



The Almshouse Association
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Patron: HRH The Prince of Wales KG KT GCB

23/3/2023

Social Housing Regulatory Directions
Department for Levelling Up, Housing and Communities
Floor 3 (Mailpoint B12)
Fry Building
2 Marsham Street
London
SW1P 4DF

Dear Sir,

Re: Consultation Response

I am responding on behalf of The Almshouse Association and our membership (1,600 charities) to the consultation from the Secretary of State for Levelling Up, Housing and Communities.

Background

Almshouses are unique, legally defined charities that can only offer affordable housing to those in need. They are a 1,000-year-old form of accommodation for beneficiaries that have been established by charitable gift and hold a unique status. The Almshouse Association, which is the sole support membership organisation for almshouse charities was established 75 years ago and represents over 1,600 almshouse charities (35,000 homes) in the UK. 80% of almshouses have less than 20 units. Only one regulated almshouse charity has over 1,000 units and many have less than 10.

The Association's key role is to support members in delivering safe, warm and secure accommodation to those in their community. The Association sets a robust and detailed set of standards as to best practice in almshouse management and produces template policies (Standards of Almshouse Management) approved by experts in law and buildings management and endorsed by the Charity Commission. Almshouse accommodation represents some of, if not the most, affordable housing in communities across the country.

According to the independent Housing LIN research in 2021, almshouse charities provide over £40 million in financial benefits to the state every year. This figure accounts for a lower likelihood of residents needing GP or A&E appointments as well as allowing people to remain independent and so lessening the need to access costly social care.

Almshouses, as charities, are led by trustees who are volunteers drawn from the local community, volunteers that carry personal responsibility for the running of the charity. Trustees give up their time willingly to offer the best possible environment for residents under the spirit of the founder's wishes or 'scheme'. All almshouse charities are regulated by the Charity Commission and identified as a statutory engagement organisation to these proposals.

The Almshouse Association and our members strive to offer excellent standards of accommodation and wellbeing of residents and we seek a new form of regulation that is suitable and proportionate for small scale almshouse charities.

Chair: Elizabeth Fathi | Director: Nick Phillips

Company Number 04678214 | Registered Charity Number 245668 | Registered office as above

Relationship of beneficiary and charity

Almshouse residents occupy the accommodation under a licence to occupy based on their current needs and the objectives of the charity. Residents do not have private enjoyment of the space for a fixed period. Most almshouse residents never move on as their circumstances rarely change, however, the charity status requires that should the circumstances of a resident change for the better the trustees must be able to offer accommodation to those most in need.

SOCIAL HOUSING REGULATOR-MUTUAL EXCHANGE AND TENANT INVOLVEMENT

[Revised directions to Regulator of Social Housing: Tenant Involvement and Mutual Exchange - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/revised-directions-to-regulator-of-social-housing-tenant-involvement-and-mutual-exchange)

Question 1: Do you agree with the strengthened outcomes we are setting in the direction, as set out in paragraphs 18-22?

A1: Not in the case of almshouse charities. The proposals will contravene the role of charity trustees as they remain in law, as being accountable for delivering the objectives of the charities.

Landlords (or trustees in the case of almshouse charities) should consider residents' views as part of good practice but their role as trustees is to maintain the charity as per the wishes of the founder and in accordance to the charity's Governing Documents. These wishes may stipulate the remit of the trustees and whilst providing secure, safe homes for those who are eligible is paramount, the trustees may not be enabled to deliver additional services outside the charities objectives.

Charity trustees are scrutinised on their delivery against charitable objectives and whilst this may well include the homes (almshouses) of the charity it may also have wider objectives. For example, a charity with a historic building may have the obligation to maintain the historic building and grounds as well as to provide safe, secure homes for residents. The residents may decide that their objectives for additional services are a greater priority than those of the wider charity. Trustees, however, are not able to diverge from their Governing Document objectives.

Residents of almshouses occupy under a license whilst they are a beneficiary. They do not have a private right of enjoyment over the building as they occupy under their current situation as beneficiaries of the charity.

Question 2: Do you agree with requirements that are being removed, as set out in paragraphs 23-24?

A2: No: Almshouse charities must be exempt from these conditions as there is no Right to Transfer – the charity is the sole responsibility of the appointed trustees.

Almshouse charities have an overwhelming desire to deliver warm, safe secure homes for their residents under the terms of their Governing Documents. The almshouse trustees and The Almshouse Association share the objectives of ministers in seeking to constantly ensure and improve the wellbeing of residents while delivering charitable objectives. The enclosed proposals would challenge trustees by contradicting their legal duty to take full responsibility for delivering their charitable objectives.

Question 3: Do you agree with the additional requirement to offer support to tenants who would otherwise be unable to use the mutual exchange service, set out in paragraphs 28-29?

A3: We do not agree that the mutual exchange should be a requirement. Charities such as almshouses are restricted to who they can recognise as a beneficiary under The Charities Act 2011 and the terms of their individual Governing Document. It would, however, be a positive step to enable almshouse charities to post vacancies for potential eligible beneficiaries to apply. In many cases by way of the Objects of the charity, the beneficiary criteria is very specific being confined by the sex and / or the age of the applicant, a geographical area from which applicants may be drawn and, in some cases, a stipulation in terms of the individual's religion. These are broadly referred to as 'protected characteristics' which result from the wishes of the original benefactor'. Only Trustees have the power to appoint beneficiaries (residents).

Question 4: Do you agree with the proposed approach to remove procedural details, as set out in paragraph 30?
NA-

I know that you will be seeking guidance from the Charity Commission and I have asked for a meeting with the Charity Commission and the Regulator to see if we can find proactive solutions to meeting our shared objectives.

I look forward to discussing further when you are able.

Yours sincerely

A handwritten signature in blue ink, appearing to read "Nick Phillips".

Nick Phillips

Chief Executive – The Almshouse Association - nickphillips@almshouses.org