



Berneslai Homes Board

23rd May 2023

Public Agenda

1	Apologies
2	Declarations of Interest
3.	Minutes/Actions from previous meeting held 23/2/2023
4.	CEO Presentation
5.	Governance Update
6.	Fire Safety Act 2021 & Building Safety Act 2022 Update
7.	Damp/Mould Report
8.	PAnnual Review of Performance - Presentation
9.	Professionalism Agenda
10.	Repairs First Update Presentation
11.	Resource Information Papers a) Quarterly Risk Update b) Innovation & Technology Strategy Update
12	Date of Next Meeting – 13 th July 4 p.m. – Virtual



Minutes of Berneslai Homes Public Board held 23rd February 2023 at 4.00pm
Virtual Meeting

Present:

- Sinead Butters - Chair
- Richard Fryer - Board Member
- Adam Hutchinson - Board Member
- Mark Johnson - Board Member
- Councillor Kevin Osborne - Board Member
- Adriana Rustemi - Board Member
- Eric Smith - Board Member
- Jo Sugden - Board Member
- Councillor Sarah Tattersall - Board Member
- Mahara Haque - Co-optee of Customer Services Committee (Board observer)

In attendance

- Dave Fullen - Executive Director, Customer & Estate Services
- Arturo Gulla - Executive Director, Property Services
- Kulvinder Sihota - Interim Executive Director, Corporate Services
- Lee Winterbottom - Managing Director Construction Services
- Kathy McArdle - Service Director Regeneration & Culture (BMBC)
- Sam Roebuck - Head of Governance and Strategy and Company Secretary

	ACTION
<p><u>Item 1 – Apologies</u></p> <p>Amanda Garrard - CEO</p>	
<p><u>Item 2 – Declarations of Interest</u></p> <p>Interest declared by AR in relation to Item 4 – Governance Update.</p>	
<p><u>Item 3 – CEO Presentation</u></p> <p>DF summarised the headlines from a national, local and Berneslai Homes perspective. Board noted the focus on the regulatory journey and publicity. The work around consumer standards was also highlighted and the Better Social Housing Review. Board felt it would be useful if a report could be</p>	

brought to a future meeting or alternatively a strategic session be arranged to debate the position BH wish to take on the recommendations.

DF/AGa

From a local perspective DF was pleased to report that in recent announcements Barnsley has been awarded £10M of levelling up funding. He advised of the agreement made at today's full Council meeting to the 6.5% rent increase – this is positive news in relation to the investment it will enable to be brought in i.e. £30M for EPCC works, benefitting both the stock and tenants. Board were advised of the significant work undertaken on the cost of living and hardship fund. In January alone £100K was awarded to those tenants worst affected and as part of the budget settlement with the Council it has been agreed that this fund will be extended up to £500K for the coming year.

Discussion followed on potential implications/concerns of a 6.5% rent increase. DF advised that BH have been working with the Council on budget modelling. To stand still 5.5% was required to protect jobs and services at the current level. BH acknowledge that the Council may set challenging efficiency targets, but the additional 1% will enable borrowing, helping lever in additional investment.

Board was assured that measures have also been put in place as part of the restructure to address the additional support that tenants will need as a result of the increase.

The activities from a BH perspective were noted. Discussion followed on this around Berneslai Homes approach towards the impact inflation has on costs of construction materials and the potential shortage of supplies. The work BH has undertaken was outlined, including that on the zero-based budget, Repairs First, medium term planning etc. Work will continue to take place with Construction Services to maximise returns from both a financial and staffing perspective. CS are in a good a position as they possibly can be, engaged in the procurement framework, however, they do acknowledge the challenges.

AGu stressed the importance of making sure data collection is correct and that inspections are planned properly. Good partnership arrangements are in place, and all are aware of what is coming up to ensure procurement takes place accordingly.

Board referred to social media, in relation to tenants using this to air their grievances and how BH mitigate. DF advised that in these instances the Customer Services Team monitor accounts and if any negativity is seen will reach out to that person, requesting them to send a direct message. BH will then follow through offline on a one-to-one basis.

The priorities were noted.

Board was informed that the staff conference has been pushed back to November

<p>Resolved</p> <p>Board received the update</p>	
<p><u>Item 4 – Governance Update</u></p> <p>SR presented the report and highlighted the key areas around succession planning, the extension of the term of office for AR, the rotation of new tenant board members and the appointment of trainee board members etc.</p> <p>The skills matrix and the Board training and development plan have been reviewed as has the BMBC role profile which the Council are happy for Board to approve.</p> <p>Board noted that RF is working with the Head of Governance and Strategy on succession/forward planning with regard to recruitment, the skills matrix and any areas for development, as Chair of Remuneration Committee, to ensure visibility is maintained</p> <p>Resolved:</p> <ul style="list-style-type: none"> • Board approved the 12-month term of office extension for Adriana Rustemi. • Board approved the recruitment of a trainee tenant board member to commence in March 24 to succeed Adriana Rustemi in September 2024. • Board approved the refreshed skills matrix following the recent pilot in 2022 and note the resulting balance of skills across the board. • Board Approved the refreshed BMBC Role Profile. • Board approved the 2023 Board Development plan. 	
<p><u>Item 5 – Board Self Evaluation</u></p> <p>SR presented the report and outlined the key areas. The outcome of the evaluation is positive, giving a helpful picture of how Board is performing. Responses reflect the consensus that Board recognise the improvements made. The evaluation has identified further areas for development which have been added to the Action Plan, with a couple of areas also being picked up in the development plan. SR took the opportunity to thank Board for their contribution</p> <p>Board noted the comments in relation to the strategic/operational focus during meetings. It is felt that the ALMO is generally recognised as an operational organisation and it is therefore inevitable that discussion will sometimes slip into operational areas and usually relates to the need of ensuring quality services are maintained.</p>	

<p>Clarification was provided on Section 1.3 which relates to the responsibility/relationship between BH and BMBC. A workshop has been arranged in March to discuss this. BMBC are involved. A further session is taking place in May specifically to look at the roles and responsibilities of Board members. KMcA suggested involving the Council's consultant who understands the clienting role.</p> <p>Board feel thought should be given on how to capture views of other stakeholders, including the thoughts of the Executive Team. Further discussion to take place between Chair and Head of Governance.</p> <p>Key areas on the action plan are around hearing the customer voice, ensuring delegations are correct, and roles and responsibilities.</p> <p>Resolved:</p> <ol style="list-style-type: none"> 1. Board discussed and approved the combined evaluation of the Board self-assessment. 2. Board approved the action plan to strengthen the Board governance arrangements 3. Board will identify any further areas where the Governance Team can support Board members to further develop and embed our governance arrangements 	SB/SR
<p><u>Item 6 – BH Annual Investment Strategy</u></p> <p>KS presented the report which was considered in detail by Audit Committee in January 2023. The report sets out the annual investment strategy and policy statement which is managed by BMBC. Investments priorities are based on security, liquidity and yield. KS confirmed this low-risk approach aligns with the risk appetite.</p> <p>Resolved</p> <p>Board approved:-</p> <ul style="list-style-type: none"> • The Investment Strategy. • The investment limits set out in paragraph 3.4. • The instruments list set out a paragraphs 3.9 • The scheme of delegation outlined in Appendix A and the Policy Statement outlined in Appendix B 	
<p><u>Item 7 – Audit Committee Annual Report</u></p> <p>AH presented the report which provides an annual overview of the activities undertaken by Audit and Risk Committee and provided assurance on the governance arrangements in place. He took the opportunity to thank officers and attendees for their support and commitment throughout the year which is much appreciated.</p>	

<p>Focus areas for 2023 were highlighted and detailed within Section 7 of the report.</p> <p>It was noted that the report was later than usual due to the new Chair handover and the change in the committee members.</p> <p>Board requested that future IA reports include a high-level summary of IA assurances with rag ratings attached.</p> <p>KMcA referred to the briefing session arranged for the 8th March where budget setting responsibility with regard to the HRA, Capital Programme, Management Fee, PRIP contract and relationships etc will be discussed and whether the Council's Section 151 officer was involved. KS confirmed that Neil Copley will be joining the session to provide additional assurance to Board.</p> <p><u>Post Meeting Note</u> The briefing session on the 8th March has been rearranged to take place on the 14th June 2023</p> <p>Resolved: Board approved the report, including the Terms of Reference, as recommended by Audit Committee on 24th January 2023.</p>	SR
<p><u>Item 8 – Repairs First Update</u></p> <p>KS provided an update since the last Board meeting in December.</p> <p>Progress has been made on the development of phase 1 – testing and training is well under way.</p> <p>Some risk areas have been identified on Job Manager, the majority are low/medium risk and these issues have been resolved. However, there is 1 high risk area that has not been resolved to date. This is around the amber, purple and asbestos warning flags. Upgrades to the system have resulted in the system not pulling the flags across through the modules. BH are working with the supplier on a resolution, including a work-around solution to reduce the risk level. The outcome of whether this can be fixed will not be known until the 10th March and a decision will then be taken. Due to the significance of this risk to staff, there is the potential that that the system is piloted on the 3rd April, restricting it to areas where risk is low i.e voids and gas certificate work. Daily project meetings are now taking place to monitor the situation and to make a final decision regarding the go live of April.</p> <p>The financial impact was outlined – minimum cost in relation to the project team. There could be potential costs with regard to One Consulting who provide project management support. However, they have already commenced work on Phase 2, if there is a delay BH will request them to pick up both Phase 1 and 2 together, hopefully the increase in costs would therefore not be significant.</p>	

<p>LW outlined the impact on efficiencies in relation to the delay of DRS. However, this would be offset by the efficiencies created on delivering void works. The risk would be minimised on the flags. Originally productivity efficiencies would have been gained in earlier months, increasing job numbers and being less reliant on sub-contractors/agency. Nevertheless, staff safety is a paramount. The delay may also have an impact on the 10% value for money target, but until the scale of the problem is known is unable to quantify.</p> <p>Board expressed their concern in this development. They referred to their challenges to the Executive Team when delays have occurred. However, they stressed that the priority is to ensure staff are not put at any risk. They are keen to see the launch but support the Executive in ensuring the system is right before this launch takes place. They also felt care needs to be taken on any work-around solutions. They also acknowledged the complexity in a development such as this. They felt from a staff perspective it is important they be kept positive through the journey. KS assured Board this would continue. From the start of the project users from service areas have been involved, some have been trained as super-users and will drive the system forward, developing training guides etc. She also advised Board of the workshops that have taken place, leadership updates, bulletins etc. Discussions continue to take place with relevant teams on a regular basis. The Comms Team are also heavily involved.</p> <p>Resolved:-</p> <p>Board noted the update.</p>	
<p><u>Item 9 – Resource Information Papers</u></p>	
<p><u>Item 9.1 – Q3 Performance Report</u></p> <p>MH Chair of Customer Services Committee advised Board that at the last Committee meeting in February they discussed complaints and spent a considerable amount of time on the deep dive into this, which included looking at the journey map. They also discussed the issue of damp and mould and felt assured that comprehensive works are taking place to address the backlog. The Committee were concerned about performance monitoring in relation to the red flags around tenants’ satisfaction and they are monitoring this. There was a considerable amount of healthy challenge made by the Committee.</p> <p>DF summarised the situation on complaints – this year they have increased by 110% in comparison to last year. However, a further comparison in relation to HouseMark shows that ALMOs/LAs are averaging an 180% increase. BH acknowledge that Stage 1 and 2 response time could improve and although the report shows Stage 1s at 68%, the average response time in days is 11. The majority of complaints relate to held back repairs, damp and mould and repairs and maintenance issues. Therefore, an additional team member has been allocated to this service area which hopefully will result in improvements. The budget approved by the Council and the extra</p>	

<p>resources should result in BH making inroads to tackle the backlog. BH are satisfied that the policies and procedures comply with the Ombudsman Code. Mandatory refresher training is also underway for all staff on complaints handling and the culture of putting the customer first.</p> <p>Board were interested in the number of damp and mould complaints escalated to the Ombudsman and the reputational effect this could have on the organisation. DF confirmed that some of those escalated are in relation to damp and mould. The main risk is in relation to the time take to resolve, which may result in a negative outcome. BH are not aware of any having severe detrimental health impacts.</p> <p>Board requested a detailed report on damp and mould be presented to the next Board. They also requested that in future performance reports Ombudsman information be included i.e. how many cases, determination etc. It was agreed future reports to CSC will cover all 'Your Comments Count' information and this will be brought into Board.</p> <p>KMcA suggested undertaking a deep dive into all referrals to the Ombudsman as both BH and BMBC could be affected reputationally with any relating to communication and the contact centre, damp/mould/repairs. This would provide a good understanding of the issues over the past year.</p> <p>Board expressed their concern on what they are seeing, not only on the time taken to respond to complaints, but also on the performance of the Contact Centre with regard to the difficulties customers are experiencing in trying to get in touch.</p> <p>KMcA assured Board that customers are able to contact Berneslai Homes/BMBC. She also referred to the first quarter contact centre performance, where significant improvements had been seen. Unfortunately, since then the contact centre has had major changes, with staff having to be recruited, retrained etc which has resulting in the decrease in performance. DF concurred with this. He advised that the trajectory from January to February had improved, the general repairs line is now averaging 2.28 minutes. Improvements have also been seen in the grade of service between Q3 and January and it is hoped this will continue. Board were asked to note that one third of repair calls are chase ups. The Repairs First system will be fundamental in improving self-service and tracking repairs, so that calls are not required. A Board member fed back negative comments on her recent personal experience of the contact centre and does not feel assured that the training is currently having any impact. KMCA felt it does not suffice to pass messages on, it does not provide the customer with reassurance. She advised that she would discuss this feedback with the responsible officer.</p> <p>Resolved</p> <ol style="list-style-type: none"> 1. Board considered and commented on the performance of the organisation during the third quarter of the financial year. 2. Board confirmed they were satisfied that where performance targets have not been achieved that the issues causing this are clear and 	<p>AGu DF</p> <p>DF</p> <p>KMcA</p>
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<p>that there are adequate controls and actions in place to address the reasons for this.</p> <p>3 Board should identify any areas where they feel as though more detailed consideration is required by Customer Services Committee - requested deep dive into all referrals to the Ombudsman</p>	DF
<p><u>Item 9.2 – Quarterly Risk Update</u></p> <p>A suggestion was made by Board to introduce rag rating when comparisons are made against the Sector Risk profile as any concerns are unclear.</p> <p><u>Resolved</u></p> <p>1 Board review and commented on the quarterly Risk Update. 2. Board reviewed the Strategic Risks 3. Board reviewed and comment on the RSH Sector Risk Profile Self-Assessment carried out by BH.</p>	SR
<p><u>Item 9.3 – VFM Annual Report</u></p> <p>Board requested information on Berneslai Homes’ plans to deliver against the management fee target set by BMBC. Board requested confirmation of how this is achieved and whether high level efficiencies. This will be covered in the 22/23 value for money report to Board.</p> <p>Resolved:</p> <p>Board noted the report</p>	KS
<p><u>Item 9.4 – Gender Pay Gap</u></p> <p><u>Resolved</u></p> <p>Board noted the Gender Pay Gap figures for 2022 and the actions contained within Section 12.</p>	

Board Meeting 23rd February 2023 - Actions

PUBLIC AGENDA			
Item	Action	By Whom	Comments
Item 3 – CEO Presentation	Better Social Housing Review – Separate session to be organised to debate the position BH wish to take on the recommendations.	AGa/DF	Briefing Session already in the diary for the 20 th July to be used
Item 5 – Board Self Evaluation	Discussion required on how to capture views of other stakeholders, including those of the Exec Team	Chair/SR	External evaluation to take place Dec 22 and will include EMT feedback and BMBC Board attendee.
Item 7 – Audit Committee Annual Report	Future reports to contain a high level summary of IA assurances with rag ratings attached.	SR	Actioned – CD to include in next report.
Item 9.1 – Q3 Performance Report	Detailed damp/mould report to be produced for next Board in May. Future performance reports to include Ombudsman information i.e. how many cases, determination etc. Agreed that Customer Services Committee undertake deep dive into all Ombudsman referral Negative feedback on call centre responses to be raised with BMBC relevant officer	AGu DF DF KMCA	On the agenda. Actioned – to be included from Q4 report Actioned – added to Customer Services Committee Agenda on 24 th May 2023
Item 9.2 – Quarterly Risk Update	Rag ratings to be introduced when comparisons are made against the Sector Risk Profile	SR	Actioned for 2023 Sector risk profile assessment

**Item 9.3 -VFM
Annual Report**

BH plans to deliver against the Management Fee target – confirmation to be provided in the 2022/23 VFM report on how this is achieved and whether high level efficiencies


KS

This will be covered in the 22/23 value for money report to Board.



Housing Ombudsman Service

Housing Ombudsman
Special Report on
Rochdale Boroughwide Housing



**AWAAB'S LAW UNVEILED
TO STOP SOCIAL HOUSING DEATHS**

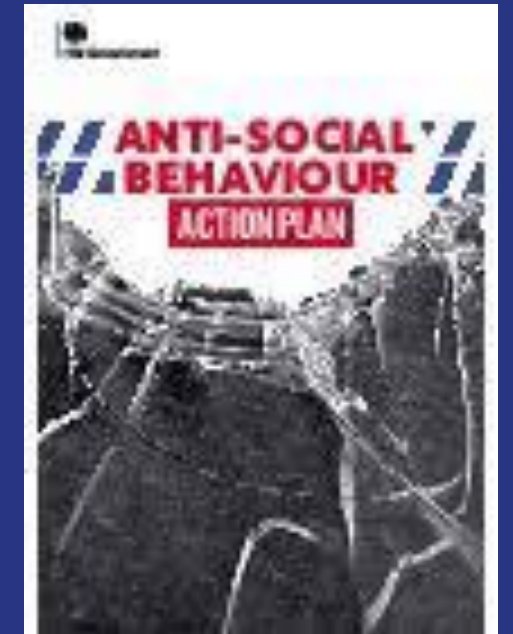
Published 28 March 2023



Four Million Homes | Guidance for residents | Webinars

Knowledge and action for
change in social housing

Guidance and training on resident rights and how to stand
up for them

An illustration of a diverse housing community with various colored buildings, trees, and a playground.


“Creating great homes and communities with the people of Barnsley”

Regional/Local



PATHWAYS TO WORK COMMISSION

Getting everyone economically active – Pathways into work
Creating an inclusive place where everyone can benefit from employment



Glass Works Square, Barnsley

An independent Commission for Barnsley with one key line of enquiry:
How does Barnsley enable all of our working age population, particularly those currently outside the labour market, achieve pathways to employment?



Critical Friends

What tenant scrutiny brings to better landlord performance



“Creating great homes and communities with the people of Barnsley”

Berneslai Homes Update



- Damp and Mould – development of new team
- Organisational Restructure
- Professionalism agenda implication – pilot Neighbourhoods Team
- IIP June 2023
- Repairs First
- Telling our story



Creating great homes and communities with the people of Barnsley



Berneslai Homes Priorities

EMT away day priorities 2023 –

- Customer First Culture, Values & Complaints
- Data
- Innovation & Transformation



Creating great homes and communities with the people of Barnsley

Report Title	Governance Update	Confidential	No
Report Author	Head of Governance and Strategy	Report Status	For Approval
Report To	Board 23/5/203	Officer Contact Details	samantharobuck@berneslaihomes.co.uk clairedenson@berneslaihomes.co.uk

1. Executive Summary	<p><u>EMT Pay Review</u></p> <p>1.1 The Chief Executive commissioned an external review of EMT pay as part of our requirement to demonstrate value for money, whilst also ensuring the way that EMT pay is determined ensures that Berneslai Homes does not fall too far behind in the sector. The pay review (Appendix A) shows that on the whole the pay is aligned with the ALMO sector with the exception of the Chief Executive, which is lower quartile. The current pay levels have also been reviewed against Barnsley Council and these remain on level terms.</p> <p>1.2 Based on the external work undertaken and the review against BMBC pay it is recommended that pay for the Executive Management Team continues to be aligned with their counterparts in BMBC. This approach was agreed at Remuneration Committee on the 5th May 2023, and is recommended for Board approval.</p> <p><u>Board Pay Review and Remuneration Policy</u></p> <p>1.3 The Remuneration Committee requested that a remuneration policy should be developed that clearly sets out how Board pay increases are determined. As part of the development of this policy, an external consultant (DTP) was appointed to review and benchmark the current Board pay.</p> <p>1.4 The DTP Board pay report recommended:</p>
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Post	Current annual remuneration	Proposed annual remuneration
Chair	£11,284.34	£11,500
SID	£3,869.25	£4,700
Committee Chair (if a Board member)	£3,869.25	£4,200
Board member	£3,402.52	£3,700
Co-optee to the Board	None	£3,000
Independent Committee Chair	£2,267.88	£2,500

1.5 The Remuneration Committee have reviewed and approved the recommendations of the report by DTP, and Board pay rises will be paid in June salaries backdated to April 2023.

1.6 A Board Remuneration Policy was also developed, and was reviewed and approved by the Remuneration Committee.

Board Code of Conduct

1.7 The Board Code of Conduct (**Appendix B**) has been revised in line with the new NHF Code of Conduct. The Remuneration Committee have reviewed the Code and recommended for approval by Board.

Remuneration Committee Terms of Reference

1.8 The Remuneration Committee Terms of Reference (**Appendix C**) have been updated in accordance with the introduction of the three-per-year scheduled Committee meetings, and the additional monitoring of Strategic Actions plans. The Committee have reviewed and recommend the Terms for approval by board.

Succession, Recruitment, and Induction Policy

1.9 The Remuneration Committee have reviewed and approved the new Succession, Recruitment and Induction Policy, which clarifies our approach into one document.

Three-yearly externally-led board self-assessment

1.10 A development action from the NHF Code of Governance self-assessment is that the annual board self-assessment is facilitated by an external consultant every three years. DTP will be undertaking the facilitated self-assessment in on 7th December 2023.

Decisions made by Remuneration Committee

	<p>1.11 Any Delegated Decisions made by the Remuneration Committee will be informed to board via the Committee Chair and/or the Governance Update to Board. Remuneration Committee agreed the pay award for Board outlined at 4.3.</p>
<p>2. Recommendations</p>	<p>Board are requested to:</p> <ol style="list-style-type: none"> I. Approve the recommendation by Remuneration Committee that EMT Remuneration continues to be aligned with BMBC counterparts. II. Approve the Remuneration Committee Terms of Reference as recommended by the Remuneration Committee. III. Approve the revised Board Code of Conduct as Recommended by the Remuneration Committee. IV. Review and comment on the documents that have been approved by Remuneration Committee.

3. Background

3.1 The purpose of this report is to provide an update to Board on a range of governance issues. This report builds on the previous reports and changes made in governance and provides an update on current Board membership.

3.2 To be a successful well-managed company, Berneslai Homes must uphold Governance as a priority. By ensuring that board members are fully informed and curious, we are supporting the role of good governance and the delivery of the Strategic Plan.

4. Current Position /Issues for Consideration

EMT Pay Review

4.1 The Chief Executive commissioned an external review of EMT pay as part of our requirement to demonstrate value for money, whilst also ensuring the way that EMT pay is determined means that Berneslai Homes does not fall too far behind in the sector. The pay review (**Appendix A**) shows that on the whole the pay is aligned with the ALMO sector with the exception of the Chief Executive, which is lower quartile. The current pay levels have also been reviewed against Barnsley Council and these remain on level terms.

4.2 Based on the external work undertaken and the review against BMBC pay it is recommended that pay for the Executive Management Team continues to be aligned with their counterparts in BMBC.

Board Pay Review and Remuneration Policy

4.3 In 2016, Remuneration Committee agreed Board pay increases would be linked to the NJC employee pay rise in terms of percentage payment. Following a report to Remuneration Committee regarding board pay in December 2022, the Committee requested that a remuneration policy should be developed that clearly sets out how Board pay increases are determined. As part of the development of this policy, an external consultant (DTP) was appointed to review and benchmark the current Board pay. This was conducted to ensure our Board pay is aligned with the sector in 2023, with the introduction of the remuneration policy.

4.4 The DTP Board pay report recommended:

Post	Current annual remuneration	Proposed annual remuneration
Chair	£11,284.34	£11,500
SID	£3,869.25	£4,700
Committee Chair (if a Board member)	£3,869.25	£4,200
Board member	£3,402.52	£3,700
Co-optee to the Board	None	£3,000
Independent Committee Chair	£2,267.88	£2,500

4.5 The Remuneration Committee have reviewed and approved the recommendations of the report by DTP, and pay rises will be paid in June salaries backdated to April 2023.

4.6 A Board Remuneration Policy was also developed and reviewed and approved by the Remuneration Committee. The policy aligns with Board remuneration policies at similar organisations.

4.7 Board pay will be reviewed every 3 years by an external consultant and subsequently approved by Remuneration Committee. However, the Governance Team will conduct a short benchmarking exercise annually to ensure pay does not fall behind in the sector.

Board Code of Conduct

4.8 The Board Code of Conduct sets out the rules and conditions around being a Board member, that each board member should be aware of the company values and how these terms may be enforced.

4.9 We have undertaken a self-assessment against the NHF Code of Conduct 2022, which has resulted in revisions to the Board, Tenant Voice Panel and Employee Codes of Conduct. The revisions are generally related to providing more detail around items that are covered already but not as specific as the NHF Code recommends.

4.10 Remuneration Committee have reviewed and recommend the revised Board Code of Conduct (**Appendix B**) for approval by Board.

Remuneration Committee Terms of Reference

- 4.11 The Remuneration Committee Terms of Reference have been updated in accordance with the introduction of the three-per-year scheduled Committee meetings, and the additional monitoring of Strategic Actions plans.
- 4.12 The Remuneration Committee have reviewed the updated Terms of Reference (**Appendix C**) and recommend for approval by Board.

Succession, Recruitment, and Induction Policy

- 4.13 In order to have strong and highly effective governance in place and to be in the best possible position to deliver our Strategic Plan, we need to ensure that we engage a diverse range of Board and Committee members with the right skills, competencies and behaviours. And that we provide the support and training they require when inducting them into the Board so that they can integrate successfully into the role.
- 4.14 To ensure we are clear on our commitment to effective Board succession, recruitment and induction, we have produced a policy that clarifies our approach. Whilst the processes within the policy are not new, we have combined them into one useful document.
- 4.15 The Remuneration Committee have reviewed and agreed the Policy.

Three-yearly externally-led board self-assessment

- 4.16 A development action from the NHF Code of Governance self-assessment is that the annual board self-assessment is facilitated by an external consultant every three years. DTP will be undertaking the facilitated self-assessment in on 7th December 2023.

Governance Handbook

- 4.17 The Governance Handbook in Decision Time Resources is a great tool for information related to internal and external governance information. Including the documentation listed within this report.

5. **Customer Voice/Impact**

- 5.1 This report is an update around the governance of the Board and therefore customer views have not been sought specifically for this report.

6. **Risk and Risk Appetite**

- 6.1 Strategic Risk Appetite – Risk Adverse: We aim to comply with all relevant legislation and have zero tolerance for regulatory compliance issues. We give high priority to internal audit recommendations and take immediate action to resolve concerns. We have zero tolerance for failure to meet deadlines from regulators.
- 6.2 There is a risk that the Board do not appreciate Berneslai Homes' key vulnerabilities and take appropriate action to manage them. The assurances provided within this this report ensures that effective mechanisms are in place for the management of associated risks.

7. Strategic Alignment

7.1 The report aligns to the requirements from BMBC (Barnsley Metropolitan Borough Council) for the effective governance of Berneslai Homes. Good governance links to the successful achievement of all our ambitions:

- Hearing Customers
- Keeping tenants Safe
- Growth of Homes and Services
- Technology and Innovation
- Employment and Training
- Zero Carbon

8. Data Privacy

There are no data privacy implications arising from this report. No personal data has been processed and no DPIA (Data Protection Impact Assessments) is required.

