvement with Management Companies

In housing developments where **External Agents** operate, it is important customers are aware that the **Management Company** structure provides for certain legal rights, including the right to vote on matters such as the appointment or removal of **Managing Agents**.

As the landlord and freeholder, LiveWest holds the legal voting rights on behalf of all the homes we own. LiveWest's current position is that we will not transfer or delegate our voting rights to others by proxy. This is to maintain consistency and accountability in how these votes are managed across the homes we own.

In practice, LiveWest will abstain from voting at Management Companies Annual General Meetings (AGMs) or on similar matters unless there is a clear and necessary reason to intervene in the best interests of our customers. This may include situations where there is evidence of legal or regulatory breaches, or where failure to act would adversely affect the safety, financial wellbeing, or living conditions of our customers.

Whilst LiveWest may not actively vote in most circumstances, we remain committed to holding External Agents accountable and will continue to engage to raise resident concerns where appropriate. LiveWest actively encourages our residents to provide feedback on their experience of living in these developments, which helps us advocate effectively on their behalf.

To avoid any potential conflict of interest or disproportionate influence, LiveWest does not take up positions as directors within Management Companies.

3 Definitions and Scope

3.1 External Agents are distinct and unrelated to third-party '**Agency Managed**' properties and care provision contracts managed by our supported housing teams.

- 3.2 An External Agent, in the context of this policy, refers to a third-party entity responsible for the management and maintenance of communal areas, services, and facilities within housing developments where LiveWest holds an interest. When we say **External Agent**, this includes:
- **Managing Agents:** Companies or individuals appointed to oversee day-to-day property management functions, such as service charge administration, maintenance coordination, and compliance with leaseholder agreements.
 - **Management Companies:** Legal entities, often established as resident-led organisations or developer-appointed bodies responsible for enforcing leasehold agreements, maintaining shared spaces, and ensuring regulatory compliance within developments.
 - **Resident Management Company (RMC):** A type of management company (usually a limited company) with ultimate responsibility for the management and running of a block, estate and/or area of land.
 - **Right to Manage Company (RTM Co):** A management company formed under the Commonhold and Leasehold Reform Act 2002 by qualifying leaseholders which allows them to take over the management of their block from the freeholder.
- 3.3 This policy applies to **ALL** External Agents LiveWest engages with. In most cases, External Agents are **NOT** instructed by LiveWest, instead, they are appointed by a third-party freeholder, developer, or management company. However, LiveWest has a small number of properties whereby we instruct External Agents to manage the property on our behalf.
- 3.4 This policy aims to ensure External Agents align with the Consumer Standards and Code of Practice set out in the Social Housing (Regulation) Act 2023, which are enforced by The Regulator of Social Housing (RSH):
- **Safety and Quality Standard:** Ensuring properties are safe, secure, and meet the Decent Homes Standard.
 - **Neighbourhood and Community Standard:** Ensuring effective neighbourhood management and community safety.
 - **Transparency, Influence, and Accountability Standard:** Providing information about services and performance, effective complaint handling and providing customers opportunities to influence improvements.
 - **Tenancy Standard:** Providing fair and transparent tenancy management.

4 Compliance Requirements

- 4.1 LiveWest will collaborate with External Agents to undertake the following obligations and comply with this policy:
- To **fulfil all contractual obligations** to LiveWest and its customers, addressing hazards promptly, and effectively managing estates and communal areas in accordance with all relevant quality, health, and safety standards.

- To conduct all **compliance activities** within the statutory timeframes and provide certification to LiveWest (*such as copies of fire risk assessments, insurance documents, and LOLER inspections*) within a **reasonable deadline** and appropriately notify LiveWest if there are subsequent works which will incur costs and affect customers.
- To provide **transparent communication** with LiveWest and its customers within reasonable timeframes, recognising LiveWest's role as an intermediary. This may include making use of effective information sharing by providing access to online portals (*where possible*), or engaging with stakeholders to listen to concerns, responding to complaints, and taking appropriate actions.
- To ensure an accountable and **effective handover** between External Agents, minimising the impact on LiveWest and its customers when changing services and transferring responsibilities.
- To prepare and **provide service charge accounts and budgets** and respond to queries regarding costs in a reasonable timeframe, recognising the duties incumbent on LiveWest under legislation and our requirements for reasonable recharging and achieving value for money under Leasehold, Social Rent, Housing Benefit, and Universal Credit rules.
- To comply with the rules of **Section 20 of the Landlord and Tenant Act 1985 (as amended)**, intended to protect those who pay service charges from paying unnecessarily large sums for work carried out to their building or services.
- To serve the appropriate notices (such as Section 20B Notices) upon LiveWest where costs have been incurred during the service charge period but have not had the accounts prepared.

