



Regulator of
Social Housing

Guidance for new entrants on applying for registration as a provider of social housing

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OFFICIAL

Version control

What updates have been done and why

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Foreword

The Housing and Regeneration Act 2008, as amended (HRA 2008) established the Regulator of Social Housing (the regulator). The HRA 2008 also sets out the statutory framework within which the regulator must operate. This framework enables the regulator to register and regulate providers of social housing. Providers of social housing registered with the regulator are known as ‘registered providers’ or ‘registered landlords’¹.

Any organisation including both profit-making and non-profit can apply for registration to the regulator. This non-statutory guidance sets out how applicants for voluntary registration should apply, and the requirements applicants must meet to be registered. This guidance should be read alongside the application forms for new entrants which provide further guidance and detail about the requirements.

This guidance does not cover organisations who must apply for a registration decision following certain statutory restructures. These organisations should follow the regulator’s separate guidance on restructures which is available on the regulator’s website: [‘Guidance –restructures and constitutional changes’](#). Section 2 below provides information about which restructured organisations should follow the separate guidance, and which organisations should apply as a new entrant.

This guidance also does not cover local authorities who, if they provide or intend to provide social housing, are subject to compulsory registration.

Definitions of terms used in this guidance are, unless otherwise indicated, taken from the HRA 2008 or other cited legislation, all of which can be found on www.legislation.gov.uk.

¹ In this guidance note where we use the term landlord, we mean the provider of social housing.

1. Introduction

Who is the regulator?

- 1.1 The Regulator of Social Housing (the regulator) is the body that regulates registered providers of social housing to promote a viable, efficient and well governed social housing sector able to deliver quality homes and services for current and future tenants. The regulator is responsible for registering and regulating registered providers of social housing in England. Any eligible provider of social housing can be registered with the regulator as long as they meet the registration criteria.

The objectives of the regulator

- 1.2 Parliament has given the regulator two fundamental objectives: an economic regulation objective and a consumer regulation objective. The regulator must perform its functions with a view to achieving these objectives.
- 1.3 The economic regulation objective is:
- to ensure that registered providers are financially viable and properly managed, and perform their functions efficiently and economically
 - to support the provision of social housing sufficient to meet reasonable demands (including by encouraging and promoting private investment in social housing)
 - to ensure that value for money is obtained from public investment in social housing
 - to ensure that an unreasonable burden is not imposed (directly or indirectly) on public funds, and
 - to guard against the misuse of public funds.
- 1.4 The consumer regulation objective is:
- to support the provision of social housing that is well-managed, safe, energy efficient and of appropriate quality
 - to ensure that actual or potential tenants of social housing have an appropriate degree of choice and protection
 - to ensure that tenants of social housing have the opportunity to be involved in its management and to hold their landlords to account
 - to ensure that registered providers act in a transparent manner in relation to their tenants of social housing; and
 - to encourage registered providers to contribute to the environmental, social and economic well-being of the areas in which the housing is situated.

- 1.5 To further these objectives, the regulator has published economic and consumer standards. These standards contain outcomes that the regulator expects registered providers to deliver. Following the Social Housing (Regulation) Act 2023 (2023 Act), the regulator also has the power to publish standards relating to competence and conduct and information and transparency.

What it means to be registered

- 1.6 Once on the register, the registered provider has certain obligations it must meet. These obligations include delivering the outcomes of the regulatory standards, notifying the regulator of certain activities, submitting data returns and providing other information when requested. [Our role and approach to regulating landlords](#) is set out on our website. The registered provider is also required to register with the Housing Ombudsman.

