

Part VI

Delegation of Responsibilities

INTRODUCTION TO DERBY HOMES' AND CITY COUNCIL VISION

Derby Homes will work with City Council departments and other agencies to achieve the Council's vision which is to make Derby a city which is safe, strong and ambitious Derby Homes' **core values** are:

Attitude – We embrace a culture that puts our customers first, adopting a practical and innovative approach to delivering our services

Resilience – We adapt to changing situations, with a clear focus on prioritising what our customers need.

Co-delivery – We recognise the strength of effective partnerships

Engagement – Customers are represented at every level of our organisation

Equalities - We strive to understand and enable personalised solutions that meet the needs of our communities

Excellence - We pride ourselves in striving for excellence

Good Employer – We value our employees

Integrity - We are open and honest and we aim to keep our promises

Learning - We improve our services by listening to feedback and learning from others

Value for Money - We manage our services efficiently, effectively and economically

Work Safely - We prioritise health and safety for customers and staff.

~~**Integrity**—we are open and honest and we aim to keep our promises~~

- ~~• **Excellence**—we pride ourselves in being excellent~~
- ~~• **Learning from People**—we improve our services by listening to feedback~~
- ~~• **Delivering Value for Money**—we manage homes, estates and services efficiently, effectively and economically~~

- ~~Embrace Equality and Diversity~~ — ~~We strive to understand and meet the needs of all communities we serve~~
- ~~Innovation~~ — ~~we inspire our employees and improve our business~~
- ~~Work safely~~ — ~~we prioritise health and safety for customers and staff.~~

The purpose of these delegated responsibilities is to:

- (a) enable the Board to provide clear leadership to Derby Homes and to ensure it works in partnership with the Council, tenants, businesses and other organisations;
- (b) support the active involvement of tenants in the process of local authority decision-making;
- (c) help Board Members carry out their role more effectively;
- (d) enable decisions to be taken efficiently and effectively;
- (e) create a powerful and effective means of holding decision-makers to public account;
- (f) ensure that no one will review a decision in which they were directly involved;
- (g) ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions; and
- (h) provide a means of improving the delivery of services to the community.

Interpretation and Review of the Constitution

Where these rules permit the Board to choose between different courses of action, the Board will always choose that option which it thinks is closest to the Derby Homes' beliefs listed in the introduction.

1. SCHEME OF DELEGATIONS

Introduction

The following scheme gives details of the governance arrangements and the allocation of responsibilities within Derby Homes. It includes details of any delegations from the Board to its Committees and Officers.

Within this scheme decisions of Derby Homes are divided into:

- A** Matters that are reserved to the Board
- B** Terms of reference and delegations to committees and panels – Delegation of Responsibilities scheme
- C** Responsibilities of the Chair and Vice Chairs
- D** Matters that are delegated to Officers – Officers Authorisation Scheme.

2. PART A

MATTERS RESERVED TO THE BOARD

2.1. The Board reserves to itself the following powers:

- (a) adopting and changing the governance arrangements;
- (b) approving and adopting strategies, policies, business plans and forward plans and the budget and any changes to these;
- (c) approving the statement of accounts, income and expenditure and balance sheets;
- (d) appointing the Chair and Vice Chairs of the Board;
- (e) agreeing and/or amending terms of reference for Committees, deciding on their composition and making appointments to them including the appointments of Chairs and Vice Chairs. The Operational Board appoints its own Chair and Vice Chair;
- (f) approving procedures for the appointment of Tenant Board Members;
- (g) approving the Derby Homes Delivery Plan;
- (h) approving proposals to provide services on behalf of other organisations over a value of £250,000 a year.
- (i) agreeing the process for the appointment of Independent Board Members;
- (j) making recommendations to General Meetings of Derby Homes;
- (k) appointing external auditors;
- (l) approving membership of, and appointing representatives to outside bodies unless the function has been delegated to an officer;
- (m) confirming the appointment of the Managing Director;
- (n) making arrangements for the discharge of any of Derby Homes' functions by another organisation;
- (o) considering recommendations to and from the Council and/or Managing Director regarding action following receipt of reports of external auditors, external inspectorate and the ~~Local~~ Ombudsman;
- (p) making decisions about any functions that by law are the responsibility of Derby Homes and have not been delegated to a Committee or Officer;
- (q) approving the Derby Homes Operating Budget;
- (r) making recommendations to Council on the Housing Revenue Account;
- (s) making recommendations to the Council on its Housing Strategy, Capital Strategy, Allocations Policy, Lettings Policy, Community Safety Strategy and other matters within the Council's Policy Framework;
- (t) making major decisions about implementation of any of the Derby Homes' functions;
- (u) forming partnerships;
- (v) considering requests from committees on their delegated functions;

