



Pubs Code
Adjudicator



hive^{IT}

The Pubs Code Adjudicator discovery report

March 2021

Undertaken by Hive IT on behalf of the Office of the Pubs Code Adjudicator

Executive summary

The Office of the Pubs Code Adjudicator (PCA) enforces the Pubs Code (the Code), which regulates the relationship between pub-owning businesses (POBs) and their tied pub tenants. Tied pub tenants (TPTs) covered by the Code are those who are required to buy at least some of their alcohol from their pub company. The Code applies to pub-owning businesses owning 500 or more tied pubs in England and Wales.

The PCA operates by:

- Working collaboratively with POBs, where appropriate, to respond to issues raised by TPTs and others to bring about beneficial change in the sector
- Issuing advice and guidance which aims to help TPTs understand what their rights are under the Code and to set out to POBs what the PCA's expectations are regarding Code compliance
- Monitoring compliance with the Code. The PCA can investigate where the PCA considers there is reasonable suspicion that a POB has breached the Code, with enforcement measures ranging from recommendations to imposing financial penalties on a POB/s
- Arbitrating Code disputes between a tied tenant and their POB, or appointing another person to do so

The Code came into force 21 July 2016 and has had two Adjudicators, initially Paul Newby and since May 2020 Fiona Dickie. Previously, Fiona Dickie served as the Deputy Pubs Code Adjudicator (since November 2017) before being appointed Pubs Code Adjudicator from 03 May 2020.

Hive IT were commissioned by the PCA to carry out a 12-week research project to better understand the barriers to engagement with TPTs and what's important for them in their relationships with their POB. This discovery did not include exploring the scope of the Code itself.

“It is crucial that the industry, and TPTs in particular, are able to access clear and consistent information about their Pubs Code rights and how to exercise them. This project will play a large part in supporting that by connecting directly with tenants and other stakeholders and getting their views about the most effective ways we can communicate and engage in the future.”

Fiona Dickie – Pubs Code Adjudicator

Due to the impact of COVID-19, the project was adapted to run over 24 weeks in order to allow for the changes in Government guidelines (new processes, restrictions and closures of pubs at varying times and locations — causing uncertainty and additional workloads for tenants and the wider industry) and to ensure as much engagement with the industry as possible at this difficult time.

The vision and goals

In order to help provide purpose and direction to the project and align all team members around the requirement for this discovery phase, Hive IT worked with the PCA to create the following vision:

“By completing this research we will understand **what’s important for the full range of TPTs** in their relationships with their pub company. This will provide an **evidence-based plan** to provide clarity on what the Code can do for them and give confidence in how the PCA can promote, ensure compliance with and enforce the Code.”

At a detailed level, the aims of the research were to discover:

- The awareness of the PCA among TPTs
- The views of TPTs who have not previously engaged in research
- How the PCA can provide a better understanding of what the Code can do for TPTs
- What TPTs want to know and how:
 - » What are the most effective ways to interact with TPTs
 - » What are the barriers to TPTs engaging with the PCA

USER NEEDS

The term “users” is a standard term, promoted by the Government Digital Service. In this report the term “User” or “Users” refers to anybody who engages with, or has rights or obligations under the Code.

This report outlines the findings of the research, the needs and feelings of the users, and suggests the steps required to address those **user needs**.

Contents

Executive summary	2
The vision and goals.....	3
What we did	5
Engagement statistics	6
What we found	8
The situation for TPTs.....	8
Tenants' representation.....	8
Areas of strength	9
Areas for improvement.....	11
Constraints on the PCA	14
Suggested next steps	15
A) Quick Impacts (immediate actions)	16
B) Content transformation project	18
C) Improving enquiry handling – further research project	21
<i>Enquiry Management Key Recommendations</i>	21
<i>The principles underlying these recommendations</i>	22
<i>Enquiry Management project – things to prove</i>	23
<i>Recommended Team</i>	23
<i>Recommended Budget</i>	23
D) Ongoing Considerations:	24
<i>Tenant survey</i>	24
<i>Ongoing maintenance and enhancements</i>	24
Closing Summary	25
Appendices	26
A) The users of the PCA in detail.....	26
<i>Tied Pub Tenants</i>	26
<i>Unaware TPTs</i>	28
<i>Partially aware TPTs</i>	29
<i>Aware TPTs</i>	30
<i>Representative Groups and Bodies</i>	31
<i>Pub-Ownning Business Employees</i>	33
<i>Further engagement:</i>	34
B) Further Activities.....	36
<i>Publish worked examples, award summaries and explanations</i>	36
<i>Create tools that let tenants understand their situation and rights</i>	38
<i>Provide regular updates</i>	40
<i>Provide In Person Information</i>	41
<i>Look at how professional advice is found and used</i>	43
C) Extended details to main recommendations	45
<i>Make sure tenants can understand the Code and their rights</i>	45
<i>Provide all content and tools in html AND print form</i>	47
<i>Improve contact channels and how enquiries are managed</i>	48

What we did

The emphasis of this research project (also known as a discovery) was to gain an in-depth understanding of the needs of TPTs: how the PCA can provide these tenants with a better understanding of what the Code can do for them and the barriers they may face when engaging with the PCA (with specific consideration to the engagement of hard-to-reach TPTs).

The discovery was broken down into three main phases, running from 11th June to 24th November 2020.

The main phases of the project were as follows:

- **Phase 1: Understanding the PCA and their users** — *Learning about the PCA, the industry and exploring any research already undertaken around the PCA and Code.*
- **Phase 2: Engaging with Users** — *Internal and external research with users and other stakeholders through qualitative methods to gather their views, needs and feedback, and quantitative methods to gather data, statistics and other hard evidence.*
- **Phase 3: Analysis and documentation** — *Review what has been learned, make recommendations and complete the final report*

Through the course of 24 weeks we spoke to 66 users in remote 1-2-1 interviews.

We also completed 2 face to face interviews when this was possible in line with Covid 19 rules.

We created three surveys and received a total of 929 responses.

In order to target users who were less digitally enabled, we reached out to TPTs via post, sending over 450 flyers to tied pub premises across England and Wales. We also provided an SMS survey and directly called a number of establishments.

Surveys and interviews were created to explore the identified core aims of the research and questions were focused around:

- Uncovering the awareness of the PCA among TPTs and the wider industry
- Exploring how the PCA can provide a better understanding of what the Code can do for TPTs
- What TPTs want to know and how:
 - » What are the most effective ways to interact with TPTs
 - » What are the barriers to TPTs engaging with the PCA

We emphasised to participants that the research did not include exploring the scope of the Code itself.

Engagement statistics

This table contains a summary of the types of users that participated in the research, described under various headings we used to aid us in categorising types of tied tenants and other users and understanding their various needs. More detail of the user types is available in the “What we Found” section of this report and in the Appendix A.

Tenants	Interviewed	Survey
Who are aware of the Code and work of the PCA (described their awareness as very or quite good)	19	342
Who are unaware of the Code and work of the PCA (described their awareness of the Code as not very good or no idea)	23	131
Who are new TPTs (since April 2019)	3	16

Non Tenants	Interviewed	Survey
Tenant Representative Organisation	3	8
Code Compliance Officer	6	0
Business Development Manager	8	301
Professional Advisor	2	8
Established Trade Organisation (CAMRA/UKH)	2	0
Respondents who could not be categorised		118

Engagement with users of the PCA was spread across the regulated POBs and that spread is represented in the diagram below. While the engagement is not representative of POBs estate sizes; in the context of this project we wanted to obtain as many views as possible in the current circumstances:

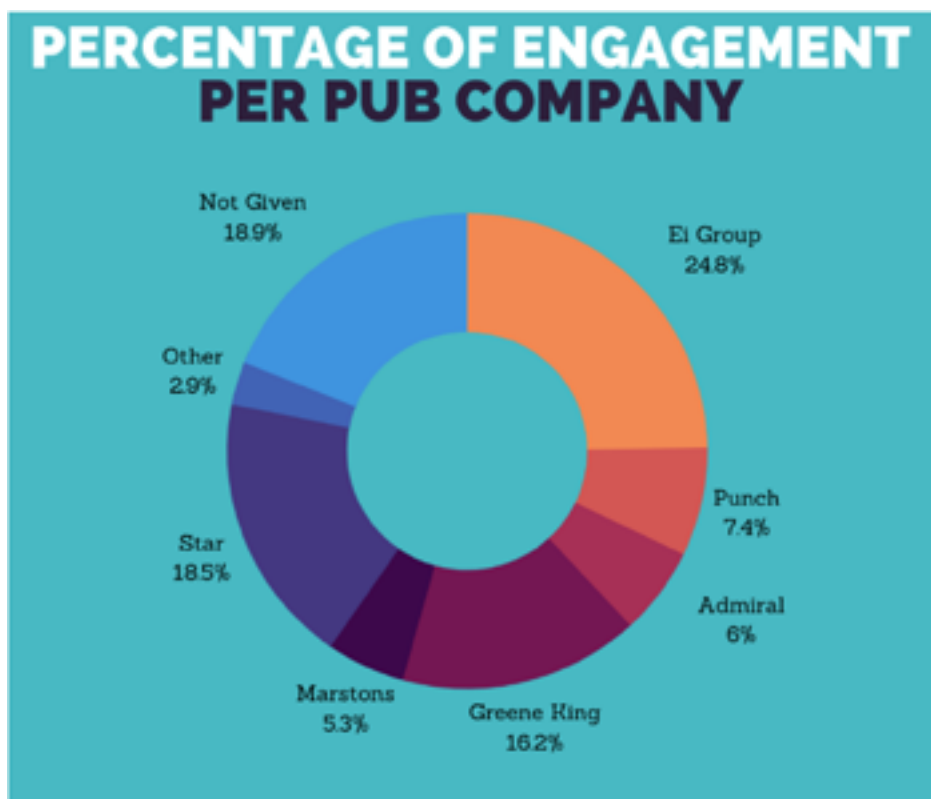


Figure 1: Percentage of engagement per pub company (“Other” means pub company outside those regulated by the PCA).

What we found

The situation for TPTs

The current¹ situation for TPTs is extremely challenging and ever changing. Many of those we talked to were uncertain about the ongoing viability of their pubs and their own futures in the industry, and were faced with constant changes to the rules surrounding their operation due to Covid 19.

The approaches from POBs to rents over lockdown is a source of frustration for some and relief for others. The financial impact not just of lockdown closures but of loans, deferred rents and investments to make premises Covid-safe is likely to affect tenants well beyond the current crisis.

All these factors have had the effect of increasing the general computer skills of TPTs, as almost all have gone online to find and apply for help and to get advice. For example, all our interviewees and 89% of longer survey respondents now use Facebook.

Tenants' representation

There is no single voice or body representing the views of all TPTs. There are a variety of organisations and groups which provide different levels of support, advice, guidance and representation to TPTs, with survey respondents reporting membership of ten different representative organisations or groups.

Some organisations have been well established in the industry for many years. They have comprehensive governance structures and tend to have largescale membership, some representing the broader hospitality industry of which tied pub tenants form a part, and this includes pub-owning businesses. Other groups have established themselves specifically in support of pub tenants, with some having emerged over the Covid crisis, primarily to support tenants. Their governance structures are not always well understood, although some have a significant online presence.

¹ — This description is from mid November 2020, in the middle of the second national lockdown. It is still valid at beginning of March 2021 in the third national lockdown.

Some of the tenants more aware of the Code and the PCA were unhappy that there is no single body representing the interests of tied tenants where all interests are aligned. The mix of organisations and groups and the focus of those organisations and groups differ in their membership, responsibilities, and approach. Some have a remit that covers the entire hospitality industry or the pubs sector as a whole. There are also individuals and groups focused on campaigning on issues affecting pub tenants, including some representing them in Pubs Code arbitration disputes (represented as our “other representative groups, bodies and online activists” user type). There is however a feeling among many tenants that some groups act in a fragmented way compounding the issues that arise from there being no single representative body.

“She’s got a massive workload, don’t envy her that!”

— tenant

The Office of the PCA has now been in existence since 2016, and the **current PCA, Fiona Dickie**, has been in place since May 2020. The PCA is funded by a levy on the regulated pub owning businesses. There is a finite resource available each year and it is important that the PCA’s work is both proportionate in its objectives and that work is prioritised within the limited resources available. The PCA has already taken steps to facilitate the refocusing of internal resource on more regulatory and industry change. This includes appointing alternative arbitrators in Pubs Code arbitration disputes, and seeking to use external resources to facilitate for example the publication of arbitration awards within the legal framework, as well as the move to improve communications through Twitter, a regular Morning Advertiser column as well as the commissioning of this report.

Areas of strength

The Pubs Code is important to the fair and equitable relationship between a tied pub tenant and their POB and there is a need for the PCA, an independent, statutory body to enforce the Code and ensure compliance with it, and to support TPTs’ knowledge of their Code. Whilst this research seeks to identify opportunities for improvement, it is important to recognise that the PCA is already wholly or partly fulfilling a number of user needs, but awareness of this among TPTs is low.

User research identified the following positive actions which the PCA is enabling:

Improved Communication

Regular informative updates from PCA on multiple channels (Twitter and the Morning Advertiser) are generally well received by tenants. The introduction of these channels has made the PCA appear more accessible and engaged and has been met with approval.

Strengthening TPTs' negotiating positions

Much of the PCA's published information to date has been around the Market Rent Only (MRO) process. Among the more aware tenants, the Code is often used as leverage to negotiate a better deal with their respective POBs, especially the right to request a MRO option.

Some TPTs reported that the pandemic had made them less likely to apply for MRO, as their POB had offered cancellations, deferrals or reductions in rent and other benefits to their tied tenants which would not have been available to them had they been free of tie. However, the PCA is aware that the MRO option will remain important in strengthening TPTs' negotiating positions whether this is in their tied rent review or a free of tie deal.

The desire for improvement

Internally the PCA is committed to finding ways to positively improve its service, driving this discovery, coupled with an awareness of the need given its small size and limited resources to identify the priorities for its work which will bring the biggest positive impact. Staff are able and willing to recognise opportunities for change in developing how they can support TPTs within the boundaries and legal scope of the Code. We have already seen steps like the redevelopment of factsheets — and the instigation of this project — demonstrating the desire to improve TPTs' understanding of the Code.

This culture is a catalyst for improvement and will enable long term, stabilising changes. Supporting and encouraging a safe, open and honest culture will allow any future projects to prosper.

Areas for improvement

There were consistent areas identified for improvement during the research. Understanding each user's opinions was important and formed the basis of our overall recommendations.

Complex Language

The Code is complicated and written in legal language making it difficult to comprehend for most users. The PCA has over time and since the beginning of the Code, built up a body of publications, including flowcharts, factsheets and bulletins to seek to help tied tenants to access their rights in this complex legislation.

However, reports from our research indicate that some users struggle with the language used in PCA publications. The PCA is aware of this issue, has already made significant steps to try and address this using things like factsheets and flowcharts, and has considered the need to engage with user or focus groups. New factsheets have been published with the intention of using more accessible style and content, while earlier factsheets have been relabelled as technical guides.

With appropriate resourcing the PCA could access help from content professionals to test all these types of materials to check how well they are understood by TPTs and address any problems found.

A content designer is someone who is particularly experienced in drafting written material which is as accessible as possible. They work with researchers to test the understanding of publications and how the drafting can be improved without losing the legal meaning in a process called user testing.

We recommend that current PCA materials are tested with users, starting with the most commonly accessed, to identify areas for improvement. By doing this while also moving that content from pdfs to web pages, they can work with designers and build on the progress already made by the PCA to make Code information more accessible. By working with the PCA's legal experts they can ensure the content remains accurate and can be universally understood, while taking advantage of the interactivity of html pages.

