Ministry of Housing, Communities & Local Government

Supported Housing (Regulatory Oversight) Act 2023 – Consultation Response from the Association of Directors of Adult Social Services (ADASS)

May 2025

About the Association of Directors of Adult Social Services (ADASS)

The Association of Directors of Adult Social Services is a charity. Our objectives include:

* Furthering comprehensive, equitable, social policies and plans which reflect and shape the economic and social environment of the time
* Furthering the interests of those who need social care services regardless of their backgrounds and status and
* Promoting high standards of social care services

Our members are current and former directors of adult care or social services and their senior staff.

**Introduction**

Supported Housing is crucial in the delivery of Adult Social Care. The Government’s statutory Care and Support guidance states:

*‘Local authorities should encourage a genuine choice of service type, not only a selection of providers offering similar services, encouraging, for example, a variety of different living options such as shared lives, extra care housing, supported living, support provided at home, and live-in domiciliary care as alternatives to care homes, and low volume and specialist services for people with less common needs’*.

The Government’s 2021 adult social care reform white paper ‘People at the Heart of Care’ built on this by stating that one of the ambitions of the 10-year vision was to ‘…give more people the choice to live independently and healthily in their own homes for longer’. The White Paper also used a key line from the 2020 ADASS Nine Statements to Help Shape Adult Social Care Reform *‘Every decision about care is also a decision about housing’* as a central pillar of its ambitions on Providing the Right Care, in the Right Place at the Right Time.

Our independently commissioned report in 2023, Time to act: A roadmap for reforming care and support in England added further substance to this in re-stating the need to design and build more options for homes with care and support.

Good quality supported housing, where residents receive support, supervision or care, has a significant positive impact on its residents’ health, wellbeing and sense of social connection. In our 2023 Autumn Survey, 94% of Directors indicated that increased provision of supported housing would have some or a significant impact on outcomes for people and increasing availability of supported housing in their local area would reduce or significantly reduce adult social care expenditure.

ADASS is therefore keen to see the existing provision of good quality supported housing sustained and expanded. In that respect we are particularly welcoming of the introduction of the strategic planning duty to forecast future need, and develop delivery plans to meet that need. The consultation makes little reference to that part of the Act and we would welcome a clear statement on it’s introduction.

We agree that there are many excellent supported housing providers providing high quality support and accommodation to their residents alongside a minority of exploitative ‘rogue’ landlords who fail to give residents the necessary support, resulting in poor outcomes for residents and poor value for money for the taxpayer. It is important that the implementation takes a proportionate approach – a one size fits all would be unfair on ‘good’ providers and could deliver unintended consequences where good providers are discouraged from continuing and expanding provision.

Overall we agree with the vast majority of the proposed regulations but would endorse a ‘light touch’ approach and a passporting arrangement in relation to registered providers, commissioned (and quality assured) and other regulated provision (especially in relation to older peoples and preventative services). We would support passporting rather than exemptions as it is important that licensing authorities have the powers to review and revoke licenses of those otherwise passported if or when necessary.

ADASS very much welcomes the Act and we are keen to support it’s implementation. We look forward to working with MHCLG colleagues and sector partners to maintain and grow supported housing options and ensure that every resident of supported housing lives in safe, high quality accommodation that supports their journey towards independence.

**Response to Consultation Questions**

**1. In which capacity are you completing these questions?**

ADASS is an organisation representing current and former directors of adult care or social services and their senior staff

**2.** **Name and Contact Details**

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**3. If you are responding as an organisation, where are you based?**

ADASS is a national representative organisation.

**4. Question not applicable**

**5. Do you agree that the licensing regime the Government is proposing to introduce should apply to all supported housing?**

ADASS supports a universal regime which will avoid the creation of loopholes. However we believe there should be a risk based approach, including the provision for passporting in relation to regulated and/or commissioned services.

**6. Do the proposed National Supported Housing Principles reflect the core elements of a good‑quality support service?**

Yes. The five proposed principles; Person‑centred, Respectful, Safe & Responsive, Effective and Well‑led align with the Care Act wellbeing duty and existing regulatory frameworks and therefore will easily resonate with stakeholders.

**7. Do you have suggestions for any additions to the principles as described above?**

No

**8. Do you agree with the Person‑Centred Support Standard?**

Yes. Person‑centred approaches are central in responding to the care and support needs of citizens and delivering strength based approaches that support independence and reduce demand on adult social care services.

**9. Do you agree with the examples of evidence listed for the Person‑Centred Support Standard?**

Yes, however Supported Housing covers a broad spectrum of need and it is important that a proportionate approach is taken especially in relation to preventative services (such as older peoples services).

