

CIH's response to the Competence and Conduct consultation

Introduction

The Chartered Institute of Housing (CIH) is the professional body for people who work in, or have an interest in housing. We were pleased to be part of the Department for Levelling Up, Housing & Communities' (DLUHC) Professionalisation Review working group and welcome the opportunity to respond to the government's consultation on the proposed Competence and Conduct (C&C) Standard.

In preparing our response, we have considered our role as a membership body and charity with a mandate to act in the public interest, as well as a provider of qualifications and training.

In preparing this response we have consulted extensively with CIH members working in a range of different roles across the housing sector. This includes those working in repairs and maintenance services and broader asset management directorates, as well as members working in different roles across housing associations, local authorities, and the private sector. We have also consulted with partner organisations, including landlord and tenant representatives, and with qualifications providers.

We have responded to the consultation questions that apply to us but have also sought to highlight some issues not specifically addressed in the consultation questions. These can be seen in the overview below.

Overview

We believe that people working in housing want to work in a professional sector they can be proud of, and every resident should expect to receive a professional service from their housing provider. We recognise that this has not always been the case and acknowledge the context in which the government chose to undertake a professionalisation review and subsequently introduce regulation.

The requirements around professional qualifications are now set out in law, and our collective focus must be on ensuring that regulation is meaningful, accessible, and deliverable, with as smooth a transition as possible.

CIH believe qualifications are an effective way to ensure professionals have the required knowledge and skills to provide high-quality services to people living in social housing. We also recognise professionalism is more than a qualification; it is about displaying the right behaviours and attitudes and following a code of conduct and ethics. To that end,

we welcome the introduction of a broad standard that relates to all who work in social housing.

The introduction of mandatory qualifications is a significant change for the social housing sector coming at a challenging time, with stretched capacity and resources across the sector. Our response therefore highlights areas in which we believe further consideration would be helpful to achieve the intended outcomes, without negatively impacting the service delivery for tenants it is designed to strengthen.

In summary:

- **Timescale** - Extending the transition period to three years, with a focus on a minimum of 50 per cent of qualification enrolments commencing within the first 18 months following introduction, would alleviate capacity pressures on landlords and study centres. This would ensure a smoother, more manageable roll out enabling landlords to continue to focus on service delivery, and study centres to efficiently manage the throughflow of new learners.

Our discussions have highlighted concerns that a two year timeframe for rollout from 1 April 2025 could negatively impact services to tenants. A further key constraint identified is access to appropriately knowledgeable tutors and trainers. This could have implications for the capacity of approved study centres to accommodate the number of new learners. A longer transition period would allow study centres time to scale up capacity to the levels required.

- **New burdens funding for local authority landlords** - Government should ensure local authority Housing Revenue Accounts have sufficient capacity to introduce the changes through new burdens funding. In addition, opening access to the apprenticeship levy to allow the fund to pay directly for qualifications would reduce the burden on social landlords.
- **Recruitment and retention** - Extension of the proposed transition period from two years to three years would help to address the risk, highlighted in the impact assessment, of senior professionals exiting the sector or retiring early, or disincentivising skilled professionals from other sectors from moving into housing. This would also recognise existing recruitment and retention challenges within the social housing sector.
- **Approach to large and small providers** - We agree there should be longer period for smaller providers to comply with the new standard. The Regulator of Social Housing (RSH) already has a definition for smaller providers of 1,000 homes or less and is sensible to use this definition. In addition, where a provider manages

a high proportion of supported housing, there should be additional time for supported housing staff to qualify. This reflects the tight margins and viability of some supported housing schemes and the ongoing recruitment and retention challenges that exist within supported housing.

- **Inclusion of service providers** - Service providers who solely deliver repairs and maintenance services for social landlords should be exempt from the C&C Standard. Whilst we understand the logic behind extending the qualification requirement to contractors the definition of 'service providers' is broad and there is a risk that those delivering repair services may choose to withdraw from the sector rather than commit to undertake the necessary training or seek to recruit qualified staff from within housing providers. In addition, landlords, by complying with the C&C Standard would have qualified, inhouse housing professionals who would seek to manage and oversee repairs and maintenance contracts in a way that delivers for those living in social housing and provide sufficient assurance to tenants that there are qualified persons involved in the delivery of the repairs and maintenance service.
- **Equality, diversity and inclusion (EDI)** - In instances where people have challenges in accessing learning e.g. through experiencing learning difficulties or being neurodiverse, we would like to see a pragmatic approach adopted that enables those learners an extended period to complete their studies. This could be included alongside the flexibilities already included for those on maternity leave or long term sickness absence. The impact of the qualifications on diversity should also be measured to ensure the new standard delivers for all.
- **Future proofing** - To avoid some people having to undertake multiple qualifications e.g. with CIH and RICS, relevant providers of technical qualifications should be encouraged to ensure that their qualifications are compliant with the Standard. This could be in the form of integrated qualifications or 'top up' training. To this end, it would be helpful to understand the extent to which the proposals are informed by other regulatory regimes for professionals, such as the Financial Conduct Authority (FCA).

