

Homeless Link response to the Supported Accommodation regulations consultation

May 2025

About You

1. In which capacity are you completing these questions? Please tick all that apply.

- Registered charity
- An organisation representing the interests of residents
- An organisation representing the interests of providers
- Other:

Homeless Link is the national membership organisation charity for frontline homelessness services. Representing over 700 organisations ranging from Housing Associations, supported accommodation providers and hostels to day centres, night shelters and outreach, we work to improve services and campaign for policy change that will ensure everyone has a place to call home and the support they need to keep it. We are pleased to provide a response to the Government's consultation on the supported accommodation regulation proposals.

To inform our response, we have spoken to over 100 people representing more than 60 of our member organisations, covering large housing associations with thousands of bedspaces, support providers, medium and small commissioned and non-commissioned services through to very small specialist providers with six units and everything in between. These represent a range of accommodation models from more traditional hostel provision through to single bed dispersed housing, and covering the full geographical spread of England.

Our responses to this consultation reflect the recurring views and concerns of homelessness organisations that were raised during our extensive engagement, informed by wider sector knowledge and research. Sentences in quotation marks are direct anonymised quotes by senior leaders from the member organisations we spoke to.

Implementation of measures in the Supported Housing (Regulatory Oversight) Act 2023

5. Do you agree that the licensing regime that the government is proposing to introduce under powers in the Act should apply to all supported housing (supported exempt accommodation as defined in the Act)? This definition is the same as 'specified accommodation' in Housing Benefit regulations. [Fully agree/partly agree/do not agree/do not know.] If you do not fully agree please explain why here. [Free text.]

Partly agree

We understand the rationale for this proposal, and support the Government's efforts to ensure that bad actors cannot just switch to profiting from one type of specified accommodation to another. However, linking the entire framework to eligibility for housing benefit is an imperfect approach which creates its own issues. An important example of this is the consequences for how the regulations would apply to Housing First services.

Our understanding is that the Government's thinking on Housing First is that where HF is not funded by Enhanced Housing Benefit (EHB) it would not be in scope of licensing (because it is not classified as specified accommodation). However, where schemes do receive EHB they could be within scope. We know there is a mixed picture across the country as to how Housing First is funded and that there is existing practice of it being funded by EHB.¹ We are therefore concerned that the Government's proposals here would create a 2-tier system for Housing First provision, and would mean that there was no overarching quality assurance for Housing First services that were not funded by Enhanced Housing Benefit.

Previously, Homeless Link had been in discussion with the Government about approaches to standardising quality among Housing First provision, and the Government had indicated support for exempting all Housing First services from the supported accommodation regulations, but instead using a version of Homeless Link's Housing First fidelity assurance framework. **We would support the Government revisiting this rather than creating a system whereby Housing First services are regulated differently depending on how they are funded. Any way of assessing Housing First schemes should be able to take**

¹ Homeless Link, (2020), Exploring the relationship between social landlords and Housing First services, Appendix 2. [Social landlords and Housing First 2020.pdf](#)

into account the flexible, person-centred, support without conditions that is provided.

National Supported Housing Standards and Principles

6. Do the principles reflect the core elements of a good quality support service? [Strongly agree/partly agree/neither agree nor disagree/partly disagree/strongly disagree/do not know.] If you would like to explain your answer, please do so here. [Free text.]

Strongly agree

Homeless Link members broadly felt that the proposed principles are sensible. There was a general consensus that the principles are appropriate but not groundbreaking – however it was understood that the bar needed to be set at a level which all decent services could reasonably meet.

Some members had questions around the fact that the principles are different to the standards themselves and felt this had the potential to cause confusion. Members questioned if and how the principles would be measured and monitored in practice, or if that would only apply to the standards. Others wondered where the accountability for alignment with the principles would sit, and if for instance they would be reflected in commissioning requests. **We request that the Government clarifies these points.**

“We are happy with them – as a small provider it’s what we do anyway. It’s how they’re measured that is the concern.”

7. Do you have suggestions for any additions to the principles as described above? [Free text.]

It was suggested that safeguarding could be explicitly referenced as a principle. Other suggestions included quality, being trauma-informed or psychologically-informed, and something which could capture the quality of the physical building/space where the service is situated, recognising the relationship between this and effective support. Inclusivity was also suggested as a principle, although it was acknowledged that some services are exclusive by design and for good reason, such as gender-specific services. However, there

could be a way of framing inclusivity so that it applies appropriately in the context of whichever cohort is being supported.

Others suggested that avoiding duplication, and clarity, should be principles for how the regulations should apply to organisations.

8. Do you agree with the person-centred support standard? [Strongly agree/partly agree/neither agree nor disagree/partly disagree/strongly disagree/do not know.] If you would like to explain your answer, please do so here. [Free text.]

Partly agree

Homeless Link and our members agree with the broad aims and intentions of the person-centred support standard, however we feel that further refinement is needed to ensure that it captures the realities of homelessness supported accommodation settings, and avoids unintended consequences.

This standard needs to be applied flexibly to be relevant to the different types of service within homelessness supported accommodation. For instance, shorter-term hostel provision would fall under the regulations. While it would be right to carry out a needs assessment, it wouldn't be realistic for residents in this kind of service to have a full support plan if they were only going to be staying there for a few weeks and the emphasis was more on emergency safeguarding.

Some members raised concerns about this wording "the support plan must set out the level and type of support required to meet the identified need(s) of the resident." It was felt that mandating that all an individual's support needs had to be captured in their support plan risked creating conditionality, which undermines the principle of person-centred care. For instance, if an individual had multiple support needs and one was around harmful alcohol use, there was concern about whether that person's support would be conditional on them addressing their drinking, regardless of whether they were ready or able to address that. It was felt that a support plan should be based on what the individual wants to prioritise otherwise it risks contradicting the person-centred principle.

We recommend that the Government revises the wording in order to acknowledge the flexibility of the support that needs to be provided in homelessness supported accommodation settings in line with the

individual's varying level of need. The Government must acknowledge that the level and type of support assessed at the point of a person's entry into a service may change over time.

Our members also raised concerns about the wording of "progression to achieving agreed outcomes is demonstrated and barriers to progress identified." While this would be appropriate and beneficial for many residents, for certain individuals living in supported accommodation, with complex needs or facing multiple disadvantage, recovery journeys may not be linear, and services or the individuals they support should not be penalised for that. **We recommend that the wording is revised to better reflect the person-centred, unconditional support that characterises best practice in homelessness services and is the most likely to achieve positive results for this client group. For people with experience of homelessness, tenancy sustainment should be considered a positive outcome in and of itself. In a similar vein, participation in co-design of a support plan may not be possible or relevant in some types of service, for instance short-term emergency accommodation, and there should be a meaningful exemption of this requirement where that is the case.**

It should be acknowledged that for some individuals, the emphasis might need to be more around keeping that person safe. The standard needs to take into account the complexity of engagement with people who have experienced homelessness and trauma. It should also be acknowledged that commonly, a collapse in progress can be due to wider system failures, such as a lack of move on options or the inability to access timely and appropriate mental health care on the NHS. Supported accommodation providers should not be penalised for the failings of other public bodies.

Concerns were also raised about the Government's requirement that 'there must be a procedure in place to encourage the resident's engagement with their support.' For some vulnerable supported accommodation residents, particularly people who have experienced repeated or long-term periods of rough sleeping and been outside of mainstream systems for a long time, it is recognised that attempting to force people to engage can push them away. This decreases engagement, makes individual less trusting of support services and risks pushing people away from all forms of support. Once someone is disengaged from services it becomes a significant task to reengage them with support.

We would again highlight that the principle of Housing First, and many other supported accommodation provision focussed on people with high and complex needs is for people to be able to engage how and when they wish to, which needs to be able to continue and seems incompatible with this requirement. It also undermines more broadly the person-centred approach of meeting people where they are. For some people, meaningful engagement may be being able to have a chat with a support worker for 10 minutes. Providers should not be penalised for having to tailor support by moving slowly with some of the most vulnerable residents.

Many members commented on the Government's stipulation that "wherever possible the resident has the same support worker for the duration of their stay." Services agree with the principle and would like to provide a consistent support worker for residents, but this is not realistic in practice for the majority of homelessness supported accommodation. It is well-recognised that structural problems related to service funding mean that the homelessness sector struggles with staff retention, burn out, unsociable hours and relatively low pay, making it extremely challenging to guarantee that residents will have the same support worker during their stay.² After years of cuts and inadequate funding from central Government, most services are not in a financial position to offer significant incentives and pay uplifts to their staff. If the Government wants this to be achievable, they need to accompany the ambition with funding and support for the sector and its workforce.

The forthcoming Homelessness Strategy and future homelessness funding system must allocate sufficient, long-term and strategic funding to support fair pay, job security and career development which will improve staff recruitment and retention and support high quality, effective services that can respond to changing needs. We also recommend that the Government commits to embedding trauma-informed principles and approaches, including through a national training programme to upskill the sector, and providing support for staff to develop resilience, prevent burn-out, lower absence and turnover rates, and improve service delivery.

Several members raised concerns about the implications for resident confidentiality, privacy and data sensitivity of what is required by this standard. It was not clear from the wording in the consultation whether services would be expected to share each individual's full needs assessment and support plan with the local authority, or whether it would be sufficient to give evidence that these processes and policies were in place, and possibly provide anonymised examples. Members felt that having to inform residents that their information

would be shared with public bodies could disincentivise engagement for those who may have a fear or mistrust of other agencies. Residents would be unlikely to consent for their detailed case notes to be reviewed by the local authority.

We recommend that the Government specifies that services will be asked for evidence of policies and procedures in the first instance, and that this could be supported by spot checks of specific examples where anonymisation is enabled. The local authority should also have to set out how that information and data will be processed and treated confidentially.

Members also picked up on the Government's expectation that "the resident is supported, encouraged, and enabled to take up learning, volunteering, training, and employment opportunities in line with their support plan." While this will be appropriate and beneficial for many residents, employment or training, is not a realistic or achievable goal for all residents of supported housing. **We recommend that this language is expanded to capture that residents can be supported to participate in a wider range of positive meaningful activities, such as hobbies and interests, which may be more in line with some individuals' capacity and goals, and that it is stipulated that this is 'where appropriate'.**

Where it is appropriate though, employment and volunteering programmes for people who are experiencing or have experienced homelessness are an important way of supporting people to rebuild their lives, helping to reduce levels of homelessness over time. But cost-cutting measures and the UK's departure from the EU mean that many such programmes have since ceased, leaving a significant gap in support for people experiencing homelessness. As part of the future Homelessness Strategy, the Government should fund the DWP to roll out employment and volunteering programmes for people who have experienced homelessness, to ensure that there are viable options for people living in supported accommodation.

DWP also play an important role in delivering housing-related benefits both via Housing Benefit and Universal Credit, which offer enormous protective support for people experiencing homelessness and the services that support them. However, for people living in supported housing, the steep taper rate of housing-related benefits can unintentionally disincentivise work.

Taper rates from entering employment can see housing-related benefits reduce significantly or stop altogether. For people living in supported housing, this can be disastrous: such provisions are typically costed well above market rents to

account for the increased cost of delivering support, in line with exempt accommodation regulations. Tapering housing-related benefits can see people met with rents they could not be reasonably expected to afford. Too often, this means people left to choose between quitting their job or facing eviction – preventing people from moving forward in life and isolating them from the labour market.

To ensure people in supported housing do not become worse off when they work more, the Government should ensure there is parity in the taper rates between Housing Benefit and Universal Credit housing elements, with both at a taper rate of 55%, as well as increasing the Housing Benefit disregard to ensure people are not worse off in work.

Members also commented that the language used in this draft standard and some others felt slightly outdated. The language is all framed around ‘needs-based’ whereas many providers will now be using ‘strengths-based’ frameworks. **The Government should consider updating the language so that it is more aligned with modern best-practice service delivery, or at least so that strengths-based approaches can be easily assessed against the standards.**

“In reality, although we're very lucky to have a very low turnover of staff, partner agencies in our city and extra in Devon have had such a high turnover of staff. That that would be practically impossible. We also have to be mindful that as people's support needs change or as risk profiles change, you may need to change the support worker for valid reasons. So it does say wherever possible. And it's a good intention. But I feel that there might be practical considerations that organisations face that would make that challenge. So it'd be difficult to see how that would be measured and assessed.”

“I'm sure most of the organisations do this stuff well in their own way, but the only problem will be if they say “we don't like your needs assessment”. Or “we don't like the support plans you're using”. Well then in that case you need to give us a benchmark about what you require, and then that might all get problematic if people have different ideas about what they should be doing.”

“In relation to “resident is supported, encouraged and enabled to take up learning, volunteering training and employment opportunities” - that's fine for those people who are closer to the job market. But for those people who are furthest away, it's unrealistic. And in fact, focusing more on meaningful use of time and being less prescriptive in relation to what that is would probably not disadvantage those

people that are furthest away from employability. What we don't want to do is feel that services end up in a position where they are forcing people into inappropriate meaningful uses of time that they will fail at and cause psychological damage to and put them even further away from achieving that ultimate goal."

9. Do you agree with the examples of evidence that are listed? [Strongly agree/partly agree/neither agree nor disagree/partly disagree/strongly disagree/do not know.] If you would like to explain your answer, please do so here. [Free text.]

Partly agree

We recommend that the requested evidence is revised in line with our comments and recommendations in response to question 8. It should be made clear that the following might need to look very different to what has been prescribed by the Government, in certain supported accommodation settings that would fall under the regulations:

- Support plan with agreed outcomes/goals.
- Evidence of progress toward the outcomes/goals.
- Resident involvement policy.
- Move-on policy.

And as stated above, **we recommend that the Government specifies that services will be asked for evidence of policies and procedures in the first instance, and that this could be supported by spot checks of specific examples where anonymisation is enabled. The local authority should also have to set out how that information and data will be processed and treated confidentially.**

We also recommend that the Government gives further consideration of, and sets out more detail on, the impact that local authority inspections could have on the residents living in a supported accommodation scheme. We feel that residents should have the right to consent or otherwise to an inspection of their private space, and to have another trusted person present while it is carried out. The Government should bear in mind that supported accommodation residents may have experience of trauma, and anyone conducting inspections should have the necessary expertise and trauma-informed training.

10. What other information (if any) could be provided to evidence this standard, including evidence that providers already submit to other

bodies? Please specify what the information is currently used to evidence.

