

Extending the coverage of the Freedom of Information Act 2000 to Tenant Management Organisations who provide services on behalf of local authorities

Topic of this consultation

The Government has committed to extending the coverage of the Freedom of Information Act 2000 (“the FOI Act”) to Tenant Management Organisations (“TMOs”) who provide services on behalf of local authorities. This will give members of the public the right of access to recorded information about those services. These TMOs will also have a statutory responsibility to proactively publish certain information about services they provide.

This document explains how the Government intends to implement this policy and seeks the views of those TMOs to whom this extension relates. As such it forms the statutory consultation as required under section 5(3) of the FOI Act.

Introduction

1. The Government is committed to increasing transparency and strengthening accountability in the social housing sector so that tenants can access the information they need about their homes. This forms an important part of the Government's work to drive a transformational and lasting change in the safety and quality of homes.
2. Social housing tenants whose homes are managed directly by a local authority can already request information about housing services from their landlord under the Freedom of Information Act 2000 ("the FOI Act")
3. Tenants of private registered providers (PRPs), including housing associations, will soon have similar rights through the Social Tenant Access to Information Requirements ("STAIRs"). This is a separate access to information scheme that will only apply to PRPs. From October 2026, PRPs must start publishing key information for their tenants, and from April 2027, tenants will be able to request specific information from their landlord.
4. Local authority tenants living in homes managed by Tenant Management Organisations (TMOs) can make an FOI request for information to their local authority. However, these local authorities may not always hold the information that tenants need about the management of their homes.
5. TMOs deliver housing services on behalf of their local authority and can hold important, service-level information that may not be held by the local authority itself. While many TMOs share information voluntarily, there is no statutory route at present for tenants to access information directly from their TMO.
6. To address this gap, in February 2025, the Government announced that it would extend the Freedom of Information Act 2000 to TMOs in the [Government's response to the Grenfell Tower Inquiry Phase 2 Report](#). This change would give tenants of these TMOs the same rights to information about the management of their homes as other local authority tenants. Through this extension of the FOI Act and the introduction of STAIRs, we are taking steps to ensure that every social housing tenant has a route to access the information they need to hold those responsible for managing their homes to account.
7. This document forms the statutory consultation as required under section 5(3) of the FOI Act. It is aimed at those organisations to whom this extension relates, i.e., TMOs who provide services for local authorities. Your feedback will help us ensure the policy is proportionate, effective, and that TMOs are well prepared to meet any new responsibilities.

Overview of the Freedom of Information Act 2000

8. The FOI Act 2000 provides a general right of access to recorded information held by 'public authorities'. Public authorities are defined in section 3 of the FOI Act and include local authorities.
9. Under the FOI Act, public authorities must respond to requests for recorded information, confirm whether information of the description specified in the request is held, and

disclose that information unless an exemption applies. For example, there are exemptions for information which is personal data or is commercially sensitive.

10. If an applicant is dissatisfied with how a public authority responds to a request for information, they can appeal the decision through the Information Commissioner's Office ("ICO"). Appeals against the ICO can be made to the First-tier Tribunal (General Regulatory Chamber).

Extending the coverage of the Act

11. Under section 5(1)(b) of the FOI Act, the Secretary of State may by order designate as a 'public authority' an organisation that is providing contractual services to a public authority where those services are a function of that authority.
12. An order made under section 5(1)(b) must specify the services provided to which the designation applies (section 7(6) of the FOI Act). The provisions of the FOI Act only apply to the services specified in the order; they do not extend to any other services the designated authority may provide.

Tenant Management Organisations

13. TMOs offer social housing tenants the opportunity to take on responsibility for managing the homes they live in. The National Federation of Tenant Management Organisations (NFTMO), which represents the interests of TMOs, estimates there are 124 TMOs managing 36,000 homes.
14. TMOs can take on responsibility for a wide range of housing management functions, including repairs and maintenance, rent collection, tenancy issues, cleaning and estate services. Some TMOs manage all core housing functions, while others take on a more limited set of responsibilities.
15. TMOs can be established by local authority or PRP tenants, although they are set up in different ways. In a local authority context, this arrangement is now governed by the Housing (Right to Manage) (England) Regulations 2012 ("the RTM Regulations 2012") and the Right to Manage (RTM) statutory guidance (which explains the RTM Regulations 2012 and has been introduced to make it easier for tenants to exercise their RTM). The RTM regulations 2012 give local authority tenants a statutory right to take over responsibility for the management of their housing.
16. The Housing (Right to Manage) Regulations 1994 ("the RTM Regulations 1994") were revoked in relation to England only save for transitional provisions in respect of notices served before the commencement date by the Housing (Right to Manage) Regulations 2008 (which only applied to England) ("RTM Regulations 2008"). However, the 1994 Regulations still apply in Wales. The 2008 Regulations were then revoked by the 2012 Regulations, which only apply to England and are still currently in force (as set out above).
17. TMOs established under the RTM regulations must enter a legal contract, known as a management agreement, with their local authority for the management of housing

services. The management agreement is the core legal document which describes the roles, responsibilities and authority of the TMO.

