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| Please read the entire **‘Start Here’** document first - to gain an overview of what will be involved in de-registering and to help you plan your time. Any reference to a document with ‘De-registration Toolkit:….’ in the name (e.g. *De-registration Toolkit: Model Application Form*), is to a document created by the Almshouse Association which also forms part of this Toolkit. You will find all such documents in the Members’ Login area of our website, [Model Policies and Templates](https://www.almshouses.org/model-policies-and-templates/).If you have not previously registered to access the Members’ Login area, you need to apply to register. Registration applications take about 2-3 days to around but after that you should have no difficulty in accessing the documents in the Members’ Login area.To register on our website, go to the following web address [www.almshouses.org](http://www.almshouses.org) and click on [‘Website Registration’](https://www.almshouses.org/website-registration/), then complete and submit the form which pops up.   To complete the form, you will need your Almshouse Association membership number beginning M…(not your registered charity number), which appears for example on your charity’s annual membership subscription form.  |

**Key terms**

In this Toolkit, we use the following terms with the following meanings, so please keep this document to hand for reference as you work through the rest of the Toolkit documents:

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| ***We say:*** | ***We mean:*** |
| The Application Form[Note – we are currently in the process of transferring the data to the latest version of the application form. In the meantime, the data is still valid]  | The *Application Form for Voluntary De-registration as a Registered Provider of Social Housing*, which you can access at: <https://www.gov.uk/register-and-de-register-as-a-provider-of-social-housing> |
| The Code of Practice | The *Code of Practice amplifying the Governance and Financial Viability Standard*, which is a guide to part of the Regulatory Framework Standards (see below). You can access the Code of Practice at: <https://www.gov.uk/government/publications/governance-and-financial-viability-standard-code-of-practice> |
| The Guidance | The *Guidance on Applying for Voluntary De-Registration as a Provider of Social Housing (April 2013 edition),* which you can access at: <https://www.gov.uk/register-and-de-register-as-a-provider-of-social-housing> |
| The Regulatory Framework Standards | See explanation in the first paragraph of ‘Where do we start?’ below. You can access the Regulatory Framework Standards at: <https://www.gov.uk/government/publications/regulatory-standards> |

**Is de-registration definitely in your charity’s best interests?**

Refer to ‘*Deregistration Toolkit – Is it in your charity’s best interests to de-register ?’* document.

**We are sure we should apply to de-register: where do we start?**

Almshouse charities which are also Registered Providers should already be complying with the Regulatory Framework for Registered Providers, and if they are not then the Regulator of Social Housing has statutory power to sanction them. The Regulatory Framework is a collection of different documents. You can access all of these documents via the Regulator of Social Housing page on the Government website. However, for the purposes of de-registering, the relevant documents are the Regulatory Framework Standards and the Code of Practice. See above for where to find these documents online.

The first step is to read the Regulatory Framework Standards and the Code of Practice, to ensure you know what they say. You will see that they assume the typical reader is a housing association far bigger than any almshouse charity, and with tenants. A few aspects are clearly aimed at those housing associations which are not charities. Hence there are quite a few aspects which almshouse charities have to apply by analogy, taking into account the fact that they are smaller than housing associations, with licensees as opposed to tenants, and far fewer or possibly no paid staff. At this stage, if you are unsure what particular paragraphs are getting at or are alarmed by them, don’t worry – just make a note of the paragraph number and re-visit the issues once you have read our *De-registration Toolkit: Model Application Form*.

The second step is to read The Guidance right through, and the Application Form. Again, simply make a note of anything you don’t understand and re-visit the issues once you have read our *De-registration Toolkit: Model Application Form*.

Next, we suggest reading our *De-registration Toolkit: Model Application Form*. It is a sample de-registration application which a small almshouse Registered Provider might submit. It is annotated by the Association to make clear which part of The Guidance, The Regulatory Framework Standards or the Code of Practice each paragraph is intended to deal with.

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| You are welcome to cut and paste text from the *De-registration Toolkit: Model Application Form*, with the following important caveats:* The content of it has not been cleared with the Regulator of Social Housing (because there is no facility for doing so) and we cannot guarantee that it would lead to successful de-registration. However, it is our best effort to suggest facts and explanations which we hope would enable Regulator of Social Housing Case Officers to find it easy to decide that an almshouse charity’s application satisfies The Guidance.
* It is a fictional case study about an unincorporated almshouse charity with 10 dwellings which has always complied with the Regulatory Framework, by analogy where necessary. It therefore includes statements of fact about measures, policies, documents, practical arrangements and aspects of compliance with the Regulatory Framework which the charity already has in place and/or will have in place if de-registered. **Clearly, your application must not include equivalent statements unless they are true of your charity. The application form requires you to certify that all information you have provided is true. Making a false statement could have serious consequences for you and your charity and would bring the almshouse movement into disrepute. As you work through the Toolkit, you may realise you need to make significant changes to your charity’s practices before you are ready to submit a de-registration application.**
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**How long will it take to prepare your charity’s de-registration application?**

