

## Ministry of Housing, Communities & Local Government consultation on Supported Housing Regulation

**1. In which capacity are you completing these questions? Please tick all that apply.**

- Private Registered provider (with the Regulator of Social Housing)

**2. Please enter the following information:**

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- Organisation (if applicable): Southern Housing

**3. If responding as an individual, where do you live? If you are responding as an organisation, where are you based?**

- London

**4. Landlord or provider only: How many supported housing units (beds) do you own or manage?**

- 1001 +

### Part 1 - Chapter 1 – Scope

**5. Do you agree that the licensing regime that the government is proposing to introduce under powers in the Act should apply to all supported housing (supported exempt accommodation as defined in the Act)? This definition is the same as 'specified accommodation' in Housing Benefit regulations.**

- Fully agree
- Partly agree
- Do not agree
- Do not know

*If you do not fully agree please explain why here.*

While we agree with the proposal to introduce a licensing regime, we believe there should be several exemptions.

Firstly, all supported housing directly commissioned or funded by local authorities and/or directly overseen by a reputable body (for example, a NHS service) should be exempt. This would:

1. avoid duplicative regulation (since commissioned services are already subject to oversight and monitoring by local authorities)
2. better target rogue providers
3. spare housing associations unnecessary licensing and compliance costs at a time when margins are already squeezed, potentially jeopardising the future provision of some services.

CQC regulated services should be exempt on the basis the:

- proposed National Supported Housing Standards and principles are very similar to the CQC's Fundamental Standards
- Responsible Person/Fit and Proper Person test is a duplication of existing assurances for CQC
- Government is exempting Ofsted-regulated supported housing on the basis it is already subject to effective regulation, hence there is a precedent for exemption

Without an exemption, there is a high risk that CQC regulated supported housing services would be overly regulated and struggle with duplication and regulatory overload.

Intensive Housing Management (IHM)-only services should be explicitly exempt from licensing, provided they do not offer regulated care or high-intensity support. This is to mitigate the risk of such services failing to meet the narrow proposed definition of supported housing proposed (in which case residents would be ineligible for housing benefit). See our answer to question 76 for more detail.

Conversely, we believe the provision of 'floating support' should fall under the scope of the licensing regime. If floating support were not to be covered, rogue providers could exploit a loophole to deliver this type of service under eligible service charge elements or universal credit.

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## Part 1 - Chapter 2 - National Supported Housing Standards and Principles

### 6. *Do the principles reflect the core elements of a good quality support service?*

- Strongly agree
- **Partly agree**
- Neither agree nor disagree
- Partly disagree
- Strongly disagree
- Do not know

*If you would like to explain your answer, please do so here.*

We believe the Safe and Responsive principle should be split into two. It is entirely possible to provide safe accommodation without responsive and supportive staff and vice versa. Moreover, in practice, the safety of the accommodation and the quality of support services are often the responsibility of separate organisations (for instance, a housing association landlord and third party support provider). We believe safety and responsiveness are both equally important and require distinct focuses to ensure successful outcomes for people accessing supported housing.

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**7. Do you have suggestions for any additions to the principles as described above?**

*Please enter your answer here.*

No response.

There is a limit of 2000 characters

## Part 1 - Chapter 2 - Evidencing and Assessing the Standards

**8. Do you agree with the person-centred support standard?**

- Strongly agree
- **Partly agree**
- Neither agree nor disagree
- Partly disagree
- Strongly disagree
- Do not know

*If you would like to explain your answer, please do so here.*

We believe the resident risk assessment and referral pathway listed as possible sources evidence under the Environment Standard should instead fall under the Person-Centred Support standard. Assessments and pathways require organisations to consider the *person* receiving or considering the support service in detail, specifically:

- An individual risk assessment is a critical building block in the delivery of a safe and responsive support service. A person's needs can be directly linked to their risks and vice-a-versa
- A 'referral service' or pathway ensures a person's needs can be fully considered when seeking supported housing and transitioning on to more independent living.

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**9. Do you agree with the examples of evidence that are listed?**

- Strongly agree
- **Partly agree**
- Neither agree nor disagree
- Partly disagree
- Strongly disagree
- Do not know

*If you would like to explain your answer, please do so here.*

We believe providers should be required to provide evidence of individual risk assessments that demonstrate consideration for positive risk taking to reach outcomes. A good provider will always produce an individual risk assessment as they go hand in hand with support plans.

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**10. What other information (if any) could be provided to evidence this standard, including evidence that providers already submit to other bodies? Please specify what the information is currently used to evidence.**

*Please enter your answer here.*

Providers should also be able to demonstrate a commitment to equality and diversity and provision of trauma-informed care training as evidence of compliance.

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## **Part 1 - Chapter 2 - The empowerment standard**

**11. Do you agree with the empowerment support standard?**

- **Strongly agree**
- Partly agree
- Neither agree nor disagree
- Partly disagree
- Strongly disagree
- Do not know

*If you would like to explain your answer, please do so here.*

There is a limit of 2000 characters

**12. Do you agree that providers should give residents an information pack when they move into their accommodation?**

- Strongly agree
- Partly agree
- Neither agree nor disagree
- Partly disagree
- Strongly disagree
- Do not know

*If you would like to explain your answer, please do so here.*

There is a limit of 2000 characters

**13. Do you agree with the examples of evidence that are listed?**

- Strongly agree
- Partly agree
- Neither agree nor disagree
- Partly disagree
- Strongly disagree
- Do not know

*If you would like to explain your answer, please do so here.*

There is a limit of 2000 characters

**14. What other information (if any) could be provided to evidence this standard, including evidence that providers already submit to other bodies. Please specify what the information is currently used to evidence.**

*Please enter your answer here.*

- evidence of working with residents to co-produce services
- evidence of working with residents to scrutinise performance
- a Resident Involvement Strategy
- minutes from scrutiny groups
- terms of reference
- interviews with residents
- evidence of relevant outcomes

