

Supported Housing regulation

CIEH response to a Ministry of Housing, Communities and Local Government consultation

May 2025

About the Chartered Institute of Environmental Health (CIEH)

CIEH is the professional voice for environmental health representing over 7,000 members working in the public, private and non-profit sectors. Building on its rich heritage, CIEH ensures the highest standards of professional competence in its members, in the belief that through environmental health action people's health can be improved.

Environmental health has an important and unique contribution to make to improving public health and reducing health inequalities. CIEH campaigns to ensure that government policy addresses the needs of communities and business in achieving and maintaining improvements to our environment and our health.

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Introduction

We welcome the proposals to bring in new regulations to enable more effective regulation of supported housing. We believe supported housing plays a key role in preventing homelessness and enabling residents to live as independently as possible and that residents living in such housing should be provided with good quality accommodation and support services.

We are concerned, however, about the resource implications of the proposals for local authorities. Whilst we welcome the proposal to provide new burdens funding to enable local authorities to establish supported housing licensing teams, we are concerned that it will not be possible to meet the ongoing costs fully through licence fees. Local authorities will incur additional costs in relation to processing licences, taking enforcement action and dealing with ongoing licensing issues, as well as costs in assessing the support provision and the financial aspects of accommodation and support linked to housing benefit claims. Additional/selective licensing fees do not currently cover all these costs. We are also concerned that fees set at a level to cover all such costs may not be affordable for providers. In addition, fee income is variable and cannot be relied on to meet fully the long term funding commitments local authorities will incur. Additional core funding will be needed that is sustained and predictable.

We are concerned that the workforce requirements needed to meet the combined new burdens placed on local authorities through the supported housing proposals and the Renters' Rights Bill will be extremely challenging to meet. We recommend that the Government should work closely with higher education providers, local authorities and CIEH to consider how best to address these challenges.

We are concerned that in the event of housing benefit levels being reduced, whether at an individual level or as part of national economic policy, housing support providers may withdraw services and accommodation providers will then seek to evict tenants using the new mandatory grounds for possession set out in the Renters' Rights Bill. This would result in an increased number of vulnerable people being made homeless at very short notice. We recommend that the Government should amend the proposed mandatory grounds for possession to help avoid this.

We also feel there should be a stronger focus in the proposals on assessing schemes based on the outcomes being delivered, pathway planning to independent living (where appropriate) and the need for joint work between local authorities, particularly at the county/district tiers.

We are grateful to Hull City Council for permitting us to use material developed for its response to this consultation in our answers to the questions below.

Responses to consultation questions

About you

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

- *Membership and awarding body for the environmental health sector*

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

- *London*

Part One: Implementation of measures in the Supported Housing (Regulatory Oversight) Act 2023

1. Scope

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

Strongly agree.

Whilst there are other bodies that regulate supported housing, the need for improved standards has been clearly demonstrated. Licensing will provide the required regulatory oversight and enable local authorities to take appropriate enforcement actions to improve standards. It will also provide a consistent approach.

2. National Supported Housing Standards and Principles

Principles for the National Supported Housing Standards

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

Partly agree.

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

Please see our answer to question 7.

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

The following principles should be added:

- *Transparent and accountable*
- *Financially viable*

An alternative to adding "Transparent and accountable" would be to replace "Well led" with "Responsibly governed".

The words “and healthy” should be added to the text for the “Safe and responsive” principle so that it will read: “The accommodation provides a safe and healthy environment with responsive, supportive staff.”

National Supported Housing Standards and evidence

The person-centred support standard

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

Strongly agree.

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

Please see our answer to question 10.

A community-based multidisciplinary team approach should be adopted for people lacking in capacity.

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

Partly agree.

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

Please see our answer to question 10

There must be consideration given to the length of time a supported resident is in occupation. There must also be regular review of the type of supported accommodation and whether it is appropriate for the current needs of the resident.

SMART targets should be included in support planning.

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

The “Person-centred” standard should include the following in order to establish equity between residents and providers:

- Legal rights pertaining to the housing benefit claim/payment. It should be explained that residents have a right to ask for the housing benefit payment to be paid to them directly but that the decision to pay it to the landlord remains at local authority discretion. Legal rights in general.*
- A one page personal profile should be produced so that residents do not have to navigate explaining their challenges over and over. This will improve consistency if there are staff changes.*

- *The evidence must be of an excellent standard. Otherwise, evidence can just be provided but not be of a good quality and housing benefit will still be paid.*
- *The resident should not just be supported with employment – an active challenge is needed to systemic barriers providing accurate advice on employment rights and transition to employment. This should involve not giving the misinformation that causes the benefits trap.*
- *The provider should sign a contract with the resident that they will actively encourage and support them into work.*

The empowerment standard

11. Do you agree with the empowerment support standard?

Partly agree.

