

**RUSHMOOR BOROUGH COUNCIL  
RECORD OF EXECUTIVE DECISION  
ROED 00000**



**Decision taken by individual Officer**

**DECISION MAKER:** Tim Mills Executive Head of Property and Growth

**DECISION AND THE REASON(S) FOR IT**

The decision has been made to submit a response to the MHCLG Supported Housing Consultation. [Supported Housing regulation: consultation - GOV.UK](https://www.gov.uk/government/consultations/supported-housing-regulation-consultation) The Supported Housing (Regulatory Oversight) Act 2023 gives the Secretary of State powers to introduce a licensing regime for supported housing, and the power to set National Supported Housing Standards for England. It places a statutory duty on Local Housing Authorities to produce Supported Housing Strategies and consultation seeks views on how government will implement the measures and inform drafting of the regulations. I will also inform the DWP on linking licensing to Housing Benefit claim entitlements.

MHCLG proposes regulations to be issued in Spring 2026, Licensing to start in summer 2026 and Strategies to be completed in 2027 (in partnership with Adult Services). The Supported Housing Strategy must be reflected in both Housing and Homelessness Strategies and the Local Plan.

Members have been informed of the consultation through the Strategic Housing and Local Plan Group. At the meeting on 28<sup>th</sup> April, it was agreed that officers would submit a technical response.

**DATE DECISION TAKEN**

14/5/2025

**ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

N/A

**ANY CONFLICTS OF INTERESTS DECLARED**

*(conflict of interests of any executive member who is consulted by the officer which relates to the decision.  
A note of dispensation should be attached).*

**NONE**

Signed \_\_\_\_\_

Please send completed form to Chris Todd

## Consultation – Supported Housing

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## Scope of the consultation

### Topic of this consultation:

This consultation seeks views on the implementation of measures in the Supported Housing (Regulatory Oversight) Act 2023. It focuses on the detail of a licensing regime and National Supported Housing Standards and includes content on Housing Benefit.

### Scope of this consultation:

The Supported Housing (Regulatory Oversight) Act, which secured Royal Assent on 29 June 2023, gives the Secretary of State powers to introduce a licensing regime for supported housing, and the power to set National Supported Housing Standards for England. It places a duty on local housing authorities to produce supported housing strategies to understand current availability and future need for supported housing. This consultation seeks views on how Government will implement the measures and inform the drafting of regulations and accompanying guidance. It will also inform work by the Department for Work and Pensions on linking licensing to entitlement to claim Housing Benefit in England and any opportunities to link to existing frameworks in Scotland and Wales. It also includes work to define care, support and supervision in Housing Benefit regulations for Great Britain (GB).

### Geographical scope:

Part one of this consultation applies to England only. Part two applies to Great Britain.

The proposed licensing regime and National Supported Housing Standards would apply to England only.

### Impact assessment:

An Impact Assessment has not been prepared for this consultation. An Impact Assessment will be prepared for the regulations and be informed by responses to this consultation. We would welcome supporting evidence of any impacts of the planned reforms we are consulting on as part of your response via email at [SupportedHousingConsultations@communities.gov.uk](mailto:SupportedHousingConsultations@communities.gov.uk).

### Basic Information

#### Body/bodies responsible for the consultation:

The Ministry for Housing, Communities and Local Government (MHCLG) and the Department for Work and Pensions (DWP)

#### Duration:

This consultation will last for twelve weeks from 20 February to 15 May 2025.

#### Enquiries:

For any enquiries about the consultation please contact: [SupportedHousingConsultations@communities.gov.uk](mailto:SupportedHousingConsultations@communities.gov.uk)

#### How to respond:

Information you provide in response to this consultation, including personal information, may be disclosed in accordance with UK legislation (the Freedom of Information Act 2000, the Data Protection Act 2018 and the Environmental Information Regulations 2004).

If you want the information that you provide to be treated as confidential, please tell us but be aware that we cannot guarantee confidentiality in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not be regarded by us as a confidentiality request. We will process your personal data in accordance with all applicable data protection laws. See our privacy policy.

We will summarise all responses and publish this in the government response GOV.UK. The summary will include a list of names of organisations that responded, but not people's names, addresses or other contact details.

Citizen Space is the department's online consultation portal and the preferred route for receiving consultation responses. We strongly encourage responses are made via Citizen Space, particularly from organisations with access to online facilities such as local authorities and businesses. Consultations receive a high-level of interest across many sectors. Using the online survey greatly assists the analysis of your response.

#### [Respond via Citizen Space](#)

If you cannot respond via Citizen Space, you can email your response to [SupportedHousingConsultations@communities.gov.uk](mailto:SupportedHousingConsultations@communities.gov.uk). If emailing your response, we would strongly encourage you to use this PDF. Please answer all the questions that are relevant to you.

Any written responses should be sent to:

Supported Housing Consultation Team  
Ministry of Housing, Communities and Local Government  
Floor 3 (Mail point B12)  
Fry Building  
2 Marsham Street  
London  
SW1P 4DF

When you reply, it would be particularly useful if you could please confirm:

- whether you are replying as an individual or submitting an official response on behalf of an organisation
- your name
- your position (if applicable)
- the name of organisation (if applicable)

Please be clear on which question or paragraph number your comment relates to. Also ensure that the text of your response is in a format that allows copying of individual sentences or paragraphs (e.g. in a Microsoft Word document).

See the [easy read version of this consultation](#)

See the [British Sign Language version of this consultation here](#)

Thank you for taking time to submit your response to this consultation.

## About you

### 1. In which capacity are you completing these questions?

Individual

Regulator

Resident or on behalf of a resident of supported housing

Landlord leasing property to supported housing provider

Managing agent

Support or care service provider (not a landlord or managing agent)

An organisation representing the interests of residents

An organisation representing the interests of providers

Local Authority:

County council in a two-tier area

District, borough, or city council in a two-tier area

Unitary authority, London borough, metropolitan borough

N/A

Supported housing provider:

Private Registered provider (with the Regulator of Social Housing)

Housing Association (not registered with the Regulator of Social Housing)

Other charity or voluntary organisation (not registered with the Regulator of Social Housing)

Other private company (not registered with the Regulator of Social Housing)

Other Supported housing provider

N/A

Other type of Organisation

### 2. Please enter the following information:

Your name:

Email:

Organisation Name (if applicable) :

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

North East  
North West  
Yorkshire and the Humber  
East Midlands  
West Midlands  
East of England  
South West  
South East  
London  
Scotland  
Wales  
Northern Ireland  
Spread across England/National organisation

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

1-19  
20-49  
50-99  
100-499  
500-1000  
1001 +



## Ministerial Foreword

This government is committed to improving the quality of supported housing to ensure all residents live in decent accommodation and receive the support they need.

At its best, this sector gives some of the most vulnerable people in our society the opportunity to live as independently as possible – helping improve their quality of life, their well-being, their health, and their employment prospects.

It also plays a critical role in reducing pressure on other key public services such as the NHS, the criminal justice system and social care.

And supported housing is at the forefront of this government's wider commitment to end rough sleeping, support victims of domestic abuse, help those dealing with addiction problems, and provide older people with care.

Many providers offer safe and supportive environments for their residents, but a lack of effective regulation over the years has allowed unscrupulous and exploitative actors to enter the market.

These poor quality providers are letting down vulnerable residents by failing to give them the support they need while making a substantial profit at taxpayer's expense.

These abuses have been allowed to go on for far too long, and the government is taking decisive action to end them- using the measures contained in the Supported Housing (Regulatory Oversight) Act 2023 to drive out rogue providers, improve standards for vulnerable people and deliver better value for taxpayers.

The Act, which was first introduced by Bob Blackman MP as a Private Members' Bill in 2022 - and received Royal Assent in 2023 - will enable the government to set standards for residents' support and give local authorities the powers they need to regulate providers effectively.

It also allows for the licensing scheme to be linked to Housing Benefit entitlement which will raise the quality of supported housing provision for residents and provide better value for money for the taxpayer.

Residents living in supported housing deserve good quality support and accommodation, wherever in the country they are living - and their interests are central to these changes.

But we know we must get the balance right– providing effective tools for local authorities to protect residents, while minimising burdens on the many good providers in the market.

That is why it is vital we gather the views of those who know this sector best - providers, local authorities, regulators, tenant and provider organisations, and crucially, supported housing residents themselves.

This consultation is the first phase in delivering these much-needed reforms – and with your support we can deliver the effective change this sector desperately needs.

Thank you for taking part in this consultation - we look forward to hearing from you soon.

**Rushanara Ali MP**

Parliamentary Under- Secretary (Housing, Communities and Local Government)

**Rt Hon Sir Stephen Timms MP**

Minister of State for Social Security and Disability (Department for Work and Pensions)

## Introduction

### Context

Supported housing is home to over half a million people who rely on support to live as independently as possible or recover from a period of crisis. When it is provided responsibly, it results in improved wellbeing, health, and, where appropriate, employment prospects for residents, and can relieve pressure on services like the NHS and social care,

There are many excellent supported housing providers in England, providing high quality support and accommodation to their residents. But there continue to be cases of residents unfairly finding themselves at the hands of exploitative landlords. A minority of rogue landlords are failing to give residents the necessary support, in good quality accommodation, which is resulting in poor outcomes for residents and poor value for money for the taxpayer.

Concerns about the quality of accommodation and support have grown over the past few years. The Levelling Up, Housing and Communities Select Committee report in 2022, the subsequent National Audit Office (NAO) report, published in May 2023, and the Public Account Committee's report of November 2023 have all acknowledged these concerns. The Supported Housing Improvement Programme (SHIP) Pilot evaluation recognised that local authorities lacked the legislative and regulatory powers necessary to effectively challenge poor quality provision.

The government recognises the very serious issues caused by a minority of landlords who are exploiting vulnerable people and the Housing Benefit system, by providing little or no support to their residents while charging very high rents for poor-quality supported housing.

The Supported Housing (Regulatory Oversight) Act 2023 (the Act) includes measures to drive out rogue providers and raise standards for vulnerable people. It contains powers for the government to set new National Supported Housing Standards for the support provided to residents, enforced through a licensing regime. It also allows for a link to be created between licensing, the standards, and Housing Benefit, delivering better value for money for the taxpayer.

