



Regulator of Social Housing

Procurement policy

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1	01.10.18	Initial policy
2	18.02.19	Separation of operational procedures from policy
3	02.04.21	Update
4	30.06.21	Update
5	25.07.22	VAT and threshold Update
6	04.02.26	Update for Procurement Act 2023

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1. Introduction

This policy sets out the procurement framework for the Regulator of Social Housing (RSH), reflecting its context as a non-departmental public body with low procurement complexity where most non-pay expenditure is incurred through government shared services and office accommodation arrangements.

Nonetheless, procurement remains an important enabler of RSH's operational delivery. Procurement at RSH is guided by the following principles:

Deliver value for money	by securing the best commercial outcomes through fair and competitive processes, while ensuring time and resource spent on procurement is proportionate to the value, risk and complexity of the requirement
Demonstrate propriety and good practice	aligned with public sector financial management principles and HM Government's Commercial Functional Standard, which sets expectations for transparent, efficient and commercially sound procurement
Comply with public sector procurement legislation	including the Procurement Act 2023 and associated regulations

RSH Governance Framework

RSH has an established governance and approval framework so decisions are taken at the right level with proper oversight and accountability. Key controls relevant to procurement include:

- The Operational and Corporate Decision-Making Scheme, which sets out contract approval responsibilities
- The Schedule of Authorised Signatories, ensuring contracts are executed by appropriately designated individuals
- The Scheme of Financial Delegations, which governs approval of purchase orders and invoices, ensuring robust financial control and segregation of duties

RSH applies a three-lines-of-defence model that clarifies the roles involved in managing procurement risks and providing oversight and independent assurance.

RSH manages commercial, fraud and security risks through proportionate procurement controls, including triage, gateway approvals and co-ordinated support from specialist teams. These controls are supported by information governance and security checks and, where needed, independent external assurance. These controls reflect RSH's wider risk, fraud, security and financial management arrangements.

2. Roles and responsibilities

This section sets out the key roles and responsibilities within RSH's procurement framework.

Procurement Business Owner (Assistant Directors or above) is accountable for procurements within their business area, including compliance with this policy and internal procurement guidance, supplier performance and fulfilment of contractual obligations. While operational tasks may be delegated, the Procurement Business Owner retains overall accountability for compliance and effective contract management.

Chief Executive, Deputy Chief Executive or Chief of Regulatory Engagement approve any Route Deviations from the prescribed procurement routes set out in Section 4.

Audit and Risk Assurance Committee (ARAC) provides independent assurance to the Board and Accounting Officer on procurement governance, risk management and internal control.

Director of Finance and Corporate Services (DFCS)¹

- Acts as Procurement Owner², ensuring RSH's compliance with the Procurement Act 2023 and the overall effectiveness of its procurement framework
- Approves key procurement gateways of triage documentation and final evaluation outcomes

¹ May also be undertaken by the Chief Executive, Deputy Chief Executive, Chief of Regulatory Engagement or a designated staff member nominated by any of them

² For clarity, the DFCS is the senior officer accountable for commercial activity

- Authorises internal RSH procurement guidance and templates
- Reports to ARAC on procurement matters, including:
 - approved deviations and the annual strategic suppliers report
 - contracts entered with a value exceeding £30,000
 - annual self-assessment against the HM Government's Commercial Functional Standard

Senior Assistant Director of Legal Services and Company Secretary

oversees legal support for procurement activities, including contracting.

Finance³

- Hold procurement triage meetings with business areas and centrally store triage and authorisation records
- Coordinate inputs between Legal, Data Protection, Digital and the Project Management Office
- Obtain and store records of procurement-specific conflict-of-interest declarations
- Facilitate evaluation moderation, prepare evaluation reports and store contract award records
- Publish transparency notices (e.g. award notices on Contracts Finder) within statutory timescales
- Maintain a register of contracts requiring re-procurement and schedule reminders to support timely re-procurement by Procurement Business Owners
- Report procurement activity to the Executive
- Coordinate quarterly procurement planning meetings with DFCS, the Project Management Office, Legal and Data Protection to review lessons learned and plan upcoming activity
- Monitor government procurement updates and advise on relevant changes
- Develop and maintain internal RSH procurement guidance and templates

³ May also be undertaken by other staff nominated by Chief Executive, Deputy Chief Executive, Chief of Regulatory Engagement or DFCS

Assurance and lines of defence

RSH applies a three-lines-of-defence model for procurement:

<p>First line of defence – Business areas and Finance</p>	<p>Business areas are responsible for setting requirements, managing risks and overseeing contract delivery. Finance supports procurement activity through triage, coordination, evaluation support and the maintenance of central records. Day-to-day compliance with this policy sits with business areas and Finance.</p>
<p>Second line of defence – Oversight and specialist assurance</p>	<p>Legal, Data Protection and Digital provide advice and checks where needed. The Director of Finance and Corporate Services provides additional oversight through gateway approvals before procurement decisions are taken.</p>
<p>Third line of defence – Independent assurance</p>	<p>The Audit and Risk Assurance Committee and internal audit provide independent oversight. ARAC oversees procurement on behalf of the Board and Accounting Officer and agrees assurance activity. Internal audit reviews procurement where this forms part of the agreed audit plan.</p>

3. Procurement process

RSH follows the Commercial Functional Standard lifecycle. The following stages outline key procurement activities, ensuring compliance, fairness and transparency:

Stage	Activity
Define	<p>Identify need - The business area identifies the procurement requirement</p> <p>Triage meeting (if spend above £6,000) - The business area holds a triage meeting with Finance to assess and document key details inc. contract management⁴.</p> <p>Preliminary market engagement (where appropriate) - RSH may use preliminary market engagement to understand the market and inform the procurement approach. This activity must follow internal guidance. For strategic contracts, a proportionate market health and capability assessment must also be undertaken.</p> <p>Triage authorisation (if spend above £6,000) - The triage documentation is submitted to the DFCS for approval. The DFCS approves the procurement and the level of procurement support required based on complexity.</p>
Procure	<p>Conflicts of interest – In line with RSH’s Declaration of interest guidance, staff must complete a declaration of interests whenever a potential conflict arises. For procurements exceeding £10,000, staff involved must also complete procurement conflict of interest declaration with the Finance team.</p> <p>Data protection and digital – Procurements involving access to RSH information, systems or personal data must be reviewed by the Data Protection and Digital teams and comply with their guidance.</p> <p>Procurement activities - The business follows prescribed route to market, with Finance providing and co-ordinating support as required.</p>

⁴ Triage includes documenting the business case, equality considerations, relevance of Social Value (including sustainability), modern slavery risks, data protection compliance, Cabinet Office Spend Controls, route to market, legal support needs, budget availability and set-out how ongoing contract-management will be managed. For complex procurements, RSH will prepare a proportionate should-cost assessment to support delivery-model options and whole-life cost evaluation. Commercial options will be developed and appraised with cross-functional input and in line with Green Book business case guidance.

Stage	Activity
	<p>Evaluation Moderation (if spend above £10,000) - Finance facilitates evaluation moderation meetings to ensure fairness, transparency and compliance. Evaluation outcomes must be approved by DFCS before contracts are awarded.</p> <p>Supplier due diligence – Supplier due diligence will be undertaken where proportionate</p> <p>Contracting – The contract must be sent to the legal team for review and advice. Contracts must be authorised and signed by delegated individuals under the operational decision-making schedule and following signing and sealing procedures.</p>
Manage	<p>Contract performance - The Procurement Business Owner is accountable for ensuring goods and services are delivered as agreed, monitoring supplier performance and ensuring contractual obligations are met.</p> <p>Contract variations – any contract variations must follow the same approvals as initial award and be recorded in the procurement records</p>
Re-procure	<p>Re-procurement - The Procurement Business Owner must ensure timely re-procurement or contract extensions before contract expiry. Finance maintains a contract expiry tracker and provides reminders to Procurement Business Owners.</p>

4. Route to market

Collaborative procurement through public sector framework agreements or joint procurement with other public bodies is preferred unless standalone procurement offers better value for money. Value for money includes not only price and quality, but also the administrative burden.

Contracts must be valued based on their total estimated value, including the full contract term, optional extensions and VAT. Contract lengths should not be artificially split to affect the thresholds.

The following thresholds define the prescribed route to market:

Thresholds (inc. VAT)	Prescribed Route to market
£6,000 or less	Obtain three price comparisons where practical, such as from alternative suppliers or framework rates, and record evidence that the purchase represents value for money. If three comparisons are not practical, record the rationale and no exemption approval is required.
£6,000.01 to £10,000	Either follow the requirements of a public sector framework or compare price and quality from a minimum of three suppliers to demonstrate value for money.
£10,000.01 to £50,000.00	Either follow the requirements of a public sector framework or obtain formal written quotations from a minimum of three suppliers to establish value for money.
£50,000.01 to public procurement threshold	Either follow the requirements of a public sector framework or undertake a below-threshold tender to establish value for money.
Above public procurement threshold	Either follow the requirements of a compliant public sector framework or undertake a full competitive procurement process in accordance with the Procurement Act 2023.

5. Procurement Act 2023

The Procurement Act 2023 establishes a framework for public sector procurement. The Act sets four objectives that RSH must follow in all procurement activity:

1. Delivering value for money
2. Maximising public benefit
3. Sharing information and acting transparently
4. Ensuring integrity and fair treatment of suppliers

RSH must ensure all procurement activity, regardless of value, reflects these principles and complies with the detailed requirements Act and associated regulations.

Application within RSH

The Director of Finance and Corporate Services is responsible for ensuring RSH's compliance with the Act.

The Procurement Act 2023 applies to all public contracts whose estimated total value, including VAT, meets or exceeds the public procurement thresholds. For above-threshold procurements, RSH will undertake a competitive procurement in accordance with the Act and associated regulations.

For below-threshold procurements, RSH will follow proportionate processes consistent with these principles.

Transparency Notices

Finance will publish required transparency notices on the government's central digital platform:

- Preliminary Market Engagement Notice – recommended when undertaking above threshold early engagement with the market
- Planned Procurement Notice – recommended for above-threshold procurements
- Tender Notice – required for all above-threshold procurements that are not being run through a compliant public sector framework
- Procurement Termination Notice – required if RSH decides to discontinue an above-threshold procurement process before award. Must be published within 30 days

- Contract Award Notice – required for all procurements above £30,000 including VAT. Must be published within 30 days of contract award
- Contract Termination Notice – required for all above-threshold contracts where a contract ends before its planned expiry

6. Approved Procurement Exemptions

Approved exemptions apply to defined categories of spend that are out of scope of this procurement policy. Where an approved exemption applies, the procurement must follow any relevant internal procedures for that spend category. A Route Deviation is not required.

Where an exemption does not apply, procurements must follow the prescribed routes to market in Section 4. If the prescribed route is not appropriate, a Route Deviation must be requested in line with Section 7.

An exemption from this procurement policy does not remove RSH's obligation to comply with applicable public procurement legislation, regulations and government requirements. Appropriate approvals under the Scheme of Financial Delegations must still be obtained, and records retained to evidence the rationale, compliance and value for money.

Internal Supplier Frameworks

RSH may establish internal supplier frameworks where appropriate, such as legal services panels. Contracts awarded through an internal framework are out of scope of this procurement policy and must follow the rules and procedures of that internal framework.

Exemptions Under the Procurement Act 2023

Certain activities fall outside the Procurement Act 2023 and are therefore also exempt from this policy. This includes:

- Purchases from other public bodies such as shared services
- Office accommodation
- Legal advice relating to judicial proceedings
- Statutory and regulatory fees

Learning and Development Exemptions

The following Learning and Development activities are exempt from this policy and will be managed by RSH's Learning and Development team:

- Training procured through Civil Service Learning
- Conference attendance
- Other training and professional development costing less than £10,000 including VAT
- Apprenticeships funded through the Apprenticeship Levy⁵

Occupational Health Exemptions

Occupational health services are exempt from this policy and will follow the process managed by HR. This exemption ensures timely access to specialist support, maintains the confidentiality of employee health records and supports compliance with health and safety obligations.

Other Exemptions

Some exemptions are necessary due to operational or market limitations:

- Industry and regulatory memberships for participation in strategically relevant networks, such as the Whitehall & Industry Group, Housing Diversity Network and UK Regulators Network, where membership supports sector insight or collaboration
- Services provided by a scheme actuary for the HCAPS or Westminster Pension Fund, where operational constraints make it impractical to use an alternative provider
- Insurance policies procured through a regulated insurance broker
- Staff subscriptions to sector specific news content
- Reactive regulatory procurements, including enforcement activity, where RSH needs to procure goods or services to support regulatory action. These procurements are exempt from this policy because the timelines and decision-making are not compatible with standard purchasing processes. Relevant government procurement requirements still apply, together with approvals

⁵ Delivered by approved providers under the Register of Apprenticeship Training Providers, in compliance with Apprenticeship Levy rules.

under the Scheme of Financial Delegations and records to evidence the rationale and value for money

7. Other matters

Deviation from Prescribed Routes to Market

Route Deviations apply where a procurement is in scope of this policy, but the prescribed route to market is not the most appropriate approach. Route Deviations are not required, and must not be used, where an approved exemption in Section 6 applies.

All Route Deviations must be documented and supported by a clear business case explaining the rationale, procurement approach and expected outcomes.

Authorisation

- Below public procurement thresholds - A business case must be prepared setting out the justification and evidence of value for money. The Director of Finance and Corporate Services (DFCS) should review and approve the case before it is submitted to the Chief Executive, Deputy Chief Executive or Chief of Regulatory Engagement for final authorisation.
- Above public procurement thresholds - Any Route Deviation must comply with the Procurement Act 2023, associated regulations and government guidance. The DFCS must prepare the business case, including legal advice, before it is submitted to the Chief Executive, Deputy Chief Executive or Chief of Regulatory Engagement for final authorisation.

All approved Route Deviations must be recorded and reported to ARAC at its next scheduled meeting.

Evaluation

The evaluation process ensures value for money and compliance with the Procurement Act 2023. The approach taken depends on the route to market and balances efficiency with transparency.

Under £10,000 (including VAT)

- A formal evaluation panel and moderation meeting are not required

- The Procurement Business Owner assesses offers and records the value-for-money rationale (e.g. price/quality comparison, framework rate, benchmark) using internal template

£10,000 and above (including VAT)

- Evaluation panel of at least three members. Panel members must be impartial and complete a procurement specific conflict of interest declaration
- Evaluation criteria must reflect those issued to bidders
- Panel members score independently using a predefined scoring matrix
- Finance facilitates a moderation session to confirm scores and rationales and to ensure fairness, transparency and compliance
- Finance prepares an evaluation report setting out the method, scores, moderated outcomes and justifications to evidence compliance and minimise risk of challenge

Approvals

- DFCS approves final evaluation outcomes for procurements of £6,000 and above

Templates and Records

- All evaluation activity must use DFCS approved templates
- Completed templates and final reports must be saved by Finance in the central procurement record for audit and transparency purposes

Strategic Suppliers

Strategic suppliers are those deemed critical to the delivery of RSH's objectives and ongoing operations. These suppliers are essential to business continuity, core service delivery or regulatory effectiveness.

The DFCS will determine whether a supplier is classified as strategic at the point of contract award.

Strategic suppliers are subject to enhanced contract management and oversight, including:

- A proportionate contract risk log, with key risks and mitigations recorded and reviewed during contract management
- A documented business continuity plan, to be reviewed and held by the Procurement Business Owner

- Quarterly supplier management meetings led by the Procurement Business Owner, covering:
 - Service delivery against key performance indicators
 - Any incidents or risks impacting continuity or compliance
- An annual strategic review with DFCS, covering:
 - Performance against contractual and service delivery standards
 - Financial health review with ongoing monitoring where risk indicates this is needed
 - Review of the business continuity plan

The DFCS will provide an annual report to the Audit and Risk Assurance Committee summarising the performance of all strategic suppliers. The report will highlight any significant risks or material changes to contracts.

