

## Policy Statement

### Introduction

#### Purpose

1. This document sets out the Government's policy on qualifications for Senior Housing Executives and Senior Housing Managers of Registered Providers, and Relevant Managers of Services Providers of Registered Providers (see Chapter 7 for the glossary of terms which sets out definitions).
2. The Government has directed the Regulator of Social Housing ('the Regulator') to set a standard which requires Registered Providers to comply with all applicable requirements set out in Chapters 1-6 of this Policy Statement.
3. This Policy Statement also provides guidance for Registered Providers and Services Providers on the qualification requirements at Annex A, and guidance for Services Providers on the implications for them of sections 194A, 194B and 217A of the Housing and Regeneration Act 2008 ('the Act') in Annex B.
4. In this document, capitalised expressions have the meanings set out in the glossary of terms within this policy statement (Chapter 7). Where an expression is used but not defined in this document, that expression has the same meaning as in Part 2 of the Housing and Regeneration Act 2008 ("the Act").

#### Policy background

5. Following the Grenfell tragedy in 2017, significant concerns were raised about the competence and conduct of staff working in social housing. Evidence presented to the Grenfell Tower Inquiry indicated that tenants had not been listened to when they raised concerns, including about safety in the tower; complaints had not been properly dealt with; and some staff had behaved unprofessionally.
6. The 2018 Green Paper "A New deal for Social Housing" also highlighted issues relating to safety and quality of the services provided by social housing landlords and raised concerns around tenants feeling that they were not treated with respect.<sup>1</sup>
7. Informed by the recommendations of The Charter for Social Housing Residents: Social Housing White Paper (2020), DLUHC (now re-named as MHCLG) committed to conduct a review of 'professional training and development' provision to consider the appropriate qualifications and standards for social housing staff in different roles, including senior managers.
8. The review of professionalisation concluded that the social housing sector does need to improve the professionalisation of its staff.<sup>2</sup> It found that cultural change, behaviours and attitudes of staff, as well as technical skills and knowledge, are critical to improving the quality

<sup>1</sup> <https://www.gov.uk/government/news/social-housing-green-paper-a-new-deal-for-social-housing>

<sup>2</sup> [Annex E: Summary of the Social Housing Professionalisation Review - GOV.UK \(www.gov.uk\)](#)

of social housing services. It also found that if qualification requirements were to be introduced, these should be focused on senior managers and executives as they are best placed to drive culture change and are responsible for managing the delivery of high quality, professional services. As a result of this review, the previous Government brought forward measures in the Social Housing (Regulation) Act 2023 to give a power to the Regulator to set a standard for Registered Providers in matters relating to the competence and conduct of individuals involved in the provision of services in connection with the management of social housing, and to the Secretary of State to direct the Regulator to set such a standard, about the content of that standard, and to have regard to specified objectives when setting that standard.

9. The Act provides that the standard may, in particular, require Registered Providers to comply with specified rules about the knowledge, skills and experience to be required of Relevant Individuals, and the conduct to be expected of Relevant Individuals in their dealings with Tenants. It also provides that the standard may require Registered Providers to:
  - a. secure that their Senior Housing Executives and Senior Housing Managers have, or are working towards, a specified qualification, or type of qualification, in housing management;
  - b. take steps to secure that Relevant Managers of their Services Providers have, or are working towards, a specified qualification, or type of qualification, in housing management.
10. In addition to giving these standard setting and direction making powers, the Act also implies terms into Management Services Agreements. Management Services Agreements are agreements under which a Services Provider agrees to provide services in connection with the management of social housing provided by a Registered Provider (or to arrange for the provision of such services). Broadly speaking, these implied terms require Services Providers to secure that their Relevant Managers have, or are working towards a specified qualification, or type or qualification, in housing management. This provides a contractual mechanism through which Registered Providers can take steps to secure that Relevant Managers of their Services Providers have, or are working towards a specified qualification, or type or qualification, in housing management.
11. The qualification requirements will only apply to a Registered Provider in relation to the Relevant Managers of Services Providers who provide a comprehensive social housing management service to the Registered Provider, meaning that they deliver all or the majority of the functions set out at paragraph 59 of the Policy Statement in relation to the Registered Provider's social housing. Where a Services Provider manages delivery of only one housing management function, such as asset management for example, an exemption applies in relation to their Relevant Managers.

## **Chapter 1: Requirements for Registered Providers in relation to their Senior Housing Managers and Senior Housing Executives**

12. Except as provided otherwise in Chapters 1 to 5 of this document, Registered Providers must secure that those of their Senior Housing Executives and Senior Housing Managers that meet

the description in Chapter 2 (“Relevant Persons”) (see Chapter 7 for the glossary of terms which sets out definitions):

- a. hold a Relevant Qualification in housing management (see Chapter 3); or
- b. are working towards such a qualification.

13. A Relevant Person is working towards a Relevant Qualification if any of the following apply:

- a. They are enrolled upon the Relevant Qualification, or a lower level qualification that is a prerequisite to enrolling on the Relevant Qualification, but are not making progress towards completing the qualification and:
  - i. no more than six months have elapsed since enrolment;
  - ii. more than six months have elapsed since enrolment but the Relevant Person has been unable to make progress towards completing the Relevant Qualification because the course on which they are enrolled has not yet started and the Registered Provider has plans in place to ensure that the Relevant Person will be making progress towards completing it as soon as reasonably practicable; or
  - iii. they are absent from work, or due to begin an extended absence from work (which could include, for example, maternity leave, absence due to sickness, compassionate leave, special leave for public duties, or reserve service in the armed forces), which means that it is not, or would not be, feasible for them to be making progress towards completing the qualification and the Registered Provider has plans in place to ensure that the Relevant Person will be making progress towards completing the qualification as soon as reasonably practicable; or
- b. They are enrolled upon, and making progress towards completing, the Relevant Qualification, or a lower level qualification that is a prerequisite to enrolling on the Relevant Qualification, and:
  - i. where the qualifications provider mandates a time period within which the qualification must be completed or gives an estimate of the time period it will take to complete the qualification, that period has not passed except where the Relevant Person has not been able to complete the qualification in that period because they require a reasonable adjustment due to a disability (as defined by the Equality Act), or because of an extended absence from work of the type referred to in paragraph 13(a)(iii) and 13(c)(i), and the Registered Provider has plans in place to ensure that the Relevant Person will complete the qualification as soon as reasonably practicable; or
  - ii. where no such time period is mandated or estimate given, no more than two years have passed since enrolment except where;

- more than two years has passed because that Relevant Person requires a reasonable adjustment due to a disability (as defined by the Equality Act) and the Registered Provider has plans in place to ensure that the Relevant Person completes it as soon as reasonably practicable, or
  - more than two years has passed because of an extended absence from work of the type referred to in paragraph 13(a)(iii) and 13(c)(i), and the Registered Provider has plans in place to ensure that the Relevant Person completes it as soon as reasonably practicable (bearing in mind any need for reasonable adjustments); or
  - more than two years has passed because the Relevant Person is undertaking a longer duration qualification such as an undergraduate or postgraduate degree and the Registered Provider has plans in place to ensure that the Relevant Person completes it as soon as reasonably practicable (bearing in mind any need for reasonable adjustments), or
- c. They are not enrolled on the Relevant Qualification or a lower level qualification that is a prerequisite to enrolling on the Relevant Qualification because:
- i. they are absent from work, or due to begin an extended absence from work (which could include, for example, maternity leave, absence due to sickness, compassionate leave, special leave for public duties, or reserve service in the armed forces), which means that it is not currently feasible for them to enrol on the qualification, and the Registered Provider has plans in place to ensure the Relevant Person will be enrolled on a Relevant Qualification or a lower level qualification that is a prerequisite to enrolling on the Relevant Qualification within six months of them returning from the extended absence; or
  - ii. they have failed a Relevant Qualification or a lower level qualification that is a prerequisite to enrolling on the Relevant Qualification within the last six months and the Registered Provider has plans in place to ensure they successfully complete, or enrol upon another Relevant Qualification or a lower level qualification that is a prerequisite to enrolling on the Relevant Qualification within 6 months of them failing the qualification; or
- d. They have been awarded a lower level qualification (that is a prerequisite for enrolling on the Relevant Qualification) within the last six months.

