**De-registration toolkit**

**Model Letter to Local Authority**

[Date]

To: The Head of the Housing Enabling Team

Dear Sir/Madam

***[Charity Name], [Charity Address]*,
Registered charity no.:……………….
Regulator of Social Housing Registered Provider no. ………..**

*[Charity Name]* is an almshouse charity in the Local Authority’s area, and I am *[a trustee/the Clerk*]. It is also a Registered Provider of social housing. The trustees intend to apply to the Regulator of Social Housing to request de-registration from being a Registered Provider. We understand that once we have submitted our application, the Regulator of Social Housingwill contact our Local Authority to ask whether it has any objection to our charity de-registering. I am therefore writing to you to explain the charity’s circumstances. I hope you will feel able to agree that the charity is not a factor in implementing the Local Authority’s obligations about providing housing and preventing homelessness.

**The charity’s circumstances**

The applicant is an *[unincorporated/CIO/CLG]* almshouse charity. Almshouses are the oldest form of social housing in the country, with some almshouse charities having existed since the Middle Ages. Case law has established that residents of almshouse charities are not tenants. Instead they occupy under a licence arising purely in charity law by virtue of being beneficiaries of the charity. The applicant has only *[No. of units]* units of accommodation and *[No. of residents]* residents. The beneficiary class is restricted by law to ‘poor people resident at the time of appointment within the town of *[Town]*. Charity law requires almshouse charities to offer accommodation to people who not only fit the beneficiary class but are also capable of independent living. Almshouses are intended to be homes for life, hence residents usually live there until they die or become incapable of independent living, and vacancies arise only occasionally. *[For example, in the last five years we have had only one vacancy.]*

Due to its small scale and the above restrictions with their impact on the nature of its housing provision, the charity is not a significant provider of housing for the Local Authority’s purposes and is not subject to inspection by the Care Quality Commission or social services.

The charity is regulated by the Charity Commission and will remain so by law even after de-registering as a Registered Provider.

The charity became a Registered Provider voluntarily in *[date of RSH registration]*, only because the Regulator of Social Housingrequired it to as a condition of receiving social housing grant. The charity is a completely independent charity, not only of the Local Authority but also of any other body.

*[The following paragraph will only be relevant to a minority of almshouse charities – check your charity’s Scheme if you are unsure.*

The charity’s constitution (its ‘Scheme’) gives the local authority the right to nominate up to [two] candidates when a vacancy arises. Charity law is clear that this is literally just a right to suggest two candidates, and to have the charity consider them along with all other candidates. However, the charity is not obliged to appoint those candidates to a vacancy, unless by coincidence they are the candidates who not only fit the characteristics of the beneficiary class but are also the candidates in greatest need out of all candidates who apply on that occasion. Hence the ‘right to nominate’ is not in any sense a right to place individuals with the charity.]

The trustees would be delighted to supply you with more information about the charity on request.

I would be very grateful if this letter is brought to the attention of the person who will eventually have to give a substantive response to the Regulator of Social Housing, as and when the Regulator of Social Housing asks for the Local Authority’s views on the charity’s application to de-register.

Yours sincerely

[name]
[Position]