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A discussion paper

Co-Governance

"integrating service users and their experience into the governance of their service providers or commissioners"

Capacity building of service commissioners, providers and users to develop co-governance

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Table of contents

This paper is based on paper-based research, and two Workshops. It is structured as follows.

1. Introduction	4
2. What we mean by co-governance	
i. how it applies to individual enterprises and inter-agency collaboration	5
ii. adding to existing knowledge and understanding	6
3. Why co-governance matters	8
4. Initial contact and conclusions	11
5. Issues identified in Workshop discussions	
i. Attributes, Activities and Outcomes relating to successful co-governance	13
6. Developing co-governance	
i. Co-governance – beyond board membership	15
ii. Tenants' perspectives	16
iii. Staff perspectives	16
7. Co-governance risk, barriers and benefits	17
8. Conclusions	21

About the author

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He has experience as a Board Member of Shelter; individual and groups of RSLs and care providers; and as an Expert Adviser to the Judges of the Gold Award for Excellence in Housing for Community Empowerment and Community Cohesion, sponsored by the key Government and Non-Governmental Bodies responsible for English Social Housing.

He has facilitated new approaches to governance in the social housing sector for landlords large and small. Work on strategic stakeholder management with local authorities, care providers, environmental organisations, and charities provide an insight into the issues which confront these organisations in the development of service user involvement in decision making. Patrick has also worked with tenants and residents in over 100 locations in Wales and England, where changes to the ownership and/or management of their homes are being developed.

All of this work has required facilitation of mixed groups of Executive Team members, service users and Board members, to reach shared perceptions and expectations and the associated structures that are needed to focus the culture required for effective co-governance.



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Introduction

The work to develop this paper was funded by Welsh Government's New Ideas Fund to develop an understanding of current thinking about co-governance - what it means, and how it has and could be developed amongst agencies and institutions which deliver support services to common users in local communities.

The Welsh Government and the statutory sector has a fundamental interest in understanding the need for such capacity building and support, both on a macro level in relation to enterprise and service provision, as the key sponsor and long term funder of organisations, and / or as the providers or commissioners of services.

The work under-pinning this paper comprised responses to a paper based questionnaire, delivered to organisations that are involved in the delivery of personal and social services in the public and not for profit sectors across Wales, and also two workshops for tenants and their social housing providers. The latter were self-selecting.

What we mean by co-governance

Governance is not concerned with the running of an organisation per se – it is not managerial, but is about how an enterprise:

- sets the parameters for an organisation's values and ethos, and thus expectations in terms of behaviour, priorities, and accountability for its actions to those who are affected by them
- establishes the overall direction, strategy, performance expectations and means of evaluating these
- promotes and satisfies the reasonable expectations of service users and the wider community for accountability, beyond the boundary of the organisation
- over-see the Executive
- complies with key regulatory requirements, which may be set internally and / or by external parties
- maintains viability and maximises the use of resources to fulfil its objectives.

These are the responsibilities of the Board, supported by their Executive Team.

In this context, co-governance operates on two levels, both of which have service users at their core:

- where multiple agencies are delivering services to common users or communities – how these agencies and users come together with those communities to develop shared visions and strategies to shape their delivery
- for individual organisations, how co-governance could develop by promoting service user influence over governance, which is traditionally the preserve of Executive Teams and Boards.

Individual organisations

The most notable recent Welsh example of potential co-governance is the creation of new Registered Social Landlords (RSLs), which offer shareholding membership to their service users (tenants), and have places on their Boards reserved for them. These enterprises are creating dynamic structures to develop the relationship between their shareholders and Boards.

There are expectations of the third sector to bid for and deliver public services; there is a policy priority which the Welsh Government has placed on the development of wider social enterprise across the economy.

Inter-agency operations

Co-governance embraces the need for providers to look at their organisations and strategies as they relate to each other – to identify duplication, gaps and potential benefits available as a result of sharing locations, priorities for provision and ways of evaluating outcomes.

Traditionally, where agencies have wanted to join together to achieve specific objectives, partnerships have been formed, or (in the case of RSLs, especially in England) a parent body and subsidiaries providing different but associated services – for example, housing and care.