14. Note: The terms “Senior Housing Executive” and “Senior Housing Manager” have the meanings given in section 194B of the Act (see Annex D).

## Chapter 2: Relevant Persons in scope of the qualification requirement in paragraph 12

15. A Senior Housing Executive or Senior Housing Manager of a Registered Provider is a Relevant Person in scope of the qualification requirement in paragraph 12 if:

- a. They have a substantive role in managing delivery of Housing Management Services to the Registered Provider's social housing Tenants. This means that the person is expected by the Registered Provider to spend the majority of their working time managing delivery of Housing Management Services to the Registered Provider's social housing Tenants, or that managing delivery of Housing Management Services to the Registered Provider's social housing Tenants is an important and substantial aspect of their role;
- b. They are not an unpaid volunteer;
- c. They have been a Senior Housing Manager or Senior Housing Executive (as the case may be) of the Registered Provider for more than 12 months;
- d. They do not hold, and are not working towards, a qualification or apprenticeship that is equivalent to, or of a higher level than, a Relevant Qualification (see 3.3);
- e. They are not deemed to hold a Relevant Qualification and are not deemed to be working towards such a qualification (see 3.4); and
- f. No exemption applies in relation to them (see Chapter 5).

16. Note: See Annex A for guidance to support assessment of whether a person is in scope of the qualification requirement in paragraph 12.

## Chapter 3: Relevant Qualifications

17. To be a Relevant Qualification in housing management, the qualification must:

- a. meet the requirements regarding qualification type and level set out in section 3.1; and
- b. meet the requirements relating to course content set out in section 3.2,

for a Senior Housing Manager or Senior Housing Executive as appropriate.

### 3.1 Qualification type and level requirements

18. For Senior Housing Managers the qualification must be a level 4 qualification regulated by the Office of Qualifications and Examinations Regulation ('Ofqual').

19. For Senior Housing Executives the qualification must be a foundation degree or level 5 qualification regulated by Ofqual.

### 3.2 Course content requirements

20. The qualification must be a qualification in housing management that meets the course content requirements in subsections A, B or C below, as applicable.

21. The qualification must amount to a total qualification time (TQT) of over 120 hours.

#### *Subsection A: General housing management functions*

22. In the case of a Senior Housing Manager who manages the delivery of 'general housing management functions', namely customer services management; complaints management; tenant involvement or empowerment; allocations and lettings management; management of tenancies and/or licenses; income management; and anti-social behaviour management, the course content for the qualification in housing management must focus on managing the delivery of housing services and develop the learners' knowledge and skills in the following areas as a minimum:

- a. Professional practice skills for housing management such as collaborative working, exercising professional judgement and ethical practices;
- b. Equality, diversity and inclusion, and awareness of a range of needs and vulnerabilities (for example, disabilities);
- c. Customer service in housing including effective engagement with tenants and delivering respectful and professional housing services;
- d. National housing policy (including its historical context), and law and regulation relevant to housing management in social housing;

23. In the case of a Senior Housing Executive who manages delivery of 'general housing management functions', the course content for the qualification in housing management must focus on managing the delivery of housing services and develop the learners' knowledge and skills in the areas outlined in paragraph 22 as well as the following areas as a minimum:

- a. Leadership and management in the context of housing management;
- b. Stakeholder engagement and managing relationships in housing management.

#### *Subsection B: Technical housing management functions*

24. For Relevant Persons who manage delivery of 'technical housing management functions', namely estate management; capital / major works within occupied buildings; asset management (including building and/or fire safety management); and repairs and maintenance, the qualification must be either:

- a. a qualification at the required level which meets the criteria in paragraphs 22 for Senior Housing Managers and 23 for Senior Housing Executives; or
- b. a qualification at the required level which covers one or more of the following areas and is broadly relevant to their role:
  - i. quantity or building surveying;

- ii. building management / maintenance, or building studies;
- iii. construction;
- iv. building safety or fire safety;
- v. estate management;
- vi. facilities management; and
- vii. property management.

which also develops the learners' knowledge and skills in customer service in housing including effective engagement with Tenants and delivering respectful and professional housing services; and equality, diversity and inclusion, and awareness of a range of needs and vulnerabilities (for example, disabilities).

#### *Subsection C: Cross tenure roles*

25. For Relevant Persons who manage delivery of 'general housing management functions' and / or 'technical housing management functions' within both Social Housing Units and other types of leasehold properties the qualification must be either:
- a. a qualification at the required level which meets the criteria in subsections A or B; or
  - b. a qualification which
    - i. covers leasehold management and/or residential property management and is broadly relevant to their role; and
    - ii. also develops the learners' knowledge and skills in customer service in housing including effective engagement with Tenants and delivering respectful and professional housing services; and equality, diversity and inclusion, and awareness of a range of needs and vulnerabilities (for example, disabilities).

#### **Cross cutting roles**

26. Where a Relevant Person oversees both 'general housing management functions' and 'technical housing management functions', the Registered Provider should make an assessment about whether the qualification criteria set out in subsections A, B or C is most appropriate for that person.

### **3.3 Equivalent or higher level qualifications and apprenticeships**

27. A person is not a Relevant Person in scope of the qualification requirement in paragraph 12 if they have, or are working towards, a qualification or apprenticeship that is equivalent to, or of a higher level than a Relevant Qualification. Paragraph 13 on the provisions for 'working towards' qualifications applies to equivalent or higher level qualifications and apprenticeships as it does to Relevant Qualifications.

28. A qualification or apprenticeship that is equivalent to, or of a higher level than, a Relevant Qualification means an Equivalent or Higher Level Qualification (as defined in paragraph 29 below) that meets the relevant course content requirements set out in section 3.2 above.
29. An Equivalent or Higher Level Qualification means:
- a. in relation to a Senior Housing Manager, any of the following:
    - i. a certificate of higher education (CertHE);
    - ii. a higher national certificate (HNC);
    - iii. a qualification equivalent to an Ofqual regulated qualification of level 4 or higher regulated by a predecessor to Ofqual;
    - iv. a qualification equivalent to an Ofqual regulated qualification of level 4 or higher regulated by the Scottish Qualifications Authority (SQA), Qualifications Wales (QW), or the Council for the Curriculum, Examinations and Assessment (CCEA) (or a predecessor to one of those bodies);
    - v. an apprenticeship programme that was delivered at an equivalent level to an Ofqual regulated qualification of level 4, or higher (provided they pass their apprenticeship assessment);
    - vi. an Ofqual-regulated qualification higher than level 4;
    - vii. a foundation degree;
    - viii. a qualification listed in sub-paragraph b.
  - b. in relation to a Senior Housing Executive, any of the following:
    - i. a diploma of higher education (DipHE);
    - ii. a higher national diploma (HND);
    - iii. a qualification equivalent to an Ofqual regulated qualification of level 5 or higher regulated by a predecessor to Ofqual;
    - iv. a qualification equivalent to an Ofqual regulated qualification of level 5 or higher regulated by the Scottish Qualifications Authority (SQA), Qualifications Wales (QW), or the Council for the Curriculum, Examinations and Assessment (CCEA) (or a predecessor to one of those bodies);
    - v. an apprenticeship programme that was delivered at an equivalent level to an Ofqual regulated qualification of level 5 or higher (provided they pass their apprenticeship assessment);
    - vi. an Ofqual-regulated qualification higher than level 5;
    - vii. Chartered Institute of Housing Professional Qualification (PQ)
    - viii. an undergraduate degree (including graduate certificates and diplomas, and degree apprenticeships); or

- ix. a postgraduate degree (including master's degrees, postgraduate diplomas or certificates, and doctorates).