Inconsistent Communication across POBs

Many tenants receive different levels of communication in respect of the Code directly from their POB. Some POBs generally provide Code related content primarily online, and as our research has shown a reluctance from many tenants to engage with online information, we would recommend that this is not the only channel used.

Equally, many tenants report being well informed, hence there is a need for the PCA to take steps to bring improvements in the consistency and quality of communications between the POBs. This also highlights the need and desire for direct communication from the PCA to all TPTs.

Direct Engagement with the PCA

Tenants would also like more opportunities for direct contact with the PCA's team, not just email or electronic updates, but in person as well once Covid 19 restrictions are lifted. While the PCA cannot provide advice on a tenant's individual case, greater opportunities for direct contact (individually or at events) in relation to Code rights will help build trust and break down any misconceptions of the PCA lacking independence.

Additionally, for new tenants there is a vast amount of paperwork to complete, and the Code messages can become lost in the initial stages of becoming a tenant.

We recognise that the PCA's ability to engage directly is inevitably limited to the resources available to it. Giving an unrealistic expectation to users about the amount of direct contact that the PCA's small team can provide could create more dissatisfaction and therefore be counter-productive in the PCA's efforts to improve TPT understanding of and confidence in its role. There is therefore a need for the PCA to consider how within its resources it can offer meaningful direct contact with tenants.

Although there were many requests for direct contact with the PCA to clarify questions, the resources available to the PCA make this impossible, and the PCA does not currently have visibility when a new tied tenant signs their tenancy. Asking the POBs to send additional information on the Code (including where appropriate information which is clearly from the PCA and directed to the tenant) once the tenant's business is established would however ensure that information is not lost, and remind TPTs to explore the Code in more detail on the PCA website. The PCA is currently exploring this with the POBs.

The breadth of the Code

Whilst the PCA provides much relevant information for TPTs on its website, signposting tenants to specific information can be improved.

Additionally, there is the common misconception that the Code is only about MRO. Although it is an important new right that dominated the set-up years, the PCA should continue to expand its focus on all available Code rights so that TPTs are fully aware of their rights and how the Code can support them.

The array of information available to new TPTs may not be fully understood or retained until the point in the tenancy when it is needed. The PCA should enable TPTs to identify the key events in their business relationship with their POB when Code rights are engaged, and when engagement with the PCA for information can therefore be useful to the tenant.

Constraints on the PCA

Due to the way it is set up and funded the PCA faces particular constraints on its expenditure. A significant portion of its income goes on staffing costs, making it extremely difficult to increase staffing levels materially. In addition the small team is very busy, leaving them with little to no time for work they are not already carrying out.

Key constraints

- The PCA is funded by a levy on the POBs. By statute, before imposing the levy the PCA must obtain the Secretary of State's consent. The approved levy for 2019-20 was £3M, a significant proportion of which is staffing costs.
- The PCA only has power to second staff from other organisations (in practice this has mainly been from the Department for Business, Energy and Industrial Strategy), and cannot employ staff directly. Before making secondment arrangements the PCA must obtain the Secretary of State's approval as to policies on the number of staff and arrangements including their salary, terms and conditions.
- The ability of the PCA to source specialist skills (e.g. content designers, web designers) is limited by the levy and the processes compliant with public procurement arrangements
- The Secretary of State is empowered to provide staff, premises, facilities or other assistance to the PCA, with or without charge
- The Pubs Code is a set of regulations made by the Secretary of State pursuant to powers in the Small Business, Enterprise and Employment Act 2015. The PCA has no powers to alter the legislation which, given it is new law, gives rise to legal challenge. Its meaning is ultimately a matter for the courts, in relation to which the PCA must fund its legal advice and representation.

As a result of this our recommendations must be constrained by the available limited budget and PCA staff. It is however unavoidable that access to PCA legal staff is needed in carrying out our recommendations, as well as a product owner within the staff team, to ensure work is legally compliant and meets the PCA's needs, although we have taken steps to minimise the impact.

Suggested next steps

It is clear from our research that a significant number of TPTs lack sufficient knowledge of the Code to consistently identify where it applies, what their rights are and how to ensure they access them. It is equally clear that they have neither the time nor inclination to explore the subject in detail unless they need to. Our recommendations are therefore based around two key principles:

1. All TPTs should have a base level of awareness and knowledge sufficient to have a basic understanding of their rights and their POB's responsibilities
2. This should empower them to identify when they need to increase their knowledge in order to exercise their rights, and that the materials available to let them do that should be easily understood and accessible to all, regardless of legal knowledge, comprehension levels or IT skills

Given the budgetary, staffing and legal constraints the PCA face we have distilled down the recommendations to those which will both fit the available budget and achieve the most in terms of meeting the two key principles above. These are broken down into the following three areas².

² — Further activities the PCA could undertake if constraints were lifted are listed in Appendix B

A) Quick Impacts (immediate actions)

Overview

We believe that there are a number of activities which the PCA can start up front in order to either lay preparation for the recommended projects, or which would provide an early benefit to TPTs and the users of the PCA.

Hive IT believes that these actions can be undertaken by the existing PCA team with support from BEIS with no additional cost.

Action	Reason
Continue the excellent work adding new content in html format.	Following early versions of this report the PCA has already started to add new content in html format which is greatly improved over the historical pdf versions. This is both much more accessible and usable on mobile.
Engage with BEIS or GDS over Welsh Language support	The Code covers England and Wales, yet currently limited provision for Welsh language material is provided by the PCA. It is important to understand the need for this going forward.
Engage with POBs to encourage TPTs to sign up to email alerts from the PCA website and to keep TPTs up to date with the latest developments from the PCA.	As the PCA expands its digital communications, TPTs need to be kept up to date with the latest Pubs Code news consistently and in good time.
<p>On the existing site, begin improving communications immediately by:</p> <ul style="list-style-type: none"> • Showing what information can't legally be provided, why and if or when it will be (e.g. case outcomes) • Show data that is published (for example arbitration data) broken down over time, so all quarterly figures are shown 	The existing site can be adapted immediately with existing data to provide more desired information to tenants. These should then be publicised via multiple channels.
Engage with POBs to mark literature with Code related information	<p>We believe that asking POBs to provide indication to tenants on where the Code is applicable can be actioned fairly swiftly.</p> <p>This could then be supported/further developed as part of the content project providing quick and easy references.</p>
Increase communication channels, build on the introduction of the Twitter account and Morning Advertiser column by pushing out updates of all kinds through multiple channels	<p>Although many tenants reported not being aware of what the PCA does, there was good feedback on the introduction of the Morning Advertiser column and especially a Twitter account to raise visibility and engagement.</p> <p>We recommend that the PCA builds on the new channels they are using and introduces more. In particular, the use of Facebook has expanded massively among TPTs since the COVID-19 pandemic and posting updates there would reach many more tenants.</p> <p>For those hard to reach tenants, we believe that the introduction of printed communications from the PCA, via POBs, but as independent publications will support this user type in the longer term.</p>
Reduce the number of contact email addresses to get in touch with the PCA, to a single email address.	Ahead of a wider project to explore an enquiry management system which meets the needs of users and the PCA, we would recommend reducing the email contact points to a single email address. This will allow the PCA to measure, manage and triage enquiries more efficiently and ensure that no responses are delayed beyond reason.

B) Content transformation project

Key recommendations

We recommend that

1. All PCA content be made available as accessible html documents
2. The existing website content is tested with users to understand how well it is understood
3. This information is used to inform the transformation from pdf to html by a content designer working in conjunction with PCA legal experts

ALPHA:

A GDS alpha project is where you try out different solutions to the problems you learnt about during discovery

The first step in this is to carry out a further phase of research specifically around the content on the PCA's website. This is what is known as an **alpha** phase in the Government Digital Service to verify the benefits of this approach, analyse and prioritise the content, and develop a plan for ongoing work.

