



# Social Housing (Regulation) Act 2023

## 2023 CHAPTER 36

### *Standards*

#### **21 Standards relating to competence and conduct**

(1) After section 194 of the Housing and Regeneration Act 2008 insert—

##### **“194A Standards relating to competence and conduct**

- (1) The regulator may set standards for registered providers in matters relating to the competence and conduct of individuals involved in the provision of services in connection with the management of social housing (“relevant individuals”).
- (2) Standards under subsection (1) may, in particular, require registered providers to comply with specified rules about—
  - (a) the knowledge, skills and experience to be required of relevant individuals, and
  - (b) the conduct to be expected of relevant individuals in their dealings with tenants.
- (3) Standards under subsection (1) may require registered providers to secure that their senior housing executives and senior housing managers—
  - (a) have a specified qualification in housing management or type of qualification in housing management, or
  - (b) are working towards such a qualification or type of qualification.
- (4) Standards under subsection (1) may require registered providers to take steps to secure that relevant managers of their services providers—
  - (a) have a specified qualification in housing management or type of qualification in housing management, or
  - (b) are working towards such a qualification or type of qualification.
- (5) Each of the following is a “relevant manager” of a services provider—
  - (a) if the services provider is a relevant individual, that individual;

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- (b) a senior housing executive of the services provider;
  - (c) a senior housing manager of the services provider.
- (6) A qualification or type of qualification specified for a senior housing executive may only be—
- (a) a foundation degree, or
  - (b) a qualification or type of qualification regulated by the Office of Qualifications and Examinations Regulation which is of a level not exceeding level 5.
- (7) A qualification or type of qualification specified for a senior housing manager, or for an individual described in subsection (5)(a), may only be a qualification or type of qualification regulated by the Office of Qualifications and Examinations Regulation which is of a level not exceeding level 4.
- (8) The references in subsections (6) and (7) to the level of a qualification are to the level assigned to a qualification by virtue of general conditions set and published by the Office of Qualifications and Examinations Regulation under section 134 of the Apprenticeships, Skills, Children and Learning Act 2009.
- (9) Except as provided by subsections (3) to (8), standards under subsection (1) may not require registered providers to comply with rules about the qualifications to be required of relevant individuals.
- (10) See also section 217A (which makes provision implying terms relating to qualifications into management services agreements).

#### **194B Meaning of “services provider”, “senior housing executive” and “senior housing manager”**

- (1) This section makes provision about the meaning of terms for the purposes of section 194A.
- (2) “Services provider”, in relation to a registered provider, means a person who, in accordance with an agreement with the registered provider or another person, provides services in connection with the management of social housing provided by the registered provider or arranges for the provision of such services.
- (3) For the purposes of subsection (2), an agreement does not include a contract of employment or a contract of apprenticeship.
- (4) “Senior housing executive” of a registered provider means a relevant individual who—
- (a) is an employee or officer of the registered provider,
  - (b) has responsibility (solely or jointly) for the day to day management of the provision of services in connection with the management of social housing provided by the registered provider, and
  - (c) is part of the registered provider’s senior management.
- (5) “Senior housing executive” of a services provider in relation to a registered provider means a relevant individual who—
- (a) is—
    - (i) an employee of the services provider,

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- (ii) an officer of the services provider, or
  - (iii) if the services provider is a partnership, a partner in the partnership,
  - (b) has responsibility (solely or jointly) for the day to day management of the provision of services in connection with the management of social housing provided by the registered provider, and
  - (c) is part of the services provider’s senior management.
- (6) For the purposes of subsections (4) and (5), an individual is part of a registered provider’s or services provider’s senior management if the individual plays a significant role in—
- (a) the making of decisions about how the whole or a substantial part of the activities of the provider which relate to social housing are to be managed or organised, or
  - (b) the management or organisation of the whole or a substantial part of such activities.
- (7) “Senior housing manager” of a registered provider means a relevant individual who—
- (a) is an employee of the registered provider, and
  - (b) is a senior housing and property manager for the registered provider.
- (8) “Senior housing manager” of a services provider in relation to a registered provider means a relevant individual who—
- (a) is an employee of the services provider,
  - (b) is a senior housing and property manager for the services provider, and
  - (c) is involved in the provision of services in connection with the management of social housing provided by the registered provider.
- (9) For the purposes of subsections (7) and (8), whether an individual is a senior housing and property manager is to be determined by reference to the description of the occupation of senior housing and property management published by the Institute for Apprenticeships and Technical Education under section ZA10(5) of the Apprenticeships, Skills, Children and Learning Act 2009.
- (10) In this section—
- “employee” includes a person employed under a contract of apprenticeship;
  - “relevant individual” has the same meaning as in section 194A.
- (11) The following Table gives the meaning of “officer” in relation to services providers for the purposes of this section—

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Services provider	Meaning of “officer”
Registered charity which is not a registered company	Trustee, secretary or treasurer
Registered society	“Officer” within the meaning given by section 149 of the Co-operative and Community Benefit Societies Act 2014

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Services provider	Meaning of “officer”
	(including a person co-opted to serve on the society’s committee)
Registered company	“Officer” within the meaning given by section 1173 of the Companies Act 2006
Limited liability partnership	A member of the limited liability partnership.”

