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Introduction to the Social Housing (Regulation) Act 2023

**Housing Overview
and Scrutiny
Committee**

Tuesday 21 November 2023





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

The Housing Ombudsman

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

Registered Providers of Social Housing

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

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



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