- (w) responding to consultation papers from Government, Council or other bodies;
- (x) appointment or recommendation to the Council for the appointment of all contractors where expected spend is in excess of £250,000 a year. Where the procurement is led by the Council this requirement would be waived;
- (y) provide sufficient resources to its Committees and Operational Board to undertake their duties;
- (z) reporting annually to the Member, the Chair's report to contain a separate report from committees and what action they have taken;
- (aa) receiving annually reports from Chairs of its Committees on their activities;
- (bb) receiving questions from members of the public.

2.2. Major decisions

2.2.1. Major decisions referred to in 2.1(t) are:

- (a) any decision that has significant impact city wide;
- (b) any decision that results in incurring expenditure or saving in excess of £250,000. All decisions will normally be part of the budget plan. For clarity, the Managing Director to report all delegated decisions valued £100,000 - £250,000 to the next available Board meeting for information;
- (c) the decision is qualified as follows:
 - a. decisions that are a direct consequence of implementing a major decision are not, in themselves, major;
 - b. external funding bids for sums over £250,000 are not major decisions;
 - c. decisions to make a grant or a loan to any individual or organisations is a major decision unless it is below £5100,000; grants or loans below this level are delegated to the Operational Board. Grants relating to homelessness services delegated by the Council to Derby Homes are not included as key decision. All grants additionally need the approval of the Council.
 - d. significant impact means any decision that is likely to have a significant positive or negative impact on environmental, physical, social or economic terms on tenants and/or leaseholders or residents living or working within the City.

2.2.2. Because of the cycle of Board meetings, there is likely to be the need to make urgent decisions ahead of the next Board or

Committee meeting. In this event, an urgent decision will be made as follows:

- 2.2.3. The Managing Director will prepare a report in a standard format for the Chair of Derby Homes, who may then approve the decision, subject to approval by one other Board Member, who should be a Vice Chair of the Board or Chair of a Committee of the Board.

The full report and the decision of the Chair should then be reported to the next available Board or Committee meeting.

3. **PART B**

TERMS OF REFERENCE AND DELEGATIONS TO COMMITTEES AND PANELS

Appeals Panel

- 3.1.1. act as the final point of appeal on staff disciplinary matters and determine:
 - (a) that an appeal be allowed and disciplinary action withdrawn;
 - (b) that an appeal be rejected and the original disciplinary action taken be confirmed;
 - (c) that the severity of the disciplinary action taken be reduced.
- 3.1.2. act as the final point of appeal for regrading appeals by employees;
- 3.1.3. act as the final point of appeal arising from action under the ill health and improving employee performance procedures taken against any employee other than the Managing Director;
- 3.1.4. act as the final stage of the grievance and harassment procedures;
- 3.1.5. deal with other staffing appeals in accordance with relevant procedures;
- 3.1.6. The make-up of the panel will be determined by the Chair and Managing Director with the exception of any appeal by the Managing Director which will be determined by the Chair and Vice Chairs. The panel will include at least one of the Chair and Vice Chairs

3.2 **Appointments Panel**

- 3.2.1 To make recommendations to the Board about the appointment of the Managing Director and ~~to make the appointment of~~ Executive Officers.

- 3.2.2 To make recommendations to the Board on the appointment and re-appointment of Tenant and Independent Board Members and Operational Board Members.
- 3.2.3 The make-up of the panel will be determined by the Board. The panel will normally include at least one of the Chair and Vice Chairs.

3.3 **Audit Committee Membership**

- 3.3.1 The Board will nominate the members of Audit Committee and the Chair of the Committee.
- 3.3.2 The members of the Committee will be a minimum of 3 members of the main Board who are not
 - (a) the Chair of the Board
 - (b) the Chair of the Operational Board
 - (c) the Chair of Governance Committee

plus up to 2 Operational Board Members.

