



By email only to: request-679584-c30f6dac@whatdotheyknow.com

21 August 2020

Dear Mr Robinson

Request for Information RRFI2007100098

Thank you for your request for information which was received by the Regulator of Social Housing (the regulator) on 24 July 2020. We have processed your request in accordance with the Freedom of Information Act 2000 (FOIA).

Your request

Please would you tell me what penalties for non-compliance other than a governance downgrade, were applied to Housing 21 for their failure to correctly implement Section 23 of the Welfare Reform & Work Act, 2016.

Our response

The regulator is an assurance-based regulator, as explained in our publication 'Regulating the Standards', which is available here: <https://www.gov.uk/government/publications/regulating-the-standards>. I refer you in particular to paragraph 1.11 of that document which states the following:

1.11 Mindful of our duty to minimise interference, our fundamental objective of supporting the provision of social housing and our commitment to proportionate regulation, we take a co-regulatory approach. This means:

- ☐ *we regard board members and councillors as responsible for ensuring that providers' businesses are managed effectively and that providers comply with all regulatory requirements*
- ☐ *providers must support tenants to shape and scrutinise service delivery and to hold boards and councillors to account*
- ☐ *we operate as an assurance-based regulator, seeking assurance from providers as to compliance with the standards. In other words, the onus is on providers to demonstrate their compliance to the regulator. Where providers do not supply the requisite assurance, this will be reflected in the judgements that we reach.*

Where we do find non-compliance with the rent requirements, we expect providers to bring themselves back into compliance. In some cases, a provider's non-compliance with the rent requirements has resulted in a change to a providers' grading in respect of the Governance and Financial viability standard. Where this is the case it has been reported in a Regulatory Judgement for that provider.

Each case is judged on its merits taking account of the materiality of the issues, and our statutory powers and duties, including our duty to be proportionate.



Regarding Housing 21, our regulatory response is set out in the Regulatory Judgment on our website here: <https://www.gov.uk/government/publications/regulatory-judgement-housing-21-2>. Your question assumes that our starting point is to impose penalties, whereas as explained above and in our publication Regulating the Standards, we take a graduated, co-regulatory approach to seeking assurance from providers. As can be seen from our regulatory judgement, we are following this co-regulatory approach in the case of Housing 21 and continue to engage with them to seek assurance of compliance.

Your privacy

We use your personal data, namely your name and address, in order to comply with our legal obligations to respond to Freedom of Information requests. For further details about the use of your personal data, please refer to the Information governance section of our Privacy Notice, which is available on our website [here](#).

Internal Review Procedure

If you are dissatisfied with the handling of your request or the information provided under FOIA, you have the right to ask for an internal review. Internal review requests should be submitted within 40 working days of the date of this letter to:

The Enquiries Team
Regulator of Social Housing¹
Email: enquiries@rsh.gov.uk

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. Generally, the ICO cannot make a decision unless you have exhausted the internal review procedure provided by the regulator. The Information Commissioner can be contacted at:

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF,
Telephone: 08456 30 60 60 or 01625 54 57 45, Email: enquiries@ico.gsi.gov.uk

Please note that the contents of your request and this response are also subject to the Freedom of Information Act 2000. The regulator may be required to disclose your request and our response accordingly.

Please quote the reference number at the top of this letter in any future communications.

Yours sincerely,

Information Access Team

Regulator of Social Housing

¹ Please refer to our webpages for information about contacting the regulator by post during the current period of social isolation due to the Covid 19 pandemic, and if at all possible contact the regulator by email during this period. If you need to contact us by post, you should do so via the Leeds address below, but please note that post may not reach us in a timely manner or at all, and contact via email would be much safer.
Leeds postal address: Regulator of Social Housing, 1st Floor, Lateral, 8 City Walk, Leeds LS11 9AT.