There is a limit of 2000 characters

## Part 1 - Chapter 2 - The environment standard

**15. Do you agree with the environment support standard?**

- Strongly agree

- **Partly agree**
- Neither agree nor disagree
- Partly disagree
- Strongly disagree
- Do not know

*If you would like to explain your answer, please do so here.*

There is a limit of 2000 characters

**16. Do you agree with the examples of evidence that are listed in relation to the environment standard?**

- Strongly agree
- **Partly agree**
- Neither agree nor disagree
- Partly disagree
- Strongly disagree
- Do not know

*If you would like to explain your answer, please do so here.*

As per our answer to question eight, we believe the resident risk assessment and referral pathway should fall under the Person-Centred Support standard. These require organisations to consider the person receiving or considering the support service so fall more naturally under this standard.

The Environment Standard should instead focus exclusively on the building and the practical steps taken to deliver safe and welcoming environments.

As such, we believe providers should be required to evidence a robust approach to managing and monitoring the health and safety of buildings, grounds, furniture, fixtures and fittings. This should include evidence of water testing, emergency lighting tests, fire alarm tests and routine inspections to assess overall quality.

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**17. What other information (if any) could be provided to evidence this standard, including evidence that providers already submit to other bodies. Please specify what the information is currently used to evidence.**

*Please enter your answer here.*

Some Local Authorities require providers to meet the standards for Psychologically Informed Environments. Evidence of compliance with these could also be used to demonstrate compliance with the Environment Standard.

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## Part 1 - Chapter 2 - The staff and safeguarding standard

### **18. Do you agree with the staff and safeguarding support standard?**

- Strongly agree
- **Partly agree**
- Neither agree nor disagree
- Partly disagree
- Strongly disagree
- Do not know

*If you would like to explain your answer, please do so here.*

We agree that safeguarding, staff standards and eviction protocols are important areas to regulate. However, the government could consider moving the need to evidence an approach to managing anti-social behaviour and evictions to the Environment Standard. This would place 'housing management functions' into one standard (the Environment Standard), which would support the identification and regulation of activities that fall under 'care, support and supervision'. It would also ensure a clear focus on safeguarding and ensuring professionals working in supported housing have the right guardrails in place to support safe service delivery.

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### **19. Do you agree with the examples of evidence that are listed in relation to the safeguarding standard?**

- Strongly agree
- **Partly agree**
- Neither agree nor disagree
- Partly disagree
- Strongly disagree
- Do not know

*If you would like to explain your answer, please do so here.*

There is a limit of 2000 characters

### **20. What other information (if any) could be provided to evidence this standard, including evidence that providers already submit to other bodies. Please specify what the information is currently used to evidence.**

*Please enter your answer here.*

We believe providers should also be able to evidence their approach to safeguarding, anti-social behaviour and supervision through their adoption of various policies and procedures including those covering:

- safeguarding
- domestic abuse
- reasonable adjustments and vulnerability
- supervision

Other acceptable forms of evidence might include the provision of various forms of training including

- professional boundaries training
- trauma informed care training
- unconscious bias and power of language training

and work more generally, including how providers:

- manage allegations against staff
- work with multiple agencies to prevent evictions

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## Part 1 - Chapter 2 - The local need standard

### 21. *Do you agree with the local need support standard?*

- Strongly agree
- Partly agree
- Neither agree nor disagree
- **Partly disagree**
- Strongly disagree
- Do not know

*If you would like to explain your answer, please do so here.*

We believe the *requirements* of the Local Need standard are needed to address rogue providers and better focus the delivery of new services.

However, the requirements could be included in the Statement of Purpose standard, which would ensure all information is captured in one document under one standard.

There is a limit of 2000 characters

### 22. *Do you agree with the examples of evidence that are listed in relation to the strategic need standard?*

- Strongly agree
- **Partly agree**
- Neither agree nor disagree
- Partly disagree



- Strongly disagree
- Do not know

*If you would like to explain your answer, please do so here.*

We believe that local authority counter signature of statements should only apply to new schemes that local authorities have commissioned. Countersignature of statements should be considered with a private registered provider and the commissioning body. Services that have not been commissioned should be signed off by the landlord and support provider where appropriate, rather than the local authority.

There is a limit of 2000 characters

**23. What additional standards may be needed to ensure specialised schemes are meeting local and national need?**

*Please enter your answer here.*

The standard should be broadened to recognise the role health partners play in commissioning supported housing, rather than just local authorities.

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**24. What other information (if any) could be provided to evidence this standard, including evidence that providers already submit to other bodies. Please specify what the information is currently used to evidence.**

*Please enter your answer here.*

There is a limit of 2000 characters

## Part 1 - Chapter 2 - The responsible person standard

**25. Do you agree with the responsible person standard?**

- Strongly agree
- Partly agree
- Neither agree nor disagree
- Partly disagree
- Strongly disagree
- Do not know

*If you would like to explain your answer, please do so here.*

There is a limit of 2000 characters

**26. Do you agree with the examples of evidence that are listed in relation to the responsible person standard?**

- Strongly agree
- Partly agree
- Neither agree nor disagree
- Partly disagree
- Strongly disagree
- Do not know

*If you would like to explain your answer, please do so here.*

We believe that support providers could also produce the following evidence:

- Quality Assurance Frameworks
- Quality Inspection Reports
- KPI reports on key support metrics

There is a limit of 2000 characters

**27. What other information (if any) could be provided to evidence this standard, including evidence that providers already submit to other bodies. Please specify what the information is currently used to evidence.**

*Please enter your answer here.*

There is a limit of 2000 characters

## Part 1 - Chapter 2 - The statement of purpose standard

**28. Do you agree with the statement of purpose support standard?**

- Strongly agree
- Partly agree
- Neither agree nor disagree
- Partly disagree
- Strongly disagree
- Do not know

*If you would like to explain your answer, please do so here.*

As per our answer to question 21, we believe the requirements of the Local Need standard could instead be included in the Statement of Purpose standard. That would ensure all information is captured in one document under one standard.