The Chair of the Committee must have significant and relevant experience.

- 3.3.3 A quorum of any meeting will be 2 main Board members.
- 3.3.4 Members will be appointed for a minimum term of 2 years, or until they cease to be a member of the main or Operational Board, or become ineligible. The membership will be reviewed annually at the first Board meeting following the AGM.

Role of the Auditors

- 3.3.5 External Audit provides an independent view of the accounts of the company and systems and controls upon which they are based, with a view to expressing a formal opinion on the statutory accounts. In undertaking this role, the External Auditors have any access they require.
- 3.3.6 Internal Audit undertakes detailed specific reviews as set out in the Internal Audit Plan approved by the Audit Committee, with a view to commenting on the appropriateness of controls.

Role of the Audit Committee

- 3.3.7 Monitor integrity of financial statements of the company, reviewing significant, financial reporting judgements
- 3.3.8 Keep under review the company's internal financial control system and risk management system

- 3.3.9 Monitor and review effectiveness of the company's internal audit function
- 3.3.10 Make recommendations to the Board in relation to the appointment of the internal and external auditors and approve remuneration and terms of engagement of the internal and external auditors
- 3.3.11 Monitor and review external auditor's independence, objectivity and effectiveness, taking into consideration relevant UK professional and regulatory requirements
- 3.3.12 Develop and implement policy and engagement of external auditor to supply non-audit services, taking into account relevant ethical guidance regarding provision of non-audit services by external audit firm
- 3.3.13 Evaluate the overall effectiveness of the internal control and risk management frameworks and consider whether recommendations made by internal and external auditors have been implemented by management
- 3.3.14 Review the proposed internal and external audit plans for the coming year and ensure that they address key areas of risk
- 3.3.15 Approve the write-off of Company debts over £10,000.
- 3.3.16 The Chair to ensure that the Board is aware of any matters that may significantly impact upon the financial condition or affairs of the business.
- 3.3.17 Meetings of the Audit Committee are confidential.

Resources

The Committee will be provided with sufficient resources to undertake its duties.

Authority

The Board authorises the Audit Committee, within the scope of its responsibilities to:

- 3.3.18 Engage independent professional advice as it deems necessary to carry out its duties
- 3.3.19 Have unrestricted access to management, employees and relevant information in accordance with the protocol on Officers Attendance at Audit Committee

- 3.3.20 Establish procedures to deal with employees' concerns and external complaints regarding accounting, control and audit matters.

Reporting to the Council

- 3.3.21 The Chair's report to contain a separate section that describes the role of the Committee and what action it has taken
- 3.3.22 The Chair of the Audit Committee (or another member of the Committee nominated by the Chair) to be present at the AGM to answer questions through the Chair of the Board
- 3.3.23 The Chair of the Audit Committee (or another member of the Committee nominated by the Chair) to present an annual report on the Audit Committee's activities to the Board.

Frequency of meetings

- 3.3.24 The Committee will meet at least 3 times a year, and meetings will correspond with the company's financial reporting cycle
- 3.3.25 Additional meetings will be convened as required at the request of the Chair of the Committee or at the request of the internal or external auditors
- 3.3.26 The Committee will meet with the internal and external auditors and without company management in attendance at least once a year

Attendance at meetings

- 3.3.27 Only Committee members are entitled to attend meetings. The Committee, or an individual Committee member, may ask the Governance Services Manager to invite or require other such persons, for instance, senior managers, internal/external auditor as it deems necessary
- 3.3.28 The Chair (or another member of the Committee nominated by the Chair) will attend the Board meeting at which the company's financial statements are approved.

Circulation of Papers

- 3.3.29 The agenda and supporting documentation will be circulated to Committee members at a reasonable period (normally one week) in advance of each meeting
- 3.3.30 Minutes of Committee meetings will be circulated to members of the main Board, and as soon as possible after the meeting to

members of the Committee, and the internal and external auditors.

Evaluating Performance

3.3.31 Evaluate the performance of the Committee, both individually and collectively, on a regular basis

3.3.32 Review the Audit Committee Terms of Reference at least every 3 years and discuss with the Board. Any proposed changes to be discussed with and ultimately approved by the Board.