[Free text.]

Many of our members that run commissioned services pointed out that supplying this evidence would entail significant overlap and duplication with what they already supply to commissioners. Elsewhere in our response we will outline that **we recommend that the Government passports all commissioned services through obtaining a licence from the local licensing authority, and that it should instead be commissioners that ensure that they meet the National Supported Housing Standards and other conditions of the licensing scheme. The standards and inspection requirements should be built into commissioning frameworks, and licensing teams should receive confirmation from commissioning teams that these are being met. This would require alignment between commissioning frameworks and the NSHS and licensing.**

Some of our members mentioned the Quality Assessment Framework that services had to complete under the Supporting People Programme as an example of a useful and reasonable evidence collection tool. There was a sense that while fairly lengthy, this worked well and was comprehensive. The approach of random spot checks as a way of checking quality was felt to be more proportionate. **We recommend that the Government uses learnings from the Supporting People QAFs to inform how evidence is requested and standards are checked here. It should be noted that additional funding was made available to support providers with the evidence requirements for the QAF under Supporting People, which is part of why it was able to be effective.**

“Back when we had QAF, they would just come out and spot check, open a file at random and check everything was in line. That seems more aligned – this approach feels like lots of work for the LA to manage.”

11. Do you agree with the empowerment support standard? [Strongly agree/partly agree/neither agree nor disagree/partly disagree/strongly disagree/do not know.] If you would like to explain your answer, please do so here. [Free text.]

Strongly agree

Homeless Link and our members strongly support the empowerment standard. We would suggest a few minor amendments.

It was felt that the standard could be more clear about what residents are being 'protected' from, and that wording could include explicitly that residents should be protected from unfair eviction because of raising concerns or making a complaint.

It was also suggested by some members that the empowerment standard should include provision for supporting residents to know their rights and be empowered to make complaints about other services or the local authority – not just the supported accommodation in which they reside.

12. Do you agree that providers should give residents an information pack when they move into their accommodation? [Strongly agree/partly agree/neither agree nor disagree/partly disagree/strongly disagree/do not know.] If you would like to explain your answer, please do so here. [Free text.]

Strongly agree

We strongly agree with this proposal. We would like the Government to explicitly recognise that what this would look like could be very different in some services, for instance hostel accommodation. The information pack requirement should be proportionate and appropriate for that specific service, while being accessible, inclusive, and conveying the core purpose the service.

13. Do you agree with the examples of evidence that are listed? [Strongly agree/partly agree/neither agree nor disagree/partly disagree/strongly disagree/do not know.] If you would like to explain your answer, please do so here. [Free text.]

Partly agree

We agree with the examples but **recommend that the Government makes it clearer that it wouldn't be appropriate for every type of service to have all of these. There should be a more explicit acknowledgement of the variation in what is being delivered in different types of supported accommodation, and guidance for local authorities must also make this clear.**

14. What other information (if any) could be provided to evidence this standard, including evidence that providers already submit to other

bodies. Please specify what the information is currently used to evidence.
[Free text.]

Some members mentioned that this standard would entail overlap with what they already provide to the Housing Ombudsman around complaints procedures.

There is also overlap with the Regulator for Social Housing's metrics for resident satisfaction.

The standards should coordinate with these other types of evidence where possible, and providers should not need to supply it multiple times.

15. Do you agree with the environment support standard? [Strongly agree/partly agree/neither agree nor disagree/partly disagree/strongly disagree/do not know.] If you would like to explain your answer, please do so here. [Free text.]

Partly agree

Homeless Link and our members broadly agree with this standard but had some concerns about the details.

It was felt that this standard overlaps with other aspects of the licensing scheme requirements which creates confusion. This also presents a challenge for supported accommodation models where the support provider is not the same as the landlord and does not have the responsibility for repairs – they may be providing an excellent service in line with the NSHS to the best of their ability but be held back by a less diligent landlord.

Members also noted that maintaining an attractive physical appearance of the environment could be particularly challenging when housing higher risk residents who may frequently damage things. Providers should not be penalised for supporting people with more complex behaviours and this should be taken into account by any inspector or evidence assessor.

Some providers had concerns about the physical limitations of the buildings in which they currently operate, which may be safe and functional but not, for instance, set up to facilitate visits from friends or family. The Government should make this a desirable rather than essential requirement, balancing the need for high standards without risking the supply of good quality provision.

Members also had feedback about some of the language used in this standard. There were concerns that some of the terminology was either vague, or did not translate well in a homelessness setting. For instance, several people picked up on the phrase 'therapeutic environment', which is not typically used in homelessness settings where 'Psychologically Informed Environment' is more common. It was felt that such phrases could be left open to interpretation by local authorities which could lead to inconsistent assessments. **We recommend that the Government revisit the language used in this standard to ensure that it is relevant for all types of supported accommodation, and that if it is to use phrases such as 'therapeutic environment', it provides clear tools and guidance about what this means to ensure a standardized approach.**

"I just don't think "therapeutic" is the appropriate word because a lot of supported housing providers don't provide therapeutic services, but the terminology that you use is a 'psychologically-informed environment'."

16. Do you agree with the examples of evidence that are listed in relation to the environment standard? [Strongly agree/partly agree/neither agree nor disagree/partly disagree/strongly disagree/do not know.] If you would like to explain your answer, please do so here. [Free text.]

Partly agree

We recommend that the evidence requirements are amended in line with our comments in response to question 15.

It was felt that being able to evidence a repair policy is not sufficient proof of an adequate approach to repairs – it shows that you have a policy but not that it is being followed. This should be accompanied by evidence of implementation of the policy, such as examples of repairs completed and their timescales.

Some concerns were raised about how photographic evidence would be assessed and the scope here for subjective judgements. **The Government should set out further detail about what photographs would be aiming to demonstrate and how they should be judged.**

17. What other information (if any) could be provided to evidence this standard, including evidence that providers already submit to other bodies. Please specify what the information is currently used to evidence. [Free text.]

Several members commented on the overlap and duplication with what is provided for HMO licensing or selective licensing schemes. It was felt that this evidence should align with those processes as far as possible, rather than requiring a new way of evidencing environmental standards.

18. Do you agree with the staff and safeguarding support standard?

[Strongly agree/partly agree/neither agree nor disagree/partly disagree/strongly disagree/do not know.] If you would like to explain your answer, please do so here. [Free text.]

Partly agree

We broadly support this standard, however some requirements proposed by the Government are unrealistic in the context of the current realities for homelessness services, and others require further detail and clarification.

It was felt that the wording around training and qualification requirements (“appropriately trained or qualified”, “encouraged to acquire appropriate and relevant qualifications”) was very vague and open to interpretation, particularly in terms of how it would apply to the homelessness sector where there are few recognised overarching qualifications available. **In order to limit the scope for different interpretations by local authorities, the Government must outline what this would mean for all parts of the supported accommodation sector in much more detail. Homeless Link has a forthcoming research project, funded by MHCLG, looking at the homelessness workforce which could help inform the Government on the current baseline of staff training and qualifications. We would be happy to share this when it has been completed and work with the Government to help develop understanding in this area.**

Several members highlighted that it could be a challenge recruiting trained or qualified staff for some services given the current employment challenges in the sector, as highlighted in our response to question 8. If the Government wants to make this possible, it needs to invest in the homelessness sector and its workforce. We would reiterate our points made about the homelessness workforce in response to question 18.

Several members again raised concerns about confidentiality and data sensitivity here in relation to the wording about providing current DBS checks as evidence, particularly for staff who may have lived experience of

homelessness. We'd prefer the Government to ask local authorities to collect evidence that services are conducting these checks, potentially utilising anonymised examples, rather than the sensitive information of all individual staff being supplied to the local authority.

One member raised a specific issue around DBS checks, with the CEO indicating that they had tried to obtain enhanced DBS checks via the local authority for their staff members as they considered that they were working with vulnerable people, but they were refused and told that they were not carrying out regulated activity. The Government needs to ensure that interpretation of the DBS guidance is applied uniformly by all relevant agencies if they are to assess services on having the appropriate DBS check.

"There's very little to disagree with, I think, there. My concern, though, is with the Government having spent the last 15 years decimating the supported housing sector, there's going to have to be a process of getting all staff up to that level, certainly with some providers who've been drawn into the race to the bottom and they're paying the national minimum wage salaries, you're going to struggle to get appropriately trained and qualified staff that are appropriately switched on to all these things. There probably will need to be a transition period built into that."

"What qualifications are they talking about? Who decides on 'sufficient' staffing? What are the minimum training standards? Even our commissioners don't know what they want."

"We have the basics – fire marshalling, conflict resolution – but who knows what's enough, that varies between services. We do a basic youth worker qualification but that won't be needed for everyone. I did the CIH Level 5 but that's expensive."

"I agree with the point about the potential cost to providers of this training and qualifications and making sure that the timeframe is right for that. Something some of our residents have actually said to us when thinking about staff is that they do value it when staff themselves have lived experience of supported housing. So I suppose striking that balance between having these definite things that need to be ticked off but also taking into account the value of lived experience."

19. Do you agree with the examples of evidence that are listed in relation to the safeguarding standard? [Strongly agree/partly agree/neither agree nor disagree/partly disagree/strongly disagree/do not know.] If you would like to explain your answer, please do so here. [Free text.]

Partly agree

As mentioned above, for confidentiality reasons we'd prefer the Government to ask local authorities to collect evidence that services are conducting these checks, potentially utilising anonymised examples, rather than the sensitive information of all individual staff being supplied to the local authority.

Some members commented that there should also be reference to a safeguarding policy within this standard.

Generally we feel that the evidence requirements need to be far more detailed and less open to interpretation. There should be detail given as to what 'sufficient staff' and 'appropriate training' would mean in practice for the different sectors within supported housing.

21. Do you agree with the local need support standard? [Strongly agree/partly agree/neither agree nor disagree/partly disagree/strongly disagree/do not know.] If you would like to explain your answer, please do so here. [Free text.]

Partly disagree

Of all the proposed standards, this one caused the most significant concern for our members. We understand and accept that the intention is to avoid an oversaturation of supported accommodation in certain geographical areas, as happened in Birmingham, and to boost local authorities' powers to prevent this.

However, it is felt that the standard gives local authorities far too much power which could end up being used to make cynical, financially or politically motivated decisions which reduce the amount of available supported accommodation that is desperately needed. The standard also fails to acknowledge that local authorities are not the only ones capable of understanding or responding to the needs of communities. It is felt that this standard could pose a severe risk to the supply of supported accommodation, particularly among non-commissioned services.

We feel that this standard needs a total rethink, and request that at the very least safeguards are introduced which give providers the power to challenge local authority decisions over local need through an independent appeals

process, and to demonstrate how they meet need outside of the opinion of the local authority.

We share the concerns of our members that, given the dire financial circumstances of local authorities after years of underfunding by central Government, they may be incentivised to use the local need standard as a way to reduce the spend on supported accommodation in their area due to budgetary pressures, regardless of the actual level of need. This is an issue we have already seen crop up across local areas which has been of serious impact to many of our members.

Members highlighted that some places may not wish to have much supported accommodation in their area due to the vulnerabilities of the people who would live in it. There was also a concern that elected members with political motivations could have an outsize influence over deciding whether a scheme met the local need or not.

There were particular concerns for non-commissioned providers or ex-commissioned providers – many of whom are currently subsidising services that the local authority can no longer afford. There is a sense that local authorities don't always recognise the value that they bring, despite being at capacity, and formalising this through this standard may result in a loss of this provision.

Many members highlighted the complexity of how and where provision is delivered in practice, and how this could be incompatible with the local need standard. For instance, it is not clear how it would work for services that cover areas that go across local authority boundaries, or where the referrals received don't align with the local authority that the service is situated within – either receiving mostly referrals from a neighbouring authority, or providing a regional or national service.

It was also felt that this standard does not recognise the way that the VCSE can operate to respond to emerging need or pivot to be flexible based on changing circumstances. This is seen as one of the great strengths of VCSE supported accommodation provision and one that should be safeguarded.

Other concerns included:

- It opens up more potential for inconsistency across local authorities. Members hoped that the regulations would bring consistency and

standardisation, but this would be undermined if local authorities have different criteria for local need.

- There could be a potential conflict of interest if the local authority is looking to insource or scale up its own provision and decides to tell VCSE providers that they don't meet local need as a result.
- It means that a provider would carry the financial risk should a local authority introduce a new condition that would dictate that they no longer met local need.

We recommend that the Government rethinks this standard and explores other ways to ensure that specific geographical areas do not become excessively concentrated with supported accommodation. The new standard should include, but not be limited to:

- Local authorities' supported housing strategies and the data behind them should be publicly available and transparent
- The partners involved in developing local supported housing strategies should include non-commissioned service providers
- The Government should introduce a mechanism for providers to be able to appeal a local authority's decision on whether they meet local need, overseen by an independent panel
- Local authorities should be mandated to consider non-commissioned provision and the value it brings
- The Government should address the issue of when a service's location does not align with where it receives referrals from
- It should not only be the local authority that can countersign the statement required as evidence for the standard. The statement should also be considered valid if countersigned by another recognised public body such as the local ICB or probation service, allowing for a wider recognition of need than that of the local authority.

"We have quite a few uncommissioned services that used to be commissioned. The local authority told us there was no longer a need. However, they couldn't tell us what need they did have. So we couldn't adjust what we were doing. We continue to provide the services. We continue to have full properties."

"Because who in their right mind would open a supported housing project that doesn't meet need? If there's no need for that project, it's just going to die on its feet. It just seems to me a superfluous standard that gives local authority power that actually might not be appropriate or might not be used appropriately."

"I didn't like this one. We're not commissioned, we fundraise and have income through housing benefit – we try to align with the local authority but we're not a formal partner. Anyone can refer to us, there are lots of amazing schemes that happen in bad local authorities, is there a risk that they get dragged down with them?"

"I think it's going to create a price war [...] what I'm concerned about is that you create 20 bed spaces in an area, you get the initial licence because it meets the need. You go for review and another provider's come into that area and they go well actually they're offering it for £50 a week cheaper. Then say that you no longer need this licence because you're not meeting the needs."

"I'm just thinking about non-commissioned services. So like, yeah, if the change was made that the statement would either need to be countersigned by the local authority or the combined authority that would cover all our schemes. So we wouldn't anticipate any gatekeeping. But if it was a non-commissioned provider and they were really having to make the case to the local authority, the fact it says "Is the scheme located in the appropriate setting and location?" That just feels like that's very vague and open to interpretation and would just give the local authority an excuse to say "no we don't think it's appropriate.""

"If the local authority won't engage with you, what then? If they exclude us from the strategy, we could see young people moved too far away. We're rural – our closest commissioned services are 40 miles away. If this preferences commissioned services it could be very disruptive."

"Sometimes local need can have this local connection element to it in terms of how local authorities prioritize accommodation for people that can sometimes be a bit of a barrier to meeting the needs of people who have been homeless."

"Our referral process is open to anyone. Well, I mean, people can refer themselves, refer a family member, refer from prison, from social services, from Housing Options teams, from anywhere. And it's completely open to anyone to apply and this feels very prescriptive and very controlling from the local authority's perspective."

22. Do you agree with the examples of evidence that are listed in relation to the strategic need standard? [Strongly agree/partly agree/neither agree nor disagree/partly disagree/strongly disagree/do not know.] If you would like to explain your answer, please do so here. [Free text.]

Partly disagree

The requirement to give evidence seems obsolete for any service commissioned by the local authority, who presumably did so because there was a local need for the service.

More widely, we support a blanket passporting system for all commissioned services, as commissioners are best placed to have oversight over their quality, as they hold the responsibility for securing positive resident outcomes, and there are existing reporting mechanisms to scrutinise provision and hold providers to account. We envisage that the National Supported Housing Standards would need to be built into commissioning frameworks and the commissioners should be responsible for ensuring that they meet the standards and licensing conditions. Commissioned services would still pay a licensing fee to the local licensing authority, which would then defer to the commissioner to confirm that the service was adequate. Checks and inspections would be the responsibility of the commissioner.

In terms of the statement countersigned by the local authority requested as evidence, we recommend that it should not only be the local authority that can countersign the statement required as evidence for the standard. The statement should also be considered valid if countersigned by another recognised public body such as the local ICB or probation service, allowing for a wider recognition of need than that of the local authority.

23. What additional standards may be needed to ensure specialised schemes are meeting local and national need? [Free text.]

We do not recommend additional standards but would reiterate our call for a rethink of the local need standard and for an exemption for all commissioned services, with standards and licensing checks instead sitting under the commissioner.

It's important to note that it's not only specialist schemes that could be meeting a need beyond local – many types of service are commissioned at regional or national level. Accepting any scheme commissioned by a public body as valid could partly help ensure that this continues.

Our previous recommendation around allowing other public bodies beyond the local authority to support and confirm the need for the service could help ensure this.

25. Do you agree with the responsible person standard? [Strongly agree/partly agree/neither agree nor disagree/partly disagree/strongly disagree/do not know.] If you would like to explain your answer, please do so here. [Free text.]

Partly agree

Our members broadly agreed with this proposal and felt that it was sensible and is commonly used in other settings. It was felt that, in models where the responsible person was not the same as the licensee, the role should fall to someone at an appropriate level of seniority and not necessarily to a service manager.

It was felt that it should be made possible for one individual to be able to be the responsible person for multiple schemes without having to have multiple fit and proper person tests carried out.

"The only thing I would add is that because the licensing and therefore the responsible person for this can be at scheme level, it would be really helpful if it was similar to Ofsted for the accommodation, having one person that can be the responsible person for a number of schemes but not having to go through the test each time."

26. Do you agree with the examples of evidence that are listed in relation to the responsible person standard? [Strongly agree/partly agree/neither agree nor disagree/partly disagree/strongly disagree/do not know.] If you would like to explain your answer, please do so here. [Free text.]

Partly agree

There were a range of views on the fit and proper person test among our members. Many were comfortable with it. Some highlighted that registered charities already have to meet a set of standards to ensure good governance, through required reporting to the Charity Commission, and that this would be a form of duplication. Others questioned whether a fit and proper person test would be enough to block bad actors, noting that in HMO licensing, the bar to find someone not fit and proper is very high, and that it is fairly easy to put up another named person if there is a risk that one individual will not pass the test. *"I'm going to say we're a registered charity, as I'm sure many people are. And I just think there is a board of trustees that make sure there are fit and proper people*

running the organisation and good governance and I don't really see how this fits in with the Charity Commission and what they're expecting."

27. What other information (if any) could be provided to evidence this standard, including evidence that providers already submit to other bodies. Please specify what the information is currently used to evidence.
[Free text.]

Registered charities who have already conducted a fit and proper person test could be passported through that part of the required evidence.

28. Do you agree with the statement of purpose support standard?
[Strongly agree/partly agree/neither agree nor disagree/partly disagree/strongly disagree/do not know.] If you would like to explain your answer, please do so here. [Free text.]

Partly agree

Our members had some concerns about this standard. If each scheme is required to have its own tailored statement of purpose, this could pose an absurd administrative burden for an organisation responsible for hundreds or even thousands of schemes. It's not clear whether the Government envisages separate web pages being required for each scheme's statement of purpose and whether each one would have to be updated annually. This would clearly not be a sensible course of action and requires a rethink.

Several members highlighted concerns about the Government's request for 'a description of the location of the scheme' to be provided. It was felt that this might not always be appropriate – there might be sensitivities around a resident or group of residents which require the location of their accommodation to be confidential. This could go beyond examples such as domestic abuse settings – sometimes, vulnerable residents might be at risk of exploitation or could have difficult relationships with local residents, meaning keeping the location of the accommodation private helps avoid conflict or antisocial behaviour. Members were clear that they would not wish to list the addresses of their schemes publicly.

It was also raised that registered charities already have a statement of purpose lodged with the Charity Commission and this would be another duplication of admin.

"We have like hundreds of houses and each of them will be a separate scheme, so if we've got to display a different one for each, do we then put each one of them onto a website or where do we display it? Because they're much smaller properties of only two or three individuals. That was my concern, was having to have a separate one for each one of those."

"To be fair, I wouldn't identify the location of any of my addresses on my website."

29. Do you agree with the types of evidence that are listed in relation to the statement of purpose standard? [Strongly agree/partly agree/neither agree nor disagree/partly disagree/strongly disagree/do not know.] If you would like to explain your answer, please do so here. [Free text.]

Partly disagree

There are issues, highlighted in our response to question 28, with the overall proposal that each separate scheme should have a unique statement of purpose displayed. We recommend that the Government rethinks this. There is also overlap with what is already provided to the Charity Commission. The Government should consider passporting registered charities who already have an organisation-wide statement of purpose through this requirement.

29. Do you agree with the types of evidence that are listed in relation to the statement of purpose standard? [Strongly agree/partly agree/neither agree nor disagree/partly disagree/strongly disagree/do not know.] If you would like to explain your answer, please do so here. [Free text.]

Partly disagree

There are issues, highlighted in our response to question 28, with the overall proposal that each separate scheme should have a unique statement of purpose displayed. We recommend that the Government rethinks this.

There is also overlap with what is already provided to the Charity Commission. The Government should consider passporting registered charities who already have an organisation-wide statement of purpose through this requirement.

30. What other information (if any) could be provided to evidence this standard, including evidence that providers already submit to other bodies. Please specify what the information is currently used to evidence. [Free text.]

As previously suggested, for registered charities this proposal could be superseded by the statement of purpose that they already provide to the Charity Commission.

31. What criteria should a needs assessment include? [Free text.]

Homeless Link's only comment would be that any criteria should have enough flexibility inbuilt to allow for the different shape that a needs assessment will need to take in different types of homelessness supported accommodation service, and all other supported accommodation services. For instance, the needs assessment one would conduct when a resident is going to be staying for a few weeks would look very different to one that you may conduct when a resident is likely to be there over the medium-long term and working extensively with the support service.

32. Do you agree with the suggested content of support plans? [Strongly agree/partly agree/neither agree nor disagree/partly disagree/strongly disagree/do not know.] If you would like to explain your answer, please do so here. [Free text.]

Partly agree

Our members were broadly comfortable with the proposals. Some suggested that there could be more of an emphasis on outlining a mutually agreed understanding of how the resident and the service will work together.

There was also an acknowledgement that the frequency and duration of support would very likely need to change over time, particularly in homelessness settings.

Members also mentioned that trying to create a standardised support plan template might be at odds with the nature of person-centred, trauma-informed, co-produced support.

"If we're trying to look at standardised expectations, how do you balance that off against person-centred, trauma-informed, co-produced support plans? With client involvement in developing support plans for their service, how do you reconcile that with a standardised set of expectations? If you're really being person-centred, trauma-informed and co-producing your work, then you're not going to be able to do that."

33. Are there any further criteria that a support plan should include? [Free text.]

There should be an acknowledgement of the different shape that this will need to take in different services, and the fact that it would not be relevant for all homelessness supported accommodation services to have a support plan due to the short-term nature of the support, such as in hostel accommodation.

The supported housing licensing regime

34. What would the risks and benefits be with licensing authorities joining up to administer licensing across local areas authority boundaries? [Free text.]

We believe that the whole proposal for the National Supported Housing Standards to be enforced by local authority licensing schemes and for licenses to be held at scheme level is flawed.

Our members generally accept that a licensing scheme is needed to enforce the standards, and there is no concern about the concept of licensing in general. However, the issues brought about by this being administered by local authorities brought about numerous concerns about the means of implementing the scheme and issues raised about potential unintended consequences. Most members would prefer a licence to be held at organisation level, and overseen by a national body, comparable to the process for Ofsted regulation of relevant supported accommodation.

The concerns raised about licensing being administered by local authorities include:

- The complexities caused by the fact that where homelessness supported accommodation services are located does not always align with where they receive referrals from, raising the issue of who they should be paying a licence fee to or whether they would need to pay multiple. For instance, a service could be located near the border of one region, but predominantly be receiving referrals from a different region. Or, a service may be located in one place but be providing a service that is little to do with the local area but meets regional or national need.

- The fact that some small providers, particularly those operating dispersed provision or very small scale schemes, may have schemes in multiple local authorities because of geographical boundaries, and become liable for multiple licence fees which may be unaffordable.
- The fact that some larger providers may be operating schemes in hundreds of local authorities up and down the country and could become liable for excessive fee payment. This could tip some services over into becoming unviable.
- The lack of alignment between the level at which commissioning (county level) and licensing (district level) may take place.
- The impact on pipeline investment for providers. Members pointed out that they may not be able to purchase or rent new properties to expand provision because their investors or landlords would know it was contingent on obtaining a licence which the provider doesn't currently have and can't gain until the scheme is up and running and can be inspected.
- The limitations of local authority resources and the feasibility of them being able to fund licensing administration from licence fee income once initial new burdens funding had finished
- Concerns about local authorities having the appropriate skills and expertise within the workforce or being able to recruit

We appreciate that it is currently set out in the legislation that licensing should be administered by local authorities. To avoid a complex and unworkable system, we would recommend that this is reviewed, and the legislation amended so that licensing is overseen by a national body, with the process working more similarly to how Ofsted regulation of supported accommodation functions.

If the Government is not minded to do this, we would strongly advise the following amendments to mitigate some of the issues that we believe this process will cause:

- Fees should be standardised, set by a national tiered pricing structure, and low enough that services will not be penalised for operating schemes or projects in multiple local authority areas. High fee costs may be passed back to local authorities in the form of higher Housing Benefit claims, or passed onto tenants, or have to be absorbed by providers, threatening viability.
- The Government should amend the proposals so that fees are paid either per organisation or per project, rather than by scheme. The fee pricing

structure should be proportionate to the organisation's income, the number of projects they operate and the number of bedspaces they provide.

- For a scheme or project that crosses local authority boundaries, it should be stipulated that the service only has to pay the licence fee once. Local authorities should negotiate to determine who receives the fee, or in order to divide the fee payment between all relevant local authorities.
- The Government should conduct a phased roll out of licensing, targeted at areas that have particular issues with low quality exempt accommodation, in order to better understand the issues and complexities that will emerge and avoid a sudden loss of supported accommodation provision.

Turning to the specific question about the risks and benefits of allowing local authorities to join up to administer these schemes, we feel that allowing local authorities to join up would not solve the issues we have highlighted above, and could create further complexity if not done in a strategic, coordinated way.

Allowing local authorities to decide among themselves whether or not to join up with neighbouring councils to operate licensing schemes would create a confusing patchwork across the country, further burdening providers, particularly those that operate in multiple areas. Some members could see the benefit in a more coordinated approach, but only if this was done strategically, perhaps guided by national Government. There was support from some of our London-based members for licensing to be run at GLA-level. Others suggested that combined authorities would be a good place for the responsibility to held. However, this does not provide a solution for the many areas across the country that are not part of a combined authority.

Our members raised concerns about the impact of the Government's plans to reorganise local government and how this could create chaos and confusion. We recommend that the Government does not commence the process of local authority licensing schemes until after its plans for the reorganisation of local government are complete.

One of our members highlighted that their service is based just south of the border with Scotland, and that they often take a majority of referrals from Scotland despite being based in England. It is not clear how the Government would address situations like this in the context of the different regulatory processes in each of the devolved nations.

"It's difficult to see how this will root out rogues. If they're in it for profit, they can afford to do the admin to get around it. Surely local authorities know who is rogue – will they target those businesses first? It relies on local knowledge to target bad practice."

"NHS trusts obviously don't follow county boundaries or local authority boundaries, and we've got a few services that are commissioned through the NHS that are accessible for maybe three or four different boroughs at any one time so who then wants to take responsibility for that? I'm sure it won't be the NHS."

"We're right on the border, so we're in Northumberland. That's where we're based, but we get referrals from the Scottish side because obviously we're only a couple of miles away from the Scottish border. So I don't know what the implications are going to be between the Scotland and England regimes."

"So how would that affect us then, because we are geographically based in South Oxfordshire. And that's predominantly where we provide the service. However, we do take people from Berkshire and Buckinghamshire because of our physical location. So would that mean then that we'd have to be licensed by Buckinghamshire and also by Berkshire?"

"We run one scheme, a 9-bed house. Our local authority is a unitary authority. 5 years ago, our charity's area of operation aligned with the (then) district council. Since unification in 2000, the council would prefer to talk to partners who operate across the whole of their geography, so we are concerned that the location of our (one) scheme, that operates in only 1/4 of the unitary authority, will be less attractive to the council."