Who can register

- 1.7 Registration is voluntary for new entrants to the regulated sector (other than for local authorities which are subject to compulsory registration). To be registered voluntarily, applicants must meet certain requirements set out in the HRA 2008. The requirements are referred to as the “eligibility requirements” and the “registration criteria”.
- 1.8 Further details about our eligibility and registration requirements can be found in section 4 of this guidance and in the application forms. Applicants that apply for registration must first meet the eligibility requirements. Once the regulator has established that they meet these criteria, applicants will be assessed against the registration criteria that the regulator has set.
- 1.9 Any applicant that meets both the eligibility requirements, and the registration criteria must be registered by the regulator.
- 1.10 The regulator does not have the power to register any applicant who does not meet the eligibility requirements and registration criteria.
- 1.11 Those organisations that are placed on the register of social housing providers by the regulator following this voluntary application process are known as ‘private registered providers’ (PRP) of social housing. The term ‘registered providers’ is used to cover all registered providers of social housing i.e. both PRPs and local authorities.
- 1.12 The 2023 Act introduced amendments to a number of areas of the HRA 2008, including extending the scope of the registration criteria. Following this change, the

regulator has the power to set criteria to secure that the applicant meets each of the regulatory standards upon registration. However, the regulator has decided not to update the registration criteria at this stage.

- 1.13 The regulator will consult on any new registration criteria in due course. In the meantime, the regulator will continue to assess registration applications against the current registration criteria, which were set prior to the 2023 Act coming into force. This guidance document (and associated forms) will be updated if any new registration criteria are introduced.
- 1.14 Section 2 of this guidance provides information about organisations that have been restructured and that should and should not apply as a new entrant.

Name of registered organisation

- 1.15 It should be noted that the regulator expects applicants to choose a name which is not similar to the name of an existing or previous registered provider if the use of this name may cause confusion. In addition, the regulator expects names to not be inappropriate or misleading. The regulator publishes a [list of registered providers](#) on its website.

2. Restructure of organisations which require a registration decision

- 2.1 The regulator is required to make a registration decision following certain statutory restructures.²
- 2.2 Organisations listed below should apply for a registration decision under the regulator's separate guidance for restructures '[Guidance –restructures and constitutional changes](#)' and complete the Successor Body Registration Form rather than apply as a new entrant under this guidance.
- a. the body created by an amalgamation of registered societies³
 - b. the body created by the amalgamation of a registered society with a company.⁴
 - c. the registered society to whom engagements are transferred by another registered society⁵ and who is not a PRP.
 - d. the company to whom engagements are transferred by a registered society⁶ and who is not a PRP
 - e. the body created by an amalgamation of charitable incorporated organisations ('CIO's')⁷
 - f. the CIO to whom all property, rights and liabilities are transferred by a CIO⁸ and who is not a PRP

Unincorporated charities that are incorporating

- 2.3 Where an unincorporated charity has established a corporate body (e.g. a charitable incorporated organisation, CIO) to transfer all of its assets into, and that incorporated body wishes to be registered with the regulator, it must apply as a new entrant. However, the regulator will take into account its current knowledge of the

² S163A of the HRA 2008 and Part 4 of the The Charitable Incorporated Organisations (Notification Requirements: Social Housing) Regulations 2023

³ S109 Co-operative and Community Benefit Societies Act 2014 (CCBSA)

⁴ S112(1)(b) CCBSA

⁵ S110 CCBSA

⁶ S112(1)(c) CCBSA

⁷ S235 of the Charities Act 2011

⁸ S240 of the Charities Act 2011

originating private registered provider when determining whether the body has met the registration criteria. It will do this by focussing on the following areas:

- a. establishing whether the successor body's constitution meets the regulator's relevant registration criteria
- b. where applicable, whether the trustees of the originating unincorporated charity have provided assurance to the regulator that the relevant investment body has agreed to the treatment of any social housing grant in the transferring social assets
- c. whether the originating private registered provider has a satisfactory regulatory track record.

2.4 If the regulator has been satisfied that it meets the eligibility requirement and has assurance in these areas, the regulator will not require completion of the preliminary and detailed applications for registration but reserves the right to require the successor body to do so, where it is not satisfied in any of these areas.

2.5 The applicant in this circumstance should complete the Successor Body Registration Form, rather than the new entrant application forms.