18. As TMOs are directly responsible for delivering housing services, they can hold important information about the day-to-day management of tenant's homes. In some cases, this information is generated and held exclusively by the TMO and may not be available from the local authority landlord. This can make it difficult for tenants to access relevant information about their homes unless the TMO chooses to share it.
19. Local authority TMOs are not currently covered by the FOI Act, although some may voluntarily choose to make information available for their tenants and respond to requests for information. Extending the FOI Act to local authority TMOs would ensure that tenants can access information that directly affects their living conditions, regardless of which organisation holds it.

Proposal to extend the FOI Act to TMOs providing services to local authorities

20. The Government proposes to extend the FOI Act to:

“Any organisation established under the Right to Manage Regulations entered into pursuant to section 27 and 27AB of the Housing Act 1985(1) which has entered into and is currently under a management agreement with a local authority in England for the provision of housing management services. This definition does not apply where a local authority has been substituted as a party to a management arrangement by a private registered provider of social housing”.

21. This designation is intended to capture all TMOs in England that are established under the RTM regulations 1994, RTM regulations 2008 and RTM Regulations 2012 insofar as they apply to England, and which have an existing management agreement with a local authority for the management of housing services under section 27 of the Housing Act 1985.
22. The reference to the Right to Manage Regulations refers to all the Right to Manage regulations referenced above, including those revoked.
23. This proposal is based on the following considerations:
 - TMOs established under the RTM regulations provide housing management services under a formal contract with a local authority.
 - The services they provide, such as repairs, maintenance, estate management and rent collection are statutory functions of the local authority. If the contract between the TMO and the local authority did not exist, these responsibilities would remain with the local authority.
24. TMOs that provide services on behalf of housing associations or other PRPs are not covered by this policy.

Services in scope

25. Under the Housing (Right to Manage) (England) Regulations 2012 (which are the RTM regulations currently in force), TMOs must enter into a management agreement with their local authority. This management agreement sets out the roles and responsibilities the TMO is required to undertake on behalf of their local authority. Many TMOs choose to use the Modular Management Agreement (“MMA”), which is a statutory model agreement approved by the Secretary of State under the RTM Regulations. It provides a legal framework through which TMOs can take on housing management responsibilities from local authorities. While not all TMOs use the MMA, any approved management agreement must take into account its structure and content.
26. The Government’s proposal is that TMOs with local authority landlords will be designated with respect to the following services which are provided under contract with a local authority:
- Repairs, maintenance and service provision
 - Rent collection and recovery
 - Leaseholder and freeholder service charges
 - Financial management
 - Tenancy management
 - Staffing and management relationship between the TMO and the local authority.
 - Performance, monitoring and reviewing of standards
27. Any services carried out by TMOs on behalf of local authorities that fall outside the scope of the services specified by the Secretary of State will not be covered by the Act.

Implementation

28. As part of the [Decade of Renewal plan](#) for social and affordable housing published 4 July 2025, the Government set out its intention to implement this policy from April 2027, aligning with the introduction of information request requirements for STAIRs. Subject to consultation feedback and parliamentary approval, we will seek for the order to take effect from April 2027. This timeline will give TMOs an opportunity to prepare to meet the requirements.
29. We will work closely with TMOs, local authorities and representative bodies as TMOs prepare to meet these requirements. This includes considering what support may be needed.

Costs

30. We recognise that complying with the FOI Act may have resource implications for TMOs, particularly smaller organisations. Through this consultation we are seeking information on costs associated with the extension of the FOI Act. We will consider the financial impact of this policy and engage with the sector further on cost implications following the close of the consultation.

Next steps

31. After the consultation closes, we will carefully review all responses. We will communicate the outcome of the consultation and next steps to the sector through relevant sector bodies.
32. Subject to feedback received, the Government intends to make an order under section 5 of the FOI Act. This would formally designate TMOs providing services on behalf of local authorities as public authorities for the purposes of the FOI Act.
33. Before the change can take effect, the order will be debated in Parliament. If Parliament agrees, the order will be made, and TMOs covered by the change will then be required to comply with the provisions of the FOI Act. We will seek for the order to take effect from April 2027.
34. We will work closely with TMOs and local authorities to support a smooth transition, including considering necessary support options such as guidance and training.