"My fear is that Surrey's going through unitary reorganisation over the next two years. And this will just be one more thing that won't happen as it should. I can just see it's going to be a disaster. But if both things weren't happening at the same time, it might be positive. So if I've got a property in South Surrey or North or whatever. We don't even know what it will be yet and it's not going to be finalised till March 2026 I believe. And I know the changes are coming on later. Yeah. I'm a little bit nervous for chaos."

35. Do you agree with the definition of a scheme? [Strongly agree/partly agree/neither agree nor disagree/partly disagree/strongly disagree/do not know.] If you would like to explain your answer, please do so here. [Free text.]

Strongly disagree

The proposed definition of a scheme and proposal for licences to be held at scheme level would cause major issues for providers and we recommend that the Government reconsiders this.

Charging for a licence per scheme as opposed to per organisation would create an enormous, and for many providers an unaffordable, cost and administrative burden. This would be true for larger providers that operate thousands or even tens of thousands of schemes across the country. It would also be true for organisations that operate dispersed provision, or providers who have consciously focused on developing small scale schemes in response to psychologically informed and trauma informed evidence about improved practice for certain cohorts. The definition of a scheme appears more geared toward hostel-style provision and fails to take into account the different shapes of homelessness supported accommodation. Many providers are now moving away from large hostels as they are not always the most beneficial environments for residents, and small schemes or dispersed individual homes are often considered best practice. Providers should not be penalised for this approach by having to apply and pay from multiple licences. We are concerned that proceeding with this as proposed in the consultation could incentivise providers to switch to running hostel provision because this would turn out the most cost-effective, impacting the supply of other forms of supported accommodation and reversing years of progress in improving the quality of trauma-informed, effective provision.

As outlined above, our preference would be for licensing to be operated at national level and similarly to the current process for Ofsted regulation of supported housing, where an organisation must be licenced and then all schemes that that organisation operates are listed and can be inspected at any time.

Failing that, we recommend that the Government at least amends the legislation so that licences could be held at 'project level' rather than just 'scheme' as defined. This would enable, for instance in the case of dispersed provision, multiple properties to be clustered under one licence if overseen by the same project team.

The Government should amend the proposals so that fees are paid either per organisation or per project, rather than by scheme. The fee pricing structure should be proportionate to the organisation's income, the number of projects they operate and the number of bedspaces they provide.

"I have a huge issue on the licensing at scheme level. It's not how Ofsted works. And we've got a significant number of properties in a town and quite a lot of them are dispersed floating support, and if we were to have every single one of them licensed, quite a few of them are the single accommodation units. Or they are 4-bed accommodation. I mean, if you're licensed in each one at the same cost and yet you've got say a 30-bed foyer that's paying the same licence fee. I think it should be applied the same way that Ofsted is, where the organisation itself is registered."

"So our accommodation is quite dispersed. We've got about 21 properties across the city, so I can see the licensing part of the regulations being quite a costly, administration-heavy process that we'll have to comply with."

"When it talks about what they count as a scheme, we have got certain schemes of dispersed properties. Most of them are just distributed throughout an area. So if a support package is all linked up but that's going to be massively cumbersome and potentially very expensive if you have to go through an application and a licence fee for every single separate property, so kind of disincentivises a dispersed model which we think is something we're trying to move towards a lot more."

36. Do you agree with the proposed licensing exemptions? [Strongly agree/partly agree/neither agree nor disagree/partly disagree/strongly disagree/do not know.] If you would like to explain your answer, please do so here. [Free text.]

Partly agree

We agree with the proposed licensing exemptions above but feel that additional exemptions should also apply.

Homeless Link recommends that all services commissioned by a public body, whether that's a local authority or a national body like the NHS, should be passported through licensing. We envisage that they should still pay a licence fee in line with whatever other supported accommodation providers have to pay, but that it is assumed that they meet the standards and licensing conditions owing to being commissioned, and they will not have the duplication of additionally being scrutinised by the licensing authority. The responsibility for ensuring that they meet the National Supported Housing Standards and conditions of the licensing scheme should sit with their commissioners, who have existing oversight and quality-assurance processes in place. It should be for the commissioners to notify the licensing authority as to whether such

services meet these standards, and to oversee any inspections or necessary improvements.

We think that the exemption for Ofsted-regulated schemes should be extended so that any scheme that is partly or wholly regulated by Ofsted does not require further licensing. Many of our members that run youth homelessness services operate supported accommodation schemes which could be accessed by looked after children and care leavers aged 16 or 17, but also other young people experiencing homelessness too. The standards they apply to comply with Ofsted registration are applied to the whole service (and often indeed the whole organisation), not just the parts of the service that would be accessed by the residents that Ofsted oversees. For these services to become subject to double and potentially conflicting regulation would be enormously burdensome and could lead to a reduction in youth homelessness provision.

There should be clear direction on what evidence is required for the purposes of licensing and what isn't when other regulation already applies. Local authorities and MHCLG should agree areas where existing data on regulation should be used, and work with the Regulator of Social Housing, the Housing Ombudsman, Ofsted, and the Charity Commission on information sharing to avoid duplication of reporting. National guidance should set out the importance of this.

For instance, for organisations that run both schemes which are regulated by Ofsted and schemes that are not, the relevant organisational information provided to Ofsted should be able fed through automatically to the relevant licensing authority/ies with minimal extra burden to the provider. This means that the Government must align the licensing process with what is requested by other regulators as far as possible. The local authority should only request information from these organisations that has not already been provided to other bodies.

It was pointed out by our members that causing providers to become regulated by multiple different bodies would disincentivise them from providing a range of services, as it results in it being easier and cheaper to only provide one type of provision regulated by a single body. This poses a further risk to the supply of the breadth of supported accommodation that is needed.

The diversity of need within the homelessness sector requires an ecosystem of services working together. Providers need the resources to deliver effective support, with the freedom to develop a menu of options to meet different needs. Specialist provisions for women and young people, or housing options

which can flex depending on health needs or addiction recovery, can be crucial in safeguarding residents, reducing pressure on wider public sector provision and unlocking support that works to help prevent and end people's homelessness. But Homeless Link members report feeling increasingly pushed toward delivering 'one-size-fits-all' services, accommodating everyone under one roof regardless of their support needs², and there is a risk that being subject to multiple regulatory regimes exacerbates this.

Supported housing works best when it is able to flex around individual needs. This can mean specialist support for distinct groups such as women, young people and NUKNs, or provisions that focus on enabling recovery from addiction or mental health conditions. Providers should be empowered to deliver a wealth of services that can meet diverse needs and adapt to changing demands. Rather than disincentivising diverse and specialist provision, the Government must implement these regulations alongside a funding strategy which enables services to deliver flexibility, diversity, and a consistently high standard of care.

"From our perspective, we don't just provide accommodation, we also provide advice and we also provide legal advice. So we have AQS standards and we have SQM standards that we have to that we have to live up to. We have done a lot of work, particularly on those sort of back office policy type compliance related-stuff to do with Ofsted that we have just decided we need to apply to the whole organisation because we're all on the same site. And so, you know, to impose an additional set of regulations on us, it just seems completely nonsensical and pointless, and it would just cost us more money and make us less able to deliver. And you know it's also sort of anti-diversity in a way, because you're making it more difficult for small and more specialist providers to be able to deliver those things. The likelihood is that if people aren't able to come up to those standards, then people just won't bother."

"In terms of when we first started out getting prepared for the Ofsted inspection process, we sort of said okay, let's focus on our Ofsted stock and really bring that up to standard. But actually all the good practice that we did within those services, we just deployed across the organisation. So yeah, all of the services aren't registered, they still have the same policies, the same training, the same accommodation standards, the same sort of quality assurance internal things we're doing. So I do think that it would make sense more just to keep that standard rather than having to introduce this as well."

² Based on focus groups with Homeless Link members, September 2023.

"An example from our Ofsted inspection was that we have detailed risk management procedures around managing risks for clients, but they weren't in a format that Ofsted recognised. Which means that one of our actions is to change that. And my concern is that there will be this inevitable duplication potentially or reinventing and having two sets of procedures or policies, with a separate one for the licensing scheme."

37. Do you agree with the fit and proper person test proposed and who it would apply to? [Strongly agree/partly agree/neither agree nor disagree/partly disagree/strongly disagree/do not know.]

Partly disagree

We have no issue with the fit and proper person test and its aims, but our members and other stakeholders have raised significant concerns about the definition of the licensee and therefore who the test may apply to in the different models of supported accommodation and the potential knock-on effects of this.

The consultation sets out:

"In most supported housing, the landlord will be the licensee and will be providing the support themselves or directly organising the support provided in the scheme. We know that in some cases the support service is provided by a different organisation than the accommodation – for example where a support service is commissioned by a local authority.

In situations where the support provider is not the licensee, the licensee will need to work with the support providers to ensure they meet the National Supported Housing Standards, while the licensee will be responsible for meeting all other licensing conditions."

In homelessness supported accommodation it is common that the landlord is not the same as the support provider, such as in models where a Registered Provider or private sector landlord has a managing agent support provider operating from their properties. We have repeatedly heard feedback from RPs, PRS landlords and support providers who work with such landlords as their partners, that the proposal for the landlord to be ultimately responsible for ensuring that the scheme meets the licensing conditions is unworkable. In some cases, there is no formal relationship between the accommodation landlord and the support provider – for instance, a housing association might

make a number of units available to the local authority who then commission the support. The housing association would have no power over the support provider in this model.

It would essentially cause landlords to become accountable for the quality of support, something they may have limited control over or little interest in overseeing. For instance, as reflected in Homeless Link member Riverside's response to this consultation, they own 1,136 units that are delivered through managing agents and 1,328 units that are directly managed which would fall under the scope of this regulation. They calculate that in order to effectively mitigate the risk of providers failing to meet the licensing conditions, they would need to increase staffing by 6.3 FTE at an additional cost of £308,620, with additional costs to introduce systems to monitor provider complaints, safeguarding alerts, incidents etc., which would be a duplication of their own processes and that of the commissioner. This is in addition to the increase in Employers National Insurance Contributions, which for Riverside equates to an additional £1.2m in 2025/26, and before the impact of Awaab's Law and Decent Homes 2, the costs of which are yet to be identified. Any additional cost has the potential to make their model unviable.

Many landlords have indicated that they would not be willing to take on this additional responsibility, cost and risk and under the current proposals it is likely that many providers, both RSLs and PRS, will choose to leave the supported housing sector instead.

We do not think the proposal as it currently stands is feasible, as it creates the risk of a significant loss of provision. We recommend that the Government amends the relevant legislation so that the role of licensee in such models could instead be taken on by a different person mutually agreed on by both parties. This could be the managing agent, who has the greater power and control over support standards. However, there may be situations where the support provider has limited ability to compel the landlord to carry out repairs and improvements, so this set up could also come with challenges.

Another option the Government could explore would be to implement dual licensing in such models, where a licence is jointly held and the landlords are responsible for the licence conditions on landlord functions and support providers are responsible for the licence conditions on support provision.

We feel that this proposal poses the biggest risk of immediately decimating the supported housing sector. It highlights the need for the Government to

consider how they will sustain and increase the supply of good supported accommodation, rather than only focusing on rooting out the bad. **We recommend that the Government reviews this proposal in full.**

"So when it comes down to accountability, if for example, we've got a couple of thousand properties, so we have a couple of thousand licenses, then if the managing agent doesn't deliver in accordance, then the implications are that it would pull on us rather than the person who's actually delivering the scheme. That's a real problem. Because they are responsible for delivering the scheme, not us."

"We're also members of Supported Housing in Partnership which represents mostly large housing associations who are managing agents, and a lot of them are saying that they think this might be a bit of a game changer in their organisations if they have to create a structure to monitor agents' compliance with National Supported Housing Standards. Large housing associations are not necessarily going to be prepared to do that. And it may see the wholesale removal of supported housing. Which I think is probably the most serious thing in all of this. [...] And you know already we see a lot of landlords saying that it's not financially viable to run supported housing which we all know. Larger associations aren't necessarily therefore going to just go along with this. They may actually make business decisions to pull out."

"We are solely a managing agent and support provider in everything we do so I think there is a concern around the landlord property owners and this need for them to ensure that the support provider is delivering. I don't think they've got the people to do that. I don't think they've got the skills or the knowledge necessarily at the moment. And that would require quite a lot of work. I think some of our landlords wouldn't have the willingness particularly. And again, it speaks to that issue of are they going to just pull out and put those units into general needs. When we're already having a bit of a crisis with our supported housing at the moment."

38. Do you agree that supported housing schemes must meet the relevant accommodation requirements and standards to get a supported housing licence? [Strongly agree/partly agree/neither agree nor disagree/partly disagree/strongly disagree/do not know.]

Strongly agree

We support the proposal to requires schemes to meet existing accommodation requirements and standards rather than creating new ones.

39. Do you agree that if enforcement action is being taken under the Housing Act 2004 due to the presence of Category 1 health and safety hazards, or there are other issues of concern relating to accommodation quality at the scheme, a licence should not be granted? [Strongly agree/partly agree/neither agree nor disagree/partly disagree/strongly disagree/do not know.] If you would like to explain your answer, please do so here. [Free text.]

Partly disagree

We fully agree that a licence should not be granted if there are Category 1 health and safety hazards or other issues of concern in any room/space where a resident would be living/residing.

However, we have spoken to providers about the scenario of there being a category 1 hazard somewhere in the building which could in theory be closed off and managed while the rest of the building is still in use.

For instance, if there is mould contained in one room, the service is taking action to address it and that room is shut off in the meantime, this should not necessarily be grounds for the scheme being denied a licence.

The Government should publish clear guidance on this to ensure that the licensing authority takes a fair and pragmatic approach.

42. Do you agree that each resident must have a needs assessment and support plan? [Strongly agree/partly agree/neither agree nor disagree/partly disagree/strongly disagree/do not know.] If you would like to explain your answer, please do so here. [Free text.]

Partly agree

We support the expectation that each resident should have a needs assessment and in the majority of cases, a support plan, but would again emphasise that this needs to be flexible enough to apply to all the different types of provision that would fall under these regulations.

For example, a direct access hostel for people experiencing homelessness may be intended to be short term and focused on safeguarding vulnerable people while working out what the most appropriate longer term option would be for

them. This might mean placing someone in the private rented sector or in a different type of supported accommodation.

The type of support delivered in this setting would be more about keeping someone safe and well until they can move somewhere longer term that meets their needs. A full support plan may not be relevant in such a setting.

