

Supported Housing Act (Regulatory Oversight) Act consultation

Emmaus UK response

About Emmaus UK

Emmaus UK is a homelessness charity with a difference. We don't just give people a bed for the night, we offer a home, training and work opportunities in our social enterprises, person-centered support, and a sense of belonging.

The first Emmaus in the UK opened in 1991, and there are now 29 communities, which is what we call our residential sites, spread across the UK. There are also 2 Emmaus groups currently working to open new communities.

In the last financial year, Emmaus supported more than 1,300 residents in our communities.

Summary of our response

- Emmaus UK is supportive of the government's overall aims to introduce new National Supported Housing Standards and Principles, and to link these to a new licensing regime, and Housing Benefit policies. The ambition to achieve high-quality provision in the supported housing sector aligns closely to our existing work to ensure high standards within the Emmaus federation, for example through the Emmaus Quality Standards (EQS) we have recently developed and implemented.
- Strong support for the National Supported Housing Standards and Principles proposed by the government has emerged through our research with residents living in Emmaus's supported housing – as well as among staff, trustees and volunteers. We include exact figures in our response from our survey of these groups, demonstrating the level of support for the principles and each of the standards.
- That said, our research has highlighted areas the government could consider further or include as additions to the principles and standards. This includes feedback from Emmaus residents, drawing on their lived experience, about how residents can be involved in decision-making, empowered, and shape their own support in a diverse range of ways within supported housing. As well as the questions focused on the principles and standards, our response also draws in detail on the input of our residents in questions on needs assessments (Q.31) and the content of support plans (Q.32).
- Our response also contains specific points for the government to consider around the impact of the proposals on providers of supported housing, including:
 - Ensuring there is an appropriate timeframe in place to enable providers to become compliant with the new measures.
 - Providing adequate support and guidance for providers, on the process for getting a licence, on evidencing the new standards, and on how the licensing regime will operate in their local area.

- Re-considering the definition of a ‘scheme’ and how the current proposals for this would impact on licensing costs for providers who operate smaller, dispersed supported housing.
 - Limiting discretionary conditions and differing licence fees that local authorities could apply to supported housing in their areas, to ensure a consistent approach to the implementation of the Supported Housing Act across the country.
 - Ensuring local authorities have a plan in place for supported housing residents who live in accommodation which does not receive a licence, and who therefore may become at risk of homelessness.
- These points – and others made in our full response below – are made with the intention to make the Supported Housing Act measures work as effectively as possible, and in support of the work that good-quality providers do across the country. We are behind the overall ambition to ensure consistent, high-quality provision for residents who deserve nothing less than this and look forward to continuing to work alongside the government to make this happen.

Methodology

This consultation response draws on evidence and insights from a variety of sources, including research conducted by Emmaus UK with people with lived experience of supported housing, staff working in Emmaus communities, and other small providers of supported housing. Specifically, during this consultation period, our research has included:

- A survey for residents, staff, trustees and volunteers in Emmaus communities, to ask for their views and feedback on key elements of the consultation, including the National Supported Housing Standards and Principles. We received 161 responses to the survey, half of which were from Emmaus residents. Overall, people from 25 of the Emmaus communities responded, including 48 staff, 25 trustees, 2 volunteers, and 5 former residents.
- 5 workshops with Emmaus residents to discuss elements of the consultation and Act in more detail (3 in person and 2 online). 23 residents in total attended these workshops. The workshops were co-led by a group of Emmaus residents who have been trained to become peer researchers to help lead our research project on the Supported Housing Act.
- 2 online meetings with the CEOs and Chairs of the different local Emmaus communities, to get their views and feedback on all elements of the consultation.
- An online roundtable we hosted with other small providers of supported housing, including providers with a focus on older people, mental health provision, disability, homelessness, and providers who specifically support groups including young people, women, and LGBTQ+ people.

The research we have undertaken during this consultation period has built on previous research carried out as part of our wider project on the Supported Housing Act and supported housing. This included running 3 in-person workshops with Emmaus residents at our National Assembly event in October 2024, which saw 25 residents participate in total. These workshops enabled broad discussion on experiences of supported housing, and the principles for supported housing that had been shared with us by the Ministry of Housing, Communities and Local Government (MHCLG).

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

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)?

The government should consider excluding/partially excluding supported accommodation that is otherwise regulated by another body such as CQC or Ofsted.

