

MEMORANDUM OF UNDERSTANDING

between

**The Health and Safety Executive
(Building Safety Regulator)**

and

THE HOUSING OMBUDSMAN

1. Purpose

- 1.1 This memorandum of understanding (MoU) sets out the functions of the Health and Safety Executive (HSE) in its role as the Building Safety Regulator (BSR) and the Housing Ombudsman and is a statement of intent as to the framework of communication, cooperation and exchange of information between the parties.
- 1.2 While this MoU does not create or impose legally binding rights or obligations on the part of HSE(BSR) or the Housing Ombudsman, both organisations are committed to working in accordance with its provisions. Each organisation will take steps to ensure that their staff are aware of what is in the MoU and the responsibilities it places on their staff.
- 1.3 The MoU will also be made public and placed on HSE and the Housing Ombudsman's websites which we consider is the best way to bring it to the attention of the public.

2. Roles of the Parties to this Memorandum

- 2.1 BSR and the Housing Ombudsman have distinct roles within the built environment and social housing sector, each exercising their functions within their respective statutory remits. In exercising their separate roles, they reach independent enforcement conclusions, determinations, findings or judgements based on the evidence available and in accordance with their published approaches¹.

3. The Building Safety Regulator

- 3.1 The BSR has a duty to keep under review the safety and standard of all buildings in England. BSR must exercise its functions with a view to securing the safety of people in or about buildings in relation to risks arising from buildings and improving the standard of buildings.
- 3.2 BSR is the Building Control Authority for higher-risk buildings, which broadly are buildings with at least two residential units that are at least 18 metres in height or at least seven storeys.
- 3.3 During design and construction, BSR is responsible for overseeing compliance with building regulation requirements. During occupation BSR regulates those who are responsible for the management of building safety risks, which are the spread of fire and structural failure.

¹ See the Housing Ombudsman's [Scheme](#) and BSR's Enforcement Policy Statement [enforcement-policy.pdf](#)

- 3.4 BSR also oversees and monitors the performance of all Building Control Bodies in England and the competence of professionals delivering building control functions.
- 3.5 BSR must also provide assistance and encouragement to facilitate the improvement of the competence of those working in the built environment.
- 3.6 BSR have put in place a contact system which will act as a route of escalation for building safety complaints. Relevant complaints will be assessed, investigated, and dealt with by the BSR in an appropriate, timely and proportionate manner, using one of the intervention methods available.
- 3.7 During assessments of a higher-risk building, BSR will review the Principal Accountable Persons² strategy for engaging with residents. The strategy must detail how the residents will be involved in decisions about managing safety matters in their building.

4. The Housing Ombudsman

- 4.1 The Housing Ombudsman makes the final decision on disputes between residents and member landlords. It sets complaints handling requirements for members through its Statutory Complaint Handling Code and supports effective landlord-tenant dispute resolution by others, including landlords themselves, promoting positive change in the housing sector. The Ombudsman can also look beyond individual disputes into the wider and deeper issues responsible for generating complaints and seek to address those issues to improve residents' lives and landlords' services. Full conditions of membership, and the Ombudsman's powers, are set out in the [Scheme](#).
- 4.2 When investigating complaints, the Housing Ombudsman will decide what is fair in all the circumstances. This may include consideration of, but is not limited to, relevant legislation, codes of practice, policies and procedures.

5. Working together

Cooperation and communication

- 5.1 Section 27 and Schedule 3 of The Building Safety Act 2022 creates duties to cooperate and powers to share information between the Building Safety Regulator and other persons in connection with certain statutory functions. More specifically Schedule 3, paragraph 3 creates duties to cooperate and powers to share information between the Building Safety Regulator and The Housing Ombudsman. This is intended to ensure that:

^{2 2} The meaning of "accountable person" & "principal accountable person" is provided in [Section 72](#) & [Section 73](#) of the Building Safety Act 2022

- complaints raised with the wrong organisation initially are promptly and effectively redirected to the right place;
- there is effective joint working where there are several different aspects to a single complaint;
- there is appropriate and timely information sharing to support the delivery of each other's functions; and
- the organisations work together in other areas of joint interest such as the production of joint guidance to help residents understand their respective roles and responsibilities.

5.2 BSR and the Housing Ombudsman have agreed that they will:

- a) seek to achieve a complementary and compatible approach so far as that is consistent with their independent roles and any regulatory functions;
- b) communicate with one another at an early stage on any issues that might have significant implications for the other organisation;
- c) signpost the enquirer to the other organisation where appropriate, making sure to explain to the enquirer *why* the other organisation is the appropriate organisation;
- d) meet and communicate regularly – at appropriate levels of seniority, including at operational level – to discuss matters of mutual interest including stakeholder engagement;
- e) seek to promote understanding about their respective roles internally and externally including for tenants, landlords and accountable persons³; and
- f) ensure consistency in the way in which they are communicating about each other's roles.

