

Summary of Guidance under the Supported Housing (Regulatory Oversight) Act 2023

This paper by HCR Law and the Housing LIN gives a summary of the guidance relating to the Supported Housing (Regulatory Oversight) Act 2023. It has been written with supported housing and local authority commissioners in mind. However, it is not a replacement for the guidance and accompanying resources published by MHCLG.

Prepared by **HCR Law** and the **Housing Learning and Improvement Network**

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Introduction

The Supported Housing (Regulatory Oversight) Act 2023 introduces a comprehensive regulatory framework for supported accommodation in England, addressing longstanding concerns about quality, safety, and value for money in the sector. The guidance accompanying the Act sets out the Government's expectations for both local authorities and supported housing providers in implementing the new regime.

For the purposes of the Act, supported housing includes accommodation where both housing and support services are provided together, typically for people who need additional help to live independently. This encompasses a wide range of provision, including hostels, refuges, sheltered housing, extra care housing, and other forms of specialist accommodation designed for vulnerable groups such as those with mental health conditions, learning disabilities, physical disabilities, homeless individuals, care leavers, victims of domestic abuse, and those recovering from substance misuse.

Key Elements of the Guidance

The guidance establishes national supported housing standards that all providers must meet. These standards encompass the physical condition and safety of accommodation, the quality and appropriateness of support services, management practices, and transparency in financial arrangements. Providers are expected to deliver accommodation that is safe, well-maintained, and genuinely tailored to the needs of vulnerable residents.

For the purposes of the Act, vulnerable residents includes individuals who, by reason of age, illness, disability, past or present dependence on alcohol or drugs, past or present mental disorder, or other special circumstances, require or may require support services in order to live independently in their accommodation. This includes, but is not limited to, older people requiring care and support, people with learning disabilities, people with mental health conditions, those at risk of or recovering from homelessness, care leavers, survivors of domestic abuse, and those with physical disabilities or long-term health conditions.

Local authorities are granted enhanced powers under the framework, including the ability to establish licensing schemes for supported housing providers in their areas. The guidance sets out the circumstances in which licensing may be appropriate, the conditions that may be attached to licences, and the enforcement mechanisms available where providers fail to meet required standards. Local authorities are also empowered to request information from providers and to take action against non-compliant operators.

The guidance emphasises the importance of proportionate regulation, recognising that many providers already deliver high-quality services. It encourages a collaborative approach between local authorities and providers, with enforcement action reserved for cases of genuine non-compliance or poor practice.

Toolkit for Housing Providers: Applying the Guidance

Accompanying the MHCLG guidance, a toolkit provides a practical framework for supported housing providers to assess their current operations, identify areas requiring attention, and demonstrate compliance with the new regulatory requirements. It is set out in Five, parts as follows:

Part One: Self-Assessment Checklist

Accommodation Standards

Providers should conduct a comprehensive audit of all properties to ensure they meet the physical standards required under the guidance. This includes verifying that all properties have valid gas safety certificates, electrical installation condition reports, energy performance certificates, and fire risk assessments. Properties must be free from Category 1 hazards under the Housing Health and Safety Rating System and should meet any additional standards specified in local licensing conditions.

Support Services

The guidance requires that support provided is appropriate to residents' needs and delivered by suitably trained staff. Providers should review their support planning processes to ensure that each resident has an individualised support plan, that plans are regularly reviewed and updated, and that there is clear evidence linking the support provided to assessed needs. Staff qualifications and training records should be maintained and readily available for inspection.

Governance and Management

Robust governance arrangements are essential to demonstrating compliance. Providers should ensure they have clear policies and procedures covering safeguarding, complaints handling, resident involvement, and financial management. There should be transparent arrangements for the appointment and oversight of senior personnel, and providers should be able to demonstrate that they operate with integrity and in the interests of residents.

Registered providers of social housing should also be mindful of their obligations under the Regulator of Social Housing (RSH) regulatory framework. The RSH's consumer standards, including the Safety and Quality Standard, Transparency, Influence and Accountability Standard, and Neighbourhood and Community Standard, set out requirements that complement and reinforce the expectations of the Supported Housing (Regulatory Oversight) Act 2023. Providers should ensure that their governance and compliance arrangements address both the local authority licensing requirements and the RSH's regulatory standards, avoiding duplication whilst ensuring comprehensive coverage of all applicable obligations.

Part Two: Documentation Framework

Essential Policies and Procedures

Providers should maintain a suite of policies covering the following areas: safeguarding adults and children, health and safety (including fire safety), complaints and feedback, resident involvement and consultation, equality and diversity, data protection and confidentiality, financial management and rent setting, and staff recruitment, training, and supervision.

Record-Keeping Requirements

Comprehensive records should be maintained for each property, including tenancy agreements, support plans, risk assessments, and records of any incidents or complaints. Property records should include maintenance logs, safety certificates, and details of any remedial works undertaken. Staff records should include contracts, training certificates, supervision notes, and evidence of appropriate recruitment checks.

Reporting and Transparency

Providers should be prepared to supply information to local authorities upon request, including details of properties, residents, staffing arrangements, and financial information. It is advisable to maintain this information in a readily accessible format to facilitate timely responses to information requests.