The Act should include both commissioned and non-commissioned services, although it may be sensible for the licensing and inspection arrangements to differ for each. Similarly, registered providers of social housing who provide supported accommodation should also be included within the Act. If providers are regulated by the Regulator of Social Housing (RSH) a more bespoke assessment criteria could be considered so only elements of the Act not regulated by the RSH are assessed by the local authority.

National Supported Housing Standards and Principles

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

Strongly agree

In our survey of residents, staff, trustees and volunteers, 95% (120/126) agreed the principles reflect the core elements of a good quality support service. There was support for the principles across 5 workshops held with Emmaus residents and people felt they linked well to the 7 standards. A quote from our survey captures shared views about the principles:

“The principles recognise that homeless people are people, they have unique needs and need to be treated with respect. Their support should be tailored to their individual needs, and they should be supported by someone who is consistent and trustworthy.”

Views on the principles included:

Person-centred – recognises everyone living in supported accommodation has different needs, and a tailored approach to support is essential. It is important for residents to have their voices heard, in relation to their own support and the wider running of the accommodation.

Respectful – this goes hand in hand with a person-centred approach, respecting individuals and their needs, wants and opinions. Several people spoke about treating people living in supported accommodation with respect.

Safe and responsive – as well as being physically safe, people want to feel safe in their accommodation. Residents highlighted that trust among residents is important and having clear expectations within the accommodation is helpful. Responsive staff are available to support and signpost to other services.

Effective – support should help people overcome issues and challenges, develop skills and knowledge for the future and prepare for the transition out of supported accommodation, and not returning to a cycle of homelessness.

Well-led – the whole staff team should be considered. Residents shared examples of supportive staff but also recognised the pressures staff are under, especially support staff who they'd seen "burn-out". Having enough good-quality staff with appropriate training is important.

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

The government could express the principles through a rights-based approach, including a Charter of Rights for residents. Emmaus's Charter of Rights is outlined below:

- Right to know what support is available and to set your own priorities for the support that you receive
- Right to give feedback to shape services that effect you
- Right to a supportive, safe and hazard free environment
- Right to support from adequately trained staff
- Right to be protected by safeguarding procedures and a service that holds itself accountable for its standards

The principles align closely at times with other frameworks that providers operate within. For example, the Regulator of Social Housing's Standards include requirements related to decent homes, neighbourhood and communities, and consumer regulations related to tenant satisfaction, involvement and empowerment. The government should seek to create regulatory alignment where possible.

Living in a safe environment was linked to having a sense of security and it was important to some to residents know that supported accommodation will be a place where they can stay to address any issues that they face and remain until they feel able and equipped to move forwards positively. On this, one resident said:

"Sometimes you get put in a place where you've got 6 months to change and then you get moved on and then you go into another supported housing, so you don't have that sense of security to work on the issues."

The principles could have a stronger emphasis on diversity, equity and inclusion. For example, making it a feature of the principles that providers must be inclusive and responsive for different groups.

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

Strongly Agree

In our survey of residents, staff, trustees and volunteers, 95% of people (106/111) agreed with the person-centred support standard. There was strong support for this standard across the workshops with residents.

The standard needs to take a trauma-informed approach and recognise that the journeys of progress people take are often cyclical rather than linear and can take time.

For residents to 'take the lead role' they should be encouraged to make decisions about the support they receive and think about their future. This may take time, especially if people have immediate needs related to addiction and mental health to address.

Specific support should be provided for residents moving on from supported accommodation. The timeframe for moving on should reflect the individual's needs and enable them to address challenges, increase skills, training and qualifications, and find suitable move on accommodation. A key part of moving on successfully was breaking the cycle of repeated homelessness.

One resident shared,

"It's always a good idea to have a plan for afterwards as well. A lot of people come in with some skills, not enough skills, no skills. I think it's always a good plan to develop your skills, get some training, do some college work, whatever it is. So you can start moving forward positively rather than end up coming back all the time."

While the consistency of support staff is important, sometimes the availability of staff and skills needed means this is not possible. Some residents may benefit from building relationships with different staff and particularly for residents with experiences of trauma, it can sometimes be beneficial to have a strong network of support. Residents shared how frustrating it can be to start from scratch with new staff, so providers should consider how best to support residents through staff changes.

