

# 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 where people are proud to live and work.

Derby Homes believes in:

- Being open and honest
- Holding high standards
- Listening and consulting
- Seeking sustainable solutions
- Promoting equality of opportunity
- Celebrating cultural diversity
- Working in partnership
- Valuing our employees and the services they provide
- Providing best value services

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 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

**B-C** Responsibilities of the Chair and Vice Chairs

**C-D** Matters that are delegated to Officers – Officers Authorisation Scheme

**Comment [D1]:** AC rec to clarify delegation to committees is a part of delegated authority of the Board

**Comment [D2]:** As per Section 1 – new name for former 'Scheme of delegations for officers' which was too similar to both Scheme of delegation and delegation of responsibilities.

### 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;
- (f) approving procedures for the conduct of elections for Tenant Board Members;
- (g) approving the Derby Homes Delivery Plan;
- (h) approving proposals to provide Housing, Maintenance and Financial Management services on behalf of other organizations;
- (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 Chief Executive;
- (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 Chief Executive 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) agreeing the Public Sector Housing Capital Programme delegated to Derby Homes;
- (s) making recommendations to Council on the Housing Revenue Account;
- (t) 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;
- (u) making major decisions about implementation of any of the Derby Homes' functions;
- (v) forming partnerships;
- (w) considering requests from committees on their delegated functions;
- (x) responding to consultation papers from Government, Council or other bodies;
- (y) appointment or recommendation to the Council for the appointment of all contractors where spend is in excess of £100,000 a year;
- (z) provide sufficient resources to its Committees and Local Boards to undertake their duties;
- (aa) reporting annually to the Member, the Chair's report to contain a separate report from committees and what action they have taken;
- (bb) receiving annually reports from Chairs of its Committees on their activities;

- (cc) receiving questions from members of the public.

## 2.2. Major decisions

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

- (a) any decision that has significant impact on both North and South areas;
- (b) any decision that results in incurring expenditure or saving in excess of £200,000. All decisions will normally be part of the budget plan. For clarity, the Chief Executive to report all delegated decisions valued £100,000 - £200,000 to the next available Board meeting for information;
- (c) any decision to change strategy or policy;
- (d) 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 £200,000 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 £5,000;
  - d. significant impact on North and South area of the City 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 in both North and South areas of the City.

2.2.2. Because of the cycle of Board meetings, there is likely to be the need to make urgent major decisions ahead of the next Board or Committee meeting. In this event, an urgent major decision will be made as follows:

2.2.3. The Chief Executive of Derby Homes will prepare a report in the format of the Board report for the Chair of Derby Homes, who may then approve the major 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.

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

~~1.1.~~ **PART B**

3.

~~1.2. **MATTERS THAT ARE DELEGATED TO COMMITTEES OR PANELS**~~  
**TERMS OF REFERENCE AND DELEGATIONS TO COMMITTEES AND PANELS**

Terms of reference for each committee will be drawn up and appended to this section as approved by the Board over time.

~~1.2.1.3.1.~~ **Appeals Panel**

~~1.2.1.1.~~~~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;

~~(a)~~

(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;

~~1.2.1.2.~~

~~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 Chief Executive;

~~1.2.1.3.~~

~~1.2.1.4.~~~~3.1.4.~~ act as the final stage of the grievance and harassment procedures;

~~1.2.1.5.~~~~3.1.5.~~ deal with other staffing appeals in accordance with relevant procedures;

~~1.2.1.6.~~~~3.1.6.~~ act as the final point of appeal on a formal customer complaint and determine:

(a) that the complaint not be upheld, or

(b) that the complaint be upheld, and if so

(c) a remedy in response to the complaint;

(d) any relevant recommendations in respect of future policy and practice to be reported to Performance Management Committee.

**3.2 Appointments Panel**

3.2.1 To make recommendations to the Board about the appointment of the Chief Executive and to make the appointment of ~~executive~~ **Executive Directors/Officers**.

