

Direction on the Regulatory Standards (Competence and Conduct) 2023

The Secretary of State, in exercise of the powers conferred by section 197(2A)(a) and (c) of the Housing and Regeneration Act 2008 gives the following Direction.

In accordance with section 197(3) of the Housing and Regeneration Act 2008, in deciding whether to give this Direction the Secretary of State has, in particular, had regard to the Regulator of Social Housing’s fundamental objectives.

Before giving this Direction the Secretary of State consulted the bodies required by section 197(4) to (5A) of the Housing and Regeneration Act 2008.

Citation, application and interpretation

1.—(1) This Direction may be cited as the Direction on the Regulatory Standards (Competence and Conduct) 2023.

(2) This Direction comes into force on the day after the day on which it is made.

(3) This Direction applies to the Regulator of Social Housing.

(4) In this Direction—

“Policy Statement” means the Policy Statement on Qualification Requirements for Social Housing published by the Department for Levelling Up, Housing and Communities on XXXX;

“Competence and Conduct Standard” means the standard referred to in paragraph 2(1);

“relevant individuals” means, in relation to a registered provider, individuals involved in the provision of services in connection with the management of social housing provided by the registered provider (“relevant services”).

(5) Where an expression is used but not defined in this Direction, that expression has the same meaning as in Part 2 of the Housing and Regeneration Act 2008.

Direction

2.—(1) The regulator must set a standard for registered providers in matters relating to the competence and conduct of relevant individuals.

(2) The Competence and Conduct Standard must require registered providers to secure that those of their staff who are relevant individuals have the necessary skills, knowledge and experience, and exhibit the behaviours needed, for the relevant services provided by those individuals to be of a good quality.

(3) The Competence and Conduct Standard must require registered providers to take appropriate steps to secure that those of their services providers’ staff who are relevant individuals have the necessary skills, knowledge and experience, and exhibit the behaviours needed, for the relevant services provided by those individuals, under or pursuant to the relevant management services agreement, to be of a good quality.

(4) The Competence and Conduct Standard must require registered providers to comply with all applicable requirements set out in Chapters 1 to 6 of the Policy Statement.

(5) The Competence and Conduct Standard must require registered providers—

(a) to have a written policy setting out—

(i) their approach to managing and developing the skills, knowledge, experience and conduct of those of their staff who are relevant individuals; and

(ii) the appropriate steps they will take to secure that those of their services providers' staff who are relevant individuals have the necessary skills, knowledge and experience and exhibit the behaviours needed for the relevant services provided by those individuals, under or pursuant to the relevant management services agreement, to be of a good quality; and

(b) to update that policy regularly.

(6) The written policy referred to in sub-paragraph (5)(a) must, in particular—

(a) ensure that the approach to managing and developing the skills, knowledge, experience and conduct of those of the registered provider's staff who are relevant individuals is tailored, as appropriate, to the different roles of those relevant individuals within the registered provider;

(b) set out the registered provider's approach to learning and development including how it will ensure that those of its staff who are relevant individuals maintain and demonstrate appropriate and up to date skills, knowledge, experience and behaviours for their roles within the registered provider;

(c) set out the registered provider's approach to appraising those of its staff who are relevant individuals and regularly reviewing their performance; and

(d) set out the registered provider's approach to managing poor performance of those of its staff who are relevant individuals.

(7) The Competence and Conduct Standard must require registered providers to adopt or develop an appropriate code of conduct for those of their staff who are relevant individuals and to ensure this is embedded within their organisation.

Signed by authority of the Secretary of State for Levelling Up, Housing and Communities

Name:

Date: