

MEMORANDUM OF UNDERSTANDING

between

THE REGULATOR OF SOCIAL HOUSING

and

**THE HEALTH AND SAFETY EXECUTIVE
(BUILDING SAFETY REGULATOR)**

1. Purpose

- 1.1 This memorandum of understanding (MoU) sets out the functions of the Regulator of Social Housing (RSH) and the Health and Safety Executive (HSE) in its function as the Building Safety Regulator (BSR) and is a statement of intent as to the framework of communication, cooperation and exchange of information between the parties.
- 1.2 RSH and the BSR have a duty to co-operate as required by section 27 and paragraph 3 to Schedule 3 of the Building Safety Act 2022. This MoU sets out the principles for how these duties will be delivered and how they will underpin the relationship between RSH and the BSR who have a shared commitment to working together to support improvements in building safety in the social housing sector.
- 1.3 While this MoU does not create or impose legally binding rights or obligations on the part of RSH or the BSR, both organisations are committed to working in accordance with its provisions. Each organisation will take steps to ensure that their staff are aware of what is in the MoU and the responsibilities it places on their staff.
- 1.4 The MoU will be made public and placed on the RSH and HSE's websites, which we consider is the best way to bring it to the attention of the public, which will be supported through further joint communications following its publication by the BSR and RSH.

2. Roles of the Parties to this Memorandum

- 2.1 RSH and the BSR have distinct roles within the social housing sector and the built environment and how they relate to matters of building safety. They exercise their functions within their respective statutory remits reaching independent findings, judgements and enforcement conclusions, based on the evidence available and in accordance with their role and published approaches.¹

3. Regulator of Social Housing

- 3.1 Under the Housing and Regeneration Act 2008 (the 2008 Act), RSH² has statutory objectives which drive its approach to regulating registered providers of social housing. The RSH maintains a register of providers of social housing which includes local authorities and other organisations such as non-profit housing associations, co-operatives and for-profit organisations.

¹ See the BSR [enforcement-policy.pdf](#) and RSH's [How We Regulate](#)

² The regulator is an executive non-departmental public body of the Ministry for Housing, Communities and Local Government, (MHCLG) reporting to Ministers through its Accounting Officer. The regulator is accountable to Parliament for the discharge of functions conferred on it by virtue of Part 2 (regulation of social housing) of the 2008 Act. Further information on [our role and approach](#) can be found on GOV.UK

- 3.2 RSH sets economic and consumer standards which state the outcomes that registered providers must deliver. It regulates at the landlord level to ensure a viable, efficient and well governed sector and seeks to drive landlord improvements to the quality of homes and services delivered, including in relation to building safety.
- 3.3 RSH takes a proactive approach to regulating its standards. This includes judging the extent to which large providers (those with more than 1,000 homes) are delivering against the outcomes of the standards through a risk-based inspection programme. RSH also receives a variety of information, including regulatory returns, information and data, in addition to information and insight from the BSR; and a range of other sources such as referrals from tenants, landlords and other agencies such as the Housing Ombudsman Service with whom RSH also has a MoU. This intelligence is used when assessing how well a registered provider is delivering against the outcomes of RSH's standards.
- 3.4 RSH considers all of this information in the round to inform its inspection programme and other regulatory work. RSH publishes regulatory judgements to give its view as to the extent to which registered providers are delivering against the outcomes of its regulatory standards. Where registered providers are not delivering against the outcomes of the standards, RSH will hold them to account. It has a range of regulatory and enforcement powers to use as necessary. Further information on how RSH regulates is set out in [How we regulate](#).

4. The Building Safety Regulator

- 4.1 The BSR has a duty to keep under review the safety and standard of all buildings in England. BSR must exercise its building safety functions with a view to securing the safety of people in or about buildings in relation to risks arising from buildings and improving the standard of buildings.
- 4.2 BSR is the Building Control Authority for higher-risk buildings, which broadly are buildings with at least two residential units that are at least 18 metres in height or at least seven storeys.
- 4.3 During design and construction, BSR is responsible for overseeing compliance with building regulation requirements. During occupation BSR regulates those who are responsible for the management of building safety risks, which are the spread of fire and structural failure.
- 4.4 BSR also oversees and monitors the performance of all Building Control Bodies in England and the competence of professionals delivering building control functions.
- 4.5 BSR must also provide assistance and encouragement to facilitate the improvement of the competence of those working in the built environment.

- 4.6 BSR have put in place a contact system which will act as a route of escalation for building safety complaints. Relevant complaints will be assessed, investigated, and dealt with by the BSR in an appropriate, timely and proportionate manner, using one of the intervention methods available.
- 4.7 During assessments of a higher-risk building, BSR will review the Principal Accountable Persons'³ strategy for engaging with residents. The strategy must detail how residents will be involved in decisions about managing safety matters in their building.

