



COMPETENCE AND
CONDUCT STANDARD
CONSULTATION RESPONSE

PREPARED AND SUBMITTED BY

Ian Fletcher
Director of Policy
T: 020 7802 0112
E: ifletcher@bpf.org.uk

Consultation on a direction to the Regulator of Social Housing to set a Competence and Conduct Standard for social housing

1. In which capacity are you completing these questions?

- Landlord representative group

2. If responding on behalf of an organisation, please specify which organisation:

- British Property Federation

3. If responding as an individual, where do you live? If you are responding as part of an organisation, where are you primarily based?

- Spread evenly across the UK/National organisation

4. Registered providers and services providers only: Where are the units of social housing stock you provide or manage primarily located?

- Not applicable

5. Registered provider or services provider only: How many units of social housing stock do you own or manage?

- Not applicable

6. Registered provider or services provider only: Do you provide supported housing?

- Not applicable

7. Registered provider or services provider only: How many employees and officers do you have in total (for local authorities or housing associations who deliver different types of services please only include those in your housing services rather than the number of employees or officers in the local authority or housing association as a whole)?

- Not applicable

8. Services providers only: How many registered providers do you manage delivery of housing management services for?

- Not applicable

Questions: proposal 1

For all

Question 1: Do you agree with the content of the direction (Annex A) to setting the broad Standard relating to the competence and conduct of all social housing staff?

- Yes

We broadly support the direction, although we feel the timescales for implementation are challenging.

The definition of who the standard applies to is very broad and open to interpretation. The same job title will cover a multitude of different roles in different organisations. More guidance will be required to ensure it is clear who should follow the standard.

We represent for-profits providers, which like any new entrant, will find this an additional requirement they need to take account of in becoming a registered provider, and therefore a higher barrier to entry.

Whilst the end goal is a good one, staff time will be consumed over a relatively short time period, putting more strain on the sector that is under pressure.

Questions: proposal 2

For all

Question 2: As set out in paragraphs 15a and 46b of the policy statement, do you agree that only individuals who have a substantive role in managing delivery of housing management services should be in scope of the qualification requirements?

- Yes

Yes, but paragraph 15a catches a lot of roles that may have significant responsibility in a smaller organisation, but relatively little responsibility in a large organisation. Greater guidance is required.

Greater guidance is also required on what ‘substantive’ means. It is defined in the policy statement as “a significant portion of their working time exercising their responsibilities for managing delivery of Housing Management Services delivered to the Registered Provider’s social housing tenants.” A “significant proportion” is too ambiguous.

We do not think it is the intention of the Standard to catch private sector property managers delivering communal services to social housing tenants in mixed-use blocks, but it would be helpful to provide assurance that is the case.

Question 3: Do you agree with the guidance on the scope of housing management services (paragraphs 1-3 of Annex B1)?

- Yes

Questions: proposal 3

For registered providers and services providers only:

Question 4: In addition to the definitions provided within legislation, does the guidance at Annex B1 of the policy statement on which functions will be in scope provide sufficient clarity to enable you to assess which individuals within your organisation will need to gain a qualification?

- Yes

For all:

Question 5: Do you think that there are any other functions not listed above which should be in scope?

- No

Question 6: Are there any functions listed above that you think should not be in scope?

- No

Questions: proposal 4

For registered providers and services providers

Question 7: Does Chapter 5 and section 6.5 of the policy statement relating to exemptions and paragraphs 18 – 21 of Annex B1 of the policy statement provide sufficient clarity to help you to assess which individuals within your organisation will not be in scope of the qualification requirement?

- Yes

We worry, however, about the impact of training such a large number of people in a relatively short time and exemptions are important in ensuring the number is manageable.

Questions: proposal 5

For all

Question 8: Do you agree with the proposal outlined above that individuals must have been in their role for more than 6 months to be classed as a Relevant Person or Relevant SP Manager (except where they are subject to a probationary period) as detailed in paragraph 15c, 46d and 46e of the policy statement?

- No, the threshold should be above 6 months (please explain why and specify how long)

We would recommend 12-months. That would fit with training and business planning cycles.

Questions: proposal 6

For all

Question 9: Do you agree with the proposal that those staff who have a probation period should have, or be working towards, a qualification within 9 months from the point at which they take up their role as detailed in paragraph 15d and 46f of the policy statement?

- Yes

We support the 9 months, plus the 12 months we have recommended above.

Questions: proposal 7

For all

Question 10: Do you agree with our proposal that unpaid volunteers should not be required to gain a relevant qualification as detailed at paragraphs 15b and 46c?

- Yes
-

For registered providers and services providers

Question 11: Do you assess that any of your unpaid volunteers undertake roles which meet the criteria set out above in Chapter 2 and the guidance in Annex B1 of the policy statement?

- Not applicable to us.
-

Questions: proposal 8

For all

Question 12: As outlined in section 3.1 of the policy statement, do you agree that a level 4 qualification is the correct level for a senior housing manager and individual who is a services provider?

- Yes

There may be some ambiguity, however. Will a qualified building surveyor, for example, have to requalify in a housing management qualification. There should be some means of conversion at the very least for those, who have qualified to level 4, but in a related field.