5 Monitoring and Accountability

5.1 LiveWest will ensure External Agent service quality by implementing the following measures:

5.2 Compliance and Building Safety

- **Awareness and Accountability:** Making External Agents aware of their legal duties to carry out compliance and prioritise resident safety, notifying External Agents that we will report non-compliance to regulatory bodies and follow our own escalation procedure to hold agents accountable.
- **Reporting:** LiveWest will produce detailed quarterly reports, which will include data and analysis required under the Tenant Satisfaction Measures (TSMs). In addition, LiveWest will implement a structured monthly compliance reporting process to monitor and track the compliance status of buildings managed by External Agents. Areas covered will include, but are not limited to:
 - **Health and Safety Compliance** (Fire Safety, Gas, Electrical, Water Hygiene)
 - **Statutory Servicing and Testing** (Lifting Equipment)
- **Recommended Standards:** External Agents are recommended to follow LiveWest's compliance standards, which may include conducting annual Fire Risk Assessments (FRAs) for managed buildings and implementing heightened safety measures.

- **Audits:** Periodic reviews to quality check compliance data and certificates to assure compliance with regulatory safety standards, proactively engaging with External Agents to collate this information.
- **Don't Walk by Policy:** All colleagues and contractors employed by LiveWest are responsible for reporting where there is underperformance and/or concerns with External Agents. Intelligence gathering is essential to evidencing underperformance, and LiveWest encourages its customers and staff to feedback so we can hold External Agents accountable.
- **Providing Closure:** Where LiveWest becomes aware of the need for remedial actions following an assessment to buildings where our customers live, LiveWest will aim to follow-up with External Agents responsible for the work to ensure they have been completed to a satisfactory standard and on time, assuring safety for our customers.

5.3 Service Charge

- **Financial Monitoring** – Regular review of service charge accounts, invoices, and budgets, ensuring we hold up-to-date documentation, and that summaries of rights and obligations are being provided to our customers.
- **Fair Recharging** – Challenging anomalous costs with External Agents to ensure value for money and fair recharging for our customers who pay service charges towards External Agents.
- **Dispute Resolution** – To ensure minimal disruption to customers and services, LiveWest will commit to paying reasonable costs in line with previous accounting periods when undergoing a payment dispute with an External Agent. LiveWest may withhold payment for any unreasonable demands and work effectively with External Agents to seek an amicable resolution.

5.4 Customer Engagement & Feedback

- **Resident Feedback and Reporting** – Collating and reviewing resident satisfaction scores, complaints, and feedback related to the performance of External Agents. Using this information to target our approach towards high-risk and underperforming External Agents.
- **Fairness and Transparency** – At the point of sale/letting a property, LiveWest will aim to provide key information to customers about their service charges, repair responsibilities, property hierarchy and legal relationships where there is third-party involvement.
- **Fair Outcomes for All** – LiveWest will collaborate with External Agents to ensure equitable outcomes for all our customers. This means customers impacted by External Agents delivering essential repair services experience a similar level of service to those without External Agents and are not disadvantaged.

5.5 New Properties

- **New Build Developments:** To ensure accountability and effective oversight when new properties are developed involving an External Agent, LiveWest will implement processes for the smooth and accurate transfer of information between stakeholders. This includes review of legal documentation, grounds maintenance plans, management responsibilities, and the hierarchy of legal relationships. Our objective is to ensure that LiveWest does not inadvertently retain or assume responsibility for unsuitable or unmanaged areas of land that could negatively impact the customer experience.
- **Influencing:** Where possible, who the developer, freeholder, or management company appoints to ensure a reputable External Agent is selected, and a satisfactory service is delivered for customers.
- **Strong Accurate Data:** When acquiring properties via stock swaps and changes in management, to procure all the necessary data to effectively manage incoming properties.