There is a limit of 2000 characters

**29. Do you agree with the types of evidence that are listed in relation to the statement of purpose standard?**

- Strongly agree
- **Partly agree**
- Neither agree nor disagree
- Partly disagree
- Strongly disagree
- Do not know

*If you would like to explain your answer, please do so here.*

There is a limit of 2000 characters

**30. What other information (if any) could be provided to evidence this standard, including evidence that providers already submit to other bodies. Please specify what the information is currently used to evidence.**

*Please enter your answer here.*

Providers could also share details of accreditation with good practice schemes, where appropriate.

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## **Part 1 - Chapter 2 - Needs Assessments and Support Plans**

**31. What criteria should a needs assessment include?**

*Please enter your answer here.*

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**32. Do you agree with the suggested content of support plans?**

- Strongly agree
- **Partly agree**
- Neither agree nor disagree
- Partly disagree
- Strongly disagree
- Do not know

*If you would like to explain your answer, please do so here.*

There is a limit of 2000 characters

**33. Are there any further criteria that a support plan should include?**

*Please enter your answer here.*

There is a limit of 2000 characters

## Part 1 - Chapter 3 - The Supported Housing Licensing Regime

**34. What would the risks and benefits be with licensing authorities joining up to administer licensing across local areas authority boundaries?**

*Please enter your answer here.*

We anticipate the following risks...

- a lack of understanding of the local context for support providers when submitting licences/statements of purpose
- a potential weakening of licensing authority oversight
- a greater burden on local authorities to report to differing cabinets/committees on licensing compliance and issues
- a greater burden on local authorities to work across boundaries

...and the following benefits:

- a reduction in administrative costs
- the potential to align licensing arrangements with new devolution arrangements

There is a limit of 2000 characters

## Part 1 - Chapter 3 - Which types of supported housing will need a licence?

**35. Do you agree with the definition of a scheme?**

- Strongly agree
- Partly agree
- Neither agree nor disagree
- Partly disagree
- Strongly disagree
- Do not know

*If you would like to explain your answer, please do so here.*

The proposed definition of a scheme – combined with the proposal to hold licenses at scheme level – would make the licensing process disproportionately expensive, while also creating an unnecessary administrative and bureaucratic burden on suppliers and local authorities.

It would be very costly to licence individual schemes and provide the administrative support from both a licencing authority and provider perspective.

The proposed definition would also increase the administrative costs of providing statements of purpose, since the intention is for these to be scheme specific.

These issues will be particularly pronounced for services providing dispersed accommodation - for example, a homelessness prevention service delivered from individual properties across a local authority. Under this proposal, a licence and statement of purpose would need to be provided for each property.

We believe licensing should apply at the scheme level, not the unit level, with the definition of 'scheme' expanded so that scattered provision can be grouped together in line with the support arrangement. For example, it could be grouped in line with commissioned contracts. This would reduce unnecessary administrative costs (including in developing statements of purpose) and reflect how supported housing is delivered in practice.

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## Part 1 - Chapter 3 - Who will need to apply for a licence?

### 36. Do you agree with the proposed licensing exemptions?

- Strongly agree
- Partly agree
- Neither agree nor disagree
- Partly disagree
- Strongly disagree
- Do not know

*If you would like to explain your answer, please do so here.*

3.12 states licensees will be "the person who receives rent for the supported housing - whether they receive it directly [or] through an agent". We strongly disagree with this proposal.

Many housing associations act solely as landlords, contracting properties to specialist managing agents who deliver the support services. Holding landlords accountable for support provision would therefore be inappropriate and impractical, as we do not recruit, train, or manage frontline support staff.

Doing so could deter housing associations from investing in supported housing or divesting their portfolios due to potential legal liabilities, including financial penalties and imprisonment risks. This would be a damaging unintended consequence, especially given the growing mismatch between the demand for and supply of supported housing.

We believe it would be far more appropriate for managing agents delivering support services to be the licensees in these circumstances. They are directly responsible for the quality of care and compliance with the regulatory standards.

Landlords also enter into SLAs with third-party providers who deliver care, support or supervision to tenants living in their homes. These services will have been commissioned by a local authority or NHS Trust. Holding landlords accountable for care and support provision, contracted by another organisations, would be inappropriate and impractical. We do not have the contractual ability to manage poor performance or failing services.

We agree CAS2 and Ofsted regulated schemes should be exempt.

However, we believe the exemptions should go wider. As per our answer to question 5, we believe the following should also be exempt:

- All supported housing directly commissioned or funded by local authorities and/or directly overseen by a reputable body (for example NHS service)
- CQC regulated services
- Intensive Housing Management-only services provided they do not offer regulated care or high-intensity support.

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## Part 1 - Chapter 3 - The fit and proper person test

### ***37. Do you agree with the fit and proper person test proposed and who it would apply to?***

- Strongly agree
- **Partly agree**
- Neither agree nor disagree
- Partly disagree
- Strongly disagree
- Do not know

*If you would like to explain your answer, please do so here.*

We believe the Fit and Proper Person Test is an appropriate assurance mechanism and should be applied to the Responsible Person.

We note that a condition of licence is that the service has someone that can pass the Responsible Person and Fit and Proper Person Test. This approach should apply to landlords (where they are the service provider) and service providers (where they provide support on behalf of a landlord). This would provide the regulator with sufficient oversight and not place the burden on the landlord for a service they have not commissioned.

We also agree that it is essential to have a 'nominated officer' to be both the responsible person and pass the fit and proper test to avoid duplication and burden.