Housing policy and social security policy are transferred in Northern Ireland. Housing policy is devolved in Scotland and Wales whilst Housing Benefit policy is reserved across Great Britain (GB). The Government would like to bring forward an approach that will stand the test of time and is sufficiently robust to achieve good outcomes for residents and taxpayers across GB.

### The Consultation

This consultation is split into two parts.

Part One of this consultation seeks views on the implementation in England of measures in the [Supported Housing \(Regulatory Oversight\) Act 2023](#) (the Act).

In Part One we are seeking your views on:

- National Supported Housing Standards,
- Supported housing licensing, and
- A new planning use class for supported housing.

Part Two seeks views on proposed changes to Housing Benefit regulations in Great Britain, which seek to define care, support and supervision, as set out in the previous [government's Written Ministerial Statement](#) of 2022. This section also includes detail about the government's intention to link Housing Benefit entitlement to licensing in England and any opportunities to link to existing or potential frameworks in Wales and Scotland.

In Part Two, we are seeking your views on:

- A definition of care, support and supervision in Housing Benefit regulations including how this could be linked to respective regulatory frameworks for England, Scotland, and Wales.
- A proposal to link Housing Benefit with standards and licensing in England and opportunities to link to other frameworks in Scotland and Wales.

We have worked closely with local authorities, providers, residents, specialist organisations, including those who deliver domestic abuse support services, and representative bodies to shape the proposals in this consultation. This is important as we want to get these reforms right for providers, right for local areas and right for residents who are at the heart of these proposed changes. These proposed reforms will not impact landlords of standard accommodation in the private or social rented sectors – they apply only to those providing supported housing in England. Changes to Housing Benefit regulations will apply to all Housing Benefit claims for residents living in supported housing.

**We want to hear from a wide range of interested parties, so please do bring this to the attention of anyone you feel we should be hearing from.**

## Chapter 1 – Scope

This chapter applies to England only.

- 1.1 Any reference to ‘supported housing’ in this consultation should be understood to have the same meaning as ‘supported exempt accommodation’ in the Act. That is defined in the same way as specified accommodation as [Housing Benefit Regulations](#) 2006 and covers four categories of supported housing, which are summarised as follows:
  - a. Accommodation provided by a non-metropolitan county council in England, housing association, registered charity or voluntary body if they, or a body acting on their behalf, provide “care, support or supervision” to the resident. This is called ‘exempt accommodation’ in Housing Benefit regulations.
  - b. Accommodation provided by a county council in England in a two-tier area, housing association, registered charity, or voluntary organisation if the resident has been admitted to receive care support or supervision connected to living in that home, but the care support or supervision is not provided by the landlord or on the landlord’s behalf. This is often called ‘managed accommodation.’
  - c. Refuges provided by a local authority, housing association, registered charity or voluntary organisation for people who have experienced domestic abuse.
  - d. Hostels for homeless people that are provided by a local authority.
- 1.2 The government is proposing that the licensing regime it introduces under powers in the Act will apply to **all** types of supported housing set out in the list. This is to protect all supported housing residents who are entitled to claim Housing Benefit.

**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.**

Strongly agree

Partly agree

Neither agree nor disagree

Partly disagree

Strongly disagree

Do not know

Please provide some text to support your choice-

## Chapter 2 - National Supported Housing Standards and Principles

### Introduction

This chapter applies to England only.

- 2.1 Supported housing is home to some of the most vulnerable people in society. The people that live in supported housing should be able to expect good quality support, tailored to their needs and helping them progress towards their goals.
- 2.2 There are no universally enforceable standards governing the support provided in supported housing in England. As a result, some residents receive inadequate support and in the worst cases no support at all, while there are no consequences for poor-quality providers who fail to improve. Meanwhile, these providers continue to profit from high rents funded through Housing Benefit and are ultimately paid for by taxpayers.
- 2.3 This government is determined to change this unacceptable situation and proposes to introduce National Supported Housing Standards. These standards will put the resident first and will apply to supported housing in England, as defined by the Supported Housing (Regulatory Oversight) Act 2023. The standards have been designed to apply to support and supervision across all the different types of supported housing in England to comprehensively address the key aspects of effective support services. The government's intention is that complying with existing accommodation quality standards will be a condition of getting a supported housing licence under the proposed licensing regime set out later in this consultation.
- 2.4 We are proposing that the National Supported Housing Standards are underpinned by a set of principles. The principles will create a framework for the National Supported Housing Standards and focus on embedding a positive, resident-centred approach to designing and delivering support.
- 2.5 The standards and principles on which we are seeking your views have been designed in partnership with stakeholders from across supported housing. Local authorities, providers of different kinds of supported housing, and, most importantly, residents and people with lived experience of supported housing have all fed into their development.
- 2.6 In the second part of this consultation, we ask how best to define "care, support and supervision" for Housing Benefit purposes. Since personal care is regulated by the Care Quality Commission (CQC), we do not intend for the standards set out in this consultation to apply to the personal care provided within a scheme.
- 2.7 The National Supported Housing Standards apply to both support and supervision. We believe the best approach is to have one set of standards that cover both support and supervision, rather than separate standards, as support and supervision go hand in hand. A single set of standards will reduce the administrative burden on providers and local authorities and send a clear message to residents, outlining precisely what they can expect from their supported housing provider.

## Principles for the National Supported Housing Standards

- 2.8 This consultation proposes that the National Supported Housing Standards are underpinned by five key principles which reflect the core aspects of a good quality support service. These principles are set out below:

### **Person-centred**

Residents can influence the support they receive, and their voices are respected and heard.

### **Respectful**

Residents are treated fairly and with dignity and respect, without discrimination.

### **Safe and Responsive**

The accommodation provides a safe environment with responsive, supportive staff.

### **Effective**

The supported housing provider takes a tailored approach to residents' support needs and can demonstrate that the service delivers positive resident outcomes.

### **Well led**

Appropriate governance structures and organisational procedures are in place to enable the delivery of good quality supported housing and there is a designated responsible person.



**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

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

## Evidencing and assessing the standards

- 2.9 Different providers will have individual approaches to running their services and supporting their residents. The National Supported Housing Standards are not intended to stifle innovation or be overly prescriptive about how support should be provided and how providers should operate.
- 2.10 To obtain a licence, providers will need to be able to demonstrate to licensing authorities that their scheme(s) comply with the National Supported Housing Standards. Before the licensing regime comes into effect, there will be a transition period during which providers can voluntarily begin to implement the new standards.
- 2.11 Evidence required to demonstrate how a supported housing scheme meets the standards will also vary based on the unique needs of residents. Long-term supported housing residents will have different support requirements compared to those needing shorter-term assistance. How providers could evidence meeting the standards is detailed below, alongside the standards themselves.
- 2.12 The key objectives for providers are to demonstrate that they are meeting people's needs and supporting them in achieving their goals. Residents should have the opportunity to contribute to the assessment process, and their interviews should be part of evaluating compliance with the standards. Ofsted are already using this approach to ensure that the Quality Standards for care leavers and looked-after children are being met, while the CQC incorporates residents' voices into their assessment of care services. Listening to residents will help to ensure improvements to support services reflect resident experiences and the changes that they want to see.

## National Supported Housing Standards and evidence

- 2.13 There are a number of regulators involved in different aspects of supported housing in England, but there is no single body that regulates supported housing. With the exception of Ofsted-regulated provision for care leavers and looked-after children aged 16-17, there is no regulation of support at all. For instance:
- The Regulator of Social Housing (RSH) regulates social housing providers, looking at governance, financial viability, and value for money.
  - The Care Quality Commission (CQC) enforces Fundamental Standards for personal care services.
- 2.14 Organisations like Women's Aid, Imkaan, and ManKind set standards and accreditation schemes for accommodation serving victims of domestic abuse and the previous government published the "Delivery of support to victims of domestic abuse in domestic abuse safe accommodation services" guidance for this type of housing in October 2021. The charity Shelter also provides guidance on suitability standards for homelessness accommodations.
- 2.15 The standards we are proposing emphasise the residents' experience, and their right to be treated fairly and with respect by a caring provider. These themes were strongly expressed in stakeholder engagement during work to develop the standards.
- 2.16 The tables below set out the proposed National Supported Housing Standards together with suggested ways to evidence them. We invite respondents to share their views on the standards and to suggest additional types of evidence if necessary.

2.17 There may be evidence that providers already submit to other bodies such as the Regulator of Social Housing (RSH) or the Care Quality Commission (CQC) that could also be used to evidence the National Supported Housing Standards.

#### The person-centred support standard

2.18 The government believes that people living in supported housing should be supported, encouraged, and enabled to take a lead role in deciding the support they receive. This standard will set out that:

The person-centred support standard	Evidence
<ul style="list-style-type: none"> <li>• A needs assessment and tailored support plan with agreed outcomes must be in place.</li> <li>• The support plan must set out the level and type of support required to meet the identified need(s) of the resident.</li> <li>• Wherever possible the resident has worked in partnership with the support provider to design their support plan.</li> <li>• Progression to achieving agreed outcomes is demonstrated and barriers to progress identified.</li> <li>• There must be a procedure in place to encourage the resident's engagement with their support.</li> <li>• Wherever possible the resident has the same support worker for the duration of their stay.</li> <li>• Where appropriate, a plan is in place to support the development of resilience and skills to move on when ready for more independent living.</li> <li>• The resident is supported, encouraged, and enabled to take up learning, volunteering, training, and employment opportunities in line with their support plan.</li> <li>• Communication and information for residents is clear, accessible, and appropriate to their needs.</li> <li>• The resident is fully aware of their entitlements and, when necessary, supported to receive those entitlements.</li> <li>• The resident is signposted or referred to specialist services where necessary.</li> </ul>	<ul style="list-style-type: none"> <li>• Needs assessment.</li> <li>• Support plan with agreed outcomes/goals.</li> <li>• Evidence of progress toward the outcomes/goals.</li> <li>• Resident involvement policy.</li> <li>• Move-on policy.</li> <li>• Tenancy agreement/licences.</li> </ul>

**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

Please provide some text to support your choice-

**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

Please provide some text to support your choice-

10. **What other information (if any) could be provided to evidence this standard, including evidence that providers already submit to other bodies?**