### 3.4. Partially compliant qualifications or apprenticeships

30. A person is not a Relevant Person in scope of the qualification requirement in paragraph 12 if they are deemed to hold a Relevant Qualification, or are deemed to be working towards such a qualification.

31. A person is deemed to hold a Relevant Qualification if:

- a. they have a qualification in housing management that meets the applicable requirements regarding qualification type and level set out in section 3.1 (or an Equivalent or Higher Level Qualification as defined in paragraph 29) that only partially meets the relevant course content requirements set out in section 3.2 above (a "Partially Compliant Qualification"); and
- b. they have completed additional training modules of an appropriate volume, quality and level which meet the course content requirements set out in section 3.2 above that are unmet by the Partially Compliant Qualification. Additional training modules completed more than two years before the Competence and Conduct Standard comes into force may not be taken into account.

32. A person is deemed to be working towards a Relevant Qualification if:

- a. where they already have a Partially Compliant Qualification at the beginning of the Transition Period, they are working towards completing additional training modules of an appropriate volume, quality and level which meet the course content requirements set out in section 3.2 that are unmet by the Partially Compliant Qualification;
- b. where they obtain a Partially Compliant Qualification after the beginning of the Transition Period, they are working towards completing additional training modules of an appropriate volume, quality and level which meet the course content requirements set out in section 3.2 that are unmet by the Partially Compliant Qualification; or
- c. they are working towards a Partially Compliant Qualification and the Registered Provider has plans in place to ensure that they will be working towards completing additional training modules of an appropriate volume, quality and level which meet the course content requirements set out in section 3.2 that are unmet by the Partially Compliant Qualification within 12 months of being awarded their Partially Compliant Qualification.

33. For the purposes of determining whether a person is working towards a Partially Compliant Qualification, paragraph 13 should be read as if the references to a Relevant Qualification were a reference to a Partially Compliant Qualification.

34. A Relevant Person is working towards an additional training module if any of the following apply:
- a. They are either in the process of completing the additional training module/s or are scheduled to undertake the additional training module/s, and the Registered Provider has plans in place to ensure that they complete them either by the end of the Transition Period, or within 12 months of obtaining the Partially Compliant Qualification where that date would be later than the end of the Transition Period; or
  - b. They are not yet enrolled on and are not yet scheduled to complete the additional training modules because they require a reasonable adjustment due to a disability (as defined by the Equality Act), or because of an extended absence from work of the type referred to in paragraph 13(a)(iii) and 13(c)(i), and the Registered Provider has plans in place to ensure that they complete it as soon as reasonably practicable.

## Chapter 4: Transition Period

### 4.1 The Transition Period

35. The Transition Period is the period of 36 months beginning with the day that the Competence and Conduct Standard comes into force.
36. During the Transition Period, the qualification requirement in paragraph 12 does not apply except as set out in paragraph 37 below.
37. Registered providers must secure that anyone within their organisation who is a Relevant Person at the beginning of the Transition Period, or who becomes a Relevant Person within the first 24 months of the Transition Period has, or is working towards, a Relevant Qualification by the end of the Transition Period. Where someone becomes a Relevant Person after the first 24 months of the Transition Period, the normal rules will apply.
38. This section does not apply to Small Registered Providers.

### 4.2 Adjusted transition period for Small Registered Providers

39. An adjusted transition period applies to Registered Providers that own fewer than 1,000 Social Housing Units ("Small Registered Providers").
40. The adjusted transition period for Small Registered Providers is 48 months beginning with the day that the Competence and Conduct Standard comes into force.
41. During the adjusted transition period, the qualification requirement in paragraph 12 does not apply to Small Registered Providers except as set out in paragraph 42 below.
42. Small Registered Providers must secure that anyone within their organisation who is a Relevant Person at the beginning of the Transition Period, or who becomes a Relevant Person within the first 36 months of the adjusted transition period has or is working towards a Relevant Qualification by the end of the adjusted transition period. Where someone becomes

a Relevant Person after the first 36 months of the adjusted transition period, the normal rules will apply.

43. In relation to Small Registered Providers, any reference to the Transition Period in Chapter 3 of the Policy Statement should be read as a reference to the adjusted transition period.

## **Chapter 5: Exemptions**

44. An exemption applies in relation to persons who deliver one or more of the functions set out below (“Exempt Functions”) and do not otherwise have a substantive role in managing delivery of Housing Management Services to the Registered Provider’s social housing Tenants:
- a. Back-office managerial functions which do not involve the management of direct delivery of services to Tenants, including roles such as those working in legal, IT support, data, procurement and HR teams as well as those members of finance teams whose functions include the processing of direct debits, housing benefit/universal credit payments and accounting. Finance functions related to income management within a social housing context are in scope (please see paragraph 10f of Annex A for related guidance);
  - b. Construction of new buildings or management of unoccupied buildings;
  - c. Delivery of care and support, for example, personal care provided to Tenants in supported housing; and
  - d. Functions which involve overseeing or managing the housing register and making statutory assessments or decisions relating to housing need or homelessness, including local authorities’ strategic housing functions.

## **Chapter 6: Requirements for Registered Providers in respect of the Relevant Managers of their Services Providers**

45. Registered Providers must take steps to secure that all Relevant Managers of their Services Providers that meet the description in section 6.1 (“Relevant SP Managers”) except as otherwise provided in this Chapter:
- a. hold a Relevant Qualification (see section 6.2 of this Policy Statement); or
  - b. are working towards a Relevant Qualification (see Chapter 3 and section 6.2 below). The meaning of working towards in paragraph 13 of this Policy Statement also applies in relation to Relevant Managers of Services Providers, save that the references to ‘Relevant Person(s)’ should be read as references to ‘Relevant SP Manager(s)’ and the references to ‘Registered Provider’ should be read as references to ‘Services Provider’.
46. Registered Providers must:
- a. consider how they will use the terms which are implied into Management Services Agreements by s217A of the Act in taking the steps to secure that Relevant SP

Managers have, or are working towards, a Relevant Qualification<sup>3</sup> as required in this Policy Statement;

- b. bring the qualification element of the Competence and Conduct Standard to the attention of those of their Services Providers with which they have a Management Services Agreement (except where an exemption applies in relation to all of their Relevant SP Managers as set out in section 6.5);
- c. take steps to secure that such Services Providers are aware of their obligations under the terms implied into the Management Services Agreement; and
- d. take steps to secure that their Services Providers with which they have a Management Services Agreement (except where an exemption applies in relation to all of their Relevant SP Managers as set out in section 6.5):
  - i. consider how they will use the terms which are implied into Management Services Agreements by s217A of the Act in taking the steps to secure that the Relevant SP Managers of their sub-contractors have or are working towards a Relevant Qualification;
  - ii. bring the qualification element of the Competence and Conduct Standard to the attention of their sub-contractors that are Services Providers in relation to the Registered Provider; and
  - iii. take steps to secure that those sub-contractors are aware of their obligations under the implied terms.

## 6.1 Relevant SP Managers in scope of the qualification requirement in paragraph 45

47. A person is a Relevant SP Manager if:

- a. They are a Relevant Manager of a Services Provider;
- b. They have a substantive role in managing delivery of Housing Management Services to the Registered Provider's social housing Tenants. This means that the person is expected by the Services Provider to spend the majority of their working time managing delivery of Housing Management Services to the Registered Provider's social housing Tenants, or that managing delivery of Housing Management Services to the Registered Provider's social housing Tenants is an important and substantial aspect of their role;
- c. They are not an unpaid volunteer;
- d. They have been a Senior Housing Manager or Senior Housing Executive (as the case may be) of the Services Provider for more than 12 months;
- e. They do not hold, and are not working towards, a qualification or apprenticeship that is equivalent to, or of a higher level than a Relevant Qualification (see 6.2 and 3.3);

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<sup>3</sup> Annex B of this Policy Statement provides guidance for Services Providers on the implications of S217A of the Act for them

- f. They are not deemed to hold a Relevant Qualification and are not deemed to be working towards such a qualification (see 6.2 and 3.4); and
- g. No exemption applies in relation to them (see 6.5).

