

Regulation Committee Meeting 23

Minutes

April 26th, 2018



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| Date | 26 th April, 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) |
| 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, Margaret Geraghty and David Smith sent apologies.

2. Declaration of Interest

- No declarations of interest were made.

3. Matters Arising

- No matters arising.

Part 1 – Consent Agenda Items

4. a. Minutes

- b. Assessment Update
- c. Head of Regulation Report
- d. Overview of Forecasted Unit Growth

Outcome

1. Consent Agenda items, except for Head of Regulation Report, agreed by Committee.

Part 2 – Items for Discussion

4c. Head of Regulation Report

Head of Regulation report removed from Consent Agenda items, listed above, as Committee Members had specific questions regarding elements contained within the report.

S.L. met with the Charities Regulatory Authority on the 11th April 2018 to review AHBs where a concern had been raised. The CRA had requested additional information and the Regulation Office was awaiting legal clarification.

- The Committee requested clarification on legal clarification mentioned and what this was in relation to. S.L. explained that the CRA had asked for additional information and that the Regulation Office requested the relevant legislative provision in the Charities Act that would allow the Regulation Office to share this information.

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In addition, the Head of Regulation report highlighted that the Regulation Office intends to implement a risk register, accompanied by a risk management policy. It is expected to be in place by Q3 2018. The Committee asked that this is discussed further. S.L. explained that the Regulation Office has been asked to compile the risks to the Office and that the high-level risks will then be included on the Housing Agency's risk register.

5. Department Update/ Feedback

Following the discussion at the iRC meeting in March, amendments were made to the letter which was issued to the Department on the 12th April 2018. No response has been received to date.

There has been no other update provided on other areas since the last meeting in March.

6. IRC Governance Review

a) iRC protocols (Apr 2014)

b) Scheme of Delegations (Jan 2015)

The iRC Protocol and the Scheme of Delegations have been in place for a number of years without review. The Regulation Office recommended that these documents are reviewed, updated and approved by the iRC.

The Protocol establishes terms for how the functions and duties of the iRC will be exercised within the Housing Agency. The Committee discussed the protocol agreeing that it required updating in areas.

- The protocol required an update in relation to advances that have occurred since this was approved. It should be updated to include reference to the Financial Standard, the Governance Standard and the Performance Standard.
- It should also reference circular 15/2016 and its implications for funding eligibility.
- The Section on sharing of information and data was also discussed and it was agreed that this requires expansion. This could be updated to include sharing information with other regulators, consistent with data protection legislation.
- It was noted that there is a new AHB unit in the Housing Agency that has been established since the protocol was originally drafted and approved. The Committee discussed the potential of including reference to information exchange between AHB Services and the Regulation Office, subject to data protection legislation and restrictions.

The Scheme of Delegations was approved in January 2015 and set out the key functions and delegated responsibility for the iRC and the Regulation Office.

- The use of language in the Scheme was discussed.
 - The word executive is used extensively throughout the document and it was agreed that this was too imprecise. The iRC delegates to the Head of Regulation who (may) then delegate to a member of the Regulation Office.

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- It is included that the iRC have a right of review where the Regulation Office has made a formal recommendation to the Department regarding an AHB. It was agreed that this appears unusual as delegation to the Head of Regulation has already occurred.
- As with the Protocol, sharing of information with other public bodies is included in the Scheme. It was agreed to expand this to include sharing data with other regulators in line with existing data protection legislation. The iRC acknowledge that we may need to inform AHBs if data is going to be shared with another entity.
- The Committee discussed the provisions for establishment of a nominated sub-committee set out in the Scheme of Delegations. It was agreed that establishing an ad-hoc sub-committee to oversee the engagement process could help to manage potential conflict of interests as they arise. The sub-committee could oversee some of the more operational areas that the iRC have become involved in.
- The Committee agreed that at times, meetings are delving into operational matters that were never envisaged at the outset. It was agreed that establishing a sub-committee, as mentioned above, could mitigate any potential conflict of interest.

Action

2. Regulation Office to make amendments to Protocol and Scheme of Delegations and bring to next meeting.

7. Engagement Update, including at risk organisations

S.L. provided the Committee with an update regarding the 'At Risk' organisation that had been brought to the Committee's attention at the last iRC meeting in March.

As was agreed at that meeting, the Regulation Office has informed the Minister and Department, has raised a concern with both the Charities Regulatory Authority and the Office of the Director of Corporate Enforcement and has informed the HSE.

- The Regulation Office has received acknowledgement from other organisations that have been informed, however, the Department has not provided acknowledgement to date and so it is unclear what steps are being taken.
- The Committee agreed that it is advising under its remit and that it is being delayed in carrying out its specific function.
- It was agreed that there are clear credibility issues if the opinion of the iRC is not considered and if the key sanction is not applied.
- It was also highlighted that the engagement process works. While it may be a resources intensive process, it is effective as evidenced from the organisations that have come out of engagement during this assessment cycle.

Action

3. Communicate further with the Department to determine if funding eligibility has been impacted following the correspondence from the Regulation Office.

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8. IRC Additional meeting dates 2018 – poll circulated.

Poll has been circulated to Committee members and several people have already indicated availability. Secretary to circulate the final dates.

Action/ Outcome

4. Secretary to circulate final dates to Committee Members for meetings through 2018.

The next iRC meeting is scheduled for Thursday, June 28th.