Response to consultation questions

We have responded to the questions that are presented for all and for qualifications providers. We have not responded to questions that are highlighted for registered providers or service providers only but have captured some reflections on these in the summary above.

Policy statement and direction

Q1: Do you agree with the content of the direction (Annex A) to setting the broad Standard relating to the competence and conduct of all social housing staff?

Yes, with caveats.

It would be helpful to have further guidance around the Code of Conduct to ensure the aim of the regulation is consistently achieved across providers. We understand that local authorities already have corporate codes of conduct but that creating a new housing-specific one could create an additional burden. We also believe that continuous professional development (CPD) should be included within the Standard.

Q2: As set out in paragraphs 15a and 46b of the policy statement, do you agree that only individuals who have a substantive role in managing delivery of housing management services should be in scope of the qualification requirements?

Yes, we agree that those with a substantive role in managing housing services should be in scope, and note that time is not the only determining factor in assessing “substantive” involvement.

Q3: Do you agree with the guidance on the scope of housing management services (paragraphs 1-3 of Annex B1)?

Yes. We also believe it would be helpful to include other roles as examples, such as:

- Facilities management (if carried out on premises containing social rented homes, regardless of any other tenure mixture within the block)
- Fire safety i.e. building safety manager
- Staff with responsibility for HHSRS for social homes.

Q5: Do you think that there are any other functions not listed above which should be in scope?

Please see our response to Q3.

We recognise that some housing providers may choose to ask board members to undertake qualifications to support them in their role but we do not believe that this should be mandatory.

Q6: Are there any functions listed above that you think should not be in scope?

Whilst we support the need to ensure that contractors and service providers are captured within the broad Standard, including them within scope of the qualification requirement is

challenging. In particular, we would suggest contractors who solely provide repairs and maintenance services for landlords should be excluded. In these instances, a requirement for qualified persons may cause some repairs and maintenance contractors to exit the market, rather than seek to obtain the relevant qualifications, placing strain on the delivery of repairs services to tenants. This could particularly affect smaller landlords who are more reliant on small-scale contractors to provide repair and maintenance services.

In addition, we believe having qualified people working for social landlords, with responsibility for managing and monitoring the contracts with external repairs and maintenance contractors would provide sufficient assurance to people living in social housing that there are qualified professionals involved in the management of the contract, directly employed by the social landlord.

Q8: Do you agree with the proposal outlined above that individuals must have been in their role for more than 6 months to be classed as a Relevant Person or Relevant SP Manager (except where they are subject to a probationary period) as detailed in paragraph 15c, 46d and 46e of the policy statement?

No.

Our discussions with housing professionals suggest that it would be more appropriate to extend the threshold to one year and allow for secondment opportunities and temporary roles e.g. maternity cover. It would be helpful if the guidance could clarify requirements around temporary positions.

Q9: Do you agree with the proposal that those staff who have a probation period should have, or be working towards, a qualification within 9 months from the point at which they take up their role as detailed in paragraph 15d and 46f of the policy statement?

No.

In some organisations the probation period, when extended, can run for twelve months. Our discussions suggest that nine months would not provide enough time to assess the suitability of new staff and plan for qualification enrolment before probation sign off. A year would be a more workable timeframe to fully assess suitability and would give new employees sufficient time to establish themselves in the role before embarking on a qualification.

Q10: Do you agree with our proposal that unpaid volunteers should not be required to gain a relevant qualification as detailed at paragraphs 15b and 46c?

Yes.

Q12: As outlined in section 3.1 of the policy statement, do you agree that a level 4 qualification is the correct level for a senior housing manager and individual who is a services provider?

Yes, a level four qualification aligns with the expectations of a senior manager role in a social housing landlord.

Q13: As outlined in section 3.1 of the policy statement, do you agree that a level 5 qualification or a foundation degree is the correct level for a senior housing executive?

Yes, a qualification at level five or a graduate/postgraduate degree aligns with the expectations of a senior executive role in a social housing landlord.

Q14: Do you agree with our proposals outlined above and in section 3.4 of the policy statement that qualifications can be regulated by an equivalent body to Ofqual or a predecessor body?

We agree that it is correct to reference Ofqual or its predecessor body as the regulatory body for vocational qualifications.

Q15: Do you agree that the criteria that qualifications must meet as set out in section 3.2 of the policy statement is appropriate for ensuring senior housing managers and senior housing executives gain the skills, knowledge, experience and behaviours they need to deliver high quality and professional services to tenants?

We agree that the Level 4 and Level 5 qualification are the appropriate level of qualification for the Standard, focusing on the right knowledge and skills. It is important to point out qualifications do not deliver practical, on-the-job experience so this is not a realistic expectation of a qualification. In addition, qualifications can inform and educate about the right behaviours and attitudes they aren't an answer in their own right, and should be supported by codes of conduct and ethics and continuous professional development and lifelong learning.

Question 17: Do you agree with our approach to defining what it means to be 'working towards' a relevant qualification as outlined in the policy statement?

Yes. This is clear and fair and will help to manage capacity within learning centres.