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

Strongly Agree

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.

If the accommodation service is otherwise regulated, it could be prudent to map the evidence that is already provided to those regulatory bodies to prevent duplication.

To ensure the process is not overly burdensome for smaller providers, the evidence submitted should be limited to that which is absolutely necessary to evidence that the support provided is sufficient and to an adequate standard.

We would suggest that evidentiary requirements could be submitted for a random sample of residents, rather than all residents to ensure that the response is proportionate and not overly burdensome for smaller providers with more limited resources.

11. Do you agree with the empowerment support standard?

Strongly Agree

In our survey of residents, staff, trustees and volunteers, 95% of people (105/110) agreed with the empowerment standard. There was strong support for this standard across the workshops with residents.

The empowerment standard should reflect broader involvement of residents from consultation to genuine co-production. Recognising and valuing the lived experience of residents in supported accommodation is important for the development of a service. Providers should evidence different resident feedback and involvement opportunities that are accessible to all residents and encourage different and diverse views and opinions e.g., not just surveying residents or holding votes. Providers need to be able to demonstrate how they are empowering residents who are able to engage to different degrees.

On their experiences of empowerment, one resident shared,

“We have a weekly, monthly (meeting) and if anything important comes up, we’re always consulted on it. We are asked for our feedback, any issues and stuff like that, and I’m pretty sure they do take it on board. I do feel personally that we are involved in any decisions, they don’t spring anything on us.”

It is important that providers feedback to residents, especially where decisions and outcomes do not reflect residents’ views and opinions and can evidence this.

All residents should be aware of a clear, simple and accessible complaints process and know who to go to if they need to make a complaint or raise an issue.

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

Strongly Agree

Residents need to understand the rules, rights, roles and responsibilities of the accommodation when they are moving in. A trial period might be useful to ensure the accommodation is suitable for the individual. Processes, procedures and policies should be clear, and new residents should know who to go to for support.

On the importance of a trial period, one resident shared,

“When you do the trial it is important that the new resident gets familiarised with what’s been going on. Informed properly by the community leaders of some specific regulations and rules for them, not because they are bad, it’s because this is the best way they get integrated within the community. And all are accepted within the same standards.”

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

Strongly Agree

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

We would request clarity on how providers are able/would be required to effectively evidence that feedback from residents is embedded in service design.

We would also recommend that the government consider adapting the tenant satisfaction metrics as prescribed by the Regulator of Social Housing to ensure common metrics with resident satisfaction across the supported housing sector. The opportunity for providers to add additional feedback questions bespoke to their own models of service delivery could also be included.

15. Do you agree with the environment support standard?

Strongly agree

In our survey of residents, staff, trustees and volunteers, 97% of people (109/112) agreed with the environment standard. There was support for this standard across the workshops with residents.

In the environment standard there are some terms the government could be clearer about. For instance, what a 'homely' and 'welcoming' environment means in practice. The government's clarification of this could mean requiring providers to consider the principles of Psychologically Informed Environments (PIE), which includes principles that the environment should seek to not feel or look institutional, with opportunities for residents to be included within decision making about colour, design and the use of shared spaces. Residents from different Emmaus communities shared positive experiences of being involved in redesigning areas of the community including new kitchen spaces.

Providers should also ensure their work to implement the PIE principles includes the provision of confidential space, shared spaces that seek to improve psychological safety, and green spaces.

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

Strongly agree

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

Following introduction of Awaab's Law we believe that a Damp, Mould and Condensation policy should also be in place and required as evidence to meet this standard.

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

Partly Agree

In our survey of residents, staff, trustees and volunteers, 97% of people (109/112) agreed with the staff and safeguarding standard. There was support for this standard across the workshops with residents.

Caution needs to be applied if using blunt tools such as staff/resident ratios. We appreciate there needs to be sufficient staff to support residents appropriately, but this will vary depending on the service model and needs of the resident group.

While we fully agree that staff must have relevant training to complete their role, we are keen to ensure that requirements do not inadvertently exclude people who have transferable skills from other sectors and/or lived experience along with the capacity to develop the necessary skills and knowledge. Timeframes for completion of qualifications need to be achievable and clear for providers. Residents felt it can be beneficial for staff working in supported accommodation to have lived experience of the issues they are supporting residents with, though know that this is not always possible. Describing this, one resident said, *"If you've got someone who has seriously lived it and like changed their life, they have got a lot more*

information and a lot more perspective of what people are going through than someone who hasn't."

