



**PUBLIC MINUTES**  
**of the Board meeting**  
**on Tuesday 16 January 2024**  
**PG52, 2 Marsham Street**

**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
Liz Butler (LB)	
Jo Boaden (JBo)	
Deborah Gregory (DG)	
Richard Hughes (RH)	
Geoff Smyth (GS)	
Paul Smees (PS)	
Kalpesh Brahmabhatt (KB)	
Sukhvinder Kaur-Stubbs (SK-S)	
Fiona MacGregor (FM)	Chief Executive

**In attendance**

Jonathan Walters (JW)	Deputy Chief Executive
Harold Brown (HB)	Senior Assistant Director, Investigation and Enforcement (SADI&E)
Kate Dodsworth (KD)	Chief of Regulatory Engagement
Will Perry (WP)	Director, Strategy
Emma Tarran (ERT)	Assistant Director, Head of Legal & Company Secretary
Richard Peden (RBP)	Director, Finance & Corporate Services
Karen Doran (KED)	Director of Regulatory Engagement (PRPs)
Angela Holden (AH)	Director of Regulatory Engagement (LARPs)
Jim Bennett (JB)	Assistant Director, Policy, Strategy and Impact
Althea Houghton (AEH)	Assistant Director, Registrations and New Entrants
Sandy Pacek (SP)	Head of Performance Management
Claire Wilde (CW)	Head of Policy, Strategy and Impact
Anna Furlong (AF)	Assistant Director, Policy, Strategy and Impact
Mila Simpson (MS)	Head of Policy, Strategy and Impact

**Minutes**

Christine Kitchen (CK)	Board Secretary
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- 01/01/24 There were no apologies.
- 2** **Declarations of Interest**
- 02/01/24 There were no new declarations of interest.
- 3** **Minutes of meeting 28 November 2023**
- 03/01/24 The confidential and public minutes from 28 November 2024 were considered and subject to minor amendments, these were AGREED.
- 4** **Matters arising**
- 04/01/24 NOTED.
- 5** **Board forward planner**
- 05/01/24 Members considered the forward planner. The Chair flagged the teach-in sessions that have been diarised and stressed the importance of these sessions. There was a discussion about the timing of these and it was confirmed that following a survey, it had proved impossible to find a date and time that suits everyone. The sessions will be recorded for those who cannot attend and a 1:1 session can be requested. It was AGREED that another survey of dates and times will be carried out when the new NEDs are appointed.
- 6** **Chair's update**
- 06/01/24 BC updated members on the following:
- *Select Committee hearing*: scheduled for 22 January 2024. It is expected that the focus of the committee inquiry is about the finances and sustainability of the sector.
  - *Pending general election*: we are now more than likely in an election year, and should anticipate a more intense political environment in the next twelve months.
  - *NED recruitment update*: NOTED.
- 7** **Deputy Chief Executive's update**
- 07/01/24 JW advised members that the format and content of the DCEO slides is being reviewed and invited views from members. He updated members on the following topics:
- Key issues**
- 08/01/24 *Department of Levelling Up, Homes and Communities (DLUHC) consultations*: the consultation on part of Awaab's Law was launched on 9 January (to close 5 March). The following points were raised and discussed:
- Tenants' right to take their case to court – we may be contacted by tenants and will need to decide how we operationalise the new rules in line with our role and remit.
  - We will continue to regulate against our standard on landlords' delivery of repairs services, and to seek assurance on this where we are engaged with a provider.
  - The Ombudsman role will be to deal with complaints from individuals.