Strongly agree

Partly agree

Neither agree nor disagree

Partly disagree

Strongly disagree

Do not know

Please provide some text to support your choice-

## The empowerment standard

2.19 The government thinks that people receiving support should feel protected and not be afraid to make a complaint. They should be empowered and enabled to provide feedback and shape the service they are receiving. This standard will set out that:

The empowerment standard	Evidence
<ul style="list-style-type: none"> <li>Residents are consulted and involved in the service development, and their preferences are considered.</li> <li>The provider must clearly set out roles and responsibilities within the organisation and ensure that residents understand and are aware of these.</li> <li>The provider must have a clear, simple, and accessible complaints and redress procedures in place.</li> </ul>	<ul style="list-style-type: none"> <li>Resident information pack – including how to complain and timeframe for dealing with complaints.</li> <li>Surveys/evidence of resident feedback opportunities.</li> <li>Evidence of feedback being embedded into service provision and design.</li> <li>Clear safeguarding policies and procedures including whistle blowing</li> <li>Complaints policy and procedure.</li> </ul>



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

Strongly agree

Partly agree

Neither agree nor disagree

Partly disagree

Strongly disagree

Do not know

Please provide some text to support your choice-

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

Please provide some text to support your choice-

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

Please provide some text to support your choice-

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.**

## The environment standard

2.20 In supported housing, both the environment and the resident's needs should be considered alongside the provision of support. Referrals should be appropriate for individual needs, and the environment must be suitable. This is distinct from the licensing condition to ensure that the accommodation meets existing statutory standards which is discussed in Chapter Three.

The environment standard	Evidence
<ul style="list-style-type: none"> <li>• Arrangements are in place for the management of referrals and admission to the service including for emergency admissions, to ensure peoples safety and security and to avoid an inappropriate mix of residents.</li> <li>• Risk management processes are in place.</li> <li>• The provider offers a comfortable, positive, and therapeutic environment, while respecting peoples need for privacy.</li> <li>• The accommodation provides a clean, welcoming homely environment within both individual and shared living spaces.</li> <li>• Where appropriate, residents are accommodated to have visits from family and friends and, where applicable, contact with their children.</li> <li>• A process is in place for response times and repair times for both routine and emergency repairs and any statutory requirements are complied with</li> </ul>	<ul style="list-style-type: none"> <li>• Referral and assessment procedure including information on which local partners are involved and how the referral pathway operates.</li> <li>• Resident risk assessments.</li> <li>• Building risk assessment.</li> <li>• Photographic evidence of the accommodation.</li> <li>• Gas/electrical safety certificates.</li> <li>• Fire Risk Assessments.</li> <li>• Repair policy.</li> </ul>

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

Strongly agree

Partly agree

Neither agree nor disagree

Partly disagree

Strongly disagree

Do not know

Please provide some text to support your choice-

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.

- 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.**



## The staff and safeguarding standard

2.21 The government's position is that staff in supported housing should be appropriately trained or qualified and follow safeguarding procedures. All staff working with supported housing residents should have the appropriate level of DBS check, including enhanced checks for those working with children or vulnerable adults. Having a conviction does not automatically disqualify someone from providing support. Lived experience is incredibly valuable, but providers must assess potential risks. This standard will set out that:

The staff and safeguarding standard	Evidence
<ul style="list-style-type: none"> <li>• Staff working as part of the supported housing scheme demonstrate an understanding of services, receive comprehensive training (including but not limited to safeguarding, domestic abuse awareness and incident management) and are encouraged to acquire appropriate and relevant qualifications.</li> <li>• Staff are DBS checked and safe and suitable to be in contact with and work with vulnerable people.</li> <li>• There is a process in place for managing and addressing poor performance.</li> <li>• The service has sufficient staff to support and accommodate people safely and effectively.</li> <li>• There is a policy in place to deal with anti-social behaviour.</li> <li>• There is a pre-eviction protocol in place.</li> </ul>	<ul style="list-style-type: none"> <li>• Staff induction and training policy.</li> <li>• Evidence of DBS policy.</li> <li>• Evidence of current DBS checks.</li> <li>• Evidence of completed training.</li> <li>• Disciplinary procedure.</li> <li>• Evidence of ASB policy</li> <li>• Eviction policy.</li> <li>• Evidence of discussions with resident prior to eviction.</li> </ul>

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.

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.

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.

## The local need standard

2.22 To promote high quality supported housing and protect existing stock, the following standard encourages providers and local authorities to work together. There have been instances where poor quality providers take over entire streets of houses, bringing in residents from outside the local area. Poorly managed schemes can lead to anti-social behaviour affecting the neighbourhood.

2.23 As part of the government's reforms to supported housing, licensing authorities will be working with current and prospective supported housing residents, and partner organisations, to develop local supported housing strategies. The strategies will include an assessment of the current availability of supported housing, and an assessment of the likely need for supported housing for at least the five years following when the strategy is published. Once in place the strategies will help providers to align their services with local area demand.

2.24 The requirements in this standard apply to both existing and new schemes. Existing schemes should demonstrate collaboration with local authorities and referral processes. New schemes must meet this standard in full.

2.25 Exceptionally, there will be schemes that deliver services for small groups and specific cohorts. These schemes will be providing services that potentially cover a broad geographic area, going beyond the local authority district. It is vital that these specialised schemes are protected and encouraged.

The local need standard	Evidence
<ul style="list-style-type: none"> <li>• How the service fits into the local authority's supported housing strategy, where it exists.</li> <li>• How the LA has been involved in setting up the scheme.</li> <li>• How the scheme is located in an appropriate setting and location.</li> <li>• How they receive referrals into their service or if they are part of a local referral pathway.</li> </ul>	<ul style="list-style-type: none"> <li>• A statement setting out how the provider has considered they fit into the local area and why they propose the location (where appropriate), that has been countersigned by the LA.</li> <li>• Referral and assessment procedure including information on which local partners are involved and how the referral pathway operates if part of one.</li> </ul>

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.

**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.

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



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.**

## The responsible person standard

2.26 It is crucial that there is a person who is accountable for the service that their organisation provides, and who holds the responsibility of ensuring that the standards are met. Lack of accountability in parts of supported housing has contributed toward the issues that we see today with residents receiving poor-quality support.

2.27 Where the support is provided by or on behalf of the landlord the responsible person will usually be the licensee, or for licensees who cover more than one scheme the responsible person could be the scheme manager. Where the support and accommodation are provided separately, and the support is not commissioned by a public body, the support provider will need to name a responsible person, and the licensee should work with that responsible person to ensure residents are receiving good quality support. This standard will set out that:

The responsible person standard	Evidence
<ul style="list-style-type: none"> <li>The responsible person will lead and manage the service in a way that is consistent with the approach and ethos of the setting, and delivers the outcomes set out in the statement of purpose.</li> </ul>	<ul style="list-style-type: none"> <li>Fit and proper person test.</li> <li>Evidence of how the service is quality assured.</li> </ul>

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.

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.

- 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.**

## The statement of purpose standard

2.28 The government strongly believes that all providers of supported housing should have a clear vision of what their service sets out to achieve and how they will deliver on that vision. As supported housing providers often work with different types of residents in different schemes, each scheme must have a statement of purpose. This standard will set out that the statement of purpose must include:

The statement of purpose standard	Evidence
<p><b>The service must have a statement of purpose which covers:</b></p> <ul style="list-style-type: none"> <li>• The ethos, core aims, and function of the service.</li> <li>• The positive outcomes the scheme seeks to achieve for residents and its approach to achieving them.</li> <li>• The characteristics of the residents the scheme intends to accommodate and support.</li> <li>• The facilities and services to be provided to the residents accommodated at this service.</li> <li>• A description of the location of the scheme</li> <li>• The responsible person must keep the statement of purpose under review and revise it annually.</li> </ul>	<ul style="list-style-type: none"> <li>• The statement of purpose is accessible (e.g., published on the provider's website and/or displayed in the scheme itself).</li> </ul>

**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.

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.



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.**

## Needs Assessments and Support Plans

2.29 Needs assessments and support plans are essential tools for providers and residents to use, to make sure that each resident is receiving the right support and is achieving their agreed outcomes.

2.30 The government believes that a needs assessment must be specific to the individual and should set out what barriers they may face that may be stopping them from living independently.

2.31 Each support plan should be tailored to the resident that it has been developed for. A good support plan should give structure to the support that a resident is receiving and should help the provider to better understand the needs and preferences of their resident. This will lead to the best outcomes for residents.

2.32 Each resident should have a support plan that has been developed following their individual needs assessment. Where the resident has capacity, they should have the opportunity to be involved in developing their support plan and should agree to the action set out in it. The support plan should be reviewed and updated regularly as support needs can change and develop over time.

2.33 The government believes that a support plan should include:

- The type of support the resident will receive to meet their identified support need;
- How this support will support the resident to meet their agreed outcomes;
- How the provider will deliver this support; and
- The frequency and duration of the support.

2.34 As part of developing the guidance for the National Supported Housing Standards the government will work with stakeholders to set out in more detail what a needs assessment and support plan should include. The government welcomes any best practice examples of needs assessments here - please email [supportedhousingconsultations@communities.gov.uk](mailto:supportedhousingconsultations@communities.gov.uk) with any examples.

2.35 The needs assessment and agreed support plan should be stored securely and kept up to date through regular reviews with the resident.

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

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.

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

## Chapter 3 - The Supported Housing Licensing Regime

This chapter applies to England only.

### Licensing districts

3.1 The powers in the Act allow for:

- a. a local housing authority to designate its district as a supported housing licensing district, or
- b. regulations to be made requiring a local housing authority to designate its district as a supported housing licensing district if specified conditions are met, or

the Secretary of State to designate local housing authorities as licensing districts, including designating all local housing authorities in England.

3.2 We refer to local housing authorities as licensing authorities throughout this consultation. By “district” we mean the whole area that a local housing authority covers, as set out in the [Housing Act 1985](#).

3.3 The government is proposing to use the powers in the Act to introduce licensing in all local housing authorities in England. We are clear that all residents should be protected by licensing and enforcement of National Supported Housing Standards, regardless of which local authority area they live in. If licensing only operates in some areas of England, rogue providers could simply move their business to unregulated areas and continue to take advantage of residents.

