

DERBY HOMES LIMITED

MINUTES OF THE BOARD MEETING

Held on Thursday 26 November 2020

The meeting started at 6.00 pm

Board Members Present:

Mike Ainsley (Chair), Jenn Layton Annable, Alan Graves, Iain MacDonald, Bob MacDonald, Lucy Care, Sarah Russell and Jsan Shepherd

Officers Present:

Maria Murphy, Managing Director
David Enticott, Finance Director & Company Secretary
Clare Mehrbani, Director of Housing Services
Jackie Mitchell, Governance Services Manager
Paul Cole, Customer Communications Manager
Annabelle Barwick, Customer Service & Equalities Manager

Others Present:

Councillor Roy Webb, Cabinet Member for Adults, Health & Housing
Rachel North, Strategic Director for Communities & Place
Richard Blakeway, The Housing Ombudsman
David Simmons, Sector Development Lead, Housing Ombudsman Service
John Goodwin – Systemic Adjudicator, Housing Ombudsman Service

20/158 New Housing Ombudsman's Complaint Handling Code

The Board received a presentation by David Simmons and John Goodwin, on the new Housing Ombudsman's Complaint Handling Code.

20/159 Complaints Handling Code & Policy

The Board considered a report on the Housing Ombudsman's Complaint Handling Code and changes to Derby Homes' Complaints Policy in line with the Code. The report also proposed the implementation of a Restricted Contact Policy to replace the Vexatious Policy.

Jenn Layton Annabelle had raised a number of queries prior to the meeting and has been invited to do some further work regarding the policy and

equalities.

Lucy Care raised the sentence at the end of the policy – “we will go the extra mile”. It was agreed this would be replaced with different phrasing.

She also referred to the section under Complaints Procedure and suggested that the wording be changed to “In circumstances where a complaint has not been resolved to the complainant’s satisfaction” and the Housing Ombudsman’s contacts details be included at the end of the policy.

The Managing Director stated that Jenn Layton Annabelle had made some very helpful and valuable comments and she was thanked for her contribution.

The Chair thanked Rick Blakeway, Dave Simmons and John Goodwin for attending and for their input.

Agreed

The Board

1. noted the Housing Ombudsman’s Complaint Handling Code
2. approved the changes to the Complaints Policy and the Restricted Contact Policy.

20/160 Apologies

Apologies for absence were received from Shaun Bennett.

20/161 Admission of Late Items

There were no late items.

20/162 Declarations of Interests

The Council Board Members were noted as declaring their interest in matters relating to Derby City Council.

The Tenant Board Members declared their interests as tenants (as defined in the Memorandum and Articles of Association) of Derby City Council.

Jenn Layton Annabelle declared an interest in Item B4 Homeless Centre.

20/163 Minutes of Previous Meeting

The minutes of the meeting held on the 26 October 2020 were accepted as a correct record.

20/164 Matters Arising

Minute 20/154 Appointment of Chair of Derby Homes 2020-23

The NHF has now published its 2020 Code of Governance and has moved on the issue regarding 6 years maximum term of office. They now expect 6 years as normal maximum continuous period of office, but extension to 9 years, if approved by the Board in the interest of the organisation, would still be compliant. An explanation for non-compliance would be required if more than 9 years, a position Derby Homes has always held.

Minute 20/157 Appointment of Appointments Panel

There will be an advert in Derby Homes News with information about becoming a Tenant Board Member and information on social media already. The closing date for applications is the 4 January and we have received two enquiries already.

20/165 Announcements from the Chair

The Chair asked everyone to note that 'Chair' is the agreed form of address for those who chair Derby Homes meetings or committees.

20/166 Statements from Members of the Board

There were no statements from Members of the Board.

20/167 Questions from members of the public

There were no questions from members of the public

20/168 Committee Chairs' Feedback

The Chairs of Audit and Governance Committee provided feedback from recent meetings:

- a Audit – 19 October 2020
- b Governance – 12 November 2020

Agreed

The Board noted the feedback.

20/169 Outstanding Actions

The Board received details of outstanding actions, all of which were currently on hold due to the pandemic.

Social Value Strategy – The Managing Director proposed that in order to give the attention the strategy deserves and to undertake work with Derby City Council that the Strategy is put back to June 2021.

She also proposed that Board Effectiveness Review – Managing Director's targets is put back to April 2021.

With regard to the Derby Drinkaware Project, this is being delivered by Derby County Community Trust and as Derby Homes already works very closely with the Trust, rather than become a partner of Derby Drinkaware, working with DCCT, the Managing Director proposed to promote the work and the information they put out, to our residents.

Agreed

The Board noted the outstanding actions and agreed the amendments as proposed by the Managing Director.

20/170 Items from Part C for discussion

Agreed

The Board did not raise any items for discussion from Part C.

20/171 Managing Director's Report

The Board considered a report on strategic and key issues.

Staff Survey - September 2020

The report provided detail on the results of the survey carried out in September.

The Managing Director advised that responses were received from 415 staff out of a possible 599 and despite the challenges faced this year, overall staff engagement scores are higher than those seen in the February survey.

Social Housing White Paper

The report also provided a summary and also the NFA's briefing, on the content of the White Paper published by the Government on 17 November. Consultation Papers are expected soon and it is likely draft responses may have to be taken to Chair's briefings for agreement and reported

retrospectively to the Board. If time permits, responses will be circulated to Board Members prior to finalising with the Chair and Vice Chairs.

Lucy Care referred to Social Housing Allocations in the NFA summary paper and asked if there was any hope of making the social housing market work more like the private sector ownership market so people can move to the type of housing they need and in the locations they want, in greater numbers. She said there could be a reduction in housing need if we can facilitate it.

The Managing Director advised this is something that could be looked at because within the new allocations policy there is provision for corporate initiatives, but we would like to have the time to look at the advantages and disadvantages.

The Director of Housing Services added that statutory limits on mutual exchanges require two parties for an exchange to occur. She said we can continue to explore, to see if corporate initiatives could override that, but the basic premise in legislation requires two parties for an exchange to occur.

Managing Impacts of the Pandemic

The Managing Director is working closely with the Council on responding to the impacts of the pandemic and the city-wide recovery plan. Derby Homes is assisting with the relocation of staff across to work with the Council to ensure essential services are maintained and new responsibilities placed on local authorities moving forward. Four members of staff from Derby Homes to join a team of covid support officers working in the community.

There will be a multi-faceted approach to working alongside communities to develop recovery strategies and any proposals to support the development of Locality Working will be brought to the Board in due course.

Alan Graves asked what powers the covid officers will have.

Rachel North advised that the posts are part of the funding from government, provided to the Police and local authorities to provide support around enforcement and are working with the Police, engaging explaining encouraging and supporting behavior to do the right thing. The Council's enforcement role is around businesses, ensuring they are complying with restrictions.

Agreed

The Board noted

1. feedback from the staff survey conducted in September 2020
2. the content of the Government Social Housing White Paper

20/172 Financial Update – Intermediate Rents

The Board considered a report on Intermediate Rents. The report explained that Intermediate Rents are an option for Derby Homes as a Private Registered Provider (PRP) in some circumstances.

Any investment in such properties would need the Council's active support for both the investment and accompanying loans.

Roy Webb said that he welcomed the work done and hoped the Board would take the opportunity to follow through further.

The Board discussed the matter and issues raised included a concern that intermediate rented properties should not be at the expense of affordable rented properties, suggestion that the housebuilding market could be regenerated by getting more builders to build in Derby and Derby Homes facilitating this by putting the infrastructure in place and selling the plots for other people to build resulting in mixed tenure estates.

It was also suggested that having alternative models can bring in more money to support the core business, bringing in more income to help our core business and tenants.