2.6 Other registered providers that have restructured but that are not within the above list may apply as a new entrant for registration. If in doubt, registered providers that are restructuring should engage with the regulator about the implications of the change.

3. How to Register

- 3.1 This guidance sets out the process for voluntary registration as a provider of social housing. Application for registration is a two-stage process. This guidance covers the two application stages and the decision-making process, and it should be read in conjunction with the application forms which themselves contain guidance on how to complete those forms.

Fees

- 3.2 Fees are payable from applicants for registration and annually for providers on the register. The current fees requirements, including those for registration, are available from the regulator's website. It should be noted that a registration application cannot be assessed until the relevant fee has been received by the regulator, in line with our fee requirements. The fee is non-refundable in the event of a withdrawn, cancelled or otherwise unsuccessful application.

Disclosure of information

- 3.3 As a public authority, the regulator is subject to the provisions of the Freedom of Information Act 2000 and the Environmental Information Regulations 2004.
- 3.4 The regulator may also share information with a public authority if the regulator thinks the disclosure is necessary for a purpose connected with its functions, or for a purpose connected with the authority's functions.
- 3.5 The application forms request the applicant's consent for the regulator to share relevant information with Homes England or the Greater London Authority (the GLA) and/or with relevant local authorities or other relevant public bodies and third parties as identified in the regulator's privacy notice.

Equalities

- 3.6 As a public body, the regulator is subject to the general duty set out in section 149 of the Equality Act 2010. This is more commonly known as the Public Sector Equality Duty (PSED) which exists to ensure that public bodies take equality considerations into account when exercising their functions.
- 3.7 To comply with its PSED, the regulator is required to give conscious consideration to its three aims when taking decisions, i.e. the need to eliminate discrimination; to

advance equality of opportunity; and foster good relations between those who share a protected characteristic and those who do not when carrying out their activities.

- 3.8 There are specific questions on equalities in the detailed application form. Guidance on this can be found in section 7 below.

Contacting the regulator

- 3.9 Potential applicants may contact the regulator at any stage to discuss a prospective application. Additional information and any documents referred to in this guidance or within the application forms are available on the regulator's website.
- 3.10 Any general queries on registration should be directed to the Referrals and Regulatory Enquiries team on:
- Telephone: 0300 124 5225.
Email: enquiries@rsh.gov.uk
- 3.11 The regulator's preference is for applications to be submitted by email at all stages to the Registry and Notification team: RNTeam@rsh.gov.uk.
- 3.12 If this is not possible, applications should be posted to:
- Referrals and Regulatory Enquiries team
Level 2
7-8 Wellington Place
Leeds
LS1 4AP

4. The registration process

Two-stage process

- 4.1 To be registered voluntarily, applicants must meet certain requirements set out in the HRA 2008. In summary, an applicant must be an English body and must satisfy two statutory conditions. Condition 1 is that the applicant is a provider or intends to become a provider of social housing in England. The regulator refers to these requirements (to be an English body and the requirements of Condition 1) as the “eligibility requirements”. Condition 2 is that the body meets any criteria established by the regulator, referred to as the “registration criteria”.
- 4.2 The registration process is in two stages, in which firstly the eligibility requirements are assessed, followed by the registration criteria.
- 4.3 In the first stage, which is called the preliminary application process, applicants are required to provide information that will enable the regulator to assess whether the applicant meets the eligibility requirements.
- 4.4 In the second stage of the process, applicants need to provide information that will enable the regulator to determine whether they meet the registration criteria. This is the detailed application process.
- 4.5 The regulator makes its assessment based on the information and the evidence, provided by an applicant to demonstrate that it meets the eligibility requirements and registration criteria. The application forms set out the types of evidence that are likely to demonstrate this. Applicants should provide the information and evidence that, in their view, will satisfy the regulator that they meet the eligibility requirements and the registration criteria. The amount of information and evidence provided is likely to reflect factors such as the scale and track record of the applicant’s activity, their constitution and governance structure, their experience in social housing, the nature of their funding and future plans and risks associated with their business.
- 4.6 At any stage, if the regulator does not have any contact with an applicant for six months that demonstrates the application is clearly progressing, the regulator will write to the applicant advising them that the application has been discontinued. This six month period includes the time lapse between an applicant being advised it can move through to the detailed stage and its submission of a detailed application. The applicant will need to begin the process again if it still wishes to register. If an applicant wants to seek an extension to the six month period, it should contact the regulator.