6. Information sharing

Legal basis of information sharing

- 6.1 Under Section 27 and Schedule 3 of the Building Safety Act 2022, the power to share information is provided to both BSR and the Housing Ombudsman. This Section confirms that information sharing gateways created by Schedule 3 over-ride duties of confidence, but not data protection requirements.
- 6.2 BSR and the Housing Ombudsman may disclose to the other party information held in connection with any of their relevant functions or the relevant functions of the other party.

³ The meaning of “accountable persons” is provided in Section 72 of the Building Safety Act 2022 [Building Safety Act 2022](#)

- 6.3 The Housing Ombudsman has the power to refer service failure indicative of systemic failure to an appropriate regulatory agency.
- 6.4 The Housing Ombudsman also has the power to share a member's complaint handling failure with an appropriate regulatory agency, along with any related details as the Housing Ombudsman sees fit. This can include the failure of a member to comply with its orders.
- 6.5 Taking the above into account, the following areas of information exchange have been agreed:
- a) BSR and the Housing Ombudsman will share current information and data on those parties who meet the definition of both a registered provider and accountable person to inform their respective activities where appropriate.
 - b) BSR and the Housing Ombudsman will co-ordinate effectively and share insight regularly on specific cases when appropriate, particularly where both organisations are actively engaging with the same entity because serious failures are suspected or have been identified.
 - c) BSR and the Housing Ombudsman will share intelligence on emerging sector risks and developments where relevant to their respective roles.
 - d) The Housing Ombudsman will notify BSR and refer in advance of publication of a wider investigation or where a determination of severe maladministration has been made on a case and will provide appropriately anonymised information, where the registered provider is also an accountable person.
 - e) BSR and the Housing Ombudsman may share statistical information relevant to the exercise of their respective functions about the types of cases handled, or individual registered providers who are accountable persons.
 - f) BSR will share information with the Housing Ombudsman in relation to enforcement action where such action may affect the carrying out of the Housing Ombudsman's functions.
 - g) The Housing Ombudsman will share information with BSR in relation to actual or contemplated systemic activity where such action may need to be considered by BSR in delivering its functions. This might include circumstance where the Housing Ombudsman has made referrals to the Regulator of Social Housing or the Secretary of State about an individual landlords systemic failings on matters relating to Awaab's Law or other health and safety breaches impacting residents.
 - h) BSR and the Housing Ombudsman will share at an appropriate stage to allow for considered input, draft publications that may affect the exercise of the other's functions.

General Data Protection Regulation

- 6.6 The parties do not expect to routinely share personal data or exchange sufficient quantities of personal data to necessitate entering into a separate data sharing agreement. Where any personal data is disclosed in accordance with arrangements under this MoU each party will ensure that they fully comply with the Data Protection Act 2018 and the UK General Data Protection Regulation (GDPR). For more details about how personal data is processed please see the privacy notices for [BSR](#) and the [Housing Ombudsman](#).
- 6.7 Neither BSR nor the Housing Ombudsman will generally provide information about specific cases but where it does, this may include personal data in line with GDPR article 6(1)(e) where processing is necessary for the performance of a task carried out in the public interest or in the exercise of BSR's official functions or, where relevant, under 6(1)(c) where processing is necessary for compliance with a legal or regulatory obligation.
- 6.8 Under Schedule 7(28) of the DPA 2018, the Health and Safety Executive are named as a Competent Authority. A Competent Authority is any other person if, and to the extent that, they have statutory functions to exercise public authority or public powers for the law enforcement purposes under Part 3 of the DPA 2018.

Freedom of Information Act 2000 (FOIA)

- 6.9 Both parties are public bodies for the purposes of FOIA, where a request for information is received by either party under data protection laws or FOIA and that request relates to the other party (and/or information originally received from the other party under this MoU), the recipient of the request will seek the views of the other party as soon as possible to ensure that the timeframes for response can be met, where the information being sought under the request includes information obtained from, or shared by, that party. However, the decision to disclose or withhold the information (and therefore any liability arising out of that decision) remains with the party in receipt of the request.

7. Review

- 7.1 Representatives from BSR and the Housing Ombudsman will review this MoU on an annual basis, or after a significant change in legislation, policy or practice in either party, to ensure that it reflects any developments and changes in working practices.

This MoU was agreed by both parties on 20th February 2025.



Richard Blakeway
Housing Ombudsman
The Housing Ombudsman Service



Sarah Albon
Chief Executive
Health & Safety Executive