Part Three: Compliance Action Plan Template

Stage One: Gap Analysis

Providers should compare their current practices against the requirements set out in the guidance and any applicable local licensing conditions. This analysis should identify areas where current practice meets or exceeds requirements, areas where improvement is needed, and any areas of significant non-compliance requiring urgent attention.

Stage Two: Prioritisation

Actions identified through the gap analysis should be prioritised according to risk. Matters affecting resident safety or welfare should be addressed immediately. Issues relating to documentation or procedural compliance may be addressed over a longer timeframe, but should not be neglected.

Stage Three: Implementation

For each identified action, providers should assign responsibility to a named individual, set a realistic timeframe for completion, and establish a process for monitoring progress. Regular reviews should be conducted to ensure that actions are completed and that any emerging issues are promptly addressed.

Stage Four: Ongoing Monitoring

Compliance is not a one-off exercise. Providers should establish systems for ongoing monitoring, including regular audits of properties and records, periodic reviews of policies and procedures, and mechanisms for capturing feedback from residents and staff.

Part Four: Engagement with Local Authorities

Proactive Communication

Providers are encouraged to engage constructively with local authorities, even where licensing schemes are not yet in place. This may include notifying the authority of new schemes, participating in local forums or partnerships, and responding promptly and transparently to any requests for information.

Responding to Licensing Requirements

Where a local authority introduces a licensing scheme, providers should familiarise themselves with the specific conditions applicable in that area. Applications for licences should be submitted in good time, and providers should ensure they can demonstrate compliance with all relevant conditions prior to the licence taking effect.

Managing Inspections and Enforcement

Providers should cooperate fully with any inspections or investigations conducted by local authorities. Where concerns are raised, providers should respond constructively and take prompt action to address any identified deficiencies. Maintaining a positive working relationship with regulatory bodies is in the interests of both providers and residents.

Part Five: Key Contacts and Resources

Providers should ensure they have up-to-date contact details for relevant local authority officers, including those responsible for housing standards, licensing, and safeguarding. It is also advisable to maintain links with sector bodies and networks, which can provide guidance, training, and peer support in navigating the new regulatory landscape.

The toolkit is intended as a practical starting point for providers seeking to align their operations with the requirements of the Supported Housing (Regulatory Oversight) Act 2023 and associated guidance. Providers operating in specific local authority areas should ensure they are aware of any additional local requirements and should seek professional advice where appropriate.

Other responsibilities

Local authorities

Local authorities have additional strategic responsibilities under the Act. They are required to assess the need for supported housing in their areas and to publish supported housing strategies at least every five years. These strategies must set out the local authority's assessment of current and future need for supported housing, the extent to which existing provision meets that need, and plans for addressing any gaps or shortfalls. The strategies should be developed in consultation with providers, health bodies, and other relevant stakeholders, and must be kept under review. Local authorities must also have regard to their strategies when exercising their licensing and enforcement powers under the Act.

Advisory Panel

To help oversee the delivery of SHROA, the government has established a Supported Housing Advisory Panel (the Panel). This Panel will play a key role in providing valuable information and expert advice relating to supported exempt accommodation over the next 5 years.

Chaired by Sir David Pearson, a former of ADASS President and co-chair of a past Commission on Housing with Care, the Panel's purpose is to offer insight, guidance, and advice to government on matters connected with supported housing. This includes advising on the implementation of the Act and helping to address current and emerging issues within supported housing. Further information, including who the Panel members are, can be found at:

<https://www.gov.uk/government/groups/supported-housing-advisory-panel>

Other useful webpages

HM Government

<https://www.gov.uk/government/publications/local-supported-housing-strategies/local-supported-housing-strategiesETC>

Regulator of Social Housing

<https://www.gov.uk/government/collections/regulatory-standards-for-landlords>

About HCR Law

HCR Law is a leading full-service law firm with offices across England and Wales. The firm's housing and social housing team advises a wide range of clients including registered providers, local authorities, developers, and investors on all aspects of housing law, regulation, and governance. With extensive experience in supported and specialist housing, HCR Law provides strategic advice on regulatory compliance, development projects, funding structures, and operational matters.

<https://www.hcrlaw.com/>

HCR Law are proud to be a sponsor of the Housing LIN.

About the Housing LIN

The Housing LIN is a sophisticated network bringing together over 15,000 housing, health and social care professionals in England, Wales and Scotland to exemplify innovative housing solutions for an ageing population.

Recognised by government and industry as a leading 'ideas lab' on specialist/supported housing, our online and regional networked activities, and consultancy services:

- connect people, ideas and resources to inform and improve the range of housing that enables older and disabled people to live independently
- provide access to intelligence on the latest funding, research, policy and practice
- raise the profile of specialist and supported housing with developers, commissioners and
- attract business to help and support clients plan, design and operate aspirational housing and developments operators, and services for people of all ages.

And, if you found this of interest, the Housing LIN curates a dedicated page on SHROA which can be found at:

<https://www.housinglin.org.uk/Topics/browse/Housing/Supported-Housing/SHROA/>

In addition, we have a track record of supporting local authorities with their supported housing needs assessments and helping to produce their supported housing strategies and plans. We also undertake more qualitative research, engaging with residents and stakeholders to better understand their housing aspirations.

More details at: <https://www.housinglin.org.uk/consultancy/our-services/>
or email us at: consultancy@housinglin.org.uk

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