This stipulation may also be less relevant for any Housing First services that fall under these regulations (see our answer to question 5) as the emphasis is around working with people unconditionally, whether or not they wish to engage, and providing very flexible and varying levels of support. We'd reiterate the points and recommendations made in our response to question 5.

The Government also needs to be clearer on when it is required that the resident has a needs assessment and/or support plan and how long this requirement will last. In practice, due to the chronic lack of supply of move-on accommodation in most areas, a supported accommodation resident may have made progress with their recovery, no longer have support needs or need a support plan, and be ready to move, but be unable to for a period of time. Neither the resident nor the service should be penalised due to wider challenges in the housing market outside of their control.

43. Do you agree that a scheme providing care (that meets the definition of regulated personal care) will only be granted a licence if the care service is registered by the Care Quality Commission? [Strongly agree/partly agree/neither agree nor disagree/partly disagree/strongly disagree/do not know.]

Strongly agree

45. Is the National Supported Housing Standards condition set out above, enforced as part of the licensing regime, likely to be an effective means of securing that the National Supported Housing Standards are met?

[Strongly agree/partly agree/neither agree nor disagree/partly disagree/strongly disagree/do not know.] If you would like to explain your answer, please do so here. [Free text.]

Partly disagree

Homeless Link and our members are supportive of efforts to rid the supported accommodation sector of unscrupulous providers while promoting and

encouraging improvement in standards for decent providers currently in need of development, aiming to introduce consistency in the quality of supported accommodation. We have no issue with the principle of using licensing as a tool to implement this, and many of our members warmly welcomed licensing to raise standards. However, we are concerned that bringing the regime in as currently proposed would not have the intended effect.

The implementation and aims of the regulation must be practicable and achievable. As outlined in our response to question 34, there are so many issues and complexities brought about by having the process be overseen by local authority licensing schemes, as well as other issues such as the definition of the licensee where that isn't the same as the support provider, that it risks being unworkable, and as a worst-case scenario having a disastrous impact on the supply of good quality supported accommodation. Removing significant capacity from the sector will not increase standards, it will do the opposite.

To avoid a complex and unworkable system, we recommend that this is reviewed, and the legislation amended so that licensing is overseen by a national body, with the process working more similarly to how Ofsted regulation of supported accommodation functions. We believe this would have a far better chance of ensuring that the National Supported Housing Standards are met. Failing that, we have outlined a number of mitigating recommendations in our response to question 34.

There is also a fundamental question about the aims of the standards and licensing regime. Licensing enforcement alone will not raise standards if providers are not supported and funded to make improvements. The consultation mentions new burdens funding for local authorities but nothing about funding for supported accommodation providers.

Homelessness services have suffered from years of funding cuts and an increasingly fragmented and short-term funding system. Following the removal of the Supporting People ringfence in 2009, without directive from central government to protect funding for adults experiencing or at risk of homelessness, spending on support dropped by 50% between 2009-2018.⁴ Similarly, the pressure to meet statutory homelessness duties has seen funds redirected away from single homelessness support. This has resulted in the homelessness supported accommodation sector's increasing reliance on Enhanced Housing Benefit as an income source, with non-commissioned and ex-commissioned services having to scramble to raise income through other

means to fund the support element for vulnerable people, essentially subsidising local authorities.

It is this which has caused and enabled the supported accommodation sector to be exploited by rogue providers. It is notable that Wales has not experienced the same issue with bad actors entering the exempt accommodation market for profit, having retained a version of the Supporting People ringfenced grant.

This underfunding of the sector over the last 15 years has meant that many good providers face extreme financial challenges and viability is increasingly difficult. We are mindful that some providers are behind where they would like to be in terms of physical environment, staff training and development, and the infrastructure and systems needed to demonstrate their outcomes and deliverables. If the Government wants to achieve the goal of ensuring that support meets the National Supported Housing Standards, it must ensure that providers are supported and resourced to be able to adhere to the new standards and licensing regime. This should include capital investment for building works to bring housing stock up to scratch. The measurement of the standards must be reasonable and feasible for the diversity of supported accommodation types, and the cost and resource of being able to meet and monitor these standards must also be acknowledged. **It is crucial that the Government shifts its focus beyond just reducing the supply of bad provision, but also toward supporting, maintaining and expanding good provision.**

Our members also raised concerns that rogue providers would still be able to find loopholes, and that local authorities may need to go after suspected bad actors in a more targeted way in order for the regulations to have the intended effect. This tied into wider concerns about whether local authorities have the necessary resources and expertise to be able to make licensing a success.

"What I'm finding really frustrating about the whole consultation, is that they're asking so much around support when they don't pay for support. And they're stipulating so much around how we provide support when we don't actually get paid for the support that we provide and we have to literally scrimp and save and battle and find money from everywhere else to pay for the support that we provide that's not part of intense housing management."

46. Do you agree that the local authorities should have discretion to treat support services commissioned by a public body (such as a local authority, National Health Service or UK government department) as complying with

the National Supported Housing Standards? [Strongly agree/partly agree/neither agree nor disagree/partly disagree/strongly disagree/do not know.]

Partly agree

We agree with the proposal but think it should be strengthened and expanded. We support the proposal as outlined above for blanket passporting for commissioned services – it should not be a matter of discretion. Commissioners are best placed to have oversight over these services' quality, as they hold the responsibility for securing positive resident outcomes, and there are existing reporting mechanisms to scrutinise provision and hold providers to account. We envisage that the National Supported Housing Standards would need to be built into commissioning frameworks and the commissioners should be responsible for ensuring that they meet the standards and licensing conditions. Commissioned services would still pay a licensing fee to the local licensing authority, which would then defer to the commissioner to confirm that the service was adequate. Checks and inspections would be the responsibility of the commissioner.

47. What discretionary conditions, if any, should licensing authorities be able to add to a licence application? [Free text.]

Homeless Link *strongly disagrees* with the proposal for local authorities to have the power to introduce additional discretionary licensing conditions. Our members highlighted several concerns with the risks and issues this would bring about.

Firstly, if licensing is to be enforced at local authority level, then the addition of discretionary conditions would be even more confusing and burdensome for providers that operate in multiple local authority areas who would find themselves having to adhere to different conditions in different locations. It was pointed out that one of the stated intentions of this regulatory regime was to apply consistency, and that allowing for local authority discretion is not compatible with that.

We are also concerned about the potential impact that this could have on certain types of provision, and that it again gives local authorities a disproportionate amount of power. For instance, allowing local authorities to impose additional conditions around anti-social behaviour could deter or make it very difficult for providers to deliver services for residents with particularly

high or complex needs who may exhibit challenging behaviours or be at particular risk of engaging in criminal activity – or be perceived as such. There is a risk that discretionary conditions could enable the outsize influence of neighbouring residents and/or elected representatives. We appreciate that some local communities have had legitimate concerns about the impact of a high concentration of low-quality supported accommodation in their areas, but we believe that the existing compulsory licensing conditions are sufficient to tackle this. Adding the possibility of discretionary conditions could pave the way for nimbyism, and for certain types of provision to be denied simply because the local authority, elected members or residents did not want a certain type of resident to be housed in the area. We recommend that the Government does not go ahead with this proposal.

“Just dropping in a term like ‘antisocial behaviour’ and ‘discretionary conditions’ makes me very twitchy. I work in a small, beautiful, pretty city. One of the biggest pressures we have is that most of the accommodation in the city is bought by private developers for students for the university. And we own a few properties, but we have terrible pushback when we’re looking at getting a property around topics like antisocial behaviour. Whereas actually a lot of the student clusters of accommodation have much more significant noise levels and concerns around that. I guess I’m just worried that it could be used by local authorities or local authorities might find themselves under pressure to not approve accommodation using metrics that don’t actually relate to the support provision. So yeah, it seems quite a massive thing to casually drop in as a discretionary condition. And I wonder how much it would be affected by local politics, pressure from local councillors, pressure from local residents’ groups. And if we went it entirely that way, then probably we wouldn’t be able to have any accommodation at all.”

49. Do you agree that where a property licence is already in effect the provider should be treated as licensed for the purposes of supported housing licensing? This would only be for the remaining period of the existing property licence, until it is replaced with a supported housing licence. [Strongly agree/partly agree/neither agree nor disagree/partly disagree/ strongly disagree.] If you would like to explain your answer, please do so here. [Free text.]

Partly agree

We broadly agree with this proposal, however there is a concern about whether this process would be sufficient to protect vulnerable residents who may currently be living in substandard supported accommodation which currently

holds a HMO licence for instance. It could take a very long time to tackle bad provision if the support provided by such schemes was not scrutinised until the HMO licence had expired.

The Government should explore giving local authorities the discretion to bring forward the need for HMO licence-holders to apply for a supported accommodation licence where legitimate concerns are present.

50. In addition to a standardised licence application form that all local authorities would use, what else can the government do to ensure applications are as straightforward as possible for providers and licensing authorities to minimise unnecessary burdens on local authorities and applicants? [Free text.]

We would reiterate our recommendation for the licence scheme to be administered nationally as opposed to at local authority level, with learnings taken from Ofsted's regulation of relevant supported accommodation.

Failing that, our first suggestion would be to drop the proposal to allow local authorities to introduce discretionary conditions, as this would undermine the intention to provide consistency across the sector and create additional administrative and resourcing burdens for providers.

We would also strongly advocate for automatic passporting wherever possible and the automatic transfer of information. There should be clear direction on what evidence is required for the purposes of licensing and what isn't when other regulation already applies. Local authorities and MHCLG should agree areas where existing data on regulation should be used, and work with the Regulator of Social Housing, the Housing Ombudsman, Ofsted, and the Charity Commission on information sharing to avoid duplication of reporting. National guidance should set out the importance of this. The Government should explore creating a national database where the different licensing and regulatory regimes are linked.

Other suggestions from Homeless Link members included:

- A self-audit template for providers for them to be able to self-assess and identify areas for development ahead of the licensing regime taking effect
- A named contact at the licensing authority for the provider to build a relationship and liaise with

- Clarity from the Government on the timelines for implementation as soon as possible. Many providers will be considering their strategic areas of focus, staff resource, and practical considerations such as whether to renew their HMO licences, and need advance warning to be able to plan effectively.
- Some members spoke positively about the Quality Assurance Framework used under Supporting People and suggested that learnings could be taken from it when designing the licence application form
- Detailed guidance for local authorities to ensure a consistent approach to licensing, and a process for local authorities to be held accountable where this is not followed
- Sufficient resourcing and expertise at local authorities, ensuring that those involved in implemented licensing have an adequate understanding of the various sectors operating within supported accommodation, and aiming to avoid the backlogs that have been seen for instance when setting up HMO licensing

51. What would the impact of licence fees be on your business, or for administrative purposes if you are a licensing authority? [Free text.]

Homeless Link is answering this question on behalf of the members we engaged with. Members found this question difficult to answer as little indication about the scale and extent of licence fees was given in the consultation. However, many were extremely concerned in the context of the current financial state of the sector and particularly if the proposal went ahead for fees to be paid per scheme. This was especially true for those who'd be assessed as operating a high number of 'schemes' as currently defined in relation to the size of their organisation, and for large organisations who are currently responsible for thousands or tens of thousands of schemes.

In order to seek more specific quantitative data, Homeless Link conducted a survey of our members on the foreseen costs of compliance with the new regulatory regime, including the impact of licence fees:

- One respondent, a supported accommodation provider in the North West with an annual turnover of £2.3 million and 70 bedspaces, estimated they'd need to invest an initial £50,000 followed by an ongoing £20,000 per year, in order to meet the National Supported Housing Standard for all their schemes. They estimated that a further £50-100,000 would be required in capital investment to meet the licence conditions for all their schemes. They indicated that £300 per scheme would be a reasonable

licence fee to pay, if HMO licensing was taken into account, but that a total cost of over £9,000 would pose difficulties for their organisation.

- One respondent, an organisation in the South East providing wraparound services for young people, including 1 supported accommodation project with 9 bedspaces, with an annual turnover of £800,000, estimated that they would need to spend £20,000 on painting external walls and addressing damp and mould in certain rooms in order to meet the licensing conditions. They said that licence fees set at any level could cause their organisation difficulty: *"Our SA project is the single most expensive service our charity runs. Residents' rent (largely HB) accounts for just 27% of the total project cost; we fundraise 73% of total running costs. Any additional costs that weren't directly relatable to residents' welfare, could make the project financially unviable for our charity."*
- One respondent, a supported accommodation provider in the South East with an annual turnover of £4.2 million and 300 bedspaces, estimated that they'd need to invest £40,000 in order to ensure that all schemes met the National Supported Housing Standards, and said that any licence fee cost would be a challenge but that anything over £100 per licence would cause the organisation difficulty and anything over £200 per licence could make it unviable for the organisation to continue providing supported accommodation.
- One respondent, a supported housing organisation in Yorkshire and the Humber with a £7.2 million turnover and 400 bedspaces, estimated that they'd have to invest an initial £300,000 followed by £100,000 per year on additional resource and infrastructure in order for all schemes to meet the National Supported Housing Standards. They estimated that they would need to invest a further £500,000 in building/accommodation upgrades/repairs in order to meet the conditions of the licensing regime. They said that licence fees of over £100 per scheme would cause them significant financial issues unless covered by the Government/Housing Benefit, and could threaten the viability of their supported accommodation service. They said there was a risk of them losing 10% of their bedspaces without funding from the Government.
- One respondent, a supported accommodation and hostel provider operating in the South East, with an annual turnover of £4.6m and 183 bedspaces, anticipated having to invest an additional £100,000 in additional resource and infrastructure to meet the National Supported Housing Standards for all schemes. They said that licence fees being paid per 'scheme' as currently defined was a concern, especially as their local authority is currently consulting on introducing a fee for all private rented properties and they could become subject to 2 fees per scheme.

- One respondent, a supported accommodation provider operating in the South West, with an annual turnover of £1 million and 75 bedspaces, anticipated needing to invest £40,000 in order to ensure that all their schemes met the National Supported Housing Standards. They flagged that their properties are small schemes in local communities and had been acquired in an ad hoc way. Some do not have communal living rooms as these have had to be turned into bedrooms. They said that if they had to lose bedrooms in schemes in order to create communal space, this could cost them £221,000 plus support income lost on bedspaces – as well as the loss of a bed for those individuals. Such a loss would cause them to have to review their whole service. They estimated that a total cost of licence fees of £1000 or above could threaten their viability.
- One respondent, a provider in the East of England operating a range of services including hostels, with an annual turnover of £11 million and 254 bedspaces, estimated needing to spend around £100,000 on additional resource and infrastructure needed for all schemes to meet the National Supported Housing Standards. They said that paying a total of £50,000 or above in licence fees, along with other increasing costs and market pressures, could threaten the viability of their organisation, and that they may need to make cuts to frontline services.