Serious consideration should be given to the cost and resourcing implications for training and qualifications requirements in order to avoid disproportionately impacting smaller providers. Staff should be able to engage in core training as well as that which is relevant to their role in supporting people with specific needs e.g., homelessness, addiction, mental health, trauma.

Clarity should be provided by the government on how the staff and safeguarding standard relates to volunteers and non-paid staff at supported housing, if at all.

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

Partly agree

There should be evidence of a disciplinary policy in addition to a clear policy and procedure for managing performance and capability of staff. Evidence should therefore include a performance development and capability policy alongside a disciplinary policy.

Instead of a DBS Policy we would suggest a Safer Recruitment Policy is provided which does not automatically disqualify or unnecessarily disadvantage people that have previous criminal convictions.

We agree that it is good practice to have an Eviction Policy and this will need to be appropriate to the tenure of residents, with clear guidelines related to excluded licences, periodic licences and tenancies.

The requirement to have an ASB Policy is framed from a negative lens assuming that supported accommodation will inherently have ASB issues. We would prefer something that is more positively framed such as a code of conduct or behavioural expectations agreement.

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

Further evidence could include:

- Capability Procedure
- Safer Recruitment Policy
- Code of Conduct/Behaviour Agreement

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

Partly agree

In our survey of residents, staff, trustees and volunteers, 88% of people (99/112) agreed with the local need standard and highlighted the need for providers to work with local authorities to make sure that local needs are provided for and met.

The need for supported housing is not static, the 5 year plan needs to be flexible and enable agility to be able to respond to changes in local need.

We are pleased to see the suggestion that licensing authorities will need to work with local residents and providers to develop local strategies, and would like to see safeguards in place to ensure the views of residents and partner organisations are listened to and incorporated into local strategies.

We would request that consideration is given to local authority approaches to local connection that could exacerbate an individual's homelessness, and lead to someone without a connection not getting the support that they need. Pragmatic approaches need to be taken to local connection depending on local availability of services combined with individual's personal circumstances, where people may have lived nomadic lifestyles or who may not be able to recover from homelessness in their area of local connection.

We fully support the protection of specialised schemes for specific cohorts whose reach will cover local authority boundaries.

In their assessments of local need, local strategies should include a focus on social inclusion, and ensuring there is appropriate supported housing for different groups such as LGBTQ+ services and women's-only spaces.

In addition to providers having an active role in the development of local supported housing strategies, there also needs to be time built in for providers to adapt to what is included within these strategies by local authorities.

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

Partly agree

We support the principle that a statement should be in place that sets out how the provider has demonstrated that they fit into the local housing strategy and why they propose the location (where appropriate) and that this should be countersigned by the local authorities.

It is however important that local authorities work alongside good quality service providers to help them to align their services to meet local area demand, giving sufficient time for this alignment to take place.

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

Where available, evidence of the need for specialised schemes should be utilised to ensure that these schemes meet local and national need. However, it is possible, if not likely, that this evidence may not be available at a national or local level for certain groups e.g. residents who have experienced homelessness where that homelessness is often 'hidden'.

Any additional standards should be aware of the potential lack of consistent and meaningful data related to the need for specialised services and it is important that the new arrangements do not adversely affect specialised schemes, which are delivered for groups whose needs are already not consistently met.

Examples of such schemes could include provision to help reduce women's homelessness, whereby dedicated women-only services support women to feel safe and recover. Or schemes focused on rural homelessness, an often unrecognised crisis in the countryside, which can be driven by a lack of local services and affordable housing.

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

No other suggestions

25. Do you agree with the responsible person standard?

Strongly Agree

In our survey of residents, staff, trustees and volunteers, 89% of people (100/112) agreed with the responsible person standard.

The test must not inadvertently exclude people that could take on the role of the responsible person effectively, such as by having a requirement for a very specific qualification, or by excluding those with lived experience relevant to the support they are providing. Whilst having a single identified responsible person is important for clarity of accountability, it was however noted that providers should create a culture and related processes in order that all staff are aware of, and take responsibility for, the provision of a high-quality service.

