



# Introduction to the Social Housing (Regulation) Act 2023

**Housing Overview  
and Scrutiny  
Committee**

Tuesday 21 November 2023



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## Introduction and Background

# Introduction

## The Charter for Social Housing Residents

In late 2020 the Government published its social housing white paper, The Charter for Social Housing Residents

Intentions set out to ensure that residents in social housing are safe, listened to, live in good quality homes, and have access to redress when required.

Every social housing resident should be able to expect:

- to be safe in your home
- to know how your landlord is performing
- to have your complaints dealt with promptly and fairly
- to be treated with respect
- to have your voice heard by your landlord
- to have a good quality home and neighbourhood to live in
- to be supported to take your first step into ownership

# Introduction

## Strengthening Social Housing Regulation

Plans established to strengthen the Regulator of Social Housing

Regulator empowered to be proactive in monitoring and enforcing the consumer standards

Regulator would require landlords to:

- be transparent about performance and decision-making so tenants and regulator can hold them to account
- put things right when they go wrong
- listen to tenants through effective engagement

# Introduction

## Social Housing (Regulation) Act 2023

The Social Housing (Regulation) Bill was laid before Parliament on 8 June 2022

Royal Assent received on 20 July 2023

Aims to drive significant change in landlord behaviour, focus on the needs of their tenants and ensure landlords are held to account for their performance

# Introduction

## Social Housing (Regulation) Act 2023

The Act has three core objectives

To facilitate a new, proactive consumer regulation regime

- Statutory objectives now include safety and transparency with new powers to support this.
- ‘Serious detriment’ test removed

To refine the existing economic regulatory regime

- Maintains and refine Regulator’s current economic regulatory role
- Ensure providers are well governed and financially viable

To strengthen the Regulator for Social Housing’s powers to enforce the consumer and economic regimes.

- New enforcement powers
- Effectively intervene when required, particularly in relation to consumer standards

# Introduction

## Building Safety Regulator

The Building Safety Act 2022 named the Health and Safety Executive (HSE) as the new Building Safety Regulator (BSR) for England

BSR will have 3 main functions:

- overseeing the safety and standards of all buildings
- helping and encouraging the built environment industry and building control professionals to improve their competence
- leading implementation of the new regulatory framework for high-rise buildings

BSR will regulate high-rise buildings - buildings with 7 or more storeys or that are 18 metres or higher, and either:

- have at least 2 residential units
- are hospitals or care homes (during design and construction)



# Introduction

## Building Safety Regulator Framework

The building safety reforms introduce a new regulatory framework for high-rise buildings. These include:

- HSE as a statutory consultee for planning applications
- BSR will become the building control authority for high-rise buildings
- decision points during design and construction
- giving duty-holders clear accountability and statutory responsibilities as buildings are designed, built, refurbished and occupied
- a golden thread of building information - identified, accurate, up to date, accessible and kept digitally throughout the building's life cycle
- mandatory reporting of prescribed fire and structural safety occurrences to BSR

There will also be registers of:

- occupied high-rise buildings
- building inspectors and building control approvers

# Introduction

## Building Safety Regulator Enforcement

BSR will:

- exercise its powers in line with regulatory best practice
- take a consistent and proportionate approach
- target enforcement activity at cases where action is needed
- work closely with existing regulators such as local authorities and fire and rescue authorities



# The Regulator of Social Housing

# The Regulator of Social Housing

## Key Changes

Changes intend to bolster economic and consumer regulation, fostering safer, transparent, and efficient housing provision.

### Advisory Panel

- Established to provide advice and information on matters which may impact social housing
- Must include representatives from across the housing sector, with specific emphasis on tenant involvement

### Document and Information Collection

- Expanded authority to collect documents and information, removing previous restrictions
- An offence to knowingly and recklessly provide false information

### Fees

- Regulator permitted to charge for unsuccessful applications
- Can set fees to cover all costs



# The Housing Ombudsman

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## Key Changes

Enhanced collaboration between the Regulator and the Housing Ombudsman, enabling quicker information exchange for improved tenant protection.