9. Consumer Regulatory Standards

This report relates to the following elements of the Regulatory Standard:

- Governance and Financial Viability Standard - Good Governance ensures the organisation always act in the best interests of the business. This ensures improvement of performance, unlocks new opportunities, and reduces risk.

10. Other Statutory/Regulatory Compliance

To provide Board with assurance around our governance arrangements.

11. Financial

11.1 There are no financial implications arising directly from this report.

12. Human Resources and Equality, Diversity and Inclusion

12.1 The recruitment of new Board members provided an opportunity to further diversify the Board. A priority within the Code is Equality, Diversity, and Inclusion performance. The actions within the self-assessment seek to develop ED&I policies and procedures further.

13. Sustainability Implications

13.1 No specific zero carbon implications from this report

14. Associated Background Papers

14.2 Board Pay Review

14.3 NHF Code of Conduct 2022

14.4 Succession, Recruitment and Induction Policy

14.7 Remuneration Policy

14.8 Governance Handbook

15. Appendices

15.1 Appendix A – EMT Pay Review

15.2 Appendix B – Board Code of Conduct

15.3 Appendix C – Remuneration Committee Terms of Reference



Appendix A

Creating great homes and communities
with the people of Barnsley

Report Title	EMT Pay	Confidential	Yes
Report Author	Head of Governance and Strategy	Report Status	For Approval
Report To	Remuneration Committee 5 th May 2023	Officer Contact Details	samantharoebuck@berneslaihomes.co.uk

1. Executive Summary

It has been several years since an independent review of EMT has been conducted. Over the last few years, the annual Executive Team pay rise has been linked to the NJC employee pay rise in terms of percentage payment. This is in line with BMBC Executive, and Service Director pay awards.

The Chief Executive commissioned an external review of EMT pay as part of our requirement to demonstrate value for money, whilst also ensuring the way that EMT pay is determined means that Berneslai Homes does not fall too far behind in the sector.

In 2016 Remuneration Committee agreed to adjust the salaries of EMT to align with their counterparts in the council. For this purpose, the Chief Executive is aligned to the Executive Directors within the council and The Executive Directors are aligned to Service Directors.

The review by the external consultant is attached at Appendix A. This review shows that on the whole the pay is aligned with the ALMO sector with the exception of the Chief Executive, which is lower quartile.

The report shows that the Executive Management Team represents value for money for Berneslai Homes.

The current pay levels have also been reviewed against Barnsley Council and these remain on level terms.

Under the Remuneration Committee terms of reference, the Committee set the pay for the Executive Management Team. Based on the external work undertaken and the review against BMBC pay it is recommended that pay for the Executive Management Team continues to be aligned with their counterparts in BMBC.

2. Recommendation /s

It is recommended that Remuneration Committee: -

- **Note the value for money from the external report on EMT pay**
- **Approve the recommendation that EMT Remuneration continues to be aligned with BMBC counterparts.**

3. Appendices

Appendix A - The review by the external consultant



Executive Directors Remuneration Review

Berneslai Homes

March 2023



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Our report is addressed to the Board of Berneslai Homes. We stress that our report is confidential and prepared for the addressee only. It should not be used, reproduced or circulated for any other purpose, whether in whole or in part without our prior written consent, which consent will only be given after full consideration of the circumstances at the time.

If the report is released to a third party without prior consent from ema, we do not acknowledge any duty of care to the third party and do not accept liability for any reliance placed on the report.

1. Introduction

1.1 ema consultancy Ltd (ema) have been requested by Berneslai Homes (Berneslai) to undertake an independent market pay review for the following posts. We have also provided their current salaries.

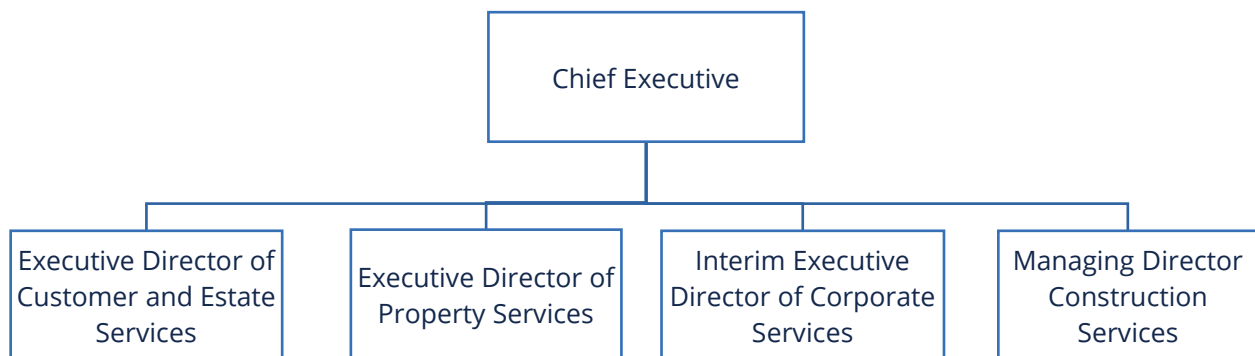
Post	Current salary
Chief Executive	£132,611
Executive Director Corporate Services	£101,246
Executive Director Property Services	£101,246
Executive Director Customer and Estate Services	£101,246
Managing Director Construction Services	£84,916

1.2 The purpose of this report is to provide Berneslai with appropriate and relevant guidance and market data to compare the current level of pay and reward and enable the organisation to make informed decisions and recommendations regarding the pay for the above postholders.

1.3 Our pay review has been based on salaries for the financial year **2022/2023**.

1.4 Understanding Berneslai

1.4.1 Current organisation Executive Team structure at Berneslai.



1.5 **Pay transparency**

1.5.1 The pay of Executive Directors across all employment sectors is under public scrutiny and we expect this to continue and grow. It will be essential that Berneslai, in making a decision about the Executive Directors pay, understand that they will need to base this on appropriate evidence as it may be subject to intense scrutiny.

1.6 **Positioning pay**

1.6.1 We believe the pay data we have supplied reflects the current market position; however, we would suggest that Berneslai continue to review the market in relation to executive pay in the sector.

1.6.2 Retention of the Executive Team is critical to ensuring delivery of business objectives and achieving progress in line with corporate plans. A key priority in making any decision affecting pay and benefits is to ensure that levels of both financial and non-financial reward offered are suitably appropriate and competitive enough to retain the postholder.

1.6.3 As Berneslai is aware, market testing is not an exact science. Although we undertake a significant amount of research to provide information which is as robust as possible, market data and information can only provide a useful background against which an organisation may make decisions regarding pay and benefits.

1.6.4 Whilst we select broadly similar organisations and posts for the benchmarking, each comparator organisation has a slightly different structure and accordingly the roles within them differ, which we endeavour to take into account.

1.6.5 In addition, market pay benchmarking does not reflect internal relativities between posts or address equal pay issues. It is for each organisation to decide the level at which it wishes to set its salaries in relation to the market and the extent to which internal relativities and other factors are important.

1.6.6 Finally, Berneslai will understand that this report is submitted independently to them and will be aware that seeking independent advice does not remove their responsibility for critically considering the advice offered and making informed decisions about the proposal contained within this report.

2. The Economic Environment and Key Influences on Pay

2.1 Inflation drivers for 2023

2.1.1 **Wages** - Low unemployment rates, high vacancy rates and subdued participation rates put pressures on wages to increase. Rising wages mean rising input costs, leading companies to boost prices to protect their margins. Consumers faced with higher prices demand more pay, and thus the impact of rising wages and inflation is recurrent and self-reinforcing.

2.1.2 **Housing** - Shelter or rental inflation is often thought as sticky as rents are slow to adjust. In addition, there tends to be a large lag between falls in rents as reported by estate agents and rental inflation in inflation indices. Rental inflation is likely to remain high as we enter 2023 but could fall thereafter.

2.1.3 **Inflation expectations** - Experience also tells us that if people expect inflation, it is likely to occur. Such an expectation among employees will lead them to bargain for higher wages, while at the corporate level, businesses will adjust their prices accordingly. This creates a self-reinforcing cycle of higher inflation and wages.

2.2 Economic Environment National Statistics

2.2.1 The ONS reported in March 2023 that:

- The Consumer Prices Index including owner occupiers' housing costs (CPIH) rose by 9.2% in the 12 months to February 2023, up from 8.8% in January.
- The Consumer Prices Index (CPI) rose by 10.4% in the 12 months to February 2023, up from 10.1% in January.

2.3 General information about employment and pay – all sectors

2.3.1 The ONS reported in March 2023 that:

- The unemployment rate for November 2022 to January 2023 was largely unchanged on the quarter at 3.7%. The number of people unemployed for over 12 months increased slightly in the latest three-month period.
- In December 2022 to February 2023, the estimated number of vacancies fell by 51,000 on the quarter to 1,124,000. Vacancies fell on the quarter for the eighth consecutive period and reflects uncertainty across industries, as survey respondents continue to cite economic pressures as a factor in holding back on recruitment.

- Growth in average total pay (including bonuses) was 5.7% and growth in regular pay (excluding bonuses) was 6.5% among employees in November 2022 to January 2023. Average regular pay growth for the private sector was 7.0% in November 2022 to January 2023, and 4.8% for the public sector.

2.4 Pay awards – Housing sector 2023

2.4.1 Within the housing sector many organisations are holding back until as late as possible to make final their decisions about the 2023 pay award increase. We do know that many of the RP’s we have contacted have made a provision of circa 5% to 7% in the 2023/24 budget. Many ALMO’s link salaries to the Local Authority pay award and it is likely this will be less than 7%.

2.4.2 We are also aware that many HA’s have written into the pay policy that the pay award will be based on the CPI for September. We have spoken to several of these organisations and, whilst they are sympathetic to the needs of staff and keeping pay in line with inflation, in all cases they have stated it will be unaffordable given rent settlements are capped at 7% maximum.

2.4.3 In determining pay awards and any additional payments, Berneslai will need to take account of:

- Affordability;
- Overall performance of the organisation;
- Individual performance of employees;
- Increasing complexity in relation to risk and commerciality;
- Inflation rates;
- Pay awards generally across the housing sector.

2.5 Key Factors Influencing the Chief Executives and Executive Directors Remuneration

2.5.1 There are a number of key factors currently impacting remuneration trends in the housing sector as outlined below;

Recruitment Pressures	Over the last 2/3 years we have observed an overall contraction in the executive recruitment market. Given the prevalent merger activity, increased competition for skilled executive roles is likely to continue. At present competition is highest for technical based roles such as finance and development. There is also an emerging trend in demand for transformation skills at an executive level, where many organisations are seeking to bring in individuals from other sectors.
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<p>Performance, Reward and Value for Money</p>	<p>There continues to be an increased focus on value for money. This has led to keen interest in the value (i.e., performance levels and outcomes) that organisations achieve through their approach to reward (i.e., costs). Where in place, many organisations have reviewed their approach to bonus schemes to ensure that rewards provided are clearly linked to levels of performance.</p> <p>Executive remuneration also continues to come under a high level of scrutiny. This includes remuneration specifically amongst housing organisations, as well as across the wider economy. It is important therefore that levels of remuneration (particularly any large increases or large bonus payments), can be fully justified. Organisations are also continuing to identify other areas where efficiencies can be made. This has resulted in a number reviewing their wider terms and conditions (for all levels). Several have reduced the range of benefits they have on offer and developed tighter approaches to areas such as sickness benefit entitlements, as well as their bonus awards.</p>
<p>Merger Activity</p>	<p>Merger activity remains high in the sector with a number still in progress or completed in the last 36 months. The merger activity has already impacted on remuneration levels and in the medium to long term, it is likely that larger organisations created through these mergers may experience a 'stretch' in levels of remuneration provided to executives in the top tier. This 'stretch' is beginning to impact on organisations and salary levels across the sector.</p>
<p>Annual Increases and Trends</p>	<p>The latest survey and report from Inside Housing on Chief Executives remuneration (2022): shows that the rate of total pay for Chief Executives (including basic pay, bonuses and car allowances) rose at an average of 1.8%. The average pay is now £193,059. However 28 Chief Executives received a pay award of more than 5%. Among the 155 organisations to respond, 46 paid their chief executive a bonus. The average sum was £15,286, but the range was huge: from £250 to £95,475.</p>
<p>Diversity in Reward Structures</p>	<p>Organisations in the housing sector have typically adopted a very traditional approach to executive reward (i.e. basic salary + 10% bonus). We are, however, now seeing an increasing level of diversity in approaches to executive reward structures. For example, some organisations have or are planning to implement larger bonus schemes (i.e., 20% / 25% and above), whilst others are looking at different approaches altogether (e.g., project-based bonus schemes / deferred bonus arrangements). We are also aware of organisations who have chosen to remove a bonus scheme and focus on a simplified basic package. Rather than following a 'sector norm', organisations are increasingly adopting more bespoke approaches to reward, designed specifically for their own needs, culture and strategy.</p>

3. Methodology

3.1 There is a well-defined pay and benefits market within the housing sector and the market within which Berneslai operates and recruits, with a reasonably consistent range of executive salaries and benefits offered.

3.2 Our benchmarking service is based on collecting data, for broadly similar jobs, in carefully selected housing organisations to establish the 'market position' and to allow Berneslai to determine where the salary should be positioned against the market.

3.3 **Market Data**

3.3.1 In conducting our research to form opinion and provide robust guidance, thereby ensuring that the organisation has the right data to make informed decisions, we use all sources available including:

- data taken from the ema salary pay bank;
- data from the Reward Group, Croner and other Housing Associations' Annual Salary and Benefits Survey;
- data from our proven experience of executive and employee recruitment;
- information from carrying out organisation restructures and mergers;
- information gained from bespoke salary surveys undertaken for clients that can be used without breach of client confidentiality.

3.4 **ema's Pay Databases**

3.4.1 We have extensive experience of supporting organisations in the housing, private and charitable sectors with appropriate market salary data for a wide range of posts at all levels. Within our databases, we have access to over 10,000 individual posts, including Executive Teams and Executive Directors within the housing sector.

3.4.2 Berneslai currently owns and manages circa 18,500 homes. For the purpose of this exercise, we have taken pay data from the following housing organisations which are broadly comparable in size and operate within the Midlands and North of England:

Registered Providers

- Accent
- Believe Housing
- Bolton at Home
- EMH
- Incommunities
- Wythenshawe HG
- WHG
- Yorkshire Hsg

ALMO's

- Derby Homes
- South Tyneside
- Stockport homes
- St Leger Homes
- Nottingham City Homes (now transferred back into Council control)

3.4.3 As much of the data used in our research is not in the public domain we are unable to quote all sources, so have shown the results of our market pay findings in traditional summary form as detailed below.

Lowest Salary	The lowest salary found in our market pay research
Lower Quartile	When salaries are ranked in descending order, the lower quartile is the point at which 25% of salaries are lower and 75% are higher
Median	When salaries are ranked in descending order, the median is the mid-point salary (50% are higher and 50% are lower)
Upper Quartile	When salaries are ranked in descending order, the upper quartile is the point at which 25% of salaries are higher and 75% of salaries are lower.
Highest Salary	The highest salary found in our market pay research

3.5 For pay benchmarking generally, a 'margin of error' of approximately +/- 10% is considered normal to account for a range of differences between roles, remits, organisations and structures. We aim to reduce the broad margin of error by collecting as much relevant data as we can for each position.

3.6 It should be noted that the use and interpretation of comparability market pay data does not have scientific accuracy and therefore remains a matter of judgement because of the ways in which organisations vary. The information provided is designed therefore to give guidance on the salary market generally.

4. Benchmarking Results

4.1 We benchmarked all Executive Director posts and as mentioned previously our pay data is based on the financial year 2022/2023.

4.2 Our pay benchmarking data, compares the Executive Director posts to housing sector organisations and is based on salary only. We have excluded bonuses, car allowances and pension contributions.

4.3 Our pay benchmarking data, detailed in the table below, compares the post within the Executive Team to:

- ALMO's and Registered Providers combined;
- ALMO's;
- Registered Providers;

4.4 **ALMO's and Registered Providers combined;**

Post	Salary 2022/2023 £p.a.	Lowest salary in our data research £p.a.	Lower Quartile £p.a.	Median £p.a.	Upper Quartile £p.a.	Highest salary in our data research £p.a.	Current salary measured against median
Chief Executive	132,611	130,000	160,900	185,839	196,604	234,189	71%
Executive Director Corporate Services	101,246	90,000	114,356	126,500	135,500	140,000	80%
Executive Director Property Services	101,246	90,000	108,827	113,821	122,000	130,000	89%
Executive Director Customer & Estate Services	101,246	90,000	110,100	121,000	124,260	140,000	84%
Managing Director Construction Services	84,916	76,883	85,593	93,850	110,000	130,000	90%

4.5 **ALMO's only**

Post	Salary 2022/2023 £p.a.	Lowest salary in our data research £p.a.	Lower Quartile £p.a.	Median £p.a.	Upper Quartile £p.a.	Highest salary in our data research £p.a.	Current salary measured against median
Chief Executive	132,611	130,000	132,080	143,259	164,586	178,345	93%
Executive Director Corporate Services	101,246	90,000	98,880	102,899	112,212	122,000	98%
Executive Director Property Services	101,246	90,000	98,880	99,888	110,714	122,000	101%
Executive Director Customer & Estate Services	101,246	90,000	97,600	98,880	110,714	122,000	102%
Managing Director Construction Services	84,916	Only one ALMO had a similar post – therefore insufficient data to benchmark this post					

4.6 **Registered Providers only**

Post	Salary 2022/2023 £p.a.	Lowest salary in our data research £p.a.	Lower Quartile £p.a.	Median £p.a.	Upper Quartile £p.a.	Highest salary in our data research £p.a.	Current salary measured against median
Chief Executive	132,611	161,200	188,237	194,046	203,875	234,189	68%
Executive Director Corporate Services	101,246	114,356	128,550	133,000	137,750	140,000	76%
Executive Director Property Services	101,246	108,827	111,637	121,000	128,000	130,000	84%
Executive Director Customer & Estate Services	101,246	110,100	119,339	122,174	130,800	140,000	83%
Managing Director Construction Services	84,916	76,883	90,000	95,000	110,000	130,000	89%

4.7 Compared to:

- **ALMO's and Registered Providers combined** – All posts are significantly below the market median. This is as a result of pay within RP's being significantly higher than ALMO's.
- **ALMO's only** - All post are paid broadly in line with the market median (Managing Director Construction Services excluded).
- **Registered Providers only** - All posts are significantly below the market median.

4.8 **Terms and Conditions**

4.8.1 We note that in addition to base pay the posts do not receive any additional payments e.g. car allowance or bonus. Below we have indicated the normal payments we would expect to see for these posts within the sector:

- **Registered providers** - Chief Executives and Executive Directors will normally receive a car allowance of circa 10% and a bonus of up to 10% of annual salary.

- **ALMO's** - Chief Executives normally receive a car allowance either based on the Local Authority essential car user allowance of up to circa £1,300p.a. others will pay a car allowance of circa £4,000 p.a. In addition, one organisation we took data from also pays a bonus of up to 10% of base salary.

4.9 Clearly our comparison is against the market data and as previously mentioned there may often be good reasons why pay is set within a broader range e.g. to reflect a particularly broad or challenging role, exceptional performance, retention of a highly valued member of staff etc. Reviewing and setting pay on a market related basis for individual posts also does not take account of any internal relativity or equal pay issues. Neither does it take account of salaries set for recruitment, e.g. where salaries are pitched high against the market to attract the best candidates.

5. Summary and Recommendations

5.1 Pay Benchmarking

5.1.1 Our salary benchmarking indicated that the current salary for posts within the Executive Team of Berneslai compared to our market pay benchmarking are as follows:

Post	Current salary £p.a	ALMO's and Registered Providers combined £p.a	ALMO's only £p.a	Registered Providers only £p.a
Chief Executive	132,611	185,839	143,259	194,046
Executive Director Corporate Services	101,246	126,500	100,940	133,000
Executive Director Property Services	101,246	113,821	100,940	121,000
Executive Director Customer and Estate Services	101,246	121,000	100,940	122,174
Managing Director Construction Services	84,916	93,850	N/A	95,000

5.1.2 The pay for the Executive Team apart from the Chief Executive compared to ALMO's are broadly in line with the market median. When compared to Registered Providers and data combined with ALMO's, the current pay for all posts are significantly below the market median.

5.1.3 The current pay for the Executive Team does not take into account a car allowance which the majority of RP's and some ALMO's will pay. Not paying a car allowance can have a significant impact on the value of the total remuneration package.

5.2 Recommendations

5.2.1 We recommend that before implementing any pay changes as a result of comparison with market pay data that Berneslai also:

- Undertakes a sense check of the data to ensure that it reflects the size of the role, contribution to the business, performance and any other relevant criteria and that the internal relativity 'feels fair'.

- Considers the current salary position in relation to the market data and whether there are justifiable reasons, for example, to pay an individual differently in relation to the market.

5.3 **Good Practice**

5.3.1 **Setting the Executive Directors Remuneration** - Boards should consider the following when agreeing the remuneration of the Executive Team:

- although the Board may act on the recommendation of a committee, it is for the Board as a whole to approve the Chief Executives remuneration package;
- the Board should consider the totality of any increases in the 'package' for an Executive Team rather than consider each change in isolation;
- a remuneration package should be given which is proportionate to the size and complexity of the organisation and sector norms and sufficient to attract, retain and motivate the quality of Executive Team required;
- any performance-related elements of the remuneration package should be linked to the achievement of specific and measurable targets which are reviewed at least annually;
- the time period to undertake a market pay review of the Executive Teams pay; we would recommend the pay and benefits package is reviewed every 2 to 3 years.

5.3.2 We would recommend Berneslai adopts the following principles as good practice when deciding levels of pay and rewards, consideration should be given to:

- Berneslai's ability to pay, including:
 - The cost to Berneslai of increasing remuneration levels;
 - How increasing pay, would be perceived by employees and tenants;
 - Whether it is affordable, including in the longer term (perhaps based on a risk assessment of future income and expenditure);
 - Assessment of Berneslai's performance against expectations.

BERNESLAI HOMES POLICIES & PLANS



**Board Code of Conduct
2023 to 2025**

Document Control

Title	<i>Board Code of Conduct</i>
Responsible Officer	<i>Sam Roebuck</i>
Author	<i>Claire Denson</i>
Subject	<i>Board Code of Conduct</i>
Information Asset Owner	<i>Sam Roebuck</i>
Approved by	<i>Board</i>
Approved date	<i>21 July 2022</i>
Review date	<i>February 2025</i>
Review responsibility	<i>Claire Denson</i>
Applicable to	<i>Board, Committee, Independent and Co-optee Members</i>
DPIA Completion Date	<i>n/a</i>
EIA Completion Date	<i>n/a</i>
Regulatory Framework	<i>NHF Code of Governance</i>

Revision History

Date	Version	Author	Comments
June 2019	2.0	Claire Denson	Approved by EMT and Board
July 2022	2.2	Claire Denson	Approved by EMT and Board
May 2023	2.3	Claire Denson	Reviewed and aligned to NHF Code of Conduct. Approved by Remuneration Committee for approval to Board
May 2023	2.3	Claire Denson	To be approved by Board

Consultation and distribution

Type	Details
Consultation	<i>Board and EMT</i>
Distribution	<i>Board sign up to the Code of Conduct as part of their induction</i>

1. Introduction

The Board Code of Conduct sets out clear expectations of behaviour of all Board and Committee (inc Independent and Co-optee) Members (also referred to as Members throughout this document). It outlines the actions to be taken in the event of any breaches of the Code. It should also help Members understand their legal duties and the nature of their relationship with both Berneslai Homes Limited ('Berneslai Homes' or 'the Company') and the Executive.

This Code applies to every committee, working party or other subsidiary body of the Board. Its objective is to promote effective and well-informed company governance. It is not intended to be a definitive or authoritative statement of the law.

In addition to the Code, Members need to familiarise themselves with the following, which will be supplied to them on appointment, namely:

- The Memorandum and Articles of Association of Berneslai Homes
- Berneslai Homes' Strategic Plan
- The Members' Governance Handbook
- The Agreement of Service

A Board / Committee Member must observe this Code of Conduct whenever they conduct the business of Berneslai Homes or acts as its representative.

Members should always think carefully about potential conflicts of interest, and the impact of their behaviour on the reputation of Berneslai Homes.

It is expected that all Members will undertake their duties to the best of their abilities and will comply with the terms of the Board (Inc Independent and Co-optees) Agreement of Service.

Failure to comply with the Code of Conduct may lead to potential disciplinary action in accordance with this Disciplinary Procedure (section 7).

2. Role of the Board and Committees

The Board and Committees consist of non-executive Members who direct and oversee the affairs of Berneslai Homes. The Board / Committees ensure day-to-day management is delegated effectively and carried out properly by the Chief Executive and the staff of Berneslai Homes.

2.1 Functions

The functions of the Board / Committees are to:

- support the mission, vision and values of Berneslai Homes
- ensure compliance with the Management Agreement between Berneslai Homes and the Council
- define and ensure compliance with the Strategic Plan through the agreement of:
 - policies for action
 - budgets

- a framework of delegation and system control, including performance monitoring
- ensure the affairs of Berneslai Homes are conducted lawfully, ethically and within the terms of its constitution
- ensure arrangements are in place for urgent decisions to be made in between meetings
- appoint the Chief Executive
- appoint the Company Secretary.

2.2 Exercise of Powers

The Board and Committees may only exercise the powers granted to them by Berneslai Homes' Memorandum and Articles of Association. Unless specific powers and authority have been delegated to a named Member or Committee, it will usually be the case powers can only be exercised by the full Board acting together as a body.

2.3 Delegation

Members should be aware that when they delegate any of their duties to others, including the Company Secretary and Committees, the responsibility and liability for fulfilling those duties remains with Members.

3. Principles

You must fulfil your duties and obligations responsibly, acting at all times in good faith and the best interests of the company, its residents and other service users.

3.1 Conflicts of interests

You must take all reasonable steps to ensure that no undeclared conflict arises, or could reasonably be perceived to arise, between your duties and your personal interests, financial or otherwise.

3.2 Bribery, gifts and hospitality

You must not offer, seek or accept bribes or inducements to act improperly or corruptly. You must not seek or accept gifts, hospitality or other benefits from individuals or organisations that might reasonably be seen to compromise your judgment or integrity or place you under an obligation to those individuals or organisations. Gifts which are of a modest kind (i.e., under £10 retail value), and which can be regarded as in the nature of advertising matter, can be accepted. All other gifts must be politely but firmly refused.

Meals or refreshments which are connected with a public or semi-public occasion, such as an opening ceremony associated with new premises, in which Berneslai Homes have an interest such as owners or partners in the scheme and where the Member attends in an official capacity as representative of Berneslai Homes can be accepted.

An important role of a Board / Committee member may involve attendance at corporate functions which have a social element as well as networking and company

promotion. Attendance at such events should be proportionate and not excessive with checks in place to ensure probity is upheld and disclosure documented

If a Member is unsure about accepting a gift or attendance at any function, then they are able to seek clarity from the Chair or Chief Executive.

All offers of gifts or hospitality must be recorded in the Register of Hospitality and Gifts using a Notification of an Offer form available from the Governance Team.

3.3 Funds and resources

Members should not place themselves under any financial or other obligation to others who might seek to influence them in the performance of their role.

You must not misuse the company's funds or resources for yourself, your family, your friends or the company.

You must not invite or influence a resident or other customer unless they are a person who you are closely connected to, to make a will or trust under which you are named as executor, trustee or beneficiary.

3.4 Confidentiality

In carrying out your role, you have access to confidential information. You must handle information in accordance with the law and the company's policies and procedures, ensuring confidential material is handled sensitively, appropriately and with due care.

3.5 Disclosure and Sharing Information

Berneslai Homes regards compliance with the UK GDPR and Data Protection Act (DPA) 2018, and any future update along with information security standards, as a matter of the utmost importance. All Board members are required to respect individual's privacy at all times and are required to comply with current and any future UK data protection laws. Non-compliance may result in individuals being prosecuted under section 170 of the DPA, 2018 and Computer Misuse Act 1990 if there is no business reason to handle or share personal information of other board members, employees, contractors, suppliers, customers and members of the public to non-authorised individuals or organisations or to their own personal devices.