3.4 Disciplinary Committee

Will deal with appeals arising from action taken against the Managing Director under the company's employment policies and relevant national agreements.

Will deal with hearings arising from alleged breaches of the Board Member Code of Conduct.

The Panel would be determined by the Board or in case of an urgent decision the Chair of the Board.

3.5 Governance Committee

Generally

Membership

3.5.1 All members of the Derby Homes Board are members of the Committee.

Chair

3.5.2 The Board will appoint the Chair of the Committee. The Chair should not be the Chair of the Board.

Frequency of Meetings and Quorum

3.5.3 The Committee will meet at least twice each year. A quorum at each meeting will be two members.

Attendance at meetings

3.5.4 Meetings will be open to members of the public (with the exception of any items on the confidential part of the agenda). It will be at the Chair's discretion whether to allow those other than Board Members to remain in the meeting during discussion of confidential items.

Governance

3.5.5 Governance Committee discusses options for the governance of Derby Homes to be proposed to the Board under 2.1 (a) above. Examples of the matters requiring the approval of the Board are:

- i) review the governance of Derby Homes to ensure good governance that makes best use of the time, skills, experience and knowledge of Board Members
- ii) review the levels of delegation and authority from the main Board to its committees and to staff, to ensure decisions are made at the right level
- iii) review the effectiveness of existing and prospective/potential Board Members
- iv) review the possible delegations of responsibilities to individual Board Members and membership of committees
- v) examine all parts of the Governance structure systematically
- vi) Board
- vii) Audit Committee
- viii) Operational Board
- ix) Governance Committee
- x) Delegations to staff
- xi) monitor the effectiveness of Board Review processes
- xii) review the Governance Arrangements.
- xiii) review the effectiveness of Board events and relationship with associated bodies, for example the National Federation of ALMOs
- xiv) review Board succession planning and diversity levels.

Remuneration

3.5.6 matters delegated to the Governance Committee by the main Board are:

- i) determine the framework or broad policy for the remuneration of the Managing Director and senior management team
- ii) review the Managing Director's contract terms every three years
- iii) oversee the Managing Director's appraisal
- iv) determine any performance related pay schemes operated by the Company
- v) be aware of and advise on any major changes in employee benefit structures throughout the Company
- vi) determine remuneration packages and arrangements for Board members, giving due regard to the guidance contained in the UK Corporate Governance Code

including the provisions regarding disclosure of remuneration and pensions and any other legislative or regulatory requirements

- vii) establish the selection criteria, selecting, appointing and setting the terms of reference for any remuneration consultants who advise the Committee
- viii) consider requests for early retirement and redundancy payments from members of staff
- ix) payment of honoraria above £5,000.

3.6 Derby Homes Operational Board

The Operational Board has authority to undertake the functions delegated to it as contained in Part V Operational Board Constitution.

4. PART C

RESPONSIBILITIES OF THE CHAIR AND VICE CHAIRS

4.1. Chair's responsibilities

- (a) To provide leadership for the Board and for Derby Homes.
- (b) To ensure the efficient and proper conduct of the Board's business.
- (c) To ensure that all members are given the opportunity to express their views before any important decision is taken but at the same time to ensure that only those who are eligible to speak (e.g. those without a conflict of interest) are invited to do so.
- (d) To establish a constructive working relationship with the Executive Team and attend meetings with them on a regular basis.
- (e) To chair the Derby Homes Joint Consultative Committee.
- (f) To ensure that the Board delegates sufficient authority to any committees and officers it may establish to enable the business of Derby Homes to be carried on effectively between meetings of the Board and also to ensure that the Board monitors the use of these delegated powers.
- (g) To invite members of staff to comment as appropriate and ensure that the Board receives professional advice when it is needed.
- (h) To ensure that the Board complies with Derby Homes Governance Arrangements.
- (i) To represent Derby Homes at public occasions, on to outside bodies.
- (j) To make comments on behalf of Derby Homes to the press and other media.
- (k) To take decisions (if any) delegated to the Chair with the advice of the Managing Director.