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

Strongly Agree

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

The Emmaus Quality Standards (EQS), which we have shared, discussed, and had positive feedback on from the Ministry of Housing, Communities and Local Government previously, help to demonstrate the commitment of Emmaus UK to high-quality provision, and to the standards being introduced for supported housing.

The EQS set out the benchmarks of quality that Emmaus communities providing supported housing will be expected to meet, and represent a collective commitment to best practice. The EQS provides a comprehensive framework for Emmaus communities to deliver safe, dignified and person-centered care to the people they support.

The EQS framework includes 2 key components: *Essential Practice Requirements* and *Good Practice Guidance*. The *Essential Practice Requirements* are grounded in existing national regulations and what the government is introducing through the Supported Housing Act, and will be adapted to align with the final set of National Supported Housing Standards the government publishes. The *Good Practice Guidance* is informed by robust research, sector best practices, and a trauma-informed, strengths-based approach.

The standards address critical areas including safeguarding, support provision, complaints management, resident move-on strategies, staff wellbeing, living conditions, health and safety, and governance.

The Emmaus Quality Standards and the associated self-assessment are available on request.

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

Strongly Agree

In our survey of residents, staff, trustees and volunteers, 93% of people (103/111) agreed with the statement of purpose standard.

We agree the statement of purpose should include characteristics of the residents that the scheme intends to accommodate and support. We would not recommend criteria that would unnecessarily narrow the service eligibility and drive unnecessary specialisation.

The 'Hostels in the 21st Century' report published by the Centre for Homelessness Impact in February 2025, demonstrates how hostels today provide "a fairly universal attempt to offer trauma-informed support", and which therefore would not benefit from an excessive focus on specialisation.

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

Strongly Agree

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

Nothing to add

31. What criteria should a needs assessment include?

The language used, and approach taken to needs assessment should be strengths-based in order to focus on strengths, assets and abilities to meet defined goals, alongside needs and support requirements.

In our survey of residents, staff, trustees and volunteers we asked people what they felt should be included in a needs assessment. Some suggestions we received are included below:

- Details about previous accommodation, challenges faced and why someone left that accommodation.
- Information about an individual's experiences and contact with other organisations before coming to the current accommodation.
- Support from other services, family, friends and others.
- Current support needs, including disabilities, physical and mental health.
- Previous support needs.
- Experience of trauma, if this can be addressed without re-traumatising people, by staff who are appropriately skilled.
- Barriers and challenges that may stop someone from living independently.
- Skills and knowledge relating to living independently.
- Future aspirations and goals.
- Expectations.

Assessing needs is an ongoing process, any needs assessments should be regularly reviewed and updated.

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

Strongly agree

In our survey of residents, staff, trustees and volunteers there was a good level of support for the government's suggested content of support plans. Additional suggestions from our research are outlined in the response to question 33.

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

In our survey of residents, staff, trustees and volunteers we asked people to select from a preset list of areas they felt should be included in a support plan. There was a good level of support for additional items we added based on the Emmaus support planning tool (which we will share separately). Other suggestions included:

- An individual's views and perspectives about the support they want/need.
- Strengths, skills, knowledge and resources.
- Aspirations and goals now and in the future.
- Specific support relating to moving on from supported accommodation.
- Actions/commitments from the resident and from staff.

We think if we are taking a strengths-based approach and residents are to be empowered through the support planning process, then the support plan should also include actions to be taken by the resident in pursuit of their agreed goals.

Support plans should be reviewed and updated regularly; a date should be specified in the plan. Specific timeframes and targets for goals and aspirations should be included. The support plan should include how other providers are going to contribute to the agreed goals/support requirements.

Support should not be defined too narrowly and should include more traditional group/1:1 and therapeutic support, alongside other support activities including volunteering, work experience, training, wellbeing and social activities etc.

A final point on the proposed standards overall, and the evidence being asked for, would be that the government needs to consider the cumulative burden on small providers, given the often limited staff and resources these providers have. When considering this burden, the government should think about the additional guidance and support that can be given to small providers, including on timeframes for submitting evidence. That said, this guidance and support should not only be limited to small providers.

The supported housing licensing regime

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

Risks: Some local authorities will have greater levels of deprivation and need, which may lead to provision becoming concentrated in one local authority area.

Where there is different need between local authorities you may lose some of the responsiveness to local need.

The government might want to consider putting some parameters as to where local authorities can/cannot join up, such as geographical distance, differential on poverty/deprivation factors.

