

Regulation Committee Meeting 22

Minutes

March 21st, 2018.



Date	21 st March 2018
Venue	Housing Agency, Mount Street Upper
Time	11.00am – 1.00pm
Chaired by	Mary Lee Rhodes (M.L.R.)
Committee Members Present	Ronan Heavey (R.H.), Eddie Lewis (E.L.), Michael Cameron (M.C.), Donal McManus (Dmcm), David Smith (D.S)
In attendance	Susanna Lyons (S.L.) (Head of Regulation, Regulation Office, Housing Agency), Jenny Murphy (J.M.) (Secretary to the Committee, Regulation Office, Housing Agency)

Agenda Items

1. Apologies

- Oonagh Breen and Margaret Geraghty sent apologies.

2. Declaration of Interest

- No declarations were made.

3. Matters Arising

- The Chair informed members that Gerry Hunt has stepped down from the Committee. She thanked him for his contribution to the work of the iRC over his tenure as a member.

Part 1 – Consent Agenda Items

4. a. Minutes

- b. Assessment Update
- c. Engagement Update
- d. Head of Regulation Report – removed from Consent Agenda
- e. Proposed dates IRC meetings – September & November

Outcome

- 1. Consent Agenda items, apart from Head of Regulation Report, agreed by Committee.

Action

- 2. Secretary to circulate potential dates for iRC meetings in September and November.

Part 2 – Items for Discussion

4d. Head of Regulation Report

Head of Regulation report removed from Consent Agenda items, listed above, in order to discuss the key issue of resources highlighted within the report.

S.L. advised the Committee that Clare Naughton, the Governance and Assessment Manager, would be leaving her post in April. On review of the skills, expertise and workload requirements

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within the Regulation Office, the post has been realigned to 'Assessment and Registration Manager'. A proposal for a replacement has been submitted to the Department and the Regulation Office awaits approval.

- Discussion focused on the fact that it is critical for the Regulation Office to deliver on key areas of work, namely the assessment cycle, and the oversight of this cycle is a significant piece of work.
- The Committee agreed that this is an extremely urgent issue and it further highlights a key risk to the iRC and the Regulation Office due to the temporary nature of employment contracts.

IRC Strategy Day Outcomes & Next Steps

5. IRC Strategy Day

a) Key outcomes

b) Draft letter to the department of Housing

S.L. outlined key outcomes and observations from the Strategy Day held on February 15th, 2018. These outcomes and observations have been included in a draft letter which has been circulated to Committee members for comment, with a view to submitting to the Department.

- The iRC acknowledged that it is not within its remit to advise the Department on the issue of classification. The issue was briefly discussed from the perspective of any potential impact it may have on legislation.
- The Committee discussed the draft letter, noting its length and that this had the potential to dilute key messages.
- It was agreed that highlighting the key concerns of the Committee, the risks facing the Regulation Office operating under a Voluntary Regulation Code with no statutory powers, and asking to engage with the Department in order to progress the role of the iRC and the Regulation Office would be more beneficial.
- It was agreed that the letter would be redrafted and should be more succinct in order to place greater emphasis on key areas and that it would be circulated to Committee members for review.

Action

3. Reduce length of letter, providing overview of key areas.
4. Circulate to Committee members.

6. Legislation/ Eurostat Decision – Department update

D.S provided the Committee with an update on key work areas. Work is ongoing with the Parliamentary Council to address outstanding drafting issues with the legislation. Ongoing discussions are also occurring within the Department with a view to bringing it to a conclusion and submitting to government.

The Department is also working to establish an inter-departmental working group to review the decision by Eurostat. Terms of reference are currently being drafted and engagement with the sector will occur when the group is established.

- The Committee discussed the updates of these two areas, noting that the Department are treating them both as separate concerns.
- The Committee reflected on the process of classification in UK jurisdictions, recognising that classification occurred there under different criteria.
- Members reflected on the practical implications of the decision on the operations of AHBs and the context within which the regulatory framework is operating.
- The framework is operating well and there has been significant work completed to date by the sector, the Regulation Office and the Department.
- At this point, the Regulation Office continues to operate the Code for AHBs that want to be eligible for state funding and the regulatory framework will continue on that basis.

7. Proposal for 'Regulatory Framework' where Regulation remains without statutory powers for 1-3 years

The Regulation Office drafted a proposal to build upon the existing regulatory framework where legislation and a statutory framework may not be in place in the immediate future due to external issues that are being addressed. This has been drafted with a view to submitting to the Department for consideration.

The proposal recognises the advances of the Code since it was launched in 2013 and that the framework has been enhanced and aligned with the eligibility of organisations to access funding. It includes suggested considerations for the Department, including a review of Circular 15/2016 and the establishment of a Regulatory Oversight Committee with an expanded 'Terms of Reference', and proposes recommendations to strengthen the existing framework in the absence of legislation.

- The Committee welcomed the proposal, acknowledging the work and deliberation that had gone into its drafting.
- Committee members felt it was a sensible approach to remain closely linked with the access to funding and to expand the framework further, particularly in light of earlier discussions regarding the operation of the Code in the absence of statutory powers.
- Questions were raised regarding a couple of items included in the proposal such as the suggestion to remove the word 'voluntary' from the Code. This was suggested in order to provide more permanence. However, the Committee did not believe that this was appropriate and it was agreed that the word voluntary should remain in place.
- It was suggested that the proposal could be incorporated into a 'transition process proposal' for the Department.

Action/ Outcome

5. Further discussion of how best to proceed in relation to the ongoing work of the Committee and the need for a transition process will be added to the agenda in future meetings.

Performance and Operations

8. 2018 Regulation Office Plan

S.L. presented the Regulation Office work plan and key objectives for 2018. Key areas of work were highlighted and it was noted that there is potential impact on the timeframe for some of the Regulation Office's objectives in light of the resourcing issue discussed earlier in the meeting.

9. At Risk Organisation – Review required

S.L. provided the Committee with some key concerns that have emerged throughout the engagement process with an AHB. S.L. noted that a draft report has been issued to the organisation and a meeting with the Board occurred, at which the members present accepted the findings. A final report was then issued. The Regulation Office recommended that the Department is formally notified about the organisation.

- The Committee acknowledged the potential impact on the credibility of the Regulation Office by not taking action. However, it was also highlighted that the iRC and the Regulation Office are exposed in this regard, as discussed earlier.
- It was agreed that the Minister and the Department should be informed as soon as possible, clearly identifying in correspondence any other body that is being informed. Local authority areas of operation should also be specified.
- In addition, it was agreed that any other relevant bodies should also be informed. The Committee asked that the Regulation Office determine the protocols involved with making a complaint to the Office of the Director of Corporate Enforcement (ODCE) and inform the Committee of the protocol. The Committee should also be informed of the action the Regulation Office will take.

Action/ Outcome

6. Report to the Department and Minister specifying local authority areas of operation and clearly identifying any other bodies that are being informed.
7. The Regulation Office to determine the protocols involved in making a complaint about an organisation with the ODCE and inform the iRC.
8. Inform the iRC of the action the Regulation Office will take.

The next iRC meeting is scheduled for Thursday, April 26th.