- (l) To ensure when a vacancy arises that the Managing Director is replaced in a timely and orderly fashion.
- (m) To agree with the Managing Director the agenda for all the board's meetings.
- (n) To determine at Board meetings whether any late items will be accepted onto the agenda.
- (o) Where new members or observers are present or in attendance to invite members and staff to introduce themselves.
- (p) To satisfy him/herself that the minutes of the Board's meetings are an accurate and complete record and if so satisfied, to sign the same.
- (q) To satisfy him/herself that every meeting of the board has been properly convened by notice and properly constituted by the attendance of a quorum.
- (r) Attendance at consultation meetings with tenants, leaseholders and residents.
- (s) To guide the meeting through the items on the agenda in the order they appear (unless modified with the agreement of the meeting).
- (t) To give immediate rulings on complaints or queries relating to the procedure and conduct of the meeting, the Chair's ruling being final.
- (u) At the end of each item on the agenda, to ascertain the 'sense of the meeting' and sum up the general agreement of the members on a particular conclusion.
- (v) To ensure that questions from members of the public are dealt with in the manner provided in the Governance Arrangements.
- (w) To adjourn any meeting of the board or committee for the purposes of restoring order or where required to do so by a majority of members.
- (x) To take action on disciplinary and other personal matters concerning the Managing Director in accordance with Derby Homes personnel procedures and in consultation with the Chief Executive of the City Council.
- (y) To take the lead in ensuring that Derby Homes meets its planned service delivery objectives.
- (z) To ensure that the Board has a clear understanding of Derby Homes' culture and values.
- (aa) To ensure Derby Homes has appropriate strategies in place to maintain its status as a high performing ALMO.
- (bb) To ensure Derby Homes provides appropriate role profiles and competency frameworks for all Board members.
- (cc) To ensure appropriate standards of conduct and behaviour are maintained in accordance with the code of conduct approved by

the Board.

- (dd) To work in consultation with the Vice Chairs to ensure that the Board makes proper arrangements to appraise the performance of the Managing Director.

(ee) [To consider and approve where appropriate urgent actions between Board meetings](#)

4.2. **Vice Chairs' responsibilities**

- (a) To assist and support the Chair in fulfilling their duties and responsibilities.
- (b) To deputise for the Chair in their absence.
- (c) To assume responsibility for a particular area of responsibility or interest as may be agreed by the Board, such as chairing a committee.
- (d) To attend regular meetings between the Chair and Executive Team in between Board meetings.
- (e) To undertake such other duties as may be delegated to them by the Board.

(f) [To consider and approve where appropriate urgent actions between Board meetings](#)

5. **PART D**

MATTERS THAT ARE DELEGATED TO OFFICERS

5.1. **General**

This scheme delegates to the Managing Director and other Officers the powers and duties necessary for the discharge of Derby Homes functions subject to the specific conditions stated in 5.2 and 5.3 below. It is adopted with the aim of streamlining and simplifying the decision-making processes of Derby Homes and accordingly the scheme should be interpreted widely rather than narrowly. Where functions are delegated these should be taken to include all powers and duties necessary to carry out those functions delegated by the City Council to Derby Homes.

5.2. **Conditions**

- 5.2.1. The scheme does not delegate to the Managing Director or other Officers any major decisions. Major decisions are defined in 2.2.
- 5.2.2. All powers and duties that the Managing Director or other Officer is authorised to exercise or perform must be exercised or performed on behalf of and in the name of Derby Homes and in accordance with the Governance Arrangements and, in the case

of a Senior Manager or other Officer, any direction and/or advice of the Managing Director.

- 5.2.3. Where any matter involves professional or technical considerations not within the sphere of the competence of the Managing Director or other Officer they must consult the appropriate professional or technical Officer of Derby Homes and/or the Council before authorising action.
- 5.2.4. In exercising delegated powers the Managing Director or other Officer should only act within the approved policies and budgets.
- 5.2.5. The Chair of the Board must be consulted about draft responses to consultation papers issued by Government departments or national or regional bodies.
- 5.2.6. Consultants may only be appointed in accordance with Contract Procedure Rules and subject to the approval of the Managing Director.
- 5.2.7. Any reference to the Managing Director or other Officer includes any other person authorised in writing by that Officer to act on their behalf.
- 5.2.8. In addition to the general powers conferred upon them as Managing Director, these Officers will be authorised to exercise all the powers and duties specifically conferred on subordinate Officers in their department. All powers and duties conferred upon subordinate Officers will be exercised in accordance with any direction issued by the Managing Director.
- 5.2.9. Reference to any statutory provision includes any statutory provision amending, consolidating, or replacing it for the time being in force.