If you are unfamiliar with the Regulatory Framework, we recommend you should allow the following time:

* Up to one working day: to read the Regulatory Framework Standards, the Code of Practice, and the rest of this Toolkit, and to take stock of whether your charity needs to change its practices and the other steps it needs to take before submitting an application.
* If necessary, re-familiarising yourself with Standards of Almshouse Management (‘SAM’). SAM can be accessed via at website at [www.almshouses.org/standards-of-almshouses/](http://www.almshouses.org/standards-of-almshouses/).
* If you do need to change your practices and only the trustees have authority to authorise those changes, you will need to allow time for convening and holding a trustees’ meeting about that
* Time to implement any such changes
* Time to write to your Local Authority (see further below)
* Time to take the additional steps for all charities set out below.

If you know your charity is already fully compliant with the Regulatory Framework, you should allow the following:

* Time to write to your Local Authority (see further below)
* Time to take the additional steps for all charities set out below.

**Whatever your charity’s level of familiarity with the Regulatory Framework, you will also need to allow time for the following:**

* Consulting with residents about their views on the charity de-registering. (For a suggested ‘light touch’ way of achieving this, see *De-registration Toolkit: Model Application Form.*)
* Commissioning a quinquennial report from a surveyor as per the detailed guidelines in SAM, if the charity has not had one prepared in the five years before submitting the de-registration application
* Preparing a proposed budget covering the year after de-registration
* Obtaining the agreement of any existing lenders to the charity de-registering
* Writing to the Homes England making “a financial hardship case” and upon their request, entering into the Deed of Covenant they are likely to supply you with (see further below)
* If your charity has never done so, time to arrange for the appropriate restriction on title to be entered on the Register of Title for your charity’s land at the Land Registry (see further below)
* Time to draft your application form to de-register
* Holding a trustees’ meeting to approve the finalised de-registration application for submission.

Finally, if your charity has over 50 dwellings, there are extra steps you will need to take as explained on *The Application Form – see the checklist in Annex C.*

**Timescale for verdict once you have submitted your application**

The Guidance makes no promises about how long it will take for the Regulator of Social Housing to give you a verdict on your de-registration application. It also makes clear that the Regulator of Social Housing can ask you for further information, and can refuse an application if it does not comply fully with The Guidance. Therefore please follow the rules of thumb below, to make it easy for your Case Officer to decide that your application complies with The Guidance.

**DO**

* Submit a detailed application which addresses every requirement of The Guidance and The Application Form. If this means you need to delay submission while you change your charity’s practices, so be it.
* Assume that your Case Officer may know nothing about almshouses, which means that you will need to include an explanation of some general principles. We suggest you cut and paste this from *De-registration Toolkit: Model Application Form* (see the section headed Background)
* Refer to specific paragraphs of Standards of Almshouse Management (SAM), e.g. *“We have to apply this particular requirement of the Regulatory Framework by analogy. The way we comply with the spirit of this requirement is by carrying out the best practice recommendation at paragraph 6.6 of Standards of Almshouse Management”.*

**DON’T**

* Say that the Regulatory Framework does not apply to your charity. Instead, you should be saying: *“The charity has to interpret this part of the Framework by analogy, because it is an almshouse charity”.*
* Stop at saying: *“We comply with Standards of Almshouse Management”,* without referring to specific paragraphs in SAM and specifying which de-registration requirements you say those paragraphs relate to. Your Case Officer will have access to an electronic copy of SAM but will not be familiar with it, and will not be prepared to work through SAM trying to work out for you which best practice recommendations in SAM are relevant to your de-registration application
* Make comments indicating you think either the requirements for de-registration or the Regulator of Social Housing’s powers generally are unreasonable. The Regulator of Social Housing has the law on their side.

**Writing to your Local Authority before submitting your application**

The Guidance says that the Regulator of Social Housing will ask your Local Authority whether it has any comments about your proposed de-registration.

This is because the majority of Registered Providers are large housing associations which play a formal part in enabling their Local Authority to fulfil its statutory duties in relation to providing housing, homelessness, etc.

If your Local Authority knows nothing about your charity, it may take a long time to respond to the Regulator of Social Housing and/or may give an unhelpful answer because it does not understand what an almshouse charity is. Either step would hold up your de-registration application.

Hence it is vital that you write to your Local Authority, before submitting your de-registration application to the Regulator of Social Housing, to explain that you are an almshouse charity and therefore why you are irrelevant to your Local Authority’s statutory obligations. We recommend you base your letter/e-mail to your local Housing Authority on our document *De-registration Toolkit: Model Letter to Local Authority.*

**Writing to the Homes England and entering into a Deed of Covenant with them**

Homes England controls disbursement of social housing grant, eg to fund new buildings.

