



**PUBLIC MINUTES**  
**of the Board meeting**  
**on Tuesday 21 February 2023**  
**FG47 Marsham Street and MS Teams**

**6 Remote and virtual participation**

6.1 Any member may validly participate in a meeting virtually through the medium of conference telephone, video conferencing or similar form of communication equipment, provided that all persons participating in the meeting are able to hear and speak to each other throughout such meeting, or relevant part thereof. A member so participating shall be deemed to be present in person at the meeting and shall accordingly be counted in a quorum and entitled to vote.

6.2 A meeting shall be deemed to take place where the largest group of those members participating is assembled or, if there is no group which is larger than any other group, where the chair of the meeting is.

**Present**

Bernadette Conroy (BC)	Chair
Paul Smee (PS)	
Liz Butler (LB)	
Jo Boaden (JBo)	
Kalpesh Brahmhatt (KB)	
Deborah Gregory (DG)	
Richard Hughes (RH)	
Sukhvinder Kaur-Stubbs (SK-S)	Via MS Teams
Geoff Smyth (GS)	
Fiona MacGregor (FM)	Chief Executive and Board Member – via MS Teams
Kirsty-Marie Morris (KM)	Board apprentice

**In attendance**

Jonathan Walters (JW)	Deputy Chief Executive (DCEO)
Harold Brown (HB)	Senior Assistant Director, Investigation and Enforcement (SADI&E)
Richard Peden (RBP)	Director, Finance and Corporate Services (DF&CS)
Kate Dodsworth (KD)	Director of Consumer Regulation
Will Perry (WP)	Director, Strategy
Maxine Loftus (ML)	Director, Regulatory Operations
Emma Tarran (ERT)	Assistant Director, Head of Legal and Company Secretary
Jim Bennett (JB)	Assistant Director, Policy and Communications
John O'Mahony (JOM)	Assistant Director, Corporate Services
Jenny Allen (JA)	Strategy Manager

**Minutes**

Christine Kitchen (CK)	Board Secretary
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**1 Welcome and apologies**

01/02/23 There were apologies from Simon Dow (SD). The Chair welcomed Kirsty-Marie Morris (KM), and members and officers introduced themselves. DG has agreed to be the buddy for KM for her year with the RSH.

- 2**                    **Declarations of Interest**
- 02/02/23            RH advised that he has been appointed as a board member of the Buckingham Almshouses and Welfare Charity. They are not a registered provider.
- 3**                    **Confidential and Public minutes of the last meetings**
- 03/02/23            The confidential and public minutes of the Board meeting on 24 January 2023 were APPROVED, subject to minor amendments.
- 4**                    **Matters arising**
- 04/02/23            Members NOTED the actions.
- 5**                    **Board forward planer**
- 05/02/23            This was NOTED. The March meeting will be a Board away-day and the venue is Friend's House. Start time to be confirmed, and there will be an early dinner – venue to be confirmed.
- 6**                    **Chair's update**
- 06/02/23            BC confirmed attendance at the NATFED board conference which was a success. She mentioned that we will be looking to re-instating the Chairs' conferences which was welcomed.
- 07/02/23            There is no update on the recruitment of NEDs.
- 7**                    **Deputy Chief Executive update:**
- General update:**
- 08/02/23            *AO's meeting:* took place on 7 February. Members noted the topics of discussion which included NED recruitment and fees. Fees will be discussed later in the agenda.
- 09/02/23            *DLUHC Committee evidence hearing:* members were updated on the hearing Although there is no planned follow up session, we expect the committee will remain interested in issues around damp and mould and quality in social housing.
- 10/02/23            *Damp and mould work:* Members were aware that we have published our initial findings. We are currently looking at the outliers and have written to a number of RPs. The letters are based on the data submitted. We are considering all responses, and in particular those indicating low levels of damp and mould to understand the reasons for these levels, and those indicating high levels to investigate the reasons, what action is being taken to get on top of the problems, and where no answers are forthcoming consider regulatory action.
- 11/02/23            *2023 Rent Standard:* the new standard has been published. PRPs are still committing to a 7% cap on shared ownership. For profit providers are finding it harder to match this level on shared ownership, in some cases due to funding linked to rents and rent securitisation.

## **Policy update:**

12/02/23 *Social Housing Regulation Bill:* JW acknowledged the hard work done by the legal & policy teams which has resulted in helpful changes but it was worth noting that there may be some further amendments tabled.

### *Amendments to Social Housing Regulation – introduction of “Awaab’s Law”*

13/02/23 If the proposed amendment is passed, it will enable the SoS to direct us on information we provide to tenants about complaints relating to health hazards, including damp and mould, which will be in addition to our standards.

16/02/23 *Professionalism:* the amendment on this is currently being discussed and the classification issues considered. This could impact the timing of the implementation of the Bill and any consultation we will be required to carry out if we are issued with a direction.

17/02/23 *DLUHC Committee new inquiry into planning reforms* – Noted.

18/02/23 *DLUHC staff changes* – Noted.

19/02/23 *DLUHC consultation on draft directions* - consultation issued on draft SoS directions to the RSH.

### *Stakeholder feedback*

20/02/23 There have been a lot of stakeholder events. Damp and mould issues continue to be on the top of the agenda for landlords. Other areas of discussions are also the impact of the rent cap on income. RPs are also being impacted by difficulties with recruitment. KD advised that feedback from tenants remain focussed on repairs and landlords meeting their expectations. Engagement with LAs is gathering pace. Some RPs continue to seek waivers on covenants in respect of certain types of remedial works.

## **Operations Update:**

21/02/23 *Performance:* the update was NOTED.

## **Stakeholder and media**

22/02/23 Members noted the recent activity.

## **8 Corporate Plan**

23/02/23 JB introduced the paper advising members that as previously discussed this year we are doing a refresh of the corporate plan. A full comprehensive review will be carried out in 2024. The input from members from the January meeting has been reflected in this version of the plan. The budget figures will be added as soon as we are in receipt of the information. We need to share the plan with the Department by the end of February so that they can sign it off before we publish in April. BC invited comments from members on the tone and content of the corporate plan.

25/02/23 The Board APPROVED the corporate plan subject to the comments being reflected in the next iteration and AGREED the final sign-off rests with the CEO.

## 9 Performance and Risk report – Q3

26/02/23 RBP introduced the paper. The Strategic Risk Register had been discussed in detail with ARAC in January, and assurance provided to the board at their January meeting. Members noted the updates on KPIs and there was a discussion about service standard delays in relation to capacity and resourcing. Members asked for clarity on whether the issues were a result of process or capacity and RBP said that there are various linked issues which all relate to process. In terms of managing the wider capacity and recruitment challenges we are facing RSH has set itself targets for recruitment and a growth plan. We are working hard to resolve the issues we are facing with recruitment including using recruitment specialists for specific roles that we have been unable to recruit to using our usual job boards, however we will not lower the bar and will hold out for the right candidates. It was confirmed that we do overbear on posts if there is a good field of appointable candidates. Officers accepted that we should not let process get in the way of on-boarding good staff. Board wanted assurance on where the problem areas are and asked that the N&GC carries out a deep dive to get and give the board the assurances they need in this area. It was acknowledged that there is a widespread problem with recruitment across a number of sectors, so we need to take a pragmatic approach to our recruitment.

RBP

27/02/23 Members queried the projects that had been deferred and RBP advised that some of the projects originally listed by the economist team were deemed to be less urgent in what has been a very busy period and the deferred projects were not critical at this time and would be picked up at another time.

## 10 Finance and Corporate Services update

28/02/23 Members NOTED the finance update.

29/02/23 *Financial Scheme of delegations:* RBP explained the rationale for the amendments to the financial scheme of delegations which were:

- to simplify delegations to reflect the latest DLUHC approval limits and include indemnities and expenses
- to combine multiple delegation limits as set out in the paper
- to set approval limits for all Assistant Directors, Executive members and the Chief Executive and Deputy Chief Executive (subject to DLUHC approval limits). Members noted that all spend will be authorised by two members of staff with financial delegation at the appropriate level.

30/02/23 In addition, Board was being asked to approve the removal of the section on contract award approvals which was at the time the current delegations were written, relevant to the DCSR procurement in 2021/22 and the SLA with Homes England in 2022/23. However, following an audit of this procurement and after discussions with GIAA, the executive decision making on procurement and award decision was found to be robust. It was therefore being proposed that this delegation is better placed at an executive level, with the testing of assurance that a procurement was run appropriately more aligned to the role of

the Board. Members noted all this. The Chair of ARAC confirmed her agreement to the amendments.