3.4 The government is also proposing to link entitlement to claim Housing Benefit as a supported housing resident in England to the licensing regime. This link can only be introduced successfully if the licensing regime operates across England.

3.5 Licensing authorities will each operate a local scheme using the same national licensing framework and guidance issued by the government, including National Supported Housing Standards and licensing conditions.

3.6 The government is keen to minimise unnecessary burdens on individual local authorities and duplication of requirements. We know that some local authorities already work closely together with other areas and want to encourage this joint working as it can bring efficiencies and facilitate better information sharing and greater consistency. Legislation allows for licensing districts to join together to run licensing schemes, and we are interested in views on this.

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

Which types of supported housing will need a licence?

3.7 Section 12 of the Act defines “supported exempt accommodation”. All supported housing that meets the definition of “supported exempt accommodation” in the Act will need to be licensed to operate unless an exemption applies. The definition of “supported exempt accommodation” is the same as “specified accommodation” in Housing Benefit regulations.

3.8 A variety of types of supported housing may be covered including:

- Extra Care housing for older people (also known as housing with care or assisted living);
- Supported Living housing for people with a learning disability and/or autistic people;
- Supported housing for people with mental ill health;
- Supported housing for people with a physical disability;
- Supported housing for young people leaving care or who are at risk of homelessness;
- Supported housing (including hostels) for people experiencing or at risk of homelessness;
- Supported housing for people with drug and alcohol dependency needs;
- Supported housing for people with multiple complex needs; and
- Domestic abuse refuges and safe accommodation with support.

3.9 Licences will be held at scheme level. The government proposes to define a supported housing ‘scheme’ as **a building or, a part of a building or a group of buildings with a single postal address, comprised of one or more units, where at least one of those units is supported housing**. A unit is defined as a dwelling such as a bedspace, apartment, house, room in a shared house, or other building occupied as a place of residence.

3.10 As an example, a scheme could be a hostel for people experiencing homelessness which includes a number of bedspaces or rooms (units) that are rented to people who require housing with support. Another example of a scheme could be a self-contained adapted flat (unit) rented to a single person who is autistic and requires care and support to live independently.



**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.

Who will need to apply for a licence?

- 3.11 The Act defines a licensee as the person ‘having control of or managing’ supported housing. As discussed in the section on Exemptions below there may be limited circumstances where a licence application will not be required. Licensing applications are discussed at a later point in this consultation.
- 3.12 The person in control of or managing supported housing will usually be the person who receives rent for the supported housing - whether they receive it directly, through an agent, or if they have arranged for another person to rent out the property. The term “person” can also include companies or partnerships. This means that a company could be the licensee instead of an individual.
- 3.13 The licensee will be responsible for making sure that the scheme, or schemes, within the organisation that they control or manage meet all licensing conditions. They will also have to work with the licensing authority during the application process and while they hold the licence to make sure any issues are addressed.
- 3.14 In most supported housing, the landlord will be the licensee and will be providing the support themselves or directly organising the support provided in the scheme. We know that in some cases the support service is provided by a different organisation than the accommodation – for example where a support service is commissioned by a local authority.
- 3.15 In situations where the support provider is not the licensee, the licensee will need to work with the support providers to ensure they meet the National Supported Housing Standards, while the licensee will be responsible for meeting all other licensing conditions. Licensing authorities should work with providers if they have any concerns to improve elements of individual schemes before taking any formal action.

## Exemptions

- 3.16 While the government is clear that all providers of supported housing will have to meet the National Supported Housing Standards it is recognised that there are some limited circumstances where clear existing governance structures mean that a supported housing licence will not add additional oversight or value.
- 3.17 One example of this is where a UK Government Department commissions supported housing directly for a specific purpose or for residents with specific needs. Listed below are the exemptions we intend to allow. These types of providers will still need to notify the relevant local authority that they are operating as supported housing that is exempt from licensing, and licensing authorities will not be able to take enforcement action against these schemes through the supported housing licensing regime.

### a. **Community Accommodation Service 2 (CAS2) scheme**

The CAS2 accommodation scheme is national supported housing accommodation commissioned directly by the Ministry of Justice (MoJ). It provides accommodation for individuals on bail and offenders leaving prison with support needs. This scheme has a high level of oversight from MoJ and strict commissioning standards. The supported housing licensing regime would not add additional value in this case.

### b. **Ofsted-regulated supported housing**

Ofsted already regulates schemes which provide supported housing for 16–17-year-old looked after children and care leavers. The consultation proposes to exempt Ofsted-regulated provision where all the accommodation in the scheme provides supported housing for 16–17-year-olds and is regulated entirely by Ofsted.

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

Strongly agree

Partly agree

Neither agree nor disagree

Partly disagree

Strongly disagree

Do not know

Please provide some text to support your choice-

## The fit and proper person test

- 3.18 Supported housing caters for people who have vulnerabilities or need specific support and/or care and so it is important that those in control of or managing supported housing are fit to do so. The government is proposing that all licensees will be required to pass a fit and proper person test at the point at which they apply for a licence. Failing this test would mean a licence would not be granted, and if at any point while holding a licence the local authority is satisfied that the test is no longer met the licence would have to be revoked.
- 3.19 A fit and proper person test is already used in other circumstances, such as for Care Quality Commission (CQC) registered care home managers, in HMO (Houses in Multiple Occupation) licensing and for landlords in Scotland. The fit and proper person test would check for information such as criminal convictions, unlawful discrimination, and civil proceedings that have resulted in a judgment relating to housing or landlord and tenant law.
- 3.20 If the proposed licensee is a company or organisation rather than an individual, the company will need to identify a Nominated Officer who will need to pass a fit and proper person test. The Nominated Officer should be a director, partner, or other senior officer.
- 3.21 If a licensee or prospective licensee is found to have provided fraudulent information including specifically on a licence application, they can be prosecuted under the Fraud Act 2006 and, if convicted, may be subject to an unlimited fine, imprisonment, or both.
- 3.22 In deciding whether a person is 'fit and proper' for the purposes of the supported housing licensing regime the local authority will be required to consider whether:
- They have committed an offence involving fraud or other dishonesty, or violence or drugs or any offence listed under Schedule 3 to the Sexual Offences Act 2003, or any offence under Part 1 or Schedule 1 of the Modern Slavery Act 2015;
  - They have practised unlawful discrimination in or in connection with the carrying on of any business;
  - They have contravened any provision of the law relating to housing or landlord and tenant law; and
  - They have acted otherwise than in accordance with a Code of Practice under section 233 of the Housing Act 2004 (regarding the management of HMOs) (section 66(2)(d) of the Housing Act 2004)
- 3.23 It will be the licensing authority's decision whether the proposed licensee passes the fit and proper person test. The local authority will also have to consider whether any person associated or formerly associated with the proposed licence holder has done any of the things mentioned above if it considers those matters to be relevant.

**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

## Licensing conditions

3.24 We propose that there will be a number of core licensing conditions, and discretionary conditions, set out in regulations and accompanying licensing guidance that all providers will be expected to meet. We are interested in views on the below proposals for licensing conditions, as well as views on potential discretionary licensing conditions that licensing authorities could introduce.

### Core conditions

- That the scheme meets the relevant accommodation standard.
- That the scheme is suitable to be used as supported housing.
- That the scheme has a process in place for the carrying out of needs assessments for its residents.
- Conditions relating to the provision of care, support, and supervision.
- That the scheme meets the National Supported Housing Standards.

### Discretionary conditions

- Additional licensing conditions that may be appropriate to certain local areas.

### Disclosure and Barring Service (DBS) check

3.25 The government is proposing that a Disclosure and Barring Service (DBS) check will not be routinely required for licensees in addition to the fit and proper person test. However, licensing authorities may, at their discretion, ask applicants to undertake a basic DBS check.

3.26 The government expects that all staff working directly with supported housing residents will have the appropriate level of DBS check, including enhanced checks for those working with children or vulnerable adults. If a licensee is providing support to residents themselves, they will also need to comply with the Staff and Safeguarding Standard in the National Supported Housing Standards, which includes a requirement to undergo a DBS check.

### Proposed conditions relating to the standard of accommodation

3.27 The government is not creating new accommodation quality standards for supported housing, but it is important that the accommodation used for supported housing is of good quality. Supported housing schemes applying for a licence should meet the existing accommodation requirements and standards relevant to their housing tenure. The licensee will be responsible for ensuring that these are met.

3.28 We propose that where a health and safety hazard at the most dangerous 'Category 1' level (as assessed using the [Housing Health and Safety Rating System \(HHSRS\)](#)) is present, or there are other issues of concern relating to accommodation quality at the scheme, a licence should not be granted.

- 3.29 The licensing authority can inspect schemes applying for a licence or at any point during the licence period. If there was already enforcement action being taken against the prospective licensee under [Part 1 of the Housing Act 2004](#)<sup>1</sup> when a prospective licensee applies for a licence, we would not expect a licence to be granted. If a home does not currently meet the required standards, for example the [Decent Homes Standard](#), and including if there are Category 2 hazards, licensing authorities may still decide to work with the prospective licensee where there is a clear plan for improvements.

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<sup>1</sup> The Regulator of Social Housing has replaced the Home Standard with a strengthened new Safety and Quality Standard.



**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

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

**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.

## Proposed conditions relating to the use of accommodation

- 3.30 The accommodation provided in supported housing can look very different, depending on the resident and their specific support needs. However, sometimes the accommodation provided is simply not appropriate for any support to be provided. For example, supported housing with a limited amount of space may be unsuitable for residents with specific conditions or accommodation far away from local amenities or transport links may be inappropriate. Therefore, it is proposed that there should be conditions attached to a licence requiring licensees to demonstrate that the accommodation is suitable for the number of residents and their specific support needs.
- 3.31 The government believes that this condition should also ask that the scheme holds the appropriate planning permission where this is applicable.