## 6.2 Criteria that qualifications must meet

48. Chapter 3, which defines Relevant Qualifications, applies in relation to Senior Housing Managers and Senior Housing Executives of a Services Provider in relation to a Registered Provider as it does in relation to Senior Housing Managers and Senior Housing Executives of a Registered Provider subject to the modifications in paragraph 49.

49. The modifications are that:

- a. Paragraph 26 should be replaced with: “Where a Relevant SP Manager oversees both ‘general housing management functions’ and ‘technical housing management functions’, the Registered Provider should rely on their Services Provider to make an assessment about whether the qualification criteria set out in subsections A, B or C is most appropriate for that person.”;
- b. Any reference to a Registered Provider should be read as a reference to a Services Provider;
- c. Any reference to a Relevant Person should be read as a reference to a Relevant SP Manager; and
- d. Any reference to paragraph 12 should be read as a reference to paragraph 45.

## 6.3 Transition Period which applies in respect of the Relevant Managers of a Registered Provider’s Services Providers

50. The Transition Period is the period of 36 months beginning with the day that the Competence and Conduct Standard comes into force.

51. During the Transition Period, the qualification requirement in paragraph 45 does not apply except as set out in paragraph 52 below.

52. Registered providers must take steps to secure that anyone who is a Relevant SP Manager of a Services Provider in relation to the Registered Provider at the beginning of the Transition Period, or becomes a Relevant SP Manager of a Services Provider in relation to the Registered Provider within the first 24 months of the Transition Period has, or is working towards, a Relevant Qualification by the end of the Transition Period. Where someone becomes a Relevant SP Manager after the first 24 months of the Transition Period, the normal rules will apply.

53. This section does not apply to Small Registered Providers.

## 6.4 Adjusted transition period for Small Registered Providers which applies in respect of the Relevant Managers of a Registered Provider's Services Providers

54. An adjusted transition period applies to Small Registered Providers in relation to the Relevant Managers of their Services Providers.
55. The adjusted transition period which applies to Small Registered Providers is 48 months beginning with the day on which the Competence and Conduct Standard comes into force.
56. During the adjusted transition period, the requirement in paragraph 45 does not apply except as set out in paragraphs 57 below.
57. Small Registered Providers must take steps to secure that anyone who is a Relevant SP Manager of a Services Provider in relation to the Small Registered Provider at the beginning of the adjusted transition period, or becomes a Relevant SP Manager of a Services Provider in relation to the Small Registered Provider within the first 36 months of the adjusted transition period, has or is working towards, a Relevant Qualification by the end of the adjusted transition period. Where someone becomes a Relevant SP Manager of a Services Provider in relation to the Small Registered Provider after the first 36 months of the adjusted transition period, the normal rules will apply.
58. In relation to the qualifications of the Relevant Managers of Services Providers to a Small Registered Provider, any reference to the Transition Period in section 3 should be read as a reference to the adjusted transition period.

## 6.5 Exemptions

59. An exemption applies in relation to the Relevant SP Managers of Services Providers that do not provide a comprehensive social housing management service to the Registered Provider. A Services Provider provides a comprehensive social housing management service to a Registered Provider if they deliver all or the majority of the following functions in relation to the Registered Provider's social housing: customer services management; complaints management; tenant involvement or empowerment; allocations and lettings management; management of tenancies and/or licenses; income management; repairs and maintenance; asset management (including building and/or fire safety management); anti-social behaviour management; estate management; and capital/major works within occupied buildings. See Annex A for guidance with example scenarios demonstrating when Services Providers may have staff in scope of the requirements.
60. An exemption also applies in relation to Relevant SP Managers who deliver one or more of the functions set out below ("Exempt Functions") and do not otherwise have a substantive role in managing delivery of Housing Management Services to the Registered Provider's social housing Tenants:
  - a. Back-office managerial functions which do not involve the management of direct delivery of services to Tenants, including roles such as those working in legal, IT support, data, procurement and HR teams and those members of finance teams whose functions include the processing of direct debits, housing benefit/universal credit payments and accounting. Finance functions related to income management

within a social housing context are in scope (please see paragraph 10f of Annex A for related guidance);

- b. Construction of new buildings or management of unoccupied buildings;
- c. Delivery of care and support, for example, personal care provided to Tenants in supported housing; and
- d. Functions which involve overseeing or managing the housing register and making statutory assessments or decisions relating to housing need or homelessness, including local authorities' strategic housing functions.

## Chapter 7: Glossary of terms used in this policy statement

**The Act:** The Housing and Regeneration Act 2008

**Competence and Conduct Standard:** a standard, set by the Regulator of Social Housing under section 194A of the Act which requires Registered Providers to comply with all applicable requirements set out in Chapters 1 to 6 of the Policy Statement.

**Housing Management Services:** services in connection with the management of social housing provided by a Registered Provider. Please see Annex A of this policy statement for guidance on the scope of Housing Management Services.

**Management Services Agreements:** this term has the same meaning as given to it by section 217A(2) of the Act (see Annex E). This definition also captures relevant sub-contracts.

**Ofqual:** The Office of Qualifications and Examinations Regulation.

**Registered Provider:** this term has the same meaning as given to it by section 80 of the Act.

**Relevant Individuals:** this term has the same meaning as given to it by section 194A(1) of the Act (see Annex C).

**Relevant Manager:** this term has the same meaning as is given to it by section 194A(5) of the Act (see Annex C).

**Relevant Person:** this term has the meaning given in Chapter 2.

**Relevant Qualification:** this term means a qualification in housing management which meets the criteria set out in Chapter 3 of this Policy Statement. Those criteria are modified in relation to Relevant SP Managers of Services Providers by Chapter 6.

**Relevant SP Manager:** this term has the meaning given in section 6.1.

**Partially Compliant Qualification:** a qualification in housing management that meets the applicable requirements regarding qualification type and level set out in Chapter 3 section 3.1 of this Policy Statement (or an Equivalent or Higher Level Qualification as defined in paragraph 29) that only partially meets the relevant course content requirements set out in Chapter 3 section 3.2.

**Senior Housing Executive:** this term has the same meaning as given to it by section 194B of the Act. There is a different definition of senior housing executive of a Registered Provider (see s. 194B(4) and (6)) and of a Services Provider in relation to a Registered Provider (see s. 194B (5) and (6)). See Annex D.

**Senior Housing Manager:** this term has the same meaning as given to it by section 194B of the Act. There is a different definition of senior housing manager of a Registered Provider (see s. 194B(7) and (9)) and of a Services Provider in relation to a Registered Provider (see s. 194B(8) and (9)). See Annex D.

**Services Provider:** this term has the same meaning as given to it by section 194B(2) of the Act (see Annex D). Examples of services providers are arm's length management organisations (ALMOs) and tenant management organisations (TMOs). They can also be private companies or other bodies contracted to manage delivery of Housing Management Services. Some Services Providers will directly contract with Registered Providers, others will be sub-contractors.

**Small Registered Providers:** Registered Providers that own fewer than 1,000 Social Housing Units.

**Social Housing Units:** a social housing unit is a unit of low cost rental accommodation (as defined by section 69 of the Act) or low cost home ownership accommodation (as defined by section 70 of the Act). Low cost home ownership accommodation is what is generally known as shared ownership.

**Tenant:** a tenant or other occupier of social housing.

**The Regulator of Social Housing:** an executive non-departmental public body, sponsored by the Ministry of Housing, Communities and Local Government, which will set and regulate the Competence and Conduct Standard.

**Transition Period:** has the meaning given in Chapter 4 (in relation to requirements that apply to Registered Providers in relation to Relevant Persons) and in sections 6.3 and 6.4 (in relation to requirements that apply to Registered Providers in relation to Relevant SP Managers).