3.2.2 To make recommendations to the Board on the appointment of Independent Board Members.

~~3.2.23.2.3~~ The make up of the panel will be determined by the chair and Chief Executive with the exception of the appointment of the Chief Executive which will be determined by the Chair and Vice Chairs. The panel will include at least one of the Chair and Vice Chairs.

Comment [D3]: AC Recommended for clarity and consistency with part XI

### **3.3 Audit Committee**

~~4.2.1.7.~~

~~4.2.2. Audit Committee~~

- ~~1.~~
- ~~2.~~
- ~~3.~~

- ~~3.1.~~
- ~~3.2.~~
- ~~3.3.~~

~~4.2.2.1.3.3.1.~~ Monitor integrity of financial statements of the company, reviewing significant, financial reporting judgements.

~~4.2.2.2.3.3.2.~~ Review Derby Homes internal financial control system and risk management system.

~~4.2.2.3.3.3.3.~~ Monitor and review effectiveness of the Derby Homes internal audit function.

~~4.2.2.4.3.3.4.~~ Make recommendations to the Board in relation to the appointment of the internal and external auditor and to approve remuneration and terms of engagement of the internal and external auditors.

~~4.2.2.5.3.3.5.~~ Monitor and review external auditor's independence, objectivity and effectiveness, taking into consideration relevant UK professional and regulatory requirements.

~~4.2.2.6.3.3.6.~~ To 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.

~~4.2.2.7.3.3.7.~~ 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.

- ~~1.~~
- ~~2.~~
- ~~3.~~

- ~~3.1.~~
- ~~3.2.~~
- ~~3.3.~~

~~4.2.3. City Housing Consultation Group~~

~~4.2.3.1. Receive and respond to reports produced by Derby Association of Community Partners.~~

~~4.2.3.2. Receive draft reports to improve the housing service that are being considered by the Council's Cabinet and the Derby~~

Comment [D4]: Deleted as now defunct

~~Homes Board and Committees and provide an initial response.~~

~~1.2.3.3. Identify and discuss any issues which have an impact on all tenants relating to the housing service.~~

~~1.2.3.4. Advise and participate in policy formulation.~~

~~1.2.3.5. Resolve issues not agreed at CHCG Sub Group (attended by officers of Derby Homes).~~

#### 1.2.4.3.4. **Disciplinary Committee**

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

#### 1.2.5.3.5. **Governance Services Committee**

1.2.5.1.3.5.1. To review the governance of Derby Homes to ensure good governance that makes best use of the time, skills, experience and knowledge of Board Members.

1.2.5.2.3.5.2. To 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.

1.2.5.3.3.5.3. To improve the risk management system of performance management to make Board Members and staff roles within it more effective.

1.2.5.4.3.5.4. To review the possible delegations of responsibilities to individual Board Members and membership of committees.

1.2.5.5.3.5.5. To examine all parts of the Governance structure systematically:

- Board
- Resources, Remuneration and Regeneration Committee
- City Board
- Audit Committee
- ~~HRA Strategic Working Party~~
- Delegations to staff
- Budget Scrutiny meetings
- Chair's meetings

1.2.5.6.3.5.6. To monitor any Board action plan.

1.2.5.7.3.5.7. To review the Governance Rules.

#### 1.2.6.3.6. **Joint Consultative Committee**

1.2.6.1.3.6.1. promote good industrial relations by providing a forum for formal consultation and discussions between management and employee representatives.

1.2.6.2.3.6.2. give employees and trade union representatives the opportunity to play a part and take responsibility for the conditions under which their work is performed.

Comment [D5]: This was a Council body.

~~1.2.6.3.3.6.3.~~ exchange opinions and seek ways to jointly agree how to approach issues affecting employees.