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

**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

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

## Proposed conditions for needs assessments for support

- 3.32 Residents can access supported housing in different ways. Residents may be referred directly from the local authority, can self-refer, or via other routes such as through health professionals or charities. Whichever route the resident takes, the government is proposing that the licensee must ensure that an assessment of the resident's needs is carried out before the resident moves into the accommodation, or if that is not possible, when they move in. Needs assessments must be completed to enable the provider to understand the specific needs of the resident so that they can provide the support that will enable the resident to reach their goals. A support plan should be drawn up and implemented after the needs assessment, detailing the needs to be addressed and setting out how they will be met.
- 3.33 A needs assessment is an important part of ensuring that people in supported housing get the support they require. While support plans are not required for this licensing condition to be met, it is proposed that support plans will be needed to demonstrate that National Supported Housing Standards are being complied with.
- 3.34 The licensee should be able to show the licensing authority, if requested, that there is a process in place for completing needs assessments for residents in the scheme. The licensee should also be able to show how these needs assessments are conducted. Individual needs assessments should not need to be routinely shown to the licensing authority as part of a licensing application.
- 3.35 The needs assessment must be conducted by a suitably skilled and experienced person – this could be the licensee themselves, by someone acting on behalf of the licensee, or by a third party. The person who will be responsible for completing the needs assessment will depend on the set up of the organisation or scheme. Where a support service is delivered by a third party, such as a service commissioned by the local authority, the licensee will need to coordinate with the support provider to ensure the needs assessment has been completed.
- 3.36 In some cases, residents living in supported housing may have dependents, for example someone fleeing domestic abuse with their children. In these cases, the needs assessment, and subsequent support plan, should reflect the support needs of dependents as well as the resident.

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

Please provide some text to support your choice-

Proposed conditions relating to the provision of care, support, and supervision.

- 3.37 The government is proposing that this licensing condition will require any supported housing scheme which includes a care service that meets the definition of regulated personal care to ensure that the care service is registered with the Care Quality Commission (CQC). This is already required for accommodation providing personal care.
- 3.38 Any support provided outside of the care service in England must comply with the National Supported Housing Standards, as set out in this document.
- 3.39 If a supported housing scheme includes a care service that should be registered with the CQC, but it has not been, this licensing condition would not be met, and the licence application would be denied. In addition, if a care service in a supported housing scheme is rated as inadequate by the CQC at the time of applying for a licence it is proposed that the local authority would reject the licence application.



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

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

**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.

## Proposed conditions relating to compliance with the National Supported Housing Standards

- 3.40 Complying with and continuing to meet the new National Supported Housing Standards will be a licensing condition.
- 3.41 The National Supported Housing Standards are a major part of the reforms we are taking forward following the introduction of the Act. They will ensure that providers are adequately supporting their residents. The standards and how they could be evidenced have been set out in detail in Chapter Two of this consultation.
- 3.42 Schemes will be treated as licensed pending a final decision from the licensing authority, but schemes can be inspected at any point either before a licence is granted or while the licence is in effect.
- 3.43 All licensees will be expected to ensure that their residents receive the support that has been identified in the needs assessment process. For schemes where support services are provided by a third party, licensees will need to demonstrate that there is a needs assessment process in place to assure the licensing authority that support which meets the National Supported Housing Standards is being delivered. In some supported housing schemes, the support service will be directly commissioned by a local authority or other body. In these situations, the licensee may not have control over the delivery of support.
- 3.44 The government expects that all commissioned and contracted support services will reflect and comply with the National Supported Housing Standards. Local authorities will have powers to inspect these services to ensure that the standards are continuously being complied with. Where support is commissioned from any other type of third party, the licensee should still monitor the service being provided to residents and will need to work closely with the support provider and commissioner to report any problems. The licensee will also need to demonstrate that the service complies with the 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.

## Local authority discretion and the National Supported Housing Standards

3.45 In some cases, the local authority may be confident that individual schemes already comply with the National Supported Housing Standards and so already meet this licensing condition. The licensing authority could know the providers in their area well and have good existing knowledge of the quality of the service being provided. For example, they may have already commissioned a scheme or carried out other property inspections. The circumstances where this could apply are set out below. In these instances, the local authority may decide an inspection is not required before granting a licence.

### Commissioned services

3.46 If a local authority already commissions supported housing, the contract manager should ensure that the scheme meets the National Supported Housing Standards. However, commissioning practice varies across local authorities so this will have to be a case-by-case decision. The government expects that commissioners will make sure that support services comply with the support standards when commissioning new services, and that they will actively monitor services, working with licensees, to ensure standards are maintained.

3.47 In cases where the support is commissioned by another public body such as the National Health Service or a UK government department, the government is proposing that licensing authorities will treat the scheme as meeting the National Supported Housing Standards.

### CQC registered settings

3.48 Where personal care is provided at the property, that care will already be regulated by the CQC. However, the CQC does not regulate the quality of accommodation, or any support provided, so the local authority may still need to confirm that the scheme meets existing standards and other licensing conditions.

### Domestic abuse refuges run by a specialist service

3.49 Part 4 of the Domestic Abuse Act 2021 requires Tier One local authorities in England to provide support for victims of domestic abuse and their children within relevant safe accommodation based on the local need identified. Under these duties, local authorities are required to assess the need for safe accommodation support in its areas, prepare and publish a strategy, commission services for the provision of such support; and monitor and evaluate the effectiveness of the strategy. Statutory guidance has been issued on the standards that these schemes should meet.

3.50 Inspections in this type of scheme are more difficult as it is critical for the safety of the victims that the accommodation is kept secure and in secret locations. Local authorities should already know what domestic abuse safe accommodation is in their area, what they are commissioning and of what standard.

3.51 For the circumstances set out above this would mean that for the purposes of the licensing regime, no assessment will need to be carried out of the support service and the licensing condition relating to the National Supported Housing Standards will be deemed to be met. These types of schemes will still need to apply for a licence and the licensing authority will need to decide whether or not the scheme should be treated as meeting 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

## Local authority discretionary licensing conditions

- 3.52 In other housing-related licensing regimes, local authorities have general powers to set their own local licensing conditions alongside mandatory conditions that have been set by the government. Examples of local licensing conditions in the HMO scheme include conditions that relate to the management, use and occupation of the house, and its condition and contents. With selective licensing regimes, which are in place for specific reasons, local authorities' conditions can include, for example, that the property must have sufficient rubbish storage and bins, that the licence holder must try to reduce anti-social behaviour, or that the licence holder must provide residents with a copy of their licence.
- 3.53 We are interested in views from respondents on whether there should be a list of additional, optional licensing conditions for local authorities to choose to deploy, and if so, what additional conditions should be added to the supported housing licensing regime in regulations.

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



## Existing property licences

3.54 A small number of supported housing providers may already hold another property licence for a scheme, such as an HMO licence or a selective licence. In these specific cases, the government is proposing that the existing licence is replaced by a supported housing licence when it expires, as this would avoid unnecessary duplication. The requirement to apply for a supported housing licence, and the need to comply with the conditions of that licence, would not begin until the current HMO or selective licence expire.

3.55 There will need to be an administrative process enabling these schemes to be recognised as being treated as licensed for the purposes of the supported housing regime while the existing property licence was in effect. Providers who hold an existing property licence, when the requirements to have a supported housing licence comes into effect, would still need to notify the relevant local authority. They would also be expected to be meeting the National Supported Housing Standards.

**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

If yes, please state which property licence 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.

## **Applying for a licence**

### **Application process**

- 3.56 The primary purpose of the licensing scheme is to make sure that supported housing is of good quality for all residents. The introduction of regulation and enforcement measures needs to be proportionate and should minimise unnecessary burdens on both providers and licensing authorities. The licensing regime needs to be as simple as possible to administer and to use while being effective.
- 3.57 Applying for a licence should be a straightforward process. We have heard from some local councils and providers that they would support a standardised licence application form. This would help to keep applications consistent, which will be particularly important for providers who operate supported housing in more than one licensing district.

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?

#### Licence fees

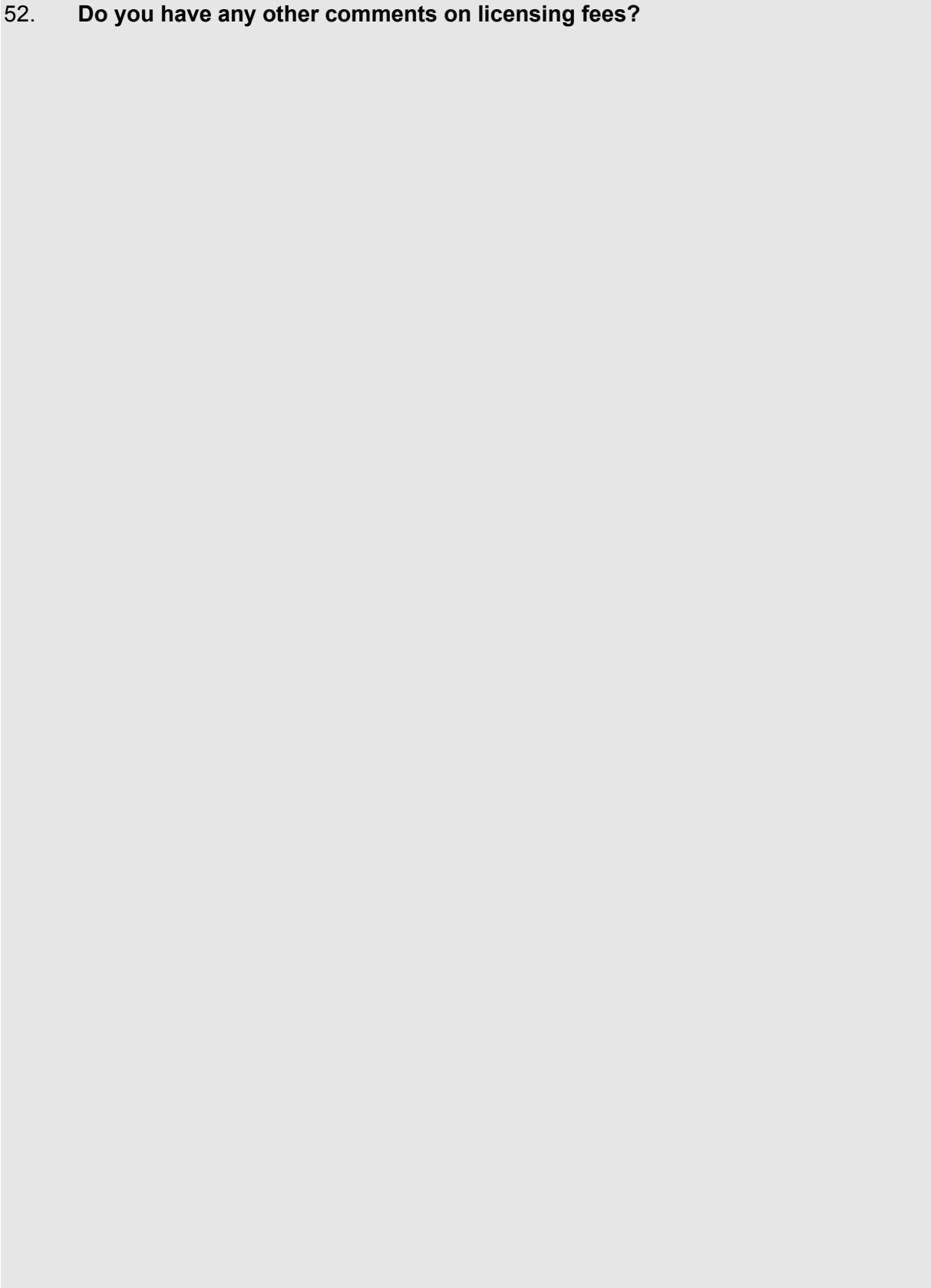
3.58 Licensing authorities need to make their own licensing decisions, so providers will have to apply in each district, but local authorities may be able to join up to administer licensing, which could streamline the application process by creating larger licensing districts. New burdens funding will be provided to local authorities to establish supported housing licensing teams. The on-going costs will then need to be met by the licence fees charged by local authorities. The fees will need to meet the costs of the authority administering the scheme and taking enforcement action where necessary.