## **Annex A: Guidance on the qualification requirements**

Guidance for Registered Providers and Services Providers to support their assessment of which roles are in scope of the qualification requirements

1. Registered Providers are responsible for carrying out their own assessments of which roles within their organisation meet the definitions of Senior Housing Manager and Senior Housing Executive as set out in the legislation. The guidance below is intended to assist them in this.
2. To ensure that they are meeting the terms implied into Management Services Agreements by s.217A where relevant, Services Providers will need to carry out their own assessment of which of their officers, partners, employees or apprentices are Relevant SP Managers. In meeting paragraphs 45 and 46 of the Policy Statement it would usually be reasonable for Registered Providers to rely on their Services Provider's assessments of who their Relevant SP Managers are in relation to the Registered Provider.
3. Registered Providers and Services Providers should interpret this guidance in light of their organisational structures and individual role profiles when reaching decisions on which of their staff members need to hold or work towards a Relevant Qualification.

### **Scope of Housing Management Services**

4. The term 'Housing Management Services' is used in this Policy Statement to refer to services in connection with the management of social housing provided by a Registered Provider (which includes services provided by or on behalf of Registered Providers to their Tenants of social housing).
5. Housing Management Services include the following functions as they relate to the management of social housing:
  - a. General housing management functions: customer services management; complaints management; tenant involvement or empowerment; allocations and lettings management; management of tenancies and/or licenses; income management; and anti-social behaviour management.
  - b. Technical housing management functions: repairs and maintenance; asset management (including building and/or fire safety management); estate management; and capital/major works within occupied buildings.
6. Housing Management Services may be delivered in all types of social housing provided by a Registered Provider including sheltered and supported housing and temporary social housing.

### **'Substantive role' rule**

7. As set out in paragraphs 15(a) and 47(b) of this Policy Statement, someone has a substantive role in managing delivery of Housing Management Services to a Registered Provider's social housing tenants when:
  - a. they spend the majority of their working time managing delivery of Housing Management Services to the Registered Provider's social housing Tenants. This means that these responsibilities will usually take up more than half of that individual's working time; or

- b. managing delivery of Housing Management Services to a Registered Provider's social housing Tenants is an important and substantial aspect of their role.

### **Functions delivered by Senior Housing Managers of Registered Providers and their Services Providers**

8. The definition of Senior Housing Manager of a Registered Provider is in section 194B(7) and (9) of the Act. The definition of Senior Housing Manager of a Services Provider is in section 194(8) and (9) of the Act. They are defined by reference to the description of the occupation of senior housing and property management published by Skills England (see the description previously published by the Institute for Apprenticeships and Technical Education which continues to have effect).<sup>4</sup>
9. Senior Housing Managers of Registered Providers and their Services Providers will manage the direct delivery of Housing Management Services to social housing Tenants.
10. Individuals with managerial responsibilities in respect of the functions below in relation to social housing are generally Senior Housing Managers (in relation to a Services Provider these functions must be being delivered to a Registered Provider's social housing Tenants):
  - a. **Customer services management:** managing delivery of customer services to Tenants, including management of customer contact centres which handle Tenant queries and concerns in relation to Housing Management Services.
  - b. **Complaints management:** managing delivery of complaints management, including collecting and monitoring of Tenant feedback and dealing with complaints from Tenants in relation to Housing Management Services.
  - c. **Tenant involvement or empowerment:** managing delivery of Tenant involvement activities, including engagement with Tenant groups, managing Tenant feedback and ensuring communications with Tenants are reflective of Tenants' needs and requirements.
  - d. **Allocations and lettings management:** managing delivery of the allocations and lettings processes. This includes managing pre-tenancy stages, transfers and mutual exchanges (this does not include functions which involve overseeing or managing the housing register and making statutory assessments or decisions relating to housing need or homelessness, including local authorities' strategic housing functions).
  - e. **Management of tenancies and/or licenses:** managing delivery of effective processes and services relating to the management of tenancies or licenses to occupy including in relation to the ending of tenancies and licences.
  - f. **Income management:** managing delivery of effective processes and communications relating to the collection of rents and service charges from Tenants and income recovery, including working with Tenants to manage issues related to income management such as addressing rent arrears and managing court proceedings (this

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<sup>4</sup> <https://skillsengland.education.gov.uk/apprenticeships/st0236-v1-3>

excludes the calculation and setting of rents and excludes corporate finance functions which do not involve the management of direct delivery of services to Tenants).

- g. **Repairs and maintenance:** managing delivery of responsive and planned repairs and maintenance work within occupied homes.
- h. **Asset management:** managing the effective planning and delivery of all technical surveying works, including overseeing the improvement and maintenance of built assets, and considering Tenants' priorities to assist in asset management decisions. This would also include the management of building and/or fire safety requirements.
- i. **Anti-social behaviour management:** managing delivery of policies and procedures to deal with reports of anti-social behaviour effectively and working with relevant agencies in responding to anti-social behaviour.
- j. **Estate management:** managing delivery of estate management, including ensuring that staff and contractors are maintaining properties and communal areas effectively. This could include consulting with Tenants when developing and improving the local environment and amenities.
- k. **Capital/major works within occupied buildings:** managing delivery of capital/major works including delivery of renovations, repairs or renewals. This could include ensuring effective procedures are in place for maintaining building and/or fire safety and for consulting and communicating with Tenants about capital/major works (does not include functions relating to the development of new buildings).

11. The list above is not exhaustive.

12. Senior Housing Managers will often manage teams of staff to ensure they deliver a good quality and responsive service to the Registered Provider's Tenants, although having line management responsibilities or supervising frontline teams or operatives will not necessarily bring a person into scope of the requirements. Conversely, a person is not necessarily outside the qualification requirements simply because they do not have line management or supervisory responsibilities.

13. A Senior Housing Manager will usually be a person who has responsibility for, and autonomy in, making decisions about the operational management and oversight of the service or a person who manages the quality and / or safety of housing management services or decides upon changes to policy or to service delivery. A person who is responsible for implementing those policies or for delivering frontline services but who has very little, or no decision-making power would not usually be a Senior Housing Manager.

14. As an example scenario, if a person is a line manager but their responsibilities mainly consist of coordinating rotas and managing the duties and workload of a small section of the complaints management team, but they have very little input into monitoring and managing the quality and performance of the complaints service and adapting the organisation's complaints policies or making changes to service delivery to ensure good outcomes for

Tenants, it is unlikely that the person will be a Senior Housing Manager. Instead, it is likely that one or more persons in a tier of management above this person would be a Senior Housing Manager.

15. As an example in a supported housing context, a manager at scheme level who manages frontline services within a specialist supported housing service, such as a domestic abuse refuge or homeless hostel, and is primarily responsible for ensuring the smooth running of the scheme, communicating information to senior management and dealing with crisis situations or safeguarding issues, is unlikely to be in scope. Instead, it is likely that one or more persons in a tier of management above this person would be in scope.
16. In larger organisations that have several management levels, it is possible that they will have more than one tier of management which meets the definition of Senior Housing Manager. For example, it is possible that a medium or large Private Registered Provider might assess that both their operations manager(s) and their team leader(s) are Senior Housing Managers. This will depend on the roles and responsibilities of those individuals.

#### **Functions delivered by Senior Housing Executives of Registered Providers and their Services Providers**

17. The definition of Senior Housing Executive of a Registered Provider is in section 194B(4) and (6) of the Act. The definition of Senior Housing Executive of a Services Provider in relation to a Registered Provider is in section 194(5) and (6) of the Act. They must have responsibility (solely or jointly) for the day to day management of the provision of services in connection with the management of social housing provided by the Registered Provider. They must also be part of the Registered Provider's or Services Provider's (as applicable) Senior Management meaning that they play a significant role in the making of decisions about how the whole or a substantial part of the activities of the provider which relate to social housing are to be managed or organised or the management or organisation of the whole or a substantial part of such activities.
18. Senior Housing Executives will usually be those who provide strategic direction and have accountability in relation to Housing Management Services.
19. Individuals who deliver the following functions in relation to Housing Management Services are generally Senior Housing Executives (in relation to a Services Provider these functions must be being delivered on behalf of a Registered Provider):
  - a. provides overall strategic direction and accountability in relation to service quality.
  - b. accountability for developing and embedding their organisation's culture in line with strategic objectives.
  - c. accountability for ensuring implementation of strategies to manage and improve performance.
  - d. accountability for ensuring accessible and tenant-focused policies and procedures are in place.
20. The list above is not exhaustive.