3.6 Health, safety and security

Your conduct must not endanger the health, safety or security of yourself or others.

If you have any concerns about the health, safety, security or wellbeing of yourself, another individual or a group of individuals connected with the association, you must report this immediately through the appropriate channels.

3.7 Conduct at meetings

Your conduct at board / Committee and other meetings must meet a high standard of integrity, commitment, and courtesy.

3.8 Representing the company

Members also have a legal duty to promote the success of Berneslai Homes. You should therefore consider yourself as an ambassador for the Company, and act accordingly.

You must not seek to officially represent the views or position of the company without prior authority

In representing the company at external events and in dealings with outside bodies, you must set an example by demonstrating the highest standards of integrity and ethics and your alignment with the values, policies and objectives of the company.

You should not conduct yourself in a manner, which could reasonably be regarded as bringing the office of the Board or Berneslai Homes into disrepute.

If you intend to engage in an activity, including political or campaigning activity, which may reasonably be regarded to affect the company, you must obtain prior consent. Such consent must not be unreasonably withheld unless your activity poses a material risk to the company.

You must adhere to Berneslai Homes policies in the use of email, intranet and internet services including social media.

3.9 Reporting concerns

You must report any reasonable and honest suspicions you may have about possible wrongdoing.

You must report any behaviour by another Member you reasonably believe involves a failure to comply with the Code of Conduct in accordance with the procedure set out in section 7.

3.10 Performance

The Board has ultimate responsibility for the governance of Berneslai Homes and should have a diverse range of skills, competencies, experience and knowledge. It is important that the Board rigorously appraises its performance and that of individual members on a regular basis. Where performance falls below expectations and the required competency for a Member, the Board will actively deal with this.

The appraisal process may highlight areas of poor performance, whether through matters of competency, behavioural issues, poor attendance or lack of preparation for meetings. There may also be specific instances of inappropriate behaviour or conduct which need to be dealt with during the year.

You should ensure you:

- exercise reasonable care and skill in carrying out your functions. A higher standard of care will be expected of those who have particular skills or qualifications, such as an accountant or a solicitor.

- In partnership with the company, take responsibility for your own learning and development, regularly updating and refreshing your skills and knowledge.
- prepare for Board meetings by reading all the papers.

Attending meetings:

A Board Member who fails to attend 3 meetings of the Board in any period of 12 months, without the permission of the Board Chair, may, if the Board so resolve, have their fee reduced by such amount as the Board in its absolute discretion determines.

A Committee Member who:

- misses three consecutive meetings of the Committee. Or
- is absent from at least 25% of the meetings of the Committee in any period of 12 months

without the permission of the Committee Members, will if the Board so resolve, be removed as a Committee Member.

3.11 Accountability

Members are part of a team and should act as such. You are accountable for your actions to each other, to Berneslai Homes and to its stakeholders.

In particular, you:

- have a duty to comply with the law on all occasions in order to preserve public confidence in Berneslai Homes
- must support publicly the collective decisions made by the Board / Committee
- are accountable for your decisions and actions to the public, funders and service users
- must submit yourself to the level of scrutiny appropriate to your role
- must ensure resources are not used for political purposes
- must have proper regard to any relevant advice provided to you by the Chief Executive, Director of Corporate Services, Company Secretary and professional advisers to Berneslai Homes
- must exercise independent judgement in making decisions; and
- should have a high level of attendance at Board / Committee meetings so they can perform the function properly and effectively.

3.12 Respect for others

It is essential that Members have knowledge of current Equalities legislation and can apply this in governing the organisation. Members must at all times display the agreed Board Behaviours and promote the values of Berneslai Homes. You must treat others with respect. Failure to do so may impact on the reputation and wellbeing of the Board and Berneslai Homes.

Accordingly, Members should:

- promote equality, and not harass or discriminate
- treat others and their views with respect and courtesy
- promote and support the principles of leadership by example

- not do anything that may, or does, compromise the impartiality of those who work for, or on behalf of the Company
- respect the role of the Chair, the Chief Executive and the employees of Berneslai Homes.

3.13 Objectivity

Members should ensure decisions are made solely on merit and should set aside personal preferences. At all times you should look to the greater good of Berneslai Homes. In making decisions, you should:

- ask appropriate questions; and
- come to your own conclusions, weighing up carefully the views expressed, and the advice given.

This duty of objectivity extends to making appointments, awarding contracts, recommending individuals for rewards and benefits and transacting other business.

3.14 Openness

You must be open about your decisions and actions, giving reasons for them where appropriate.

3.15 Relationships and team working

Members must maintain a constructive, professional relationship based on a sound understanding of the respective roles of board / Committee members, staff and involved residents.

You should:

- develop positive working relationships with the Chief Executive and the Executive Management Team
- not undermine or appear to undermine the authority of a senior officer in his or her dealings with a more junior member of staff
- maintain the highest standards of professionalism, fairness and courtesy in all your dealings with residents and other service users recognise their primary role is one of strategic direction, and not day-to-day operational matters
- avoid becoming involved in individual staffing and tenant matters. Unless you have specific and, where practicable, written delegated authority to do so, you must not individually give instruction or direction to any member of staff or contractor
- Where it is necessary to raise issues of staff, board or contractor performance, these must be raised constructively and through the appropriate channels.
- avoid inappropriate personal familiarity with members of staff
- not ask or encourage the commitment of wrongdoing, including any breach of this Code.

3.16 In addition, the Companies Act 2006 requires Board / Committee Members to consider the following:

- the long-term impact of their decisions

- the interests of the company's employees
- the impact of decisions on customers and suppliers
- the impact on the community and the environment
- the desirability of maintaining a reputation for high standards of business practice.

4. Prohibitions on acting as a Board / Committee Member

The Companies Act 2006 excludes the following from being directors:

- undischarged bankrupts
- people under the age of sixteen
- people disqualified under the Company Director's Disqualification Act 1986

Further restrictions may be imposed by Berneslai Homes' Memorandum and Articles of Association.

5. Conflicts of Interest

The obligations of Members to Berneslai Homes must not clash with obligations they owe to others.

5.1 *Statutory Requirements*

The Companies Act 2006 contains three basic requirements concerning conflicts:

- a general duty to avoid a conflict of interest
- a duty not to accept benefits from third parties
- a duty to declare an interest the director may have in a proposed transaction or arrangement with the company.

5.2 *Membership of Other Bodies*

A Board / Committee Member may be a member of a Tenants and Residents Association.

However, to avoid any conflict of interest, a Board / Committee Member must **not** be a member of the Tenant Voice Panel, Executive or Management Committee, or any similar body from time to time established for/by Tenants.

Members should therefore:

- be aware of their duty to declare any interest relating to their role, and take steps to resolve any conflicts that may arise
- resolve any conflicts in favour of their role as a Board / Committee Member and not in accordance with their private interests
- make relevant declarations of interest in relation to their role at Berneslai Homes and in relation to any role they may perform externally.

5.3 *Contractors*

Members must disclose all relationships of a business or private nature with external contractors or potential contractors. Orders and contracts must be awarded on merit,

by fair competition against other tenders, and no special favour should be shown to businesses run by, for example, friends, partners or relatives in the tendering process.

Members who engage or supervise contractors or have any other official relationship with contractors and have previously had or currently have a relationship in a private or domestic capacity with contractors, should declare that relationship.

This information should be given using a copy of the form Register of Board Member' Interests and also declared at the beginning of relevant meetings.

5.4 The procedure

- 1) Any Board / Committee Member having an interest (which shall include interests of Family members) in any arrangement between the Company and another person or body shall disclose that interest to the meeting before the matter is discussed by the Board / Committee. Unless the interest is of the type specified in Paragraphs (2) and (3) the Member concerned shall not remain present during the discussion of that item unless requested to do so by the remaining members of the Board / Committee. Unless permitted by Paragraphs (2) and (3) the Member concerned may not vote on the matter in question, but no decision of the Board / Committee shall be invalidated by the subsequent discovery of an interest which should have been declared.
- 2) Provided the interest has been properly disclosed pursuant to Paragraph (1) a Member may remain present during the discussion and may vote on the matter under discussion where the interest arises because:
 - i. the Member is a Tenant Representative so long as the matter in question affects all or a substantial group of the Tenants; or
 - ii. the Member is a director or other officer of a company or body which is a parent, subsidiary or associate of the Company; or
 - iii. the Member is an official or elected member of any statutory body.
- 3) A Member shall not be treated as having an interest of which the Member has no knowledge and of which it is unreasonable to expect them to have knowledge.

6. Complaints against Board / Committee Members

This part of the Code provides:

- a transparent, fair and consistent process for dealing with allegations of misconduct by Members
- a means to address inappropriate behaviour
- a form of appeal for Members in relation to disciplinary action taken against them.

It is recognised that:

- challenge and differences of opinion are positive; and
- Members bring a variety of skills and views to the table.

This is healthy and can add materially to the quality of the debate and the outcomes from it. Accordingly, legitimate disagreement and respectful appropriate challenge of either the Executive or other Board / Committee members are **not** grounds for action.

However, disagreement for the sake of it and inappropriate challenge are not behaviours that are expected of Members at Berneslai Homes.

The procedure set out below applies to all Board / Committee Members equally.

6.1 Grievances and Disputes

- a) It is hoped that Member disputes and grievances can be handled through candid discussions informally, outside of Board meetings.
- b) If a Member has a dispute with another Member that they cannot resolve informally or would like to raise a grievance, they may do so by contacting the Senior Independent Director (SID). If the grievance is regarding the SID, the Chair shall be contacted directly.
- c) The SID will arrange a formal meeting with the member to discuss the matter. The SID will be supported by the Chair, or the Chair of the Audit Committee if the grievance relates to the Chair. The Company Secretary and/or Chief Executive will provide governance advice, as appropriate.
- d) Following the meeting, a letter outlining the concerns and actions agreed will be provided by the SID to the member raising the grievance.
- e) If the matter is not successfully resolved, the SID will refer the matter and will appoint a Panel consisting of three Board Members (excluding those involved). The Panel will hear from both the SID and the members concerned. Following the meeting, the SID, or appointed Chair, will send a letter to the members raising the grievance outlining the concerns and the actions agreed. This action plan will be final with no further appeals or review.
- f) Should the recommendation of Panel be the removal of the members concerned, the Removal of Board Members Procedure will be followed.
- g) The process should conclude in a timely fashion.

6.2 Breaches

Any allegations of breaches should be raised and dealt with promptly and meetings/decisions should not be unreasonably delayed. Any allegations of breaches should be dealt with consistently, particularly in terms of being classed as either an informal or formal process and actioned in line with the appropriate procedure set out in section 7.

6.3 Types of Breach

Grounds where action may be taken include, but are not limited to, the following:

- a breach of this Code of Conduct.

- a breach of Berneslai Homes' equality and diversity policy.
- abuse of other Members of the Board / Committees, employees of Berneslai Homes or stakeholders to whom the company is responsible.
- failure to accept the principle of collective responsibility for Board / Committee decisions.
- making false statements.
- a breach of the duty of confidentiality.
- acting against the interests, aims and objectives of Berneslai Homes; and
- bringing Berneslai Homes into disrepute.

6.4 Taking Action

Action may be taken under the procedure set out below (section 7) where:

- the matter is so serious as to warrant it; or
- the Member has failed to remedy a matter reasonably promptly after a request from the Chair of the Board to do so; or
- there have been a series of breaches of a lesser nature.

7. Disciplinary Procedure

7.1 Any allegation of misconduct or complaint about a Board / Committee Member should be reported to the Chair of the Board (or the Chief Executive, if the complaint is about the Chair).

7.2 The Chair is to notify the Chief Executive promptly of any allegation or complaint to him/her.

7.3 The Chief Executive will, in the first instance, ask the complainant to provide written details of the breach. The Board / Committee Member against whom the allegation has been made will be provided with a copy of those details and be given the opportunity to respond.

7.4 The Chair, the Chief Executive and HR colleague as appropriate will agree whether informal or formal action should be taken depending on the severity and nature of the issue.

7.5 Informal Action

- a) Instances of minor misconduct or failure to fulfil responsibilities will be dealt with informally by the Chair (or the SID and Chair of the Remuneration Committee or Chair of the Audit & Risk Committee if the breach is committed by the Chair) usually taking place through direct discussions at a meeting between the Member, Chair and Chief Executive as appropriate.
- b) Examples of minor misconduct could include poor timekeeping or attendance, minor breach of company policy / procedure, poor performance.
- c) Any recommended action such as training, coaching or additional support will be agreed. The discussion will refer to the relevant part of this Code, detail the breach it is alleged has occurred and will be confirmed in writing.

- d) The Member will be advised of potential consequences / sanctions if there is a failure to improve over a reasonable timeframe as appropriate to the matter.
- e) The Member will be notified in writing of the informal discussion and any action recommended / taken. The Company Secretary will be notified in order to record the minor breach and action taken.
- f) If, within six months following notification of action taken, it is believed that a further act of misconduct may have occurred, the procedure may be repeated or referred by the Chair and Chief Executive to a formal procedure.

7.6 Formal Action

- a) If the matter cannot be resolved informally, the Chief Executive will then appoint an independent person to undertake an initial investigation.
- b) On completion of the initial investigation, the Chief Executive will appoint a Panel consisting of three Board Members (excluding the complainant). The Panel will hear the allegations made against the Board / Committee Member, review the findings of the initial investigation and allow the Member to state his or her case.
- c) Unless the Chair (or the Chief Executive, where the complaint is against the Chair) considers the circumstances are so serious to merit otherwise, no action will be taken against the Member until the Panel has heard the complaint.
- d) If, however, the Chair (or, where appropriate, the Chief Executive) does consider the circumstances are such to merit it, the Member may be suspended from office pending the Panel hearing.
- e) Prior to any hearing, the Board / Committee Member will be:
 - informed of the facts of the allegation at least ten working days in advance (unless a shorter period is agreed with him/her)
 - advised of his/her right to be heard
 - asked if he/she wishes to be represented at the hearing, and if so, by whom
 - given a copy of the findings from the initial investigation.
- f) At the Panel hearing:
 - the Chief Executive (or his/her representative) will present the findings of the initial investigation
 - if appropriate, the evidence of witnesses will be given
 - the Panel and the Member will have the opportunity to question the witnesses
 - the Member will have the opportunity to present his/her case, calling witnesses (if appropriate) in defence of the allegations or complaint
 - the Panel will have the opportunity to question the witnesses and/or the Member
 - the Panel will ask the Chief Executive and the Member (or their respective representatives) to make any final submissions.

- g) The Panel will then retire to consider the matter. This will be on the basis the burden of proof is the balance of probabilities.
- h) The Panel will decide by a simple majority whether or not the allegation or complaint has been substantiated. In the event of a tie, the Chair of the Panel will have a casting vote.
- i) If the allegation or complaint has been substantiated, the Panel will also decide the appropriate sanction or sanctions to impose.
- j) This decision is to be made by a simple majority, with the Chair of the Panel having a casting vote in the event of a tie.
- k) The Panel may either deliver its decision immediately following the hearing or postpone doing so to such later date as it may consider reasonable.
- l) In either event, the Panel will ensure the Member is notified in writing of the outcome of its deliberations no more than three working days after having reached its decision. The written notification is to include details of the right of appeal to the Board.

To note: A Board Member is liable to disqualification under the Company Directors Disqualification Act 1986 if found to be unfit to act as a Board Member. Further details can be found at <https://www.gov.uk/government/publications/company-directors-disqualification-act-1986-and-failed-companies>

7.7 Sanctions

If the Panel decides the allegation or complaint has been substantiated it will impose such sanction or sanctions set out below as it believes appropriate.

In reaching its decision concerning the sanction(s) to impose, the Panel will have regard to the gravity of the misconduct, any previously proven misconduct and the general record of conduct of the Member.

The sanctions that may be imposed by the Panel are:

- a single written warning
- a removal (or suspension for such period determined by the Panel) from any Committee or specific responsibility on the Board
- a suspension of Board / Committee remuneration for such period determined by the Panel
- a suspension from serving on the Board / Committee for such period determined by the Panel
- a recommendation to the Board for the Member to be removed from office
- such other sanction as the Panel may consider reasonably appropriate in the circumstances.

Any written warning will remain on the Member's record for such period as the Panel may determine.

If the sanction is a recommendation for removal, the matter will be referred to the Board for consideration in accordance with the terms of the Company's Memorandum and Articles from time to time.

7.8 Resignation

The ideal outcome is that the Member recognises that the relationship with Berneslai Homes is not working out and the Chair and Member mutually agree that the Member will resign. The resignation will be reported to the next Board meeting and the Services Agreement will be terminated forthwith.

7.9 Removal

If the above conciliatory approach does not work, then the following approach should be taken:

- The Chair will advise the Board of the performance issue with the Member concerned and that removal of the Member is the appropriate outcome for the Board
- At the next Board meeting the Chair will propose removal of the Member from the Board, which will require a majority decision in line with the Memorandum and Articles of Association (Article 20)
- The Services Agreement will be terminated at this stage.

7.10 Notification of Decisions

Notice of the result of disciplinary action against a Board / Committee Member will be given to the Council, as sole Member of the Company and the following:

- in the case of a Tenant Board Member, to the Tenant's Voice Panel
- in the case of a Council Board Member, to the Council's Chief Executive.

7.11 Appeals

A Board / Committee Member has the right to appeal a decision of the Panel to the Board. The appeal must be put in writing and lodged with the Chief Executive within ten working days of the decision. The notice is to specify the decision being appealed against, and the grounds for the appeal.

The Chief Executive will fix a date for the appeal, notify the Member of it and "convene a meeting of the Board excluding the original hearing panel, the appellant and the complainant". The chair of the hearing panel will present the case and the appeal will be conducted, so far as possible, in accordance with the procedure set out in paragraph 9 above. The Board will have power to:

- reject the decision of the Panel and over-turn the sanction; or
- ratify the decision of the Panel and the sanction imposed; or
- ratify the decision of the Panel but impose either a different sanction (higher or lower) or no sanction at all.

Following the decision of the Board, the Member has no further right of appeal.

7. Acceptance of Code

All Board / Committee (inc Co-optes) Members must accept and sign a copy of this Code to show they have understood the responsibilities they are undertaking.

Signed:

Date:

**TERMS OF REFERENCE FOR
REMUNERATION COMMITTEE**

<p>1. Constitutional Authority and Purpose</p>	<p>1.1 The Remuneration Committee (the “Committee”) is a sub-committee of the board of Berneslai Homes.</p> <p>1.2 The overall purpose of the Remuneration Committee is:</p> <ul style="list-style-type: none"> • To advise the Board (and within any remit set by the Board from time to time, make decisions) on matters concerning the recruitment, selection and appointment of the chief executive and on appointments to the board and committees. • To advise the Board (and within any remit set by the Board from time to time, make decisions) on matters concerning the remuneration and appraisal of the chief executive and non-executives; on the annual pay award to staff; and on any other HR arrangements and policies.
<p>2. Composition</p>	<p>2.1 The Committee shall consist a minimum of two members of the board.</p> <p>2.2 The Chair of the Board and Chief Executive will not be a member of the Committee but will be invited to attend.</p> <p>2.3 Committee Members as a minimum will be the Chair of the Audit and Risk Committee, Vice Chair of the Customer Services Committee and the Senior Independent Director (Deputy Chair). The mode and manner of the appointment shall be as the Board may from time to time agree subject to compliance with Section 2.1.</p> <p>2.4 The Committee shall at their meeting and at each Remuneration Committee Meeting after an Annual General Meeting appoint a Chair from their Members, to hold office until immediately after the next Annual General Meeting and may at any time remove them from the office.</p> <p>2.5 Committee Members are to hold office until the term of office for which they have been appointed expires, they resign or are removed by the Board.</p> <p>2.6 If the Chair is not present within five minutes from the time the meeting is due to commence or are unwilling to act, another member of the Committee may be nominated to chair that meeting.</p> <p>2.7 Employees of Berneslai Homes are not eligible to serve on this Committee, however, officers shall attend to support and serve the</p>

	<p>Committee as required.</p> <p>2.8 Specialists may be co-opted to provide particular expertise as and when required, to be approved by the Board. The Committee may invite any board member who has specialist HR knowledge where required to attend a Remuneration Committee meeting.</p>
<p>3. Meetings and Quorum</p>	<p>3.1 The quorum for a Committee meeting shall be two, of which they must be all non-executive members of the Board.</p> <p>3.2 The Remuneration Committee will meet at least three times per year and as and when required and its proceedings and decisions shall be reported to the Board.</p> <p>3.3 The Committee shall abide by all the rules relating to the calling of meetings and the conduct of business contained in the rules of Berneslai Homes and in respect of contract procedure rules, policies and code of conduct relating to boards and board members.</p> <p>3.4 Other Board members and officers have the right to attend the Committee meetings if invited by the Chair of the Committee.</p> <p>3.5 Board members and officers cannot attend any part of a committee meeting at which their own position is being discussed, except by invitation. No member of the committee or person in attendance at a meeting will be present or will participate when matters relating to his or her own remuneration or terms and conditions of service are discussed.</p> <p>3.6 The company secretary or their nominee shall act as the secretary of the Committee and will ensure that whenever possible the Committee receives information and papers in a timely manner to enable full and proper consideration to be given to its business.</p> <p>3.7 At least five working days' notice of all meetings of the Committee will be given to each Committee Member and to the Chair of the Board unless any two members of the Committee certify in writing that, because of special circumstances which are set out in the certificate, the meeting ought to be called as a matter of extreme urgency.</p>
<p>4. Duties and Responsibilities</p>	<p>4.1 The principal duties of the Committee are:</p> <ul style="list-style-type: none"> • To make recommendations to the Board on the appointment of the Chief Executive. • To be involved in the recruitment process for members of the Executive Management Team. • To advise on and oversee appropriate contractual arrangements

	<p>for such staff.</p> <ul style="list-style-type: none"> • To advise on and make recommendations in respect of redundancy arrangements for the Exec team or departure through performance management or compromise. • To oversee the recruitment of Non Executives in conjunction with the Chair of the Board and make recommendations for appointment to the full Board. • To have delegated authority to set the remuneration levels of the Board (including the Chair), based on recommendation(s) received from an independent source. • To act as disciplinary and grievance hearing panel for the Chief Executive and Executive Management Team, any appeals arising from these processes would be heard by the full Board, excluding the Remuneration Committee members. • To make recommendations to the Board and have oversight of the remuneration of the Chief Executive, Executive Management Team members and non-executives. • To recommend to the Board, and oversee on its behalf, the expenses policy for board members. • To approve significant organisational restructures and any restructures of the Executive Team, • Review the performance of the Chief Executive and receive performance reviews of the Exec Team from the CEO. • To ensure succession plans are in place for Executive Team and other business critical roles • To review current boards and committee memberships to establish how well the Board and committee members collectively cover the skills requirements established. • To agree changes to Board and Committee role profiles, behaviours and expectations. • To gain assurance that succession plans are in place, and make recommendations to deal with the diversity mix and any identified lack a particular skill or experience on boards and committees. • To consider and, if appropriate, recommend any proposals to remove a board or committee member. • To monitor service-specific Strategy action plans.
<p>5. General Authority and Scope</p>	<p>5.1 The Committee is authorised to investigate any activity of Berneslai Homes within its terms of reference and in accordance with any advice or guidance from the Regulator. It is authorised to seek any information it requires from any employee, and all employees are directed to co-operate with any reasonable request made by the committee.</p> <p>5.2 Following prior consultation with the Chair of the Board and, where appropriate, the Chief Executive, the Committee is authorised to obtain legal or other professional advice, which is relevant to its</p>

	<p>purpose, as it deems necessary and within the relevant budget allocation (if any) allowed for those costs in each year. However, it may incur direct expenditure of £5000 without the prior approval of the Board.</p> <p>5.3 The Committee shall in its decision making, give due regard to any relevant legal or regulatory requirements, and associated best practice guidance, as well as to the risk and reputation implications of its decisions, referring to the Decision-Making Framework for clarification.</p>
<p>6. Review</p>	<p>6.1 The Board has approved these Terms of Reference and they will bind the Committee from 19 May 2022.</p> <p>6.2 At least every two years, the Committee shall review its structure, delegated responsibilities, reporting arrangements, terms of reference and effectiveness and report its conclusions to the Board, including any recommendations for changes.</p>
<p>7. Reporting procedures</p>	<p>7.1 The Board will obtain assurance on the committee's work via minutes and regular verbal feedback from the Committee Chair on all of the Committee meetings.</p> <p>7.2 The Chair of the Committee will ensure that key issues are promptly brought to the attention of the Board.</p> <p>7.3 Minutes of each Committee meeting (which record the salient points of the discussions which take place and all decisions which are taken) must be kept and must be produced promptly after the relevant meeting both to that Committee and to the Board.</p> <p>7.4 Minutes of each committee meeting must where possible be circulated to all Board Members in advance of the next Board Meeting. Consideration of these minutes must form an agenda item at that Board Meeting.</p> <p>7.5 The Committee will submit any reports it considers necessary to the Board.</p>



Creating great homes and communities
with the people of Barnsley

Report Title	Fire Safety Act 2021 & Building Safety Act 2022 Update	Confidential	No
Report Author	Kerry Hamilton Fire and Asbestos Compliance Manager	Report Status	For Decision
Report To	Board 23/5/2023	Officer Contact Details	Arturo Gulla Executive Director of Property Services arturogulla@berneslaihomes.co.uk

1. Executive Summary

This report provides the Board with an update on how Berneslai Homes are progressing against the Building Safety Act 2022 & Fire Safety Act 2021 and the recent amendments from the Building Safety Regulator.

Berneslai Homes now has a clear plan to deliver against the Building Safety and Fire Safety Acts in line with the expectations of the Regulator. Whilst there is further work to be undertaken, the proposals set out within this report will ensure we remain compliant with our obligations to keep our customers safe in their homes.

The key points to note are:

Building Safety Act 2022

- Changes to the Principle Accountable person and Accountable persons
- Barnsley Council has a responsibility to ensure the register of occupied 'higher-risk buildings' in England between 12 April and 30 September 2023 – (Barnsley Council have delegated this responsibility to Berneslai Homes)
- Changes to the dates when the Building Safety Cases need to be submitted (between March 2024 and March 2029 starting with buildings over 18 meters first then working down from there).
- Review and challenge the performance of Fire and Building Safety as necessary on a risk-based approach.

	<p>Fire Safety Act</p> <ul style="list-style-type: none"> From the 23 January 2023 the Fire Safety (England) Regulations made it a legal requirement for the responsible persons of all multi-occupied residential buildings in England with two or more sets of domestic premises (and which have common parts), to provide residents with fire safety instructions.
2. Recommendation/s	<ul style="list-style-type: none"> For Board to note the contents of this report and escalate concerns & risks to BMBC in relation to the BMBC review of governance arrangements .

3. Background

- 3.1 Berneslai Homes manages homes on behalf of Barnsley Metropolitan Borough Council (BMBC). This management arrangement means that under the Building Safety Act 2022, Berneslai Homes is an Accountable Person and BMBC is the Principal Accountable Person.

The definition of a Principal Accountable Person is:

Principal Accountable Person (BMBC) - If a building has more than one Accountable Person, the Accountable Person responsible for the structure and exterior of the building will be the Principal Accountable Person.

As well as their duties as an Accountable Person, Principal Accountable Persons must:

- Register existing buildings with the Building Safety Regulator (between 12th April 2023 and 30th September 2023).
- Prepare a safety case report for each building.
- Provide the safety case report to the Building Safety Regulator on request.
- Apply for a building assessment certificate and provide completed building safety cases for each in scope building between March 2024 and March 2029 as requested by the Building Safety Regulator.
- Review and challenge the performance of fire and building safety as necessary on a risk-based approach.