~~—~~ Discuss:

- (a) Terms and conditions of employment
- (b) Health and safety
- (c) Employee welfare
- (d) Organisational reviews
- (e) Employee training and development
- (f) Equality in employment
- (g) Derby Homes budgets
- (h) general application of disciplinary rules and grievance procedures;
- (i) application and interpretation of Local, Provincial and National terms and conditions of service and agreements
- (j) such other matters that are mutually agreed.

#### ~~1.2.7.3.7.~~ **Derby Homes City Board**

~~—The City Board has authority to undertake the functions delegated to it within the City Board constitution.~~

~~Will:~~

- ~~1.2.7.1. set Local Performance targets and standards;~~
- ~~1.2.7.2. monitor local performance;~~
- ~~1.2.7.3. prioritise and manage the local area Housing Capital Works Programme;~~
- ~~1.2.7.4. develop and approve Estates Pride strategy and initiatives~~
- ~~1.2.7.5. develop and approve bids for funding for local initiatives from various funding sources;~~
- ~~1.2.7.6. approve any grants, loans or sponsorship over £5,000 to organisations operating in the City;~~
- ~~1.2.7.7. respond to representations from Housing Focus Groups and Tenants' Scrutiny Panel;~~
- ~~1.2.7.8. approve, monitor and implement Local Estate Agreements;~~
- ~~1.2.7.9. approve local Derby Homes Service Improvement Plans and targets;~~
- ~~1.2.7.10. develop local tenant participation structures;~~
- ~~1.2.7.11. monitor relationships and performance of all tenant organisations in the area, ie Tenant Management Organisations;~~
- ~~1.2.7.12. work with other organisations and agencies in order to improve sustainability of council housing within the area;~~
- ~~1.2.7.13. recommend partner contractors for improvement programmes to the Council;~~
- ~~1.2.7.14. review and approve the provision of equal opportunities services;~~

~~1.2.7.15. review existing customer services and approve the introduction of new services;~~

~~1.2.7.16. make recommendations to Board on any change in strategies, policies, business plans and any other matter reserved to the Board, that it sees fit;~~

~~1.2.7.17. make recommendations as part of the Budget Review process;~~

~~1.2.7.18. receive questions from members of the public and approve answers;~~

~~1.2.7.19. receive petitions from members of the public and approve actions arising;~~

~~1.2.7.20. receive recommendations from the Board and the Resources Remuneration & Regeneration Committee and other Committees on any matter delegated to it by the Board;~~

~~1.2.7.21. contribute to Derby Homes Service Reviews~~

~~1.2.7.22. monitor and propose ways of improving Housing Focus Groups and other forms of local consultation~~

~~1.2.7.23. making major decisions about implementation of any of the Derby Homes' functions delegated to the City Board;~~

~~1.2.7.24. major decisions for the City Board, as referred to in 22 above, are defined as:~~

~~(a) any decision that has significant impact on the City~~

~~(b) any decision that results in incurring expenditure or saving in excess of £200,000 — however any decisions with expenditure or savings between £100,000 and £200,000 will be reported to the next City Board for noting~~

~~(c) any decision to change strategy or policy on housing management, maintenance or customer service~~

~~(d) the decision is qualified as follows:~~

~~a. decisions that are a direct consequence of implementing a major decision are not, in themselves, major;~~

~~b. bids for sums over £200,000 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 £5,000;~~

~~d. significant impact on North and South area of the City 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 in the area of the City;~~

~~e. in recognition of their legal responsibility and liability, main Board Members have the right to redirect a decision of the City Board to the next available main Board meeting. This has the effect of status quo applying until the main Board has considered the matter;~~

**Comment [m6]:** Move to City Board Constitution

~~1.2.8.3.8.~~ **Resources & Remuneration and Regeneration Committee**

~~1.2.8.1.3.8.1.~~ **Resources**

To oversee and make decisions on:

- (a) policies for the supervision and control of the finances, accounts, income, expenditure and assets of Derby Homes;
- (b) making recommendations to the Board on the annual budgets of Derby Homes and monitoring progress during the year;
- (c) Derby Homes' cash flow and income collection activities;
- (d) monitoring implementation of the Derby Homes budget and policy decisions;
- (e) undertaking activities relating to virement and other issues specified under Financial Procedure Rules;
- (f) all matters relating to the insurance of the Company's assets;
- (g) manage the Derby Homes' Risk Management strategy and agree action plans;
- (h) Disaster Recovery plans;
- (i) Derby Homes' IT strategy and monitor its implementation;
- (j) provision of support services and arrangements for any functions to be fulfilled by another organisation.

~~1.2.8.2.3.8.2.~~ **Personnel and Training**

To approve:

- (a) policies relating to training and development, recruitment, health and safety, contracts of employment and union matters.
- (b) policies relating to pay and budgets.
- (c) performance on staff turnover, sickness, training, achievement and development, equal opportunities employment and health and safety.
- (d) performance issues relating to personnel, central support services provided by Derby Homes staff.
- (e) negotiating and overseeing the implementation of formal agreement with staff and ensuring representation in the final stage of any dispute.
- (f) agreeing personnel policies, other than minor or technical changes to existing policies which do not affect the underlying principles of the policies.

(g) agreeing changes to staffing levels or organisational structures that have an impact of £200,000 a year or more or where there is no budget provision unless the change is incidental to a key decision taken by the Board.

~~(e)~~(h) Approving early retirement or redundancy applications by staff.

**Comment [D7]:** Suggested delegation of authority relating to this matter to ensure that value for money is proven in all cases.

#### ~~1.2.8.3.~~3.8.3. **Remuneration**

- (a) Determine and agree with the Board, the framework or broad policy for the remuneration of the Chief Executive, senior managers and such other staff
- (b) Determine any performance related pay schemes operated by the Company
- (c) In determining remuneration packages and arrangements for Board members, give due regard to the guidance contained in the Combined Code including the provisions regarding disclosure of remuneration and pensions
- (d) Be exclusively responsible for establishing the selection criteria, selecting, appointing and setting the terms of reference for any remuneration consultants who advise the committee
- (e) Report the frequency of, and attendance by members at committee meetings in the annual report
- (f) make the committee's terms of reference publicly available. These should set out the Committee's delegated responsibilities and be reviewed, and where necessary, updated annually
- (g) the Chair of the Committee to be present at the AGM to answer questions through the Chair of the Board.

#### ~~1.2.8.4.~~3.8.4. **Property**

- (a) To oversee and make recommendations to the Board on the management of land and buildings (other than dwellings) managed by Derby Homes.
- (b) To consider and propose the new build, regeneration and redevelopment strategy for Derby Homes and recommend this to the Board.
- (c) To consider and agree detailed procurement rules for the selection of partners.
- (d) To meet as required to consider in detail individual proposals for new build and major regeneration or redevelopment projects involving Derby Homes.
- (e) To advise and make recommendations to the Board on any new build or major regeneration or redevelopment proposals.
- (f) To recommend to the Board, the appointment of any partner organisation to work with Derby Homes on new

build and major regeneration or redevelopment projects involving Derby Homes.

~~(g)~~ To consider other reports on associated matters and make recommendations to the Board.

~~(g)~~

~~1.2.8.5. Any other matters~~

~~(a) Any other matters referred by the Board or other committees of Derby Homes.~~

~~3.4.~~ **PART BC**

**RESPONSIBILITIES OF THE CHAIR AND VICE CHAIRS**

~~3.1.4.1.~~ **Chair's responsibilities**

- To provide leadership for the Board and for Derby Homes.
- To ensure the efficient and proper conduct of the Board's business.
- 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.
- To establish a constructive working relationship with the Executive Team and attend meetings with them on a regular basis.
- To chair the Derby Homes Joint Consultative Committee.
- 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.
- To invite members of staff to comment as appropriate and ensure that the Board receives professional advice when it is needed.
- To ensure that the Board complies with Derby Homes Governance Arrangements.
- To represent Derby Homes at public occasions, on to outside bodies.
- To make comments on behalf of Derby Homes to the press and other media.
- To take decisions (if any) delegated to the Chair with the advice of the Chief Executive.