21. Senior Housing Executives may have overarching accountability for all Housing Management Services. Or, depending on the size and makeup of the organisation, Senior Housing Executives may have overall accountability for, or high level oversight of, a specific and substantial part of the organisation's Housing Management Services such as income management, tenant involvement or empowerment, or repairs and maintenance.
22. The definition of Senior Housing Executive may capture the organisation's Chief Executive Officer (CEO) if they are the person within that organisation who has responsibility (solely or jointly) for the day to day management of delivery of Housing Management Services. For example, a CEO of a Small Registered Provider who is responsible on a day to day basis for the organisation's strategies and policies to maintain and continuously improve the provision of social housing and who oversees appropriate systems to ensure that the needs of residents are met, is likely to be in scope. However, a CEO of a large Registered Provider who leads on the corporate management of the organisation, providing strategic direction across a wide range of services or local authority functions, may not have responsibilities for the day to day management of Housing Management Services and/or may not have a substantive role in managing delivery of Housing Management Services to the Registered Provider's social housing Tenants, in which case they would not be in scope. In this instance, the Senior Housing Executive(s) would likely sit within one of the tiers of management below the CEO such as member(s) of the organisations' executive team.
23. In larger organisations that have several management levels, it is possible that they will have more than one tier of management which meets the definition of Senior Housing Executive. For example, it is possible that a large Private Registered Provider might assess that their executive director(s) and director(s) are Senior Housing Executives. This will depend on the roles and responsibilities of those individuals.

### **Distinguishing between Senior Housing Manager and Senior Housing Executive roles**

24. The distinction between the two roles is that Senior Housing Managers will usually have operational management responsibilities for the functions listed at paragraph 10 of Annex A, whereas the Senior Housing Executive will be the person with strategic responsibility or accountability for the day to day management of Housing Management Services to a Registered Provider's social housing Tenants.
25. In larger organisations that have several management levels, it is likely that the Registered Provider or (where relevant) their Services Providers will have individuals at both the Senior Housing Manager and the Senior Housing Executive level who will need to hold or work towards Relevant Qualifications.
26. Conversely, in smaller organisations it is possible that there may not be roles at both levels of seniority and in some cases, where the organisation is very small for example, there may only be one individual in scope.

### **Exemptions and functions not in scope of the qualification requirements**

27. Roles within centralised or corporate local authority functions would not usually be in scope, such as those with managerial responsibilities for anti-social behaviour management or customer services across all the various local authority services, rather than specifically in

relation to housing management services provided as part of the local authority's role as a Registered Provider of social housing (but the 'substantive role' rule will apply).

28. As per Chapter 5 and Chapter 6 section 6.5 of the Policy Statement, an exemption applies to persons who deliver one or more of the functions set out below ("Exempt Functions") and do not otherwise have a substantive role in managing delivery of Housing Management Services to the Registered Provider's social housing Tenants:
  - a. Back-office managerial functions which do not involve the management of direct delivery of services to Tenants, including roles such as those working in legal, IT support, data, procurement and HR teams as well as those members of finance teams whose functions include the processing of direct debits, housing benefit/universal credit payments and accounting. Finance functions related to income management within a social housing context are in scope, as referenced in paragraph 10f of Annex A);
  - b. Construction of new buildings or management of unoccupied buildings;
  - c. Delivery of care and support, for example, personal care that is provided to Tenants in supported housing; and
  - d. Functions which involve overseeing or managing the housing register and making statutory assessments or decisions relating to housing need or homelessness, including local authorities' strategic housing functions.
29. An exemption also applies in relation to the Relevant SP Managers of Services Providers who do not provide a comprehensive social housing management service to the Registered Provider in question. A Services Provider provides a comprehensive social housing management service to a Registered Provider if they deliver all or the majority of the following functions in relation to the Registered Provider's social housing: customer services management; complaints management; tenant involvement or empowerment; allocations and lettings management; management of tenancies and/or licenses; income management; repairs and maintenance; asset management (including building and/or fire safety management); anti-social behaviour management; estate management; and capital/major works within occupied buildings.
30. As an example scenario, an ALMO which manages delivery of all functions listed in paragraph 29 on behalf of the Registered Provider, except for allocations and lettings management, would not be exempt and is likely to have staff in scope of the qualification requirements.
31. However, if, for example, a commercial property management company only manages delivery of the asset management on behalf of the Registered Provider, and does not deliver any of the other functions listed in paragraph 29, they would be exempt, and therefore would not have staff in scope of the qualification requirements.
32. As a common example within a supported housing context, a managing agent that delivers all of the functions listed in paragraph 29, except for delivering repairs and maintenance, asset management, and / or capital works, would not be exempt and may have staff in scope of requirements.

33. A direct labour organisation (DLO) which is part of a local authority would not be exempt as they are part of the Registered Provider.

#### **Guidance on sub-contractors**

34. The qualification requirements also apply in relation to sub-contractors of Services Providers. As an example, if a Registered Provider enters into a Management Services Agreement with a Services Provider who then sub-contracts all or the majority of the functions listed in paragraph 29 to a subsidiary, then that sub-contractor is likely to have staff in scope of the qualification requirements.

#### **Managing contracts delivered by Services Providers**

35. In some cases, even where a Registered Provider contracts out Housing Management Services to one or more Services Providers, including Services Providers who have an exemption as set out in paragraph 59 of the Policy Statement, they may have their own Senior Housing Manager(s) and/or Senior Housing Executive(s) in scope. This will need to be assessed on a case by case basis.
36. As an example scenario, a Registered Provider might delegate out their repairs and maintenance and asset management to a property management company. Although the property management company would be exempt, a member of staff such as a contract manager who is employed by the Registered Provider and oversees the delivery of these services could be in scope if they are assessed to be a Senior Housing Manager.
37. Conversely, if the Registered Provider delegates out a comprehensive social housing management service to an ALMO, for example, which has Senior Housing Managers and Senior Housing Executives in scope of the qualification requirements, it is possible that the Registered Provider will not have any staff in scope.

#### **Guidance on criteria that qualifications must meet**

##### **What is a “qualification in housing management”?**

38. Qualifications must meet the course content requirements in section 3.2, subsections A, B or C as applicable. It is expected that Registered Providers will make an assessment of whether their staff need to comply with the criteria in sub-sections A, B or C, and that Services Providers will make this judgement for their own staff.
39. Generic leadership and management courses, and courses in disciplines in such as planning, sociology, social policy and geography are not qualifications in housing management.
40. Membership of a professional body is not a qualification. Where a person has a professional membership such as with the Chartered Institute of Housing, the Chartered Institute of Building, or the Royal Institution of Chartered Surveyors, but did not undertake a qualification as part of gaining their membership, they would not meet the requirements.

#### **Partially Compliant Qualifications**

41. A qualification or apprenticeship in housing management which meets applicable requirements regarding qualification type and level as per section 3.1 (including an Equivalent or Higher Level Qualification as per 3.3) but only partially meets the applicable course content requirements set out in section 3.2 would be a Partially Compliant Qualification.

42. Examples of qualifications which could be Partially Compliant Qualifications include:

- a. An older qualification in housing management such as a Certificate or Diploma in housing or a housing degree which covers most but not all of the course content criteria;
- b. Technical qualifications in one of the following areas:
  - i. quantity or building surveying;
  - ii. building management / maintenance, or building studies;
  - iii. construction;
  - iv. building safety or fire safety;
  - v. estate management;
  - vi. facilities management;
  - vii. property management;

which do not develop the learners' knowledge and skills in customer service in housing including effective engagement with Tenants and delivering respectful and professional housing services; and equality, diversity and inclusion, and awareness of a range of needs and vulnerabilities (for example, disabilities); or

- c. A qualification in leasehold management or residential property management which does not develop the learners' knowledge and skills in customer service in housing including effective engagement with Tenants and delivering respectful and professional housing services; and equality, diversity and inclusion, and awareness of a range of needs and vulnerabilities (for example, disabilities).

