

An tÚdarás Rialála Comhlachtaí  
Titheochta Ceadaithe

Approved Housing Bodies  
Regulatory Authority



# AHBRA

# Assessment Policy

Policy Document – July 2023

[ahbregulator.ie](http://ahbregulator.ie)

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# AHBRA Assessment Policy

## Introduction

### Context

#### The Role of AHBRA

The Approved Housing Bodies Regulatory Authority (“AHBRA”) was established under the Housing (Regulation of Approved Housing Bodies) Act 2019 (“the Act”). The Act provides for the regulation of Approved Housing Bodies (AHBs) for the purposes of protecting housing assets provided or managed by such bodies. It seeks to support stronger governance, financial management and reporting, property and asset management, and tenancy management by AHBs, with a focus on safeguarding the significant public investment being made in the delivery of social housing by AHBs.

#### AHBRA’s Legal Remit

Section 9 of the Act sets out AHBRA’s functions including monitoring and assessing compliance by AHBs with the Act and the approved Standards. Section 37 of the Act sets out AHBRA’s responsibility for the drafting of standards and publishing approved standards in relation to the following:

- (a) the governance of AHBs,
- (b) the financial management of, and financial reporting by, AHBs,
- (c) property and asset management by AHBs, and
- (d) tenancy management by AHBs.

Section 38 of the Act sets out AHBRA’s remit in relation to the making of a standards assessment, where AHBRA may for the purpose of monitoring compliance with the approved standards, conduct a standards assessment of compliance by an AHB with the approved standards.

#### Purpose of Policy

The purpose of this policy document is to set out AHBRA’s approach to conducting a standards assessment where an individual AHB’s compliance against the Standards is evaluated and reported on.

#### Scope

This policy applies to AHBRA’s assessment framework and the process for assessing an AHB’s compliance with the approved Standards. This policy does not extend to the annual monitoring programme.

## **AHBRA's Assessment Framework**

### **The Standards for AHBs**

The Standards for AHBs establish a set of outcomes that AHBs are required to achieve. The outcomes-based standards allow for flexibility and a recognition of the diversity within the AHB sector. AHBs are required to demonstrate and evidence their compliance against the approved standards, recognising that AHBs have different deliverables and business models based on their nature, scale, and the complexities of activities. You can access the Standards for AHBs [here](#).

### **AHBRA's Approach**

AHBRA is implementing a risk-based assessment framework. Risk-based regulation ensures that AHBRA's regulatory approach is appropriate, measured, and proportionate. It also enables AHBRA to focus on important risks and to have different levels of engagement with individual AHBs depending on their risk profile. Additionally, risk-based regulation enables the effective use of AHBRA's resources.

### **AHBRA's Assessment Programme**

AHBRA's assessment programme will be conducted on a continuous basis throughout the year. AHBRA uses judgement sampling which is aligned to its risk-based approach.

When selecting AHBs for assessment AHBRA considers several factors, including:

- Risk profile of the AHB, including size and future growth plans.
- Notifiable events and/or concerns received.
- Information provided in the annual monitoring programme.
- Random sampling of AHBs.
- Information received from other sources.

AHBRA reserves the right to assess an AHB at any time.

### **Notification Of Assessment**

AHBRA will issue a notice to each AHB that has been selected for assessment. The notice will include the purpose of the assessment and will specify the information to be provided to AHBRA including the submission deadline. The notice will also provide details on how this information must be submitted. The information will ordinarily be required to be provided to AHBRA in electronic form.

AHBRA will endeavour to provide sufficient time for AHBs to provide this information.

### **Accuracy of Information**

AHBs are reminded that it is an offence to knowingly or recklessly provide information to AHBRA that is false or misleading in a material respect, in relation to the assessment information and documentation. It is the responsibility of AHBs to ensure they provide accurate information to AHBRA.