Benefits: It would reduce administrative burden and increase efficiencies for local authorities and providers who operate across local authority boundaries. This may also ensure that licencing fees for providers are more affordable. Local authorities joining together to operate licences would make most sense in areas where there is a combined authority, and therefore the political structures to help make this work.

It would provide greater consistency for services that are in closer proximity.

It would be beneficial to understand whether, in these circumstances, local authorities would also join-up to develop supported housing strategies across local authority boundaries.

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

Partly Agree

However, the definition of a 'scheme' being each postal address could be very costly and burdensome for providers who have accommodation split across many different buildings. This may mean single services operating to the same standard, with the same management and quality standards, may need to be licensed as separate schemes. They would need to apply and pay for a licence for each location. This could disincentivise supported housing of a smaller number of units in favour of much larger schemes, when in practice some residents would benefit from a smaller size accommodation.

A suggestion could be that for standalone projects, individual licensing of each scheme should be in place, but for dispersed, typically singular units of supported accommodation (such as housing first or move on) that they are able to operate a licence that groups their accommodation rather than having a licence for each dispersed unit, as long as they are within the same local authority. The statement of purpose would need to ensure the model of support is unified in order to be able to qualify for a group licence.

36. Do you agree with the proposed licensing exemptions?

Strongly Agree

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

Partly Agree

We agree that local authorities should consider past drug offences when deciding whether somebody meets the fit and proper person test. However, we would want to ensure nobody is discriminated against on these grounds, that there is an appropriate threshold/risk assessment process in place, and that the fit and proper person test recognises the ability of people to rehabilitate when it comes to previous drug offences, and the value that could come from a member of staff having this lived experience of rehabilitation.

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

Strongly Agree

The conditions may require contract renegotiation between the landlord and agent, and agreement in managing agent relationships and time should be allowed for this in the implementation. Some landlords and agents may have to renegotiate many contracts.

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?

Partly Agree

We agree with enforcement of the Housing Act and any Category 1 hazards but would suggest further definition of 'other issues of concern relating to accommodation quality at the scheme'. The response should depend on the nature and gravity of the concerns and whether there are clear plans to make improvements within an agreed period.

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

Taking account of previous considerations related to safety and compliance with the decent homes standards, considerations could include:

- Appropriate confidential space for support provision, depending on the nature of the support being provided and the recipient of the support.
- Location of the accommodation should take into account the needs of the individuals living in the accommodation and any risks posed by that location e.g. a drug and alcohol recovery service that is located in the middle of a well-known drug supply location.
- Given the different needs of residents and service diversity that is beneficial to supported housing provision, there should not be overly prescriptive conditions about where supported accommodation should be sited. As an example, some residents may benefit from access to green spaces in a more rural area more than ease of access to regular public transport.

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

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

Strongly agree

In our survey of residents, staff, trustees and volunteers, 99% of people (100/101) agreed residents having a needs assessment is important and 93% of people (95/102) agreed residents having a support plan was important. Across the workshops with residents, it was felt important that residents are encouraged to be actively involved in identifying needs and developing their support plan. Both the assessment of needs and development of support plans should be done with appropriately trained dedicated support staff where possible.

Understanding an individual's needs is an essential component of a person-centred approach and providing effective support. However, it can take time for residents to understand their own needs or open up about their needs to support staff and a person's needs will likely change over time. A needs assessment should be an ongoing process with regular reviews and appropriate changes to support.

Support plans are important for identifying how an individual's needs will be met and for personal progression and development. A support plan should recognise that progression is different for everyone and include an individual's future aspirations and goals and steps to achieving these. It should also offer a level of accountability to encourage residents to engage with the support available.

It might be necessary to have a specific support plan when someone has the aspiration to move on from the supported accommodation, including life skills like budgeting, cooking, training and qualifications. Support may need to continue as someone transitions out of the supported accommodation. As one resident said about move on, *"While you are in a community, getting the tools to get you ready to be able to move on and be on your own, that's important. We should have that set as part of your support while you're in the community."*

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?

Neither agree nor disagree

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

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

Though we agree, it should be noted that this regime may create additional complexities in managing accountability between the licensee, support provider and commissioner where all three parties are involved, and that this may be difficult to navigate in practice.

