

Social Housing (Regulation) Bill

1 March 2023

Briefing for Report stage

The [Social Housing \(Regulation\) Bill](#) enters the report stage in the House of Commons on 1st March 2023. A number of amendments have been proposed that further strengthen the bill and its requirements including, for example, measures to tackle hazards within certain time periods, and requirements around the skills, experience and qualifications of senior housing staff. This briefing provides an overview of CIH's thoughts on the bill and proposed amendments (as currently [proposed](#)).

Summary

- CIH welcomes the bill's focus on the key objectives of safety, transparency and accountability of landlords to tenants in social housing, as set out in [the Charter for social housing residents: social housing white paper](#). It is important that the robust measures set out in the draft bill in supporting those aims are maintained through to the final Act, including the requirement to report on the progress of cladding removal and other remediation relating to fire and building safety.
- The government has put forward proposals that will underpin the development of Awaab's Law. The secretary of state must make regulations requiring landlords to take action within specified periods against prescribed hazards. CIH supports the commitment to ensure that landlords respond to tenants and act on poor housing conditions. We welcome the opportunity to consult with the sector on appropriate timescales. Some problems of damp and mould can involve significant work and time to remedy, and it is important to get this right, whilst also ensuring that there is not any unnecessary delay, and that tenants are kept advised of progress and supported with mitigating measures (such as temporary moves during work etc.).
- CIH welcomes the proposals to ensure that social landlords have senior staff of sufficient skills, experience, and qualifications to provide a high-quality service to tenants. This will be through regulations set by the secretary of state to specify the nature of the qualifications, training, standards of conduct etc, and the roles to which these apply.
- CIH welcomes measures to ensure that the bill set explicit requirements for regular inspections as well as additional emergency/ short notice inspections and actions where needed. This was the clear expectation of the government's white paper. We note also the strengthened requirements for actions following inspections (whether a full report must be produced or a summary of findings, and what the report must cover).
- We support the proposals that the Housing Ombudsman should have power to issue guidance to landlords where complaints have been made, and require the landlord to assess its policies in relation to the good practice the Ombudsman can evidence from its complaints handling and in depth thematic reports.

- CIH recognises the huge level of housing need, including the growing need for more housing of the most affordable (social) rent. We welcome that this has been identified in an amendment that proposes the secretary of state should report on the sufficiency of social housing provision at least every three years and provide recommendations to ensure sufficiency of supply.

Comment on key elements of the Bill

Proactive regulation and enforcement

The bill provides a strong legislative framework to ensure that the tenant and landlord relationship is strengthened, with increased accountability to tenants backed by a proactive consumer standard and powers for the Regulator. We believe that this provides a robust mechanism to drive improved standards across registered providers, that will encourage the sector as a whole to look at and learn from the many organisations that are working well with their tenants to deliver good homes, neighbourhoods and services.

We are keen to see that the measures in the bill that support this strong, proactive approach to the consumer standard and accountability to residents are carried through to the final Act.

Setting high expectations

The bill ensures that the Regulator can require applicants to be registered to demonstrate that they will meet regulatory requirements from the outset, and that failure to meet standards is added to reasons for mandatory de-registration. CIH has called for standards that apply across the board for tenants whatever the landlord type, so we are pleased to see a broader application of the standards and tools to tackle poor performance across non/ for profit, and local authority housing.

Addressing poor housing conditions

Following several reports of poor housing conditions impacting on tenants' health and wellbeing, notably problems of damp and mould, culminating in the tragic death of Awaab Ishak, the secretary of state was clear that the bill would be strengthened in relation to requirements on landlords to act quickly to remediate these problems. The government amendment proposes that the detail of this should come through regulations relating to tenancies, enabling government and the sector to work together to ensure that these measures are both timely, appropriate, effective and deliverable. CIH is keen to support the development of these measures.

Tenant safety

A further amendment is proposed to require landlords to help tenants under a threat to their safety (from domestic abuse, escalated neighbour disputes or youth/ gang violence) to move to alternative accommodation with the same level of security of tenure, within the landlord's housing stock in in cooperation with other social landlords. This is in keeping with the aim of social housing to provide a safe and secure home.