There have been “forced” partnerships – for example, the procurement of Social Housing Grant to support the building of new homes by RSLs. The outcomes of these have been variable, from being sole purpose vehicle for bidding and maximising spend, to wider procurement activities relating to, for example, commissioning of repairs and purchase of goods and services.

The Communities First partnerships have supported the development of community based priorities to be addressed by dedicated funding alongside the resources of existing providers. The current re-organisation of Communities First into larger, and fewer neighbourhoods is causing concern that their local nature and accountability to local communities may be diluted.

Adding to existing knowledge and understanding

There are many examples of service user consultation carried out by providers, triggered by:

- service user advocates and / or groups of users who wish to make a specific point about services and delivery
- a need to understand and address the priorities of communities of interest and / or geography
- the specific requirements of their statutory and charitable funders, inspectors and regulators.

In some sectors there are requirements to include service users within governance structures – for example, parent governors in schools, students in Further and Higher Education, Board members of some RSLs who are tenants. This moves involvement beyond simply being informed and consulted on services and service priorities, towards regular and effective participation in decision making as an equal.

There is existing knowledge of the principles of this within the co-operative movement, and some social enterprises – these organisations have the role of their member owners built in to their constitutions from the outset. The challenges for established enterprises, which were not originally set up in this way are quite different - to adapt and manage the change needed to involve service users in decision making.

Most services have some kind of user group – but their role is usually external to the provider, and is often centred on raising and negotiating specific issues, as compared to long term, embedded involvement with the provider's strategic thinking and decision making. The Welsh Government Regulator's Tenant Advisory Panel attempts to engage service users at national, policy level.

In the public sector, the Welsh Government could promote the capacity of citizens to engage with, and influence how scarce resources are sourced, allocated and accounted for by their provider by bringing together willing groups of providers and users to explore what co-governance might mean for them in practice; and exploring the business case and the users' appetite for involvement of this type. This would also build on the role of service users as scrutinisers of strategic decisions, which has been adopted by some providers.

This paper sets out to explore what is required to build the capacity of both users and providers to make co-governance effective.

Why co-governance matters

The rationalisation of how public services are delivered is well under way – for example, health service reforms, the increasing activities in local government for shared platforms for service development and policy formulation, the re-alignment of Communities First, the rationalisation of the FE and HE sectors, and recent recommendations in the Humphreys Report, commissioned by the Welsh Government.

At the same time there is a desire and will to put citizens, service users and communities at the heart of the design, delivery and evaluation of publicly funded activities. In Wales, a strong tradition of solidarity and community action also feeds a belief that achieving these goals benefits individuals, communities and social well being.

Regulatory and inspection frameworks include assessments of the outcomes from the point of view of the service users; and organisational effectiveness and efficiencies which are delivered as a result. These move on (and away) from assessing effectiveness purely on the basis of target and performance data.

Co-governance offers an opportunity to raise citizen and community engagement to a much more significant level, through engagement in the fundamental principles and decisions which guide their service providers' key decisions.

This is increasingly important as technology's influence grows. A good example is the work currently being done on profiling households and their make up by RSLs and other service providers. The objective of this is to better understand their customers, collectively and individually, so that services and support can be effectively targeted, in much the same way as a supermarket holds customer data.

Developing the key decisions about the need for this information, the nature of the information gathered, how it is gathered and stored, its value in terms of outcomes for tenants and business efficiencies with whom it is shared, its veracity and currency, should all involve Board, staff and tenants alike.

RSL regulatory framework

The Welsh Government has developed a changed regulatory framework for RSLs. Focusing on good governance, viability and high quality services, its key attributes are:

- tenants, and those who wish to use RSL services being at the heart of all activities, including strategy
- a proportionate approach based on assessed risk
- transparency and openness
- learning and improvement.

The key features are:

- standards of performance (delivery outcomes)
- self assessment
- regulatory assessment
- financial viability assessment.

The interpretation of the key elements of this framework which most directly impact on service users – standards and self-assessment – is in large part down to each RSL to define for itself. The framework does suggest fundamental criteria, based on strong internal and external challenge:

- board ownership
- engagement of service users, residents, staff and external partners
- assessment based on outcomes for tenants, residents and service users
- evidence drawn from a wide range of internal and external sources
- focus on what matters most to tenants and service users and wider community outcomes
- effective improvement action
- strategic focus
- a living document and planning tool.