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

Partly agree

In the interest in reducing local authority burden we do feel it is helpful for local authorities to hold this discretion. However, there is a risk that poorly commissioned provision within resource stretched local authorities could slip through the net. On balance this is likely to be a pragmatic approach.

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

To ensure consistency nationally, and providing that the national standards are comprehensive, we don't think local authorities will require additional discretionary conditions.

The ability of local authorities to include discretionary conditions for licensing would also create inconsistencies between local areas, and add uncertainty for providers. For providers who operate across different local authorities, this would mean meeting a different set of conditions for each authority, making the process more burdensome.

In addition, local authorities should not use discretionary conditions to impose requirements for supported accommodation providers to register as an RP of social housing under the licensing regime.

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

HMO licence

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.

Neither agree nor disagree

The key benefit of this approach is that there would be a more incremental introduction of the new licencing which would reduce burden on local authorities and providers. The key downside is that poor quality providers could continue to operate for up to 5 years until they are transitioned over to the new licensing scheme.

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?

Access to an online portal to submit applications and supporting evidence, which retains copies of the evidence. The online portal should also include the appeals process to ensure consistency.

Guidance documents that clearly set out requirements for evidence submission, written in plain English and considering accessibility.

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

It depends on the level of the charge. If this is broadly aligned with HMO licensing fees there would be limited impact. We would be concerned that individual authorities would set

differing fees and our strong preference would be to have a set standard fee, or at the very least for there to be a cap on what can be charged.

There is concern among some providers that if licence fees need to be paid for each individual scheme, costs could get very high. We refer to our answer to question 35 for an alternative suggestion for how 'scheme' could be defined, and when licence fees would need to be paid.

One interesting example from our local Emmaus community in Bristol, which the government may want to consider, is that in Bristol charities are exempt from HMO licensing fees. For those providers who are registered charities, the government could consider adopting a similar model for the licence fees being proposed through the Supported Housing Act.

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

No further comments

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

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

Strongly agree

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

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

57. Do you agree that licensing authorities should be able to 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?

Party Agree

The length of the improvement notice should be dependent on the issue. A period of 3-6 months would be appropriate with the exception of a serious issue, with clear definitions of what would require immediate enforcement action.

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

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

Partly Agree

If the scheme manager is not also the licensee we cannot see why a revision to the licence would be required for a change in scheme manager personnel.

It would also be helpful for providers to have clarification on point e) changes to the accommodation, in terms of what this means and whether more detailed information could be provided as to what changes would require a revision to the licence.

We agree with all conditions where a licence could be revoked.

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

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

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

Strongly agree

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

Strongly agree

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

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

Strongly agree

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

Partly agree

We agree with revocation of licence but unless a licensee continues to operate a supported accommodation service without a licence we cannot see why they would also incur a financial penalty on top of the revocation of their licence.

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

No

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?

Do not know

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?

Nothing to add

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?

In the interests of managing cost and ensuring that systems are not overly burdensome, we would encourage simplicity and no further legislation unless absolutely necessary.

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

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

By ensuring the standards and compliance requirements are transparent, clear and with appropriate lead in times to action any expected requirements and to compile relevant evidence.

Incremental phased implementation linked to existing HMO licences or another approach to phasing would be beneficial.

There should be a commitment by local authority licensing teams to provide training for providers about how the licensing scheme will operate in their area, and how providers can be ready. This should include holding a briefing or webinar, and providers having a toolkit on the Act.

Providers would also benefit from having a clear timeframe in place for their local authority introducing its licensing regime. With that in mind, the government should set expectations on timeframes to local authorities implementing the Act.

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

Similar to providers they would require necessary guidance, time and training to assess compliance with the Act. If new teams are to be created to meet licensing requirements, they would also need to build in time for recruitment, onboarding and induction to ensure the appropriate capacity is in place to work with providers in a collaborative way.

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?

Neither agree nor disagree

This would depend on whether there is a requirement for existing providers to apply for a change of use via planning, which would create an additional burden on stretched local authorities and providers. There is also a risk that local authorities may refuse a planning application for a scheme that would otherwise comply with all elements of the Supported Housing Standards.

Having a separate classification of planning use for supported accommodation could also increase NIMBYism, leading to further othering of people requiring supported accommodation.

A positive of a supported housing planning use class could be if there were opportunities to revise some planning standards to meet local need for supported accommodation, such as minimum size standards for self-contained accommodation which may increase opportunities to make new build development of supported accommodation more financially viable, particularly when considering supported accommodation as transitional housing.