Housing management and professionalism of the sector

CIH welcomes the proposals to ensure that housing staff are suitably qualified and trained to provide a high-quality service to tenants in provision and management of housing. We appreciate that housing providers are complex businesses that require diverse skills across the organisation, but in relation to management and property functions, including resident involvement and anti-social behaviour work, we think there is a strong case for setting out certain expectations of skills, knowledge and behaviour, to ensure that staff provide good services and work well with and in response to tenants. We therefore welcome the proposed amendment that seeks to ensure, through regulation set by the secretary of state, that certain roles with housing providers should demonstrate appropriate knowledge and skills through qualifications, training and development, and we look forward to working with Government, the Regulator and the sector in taking this forward.

Inspections

We support measures to enable the Regulator's ability to step in quickly, where there is reason to believe through failure to comply, failure to act or other error, that there may be risk to tenants' health and safety. This is encompassed in the removal of the serious detriment test and the power to undertake a survey with 48 hours' notice rather than 28 days, plus the power to order repairs, where necessary; this provides important powers to enact in an emergency. We also support the requirement on the Regulator to undertake periodic and regular inspections, and to set out clearly whether a full report or summary finding should be issued following inspection (and if a full report, what matters should be covered). Regular inspections were set out in the government's social housing white paper [The Charter for social housing residents](#), which proposed inspections of the larger landlords every four years; it will be an important step for tenants and residents to be assured of the ongoing performance of their landlord, and provide an opportunity to identify and address areas of poorer or weaker performance, including through the Regulator's own experience of good practice in other similar organisations.

It is vital that the **Regulator is well resourced to undertake wider inspections** on a regular basis, underpinned and informed by the body of evidence that will come from proactive monitoring of the consumer standards and regular reporting on the Tenant Satisfaction Measures, as well as from the investigations and reports of the Housing Ombudsman.

Regulating supported and temporary accommodation

CIH supports the [Supported Housing \(Regulatory Oversight\) Bill](#) currently going through parliament. We also supported a previous amendment that was not taken forward, to enable the regulator to extend its consumer regulation across supported and temporary accommodation provided by registered providers. A further amendment has been tabled by Labour to enable the Regulator to set standards for this type of accommodation and for enforcing any code of guidance the secretary of state might issue regarding local authorities' duties to provide temporary accommodation.

Information

The Regulator and Housing Ombudsman together are important partners in ensuring that registered providers deliver homes and services that are safe and of good quality, well managed and delivered with services that take account of the priorities of their tenants, through active tenant involvement.

Transparency and accessibility of performance information to the Regulator and to tenants, so that they can see how their landlord is performing, is a main aim of the social housing white paper, underpinned by powers in the bill for the Regulator to direct what information landlords must provide, when etc. It is important that this information on financial measures, performance and the Tenant Satisfaction Measures is easily available to tenants if they are to hold landlords to account

The government has included an amendment requiring the Regulator, in response from directions from the secretary of state, to set a standard that will strengthen the information that landlords must give tenants on making complaints. The secretary of state will have to give this direction within six months from the bill receiving royal assent.

We support the proposed amendment that the Housing Ombudsman should, in consultation with the Regulator, be able to advise landlords on measures where they have received complaints, utilising their awareness of good practice in the sector (as evidenced in their thematic reports), and to require landlords to scrutinise their policies to ensure they are learning from that good practice.

Housing supply

Evidence produced for the National Housing Federation and Crisis by Heriot Watt University in 2018 identified a need for 145,000 affordable homes per annum over the ten years 2021-31, of which 90,000 would be for social rent and the remainder for low-cost homeownership or intermediate renting. Although this assessment has not been fully updated, since then need is likely to have grown still further. However, current plans will start only 36,000 homes annually, and this target is now under threat because of higher interest rates, inflation in construction costs and proposed planning reform. The requirement for a regular review of progress on delivery, with recommendations on how to achieve what is needed, will enable the sector and government to focus on how best to achieve the housing numbers, and particularly the social rented housing, we need.

About CIH

The Chartered Institute of Housing (CIH) is the independent voice for housing and the home of professional standards. Our goal is simple - to provide housing professionals and their organisations with the advice, support, and knowledge they need. CIH is a registered charity and not-for-profit organisation. This means that the money we make is put back into the organisation and funds the activities we carry out to support the housing sector. We have a diverse membership of people who work in both the public and private sectors, in 20 countries on five continents across the world.

Further information is available at: www.cih.org

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