The definition of an Accountable Person is:

Accountable Person (Berneslai Homes & BMBC) – An organisation who owns or has responsibility for the building. It may also be an organisation who is responsible for maintaining the common parts of a building, for example corridors or lobbies.

The Accountable Person will have a duty to take all reasonable steps to:

- Prevent a building safety risk happening, with building safety risk defined as 'spread of fire and/or structural failure'; and
- Reduce the seriousness of an incident if one happens.
- Monitor progress against programmes, overall performance, scrutinise strategic direction and offer constructive challenge to ensure Berneslai Homes' homes are safe and comply fully with the Building Safety Act.

3.2 In addition to the Building Safety Act 2022, The Fire Safety Act 2021 received Royal Assent on 29 April 2021 and commenced on 16 May 2022. The Act amends the Regulatory Reform (Fire Safety) Order 2005 (the Fire Safety Order RFSO). The Act clarifies that Responsible Persons (RPs) for multi-occupied residential buildings must manage and reduce the risk of fire for the structure and external walls of the building, including cladding, balconies and windows, and entrance doors to individual flats that open into common parts.

3.3 The Fire Safety Regulations were introduced under Article 24 of the Fire Safety Order and came into force on 23 January 2023, meaning it is a legal requirement for the Responsible Person for multi-occupied buildings over 11 metres to:

- Carry out quarterly checks of all fire doors in communal areas.
- Carry out annual checks on all flat entrance doors.
- Provide information to residents about the importance of fire doors.

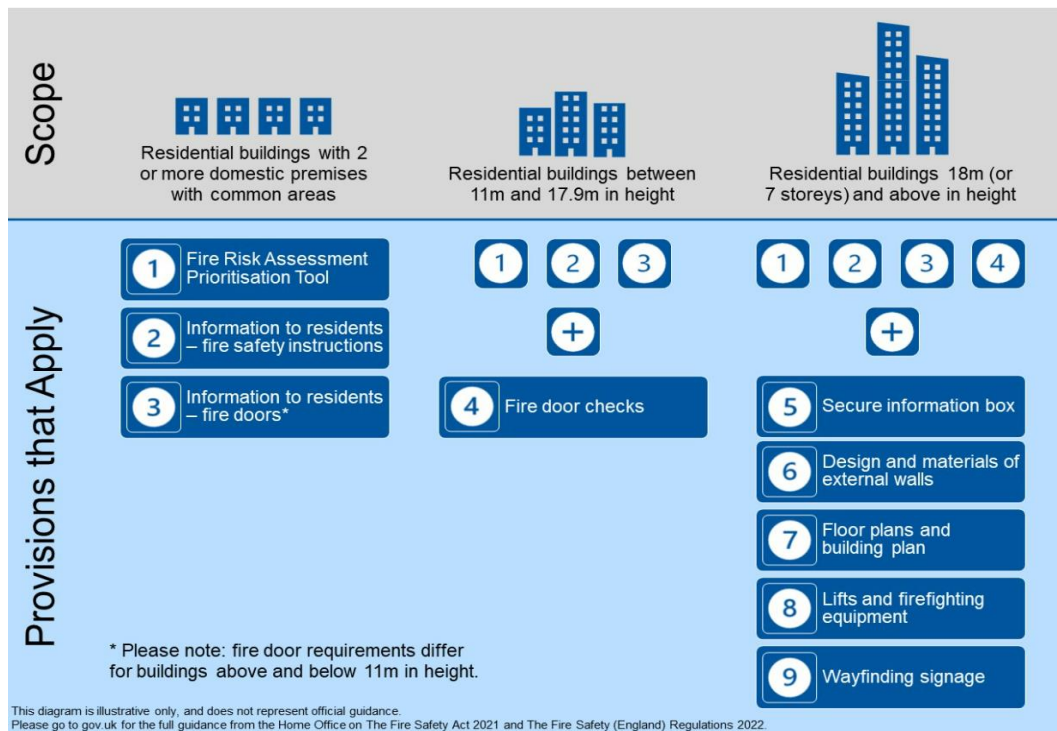
The act will require Responsible Persons of multi-occupied residential buildings with two or more sets of domestic premises to update their fire risk assessment to include an assessment of the building's structure, external walls.

The Regulations apply to England only. The Regulations can be found on the UK Government website.

Most of the requirements set out in the Regulations are imposed on the responsible person (RP), which RPs need to plan and prepare for.

The Regulations require RPs in multi-occupied residential buildings to take specific actions, depending on height of the building.

The diagram below is a scoping tool which sets out the requirements on a building dependant on its height.



4. Current Position /Issues for Consideration

- 4.1 A presentation has been delivered to Barnsley Metropolitan Borough Council (BMBC) and Berneslai Homes Executive Management team to explain responsibilities under the Acts and Regulations for both Berneslai Homes and BMBC. It has been established that BMBC (a person or business) will become the Principal Accountable person with an accountable person which is currently Kathy McArdle reviewing and challenging the performance of fire and building safety on behalf of BMBC. Berneslai Homes will have one accountable person (proposed Arturo Gulla) and responsible persons who cover individual areas such as Fire and Building Safety, Housing Management etc reporting into the accountable person. **BMBC colleagues will be presenting a report to Purple Cabinet to agree roles and responsibilities in relation to the Principle Accountable Person, but until this is agreed and finalised, we cannot register the buildings and have a deadline of 30th September 2023 to achieve this.**
- 4.2 To ensure all the relevant information is monitored a Building Safety Project Board has been developed and implemented. This Group will review and challenge the performance of fire and building safety as necessary on a risk-based approach and ensuring the legislation is adhered to, giving assurance to the Principal Accountable person.
- 4.3 At present the scope (the diagram above) only covers duties for the occupied higher-risk buildings which are seven storeys or 18 metres in height and have at least two residential units under the Acts. Berneslai Homes are also including the 11 Independent Living Schemes in addition to the 3 High Rise buildings.
- 4.4 Fire door inspections checks are being carried out on flat entrance doors not only within the High-Rise Building but any building with a communal area on an annual basis and communal door inspections are undertaken every 3 months.

- 4.5 We have an established Resident Engagement Safety Panel which has 8 members and meet every 6 weeks at Gateway Plaza. They formulate their own meeting agenda and set their own ground rules for their meetings. The panel members are very enthusiastic and have recently met for the tenth time. Some panel members are also represented on the Tenant Voice Panel giving them the opportunity to further scrutinise Berneslai Homes services.
- 4.6 The Building Safety team undertake daily tasks and provide monthly monitoring via the Building Safety Scorecard to the Audit & Risk committee, BMBC colleagues which highlights our performance against a suite of key compliance indicators.

Key priorities – coming next

- Register existing buildings with the Building Safety Regulator (between 12th April 2023 and 30th September 2023) once all key roles and responsibilities have been agreed
- Currently working with Pennington Choices Consultancy to prepare a safety case report for each building and help identify any gaps within our information
- Provide the safety case report to the Building Safety Regulator on request between March 2024 and March 2029
- Undertaking a full review of all our communal buildings and identify fire safety requirements and ensure compliance on a risk-based approach

5. Customer Voice/Impact

As highlighted within the report. We have established a resident engagement panel, created a resident engagement strategy ensuring we meet the requirements of the Building Safety Act. Residents are fully involved with decisions regarding the 3 High Rise Buildings.

6. Risk and Risk Appetite

Operational/Strategic Risk Type	Name	Risk Appetite
Strategic	Failure to meet increasing and changing regulatory requirements	Averse
Strategic	The health and safety of tenants and staff	Averse

7. Strategic Alignment

The report aligns with Berneslai Homes Strategic priorities:

- Hearing Customers
- Keeping tenants Safe
- Growth of Homes and Services
- Technology and Innovation
- Employment and Training

- Zero Carbon

and supports the Barnsley 2030 strategic priorities:

- Healthy Barnsley
- Learning Barnsley
- Growing Barnsley
- Sustainable Barnsley

8. Data Privacy

No personal data is used in the production of this report.

9. Consumer Regulatory Standards

This falls within the remit of to the Consumer Home Standard as it monitors our ability to provide our tenants with quality, safe accommodation.

10. Other Statutory/Regulatory Compliance

Provides assurance for the following legislation

- Building Safety Act 2022
- Fire Safety Act 2021
- Fire Safety Regulations

11. Financial

All works are costed and budgeted and adherence to budget is reviewed and confirmed monthly by BMBC.

12. Human Resources and Equality. Diversity and Inclusion

N/A

13. Sustainability Implications

N/A

14. Associated Background Papers

N/A

15. Appendices

N/A

16. Glossary

N/A

Report Title	Damp & Mould Update	Confidential	No
Report Author	Dan Crossley Head of Repairs Maintenance & Building Safety	Report Status	For Approval
Report To	Board 23/5/2023	Officer Contact Details	Arturo Gulla Executive Director of Property Services arturogulla@berneslaihomes.co.uk

1. Executive Summary	<p>Following the tragic death of Awaab Ishak, The Housing Ombudsman, the Regulator of Social Housing and the Government expect all social housing landlords to be proactive in dealing with damp, mould, and condensation.</p> <p>The report highlights the progress that Berneslai Homes has made in ensuring that damp, mould, and condensation reduction becomes a key priority.</p> <p>The main points covered in the report are set out below:</p> <p>Berneslai Homes have responded and reviewed:</p> <ul style="list-style-type: none"> • Housing Ombudsman Spotlight on Damp & Mould Report – 26 Key Recommendations • Letter from Regulator of Social Housing to Landlord 1 • Letter from Regulator of Social Housing to Landlord 2 • Housing Ombudsman – 10 Key Tests • Regulator of Social Housing - Initial Findings • Housing Ombudsman – Special Report on Rochdale Boroughwide Housing & Recommendations <p>Berneslai Homes key Progress</p> <ul style="list-style-type: none"> • 1642 Homes treated for Damp Mould & Condensation in a 3-month period • Implemented a Damp, Mould, and Condensation Task Group • Recruiting a Damp, Mould & Disrepair team of 5 • Progressing 100% Stock Condition Surveys by March 2024 • Frequent inspections of gas cap off properties
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	<ul style="list-style-type: none"> • Opened a Dedicated Inbox – dampandmould@berneslaihomes.co.uk • Reviewed our Damp leaflet & re-distributed to every Tenant • Updated the Website & social media campaign • Trained Staff, Operatives & our Contact Centre • Digital monitoring technology - IOT • Ventilation now included in Barnsley Home Standard • Created an E-Form collating key vulnerability data such household numbers and health issues • Created a Damp & Mould dashboard
2. Recommendation/s	For Board to note the contents of this report and to approve the establishment of a dedicated Damp & Mould Team.

3. Background

3.1 **Background Information**

Over the past 2 years damp and mould has become a key priority within the housing sector. The tragic case of Awaab Ishak, the two-year-old boy who died in December 2020 from a severe respiratory condition caused by environmental mould in his home demonstrated that damp and mould in the home must be taken seriously by everyone including Berneslai Homes.

The government is presently reviewing existing guidance on damp and mould for social housing landlords and has said it will publish consolidated guidance this summer. An amendment has been added to the Social Housing (Regulation) bill called Awwab's Law which will set strict time limits on how long it should take all social landlords to fix hazards like damp and mould.

Lessons learnt from the Housing Ombudsman are set out below:

3.2 Housing Ombudsman Spotlight Report on Damp & Mould (October 2021)

In October 2021, the Housing Ombudsman published its spotlight report on Damp & Mould called 'it's not Lifestyle'.

This set out 26 Key recommendations split into 4 key areas of focus:

1. *Move from reactive to proactive*
2. *Move from inferring blame to taking responsibility*
3. *Move from receiving disrepair claims to resolutions*
4. *Move from a complaints to a learning culture*

Berneslai Homes have self-assessed against the 26 recommendations and have provided a copy to the Housing Ombudsman.

3.3 Letter from Regulator of Social Housing to Landlord 1

In November 2022, the Regulator of Social Housing wrote to the Chief Executive Officers of all registered providers requesting information on the approach to managing Damp & Mould within their housing stocks. The questions asked in the letter are set out below:

- 1. Your approach to assessing the extent of damp and mould issues affecting your properties, including how you assess the prevalence of categories 1 and 2 damp and mould hazards.*
- 2. Your most recent assessment of the extent of damp and mould hazards in your homes, including the prevalence of categories 1 and 2 damp and mould hazards.*
- 3. The action you are taking to remedy any issues and hazards, and ensure your homes meet Decent Homes Standard.*
- 4. How you ensure that individual damp and mould cases are identified and dealt with promptly and effectively when raised by tenants and residents.*

All relevant data and information were collated, and a joint response was agreed with colleagues at Barnsley Metropolitan Borough Council who responded as the registered Landlord of the housing stock.

3.4 Letter from Regulator of Social Housing to Landlord 2

In January 2023, the Regulator of Social Housing had reviewed the contents of responses from registered providers and issued a second letter requesting further information. The questions asked in the letter are set out below:

- 1. The plans in place to manage this level of damp and mould within a reasonable timeframe*
- 2. Any challenges anticipated may stand in the way of the effective delivery of those plans.*
- 3. The role of the organisation's leadership, including its Board [councillors] in overseeing delivery?*

Once again, all relevant data and information were collated, and a joint response was agreed with colleagues at Barnsley Metropolitan Borough Council who responded as the registered Landlord of the housing stock.

3.5 Preparing for the Social Housing Regulation Bill

In 2022, the Social Housing Regulation Bill was laid in parliament to deliver the reforms outlined in the Social Housing White Paper and address concerns raised following the tragic fire at Grenfell Tower in 2017. The Bill will bring forward a stronger and more pro-active regulatory regime that will drive up standards in the sector and hold landlords to account for the service they provide tenants.

The latest update dated 10th March 2023 outlines that the bill has commenced its report stage at the House of Commons. The government has tabled several amendments as part of its commitment to improve the quality of social housing, including:

- *An amendment introducing **Awaab's Law** which requires social landlords to investigate and fix reported hazards in their homes within a specified time frame or rehouse tenants where a home cannot be made safe.*
- *An amendment providing new powers for the Housing Ombudsman to help social landlords improve performance by instructing them to self-assess against guidance during a complaint investigation.*
- *An amendment enabling the Social Housing Regulator to set a standard relating to information and transparency requiring social landlords to provide residents with information on how they can make a complaint against them.*
- *An amendment that will require all social housing managers to have a professional qualification. The aim of this change is to help to protect residents and raise standards, ensuring residents receive a high level of service and are always treated with respect.*

3.6 Housing Ombudsman – 10 Key Tests

In February 2023, the Housing Ombudsman provided an analysis of responses from landlords to the Spotlight Report one year on and proposed ten 'Key Tests' for landlords who are producing action plans with a continued influx in damp & mould cases. These are set out below:

- *Find your silence*
- *Proactive communications strategy*
- *Treat residents fairly*
- *Improve record keeping*
- *Know your residents*
- *Check net zero plans*
- *Know your homes*
- *Dedicated damp and mould strategy*
- *Empower staff*
- *Use the complaints system to learn*

3.7 Regulator of Social Housing - Initial Findings

In February 2023, the Regulator of Social Housing published its initial findings on damp & mould in England's social housing. The key points were:

- *Most social landlords understand the extent of damp and mould in their tenants' homes and take action to tackle it but could strengthen their approach.*
- *Most people living in social housing have homes that are free from damp and mould. However, living with damp and mould can have a serious impact on tenants' health and wellbeing. It is essential that landlords identify and address these issues promptly and effectively.*
- *Some landlords submitted poor quality responses that lacked the detail needed for RSH to have confidence about their approach to tackling damp and mould.*

- *While the picture is incomplete, RSH's best estimate is that less than 0.2% of social homes have the most serious damp and mould problems, 1-2% have serious damp and mould problems, and a further 3-4% have notable damp and mould.*

Next steps were also outlined as below:

- *We will expect all registered providers to make improvements to how they protect tenants from the potential harm that damp and mould can cause.*
- *We will continue to carry out further analysis of submissions and we will engage directly with individual providers who have given us poor quality information or reported high prevalence of damp and mould, to establish whether they are tackling the issue effectively.*
- *We will take appropriate regulatory action against providers if we find they are not compliant with our standards, in line with our usual practice.*
- *We will introduce more active consumer regulation of social housing from April 2024, including inspections of providers. The quality of homes – including damp and mould – and repairs services will be a key focus and the evidence we have received will help inform our work.*
- *We will take the necessary action where we find poor performance to make sure tenants receive the services they deserve. Reshaping consumer regulation: our implementation plan sets out more information about our work to deliver proactive consumer regulation.*

The Regulators initial findings provide a lesson for us all which is a prompt to improve how we identify and address damp & mould.

3.8 Housing Ombudsman – Special Report on Rochdale Boroughwide Housing & Recommendations

In March 2023, the Housing Ombudsman published a Special Report on Rochdale Boroughwide Council which they can do under section 49 of the Ombudsman Scheme following an investigation which has identified a systematic failure.

The key recommendations were:

Carry out a lessons learnt review including:

- *Governance, risk, control & assurance processes, and practices*
- *Stock data review*
- *Produce an Action Plan*
-

Produce a Damp & Mould Strategy including:

- *Pro-active prevention works that fully consider net zero plans*
- *How disrepair claims will be handled*
- *Formal hazard assessments & grading system for every mould inspection (HHSRS)*
- *Managing Damp & Mould in Voids*
- *Consideration of management moves, decants or temporary accommodation whilst carrying out works*

Produce Guidance for residents including:

- *How to report mould and maintain a healthy home*
- *How to access and use the complaints system as opposed to the disrepair route*
- *Review guidance on maintaining a healthy home by a damp, mould & condensation specialist in conjunction with residents*
- *Consider additional community events*

Resident Engagement including:

- *Training programme for staff*
- *Education of Asylum seekers & refugees*
- *Refresher Management*
- *Quality Assurance*

Performance Management including:

- *Exception reporting to management on data quality*
- *Feedback mechanisms for disciplinary action where record keeping is at fault*
- *Explicit reporting on follow-up inspections (6/12/18 month process)*
- *Action taken on No Access*

Knowledge including:

- *Understanding who is living in the home*
- *Outcomes of Stock Condition Surveys and Action Plans*
- *Plans to frequently re-visit*

Empowerment of Staff including:

- *Social Media Campaign 'Eyes Wide Open' for clear reporting triggers*
- *Note who is living in homes and spot signs of financial, emotional, or physical distress*
- *Anonymous staff survey & whistleblowing policy*
- *Review of Job Descriptions for all front-line staff*
- *Review of recruitment process*
- *Plans to frequently re-visit*

Complaints Handling including:

- *Updating the policy*
- *Alignment of planned governance reporting*
- *Creation of a 'Managing Unacceptable Behaviours' Policy*
- *Updated self-assessment*
- *Accessible versions of Policies on the website*

3.9 **Berneslai Homes Response**

We have responded to all the requests from the Housing Ombudsman, the Regulator of Social Housing and through working closely with Berneslai Homes tenants.

Berneslai Homes comprehensive response is highlighted below.

3.10 Tenant Voice Panel Scrutiny Report

Our Tenant Voice Scrutiny Panel carried out a 'Damp & Mould Investigation Through a Customer's Eyes' initiative and published their report in June 2022.

The recommendations from the report are outlined below and have been included and acted upon in our Damp & Mould Action Plan.

- *Front Line Staff Training*
- *Update information on Website*
- *Update the Damp & Mould Leaflet*
- *Social Media Campaign to promote reporting of Damp & Mould*
- *Pro-active targeted inspections (where no reported repairs)*
- *Culture of Staff (not a Lifestyle Issue)*
- *Review Communication for tenants awaiting work completing*
- *Educating Tenants via Training*
- *Better Insight via Customer Journey Maps*
- *Aftercare Packages (Post Inspections)*
- *Inspect Neighbouring Properties where Damp is reported*
- *Decanting for Major Works*
- *Do not close jobs as 'No Access'*
- *Unreasonable Requests Review (expecting tenants to keep vents / windows open in colder months)*
- *Task & Finish Group*
- *Design a bespoke Damp & Mould Survey*

3.11 Presented our approach to the National Federation of ALMO's annual conference in April 2023

As part of our best practice approach in April 2023, Berneslai Homes CEO & Exec Director of Property Services were asked to present at the National Federation of ALMO's Annual Conference.

These are outlined below:

- *Set up a Damp and Mould Task Group with Tenant Representation*
- *Implemented a new Damp & Mould Policy & Procedure with a zero-tolerance approach*
- *Opened a Dedicated Inbox – dampandmould@berneslaihomes.co.uk*
- *Trained Staff, Operatives & our Contact Centre*
- *Operative Toolbox talks*
- *Professional specialist technical training for Maintenance Surveyors*
- *Created an E-Form collating key vulnerability data*
- *Reviewed our Damp leaflet & re-distributed to every Tenant*

- *Accelerated Data Collection - 100% Stock Condition Survey & EPC Surveys (HHSRS CAT 1&2 Hazards)*
- *Pro-active Inspection – Where gas is capped off*
- *Pro-active Inspection – Where no Repairs are being reported*
- *Future Inspections – We commit to visit every property annually*
- *Barnsley Home Standard specification now includes ventilation*
- *Digital monitoring technology - IOT*
- *100% Post works follow up questionnaires*
- *Post Inspection visits*
- *Balanced scorecard*
- *Governance*
- *£37m funding for Fabric 1st*
- *New R&M system (NEC / C365)*
- *Full Governance reporting process*
- *Dedicated Damp & Mould team*

4 Current Position / Challenges

4.1 Monthly Damp & Mould Task Group and Action Plan

We continue to hold our monthly Damp & Mould Task group which has key stakeholder representation across both Berneslai Homes and Barnsley Metropolitan Borough Council with a strong tenant representation.

We have a bespoke Action Plan in place encompassing learning from tenants, complaints, our peers, and sector guidance and best practice which will see us continually improve as an organisation providing a better service for our tenants ensuring they are safe in their homes.

4.2 Dedicated Damp & Mould Team

In April 2023, Executive Management approved proposals for a dedicated Damp, Mould & Disrepair Team within the Property Services Directorate reporting to the Head of Repairs Maintenance & Building Safety.

This new team will be made up of:

- 1 x Damp, Mould & Disrepair Manager
- 2 x Damp, Mould & Disrepair Surveyors
- 1 x Damp, Mould & Disrepair Customer Support Officer
- 1 x Damp, Mould & Disrepair Admin

Given the sector changes and large influx in reports of Damp, Mould & Condensation repairs and complaints / claims, this positive step will give a two year fixed term team providing the necessary resource for us to be able to prioritise this new area of compliance more effectively than our current structure allows.

Documents are being produced and Graded and recruitment will commence throughout Q1 if approved by Board.

4.3 NICE Guidance

Active involvement from Barnsley Metropolitan Borough Councils Public Health Team have highlighted the 'National Institute for Health & Care Excellence Guidance – Indoor Air Quality at Home'.

This guidance covers indoor air quality in residential buildings and aims to raise awareness of the importance of good air quality and how to achieve this.

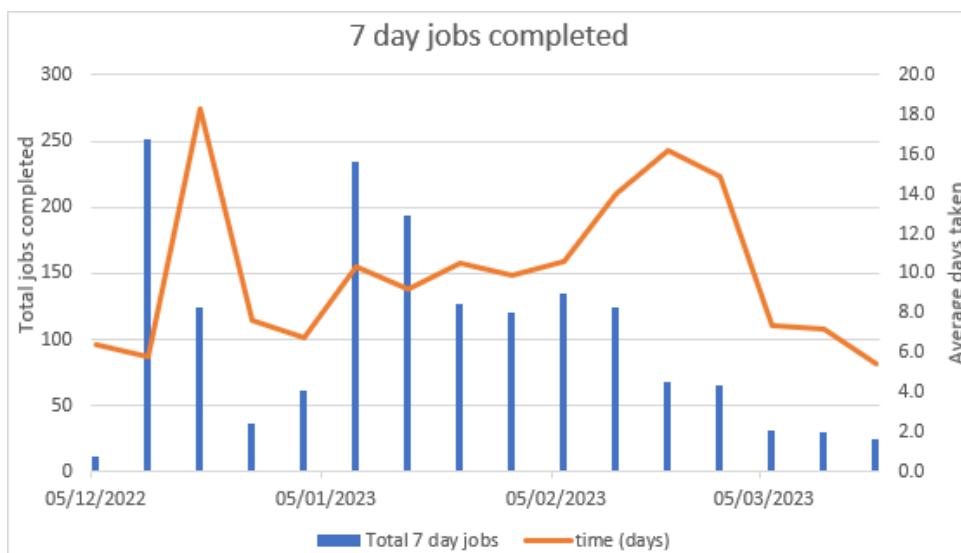
We are to collectively review this at the next Task Group Meeting.

4.4 Data & Current Position

We have completed approx. 7000 Stock Condition Surveys and approx. 5000 EPC surveys. We continue to track data and trends in relation to damp & mould activities and this is reported monthly in our Building Safety Scorecard.

Between December & March we have attended 1642 properties in total to carry out damp, mould & condensation related works. Some of these have required mould treatment and minimal repairs whilst others have required larger extensive planned works completing that we continue to triage and manage by risk via 25-day urgent reactive orders and planned programmes.

The chart below outlines the number of 7-day orders and time taken to complete by contract partners between December & March, noting we are now achieving the 7 day target following spikes in workload:



Currently, we have the following work outstanding with contract partners Construction Services & Wates for completion:

Works Type	CS	Wates
Responsive Repairs	313	10
Planned Repairs	111	56
Total	424	66

Between December & March we have completed 554 technical maintenance surveyor inspections relating to Damp, Mould & condensation to identify the root cause and agree scopes of work to rectify ongoing issues for customers.

4.5 Current Challenges

- *Cost of living crises*
- *Tenants not using heating or PIV units*
- *Lack of vulnerability data*
- *13,000 properties at EPC 'D'*
- *Material supply chain Issues*
- *Contractor availability*
- *Lack of technical staff*
- *Increasing Disrepair*

5 Customer Voice/Impact

As set out in 3.10, we have a strong team of involved tenants that have a large impact on the way we operate, and decisions made as an organisation.

6 Risk and Risk Appetite

Damp, Mould & Condensation remains a critical risk on our Strategic Risk Register.

7 Strategic Alignment

This report aligns with Berneslai Homes Strategic priorities:

- Hearing Customers
- Keeping tenants Safe
- Growth of Homes and Services
- Technology and Innovation
- Employment and Training
- Zero Carbon

and supports the Barnsley 2030 strategic priorities:

- Healthy Barnsley
- Learning Barnsley

- Growing Barnsley
- Sustainable Barnsley

8 Data Privacy

No personal data is used in the production of this report.

9 Consumer Regulatory Standards

This falls within the remit of to the Consumer Home Standard as it monitors our ability to provide our tenants with quality, safe accommodation.

10 Other Statutory/Regulatory Compliance

Key Legal and regulatory references are set out below:

- Defective Premises Act 1972
- Environmental Protection Act 1990
- Landlord and Tenant Act 1985 (Section 11)
- Housing Act 2004
- Decent Homes Standard 2006
- Equality Act 2010
- Home Standard, Regulator of Social Housing 2015
- Homes (Fitness for Human Habitation) Act 2018
- Pre-Action Protocol for Housing Conditions Claims (England) 2021

11 Financial

We continue to work to the agreed Revenue & Capital budget allocations approved by Cabinet and ensure robust financial management is in place with monthly monitoring and forecasting carried out working alongside colleagues at Barnsley Metropolitan Borough Council.