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## Part 1 - Chapter 3 - Proposed conditions relating to the standard of accommodation

### ***38. Do you agree that supported housing schemes must meet the relevant accommodation requirements and standards to get a supported housing licence?***

- Strongly agree
- **Partly agree**
- Neither agree nor disagree
- Partly disagree
- Strongly disagree
- Do not know

### ***39. Do you agree that if enforcement action is being taken under the Housing Act 2004 due to the presence of Category 1 health and safety hazards, or there are other issues of concern relating to accommodation quality at the scheme, a licence should not be granted?***

- Strongly agree
- **Partly agree**
- Neither agree nor disagree
- Partly disagree
- Strongly disagree
- Do not know

*If you would like to explain your answer, please do so here.*

We agree supported housing should meet regulatory standards. However, we do not agree that a licence should automatically be withheld where a Category 1 hazard is present.

We believe the Licencing Authority should take a proportionate approach in these circumstances which considers the risk to life and the action plan and mitigating actions in place. It should then review progress on completion of actions within a tight timeframe.

If there is a robust action plan in place, with realistic deadlines to achieve the required standard, then a scheme should be granted a licence on a provisional basis until the required standard is met.

There is a limit of 2000 characters

## Part 1 - Chapter 3 - Proposed conditions relating to the use of accommodation

### *40. Which factors could mean that accommodation is unsuitable to be supported housing for the purposes of this licensing condition?*

*Please enter your answer here.*

There are a multitude of reasons why a property would not be suitable. The onus should instead be on demonstrating how the property is suitable.

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### *41. Do you agree that the scheme should demonstrate that it holds the appropriate planning permission to demonstrate compliance with this licensing condition?*

- Strongly agree
- **Partly agree**
- Neither agree nor disagree
- Partly disagree
- Strongly disagree
- Do not know

## Part 1 - Chapter 3 - Proposed conditions for needs assessments for support

### *42. Do you agree that each resident must have a needs assessment and support plan?*

- **Strongly agree**
- Partly agree
- Neither agree nor disagree
- Partly disagree
- Strongly disagree
- Do not know

*If you would like to explain your answer, please do so here.*

There is a limit of 2000 characters

## Part 1 - Chapter 3 - Proposed conditions relating to the provision of care, support, and supervision

### *43. Do you agree that a scheme providing care (that meets the definition of regulated personal care) will only be granted a licence if the care service is registered by the Care Quality Commission?*



- Strongly agree
- Partly agree
- Neither agree nor disagree
- Partly disagree
- Strongly disagree
- Do not know

**44. Should the government prevent schemes where the care service has been rated as inadequate by the Care Quality Commission from getting a licence?**

- Strongly agree
- Partly agree
- Neither agree nor disagree
- Partly disagree
- Strongly disagree
- Do not know

*If you would like to explain your answer, please do so here.*

This approach would adversely impact on residents in receipt of Housing Benefit, who would be unfairly denied help towards their rent and support (specifically, elements pertaining to enhanced housing benefit and intensive housing management) to compound the poor service provided to them. This would likely lead to arrears and potential homelessness.

It would also be unfair on landlords who may have passed on responsibility for care services since it would remove the key income stream for that service.

Should a care provider be rated as inadequate, the Licencing Authority should take a proportionate, risk-based approach. This could mean issuing a provisional licence, which could be upgraded to a conventional license pending achievement of various conditions in line with CQC recommendations.

As above and for clarity, we believe CQC services should be exempt from this regulatory regime.

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## **Part 1 - Chapter 3 - Proposed conditions relating to compliance with the National Supported Housing Standards**

**45. Is the National Supported Housing Standards condition set out above, enforced as part of the licensing regime, likely to be an effective means of securing that the National Supported Housing Standards are met?**

- Strongly agree
- **Partly agree**
- Neither agree nor disagree
- Partly disagree
- Strongly disagree
- Do not know

*If you would like to explain your answer, please do so here.*

The Standards are a good framework, but the Licencing Authority will need a robust inspection process to ensure they are being met.

There is a limit of 2000 characters

## **Part 1 - Chapter 3 - Local authority discretion and the National Supported Housing Standards**

***46. Do you agree that the local authorities should have discretion to treat support services commissioned by a public body (such as a local authority, National Health Service or UK government department) as complying with the National Supported Housing Standards?***

- Strongly agree
- Partly agree
- Neither agree nor disagree
- Partly disagree
- **Strongly disagree**
- Do not know

## **Part 1 - Chapter 3 - Local authority discretionary licensing conditions**

***47. What discretionary conditions, if any, should licensing authorities be able to add to a licence application?***

*Please enter your answer here.*

Introducing local authority discretion in setting additional licensing conditions could lead to inconsistent requirements across different areas, making compliance complex and unpredictable. This would be especially problematic for large housing associations such as ourselves that operate across multiple local authorities

In particular, licencing authorities must not be able to use licensing conditions to hold social landlords accountable for solving issues linked to community safety and wellbeing. Housing associations have a joint role to play in some of these issues – as specified through the Regulator of Social Housing's consumer standards. But we can only do so

much given the financial pressures the sector is currently experiencing and are not in a position to compensate for the loss of services formerly provided by local authorities.

One possible exemption would be around planning conditions. If planning conditions apply, then the licensing authority may wish to add these as a condition of license.

We recommend:

- a clear national framework for licensing conditions to prevent regional disparities that could create operational challenges for providers working across multiple local authority areas. This should include a single licensing district for London
- a single portal for applications to ensure processes and pro forma are uniform across regions.