52. **Do you have any other comments on licensing fees?** [Free text.]

Our members highlighted the risk of allowing local authorities to set fee levels, particularly given that local authorities would have to use fee income to fund their licensing teams once new burdens funding had been withdrawn, and so would be incentivised to bring in a significant amount of income to sustain this. As previously outlined, Homeless Link's view is that having the licensing scheme be administered by local authorities would create too complex and burdensome a system to be workable for providers, including the impact of the proposals around licensing fees. We would recommend that the Government reviews this and amends the legislation so that licensing is overseen by a national body, with the process working more similarly to how Ofsted regulation of supported accommodation functions and licenses being held at the organisational level.

If the Government is not minded to do this, we would strongly advise the following amendments to mitigate some of the issues that we believe this process will cause:

- Fees should be standardised, set by a national tiered pricing structure, and low enough that services will not be penalised for operating schemes or projects in multiple local authority areas. High fee costs may be passed back to local authorities in the form of higher Housing Benefit claims, or have to be absorbed by providers, threatening viability. For homelessness supported accommodation providers, passing costs on to residents is unlikely to make a meaningful difference, with service charges already going unpaid as residents struggle with their own budgets. Fees would need to be low enough so that they did not cause good providers to become unviable – including large providers that may operate in nearly every local authority across the country, or small providers operating on very tight margins.
- The Government should amend the proposals so that fees are paid either per organisation or per project, rather than by scheme. The fee pricing structure should be proportionate to the organisation's income, the number of projects they operate and the number of bedspaces they provide.
- For a scheme or project that crosses local authority boundaries, it should be stipulated that the service only has to pay the licence fee once. Local authorities should negotiate to determine who receives the fee, or in order to divide the fee payment between all relevant local authorities.
- The Government should conduct a phased roll out of licensing, targeted at areas that have particular issues with low quality exempt accommodation, in order to better understand the issues and complexities that will emerge and avoid a sudden loss of supported accommodation provision.

53. Do you agree that supported housing licences should be granted for five years, starting from the day the licence is formally issued by the licensing authority? [Strongly agree/partly agree/neither agree nor disagree/partly disagree/strongly disagree/do not know]

Partly agree

Five years sounds like a reasonable timeframe, but the Government needs to acknowledge that in homelessness supported accommodation, it will be common for complexities to arise during the period of a scheme/project being licensed. For instance, within a 5-year period, it is not unlikely that the provider's portfolio of properties may need to change, as they find new places to move residents due to issues such as disrepair or conflict with neighbours – or just because of their operating model. It is also feasible that the tender for

support may be recommissioned within a 5-year period, so the provider would change. Both instances would constitute the need to update the licence under the current proposals, but for organisations where this is happening on a fairly regular basis, continually updating licenses could pose an unreasonable administrative and financial burden. This is a further reason why we prefer the Ofsted model, with the licence being held at the level of the organisation and new schemes being added and becoming subject to inspection. The Government must find a way for the realities of operating supported accommodation to be reflected in the duration and administrative requirements of the licence.

"When I talk about dispersed schemes, I'm talking about self-contained units, and we have some schemes where the combination stays the same and the people change and then others where the accommodation and client come together, and then the client remains in that accommodation after the support has ended and then we will get a new property. And I hadn't even considered that scenario. That would be an absolute nightmare, every time we get given a new property, having to make a new licence application."

"So we lease properties and become the landlord. And due to unforeseen circumstances, sometimes we have to decant people into new properties. Would these licenses be transitioned over or would we need to apply each time? At certain times recently, we've had to do six properties within six months. So if we're having to get new licenses for each new property and be charged for those, that's going to have a huge impact."

"Well, that means you've got God knows how many different local authorities that will look at this in a different way and will have different expectations and some may do spot audits, some may want to see all information and there's going to be a real inconsistency. And if you're working across multiple local authorities, that's going to make life even harder still. So I think having more specific details around what should and shouldn't be part of a compliance inspection would be really helpful."

54. Do you agree that local authorities should have the discretion to grant a supported housing licence without carrying out an inspection? [Strongly agree/partly agree/neither agree nor disagree/partly disagree/strongly disagree/do not know.] If you would like to explain your answer, please do so here. [Free text.]

Partly agree

We agree that local authorities should have this discretion where an exemption does not already apply.

But as previously outlined, Homeless Link recommends that all services commissioned by a public body, whether that's a local authority or a national body like the NHS, should be passported through licensing. We envisage that they should still pay a licence fee in line with whatever other supported accommodation providers have to pay, but that it is assumed that they meet the standards and licensing conditions owing to being commissioned, and they will not have the duplication of additionally being scrutinised by the licensing authority. The responsibility for ensuring that they meet the National Supported Housing Standards and conditions of the licensing scheme should sit with their commissioners, who have existing oversight and quality-assurance processes in place. It should be for the commissioners to notify the licensing authority as to whether such services meet these standards, and to oversee any inspections or necessary improvements.

We think that the exemption for Ofsted-regulated schemes should be extended so that any scheme that is partly or wholly regulated by Ofsted does not require further licensing or inspection by anyone other than Ofsted.

55. Do you agree that licensing authorities should inspect each scheme at least once in a licence period, or more frequently if required? [Strongly agree/partly agree/neither agree nor disagree/partly disagree/strongly disagree/do not know.] If you would like to explain your answer, please do so here. [Free text.]

Partly agree

Homeless Link agrees with this proposal, apart from the caveats we have outlined in our response to question 54.

However, we believe the Government needs to give clearer detail and guidance on what inspections should entail and how they will be managed. Our members have raised concern about the possible impact of inspections on vulnerable residents of supported accommodation. We feel that residents should have the right to consent or otherwise to an inspection of their private space, and to have another trusted person present while it is carried out. The Government should specify that a reasonable amount of notice is given before an inspection. The Government should bear in mind that supported accommodation residents

may have experience of trauma, and anyone conducting inspections should have the necessary expertise and trauma-informed training. Members also highlighted that it would be vital for those involved in licensing and inspection to have the relevant knowledge and expertise of the type of supported accommodation they were considering and for this to sit in an appropriate place within a local authority. It was considered essential that any licensing and inspection regime brought together multidisciplinary expertise from across the local authority and ensured that the relevant teams were working collaboratively, which does not always happen as it should.

"I'm not convinced that this system is actually going to eliminate the people who are not treating people well and providing good support services. But there is a difficulty in trying to do that. Then we all end up having to talk to someone from the planning department about what safeguarding really is. So I think there's something there about just some understanding of that."

56. Do you agree that licensing authorities should agree an improvement plan for a scheme together with the licensee before any further enforcement action is taken? [Strongly agree/partly agree/neither agree nor disagree/partly disagree/strongly disagree/do not know.] If you would like to explain your answer, please do so here. [Free text.]

Strongly agree

57. Do you agree that licensing authorities should be able issue improvement notices for a period of three months, except in the case of a serious failure, if the scheme has not improved after an improvement plan has been agreed and undertaken? [Strongly agree/partly agree/neither agree nor disagree/partly disagree/strongly disagree/do not know.] If you would like to explain your answer, please do so here. [Free text.]

Partly agree

Some members flagged that 3 months might not be realistic to get certain repairs carried out due to workforce and supply issues. The Government should set out that licensing authorities must work collaboratively with the provider in identifying such challenges at the earlier stage of the improvement plan, and allow sufficient time for any complex or challenging repairs to be completed.

58. Do you agree that licensing authorities should have the ability to extend the improvement notice to a maximum of 6 months in exceptional

circumstances? [Strongly agree/partly agree/neither agree nor disagree/partly disagree/strongly disagree/do not know.]

Partly agree

For certain complex repairs, particularly concerning anything structural, some members highlighted that even a 6-month window could be challenging. The Government should consider further flexibility, as long as the provider can demonstrate that every possible step has been taken to attempt to resolve issues, and residents are not being made to live anywhere unsafe or are decanted appropriately while the improvements are made.

59. Do you agree with the proposed circumstances in which a licence would need to be varied or revoked? [Strongly agree/partly agree/neither agree nor disagree/partly disagree/strongly disagree/do not know]

Partly agree

These proposed circumstances are reasonable within the context of the system that the Government is proposing. However, as previously mentioned, the Government needs to acknowledge that in homelessness supported accommodation, it will be common for complexities to arise during the period of a scheme/project being licensed that mean that licenses need to be 'varied' frequently.

For instance, within a 5-year period, it is not unlikely that someone in a homelessness supported accommodation service may need to be moved to a new property. It is also feasible that the tender for support may be recommissioned within a 5-year period, so the provider would change. For larger organisations, the licensee or scheme manager changing could be a fairly regular occurrence. These instances would constitute the need to vary the licence under the current proposals.

For organisations where this is happening on a regular basis, continually updating licenses could pose an unreasonable administrative and financial burden. This is a further reason why we prefer the Ofsted model, with the licence being held at the level of the organisation and new schemes being added and becoming subject to inspection. The Government must find a way for the realities of operating supported accommodation to be reflected in the duration and administrative requirements of the licence. If it continues with the proposed system, it should ensure that updating the licence is minimally

burdensome for providers, and simply a matter of providing the new address/support provider/scheme manager's details and the local authority then going on to conduct the necessary checks.

It may also be beneficial for the licensing authority to provide regular reminders requesting that any changes are made. In organisations where such changes might be made frequently, it's foreseeable that human error may result in a failure to immediately notify on occasion, and otherwise compliant providers should not be immediately penalised for that.

62. Do you agree that operating as a supported housing scheme without a licence in a licensing area should be an offence? [Strongly agree/partly agree/neither agree nor disagree/partly disagree/strongly disagree/do not know.] If you would like to explain your answer, please do so here. [Free text.]

Strongly agree

64. Do you agree that a tenant living in supported housing where a licensing offence has been committed should be able to apply to a tribunal for a determination of rent? [Strongly agree/partly agree/neither agree nor disagree/partly disagree/strongly disagree/do not know.] If you would like to explain your answer, please do so here. [Free text.]

Strongly agree

65. Do you agree with the proposed penalty outlined above in respect of non-compliance with licensing conditions? [Strongly agree/partly agree/neither agree nor disagree/partly disagree/strongly disagree/do not know.] If you would like to explain your answer, please do so here. [Free text.]

Partly agree

We broadly agree, but can foresee a situation in which a scheme is unable to comply with licence conditions despite positive efforts, for instance because of the nature of the building.

If the scheme has engaged with the licensing authority at every stage, demonstrated evidence of attempting to comply with the improvement notice but this has not been possible, and the provider voluntarily closes down the scheme and decants the residents elsewhere, we feel that the Government

should be clearer in indicating that revocation of the licence in such circumstances would not result in a fine of up to £30,000.

66. Do you agree with the proposed consequence outlined above in respect of non-compliance with an improvement notice? [Strongly agree/partly agree/neither agree nor disagree/partly disagree/strongly disagree/do not know.] If you would like to explain your answer, please do so here. [Free text.]

Partly agree

Please refer to our answer to question 65.

69. What other steps can local authorities take to ensure that decisions on compliance with National Supported Housing Standards and licensing applications are delivered consistently across England? [Free text.]

A licensing scheme overseen by a national body would have been the best way to ensure that decisions on compliance with National Supported Housing Standards and licensing applications were delivered consistently across England.

To mitigate the risk of variation between local authorities' decision-making, the Government should firstly abandon plans to allow local authorities to introduce their own discretionary licensing conditions. It should keep discretionary matters to a minimum, including by stipulating that all services commissioned by a public body are passported through licensing, rather than this being a matter for local authority discretion.

The Government should enable as much automatic sharing of information as possible. There should be clear direction on what evidence is required for the purposes of licensing and what isn't when other regulation already applies. Local authorities and MHCLG should agree areas where existing data on regulation should be used, and work with the Regulator of Social Housing, the Housing Ombudsman, Ofsted, and the Charity Commission on information sharing to avoid duplication of reporting. National guidance should set out the importance of this. The Government should explore creating a national database where the different licensing and regulatory regimes are linked. There should be a clear steer from the Government about who should be involved in the licensing process within local authorities, ensuring multi-disciplinary involvement as compulsory, rather than recommended. Those involved in decision-making at the local authority must have the relevant

expertise and knowledge of the different types of provision within supported accommodation.

The Government should also create an accessible, independent and timely appeals process which gives providers the opportunity to make the case for their service outside of the judgement of the local authority.

70. What additional ways do you think there may be for securing compliance with the National Supported Housing Standards, in addition to the licensing regime? [Free text.]

A licensing regime will not be able to raise support standards and ensure compliance with the NSHS if providers are not supported and funded to make the necessary improvements. Without funding, the licensing regime could simply result in a reduction of the overall supply of decent supported accommodation, which would increase rates of homelessness.

The underfunding of the sector over the last 15 years has meant that many good providers face extreme financial challenges and viability is increasingly difficult. Some are behind where they would like to be in terms of physical environment, staff training and development, and the infrastructure and systems needed to demonstrate their outcomes and deliverables. If the Government wants to achieve the goal of ensuring that support meets the National Supported Housing Standards, it must ensure that providers are supported and resourced to be able to adhere to the new standards and licensing regime. To see standards increase, the Government must reintroduce sufficient, ringfenced funding for the support element of supported housing. They should also bring forward capital investment for building works to bring housing stock up to scratch.

The measurement of the standards must be reasonable and feasible for the diversity of supported accommodation types, and the cost and resource of being able to meet and monitor these standards must also be acknowledged. It is crucial that the Government shifts its focus beyond just reducing the supply of bad provision, but also toward supporting, maintaining and expanding the good.

As previously mentioned, we recommend that the Government conducts a phased roll out of licensing, targeted at areas that have particular issues with low quality exempt accommodation, in order to better understand the issues and complexities that will emerge, avoid a sudden loss of supported

accommodation provision, and ensure that the regime is actually improving the quality of support in the sector.

71. Do you agree that all providers should be treated as licensed (and still receive Housing Benefit) when the regulations come into force, until a licensing decision has been made? [Strongly agree/partly agree/neither agree nor disagree/partly disagree/strongly disagree/do not know.] If you would like to explain your answer, please do so here. [Free text.]