3.59 Some existing licensing regimes, such as selective licensing, charge fees in two parts – with Part One being the administrative charge that all applicants pay, and Part Two funding enforcement for those who are successful with their licensing application. We are proposing that this two-part fee system should be replicated for the supported housing licensing regime.

3.60 As with other licensing regimes it will be for the local authority to set the licence fee, which must be transparent and reasonable.

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

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





How long will a licence last?

3.61 To minimise administration and disruption to services, licences should be in place for five years, unless otherwise revoked, and subject to conditions continuing to be met. The five-year period would commence on the day that the licence is issued by the licensing authority.

3.62 Licensees would be expected to renew their licence at the end of the five-year expiry period and reapply to the licensing authority.

**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

Please provide some text to support your choice-

## Inspections and licensing authority discretion

- 3.63 The government wants to empower local authorities to assess licence applications and design inspection regimes using their own knowledge and expertise. Local authorities know their area best and should be able to decide where schemes might require more in-depth scrutiny or oversight.
- 3.64 It will be for the local authority to decide to carry out an inspection before granting a licence – for example they may not feel they need to inspect schemes where support services are commissioned, including support commissioned in safe accommodation under Part 4 of the Domestic Abuse Act or support services commissioned by a UK government department. If the licensing authority decides not to inspect a property before granting a licence, they would have to be confident that the accommodation and the support provided was good quality and should be able to demonstrate that they arrived at the decision not to inspect reasonably.
- 3.65 Licensing authorities will be able to inspect a supported housing scheme at any point during the licence application period or after the licence has been granted. Licensing authorities may also choose to inspect a scheme if concerns have been raised, including by a resident. These inspections should normally be unannounced, but the wellbeing and safety of the residents should always be considered before any inspection.
- 3.66 The government expects that a supported housing scheme would be inspected at least once in the licence period and more frequently if necessary.

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.

**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.

## **Maintaining licences wherever possible and using improvement notices**

- 3.67 The government wants to protect the supply of supported housing and to minimise disruption to residents wherever possible. Licensing authorities should take reasonable steps to work with providers to maintain licences, rather than revoking them, unless they have serious concerns about a supported housing scheme.
- 3.68 In situations where the licensing authority believes that a scheme can improve, they should work with the licensee to agree a plan, with agreed timescales, to make that improvement. This will allow the licensee to understand the aspects that need improvement and allows the scheme to remain licensed while making those improvements or changes.

### **Improvements when the scheme is pending a licensing decision**

- 3.69 Schemes will be treated as licensed until the licensing authority has made their decision. If the licensing authority feels that the scheme needs improvement to meet licensing conditions in this period, it should work with the licensee to discuss those improvements and make a plan. If the provider needs to remedy hazardous conditions, we expect local authorities would use their enforcement powers under Part 1 of the Housing Act 2004.
- 3.70 If, after a plan has been agreed, improvements have not been made, the licensing authority should not issue a licence other than in exceptional circumstances, for example if clear evidence of work to deliver improvements has been supplied. If the scheme is not licensed, the licensing authority must consider whether an offence has been committed or whether any penalties are appropriate.

### **Improvements when the scheme is already licensed**

- 3.71 Where a scheme has already been granted a licence but has deteriorated and no longer meets a licensing condition(s), the licensing authority should discuss this with the licensee and make a plan for improvement. Where the improvements need to be made to remedy hazardous conditions, we expect local authorities would use their enforcement powers under Part 1 of the Housing Act 2004.
- 3.72 If after a plan has been introduced the licensing authority feels the appropriate improvements have not been made, they can issue an improvement notice. Improvement notices should not be issued lightly – a licensing authority should have acted prior to an improvement notice to work with the licensee. Licensing authorities should, as far as possible, create an open dialogue with the licensee and maintain that dialogue during the period the improvement notice is in place.
- 3.73 Once an improvement notice has been issued, there needs to be an appropriate amount of time for improvements to be made. The provider would continue to be licensed in this period. We are suggesting that this is for **three** months unless there is a serious failure in which case the licensing authority may ask for improvements to be made immediately. In exceptional circumstances the licensing authority could extend this period to a maximum of six months.
- 3.74 After the improvement notice period has ended, the licensing authority must decide whether to revoke the scheme's licence. They must be able to justify this decision with evidence, including proof of inspections if appropriate.

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.

**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.



**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

## Varying or revoking licences

3.75 Regulations will set out the circumstances in which a licensing authority can change (vary) or remove (revoke) a licence. Where the local authority is no longer satisfied that the licensee is a fit and proper person, a licence must be revoked.

3.76 A licence may need to be varied in the following circumstances:

- a. The licensee changes.
- b. The scheme manager changes.
- c. The commissioned service changes.
- d. There is a permanent change to the number of units in the scheme.
- e. If there are changes to the accommodation.

3.77 A licence may need to be revoked in the following circumstances:

- a. Where the licensee or any other person has committed a serious breach of a condition of the licence or repeated breaches of such a condition.
- b. Where a licensee has failed to comply with an improvement notice.
- c. Where the licensee has committed an offence under the licensing regime.
- d. If a banning order is made against the licence holder.

**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

## Enforcing licensing conditions

- 3.78 The government is proposing providing licensing authorities with a range of enforcement powers to ensure compliance with the licensing regime. The methods of enforcement will include:
- Inspection and investigation for the purpose of gathering information, identifying breaches of the law, and informing further enforcement action where necessary;
  - Providing information and advice to encourage and support licensees to secure compliance with the law;
  - The service of improvement notices; and
  - Issuing financial penalties or pursuing criminal prosecution in the magistrates' court. Where relevant offences under future licensing regulations have been committed, it will also be possible for licensing authorities to apply for rent repayment orders or banning orders.

### Proposed offence and penalties

- 3.79 The government expects licensing authorities to take a proportionate approach to enforcement, while ensuring that supported housing schemes are of good quality and offering the right support to their residents. The offences, penalties, and other consequences of non-compliance with the licensing regime will be detailed in the licensing regulations.
- 3.80 The government proposes that if a licensee is suspected of committing an offence under the supported housing licensing regime, they can be prosecuted in the magistrates' court, or in certain circumstances can be made subject to a civil financial penalty imposed by the licensing authority, under section 249A of the Housing Act 2004. Some examples of these circumstances are if the landlord has committed an offence under the Housing and Planning Act 2016, if the landlord has breached licensing conditions such as those under selective or HMO licensing and if the landlord has been convicted of a relevant offence under the supported housing licensing regime.
- 3.81 As with selective licensing and HMO licensing, the government proposes that the financial penalties will be determined by the licensing authority but must not be more than £30,000. If the licensee fails to pay the financial penalty, the licensing authority can obtain an order from the county court to recover the penalty. Non-compliance with a court order may amount to contempt of court which is punishable by imprisonment and/or a fine.
- 3.82 If it becomes apparent to a licensing authority that a landlord has committed a relevant offence outside of the supported housing licensing regime, for example breaching selective licensing conditions, this may mean that the licensee can no longer satisfy the fit and proper person test, and the licence would have to be revoked.
- 3.83 The government proposes that offences under the future licensing regulations should be an offence to which Chapter 4 of the Housing and Planning Act 2016 applies. This means that local authorities and occupants should be able to apply to the first-tier tribunal for a rent repayment order in particular circumstances.
- 3.84 In addition, the government will consider whether to introduce provisions in the regulations that would enable a resident living in supported housing where a licence has been refused or revoked to apply to a tribunal for a determination of rent.

3.85 The government does not propose to create a specific offence for providing false or misleading information to a local housing authority in connection with the future supported housing licensing regime, for example as in section 238 of the Housing Act 2004. However, it is our view that the provisions of the Fraud Act 2006 would apply. This means that where a person supplies information that is false or misleading to a licensing authority in connection with any of their functions under the future supported housing licensing regime, that person may potentially be committing a fraud offence. Fraud offences are punishable by imprisonment, or a fine, or both on conviction.

3.86 The key offence, suggested penalties and other consequences are below.

Offence	Proposed criminal penalty	Other consequences
Operating supported housing without a licence	An unlimited fine if convicted	<ul style="list-style-type: none"> <li>• Banning order (breach of which is a further criminal offence, entry on the Database of Rogue Landlords and Property Agents)</li> <li>• Rent repayment order</li> <li>• The tenant may be able to apply to a tribunal for a determination of rent</li> <li>• Up to £30,000 fine as an alternative to prosecution where the licensing authority is satisfied, beyond reasonable doubt, that the conduct amounts to the relevant offence</li> </ul>

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.