It is clear that co-governance, in both the senses defined above, needs to be given serious consideration in this context - based on citizen and community engagement in prioritising local strategies, which provide the right support, at the right time from social housing agencies and other sources, working together.

In this context, co-governance provides a highly practical counterpoint to the co-production approach adopted by the Welsh Government and trade/representative/research bodies to the development of policy in the housing sector.

Social enterprise

The importance of social enterprise (SE) in Wales's economic development has been well researched and documented; and is reflected in the significant investment that is being made by the Welsh Government and the EU.

Co-governance is fundamental to SE, be this around worker ownership of trading and business services enterprises, and/or those involved in delivery personal, social or community services using public or charitable funding. The importance of this is illustrated by the Welsh Government and EU's commitment of £8 million of funding to SE; and the initiative of the Welsh Co-op Centre in commissioning the development of constitutional models for SE and business succession, both of which will need to address co-governance issues.

The emphasis here will be on individual organisation governance.

Initial contact and conclusions

We sent seventy-six Welsh organisations in the social sector a questionnaire, inviting them to provide us with initial information (see below). These spanned local authorities, health, charities, and other not for profit providers, like housing associations and umbrella organisations.

Objective

The objective of this was to:

- establish the level of understanding amongst service providers about the subject
- offer providers the opportunity to respond and inform us about their activities, the benefits and barriers
- provide us with a benchmark from which to develop the second phase of workshops, involving both providers and users.

Response

The majority of replies came from the social housing sector. It was expected that housing would provide the highest response rate because active user involvement in governance issues are perceived as at the core of their framework. Housing associations, which have received the transfer of local authority housing stock, have a requirement to offer shareholding and Board membership to tenants written into their rules.

Other respondents included charities involved in mental health, whose core activities include promoting the capability and capacity of their clients fully to engage in society. One FE College also replied.

None of the replies directly addressed the issue of inter-agency co-governance between providers who share users.

Conclusions from initial consultation

None of the respondents questioned the appropriateness of co-governance for their activities, nor did they address the issue of inter-organisational governance.

Where there is a perceived expectation for user involvement in governance (e.g. through the regulatory and inspection processes in housing and education), or where an organisation's specific objectives are to promote users' interests (as in mental health and learning disabilities), there is commitment, and some examples of good practice. There is also a belief that involving users in governance enhances decision making, and decisions per se.

Perceived expectations have resulted in an increased focus on service user Board membership, which has crowded out exploration of other options for users to influence governance. In itself, this raises complex issues for Boards and individuals around "representation" of interests, and the legal

responsibilities that every Board member has to the business. Expectation does not guarantee a positive response, as it is not the most productive route to co-governance, not least because the need for a provider to create a business case for it becomes compliance, and is not necessarily focused on improvement in business efficiency or accountability.

For new, mutual housing organisations with tenant shareholders, there is a challenge in working through what being a mutual means for Boards, staff and users alike (these organisations' core staff are transferred from a Council, as are the tenants). Traditional RSLs that do not operate under the same rules present a very mixed picture of understanding and opportunity.

Service user involvement in governance requires that users' needs and aspirations of the service come first and are met. This is a pre-condition to building the trust required for co-governance to make a difference – what matters most to service users is that services work.

The evidence is that exploring the business case and different ways of delivering co-governance is necessary – if only to inform decisions about how to proceed, and to explore diverse practice and challenge assumptions.

Transfer associations of different ages, all with some degree of mutuality in their rules, are at different stages of development of their understanding of what this means structurally and practically - but all showed a strong commitment to the implications of their membership requirements. The initial evidence is that key benefits are emerging around increased efficiency and effective service design, delivery and evaluation, better informed strategic development and accountability to service users for the Board's actions.

The longer established national, regional and local RSLs are all active in their communities in terms of offering support (e.g. digital, financial inclusion; youth outreach), but are interested in different approaches to governance. Recent research by Beaufort for CHC confirms that, for RSLs, governance support is of the highest priority.

There is a potential fit between the emerging profile of social and not for profit enterprise, and the ways in which RSLs are developing their thinking.

Issues identified in workshop discussions

In June 2011, sixteen people from eight RSLs came together to develop the discussion. Three were traditional RSLs operating either locally or regionally, and four were Large Scale Voluntary Transfer associations, formed from the wholesale transfer of Council stock. Six of the participants were tenants, whereas staff were from the customer facing parts of their RSLs. The Welsh Local Government Association attended as an observer.