Question 13: As outlined in section 3.1 of the policy statement, do you agree that a level 5 qualification or a foundation degree is the correct level for a senior housing executive?

- Yes

Yes, but with the same caveat we have detailed in Question 12.

Questions: proposal 9

For all

Question 14: Do you agree with our proposals outlined above and in section 3.4 of the policy statement that qualifications can be regulated by an equivalent body to Ofqual or a predecessor body?

- Yes
-

Questions: proposal 10

For all

Question 15: Do you agree that the criteria that qualifications must meet as set out in section 3.2 of the policy statement is appropriate for ensuring senior housing managers and senior housing executives gain the skills, knowledge, experience and behaviours they need to deliver high quality and professional services to tenants?

- Yes

For registered provider and services providers

Question 16: Does section 3.2 of the policy statement provide sufficient information to allow you to identify which qualifications would meet the requirements for a senior housing manager and senior housing executive?

- No

The definitions are not bad, but not sufficient. We would like to see greater guidance, or an ability to check whether qualifications are sufficient.

Proposal 11 Questions:

For all:

Question 17: Do you agree with our approach to defining what it means to be 'working towards' a relevant qualification as outlined in the policy statement?

- Yes
-

For registered providers and services providers only:

Question 18: Does the information provided above and within Chapter 1 and Chapter 6 paragraph 44b of the policy statement provide sufficient clarity to help you understand the circumstances in which individuals in scope will be deemed to be 'working towards' a qualification?

- Yes
-

Questions: proposal 12

For all

Question 19: Considering the costs and benefits outlined within the impact assessment, do you agree that all existing staff within the sector should have, or should begin working towards a relevant qualification within 24 months as outlined in section 4.1 of the policy statement?

- No, please specify the length of transition period that you think would be necessary in months

We suggest that a 36 months' timeframe would be more appropriate. We say with some concern for individual personal circumstances. People will have prior commitments. The system will also need to take account of maternity and paternity leave.

We are also dubious that the training supply side will have sufficient capacity.

Question 20: Do you have any additional comments or evidence about the potential impact of the policy proposals as assessed in our impact assessment (Annex C)?

- No
-

For registered providers and services providers only

Question 21: Does the information provided above and in section 4.1 of the policy statement provide sufficient clarity on the time limits within which individuals will need to hold or be working towards a relevant qualification within the transition period?

- Not applicable to us
-

For qualifications providers only

Question 22: Considering the total number of staff in the sector that will need to enrol on qualifications within the transition period as outlined in the impact assessment (Annex C), and noting that our intention is for the Standard to come into force in April 2025, do you believe that you can meet the demand for enrolling learners on qualifications within the 24- month transition period?

- Not applicable to us
-

Questions: proposal 13

For all

Question 23: Do you agree with the proposal that an adjusted transition period (twice the amount of time) should apply to registered providers which provide fewer than 50 units of stock, and will also apply in relation to their services providers?

- No, I disagree that the threshold should be 50 units of stock (please explain why and if you have an alternative suggestion)

A threshold of 50 units seems very small. We suggest a threshold of 500 or even 1,000 units would provide appropriate relief.

Questions: proposal 14

For all

Question 24: Do you agree with our proposal as outlined above and described in section 3.6 of the Policy Statement that there should be transitional arrangements in place for those with partially relevant qualifications (which meet or exceed the requirements in section 3.1 of the policy statement, but do not meet all the course content criteria in section 3.2)

- Yes

For qualification providers only

Question 25: Where your course does not cover all the criteria listed above, do you plan to update your qualifications to ensure that you cover the proposed course content requirements?

- Not applicable to us
-

Questions: proposal 15

For all

Question 26: Do you agree with our proposal as outlined above and described in section 3.7 of the policy statement that there should be transitional arrangements in place for those who have completed an apprenticeship programme without a qualification element provided they meet other criteria (as above)?

- Yes

Questions: proposal 16

For registered providers only

Question 27: Having read the information provided above and in Chapter 6 of the policy statement, are you clear on what your responsibilities are in relation to Relevant SP Managers?

- Not applicable to us

Question 28: Based on the information provided in section 6.1 and Annex B2 of the policy statement, are you clear on what would classify someone as a Relevant SP Manager?

- Not applicable to us

Questions: proposal 17

For services providers only

Question 29: Does the guidance in Annex B2 of the policy statement enable you to understand what the implications of these requirements are for your organisation and your obligations under the terms implied by section 217A of the Housing and Regeneration Act 2008?

- Not applicable to us

Question 30: Does the information provided in Chapter 6 of the policy statement enable you to understand the requirements placed on registered providers in relation to services providers?

- Not applicable to us

For all

Question 31: Are there any other bodies representing the interests of services providers that you think the Secretary of State should nominate as a body with which the Regulator must consult on the regulatory Standard in relation to these requirements, other than the National Federation of ALMOS and the National Federations of TMOs?

Free Text: No comment

Question 32: Are there any other issues you want to raise, or anything you believe has not been considered in relation to proposals 16 and 17?

Free text: No comment