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

Please see our answer to question 14.

New or smaller providers enhance the support network and may require assistance in achieving the standards. The standards need to ensure a good level of support is achievable and provided by all organisations to protect the needs of residents.

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

Strongly agree.

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

The pack should be in the appropriate format, for example braille, large print, easy read, pictorial, language.

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

Partly agree.

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

Please see our answer to question 14.

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 term empowerment is often used with good intentions. However, its usage frequently implies that power is something one group possesses and can bestow

upon another. This frames power as a gift, rather than acknowledging it as something people already inherently have but are systematically denied the conditions to exercise. A few alternatives that might shift the focus away from "empowerment" and toward agency, control and justice are as follows.

1. The agency standard This highlights the concept of personal and collective agency rather than suggesting power is granted by others.

2. The autonomy framework This highlights self-determination and independence, emphasising that people control their own lives.

3. The self-determination standard (preferred) This focuses on the right and ability of individuals or communities to make decisions about their own lives and futures.

4. The power reclamation framework This acknowledges that power has been taken or denied and needs to be reclaimed by those affected.

There should be a signed guarantee that support providers will not retaliate if complained about (for example through eviction threats).

The resident should have the right to manage their own finance / housing benefit claim. Under current housing benefit regulations this is a housing benefit officer decision. There should be evidence that the support provider has explained that residents have a right to ask for the housing benefit payment to be paid to them directly but that the decision to pay it to the landlord remains at local authority discretion.

The environment standard

15. Do you agree with the environment support standard?

Partly agree.

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

Please see our response to question 17.

This standard would benefit from a reference to Psychologically Informed Environments.

The organisational arrangements should promote resident agency in their environment, for example facilitating involvement in property maintenance / decoration decisions.

This could be used by providers to decline some clients with certain needs which could limit their access to the service. However, the offer from providers in the local need standard and statement of purpose standard should clearly state the client base for whom they provide services to avoid discrimination.

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

Partly agree.

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

Please see our answer to question 17.

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 referral in relation to the assessment must show how the person is qualified to make the referral or assessment.

The support provider makes it explicit to the resident that their accommodation is their personal and private space.

There is provision of legionella and asbestos risk assessments where appropriate to the property or type of accommodation.

The staff and safeguarding standard

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

Partly agree.

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

Please see our answers to questions 20 and 27.

Consideration should be given to which staff and associated persons are DBS checked. Accountability is not valid if checks do not apply to all associated with the provision. In this response concerns about associated people who are strategically distanced and avoid oversight have been raised. This is dealt with in more detail in relation to the responsible person standard. However, it is important to highlight that those associated people who may not be the licensee but may exert control over staffing and day to day decisions should be clearly identified and subject to accountability and scrutiny. Names, addresses and full explanation of involvement and role should be provided with particular focus on the strategically distanced.

Enhanced DBS should be mandatory for all associated or named people whether working face to face or not.

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

Partly agree.

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

See our answer to question 27 for further detail.

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

Please refer to our answer to question 27 for more detail.

The local need standard

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

Partly agree.

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

Please see our answers to questions 23 and 24.

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

Partly agree.

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

Please see our answers to questions 23 and 24.

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

Clear criteria for supported accommodation linked to verified assessments of need.

From a strengths based, person-centred perspective, housing someone in supported housing who is independent and capable can be disempowering and can create reliance and dependency. This can impact negatively on integration, especially in employment, and can trap a capable person in supported housing.

When assessing an individual's support needs and applying for any associated benefits, there is a responsibility to provide accurate and appropriate details. Providing inaccurate information fails a duty of care and damages the credibility and integrity of the supported housing system. This practice can endanger genuinely vulnerable people who are in real need as it inappropriately diverts resources and undermines the system designed to protect them. The standard should include the

requirement to provide accurate and appropriate details in assessing support needs and in submitting benefits applications.

For commissioned services the local authority should determine if an individual has support needs prior to placement. A letter of support from commissioners should be obtained prior to acceptance. Existing accommodation should be exempt.

A cross area strategic statement should be provided setting out what cross area specialist support needs exist and what cross area provision is required.

The responsible person standard

25. Do you agree with the responsible person standard?

Partly agree.

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

Please see our answer to question 27.

This standard should be renamed the responsible persons or people standard to reflect the fact that more than one person could be responsible.

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

Partly agree.

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

Please see our answer to question 27.

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.

We suggest an additional standard: 'The transparency and accountability standard'.