5.3. Staffing Conditions

- 5.3.1. The Managing Director will be responsible for appointing, managing, disciplining and dismissing all employees within Derby Homes subject to complying with:
 - employment policies and conditions of service;
 - any appropriate schemes or arrangements laid down by Derby Homes or the Board;
 - any directions that may be issued from time to time by the Managing Director.
- 5.3.2. The following matters must be dealt with by the Board:
 - agreeing key personnel policies, other than minor or technical changes to existing policies which do not affect the underlying principles of the policies. A key personnel policy is one that incurs costs for Derby Homes.
 - changes to staffing levels or organisational structures that have a cost of £250,000 a year or more or where there is no

budget provision unless the change is incidental to a decision taken by the Board.

5.3.3. The Managing Director, in consultation with the ~~the~~ Finance Director and Company Secretary, who will take advice if necessary, from the City Council's Chief Personnel Officer, can determine:

- authorising payments of honoraria up to £5,000 in the case of any one employee;
- reviewing and authorising changes to departmental structures and establishments where there is a cost of less than £250,000 in a financial year and there is budget provision;
- authorising overtime payments for employees graded SO1 and above;
- determining applications from employees for their post to be regraded;
- authorising the creation of additional temporary posts where budget provision exists;
- authorising requests for leave which are either not covered by a policy or which exceed the limits in the relevant policy;
- paying compensation to employees for pain and suffering incurred by them as a result of assault and/or harassment and/or attacks by animals whilst undertaking their duties and responsibilities;
- granting extensions of sickness pay to employees;
- authorising the payment of injury allowances.

5.3.4. The Managing Director is responsible for the following in consultation with:

The Director of ~~Investment and Maintenance~~Property and the Health and Safety Manager:

- taking action to secure the safety and welfare of employees and to take immediate action where in his/her opinion there is danger to life and limb;

The Finance Director & Company Secretary and the Head of Governance and Corporate Services

- developing, reviewing and monitoring personnel policy and standards;
- establishing and maintaining effective consultation and negotiation arrangements with recognised trade unions;

- developing, reviewing and monitoring employment policy in relation to equality of opportunity;

The Finance Director & Company Secretary:

- reviewing annually the amounts of compensation provided for in the Company's employment policies to make sure they remain at appropriate levels;
- approving the implementation of grades resulting from the job evaluation process;
- approving changes to terms and conditions of employment where there is a cost of less than £250,000 in a financial year.

6. **OFFICERS' AREAS OF RESPONSIBILITY**

6.1. **Summary of post functions and areas of responsibility**

Managing Director

Overall corporate management and operational responsibility (including overall management responsibility for all officers) and representing the Board on partnership and external bodies.

Director of ~~Investment and Maintenance~~Property

Strategic management of all maintenance and new build -services covering ~~modernisation~~, planned maintenance, programmed and cyclical maintenance and responsive repairs- and servicing ~~and day to day responsibility for planned and programmed repairs and budgetary control~~. Management of Health and Safety in these high risk areas of the business.

Finance Director and Company Secretary

Ensuring proper governance of Derby Homes, support for its Board and compliance with statutory requirements, together with management of the following service areas.

Budgets, payments, and accountancy, performance management, procurement, Governance, Legal, Corporate Services and ICT.

Director of Housing

Overall responsibility for all areas of housing management and homelessness services.

Head of Homelessness

Homelessness services, partnership working, housing options, allocations, ASB

Head of Housing Management

~~Anti social behaviour, Safeguarding,~~ supported housing services, day to day services provided through local offices, management and maintenance of estates, ~~housing allocations and housing options,~~ customer engagement and community development.

Head of Income ~~Management and Finance~~

Income management, including rent arrears, rental control, money and other advice services, customer services and leasehold management.

Responsibility for delivery of budgeting, accounting and company payments/income services.

Head of Housing Investment

Day to day responsibility for responsive, planned and programmed maintenance and development of new build.