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## Part 1 - Chapter 3 - Existing property licences

**48. If you are a supported housing provider, do you already hold another property licence and will you need to hold a supported housing licence in the future? Yes/No.**

- Yes
- No

*If yes, please state which property licence(s) you already hold.*

- HMO
- Selective
- Additional

**49. Do you agree that where a property licence is already in effect the provider should be treated as licensed for the purposes of supported housing licensing? This would only be for the remaining period of the existing property licence, until it is replaced with a supported housing licence.**

- Strongly agree
- Partly agree
- Neither agree nor disagree
- Partly disagree
- Strongly disagree
- Do not know

*If you would like to explain your answer, please do so here.*

The licencing authorities will need to consider a phased approach, but this should include inspecting all properties and issuing licences where appropriate.

There is a limit of 2000 characters

## Part 1 - Chapter 3 - Applying for a licence

**50. In addition to a standardised licence application form that all local authorities would use, what else can the government do to ensure applications are as straightforward as possible for providers and licensing authorities to minimise unnecessary burdens on local authorities and applicants?**

*Please enter your answer here.*

We believe the government should consider linking the commissioning cycles and award of contracts to the awarding of licenses. If a Local Authority has commissioned a supported housing service, they ought to grant a licence at the same time.

There is a limit of 2000 characters

## Part 1 - Chapter 3 - Licence fees

**51. What would the impact of licence fees be on your business, or for administrative purposes if you are a licensing authority?**

*Please enter your answer here.*

The fees will inevitably increase the total cost of operating supported housing so it is essential these are transparent and reasonable. If fees are passed on through service charges, this could significantly increase housing benefit costs, impacting both residents and the public purse.

However, it is the cost of the new regulatory regime in the round that will be more significant.

We'll have to increase spending on staff and non-staff costs to deliver a robust quality assurance framework to assure ourselves we're meeting the required standards.

We'll also need to build increased cost and risk into new contracts and leases.

In some cases, this could make providing supported housing unviable, which gives rise to the possibility of a further loss of supported housing through conversion to other uses (most likely general needs accommodation) or disposal.

The National Housing Federation has recently estimated 70,000 supported housing homes are at risk of closure due to funding cuts and providers' financial difficulties.

The additional cost burden of the new regulatory regime could mean further losses are inevitable.

To prevent this, government should:

- Conduct a full cost impact assessment
- Ensure any licensing fees are transparent and reasonable and do not exacerbate affordability challenges
- Provide clarity on potential funding support.

There is a limit of 2000 characters

52. *Do you have any other comments on licensing fees?*

*Please enter your answer here.*

Registered providers are operating on very small margins, with a raft of fire safety and building safety legislation, along with Decent Homes II and unbudgeted national increases all driving financial pressures. There is concern across the sector that increased costs combined with growing regulatory burdens will reduce our appetite for delivering supported housing services.

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### Part 1 - Chapter 3 - How long will a license last?

53. *Do you agree that supported housing licences should be granted for five years, starting from the day the licence is formally issued by the licensing authority?*

- Strongly agree
- Partly agree
- Neither agree nor disagree
- Partly disagree
- **Strongly disagree**
- Do not know

### Part 1 - Chapter 3 - Inspections and licensing authority discretion

54. *Do you agree that local authorities should have the discretion to grant a supported housing licence without carrying out an inspection?*

- Strongly agree
- Partly agree
- Neither agree nor disagree
- Partly disagree
- **Strongly disagree**
- Do not know

*If you would like to explain your answer, please do so here.*

Rogue providers will be happy to exploit this. Supported housing, such as refuges, will be known addresses to local authorities. Local authorities ought to physically inspect the building and speak to residents to have assurance on the quality of service.

There is a limit of 2000 characters

**55. Do you agree that licensing authorities should inspect each scheme at least once in a licence period, or more frequently if required?**

- Strongly agree
- **Partly agree**
- Neither agree nor disagree
- Partly disagree
- Strongly disagree
- Do not know

*If you would like to explain your answer, please do so here.*

Licensing authorities should inspect a scheme, where is it shared accommodation with communal areas, at least once within the licensing period. However, it would be unrealistic and possibly intrusive to inspect individual homes without communal areas.

There is a limit of 2000 characters

## **Part 1 - Chapter 3 - Maintaining licences wherever possible and using improvement notices**

**56. Do you agree that licensing authorities should agree an improvement plan for a scheme together with the licensee before any further enforcement action is taken?**

- **Strongly agree**
- Partly agree
- Neither agree nor disagree
- Partly disagree
- Strongly disagree
- Do not know

*If you would like to explain your answer, please do so here.*

There is a limit of 2000 characters

**57. Do you agree that licensing authorities should be able issue improvement notices for a period of three months, except in the case of a serious failure, if the scheme has not improved after an improvement plan has been agreed and undertaken?**

- **Strongly agree**

- Partly agree
- Neither agree nor disagree
- Partly disagree
- Strongly disagree
- Do not know

*If you would like to explain your answer, please do so here.*

There is a limit of 2000 characters

***58. Do you agree that licensing authorities should have the ability to extend the improvement notice to a maximum of 6 months in exceptional circumstances?***

- Strongly agree
- **Partly agree**
- Neither agree nor disagree
- Partly disagree
- Strongly disagree
- Do not know

## **Part 1 - Chapter 3 - Varying or revoking licences**

***59. Do you agree with the proposed circumstances in which a licence would need to be varied or revoked?***

- Strongly agree
- **Partly agree**
- Neither agree nor disagree
- Partly disagree
- Strongly disagree
- Do not know

## **Part 1 - Chapter 3 - Enforcing licensing conditions**

***60. Do you agree that financial penalties should also be available as an alternative enforcement tool to prosecution and that equivalent provision should be provided for in the licensing regulations?***

- Strongly agree
- **Partly agree**
- Neither agree nor disagree
- Partly disagree
- Strongly disagree
- Do not know

*If you would like to explain your answer, please do so here.*

Regulators need to have tools to enforce the regulations. However, we believe further consideration needs to be given to which organisation is penalised. The licensee should not be penalised if the support provider, who is not the licensee, breached the regulations.