The consultation document refers at paragraph 3.18 to "those in control of ... supported housing". It is common in supported exempt accommodation for there to be individuals who are in control but unaccountable due to how they have structured their organisations/companies, for example freeholders leasing property to a community interest company support provider over which the freeholder has significant control through shares, through the freeholder appointing staff and directors to the community interest company, using the same staff that oversee and manage the freeholder's property, etc.

This standard should close the loophole for any person or organisation that has some control over decision making but is strategically distanced from the landlord or support provider that is making the housing benefit claim on behalf of the resident.

A clear declaration of 'significant control' by any individual or organisation over a support provider, interlinking relationships between support providers, etc. could be achieved through mandatory disclosures of ownership structures or involvement in decision making.

There should be enhanced CRB background checks for people holding a controlling interest (for example in community interest companies). This should include uncovering any prior involvement in poor quality service provision in any area.

The statement of purpose standard

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

Strongly agree.

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

This could assist the local authority in the management of commissioned services

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

Partly agree.

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

The statement of purpose standard should be clearly accessible on the website and prominently displayed in the scheme.

The service delivery and agreement with the housing benefit service must correspond to the statement of purpose standard and must be seen to be as described. It should also be made as a declaration to the Housing Benefit Service.

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.

No additional information required.

Needs assessments and support plans

31. What criteria should a needs assessment include?

The following questions should be used to evidence and confirm the need for a supported exempt accommodation needs assessment.

- *What are the resident's support needs?*
- *What support is the resident receiving from other services?*
- *What support will be provided to the resident?*
- *Will the support be ongoing?*

Assessments should be person centric and strengths based.

Assessment is not about laws in essence, it is about helping people. It is a cycle.

Strengths-based approaches suggest the "Exchange Model" of assessment (rather than the Procedural Model or Questioning Model). In short, this model asserts that people know more about their problems and how they affect them. They are the experts. This would also imply, most importantly, finding out people's strengths as well as their problems: what CAN you do, what are you good at, what are your interests, what skills do you have.

There are different assessment models for different needs: support for group interventions, support for advocacy and self-advocacy, community integration and participation, systems intervention, family work, crisis intervention support, etc.

People lacking capacity require community-based multidisciplinary team input.

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

Partly disagree.

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

Support planning is different from assessment in relation to the models and theories that underpin it, for example task-based support, support for group interventions, support for advocacy and self-advocacy, community integration and participation, systems intervention, family work, crisis intervention support, drugs work counselling and individual therapeutic intervention (psychodynamic, behaviouralist, narrative etc.).

Support planners need to think about what the best support approach is for the individual needs. They may need guidance from professionals in this regard. Providers should be explicit about what type of support planning there is for what type of issue and match them with a sound evidence base.

To provide a more explicit example, people with multiple needs rooted in trauma may not respond to a task-based support plan and may fully respond to relationship building. These are two entirely different approaches and must be understood and acknowledged in this standard.

Providers need to be experienced and skilled.

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

SMART goals should be included.

The need for effective support planning should be made more explicit including the importance of it. This should not just be a directive to administrate the support but to really think about it and make it valid. This should be the provider's responsibility in the first instance. They should provide the professional expertise to support plan properly.

A support plan must be detailed and encompass all options for alternative general needs accommodation. It should include a statement, where appropriate, about how the support will enable the service user to progress or move on to independent living.

Accurate information regarding the effects on housing benefit as earnings increase when working should be included.

A requirement to regularly review the support plan with a timescale should be included.

Please see our answers to questions 31 and 32.

3. The supported housing licensing regime

Licensing districts

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

Risks

- 1. Management and equality of workload owing to different demographics, infrastructure and caseload.*
- 2. Differing knowledge of local caseload and infrastructure.*
- 3. Increased cost for the local authority who is administering and the need for sustainable inter authority recharges to the administering authority. The basis of existing HMO licensing costs is designed around local housing market costs. Low cost urban areas and higher cost rural areas may therefore cause licence fee disconnect.*
- 4. Possible conflicting opinions between one local authority and another regarding priority and quality.*
- 5. The unique and diverse demographics within different regions could make decision making difficult, which may result in unmet need.*

Benefits

1. *It would provide for consistency of approach.*
2. *It could enable closer working between district and county councils.*

Which types of supported housing will need a licence?

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

Strongly agree.

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

We strongly agree with property-based licensing as opposed to provider-based licensing.

The word 'scheme' is widely used by housing benefit services to describe a provider's overall service or provision of supported accommodation. This term could therefore be confusing. Alternative terms could be 'property' or 'unit of accommodation'.