(2) In section 196 of that Act (consultation), after subsection (2) insert—

“(3) Before setting a standard under section 194A which imposes a requirement described in subsection (4) of that section, the regulator must consult, or ensure that there has been consultation with, each body (if any) which is nominated by the Secretary of State for the purposes of this subsection.

(4) The Secretary of State may nominate a body for the purposes of subsection (3) only if the body appears to the Secretary of State to represent the interests of services providers in relation to registered providers (as defined in section 194B(2)).

(5) The Secretary of State must notify the regulator of any nomination (or withdrawal of any nomination) made for the purposes of subsection (3).”

(3) In section 197 of that Act (direction by Secretary of State), after subsection (5) insert—

“(5A) Before giving a direction to set a standard under section 194A which imposes a requirement described in subsection (4) of that section, the Secretary of State must consult one or more bodies appearing to the Secretary of State to represent the interests of services providers in relation to registered providers (as defined in section 194B(2)).”

(4) After section 217 of that Act insert—

**“217A Implied terms of management services agreements relating to qualifications**

(1) Each management services agreement in relation to social housing of a registered provider, whenever entered into, is to be treated as including the terms set out in subsection (4).

(2) In this section, a “management services agreement”, in relation to social housing of a registered provider, means an agreement under which one person (a “services provider”) agrees with another person (the “services recipient”) to provide services in connection with the management of social housing provided by the registered provider or to arrange for the provision of such services.

(3) For the purposes of subsection (2)—

- (a) an agreement does not include a contract of employment or a contract of apprenticeship, and
- (b) the services recipient may be the registered provider or another person.

(4) The terms are that—

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- (a) the services provider must secure that its relevant managers who are involved in the provision of services in connection with the management of social housing to which the agreement relates meet the qualification standard at all times;
  - (b) in the event that the services provider does not comply with the term set out in paragraph (a), the services provider will take such action to rectify the non-compliance as is reasonably required by the services recipient;
  - (c) the services provider must comply with any reasonable request for information demonstrating whether or not the services provider is complying with the term in paragraph (a) that is made by the registered provider who provides the social housing to which the agreement relates or (if different) the services recipient.
- (5) A relevant manager of a services provider under a management services agreement “meets the qualification standard” if—
- (a) a standard is in force under section 194A which requires the registered provider who provides the social housing to which the agreement relates to take steps to secure that the manager has, or is working towards, a qualification or type of qualification in housing management, and
  - (b) the manager has or (as the case may be) is working towards such a qualification,
- or if there is no standard in force under section 194A which imposes a requirement described in paragraph (a).
- (6) A term of a management services agreement is not binding on the services recipient to the extent it would—
- (a) exclude or restrict the liability of the services provider for breach of a term implied by this section, or
  - (b) prevent an obligation under a term implied by this section arising or limiting its extent.
- (7) In this section “relevant manager”, in relation to a services provider, has the same meaning as it has for the purposes of section 194A (see section 194A(5)).”
- (5) In consequence of the amendment made by subsection (4), in section 192 of that Act—
- (a) in paragraph (d), omit the final “and”;
  - (b) at the end of paragraph (e) insert “, and
  - (f) makes provision about terms to be implied into management services agreements (section 217A).”

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**Commencement Information**

- I1** S. 21 not in force at Royal Assent, see [s. 46\(3\)](#)
- I2** S. 21 in force at 20.9.2023 by [S.I. 2023/1001](#), [reg. 2\(i\)](#)

## **22 Standards relating to information and transparency**

- (1) The Housing and Regeneration Act 2008 is amended as follows.

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(2) After [section 194B](#) (inserted by [section 21](#)) insert—

**“194C Standards relating to information and transparency**

- (1) The regulator may set standards for registered providers in matters relating to the provision of information to their tenants of social housing and to the regulator, including standards requiring information to be published.
- (2) Standards under subsection (1) may, in particular, require registered providers to comply with specified rules about—
  - (a) the provision of information to their tenants of social housing concerning the accommodation, facilities or services provided in connection with social housing, including information concerning—
    - (i) their tenants’ rights in connection with those things, and
    - (ii) how to make complaints against registered providers,
  - (b) monitoring their compliance with standards under this section and sections 193, 194 and [194A](#) and informing the regulator if they have failed, or there is a risk they will fail, to meet any of those standards, and
  - (c) the publication of information about—
    - (i) the remuneration of their executives, and
    - (ii) their income, management costs and other expenditure.
- (3) For the purposes of subsection (2)(c), an “executive”, in relation to a registered provider, means an individual who is both—
  - (a) an officer or employee of the registered provider, and
  - (b) responsible for the management of the provider.”
- (3) In section 220 (grounds for giving enforcement notice), in subsection (2), for “193 or 194” substitute “193, 194 or [194C](#)”.
- (4) In section 227 (grounds for imposition of penalty), in subsection (2), for “193 or 194” substitute “193, 194 or [194C](#)”.
- (5) In section 237 (grounds for award of compensation), in subsection (2), for “193 or 194” substitute “193, 194 or [194C](#)”.
- (6) In section 247 (management tender), in subsection (1)(a), for “193 or 194” substitute “193, 194 or [194C](#)”.
- (7) In section 251 (appointment of manager), in subsection (1)(a), for “193 or 194” substitute “193, 194 or [194C](#)”.