There is a limit of 2000 characters

61. ***Do you agree that the financial penalties may be determined by the licensing authority, but must not be more than £30,000?***

- Strongly agree
- **Partly agree**
- Neither agree nor disagree
- Partly disagree
- Strongly disagree
- Do not know

*If you would like to explain your answer, please do so here.*

We believe there should be consistency across all licencing authorities in the financial penalties they can award.

There is a limit of 2000 characters

62. ***Do you agree that operating as a supported housing scheme without a licence in a licensing area should be an offence?***

- Strongly agree
- **Partly agree**
- Neither agree nor disagree
- Partly disagree
- Strongly disagree
- Do not know

*If you would like to explain your answer, please do so here.*

We believe that it should be an offence if there is a deliberate attempt to circumnavigate the legislation. It should not be an offence if the licence is not issued due to administrative errors/issues linked to the licencing authority.

There is a limit of 2000 characters

63. ***Do you agree with the penalties attached to this offence?***

- Strongly agree
- **Partly agree**
- Neither agree nor disagree



- Partly disagree
- Strongly disagree
- Do not know

*If you would like to explain your answer, please do so here.*

If a licence is revoked and the appeal is upheld, then we agree with the penalties of a banning order, rent repayment order, rent tribunal and £30k fine. We do not agree to an unlimited fine. This would be disproportionate.

There is a limit of 2000 characters

***64. Do you agree that a tenant living in supported housing where a licensing offence has been committed should be able to apply to a tribunal for a determination of rent?***

- Strongly agree
- **Partly agree**
- Neither agree nor disagree
- Partly disagree
- Strongly disagree
- Do not know

*If you would like to explain your answer, please do so here.*

This should be proportionate and linked to the level of offence and impact on the service delivered to residents.

There is a limit of 2000 characters

## **Part 1 - Chapter 3 - Non-compliance with licensing conditions and improvement notices**

***65. Do you agree with the proposed enforcement action outlined above in respect of non-compliance with licensing conditions?***

- Strongly agree
- **Partly agree**
- Neither agree nor disagree
- Partly disagree
- Strongly disagree
- Do not know

*If you would like to explain your answer, please do so here.*

There is a limit of 2000 characters

**66. Do you agree with the proposed consequence outlined above in respect of non-compliance with an improvement notice?**

- Strongly agree
- **Partly agree**
- Neither agree nor disagree
- Partly disagree
- Strongly disagree
- Do not know

*If you would like to explain your answer, please do so here.*

We believe penalties should be proportionate to the failure of the service to address the issues in the improvement notice, the timeframe given to address issues, and external circumstances affecting progress.

There is a limit of 2000 characters

**67. Should the government include any other consequences of compliance or non-compliance with the regulations or with conditions attached to licences in regulations?**

*Please enter your answer here.*

We believe the government could consider including reporting on compliance/non-compliance when a provider is applying for a new support tender.

## **Part 1 - Chapter 3 - Offences committed by companies or organisations**

**68. Do you agree that if an offence is committed by a licensee who is a company or organisation and it was committed with the approval or connivance of an officer, or because the officer was negligent, both the officer and the organisation have committed the offence?**

- Strongly agree
- Partly agree
- Neither agree nor disagree
- **Partly disagree**
- Strongly disagree
- Do not know

## **Part 1 - Chapter 3 - Ensuring consistency across licensing districts**

**69. What other steps can local authorities take to ensure that decisions on compliance with National Supported Housing Standards and licensing applications are delivered consistently across England?**

*Please enter your answer here.*

It would be reasonable for Licencing Authorities to mirror the approach taken by other regulators such as the CQC or the Regulator of Social Housing. This would include a National Framework for Compliance that applies equally to all providers, whether local authorities, charities, national health trusts or registered providers.

**Part 1 - Chapter 3 - Alternative ways to ensure compliance with National Supported Housing Standards**

**70. What additional ways do you think there may be for securing compliance with the National Supported Housing Standards, in addition to the licensing regime?**

*Please enter your answer here.*

**Part 1 - Chapter 3 - The transition to supported housing licensing**

**71. Do you agree that all providers should be treated as licensed (and still receive Housing Benefit) when the regulations come into force, until a licensing decision has been made?**

- Strongly agree
- Partly agree
- Neither agree nor disagree
- Partly disagree
- Strongly disagree
- Do not know

*If you would like to explain your answer, please do so here.*

As per our answer to question 36, we believe there should be several further exemptions to the licensing regime including:

- All supported housing directly commissioned or funded by local authorities and/or directly overseen by a reputable body (for example NHS service)
- CQC regulated services
- Intensive Housing Management (IHM)-only services, provided they do not offer regulated care or high-intensity support.

Failing that, only registered providers and commissioned support providers should initially be treated as licenced. This would support licensing authorities to prioritise private landlords and non-commissioned services and so provide them with the capacity to focus on the homes and services that cause concern.

There is a limit of 2000 characters

**72. How can providers be supported to prepare for supported housing licensing?**

*Please enter your answer here.*

Providers could be supported by having a 'lead' within the Licencing Authority responsible for responding to queries and providing advice. Consideration should be given to phasing licences for larger providers.

Licencing Authorities could also seek to establish local supported housing forums to help build knowledge and experience within geographic areas.

**73. How can licensing authorities be supported to prepare to run a supported housing licensing scheme?**

*Please enter your answer here.*

We believe a phased approach to delivering a licencing scheme would support licensing authorities to plan work and take a collaborative approach to ensure learning. Licensing authorities could seek to adopt existing oversight and monitoring tools (e.g. Supported Housing in Partnership) and historical good practices such as the Quality Assurance Framework to work from. They could also establish provider forums and work closely with organisations such as the LGA, Nat Fed, HousingLIN and CIH.