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.

**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.



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

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.

## Non-compliance with licensing conditions and improvement notices

3.87 The tables below set out the consequences and penalties for if a licensee fails to comply with a licensing condition or an improvement notice. These would not result in a criminal conviction.

Non-compliance	Consequence of non-compliance
Failure of a licence holder to comply with any condition of a supported housing scheme licence.	<ul style="list-style-type: none"> <li>Improvement notice</li> </ul>

Non-compliance	Proposed penalty
Failure of a licence holder to comply with an improvement notice	<ul style="list-style-type: none"> <li>Revocation of licence.</li> <li>Up to £30,000 civil fine.</li> </ul>

**65. Do you agree with the proposed penalty 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.

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.

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



## Offences committed by companies or organisations

- 3.88 The government proposes that if an offence is committed by licensee who is a company or organisation, and the breach was committed with the approval or connivance of an officer of the organisation, or because the officer was negligent, then both the officer as well as the organisation have committed the offence.



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

## Appeals against licensing decisions

- 3.89 There may be times when licence applicants wish to dispute the decision of the licensing authority. The government proposes that decisions on licence applications, such as to deny or withdraw a licence, will be appealable to an independent tribunal.
- 3.90 The first step in a dispute on a licence application should be to seek an explanation from the licensing authority, and then to ask for the decision to be reconsidered. Where the licence applicant is still unhappy with a decision after disputing it, the government will set out in regulations how an appeal can be made, and the timescales for appealing. The details will be set out in regulations and views will be sought when the government consults on the draft statutory instrument.

## Ensuring consistency across licensing districts

- 3.91 New burdens funding will be provided to licensing authorities to establish supported housing licensing teams. Local authorities should ensure that licensing teams possess the expertise needed for robust and fair assessments of compliance with the National Supported Housing Standards. We have seen, both through the Supported Housing Oversight Pilots, and the Supported Housing Improvement Programme (SHIP), the benefits of local authorities establishing multi-disciplinary teams to focus on supported housing.
- 3.92 Providers working across different local authority areas must be able to have confidence in the decisions made about their services. Licensing authorities should maintain a consistent approach when assessing the standards by following guidance that will be issued by the government.
- 3.93 Assessing compliance with the standards should be a collaborative process between local authorities and supported housing providers. Local authority decision makers must satisfy themselves that they have considered all of the relevant factors before making their determination. It is important that there is procedural consistency, and that there is transparency on how decisions are made. The government intends to work closely with stakeholders, including providers and local authorities as guidance on demonstrating and assessing the National Supported Housing Standards is developed.

**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?**

## **Alternative ways to ensure compliance with National Supported Housing Standards**

3.94 National Supported Housing Standards will be enforced through the licensing regime, but the Act also requires the government to consult on any additional mechanisms for securing compliance with the standards. One way could be to give licensing authorities inspection and enforcement powers that are independent of a licensing scheme, which would require new primary legislation.

**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?**

## The transition to supported housing licensing

- 3.95 The proposed licensing regime detailed in this consultation, and the National Supported Housing Standards, are important changes for the sector. Licensing authorities will need time and information ahead of implementing a licensing scheme, and providers will also need to familiarise themselves with what is required of them. This will require setting up and training licensing teams, processing applications in as well as planning for inspections of supported housing once the licensing scheme is up and running. Stakeholders have been clear that it is important to treat providers as licensed for Housing Benefit purposes while their application is being processed to mitigate any unintended effect on Housing Benefit officers, licensing teams and residents. This means that Housing Benefit would continue to be paid on behalf of residents in supported housing schemes until the licensing authority has made a licensing decision.
- 3.96 Providers will need to be given time to apply for a licence, and licensing authorities will need time to process those applications. There will be a date set in regulations by which time providers must have applied for a licence for their schemes. New schemes will still be able to apply for a licence after this date. After the application deadline any supported housing provider that has not applied or has applied but has not been granted a license and is claiming Housing Benefit in a scheme on behalf of their residents will be committing an offence. Licensing authorities can apply penalties if a provider that requires a license is operating without a license and there is not a pending application for one. Application of penalties is a matter for a local authority's discretion and, where a provider is late in applying, we would expect licensing authorities to consider whether it is appropriate to exercise that discretion.
- 3.97 The government will continue to develop detailed plans for implementing the proposals on licensing of supported housing set out in this consultation. More details of how the changes will be managed will be set out in the consultation on draft regulations after responses to this consultation have been analysed.
- 3.98 We know that there will be some providers and/or schemes who cannot or will not meet the licensing conditions or standards, and who will therefore not be given a licence. That means that residents in that housing who need to live in supported housing may need to find alternative supported accommodation. Local authorities will need time to plan for this situation.
- 3.99 We expect that licensing authorities will keep the government updated on their progress with processing licensing applications.

**71 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.

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



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

## Case Studies

The following case studies describe three different scenarios that could occur if the link to Housing Benefit eligibility is made when the licensing regime comes into effect.

### Case study one – licence granted

Provider A applies for a licence for a scheme within the timescales specified in regulations. The licensing authority treats the scheme as licensed while assessing the licence application. The licensing authority decides to grant a licence after completing assessments confirming that licensing conditions are met and that the scheme complies with the National Supported Housing Standards. As the provider has been treated as licensed prior to being granted a licence, there is no impact on the Housing Benefit being paid to existing residents. Any new residents moving into the accommodation can make a claim for Housing Benefit under the specified accommodation rules. Housing Benefit claims will still be assessed based on an individual's needs and circumstances to determine eligibility, as is the case now. The scheme is licensed as supported housing for a five year period from the date the licensing authority issues a licence.

### Case study two – the scheme requires improvement

Provider B applies for a licence for a scheme within the timescales specified in regulations. The licensing authority treats the scheme as licensed while assessing the licence application. The licensing authority decides that the licensee and schemes pass some licence conditions, however, the support being provided in the scheme does not comply with the standards. The licensing authority discusses this with the provider and both provider and local housing authority agree a plan for improvement which is set out in a formal improvement notice giving three months for changes to be made. During the period covered by the improvement notice time the licensing authority works with the provider to make necessary changes. The scheme is treated as licensed during this period. Once the improvement plan period has ended, the scheme has improved and now meets the licensing conditions, meaning that the licensing authority grants a licence.

### Case study three – failing the fit and proper person test, licence not granted

Provider C applies for a licence within the timescales specified in regulations. The licensing authority treats the scheme as licensed while assessing the licence application.

The licensing authority decides that the licensee does not pass the fit and proper person test.

The scheme cannot be licensed as supported housing. If the provider continues to operate the scheme as supported housing, they are committing an offence. Residents of that accommodation who are in receipt of Housing Benefit will no longer be eligible under the specified accommodation rules. The licensing authority will need to consider the individual claims and circumstances to determine whether the residents are still entitled to Housing Benefit under different rules which may be at a reduced amount. Others, if working age, may need to claim housing support through Universal Credit. Residents with a care and/or support need may need to consider seeking alternative accommodation and the local authority will need to provide advice and assistance. The provider can consider making changes, such as transferring the scheme to an alternative person to control or manage who will be able to pass the fit and proper person test and make a new licence application.

## **Chapter 4 - Planning use class for supported housing**

- 4.1 The Act requires the government to consider whether there should be a supported housing planning use class after the licensing regime has been operating for three years, which gives the licensing regime time to have had an impact. However, this change could be made at any time if there is a need and a case for doing so. We are interested in views on bringing in planning changes for supported housing.
- 4.2 A new planning use class would allow movement between different types of supported housing without the need for a planning application. Further planning changes may then be considered if the government wanted to require developers of new supported housing schemes or providers who are converting existing domestic dwellings to supported housing to apply to the local authority for specific planning permission relating to the property being used for supported housing. 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.

**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.

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

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

### Background

The Government wants to ensure that residents in supported housing achieve better outcomes, and that Housing Benefit funded accommodation is good quality accommodation which provides residents with the care, support, or supervision that they need. This accommodation must also ensure good value for money for taxpayers across GB while maintaining supply. While housing policy is devolved in Scotland and Wales, Housing Benefit policy is reserved across GB. In Northern Ireland, housing policy and social security policy are transferred, but the Department for Work and Pensions (DWP) has informed the Department for Communities about the proposed changes to Housing Benefit.

Housing Benefit can pay housing costs for eligible rent and service charges. However, Housing Benefit cannot be used to cover the costs of care, support, or supervision as these are ineligible service charges under Housing Benefit regulations. We note that in the future Housing Benefit could be replaced with another type of housing support, however, this section consults on Housing Benefit as it currently stands.

To support the measures outlined in the Act, the Government is considering amending Housing Benefit regulations to link the supported housing licensing regime in England to eligibility for Housing Benefit.

For people on a low income, housing costs (rent and eligible service charges) associated with living in supported housing can be funded through Housing Benefit subject to the specified accommodation rules. The benefit cap is a limit on the total amount of benefit a working age household can receive. It applies to most people aged 16 or over who have not reached State Pension Age<sup>[11](#)</sup>. Customers who live in specified accommodation (where eligible for help) have their Housing Benefit excluded from the benefit cap calculation. That does not mean the household is exempt, but it does mean they are less likely to be capped (unless the total of the other benefits being received are over the benefit cap levels). As such, people in supported housing can receive more Housing Benefit than those in general needs accommodation. Housing Benefit for supported housing is paid directly to the provider in the majority of cases.

Specified accommodation is a definition used in Housing Benefit regulations which sets out the different categories of supported housing and relevant eligibility criteria. For most categories of specified accommodation, part of the criteria is that care, support, and supervision is provided to residents. However, “care, support and supervision” is not currently defined in Housing Benefit regulations. In this consultation, DWP is seeking views on the inclusion of a definition of care, support, and supervision in Housing Benefit regulations. The definition could be linked to existing or potential future regulatory frameworks in England, Scotland, and Wales.

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.

## Chapter 1 - Defining care, support, and supervision for the purposes of specified accommodation in Housing Benefit regulations across Great Britain.