CK

- 09/01/24 There was agreement that there is a lot to think about and it was AGREED that there will be a discussion at the March Board away-day on our role in this space, how it fits together with the Ombudsman Service and other regulators. Board is also aware that we are reviewing our MOU with the Ombudsman.
- 11/01/24 *Fire safety remediation monitoring:* the second survey closed at the end of last year and we had an 80% response rate. It was confirmed that our contact with the Building Safety Regulator continues.
- 12/01/24 *Our consultations:*
- *Fees:* analysis of the response is on-going, and a recommendation will be brought to the Board in February. We are liaising with DLUHC for ministerial and Treasury approval.
  - *Use of Powers:* closes 16 January
- The Charitable Incorporated Organisations (Notification Requirements: Social Housing) Regulations 2023:* These regulations were laid on 5 December 2023 to ensure that from 1 April 2024 CIOs which are registered providers are subject to the same rules as PRPs.
- Operational updates**
- Consumer Regulation***
- 13/01/24 Members NOTED the updates on new cases (Wigan and Woking Councils) and case resolutions. Norwich Council and Swan have had their regulatory notices removed following evidence of issues being resolved.
- 14/01/24 There continues to be concerns expressed to us around LA finances and the ability of LARPs to invest in social housing. AH reported that LARPs are in some cases providing assurances that some budget has been ringfenced.
- 15/01/24 *Pilots:* AH reported that we are generally getting valuable feedback from the pilots with providers happy to engage with us. LB urged caution in respect of feedback given to regulators by regulated bodies, especially in the initial period of engagement (i.e. they may be saying what they think we want to hear). AH reported that pilot providers have flagged some concerns (so it is not that they are not prepared to do so) and we will work through these. KD gave assurance in respect of our resource planning for the roll out of the inspection plan. Officers were asked to keep the board updated on capacity and resources to meet the inspection plans.
- Regulatory Operations***
- 16/01/24 The update in the slides were NOTED. Twenty RJs have been issued since the last board meeting. On completion of the annual plans, there has been some visible movement amongst providers and a few V2s. The mergers were NOTED.
- Investigation and Enforcement***
- 17/01/24 Members NOTED the updates and HB provided further updates on the following providers:
- 18/01/24 *Auckland*
- 19/01/24 *A2Dominion*
- 20/01/24 *Tower Hamlets*

- 21/01/24 *Rapport*: have now voluntarily de-registered.
- 22/01/24 *Shepherds Bush Housing Association*: the transfer of SBHA to The Guinness Partnership is now completed.
- 25/01/24 *Windrush*
- 26/01/24 *Eldonians*
- Standards Consultation**
- 27/01/24 KD updated members on the feedback from various engagement sessions on the standards. LAs are reporting concerns about their financial positions and we need to be cautious that we are not drawn into these discussions and remain focussed on their service delivery and good practice. We are carefully landing our messages with Councillors that the standards are a framework for their improvement plans.
- 28/01/24 JW advised that KED and RBP are working on a paper looking at our approach to and staff guidance and training for inspections paying heed to the findings of the Ofsted enquiry.
- 8 Nominations and Remunerations Committee(N&RC) - update**
- 29/01/24 PS reported that the N&RC had met the previous day. The committee had been presented with an update on the pension scheme. N&RC had discussed the financial implications for the organisation of the move and further updates will be provided for information.
- 9 ARAC report to Board**
- 30/01/24 LB reported on the ARAC meeting that had taken place the day before. The NAO had submitted their final audit report late and apologised once again for the delay. It is anticipated that the NAO will issue the RSH with an unqualified audit opinion. The Chair challenged the NAO on their terminology in their report on the valuation of the pension scheme that could be misinterpreted as being an error in our reporting. The NAO had agreed to review the wording of their report.
- 31/01/24 The committee had considered the Annual Report and Accounts and there were no issues to report to the Board. The ARAC therefore recommended the Accounts for sign-off by the AO.
- 32/01/24 *Internal audit reports*: the GIAA had completed their audit of the Consumer Regulation Pilots – lesson learned and had returned a substantial assurance finding and no recommendations.
- 33/01/24 *Strategic Risk Register*: nothing to report. A full review is scheduled post April.
- 34/01/24 *In-depth assurance*: the Committee had received a detailed and helpful paper on fee charging, which the Chair had requested was shared with the Board for information.
- 10 Annual Report and Accounts – 2022-23**
- 35/01/24 RBP presented the ARA.

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36/01/24 The Chair confirmed the Board's APPROVAL of the ARA subject to the amendments discussed. The members extended their thanks to RBP for all the hard work with getting the ARA finalised.

## 11 Changes to Constitutional Notifications

37/01/24 AEH joined the meeting on-line. Members were advised that the changes to the notifications were to update them to reflect changes to the legislation.

The Board:

- AGREED the adoption of the policy proposals in relation to RPs' notification requirements as set out in paragraphs 18 to 35 of the paper, with effect from the Notification Legislation coming into force,
- AGREED to DELEGATE authority to any of the Chief Executive, Deputy Chief Executive and Chief of Regulatory Engagement to:
  - i. approve the Directions and associated forms and guidance drafted to reflect the proposals approved in the approval above;
  - ii. approve the publication of the draft updated Directions and associated forms and guidance following the Commencement Order being issued by DLUHC, for the purpose of allowing RPs to prepare for the updated notification requirements which will take effect on the Notification Legislation coming into force; and
  - iii. to issue the final updated Directions pursuant to section 169D of the Housing and Regeneration Act 2008 and the associated forms and guidance on or after the Notification Legislation coming into force.

Members thanked AEH for the report which was very clear.