An alternative business model was suggested by Jenn Layton Annable and she provided details of a housing association that has invested in a co-housing estate in Belper where private individuals collectively purchased land with opportunities for social and affordable housing.

Agreed

The Board supported the proposals for Intermediate Rents and approved a pilot programme after discussion with the Council on the details.

20/173 Property Update

The Board considered a report on current issues within the Property Directorate.

The report provided updates on some of the key new build projects – the imminent completions at the War Memorial Village, Bracknell Drive and Perth Street and the occupation of newly built homes at Carson Road and Hatfield Road.

The current working arrangements within the Property Services Directorate were reported on, regarding the impact on resources of the second wave of

Covid and second lockdown.

The report also provided updates on Regulatory Compliance, which has been achieved in all areas, and Energy Efficiency Opportunities.

The Board was advised that everything is on track for the Council to put in a bid for the Green Homes grant by the deadline of 4 December. Derby Homes has been working with the Council on this and is confident of delivering and completing the work to properties it manages and to private stock by 30 September 2021.

Details are also being finalised on a scheme that will improve non-traditional flats at Mackworth, it is a joint bid with Nottingham City Homes.

Agreed

The Board noted the contents of the report.

20/174 Housing Services Update

The Board considered a report on strategic and key issues in relation to Housing Services.

The report provided an update on Derby City Council's Allocations Policy 2020-25 that went live on 5 October. Of the 85 allocations completed by the beginning of November, 7 properties were allocated to those moving on from supported accommodation and 3 to Derby City care leavers.

Derby has been awarded £1.7m from the Next Steps Accommodation Programme 2020/21 which will be match funded with £1.2m from the Housing Revenue Account. This will support the continuation of emergency placements during the Winter months and will enable the acquisition of a further 20 homes for those at risk of rough sleeping, rough sleeping, or recovering from rough sleeping, 10 of these are on track for Christmas.

Derby Homes is exploring options such as Homeshares, to support older people who are living alone and may be facing isolation and loneliness.

There were concerns raised including safeguarding implications, but it was believed it was worthwhile exploring further under the current circumstances without commitment at this stage.

Any further development would be brought back to the Board.

Feedback was provided on a Registered Providers Workshop hosted by Derby Homes and County colleagues on 10 November, aimed at securing additional

support from Registered Providers to respond to the challenges of 'keeping everyone in' during the coronavirus pandemic.

Agreed

The Board noted

1. the implementation of the Allocations Policy 2020-25 and early progress
2. the outcome of the Next Steps Accommodation Programme bid 2020/21
3. the development of a possible future Derby Homeshares offer
4. the ongoing work with Registered Providers to support 'keeping everyone in'.

20/175 Standing Order 12

Agreed

The Board agreed to waive Standing Order 12 to allow the meeting to continue after 8.00 pm.

20/176 Health & Safety Update

The Board considered details of recent health and safety performance and current issues.

The report updated the Board on Accidents and Incidents and Violence and Aggression incidents and detailed of health and safety work related measures to ensure the safety of staff and customers.

Iain MacDonald, Chair of the Health & Safety Forum, provided an update from the Forum meeting, including discussions on accidents and incidents and violence and aggression towards staff.

Feedback was provided on Milestone House staff who are dealing with the most vulnerable customers. They have looked at how they can reshape shift patterns, such as handovers on Zoom, keeping staff in bubbles to limit the number of people who could be exposed.

Agreed

The Board noted the report.

20/177 Corporate Health & Safety Policy

The Board considered a report on the review of the Corporate Health & Safety Policy.

The report advised that the policy had been reviewed by the Health & Safety Manager who recommended that it is still current and does not require any changes at this time.

The policy is reviewed every three years. For the interim years, the policy will be reviewed and, if no changes are required, be re-signed by the Chair of Derby Homes and the Managing Director in consultation with the Health and Safety Manager. If any significant revisions are required, the policy will be brought to the Board.