This should focus on 4 main areas of exploration, testing and developing new solutions:

1: Publication content review project

- Automated audit including analytics
- Prioritise existing publication content review

The PCA's website is hosted on the main gov.uk site using the government's core publishing platform. This ensures a consistent technical architecture across all websites hosted there, using Whitehall Publisher as the standard application for publishing content. This provides a consistent look and feel for users of government websites. It is understood in the very limited set up time available to the PCA upon introduction of the Code, the main .gov.uk website was the practical immediate hosting solution.

In order to identify the best pieces of existing PCA published content to test and transform from pdf to html, the PCA needs to carry out a content audit using the website data available in Whitehall Publisher. This data shows statistically which content in currently published documents is accessed online by users and how often. This will enable

identification of the content which it is more important for the PCA to review first.

The results of this should then be used, working with the PCA to prioritise the content review exercise and identify piece or pieces for initial improvement in order to prove the feasibility and best means of transforming content across all publications.

In order to establish that the recommendations are correct in the most efficient way possible, it is best to take a small piece of content and apply the ideas to that, then test to demonstrate that the approach is correct. This is the proof of concept needed for an alpha stage.

2: Proof of Concept for content transformation

This will involve updating the content with a Content Designer based on user research feedback and moving the pdf content to html. The techniques to transform the content will be developed initially in a co-creation workshop with the PCA, then one or more approaches will be implemented by the content and interaction designers and tested with users, followed by rounds of iteration and further testing. Should they demonstrate a measurable increase in comprehension and engagement from the users, a step by step guide for the process will be created for the PCA to use in further work.

3: Define new site architecture & homepage content

Based on the findings of the content audit, discovery project and research carried out so far, the structure of the transformed web presence needs to be planned and tested, based on a combination of workshops for discussing and developing ideas, and exercises where participants sort topics into categories, to test options for how information on the web site can best be organised.

4: Considering a beta phase

The next stage would be for the PCA and project team to take the best idea from the alpha project once complete and start building it for real. This is known as the beta phase. If the decision is taken to advance to this stage, it is necessary to use what has been learned so far to estimate the shape, tasks and times for any work needed in the beta phase and prioritise content to achieve the best value from the remaining budget.

The principles underlying these recommendations are:

- By having access to information that is reliable, accurate and easy to understand with a clear grasp of the PCA's and the Code's powers, trust between all parties will be increased
- TPTs being able to quickly identify if they need to take action, investigate further or engage professional help
- Make sure TPTs understand who the PCA is and what its powers are
- Make sure TPTs understand they have rights under the Code and where to find more information, and a reasonable understanding of what those rights are
- All content should be digital and accessible by default
- No user should be excluded, and a significant number of tenants are unlikely to read digital communications unless necessary
- The PCA enabling TPTs to access “self-help”
- TPTs being able to focus on relevant information
- TPTs being able to quickly identify if they need to take action, investigate further or engage professional help

Content project – proof of concept

By rewriting content using appropriate language, testing and iterating, all tenants and the wider industry will have their understanding increased of what the Code does, the rights within it and how they are exercised

- How to measure: Carry out baseline user tests on the current content, then continue to test iterations to ensure understanding is increased

These recommendations (and many others) align with and directly support many of the findings of the “Statutory Review of the Pubs Code and the Pubs Code Adjudicator: 2016–2019” by the Secretary of State, (“the Statutory Review”). In particular it addresses increasing TPTs’ awareness, and both the ability of tenants to find relevant advice and to understand it once found, as referred to in 1.12, 1.30 2.11, 2.12, and in particular 2.25.

C) Improving enquiry handling – further research project

Enquiry Management Key Recommendations

The internal requirements of the PCA in relation to enquiry management and how a software solution could help need to be better established. This is best done through a short additional project to understand its enquiry management needs and how it can also meet the needs of users that have been identified as part of this discovery project. TPTs should be able to contact the PCA and where possible receive a response via their preferred method. How enquiries will be managed and the relevant timescales should be clearly explained to TPTs. The management of arbitration correspondence should be separate.

Users who have contacted the PCA reported a lack of visibility about the progress of their enquiry and when they could expect to hear back. Some users said they would have preferred their contacts to be entirely by phone, rather than receiving a response to a phone contact by email. The PCA itself recognises that its enquiry management system can be improved — though this needs to be explored in more detail.

There were also problems with the visibility and awareness of the PCA's contact methods. In addition, although the PCA maintains a mailbox for anonymous intelligence to be provided this was not always known about by users. Additionally, the referral form is currently a pdf which does not meet accessibility standards.

The Enquiry Management requirements definition project should explore where there could be improvements to enquiry management and assess whether internal system process changes will provide the greatest benefit, or whether implementing an external software product would provide a greater benefit to both PCA users and the PCA itself.

As part of the project we suggest the following detailed activities:

Summary	Detailed Activities
<p>The internal needs of the PCA with regard to enquiry management need to be clearly established. TPTs should be able to contact the PCA via their preferred method. Processes should be established and clearly explained.</p>	<p>Establish what is needed to support effective enquiry management by the PCA and how that aligns with their users' needs</p>
<p>There are commercial and open source systems that are likely to be able to meet the established needs and these should be investigated if internal processes cannot be improved sufficiently at lower cost. These should also be able to report in real time on enquiry volumes by type and pubco, and service level agreement compliance. This data could be used to populate the published dashboard discussed below.</p>	<p>User Test existing Enquiry system</p>
	<p>Revisit and update Journey/Process Map for ideal enquiry process</p>
	<p>Technical review of existing Enquiry system</p>
	<p>Market Research of available proportionate and cost effective off the shelf systems if required</p>
	<p>Recommendations Report</p>

The principles underlying these recommendations are:

- Make sure all TPTs can contact the PCA
- No user should be excluded
- (Provide data for) Give all users visibility of the scope of the work the PCA does
- The PCA should be able to collect and deal with all contacts consistently and efficiently
- Users should always be aware of the status of their enquiry and when to expect a response

Enquiry Management project – things to prove

That there are improvements which could be made to the PCA current enquiry management systems without unreasonable and unsustainable use of PCA resource and cost

- How to measure: Carry out interviews and contextual analysis with PCA staff members — consider a benchmarking survey to be used as a key performance indicator during any future phases.

Recommended Team

We believe that the majority of work in this project will be undertaken by a User Researcher with the support of a Developer for market research. We believe that this team would need to work closely with PCA's current enquiry team to understand the many processes which are currently being undertaken.

Recommended Budget

Hive IT estimates that an Enquiry Management project budget should sit within a cost scale of **£10,200–£12,000** excluding VAT, broken down as follows:

- Establish Business Requirements to enquiry management and align with Identified User Needs from this initial discovery
 - » 3 days
- Revisit and update Journey/Process Map for ideal enquiry process
 - » 2 days
- User Test existing Enquiry system
 - » 3 days
- Technical review of existing Enquiry system
 - » 2 days
- Market Research available off the shelf systems if required
 - » 2 days
- Recommendations Report
 - » 5 days

Following the requirements definition project, the recommendations can be considered. This may include implementing internal process changes, or undertaking a further project to implement a new system to support enquiry management. Without knowing the requirements, it is hard to provide an estimate of cost for implementation of an external system, but with the information we have to date, our estimate would be in the region of £5,000–£12,000. The requirements definition project itself will be able to give a more informed indicative cost if applicable.

D) Ongoing Considerations:

Tenant survey

There is an annual budget for the tenant survey (which has been carried out 2 times, and not in 2020 owing to the pandemic). For continuity of data we recommend continuing this survey using many of the same questions and methodology.

However, at a minimum we advise additional questions giving quantitative data on perceptions, understanding and usability of the PCA digital presence. If it is possible to reduce the spend on the survey while retaining the integrity of the methodology, for example by reducing participant numbers, then the additional available budget would enable a programme of ongoing user research to inform improvements and new content.

Ongoing maintenance and enhancements

The digital budget at the moment is a one-off budget. We would suggest that there is an ongoing budget to carry out improvements and to add and test new and revised content. This will also reduce the pressure on the small PCA team.