12 Human Resources and Equality, Diversity and Inclusion

N/A

13 Sustainability Implications

N/A

14 Appendices & Links (Background Reading)

Appendix A - Damp & Mould Action Plan

Appendix B - Damp & Mould Policy

Appendix C - Response to RSH 1

Appendix D - Response to RSH 2

Appendix E - Housing Ombudsman One Year On - Spotlight Report

Appendix F - Housing Ombudsman – Special Report on Rochdale Boroughwide Housing & Recommendations

Appendix G – Property Services Damp, Mould & Disrepair Structure

Appendix H – NICE Guidance

Housing Ombudsman 10 Key Tests (Link):

<https://www.housing-ombudsman.org.uk/2023/02/02/ombudsman-issues-evaluation-of-responses-to-damp-and-mould-report-as-complaints-continue-to-rise/>

Social Housing Regulation Bill Update (Link):

<https://www.housing.org.uk/news-and-blogs/news/social-housing-regulation-bill--latest-amendments/>

RSH Initial Findings (Link):

<https://www.gov.uk/government/news/regulator-of-social-housing-publishes-initial-findings-on-damp-and-mould-in-social-housing#:~:text=The%20regulator's%20initial%20findings%20provide,it%20and%20the%20underlying%20issue.>

15 Glossary

ALMO – Arm’s Length Management Organisation

RSH – Regulator of Social Housing

HHSRS – Housing Health & Safety Rating System

EPC – Energy Performance Certificate

IOT – Internet of Things

NEC – IT System

C365 – IT System

PIV – Positive Input Ventilation

CEO – Chief Executive Officer

R&M – Repairs & Maintenance

Damp and Mould Action Plan December 2022

Source/Requirement	Action	Lead	Timescale
Damp and Mould Task Group	To establish joint staff and tenant task group that will progress actions and report through to EMT/SMT and Customer Services Committee	Arturo Gulla/Dave Fullen	January 2023 - Completed
Tenants Scrutiny Report Recommendations	Action Plan to be reviewed and refreshed Actions Incorporated Below.	Dan Crossley	December 2022 - Completed
Housing Ombudsman Letter 29 th Nov 2022	<p>Actions Required:</p> <ul style="list-style-type: none"> • What is our approach to damp and mould? See Policy & Procedure • Update self assessment against 26 recommendations • Develop new policy – zero tolerance of damp and mould and culture & proactive approach • Pre action protocol followed - confirm • Approach to access & putting things right - part of policy and procedure 	<p>Dan Crossley</p> <p>Dan Crossley</p> <p>Dan Crossley</p>	December 2022 - Completed
Regulator of Social Housing Letter 1	<p>Response required to 4 requests:-</p> <ol style="list-style-type: none"> 1. Approach to assessing the extent of damp and mould issues, incl how assess prevalence of Cat 1 & 2 hazards 2. Most recent assessment of the extend of damp & mould hazards in homes (incl Cat 1 & 2 hazards) 3. Action being taken to remedy any issues and hazards (and meet Decent Homes Standard) 	Amanda Garrard/Sarah Cartwright	<p>Meet with BMBC 6th December</p> <p>Response to Regulator by 19th December</p> <p>Completed</p>

	4. How ensure individual damp & mould cases are identified and dealt with promptly and effectively when raised by tenants		
Regulator of Social Housing Letter 2	<p>Response required to x requests:-</p> <ol style="list-style-type: none"> 1. The plans in place to manage this level of damp and mould within a reasonable timeframe 2. Any challenges anticipated may stand in the way of the effective delivery of those plans. 3. The role of the organisations leadership, including it's board [councillors] in overseeing delivery? 		<p>Response to Regulator by 17th March 2023</p> <p>Completed</p>
Actions as of Jan 2023			
1. Reactive Reporting and Inspection	<p>Contact Centre - Need to amend scripts and</p> <p>Proactive Inspection regime – reminder to all staff what to look for and who to report to – Team Brief December 2022</p> <p>Priority focus inspections – most vulnerable incl <i>Capped off homes</i> <i>Where Repairs are not being reported</i> <i>Prioritised Stock Condition Surveys</i></p> <p>Review the need for specialist damp and mould team: <i>Manager</i> <i>Inspectors</i> <i>Admin</i> Utilise Specialist Contractors (Qest)</p> <p>New email address to report damp and mould issues to - launched 5/12/22 in Team Brief dampandmould@berneslaihomes.co.uk</p>	<p>Sarah Barnes</p> <p>Siobhan Dransfield</p> <p>Dave Fullen/Arturo Gulla</p> <p>Dan Crossley</p> <p>Siobhan Dransfield</p>	<p>Completed</p> <p>Completed</p> <p>ECD July 2023</p> <p>EMT approved new structure 18.04.2023 DC to write JD/ES, put through JE & Advertise Accordingly – ECD June 2023</p> <p>Completed</p>

	<p>Identification of similar properties with potential issues – GIS mapping/data analysis</p> <p>Introduce new timescales for damp and mould potential Cat 1 & 2 hazards removal – 7 days agreed as realistic within the team but <i>await further guidance from RSH.</i></p> <p>Policy and Procedure for damp and mould to be re written, zero tolerance proactive approach</p> <p>**NEW** Post Inspections to be introduced in 2023 when new structure in place.</p>	<p>Sarah Drafz Andrew Tolley</p> <p>Dan Crossley with CS & Wates</p> <p>Dan Crossley</p> <p>Dan Crossley</p>	<p>Update – Working with BMBC GIS Mapping Lead (Andras), DPIA required and being undertaken. Lead has left BMBC BI Team and recruitment required. Looking at other options such as PowerBI. ECD July 2023</p> <p>Implemented 7 day from 28th November 2022 <i>Await further guidance from RSH</i></p> <p>Policy – Completed Procedure – ECD July 2023 Process Maps – ECD July 2023</p> <p>To be introduced in 2023</p>
<p>2. Training</p>	<p>Basic information for all staff to be provided</p> <p>Damp & Mould Surveyors to hold specialist training (HNC / HHSRS / RICS etc)</p> <p>Specialist training for frontline staff</p> <p>Training and advice to be provided for tenants</p> <p>Training for contact centre staff</p>	<p>Amanda Bennett</p> <p>Dan Crossley</p> <p>Amanda Bennett</p> <p>Sarah Barnes</p> <p>Sarah Barnes</p>	<p>Training being procured via HQN– <i>ECD June 2023</i></p> <p>All have HNC & have received MPA Training in 2021. HHSRS Refresher being procured – ECD July 2023</p> <p>Training being procured via HQN – <i>ECD June 2023</i></p> <p>To liaise further with TVP</p> <p>Training being procured via HQN– <i>ECD June 2023</i></p>

		Dan Crossley / Sarah Barnes / Leslie Gudalajtys	
5. Regulation & Governance	<p>Report to Berneslai Homes Board</p> <p>Response to Regulator</p> <p>2nd Response to Regulator</p> <p>Provide Updates to BMBC at Operational ALMO meetings</p> <p>Updates as part of Compliance reporting to EMT/Board</p>	<p>Amanda Garrard</p> <p>Amanda Garrard & Sarah Cartwright</p> <p>Amanda Garrard & Sarah Cartwright</p> <p>Dave Fullen</p> <p>Arturo Gulla</p>	<p>8th December 2022 - Complete</p> <p>w/c 13th December 2022 - Complete</p> <p>17th March 2023 - Complete</p> <p>Monthly & Quarterly</p> <p>Monthly & Quarterly</p>
6. Supporting Tenants	<p>Website information to be supplemented by advice in rent letters & any other correspondence</p> <p>Training for tenants to be developed (As Point 2.)</p> <p>Ensure tenants are aware of support available - all staff to promote (Hardship Fund etc)</p> <p>Review Damp & Mould Leaflet with TVP and distribute to all properties</p> <p>Ensure Damp & Mould Leaflet is included in all new tenancy packs (at sign up process)</p>	<p>Siobhan Dransfield/Kat Allott-Stevens</p> <p>Sarah Barnes/Amanda Bennett</p> <p>Sarah Barnes/Amanda Bennett</p> <p>Dan Crossley / Siobhan Dransfield</p> <p>Kat Allot-Stevens</p>	<p>Complete</p> <p>(As Point 2.)</p> <p>ECD June 2023</p> <p>Completed – sent out with rent increase letter</p> <p>ECD May 2023</p>
7. Data & Analysis	<p>Initial reporting template to be introduced to trigae cases – Qest format to be reviewed and used for all staff to complete</p>	<p>Dan Crossley</p>	<p>Complete (via e-form)</p>

	<p>Tenant data collection – every contact counts & used to collect updated information, use of 10k email addresses etc</p> <p>Vulnerability data – review of what information we have and how we can enhance this</p> <p>Link into BMBC vulnerability data</p> <p>Post works follow up to be introduced – part of damp and mould procedure</p> <p>**NEW** These results will come into the T&F Group in the form of a tracker.</p> <p>**NEW** We currently report 7 day / Cat 1&2 data into the T&F Group & on the B/S Scorecard but need to see the full journey (end to end):</p> <ul style="list-style-type: none"> - Report - 7 day order to remove mould - Is there an RTC - Is larger work required (Fans / Tanking etc?) - How long does this take to complete - When will we inspect it? - Has it worked? <p>**NEW** We will utilise Complaints & Journey Maps as case studies to ensure we fully understand the impact on tenants and are continually reviewing, learning and putting the right service improvements in place.</p> <p>**NEW** A breakdown of the HHSRS CAT 1 & 2 being found on Stock Condition Surveys is to be produced and brought into the T&F Group for review.</p>	<p>Sarah Barnes/sarah Draftz</p> <p>Lynn Horton/Sarah Draftz</p> <p>Sarah Draftz</p> <p>Dan Crossley</p> <p>Leslie Gudalajtys / Sarah Drafz / Andrew Tolley</p> <p>Leslie Gudalajtys / Sarah Drafz / Andrew Tolley</p> <p>Toni Allen / Sarah Barnes / Dan Crossley</p> <p>Andrew Tolley</p>	<p>ECD July 2023</p> <p>ECD July 2023 (Working with BMBC)</p> <p>ECD July 2023 (Working with BMBC)</p> <p>100% Post Works Survey introduced and carried out - Complete</p> <p>This is to be looked into further to see what can be produced ECD July 2023</p> <p>This is to be looked into further to see what can be produced as we know this will be a requirement from the RSH / HO moving forward ECD July 2023</p> <p>ECD July 2023 (Special Session?)</p> <p>ECD July 2023 (Special Session?)</p>
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BERNESLAI HOMES POLICIES & PLANS



Damp & Mould Policy

Document Control

Title	Damp & Mould Policy
Responsible Officer	Dan Crossley, Head of Repairs Maintenance and Building Safety
Author	Dan Crossley & Lee Winterbottom
Subject	Damp, Mould & Condensation
Information Asset Owner	Dan Crossley, Head of Repairs Maintenance and Building Safety
Approved by	Customer Services Committee
Approved date	16 th February 2023
Review date	2 Yearly
Review responsibility	Kevin Bowkett – Repairs & Maintenance Manager
Applicable to	Repairs Maintenance & Building Safety
DPIA Completion Date	3 rd December 2022
EIA Completion Date	3 rd December 2022
Regulatory Framework	Outlined within the contents of the Policy

Revision History

Date	Version	Author	Comments
2 nd December 2022	0.1	Dan Crossley Lee Winterbottom	Draft policy out of consultation with service managers for feedback
6 th December 2022	0.2	Dan Crossley Lee Winterbottom	Present to SMT\EMT for Approval
23 rd January 2023	0.3	Dan Crossley Lee Winterbottom	Shared with Tenants Voice Panel for comment
16 th February 2023	0.4	Dan Crossley Lee Winterbottom	Approved at Customer Services Committee

Consultation and distribution

Type	Details
Consultation	SMT\EMT\Board\Customer Services Committee
Distribution	Company Wide

Purpose of the policy:

'We are clear about how we will deal with damp and mould'

This policy sets out our approach to dealing with damp and mould in council homes and communal spaces that we maintain. It covers the services we provided to tenants who rent their home under a tenancy agreement.

For leaseholders, we will meet the responsibilities as set out in terms of the lease.

The key principles of the policy are:

- **Zero tolerance approach to the occurrence and resolution of damp and mould**
- **No blame Culture – 'It's not a lifestyle issue'**
- **Everyone's Responsibility – All staff have a duty to address**
- **Being Pro-active – Acting to fully remedy, via investment works**
- **Providing easy access to services – For reporting issues and making a complaint**

Through listening to our tenant's, building safety has been identified as their number one priority. This is further emphasised by the Regulator for Social Housing and the Housing Ombudsman as an area of critical importance.

Health and Safety of our tenants is a key priority for Berneslai Homes, this is defined in our Strategic Plan and addressed in this policy, through a series of both reactive and proactive approaches.

Under the Housing Health and Safety Rating System (HHSRS), damp and mould cases are categorised as Category 1 (CAT1) hazard, which is the highest, most serious form of hazard classification.

Damp and mould issues in homes can have a serious impact on the health and well-being of the occupants and cause damage to property. We aim to do everything we can to make sure our tenants stay safe, healthy, and well in their homes.

This policy sets out our approach to dealing with damp and mould in council homes and communal areas, both reactive and pro-active. It covers the services we provided to tenants and acknowledge that different properties, often of different ages, require different approaches by Berneslai Homes.

Statutory Obligations:

‘We take responsibility and understand our obligations’

Berneslai Homes (as delegated by BMBC) has a statutory obligation Under Section 11 (1) (a) of the Landlord and Tenant Act 1985 (LTA). The act states that the:

"Structure and exterior of the dwelling-house" as well as "the supply of water, gas and electricity" and "heating and heating water" need to be kept in working order.

As part of our duty of care to tenants, we must repair the defect to the structure\exterior of the property which is resulting in damp.

The key responsibilities a landlord has when there are damp issues is to make sure a correct diagnosis is obtained and to carry out the treatment. damp is a mandatory repair under the HHSRS. This also stresses that landlords must ensure mould doesn't affect a tenant's physical and mental health.

Mould is a fungus which is known to cause breathing difficulties. Tenants who suffer from asthma or rhinitis conditions, or are taking any cancer treatment, may suffer serious health problems if exposed to it.

Other key legal and regulatory references are set out below:

- Defective Premises Act 1972
- Environmental Protection Act 1990
- Landlord and Tenant Act 1985 (Section 11)
- Housing Act 2004
- Decent Homes Standard 2006
- Equality Act 2010
- Home Standard, Regulator of Social Housing 2015
- Homes (Fitness for Human Habitation) Act 2018
- Pre-Action Protocol for Housing Conditions Claims (England) 2021

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Defining Damp and Mould and its Causes:

'We will identify the root causes of any damp and mould'

Damp

Dampness is an excess of moisture that can't escape from a structure, which may go on to cause significant damage to the building such as collapsed ceilings and rotten timber elements.

Mould

Is a type of fungus. It spreads through spores, which are invisible to the naked eye but are in the air around us all the time and can quickly grow on surfaces where dampness persists, or water has formed into a visible covering.

There are four main causes of dampness in homes in England. It is important to understand the difference between them because they each need different solutions:

Water leaks from defective supply and waste pipework (especially in bathrooms and kitchens) can affect both external and internal walls and ceilings. The affected area looks and feels damp to the touch and stays damp regardless of the prevailing weather conditions. It is the result of a problem or fault with the home, which requires repair.

Rising damp is caused by water rising from the ground into the home. Water gets through or around a defective damp proof course (DPC) or passes through the masonry that was built without a DPC. Rising damp will only affect basements and ground floor rooms it will be present all year round but can be more noticeable in winter. It is extremely uncommon but is generally the result of a problem or fault with the home, which requires repair.

Penetrating damp appears because of a defect in the structure of the home, such as damaged brickwork, missing roof tiles, loose flashing, or leaking rainwater goods. These defects allow water to pass from the outside to the floors, walls, or ceilings. Penetrating damp is far more noticeable following a period of rainfall and will normally appear as a well-defined 'damp-patch' which looks and feels damp to the touch. It is the result of a problem or fault with the home, which requires a repair.

Condensation is the most prevalent type of dampness and is caused by moisture in the air (water vapour) inside the dwelling encountering a colder surface, such as a window or wall. The drop in temperature causes liquid water to form on the surface and then soak in. It is usually found in kitchens, bathrooms, the corners of rooms, on north facing walls and on or near windows – all places that either tend to have a lot of moisture in the air, or to be cold generally. It is also found in areas of low air

circulation such as behind wardrobes and beds, especially when they are pushed up against external walls.

All homes in England can be affected by condensation because the climate is often cool and wet. Normal household activities also constantly release moisture into the air. Good practice in the home minimises and alleviates condensation, and in many cases will prevent it causing dampness and persistent mould. However, on occasion the root cause can be a problem that requires a repair or an improvement to the home. In others, a different solution may be needed (for example, in cases of severe overcrowding).

Our Commitment to Tenants:

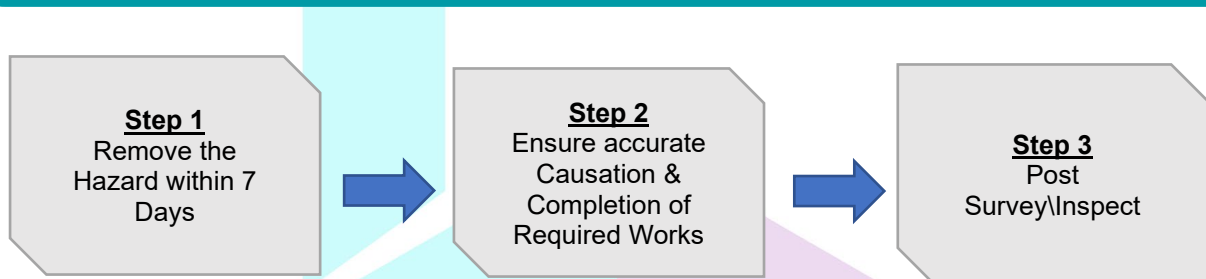
'We will be clear on what we need to do and how quickly'

In line with our organisational culture and values - Tenant First, Can Do and Curious - we will do everything we can to make sure we:

- Provide dry, warm, healthy, and safe homes for our tenants which are free from any hazards
- Comply with legislative, regulatory, and contractual (including tenancy and lease) obligations
- Ensure the fabric of our homes is protected from deterioration and damage resulting from damp
- Treat tenants reporting damp and mould with empathy and respect
- Take responsibility for diagnosing and resolving damp and mould in a timely and effective way
- Support tenants in resolving damp and mould in a way that is appropriate to the problem
- Communicate with our tenants clearly and regularly regarding any actions we plan to take and any actions our tenants are advised to take
- Ensure staff are trained to enable them to spot potential causes of damp, mould, and condensation so they can advise tenants, diagnose problems, and provide solutions
- When applying this policy, make reasonable adjustments for people who have a disability and will take into account the provisions of the Equality Act 2010

Our Approach:

‘We take responsibility to resolve the issue’



Pro-Active approach

- We will take action to identify homes that may be at risk of developing problems with damp and mould - We will use data (stock condition, EPC and Geographic Information System (GIS) mapping) to help us understand the potential in relation to damp and mould and where appropriate use technology to monitor and reduce the risk and occurrence
- We will use the investment programme and asset management strategy to ensure we take steps to remove the root causes of damp and mould growth - We will mitigate any increased risks of damp and mould by investing in ‘fabric first’ principles, by improving thermal efficiency, when decarbonising the council’s homes and making sure that adequate ventilation and heating systems are installed and maintained
- When a property becomes vacant, and prior to re-letting, we will identify and remedy any issues which may cause damp through our ‘voids standard’ works - Our engaged tenants will carry out ‘mystery shopping’ to ensure standards are maintained
- We will provide information on our website, and through other communication channels such as social media and newsletters to raise awareness about the causes of damp and mould. This will include details about how everyday activities in the home can generate condensation and what tenants can do to help prevent damp through, for instance, ventilation, controlling the build-up of moisture and adequate heating. Where there is mould growth, we will provide advice on how this will be treated - We actively encourage tenants to report repair requests and log complaints where required.

“Creating Great Homes & Communities with the People of Barnsley”

- All front-line staff and contractors will have the skills and knowledge to identify signs of damp and mould and discuss with tenants how to manage the problem - Staff are trained to look out for signs whenever they visit a tenant's home and clear guidance is given on how to signpost and refer
- All council homes will receive a physical inspection every 12 months pro-actively targeting damp and mould. This will be achieved via Stock Condition Surveys, EPC Surveys, Voids, Heating Checks, Capped Off Properties Checks and Fire Door Inspections
- We will utilise customer insight data from 100% post surveys to all tenants that have reported a repair, raised a complaint or disrepair claim in relation to damp, mould and condensation over the past 12 months on a periodic basis
- We will continue to work with our Tenants Voice Panel and Scrutiny Group ensuring we listen and always see things from a tenant's perspective to help enhance our service offer
- Internet of Things (IOT) technology will be utilised to monitor temperature and humidity in problematic council homes

Reactive approach

- Tenants will be supported and encouraged to report any problems to us as soon as possible after noticing any potential damp or mould issue. When we receive a report, a trained member of the team will attend the property **within 7 days** to determine the cause and seek to resolve the immediate issue, by removing any visible mould. In some cases, they may need to further diagnose the problem to determine the root cause. Sometimes finding out what's causing damp and mould isn't always straightforward and could be due to a combination of factors, that we will then address. Any repairs that are required to be carried out will be dealt with in accordance with our Repairs Policy (Repairs Clarification Document).
- Where damp is a result of condensation, we will work with tenants to take appropriate measures to prevent the damp and mould occurring. This might include advice about how to control moisture levels or increase ventilation or heating, so that moisture levels are controlled within acceptable limits
- When a particularly severe or recurring damp or mould issue is identified we will undertake a comprehensive risk assessment which may result in a range of actions to support the tenant depending on their circumstances, including providing and funding dehumidifiers through our compensation policy, the installation of positive pressure, mechanical or passive ventilation systems, dry lining walls or applying mould resistant coverings, as appropriate, on a case-by-case basis
- We will keep tenants informed of any property inspections, diagnosis of issues and the timetabling of work. This includes explaining why work might be

needed and what work will be required. If any changes to the programme of works are needed, we will keep the tenant informed. Where work is not required, tenants will be informed, and we will explain the reason why no further work is needed

- For more complex cases, and especially where more intrusive building work is required and/or there is a serious health risk to the tenant or a member of their household, we may require them to move out of their home either on a temporary or permanent basis. We will consider the individual circumstances of the tenant. We will ensure that appropriate checks are carried out at the property to ensure it is suitable for the tenant in line with our Decant Policy.

Access to Property

- Our tenancy (and leasehold) agreements require tenants to allow us (including appointed contractors) access to their home to carry out works. If we are unable to gain access and the integrity of the property, its fabric and/or the safety of the tenant or those in the vicinity of the property is compromised, we will take appropriate action. For example, this may include but is not limited to obtaining an injunction for access

Compensation

- In line with our Compensation Policy, we will pay compensation as a result of our failure to deliver the service we have committed to. This includes where distress and inconvenience has been caused. Also, where furniture or belongings have been damaged, damages will be resolved through insurance claims. Each case will be considered on its own merits, considering the individual circumstances of the tenant and their household

Supporting our tenants

- We will give tenants advice on how to prevent damp and what they can do to remove mould. However, we recognise that not every tenant will be in a position to do this. We will provide appropriate support in such cases in relation to the specific circumstances and the individual tenant's needs
- We know that some tenants cannot afford to heat their homes adequately due to their income levels. We will work with tenants to ensure that they are receiving the income to which they are entitled
- Where homes are overcrowded humidity will tend to be higher and this increases the likelihood of condensation. We will work with the tenant and explore solutions which may include the tenant moving to a more suitable home if this is available and appropriate

Staff Training

- We will ensure that all front-line staff (whether in house or our contractors) will have the required skills to recognise damp and the potential for mould, and that our Repairs and Maintenance Surveyors have specialist training and equipment to accurately diagnose causation and ensure appropriate remedial works are completed efficiently and effectively

Responding to complaints and learning lessons

- We aim to resolve complaints as quickly as possible without tenants needing to resort to disrepair claims and legal action. Where legal action is taken, we will follow the Pre-Action Protocol for Housing Conditions Claims so that we may resolve the dispute outside of court to help ensure issues are resolved quicker for tenants
- We will learn lessons from damp and mould cases, update our technical approach and how we communicate with tenants, in order to continually improve



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Berneslai Homes Regulatory Response

Assurance on addressing risk related to damp and mould in tenant's homes

Council Home stock in Barnsley = Total stock 18027 Managed by BMBC ALMO Berneslai Homes

1. Your approach to assessing the extent of damp and mould issues affecting your properties, including how you assess the prevalence of category 1 and 2 damp and mould hazards.

We assess the extent of these issues in a range of proactive and reactive ways and in line with HHSRS.

The overarching approach is to understand the condition of our stock via stock condition surveys. We Currently have a 20% per annum rolling programme of surveys but have recently accelerated this and will have a revised full 100% stock condition survey by March 2024. These inspections identify any category 1 and 2 damp and mould hazards. There are none currently identified as part of the stock condition surveys.

In addition to the stock condition surveys we also inspect homes as part of the rolling EPC surveys (20% per annum), we inspect all empty homes (circa 1000 per annum), and we inspect all homes as part of the heating checks annually.

We undertake work to a further 1200 homes per annum as part of our maintaining decency capital programme (The Barnsley Homes Standard) -<https://www.berneslaihomes.co.uk/your-home/repairs-and-maintenance/our-improvement-programmes/> These homes are all inspected and checked for damp and mould.

All properties included in the Social Housing Decarb Fund schemes are also visited and inspected.

The inspection regime is underpinned by effective training for staff and Royal Institute of Chartered Surveyors (RICS) qualified inspectors.

We also use repairs trend data to identify any properties with damp and mould reports and any issues with particular locations or property types.

We are using technology and a number of pilots to monitor temperature and humidity levels, mapping data on Geographical Information System (GIS) and working with the University of Sheffield.

All damp and mould works are treated as potential Category 1 hazards. We also survey and post inspect all works to ensure that the tenant is satisfied that the actions taken have worked.

As part of the culture of our respective organisations and partners, all staff are asked to put customers first, have a can do attitude and be curious – every member of staff going into people's homes has relevant training including safeguarding and briefings on damp and mould.

Our tenants are very proactive on damp and mould issues and the Tenant Scrutiny panel used the Housing Ombudsman report in October 2021 as part of their recent report into our approach to damp and mould. A series of recommendations have assisted us in improving our approach and working with tenants to solve problems.

Tenants also assist with mystery-shopping inspections of empty homes that they select, checking quality and compliance with our published Voids Standard prior to reletting.

We encourage reporting of damp and mould and recently launched our winter 2022 campaign STAR – **Spot the sign, Try our tips, Act fast, Report it.**

We have a damp and mould policy which outlines our approach, a new procedure is being drafted using the feedback from the tenant scrutiny report and the Housing Ombudsman's recommendations.

2. Your most recent assessment of the extent of damp and mould hazards in your homes, including the prevalence of category 1 and 2 damp and mould hazards.

The position as at the end of November 2022 is as follows: -

Total housing stock of 18027

Total damp and mould cases reported over rolling 12-month period = 1228

Total damp and mould cases as at 30/11/22 = 562

All cases reported are dealt with as a potential Category 1 or Category 2 hazards, the procedure is in 3 stages: -

Stage 1 – Removal of Category 1 hazard (currently 119 cases)

Stage 2 – Properties requiring technical inspection to identify cause (443 current cases)

Stage 3 – 100% post inspection regime to ensure the measures introduced have alleviated the problem

Within these numbers there are 55 disrepair cases that mention mould and all works are actioned and access arranged with the tenant.

We also identify the most vulnerable and particularly those who have chosen to have their gas capped off. There are currently 156 tenants in this position. In addition to annual safety checks all tenants receive a welfare/support visit every 3 months.

It should be noted that we have seen an increase in reported repairs because of the recent media attention and the proactive campaign.

3. The action you are taking to remedy any issues and hazards, and ensure your homes meet Decent Homes Standard.

The Berneslai Home strategic plan has keeping tenants safe as a key priority.

Any repairs reported with damp and mould are acted on within 7 days (24 hours new target just introduced), and all will be treated as a Category 1 hazard though we accept most will not meet that threshold. All mould is removed, and any further works are reported for inspection then remedial works ordered.