5. Working together

Cooperation and communication

- 5.1 Section 27 and Schedule 3 of The Building Safety Act 2022 creates duties to cooperate and powers to share information between the BSR and other persons in connection with certain statutory functions. More specifically Schedule 3, paragraph 3 creates duties to cooperate and powers to share information between the BSR and RSH.
- 5.2 Both RSH and BSR have an interest in the assessment and management of building safety risks by those that are responsible, with RSH holding registered providers to account at the landlord level and BSR holding Accountable Persons (as defined by the Building Safety Act 2022) to account at the building level for meeting their legal and regulatory obligations. This includes obligations in relation to the remediation of building safety risks as relevant to their respective regimes.
- 5.3 RSH and the BSR have agreed that they will:
- a) seek to achieve a complementary and compatible approach so far as that is consistent with their individual regulatory roles;
 - b) communicate with one another at an early stage on any issues that might have significant implications for the other organisation;
 - c) signpost the enquirer to the other organisation where appropriate, making sure to explain to the enquirer *why* the other organisation is the appropriate organisation;
 - d) meet and communicate regularly – at appropriate levels of seniority, including at an operational level – to discuss matters of mutual interest including stakeholder engagement;
 - e) seek to promote understanding about their respective roles internally and externally including for tenants, landlords and Accountable Persons; and

³ The meaning of “Accountable Person” & “Principal Accountable Person” is provided in [Section 72](#) & [Section 73](#) of the Building Safety Act 2022

- f) ensure consistency in the way in which they are communicating about each other's roles.

6. Information sharing

Legal basis of information sharing

- 6.1 Under the Building Safety Act 2022 section 27 and Schedule 3, the power to share information is provided to both BSR and RSH⁴. This Section confirms that information sharing gateways created by Schedule 3 over-ride duties of confidence, but not data protection requirements.
- 6.2 BSR and RSH may disclose to the other party information held in connection with any of their relevant functions or the relevant functions of the other party.
- 6.3 Taking the above into account, the following areas of information exchange have been agreed:
 - a) RSH and BSR will share current information and data on those parties who meet the definition of a registered provider and/or an Accountable Person to inform their respective activities where appropriate.
 - b) RSH and BSR will co-ordinate effectively and share insight regularly on specific cases when appropriate, particularly where both organisations are actively engaging with the same registered provider because serious failures are suspected or have been identified.
 - c) RSH and BSR will share intelligence on emerging sector risks and developments where relevant to their respective roles including themes from casework relating to building safety.
 - d) RSH will notify BSR in advance of publication of its Regulatory Judgements where possible, where it relates to registered providers with responsibilities for buildings at least 18 metres in height or at least seven storeys and there are building safety concerns or other matters that should be brought to the attention of the BSR.
 - e) BSR will notify RSH when a Compliance Notice has been served under the Building Safety Act 2022 and the Accountable Person for the building is a registered provider of social housing⁵.

⁴ RSH also has a general power, under section 109 of the Housing and Regeneration Act 2008, to disclose information to a public authority (which would include the BSR) if it thinks that information is necessary either for purposes connected with its own functions or for purposes connected with the public authority's functions.

⁵ Section 100(4) of the Building Safety Act 2022

- f) BSR will notify RSH before applying for, varying or discharging a Special Measures Order⁶ where the Accountable Person for the building is a registered provider of social housing.
- g) BSR and RSH will share information in relation to enforcement action where such action may affect the carrying out of their respective functions.
- h) RSH and the BSR will share at an appropriate stage to allow for considered input into draft publications that may affect the exercise of the other's functions.

General Data Protection Regulation

- 6.6 The parties do not expect to routinely share personal data or exchange sufficient quantities of personal data to necessitate entering into a separate data sharing agreement. Where any personal data is disclosed in accordance with arrangements under this MoU, each party will ensure that they fully comply with the Data Protection Act 2018 and the UK General Data Protection Regulation (GDPR). For more details about how personal data is processed please see the privacy notices for [RSH](#) and the [BSR](#).
- 6.7 Neither RSH nor the BSR will generally provide information about specific cases but where it does, this may include personal data in line with GDPR article:
- 6(1)(e) where processing is necessary for the performance of a task carried out in the public interest or in the exercise of BSR and/or RSH's official functions; or where relevant under
 - 6(1)(c) where processing is necessary for compliance with a legal obligation⁷.

Requests for Information

- 6.8 Both parties are public authorities for the purposes of the Freedom of Information Act 2000 (FOIA) and the Data Protection Act 2018 (DPA). Where a request for information is received by either party under FOIA, Environmental Information Regulations 2004 (EIR) or data protection legislation and that request relates to the other party (and/or information originally received from the other party under this MoU), the recipient of the request will seek the views of the other party as soon as possible to ensure that the timeframes for response can be met, where the information being sought under the request includes information obtained from, or shared by, that party. However, the decision to disclose or withhold the information (and therefore any liability arising out of that decision) remains with the party in receipt of the request.

⁶ As defined under paragraph 1 to Schedule 7 of the Building Safety Act 2022

⁷ Under Schedule 7(28) of the DPA 2018, the Health and Safety Executive are named as a Competent Authority. A Competent Authority is any other person if, and to the extent that, they have statutory functions to exercise public authority or public powers for the law enforcement purposes under Part 3 of the DPA 2018.

7. Review

- 7.1 Representatives from RSH and the BSR will review this MoU on an annual basis, or after a significant change in legislation, policy or practice in either party, to ensure that it reflects any developments and changes in working practices.

This MoU was agreed by both parties on 4 April 2025.