Closing Summary

The current climate within the hospitality industry, given the changing Covid 19 restrictions, is understandably one of trepidation and concern. During this project, Hive IT have endeavoured to remain sensitive to the issues at hand whilst uncovering the users, goals, needs of and frustrations with the Code, the PCA and the wider industry.

Without the engagement from PCA staff, the tied tenant community and wider users of the PCA, this project would not have been possible. We recognise and appreciate all those users who gave their time to this project during such a tumultuous period. That time and insight allowed us to explore how the PCA can take steps forward in supporting tenants, and wider industry, within the scope of the current legislation, and we truly believe that with time the PCA can support and provide better awareness of Code rights.

Our findings are not an exhaustive list of improvements that could be made (See Appendix B for further activities should constraints be removed); we have focused on areas that can show real improvement and will likely have the greatest impact to users of the PCA. Ultimately, we have seen a real desire from the PCA to better serve their users while maintaining the integrity of, and compliance with, the Code.

We believe this desire and our recommendations will enable the PCA to significantly improve the service they provide and the awareness and overall understanding of the Code by TPTs and the wider industry.

Appendices

A) The users of the PCA in detail

Our research allowed us to break down participating tied tenants into five groups of TPTs based on their typical characteristics, which we call personas, with an additional five personas of participating stakeholders and groups.

We create these personas in order to group users' needs/stories and identify areas for improvement in relation to persona type. Many users may embody more than one of these personas at different times. The personas represent the hats people wear and their needs at that time, rather than individuals, and are based on our findings and observations.

Personas are given names and personal details to make them easily identifiable, personable and referenceable. It is in line with GDS recommendations and Human Centred Design principles to add the human touch to what would largely remain cold facts in the research findings, and to ensure that we remember these personas are referencing human stories and experiences we have gathered during research.

Tied Pub Tenants

For the purpose of our research, and to help us to identify the needs of different types of tenants, we broke down the participants into categories, and described them, based on their relevant characteristics. We broke them down in the following two main ways:

- Their awareness of the Code and the work of the PCA
- Their level of satisfaction with their landlord and tenant relationship and their business

TPTs' current level of satisfaction in their tied relationship and their business is partly related to the Covid crisis and associated issues around rent, support and ongoing financial viability. It is also important to recognise that many of these feelings of dissatisfaction existed prior to the pandemic, and that the issues caused by Covid may continue even in a world with a vaccine and no restrictions.

Other important criteria we used for the purpose of understanding and analysing

TPTs' responses include:

- **Their understanding of the Code** — This does not necessarily correspond with awareness in all cases, as we found many misconceptions about the power of the Code and PCA, both under and overestimating their power
- **When their need for Code understanding arises** — Overwhelmingly, TPTs only looked into (or intended to look into) the Code in detail when they thought they needed it. While this makes sense, it depends on a reasonable level of awareness of the Code in order to know when and where to look in more detail. We saw instances of TPTs who had been in situations in which they may have been able to use the Code but didn't recognise this.
- **Technological skills** — A side effect of the Covid crisis is that even TPTs who are resistant to using technology and online services and have very low skills in this area have been using online resources to find help and information. While these users may now have the skills to carry out basic tasks online, some still have a great deal of resistance to doing so.
- **Intention to keep running their pub(s)** — A significant number of TPTs we spoke to were unsure of their desire or ability to remain in the business long term. This may well manifest as both a reduction in numbers of renewals at the end of tenancies and a greater than usual number of tenants wishing to end their tenancy early. We have not made a distinction in this research between the attitudes of tenants and lessees³.

³ — A tied pub may be operated under either a lease or a tenancy. The Pubs Code regulates both tied leases and tied tenancies. A tied lease will typically be for a longer period and may include a right to renew under the Landlord and Tenant Act 1954, but is likely to make the tenant fully responsible for repairs to the premises during the lifetime of the lease. A tied tenancy will typically be for a shorter period and with no statutory or contractual right for the tenant to renew. The tenant is likely to have less onerous repairing obligations. Throughout this report the term “tied tenant” is used to denote publicans who hold either a tied tenancy or a tied lease; and the term “tenancy” is used to denote both tied leases and tied tenancies regulated under the Code.

Using the above criteria, we arrived at the following categories and descriptions of participating tenants. These categories are of course only tools in our research, and they cannot define every type of tied tenant, and nor does every tied tenant fit completely with each description. However, the approach we have used is common professional practice in undertaking user research and analysing responses.

It is important to note that the number of participating tied tenants does not reflect the numbers of that user type in the tied pub trade as a whole, or the number of tied pubs, since more aware tenants are more likely to be multiple operators. The participants were likely skewed towards the most aware and easier to find tenants, as well as towards more dissatisfied TPTs — unhappy users are always motivated to engage in research, in order to effect change, while satisfied users are generally less so.

In addition, tenant representative bodies and groups and POBs played a valuable role in encouraging TPTs to take part, which biased the spread of TPTs towards the groups and POBs most active in providing that encouragement.

For these reasons, and given the sample size, the user findings do not always match those of the Tenant Survey.

When considering what recommendations to make we made allowances to take into account difficulties in reaching different user groups, and the relative ease in finding aware and engaged users.

Unaware TPTs

Unaware user type 1

This type of user represents the most common user type who came forward to participate in this research. They are hard to reach as their awareness is low, and they are dissatisfied with their situation. They are often characterised by low tech skills, a resistance to using online services, and are typically older, with many survey respondents being past retirement age.

The key needs for this user type are:

1. Have a sufficient level of awareness of the Code to know when they may have rights
2. Have information on the Code available in a format and using language they understand so they can investigate further and increase their understanding

3. Have access to free or affordable professional advice in order to make informed decisions about taking action

Unaware user type 2

In many ways similar to the type 1 unaware TPT, however this user differs chiefly in being more or less satisfied with their situation, or at least accepting of it. They are still hard to reach, with low awareness, possibly even lower than the “unaware user type 1.” They are also characterised by low tech skills, a resistance to using online services, and are typically older, with many survey respondents being past state retirement age. Their needs and behaviour do vary however, as they have less desire to change their situation, a better relationship with their POB, and slightly lower tech skills.

The key needs for this user type are

1. Have a sufficient level of awareness of the Code to know when they may have rights
2. Have a sufficient level of awareness of the PCA to know when they can help

Partially aware TPTs

These users are typically those who are new tenants who have taken part in pub entry training (PEAT) provided by their POB. This results in their being partly aware of the Code and PCA, although they would have focussed on the areas of their training with more immediate relevance. Some may well have teething troubles as a reasonably new business, and significant impacts from Covid on their POB’s ability to address those problems.

The key needs for this user type are

1. Be able to analyse their current situation and issues well enough to understand whether they have a Code related issue
2. Find information on resolving disputes and making complaints to the correct body, and understanding if their issue is/is not directly Code related

Aware TPTs

Aware user type 1

This persona represents users who have a reasonably high awareness of the Code, and a reasonable level of satisfaction with their situation. They often operate multiple pubs across multiple POBs, and because of this have access to professional advice and will have used the Code and the MRO option available to them in negotiations with their POBs. They maintain cordial professional relationships with their BDMs, who tend to treat them with a light touch, recognising their ability to manage their businesses. With high technical literacy they will have come into contact with some of the other representative groups, bodies and online activists as described below, but choose not to engage with them.

The key needs for this user type are

1. Minimise the paperwork and admin when using their Code rights, and do as much as possible online
2. Minimise the need for legal representation as far as possible
3. Have as much information as possible on previous cases and settlements to give them a stronger negotiating position

Aware user type 2

This user represents those tenants who are aware of the Code and the PCA, and are dissatisfied with their landlord and tenant relationship and their business. While they have a high awareness they have a range of levels of understanding. They don't provide help and advice to similar tenants or actively campaign for changes to the Code, however.

They're likely to have looked online for help with their situation and found it through representative groups and bodies which do. In some cases they may have had their perceptions of their POB, the Code and the PCA coloured by reading online discussions. They may have previously had a good relationship with their POB and BDM that has deteriorated (for example, after a change in BDM) and might be trying to achieve a MRO deal, although this may be because this is the area of the Code that receives most attention online.