STATUTORY CONSULTATION QUESTIONS SECTION 5(1)(b) OF THE FREEDOM OF INFORMATION ACT 2000 AND TENANT MANAGEMENT ORGANISATIONS

The proposal is to extend the Freedom of Information Act 2000 (“the FOI Act”) to specific services provided by Tenant Management Organisations (“TMOs”) on behalf of local authorities.

Respondent’s details

1. Full legal name of organisation, organisation address and organisation contact details
2. If your organisation is known by any other names, please list them here

Nature of your organisation

Section 27AB of the Housing Act 1985 enables local authority tenants to take over housing management services of their homes from their local landlord. Under the Housing (Right to Manage) Regulations 2012 TMOs must enter into a management agreement with their local authority.

3. Are you a Tenant Management Organisation as defined by The Housing Act 1985?
4. If yes, which local authority(ies) do you have a management agreement with?
5. How is your TMO constituted? For example, a private company limited by guarantee, a Registered Society, a Community Interest Company.
6. How many individuals are actively involved in running your TMO (including paid staff, volunteers, board members etc.)
7. How many units of housing does your TMO cover?

Services provided by your organisation

Under the Housing (Right to Manage) Regulations 2012, TMOs must enter into a management agreement with their local authority.

8. Does your TMO have a management agreement with the local authority?
9. What services does that management agreement cover? Please tick all that apply:
 - a. repairs, maintenance, and estate services
 - b. rent collection and recovery
 - c. leaseholder and freeholder service charges
 - d. financial management
 - e. tenancy management
 - f. staffing and management relationship between the TMO and the local authority
 - g. performance, monitoring and reviewing of standards
 - h. Other (please specify)

The Freedom of Information Act 2000

The FOI Act provides a general right of access to information held by ‘public authorities’. Public authorities are defined in the Act and include local authorities. Under section 5(1)(b) of the FOI Act the Secretary of State may by order designate as a public authority any person who is

providing under a contract made with a public authority any service whose provision is a function of that authority. When doing so, the Secretary of State must specify those services provided to which the designation applies.

The Government's proposal is to make all TMOs a designated public authority with respect to the following services which are provided under contract to a local authority:

- i) repairs, maintenance and estate services
- ii) rent collection and recovery
- iii) leaseholder and freeholder service charges
- iv) financial management
- v) tenancy management
- vi) staffing and management relationship between the TMO and the local authority
- vii) performance, monitoring and reviewing of standards

The impact of the proposals is that TMO who provide services to local authorities will become public authorities for the purpose of the FOI Act. It will give individuals the right of access to information the TMO holds in relation to those services specified, unless one or more of the exemptions in Part II of the FOI Act applies.

10. Given the above, do you believe that your TMO would be subject to the FOI Act under the Government's proposals?
11. Are there any other services in addition to those listed above that your organisation provides under contract to a local authority that you think should be subject to these proposals?

Preparedness and capacity

12. How familiar is your TMO with the FOI and its requirements? Please explain your answer.
 - Very familiar
 - Somewhat familiar
 - Not familiar
13. Does your TMO currently publish any of the following information for tenants (e.g., policies, services, performance data)? (Please tick all that apply)
 - repairs, maintenance and estate management
 - rent collection and recovery
 - leaseholder and freeholder service charges
 - financial management
 - tenancy management
 - staffing and management relationship between the TMO and the local authority
 - performance, monitoring and reviewing of standards
 - Other (please specify)

14. Does your TMO regularly receive requests for information from tenants or other members of the public? Please include details.
- Yes
 - No
15. If your TMO does regularly receive requests for information from tenants or other members of the public, what type of information is usually requested? (Select all that apply)
- repairs, maintenance and estate management
 - rent collection and rent recovery
 - leaseholder and freeholder service charges
 - financial management
 - tenancy management
 - staffing and management relationship between the TMO and their local authority
 - performance, monitoring and reviewing of standards
 - Other (please specify)
16. Does your LA approach your TMO to support with FOI requests they receive? If yes, please explain how this process works.
17. What do you consider the impact of the extension of FOI Act to the services will be on your TMO's resources, including any cost implications?
18. Do you have any concerns relating to the impact of the Government's proposals on your organisation?
19. Do you have any other comments about the proposals?