Strongly agree

72. How can providers be supported to prepare for supported housing licensing? [Free text.]

We wish to impress upon the Government that what is being proposed in its current form poses a severe threat to the homelessness supported accommodation sector and risks completely undermining the good intentions of the original legislation by decimating decent services that people rely on.

Much of the sector is already very fragile after years of cuts to funding for support, shrinking contracts, short-term funding cycles and a subsequent overreliance on Enhanced Housing Benefit which should never have become these services' primary income source. Providers have also faced increasing cost pressures from rocketing inflation alongside energy price increases and the impact of the increased employer contributions to national insurance. Many decent, well-meaning providers will need to make significant investments in order to ensure that all the schemes they are responsible for can comply with the new licensing regime, and that they have the necessary staff, buildings and reporting systems to demonstrate compliance. At present, it's unclear where money for those investments would come from.

The sector would require significant funding to be able to adapt to any new licensing regime. However, there are specific issues with what the Government has proposed which could lead to further spiralling costs and need to be revised. This is particularly true of the proposal for licenses to be held and paid for at 'scheme' level, the definition of a scheme, and, we would argue, the overall proposal for this to be administered by local authorities.

There are also issues beyond funding that pose a critical threat to provision. This includes the disproportionate powers given to local authorities under the 'local need' standard which are at risk of being applied cynically or politically

because of the pressures that local authorities face. And perhaps most significantly, the challenge created by the definition of the licensee when the landlord is not the same as the support provider of a supported accommodation scheme, which RP and PRS landlords warn could cause a mass exodus of non-specialist landlords from the supported accommodation sector and wipe out swathes of provision.

There is already too little supported accommodation to meet the needs of those that require it. Nearly 2 in 5 (38%) supported accommodation services for single homeless people have closed since 2010³ and figures from Women's Aid suggests that 4,000 women referred to refuge services have been turned away because of a lack of capacity.⁴ If more supported accommodation is lost, there will be fewer options to help people who have been rough sleeping off the streets, to support people who have faced trauma and multiple disadvantage to begin rebuilding their lives, or to help people with experience of homelessness to retain tenancies and begin to progress toward volunteering or employment. As a starting point, to support providers, the Government must rethink and find alternative solutions for the proposals flagged above.

The Government's emphasis throughout this process cannot only be about rooting out substandard providers. It must also be about sustaining and encouraging good ones, and enabling the growth of more good supported accommodation. This has to come with associated funding for support. The true bad actors, unscrupulous providers, will have no interest in improving. But anyone who is currently just short of the expected standard but is willing and able to improve should be supported to do so. And aside from the blanket exemptions/passporting systems we have advocated for, we would encourage the Government to enable as much discretion as possible for local authorities to automatically award licenses to schemes they have confidence in.

Other specific suggestions that our members felt would be helpful included:

- A self-audit template for providers for them to be able to self-assess and identify areas for development ahead of the licensing regime taking effect
- Accessible, plain-English guidance documents on the new regulations
- Case studies or examples of compliance in similar services
- A clear breakdown of 'essential' versus 'desirable' in the standards

³ <https://homeless.org.uk/knowledge-hub/2022-annual-review-of-support-for-single-homeless-people-in-england/>

⁴ Women's Aid Domestic Abuse Report 2024

- A named contact at the licensing authority for the provider to build a relationship and liaise with
- Direct access to regulatory advice, including a named contact or helpline/email for questions about compliance
- Centralised training resources
- Peer support and best practice sharing
- Clarity from the Government on the timelines for implementation as soon as possible. Many providers will be considering their strategic areas of focus, staff resource, and practical considerations such as whether to renew their HMO licences, and need advance warning to be able to plan effectively.
- A flexible regulatory approach during the implementation phase. This could include a grace period or phased implementation for certain requirements, and supportive inspections focusing on improvement rather than enforcement in the early months
- Local authority alignment and consistency
- Some members spoke positively about the Quality Assurance Framework used under Supporting People and suggested that learnings could be taken from it when designing the licence application form

In addition to the above, we recommend that the Government now ends the supported accommodation subsidy loss for local authorities when claiming back from the DWP for Housing Benefit paid to non-RP providers. Once all providers are subject to the National Supported Housing Standards and the licensing regime, it becomes impossible to argue that non-RP providers should be treated any differently as they will be subject to a similar level of scrutiny to RPs. Addressing this discrepancy would help end a lack of preference for local authorities to work with non-RP providers due to the financial disincentive.

"We would struggle to meet the needs of the new regulation. We would have to seriously consider closing some of our houses as we would not be able to afford the cost of upgrades and offer the level of support we would need to provide."

"You know, our charity probably would close. There's limited funding out there and it's nearly every day you're seeing charities close, and some of the bigger charities having to restructure due to the fact that it is challenging out there to raise funds independent from what housing benefit is. I mean, our clients with the greatest respect are not general needs. So, it's a massive concern if we didn't get the licence and we didn't get the housing benefit. What I'm seeing from this is we're actually going to push all of our clients to even further unnecessary stress because they're

going to have no accommodation. And services like all of ours are maybe potentially going to close and who's going to provide that support."

"When we mentioned about potential providers leaving the market, I can only speak for my organisation, but we have no aspirations to take other providers or grow our business. We've got enough as it is. And I tend to find the other large providers are in the same boat. So is there a sense from the Government that large providers will happily swallow small providers? I don't see that happening."

"Certainly if we had a licence refused, we'd have to close services. It's just not viable for us, we don't have the type of stock that lends itself to general needs accommodation so we'd close services if we didn't get a licence and depending on how many schemes didn't get a licence, there would be a huge impact on rough sleeping, homelessness, you know, people would have to leave our accommodations. So it'd be massive."

"We're a homelessness charity. If we can't accommodate people who are homeless because we don't get licensed then we would stop providing the accommodation, which shuts up that part of the organisation. We'd sell properties and reuse the assets for something else, we wouldn't go to general needs. That's not what we're about. And even for general needs, LHA is so far behind the true cost of housing that it wouldn't serve anyone on Housing Benefit."

"I am concerned about the time to licence each scheme. We rent property from private landlords and so to secure property would need to sign a lease before the scheme was licenced. If the licence was not granted quickly we would have void costs."

"The new regulations would likely require physical upgrades to properties (e.g. improved fire safety, accessible features, enhanced staffing ratios), and without funding, we would be unable to meet compliance requirements in all current locations. As a result, some units would need to be temporarily or permanently decommissioned."

"We have already had to find almost £400k in the current budget year due to the increase in NI and county council cuts. If no additional funding is available to support the implementation of these requirements we would need to cut posts which would impact upon the quality of service the people we support would receive - this could reduce visits for support planning and welfare checks."

"We are not a registered provider and our authority has already stated that they will not work with non-RPs in the future due to subsidy rules. The costs of complying with more licensing on top of commissioning demands/local licensing/mandatory requirements will make it impossible for small providers to continue."

"We would need to increase the IHM element of our Housing Benefit claims to cover the cost of the extra staff hours as the current team don't have capacity to do the following, building risk assessments, photos of properties, monitoring maintenance & repairs, applying for the licence's etc. Therefore, the cost would be carried by the local authority through increased housing benefit claims."

"We like to pride ourselves on good practice, however this would have a significant impact on the service provided maybe having to cut staffing hours therefore negatively affecting the service. We may have to shut services down again depending on the variables of what might happen."

"Getting smaller would be more challenging. We're a dynamic organisation that if we grow or get smaller so do our costs. Therefore any financial strain would be to the detriment of the organisation. And passing on the costs to the residents would not be possible. So we would lose 300 bed spaces."

Housing Benefit changes (applies to Great Britain)

76. Do you agree with the broad principle of aligning payment of housing benefit or any future housing support to licensing? [Strongly agree/partly agree/neither agree nor disagree/partly disagree/strongly disagree/do not know.] If you would like to explain your answer, please do so here. [Free text.]

Partly agree

In our discussions with members, it was broadly accepted that aligning payment of housing benefit to the licensing regime made sense in the context of what the Government is proposing. However, a number of limitations with this approach were highlighted.

As previously mentioned, basing everything around payment of Enhanced Housing Benefit has consequences for how the regulations would apply to Housing First services. Our understanding is that the Government's thinking on Housing First is that where HF is not funded by exempt HB it would not be in scope of licensing (because it is not classified as specified accommodation).

However, where schemes do receive exempt HB they could be within scope. We know that there is a mixed picture across the country as to how Housing First is funded and that there is existing practice of it being funded by Enhanced Housing Benefit.⁵ We are therefore concerned that the Government's proposals here would create a 2-tier system for Housing First provision, and would mean that there was no overarching quality assurance for Housing First services that were not funded by Enhanced Housing Benefit.

It also appears unfair that any supported accommodation provider not funded by Enhanced Housing Benefit, such as a self-funded private sector provider, would not be subject to the regulations. We recommend that the Government finds a way to close this loophole.

It should also be considered that some providers may be receiving housing benefit income for other services that would not fall under these regulations, such as floating support, at the same time as running other supported accommodation services that do. The Government will need to ensure that the DWP understands exactly what is in scope and is able to differentiate so that it does not attempt to apply restrictions on services which are not subject to these regulations.

It was also felt that the Government should have used this as an opportunity for a more fundamental overhaul of how supported accommodation is funded rather than doubling down on the reliance on housing benefit. The current system of providers receiving income through Enhanced Housing Benefit and then scrambling to find ways of funding support, either through ever tightening commissioned contracts or other means, creates and incentivises bad actors. It is notable that Wales has not had the same issue with rogues entering the supported accommodation sector and exploiting people for profit, because it has retained higher rates of ringfenced grant funding for support alongside providers receiving Enhanced Housing Benefit.

Members highlighted the inherent unfairness of the Government using Housing Benefit as a lever with which to hold providers to account for the support they provide, when Housing Benefit cannot be used to fund the majority of support being regulated, and providers are subsidising support through their own efforts up and down the country. This is not sustainable – to

⁵ Homeless Link, (2020), Exploring the relationship between social landlords and Housing First services, Appendix 2. [Social landlords and Housing First 2020.pdf](#)

see standards increase, the Government must reintroduce sufficient, ringfenced funding for the support element of supported housing.

"If you're going to ask us to evidence that we're providing support, then pay for it. You can't have it both ways. You can't say to us: "You have to evidence that you're providing support", but then not pay for it."

77. For England, we are proposing using the definition of personal care as per the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014/2936 to define care in Housing Benefit regulations. Do you agree?

[Strongly agree/partly agree/neither agree nor disagree/partly disagree/strongly disagree/do not know.] If you would like to explain your answer, please do so here. [Free text.]

Strongly agree

81. What would you define as 'support' and 'supervision' for the purposes of Housing Benefit? [Free text.]

We welcome the proposal for more clarity and uniformity in local authorities' decision-making on Enhanced Housing Benefit claims. A lack of clarity and shared understanding of what constitutes 'support' and 'supervision' has led to issues up and down the country of Housing Benefit teams in councils making unreasonably extensive and granular evidence demands, and refusing to fund services which are clearly needed. In recent years we have seen a number of local authorities beginning to make their own rules and change the threshold and/or criteria for claiming Enhanced Housing Benefit for Intensive Housing Management, withholding or reducing EHB payment to trusted voluntary sector partners. In some areas this has threatened the viability of services that have been receiving Enhanced Housing Benefit to provide vulnerable people with supported housing for years, leaving providers facing the prospect of mass evictions, losing hundreds of bed spaces, and handing back contracts. All of this will ultimately result in an increase in rough sleeping.

It appears that these issues were triggered by [a piece of 2022 guidance from DWP](#) which paved the way for much broader, and wildly varying, interpretation of the rules by local authorities, and even by different officials within DWP. It is therefore essential that local authorities are given clearer guidance about what constitutes support and supervision, and what constitutes proportionate evidence demands. It makes sense for this to be linked to the National

Supported Housing Standards and the definitions and guidance underpinning their implementation.

However, we would question whether introducing more detailed definitions to the Housing Benefit regulations themselves is proportionate or necessary, in light of the licensing regime. Under the Government's proposals, a scheme or project will need to have obtained a licence in order to receive Housing Benefit. In order to obtain a licence, a scheme will need to have proved that it is meeting the National Supported Housing Standards and other licensing conditions, thereby demonstrating that it is providing an adequate level of support and/or supervision. Homeless Link believes that this will be sufficient to ensure that any provider making a claim for Housing Benefit is providing enough support and/or supervision to be eligible, and recommends that the Government does not introduce further definitions in the regulations.

Homeless Link is very clear that if the Government does proceed with introducing more detailed definitions, this should not be used as a cynical opportunity to reduce DWP spend on Housing Benefit regardless of need. Any attempts to use this process as a cost-cutting exercise will only increase homelessness and result in higher spend on public services in other part of the system.

Members were less specific on what the detail of the definition should be but it is clear they if definitions are to be introduced, that they would need to be sufficiently broad and flexible to capture the breadth of support and/or supervision that is provided across homelessness supported accommodation recognising that this is hugely varied. Guidance must be issued that highlights valid support and/or supervision will look different across the spectrum of supported accommodation and reflects and acknowledges that what constitutes appropriate support in homelessness provision may be very different to that in older persons or disability supported accommodation.

Concerns were raised about the types of evidence that would be requested by local authorities than the definitions themselves. Several described being asked for extensive personal details about every single resident, including around sensitive issues which may pose challenges in relation to GDPR, or for every individual receipt related to housing management activities. We don't believe that this is fair or reasonable, particularly when services will also have gone through the rigour of becoming licensed.

We recommend that the Government works to standardise the evidence that local authorities can request, with clear guidance given that seeks to put an end to unreasonable administrative demands. Guidance should also be issued that highlights that support and/or supervision will look very different across the spectrum of supported accommodation, for instance in a homelessness service setting versus in supported accommodation for people with disabilities.

"We've tried to get Housing Benefit on the person-centred support, but the level of detail that Housing Benefit are asking for because they don't deem that the support that we've put forward is actually support. You know, the support where we're supporting a young lady to go out shopping or access community events because she's suffered the most horrific domestic violence and she's scared to leave her own house. They're looking at that and saying, well, going shopping is not support, it's not enough. It's not the kind of support that we think is support. And without them providing detail about that person's very specific trauma-related issue, it's difficult to justify that. And then we've got a GDPR issue about how much do we have to disclose and how much do we have to be in agreement that that is what that person needs."