The key needs for this user type are

1. Minimise the paperwork and admin when using their Code rights, and do as much as possible online

2. Minimise the need for legal representation as far as possible
3. Have as much information as possible on previous cases and settlements to give them a stronger negotiating position
4. Have information on the Code available in a format and using language they understand so they can investigate further and increase their understanding
5. Have access to free or affordable professional advice in order to make informed decisions about taking action

Representative Groups and Bodies

Large Established Trade Organisations

This persona type represents any large established trade organisations within the pub industry that provide tenants and other licensed trade professionals with a multitude of services to support with the running and upkeep of their pubs.

They are differentiated from other tenant groups and bodies (discussed below) not so much by the number of TPTs covered, as in some cases these established organisations may have fewer, but in their more general outlook and focus on more than one area of the industry. The key industry bodies are British Institute of Innkeeping (BII) and UK Hospitality (UKH). We also spoke to Campaign for Real Ale (CAMRA), as although they do not provide help and advice, one third of TPTs are members, making them a useful channel of communications to those tenants and the wider industry.

Some 61% of detailed survey respondents were members of BII, many having had membership provided free of charge by their POB. 8% of our respondents were UKH members, although their membership is operator based, covering 4,000 tied outlets over a considerably smaller number of operators.

These are large organisations who provide help and advice to their members and have working relationships with the PCA and the POBs for queries and with external advisors for referrals.

Other representative groups, bodies and online activists

These are passionate and vocal current and ex-tied tenants and others who may provide help and advice to TPTs, run membership organisations doing the same, and/or campaign for the Code to have expanded scope and for the PCA to have more powers. Some of these were involved in campaigning for the Code in the first place and were consulted during its creation.

With a sense of investment in the Code, they feel a great deal of anger and frustration that the Code and the PCA do not have the powers and effects they campaigned for. They are active on social media and their vocality affects a great deal of the discourse about the Code online, and may have affected the perception of the PCA and Code even among unaware tenants. On the other hand, they also provide free or low-cost information to unhappy and upset tenants who feel they have nowhere else to turn.

The key needs for this user type are

1. Have as much information as possible on previous cases and settlements to give TPTs they advise, a stronger negotiating position
2. Have information on the Code available in a format and using language they understand so they can look further into cases TPTs bring to them and increase their understanding
3. Find information on resolving disputes and making complaints even if their issue is not directly Code related (although it is outside of the PCA remit if it is not Code related)
4. Have confidence that Ministers and MPs understand the issues facing TPTs (this is not a user need that the PCA can address, but is a need of the user nonetheless)

Pub-Ownning Business Employees

Business Development Manager (BDM)

A BDM is an employee of a POB who communicates with tenants. BDMs also represent their POB in negotiations with tenants, for example during rent proposals, rent assessment proposals, repairs and any matters that relate to tenants' current or future business plans. During these discussions BDMs have a responsibility to take accurate notes as a record and send them to the TPT for comment within 14 days.

Communication with BDMs was carried out in person (when allowed), by phone call and email, with some also using text messages or messaging services like WhatsApp.

BDMs are given annual training and regular updates on the Code by their POBs, and rate their knowledge of the Code and PCA as very good or good in almost all cases. In our interviews they consistently saw themselves as providing a bridge between TPTs and POBs, and trying to find the best compromise between the interests of the two.

Some TPTs expressed frustration that a change of BDMs can prevent them building effective relationships. Interviews revealed a very wide range of relationships between TPTs and their BDMs, from excellent to completely dissatisfied.

Typical job titles include Business Development Manager, who would typically be the day-to-day contact between the POB and TPT, and Business Regional Manager or Estate Manager, who would typically get involved only in negotiations or disputes.

The key need for this user type is

- Be able to signpost TPT to clear, independent and unbiased Code related information

Code Compliance Officer (CCO)

A Code Compliance Officer is responsible for verifying that the POB they are employed by is complying with the Pubs Code. By law, the Pubs Code requires each POB to appoint a Code Compliance Officer and that within the management structure they must be independent of the BDMs. The CCO is responsible for making sure BDMs are trained in the Code and that awareness and compliance runs throughout their entire business. We spoke to all 6 CCOs, who come from a wide range of backgrounds and have a wide range of additional responsibilities.

They made a couple of interesting suggestions for helping awareness and understanding of the Code, providing worked examples of different

actions tenants can take under the Code, and “stamping” or marking any aspects of POB communications with tenants related to the Code.

The key needs for this user type are:

1. Show how the number of Code related issues with their POB change over time to demonstrate the progress they are making
2. Provide information to them aimed at tied tenants in plain English with worked examples

Professional Advisors

This persona represents any professional advisors tenants may seek advice from, typically solicitors, accountants and surveyors.

These can be roughly divided into two groups — those with comprehensive Code knowledge and those without, although there is of course a spectrum. Those with a great deal of knowledge are a small group, and the professional advisors typically used by tenants in their day-to-day business, like licensing solicitors and surveyors, do not have this knowledge as a rule. This means it is challenging for TPTs to find appropriate advice.

Hive IT recommend further engagement with the following users:

BII

The BII has by far the largest membership, and maintains a directory of expert professional advisers through its Marketplace. We were unable to talk to them in the time available, and we recommend they are engaged in future work to improve the availability of independent professional advice.

New TPTs

New tenants provide a unique user group as they have undergone recent Pubs Entry Training and should have a good awareness of the Code and the PCA. Initial findings from the survey, as well as the feedback provided to the recent Statutory Review and the most recent Tenant survey, showed a small decrease in awareness of the Code among new tenants.

While we spoke to three and had long survey responses from eight

more, speaking to more new tenants is important to further understand the effect of that training and the information requirements in the Code and how it can be improved.

They did report that during Pubs Entry Training they faced a very large amount of new information and tended to focus on that which was immediately applicable.

Having direct written communication from the PCA (although this may include pre-recorded videos or other media) about the Code at an appropriate point after taking over the tenancy would help build greater awareness of the Code and allow new tenants the opportunity to know where to ask questions and receive clarification more easily.

The array of information available to new tied tenants may not be fully understood or retained until the point in the tenancy when it is needed. TPTs need to be able to identify the key events in their business relationship with their POB when Code rights are engaged, and when engagement with the PCA for information can therefore be useful to the tenant.

Literature provided by POBs to TPTs should be marked where relevant to provide an indication where the Code is applicable.

Hard to reach TPTs

Whilst a continuous attempt was made throughout the duration of the project to engage with hard to reach TPTs (through the use of flyers and an SMS survey) Hive IT would still recommend further engagement after receiving low response numbers, taking the form of focussing effort on these users during any additional research during further projects.

B) Further Activities

Due to the constraints faced by the PCA discussed earlier, it is not realistic for it to implement all the activities we identified that would provide benefits to TPTs. For this reason, this section is included to cover the activities suggested before prioritising the recommendations based on impact to users and viability given the resource and budgetary constraints faced by the PCA.

Publish worked examples, award summaries and explanations

Short Summary

At the moment, although the PCA does publish a lot of information, the limitations on publishing and organising documents on the main gov.uk site using Whitehall Publisher mean that information can be hard to find, and even users who had visited the website were not aware of it. The PCA staff themselves are conscious of the shortcomings of the organisation of documents on the current website. Some improvements have been made since the initial PCA set up, but the PCA is keen to achieve more.

There is also frustration from some users that the outcomes of arbitration cases are not always published, or published promptly, due to the need to obtain permission from all parties. This also contributes to a perception among some users that the PCA is not doing enough, which in turn can lead to a more general reluctance to seek help. Many users also requested case studies, although this is challenging as cases are very specific to individual circumstances. Worked examples of Code issues may be more appropriate.

The PCA has already taken steps to address delayed publication by instructing external solicitors to undertake the consent and redaction processes. We recommend this continues to ensure timely publication without additional workload for PCA staff.

The PCA has also recently published their first award summary.