To maintain high quality homes and reduce the risk of damp and mould we have an ongoing decent homes programme of 1200 homes per annum plus additional elemental works to a further 200 homes.

We are also working on increasing the energy efficiency of our homes. Through the work completed by Savills we have data on the EPC levels within the stock and the investment required to ensure all homes meet EPC C by 2030. We are accessing Social Housing Decarbonisation Funds to assist with our fabric first approach to increase the energy efficiency of our homes alongside investment from the HRA.

We are making homes cheaper to heat via a solar PV and battery scheme, with plans approved for a further 1000 PV units to be installed over the next year.

We have amended the Decent Homes standard (known as the Barnsley Homes Standard) to include extractor fans for kitchens and bathrooms and where required positive input ventilation systems (PIV units) to assist air circulation and effectively cure condensation and dampness issues.

We are supporting tenants as part of our warm homes approach with practical advice, a hardship fund of £250k, warm hubs, financial and support via our Tenants First team. We also aim to address broader poverty issues via our employment and training initiative including the Achieve scheme (European Social Fund).

4. How you ensure that individual damp and mould cases are identified and dealt with promptly and effectively when raised by tenants and residents.

Our approach is outlined in our damp and mould policy which is of zero tolerance and a proactive approach to damp and mould issues.

We encourage tenants to inform us of damp and mould in their homes and the winter 2022 campaign introduces our STAR message – Spot the signs, Try our Tips, Act fast and Report it. We encourage reporting to the contact centre and contact centre staff have been trained on the approach to damp and condensation issues.

We have just launched a new website with a dedicated section for damp, mould & condensations with customer focussed content; <https://www.bernesliahomes.co.uk/your-home/keeping-tenants-safe/damp-and-mould/>

We have also provided a briefing note to colleagues in partner organisations who visit tenant's homes about seeing the signs and reporting concerns through a dedicated staff email address. (dampandmould@bernesliahomes.co.uk) Similarly, a briefing note has been issued to all Barnsley MBC elected members and our local MPs.

Our staff have been trained and will use every opportunity to check if tenants have any damp and mould in their homes and will provide photographs of any issues when reporting.

Any damp and mould identified will follow the 3 stage process:

Stage 1 - Immediate response to remove any damp and mould using effective washes and paint treatments

Stage 2 – Report back any homes that require further investigation by a trained inspector, follow on works will then be ordered

Stage 3 – All damp and mould issues will be followed up with a post inspection to ensure the tenant is satisfied that the measures taken have resolved the issue.

We have qualified inspectors and trained contactors and direct works teams able to undertake initial and follow on works. Where necessary we use expert contractors for specialist works and investigations.

We have checked all damp and mould cases to ensure there are no language barriers or discrimination in accordance with our Equality, diversity and inclusion policy and approach. We undertake mystery shopping with staff to ensure they can access language services when appropriate.

For any disrepair cases works are ordered and undertaken throughout the process to ensure works are not delayed and we are considering the use of injunctions where a Category 1 risk may be present.

To ensure we have effective governance and oversight of damp and mould issues new KPIs are being developed (we have had discussions with Housemark about how these could be developed) and reporting will be via existing governance arrangements with tenant and Board oversight via the compliance dashboard. As a result of the Awaab Ishak case we are working with tenants to launch a Task Force in January 2023 to oversee and monitor the approach and actions in relation to damp and mould. The Task Force will report directly to our Executive Management Team and into our Customer Services Committee which includes representatives of our Tenants Voice Panel as well as Board Members.

Berneslai Homes Regulatory Response

Assurance on addressing risk related to damp and mould in tenant's homes

Council Home stock in Barnsley = Total stock 18018 Managed by BMBC ALMO (Arm's length Management Organisation) Berneslai Homes

Current Position

The position as at the end of January 2023 is as follows: -

- Total housing stock = 18,018
- Total damp and mould cases reported through January 2023 = 742
- **Out of these, how many were Category 1 or Category 2 Hazards under HHSRS (Housing Health & safety Rating System) = 18**

The Berneslai Home strategic plan has keeping tenants safe as a key priority

1. The plans in place to manage this level of damp and mould within a reasonable timeframe

Short Term Plans

All cases reported to us are dealt with as high-priority jobs as they *could potentially be* Category 1 or Category 2 hazards. We have made a commitment to our tenants through our newly implemented Damp & Mould Policy to have a zero tolerance and a proactive approach to attend and remove any damp, mould, or condensation related hazard within 7 working days.

The procedure is set out in 3 stages: -

Stage 1 – Removal of hazard within 7-day target. Category 1 or Category 2 cases have an order raised with a 24hr target to inspect, and removal of hazard within 7-day target.

Stage 2 – Properties requiring technical inspections to identify root causes and additional works ordered within 28-day target.

Stage 3 – 100% post inspection regime on the past 12 months Damp, Mould & Condensation related jobs to ensure the measures introduced have alleviated the problem, and if not, re-inspect and take necessary action.

As part of the culture of our respective organisations and partners, all staff are asked to put customers first, have a can-do attitude and be curious.

We have introduced a dedicated email address (dampandmould@berneslaihomes.co.uk), website (<https://www.berneslaihomes.co.uk/your-home/keeping-tenants-safe/damp-and-mould>), and e-form (<https://forms.berneslaihomes.co.uk/form/70>). This has been communicated to tenants and all front-line staff. We are collecting key vulnerability data to enable us to better triage and prioritise works.

We have currently allocated additional Revenue and Capital budgets into key areas of planned work streams and will continue to do so into future years to ensure we can carry out larger required works in reasonable timescales.

To ensure the above is achieved, alongside utilising the technology available to us, we have and continue to employ additional adequately trained and experienced staff alongside utilising technical subcontractors.

We also utilise industry experts to assist in finding resolutions to complex cases.

For any disrepair cases works are ordered and undertaken throughout the process to ensure works are not delayed and we are considering the use of injunctions where a Category 1 risk may be present.

Key officers have received training from Professor Michael Parrett (www.michaelparrett.co.uk), and all front-line staff are currently attending HQN (Housing Quality Network) training to ensure everyone can spot the signs and be empowered to ensure we achieve a right first-time approach for our tenants.

We also hold a monthly 'Damp & Mould Task Group' with tenant and key stakeholder representation to discuss progress, key issues and have a robust action plan in place to ensure we manage damp, mould & condensation as effectively & efficiently as possible. We monitor Damp, Mould & condensation measures via our Building Safety Scorecard as a key area of performance.

Medium Term Plans

Our medium-term plans involve reviewing organisational structures and resources in anticipation of the Social Housing Regulation Bill and Awaabs Law to ensure we continue to be fit for purpose as an organisation to meet the new targets.

The overarching approach is to understand the condition of our stock via stock condition surveys. We did have a 20% per annum rolling programme of surveys but in January 2023, we accelerated the programme to achieve a 100% position across the housing stock by March 2024. These inspections identify any HHSRS Category 1 and 2 damp and mould hazards.

In addition to the stock condition surveys, we also inspect homes via EPC (Energy Performance Certificate) surveys. We did have a 20% per annum rolling programme of surveys, but in January 2023, we accelerated the programme to achieve a 100% position across the housing stock by March 2024.

We inspect all empty homes (circa 1000 per annum) ensuring they meet our Voids Standard, and we inspect all homes as part of our annual heating checks.

We also use repairs trend data via our works management system to identify any properties with damp and mould reports, including any issues with locations or property types.

We are working in partnership with the University of Sheffield developing technology and will trial several pilots to monitor temperature and humidity levels in our housing stock, alongside mapping data we collate on Geographical Information System (GIS).

We will continue to listen to and learn from tenants through complaints, compliments, Tenant Satisfaction Questionnaires and involved tenants. We also carry out Customer insight surveys.

Long Term Plans

Utilising the data we hold and targeting investment, taking a fabric first approach we aim to improve the energy efficiency of our tenants' homes to EPC C by 2030. This done correctly using the principles of PAS2030 & 2035 will ensure adequate heating, ventilation & insulation are in place and will naturally reduce the damp, mould & condensation in tenants' homes.

2. Any challenges anticipated may stand in the way of the effective delivery of those plans.

The key challenge we currently face daily is the effects of the cost-of-living crisis on families across the borough struggling to adequately heat their homes due to financial difficulties.

No matter how much we insulate and ventilate a property, if there is no heating, condensation will form once the dew point is reached which will subsequently turn into mould if not cleaned away.

We have pro-actively introduced and publicised a hardship fund of £250k, warm hubs, and various other support via our Tenants First teams 'More Money In Your Pocket' campaign to help tenants in these situations, but this is only a short-term solution for the tenants that make contact or are referred to us (<https://www.berneslaihomes.co.uk/support-for-tenants/cost-of-living-support/>)

We aim to address broader poverty issues via our employment and training initiative including the Achieve scheme (European Social Fund).

Material supply chains are currently stretched, especially for key items such as Positive Input Ventilation Units (PIV) and extractor fans due to demand in the sector. This will always be a challenge as we need to ensure we align installations to our specification, fitting quality materials to ensure long term resolutions without causing unnecessary delays to our tenants.

Sourcing specialist contractors and consultants to carry out work has become more difficult due to demand in the sector, and costs for these services have increased dramatically. This will be an ongoing challenge working within strict procurement rules and set budgets.

Naturally in the sector, the past 12 months has seen an increase in 3rd party disrepair & litigation claims. This continues to be a challenge ensuring we can gain access and pro-actively carry out works throughout the pre-action protocol process.

3. The role of the organisation's leadership, including its Board [councillors] in overseeing delivery?

To ensure we have effective governance and oversight of damp and mould issues new KPIs (Key Performance Indicators) are being developed (we have had discussions with Housemark about how these could be developed) and reporting will be via existing governance arrangements with tenant and Board oversight via our Building Safety Scorecard.

As a result of the Awaab Ishak case we are working with tenants and have successfully launched a monthly 'Damp & Mould Task Group' in January 2023 to oversee and monitor the approach and actions in relation to damp and mould. The group reports directly to our Executive Management Team and into our Customer Services Committee which includes representatives of our Tenants Voice Panel as well as Board Members.

As part of the ALMO partnering arrangement between Barnsley Metropolitan Borough Council and Berneslai homes, there are key contractual meetings which take place (highlighted below) that include key leadership stakeholders and elected members where Damp, Mould & Condensation are discussed:

- Damp & Mould Task Group (Executive Director of Property Services chairs)
- Partnering Core Group
- Services Agreement Core Group
- Assurance Delivery Group
- Audit & Risk Committee
- Customer Services Committee
- Board (including Councillors)

Housing

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One year on follow up report: Spotlight on damp and mould – it's not lifestyle

Published – 02 February 2023

Introduction

Many landlords have engaged positively with the Spotlight report '*It's not lifestyle*', since its publication in October 2021. The report has been downloaded over 5,000 times over that period to January 2023.

Following the inquest into Awaab Ishak, the Ombudsman wrote an open letter to all landlords to reinforce the recommendations that were made.

We know that many landlords have been revising their approach to damp and mould. This update aims to provide further insights to landlords as they continue their work in this area and support to governing bodies when reviewing self-assessments against our 26 recommendations.

The report:

- Sets out damp and mould data from our casework in 2021-22
- Summarises the outcome of follow up work with a number of landlords to understand how they are implementing the recommendations, highlighting areas of best practice as well as identifying areas of continued concern
- Contains some of the most salient lessons from our recent casework following a series of severe maladministration findings on damp and mould
- Provides governing bodies with a set of 10 key factors that will influence the success of any action plan to support their scrutiny role

We intend to revisit damp and mould throughout 2023 given the strong focus on this across the sector at present.

Recent damp and mould data

In 2021-22, 13 of the 31 severe maladministration decisions we made were about the handling of damp and mould reports. The landlords involved ranged in size from just over 1,000 homes to almost to 110,000. Of these, four were medium sized landlords of between 1,000 and 10,000 homes and nine are responsible for more than 10,000 homes. Six were local authority landlords and seven were housing associations. This indicates the issues are widespread across the sector, regardless of the size or type of landlord.

The volume of casework and findings have increased significantly. The number of findings we made about the handling of damp, mould and leaks increased from 195 in 2020-21 to 456 in 2021-22, a 134% increase.

The rate at which we upheld those findings increased from 37% to 45%. We had 1,993 enquiries and complaints about damp, mould and leaks in 2020-21 – that figure increased last year to 3,530, a 77% increase and as of December 2022, we had already received 3,969 enquiries and complaints for 2022-23.

Following up on our report

We contacted 40 landlords, 26 of which responded, to ascertain what they had done as a result of the report. These included the landlords who had been in the tables published in the report, those who had responded to the call for evidence and those who were already engaging with us, as well as a random selection of geographically dispersed landlords of varying size.

Landlords found the report to be a useful intervention, although financial implications and restraints were mentioned as a potential barrier to change. 35% of the landlords sampled now have a specific damp and mould policy with streamlined processes for identifying and responding to damp and mould reports

- 12% said they were in the process of implementing one
- 19% have self-assessed against the recommendations
- 41% of landlords who have self-assessed against our recommendations have stated they have not made any changes

Some landlords were exploring damp and mould prevention:

- A risk algorithm that helped identify and prioritise where health and safety is implicated
- A predictive artificial intelligence model to identify properties at risk – with an 80% accuracy rate
- Equipping surveyors with equipment capable of identifying cold spots, thermal bridging and high thermal bypass rates
- Modelling the potential for mould growth by using humidity and temperature sensor data

Areas of good practice in handling damp and mould reports:

- Removing the sole focus on expected resident action from policies and being more open to the consideration of wider factors
- Retrospective risk assessments and prioritisation exercises on the existing reports
- Dedicated apps/video calling services for reporting issues
- Humidity and temperature sensors
- Property MOTs
- Specialist damp and mould teams or 'task forces'
- Root cause analysis modelling
- Dedicated damp and mould dashboard
- Staff training/refresher training
- Voids teams working closely with specialist damp contractors

Areas of concern:

- Replacing the word lifestyle with euphemisms. For example, “internal environmental factors.”
- Considering advice to residents to be sufficient action taken on damp and mould reports
- Examples of wording in guidance; “*get yourself a mould remover kit*” and, “*always keep your home warm*”, without consideration of individual circumstances

Lack of engagement:

There was, however, a notable proportion of landlords who either were unaware of the report’s publication, or, more worryingly, were aware but felt it held no relevance to them and their handling of damp and mould complaints.

This is highly alarming and does not speak to a culture wanting to learn from other sources within the sector.

Key findings from our recent casework

Based on our own casework, there are three priority areas where landlords need to focus:

1) “Hiding behind” legal proceedings

We made a clear recommendation that landlords should continue to use the complaints procedure until legal proceedings have been issued.

Despite this, we continue to see misinterpretation and a lack of clarity around what is meant by legal proceedings. Some complaints policies exclude matters subject to legal proceedings, but are not clear that this does not cover the pre-action protocol. Other policies we have seen incorrectly state that legal proceedings means instructing a solicitor and/or issuing a letter before claim.

The Ombudsman has identified five ‘myths’ related to the handing of claims and complaints; this includes the status of the protocol and access.

Landlords should urgently review policies that prevent appropriate action being taken, and ensure communication is clear and consistent where there is a claim and complaint.

2) Dignity, respect and fairness

Although we have seen some good practice in this area, such as the removal by landlords of the word ‘lifestyle’ from all internal and external publications, it is clear that

the culture of blaming the resident and their lifestyle can still prevail. There is still an issue around language and terminology on some landlords' websites and guidance leaflets, with the onus very much on the resident and a subtext of the solution to the damp and mould being within their control. This may result in meaningful advice being less effective than required, and a lack of empathy and recognition of the pressures on some households, such as fuel poverty and overcrowding.

Tragically, the human impact and consequence of the creeping normalisation of this culture was highlighted by the death of Awaab Ishak. The coroner herself concluded that "too much emphasis was placed on the cause of the mould being due to parents' lifestyle". This misplaced focus meant the landlord did not identify the lack of an adequate ventilation system as a factor. It is evident that "lifestyle" is not just a word: it can be an assumption, an accusation, and a barrier.

It is imperative that each case is dealt with on an individual basis with no assumptions being made about the cause. Landlords may want to carry out empathy and equality training with their staff to help address any potential ingrained bias.

As a minimum, landlords need to ensure they are complying with the relevant legal framework, such as the Equality Act 2010. However, dignity, respect and fairness is much more than a legal definition and a policy. It is an ethos which needs to be set by senior managers and leaders and embedded in daily practice.

Cultural and attitudinal changes in the sector are essential to effect positive change.

3) Good governance, and knowledge & information management

This is the 'golden thread' running throughout our recommendations as it affects both policy and process, as well as front-line delivery. It was disappointing how few landlords had acted on our recommendations to have a dedicated damp and mould policy, despite there being a clear and driving need to have a bespoke response for these reports.

Our Spotlight report also advocates for a risk-based approach to damp and mould. Integral to this is landlords having oversight of their homes. This includes knowing which properties are at risk of damp and mould, which homes need remedial treatment, and crucially, having a clear void standard and mutual exchange policy so that residents do not move into properties with outstanding damp and mould issues. There is also a need to change to public policy, including a review and refresh of the Decent Homes Standard.

Support for governing bodies

The Spotlight report made 26 recommendations against which landlords should be self-assessing their own approach to damp and mould. We have identified 10 key factors that will have an impact on how successful any action plan is in practice. These are set out below to support governing bodies in testing the adequacy of action plans brought to them for review.

From reactive to proactive

Find your silence	<p>Complaints systems are there so people can raise their issues and get them addressed quickly. Landlords should analyse who is not using their complaints process, and why. This will help prevent receiving unexpected Letters Before Claim and/or press enquiries. Most importantly, however, finding your silence will help to ensure parity in accessing the complaints process and help to identify any shortfalls in its reach.</p> <p>Receiving a high volume of complaints is not necessarily indicative of a failing. Rather, it could indicate your complaints process is accessible, you are open and transparent, residents feel they can complain and believe there is a value to doing so. The Housing Ombudsman is as concerned by low levels of complaints as high ones, particularly with larger landlords.</p>
Proactive communication strategy	<p>Advice given to residents needs to be provided in multiple formats. The tone of the advice is key. The resident should not be patronised, insulted or blamed, for example, by making impractical suggestions about keeping the heating on all the time. The onus for resolving the issue should not be placed solely on the resident with a subtext that the issue is within their control.</p> <p>Our call for evidence highlighted there is good practice regarding what actions landlords are taken, but this often isn't communicated effectively to residents.</p>

Take responsibility

Treat residents fairly	<p>Each case needs to be treated individually, even where similar cases have been seen before. This will help to prevent assumptions being made. Behind each report of damp and mould, there is a person or people who may be suffering and that should be the focal point.</p>
Improve record keeping	<p>An intelligence-based approach is essential, but this requires good knowledge and information management. Good record-keeping is an integral part of service provision, not an optional extra. It benefits all concerned. Landlords have clarity on what the issues are and can</p>

	evidence actions they have taken. It helps to prevent complaints being raised and/or escalated as landlords are able to communicate efficiently with residents and answer queries without the need for the resident to continuously chase.
Know your residents	Occupancy factors may include overcrowding and the availability and use of heating and ventilation systems. They also include individual circumstances such as disability, financial hardship, and health conditions.

Focus on the fabric

Check net zero plans	Landlords need to consider whether a green drive will push people into fuel poverty, particularly as electrical heating costs more than gas. Landlords need to be equipped to offer appropriate and empathetic signposting and referrals to agencies who may be able to support.
Know your stock	Structural factors include property age, design, and modifications. For example, certain types of properties such as converted street properties, buildings of concrete construction or traditional solid type construction are more susceptible to damp and mould than others and can require significant investment to address the issues. Property ‘MOTs’ and audits can help landlords to identify which of their properties are at risk of damp and mould, or already have this problem and works are needed before making this property available.

Zero tolerance culture

Dedicated damp and mould strategy	This should include looking wider than the individual report (s) raised and look for themes and trends. It also requires a review of parallel processes, such as mutual exchange and the void standard, to ensure these are aligned with the damp and mould strategy.
Empower staff	We encourage landlords to consider the Chartered Institute of Housing’s Professional Standards if they have not already done so. In particular the ‘Skilled’ standard requires housing professionals to ‘solve problems, be flexible, adaptable and respond to situations creatively, in the moment’ and considers practical application of this standard to include ‘taking pre-emptive action and proactively problem solving’ and ‘finding solutions, even if they lie outside “normal” activity.’
Use the complaints system to learn	Continue to use the complaints process, even where legal action has been suggested, as there still may be an opportunity to resolve the matter.

	Analyse the complaints received to look for common as well as emerging themes and trends. Use this insight to make improvements to your service delivery and/or complaints process.
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Case studies

Case study one

A severe maladministration case after damp and mould issues were left for over 10 years. The landlord identified works that needed doing but failed to carry them out, having a detrimental impact on the resident and her son's health.

In our investigation it was clear there were serious problems with damp and mould at the property, as well as related issues with slugs for a substantial period of time which were reported as an infestation on a number of occasions, and that required repairs were not carried out. The landlord also referred to the issues being due to "lifestyle choices".

Failure to carry out works was a serious failure, especially given the length of time and the severity of the issues.

We ordered the landlord to apologise and pay £5,000 compensation as well as completing remediation works or finding suitable accommodation for the resident. We also ordered a senior management review of the case.

Following our investigation, the landlord's learning from this case includes the introduction of specialist surveys and frontline training for property teams.

Case study two

A resident reported a damp and mould issue to the landlord and requested for the guttering and vents to be checked. Within timeframes, an appointment was booked but subsequently missed due to delays on other jobs. When the repair job was rescheduled, the work was undertaken and the damp and mould removed.

The landlord apologised for the missed appointment and delay, offering compensation for both of these.

Therefore, the landlord responded to the delay reasonably and informed the resident of the next steps in the repair procedure, and clearly set expectations of the next steps.

We recognised that there has been service failure which had an impact on the complainant but was of short duration and may not have significantly affected the overall outcome for the complainant.

The resident experienced inconvenience due to the late cancellation and subsequent delay in the repair. However, this delay was short in nature and unavoidable. Therefore, the compensation amount was reasonable in view of all the circumstances.

Case study three

A resident had been reporting damp and mould in her bedroom caused by rotten window frames in her flat. She said she was not sleeping in the bedroom and had got into debt by buying a dehumidifier.

The landlord carried out mould treatment and responded to the resident's complaint saying it would consider her request for new windows.

At the end of 2020 the resident contacted the landlord about damp and mould in her bedroom again, asking it to repair or replace the windows. The landlord said it was a case of condensation that had not been managed by the resident. It said she was responsible for managing the property in a reasonable manner including washing the mould. In its final response, the landlord said it could not offer an immediate replacement, offered to arrange a further inspection and later found that the windows were beyond repair.

Our investigation found that there was an unreasonable delay when the resident raised further concerns, due to the impact of the damp and mould.

There was no evidence that it considered if the property was uninhabitable and no evidence to support the landlord's finding that the condensation was due to the resident's inaction. This was unreasonable as it had concluded that the windows were beyond repair.

We made a finding of severe maladministration and ordered the landlord to pay £2,175 compensation. The landlord said it will now carry out surveys when there is a fitness for habitation query and will do more to support residents where repairs or reinvestment are delayed.

Useful links

- [Spotlight on damp and mould: It's not lifestyle - October 2021](#)

- Open letter to member landlords following the inquest into Awaab Ishak - November 2022
- Guidance on Pre-Action Protocol for Housing Conditions Claims and service complaints
- Podcast exploring our damp and mould report with the Ombudsman

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**Housing Ombudsman
Special Report on
Rochdale Boroughwide Housing**

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Introduction

The Ombudsman makes the final decision on disputes between residents and member landlords. Our decisions are independent, impartial and fair. We also support effective landlord-tenant dispute resolution by others, including landlords themselves, and promote positive change in the housing sector.

This special report follows an investigation carried out under paragraph 49 of the Ombudsman Scheme, which allows the Ombudsman to conduct further investigation into whether there is a systemic failure.

Factors that may be indicative of a wider service failure may include, but are not limited to the following:

- a policy weakness,
- repeated points of service failure,
- service failures across multiple service areas,
- service failures across multiple geographical locations,
- failure to learn from complaints or,
- lack of oversight and governance to identify and act on repeated issues.

The Ombudsman's wider investigation was prompted by the inquest into Awaab Ishak's death from prolonged exposure to mould and our review of Rochdale Boroughwide Housing's open complaints. Additionally, we reviewed previous complaint determinations, and the landlord's response to our call for evidence for the Spotlight report on damp and mould report in 2021, which identified concerns with the landlord's approach to damp and mould reports as well as the respect afforded to residents when they made a service request.

This report provides insight to help the landlord strengthen its complaint handling and address the substantive issues giving rise to complaints, to help extend fairness to other residents and prevent complaints in future. This report forms part of our wider work to monitor landlord performance and promote learning from complaints.

Scope and methodology

We reviewed the 20 complaints determined by the Ombudsman in the previous four financial years and up to the end of October 2022. There were nine live investigations into Rochdale Boroughwide Housing in December 2022 when this investigation was initiated following the coroner's report. The findings from those investigations have been set out on page two and incorporated into our review as case studies.

We also reviewed the complaints referred to us from November 2022 to date in order to ascertain the current situation and assess the efficacy of the changes and improvements the landlord is in the process of making. However, as these cases are pre-investigation and still within the landlord's procedure, they do not feature in the table of formal determinations.

We made an evidence request to Rochdale Boroughwide Housing in December 2022 for the following information, that was considered as part of our investigation:

- Relevant policies in place over the previous three years
- The void standard for the previous three years
- Information given to tenants at sign-up for the previous three years
- Relevant customer contact centre scripts for the previous three years
- Details of staff and relevant training for the previous three years
- Details of the cited changes and learning the landlord identified following Awaab's inquest
- The landlord's self-assessment against the 26 recommendations made in our Spotlight damp and mould report 'It's not Lifestyle'
- The landlord's self-assessments against the Complaint Handling Code since 2020 with details of the governance sign-off procedure
- Details of the relevant databases and relevant information held on them

About Rochdale Boroughwide Housing

The landlord is a not-for-profit mutual housing society and registered provider of social housing which took ownership of homes previously owned by the local authority. As of March 2022, it owns 12,521 homes. There is a background of significant social challenges in the area and in 2022, the local authority reported that it had 7,801 households on the housing waiting list.

The landlord has proactively engaged with the Ombudsman during the investigation. This has included meeting with us to discuss the themes we identified and what actions they have taken or proposed to take. The landlord has also responded promptly to the extensive evidence requests and clarification points raised with them.

We particularly welcome the landlord's recognition of the need for these improvements and the new leadership's candour with us throughout the process.

Our investigations have highlighted that culture change, from top to bottom, is needed to rectify the situation and it is clear that the leadership is determined to lead from the front with the development of their recovery plan. This includes a focus by the governance and leadership teams on embedding change, as well as robust processes and strategies in place to ensure the problems experienced by Rochdale Boroughwide Housing residents are consigned to history.

Investigation Findings

The Ombudsman’s findings from the nine case investigations are set out in the table below.

The Ombudsman made 15 findings across these cases and found maladministration in 10 of them – a maladministration rate of 67%, including three findings of severe maladministration.

Findings	Severe maladministration	Maladministration	Service failure	Redress	No maladministration
202113713		<ul style="list-style-type: none"> Responsive repairs – leaks / damp / mould 			
202119072	<ul style="list-style-type: none"> Responsive repairs – leaks / damp / mould 	<ul style="list-style-type: none"> Responsive repairs – leaks / damp / mould 			
202121470					<ul style="list-style-type: none"> Complaint handling Pest control - within property
202122922			<ul style="list-style-type: none"> Noise 		
202201509	<ul style="list-style-type: none"> Ending of tenancy Complaint handling 				
202205227		<ul style="list-style-type: none"> Anti-social behaviour handling 			

202207014		<ul style="list-style-type: none"> Responsive repairs – general 			
202207288		<ul style="list-style-type: none"> Anti-social behaviour handling 		<ul style="list-style-type: none"> Responsive repairs – leaks / damp / mould 	<ul style="list-style-type: none"> Complaint handling
202208649			<ul style="list-style-type: none"> Complaint handling 		<ul style="list-style-type: none"> Responsive repairs – general

Themes Identified

When deciding if a failing is systemic, we look at whether the impact of maladministration is limited to a single area or is across different services and resident experiences. Although we have used the key areas of our Spotlight investigation on leaks, damp and mould to frame this investigation, other aspects of service provision have been considered.