6 Complaints and Escalation

- 6.1 Where a customer is dissatisfied with an External Agent, they may make a formal complaint to LiveWest as their Landlord and follow our **Customer Compliments, Complaints & Feedback Policy**. If the service failure is a result of an External Agent, LiveWest will be explicitly clear in defining what our responsibilities are and how we will hold the External Agent accountable for delivering a satisfactory service.
- 6.2 Where an External Agent is found to be underperforming, refusing to engage, or non-compliant with regulatory standards, LiveWest will follow our **External Agents Escalation Procedure**, which may include the following actions:
- **Informal Resolution:** Collating evidence of underperformance and using it to challenge External Agents via an informal meeting, conversation, or other communication, setting clear expectations for improvement with deadlines. We will keep a record of all correspondence and commitments made.
 - **Formal Complaint:** Submitting a formal written complaint to an External Agent, outlining specific failings, referencing contractual obligations, and requesting corrective action within a defined timeframe.
 - **Improvement Plan:** Mandating corrective action plans for sustained improvement and holding periodic performance reviews with underperforming External Agents.
 - **Formal Notice of Breach:** Issued when non-compliance and a breach of contract is identified, requiring remedial action from the External Agent within a specified timeframe.
 - **Termination of Contract:** For persisting contractual and/or compliance failures, LiveWest may reserve the right to terminate the agreement in accordance with contractual terms and consider appointing an alternative External Agent (*where LiveWest has appointed the contract*).

- **Litigation and Legal Action:** If financial loss or regulatory breaches have occurred, LiveWest may seek legal advice on breaches of contract, and consider action through:
 - A claim for damages
 - Tribunal proceedings (First-Tier Tribunal for property disputes)
 - Court proceedings for contractual breaches
- **Reporting to the Regulator:** Where serious non-compliance occurs, in conjunction with other formal escalation actions, LiveWest will escalate concerns to the relevant regulatory bodies such as:
 - The Regulator of Social Housing
 - The Property Ombudsman (TPO)
 - The Property Institute (TPI) *Formerly the Association of Residential Managing Agents (ARMA)
 - The Royal Institution of Chartered Surveyors (RICS)
 - The Fire Brigade [For Fire Safety Concerns]
 - Local Authorities & Trading Standards

By following a structured approach, LiveWest will ensure the safety and fair treatment of customers by holding External Agents to account and seeking resolutions. LiveWest will keep impacted customers appropriately informed regarding any challenges, enforcement, or changes with External Agents.

7 Upskilling and Training

- 7.1 LiveWest is committed to continuous learning and professional development to ensure our colleagues have the necessary expertise and skills to effectively manage relationships with External Agents. To achieve this, LiveWest will:
- Ensure colleagues understand the legal, financial, and operational responsibilities of External Agents and LiveWest towards the customer.
 - Provide regular training and upskilling opportunities for colleagues involved in managing external partnerships.

8 Responsibilities

- 8.1 The parties responsible under this policy:
- **LiveWest:** Responsible for holding External Agents accountable to the terms of their legal agreements, this policy, and relevant regulatory standards. LiveWest will monitor performance, manage relationships, and take corrective action where necessary to protect service quality and customer outcomes.

- **Front Line Officers and Managers:** Front line colleagues, including Homeownership and Housing Officers, Service Charges, Estates and Property Services, are responsible for identifying and raising initial concerns relating to the performance of External Agents. Carrying out first-stage inquiries, gathering evidence, and engaging directly to resolve minor issues locally. Where concerns cannot be resolved, matters should be escalated to the External Agent Manager.
- **External Agent Manager:** Acts as a specialist point of contact for colleagues. Providing guidance and operational support in interpreting and enforcing legal agreements with External Agents. The External Agent Manager will coordinate performance reviews, ensure compliance, and liaise directly with agents to address issues as they arise.
- **Head of Homeownership:** Where performance concerns persist or require a strategic response, the Head of Homeownership will support escalations. This role oversees governance around External Agents and ensures LiveWest's contractual and legal interests are upheld. The Head of Homeownership will also lead on complex dispute resolution and influence service improvement plans with underperforming agents.
- **Director of Neighbourhoods:** In cases of serious or sustained underperformance, the Director of Neighbourhoods may authorise implementing formal enforcement actions. Including issuing breach notices, instructing legal proceedings, or terminating agreements where necessary. The Director of Neighbourhoods ensures alignment of agent performance with wider organisational priorities and resident satisfaction goals.
- **External Agents:** Responsible for delivering services in accordance with their contractual obligations, this policy, and all relevant legislation and regulatory standards. They are expected to work collaboratively with LiveWest, respond promptly to issues raised, and act transparently in their management of communal areas and estate services.
- **Customers:** Shaping the quality of services delivered by External Agents. LiveWest encourages customers to provide feedback, raise concerns, and report any service failures. Customer insights will be used to inform monitoring, escalate issues where necessary, and support continuous improvement in service standards.

9 Review

- 9.1 This policy will be reviewed every three years or in response to changes in regulatory requirements to ensure continued effectiveness in upholding the consumer standards in relation to managing External Agents.

Version Control

Version Ref	Date of change	By Whom?	Reason
1	August 2025	Director of Neighbourhoods	New Policy