



PUBLIC MINUTES

of the Board meeting

on Tuesday 29 September 2020 at 0930

Microsoft Teams Meeting (no members were together, and the meeting was deemed to have been held in London, the location of the Chair).

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

Simon Dow (SD)	Interim Chair
Paul Smee (PS)	
Liz Butler (LB)	
Richard Hughes (RH)	
Ceri Richards (CR)	
Jo Boaden (JBo)	
Deborah Gregory (DG)	
Fiona MacGregor (FM)	Chief Executive

In attendance

Jonathan Walters (JW)	Deputy Chief Executive
Maxine Loftus (ML)	Director, Regulatory Operations
Richard Peden (RBP)	Director, Finance and Corporate Services
Will Perry (WP)	Director, Strategy
Harold Brown (HB)	Senior Assistant Director, Investigation and Enforcement
Emma Tarran (ERT)	Senior Assistant Director, Head of Legal Services and Company Secretary
James Dunbar (JD)	Head of Finance – for item 7
John O'Mahony (JOM)	Assistant Director, Corporate Services and Performance – for items 7, 8 & 9
Chris Kitchen (CK)	Board Secretary, Minutes

1 Welcome and apologies

01/09/20 There were no apologies.

2 Declarations of Interest

02/09/20 There were no new declarations of interest.

3 Minutes of the last meeting – 28 July 2020

03/09/20 The confidential minutes and the public minutes of the last meeting were AGREED subject to minor amendments.

4 Matters Arising

04/09/20 Members noted the updates to the actions from previous meetings.

5 Forward Planner

05/09/20 Members NOTED the forward planner. Members NOTED that over the next few meetings there will be updates on the implications for the Regulator, the Department and the Sector, of the White Paper. These will either be in the CEO updates or Board workshops. The Board meeting dates for 2021 were AGREED.

Chief Executive update

6 Covid-19

Latest Government announcements related to C-19

06/09/20 Members noted the latest government announcements update in the slides. It was also noted that the Autumn Budget had been cancelled.

Policy updates:

07/09/20 *Affordable Homes Programme:* CEO provided members with an overview of the AHP announcements.

08/09/20 *Building Safety Bill:* this has been published and we have provided comments to MHCLG on specific areas and continue to work with their Building Safety Team. Providers continue to monitor whether there are any changes in requirements for cladding on buildings below 18m or with vulnerable client groups.

09/09/20 *Fire Safety Bill:* this has had its second reading. It was noted that there has been increasing media coverage of leaseholders being unable to move due to purchasers being able to access mortgages for flats in high rise buildings. It was also noted that there are reports of lenders requiring EWS1 forms for buildings for which they are not required. While the regulator does not have a role in relation to full leaseholders, we are aware of the work being done by NHF and G15 to seek long term solutions to the issue. We will continue to monitor developments in this area.

11/09/20 *CORS survey – August update:* returns are showing a steady improvement in all areas.

12/09/20 *Registrations:* there has been one new registration.

13/09/20 *Performance Review:* there have been no major changes. One target remains AMBER

Other updates

- 14/09/20 Fees proposals for 2020/21 were discussed at the FRAP meeting in September.
- 15/09/20 The Grenfell Tower public inquiry is progressing with evidence given by contractors and the supply chain. Module 3 is scheduled for February-March 2021.
- 16/09/20 Members NOTED the recent publications, the Wandle RN and the appointment of statutory appointees to the Board of Prospect.
- 17/09/20 Members NOTED the recent media coverage and the steady stakeholder engagement with a range of staff involved in roundtable meetings and conferences.

7 Review of Annual Report and Accounts (ARA)

- 19/09/20 RBP introduced the paper and the ARA as the first complete draft of the text which complies with the prescribed format for the performance summary, analysis sections and noted that only the statements from the Chair and CEO remained to be drafted. The Board was being asked for their comments on the tone and content of the ARA. Board will get another opportunity to review the revised version at the meeting on 20 October 2020.
- 21/09/20 The Chair invited comments from members and LB as chair of the Audit, Risk and Assurance Committee began by congratulating the team on a very good first draft.
- 23/09/20 The other members were all content on the tone and content of the ARA.
- 25/09/20 RBP confirmed the sign-off process for the ARA:
- Next draft to ARAC and Board on 19 and 20 October respectively
 - Sign-off by the ARAC on 26 October before submission to the Board for acceptance of the ARA on the same day
 - Submission to Parliament for laying of the Accounts will follow in accordance with the parliamentary timetable
- 26/09/20 The Chair and members thanked RBP and the team for their hard work to get the ARA to a very good position.

8 Finance and Corporate Services update

Management Accounts

- 27/09/20 RBP advised members that these management accounts shows the position to the end of July 2020 against the reforecast at Q1. The next report will show the forecast outturn for the full year

Equalities update

30/09/20 This report was to give members a high level summary of on-going work in this area and on implementing the action plan. Officers are engaging with other organisations to learn how they have undertaken this work and this is proving very helpful. Key staff involved in driving our work in this area have also been attending seminars and training to get further insights into effective action planning. ERT added that they have attended some very informative Civil Service Learning sessions with academics. DG said that it would be very helpful for her to be more plugged into this work so that she can better respond as the Boards' equalities representative. It was AGREED that we will send DG the detailed equalities action plan and ERT will share with her the learning from the CSL sessions she has attended. There will be a fuller report of the equalities work to Board in October.