Who will need to apply for a licence?

Exemptions

- a. *Community Accommodation Service 2 (CAS2) scheme*
- b. *Ofsted-regulated supported housing*

36. Do you agree with the proposed licensing exemptions?

Strongly disagree.

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

There should not be any exemptions. This would ensure a consistent approach across the sector. The type of accommodation proposed for exemption is in principle no different to supported housing commissioned by other public sector agencies, for example social care, which it is proposed will be licensed.

The existing provision under Schedule 14 of the Housing Act 2004 for social housing providers to be exempt from the definition of an HMO and therefore not subject to HMO licensing is seriously flawed. The introduction of supported accommodation licensing, which is welcomed, will make this disparity even more glaring.

The fit and proper person test

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

Partly agree.

Please refer to our answer to question 27 in relation to fit and proper person.

Discretionary conditions should include closing loopholes for strategically distanced operators that exert control over the provider of the support or any other aspect. The local authority should be able to make its own condition for this that is relevant to the providers reviewed in their local area.

With regard to disclosure and barring (paragraph 3.25), consideration should be given to whether there should be enhanced disclosure for all involved that is especially focussed on strategically distanced operators.

Consideration should be given to whether this should include maintenance workers where they are in the property unsupervised by the support provider

Whatever is introduced for supported accommodation should also be retrospectively applied to HMO licensing to avoid having two standards for HMO licence holders.

The requirement for self-declaration and the implications of fraudulent declaration would have to be made explicitly clear in applications.

The local authority discretion to consider an associated person's record would be difficult to determine if such persons were not required to submit a self-declaration.

The local authority should consider other relevant contraventions of the law beyond housing or landlord and tenant law including whether any other relevant offences have been committed or action has been taken against the person by other relevant agencies, for example action taken by OFSTED or the Care Quality Commission.

Licensing conditions

Proposed conditions relating to the standard of accommodation

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

Strongly agree.

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.

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

Other housing legislation should also apply in these circumstances: HMO management regulations, Environmental Protection Act abatement notices, the proposed Decent Homes Standard, the future Renters' Rights Act, etc in addition to enforcement action being taken under other relevant legislation, for example by OFSTED or the Care Quality Commission.

Proposed conditions relating to the use of accommodation

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

- 1. High crime area.*
- 2. Existing levels of supported accommodation in the locality.*
- 3. Lack of local amenities.*
- 4. The property size does not meet the needs of the household (taking into account size criteria and local housing allowance rates to avoid discouraging progression to independent accommodation).*
- 5. The property and/or its facilities are not accessible to the proposed client group, for example because there is a need for property adaptations.*

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.

Proposed conditions for needs assessments for support

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

Strongly agree.

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

This issue is covered in more detail in our answer to question 31.

There is a need to specify that the timescale should be from when people move in. It should not be from a date after a person has moved in.

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

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

Strongly agree.

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

Neither agree nor disagree.

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

An inadequate commissioned service could potentially be improved or recommissioned to enable a licence to be issued.

Proposed conditions relating to compliance with the National Supported Housing Standards

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

Strongly agree.

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

The current system of enforcement for poor quality support is the removal of housing benefit supported exempt accommodation status. If the support provider does not reduce rent levels to General Needs rates, this can result in the build-up of rent arrears or a notice of eviction. There is a concern that not awarding or cancelling a licence for a unit where the resident is still in occupation and still being charged could have the same result. Consideration should be given to whether a fixed penalty charge to the provider would be a better method or whether the provider could be required to reduce the rent to the level set by the standard housing allowance.

Domestic abuse refuges run by a specialist service

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.

Local authority discretionary licensing conditions

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

The requirement to undertake a local authority approved training course on licensing and housing standards, if the authority feels it is necessary.

The requirement for providers to accept local authority referrals into their schemes on a percentage of their portfolio basis, in a similar way to how housing associations are required to assist local authorities with their statutory functions.

For commissioned services local authorities should be able to add conditions to limit the size of scheme, to cater for a specific client group, to phase out use of HMOs if congregant accommodation does not meet the needs of the client group and to require consideration of adjacent provision to avoid post code saturation.

Existing property licences

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.

Partly disagree.

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

Existing HMO licensing only covers property standards and not additional licence conditions regarding support. HMOs with a long running HMO licence also need to meet additional conditions relating to support once licensing is operational, so may need to have a variation to the existing HMO licence.

For commissioned services provided in licensed HMOs this may be appropriate.

Applying for a licence

Application process

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?

Guidance on or a suggested licence fee structure.

Provision to local authorities of appropriate funding streams on top of any income derived from licence fees.

National guidance for the licensing conditions.