## Part 1 - Chapter 4 - Planning use class for supported housing

**74. Should the government consider introducing a supported housing planning use class and other planning measures to enable more effective regulation?**

- Strongly agree
- Partly agree
- Neither agree nor disagree
- **Partly disagree**
- Strongly disagree
- Do not know

*If you would like to explain your answer, please do so here.*

The supporting text (paragraph 4.2) states:

"The government is clear that it would want any change to planning affecting supported housing to ensure the privacy and safety of residents is protected. For example, ensuring that the location of domestic abuse refuges or other sensitive accommodation is not inadvertently disclosed."

By separating Supported Exempt Accommodation (SEA) into its own use class, it will be possible to distinguish it from more general C2 type accommodation. This could make it easier to identify SEA and so would fail to meet the Government's intention set out above.

Depending on the size of the accommodation, the level of care and operation of the property, it's also possible that SEA falls within Class C3(b) which allows for:

"not more than six residents living together as a single household where care is provided for residents."

If this is the case, then the same issues as those identified above are relevant. Separating SEA from C3(b), could reduce flexibility and make it possible to easily identify SEA from other types of accommodation. This would slow down the delivery of new accommodation when needed and is contrary to the aim set out at paragraph 4.2.

There is a limit of 2000 characters

***75. What would the effect of a supported housing planning use class, or requiring planning permission for supported housing schemes, be?***

*Please enter your answer here.*

The consultation refers to supported housing being the same as "supported exempt accommodation" (SEA) (paragraph 1.1). Our understanding is that this is accommodation that is exempt from some housing benefit rules and aimed at people receiving specialist support. If this is the case, the use may already fall within Use Class C2 (Residential Institutions). Use Class C2 includes:

- *"Use for the provision of residential accommodation and care to people in need of care (other than a use within Class C3. Dwellinghouses, used as sole or main residences).*
- *Use as a hospital or nursing home.*
- *Use as a residential school, college or training centre."*

At present, it is therefore already possible to move between a variety of C2 type uses without planning permission. This provides flexibility and means buildings can change to other uses as need/demand changes.

Separating SEA into a new use class could therefore mean less flexibility. An operator with a conventional care home would need planning permission to change from C2 to the new use class if they wanted to provide accommodation to SEA tenants.

One way to address this would be to ensure there are permitted development rights to move between the current C2 type use and the new use class.

Any amendments to planning classes should only apply to new build or regenerated buildings - retrospective planning approvals should not be required.

Finally, while extra planning flexibility would be helpful, it will only have the desired effect if Government provides adequate funding for supported housing, including through the forthcoming post-2026 Affordable Homes Programme.

## Part 2 - Housing Benefit Changes (applies to Great Britain (GB))

### *76. Do you agree with the broad principle of aligning payment of housing benefit or any future housing support to licensing?*

- Strongly agree
- **Partly agree**
- Neither agree nor disagree
- Partly disagree
- Strongly disagree
- Do not know

*If you would like to explain your answer, please do so here.*

We believe the Supported Housing sector would benefit from greater clarity regarding Housing Benefit for specified accommodation. We are concerned that residents may be unintentionally impacted should a licence be revoked or a licence delayed. If a provider loses its license, residents may lose access to housing benefit (specifically, elements pertaining to enhanced housing benefit and intensive housing management), leading to arrears and potential homelessness. Safeguards will need to be put in place to ensure residents do not fall foul of organisational or licencing authority failings.

There is a limit of 2000 characters

### *77. For England, we are proposing using the definition of personal care as per the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014/2936 to define care in Housing Benefit regulations. Do you agree?*

- **Strongly agree**
- Partly agree
- Neither agree nor disagree
- Partly disagree
- Strongly disagree
- Do not know

*If you would like to explain your answer, please do so here.*

There is a limit of 2000 characters

## Part 2 - Chapter 1 - Defining care (1)

**78. For England, personal care is defined in the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014/2936. Is this definition of personal care sufficient to define the care provided in supported housing (in England) within Housing Benefit regulations?**

*Please provide details to explain your answer.*

Yes - changing definitions would cause confusion.

## ~~Part 2 - Chapter 1 - Defining care (2)~~

~~**79. Do you agree that we should link a definition of care in Housing Benefit regulations to existing legislative definitions of care and frameworks for the regulation of care in Scotland and Wales where possible?**~~

- Strongly agree
- Partly agree
- Neither agree nor disagree
- Partly disagree
- Strongly disagree
- Do not know

*If you would like to explain your answer, please do so here.*

There is a limit of 2000 characters

~~**80. For Scotland and Wales, will a reference to the respective legislative definition of care be enough to cover all care delivered in supported housing which may be classed as specified accommodation in Housing Benefit regulations? Do you agree?**~~

- Strongly agree
- Partly agree
- Neither agree nor disagree
- Partly disagree
- Strongly disagree
- Do not know

*If you would like to explain your answer, please do so here.*

There is a limit of 2000 characters

## Part 2 - Chapter 1 - Defining Support and Supervision (1)

### **81. What would you define as 'support' and 'supervision' for the purposes of Housing Benefit?**

*Please enter your answer here.*

We believe 'support' and 'supervision' is the delivery of an enhanced housing management service. As a minimum, this would include:

- health and safety checks on a building at a greater frequency than for general needs properties to ensure residents are living safely in these homes
- provision of a 24/7 helpline to enable residents to report concerns
- support with benefits, budgeting and help with managing rent accounts
- greater visibility of housing colleagues in the buildings and with the residents to help tackle issues such as anti-social behaviour, social isolation and poverty
- opportunities for residents to attend meetings.