### **Extension Request**

An AHB can apply, in writing, for an extension to the submission date that is included in the notice. AHBRA expects AHBs to notify it of any anticipated delays or request for an extension as soon as it comes to the organisation's attention. AHBRA will ordinarily require any extension request to be submitted at least five business days prior to the submission date included in the notice.

AHBs should set out the reasons for seeking an extension. These will be considered by AHBRA and may result in the submission date changing. AHBRA will notify the AHB of its decision relating to this extension application in a timely manner.

### **Approaches to Assessments**

AHBRA's assessment framework incorporates different approaches to assessment. AHBRA may conduct an in-depth assessment against all Standards. AHBs undergoing an in-depth assessment will be expected to both demonstrate and evidence compliance against all Standards.

AHBRA may also conduct targeted assessment of AHBs. AHBs undergoing a targeted assessment will be expected to demonstrate compliance against all standards, with supporting documentation/ evidence for specific standards. This approach enables the application of proportionate and risk-based regulation.

AHBRA retains the right to conduct an in-depth assessment at any time.

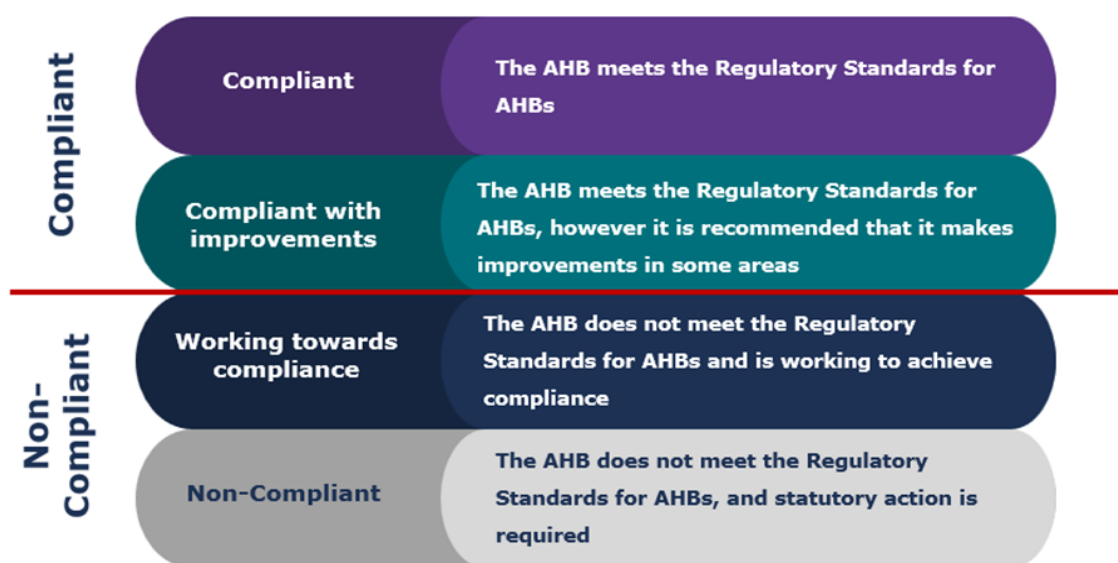
### **Conducting the Assessment**

AHBRA will conduct the standards assessment by reviewing the information provided by the AHB in compliance with the Notice of Assessment. AHBRA may also take into consideration any other relevant information available to it. Should AHBRA have any queries regarding the information provided or require clarification, it may contact the AHB during the assessment.

## Regulatory Report & Outcomes

When the information provided has been fully evaluated and assessed, AHBRA will issue a preliminary assessment report to the AHB in question. This report will set out AHBRA’s findings and recommendations as a result of the assessment and will include an overall regulatory outcome.

The following table sets out the four possible regulatory outcomes:



## Representations and Extension

AHBs will be provided with the opportunity to make representations, in writing, to AHBRA on the preliminary assessment report. Any representations made by the AHB will be considered by AHBRA before the final report is issued to the AHB.

An AHB can apply, in writing, for an extension to the timeframe for the provision of representations. This will be considered by AHBRA and may result in the timeframe for representations changing. AHBRA will notify the AHB of its decision relating to any extension application in a timely manner.