## 12 Consumer Standards decision statement

38/01/24 The Chair introduced the paper as an important decision for the board. The board have seen the documents and had previous discussions, and this was now an update following the analysis of the responses to the consultation. AF thanked the Chair for the introduction and provided an overview of the changes. The responses to the consultation had largely been very positive and they have been analysed very thoroughly by the team and operations colleagues. The focus of the changes arising from the feedback has been to provide more clarity and explanations and examples, rather than rewriting the standards fundamentally. There was some feedback asking for us to be more prescriptive in respect of quality, but we want to be clear that we set outcomes-based standards and will not be advising RPs on what they have to do to be compliant. The proposed changes are mainly to the Code of Practice. We have made some changes, where we considered it appropriate, to add reference to prospective tenants. We received a number of comments on mutual exchange but as this is an area we are directed on we have not made any changes. We had some feedback on local co-operation between LAs and PRPs and we are stressing the importance of establishing good cross working in our sector comms.

39/01/24 Members asked questions of AF and MS on the following areas:

- *Prospective tenants* – AF explained that we have included this in response to the consultation feedback, so landlords consider the needs of prospective tenants.

- *Anti-Social Behaviour (ASB)/domestic abuse* – AF advised that we were asked by some respondents to better align our guidance with best practice in relation to domestic abuse. We looked at the focus on perpetrator vs victim and feel we have got the balance right with keeping the focus on landlords rather than us as a regulator. There was a challenge on the outcomes for incidents of hate crimes, as hate crimes are included in the title but not the required outcome or all specific expectations. AF AGREED to take this point away and review to provide clarity between ASB and hate incidents.
- *Personal data/data privacy*: in response to a query on how data on individuals will be managed, ERT advised that this will not be any different to how we currently manage personal data which is clearly set out in our privacy statements on our website. DPIAC training is provided to all staff.
- *Complaints/link to Ombudsman*: the team were asked about the complaints process and references to the Ombudsman. AF advised that we have information on our website and Regulating the Standards (RTS) will provide all the necessary information for tenants on referrals and will include links to appropriate pages. The Standards will not carry the links but will reference the Code of Practice, which contains more information. The Code of Practice does point to the Ombudsman's complaints handling code and RPs are expected to consider these requirements.
- *Communication with respondents to consultation*: the team were asked whether there were any plans to reply to respondents to the consultation to thank them and flag how their feedback has resulted in changes to the standards. AF confirmed that the Decision Statement will be published and there will be a comms plan to registered providers and in trade press to highlight it and the need for the sector to comply with the standards. Tenants who signed up will also receive these comms. WP said that we could look at sending specific comms to those who have responded to highlight the publications.

AF/NS

40/01/24

The Chair thanked AF, MS and WP and took members to the recommendations in the paper:

iv. The Board:

- REVIEWED the annexed set of documentation, including:
  - the draft consumer standards consultation decision statement (DS) (Annex 1 to this pack),
  - the draft consumer standards and Code of Practice (Annexes 2 and 3 to this pack),
  - the draft Regulatory Impact Assessment, draft Equality Impact Assessment, numerical analysis of individual question responses, and names of consenting respondents (Annexes 4-7 of this pack), and
  - subject to the delegation below, and to consideration being given to the section on ASB/hate incidents, APPROVED the content of the above..

v. and

- AGREED to delegate authority to any of the Chief Executive, Deputy Chief Executive and Chief of Regulatory Engagement to make any final amendments to the documentation listed above, including decisions in relation to any final direction from the Secretary of State on tenants' rights, and to approve and publish the final

package of documentation (noting that the consumer standards and Code of Practice will come into force on 1 April 2024).

### 13 Corporate Plan

41/01/24 SP and CW joined for the discussion on the Corporate Plan presented by JB. The board was being asked to consider the outline of the plan which set out some more detail on the content, and in particular to focus on:

- **Section 3: context we work in:** seeking feedback on the completeness of the list provided, as well as a steer on elements to emphasise.
- **Section 4: what we do:** feedback on the draft strategic objectives.
- **Section 5: how we do it:** to feed back on the tone of the text and its appropriateness.

42/01/24 Members provided some feedback.

46/01/24 The Chair thanked members for their input and JB advised that the next steps will be to incorporate these comments and bring a final draft back to the Board in February. If approved, it will be presented to DLUHC at the end of February before it is handed over to Officials for clearance, with a hope that we can publish in April 2024. The Chair requested that, if possible, the document is shared with members prior to the February board pack going out, to give them a bit more time to consider the final draft before the meeting.

### 14 Any Other Business

47/01/24 There was no other business to discuss.

### 15 Review of papers

48/01/24 Papers were informative and good standard as usual; it was particularly helpful to have the operational updates included in the CEO slide pack.

**Date of next meeting: 20 February 2024.**