Attributes, Activities and Outcomes relating to successful co-governance

This section of the paper looks at what practitioners and service users see as being the pre-conditions to success. These are the views of tenants and staff who are close to the front line and, as such, represent a challenge to Executives and Boards.

Attributes

The emphasis here is about linking community and organisational governance to create a focus on place; a community or neighbourhood, not individuals or individual services. This implies community-defined objectives around which different service providers align and account for their priorities and activities, getting rid of costly duplication of activities, support structures, information gathering and technology.

Values, leadership, relationship management, ownership of decisions and decision making, and clarity of roles will all need to change to enable co-governance to look beyond individual organisations and out to common service users and communities. Together, communities and the organisations that serve them need to work out what it is that legitimises direct engagement in the community, and in governance.

Activities

In a formal sense, the relationship between governance, accountability and scrutiny of Board decisions need to be clear, with key questions – for example, does scrutiny take place before or after a decision has been made? In either case, how are the consequences identified and tracked?

Joint performance management within and between agencies is fundamental, meaning that reporting needs to be aligned to outcomes for customers and around how the agencies themselves progress.

Co-governance requires education (in the widest sense of the word) for all involved from community to Board level. Evidence suggests that core capacity building, and awareness raising works best when it is undertaken jointly by Boards, Exec, staff and service users working together –

for example, the Quality and Design Forums of the newer housing associations, the Forward Together Panel at Charter Housing.

Building two-way communication and feedback processes that are open, transparent and use relevant language and media, is fundamental, as are clear standards and criteria, that include values, overall direction and strategy, viability and probity.

Outcomes to aim for

The key outcomes in terms of how co-governance can demonstrably facilitate change revolves around sustainable decision making, change and the linking of capacity building, transparent information giving, and influence on strategy, and performance.

This means welcoming service users into the organisation, both physically and intellectually – many of the LSVT RSLs have created shared spaces for staff and residents within their buildings. For others with a wider geographic spread or a focus on (for example) young people, or where the focus is on communities who would not readily visit a workplace, approaches include sessions in cafes and other meeting places, mobile offices, Twitter, Facebook and websites.

It is vital that there is clarity about the Board's role and responsibilities, this is more important than the presence of "constituencies". LSVT Boards, with a split of 1/3 tenants, 1/3 Council nominees and 1/3 independents are at risk here.

There is a clear desire to see the composition of all RSL Boards in a more creative way; geared to the development and delivery of inter-agency strategies, which are integrated at this level. An example would be a Local Authority using its nominee places on an LSVT Board for individuals who may have direct responsibilities in health, community safety, social care and community development. Traditional RSLs are free to do this in any event and while many do involve individuals with this type of expertise, there is not the express intent to do so because it directly aids outcomes for identified communities.

Developing co-governance

In terms of supporting the development of Co-Governance, the following were seen as most important. They include “soft” and “hard” requirements. Despite the fact that all the traditional RSLs (and some of the LSVTs) involved have some experience of some kind of joint venture with others (e.g. Development/Procurement Consortia), no-one cited examples which referred directly to this experience.

The emphasis here is about sharing – information, capacity building, individual and team development. Managing expectations and building trust are also key. If they are developed at Board level, this new type of leadership has a direct impact on the likelihood of success. The best way to demonstrate this is by the Board being present as these events happen, with residents and staff.

The basic principles – strategy and planning that is led by community needs and a common set of information, demonstrating the business case through resident outcomes, achieving efficiencies and good governance – should be integrated and visible to all concerned. Where co-governance is developed in an inter-agency environment, there need to be transparent links around these principles that are recognised and valued by the parties involved.

Co-governance – beyond board membership

The Workshop also considered how engagement in governance and decision making could be extended beyond a traditional focus on Board membership. For the LSVTs, this is something that, because of their shareholding Membership arrangements, they have to address. The traditional RSLs are responding to this, as the influence of the LSVTs grows and tenants' expectations are raised, and responding to perceived expectations.

The importance of customer profiling – having a shared and agreed information base – was highlighted to help to identify on which geographic areas or communities of interest to focus. For example, there is often a correlation between poor properties, issues for and with tenants, and a lack of community well being. Combining this data with that of other service providers can provide a solid base for decisions about where to focus, and with whom.