- 31/02/23 The Board APPROVED the revised Financial Scheme of Delegations.
- 32/02/23 *Environmental Policy Statement:* Members discussed the Environmental Policy Statement. Officers were asked to consider championing our commitment to environmental issues better for example in relation to encouraging environmental sustainability of providers, our statutory objectives on energy efficiency and how we develop those. It was suggested that this might help with our recruitment as commitment to environmental issues can be attractive to potential employees.
- 33/02/23 Subject to these suggestions, the Board delegated the final approval of this Policy to the Chief Executive.
- 34/02/23 *Schedule of Authorised Signatories:* RBP referred to a previous exception granted by the Board in relation to MOTO agreements for our offices. This paper was proposing an amendment to the schedule which will make it easier to agree future changes so that DLUHC (or a duly authorised signatory of DLUHC/the Secretary of State for Housing, Communities and Local Government or such successor sponsor department) will be authorised to sign a MOTO or any variations only for and on behalf of RSH (and that such signature may be done electronically or otherwise in accordance with DLUHC's own signing procedures).
- 35/02/23 The Board APPROVED the changes to the Schedule of Authorised Signatories.

## 11 Equalities objectives

- 36/02/23 JOM introduced the paper which set out the proposed revised objectives and the draft statutory consultation. The first new objective links to our expanded consumer regulation role whilst the second one builds on our existing objective and supports the growth in our engagement as part of our wider consumer regulation role. The third objective, which is an internal one, is the same, but with updated actions. Members questioned the timing for this considering the link to our consumer standards which are due to go out for consultation this calendar year. JOM advised that we will be able to refresh the specific deliverables without a further statutory consultation. ERT further advised that it feels important that we deliver on our commitment to do a refresh earlier than the statutory four years. The objectives are set at a high level, but the deliverables are more specific. In relation to Annex 1 and the current objectives officers were asked to build on what we say about the second deliverable under objective one, and JOM advised that we get assurances through our QC & QA processes, as well as reviewing consumer regulation cases and draw out any trends to widen our learning in consumer regulation reviews. To date there have been no specific trends relating to quality and diversity to include in consumer regulation reviews.
- 37/02/23 In response to a query on how we arrived at these objectives, ERT and JOM advised that the objectives developed organically following consultations and discussions with a range of staff including a SLT working group and the Regulator's EDI Sounding Board.
- 38/02/23 Officers were asked to change the word "support" in the first objective to "promote" as it better reflects the intentions of our standards.

39/02/23 Subject to the above, the new objectives and the draft statutory consultation were AGREED. The Board delegated final approval of the documentation and the period and timing of the consultation to the DCEO.

## **12 Fees consultation**

40/02/23 RBP presented the paper and JA joined the meeting on-line. Comments and suggestions from the discussion at the January board meeting have been reflected.

41/02/23 It was highlighted that there is a tight timetable to allow the changes to the fees regime to be put in place by 1 April 2024.

44/02/23 The paper is asking for sign-off of the consultation, however the Board wanted to discuss this again at the April meeting.

**RBP**

## **13 Operations update**

45/02/23 Members NOTED the paper.

## **14 Consumer regulation delivery update**

46/02/23 KD updated members on the latest progress. We are preparing for growth in the organisation and the structures we'll need to deliver regulation in the round. The first wave of pilots are being written up and the early signs are positive – the build-out model works. We will now use the findings to continue developing our approach to gradings and the mechanisms for tenant input.

47/02/23 BAU reactive regulation is continuing to grow. The format of the report has been changed to demonstrate the progression of cases from new through to the latter stages ahead of compliance. JBo thanked KD for the new style of reporting which was very helpful.

48/02/23 Following the media and sector focus on damp and mould, we have received 50 referrals. These are a mix of self-referral and third-party referral. Work is progressing to follow up cases.

49/02/23 KD was asked whether we are able to apply the same level of pressure on LA providers due to our remit being limited to consumer regulation (and the Governance and Financial Viability Standard). In response, KD advised that whilst we don't have all the same levers, we're building our relationship with LAs to ensure they're using the time before proactive inspections effectively. We're speaking with tenants, officers and local councillors on a regular basis to drive greater awareness.

## **15 Investigations and Enforcement update**

50/02/23 Members NOTED the updates on key cases:  
*Swan*: Members NOTED the paper and HB advised that the Swan/Sanctuary deal has completed.

52/02/23 *My Space*: we have issued an enforcement notice.

54/02/23 *Larch:* their application for permission to further appeal to the Court of Appeal has been refused.

56/04/23 The other updates in the paper and appendix were NOTED

**16 Registrations decisions**

57/02/23 Nothing to add – NOTED

**17 THFC board membership**

58/02/23 Members noted the proposal in the paper to approve the appointment of Fiona MacGregor to the board of THFC to replace WP whose term has ended. The appointment was AGREED.

**18 Any other business**

59/02/23 There were no other items of business.

**19 Review of meeting/papers**

60/02/23 Fees paper raised complex issues but it was agreed to be a good discussion. Tone and mood of the meeting was very constructive.

**Date of next meeting: 28 March 2023 – away-day – Friends House, Euston**