**10. What other information, if any, could be provided to evidence this standard?**

There should be flexibility in the evidence required based on the type of provision (eg older peoples services) and the involvement of other regulators and commissioners.

**11. Do you agree with the Empowerment Standard?**

Yes.

**12. Do you agree that providers should give residents an information pack when they move into their accommodation?**

Yes.

**13. Do you agree with the examples of evidence listed for the Empowerment Standard?**

Yes, however in relation to services provided by registered providers there could be duplication with the requirements of the regulator of social housing supporting a case for passporting.

**14. What other information, if any, could be provided to evidence this standard?**

Providers may want to enhance their evidence with examples of resident participation, co‑production etc.

**15. Do you agree with the Environment Standard?**

Yes, with similar provisos of proportionality depending on the type of provision (and client group).

**16. Do you agree with the examples of evidence listed for the Environment Standard?**

Yes but there is potential for duplication and the opportunity for passporting for example in relation to regulated providers.

**17. What other information, if any, could be provided to evidence this standard?**

Evidence of submissions to other regulators and/or commissioners.

**18. Do you agree with the Staff and Safeguarding Standard?**

Yes. Safeguarding is a significant priority especially when dealing with vulnerable people.

**19. Do you agree with the examples of evidence listed for the Safeguarding Standard?**

Yes, again with the opportunity for passporting where there is evidence of similar submissions to other regulators and/or commissioners.

**20. What other information, if any, could be provided to evidence this standard?**

Providers may want to enhance their evidence with examples of things like; multi‑agency working, staff‑training programmes, and case studies.

**21. Do you agree with the Local Need Standard?**

Yes, however this will require Supported Housing Strategies to be in place.

**22. Do you agree with the examples of evidence listed for the Local Need Standard?**

It will be important that there is evidence of the involvement of health and social care commissioners.

**23. What additional standards may be needed to ensure specialised schemes are meeting local and national need?**

Evidence from health and social care commissioners.

**24. What other information, if any, could be provided to evidence this standard?**

Evidence from health and social care commissioners.

**25. Do you agree with the Responsible Person Standard?**

Yes, but there could be issues and confusion where landlords and support providers are separate.

**26. Do you agree with the examples of evidence listed for the Responsible Person Standard?**

Yes.

**27. What other information, if any, could be provided to evidence this standard?**

Professional qualifications and accreditation.

**28. Do you agree with the Statement of Purpose Standard?**

Yes.

**29. Do you agree with the examples of evidence listed for the Statement of Purpose Standard?**

Yes.

**30. What other information, if any, could be provided to evidence this standard?**

Evidence of reporting and Governance sign off eg to the Board.

**31. What criteria should a needs assessment include?**

There needs to be flexibility and proportionality depending on the client group and particular scheme type.

**32. Do you agree with the suggested content of support plans?**

Yes, with the need for flexible approaches for different client groups.

**33. Are there any further criteria that a support plan should include?**

Dependent on the client group and the individual needs assessment (where necessary).

**34. What would the risks and benefits be of licensing authorities joining up to administer licensing across local‑authority boundaries?**

We would particularly support collaboration across licensing authorities in 2 tier local government areas to align with social services authorities. This will be an important consideration in relation to the strategic planning duty and any requirement to co-operate with Social Services Authorities.

There could also be benefits where there are existing devolution deals involving several local authorities e.g. Greater Manchester where the combined‑authority structure deals with strategic housing issues.

There are likely benefits in developing joint teams enabling pooled expertise and resources.

Potential for efficiencies for providers offering services over wider geographic footprints.

There is a potential risk in large combined geographies of a loss of connection to local areas however authorities are used to dealing with locality arrangements.

**35. Do you agree with the proposed definition of a “scheme”?**

Defining a scheme as a building or, a part of a building or group of buildings with a single postal address and requiring one licence per scheme could be problematic. Many dispersed schemes will comprise properties with different postal addresses and there are also many examples of various properties in a locality operating as a scheme and commissioned as such. Where authorities join up (question 34) ‘schemes’ could also straddle housing authorities when commissioned by an upper tier authority. Collective properties operating as a scheme can often deliver efficiencies for commissioners and flexibility to respond to the often fluctuating needs of tenants/service users.

There will also be significant administrative and financial burden (and duplication) for housing providers that have a large number of schemes (as per the proposed definition) in a given geography. Consideration should be given as to whether a licensing scheme could be developed linking all services from a provider in an area with a single licence.

Where commissioned, the commissioning arrangements could be used as the definition, or when non-commissioned, where it can be demonstrated that the same type of service is being delivered to residents. The definition of a ‘scheme’ could be determined by the licensing authority (within guidelines) and in collaboration with commissioners and other appropriate stakeholders.

**(para 3.11 to 3.15) Who will need to apply for a licence?**

We have some concerns in relation to the responsibilities of the housing provider as licensee where they are not the support provider - and the risks associated with that position, where they will be held accountable for the standards without having direct influence on the support service operating from their properties. Managing this situation may be considered too expensive and too risky by providers and risks their ongoing commitment to be involved in the future. Further consideration should be given as to how this can be mitigated.

**36. Do you agree with the proposed licensing exemptions?**

We would prefer a universal scheme with opportunities for passporting rather than exemptions.

**37. Do you agree with the fit‑and‑proper‑person test proposed and who it would apply to?**

Yes, it is essential that the licensee is a ‘fit and proper’ person.

**38. Do you agree that supported‑housing schemes must meet the relevant accommodation requirements and standards to receive a licence?**

Yes.

**39. Do you agree that if enforcement action is being taken for Category 1 hazards a licence should not be granted?**

Yes.

**40. Which factors could mean that accommodation is unsuitable to be supported housing for this licensing condition?**

Given the diverse nature of supported housing, factors will relate to the specific focus of the scheme and the needs of the individuals living in the scheme. In some cases this will be more straightforward but for people with complex needs and/or are highly vulnerable, consultation with health and care commissioners may be required.

**41. Do you agree that the scheme should demonstrate that it holds the appropriate planning permission?**

Yes, or it is in the process of obtaining the required planning permission whereby a temporary licence could be issued for the necessary period.

**42. Do you agree that each resident must have a needs assessment and support plan?**

Individual needs assessments and support planning are at the heart of person centred care, however, there needs to be a proportionate approach based on the scheme and individual tenants. Schemes that include preventative services (such as Extra Care housing for older people) will have a mix of tenants, where for some people a ‘light touch’ assessment and generic support plan is what is required initially, and reviewed over time.

**43. Do you agree that a scheme providing regulated personal care will only be granted a licence if the care service is registered by the CQC?**

If an organisation is providing personal care it must be registered with CQC. However, there may be circumstances where an individual directly employs a care worker or personal assistant (either from their own resources or via a Direct Payment from the local authority) and in such circumstances the care worker(s) is exempt from registration.

**44. Should schemes whose care service is rated Inadequate by the CQC be prevented from getting a licence?**

Schemes providing a care service should be prevented from getting a licence until such time as the service has an appropriate CQC rating or an alternative adequately rated care provider is commissioned for the scheme. Tenancies should not be tied to the provider of care (where the care provider is also the landlord the care must be subject to a separate contract).

Schemes judged inadequate after being licensed and during the course of operation should be required to inform the licensing authority. Depending on the detail of the judgement the provider could be allowed a period for improvement or be required to replace the care provider with a provider who has an adequate CQC rating (either immediately or if the required improvement is not made within the timescales agreed).

**45. Is the National Supported Housing Standards licensing condition likely to be an effective way to secure compliance?**

Yes, provided the Standards are clear and measurable. You have acknowledged that will be situations where the licensee will not have control (or significant influence) over the delivery of support and we have concerns that the risks associated with that position for providers may impact on their preparedness to continue providing supported housing. Further consideration should be given as to how this can be mitigated.

**46. Do you agree that local authorities should have discretion to treat support services commissioned by a public body as complying with the standards?**

Yes. Guidance to licensing authorities should indicate this should be the ‘default’ position (to mitigate the risks to licensees who have no control over the support services). Where there are concerns, arrangements may need to made so that licensing authorities can be assured by commissioning bodies that services meet the National Supported Housing Standards.

**47. What discretionary conditions, if any, should licensing authorities be able to add to a licence?**

Potentially conditions relating to governance, management and ownership..

**48. If you are a supported‑housing provider, do you already hold another property licence, and will you need a supported‑housing licence in future?**

N/A

**49. Do you agree that where a property licence is already in effect the provider should be treated as licensed for supported‑housing purposes until it expires?**

Our preference would be to require providers to obtain a supported‑housing licence.

**50. Beyond a standardised application form, what else can Government do to make applications straightforward?**

Wherever possible develop digital systems which are compatible to existing systems.

**51. What would be the impact of licence fees on your business or, if you are a licensing authority, administratively?**

Adequate ‘New Burdens’ funding will be required by local authorities.

**52. Do you have any other comments on licensing fees?**

It will be important that licence fees are affordable for providers and do not become a reason people exit the market or creates a barrier to new providers. It will be equally important that local authorities are adequately funded to properly administer the scheme through a combination of fees and ongoing New Burdens funding.