Different local authorities currently have different HMO licensing application forms. Consideration should be given to whether, if a standardised supported accommodation licence application form is used, each local authority would need to

adapt its existing HMO licence application form where an HMO provides supported accommodation.

Assistance for local authorities to enable use of an online application process to allow them to monitor applications more easily and to facilitate guidance for providers regarding the submission of applications and associated evidence.

Licence fees

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

Additional resources would be required to ring fence and administer the fees received (given the additional staff costs). Costs will depend on the extent of existing services provided by the local authority. This will be associated with the caseload of supported housing and demographics of the area covered. Additional administration grant is required, once new burdens funding has expired and on top of the licence fee that the local authority will derive.

There would be increased burden on public and council funds (where the provider is not a registered social landlord and housing benefit is not fully subsidised) as providers may try to recover the licence fee from their tenants via a new service charge with the rent. Rent may also increase if the licence conditions impact on increased voids and are reflected in associated increased service charges.

The impact on housing benefit assessment and potential for challenge around the eligibility of increased costs within the rent will create a need for review of housing benefit Schedule 1.

Consideration should be given to whether there will be a potential for challenge to a local authority's fee pricing structure, particularly from providers with larger portfolios facing the costs of a per property fee.

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

The cost of licence fees may result in a reduction in some supported housing provision if a provider thinks that they may not be able to absorb the additional costs, particularly so in cases where their costs associated with the provision of care, support or supervision do not have any funding stream. Providers with a smaller portfolio may have limited cash reserves for an up-front licence fee. Their cash flow may be fully used for operational activities or provision of non housing benefit eligible care, support or supervision.

There is potential for rents to increase across the board and a consequential need for Schedule 1 to be reviewed to mitigate this, although making costs ineligible may mean reduced provision.

Licence fees must be reflective of the numbers of residents accommodated in the 'scheme' (size of the property). There must be clear guidance regarding whether licence fees are housing benefit eligible for regional consistency.

How long will a licence last?

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

Strongly disagree. The licence period of five years should start from when the application was accepted as complete and not from when it was issued. Once the application has been accepted, the property can operate legally until the licence is issued. This is compatible with HMO licensing.

We understand that there will be an administrative burden at the start and the five year anniversary of licensing. We believe, however, that supported accommodation licensing should operate in the same way as HMO licensing.

There is concern in the sector that licensing reduces the flexibility to change the use of a property from supported accommodation to general needs if the resident is able to maintain an independent tenancy. If this occurred during the term of the licence, the provider would not be able to recover the cost of the licence in rent during the remainder of the licence term and this should be made clear to all providers.

Inspections and licensing authority discretion

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

Strongly agree.

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

For new schemes the supported housing standards and principles would need to be considered, which would require some inspections but these could then inform decisions about other schemes from the same provider.

If the licence conditions are drafted based upon the information provided in the application and the authority's existing knowledge of the property, provider, support standards, management arrangements etc., it would be acceptable to carry out the compliance inspection, support reviews etc. after the licence is issued. This method reduces the number of cases in which there is a need to inspect before and after the licence has been issued. The same point needs to be considered in relation to question 35. If the licence cannot be issued until after the scheme is inspected, this will create a significant administrative burden on local authorities and the whole process could take considerably longer than 5 years. That makes trying to make the licensing costs cost neutral impossible.

Triaging regarding such decisions using existing knowledge about providers can enable best use of resources. It can also prevent unintended consequences for known good standard provision.

Where there is other governance, for example via the Regulator of Social Housing, Care Quality Commission or local authority commissioning processes, there would be a valid reason to license without inspection. In these circumstances, however, a compliance inspection would still be required.

For commissioned services, licences should be awarded before inspection to assist with transition to the licensing regimes. Once licensing is established, however, justification should be given before the issue of any licence before inspection.

Existing or potential service users are likely to view the issue of a licence as confirmation that the property and its services met the required standards when it was licensed. Without undertaking an inspection, however, it would not be possible for the local authority to know this. In this situation, therefore, it should be made clear in the register of licences that the property has not been inspected.

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.

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

More than one inspection in a licence period would be a cost burden to the local authority that would be difficult to meet. Should more frequent inspections be mandated, this would have to be reflected in the licence fee, which could be considered to be a financial burden on providers, and local authorities would have to increase the size of the multi-disciplinary supported accommodation licensing team to provide this increased level of oversight.

Responding to complaints about non-compliance may require additional inspections.

Maintaining licences wherever possible and using improvement notices

Improvements when the scheme is already licensed

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 disagree.

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

Local authorities should have discretion to require immediate improvement/revocation if risks to residents make this necessary.