- To ensure when a vacancy arises that the Chief Executive is replaced in a timely and orderly fashion.
- To agree with the Chief Executive the agenda for all the board's meetings.
- To determine at Board meeting's whether any late items will be accepted onto the agenda.
- Where new members or observes are present or in attendance to invite members and staff to introduce themselves.
- 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.
- 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.
- Attendance ~~at City Housing Consultation Group and at other~~ consultation meetings with tenants, leaseholders and residents.
- To guide the meeting through the items on the agenda in the order they appear (unless modified with the agreement of the meeting).
- To give immediate rulings on complaints or queries relating to the procedure and conduct of the meeting, the Chair's ruling being final.
- 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.
- To ensure that questions from members of the public are dealt with in the manner provided in the Governance Arrangements.
- 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.
- To take action on disciplinary and other personal matters concerning the Chief Executive in accordance with Derby Homes personnel procedures and in consultation with the Chief Executive of the City Council.
- To take the lead in ensuring that Derby Homes meets its planned service delivery objectives.
- To ensure that the Board has a clear understanding of Derby Homes' culture and values.
- To ensure Derby Homes has appropriate strategies in place to maintain its status as a high performing ALMO.

- To ensure Derby Homes provides appropriate role profiles and competency frameworks for all Board members.
- To ensure appropriate standards of conduct and behaviour are maintained in accordance with the code of conduct approved by the Board.
- To work in consultation with the Vice Chairs to ensure that the Board makes proper arrangements to appraise the performance of the chief executive.

#### 3.2.4.2. Vice Chairs' responsibilities

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

### 4.5. PART C-D

#### MATTERS THAT ARE DELEGATED TO OFFICERS

##### 4.1-5.1. General

This scheme delegates to the Chief Executive and other Officers the powers and duties necessary for the discharge of Derby Homes functions subject to the specific conditions stated in 4.2 and 4.3 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.

##### 4.2-5.2. Conditions

4.2-1-5.2.1. The scheme does not delegate to the Chief Executive or other Officers any major decisions. Major decisions are defined in 2.2.

4.2.2.5.2.2. All powers and duties that the Chief Executive 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 Chief Executive.

4.2.3.5.2.3. Where any matter involves professional or technical considerations not within the sphere of the competence of the Chief Executive or other Officer they must consult the appropriate professional or technical Officer of Derby Homes and/or the Council before authorising action.

4.2.4.5.2.4. In exercising delegated powers the Chief Executive or other Officer should only act within the approved policies and budgets.

4.2.5.5.2.5. The Chair of the Board must be consulted about draft responses to consultation papers issued by Government departments or national or regional bodies.

4.2.6.5.2.6. Consultants may only be appointed in accordance with Contract Procedure Rules and subject to the approval of the Chief Executive.

4.2.7.5.2.7. Any reference to the Chief Executive or other Officer includes any other person authorised in writing by that Officer to act on their behalf.

4.2.8.5.2.8. In addition to the general powers conferred upon them as Chief Executive, 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 Chief Executive.

5.2.9. Reference to any statutory provision includes any statutory provision amending, consolidating, or replacing it for the time being in force.

~~4.2.9.~~

#### 4.3.5.3. **Staffing Conditions**

4.3.1.5.3.1. The Chief Executive 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 Chief Executive.

4.3.2.5.3.2. The following matters must be dealt with by the Board:

- agreeing personnel policies, other than minor or technical changes to existing policies which do not affect the underlying principles of the policies;
- changes to staffing levels or organisational structures that have a cost of £200,000 a year or more or where there is no budget provision unless the change is incidental to a key decision taken by the Board.