**53. Do you agree that supported‑housing licences should last five years from the date of issue?**

Yes, as a maximum with discretion for licensing authorities to issue shorter licences for schemes considered to have high risk profiles or be subject to improvement plans.

**54. Do you agree that local authorities should have discretion to grant a licence without carrying out an inspection?**

Yes, on a risk-based approach. This should minimise administrative costs and allow available resources to be focused on higher‑risk schemes.

**55. Do you agree that licensing authorities should inspect each scheme at least once in a licence period, or more often if required?**

Yes, with discretion for a lighter touch linked to other comments relating to commissioned and regulated services.

**56. Do you agree that licensing authorities should agree an improvement plan with the licensee before further enforcement action?**

Yes, where appropriate but with the power to take immediate enforcement action where safety is compromised.

**57. Do you agree that licensing authorities should be able to issue improvement notices for three months (except in serious failures)?**

Yes, this should be proportionate to the risk and working reasonably with providers/licensees to retain supported housing schemes.

**58. Do you agree that licensing authorities should be able to extend an improvement notice to six months in exceptional circumstances?**

Yes, proportionate to the risk and working reasonably with providers/licensees to retain supported housing schemes.

**59. Do you agree with the proposed circumstances in which a licence would need to be varied or revoked?**

Yes.

**60. Do you agree that financial penalties should be available as an alternative to prosecution?**

Yes.

**61. Do you agree that financial penalties should be set by the licensing authority but capped at £30,000?**

Any financial penalty should be proportionate to the scheme. There may be circumstances where a higher penalty would be appropriate (perhaps an ‘exceptional circumstances’ higher penalty provision)

**62. Do you agree that operating a supported‑housing scheme without a licence should be an offence?**

Yes.

**63. Do you agree with the penalties attached to this offence?**

Yes.

**64. Do you agree that a tenant in an unlicensed scheme should be able to apply to a tribunal for a determination of rent?**

Yes.

**65. Do you agree with the proposed penalty for non‑compliance with licensing conditions?**

Yes.

**66. Do you agree with the proposed consequence for non‑compliance with an improvement notice?**

Yes.

**67. Should Government include any other consequences of compliance or non‑compliance in regulations?**

Options could include suspending Housing Benefit payments and interim management orders with powers to appoint an interim manager for the scheme’s day‑to‑day operation (to safeguard tenants and their home)

**68. Do you agree that, where an offence by a company is committed with the consent or connivance of an officer, both the officer and the organisation commit the offence?**

Yes.

**69. What other steps can local authorities take to ensure consistent licensing decisions across England?**

National frameworks and national guidance (with centrally drafted conditions and detailed guidance notes to minimise interpretation differences).

**70. What additional ways might there be, beyond licensing, to secure compliance with the National Supported Housing Standards?**

* Planning controls
* Social Housing Regulator cross referencing when considering consumer standards
* Commissioners being encouraged to embed the Standards into contracts, service-level agreements, and grant-funding with performance included in monitoring arrangements.
* Charity Commission oversight where appropriate.

**71. Do you agree that all providers should be treated as licensed (and still receive HB) until a licensing decision is made?**

Yes.

**72. How can providers be supported to prepare for supported‑housing licensing?**

A partnership approach with providers, Government, and LAs and co-production of guidance.

Opportunities for national, regional, and local sector networks to surface issues and concerns and developing potential solutions, including dialogue on licence fees.

Publishing ‘frequently asked questions’ with suggested answers and responses.

Supporting peer networks and/or a community of practice with webinars, to troubleshoot common issues and develop solutions.

**73. How can licensing authorities be supported to prepare to run a supported‑housing licensing scheme?**

Councils will require resources (new-burdens funding) to develop systems and staff teams.

Opportunities for national and regional networks supported by MHCLG to consider issues and concerns and developing potential solutions.

MHCLG taking a lead on publishing ‘frequently asked questions’ with suggested answers and responses.

Supporting peer networks and/or a community of practice with webinars, to troubleshoot common issues and develop solutions

Consideration of what digital infrastructure and development is required and what can be nationally delivered. and give live application and inspection dashboards.

**74. Should the Government consider introducing a supported‑housing planning use class or other planning measures?**

We are aware that there are contradictory views across the sector

We would support taking advantage of the 3 year window to engage in further dialogue with providers and local authorities to consider the pros and cons.