Preliminary Market Engagement

RSH may undertake preliminary market engagement (PME) to inform procurement planning and support value for money. PME can help shape specifications, identify potential suppliers, understand market capacity and test commercial feasibility before the formal procurement process begins.

PME must be conducted in accordance with internal procurement guidance authorised by DFCS. It must be transparent, objective and must not give any supplier an unfair advantage.

Engagement may include supplier briefings, requests for information or soft market testing. Where PME is conducted openly or seeks responses from multiple suppliers, RSH may publish a Preliminary Market Engagement Notice on the government's digital platform to ensure equal access.

All engagement activity and its outcomes must be documented.

Social Value and Sustainability

RSH is committed to delivering public value through its procurement activities by considering wider social, economic and environmental outcomes. In line with the Public Services (Social Value) Act 2012 and the Procurement Act 2023, RSH will consider social value, including sustainability, at the triage stage to determine their relevance and proportionality to the procurement.

Where relevant, RSH will apply the Government Buying Standards. These are minimum sustainability requirements developed by the UK Government to help public sector buyers procure commonly used goods and services responsibly.

Social value including sustainability considerations are mandatory for procurements above the public procurement threshold and may also be applied to below-threshold procurements where proportionate.

Equality and Diversity

RSH is committed to eliminating discrimination and promoting equality in accordance with the Equality Act 2010. This duty cannot be delegated to external suppliers, but RSH ensures equality considerations are embedded throughout the procurement process.

Equality and diversity must be considered at the triage stage and when developing selection criteria. Where appropriate, contracts with suppliers will include provisions to reflect RSH's equality obligations and establish relevant key performance indicators to monitor supplier compliance with equality standards.

Small and Medium Enterprises (SME) and Voluntary, Community and Social Enterprises (VCSE)

RSH is committed to enabling and encouraging participation by SMEs and VCSEs in its procurement activity. In line with the Procurement Act 2023 and government commercial principles, RSH aims to remove unnecessary barriers and promote fair access to public contracts.

To reduce these barriers, RSH ensures:

- Proportionate and accessible procurement processes, using plain language and avoiding unnecessary complexity to ensure requirements are not overly burdensome for smaller suppliers
- Use the Single Procurement Document for above-threshold procurements, and only for below-threshold procurements where proportionate and appropriate
- Publish contract opportunities over £30,000 (including VAT), making opportunities visible and accessible to SMEs and VCSEs
- Consider dividing higher-value or complex contracts into lots, where proportionate, to support SME and VCSEs
- Where appropriate, include prompt payment clauses in contracts, requiring main contractors to pay subcontractors promptly and without undue delay

- Where appropriate, use early market engagement to understand the supplier landscape, identify potential SME and VCSE involvement and inform proportionate specifications and evaluation criteria

Modern slavery

RSH is committed to preventing modern slavery and human trafficking in its supply chains. To support this, modern slavery risks are assessed during the procurement triage stage.

For procurements identified as medium or high risk, RSH will include proportionate mitigation measures in the specification and contract. These may include supplier commitments, monitoring provisions, and compliance checks during contract management.

Information Governance, Security and Accessibility

Procurements involving personal data or sensitive information must include proportionate information-governance measures, including a Data Protection Impact Assessment where required, appropriate data-processing clauses and restrictions on offshoring or data transfer as applicable.

Suppliers handling RSH information or systems must meet proportionate security standards (e.g. Cyber Essentials or equivalent). For digital services and content, accessibility requirements (e.g. WCAG 2.2 AA) should be included in specifications and evaluation.

Contracting standards

RSH will use industry standard or model contract forms where these are available and appropriate. Any variations from these forms must be reviewed by Legal and follow the relevant approval routes. Contract terms must reflect RSH's requirements.

Risk will be considered when finalising contract terms, with market engagement helping to ensure that risks are shared in a fair and proportionate way.

Freedom of Information

As a public body, RSH is subject to the Freedom of Information Act 2000.

Procurement documentation, including contracts, business cases, evaluations and correspondence, may be disclosed in response to a valid Freedom of Information request. Sensitive or confidential information should be clearly marked, but RSH will assess all requests in line with the Act and applicable exemptions.



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