4.3.3.5.3.3. ~~The following matters must be dealt with~~ The Chief Executive, in consultation with the Derby Homes Personnel ~~Officer~~Manager, who will take advice if necessary, from the City Council's Chief Personnel Manager, and the Director and Company Secretary where there is a budgetary implication for Derby Homes, can determine:

- authorising payments of honoraria that exceed £2,000 in the case of any one employee or in circumstances that are not covered by the policy guidelines;
- reviewing and authorising changes to departmental structures and establishments where there is a cost of less than £200,000 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;
- ~~in consultation with the Director & Company Secretary, authorising payments for employees in the case of early retirement, voluntary redundancy and redeployment;~~
- authorising the creation of additional temporary posts for more than 6 months, 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.

4.3.4.5.3.4. The Chief Executive in ~~conjunction~~ consultation with the Director (Investment and Regeneration), , Personnel Officer and Senior Health and Safety Advisor is responsible for:

- 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;

**Comment [D8]:** AC rec to clarify who determines in consultation with whom.

**Comment [D9]:** Suggested revert to RRR approval for individual cases to tighten procedure and ensure value for money in all cases.

**Comment [D10]:** Clarification as suggested by AC

- 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;
- in conjunction with the 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 £200,000 in a financial year.

## 5.6. OFFICERS AREAS OF RESPONSIBILITY

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

#### Chief Executive

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 Regeneration}

Strategic management of all maintenance services covering modernisation, planned maintenance, programmed and cyclical maintenance and responsive repairs and day to day responsibility for planned and programmed repairs and budgetary control.

#### 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 and rental control, performance management and ICT

#### Director of Housing and Customer Service

Rent arrears, anti social behaviour cases, supported housing services, day to day services provided through local offices, management and maintenance of estates, enquiry centre, marketing and communications.

Comment [D11]: Re-ordered as suggested by AC

### **Maintenance Managers**

Day to day responsibility for responsive, planned and programmed repairs and budgetary control.

### **Personnel Officer**

Day to day personnel, training, recruitment, induction and staffing administration. Advising staff and overseeing work on equalities issues.

## **5.1-6.2. Chief Executive of Derby Homes**

The Chief Executive 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 ~~Directors-Officers~~ the responsibility of jointly assuming the powers and duties of the Chief Executive in his/her absence.

## **5.2-6.3. Areas of Responsibility**

### **Core Work Areas**

5.2.1-6.3.1. \_\_\_\_\_ 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.

5.2.2-6.3.2. \_\_\_\_\_ Manage, motivate, develop and communicate effectively with managers who report direct.

5.2.3-6.3.3. \_\_\_\_\_ 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.

5.2.4-6.3.4. \_\_\_\_\_ 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.

5.2.5-6.3.5. \_\_\_\_\_ 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.

5.2.6-6.3.6. \_\_\_\_\_ 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.

~~5.2.7.6.3.7.~~ Contribute directly and effectively to community working including providing support and information to Housing Focus Groups, Committees and other forum linked to the work of Derby Homes.

~~5.2.8.6.3.8.~~ Maximise opportunities and benefits arising from:

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

~~5.2.9.6.3.9.~~ Manage and monitor financial resources in line with financial and audit requirements.

~~5.2.10.6.3.10.~~ Maintain an efficient and prompt investigation of complaints in line with policy and procedures.

~~5.2.11.6.3.11.~~ Encourage new ideas and innovation designed to improve the standards of services.

~~5.2.12.6.3.12.~~ Co-ordinate activities with the Council, implementing policies, programmes and initiatives as agreed between the Council and Derby Homes.

~~5.2.13.6.3.13.~~ Consult with trade unions seeking to gain their active support and participation in making Derby Homes successful.

~~5.2.14.6.3.14.~~ Ensure equality of access and opportunity in service provision and personnel practices.