- 4.7 Applicants should think carefully about when the right time is for them to apply. The experience of the regulator is that applicants can sometimes apply too early when either the organisation is not properly established or the business model is not fully developed, and consequently they may find it difficult to demonstrate that they meet the requirements of registration. Applicants should also familiarise themselves with both stages of the application process before submitting a preliminary application.

Preliminary application

- 4.8 Applicants must first complete a preliminary application form to enable the regulator to assess whether the applicant meets the eligibility requirements. Applicants must meet the eligibility requirements for registration. The regulator cannot register an applicant that does not meet these requirements.
- 4.9 The regulator will review the information provided by the applicant at this preliminary stage. If the regulator is satisfied that the applicant meets the eligibility requirements, the applicant will be invited to complete the detailed application form. This two-stage process has been designed to ensure that applicants who cannot meet the eligibility requirements do not waste time completing the detailed application.

Detailed application

- 4.10 The detailed application process requires the applicant to set out how it meets the registration criteria. The regulator expects that sufficient supporting evidence will be submitted by the applicant to demonstrate that these criteria are met. The regulator will then review this information and determine whether, in its view, the applicant meets the registration criteria. The regulator will not accept a detailed application form from an applicant that has not completed the preliminary application stage.
- 4.11 Applicants will be required to confirm that the information already provided at the preliminary stage, about how they meet the eligibility requirements, remains unchanged. If it has changed, which may be as a consequence of simply the passage of time, applicants must provide details of the changes, and these changes will be reviewed prior to carrying out any assessment of the detailed application. This is because the regulator must satisfy itself that, **at the point of registration**, the applicant meets the eligibility requirements for registration and so is satisfied that no changes have taken place that mean that the applicant is no longer able to proceed to registration.

How long registration will take

- 4.12 The regulator's aim is to progress registration applications as swiftly as it can, but it must ensure that the registration process is effective. Applications submitted with all of the information required will speed up the process as, inevitably, requests for additional information take time to fulfil.
- 4.13 We aim to complete our assessment of the initial assessment of the **preliminary** application and share the outcome with the applicant within 15 working days of the preliminary application fee being received by the regulator. Where the applicant has not provided sufficient evidence to support its application, the regulator will seek this as part of its engagement at the preliminary stage.
- 4.14 The range of information required at the detailed stage is greater than that at preliminary stage and can vary significantly depending on the characteristics of the applicant. Therefore, there is no set timeframe for the outcome of a detailed assessment to be shared, but applicants can expect to be contacted about progress of its application within 30 working days of it submitting its detailed application.
- 4.15 It often takes more than six months from the time that the regulator receives a complete **detailed** application for the regulator to have the assurance that the applicant has demonstrated whether it meets the registration criteria and to bring the application process to a conclusion.
- 4.16 The time taken to conclude an application will depend on the nature of the application submitted, especially whether it raises any novel issues for the regulator, the responsiveness of the applicant to requests for additional information and the number of other applications under consideration at the same time. Applicants are advised to bear this timescale in mind when preparing their application, particularly if registration is a pre-condition to accessing grant, receiving the transfer of social housing or another transaction.

Form of applications

- 4.17 Applications must be made on the [application forms](#) for new entrants provided by the regulator on its website, each question on the form must be answered and any supporting information or evidence referenced in the form should be provided. Any application submissions that do not meet this requirement are likely to cause delay to the application review process.