### Memorandum of Understanding

- Ombudsman and Regulator obliged to publish and review MoU, outlining cooperative framework

### Standards and Directions

- Secretary of State to consult Ombudsman when establishing standards and issuing directions to Regulator
- Ombudsman to involve Regulator in consultations to amend its scheme



## Registered Providers of Social Housing

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## Key Changes

Regulator strengthened in process of registration and deregistration of RPs, as well as new powers around health and safety

### Registration

- Regulator can now consider regulatory compliance and consumer standard evidence before registration of an RP

### Deregistration

- Simple legal basis provided for removing an RP from the register, such as where serious breach of standards committed and RP is unable or unwilling to rectify situation

### Health and Safety Compliance Lead

- Mandated role includes monitoring, risk assessment, reporting and advising, but not personally liable.
- Ultimate responsibility lies with RP

### Electrical Standards

- Secretary of State can enforce rental electrical standards to all RPs
- Further powers may be introduced following consultation





## Standards

# Standards

## Key Changes

Regulator and the Secretary of State empowered to establish new regulatory standards with code of practice for consumer standards offering detailed expectations

### Professionalism of Housing Sector

- Additional standard for competence and conduct of those managing social housing
- “Senior housing executives” will require foundation degree or level 5 qualification
- “Senior housing managers” will require level 4 qualification in housing management

### Serious Detriment Test

- Existing test for Regulator involvement has been removed
- Previously required reasonable grounds to suspect breach of consumer standards had, or could, cause serious detriment to tenants to intervene
- Regulator can now exercise enforcement powers for any breach or suspected breach proactively

# Standards

## Consultation on the Consumer Standards

Between July and October 2023, the Regulator sought views on revised regulatory consumer standards, marking an important step in its future strengthened consumer regulation role.

Four draft consumer standards were issued which set out specific expectations and outcomes that all RPs would be expected to achieve.

It is anticipated that the final set of standards will apply from April 2024.

- The Safety and Quality Standard (replaces Home Standard)
- The Transparency, Influence and Accountability Standard (replaces Tenant, Involvement and Empowerment Standard)
- The Neighbourhood and Community Standard (revised)
- The Tenancy Standard (revised)

The 2023 Act gave the Regulator the power to issue a Code of Practice in relation to the consumer standards to assist RPs in understanding how they might achieve compliance.

# Standards

## Consultation on the Consumer Standards

Themes which are contained within each draft standard, setting the direction for required outcomes and specific expectations

<b>Safety and Quality Standard</b>	Stock quality Adaptations Repairs, maintenance and planned improvements	Decency Health and safety
<b>Transparency, Influence and Accountability Standard</b>	Performance information Engagement with tenants Information about landlord services	Diverse needs Fairness/respect Complaints
<b>Neighbourhood and Community Standard</b>	Maintenance of shared spaces Safer neighbourhoods	Local cooperation Domestic abuse
<b>Tenancy Standard</b>	Allocations and lettings Tenancy sustainment and evictions	Tenures Mutual exchange



## Tenant Satisfaction Measures

# Tenant Satisfaction Measures

## Key Changes

Regulator granted authority to direct RPs to gather, process, and publish data on their regulatory performance, introducing Tenant Satisfaction Measures (TSMs)

### Start of Scheme

- Data collection period began in April 2023

### First Data Submission

- Landlords with 1,000 or more homes will be required to submit 2023/24 data in Summer 2024

### Data Publication

- First year of national TSM data anticipated to be published in Autumn 2024

# Tenant Satisfaction Measures

## Themes and Measures

There are 22 TSMs across five themes, with one overarching measure. Recording of TSMs are through Tenant Perception Surveys (TPSs) and Landlord Measures (LMs)

Overall Satisfaction	• One TSM in total – an overarching TPS
Keeping Properties in Good Repair	• Five TSMs in total – comprised of three TPSs and two LMs
Maintaining Building Safety	• Six TSMs in total – comprised of one TPS and five LMs
Respectful/Helpful Engagement	• Three TSMs in total – comprised solely of TPSs
Effective Complaints Handling	• Three TSMs in total – comprised of one TPS and two LMs
Responsible Neighbourhood Management	• Four TSMs in total – comprised of three TPSs and one LM



## Monitoring and Enforcement



# Monitoring and Enforcement

## Key Changes

Regulator able to take proactive steps to tackle RP failures, implement plans for improvement and utilise strengthened enforcement powers

### Property Condition Surveys

- Expedited property condition surveys, reducing the notice period for entry to 48 hours
- Provision to obtain a warrant to allow entry if necessary

### Emergency Remedial Action

- Regulator can authorise individuals to enter premises for emergency remedial action to address RP failures without warrant, providing at least 24 hours' notice given
- Penalties for obstructing entry for emergency action

### Performance Improvement Plans

- Can instruct PIPs if standards are not met, with grounds including non-compliance, risk of non-compliance, a failure to follow directions, or to protect tenants' interests

### Enforcement Powers

- Fines can be issued to all RPs, £5k cap removed entirely
- Managerial appointments can be made to organisations
- RP officers can be removed or suspended if they obstruct or fail to cooperate with inquiry or regulatory functions