Q19: Considering the costs and benefits outlined within the impact assessment, do you agree that all existing staff within the sector should have, or should begin working towards a relevant qualification within 24 months as outlined in section 4.1 of the policy statement?

Our discussions with members and partners suggest that the proposed timeline of two years from 1 April 2025 will be very challenging for the sector to comply with. 'Housing management' encompasses a wide range of service areas, including asset management and repairs. The current timeframe for achieving the Level 4 and Level 5 CIH qualifications also presents challenges for some training providers. This is primarily due to the limited availability of qualified resources such as tutors, trainers, and assessors. In addition, it will take time to recruit and train new staff in these roles. To address this challenge effectively, it's imperative for the sector to proactively identify and invest in the training of additional tutors, trainers, and assessors. By doing so, they may be able to facilitate the expansion of registration opportunities across their centres. Extending the transition period to three years, with a focus on a minimum of 50 per cent of qualifications commencing within the first 18 months of introduction, would provide more time to enable landlords and training providers to better overcome these capacity challenges and minimise disruption of service delivery to people living in social housing.

Q20: Do you have any additional comments or evidence about the potential impact of the policy proposals as assessed in our impact assessment (Annex C)?

CIH welcomes the proposals to enhance the professional standing of the housing sector and has no additional comments.

Q21: Does the information provided above and in section 4.1 of the policy statement provide sufficient clarity on the time limits within which individuals will need to hold or be working towards a relevant qualification within the transition period?

There is sufficient clarity on timescales however more consideration should be given to the impact of deferrals and other potential delays on progress, particularly relating to EDI. In instances where people have challenges in accessing learning e.g. through experiencing learning difficulties or being neurodiverse, we would like to see a pragmatic approach adopted that enables those learners an extended period to complete their studies. This could be included alongside the flexibilities already included for those on maternity leave or long term sickness absence. The impact of the qualifications on diversity should also be measured to ensure the new standard delivers for all.

Q22: Considering the total number of staff in the sector that will need to enrol on qualifications within the transition period as outlined in the impact assessment

(Annex C), and noting that our intention is for the Standard to come into force in April 2025, do you believe that you can meet the demand for enrolling learners on qualifications within the 24- month transition period?

Consultation feedback indicates this will be a challenge. As mentioned previously, there is a limited pool of suitably competent tutors, trainers and assessors and some approved study centres are already holding waiting lists for their programmes. Whilst this existing demand is positive and highlights the steps housing providers are already taking to address professionalism in the sector, it does give weight to our call for the transition period to be extended to three years, with a minimum of 50 per cent of qualifications commencing within the first 18 months of introduction.

Q23: Do you agree with the proposal that an adjusted transition period (twice the amount of time) should apply to registered providers which provide fewer than 50 units of stock, and will also apply in relation to their services providers?

We agree that there should be an adjusted transition period for smaller registered providers but believe the Regulator's definition of 1,000 homes or less should be used, and for providers with a large proportion of supported housing stock as outlined above.

Q24: Do you agree with our proposal as outlined above and described in section 3.6 of the Policy Statement that there should be transitional arrangements in place for those with partially relevant qualifications (which meet or exceed the requirements in section 3.1 of the policy statement, but do not meet all the course content criteria in section 3.2)

This proposal is welcomed, particularly the opportunity to complete top up modules.

Q25: Where your course does not cover all the criteria listed above, do you plan to update your qualifications to ensure that you cover the proposed course content requirements?

CIH's current housing management qualifications at levels four and five meet the criteria for content as specified in the consultation document. Regulated qualifications are subject to an ongoing review process to ensure they remain current.

Q26: Do you agree with our proposal as outlined above and described in section 3.7 of the policy statement that there should be transitional arrangements in place for those who have completed an apprenticeship programme without a qualification element provided they meet other criteria (as above)?

Yes. DLUHC should also note that the housing apprenticeship standard at Level 4 appears on the Ofqual register of regulated qualifications so consideration and further clarification may be needed as to how this is categorised in the context of the mandatory qualification legislation.

Q31: Are there any other bodies representing the interests of services providers that you think the Secretary of State should nominate as a body with which the Regulator must consult on the regulatory Standard in relation to these requirements, other than the National Federation of ALMOS and the National Federations of TMOs?

No, the list above is comprehensive.

Q32: Are there any other issues you want to raise, or anything you believe has not been considered in relation to proposals 16 and 17?

No.

Q44: We have made an assumption that where people undertake a qualification (not as part of an apprenticeship programme), this will require a commitment from the learner of 8 hours per week over approximately 12 months for both level 4 and 5. This will amount to around 320 hours of study for senior housing executives and 360 hours of study for senior housing managers in total. Do you agree with this assumption?

Yes, our qualifications align with these timescales. However, it should be noted that these quantify the **average** time it may take to complete the qualification, including time for assessment and any added value activities such as job shadowing. Learners may require a longer or shorter time, taking into account their individual needs.

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 twenty countries on five continents across the world. Further information is available at: www.cih.org.

Contact: James Prestwich, director of policy and external affairs james.prestwich@cih.org and Sarah Dunkerley, director of professional development - sarah.dunkerley@cih.org.