## Part 2 - Chapter 1 - Defining Support and Supervision (2)

### **82. Do you agree that a definition of support in Housing Benefit regulations could include supervision?**

- Strongly agree
- Partly agree
- Neither agree nor disagree
- Partly disagree
- Strongly disagree
- Do not know

*If you would like to explain your answer, please do so here.*

This would help to differentiate between commissioned support services and supported housing where low level support is required for people to live as independently as possible, but the support has not been commissioned.

There is a limit of 2000 characters

## Part 2 - Chapter 1 - Defining Support and Supervision (3)



**83. Do you agree that we should also link any definition for support and supervision to the National Supported Housing Standards for England, the Health and Social Care Standards in Scotland and relevant regulations in Wales?**

- Strongly agree
- Partly agree
- Neither agree nor disagree
- Partly disagree
- Strongly disagree
- Do not know

*If you would like to explain your answer, please do so here.*

There is a limit of 2000 characters

## Part 2 - Chapter 1 - Defining Support and Supervision (4)

**84. What level of care, support or supervision provision do you think is reasonable to be eligible for Housing Benefit under specified accommodation rules?**

*Please enter your answer here.*

We believe enhanced housing management services should be eligible for Housing Benefit. We're happy to share details of our intensive housing management offer if that would be helpful.

## Part 2 - Chapter 1 - Defining Support and Supervision (5)

**85. When assessing a Housing Benefit claim under specified accommodation rules, what is a reasonable in terms of evidence which a local authority could request when assessing a Housing Benefit claim under any definition or threshold of care, support, or supervision?**

*Please enter your answer here.*

We believe providers could provide the following:

- Commissioned service specifications
- Intensive/Enhanced Housing Management Policy & procedure
- Statement of Purpose

Alternatively, for commissioned services only:

When a commissioning body awards a contract to a support provider, they could inform the licencing authority to ensure those services are passported through.

## Part 2 - Chapter 2 – Linking Housing Benefit eligibility to licensed provision in England and exploring opportunities to link to other frameworks in Scotland and Wales.

**86. The Government intends to link the eligibility of Housing Benefit in England to licensing so that residents must be living in licensed supported housing to receive Housing Benefit under the specified accommodation rules. Do you:**

- Strongly agree
- **Partly agree**
- Neither agree nor disagree
- Partly disagree
- Strongly disagree
- Do not know

*If you would like to explain your answer, please do so here.*

We agree supported housing should be licensed. However, we are concerned that licensing should cover a service rather than individual supported housing homes within a commissioned service (as per our answer to question 35 on the definition of a scheme).

Separately, we have concerns about the impact of linking eligibility for housing benefit to licensing for Intensive Housing Management-only services as we explain in relation to question 87 below.

There is a limit of 2000 characters

**87. What risks or issues should DWP consider when linking Housing Benefit eligibility in England to licensing?**

*Please enter your answer here.*

Many housing associations provide supported housing services where Intensive Housing Management (IHM) is the primary form of ensuring resident needs are met, associated risks are managed, and residents' tenancies are sustained.

Often this is undertaken at the behest of the local authority and is an acknowledged part of their strategic plans to meet the housing needs of their constituents.

This is particularly common in sheltered and older people's housing, where traditional Housing-Related Support (HRS) funding has been withdrawn, but residents still have support needs requiring an enhanced housing management approach.

The proposed licensing framework doesn't sufficiently recognise these schemes, creating a risk they could be misclassified as general needs (GN) housing if they do not meet the narrow definition of 'supported housing' proposed. If licensing becomes a precondition

for housing benefit eligibility, this could have serious unintended consequences for IHM-only services, residents, landlords and the wider housing system, including the risk some schemes become financially unviable.

In our view:

- IHM-only services should be explicitly exempt from licensing, provided they do not offer regulated care or high-intensity support
- A clear definition of IHM should be included in the regulatory framework to ensure schemes delivering enhanced housing management are recognised appropriately and not misclassified
- IHM should remain eligible for Enhanced Housing Benefit (EHB) or core rent-related service charges without requiring licensing
- Local authorities should be given guidance to differentiate between IHM schemes and standard general needs housing

Additionally, we believe DWP should consider:

- Licensing authorities' ability to issue licences and how this may impact on providers. They should also be aware of commissioning cycles and that they may not link into licensing cycles.
- a commissioned service as being valid evidence that support is provided.

***88. For providers in England, if you had a licence refused and Housing Benefit stopped or was restricted for your residents, what action would you take? Would you consider continuing to operate as general needs accommodation? Would you consider closing?***

*Please enter your answer here.*

We would need to consider:

- enforcement action against residents for non-payment of rent
- changing the service model to general needs housing
- disposing of the scheme if it was not fit for general needs housing.

***~~89. For residents in England, if you had to move because your provider failed to obtain a licence, what help would you need with finding somewhere else to live and with moving?~~***

*~~Please enter your answer here.~~*

***~~90. For local authorities in England—what support could you offer to residents who may have to move out of their current accommodation if they lose entitlement to Housing Benefit and access to care, support or supervision because their provider fails to get a licence?~~***

*Please enter your answer here.*

**~~91. For local authorities in England—if a licence is refused for a large scheme, would you be able to identify the Housing Benefit customers within the scheme that were affected by the decision?~~**

- Yes
- No
- Unsure

*Please provide details to explain your answer.*

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**~~92. (For stakeholders in Scotland and Wales) What risks do we need to mitigate against, in Scotland and Wales, if we link eligibility in England for Housing Benefit, under specified accommodation rules, to licensing?~~**

*Please enter your answer here.*

**~~93. (For stakeholders in Scotland and Wales) As licensing is not being introduced in Scotland and Wales under the Act, would you wish to see entitlement to Housing Benefit under specified accommodation rules linked to the schemes referenced in paragraphs 2.9 and 2.10 or to any other regulatory scheme already in place?~~**

- Yes
- No

*Please share the appropriate framework or regulatory scheme and give your reasons.*