This also supports the notes in paragraph 2.12 of the Statutory Review that “The published arbitrations set out the procedure and chronology of the cases which can be helpful in illustrating why some take time to resolve”. The review also noted in 2.16 that some respondents “welcomed the clarity afforded by the published awards”.

We would recommend:

- Walkthroughs or worked examples of scenarios
- Try to make sure users are well informed about existing cases, by making more existing case information available where possible
- Publish summary dashboards, easily accessed, updated as often as is practical, and offering the data in tabular and graph form with progress shown over time
 - » Enquiries
 - » Cases
 - » Awards
 - » Key Performance Indicators

Benefits

The benefits to users if these changes are implemented are:

- By increasing the visibility of what the PCA and the Code can and can't do, TPTs are more likely to be able to use the Code and PCA information productively
- By highlighting the volumes of arbitrations, enquiries etc. over time and by POB, users will have a better understanding of what the PCA does and what they have achieved, as well as how POBs compare to each other in compliance and improvements
- Tied tenants feel well informed and can self-monitor whether their POB is treating them as required by the Code, and what their next steps should be if they have problems
- All users have improved visibility of the work the PCA does which will allow them to feel more confident in using the Code where relevant

Key Performance Indicators

A *Key Performance Indicator* is a measurable value that demonstrates how effectively a company is achieving *key* business objectives.

- Tied tenants have an increased knowledge base and would understand the available information and be able to use it to analyse their POB in comparison to the others, measured through 1-2-1 user research during the design and creation of these features, and then by quantitative surveys and occasional testing
- The level of satisfaction of the perceived transparency of the PCA is increased among TPTs using this project's research as a benchmark and measured at regular intervals (via annual tenant survey and/or in an "on page" banner feedback function)
- Tied tenants' ability to use the Code to support themselves more effectively is increased, measured through 1-2-1 user research during the creation and then in quantitative surveys

Create tools that let tenants understand their situation and rights

Short Summary

In addition to the general confusion and lack of clarity many TPTs have around the Code and their rights, they face a specific challenge in knowing where to start and what is relevant to them. This is exacerbated by the way that a lot of Code rights and associated content is very time specific and related to certain points in their contract or other events.

In particular, many TPTs typically have no real idea what to do if they are unhappy, and if they have any rights in a given situation. We also spoke to some who may have been in situations where they had not been treated in line with the Code but were unaware of this.

We recommend that the PCA build on the work they have already done with their flowcharts and use the interactive nature of the web to develop ways for tenants to see the content relevant to them at any given time. The general principle behind this is that TPTs should be able to understand what rights they have at any time, if their POB is

treating them as required by the Code, and what their next steps should be if they have problems. In addition, they should only seek legal advice when actually needed.

We recommend:

- Provide quick fact pages, sheets and videos to summarise key concepts so users know which to investigate further
- Interactive guides/timelines to explain things like MRO events and processes
- Step by step guides that provide information that is timely and relevant to the tenant's current situation
- Allow tenants to create a simple account to prevent them re-entering information and save useful content

Benefits

The benefits to users if these changes are implemented are:

- By developing and improving content using appropriate language, testing and iterating, all TPTs will have their understanding of what the Code does, their rights within it and how to exercise them significantly improved.
- TPTs will be able to better understand what to do in specific situations.
- All TPTs can have targeted information, based on their situation, provided to them which is useful.

Key Performance Indicators

- TPTs' comprehension increases
- More users are engaging with content across the site (measured by site analytics) and positive feedback is increased stating that the information is accessible, navigable and available in the format that the user finds most preferential. Feedback can be gathered via website banner feedback forms and annual tenant survey questions.

- TPTs feel they have an increased level of information available to them measured through annual tenant surveys

Provide regular updates

Short Summary

Although many tenants reported not being aware of what the PCA does, there was good feedback on the introduction of the Morning Advertiser column and especially a Twitter account to raise visibility and engagement.

Although these channels cover a lot of tenants, there are still those who don't take the Morning Advertiser, or only do so by email and read the occasional article, and many who don't use Twitter or only do so for promotional purposes only.

There is also a general lack of trust in material from the POBs pertaining to the Code, even if it comes from the PCA in the first place, as it is not always clearly separate from POB communications. This could be addressed by providing POBs with, for example, information packs or folders to pass onto TPTs.

We would recommend:

- Building on the introduction of the Twitter account and Morning Advertiser column by pushing out updates of all kinds through multiple channels, especially Facebook
- Visibility of information and guidance changes and case outcomes were especially desired
- To make sure all TPTs are kept informed, consider using
 - » dedicated section on the website
 - » SMS and push notifications
 - » updates in the general and industry press

Benefits

The benefits to users if these changes are implemented are:

- Give all tenants and users of the PCA improved visibility of the work the PCA does, allowing them to see the scope of work that is in progress across multiple channels

- It will allow TPTs to be made aware of information and guidance changes in a prompt manner
- It will allow all TPTs and users of the PCA to build trust and engage more with the PCA, thus encouraging visibility among the community about their rights under the Code therefore raising awareness and knowledge

Key Performance Indicators

- Awareness of the PCA is increased among TPTs — using survey data from this research project as a benchmark and looking to quantify this after a specific period of time
- Where new methods of updating TPTs are used, for example Facebook, TPTs read updates put out on those methods
- Engagement across new channels is from a variety of users rather than single users repeatedly
- Tools to measure things like audience numbers and engagement vary by platform but are widely available

Provide In Person Information

Short Summary

A common request from users with low awareness was to “just have somebody explain it to me”. It is important to recognise that there is a strict divide between helping TPTs understand the Code in general, which is part of the PCA’s role, and providing advice on their case, which the PCA is not able to do. The PCA cannot provide legal advice and must act impartially in Code arbitration disputes. The dual role of the PCA as regulator and arbitrator is unusual. There is a lot of confusion as to the meaning of certain terms, Code rights and the PCA’s role.

There are two main recommendations here — the first and most feasible to trial is non real time Q&As where the questions are sent in advance, using Facebook video or YouTube.

The second, more logistically complex is to allow new — and possibly existing — TPTs a phone call to have a brief introduction and their questions answered. Given the current level of staffing at the PCA we appreciate this is not feasible at this point however.

It is also possible that the inability of the PCA to give legal advice and

move beyond general information proves frustrating for TPTs and the in person approach becomes counterproductive.

We would recommend:

- Carry out Q&As with tenants via YouTube, Facebook, Zoom, Podcast etc (using pre-submitted questions for live or recorded sessions)
- Put on roadshows and continue to attend events nationwide, including Q&A and introductory sessions. If Covid 19 restrictions remain in place, these should be done virtually if possible

Benefits

The benefits to users if these changes are implemented are:

- More TPTs understand who the PCA are and what their powers are
- TPTs understand they have rights under the Code and where to find more information
- TPTs have a reasonable understanding of what those rights are
- TPTs are aware of information and guidance changes in a prompt manner

Key Performance Indicators

- TPTs find having their questions answered by the PCA useful measured through polls offered at the end of Q&A sessions
- TPTs submit questions and watch the produced content monitored via analytics of views of content and measuring amount of questions submitted

Look at how professional advice is found and used

Short Summary

There is a strong desire for “accredited” professional advice, reflecting the need TPTs have for advice from knowledgeable professionals who understand the Code. There is also a strong need to only pay for advice when it is definitely needed, and without it the tenant would lose money.

This also means that the provisions in the Code requiring tenants to take professional advice at certain points, like a new contract, cause resistance. It can be seen as a box ticking exercise, especially where a new contract is seen by the tenant as a renewal on the same terms.

The affordability of legal costs is also, as the Secretary of State points out in paragraph 1.33 in the recent Statutory review, a key factor in ensuring that “the MRO process affords a genuine choice for tenants”.

We suggest that the PCA reach out to relevant trade bodies (such as the Law Society, Institute of Chartered Accountants) to work on Code related training/briefing/presentations.