31/09/20 *Pay Award:* CEO had updated members during the confidential session.

9 RSH Health and Safety Policy

32/09/20 JOM advised the Board that the RSH had agreed at transition to stand alone to use the Health and Safety (H&S) policy from Homes England, and it was always the intention that we would put in place a RSH specific policy in due course. Members were asked to REVIEW and AGREE the interim RSH H&S policy which has been consulted on with the H&S Committee (which includes staff/ union representatives) and to delegate to the CEO final sign off following consultation with staff.

33/09/20 This policy sets out clearly for the staff the RSH roles and responsibilities. During Q3 work will be completed to support the policy with the provision of specific guidance and process notes, as well as the intranet signposting staff to relevant guidance and advice. Q4 will see the review of the H&S risk assessment and another review of the policy if required.

34/09/20 There was a query as to why the policy does not have reference to lone working/driving, and JOM confirmed that we do not have essential car users in the RSH and there is separate lone working policy, but agreed to consider referencing that in this policy as part of the next revision. ERT explained that it would be too early to reference until the more detailed work on supporting documentation is completed in Q3 and that we would ensure clear signposting on the intranet.

JOM

35/09/20 Members AGREED the policy and the delegation to the CEO to sign off the policy.

10 Ethnicity Pay Gap (EPG)

36/09/20 RBP advised members that as part of our work on Equalities, RSH has undertaken to report on EPG adopting the same approach to that adopted to reporting Gender Pay Gap data. There is no obligation for us to report on EPG, but in the interest of transparency and our commitment to Equalities objectives this report shows the gap between average pay for BAME and White staff in the organisation and we propose to publish in due course, along with a narrative about the drivers, (principally lower diversity at senior levels of the organisation).

37/09/20 Members discussed the information provided and were in agreement that it is important that we address the issue of diversity amongst senior staff in the organisation. Members supported management in this work and suggested that a more formal discussion on this would be beneficial for the Board. Quarterly updates will be provided to the Board and it was AGREED that we would publish the data after the fuller report to Board in October.

11 Quarterly Operations update

38/09/20 ML presented the update. Twelve IDAs are now in progress. These are due to be completed in December 2020-January 2021. Five regulatory judgements have been published between June and August 2020 and there were 21 new reactive cases in the quarter and 18 cases have been concluded. The QS analysis work has provided assurance on the sector's liquidity and interest cover. Provider income collection shows stable performance however there is concern that rates may fall once the furlough scheme ends.

39/09/20 ML reported that a regulatory notice had been issued for Wandle Housing Association for non-compliance with the rent standard. There has been an increase in self-referrals from providers on rent standard non-compliance which is an encouraging indication that sector messaging on the risks of rent setting are gaining traction and that providers are stepping up the level of assurance they have on rents compliance.

40/09/20 Members asked how the remote IDAs are working and ML advised that they are working well and are providing staff with more time to reflect on findings between meetings. Queries were raised around IDA focus on resilience to manage further waves on Covid-19 and about organisational decision making during the early stages of lockdown when emergency mechanisms may have been used instead of formal delegations. ML confirmed that both these factors would be considered for inclusion in IDA scopes.

12 Investigation and Enforcement update

41/09/20 HB introduced the I&E report which sets out more background to current cases and an update on Lease Based Providers, particularly the issues in Birmingham with short term leasing models in operation.

Consumer Regulation

42/09/20 Members NOTED the update on consumer referrals this year compared to the previous year. There has been a decrease in the number of stage 1 referrals and tenant referrals as well. There are currently 39 open cases and we are actively engaging with the providers in all these cases.

Case Reports – Lease Based Providers

43/09/20 Members were asked to NOTE the case reports and HB provided a detailed updated on the situation in Birmingham. There are 11 non-compliant registered providers who have been operating lease models in Birmingham, five of these are providing exempt accommodation through short term leasing. There is some evidence that more new entrants are providing exempt accommodation including one London based provider. We are having a high level of engagement with Birmingham Council, Councillors and a local MP. This work is likely to require a lot of resource and we are looking to increasing resources to help with this work.

44/09/20 *Prospect*: A Regulatory Notice was issued in May. We had previously reported on the housing benefit over-claim. This is now being investigated. We are also concerned about the management of their third-party contracts. Whilst Prospect's Board are taking measures to address the issues, we have made three statutory appointments to support their Board.

45/09/20 *Inclusion*: as reported recently a new group structure with an unregistered parent company has been established, and we are awaiting further information on this. Members will be kept updated.

46/09/20 *My Space Housing Solutions*: have been placed on the GUR list.

13 Any Other Business

47/09/20 There was no other business for discussion. The Chair thanked management for an excellent set of papers and members for their input in the discussions.

Date of next meeting: 20 October 2020 – 9.30am