

This is my update from the last meeting of the Regulatory Board for Wales (RBW). The information is likely to be of wide interest so I hope you will ensure it is widely circulated within your organisation and to your key stakeholders, including tenants.

The fourth meeting of the RBW was held on 29 March at Wales & West Housing's new offices in Llanishen, Cardiff. Many thanks to Wales & West for their generous hospitality, as well as the interesting and inspiring presentation and discussion about what's unique about them as a business.

High on the Board's agenda were reflections on the Public Accounts Committee (PAC) sessions as part of its inquiry into the regulation of housing associations in Wales. The Board was particularly pleased to note that accountability and transparency has emerged as a theme and wants to encourage all housing associations to openly and honestly share information with their tenants and other stakeholders. We felt this to be important in the context of regulatory judgments and for the lessons to be learned from when things go wrong.

Learning the lessons from complex/difficult cases has been a key concern for the Board since we started and has also emerged as a theme of PAC. Confidentiality of regulatory matters has often been a barrier to open sharing of these lessons. The Board endorsed a proposal from the Regulatory Advisory Group (RAG) that, as part of the new Regulatory Judgement Framework, lessons learned should be published in all cases where 'Intervention' or 'Statutory Action' judgements apply. For historic cases pre dating the new Judgement Framework, the Board is keen to encourage housing associations to share lessons on a voluntary basis, as Family Housing Association has over recent months. Sharing on a voluntary basis will also be encouraged in other new cases where useful learning has emerged. The Regulation Team will work with sector organisations such as CHC and CIH Cymru to disseminate lessons as widely as possible.

The changes in the Regulatory Framework with the focus on Board responsibility and autonomy, combined with the regulatory reforms required to deal with reclassification, have highlighted the importance of co-regulation and the open sharing of information between housing associations and the Regulation Team. The Board felt that this changed environment raises the need to revisit the topic of notifiable events – those events which are of sufficient importance that they must be reported to the Regulation Team. This will be part of the regulation workplan for the current year.

My last briefing set out our plans to make changes to ensure a more effective and diverse voice for tenants in regulation. Tenants have told us that they would like more information on what's being proposed. I attach to this briefing the interesting proposals from TPAS Cymru which the Board considered in December in reaching our decision to make these important changes. The Board is clear on the importance of ensuring that this new approach delivers and has set up a "Making it Work" group, to closely scrutinise implementation and outcomes, which I am chairing (*TPAS proposals attached*).

The Board noted that the sector risk paper is currently being updated for publication in April/May. A key emerging risk to housing associations is the impact of welfare reform – in particular the impact on some associations of the local housing allowance (LHA) cap. The Board stressed the importance for all housing associations to understand the potential impact for their organization, using appropriate stress testing and developing plans to mitigate the impact. Some organisations are well

advanced in considering this matter but others have much work to do. Do you know the potential impact for your association? And what you intend to do about it?

I've always banged the drum about the importance of good governance and I'm really pleased that this year we will be carrying out a governance progress report. The Board wants this to be a real practical piece of work, involving the sector and other key experts. It will hope to build an accurate picture of the quality of governance in the sector, providing evidence to help inform CHC's review of its Code of Governance, governance support and training for the sector. The work will be overseen by a steering group which will include sector representatives. I'm really looking forward to being involved in the work of the group.

We'll be using the same broad approach to this review as was used for the Value for Money (VFM) review. A progress report on VFM was published in March (<http://gov.wales/docs/desh/publications/170301-value-for-money-progress-report-feb-2017-en.pdf>). This sets out a number of recommendations and expectations for the sector, individual housing associations and for the regulator. I hope your Board has considered how your organisation will be responding to the findings and to the regulator's expectations.

The Board considered our priorities for regulation over the coming year. Top of the list is getting the sector back into the private sector so that its vital work of providing new homes can continue. Other priorities include continuing our work on VFM, our governance review, ensuring that every housing association receives an annual regulatory judgement and making sure that the tenant's voice is heard loud and clear in regulation. We also want to encourage associations to make sure they are fit for future challenges through robust stress testing and harnessing the power of data, for the regulator, all housing associations, their tenants and other key stakeholders.