Additional information

- 4.18 Applicants may be asked to provide additional supporting information or evidence at any stage of the registration process. This might be to clarify information already provided or because the regulator is unable to form a view on the basis of the information provided. As part of its assessment, the regulator may wish to meet with key people identified in an application, visit the applicant or observe the applicant's governing body or management team in action. The information gathered in these ways will supplement the information already provided.
- 4.19 Applicants should note that while the regulator may ask for further information on an application, it will not enter into an iterative process with an applicant to draw out the assurance it requires to conclude that an applicant meets either the eligibility requirements or the registration criteria. It is up to the applicant to provide sufficient evidence to demonstrate that it meets the requirements and criteria and not for the regulator to search for assurance.
- 4.20 The regulator cannot undertake a 'coaching' role to assist an applicant to demonstrate that it meets the requirements for registration. The regulator will undertake an assessment of the application and provide feedback to the applicant at each stage about where any gaps in assurance remain. It is important that applicants give due regard to the regulator's initial assessment feedback and respond accordingly, providing the regulator with a complete response to all of the issues raised. Applicants are encouraged to seek clarification from the team member dealing with its application, should it be necessary, throughout the process.
- 4.21 If the regulator has not then been provided with satisfactory assurance that an applicant meets either the eligibility requirements or the registration criteria, it is likely to draw the process to a conclusion by proposing that the application is refused, in accordance with the process set out below.

Decision process

- 4.22 Following assessment of the application by the regulator's registration team, the decision on whether an applicant meets both the eligibility requirements and the registration criteria and so should be registered, is usually taken by the officer with delegated authority (the Decision Maker). That decision is informed by a recommendation from the registration team member who has assessed the application.
- 4.23 There may be occasions when the Decision Maker decides it is not appropriate to act under the delegated authority and will refer the registration decision to the Board. This is expected to be an exception and usually arises when the application raises issues that are novel or complex.

4.24 The regulator's aim is that its decision-making is transparent to the applicant so it will follow the process set out below (noting that if the decision is referred by the Decision Maker to the Board, the same process will be followed):

- a. If the recommendation of the registration team to the Decision Maker is to register the applicant, and the Decision Maker agrees with this recommendation, they will notify the applicant that its registration has been approved and of its registration details.
- b. If the recommendation to the Decision Maker is for the application for registration to be refused, the draft paper containing that recommendation will be copied to the applicant. The applicant will be given no less than 28 calendar days in which to make representations about the proposal to refuse the application. The representations should include any comments about factual inaccuracies and/or additional evidence demonstrating that the applicant meets the eligibility requirements or registration criteria. This process could occur at either the preliminary or the detailed stage.
- c. If the applicant wishes to withdraw the application at this stage it should notify the regulator in writing.
- d. The draft paper setting out the initial reasons for refusing the application will be revised to take account of the applicant's representations, and a recommendation will be submitted for consideration by the Decision Maker.
- e. If the recommendation remains that the applicant does not meet the eligibility requirements (at the preliminary application stage) or not to register the applicant (at the detailed application stage) and the Decision Maker agrees with the recommendation, the regulator will advise the applicant that it is not eligible for registration. In advising the applicant of this, it will set out the reasons that have led the regulator to take this view.
- f. If the Decision Maker disagrees with the recommendation, this may mean the Decision Maker has decided either to register the applicant, invite them to proceed to the detailed stage or to seek clarification to enable the application to be considered further. If the former applies, the regulator will notify the applicant that its registration has been approved and of its registration details. If the latter is the case, the applicant will be given a further period to produce the clarification sought by the Decision Maker, following which the above process will be repeated.
- g. The regulator may publish a statement about a decision to refuse to register an applicant.

- h. If an applicant wishes to appeal the regulator's decision, it may do so through the High Court in line with section 121 of the HRA 2008.

Withdrawal of application

- 4.25 An applicant can withdraw its application at any stage during the process by notifying the regulator that it is doing so. Applicants who withdraw their application can re-apply at any time but must start the process again and the relevant fee will be payable.