It should be up to the licensing authority to set an improvement plan (which the provider can contest). This is similar to the current housing enforcement process. Attempting to agree an improvement plan could significantly delay the process.

There is a possible conflict here with housing enforcement actions based on existing local authority enforcement policies where licences also have the HMO element.

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?

Partly disagree.

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

Paragraphs 3.72-3.73 suggest that an improvement notice should only be issued after a plan has been put in place and has been unsuccessful. The provider then potentially has another three months to make improvements. If the initial plan is three months, then this potentially gives a provider six months where they would not need to take action. Given the nature of many short-term/transitional tenancies and the vulnerability of many supported housing residents, this timeframe is too long.

The expectation should be that providers are meeting the standards. If the licensing authority determines that this is not the case, the first stage should be an improvement notice.

The use of the term improvement notice will need to be clearly defined to avoid confusion with Section 11 and Section 12 of the Housing Act 2004.

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.

Varying or revoking licences

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

Strongly agree. The local authority needs to have the option to revoke licences, but the primary method of enforcement should be improvement notices.

Enforcing licensing conditions

Proposed offence and penalties

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.

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

This will need to fit into local authority enforcement policies.

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.

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

This will need to fit into local authority enforcement policies - and charging policies - and would benefit from national guidance relating to culpability of the organisation and potential/actual harm to supported residents.

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

Strongly agree.

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

Any licence exemptions need to be clearly defined to prevent confusion for the sector and local authorities.

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

Strongly agree.

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

The suggested penalties mirror HMO licensing. The proportionate approach to enforcement will mean that any penalties will not be levied on providers without significant opportunity for them to be fully compliant.

Local authorities will have to consider the need to make enforcement decisions that affect multiple local authority services.

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.

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

Consideration should be given, however, to whether it should be the local authority who can ask for this, how long will the tribunal process will take and whether the Tribunal determination of rent would be binding only for the period during which the offence was being committed.

Non-compliance with licensing conditions and improvement notices

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

Strongly agree.

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

Please see our answer to question 61.

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

Strongly agree.

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

Please see the comment in our answer to question 61.

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

One would be that the provider can only legally charge the local housing allowance rate for the period where the licence is not in place.

Another would be inclusion on the rogue landlords database for multiple offences or financial penalty orders, which could result in a wider organisational review for regional or national providers.

Where a licence has been revoked or an application denied, housing benefit should be paid only once a licence is issued and not upon receipt of a valid application form. In these circumstances the application would have to be processed in a timely manner.

Offences committed by companies or organisations

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

Strongly agree.

Consideration should be given to including the strategically distanced. Clear guidelines would need to be provided.

Ensuring consistency across licensing districts

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

Joint working, regional collaboration between local authorities to share best practice and multi-disciplinary webinars and panels.

Specialist programmes:

- *National training for licensing and specialist social care areas*
- *Shared national database of support providers compliance history*
- *Local authority peer reviews including this sector specialism*
- *Annual local authority reports on compliance stats*
- *National templates for provider evidence*

There needs to be a requirement that a structure be in place within the local authority to achieve independence of consideration of the associated decision making at each stage of the process.

Alternative ways to ensure compliance with National Supported Housing Standards

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

An independent resident forum and feedback and advocacy mechanisms, separate from the support provider and local authority, including

- *mandatory annual surveys of residents' experiences, conducted by independent bodies, with results published publicly;*
- *resident panels empowered to inspect and report on the quality of support services, with authority to trigger formal investigations.*

Consideration should be given to a system of public reporting of non-compliance with licence conditions.

Appropriate data sharing between different regulatory bodies that have oversight of an organisation with different types of supported accommodation that will require a licence authorised by a mandatory licence condition.

Move-on capacity – consideration should be given to whether there should be a mandatory requirement for providers of supported exempt accommodation to provide a percentage of general needs properties.

Good practice guidance regarding appropriate data sharing between local authorities and partners such as police/probation.

A supported housing quality assurance team.

The transition to supported housing licensing

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

Strongly agree.

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

Pressures on the local authority would be unmanageable if they were required to work to a short timeframe, as this would require all supported exempt accommodation claims to have their status removed, and reconsidered, which would be disruptive to residents and support providers.

Those that are already under note of concern (providers with case by case decision agreements) should have decisions prioritised. This falls under the power of the local authority to act.

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

The framework and conditions required must be in place and released well in advance of the legislation coming into force. There would be a need for training and awareness sessions that fully inform providers of what they need to do and the consequences of non-compliance. This should involve multi-disciplinary teams from the local authority to mitigate fall out or homelessness of tenants currently in supported exempt accommodation and to avoid situations where a licence is not applied for or granted.

