



Supported Housing Regulatory Oversight Bill – An Overview

February 2023

Bill Context

- Bob Blackman MP introduced the bill following evidence to LUHC select committee inquiry - drafted by Justin Bates
- March 2022 govt commitment to introduce
 - Minimum standards for support
 - New powers for councils to assess quality of support and act where it is inadequate
 - Revised definition of care support & supervision
- Bill will build on 1st two above– but also looks to go further
- Much of the detail is to be developed in regulations and therefore subject to consultation
- New burdens funding requirements acknowledged
- **Funding for support 'not in scope'**

Bill Overview - Advice, strategy and standards

- SofS must appoint a Supported Housing Advisory Panel
 - Including representation of charitable and RSH registered supported housing providers
- Local authorities must conduct supported housing reviews (5 yearly)
- SofS may publish National Supported Housing Standards
 - May address type or condition of premises; Provision of care support and supervision
 - Ministerial commitments to consult - including whether to include referral processes as part of the standards
 - Duty on SofS to keep standards under review

Bill Overview – Licensing (1)

- SofS may introduce regulations requiring licensing of supported exempt accommodation
- Must provide progress report after a year, Ministerial commitment to lay regulations within 18 months
- Any regulations must be approved by both Houses
- LAs can opt in unless required by SofS to introduce scheme
- Licensing conditions will be linked to National Supported Housing Standards (NSHS) and may relate to
 - Standard or use of the accommodation
 - Provision of care support or supervision
 - Assessment of needs by provider (this is a bill amendment)

Bill Overview – Licensing (2)

- Regulations may include
 - How applications are made/varied/revoked
 - Enforcement, including provision for criminal offences (inc financial penalties and banning orders)
 - Exemptions/passporting for categories of provider
 - Provisions relating to fees and appeals
 - **Requirements re 'fit and proper person'**
- Provisions may also
 - Disapply requirement to hold HMO/other licence
 - Remove or restrict entitlement to HB
- LAs must exercise functions having regard to SofS Guidance

Bill Overview – Consultation

- SofS must consult before exercising licensing powers (for supported **exempt and if extending to other forms of 'specified'**)
- Statutory consultees named on the bill (NHF, LAs, RSH)
- SofS commitment to ensure supported housing providers and residents have their voices heard through consultation process
- SofS must also consult on
 - Whether licensing is an effective way of enforcing national standards
 - If other enforcement mechanisms required
- SofS expects Advisory Panel to have a role in considering case for some form of national regulatory oversight (ie in addition to option of LA licensing)

Bill Overview – Planning & homelessness

- Planning
 - SofS must review effect of licensing after 3 years and consider case for new planning use-class
- Intentional homelessness (IH)
 - Amends S191 Housing Act 1996
 - A person is not IH if
 - they leave supported housing because of the standard of housing or support and
 - **the accommodation doesn't meet the NSHS**

Other matters

- Funding LA licensing schemes
 - Some costs recovered through fees – note that providers subject only to one form of licencing
 - New burdens funding being considered for set up costs
- Expected timescales
 - Royal Assent – Spring 2023
 - Consultation shortly after
 - Licensing regulations within 18 months (implies NHSH also in place by then)

Thank you

Sarah.rowe@crisis.org.uk