Finally, the Board said a very big thank you to Gayna Jones at her last meeting with the RBW. Gayna has served on the Board since 2010 and her input and hard work has been pivotal in keeping regulation on track through those years. I feel that Gayna has left the Board with a great inheritance on which to build for the future.



Helen White (Chair)
Regulatory Board for Wales

Tenants and RBW

1 OVERVIEW

TPAS Cymru has been selected by Welsh Government to provide Tenant Participation services across Wales for the next 2 years. We were asked to support TAP. Having talked to stakeholders inc Regulatory team and after observing the current re-launch presentations and recruitment efforts, we wish to suggest an alternative model of tenant engagement with RBW for their consideration.

2 ALTERNATIVE MODEL - UTILISING THE POWER OF EXISTING 'TENANTS VOICE'

TPAS Cymru has a number of unique strengths that can be utilised to meet the objectives for tenant voice in developing RBW policy.

- 1) We have powerful face-to-face networks and events supported by a database of tenants across Wales. These are impressive and underused regarding regulation development. Current networks events take place across North, South and West Wales and include separate tenant network, disability network, service users, officers, digital communicators etc. We also have well attended events for Scrutiny, Value for money etc across Wales.
- 2) A newly developed 'Tenant Pulse' panel of tenants who wish to participate digitally in surveys, give feedback and contribute in their own time without attending committees that do not perform. (A point also made by Cabinet Secretary Carl Sargeant recently at CHC conference).
- 3) We have well developed social media and email channels which engage tenants and tenant officers across Wales. This can be used to increase feedback.

3 WHY WE NEED TO USE THESE TENANT VOICE CHANNELS

The sector needs clear line of sight as to what issues the Regulatory Board want tenant input on.

If this is clearly set out, TPAS Cymru can then advise and select the most appropriate channels and events to get that tenant voice heard. We need to get quantitative and qualitative insight.

For instance, if RBW wish to know how tenants with disabilities feel about an aspect of regulation, we would take it to the Disability Network. These are very well attended events (held across South, West and North Wales) with over 80 tenants with a wide range of disabilities. We capture insight including video output at these events. Each tenant is often attending on behalf of wider disability groups within their own RSL or community. They're better positioned to give a view than a small group of expert-tenants.

Similarly, we have well attended events for Regulation updates, Scrutiny and Value for Money. This is where we would like to see RBW /WG representatives attending, to engage with tenants or TPAS Cymru facilitating research and insight.

For example, 3 weeks ago we had 34 of the most experienced Tenant Scrutiny people in a room for a Masterclass – if you want the views of Scrutiny effectiveness and its weaknesses – that is the place to get it. Was a very frank, open and productive day. We have events coming up for Value for Money.

In post-ONS world, we will be holding a number of events to inform and engage tenants on what it means and are co-producing a tenant participation standard to support the new regulatory framework. Again this will open up opportunities for upward and downward communication with RBW.

If RBW is looking at subjects that have no obvious network or events coming up, we would analyse the objectives and organise the most effective way of seeking that tenant voice. It could be special events, utilising the Tenant Pulse Network or going out to tenant consultation using methods that are inclusive and engaging like email, social media and video.

Our events and networks also include tenants of Local Authorities, and we're creating events and Tenant Pulse participants from Private Rental Sector who'll add an even wider perspective

We would also like to utilise guest blogs for our channels from RBW members and hold fringe meetings at Conference for RBW to set out their objectives and get tenant support.

4 SO WHAT ABOUT PROACTIVE INPUT?

We propose a sounding board that will be constantly listening to themes and concerns that emerge from our tenant participation work. TPAS staff and Board would be tasked to regularly gain feedback via their face to face events, visits to landlords and tenant groups and utilise tenant pulse network to clarify and refine the insight. This insight would then be proactively fed into RBW via a small editorial team based around the tenants on TPAS Board.

We don't envisage a role initially for physical recruitment of tenant champions (like previous TAP structure) but we would review regularly with RBW/WG to see if we need a limited set of tenant champions to act more independently commissioning, collating and understand the insight that the tenant channels are telling us. If it was needed, we would facilitate its creation.

David Wilton
Director, TPAS Cymru