This will give appropriate time for providers to scale up and provide sufficient staff and leadership posts.

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

Funding must be provided well in advance of the introduction of licensing so that staff can be recruited beforehand. If this does not happen until the start of the process, local authorities will struggle to employ suitable staff and ensure that they are effectively trained. Consideration will need to be given to finding and training the hundreds of additional housing enforcement officers that will be required to make the scheme a success. There is currently a national recruitment crisis for environmental health practitioners.

Funds could be provided for senior social work posts to oversee assessment and support planning, quality and resident advocacy and action groups. Greater assistance with online application processes and online payment options is needed.

Consideration should be given to whether there is scope for timeframes and effective dates of legislation to be phased appropriately for local authority size and caseload, as in the Universal Credit transition.

4. Planning use class for supported housing

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

Partly agree.

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

Local levels of the supported exempt accommodation percentage would need to be agreed for neighbourhoods and there would be a risk of negatively affecting supply. Local neighbourhoods and their representatives often desire increased local authority control over supported accommodation location, however, and this would fit in well with existing Article 4 powers.

A new use class, if demonstrated to be needed, would address many of the concerns often expressed by local residents and provide more certainty in an area of planning that is poorly defined and open to interpretation and misinterpretation.

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

It would ensure that all aspects of local community need and opinion are taken into consideration and there is a commissioning or non-commissioned service requirement for the building to be used for supported accommodation.

It would enable local authority strategic input into the amount and location of supported accommodation, which could discourage inappropriate use of supported accommodation for residents who only require general needs accommodation.

It could restrict supply.

A new use class leading to planning applications could raise the concerns and awareness of local residents who fear the potential for things like antisocial behaviour but often without evidence.

Part Two: Housing Benefit changes (applies to Great Britain)

Background

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

Strongly agree.

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

Definitions within the licence conditions must be consistent with those in the housing benefit regulations. Otherwise, there is potential for disagreement around the matters connected to care, support or supervision provision.

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

Defining care

England

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

Strongly agree.

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

Yes and, if the resident meets the eligibility criteria, they would receive a care package.

If a resident is not eligible for a care package, their needs would still be covered by the universal offer, and this may be addressed by the support provided by the supported accommodation provider.

Defining support and supervision

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

Support – assistance given to access a service or complete a task that the resident would be unable to complete without assistance.

Supervision – provision of a service to guide behaviour and activities of residents to ensure their health, safety, and well-being.

It is important for any definition of support to consider what level of support and provision is required to meet minimum expected standards for supported housing under housing benefit regulations.

We suggest producing six principles of measurable support:

- 1. Consistent*
- 2. Responsive*
- 3. Safe*
- 4. Agency*
- 5. Advocacy*
- 6. Accountability*

Definition of Support:

Support is a designed, structured, consistent and person-centred service designed to actively and progressively assist residents, many of whom are vulnerable, marginalised and economically disadvantaged, to achieve independence, well-being and personal empowerment.

Support is delivered by support provider leadership and staff trained in trauma-informed approaches to addressing mental health support needs.

Support should be designed and delivered to survive provider staff turnover.

Support must:

- directly respond to each resident's identified needs, as set out in a co-produced and regularly reviewed needs assessment and support plan;*
- be trauma-informed, recognising the impact of past trauma and adversity, and actively seeking to avoid retraumatisation;*
- be empowering, promoting choice, autonomy and self-determination in all aspects of service delivery;*
- respect and protect the rights of residents, ensuring equal access, fair treatment and legal redress without fear of retaliation;*
- not be a passive service, nor can it be reduced to informal interactions or minimal supervision - it must be tangible, measurable and evidenced, with clear outcomes demonstrating progress toward independence or stabilisation where appropriate;*
- be consistent in delivery and sensitive, with predictable interventions aimed at building trust, safety and empowerment;*

- *be delivered in environments that are physically and emotionally safe, with transparent communication and resident control over their personal space and decisions;*
- *be a progression to independence focusing on developing resilience, life skills, and self-sufficiency, including clear pathways to education, employment and independent housing where appropriate;*
- *include meaningful participation and rights-based engagement where residents have real influence over how support is delivered, including regular feedback mechanisms, complaint processes and representation in governance structures, which empowers resident feedback as opposed to retaliatory actions for complaints or whistleblowing.*

Defining support using evidence from supported resident engagement:

The definition of support should move away from task-based checklists and toward relational, confidence-building, human interactions.

How can this be measured?