We found a culture of 'othering' of the residents lies at the heart of the issues in Rochdale Boroughwide Housing. This is a pattern of exclusion and marginalisation based on identifies that are different to the norm. This pattern was exacerbated by an extremely poor data culture.

Finding their silence

In an ideal world, every section of a community should feel safe and confident to raise their issues with their landlord. However, we know this is not always the case and there can be entire sections of society that do not raise issues, either because they are concerned about possible repercussions, or because their particular access and communication needs are not met by an organisation's systems.

In our damp and mould [Spotlight report 'It's not lifestyle'](#), we tasked landlords to 'find their silence' and to do more to find and help those members of the community who may otherwise struggle to access services. This is to ensure that groups of residents are not overlooked when decisions are made, that they are not being exposed to hazards and to ensure equality of service provision to all.

Our investigation has found that the landlord did not go far enough when finding its own silence, specifically relating to cases of damp and mould. The landlord did conduct an independent review in 2021 following Awaab Ishak's death but failed to find the damp and mould that a subsequent survey in late 2022 found throughout the estate that Awaab lived on – 80% of homes on the Freehold Estate in Rochdale suffered with damp and mould and 12 of the 380 properties surveyed were branded as Category 1 hazards under the Housing Health and Safety Rating System.

The disparity between the two responses raises concerns over the quality of the initial review, which appears to have been done by a leadership management company, focused solely on the Ilminster block on the Freehold Estate, and was conducted entirely by telephone because of the pandemic – the reviewer never visited the properties. The notes from the review often read as if the interviewer was 'leading the witness' – offering the members of staff answers to the questions they were asked, passing comments on the family 'it is likely they feel the cold of an English winter' and making suggestions, such as 'bucket bathing', based on what other members of staff had said – the reviewer later confirmed this in a statement to the inquest. We accept that the review was not legal in nature, but this raises serious concerns about the validity of some surveys which landlords undertake – offering false, or distorted, assurance on which actions and resource are based. Rochdale

Boroughwide Housing are unlikely to be the only landlord that has made crucial decisions based on flawed intelligence.

Our investigation further highlights the risk of relying on one method and one-off exercises – finding the silence is not easy and requires a range of methods, using skilled professionals, to be effective. The landlord is, as part of its recovery plan, conducting a review of the 2021 damp and mould enquiries to ascertain why so many properties with mould were missed and what blockages remain that obstruct residents from reporting damp and mould.

Ensuring the issues found in the Freehold Estate are addressed is imperative – the landlord committed in its recovery plan to have all Freehold Estate properties assessed and it completed those in March 2023 – but there are other estates and other families that need and deserve additional support.

It is clear that in the months following Awaab's inquest, most of the residents who got in touch with us to help them with their complaint about the landlord were calling from addresses in Middleton. While these are not cases that we have formally investigated, examples we have seen include a complaint where a resident reported concern after her young son developed chest problems which she believes is because of severe damp and mould in the property. The resident stated that the landlord sent inspectors to the property but at the time of her approaching this service no further action had been taken to rid her house of mould. In another complaint, which we have also not investigated formally, the resident has a doctor's note about the impact of the extensive mould on the entire family and the respiratory problems they are experiencing. Photographs sent to us show the extensive damp in the living room, kitchen and bedrooms, with a surveyor informing the resident that this is because of the leak through the chimney caused by a tree growing out of the mortar. The resident told us that when she asked where she was supposed to go during the extensive works required, the surveyor informed her that this was not part of his job.

We recognise the step-change in the landlord's engagement with residents under its new leadership. It is sending out personal letters from the new Chief Executive Officer encouraging residents to report damp and mould and providing updates on planned property works and resident engagement events. These letters contain an open offer to meet with residents to hear their concerns. The landlord is also holding drop-in surgeries on estates to provide residents an opportunity to report damp and mould and speak to the Chief Executive. Since January 2023, every visit to a resident's home has included a damp and mould inspection. We welcome these important steps.

There is now a banner across the landlord's website asking people to visit the dedicated page to damp and mould if they have concerns. Typing mould into the search function brings back 16 results, including multiple language versions of advice leaflets, as well as wider information about the landlord's response to the inquest. Following a recommendation from the inquest, the landlord has upgraded the resident portal to allow residents to submit their photographs from March 2023. Typing 'Rochdale Boroughwide Housing mould' into an internet search

understandably returns news coverage, but a result from the landlord's website is now the fifth return and is on the first page.

Although the landlord is planning a stock condition survey to cover all of their homes, given the severity and prevalence of mould identified in one estate alone, we would urge pace when rolling this out in order to find all the other places that it has a mould problem.

The diverse languages spoken by Rochdale Boroughwide Housing's residents has been recognised in the most recent damp, mould and condensation leaflet, with dedicated versions in Urdu, Farsi, Polish and Portuguese. All three leaflets contain paragraphs in English, Farsi, Portuguese, Urdu and Polish explaining that the information is also available in Braille, audio and community languages. The website also has some accessibility features including a Google Translate option, along with the ability to change the contrast and the font size. Again, these are important and positive steps.

The landlord intends to conduct quarterly engagement with its tenant representative body to obtain feedback on the ease of access to the landlord for tenants who do not have English as their first language, vulnerable tenants and tenants with disabilities, reporting this back to the board. The landlord has, however, acknowledged that this tenant body has lapsed in recent years and that, because it is a mutual society, the body does not quite fit within a traditional governance structure.

Proactive communication strategy

In our Spotlight report, we came across multiple examples of poor communication with inappropriate tone, unsuitable or impracticable advice. We urged landlords to review their advice, in consultation with residents, to ensure that blame language was removed, and they were accurate and effective. In our follow-up report a year on, we found that although landlords had removed the word 'lifestyle' from their literature, it was often replaced with euphemisms and the overall approach and tenant-blaming tone had not shifted.

We reviewed the communication Rochdale Boroughwide Housing has about how it is tackling damp and mould and found that, while the landlord has a webpage that contains details, it is a news article linked to the recovery plan area rather than being a specific webpage a resident can navigate to through the menus. The article can be found by searching for 'mould' on the website. The webpage's contents are scant and strike an uneasy balance between too little information and too much detail – the website tells residents how often the landlord will check in with them, once an issue has been fixed, but provides no information at all about how long it is likely to take to fix if it is not the most urgent of cases. There are general points made about what the landlord will do to resolve a mould report, but then quite specific instructions to the resident about what they should be doing to prevent condensation forming – the emphasis on precautionary measures remains squarely on the resident. It is likely that a resident is reading this webpage because they already have mould – no amount of guidance on how to prevent condensation at that point is going to help them. This information has limited benefit being on a webpage that should concentrate on telling residents what the landlord is doing to tackle damp and mould

and it should be in a separate area of guidance to residents on how to maintain a healthy home, either before mould develops or once the mould has been treated.

The landlord has also produced a leaflet on damp, mould and condensation that contains the same information. Providing more information to residents is positive, but more could be done to ensure this information is effective. For example, the leaflet states that condensation is the main cause of damp and mould, but it contains no pictures of what that looks like to allow people who cannot read English or those who require pictorial communications. It does, however, have pictures of examples of other types of water ingress – rising damp, penetrating damp (e.g. roof leaks) and plumbing faults, which may reinforce (even if unintentionally) the concept that only if these are present, is there an issue that the landlord is responsible for fixing. Combined with the extensive list of guidance to residents to prevent condensation, including guidance that may not be realistic in the current cost of living crisis, the leaflet may perpetuate misunderstandings around condensation and mould, as well as roles and responsibilities.

The landlord also had a booklet on condensation, damp and mould, last revised in 2022. It was, broadly, a more helpful document (albeit only written in English), with clear explanations of why the actions recommended will help manage condensation and how much water common household activities contribute to the air inside a home. However, the language did firmly put the onus on the resident and overtly mentioned ‘lifestyle’, ‘habits’ and ‘actions of residents’. The landlord has discontinued it as residents told them it was too big and contained too much information.

The landlord intends to produce a ‘Managing Condensation Guide’, which will include video, that will be left with a resident once mould has been treated and will also form part of the sign-up packs given out at the beginning of a tenancy – the landlord will want to consider including as much explanation of why these actions help with condensation management as possible.

We strongly encourage the landlord to further engage residents, as it has started to do, in the co-design of new, or revised, information to ensure it is accessible, impactful and effective. It should assure itself that the residents engaged reflect the full diversity of its population.

Treat residents fairly

Everyone should be treated with respect, no matter their background, gender, race or nationality. Landlords hold professional relationships with some of our most vulnerable people in society and it is imperative they understand the importance of respect and the devastating impact it can have if not used. Our Spotlight report found that a resident’s lifestyle was often used as a reason to dismiss their concerns and apportion blame without any real focus on the limitations residents faced with modern day living – allowing landlords to dismiss legitimate problems that were outside of the resident’s control to remedy.

The landlord’s response to our call for evidence, submitted four months after Awaab’s death, was part of the evidence base for forming that conclusion. It asked:

Q: *What do you consider to be the main cause(s) of damp and mould?*

A: *Tenants lifestyle eg not heating the property adequately, insufficient use of ventilation provided, drying clothes and cooking in the home, not venting tumble dryers, ritual bathing.*

Q: *Are the root causes of damp and mould difficult to address? And if so, why?*

A: *For tenant lifestyle related issues this can be difficult to inform and educate the tenant in order to address the root causes. Some customers struggle to adequately heat their homes contributing to the causes of mould/damp. Cultural issues and language barriers.*

Most disturbingly, given it was only four months since Awaab's death, was the relevant part of the answer the landlord gave to the following question:

Q: *Has a **particular damp and mould situation** [our emphasis] led to significant changes in the way in which a landlord operates? If so, please provide details.*

A: *We are looking into the fitting of shower screens and are currently piloting this approach, particularly linked to ritual bathing.*

In the case of Awaab's family, when the mould issues were reported, the landlord focused entirely on the way his parents were using their home without considering if there was anything about the home that was contributing to the problems. The inquest heard evidence from staff that the family had a "lifestyle of boiling food in pans on the stove" and assumptions had been made, on the basis of seeing a bucket, that the family practiced ritual bathing. This assumption was based entirely on a member of staff's previous, irrelevant, interactions with other people in the same block of flats. There is no evidence that the family discussed their religious beliefs with the landlord or that member of staff, and this assumption appears to have been based entirely on the presence of a bucket, some water damage to the bath panel and that Awaab's family had ethnic similarities to the other people the member of staff had encountered who did ritual bathe.

During the 2021 review, members of staff were recorded by the reviewing team as saying the following:

"The lifestyle choices likely to be relevant here are ritual bathing..."

"...style of cooking by boiling food..."

"...bucket bathing is quite common on the Illminster Estate..."

"when people come to this country and go through the asylum process...everything is done for them in terms of cleaning and so they expect it when they are moving into accommodation and that they can call housing services to come a[nd] clean the place for them."

"the issue appeared to be the style of cooking...and the style of bathing."

"the family used a style of bathing known as bucket bathing which is common to their culture as it is part of their culture and practice."

"The life style choices were likely to be bucket bathing and the Tenant's cooking practices..."

“...dealt with a great many similar claims... maybe Tenants with such ritual practices...”

These are all othering statements that demonstrates the family were not ‘seen’ at all – their entire treatment was based on assumptions as to who they were and how they lived. Combined together, it paints a disturbing picture of residents being judged entirely by staff members’ held prejudices, lazy assumptions and an attitude towards asylum seekers and refugees that is wholly unacceptable.

We also received a report from former staff that “residents complained about mold [*sic*] and living conditions...regularly...raised it with her manager...was told it’s ok and acceptable. Most of residents were refugees and she was told they are lucky they have [a] Roof over head”.

The 2021 review also showed a propensity by staff towards making the residents responsible for the situation – there were discussions about trickle vents on the new windows that could become blocked if not cleaned regularly and another member of staff offered to check gas and electricity usage to see if the family were heating the home sufficiently, before the reviewer pointed out that the home’s temperature and humidity had been high. At the inquest it transpired that the bathroom fan had not been fully functioning for the previous two years and that the family had reported that. The professional assessment of the property in December 2020 after Awaab died found that the toilet was leaking because of defective plumbing and continuously discharging (and was the cause of the damage to the bath panel and the leak into the flat below), there was no ventilation in the kitchen, no extractor fan, there were no secure external drying options for clothing and the report made specific comment that no excess lifestyle was noted.

The staff who were involved in handling the mould reports all state they would have taken more action had they known a child resided at the property. It ought to have been part of any risk assessment of the situation to ascertain who lived there and whether there was an increased risk from the mould.

One staff member reported Awaab’s visibly pregnant mother as being visibly upset and distressed when he attended and yet, he did not refer the situation to the ‘Eyes Wide Open’ programme – a programme for “identified safeguarding such as disability, frailty or illness, domestic abuse and concern for welfare or any other identified need” – because he considered the mould was “a standard repair”. A month later, Awaab had died because of it and it was finally declared a Category 1 health hazard by a professional. Even if the staff member had honestly held a belief that the extent of the mould was “standard”, it is highly questionable how embedded and effective that initiative is for staff not refer a pregnant woman in significant distress to a safeguarding programme specifically designed to identify and help people in distress.

It is evident from our recent investigations that the dismissive and discriminatory attitude towards residents revealed at Awaab Ishak’s inquest was not restricted to his family’s experience. In case 202119072, members of staff visited the home in September 2021 to assess it after a report of damp and mould and reached unprofessional decisions that the mould was caused by the number of people living

in the home (it was a two bedroom flat with a family of five) and lifestyle, the quantity of mould was only small and it was only being reported because they were frustrated that they had not yet been allocated a bigger home. The landlord kept advising the resident to move their bed away from the wall, despite the fact that there were also two cots in the same room and there was no space to do so. The landlord viewed the lack of adherence to this advice as the resident being awkward and irresponsible. There had been work two years previously to fix repairs in the property and this appears to have led to the landlord developing the view that the family were now solely raising mould issues in a bid to get a bigger house. The email sent internally after the September 2021 inspection read:

There is a small amount of black mould in the property however, this is due to lifestyle and the number of people in the property. There are 3 children and 2 adults living in the 2 bed home. So, that is the cause of the problem. Their frustration is that they want a bigger home and cant [sic] get one.

Residents should not be viewed as challenging or uncooperative because they outgrow the originally assigned property. While there will be significant pressures around available homes given the housing crisis, it is also unrealistic of landlords to expect their tenants' circumstances to remain the same and the landlord should be working with them to come up with realistic solutions. Landlords should always avoid inferring blame on an expanding family.

We found numerous other instances where a resident had experienced disrespect or a dismissive attitude when trying to engage with the landlord to address their concerns. In 202002793 a resident queried whether he could have work done to his garden, given that his neighbour was having fences erected, paving put down and a garden gate hung. He was told that he was not entitled to these as "RBH don't do gardens" without any further explanation. The resident told us that he felt discriminated against, highlighting that his neighbour was white and he was Black Asian. He also cited unnotified visits from the landlord's staff that he had previously asked them to stop doing, including one during Eid.

In case 202122922 the resident had suffered a brain injury and stated that she felt bullied and intimidated by the landlord when it failed to respect her requests for specific contact methods. She also told us that they responded to her reports that someone was in the empty flat upstairs by suggesting that she "must be hearing things" because of her brain injury.

This strongly indicates that unsympathetic, inappropriate, or even heavy-handed behaviour towards residents are present throughout the landlord's interactions, not only when responding to reports of damp and mould. The landlord's training records show that all staff were provided with 'Respect' training at induction but there is no evidence this is repeated during their career. Although we recognise that the number of staff involved in the inquest was relatively small, and long service does not in itself result in such behaviours, there would appear to be a direct correlation between the length of service with the landlord and the level of 'othering' and disrespect shown in the evidence submitted to the inquest.

This is a significant concern and requires a comprehensive and sustained focus on shifting behaviour and culture at the landlord. This must be a priority for the new leadership. The recovery plan set by the landlord does acknowledge it needs to rebuild trust and confidence in key stakeholders and staff. It is clear that the new interim Chief Executive is determined to address the culture issues evidenced with an entire section of the recovery plan dedicated to changing the culture to being customer focussed and ensuring that diverse needs are met. Clearly the recovery plan needs to be given enough time to achieve results.

It does, however, remain a concern that this identification and acknowledgement of a deep-rooted problem with the landlord's culture has only surfaced once the issues surrounding Awaab's death were aired in a public forum, two years subsequent, and it is only now being addressed by senior management. It is imperative that the governing body oversees a programme of education and training on staff engagement with residents, with a particular focus on refugees.

Case Study – 202119072

Mr H lives in a two-bedroom flat with his partner and three young children. They had issues with rising damp when they first moved in and the landlord put in a damp proof course. The issues continued and the landlord carried out further works. Regardless, the damp and mould was now affecting the carpets and furniture, and Mr H raised concerns about the impact it was having on his young children, including one being prescribed an inhaler. He reported the family were now sleeping in one room. The resident submitted an application for rehousing and was provided a B and C for medical priority.

The landlord sent a technical officer to review the property who recommended "a bit of paint". When Mr H made contact again, the landlord put the situation down to "overcrowding" and having a bed against the wall, having sent a non-specialist to assess the mould. The landlord referenced that "yet again" he had mould and held the view that Mr H was frustrated because he wanted a bigger home but could not get one. The landlord placed total responsibility on the resident, telling him to move beds and cots and clean the mould himself.

The landlord's complaint responses emphasised the resident's "lifestyle", "living conditions", and the "number of people". It pre-judged the motivation behind reporting the mould and adopted a dismissive attitude towards his continued concerns. When Mr H questioned the qualifications of the people sent to assess his home, the landlord did not give details and asserted that they were appropriately qualified.

The landlord failed to recognise the challenge that some homes were not designed with modern living in mind, and occupancy factors should not be used to absolve it of responsibility to deal with reports of damp and mould. This service found severe maladministration by the landlord in respect to reports of damp and mould and maladministration with its record keeping. The landlord was ordered to provide a payment of £2,710 to Mr H, send a qualified surveyor to review the home and review its handling of reports of damp and mould.

Case Study - 202201509

Ms G is a vulnerable adult who is helped by a social worker and supported by a representative. Ms G had reported serious criminal behaviour happening in some of the flats in her building. She assisted the police with their investigations and was relocated to temporary accommodation for her safety while the police took action. Once the risk had subsided, the landlord, despite knowing that she was not living there, called her landline twice and sent a letter telling her that her tenancy may be at risk.

Ms G's representative let the landlord know that Ms G was still in temporary housing and the landlord told her representative that it was now safe for her to return and her property would start to accrue rent arrears. The social worker spoke to Ms G and, because she intended to stay at the temporary accommodation, suggested that the landlord conduct a multidisciplinary team meeting to ensure the situation was explained to her. The landlord did not arrange this meeting.

The landlord then informed both the representative and social worker that it again was unable to reach Ms G and had since changed the locks on her property. There is no evidence the landlord had asked for previous messages to be passed on to Ms G or advised them that it had started the Notice to Quit process.

The representative made a formal complaint on behalf of Ms G as the landlord had terminated her tenancy, disposed of her belongings and had not made her aware of the Notice to Quit. They also complained that the landlord was classing Ms G as "untraceable" when it was aware the representative was in touch with her. It stated the landlord had not shown compassion, knowing Ms G had been assisting police and that the landlord had ignored the request for a multidisciplinary meeting. They also state the landlord was aware Ms G did not have a working telephone at her current accommodation.

The Ombudsman found that the landlord's attempts to contact Ms G were inadequate as it had not made 'every attempt to make contact' as outlined in its Notice to Quit process. It had also not taken the opportunity to arrange a meeting with all parties, despite knowing of her vulnerabilities and need for a wider support network. The landlord's failure to follow its policies correctly, and its failure to take the complainant's circumstances into account, caused her significant detriment, and amounted to severe maladministration in the circumstances. An additional finding of severe maladministration was made in relation to its communication and overall treatment to Ms G.

An order was made for compensation of £4,000, half for the landlord's repeated failure to effectively communicate its intention to end the tenancy and dispose of her possessions, and £2,000 for its heavy handed and unsympathetic approach, and for its failure to demonstrate any consideration of her vulnerabilities. It was also ordered to apologise to her for its repeated failings and to review staff training.

Record keeping - know your residents, know your homes

Our upcoming Spotlight report focusses on knowledge and information management. A key part of this is record keeping which is an important and integral part of a landlord's responsibilities. Many hours are wasted, appointments cancelled, and questions left unanswered due to poor record keeping and it is a key theme running through Rochdale Boroughwide Housing's complaints – missing repairs records, different systems holding different information, repairs information logged against the wrong address, key details being stored on individual staff computers are just some examples.

Our investigation has also seen instances of repairs being logged through the official systems only for staff to then email their recommendations for work needed to individuals outside of that system. The use of individual email accounts to manage repairs is exacerbating these problems and must be reviewed, as the risks involved in someone missing the email, being on annual leave or long-term absence are unacceptable and undermine the entire purpose of a central database.

In late 2020, the landlord migrated its computer system and emails to new software and lost the majority of previous emails from their servers forever – destroying any audit trail for cases wrongly handled by email completely. Prior to that, emails were automatically deleted after two years and only backed up emails for six weeks because of space constraints. Over reliance on this method to appropriately manage services to residents is undoubtedly one of the reasons service delivery successes are ad-hoc at best.

The lack of synchronisation between multiple databases had profound consequences for Awaab and his family. The CRM database that contained all the information about the tenancy and the service requests made about the flat listed his father as the sole tenant/occupant. However, the database for managing reallocation requests contained details of his mother, her pregnancy and of Awaab's presence in the family home. It was also through this channel that the midwife raised her concerns about the mould's impact on Awaab and his mother – that information never reached the repairs department. Effective record keeping is an area of concern for many landlords, and there are urgent lessons for other landlords from the practices of Rochdale Boroughwide Housing that must be heeded. The risk of another landlord repeating similar errors are apparent.

Applications for (re)housing are now handled by Rochdale Borough Council. This increases the probability that information disclosed in that process, as with Awaab's family, will not be linked to the landlord's records. The landlord intends to put a protocol in place with Rochdale Borough Council by end of April 2023 to ensure that any reported concerns relating to damp and mould are sent to the landlord for actioning.

The landlord sets out in evidence to us that it has implemented a red/amber/green priority system when addressing damp and mould which it uses in conjunction with its vulnerability criteria – the household composition, whether young children are present and if there are any long-term health conditions. However, this is only done when a report of damp and mould has been made and there is nothing to indicate

that it intends any broad exercise to ascertain who its residents are. The landlord has recently told us it intends to undertake tenancy audits and we would urge the landlord to prioritise this and for the governing body to monitor its implementation.

The family stated at the inquest that they had reported the bathroom fan as broken two years previously. There is nothing on the repairs records for 196 Illminster to indicate that this report was made, and it certainly was not acted upon. Another repair record for 196 Illminster had been incorrectly recorded against 186 Illminster and it is therefore entirely likely that this report of the broken fan was either not recorded at all or was recorded against an incorrect address.

Our casework illustrates other areas where the landlord's knowledge and information management can be weak. In case 202215329 the resident was given the wrong end date for her tenancy. The landlord had actually realised that it had given her the wrong date but did not contact her to let her know. She had partially moved out and returned to remove the remaining belongings to find the landlord had changed the locks and had removed and disposed of her belongings, including her parents' ashes. The landlord had kept no records of what they had removed and relied on assertions that they would have kept things like ashes to one side.

In 202114274 a resident moved into a property with a driveway that flooded when it rained and was a trip hazard. When she raised this with the landlord, it stated it would not do any work on the driveway and she should not have put the driveway in as it was not part of her tenancy. The resident had to resort to using a Google Map image to prove that the driveway had been there, and in that condition, when she moved in.

Rochdale Boroughwide Housing is taking steps to encourage a culture shift to updating live documents in the databases, including reviewing the permissions to ensure document integrity. It is training staff to ensure that a CRM entry is created for every resident contact. It also intends to review the data quality, integrity and governance processes to ensure that there is only one version of the truth, and that version is accurate and complete.

The landlord has told us that it is obtaining independent assurance on the condition of its properties by commissioning stock condition surveys across the entirety of its homes. This will include an assessment of whether the home is meeting the Decent Homes Standard. It also intends to review the data that it does hold to identify homes that have made multiple reports of mould, homes more vulnerable to mould growth (e.g. those with no external ventilation in the bathroom) and 'hot spot' areas where a lot of mould has been reported in the same estate. It will also be reviewing the missed appointment data on damp and mould inspections and getting in touch with those residents to check if work is required.

These are important actions, and we would encourage other landlords, in line with the recommendations of The Better Social Housing Review, to consider what actions should be taken to ascertain the condition of all properties within their responsibility.

Case Study – 202207014

Ms P reported damage to the rear boundary fence that backed on to a busy main road with a lot of foot traffic. The landlord's responsive repairs policy confirms that fencing jobs had a target timescale of 90 calendar days but it advised Ms P it would try to complete the work within five months, explaining it had 743 fencing jobs outstanding.

Ms P began to complain about the length of time it was taking to replace the fence. She felt she had no privacy because of the number of people able to see into her garden and she was not comfortable with her grandchildren playing in the unsecured garden near a main road. She also reported potential security issues as people had begun to use the gap in the fence as a cut through to the surrounding area.

The landlord was provided with all necessary information from the resident to identify that her repair was a priority. It showed no consideration of the fact the delay compromised her security or enjoyment of her home and that, as a minimum, it should have taken temporary measures to assist Ms P with the security risk.

We found no evidence that this individual factor of the complaint had been considered, resulting in a finding of maladministration and a compensation payment.

Damp and Mould Strategy and net zero plans

The landlord does not have a dedicated damp and mould strategy at present, though it has told us that it intends to have a damp and mould policy in place by April 2023. The current responsive repairs policy does not explicitly list out where damp and mould would belong in the priority assessment grid (below).

Given the damp and mould leaflet says the most urgent cases will be handled within 24 hours, it is apparent that the most serious mould cases would be graded priority 2. It will be important for the landlord to ensure that actions are clear and aligned across its policies.

Responsive Repairs priority assessment grid

Priority level of Job	Timescale (Current)	Timescale (New)	Sample Job types
1 or 2	2 hours / 24 hours	P1 – same day P2 – 24 hours	<ul style="list-style-type: none"> • No heat or hot water • No electrics • Uncontrollable leak • Home insecure • Major Health and Safety risk
3	15 days	60 calendar days	<ul style="list-style-type: none"> • Routine Electrical • Roof repairs • Routine joinery
4	12 months	90 calendar days	<ul style="list-style-type: none"> • Fencing and gates • Plastering • Gutter cleans & renewals • Internal joinery jobs which take over 30 mins • Internal plumbing jobs which take over 30 mins

The landlord installs openable windows with trickle vents as standard and will, whenever possible, install mechanical ventilation in both the kitchen and the bathroom. It also considers the installation of a whole house ventilation unit if necessary. There is, however, no mention in their New Home Service Standard that they give to new residents, of anything that they will have done in the void period to inspect for and/or treat mould or susceptibility to mould such as an unventilated bathroom.

A damp and mould taskforce was set up in December 2022, comprising of seven inspectors. The landlord also requires all repair team members to check for any mould in the home that they have attended and there are a series of questions they must answer prior to being able to close-down a job ticket. The landlord has also placed an obligation on any visiting member of staff to visually inspect the home and ask the tenant if there is any mould that needs reporting – a new app sends the report directly to a dedicated inbox.