Head of Repairs

Day to day responsibility for responsive repairs service.

6.2.

Head of Governance and Corporate Services

Governance of the company including legal and data processing issues and equalities issues, and management of corporate service teams including procurement, health and safety and corporate support.

6.3.6.2. Managing Director

The Managing Director will have responsibility for all management, operational and non major decisions about the following functions and areas of responsibility. The Board has delegated to the Executive Officers the responsibility of jointly assuming the powers and duties of the Managing Director in his/her absence.

6.4.6.3. Areas of Responsibility

Core Work Areas

6.4.1.6.3.1. Provide effective leadership across Derby Homes demonstrating sound management style to ensure that the agreed management framework is consistently implemented and to provide advice, support and guidance to managers and others.

6.4.2.6.3.2. Manage, motivate, develop and communicate effectively with managers who report direct.

6.4.3.6.3.3. Approve and join up business plans for the services provided making sure that they are clearly aligned to and contribute to the achievement of Derby Homes' vision and strategy.

6.4.4-6.3.4. Establish an achievement orientated and responsive performance culture by:

- determining key management performance indicators and supplying appropriate, agreed information to the Board for monitoring;
- monitoring and challenging performances;
- reality checking;
- celebrating successes;
- seeking feedback from service users and the community.

6.4.5-6.3.5. Contribute to the development of appropriate policy and strategy for Derby Homes and when approved, be accountable for consistent and effective communications, implementation and monitoring of policy in all areas of Derby Homes.

6.4.6-6.3.6. Support Board Members by:

- providing advice;
- ensuring effective implementation of decisions;
- taking delegated decision within the policy, budgetary and legal framework;
- supervising the preparation of documents for consideration by the Board;
- ensuring the provision of induction and training programmes for Board Members.

6.4.7-6.3.7. Contribute directly and effectively to community working including providing support and information to Committees and other bodies linked to the work of Derby Homes.

6.4.8-6.3.8. Maximise opportunities and benefits arising from:

- partnership and multi agency working;
- additional funding from available and appropriate sources.

6.4.9-6.3.9. Manage and monitor financial resources in line with financial and audit requirements.

6.4.10-6.3.10. Maintain an efficient and prompt investigation of complaints in line with policy and procedures.

6.4.11-6.3.11. Encourage new ideas and innovation designed to improve the standards of services.

6.4.12-6.3.12. Co-ordinate activities with the Council, implementing policies, programmes and initiatives as agreed between the Council and Derby Homes.

6.4.13-6.3.13. Consult with trade unions seeking to gain their active support and participation in making Derby Homes successful.

~~6.4.14.6.3.14.~~ 6.3.14. Ensure equality of access and opportunity in service provision and personnel practices.

~~6.4.15.6.3.15.~~ 6.3.15. Represent Derby Homes at external meetings.

~~6.5.6.4.~~ 6.4. The Managing Director will have responsibility for all management, operational and non major decisions about the following functions and areas of responsibility:

(A) Statutory Executive Functions

(1) The functions of the Council as a local authority landlord as delegated to Derby Homes under the Services Agreement, in particular:

- provision and management of housing by the Council;
- public sector housing regeneration and maintenance.

(B) Caravan Sites, Anti-Social Behaviour

- (1) Provision, management and maintenance of caravan sites;
- (2) Management of anti-social behaviour to or by Council tenants.

(C) Acting as Authorised/Proper Officer for the following matters

(1) The Managing Director is appointed authorised/proper Officer for all purposes concerned with the local authority landlord function under the Housing Act 1985 and after consulting the Head of Legal Services at Derby City Council, about:

- notices seeking possession under s83 Housing Act 1985, other than cases based on Ground 16 Schedule 2 of the Act, and notices to quit for other tenancies and licences of Council dwellings, garages, garage sites and other land and premises;
- institution of possession proceedings for such properties and sites;
- eviction proceedings in such cases including those based solely on breach of tenancy conditions other than non-payment of rent;
- institution of possession proceedings against any persons in unlawful occupation of Council dwellings except where a member of the family has been left in occupation upon the death of a tenant;
- institution of possession proceedings in respect of garages, garage sites and other land and premises under the Council's control and any subsequent proceedings for eviction.