- 1.1. As mentioned in the previous section, part of the criteria for meeting the specified accommodation definition in Housing Benefit regulations is that care, support, and supervision is provided to residents. As noted above, care, support and supervision are currently not defined in Housing Benefit regulations. Over time, this has meant that local authorities have increasingly relied on case law to help with their decision-making when assessing Housing Benefit claims for people living in supported housing. Case law sets out that where care, support, and supervision is provided in 'exempt accommodation,' that the service given to the Housing Benefit customer must be 'more than minimal' for the resident to qualify under Housing Benefit regulations (*R(H) 7/07* (CH/3811/2006); *Sharratt v London Central Bus Co Ltd* [2003]).
- 1.2. A clear definition of care, support, and supervision in Housing Benefit regulations would give local authorities more power to hold poor providers of supported housing to account. It would also improve the consistency of the decision-making of Housing Benefit claims across local authorities.
- 1.3. DWP has been working to explore how we might define care, support, and supervision in Housing Benefit regulations for specified accommodation and has carried out targeted stakeholder engagement to explore possible options.
- 1.4. While the Housing Benefit regulations (which refer to care, support, and supervision) apply across GB, we recognise that different arrangements exist for the regulation and definition of care delivered in specified accommodation across England, Scotland, and Wales.

### Defining care

#### England

- 1.5. In England, personal care is defined under the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014/2936 and is regulated by the Care Quality Commission (CQC) using the CQC 5 Standards.
- 1.6. Personal care is defined in these [regulations](#) as:
  - a) physical assistance given to a person in connection with:
    - (i) eating or drinking (including the administration of parenteral nutrition),
    - (ii) toileting (including in relation to the process of menstruation),
    - (iii) washing or bathing,
    - (iv) dressing,
    - (v) oral care, or
    - (vi) the care of skin, hair, and nails (with the exception of nail care provided by a person registered with the Health and Care Professions Council as a chiropodist or podiatrist pursuant to article 5 of the 2001 Order); or
  - b) the prompting, together with supervision, of a person, in relation to the performance of any of the activities listed in paragraph (a), where that person is unable to make a



decision for themselves in relation to performing such an activity without such prompting and supervision.

- 1.7. For England, we are proposing to use the above legislative definition of personal care to define care within Housing Benefit regulations, as the CQC regulates personal care delivered in supported housing.
- 1.8. Care is only regulated by CQC if it is provided in line with the definition set out in the regulations in paragraph 1.6, so any care provided in supported housing which falls outside of the definition of 'personal care' will not be regulated by CQC.

**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.**

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.

**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**

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.

## Scotland

- 1.9. For Scotland, care is defined in the [Public Services Reform \(Scotland\) Act 2010](#).  
The Act defines 'personal care' as:

'care which relates to the day to day physical tasks and needs of the person cared for (as for example, but without prejudice to that generality, to eating and washing) and to mental processes related to those tasks and needs (as for example, but without prejudice to that generality, to remembering to eat and wash).'

- 1.10. We are seeking to use this legislative definition of care in Housing Benefit regulations to define care in Scotland. The Scottish Care Inspectorate regulates the care provided to a resident in supported housing and applies Health and Social Care Standards to that regulation.

## Wales

- 1.11. For Wales, care is defined in the Regulation and Inspection of Social Care (Wales) Act 2016 in the following terms:

- (a) "care" means care relating to—  
(i) the day-to-day physical tasks and needs of the person cared for (for example, eating and washing), and  
(ii) the mental processes related to those tasks and needs (for example, the mental process of remembering to eat and wash).

- 1.12. We are seeking to use this legislative definition of care in Housing Benefit regulations to define care in Wales. Care Inspectorate Wales (CIW) regulates care provided to a resident in supported housing which falls within the definition of care in the Regulation and Inspection of Social Care (Wales) Act 2016. CIW is the regulator for care and regulates adult services, children's services and childcare and play services along with monitoring the performance of local authorities in the delivery of social service functions.

- 1.13. Care provided in supported housing, but which falls outside of the definition of 'care' as defined in the Regulation and Inspection of Social Care (Wales) Act 2016 will not be regulated by CIW.

- 1.14. We consider it necessary to use these three different definitions of care for England, Scotland, and Wales to ensure that the definitions complement existing legal definitions and regulation of care in the three countries.

**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.

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?**

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.

## Defining Support and Supervision

- 1.15. Defining support and supervision would help Housing Benefit teams assess what support and/or supervision a resident receives in line with their needs.
- 1.16. With regards to supervision, some stakeholders believe that this is a type of support and does not need to be defined separately from support for Housing Benefit purposes. Therefore, we are considering whether we can remove 'supervision' from this part of the Housing Benefit regulations.

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



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 -

1.17. It may be possible to link a definition of support and supervision in Housing Benefit regulations for specified accommodation with the National Supported Housing Standards (England) or regulatory frameworks for supported housing in Scotland and Wales.

## **England**

- 1.18. For England, DWP is exploring whether, in addition to defining what support and supervision is, Housing Benefit regulations should outline that any support or supervision provided should be delivered in line with the National Supported Housing Standards, particularly through the 'person-centred' standard.

## **Scotland**

- 1.19. For Scotland, DWP is considering whether, in addition to defining what support and supervision is, Housing Benefit regulations should outline that the provision of that support and supervision should be delivered in line with the Health and Social Care Standards.

## **Wales**

- 1.20. For Wales, DWP is considering whether, in addition to defining what support and supervision is, Housing Benefit regulations should outline that any support and supervision provided should be delivered in line with existing Welsh regulations.

**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

Please provide some text to support your choice-

- 1.21. Housing Benefit assessment is based on an individual's needs and circumstances. Individuals living in supported housing should have a need for and should be receiving care, support, or supervision.
- 1.22. The provision of care, support and supervision is a critical consideration when assessing eligibility for Housing Benefit under the specified accommodation rules. The Government believes that there should be a clear expectation for supported housing providers as to the levels of care, support and supervision which should be provided to residents, and that it is not acceptable to provide minimal or no support.
- 1.23. The Government is interested in views on including a threshold in Housing Benefit regulations as to the amount of care, support or supervision individuals in supported housing accommodation should receive to be eligible for Housing Benefit under specified accommodation rules. This will ensure more clarity in what the expected level of care, support or supervision is and will seek to improve the consistency in decision-making of Housing Benefit claims across local authorities.

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

- 1.24. When local authorities are assessing Housing Benefit claims under specified accommodation rules, they may need to check that any definition or threshold of care, support, or supervision is met and request evidence to aid that decision-making. We are aware that although there are excellent providers of supported housing, there have been cases where some providers (particularly of non-commissioned supported housing) have stated that a customer had a need for care, support, or supervision when they did not. However, we are mindful that any evidence request made by a local authority needs to respect the privacy of the customer. We would like your views on what you feel is reasonable in terms of evidence that a local authority could request when assessing a Housing Benefit claim under any definition or threshold of care, support, or supervision.

**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?**

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

- 2.1. The Act makes provision for licensing schemes in England and allows for a link to be created between licensing and Housing Benefit eligibility. When considering linking a licensing regime to eligibility for Housing Benefit in England, we should also consider the implications for Scotland and Wales including whether any equivalent changes need to be made. If we sought to link Housing Benefit eligibility to frameworks in Scotland and Wales, these would be made using powers under the statutory framework which underpins the Housing Benefit regime.

### **England**

- 2.2. As stated in Part 1 Chapter 3, under the transitional arrangements proposal, a provider of supported housing will be expected to have applied for a licence by a date set in the licensing regulations. Stakeholders have been clear that all such providers should be treated as licensed until their licence applications are processed. If a licence has not been applied for by the given date, or has been refused following an application, the provider may be committing an offence, and the residents of that scheme will no longer be entitled to Housing Benefit under the specified accommodation rules.
- 2.3. Where providers fail to obtain licences for their schemes, those unlicensed schemes will no longer be treated as specified accommodation under the Housing Benefit regulations. Providers who fail to obtain a licence may decide to continue operating as general needs accommodation. However, some unsuccessful providers may decide to close.
- 2.4. Residents who do not have care, support or supervision needs may choose to remain in the accommodation but would have their Housing Benefit reassessed. Others may need to claim help with their housing costs through Universal Credit. Where a tenant chooses to remain in supported housing where a licensing offence has been committed, they may be able to apply to a tribunal for a determination of rent.
- 2.5. Residents who require care, support or supervision would have to find/or have help to find alternative licensed accommodation. Where a resident leaves supported housing because the accommodation does not comply with the National Supported Housing Standards, the Act ensures that they cannot be found to be intentionally homeless by the local authority.
- 2.6. The Government is working with partners and local authorities to consider how best to support customers who find themselves in these circumstances and is exploring what practical and financial help should be made available.
- 2.7. As is currently the case, some residents may decide to appeal the Housing Benefit decision if they lose their entitlement, due to their provider not being licensed. To continue receiving help with their rent during the appeal, they will be signposted to claim the housing element of Universal Credit (if they are of working age) or



continue to receive Housing Benefit if they are pension age. The amount of Housing Benefit to which an individual is entitled may change as different rules will apply and because of individual circumstances.

- 2.8. In this section we welcome views from local authorities, providers, residents, and tenant representative bodies on how linking licensing to Housing Benefit entitlement to improve the quality and value for money would work in practice. We are also interested in how individuals can be supported where a licence is refused and a resident's entitlement to Housing Benefit changes or the resident is signposted to claim the housing element of Universal Credit. This will inform our ongoing work exploring potential mitigations and additional support.

## **Scotland**

- 2.9. In Scotland, it may be possible to link eligibility to Housing Benefit under specified accommodation rules to provider registration with the Scottish Care Inspectorate. However, this may not capture all providers of supported housing, so we would need to explore this further with the Scottish Government.

## **Wales**

- 2.10. In Wales, all social landlords must be registered with the Welsh Government, and we understand that the majority of the supported housing is commissioned by local authorities through the Housing Support Grant. It may be possible to link eligibility to Housing Benefit under specified accommodation rules to one of these schemes. However, this may not capture all providers of supported housing, so we would need to explore this further with the Welsh Government.

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.**

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

**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?**

**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?**

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?

**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

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

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?**



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.