5. Preliminary application

Application form

- 5.1 Applicants must first complete the preliminary application form and submit this to the regulator. The regulator will use the information provided to determine whether the applicant meets the eligibility requirements for registration as a provider, or intending provider, of social housing in England. It is usual for the regulator to seek clarification about the information provided or to seek further information at this stage.
- 5.2 The eligibility requirements of registration are detailed in the preliminary application form.

Intending providers

- 5.3 Applicants that are not already landlords are able to apply for registration on the basis that they intend to become a provider of social housing. They will need to provide evidence that satisfies the regulator that they have firm plans in place that will enable them to provide social housing within a reasonable timescale. Applicants should note that the regulator would not expect to register an applicant if their business plan forecast shows a period of longer than 12 months after registration before the applicant will become a provider of social housing. An exception to this might be if the anticipated development period extends beyond 12 months.
- 5.4 If the regulator is not satisfied that the evidence of an applicant's intent is sufficient to proceed to registration (or is not satisfied that it meets the eligibility requirements) and the application is refused, a new application may be made at any time if the applicant's circumstances change.
- 5.5 In the event that, after registering as an intending provider, the regulator is not satisfied that there is continued, evidenced intent to provide social housing, the regulator may propose compulsory de-registration under section 118 of the HRA 2008. This action would be taken on the basis that the provider is no longer eligible for registration. Again, if circumstances change after de-registration, applicants can re-apply for registration at any stage.

Outcome of the assessment of the preliminary application

- 5.6 If the regulator is satisfied that the applicant meets the eligibility requirements, it will inform the applicant and invite it to submit the detailed application. The final decision

on eligibility will be taken at the second stage of the process since circumstances may change during the course of an application.

- 5.7 If the regulator is not satisfied that the applicant meets the eligibility requirements, it will notify the applicant giving reasons for it, following the process set out in the 'Decision process' part of Section 4 above.

6. Detailed application

- 6.1 The detailed application process requires the applicant to set out how it will meet the registration criteria and to confirm that it still meets the eligibility requirements. The regulator expects that sufficient supporting evidence will be submitted by the applicant to demonstrate that these criteria are met. The regulator will then review this information and determine whether, in its view, the applicant meets the registration criteria. The regulator will not accept a detailed application form from an applicant that has not successfully completed the preliminary application stage.
- 6.2 Applicants will be required to confirm that the information already provided at the preliminary stage, about how they meet the eligibility requirements, remains unchanged. If it has changed, applicants must provide details of the changes, and these changes will be reviewed prior to carrying out any assessment of the detailed application. This is because the regulator must satisfy itself that, **at the point of registration**, the applicant meets the eligibility requirements for registration and that no changes have taken place that mean that the applicant is no longer able to proceed to registration.

Registration criteria

- 6.3 The regulator's registration criteria currently relate to an applicant's:
- financial situation
 - constitution (for example its governing document); and
 - management arrangements.
- 6.4 The registration criteria are linked to the [regulatory standards](#) that define the outcomes that landlords must deliver. The current registration criteria are set out in the detailed application form, which includes any specific requirements for particular types of applicants.
- 6.5 As mentioned above in Section 1, the regulator has also been given the power to set new registration criteria which will require further consultation. The regulator will consult on any new registration criteria in due course. However, in the meantime, the regulator will continue to assess registration applications against the current registration criteria.

Registration criteria and designation

- 6.6 As explained in section 8 below, when registering an applicant, the regulator must designate the applicant as either a profit-making or non-profit making organisation. If an applicant seeks a non-profit designation, it will need to meet specific registration requirements in relation to its governing document.

Approach to assessing whether registration criteria are met

- 6.7 The regulator will assess the information provided by the applicant in accordance with how it would assess whether a landlord on the register is delivering the outcomes of those standards applicable at the point of registration. Details of how we regulate are here: [How we regulate](#). We take a co-regulatory approach to regulation which means that the governing body is responsible for ensuring that their organisations are managed effectively and that they deliver the outcomes of our standards. We regulate on the basis of the assurance we gain from the evidence provided to us and the onus is on an applicant to demonstrate it meets the requirements of the registration criteria to the regulator.
- 6.8 In reviewing the information produced by the applicant and assessing whether registration criteria are met, the regulator recognises that each applicant will be at different stages in its development, and it will take a proportionate approach within this context to its assessment.