The introduction of a planning use class for supported accommodation should include the requirement for local authorities to consider this alongside the delivery of their supported housing strategy. If local authorities via their gaps and needs analysis identify that additional/a different model of supported housing is required, this should be considered within their local plan, to ensure supported accommodation that meets this need is prioritised in planning decisions or when looking to assign undeveloped or unused local authority land or buildings.

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

The effect could be significant either in a positive or negative way. On the negative side, it could limit further development of supported accommodation, lead to existing schemes not receiving planning permission for change of use, and lead to sensitive schemes and providers being unable to maintain appropriate confidentiality as to the use of buildings.

On the positive side, however, it could lead to planning requirements being developed which meet the bespoke needs of the supported housing sector, rather than expecting planning conditions which align with general needs accommodation to result in good-quality accommodation appropriate for the specific needs of supported housing.

Part Two: Housing Benefit Changes

Defining care, support and supervision in Housing Benefit regulations

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

Strongly agree

Whilst agreeing with the principle of linking Housing Benefit to licensing, we believe the government needs to ensure the right joined-up approach is taken within local authorities, when administering the new licensing and Housing Benefit measures. Input is needed from a number of teams, including Housing Benefit, housing options, planning and environmental health. That way, a wide range of expertise within the local authority can be drawn upon when making decisions linked to the new licensing and Housing Benefit measures. This would also help to ensure that Housing Benefit teams alone are not making decisions about licenses, with potential cost control measures inappropriately impacting licensing decisions.

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?

Strongly agree

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.

For example, Scotland already has an existing regulatory framework in place for care, under the Care Inspectorate. To avoid duplication and any unnecessary regulatory burdens and costs being placed on providers in Scotland, definitions of care in Housing Benefit regulations should be linked to these existing frameworks, rather than setting up a separate framework alongside.

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

Strongly agree

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

'Support' is tailored to the individual resident, is person-centered, and can include a variety of different types of support such as with housing, health, wellbeing, finances, and more. This view of the breadth of what 'support' includes was expressed not only by Emmaus residents, but by staff across Emmaus communities and other small providers.

'Supervision' is less intensive and is more about the overall environment in which residents live, and staff being on standby ready to provide support if needed. Supervision includes things like safety, having a night concierge, and having a good risk management strategy in place.

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

We do not believe the definition of support in Housing Benefit regulations should include supervision, as there is a clear difference between each. Please refer to answer to Question 81.

There are also potential risks and implications associated with the complexity of Housing Benefits regulations regarding those activities which are eligible service charges and those which are ineligible linked to the provision of care, support and supervision.

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

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

There should be a minimum of 2 hours per week for provision of support. The level of supervision should depend on the nature of the service model and the needs and risk profile of residents. This should not be capped unnecessarily.

We do not have anything to add on the provision of care.

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?

A copy of the service's own needs assessment.

Linking Housing Benefit eligibility to licensed provision

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

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

There is a risk that current residents of supported housing that does not meet the licensing criteria may be unable to claim Housing Benefit, and would therefore require alternative supported accommodation which may not be available locally, potentially leading to increased levels of homelessness and instability for supported accommodation residents.

In situations where a supported housing setting fails to obtain a licence and has the possibility of closure and residents need to look for other accommodation, the local authority needs to ensure its local supported housing strategy provides alternative accommodation options.

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?

This would be a decision for each individual Emmaus community, but it is probable that the accommodation would 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?

Although we did not ask this question directly to residents, we know there are common barriers and challenges to finding appropriate accommodation for people experiencing homelessness and specific support is needed to help overcome and manage these:

- It can be difficult to find appropriate accommodation due to a lack of availability. Support finding suitable accommodation that meets an individual's needs and preferences may be needed.
- Financial support if deposits are required or there are other associated costs with moving, and support with benefits if there are changes.
- Support with volunteering, work and employment opportunities, especially if someone is moving out of an Emmaus community where they are contributing in the social enterprise.
- Support with transitioning into a new accommodation, area, or community and building connections.

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? [Free text]

The government should mitigate any risk of regulatory duplication for providers in Scotland and Wales, by linking proposals introduced through the Supported Housing Act to existing regulatory frameworks in place in these countries for care, support and supervision.