### **Additional training modules**

43. Staff who have, or are working towards, a partially compliant qualification or apprenticeship can complete additional training modules of an appropriate volume, quality and level, which cover the course content requirements that are not covered by the partially compliant qualification or apprenticeship. Separate additional training modules do not necessarily need to be undertaken for each criterion set out in Chapter 3 section 3.2. One additional training module could develop the learners' knowledge and skills in multiple areas. Examples of additional training modules could be a training course provided by an external provider or an in-depth course delivered by the organisation's internal learning and development team.

44. If suitable additional training cannot be identified, staff should instead work towards a Relevant Qualification.

## Interaction with other requirements

### **The Building Safety Act 2022**

45. It is acknowledged that members of staff within the social housing sector may have cross cutting roles, and in some instances, those defined as Senior Housing Managers and Executives for the purposes of the qualification requirements may also be accountable persons or principal accountable persons who are responsible for assessing and managing building safety risks in residential buildings, or may be responsible for carrying out duties on behalf of an accountable person. More guidance on what constitutes an accountable person and what duties they have can be found [here](#)<sup>5</sup>. In this instance it is appropriate that the individual would be expected to meet the requirements under the PAS8673 as well as meeting the requirements of the qualification element of the Competence and Conduct Standard as described in this Policy Statement.
46. Qualification requirements for Senior Housing Managers and Senior Housing Executives responsible for the management of building and/or fire safety requirements will be kept under review in light of any future work that may take place to improve competence of building and fire safety professionals.

### **The Supported Housing (Regulatory Oversight) Act 2023**

47. The Supported Housing (Regulatory Oversight) Act 2023 enables the government to publish National Standards for supported housing, which will be enforced through a proposed supported housing licence regime in England. Following a consultation exercise the National Standards are being finalised. The proposed standards include a Staff and Safeguarding standard, which will apply to people working in supported housing, and which we intend to align with the Competence and Conduct Standard where appropriate.

### **Proposals for mandatory qualifications for managing agents**

48. The recent consultation on strengthening leaseholder protections over charges and services set out proposals for mandatory qualifications for managing agents in the leasehold sector. We are aware that in some blocks, including those primarily managed by social landlords, managing agents may provide services for both leaseholders and social housing tenants. We will ensure alignment between the Competence and Conduct Standard and the work taken forward to professionalise managing agents, avoiding unnecessary duplication.

## Relevant Persons and Relevant SP Managers who don't meet qualifications requirements

49. Registered Providers must secure that Relevant Persons hold or are working towards a Relevant Qualification. Where a Relevant Person persistently fails to complete or pass the qualification or refuses to undertake the course, Registered Providers are expected to address this in accordance with their own HR or disciplinary processes and procedures.

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<sup>5</sup> [Safety in high-rise residential buildings: accountable persons - GOV.UK](#)

50. The Act automatically implies terms into Management Services Agreements between Registered Providers and Services Providers (and Services Providers and sub-contractors) which, broadly speaking, will mean that Services Providers are contractually obliged to secure that their Relevant SP Managers have, or are working towards, a Relevant Qualification. Registered Providers must take steps to secure that Services Providers comply with this contractual obligation, for example, they could require Relevant SP Managers to be qualified through their procurement processes, and they could monitor compliance as part of regular contract monitoring. Registered Providers must also take steps to manage non-compliance of Services Providers with the implied terms in their Management Services Agreements in the same way as they would for breaches of other contractual terms in this agreement. In the most serious of cases, it is expected that this could culminate in the termination of contracts.

### Implied terms within Management Services Agreements

51. Registered Providers are expected to ensure that their Management Services Agreements contain provisions that provide a contractual mechanism through which the Registered Provider can require its direct Services Providers to secure that their Relevant SP Managers have or are working towards a Relevant Qualification as required by this Policy Statement (except where an exemption applies in relation to all of their Relevant SP Managers as set out in section 6.5).
52. It is acknowledged that there could be a scenario where the Management Services Agreement is not between a Registered Provider and Services Provider, but rather between a local authority (that is not the Registered Provider) and a Services Provider. An example scenario is where a local authority commissions a managing agent to provide support and housing management services within social housing provided by a Registered Provider. In this instance, implied terms relating to qualifications will still be implied into the Management Services Agreements between the local authority and the Services Provider. This means that the Services Provider will be contractually obliged to secure that its Relevant SP Managers meet the qualification element of the Standard and take such action to rectify any non-compliance as is reasonably required by the local authority.
53. In addition, the Registered Provider would have an obligation to take steps to secure that the Relevant SP Managers have or are working towards a Relevant Qualification, for example, bringing the requirements to the attention of the local authority services commissioners and agreeing an approach with the local authority for securing compliance. The Services Provider must comply with any reasonable request for information about its compliance from the Registered Provider or the local authority.

## Annex B: Guidance on the implications of the Act for Services Providers

1. Section 217A(4) of the Act implies terms into Management Services Agreements which are defined in the Act as follows:

*“management services agreement”, in relation to social housing of a registered provider, means an agreement under which one person (a “services provider”) agrees with another person (the “services recipient”) to provide services in connection with the management of social housing provided by the registered provider or to arrange for the provision of such services.*

2. The ‘services recipient’ may be the Registered Provider or another Services Provider. In this Annex of the Policy Statement the term services provider has the meaning given in s. 217A, as set out above.
3. These implied terms require the services provider to secure that its Relevant SP Managers (as defined in section 6.1) have, or are working towards, a Relevant Qualification and provide a mechanism for Registered Providers to take steps to secure that their Services Providers are in compliance with this requirement.
4. Section 217A(4)(a) of the Act implies a term ("the main implied term") which stipulates that the services provider must secure that their Relevant Managers, who are involved in the provision of the services in connection with the management of social housing to which the agreement relates, meet the qualification standard at all times. For this purpose, a Relevant Manager "meets the qualification standard" if they are a Relevant SP Manager and have or are working towards a Relevant Qualification (or the Relevant Manager is not a Relevant SP Manager or a relevant exemption applies).
5. S217A(4)(b) of the Act implies a term into Management Services Agreements which requires Services Providers, in the event that they do not comply with their obligation under the main implied term, to take such action to rectify the non-compliance as is reasonably required by the services recipient (who may be the Registered Provider, a Services Provider or another entity).
6. S217A(4)(c) of the Act implies a term which requires Services Providers to comply with any reasonable request for information demonstrating whether or not they are complying with the obligation under the main implied term. The request for information may be made by the Registered Provider, or, where the Services Provider is a sub-contractor, another body.
7. An exemption from the requirement in paragraph 45 of the Policy Statement applies in relation to the Relevant SP Managers of Services Providers that do not provide a comprehensive social housing management service to the Registered Provider. A Services Provider provides a comprehensive social housing management service to a Registered Provider if they deliver all or the majority of the following functions set out at paragraph 59 of the Policy Statement in relation to the Registered Provider’s social housing. However, Services Providers that provide services to multiple Registered Providers should bear in mind

that if they provide a comprehensive social housing management service to any Registered Provider they are likely to have Relevant SP Managers in scope of the qualification requirements (even if this exemption applies to some of their client Registered Providers).

8. The qualification requirement is modified during the Transition Period (see sections 6.3 and 6.4 of the Policy Statement). Where any Relevant SP Managers of a Services Provider provide services to both Small Registered Providers and large Registered Providers, the Services Provider will need to apply the Transition Period rules in section 6.3 of the Policy Statement. The Transition Period rules in section 6.4 of the Policy Statement will only be relevant where a Relevant SP Manager only provides services to one or more Small Registered Providers.
9. Please see the guidance set out in paragraphs 1-37 to support assessments of which Relevant SP Managers are in scope.