Outcome of detailed assessment

- 6.9 If the regulator is satisfied that the applicant meets the eligibility requirements and the registration criteria, it must register the applicant. If the regulator is not satisfied that the applicant meets the registration criteria, it will notify the applicant of its decision not to register the applicant and provide reasons, following the process set out in the 'Decision process' part of Section 4 above.
- 6.10 Applicants must meet the eligibility conditions and the registration criteria before they can be registered. The regulator is not able to conditionally register applicants i.e., set conditions that must be fulfilled for the registration to be effective, even if the applicant can demonstrate that it can meet the criteria within a very short time of any registration.

7. Equalities

Equality duties

- 7.1 The Equality Act 2010 prohibits unlawful discrimination on the basis of protected characteristics. These protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation, and marriage or civil partnership. As a public body, the regulator must have due regard in the exercise of its functions to the need to:
- a. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010
 - b. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
 - c. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 7.2 The way in which the regulator aims to meet the General Equality Duty and the Specific Equality Duties set out in regulations (of which publishing objectives is one) is set out in the regulator's [Equality objectives](#).
- 7.3 The regulator must perform its functions with a view to achieving (so far as is possible) the economic regulation objective and the consumer regulation objective set out in the HRA 2008. It should do so in a way that minimises interference and (so far as is possible) is proportionate, consistent, transparent and accountable and in accordance with its PSED.

Equalities in the registration application process

- 7.4 During the detailed application stage of the registration application process, the regulator gains assurance that the applicant meets requirements of equalities legislation via its constitutional arrangements. It does this by examining equalities-related information as part of the registration process for applicants and addressing any such issues prior to registration in the following way:

- The regulator will work with the applicant to address any equalities-related issues identified during the application process, relying on compliance with the Governance and Financial Viability Standard which includes the requirement to abide by all relevant law. Should an applicant not address the equalities-related issues identified during the application process, the regulator is likely to refuse to register the applicant.
- The regulator considers that requiring the applicant to address the equalities-related issues prior to registration demonstrates its own adherence to the General Equality Duty, because actively working with applicants to change their practice is a robust and effective way of tackling the issue for new entrants. This approach enables the regulator to demonstrate through its ongoing regulatory work how it is 'eliminating unlawful discrimination', 'advancing equality of opportunity' and 'fostering good relations' between people who share a protected characteristic and those who do not.

Assessment against equalities obligations

- 7.5 The detailed application form contains a number of questions about equalities. Applicants are required to answer these in full. The information provided will enable the regulator to determine the extent of the applicant's compliance with equalities obligations.
- 7.6 The outcome of the regulator's assessment of the applicant's compliance with equalities legislation directly influences the registration decision to be taken by the regulator.

Incorporated charities

- 7.7 For incorporated charities (CIOs or charitable companies) which result from a transfer of an unincorporated charity and its assets (into the newly formed incorporated charity), and where the registration requirements for new entrants apply to the incorporated charity, the regulator will, in assessing the incorporated charity's compliance against the equality legislation, take into account the unique circumstances of the incorporated charity.
- 7.8 The regulator acknowledges that an incorporated charity has a responsibility under charity law to comply with its charitable purposes unless and until there is a lawful mechanism and appropriate consents (e.g. from the Charity Commission (the Commission)) to change the charitable purposes.

- 7.9 In considering an incorporated charity's compliance with equalities legislation, the regulator will take a proportionate approach.
- 7.10 The regulator will expect the incorporated charity to demonstrate it has provided adequate assurance as to how its trustees have satisfied themselves that the incorporated charity meets the requirements under the equalities legislation.

8. The register

Registration details

- 8.1 Upon registration, each provider is given a registration number. This registration number and other information about the provider are recorded on the register. The regulator is required to make the register available for inspection by the public. The [list of registered providers](#) can be found on the regulator's website.