If Government is minded to introduce a dedicated use class we would support a pilot approach

**75. What would be the effect of a supported‑housing planning use‑class, or of requiring planning permission for schemes?**

Potential for higher build quality, increased community consultation (but with the risk of extending timescales) and better alignment with local housing and social‑care strategies Risks include planning appeals, additional costs for providers and potential delay in pipeline schemes.

**76. Do you agree with the broad principle of aligning payment of HB (or future housing support) to licensing?**

Yes.

**77. For England, do you agree with using the Health and Social Care Act 2008 definition of “personal care” in HB regulations?**

Yes. The definition provides a clear, CQC-aligned threshold for regulated personal care.

**78. Is that definition sufficient to cover care provided in supported housing in England?**

The definition omits therapeutic, rehabilitative and recovery‑focused interventions that are central to supported‑housing outcomes yet fall below the threshold for CQC registration. We recommend broadening the definition or cross‑referencing the Care Act wellbeing duty and NHS Community Mental Health Framework.

**79. Should definitions of care in HB regulations be linked to existing legislative definitions and frameworks in Scotland and Wales where possible?**

N/A

**80. Will referencing those legislative definitions be enough to cover all care delivered in supported housing in Scotland and Wales?**

N/A

**81. How would you define "support" and "supervision" for HB purposes?**

* Support: proactive, planned interventions delivered against a support plan, designed to develop or maintain life skills, promote wellbeing and progress residents towards independence. Examples include assistance with budgeting, cooking, accessing health appointments, social integration activities and personalised coaching.
* Supervision: ongoing oversight to ensure resident safety and tenancy sustainment beyond routine housing management. This includes regular check‑ins (in person or by phone), on‑call availability for crisis de‑escalation, welfare checks and monitoring of environment-based risks. Supervision levels should align with risk assessments and resident vulnerabilities, with clear escalation pathways for changing needs.

**82. Do you agree that a definition of support could include supervision?**

Yes, provided it includes both proactive and oversight elements.

**83. Should any definition of support and supervision also link to the National Supported Housing Standards (England) and equivalent frameworks in Scotland and Wales?**

N/A

**84. What level of care, support or supervision do you think is reasonable for eligibility under specified‑accommodation rules?**

We do not support fixed hourly thresholds. Eligibility must be based on the outcome of a person‑centred needs assessment, with providers required to demonstrate that they are meeting the assessed needs and delivering outcomes rather than time and task.

This approach ensures that residents with very different profiles—from someone who needs occasional welfare checks to a person requiring intensive daily support—will qualify for enhanced Housing Benefit based on objective evidence of need and delivery.

**85. When assessing an HB claim, what evidence is reasonable for a local authority to request regarding care, support or supervision?**

Reasonable evidence can include:

* Independent needs assessments showing how support, supervision and personal-care requirements were determined (with sensitive data redacted).
* Clear, dated documents outlining the nature, frequency and objectives of planned interventions aligned to the resident’s needs.
* Evidence logs or case notes capturing each session’s date, duration, purpose and outcome to validate delivery.
* Service-level agreements or contracts – commissioning arrangements embedding the National Supported Housing Standards, with performance metrics and review cycles.
* Outcome reviews and impact reports (quarterly or annually) of progress against targets, including any independent or multi-agency evaluation.
* Transparent breakdowns of support-hour rates or care-unit costs to allow HB officers to assess value for money.

Evidence should be proportionate to the scheme, client group, and whether the provision has been commissioned by health and/or social care.

**86. Do you agree with linking HB eligibility in England to licensing (i.e. residents must live in licensed supported housing)?**

Yes.

**87. What risks or issues should DWP consider when linking HB eligibility to licensing?**

Risks in relation to homelessness and access to care & support services. We would support a grace period (up to 28 days) to allow for these risks to be mitigated.

**88. For providers: if a licence were refused and HB stopped or reduced, what would you do?**

N/A

**89. For residents: if you had to move because your provider failed to obtain a licence, what help would you need?**

N/A

**90. For local authorities: what support could you offer residents who might have to move if their provider fails to get a licence?**

Councils’ Homelessness and Housing Options teams would lead on re-housing assistance, where necessary alongside colleagues in Social Services and Health.

Currently services are under severe pressure and councils will struggle to absorb extra workloads and move on options are severely restricted.

**91. For local authorities: if a licence is refused for a large scheme, could you identify the affected HB customers?**

We can’t comment and would defer to LGA colleagues for an informed answer.

**92. For stakeholders in Scotland and Wales: what risks need mitigating if England links HB eligibility to licensing?**

N/A

**93. For stakeholders in Scotland and Wales: would you like to see HB entitlement linked to existing frameworks in your country? Please specify and give reasons.**

N/A