## **Annex C: Section 194A Housing and Regeneration Act 2008 (inserted by section 21 of the Social Housing Regulation Act)**

1. This annex sets out section 194A of the Housing and Regeneration Act 2008 (inserted by section 21 of the Social Housing Regulation Act):

### **“194A Standards relating to competence and conduct**

(1) The regulator may set standards for registered providers in matters relating to the competence and conduct of individuals involved in the provision of services in connection with the management of social housing (“relevant individuals”).

(2) Standards under subsection (1) may, in particular, require registered providers to comply with specified rules about—

- (a) the knowledge, skills and experience to be required of relevant individuals, and
- (b) the conduct to be expected of relevant individuals in their dealings with tenants.

(3) Standards under subsection (1) may require registered providers to secure that their senior housing executives and senior housing managers—

- (a) have a specified qualification in housing management or type of qualification in housing management, or
- (b) are working towards such a qualification or type of qualification.

(4) Standards under subsection (1) may require registered providers to take steps to secure that relevant managers of their services providers—

- (a) have a specified qualification in housing management or type of qualification in housing management, or
- (b) are working towards such a qualification or type of qualification.

(5) Each of the following is a “relevant manager” of a services provider—

- (a) if the services provider is a relevant individual, that individual;
- (b) a senior housing executive of the services provider;
- (c) a senior housing manager of the services provider.

(6) A qualification or type of qualification specified for a senior housing executive may only be—

- (a) a foundation degree, or
- (b) a qualification or type of qualification regulated by the Office of Qualifications and Examinations Regulation which is of a level not exceeding level 5.

(7) A qualification or type of qualification specified for a senior housing manager, or for an individual described in subsection (5)(a), may only be a qualification or type of qualification regulated by the Office of Qualifications and Examinations Regulation which is of a level not exceeding level 4.

(8) The references in subsections (6) and (7) to the level of a qualification are to the level assigned to a qualification by virtue of general conditions set and published by the Office of Qualifications and Examinations Regulation under section 134 of the Apprenticeships, Skills, Children and Learning Act 2009.

(9) Except as provided by subsections (3) to (8), standards under subsection (1) may not require registered providers to comply with rules about the qualifications to be required of relevant individuals.

(10) See also section 217A (which makes provision implying terms relating to qualifications into management services agreements).

## **Annex D: Section 194B Housing and Regeneration Act 2008 (inserted by section 21 of the Social Housing (Regulation) Act)**

1. This annex sets out section 194B of the Housing and Regeneration Act 2008 (inserted by section 21 of the Social Housing Regulation Act):

### **194B Meaning of “services provider”, “senior housing executive” and “senior housing manager”**

(1) This section makes provision about the meaning of terms for the purposes of section 194A.

(2) “Services provider”, in relation to a registered provider, means a person who, in accordance with an agreement with the registered provider or another person, provides services in connection with the management of social housing provided by the registered provider or arranges for the provision of such services.

(3) For the purposes of subsection (2), an agreement does not include a contract of employment or a contract of apprenticeship.

(4) “Senior housing executive” of a registered provider means a relevant individual who—

- (a) is an employee or officer of the registered provider,
- (b) has responsibility (solely or jointly) for the day to day management of the provision of services in connection with the management of social housing provided by the registered provider, and
- (c) is part of the registered provider’s senior management.

(5) “Senior housing executive” of a services provider in relation to a registered provider means a relevant individual who—

- (a) is—
  - (i) an employee of the services provider,
  - (ii) an officer of the services provider, or
  - (iii) if the services provider is a partnership, a partner in the partnership,
- (b) has responsibility (solely or jointly) for the day to day management of the provision of services in connection with the management of social housing provided by the registered provider, and
- (c) is part of the services provider’s senior management.

(6) For the purposes of subsections (4) and (5), an individual is part of a registered provider’s or services provider’s senior management if the individual plays a significant role in—

(a) the making of decisions about how the whole or a substantial part of the activities of the provider which relate to social housing are to be managed or organised, or

(b) the management or organisation of the whole or a substantial part of such activities.

(7) “Senior housing manager” of a registered provider means a relevant individual who—

(a) is an employee of the registered provider, and

(b) is a senior housing and property manager for the registered provider.

(8) “Senior housing manager” of a services provider in relation to a registered provider means a relevant individual who—

(a) is an employee of the services provider,

(b) is a senior housing and property manager for the services provider, and

(c) is involved in the provision of services in connection with the management of social housing provided by the registered provider.

(9) For the purposes of subsections (7) and (8), whether an individual is a senior housing and property manager is to be determined by reference to the description of the occupation of senior housing and property management published by the Institute for Apprenticeships and Technical Education under section ZA10(5) of the Apprenticeships, Skills, Children and Learning Act 2009.

(10) In this section—

“employee” includes a person employed under a contract of apprenticeship;

“relevant individual” has the same meaning as in section 194A.

(11) The following Table gives the meaning of “officer” in relation to services providers for the purposes of this section—

| <i>Services provider</i>                             | <i>Meaning of “officer”</i>  |
|--|--|
| Registered charity which is not a registered company | Trustee, secretary or treasurer  |
| Registered society                                   | “Officer” within the meaning given by section 149 of the Co-operative and Community Benefit Societies Act 2014 (including a person co-opted to serve on the society’s committee) |
| Registered company                                   | “Officer” within the meaning given by section 1173 of the Companies Act 2006   |
| Limited liability partnership                        | A member of the limited liability partnership.”  |

## Annex E: Section 217A Housing and Regeneration Act 2008

1. This annex sets out section 217A of the Housing and Regeneration Act 2008 (inserted by section 21 of the Social Housing Regulation Act):

### **217A Implied terms of management services agreements relating to qualifications**

(1) Each management services agreement in relation to social housing of a registered provider, whenever entered into, is to be treated as including the terms set out in subsection (4).

(2) In this section, a “management services agreement”, in relation to social housing of a registered provider, means an agreement under which one person (a “services provider”) agrees with another person (the “services recipient”) to provide services in connection with the management of social housing provided by the registered provider or to arrange for the provision of such services.

(3) For the purposes of subsection (2)—

(a) an agreement does not include a contract of employment or a contract of apprenticeship, and

(b) the services recipient may be the registered provider or another person.

(4) The terms are that—

(a) the services provider must secure that its relevant managers who are involved in the provision of services in connection with the management of social housing to which the agreement relates meet the qualification standard at all times;

(b) in the event that the services provider does not comply with the term set out in paragraph (a), the services provider will take such action to rectify the non-compliance as is reasonably required by the services recipient;

(c) the services provider must comply with any reasonable request for information demonstrating whether or not the services provider is complying with the term in paragraph (a) that is made by the registered provider who provides the social housing to which the agreement relates or (if different) the services recipient.

(5) A relevant manager of a services provider under a management services agreement “meets the qualification standard” if—

(a) a standard is in force under section 194A which requires the registered provider who provides the social housing to which the agreement relates to take steps to secure that the manager has, or is working towards, a qualification or type of qualification in housing management, and

(b) the manager has or (as the case may be) is working towards such a qualification,

or if there is no standard in force under section 194A which imposes a requirement described in paragraph (a).

(6) A term of a management services agreement is not binding on the services recipient to the extent it would—

(a) exclude or restrict the liability of the services provider for breach of a term implied by this section, or

(b) prevent an obligation under a term implied by this section arising or limiting its extent.

(7) In this section “relevant manager”, in relation to a services provider, has the same meaning as it has for the purposes of section 194A (see section 194A(5)).”

(5) In consequence of the amendment made by subsection (4), in section 192 of that Act—

(a) in paragraph (d), omit the final “and”;

(b) at the end of paragraph (e) insert “, and

(f) makes provision about terms to be implied into management services agreements (section 217A).”