Iain MacDonald assured the Board that the Health & Safety Forum meetings are constantly looking at incidents that have happened and how Derby Homes has dealt with and learns from them to protect both the organisation and staff, from future incidents.

Agreed

The Board approved the Corporate Health & Safety Policy.

20/178 Freedom of Information Policy & Publication Scheme

The Board considered a report on a review of the Freedom of Information Policy. The Policy now includes the Environmental Information Regulations 2004.

Agreed

The Board approved the Freedom of Information Act 2000 Policy.

20/179 Procurement Strategy & Policy

The Board considered a review of the Procurement Policy.

The policy had been amended to include the requirement for existing Derby Homes Procurements, Derby City Council Procurements and Consortia Procurements to be considered prior to starting any new procurement. There were also several minor and some grammatical changes.

It was suggested that something on environmental awareness, reducing carbon footprint and supporting local economy needed to be included under Objectives. However, it was accepted there needs to be a balance between

that and value for money. There was also concern that a bias towards being more environmentally friendly could affect the number of homes that Derby Homes can build.

The Board was reminded that the Director of Property is working with the Council on the decarbonisation agenda and the Board had agreed a while ago Derby Homes would align its policies with the Council. It was suggested that the policy will need to be reviewed again when the Council agrees its climate change emergency target and when the government produces its decent homes enhancement standard.

It was agreed that an additional bullet point be added under the list of objectives in the introduction signposting to the section on Sustainable Procurement.

Agreed

The Board approved the Procurement Policy subject to the amendment as above and an expectation to review it once the Council has agreed a target date for Derby to become Zero Carbon.

20/180 Change to Standing Orders

The Board considered a report on a change to Standing Order 1, following discussion at the extraordinary Board meeting on 27 October when the matter was delegated to the Governance Committee for consideration and recommendation back to the Board.

The proposed changes were proposed to ensure that there is always a casting vote for the election of Chair.

Agreed

The Board approved the wording of Standing Order 1 as:

1. FIRST MEETING

At the first meeting following each Annual General Meeting of Derby Homes, the Board shall

(a) elect a person to preside for the election of the Chair

Should the Board be unable to agree on such a person the following precedence would be applied:

- 1 Longer continuous serving Vice Chair
- 2 Other Vice Chair
- 3 Chair of Governance
- 4 Chair of Audit
- 5 Longest continuous serving other Board Member

In all cases, this person needs to be someone not standing for election as Chair.

(b) elect the Chair for the ensuing year

(c) receive apologies

(d) consider late items to be added to the agenda by the Chair

(e) receive any declarations of interest from Board Members

(f) elect the Vice Chairs for the ensuing year

(g) approve the minutes of the last meeting

(h) receive any announcements from the Chair

(i) decide which committees, to establish for the next year

(j) decide the size and terms of reference for those committees

(k) appoint to those committees, and outside bodies except where appointment to those bodies has been delegated to the Managing Director

(l) agree a scheme of delegation or such part of it as it sees fit

(m) approve a programme of ordinary meetings of the Board for the year; to ensure that Derby Homes meets deadlines in respect of its AGM and reporting to Derby City Council, and

(n) consider any business set out in the notice convening the meeting.

20/181 Leaving Employment Policy

The Board considered a review of the Leaving Work Policy.

The policy had been considered by the Governance Committee on 12 November.

Discussion at Governance Committee resulted in a few minor changes but also raised the point of appeals being considered by the Board in some cases which would not be possible if the Governance Committee was made up of the same people. The proposed solution to this is that all cases would be considered initially by the Executive with appeals to the Governance Committee. The Governance Committee would still need to approve the actual payment as well. This ensures a separation of those considering at each stage.

The Council's Personnel Committee is to consider the benefits for people who are made redundant. Derby Homes will report back to Board on any changes this may have on the policy.

Agreed

The Board approved the Leaving Work Policy.

20/182 Finance Procedure Rules

The Board considered a report on a review of the Finance Procedure Rules (sometimes known as Financial Regulations) required as a key policy. This report suggests some minor changes to the existing rules as part of the latest triennial review.