Tenants' perspectives

Tenants emphasised the importance of working hard at the outset to help to shift preconceptions, perceived inequalities and the need for shared capacity building and skills development. There was also a focus on support to groups of tenants in terms of establishing roles and structures.

Recognition that co-governance means a change of mindset for all involved, from regulators through the service providers and including service users/tenants, should be the starting point.

What helps

It may be obvious, but it is important to recognise that people start from different positions and levels of knowledge. The principle of accepting people as they are, and working with them to support growth in confidence, overcoming resistance, building trust and creating an inclusive, non-judgemental environment are important. These things don't happen by accident – they need to be considered by those involved (or who may be interested in involvement) and the appropriate tools developed to make a difference.

As this process unfolds, the more formal elements needed to ensure good governance can be developed – clear roles and responsibilities through simple, easy to read documentation, aspirations in terms of representativeness, measures of impact and effectiveness through outcomes, skills analysis and appraisal processes.

Day to day services that are shaped by and respected by tenants are fundamental.

Staff perspectives

The staff group came up with some positive proposals. For the LSVTs, there is the opportunity to use the Council's Board nomination arrangements more creatively, and to reflect and promote closer links with other providers. The pros and cons of the traditional RSLs developing "Offers" akin to the promises made to tenants prior to transfer to an LSVT were debated. On the one hand, the process of creating such Offers are a very effective way of engaging and accounting to tenants across the whole range of an RSLs activities and business, on the other hand, there are risks of rigidity and diminished capacity to respond to change.

What helps

Staff took the clear view that a tripartite approach of staff, tenants and Boards working together is an essential basis for success. They want their organisations to be outward – community facing – and to support communities to achieve this too. A clear participatory framework, targeted outreach work, a focus on widening involvement and willingness to learn and share lessons, matters.

Recognising, sharing and promoting what works helps to build confidence and knowledge within and between agencies.

Staff and management also need support to recognise and respond to paradoxical situations, and manage challenge – for example, where a community's needs may not align to their organisation's stated priorities.

Shared accountability and influence mechanisms for example health, education, and housing should be explored to maximise positive outcomes for residents and staff alike. Where partnerships are formed, their objectives, timeframe, success criteria and other governing principles need to be clear at the start. They also need to appropriate strictures and excellent planning. The role of residents in accountability through, for example, scrutiny needs to be integrated from the outset. Peer reviews are seen as a valuable element of this process.

Co-governance: risks, barriers and benefits

On balance, the Group's view was that the benefits identified outweigh the risks and barriers. The latter indicate a lack of education, experience and processes unaligned to delivering the benefits – for example, dependence on paper, complexity.

There was consensus about the benefits – for example, the use of Quality and Design Forums including tenants, staff and board members with some delegated decision making, to inform decisions on the content, priority, timetabling, delivery and monitoring of key activities. Generally, work is needed, based on agreed principles to establish how effectively the benefits are being delivered.

The tables below summarise the Group's views on risks and benefits.

Risks / barriers	Comment
Understanding co-governance: not defined	
Deflect from role of organisation, agreed way forward for business	The potential is to provide a tighter focus for strategy and planning, by placing the needs of tenants and communities at the heart, be this for single providers or between agencies.
Buy in where no obvious benefit for tenants	By using outcomes which are focused on tenants, and demonstrating that these are being defined and delivered, benefits should become clear.
Becomes confrontational	Co-governance relies on effective, open and timely communications, and strong relationship management – skills which should be developed, supported and integrated into appraisal processes for staff, Board and tenants alike.
Leave staff behind	Staff need to be integral to the delivery of co-governance - leaders should develop and demonstrate their thinking and actions, and change should be paced so that staff move towards the changes which are required.
Over formalised	Co-governance is a way of working – it need be no more complex than any other.