(D) Assisting in the drawing up the following Policies that form part of the Council Budget and Policy Framework

- (1) The plans and strategies that comprise the Housing Investment Programme Council, Housing Allocation Policy

and other items within the Council Budget and Policy Framework.

6.6.6.5. **Structure**

The Managing Director will determine and publicise a description of the overall departmental structure of Derby Homes showing the management structure and deployment of officers. The Managing Director will report to the Board on the manner in which the discharge of Derby Homes' functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.

6.7.6.6. **Functions of the Finance Director and Company Secretary**

- (a) **Governance Arrangements.** The Finance Director and Company Secretary will maintain an up-to-date version of the Governance Arrangements and will ensure that it is widely available for consultation by members, staff and the public.

The Finance Director & Company Secretary will monitor and review the operation of these rules to ensure that the aims and principles of the governance arrangements are given full effect.

The Finance Director & Company Secretary will:

- a. observe meetings of different parts of the member and officer structure;
 - b. undertake an audit trail of a sample of decisions;
 - c. record and analyse issues raised with him/her by members, officers, the public and other relevant stakeholders; and
 - d. compare practices in this company with those in other comparable companies, or national examples of best practice.
- (b) **Ensuring lawfulness and fairness of decision making.** After consulting with the Managing Director, the Finance Director and Company Secretary will report to the Board if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.
- (c) **Standards of Conduct.** The Finance Director & Company Secretary will contribute to the promotion and maintenance of high standards of conduct through provisions of the Code of Conduct.
- (d) **Receiving reports.** The Finance Director & Company Secretary will receive and act on reports concerning codes of conduct and ethical standards in comparable organisations.
- (e) **Conducting investigations.** The Finance Director & Company Secretary will conduct investigations into matters concerning the

code of conduct and make reports or recommendations in respect of them to the Board.

- (f) **Proper officer for access to information.** The Finance Director & Company Secretary will ensure that Board decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible & that Derby Homes follows the relevant legislation for information governance.
- (g) **Advising whether Board decisions are within the budget and policy approved by Derby Homes.** The Finance Director & Company Secretary will advise whether decisions of the Board are in accordance with the policies and budgets of Derby Homes and consistent with its Services Agreement with the City Council.
- (h) **Providing advice.** The Finance Director & Company Secretary will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and governance issues to all Board Members.
- (i) **Government consent.** The Finance Director & Company Secretary shall advise the Board and the Council of any matters under consideration which appears to modify the application for consent made by the Council under section 27 of the Housing Act 1985 and hence must be subject to one month's prior written notice to the Secretary of State before implementation.
- (j) **Restrictions on posts.** The Managing Director cannot act as the Company Secretary.
- (k) **Ensuring lawfulness and financial prudence of decision making.** After consulting with the Managing Director, the Finance Director and Company Secretary will report to the Board in relation to its functions, and Derby Homes' external auditor if s/he considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if Derby Homes is about to enter an item of account unlawfully.
- (l) **Administration of financial affairs.** The Finance Director and Company Secretary will have responsibility for the administration of the financial affairs of Derby Homes.
- (m) **Contributing to corporate management.** The Finance Director and Company Secretary will contribute to the corporate management of Derby Homes, in particular through the provision of professional financial advice.
- (n) **Providing advice.** The Finance Director and Company Secretary will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy issues to all Board Members and will support and advise Board Members and officers in their respective roles.

- (o) **Give financial information.** The Finance Director and Company Secretary will provide financial information to the media, members of the public and the community.

7. **FINANCE, CONTRACTS AND LEGAL MATTERS**

7.1. **Financial management**

The management of Derby Homes' financial affairs will be conducted in accordance with the financial rules set out in Part VI of the Governance Arrangements.

7.2. **Contracts**

Every contract made by Derby Homes will comply with the Contracts Procedure Rules set out in Part VIII of the Governance Arrangements.

7.3. **Legal proceedings by Derby Homes**

The Managing Director is authorised to institute, defend, participate in and settle any legal proceedings in any case within the delegated authority limits granted by the Board where such action is necessary to give effect to decisions of the Board or in any case where the Managing Director considers that such action is necessary to protect Derby Homes' interests.