These rules were discussed thoroughly by the Governance Committee on 12 November and the changes agreed there had been incorporated into the proposals.

Agreed

The Board approved the Finance Procedure Rules.

20/183 Review of Governance Arrangements

The Board considered a review of the Governance Arrangements:

Part VI Delegation of Responsibilities

Part XI Standing Orders for the Appointment of Staff

Part XII Protocol on Board Member, Executive Team and Staff Relations

These documents were also discussed at the Governance Committee on 12 November and a number of amendments have been made to the Delegation of Responsibilities, mainly with respect to new SMT roles over the last three years to reflect taking on housing options, advice, accountancy and homelessness during that period, and an update to the core values over the

last few years too.

The main proposed change related to an increase in the amount above which a grant is deemed a major decision reserved to the Board which it was proposed to increase to £100,000 from £5,000. It also clarified that homelessness provision services are not included as many of these are delivered by third parties using the grant funding received from the Council. In all cases, grants and loans remain to be approved by the Council in addition.

Agreed

The Board approved:

Part VI Delegation of Responsibilities

Part XI Standing Orders for the Appointment of Staff

Part XII Protocol on Board Member, Executive Team and Staff Relations.

20/184 Annual Fraud Plan

The Board considered the Annual Fraud Plan, which had been recommended for approval by the Audit Committee on 19 October.

Agreed

The Board

1. agreed that no changes to the current “Corporate anti-fraud policy and procedures 2018 – 2021” are required
2. noted that the results from the self-assessment exercise indicate that overall, there are sound controls and procedures in place within Derby Homes
3. noted area for further development as listed in paragraph 3.2 of the report.
4. noted that no frauds have been identified against Derby Homes directly. Social housing related frauds against Derby City Council are recorded as per 3.4.

20/185 Forward Plan of Agenda Items

The Board considered the Forward Plan of Agenda Items.

Agreed

The Board approved the Forward Plan of Agenda Items.

20/186 Insurance Act 2015

Under the Act Derby Homes is obliged to disclose to insurers “relevant information” at both the insurance tender / renewal time and within the year if relevant issues occur.

The Board considered whether there was any new relevant information that should be disclosed to the insurer under the Insurance Act 2015.

Agreed

The Board, having considered whether there is any new relevant information that should be disclosed to insurers, as required under the Insurance Act 2015, agreed it was not aware of any such information.

20/187 Confidential Business

Agreed

The Board agreed, under Part IV of the Derby Homes Governance Arrangements, members of the public be excluded from the meeting during discussion of the following items on grounds that it involves the likely disclosure of confidential information as defined in Standing Order 20.2 (n, f, g and h).

20/188 Strategic & Operational Risk Registers Qtr 2

The Board considered an update on the effectiveness of Derby Homes’ risk management arrangements and present a snapshot of the strategic and operational risk registers as at 30 September 2020.

Agreed

The Board

1. noted the Strategic and Operational Risk Registers for quarter 2
2. agreed to consider a risk on extreme weather events and their impacts for the 2021/22 strategic risk register.

20/189 Procurement Waivers

The Board considered an update on the position with regards to procurement standing order waiver requests approved and currently in force.

Agreed

The Board noted the report.

20/190 Homeless Centre

Jenn Layton Annabelle declared an interest in this matter.

The Board considered a report relating to a Homeless Centre in Derby.

Agreed

The Board approved the recommendations in the report.

End of Confidential Business

20/191 Draft Minutes of Committees of the Board

The Board received the draft minutes of

- a Audit – 19 October 2020
- b Governance – 12 November 2020

Agreed

The Board noted the draft minutes.

Date of next meeting

The next meeting will be held on Thursday 28 January 2021 at 6.00 pm.

The meeting ended at 8.57 pm.

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CHAIR

Signed as true and accurate record of the meeting held on 26 November 2020.