We would recommend:

- Supporting Code specific training
- Signposting to a directory of qualified professionals who have undertaken Code specific training/briefing/presentations
- Encourage the possibility of panels of professionals willing to provide short consultations at no or low cost
- Supporting appropriate industry initiatives which aim to increase the availability of quality independent professional advice for tied tenants
- Look at how POBs can be expected to make sure the advice mandated by the Code can be made helpful, rather than a box ticking exercise

These recommendations also align strongly with the Statutory Review — point 2.24.

Benefits

The benefits to users if these changes are implemented are:

- TPTs have easier access to professionals they know understand the Code
- TPTs gain value at key points that professional advice is mandated by the Code because the advice is better informed
- By accessing these professionals, TPTs have more confidence that any money spent will be better value
- Minimising costs for professional advice will ensure costs are only incurred when necessary
- PCA will be able to provide Code updates to these professionals and be confident that this will affect/be disseminated to TPTs in an effective manner

Key Performance Indicators

- Range of accessible professional advisors available with Code knowledge to support TPTs
- TPTs feel more supported and resistance to taking professional advice as mandated by the Code (for example at contract renewal) is reduced — measured by annual tenant surveys or via short surveys after engaging with these professional advisors.

C) Extended details to main recommendations

Make sure tenants can understand the Code and their rights

Short Summary

As well as some of the tenants we engaged with having low or very low awareness of the PCA and Code, our interviews showed that even among those who were aware there is a great deal of confusion about the Code and the PCA's powers, and the rights and powers that tenants have as a result of them.

Where TPTs have engaged with the PCA website and publications, some reported **they were confused by the use of legal language** and the difficulty in knowing where to start and what they need to read and understand.

“The legislation is incredibly complicated for a TPT, a lawyer would have to concentrate and study the releases of the PCA to understand them. It’s a huge problem for tenants and the lack of comprehension that tenants have and the incredibly complicated system means that MRO is unachievable for most.”

— respondent of detailed survey

The best way to achieve this is to carry out the content transformation project detailed on page 21 of the main report.

Benefits

The benefits to users if these changes are implemented are:

- TPTs are able to more easily access the information they are looking for (revised site structure)
- TPTs are able to quickly identify if they need to take action, investigate further or engage professional help
- TPTs better understand who the PCA is and what their powers are
- TPTs better understand they have rights under the Code and where to find more information, and a reasonable understanding of what those rights are

- Users are better enabled access to “self-help”
- Welsh speaking TPTs are able to understand and access the information which is relevant to them without language being a barrier

Key Performance Indicators

To truly understand the effectiveness of these key measures, it is important to combine multiple measurement methods, both over the course of the project and longer term. For content work, we advise the following methods:

- Measurement over the course of the project by carrying out testing on the wording of the Code itself, the current content, then continue to test over the course of the transformation project
- Measured in the long term using the annual tenant survey, feedback from the POBs and if, possible and necessary, by commissioning annual reviews with external researchers in addition to the current tenant survey

The following aspects should be measured using this combination of methods:

- TPTs understanding of what the Code does, their rights within it and how to exercise them are significantly improved
- TPTs are able to easily find specific content
- TPTs with low technical skills will more willingly read and understand content in print form than online — measured by testing online and print versions with a variety of user types to see which ones are preferred and if there is a difference in comprehension
- Users have a better understanding of what the PCA does and what they have achieved, as well as how POBs compare to each other in compliance and improvements
- TPTs understanding of complex legal terminology in the Code is improved

In addition, analytics can be used to measure if engagement with the PCA website from Welsh residents is increased

Provide all content and tools in html AND print form

Short Summary

Currently the majority of key content is provided by the PCA as PDFs on their website. The Government Digital Service (GDS) guidance on publishing government documents⁴ specifies that unless intended for downloading or long-term storage, all documents should be published as HTML⁵.

This is because html documents are significantly easier to read for users with access needs and work well on both desktop and mobile devices.

Our research also found a significant set of users who would only engage with digital content reluctantly and when they had to. While the technical skills of these users had improved over the Covid crisis as they turned online to find help and support, it is still low. We also found extreme reluctance to read information online, and a very strong desire to access complex information in paper form.

We would recommend:

- Use the ease of updating, interactivity and accessibility of html as the PCA's primary method of communication
- Look for ways to ensure key tenant focussed content is (or remains) available in printed form for those who prefer this, and for those people there should be a method of filing and maintaining physical versions of relevant advice
 - » **Provide new tenants and those who request it with a sign-up pack of basic information — The constraints on the PCA make this challenging and would require this to be outsourced to a third party**

⁴ — <https://www.gov.uk/government/publications/open-standards-for-government/viewing-government-documents>

Benefits

The benefits to users if these changes are implemented are:

- TPTs with low technical skills will more willingly read and understand content in print form than online
- Content is available in a format which is most suited to the TPTs' preferences

Having said this it is important to remember that printed content has the potential to become out of date, and those who have received printed content need to understand how they can access updated content in this case, be that by email or print.

ACCESSIBILITY AUDIT:

An Accessibility Audit (also known as a Disabled Access Audit) is an assessment of a building, an environment or a service against best-practice standards to benchmark its accessibility to disabled people who may use different tools and technologies to support their access needs.

Key Performance Indicators

- **Accessibility Audits** of new content as it is released identifies issues for screen readers and other assistive technologies and makes reasonable adjustments
- PCA is able to print material directly from the website which is formatted legibly and requiring little to no adaptation for dissemination to users

Improve contact channels and how enquiries are managed

Short Summary

A contact channel is simply the way in which a user contacts the PCA — so by telephone, email, letter etc. During interviews, users who have contacted the PCA reported a lack of visibility about the progress of their enquiry (although they recognised improvements have been made more recently) and when they could expect to hear back. Some users said they would have preferred their contacts to be entirely by phone, rather than receiving a response to a phone contact by email. The PCA themselves would like to improve the processes and technology they currently use to manage enquiries.

There were also problems with the visibility and awareness of the PCA's contact methods. In addition, although the PCA maintains a mailbox for anonymous intelligence to be provided this is not shown on their website. Additionally, the referral form is currently a pdf. Although the PCA has already improved this form to make it easier to complete, the pdf format still causes significant difficulties in making it accessible and is against GDS guidelines. A well coded html form is much easier to access using assistive technologies and requires no manual

intervention to get the data entered into any enquiry management systems in use.

PCA staff can help identify the existing internal processes and where changes might make those arrangements more efficient. TPTs should be able to have a range of contact methods with the PCA, subject to the PCA's resources. Standard approaches to the management of correspondence can be set and published.

There is software available that should be able to meet these needs, and this should be investigated to consider value for money options within the resource available. These should also be able to report in real time on enquiry volumes by type and POB and track compliance with set standards. This data could be used to populate the published data discussed below.

We recommend:

- Ensuring that TPTs can contact the PCA and get responses by the channel that best suits their needs where that is feasible within the PCA's resources
 - » **The exception to this is for arbitration proceedings where contact must be with both parties and in writing, including a representative if one is appointed**
- Maintain single points of contact for all methods other than arbitration correspondence, and triage the type of communication
- Have a single IT system capable of handling all enquiries by all channels
- Set service level agreements and communicate them
- Also make sure the ability to anonymously highlight problems is visible
- Switch to a single email address for contact with the PCA other than within arbitrations

Benefits

The benefits to users if these changes are implemented are:

- More TPTs can contact the PCA in the method which they find most appropriate, with reduced confusion over the best contact method
- This will supplement data to ensure all users have visibility of all the work the PCA does by potentially allowing enquirers to be added with permission to any methods of ongoing communications introduced, such as a mailing list
- The PCA will be able to better collect and deal with all contacts consistently and efficiently
- Users will always be aware of the status of their enquiry and when to expect a response

Key Performance Indicators

- PCA staff satisfaction in dealing with enquiries is increased — measured by conducting interviews and contextual analysis with PCA staff members — consider a benchmarking survey to be used as a KPI during any future phases
- Look at existing enquiry response times and develop realistic and achievable targets, then measure and report against them