1. *Trust and consistency*
2. *Person-centredness / strength based / solution focussed*
3. *Emotional safety and respect*
4. *Empowerment and agency*
5. *Communication and advocacy*
6. *Accountability and transparency*

Principle 1 Consistent: *Support workers must show up and see the person, be prepared and knowledgeable about support and act on the issues. Relationships thrive when people know who is supporting them and feel safe over time.*

Why it matters: frequent staff changes erode trust, retraumatise and reduce openness.

How to measure:

- *Track support worker continuity: percentage of residents who have had the same worker for 3+ months.*
- *Resident feedback surveys: “I trust my support worker” (scored 1–5).*

Principle 2 Responsive: *Support should respond to individual needs, goals, pace and preferences.*

Why it matters: Generic or rigid support leads to disengagement or harm.

How to measure:

- *Presence of personalised support plans, audited quarterly;*
- *Percentage of plans with user-defined goals, updated every 4–6 weeks;*
- *Self-assessment: “My support reflects my needs and goals.”*

Principle 3 Safe: *People need to feel emotionally safe and respected to grow and trust.*

Why it matters: fear, shame or stigma in support relationships undermines progress.

How to measure:

- *Anonymous surveys on feeling safe and respected (Likert scale)*
- *Recorded incidents or complaints related to disrespect or boundaries*
- *Optional exit interviews capturing emotional experience*

Principle 4 Agency: *Support should enable people to take increasing control over their lives.*

Why it matters: Disempowered residents stay dependent and don't progress.

How to measure:

- *Percentage of residents participating in decision making around housing, support plans, or move-on*
- *Progress tracking: number engaging in employment, training or volunteering*
- *Pre/post confidence scores: "I feel more able to manage on my own."*

Principle 5: Advocacy *Good support includes helping people understand systems and speak up.*

Why it matters: Misinformation traps people and leads to exploitation.

How to measure:

- *Percentage of residents provided with accessible information on rights, benefits, complaints*
- *Number of advocacy referrals or sessions supported*
- *Qualitative: "Do you feel your support worker helps you speak up or be heard?"*

Principle 6: Accountability: *Finally, and most importantly, those in positions of power within supported exempt accommodation organisations must be visible, accessible, and accountable to residents and frontline workers.*

Why it matters: When decision-makers are distant, residents are dehumanised, support becomes transactional and providers evade responsibility behind layers of management or bureaucratic structural defences.

How to measure:

- *Published leadership structures - percentage of supported exempt accommodation providers who publish named senior staff and governance roles online and in resident materials.*

- *Resident-leader engagement - number of structured resident meetings per year where the senior decision maker attends and responds*
- *Accountability reporting - percentage of providers producing annual resident-informed reports showing what actions were taken in response to feedback or complaints*
- *Transparent governance - proportion with independent board members who have lived experience or voluntary, community and social enterprise involvement.*

Summary

Support in supported exempt accommodation is not just about delivering care, support and supervision; it is a holistic, rights-based commitment to enabling recovery, independence and empowerment for society's most marginalised. It must be transparent, accountable and rigorously enforced, ensuring that no one - whether a frontline worker or a distant investor - can evade responsibility to the residents.

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

Strongly agree.

85. When assessing a Housing Benefit claim under specified accommodation rules, what is 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?

Non-commissioned accommodation:

Summary of support needs and support actions: this can be documented by providing the following:

- *Referral documentation*
- *Needs assessment*
- *Risk assessment*
- *One page profile*
- *Support plan*
- *Support notes*

These can be referenced against the evidence gained through the local authority officer property inspection or on-site support review evidence and resident testimonies or feedback during support reviews.

Please refer to our answer to question 81 - the six principles of measuring support.

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

England

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.

Strongly agree.

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

Licensing should be an initial contributory factor for eligibility. Thereafter, the housing benefit legislation would come into play for claim determination.

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

Potential eviction or financial debt should the licence be withdrawn.

Protecting the tenants' right to remain in the property and not be evicted whilst the property is upgraded to meet the licensing housing conditions.

If licence refused, could the support provider still charge higher (supported exempt accommodation) rents when housing benefit is restricted to local housing allowance levels resulting in accrual of rent arrears?

A resident may need support but the support provider may withdraw support if a licence is not awarded.

While the Act can define care, support or supervision, there needs to be corresponding changes to the housing benefit regulations that reflect what levels of support are required for housing benefit entitlement, whether these may differ based on the type of specified accommodation and whether service charges noted in Schedule 1 need reconsidering.

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?

Commissioning services would struggle to accommodate a sudden influx of clients within existing provision. If there is a Section 117 (Mental Health Act) aftercare plan in place, this could lead to financial pressures on the adult social care budget.