**Commencement Information**

- I3** S. 22 not in force at Royal Assent, see [s. 46\(3\)](#)  
**I4** S. 22 in force at 20.9.2023 by [S.I. 2023/1001](#), [reg. 2\(j\)](#)

**23 Code of practice: standards relating to consumer matters**

In section 195 of the Housing and Regeneration Act 2008 (code of practice)—

- (a) in subsection (1)(a), omit “under section 194”;

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(b) in subsection (2), omit “under that section”.

#### Commencement Information

- I5** S. 23 not in force at Royal Assent, see [s. 46\(3\)](#)  
**I6** S. 23 in force at 20.9.2023 by [S.I. 2023/1001](#), [reg. 2\(k\)](#)

## 24 Direction by Secretary of State

In section 197 of the Housing and Regeneration Act 2008 (direction by Secretary of State), after subsection (2) insert—

“(2A) The Secretary of State may direct the regulator—

- (a) to set a standard under [section 194A](#),
- (b) to set a standard under [section 194C](#) which relates, in the Secretary of State’s opinion, to the matters in [section 194C\(2\)\(a\)](#),
- (c) about the content of standards described in paragraph (a) or (b), or
- (d) to have regard to specified objectives when setting those standards.”

#### Commencement Information

- I7** S. 24 not in force at Royal Assent, see [s. 46\(3\)](#)  
**I8** S. 24 in force at 20.9.2023 by [S.I. 2023/1001](#), [reg. 2\(l\)](#)

## 25 Secretary of State’s duty to give direction about providing information to tenants

(1) The Secretary of State must give a direction to the Regulator of Social Housing under section 197(2A) of the Housing and Regeneration Act 2008 about setting a standard under [section 194C](#) of that Act (standards relating to information and transparency) for the purpose of securing that registered providers of social housing are required to provide their tenants of low cost rental accommodation with information about—

- (a) their tenants’ rights in connection with the low cost rental accommodation and with facilities or services provided in connection with that accommodation, and
- (b) how their tenants can make a complaint against them.

(2) The Secretary of State must give the direction before the end of the period of six months beginning with the day on which this Act is passed.

(3) In this section—

“low cost rental accommodation” means accommodation which—

- (a) is low cost rental accommodation (as defined in section 69 of the Housing and Regeneration Act 2008) provided by a registered provider of social housing, and
- (b) is not low cost home ownership accommodation (as defined in section 70 of that Act);

“tenant”, in relation to low cost rental accommodation, includes other occupiers.

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#### Commencement Information

**I9** S. 25 in force at 20.9.2023, see s. 46(2)

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#### **26 Failure to meet standards: exercise of intervention powers**

Omit sections 198A and 198B of the Housing and Regeneration Act 2008.

#### Commencement Information

**I10** S. 26 not in force at Royal Assent, see s. 46(3)

#### **27 Performance monitoring**

- (1) The Housing and Regeneration Act 2008 is amended as follows.
- (2) Before section 199 (and the heading immediately before it) insert—

*“Performance information*

##### **198C Directions about performance information**

- (1) The regulator may give directions to registered providers requiring them to collect, process and publish information about their performance in relation to matters covered by standards under sections 193, 194, 194A and 194C.
- (2) Directions under subsection (1) may, in particular, specify or describe—
  - (a) the information that must be collected,
  - (b) the period the information must cover,
  - (c) the method of collecting, processing and presenting information,
  - (d) the form in which information must be presented, and
  - (e) what information must be published and when and the manner of publication.
- (3) A direction—
  - (a) may make provision that applies generally or only to specified cases, circumstances or registered providers, and
  - (b) may make different provision for different cases, circumstances or registered providers.
- (4) The regulator must make arrangements for bringing a direction to the attention of every registered provider to which it applies.
- (5) The regulator may request that a registered provider send to the regulator—
  - (a) any information collected by the registered provider pursuant to directions under subsection (1);



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- (b) an analysis of that information;
  - (c) an explanation of how the information was collected, processed or published.”
- (3) In section 220 (grounds for giving enforcement notice), at the appropriate place insert—
- “(11C) Case 13 is where the registered provider has failed to comply with directions or a request under section 198C.”
- (4) In section 227 (grounds for imposition of penalty), at the appropriate place insert—
- “(7C) Case 9 is where the registered provider has failed to comply with directions or a request under section 198C.”

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**Commencement Information**

**I11** S. 27 not in force at Royal Assent, see [s. 46\(3\)](#)

**I12** S. 27 in force at 20.9.2023 by [S.I. 2023/1001](#), [reg. 2\(m\)](#)

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