Designation

- 8.2 Section 115 of the HRA 2008 requires that entries on the register identify the provider (which is not a local authority) as either:
- a non-profit organisation
 - a profit-making organisation
- 8.3 Section 115 sets out how the status of the provider, if it is not a local authority, must be designated, i.e. non-profit or for-profit. The Social Housing (Regulation) Act 2023 amended the criteria for designation as a non-profit or profit-making organisation.
- 8.4 An organisation is designated as non-profit organisation if:
- it is a registered or non-registrable charity and satisfies Conditions 1 and 2, or
 - it satisfies conditions 1 to 3:
- Condition 1 is that the body does not trade for profit,
- Condition 2 is that a purpose of the body is the provision or management of housing, and
- Condition 3 is that any other purposes of the body are connected with or incidental to the provision of housing.
- 8.5 Additionally, the fact that a body is prohibited by its constitution from trading for profit does not, of itself, mean that it is a body which does not trade for profit for the purposes of Condition 1. Therefore, applicants will have to demonstrate that operationally they do not trade for profit.
- 8.6 In determining whether a (non-charitable) applicant meets the conditions for designation as a non-profit provider, the regulator will take a view on whether the purposes of the applicant are connected with, or incidental to, the provision of housing (Condition 3). In determining this, the regulator will have regard to the matters on which it can set consumer standards, including a provider's contribution

to the environmental, social and economic well-being of the areas in which its property is situated.

- 8.7 Successful applicants that meet the required conditions set out above will be designated as non-profit providers on the register. Successful applicants that do not meet the required conditions will be designated as profit-making providers on the register
- 8.8 Applicants should include their proposed designation in the detailed application form. As noted above (in paragraph 6.6), non-profit applicants will need to meet certain registration criteria linked to their constitution.
- 8.9 It is possible that the regulator will find that an applicant meets the eligibility requirements and the registration criteria and so must be registered, but that its appropriate designation on the register, in the opinion of the regulator having considered the requirements in section 115 of the HRA 2008, is not in accordance with that stated by the applicant in the application form. In this case, the regulator will engage further with the applicant before registration. The regulator will set out the reasons why it does not agree with the designation the applicant has included in its application and seek the applicant's comments on its view. The regulator will consider any further information provided in support of the desired designation. If agreement cannot be reached, the regulator will give the applicant the opportunity to withdraw its application.
- 8.10 The 2023 Act introduced the ability to appeal the regulator's designation decision to the High Court in line with section 121 of the HRA 2008.

9. Actions after the registration decision

- 9.8 Once registered, the registration certificate and other relevant information will be sent to the applicant. The registration certificate confirms an applicant's registration, notifies it of the registration number under which it is registered and sets out the designation of the applicant where required (ie we will identify the organisation as profit-making, non-profit or a local authority).
- 9.9 In accordance with section 120 of the HRA 2008, the regulator is required to notify the following bodies when an applicant is registered as a private registered provider. In the case of a:
- registered charity – the Charity Commission
 - registered society – the Financial Conduct Authority
 - registered company (whether or not also a registered charity) or a limited liability partnership – the Registrar of Companies for England and Wales.
- 9.10 The regulator will also notify the Housing Ombudsman as registered providers are required to register with the office of the Housing Ombudsman. The Housing Ombudsman can investigate complaints relating to the housing activities (not only social housing) of a registered provider.
- 9.11 The regulator will write to any intending providers confirming the agreed timescale for becoming a landlord of social housing. It will keep the provider's progress under review and, if there appears to be no prospect of the provider becoming a landlord of social housing within 12 months of registration, it would expect to decide that compulsory de-registration was appropriate as the provider no longer meets the eligibility requirements for registration. Further information on de-registration can be found on the website.



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The Regulator of Social Housing regulates registered providers of social housing to promote a viable, efficient and well-governed social housing sector able to deliver and maintain homes of appropriate quality that meet a range of needs.