



Social Housing (Regulation) Act 2023

2023 CHAPTER 36

Monitoring and enforcement

PROSPECTIVE

31 Performance improvement plans

- (1) The Housing and Regeneration Act 2008 is amended as follows.
- (2) After section 218 insert—

“Performance improvement plans

218A Performance improvement plan notice

- (1) The regulator may give a registered provider a notice (a “performance improvement plan notice”) if the regulator is satisfied that—
 - (a) the registered provider has failed to meet a standard under section 193, 194, 194A or 194C,
 - (b) there is a risk that, if no action is taken by the regulator or the registered provider, the registered provider will fail to meet a standard under section 193, 194, 194A or 194C,
 - (c) the registered provider has failed to comply with directions or a request under section 198C,
 - (d) the interests of the tenants of social housing of the registered provider require protection, or
 - (e) the registered provider has given an undertaking under section 125 and failed to comply with it.
- (2) A performance improvement plan notice must—
 - (a) specify on which of the grounds mentioned in subsection (1) it is given,

Status: This version of this provision is prospective.

Changes to legislation: There are currently no known outstanding effects for the Social Housing (Regulation) Act 2023, Section 31. (See end of Document for details)

- (b) identify the issues which led the regulator to be satisfied of those grounds,
 - (c) require the registered provider to prepare and submit to the regulator a plan (a “performance improvement plan”) setting out the action the provider will take to address the issues identified,
 - (d) specify the date by which the performance improvement plan must be submitted to the regulator,
 - (e) require the registered provider to publish a performance improvement plan if it is approved by the regulator and specify the manner of such publication, and
 - (f) explain the effect of subsections (3) and (4) and sections 218B to 218D.
- (3) The regulator may withdraw a performance improvement plan notice by notice to the registered provider.
 - (4) If a registered provider fails to comply with a performance improvement plan notice the regulator must consider exercising another power under this Chapter or Chapter 6.

218B Performance improvement plans

- (1) The regulator must—
 - (a) approve a performance improvement plan submitted in accordance with section 218A(2)(c) and (d), or
 - (b) reject it, giving reasons for doing so.
- (2) A registered provider must implement in full a performance improvement plan that has been approved by the regulator.
- (3) If a performance improvement plan is rejected, the registered provider will be taken to have failed to comply with the performance improvement plan notice.
- (4) If a tenant of social housing of a registered provider makes a written request to the provider for a copy of the provider’s performance improvement plan which has been approved by the regulator, the registered provider must provide the tenant with a copy as soon as reasonably practicable.

218C Cancellation of performance improvement plan

- (1) The regulator may, by notice to a registered provider, cancel a performance improvement plan which it has approved.
- (2) Notice under subsection (1) must specify the date (the “cancellation date”) on which the cancellation takes effect (which may be a date before the notice is given).
- (3) If a performance improvement plan is cancelled in accordance with subsection (1) the duties mentioned in subsection (4) cease to apply (or are treated as having ceased to apply) from the cancellation date.

But this does not affect any action taken (or being taken) by the regulator in relation to a breach of such a duty before the cancellation date.

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- (4) The duties are—
- (a) the duty to publish a performance improvement plan which has been approved (see section 218A(2)(e));
 - (b) the duty in section 218B(2) (duty to implement a plan);
 - (c) the duty in section 218B(4) (duty to provide copy of plan).

218D Appeals

- (1) A registered provider may appeal to the High Court against a decision of the regulator to give the provider a performance improvement plan notice.
- (2) An appeal under this section must be brought within the period of 28 days beginning with the day on which the registered provider is given the notice.
- (3) The requirement to prepare and submit a performance improvement plan is suspended during the appeal period.
- (4) The “appeal period” means—
- (a) where an appeal is brought, the period beginning with the day on which the performance improvement plan notice is given and ending with the day on which the appeal is finally determined or withdrawn, and
 - (b) otherwise, the period during which an appeal could be brought.
- (5) But where a performance improvement plan has been approved under section 218B an appeal under this section does not suspend—
- (a) the duty to publish a performance improvement plan which has been approved (see section 218A(2)(e));
 - (b) the duty in section 218B(2) (duty to implement a plan);
 - (c) the duty in section 218B(4) (duty to provide copy of plan).”
- (3) In section 220 (grounds for giving enforcement notice), before subsection (12) (but after the subsection (11C) inserted by section 27) insert—
- “(11D) Case 14 is where the registered provider has failed to comply with a performance improvement plan notice.
- (11E) Case 15 is where the registered provider has a performance improvement plan which has been approved by the regulator and has failed to implement it in full.”
- (4) In section 227 (grounds for imposition of a penalty), before subsection (8) (but after the subsection (7C) inserted by section 27) insert—
- “(7D) Case 10 is where the registered provider has failed to comply with a performance improvement plan notice.
- (7E) Case 11 is where the registered provider has failed to comply with the duty in section 218B(4) (duty to provide copy of performance improvement plan).”
- (5) In section 237 (grounds for award of compensation) at the end insert—
- “(5) Case 4 is where the registered provider has failed to comply with a performance improvement plan notice.

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- (6) Case 5 is where the registered provider has failed to comply with the duty in section 218B(4) (duty to provide copy of performance improvement plan).”
- (6) In section 247 (management tender), in subsection (1), after paragraph (b) insert “, or
- (c) a registered provider has failed to comply with a performance improvement plan notice.”
- (7) In section 251 (appointment of manager), in subsection (1), after paragraph (b) insert “, or
- (c) a registered provider has failed to comply with a performance improvement plan notice.”
- (8) In section 252A (appointment of advisers to local authority), in subsection (2), at the end of paragraph (e) (inserted by paragraph 10 of Schedule 3) insert “, or
- (f) that the authority has failed to comply with a performance improvement plan notice.”

Commencement Information

- II** S. 31 not in force at Royal Assent, see [s. 46\(3\)](#)

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