~~5.2.15.6.3.15.~~ Represent Derby Homes at external meetings.

~~5.3.6.4.~~ The Chief Executive of Derby Homes 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) Areas of Responsibility 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 Chief Executive of Derby Homes is appointed authorised/proper Officer for all purposes concerned with the local authority landlord function under the Housing Act 1985 and after consulting the Strategic Director of Adults, Health and Housing 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) ~~(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.

~~(1)~~

#### ~~5.4. Summary of post functions and areas of responsibility~~

##### ~~Chief Executive~~

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

##### ~~Director (Investment and Regeneration)~~

~~Strategic management of all maintenance services covering modernisation, planned maintenance, programmed and cyclical maintenance and responsive repairs and day to day responsibility for planned and programmed repairs and budgetary control.~~

### ~~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 and rental control.~~

### ~~Director of Housing and Customer Service~~

~~Rent arrears, anti-social behaviour cases, supported housing services, day to day services provided through Local Offices, management and maintenance of estates.~~

### ~~Maintenance Managers~~

~~Day to day responsibility for responsive, planned and programmed repairs and budgetary control.~~

### ~~Personnel Officer~~

~~Day to day personnel, training, recruitment, induction and staffing administration. Advising staff and overseeing work on equalities issues.~~

### ~~Lead Equalities Adviser~~

Comment [D12]: Delete? No function?

#### 5.5-6.5. Structure

The Chief Executive will determine and publicise a description of the overall departmental structure of Derby Homes showing the management structure and deployment of officers. The Chief Executive 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.

#### 5.6-6.6. Functions of the Company Secretary

**(a) Governance Arrangements.** The 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 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 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.

~~(a)~~(b) **Ensuring lawfulness and fairness of decision making.** After consulting with the Chief Executive the Director & 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.

~~(b)~~(c) **Standards of Conduct.** The Company Secretary will contribute to the promotion and maintenance of high standards of conduct through provisions of the Code of Conduct.

~~(e)~~(d) **Receiving reports.** The Company Secretary will receive and act on reports concerning codes of conduct and ethical standards in comparable organisations.

~~(d)~~(e) **Conducting investigations.** The Company Secretary will conduct investigations into matters concerning the code of conduct and make reports or recommendations in respect of them to the Board.

~~(e)~~(f) **Proper officer for access to information.** The 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.

~~(f)~~(g) **Advising whether Board decisions are within the budget and policy approved by Derby Homes.** The 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.

~~(g)~~(h) **Providing advice.** The 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.

~~(h)~~(i) **Government consent.** The 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.

~~(i)~~(j) **Restrictions on posts.** The Chief Executive cannot act as the Company Secretary.

#### 5.7-6.7. Functions of the Director and Company Secretary

- (a) **Ensuring lawfulness and financial prudence of decision making.** After consulting with the Chief Executive, the 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.
- (b) **Administration of financial affairs.** The Director and Company Secretary will have responsibility for the administration of the financial affairs of Derby Homes.
- (c) **Contributing to corporate management.** The Director and Company Secretary will contribute to the corporate management of Derby Homes, in particular through the provision of professional financial advice.
- (d) **Providing advice.** The 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.
- (e) **Give financial information.** The Director and Company Secretary will provide financial information to the media, members of the public and the community.

### 6.7. FINANCE, CONTRACTS AND LEGAL MATTERS

#### 6.4-7.1. 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.

#### 6.2-7.2. Contracts

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

#### 6.3-7.3. Legal proceedings by Derby Homes

The Chief Executive of Derby Homes is authorised to institute, defend ~~or 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 Chief Executive of Derby Homes considers that such action is necessary to protect Derby Homes' interests.

Comment [D13]: Clarification required suggested by AC

~~6.4. **Review and revision of the Governance Arrangements**~~

~~**Duty to monitor and review the Governance Arrangements**~~

~~6.4.1. The 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.~~

~~6.4.2. The 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.~~