



Social Housing (Regulation) Act 2023

2023 CHAPTER 36

Housing ombudsman

40 Housing ombudsman scheme

- (1) Schedule 2 to the Housing Act 1996 (social rented sector: housing complaints) is amended as follows.
- (2) In paragraph 2, in sub-paragraph (1), after item 11 insert—
 - “11A A power of the housing ombudsman to issue a code of practice about the procedures members of the scheme should have in place for considering complaints against them.
 - 11B A duty of the housing ombudsman to consult—
 - (a) the Regulator of Social Housing,
 - (b) members of the scheme, and
 - (c) individuals who may make complaints under the scheme,before issuing, revising or replacing any such code.
 - 11C A duty of the housing ombudsman to monitor compliance with a code of practice described in item 11A that it has issued.”
- (3) In paragraph 2, in sub-paragraph (1), in item 15, for “expenses of the scheme” substitute “costs of the person administering the scheme and the scheme’s housing ombudsman”.
- (4) In paragraph 7, after sub-paragraph (2) insert—
 - “(2A) Sub-paragraph (2B) applies where during an investigation of a complaint against a member of the scheme, a housing ombudsman identifies that the member’s policies or practices in relation to a matter may give rise to further complaints about that matter.
 - (2B) The housing ombudsman may, in the ombudsman’s determination of the complaint, order the member to review their policy or practice on that matter.”

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(5) In paragraph 11—

(a) after sub-paragraph (1) insert—

“(1ZA) The amount of a subscription payable by a member may be calculated by reference to costs incurred, or likely to be incurred, by the person administering the scheme and the scheme’s housing ombudsman in carrying out any of their functions, including costs unconnected with the member and costs unconnected with the operation of the scheme.”;

(b) in sub-paragraph (1B), for “expenses”, in both places, substitute “costs”;

(c) in sub-paragraph (1C)—

(i) for “expenses”, in the first place it occurs, substitute “costs”;

(ii) for “expenses of the scheme” substitute “costs”.

Commencement Information

II S. 40 in force at 20.9.2023, see s. 46(2)

41 Power of housing ombudsman to issue guidance to scheme members

(1) The Housing Act 1996 is amended as follows.

(2) In the italic heading before section 51, for “complaints” substitute “ombudsman”.

(3) After section 51 insert—

“51ZA Power of housing ombudsman to issue guidance to scheme members

(1) This section applies where a scheme is approved by the Secretary of State under Schedule 2.

(2) The housing ombudsman may issue to the members of the scheme guidance as to good practice in the carrying on of housing activities covered by the scheme.

(3) Before issuing, revising or replacing guidance under this section, the housing ombudsman must consult—

(a) the Regulator of Social Housing,

(b) members of the scheme, and

(c) individuals who may make complaints under the scheme.

(4) If the housing ombudsman issues, revises or replaces guidance under this section, the housing ombudsman must publish the guidance, the revised guidance or (as the case may be) the replacement guidance.

(5) Subsection (7) applies if—

(a) an individual makes a complaint against a member of the scheme,

(b) the complaint is made under the scheme or the conditions in subsection (6) are met in relation to the complaint, and

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- (c) it appears to the housing ombudsman that the complaint relates to a matter to which guidance issued by the ombudsman under this section relates.
- (6) The conditions referred to in subsection (5)(b) are that—
- (a) the complaint is made to the member of the scheme,
 - (b) the complaint is one that the individual could subsequently make under the scheme, and
 - (c) the individual has notified the ombudsman about the complaint.
- (7) The housing ombudsman may order the member of the scheme to—
- (a) assess whether the member’s policies and practices in relation to the matter mentioned in subsection (5)(c) are consistent with the guidance issued by the ombudsman under this section in relation to that matter, and
 - (b) within a period specified in the order, submit to the ombudsman a written statement of the results of the assessment.
- (8) If a member of the scheme fails to comply with an order under subsection (7) within the period specified in the order, the housing ombudsman may order the member to publish in such manner as the ombudsman sees fit a statement that the member has failed to comply with the order.
- (9) If a member of the scheme fails to comply with an order under subsection (8), the housing ombudsman may—
- (a) take such steps as the ombudsman considers appropriate to publish what the member ought to have published, and
 - (b) recover from the member the costs of doing so.
- (10) In this section, “the housing ombudsman” means the housing ombudsman appointed in accordance with the scheme.”

Commencement Information

I2 S. 41 in force at 20.9.2023, see s. 46(2)

Changes to legislation:

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