## Compliant Outcome and Frequency of Engagement

Following issuance of the final report and regulatory outcome of “compliant,” AHBRA will consider the appropriate level of regulatory oversight and the frequency of engagement with individual AHBs. When determining the appropriate level of regulatory oversight, AHBRA will consider any additional information received from

the AHB or via notifiable events or concerns. This will vary from organisation to organisation and may be subject to change where further information is brought to AHBRA's attention.

### **Non-Compliant Regulatory Outcomes**

There are two non-compliant regulatory outcomes. Where an AHB is found to be non-compliant with the Standard(s) and has provided satisfactory evidence that there are measures in hand or proposed to be taken to reach compliance, AHBRA may determine that the organisation is working towards compliance.

Evidence could include an internal action plan and/or an action plan with another regulator or a funder clearly outlining the actions, ownership, and timelines. Where an AHB receives this regulatory outcome, AHBRA will proactively engage with the organisation to ensure the areas of non-compliance are being adequately addressed within the timeframes outlined.

If AHBRA finds that the AHB does not meet one or more of the Standards and there is no evidence or insufficient evidence of the AHB working towards compliance, the assessment report will indicate a non-compliant outcome. There will be further engagement with any AHB with this regulatory outcome and AHBRA will determine the appropriate regulatory and statutory action.

Such statutory action may include:

- Initiate an in-depth assessment<sup>1</sup>.
- Initiate Compliance Plan as set out in section 39 of the Act.
- Initiate an Investigation as set out in sections 45 and 46 of the Act.
- Initiate High Court application as set out in section 54 of the Act.
- Initiate cancellation of registration on specified grounds as set out in section 58 of the Act.

It should be noted that AHBRA may initiate an investigation, a High Court application or the cancellation of registration as set out in Section 58, at any time outside of the assessment programme, as appropriate.

### **Failure to Comply with Assessment Requirements**

AHBs are legally obliged by section 38(4) of the Act to comply with the notice of assessment including the requirement to submit the specified information by the date included in the notice or any agreed extension, if applicable.

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<sup>1</sup> Only relevant for those who had a targeted assessment.

Where an AHB does not comply with the notice of assessment AHBRA will use all relevant powers and provisions in line with the Act to ensure that it has an appropriate level of assurance and oversight in relation to the AHB, including consideration of an investigation if necessary.

### **Publication of Outcomes**

AHBRA reserves the right to publish individual AHB's regulatory outcomes, if appropriate.

Where AHBRA finds an AHB non-compliant following an assessment and enters an organisation into a Compliance Plan, certain entries will be made and published on the Register depending on the response from the AHB:

- a. Where an AHB submits a Compliance Plan which is approved by AHBRA, an entry will be made on the Register noting that the Compliance Plan has been approved and summary details of measures taken or proposed to be taken by the AHB under the plan will also be included.
- b. Where an AHB fails to submit a Compliance Plan, or submits a Compliance Plan that AHBRA rejects, then AHBRA may issue a Notice of Non-Compliance, and this will be entered on the Register including details (in summary form) of the approved Standard in respect of which the notice was given.
- c. Where an AHB fails to implement an approved Compliance Plan appropriately, following the procedures set out in the Act and allowing for appeals, AHBRA may issue a Notice of Non-Implementation. The Notice of Non-Implementation will also be entered on the Register and include summary details about the specific Standard.

### **Freedom of Information**

AHBRA is subject to the Freedom of Information Act 2014. If AHBRA receives a request for information relating to the Assessment Programme, AHBRA will consult with the relevant AHB(s) to consider commercial sensitivity and other factors before deciding on any FOI request.



## **Policy Approval and Review**

This policy will be reviewed after 2 years from the effective date (or sooner if required), and every year thereafter. It is the responsibility of the Policy Author to ensure that this document is reviewed and updated, or more frequently where changes to policies or procedures have a material effect on this document.