The law provides that de-registration is an event which entitles the Investment Agency arm to require the charity to repay any social housing grant it has received. Alternatively, the Investment Agency can require the charity to grant a charge over its assets until the grant is repaid. These possibilities are usually inappropriate for almshouse charities. Accordingly, the Association has negotiated with Homes England that, on a case by case basis, Homes England will give due consideration to not demanding repayment or grant of a charge upon de-registration, providing the almshouse charity does the following:

* Before applying to de-register, ensure that the charity’s land is registered with the Land Registry, and that the register of title for the land contains a standardly-worded restriction on title (i.e., an instruction to Land Registry staff) to the effect that no transfer of the land to a new owner is to be registered by the Land Registry without the Homes England’s consent.
* Before applying to de-register, write to the Homes England Investment Agency convincingly demonstrating why repayment of social housing grant on de-registration would cause financial hardship to the charity.

The Regulator of Social Housing has indicated that where a charity has taken these steps, and if Homes England decides on the specific facts that it is acceptable not to demand repayment or grant of a charge upon de-registration, the Agency is likely to require the charity to enter into a Deed of Covenant about future circumstances in which a statutory trigger would require repayment.

There can be no blanket guarantee that Homes England will not act on its right to demand repayment upon de-registration – it will be a case by case decision. Hence it is in your charity’s interests to explain clearly, with reference to specific figures, what the impact of repayment on de-registration would be and to answer any supplementary questions promptly and helpfully.

For a suggested letter to Homes England, see *De-registration Toolkit: Model Letter to Homes England.* Additionally you will need to complete a historical grant notification form, see Registered\_Provider\_notification\_form\_HGNF1 and <https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/605155/Historical_Grant_and_Constitutional_Change_Notifications_.pdf>

If you are unsure whether your charity’s land already carries the restriction on title at the Land Registry, google the Land Registry on the [www.gov.uk](http://www.gov.uk) website, where you should be able to find details of how to buy a copy of your charity’s entry for a small fee. The wording of the restriction should appear on the copy of your charity’s entry (it may refer to needing the Housing Corporation’s consent, which would probably be equally acceptable to the Homes England). If you cannot see the restriction on your charity’s entry, it is possible that the trustees in office when your charity received social housing grant failed to arrange for the restriction to be entered at the Land Registry. In that case you can arrange for the restriction to be added now. You may find you can google simple instructions for how to do this on the Land Registry website, but if in doubt, use a solicitor. You should be able to obtain the necessary wording for the restriction from the Homes England Investment Agency.

**The Housing Ombudsman**

In certain circumstances, The Housing Ombudsman can hear complaints from residents of an organisation which is in a Housing Ombudsman scheme.

We have checked with the Housing Ombudsman service that a charity which is a Registered Provider is automatically in the Housing Ombudsman scheme (‘mandatory membership’). This includes charities which are now Registered Providers due to having become Registered Social Landlords under the Housing Corporation many years ago and never having applied for de-registration.

The Regulator of Social Housing will refuse your de-registration application unless you state that you belong to such a Scheme and will continue to do so after de-registering.

You will therefore need to:

* Make the above statement in your application to de-register(for more on this, see *De-registration Toolkit: Model Application Form*)
* Once you know the date on which the Regulator of Social Housing will de-register your charity, send a courtesy email to the Housing Ombudsman service as follows, at info@housing-ombudsman.org.uk.

Your email should include your charity’s full name as it appears on the Charity Commission register, your Charity Commission registration number and your Regulator of Social Housing (previously HCA) registration number, and should say:

*“The charity has applied to the* Regulator of Social Housing *to de-register as a Registered Provider of Social Service. The* Regulator of Social Housing *has agreed in principle that the charity can de-register with effect from [date.] A condition of de-registration is that the charity is required to remain in membership of a Housing Ombudsman Scheme. However, we understand from the Deputy Housing Ombudsman, via the Almshouse Association, that the charity will automatically be kept in membership of the Scheme due to having received social housing grant in the past. We also understand that the* Regulator of Social Housing *will automatically notify the Housing Ombudsman when our charity de-registers as a Registered Provider.*

*This is simply a courtesy email to ask that, if the* Regulator of Social Housing *for any reason fails to notify the Housing Ombudsman of our de-registration with effect from [date], you contact us with details of any steps you would require us to take in order to remain in the Housing Ombudsman Scheme.”*

You can check your charity’s Regulator of Social Housing registration number in the alphabetical list of Registered Providers available at: <https://www.gov.uk/government/publications/current-registered-providers-of-social-housing>

For information about the Housing Ombudsman service generally, see: <http://www.housing-ombudsman.org.uk/>