82. Do you agree that a definition of support in Housing Benefit regulations could include supervision? [Strongly agree/partly agree/neither agree nor disagree/partly disagree/strongly disagree/do not know.] If you would like to explain your answer, please do so here. [Free text.]

Partly disagree

Our members had mixed views on this proposal but overall it wasn't a huge point of concern. Some said that they only use the word 'support' to define what they do and felt that 'supervision' was irrelevant and could be removed. Others felt that there was value in 'supervision' having its own distinct definition and said they used it specifically in relation to security and safeguarding activity.

On balance we'd recommend keeping the two separate words in the regulations so that those who use both can continue to do so and those who don't can continue to disregard 'supervision'.

83. Do you agree that we should also link any definition for support and supervision to the National Supported Housing Standards for England, the Health and Social Care Standards in Scotland and relevant regulations in Wales? [Strongly agree/partly agree/neither agree nor disagree/partly

disagree/strongly disagree/do not know.] If you would like to explain your answer, please do so here. [Free text.]

Partly agree

We have previously made the point in this consultation response that we do not think it is necessary for a definition of support and supervision to be added to the Housing Benefit regulations, because the delivery of support and supervision is already guaranteed if a scheme or project has successfully been licenced.

However, if a definition is to be introduced, we agree that it makes sense for this to align with the National Supported Housing Standards, although contingent on the detailed feedback we have given on those proposals, and the issues that we have identified being addressed.

84. What level of care, support or supervision provision do you think is reasonable to be eligible for Housing Benefit under specified accommodation rules? [Free text]

Homeless Link opposes the introduction of a threshold in Housing Benefit regulations as to the amount of care, support or supervision individuals in supported housing accommodation should receive to be eligible for Enhanced Housing Benefit. We have seen thresholds be used cynically before, to the detriment of vulnerable people. The proposal is unworkable for several reasons.

Firstly, the National Supported Housing Standards are underpinned by a principle of being person-centred, and one of the standards is about delivering person-centred support. In all models of person-centred support, a person's needs, and/or their ability or willingness to engage and participate in support, will vary over time. When a person first comes into contact with a service, they may not be ready to articulate or accept the full extent of their support needs, and the support they are willing to accept may start minimally, with whatever they are comfortable with. We cannot see a way that introducing a minimum threshold would be able to account for this, and fear that it undermines the very principle of person-centred. This is particularly true for Housing First services, but would be true for a majority of other best-practice homelessness services too.

It's not clear at what point in time the Government would seek to define how much support or supervision was being providing to an individual, and how often this would be reviewed. A person's needs and wellness may fluctuate, and sometimes there will be a recovery journey which means they gradually require less and less support – which is of course a positive thing which should not be deterred by Housing Benefit constraints.

This proposal would also be poorly suited to low needs or move-on supported accommodation environments, where a person still benefits from regularly receiving light-touch support. Preventing this type of supported accommodation from being viable could risk people being prematurely transitioned out of much-needed supportive environments, jeopardising their progress.

It is also the case that wider supply issues in the housing system mean that sometimes in supported accommodation, people who have benefited from support, recovered and are ready to move on are unable to due to a lack of affordable housing options. They may end up needing to continue living in their current accommodation for a period until a more suitable option can be sourced. It would not be fair for providers to lose Housing Benefit and become financially liable for those individuals, essentially having to cover the costs of wider systemic issues outside of their control.

We are also concerned that asking providers to prove that they are meeting a certain threshold could create a further administrative burden as part of the Housing Benefit process – and extensive duplication with what has already been provided as part of licensing. Homeless Link recommends that the Government does not go ahead with the threshold proposal. Our view is that if you have been assessed as meeting the NSHS and gained a licence, or been passported through that process due to other evidence supplied, it should be accepted that the support and supervision you're providing is sufficient to be able to claim Enhanced Housing Benefit.

85. When assessing a Housing Benefit claim under specified accommodation rules, what is reasonable in terms of evidence which a local authority could request when assessing a Housing Benefit claim under any definition or threshold of care, support, or supervision? [Free text].

We understand that the DWP is minded to continue the system of assessing individual claimants' eligibility for Enhanced Housing Benefit. But we would

argue that in principle, if a provider has successfully gained a supported accommodation licence and been assessed as meeting the National Supported Housing Standards, or passported through on other criteria, it should therefore be accepted that the Enhanced Housing Benefit claims it is making are legitimate. The information they have provided as a part of that process should be automatically shared with the Housing Benefit team in the local authority and any further requests for information about the needs of individual residents should be minimal.

Any further evidence that the local authority does request for the purposes of Housing Benefit claims should be proportionate and should not make unreasonable demands of people's sensitive personal data. The Government should issue clear guidance to local authorities to end the practice of vexatious evidence requests. The DWP must ensure that it understands the services that are being provided in relation to claims, so that their requests of local authorities are fair and proportionate.

In the case of commissioned services in particular, there should be a streamlined process for claiming Housing Benefit as the local authority has already acknowledged the need for the support they are providing by contracting them to deliver it. Commissioned providers should not then face excessive challenge and questioning from another team within the council.

86. The government intends to link the eligibility of Housing Benefit in England to licensing so that residents must be living in licensed supported housing to receive Housing Benefit under the specified accommodation rules. [Strongly agree/partly agree/neither agree nor disagree/partly disagree/strongly disagree/do not know.] If you would like to explain your answer, please do so here. [Free text.]

Partly agree

Although Homeless Link agrees with the principle of linking payment of Housing Benefit to a scheme being licensed, we have serious concerns in relation to this specific proposal about what could happen to a resident if the supported accommodation scheme they live in fails to get a licence. We feel that the current proposal is far too punitive toward the resident in such a scenario, who is at no fault.

We recommend that for such circumstances, the Government considers allowing a grace period where the individual continues to receive Enhanced

Housing Benefit for a reasonable amount of time. We also recommend that the Government stipulates that it should be the responsibility of the local authority and all agencies involved in a supported accommodation resident's care to find them a suitable home if the scheme they are living in fails to obtain a licence. We are not comfortable with the idea that this would be the personal responsibility of a vulnerable individual.

One of our members with legal expertise also pointed out that the proposed licensing scheme does not align well with housing law which could also cause challenges unforeseen by the Government. Most providers who run supported accommodation for people with support needs could not or would not go on to operate as general needs accommodation if they failed to gain a supported accommodation licence. Housing law gives residents with secure tenancies the legal right to remain in their accommodation. If a scheme fails to gain a licence and the licensing authority attempts to close it down, the likelihood is that the residents would end up being evicted, which could be a lengthy process and take years to go through the courts. Throughout that time, the resident would still be living in an unlicensed scheme.

87. What risks or issues should DWP consider when linking Housing Benefit eligibility in England to licensing? [Free text.]

We have two key concerns. The first is that without mitigations and a clear directive for local authority Housing Benefit teams, this could cause many supported housing residents to become homeless. This is a risk if local authorities continue to be pressured into saving money on Housing Benefit claims and use the new regime as a way to deny even more services the Enhanced Housing Benefit on which they rely for viability, which would result in more supported accommodation being lost and fewer bedspaces to house people that require support. It is also a risk if the Government immediately ends residents' entitlement to Housing Benefit if the scheme they live in fails to gain a licence, and leaves it up to them to attempt to find an alternative living arrangement in a very challenging housing market.

Our second concern is that all this effort could fail to improve the quality of support, because despite a strict regulatory regime assessing support, the support element is still not being funded in many cases. We wish to reiterate to the Government that what is being proposed in the consultation in its current form poses a severe threat to the homelessness supported accommodation sector and risks completely undermining the good intentions of the original legislation by decimating decent services that people rely on.

Much of the sector is already very fragile after years of cuts to funding for support, shrinking contracts, short-term funding cycles and a subsequent overreliance on Enhanced Housing Benefit which should never have become these services' primary income source. Providers have also faced increasing cost pressures from rocketing inflation alongside energy price increases and the impact of the increased employer contributions to national insurance. Many decent, well-meaning providers will need to make significant investments in order to ensure that all the schemes they are responsible for can comply with the new licensing regime, and that they have the necessary staff, buildings and reporting systems to demonstrate compliance. At present, it's unclear where money for those investments would come from.

The sector would require significant funding to be able to adapt to any new licensing regime. However, there are specific issues with what the Government has proposed which could lead to further spiralling costs and need to be revised. This is particularly true of the proposal for licenses to be held and paid for at 'scheme' level, the definition of a scheme, and, we would argue, the overall proposal for this to be administered by local authorities.

There are also issues beyond funding that pose a critical threat to provision. This includes the disproportionate powers given to local authorities under the 'local need' standard which are at risk of being applied cynically or politically because of the pressures that local authorities face. And perhaps most significantly, the challenge created by the definition of the licensee when the landlord is not the same as the support provider of a supported accommodation scheme, which RP and PRS landlords warn could cause a mass exodus of non-specialist landlords from the supported accommodation sector and wipe out swathes of provision.

There is already too little supported accommodation to meet the needs of those that require it. Nearly 2 in 5 (38%) supported accommodation services for single homeless people have closed since 2010⁶ and figures from Women's Aid suggests that 4,000 women referred to refuge services have been turned away because of a lack of capacity.⁷ If more supported accommodation is lost, there will be fewer options to help people who have been rough sleeping off the streets, to support people who have faced trauma and multiple disadvantage to begin rebuilding their lives, or to help people with experience of homelessness

⁶ <https://homeless.org.uk/knowledge-hub/2022-annual-review-of-support-for-single-homeless-people-in-england/>

⁷ Women's Aid Domestic Abuse Report 2024

to retain tenancies and begin to progress toward volunteering or employment. As a starting point, to support providers, the Government must rethink and find alternative solutions for the proposals flagged above.

The Government's emphasis throughout this process cannot only be about rooting out substandard providers. It must also be about sustaining and encouraging good ones, and enabling the growth of more good supported accommodation. This has to come with ringfenced funding for the support element of supported accommodation. The true bad actors, unscrupulous providers, will have no interest in improving. But anyone who is currently just short of the expected standard but is willing and able to improve should be supported to do so. We would reiterate our point that this regulation will only achieve its intended aims if the Government focuses as much on trying to maintain and expand good quality supported accommodation as much as it focuses on rooting out the bad.

Many of our members pointed out the issues with the supply of all types of affordable housing in the areas in which they operate. It is a major concern that there just will not be enough places, and certainly not enough places providing the right support, if the Government doesn't provide sufficient funding for support to continue or improve, and lots of schemes fail to get licences. No amount of planning on the part of the local authority will help avoid disaster if the supply of supported accommodation is not secured.

We would reiterate our previous recommendation to conduct a phased implementation, including the proposals around Housing Benefit payment, targeted at areas that have particular issues with low quality exempt accommodation, in order to better understand the issues and complexities that will emerge and avoid a sudden loss of supported accommodation provision.

We also continue to argue that the Government should permanently unfreeze Local Housing Allowance and review the benefit cap to ensure that everyone benefits from increased LHA rates. This would help mitigate the risk of homelessness for people who had been living in a supported accommodation scheme that was denied a licence and closed down, and found themselves having to rely on different benefits in order to pay for other forms of accommodation.

88. For providers in England, if you had a licence refused and Housing Benefit stopped or was restricted for your residents, what action would

you take? Would you consider continuing to operate as general needs accommodation? Would you consider closing? [Free text.]

Homeless Link represents over 700 homelessness service providers and we posed this question to them during our focused engagement sessions and via a survey.

Our members gave a range of responses, but most said they would have to close or reduce supported accommodation provision and they would not consider pivoting to providing a different form of accommodation. A minority who owned properties said that they may convert these to general needs.

"You know, our charity probably would close. There's limited funding out there and it's nearly every day you're seeing charities close, and some of the bigger charities having to restructure due to the fact that it is challenging out there to raise funds independent from what housing benefit is. I mean, our clients with the greatest respect are not general needs. So, it's a massive concern if we didn't get the licence and we didn't get the housing benefit. What I'm seeing from this is we're actually going to push all of our clients to even further unnecessary stress because they're going to have no accommodation. And services like all of ours are maybe potentially going to close and who's going to provide that support."

"When we mentioned about potential providers leaving the market, I can only speak for my organisation, but we have no aspirations to take other providers or grow our business. We've got enough as it is. And I tend to find the other large providers are in the same boat. So is there a sense from the Government that large providers will happily swallow small providers? I don't see that happening."

"Certainly if we had a licence refused, we'd have to close services. It's just not viable for us, we don't have the type of stock that lends itself to general needs accommodation so we'd close services if we didn't get a licence and depending on how many schemes didn't get a licence, there would be a huge impact on rough sleeping, homelessness, you know, people would have to leave our accommodations. So it'd be massive."

"We operate predominantly in London, I'm just thinking of where this would have the highest impact, and areas where we're accommodating rough sleepers who have very complex support needs and have probably been through most of the other pathway provision in those boroughs. So we're taking people that literally nobody else will take. And as a charity without income from Housing Benefit, we would have no income to operate the service. We wouldn't financially be able to look at another

model, general needs or anything else. So the likelihood would be that we would have to stop providing that accommodation. And in terms of what options our clients would have, unfortunately, I think most of them would return to rough sleeping because they've already been through the pathway services. They've already been through the other hostel accommodation or rough sleeper accommodation that the borough is offering. So I think the implications for our clients would be quite severe."

"We're a homelessness charity. If we can't accommodate people who are homeless because we don't get licensed then we would stop providing the accommodation, which shuts up that part of the organisation. We'd sell properties and reuse the assets for something else, we wouldn't go to general needs. That's not what we're about. And even for general needs, LHA is so far behind the true cost of housing that it wouldn't serve anyone on Housing Benefit."

"Would we consider operating as general needs accommodation? Possibly - we do have a couple of sites already that do that. But historically they were set up as a means of move-on from our supported housing because there is a lack of affordable accommodation elsewhere. So the sites we have are set at LHA rate, enabling people to live, but we don't have very many at all. Compared to the number of people that would want to move on. The other issue with that is quite simply that yes, there are a lot of residents that would be affected by this, but there are also a lot of staff that work in supported housing. If you lose your Housing Benefit, I don't know how you pay for them."

What We Do

Homeless Link is the national membership charity for frontline homelessness services. We work to improve services through research, guidance and learning, and campaign for policy change that will ensure everyone has a place to call home and the support they need to keep it.

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Let's End Homelessness Together