Risks / Barriers	Comment
Too complicated - Chinese whispers – complicated structure	See comments above on communications and formalisation
Lack of trust – need rational process	People have different starting points, based on experience and expectations. Co-governance has the power to change these by sharing creativity and risk, but any change process has to start from where people are, not where one might like them to be. The security of a clear programme, milestones and celebration of achievement can help to build trust.
Not understanding implications of information	A key criteria for this way of working is that all decisions should be clearly reasoned and explained, and a full exploration of the potential interpretation of information should be a matter of course.
Confidentiality - e.g. development – leads to lip service	This does not prevent sharing the strategic direction of what an organisation plans, or the reasons for taking a particular direction.
Cost – resources, time	This is true for everything an organisation does. Clear and continuous focus on aims, objectives, outcomes and evaluation should demonstrate that resources are being used to best effect.
Volume of work for members	Capacity is an issue – historically it has been the case that a small number of individuals are often engaged in multiple activities. There are also issues about achieving a representative group of members/tenants. Multiple opportunities for engagement should reflect the different lifestyles of different households, and will increasingly rely on technology, so education in its use should be prioritised.

Risks / Barriers	Comment
Being dependent on papers	See above

Benefits	Comment
Staff recognise tenants as individuals	Counters stereotyping and supports the development of "Right First Time" services.
Building & maintaining sustainable communities	Collectively, the fundamental objective of all.
Sustainable business, and relationships	The approach suggested provides a clear framework and rationale for decision making and the development of relationships, the future dynamic of which will continue to be shaped by the changing needs of communities and residents.
Save resources, avoid duplication of work	This should be the result, provided that resources and information are shared and used to plan a co-ordinated approach.
Relationship building – Board / tenants / partners / staff / communities	...with a clear purpose and measurable set of outcomes.
Collective understanding	Leading to shared vision on which to base strategy.
Demonstrating values and behaviours. Including staff - improves business	
Loyalty – tenants / staff - have business case for improvement	
Got relationship so we can then work things out	
Efficiencies driven by tenants and staff	A priority which will not diminish and can to be addressed positively.
Benefits	Comment
Harnessing resources of other stakeholders	No one organisation has the capacity, competence or capability to address a community's concerns and hopes.
Improved services – increased income	Landlord benefits.
Linking people & business outcomes	Creating a framework for action.
Recognising positive impact – showing making a difference	This is vital – and "quick wins" help develop enthusiasm.

Key conclusions

Every participating RSL is working towards an “offer” to their communities, which goes beyond the landlord function. However, there are very different starting points.

For the traditional RSLs, the focus has been on the external aspects of the offer – for example, financial and digital inclusion, youth outreach, support to vulnerable people, training and access to employment. These are typified as pragmatic business decisions. The link between resident based priorities and their governance activities has generally been focused on having Board members who are tenants. There is a clear thirst to learn about how a wider and deeper involvement of tenants in governance could change this.

LSVT's initial offer is to their tenants, and focused on property and service improvements and Membership development. Their business and delivery plans are based on this. Their constitutions mean that they have a greater internal focus on developing their governance arrangements to accommodate the need for Membership engagement and policies. There is a tension between this internal focus, and the external focus of realising their potential to deliver significant local community benefit, which is also part of their offer to tenants; to define themselves as agents of personal, social, economic and physical regeneration, from a housing base.

There is an interesting paradox here. The traditional RSLs are starting to ask questions about their internal governance, in part prompted by the LSVTs and changing tenant expectations. The LSVTs, which by their nature are more likely to look to co-governance to deliver their ambitions, are at the same time working to understand what their internal mechanisms should look like, and how they should work.

In their different ways, both starting points require a change of mindset and culture amongst the organisations and their clients alike.

For both types of RSL, the development of Community Offers which include internal and external governance arrangements could be a logical development. These could also provide a focus for developing inter-agency governance with health, education, community safety, employers and other local providers.

Traditionally, many inter-agency initiatives have been formalised as partnerships – for example Procurement Consortia, Communities First. Co-governance may offer a different and more practical approach because it avoids the need to set up, govern and manage a third party body. In addition it may offer:

- the opportunity for shared priorities, based on and led by community need influencing the core of an organisation rather than semi-externalising these influences
- greater flexibility
- quicker and more focused decision making
- increased likelihood of good practice being identified and shared
- greater demands for commitment to deliver
- a more dynamic learning environment

- minimising the use of a partnership as a competitive arena which is both time consuming and costly
- greater clarity in terms of leadership.

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- Pennaf
- RCT Homes
- Taff HA
- Tai Calon Community Housing
- Welsh Local Government Association