The taskforce has been provided with training on damp and mould. However, the training records suggest this is the same e-learning course on damp, condensation and mould awareness other staff have received. We are concerned that the level of training given to this taskforce may not be specialist enough.

The landlord has outlined to us how it will now go back to a property six, 12 and 18 months after mould has been treated to check that it has not returned. The residents who moved into the address where Awaab and his family lived reported a leak into the flat, from above in October 2021, and again in March 2022. They also reported mould problems in March 2022 – 15 months after the mould present when Awaab’s family occupied the home, had led to Awaab’s death.

The landlord is exploring the installation of humidity sensors in homes that have repeated reports of mould or damp and it is also considering supplying hygrometers to residents to allow them to monitor and address humidity in their homes. It also assesses ventilation. Landlords should consider how they will ensure that any planned insulation activity for the purposes of net zero will not create further opportunities for condensation creation and continuously review this as new technology and approaches emerge.

We have considered in detail the landlord's Mould Treatment Flowchart in place at the time. It includes a priority system for assessing how long a mould repair could take, ranging from 10 to 90 days depending on severity. The low/medium/high rating is based on the number of rooms affected by mould – low priority is based on no more than two rooms being affected, and medium priority is no more than three rooms. This does not sufficiently recognise the severity of the mould, nor whether the location is critical, only on how relatively wide-spread it is. Nor does it consider the number of rooms as a ratio of the number of potential rooms it could be affecting. 196 Illminster had four rooms – a kitchen, a bathroom, a lounge and one bedroom – all leading off a small hallway. It had mould present in three of those four rooms – all except the lounge, as well as the hallway, at the time of Awaab's death.

The flowchart relies on the assessment of the individual who attends on the day and there does not appear to be any quantifiable assessment – e.g. what percentage of the rooms, what percentage of the walls are covered etc. This allows for the possibility that poor communication with the resident (Awaab's mother did not speak English and there was no translator there – there was no opportunity for her to explain just how wide-spread the mould was and what impact it was having on their lives), time pressures or human error could lead to the wrong priority being given. The landlord states it has now created a new flowchart for prioritisation of mould reports.

The mould flowchart document also detailed the process should the Technical Officer not be able to gain access, once it is decided that there will be attendance. This process has now changed, following legal advice, but at the time the process was that the landlord will try to make contact with the resident twice by telephone to arrange an appointment and then will attend unannounced and leave a calling card if necessary. If no response is received to that card within a week, the inspection ticket is closed. The resident is then sent a letter setting out that they had tried to gain access. If no response is received to that a second letter is sent and then, if no response is received to that within a week, legal proceedings to gain access to the property will be commenced. However, the landlord's self-assessment against the Spotlight report and our discussions with the landlord's senior management have made it clear that the landlord did not regularly pursue non-response to mould inspections through to obtaining access via legal proceedings.

Empower staff

Our investigation has found that the landlord's staff did not have the sufficient training to explore reports of damp and mould with residents, make the right decisions on how to handle damp and mould reports nor the empowerment to

challenge appropriately if they did not consider the proposed response to be the appropriate one.

One member of staff who spoke to the media was quoted as saying that the culture at Rochdale Boroughwide Housing is 'toxic' and contact centre staff were told to 'fob people off' by giving them standard and ineffective advice to handle their reports of damp and mould. They go on to report that 'there was a total disregard for the residents and cost-cutting was obvious and really sad'. The flowchart for mould reports in place in 2020 required the call handler to ask if there was a leak and if not, the next set of questions moved straight to lifestyle-orientated questions:

- drying clothes?
- not ventilating/heating?
- not using extractor fan?

The contact centre exists for residents to raise their issues with their landlord. The contact centre needs to fully explore the issue being reported by the resident to ensure that it is truly understood, and the right decision is made on the priority and the actions required to remedy the situation. The average person is unlikely to have specialist knowledge of damp and mould and will use the word "damp" as common parlance to describe the presence of moisture in their home – this does not necessarily mean that what they are reporting is rising or penetrating damp and it should be standard practice to ask exploratory questions. The landlord intends to set up training programmes centred around diagnostic and problem-solving skills. The landlord has also reviewed its contact centre capacity, staffing and skill sets as well as the scope and delivery of the out-of-hours service. It aims to have a new service supplier in place by the end of June 2023.

The landlord has improved its approach to damp and mould within its publications but putting the changes into practice will be vital. The landlord has stated it is putting practices in place to help its staff recognise and support residents in need. This includes training staff who carry out home assessments to recognise damp and mould, including taking photographs and visits to set out what is/is not an acceptable level. The landlord has now provided an e-learning course on damp, condensation and mould awareness, but this occurred in December 2022, after the inquest. There is no evidence that the landlord recognised that there was a gap in its staff's knowledge as a result of critical incident debriefs in 2021. The repairs team attended a seminar from a legal firm on disrepair in 2021. The precise content is unknown, but it is likely to have focussed on disrepair claims and the technical requirements on a landlord when a claim has been submitted. It was clear from the evidence submitted to the inquest that any damp and mould inspection done as a result of a disrepair claim was done solely to identify if there was a leak, rising damp or penetrating damp and was done through the lens of assessing whether the landlord needed to concede liability – the disrepair claims culture had entirely overtaken any customer service culture.

In our casework, we saw instances where it was not even a member of the repairs team who was sent to inspect the reported damp and mould. We also saw instances where the wrong specialist was deployed. In case 202113713 the resident's home was experiencing drainage issues which had historically affected the entire block.

The landlord had access to the previous repair jobs and should have realised which skill set was required. The landlord sent a plumber who confirmed what had been apparent from the records – a drainage team was needed instead. The delay in sending the correct specialism meant that the resident's home was flooded by bathroom wastewater.

It is apparent from the evidence submitted to the inquest that the landlord operated within a culture of not necessarily progressing repairs if a resident had made an associated disrepair claim, in addition to conducting damp and mould assessments through the lens of what the landlord was legally liable for, rather than what action was necessarily required to resolve the issue.

Ostensibly, this was because authorisation of the proposed repairs had to go through the legal department to be sent to the disrepair solicitors for approval, incurring a time delay. This is not what the policy actually said should be done when considering the priority of the work required. Regardless of any ongoing legal claim, the landlord has a legal duty of care towards its residents to act to prevent injury or damage to property caused by defects in the home. It is essential that no landlord delays or fetters access to the repairs process in the event of a complaint or claim, and landlords must also ensure they have a clear and effective approach where both a claim and complaint are open.

After the November 2020 inspection, the internal email listed all the repairs needed, including replacing the bathroom fan, installing a kitchen fan and possibly a ventilation unit, as well as treating the 'severe' mould, but acknowledged that none of these would be ticketed for action because of the disrepair claim. The email further acknowledges that Awaab's mother might have been unaware of 'what she had signed up to' when taking out the disrepair claim because English wasn't her first language, but without any associated recognition that this was a further reason to refer the situation to the 'Eyes Wide Open' campaign or to action repairs.

That internal email prompted a check as to whether the solicitors had replied to the July 2020 report that was sent to them, but when it was established that no reply had been received, nothing further was done and the solicitors were not chased. The solicitors had actually closed their file in September 2020 but had not told the landlord – there was nothing preventing the landlord from actioning the required repairs with the urgency they required. Two months after Awaab's death, the landlord was criticised in another disrepair court case for not taking any action on the repairs needed for nine months while the claim was ongoing, and the resident was refusing access. The landlord now sends chasing letters to solicitors within 14 days and, if they still receive no reply, will consider actioning the repairs, provided they can get access to do so.

The landlord has commissioned an external body to do a wholesale review of its repairs service to ensure that it starts to provide an efficient, quality, right first-time approach and value-for-money service. This review is due to be completed by the end of March 2023. The review will cover:

- initial repair requests to understand the financial cost of repeat requests and repeat call outs

- the planning function to ensure staff resources are used efficiently
- productivity rates to compare with similar sized landlords.
- the capacity within the empty homes team

During our investigation, we have been approached by members/former members of staff from Rochdale Boroughwide Housing who wanted to share their experiences and opinions on the landlord's attitude towards residents. It is also clear some staff did not feel comfortable raising their issues through the whistleblowing process in place within the landlord.

The landlord intends to regularly communicate its whistleblowing policy to encourage a culture of 'calling out' where staff have concerns, and it is also providing specific Equality and Diversity training that includes confidence building to empower staff to challenge when they feel policies or procedures and a process-driven culture has overtaken doing what is right.

Organisational learning

Until the inquest, the landlord did not show a strong ability to learn from its mistakes or take opportunities to improve from them. As outlined throughout the body of this report, the landlord did not take the appropriate actions from the tragedy of Awaab Ishak's death and had an obligation to find the silence where the potential lay for another tragedy to occur.

Our investigation examined the learning identified by the landlord at the coroner's inquest and at the end of 2022, to ascertain whether this is sufficient. The learning review conducted and submitted to the coroner in July 2022 identified the following:

- the management structure for the disrepair was too cumbersome and there were too many reporting lines that had to be followed when escalating a report
- there was a lack of inter-team communication across the teams involved in disrepair cases (e.g. legal, customer contact centre and the repairs team)
- the need for video calls when conducting a conversation via a translator to ensure that body language, facial expression and gestures can be included in the translation
- an improved induction programme for call handlers with improved quality assurance, including peer support
- an improved translation offering
- the customer relationship management (CRM) system, which records all contact into the contact centre, was not widely used because it had not been implemented well
- the CRM system was not used as the central database for recording all information given to the landlord about their residents – for example, a change in the household's composition
- the landlord had 16 generic officers covering the entire geographical spread of their homes and have now increased that to 20 dedicated neighbourhood housing officers, each assigned a specific area
- there were two separate contact centres – one exclusively for rent payments and the other for everything else.

The review concentrates entirely on barriers to information sharing and knowledge retention – it is entirely focussed on how to improve the process, with limited lessons on how to improve customer service and no recognition of the duty of care it failed to provide Awaab’s family. This reflects the prevailing culture that we have found throughout our investigation of the landlord – a process-orientated culture that has completely lost sight of the people at the heart of the service it provides.

There was a further learning review conducted in November 2022 after the conclusion of the inquest and it became clear that the coroner considered the landlord’s lack of actions on the mould to be responsible for Awaab’s death. Only then did the landlord look at what more it could do to support the people reporting mould to them and what it needs to do to remove the blame language from the conversation. In that learning review, it acknowledges the current subjectivity issues surrounding the mould hazard risk assessment, including the individual operative’s perception bias. This is also the first time that the landlord acknowledged that wholesale, proactive, works to address ventilation issues are required.

This review also finally looks at the prevailing culture perpetuated by management structures. In 2019, all roles pertaining to customer relations and learning from complaints sat under the Head of Transformation, a vacant role that did not sit within ‘business as usual’ but under a specific transformation area of the business. A dedicated Head of Customer Experience role was created within the main area of the business with the portfolio for:

- Customer Contact
- Customer Insight
- Customer Engagement/Involvement
- Customer Feedback
- Learning from Complaints

As well as learning from critical incidents, complaints are an opportunity to learn and turn a mistake into an opportunity to improve and it is reassuring that there is now a dedicated role to delivering learning from complaints. There does, however, remain further work that the landlord needs to do to ensure that it has the appropriate infrastructure and procedures in place to allow access to the complaints system for efficient and effective handling of complaints to generate that learning.

Currently, there is no complaint policy on the landlord’s website and instead, it is ‘available upon request’. The landlord provided the Ombudsman with a complaint policy dated February 2022 for the purposes of this investigation and we have assessed that, and the accompanying self-assessment.

The policy is not as thorough as we would expect and does not include aspects as outlined in the Housing Ombudsman’s Complaint Handling Code (the Code) such as an emphasis around equality playing a part in complaints. The landlord briefly mentions the induction training for all staff on respect, but there does not appear to be any dedicated intention to ensure equality is considered when addressing complaints. As many of the issues we have identified in our investigation concern the fair treatment of residents, particularly those with protected characteristics, we are

concerned that the complaint policy does not sufficiently address how it will put equality at the heart of its complaint handling. The landlord has told us it is reviewing the policy.

The complaint policy incorrectly states that a complaint may progress immediately to stage 2 if it is considered to be a serious complaint. This is not what is required by the Code – all complaints must be given two stages of handling. If the landlord wishes to appoint someone more senior to handle a more serious complaint, it can do so, but the initial handling of a complaint will always be a stage 1 complaint and the resident must always have the right to escalate their complaint to a second stage review to ensure another member of staff can examine it. Having a more serious complaint only have one stage of handling goes completely against the culture of fair and equal treatment that the Code seeks to cultivate.

We are also concerned that these two issues have not been identified in the self-assessment, which states that the policy is fully compliant with the Code. This might suggest that the ethos underpinning those two particular requirements – that every resident gets fair and equitable treatment and active steps are taken to ensure that – have not been fully grasped by the landlord. This would be entirely in keeping with our wider findings on service provision by the landlord.

The landlord also has an Unreasonable Behaviour (Complaints) Policy in place with a lengthy annex that outlines examples of what the landlord considers unreasonable behaviour. These include 'refusing to accept the decision' and 'repeatedly arguing points with no new evidence'. This is not unreasonable behaviour. That is a resident exercising their right to challenge and question the outcome of their complaint. In many of the cases we have reviewed, the outcome the landlord reached on the evidence given was found to be incorrect. It is therefore entirely reasonable for a resident to be arguing the outcome without needing to provide new evidence. The landlord needs to keep separate its reasons not to accept a complaint into the system again, such as: the complaint has had due process applied; it has been escalated through the stages and; has had the right to take the complaint to the Ombudsman, from its reasons to restrict or manage contact which needs to focus entirely on behaviour that is unacceptable to staff on the receiving end, such as abusive or grossly excessive contact.

The policy also states that all records of unreasonable behaviour will be kept for six years. Six years appears excessive – there is a risk that residents will not be dealt with fairly because of a perception bias based on how they conducted themselves in the past, particularly given that the policy currently cites refusing to accept a decision as unreasonable behaviour.

Case Study – 202208649

Ms F is a wheelchair user and the landlord knew this as it had carried out repairs and adaptations at the property previously. It was also in discussions with the local authority's social care department about widening the front door to make wheelchair access easier, although the front door was not widened or replaced and the landlord's records do not explain why.

Five years later Ms F had issues with the lock on the existing door and was unhappy that she had been charged a fee to fix it. Her reasoning was that the door had been faulty for a number of years and had been due to be replaced and widened for the last five years.

In its complaint response, the landlord advised that the lock charges are the resident's responsibility in line with its chargeable repairs policy. It did not reply in relation to the residents points about the promised door replacement.

This service agreed that it was reasonable for the landlord to initially recharge the cost of the lock but once Ms F disputed the charge because of the outstanding repairs to the door, the landlord should have investigated the issues raised.

The Ombudsman determined the landlord had shown poor record keeping on the door works that had originally been planned, as well as poor complaint handling, and found service failure. It ordered the landlord to pay compensation to the resident and to contact her about the outstanding door issues.

Compliance

Orders and recommendations

In the nine cases monitored, we ordered the landlord to apologise to five residents and pay more than £8,000 in compensation to residents. More significantly, we made several orders and recommendations to try to prevent the same problems happening again.

Proactive communication strategy

In case 202119072 we ordered the landlord to:

- Remove and update the information provided on its website relating to damp and mould.

Treating people fairly

In cases 202122922, 202201509 and 202205227 we ordered the landlord to:

- Review its service and complaint handling, to ensure that it communicates more clearly to residents in respect to its actions and basis for any positions;
- Review its policies to ensure that all proper consideration to a resident's vulnerabilities and circumstances are given when taking any action;
- Review its ASB policy with a view to improving its explanation as to its assessment and residents' recording of ASB.

Damp and Mould Strategy

In case 202119072 we ordered the landlord to:

- Consider the failings identified in the report, identify what changes will be made to reduce the risk of the failings happening again. The review must also include consideration of the Ombudsman's Spotlight Report on Damp and Mould. The landlord should report the outcome of this review to its appropriate governing body;
- Devise a policy and procedure for responding to reports of damp and mould within its housing stock as part of its review of its approach to damp and mould. The policy and procedure should include reference to monitoring of and adhering to agreed timescales, completing work to appropriate standards and keeping residents informed.

Record keeping

In cases 202119072 and 202207014 we ordered the landlord to:

- Review its record keeping practices for repairs and maintenance, in particular for cases where damp and mould is reported. This is to ensure that accurate and accessible records are kept and maintained, both of inspections and surveys carried out, and of works raised and completed. As part of its review, the landlord should consider whether a record management policy and staff training are required;
- Review its repairs logging practice to ensure that target timescales are in alignment with its responsive repairs policy.

Empowering staff

In case 202207288 we ordered the landlord to:

- Give training to all staff dealing with ASB cases to strengthen their knowledge and confidence on when a referral should be made for enforcement action.

In cases 202113713, 202201509 and 202205227 we recommended that:

- The landlord review learning from the case for how it responds to claims related to its repairs service, in accordance with its policy and the Ombudsman's guidance on insurance;
- The landlord review whether any learning or staff training is required on issuing a diagnosis from repairs reports;
- The landlord undertake staff training to ensure its staff are aware of the contact requirements in its Notice to Quit procedure.
- Review its staff's training needs on:
 - Applying tenancy agreement conditions
 - Remedies with regard to ASB and pet nuisance
 - Its ASB policy's provisions on specialist support for vulnerabilities.

Use complaints system to learn

In case 202208649 we recommended that:

- The landlord reviews its staff training requirements for complaint handling, to ensure that all points of the complaint are addressed.

Conclusion

Our investigation found that the root cause of service failure within Rochdale Boroughwide Housing was a propensity to dismiss residents and their concerns out of hand, with staff believing that they knew better and that the expectations of their residents were unreasonable. Rochdale Boroughwide Housing is a mutual society – it is co-owned by its residents and its employees – making this attitude and the endemic ‘othering’ of its residents even more difficult to countenance. That attitude was then further exacerbated by a poor standard of customer service, when they did accept that action was required, because of databases that did not share information, extremely poor record keeping and the use of incorrect methods (email) to manage the service response.

Condensation is a very real problem facing residents living modern lives and it is not their fault, particularly when the ventilation in the home is demonstrably inadequate. The advice available to residents in Rochdale Boroughwide Housing on maintaining a healthy home is still simplistic and broad-brush and is not tailored to the type of property, or type of family, that a household might be. Given the widespread presence of serious mould in just one estate, it is inevitable that there are more of the landlord’s residents living with serious mould and more support needs to be offered than superficial actions.

The landlord is planning large-scale improvements to its data culture and the databases to deliver that culture change, but installing new systems only provide the functionality – what will be key to the success of these systems is good and embedded training, quality assurance processes and exception reporting aligned to performance management. This is a significant lesson for other landlords, given the problems we see in record keeping across the sector.

The landlord also cannot rely on one-off retrospective exercises to improve its datasets once a tragedy has occurred. Rolling stock survey programmes should be viewed as an investment – a chance to identify the issues and take immediate action, thus prolonging the life of the property and preventing significantly more costly remedial action and/or legal action later down the line.

People’s lives and welfare depend on the landlord knowing who they are, what home they live in, and what has been done previously – this information must be reviewed regularly and updated through a tenancy audit or similar method.

Offering relevant training and ensuring it is embedded is a start but more needs to be done to move the culture back towards a focus on customer service and seeing the resident. The resident is turning to the landlord for help and the dehumanisation of residents because of deadlines, targets, waiting lists or personal bias has no place in a modern social housing sector.

The landlord's stated values are:

Collaboration - *We are stronger together. We must be active listeners and partners, who respect diversity and tackle stigma. This empathy and deep collaborative ethos is the source of our strength and power.*

Democracy - *We are democratic. Our democracy is rooted in our mutual status and evidenced in our governance through our Representative Body and Board. Our tenants, employees and communities have voice and power over what we do, and how we operate.*

Equity - *We seek fairness and equality. This is how we think and operate as a mutual Society, and why we strive for greater inclusion and equality within RBH, in our communities, and in the wider economy and society of Rochdale borough and elsewhere.*

Pioneering - *We innovate. We have pioneered mutuality and cooperation within the housing sector and wider. We will continue to strive to champion new innovations in creating excellent homes, a sustainable environment, and a just economy for our communities.*

Responsibility - *We build mutual respect. We have a responsibility to create great homes, communities and be a good employer, and we are rightly held accountable on that. We also care about and are responsible for each other and act with individual and collective integrity building mutual respect.*

Recruiting the right staff, using values-based recruitment methodology, coupled with an organisation-wide culture programme that encourages and supports staff to report inappropriate attitudes, is essential.

The weakness in policies, repeated failures and failure to learn from complaints has led the Ombudsman to a conclusion of wider service failure by the landlord, particularly in the handling of damp and mould, record keeping and communication.

Our investigation into Rochdale Boroughwide Housing has found reoccurring instances of residents being treated in dismissive, inappropriate or unsympathetic ways. In some instances the language used was derogatory. It is highly unlikely that this endemic behaviour of 'othering' is isolated to a single landlord and the social housing sector as a whole should consider whether they also need to turn over the stone and do a deep-dive into their culture and whether they are living their social purpose.

Recommendations

Within three months of this report, the landlord should publish and provide the Ombudsman with details of the following:

2023 lessons learned review

- The outcome of the 2023 lessons learned review that will examine:
 - The events that led to and followed from Awaab Ishak's death relating to the governance, risk, control and assurance processes and practices in place during this period
 - Why the initial review of stock and data that was carried out after Awaab's death in 2021 did not identify the damp and mould issues identified in 2022
- The action plan arising from that review.

Damp and mould strategy

- A dedicated strategy for handling damp and mould, including:
 - Proactive prevention works that fully consider future Net Zero plans
 - How disrepair claims will be handled within the existing framework
 - Formal hazard assessments for every mould inspection
 - A nuanced assessment framework for grading the severity of the mould found during an inspection that takes into account the proportion and the nature of rooms affected
 - How damp and mould identified during the void process will be managed – this should be echoed in the void standard and policy
 - Consideration of when a management move or transfer to alternative accommodation may be required, whether permanently or on a temporary basis whilst work is undertaken – this should be included in the relevant policy.

Guidance

- Separation of guidance to residents on how to report mould from guidance on how to maintain a healthy home
- Specific guidance to residents about how to access the complaints system and what the complaints system can do for residents as opposed to pursuing a disrepair claim, alongside targeted awareness raising of the complaints procedure

- Review of guidance on maintaining a healthy home by a damp, condensation and mould specialist, in conjunction with residents, to ensure actions are realistic and achievable
- Consideration of additional community events and open surgeries to discuss condensation management methods, these should not just focus on estates where there are known damp and mould issues.

Resident engagement

- A training programme of re-education for staff on courtesy and respect with regular refresher sessions
- An education programme about asylum seekers and refugees with regular refresher sessions
- Implementation and refresher management monitoring for these programmes
- Quality assurance processes to evaluate and ensure the learning from these programmes has made an impact and elicited change

Performance management

- A programme of exception reporting to management on data quality, including the data provided to the landlord by the local authority from (re)homing applications
- Feedback mechanisms for possible disciplinary action where record keeping is found to be at fault, either through a complaint or through exception reporting
- Explicit reporting on follow up inspections in line with the landlords six-, 12- and 18-month inspection process – this should identify properties where appointments have not been kept, the reasons and any measures taken to resolve this – this information should be reported to senior management and actions taken where required.

Knowledge

- Prioritising a survey of all residents/tenancy audit to establish who is living in the homes, vulnerabilities and the presence of children
- The outcome of the stock conditions surveys and resulting action plan
- Plans put in place to frequently revisit this information, review and update it

Empowering staff

- A review of the 'Eyes Wide Open' campaign to be clearer on the triggers for reporting households to the campaign
- An addition to the objectives of maintenance operatives to proactively note who is living in the homes, signs of financial, emotional or physical distress and whether there are stock condition issues in evidence
- A review, including an anonymous staff survey, of the usage of the whistleblowing policy in the past five years to identify areas that are not being reported and why staff do not feel safe to raise their concerns
- A review of the job descriptions for all front-facing staff to ensure that customer focus and the landlord's stated values are present throughout
- A review of the recruitment process for all front-facing staff to ensure that customer focus and the landlord's stated values form the backbone of the testing process.

Complaints handling

- An updated and Code compliant complaint policy
- Alignment of the planned governance reporting to our [guidance note](#)
- Creation of a Managing Unacceptable Behaviour policy that aligns with the Ombudsman's [guidance](#) on our website.
- An updated self-assessment responding to all sections
- Accessible versions of the policies directly downloadable from the website.

Rochdale Boroughwide Housing statement

We would like to thank the Ombudsman service for its very thorough and balanced report. The findings in the report are sobering but not unexpected. There has been significant learning from the tragic death of Awaab Ishak, which highlighted key areas of concern within RBH.

We have recognised that too often damp and mould was not seen as a serious issue and was attributed to a resident's lifestyle.

At RBH we have taken significant steps since December 2022 to tackle this across our homes. But it is fair to say that this work should have started much sooner and that the scale of the issue in our homes means it will take us time to complete.

The report also highlights concerns with the way in which residents were treated. Our residents have the right to be treated with respect and listened to and too often this wasn't happening. We will put this right and have begun a culture shift programme across the organisation.

There are wider lessons that we need to act upon, around the investment in our existing homes, and how this is balanced against the desperate need for more homes. Issues of overcrowding in homes have a detrimental effect in a lot of areas and is a significant issue within Rochdale but also across the country, with insufficient family homes to move people into. However, this should not excuse us from trying to find solutions, investigating the root cause of the damp and mould and taking action to treat it.

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NICE National Institute for
Health and Care Excellence



Indoor air quality at home

NICE guideline

Published: 8 January 2020

www.nice.org.uk/guidance/ng149

Your responsibility

The recommendations in this guideline represent the view of NICE, arrived at after careful consideration of the evidence available. When exercising their judgement, professionals and practitioners are expected to take this guideline fully into account, alongside the individual needs, preferences and values of their patients or the people using their service. It is not mandatory to apply the recommendations, and the guideline does not override the responsibility to make decisions appropriate to the circumstances of the individual, in consultation with them and their families and carers or guardian.

All problems (adverse events) related to a medicine or medical device used for treatment or in a procedure should be reported to the Medicines and Healthcare products Regulatory Agency using the [Yellow Card Scheme](#).

Local commissioners and providers of healthcare have a responsibility to enable the guideline to be applied when individual professionals and people using services wish to use it. They should do so in the context of local and national priorities for funding and developing services, and in light of their duties to have due regard to the need to eliminate unlawful discrimination, to advance equality of opportunity and to reduce health inequalities. Nothing in this guideline should be interpreted in a way that would be inconsistent with complying with those duties.

Commissioners and providers have a responsibility to promote an environmentally sustainable health and care system and should [assess and reduce the environmental impact of implementing NICE recommendations](#) wherever possible.

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Overview

This guideline covers indoor air quality in residential buildings. It aims to raise awareness of the importance of good air quality in people's homes and how to achieve this.

See a [2-page visual summary on actions to improve indoor air quality](#).

[NICE has also produced a guideline on outdoor air pollution](#).

Who is it for?

- Environmental health practitioners
- Building control, housing and maintenance staff
- Healthcare professionals
- Public health professionals
- Planners and regulators involved with residential developments
- Architects, designers and builders
- Private property managers and private landlords
- Housing associations
- Voluntary sector
- Members of the public

Recommendations

People have the right to be involved in discussions and make informed decisions about their care, as described in [NICE's information on making decisions about your care](#).

[Making decisions using NICE guidelines](#) explains how we use words to show the strength (or certainty) of our recommendations, and has information about prescribing medicines (including off-label use), professional guidelines, standards and laws (including on consent and mental capacity), and safeguarding.

Box 1 People who may be particularly vulnerable and factors that increase the risk of ill health due to exposure to poor indoor air quality

People who may be vulnerable

People who may be particularly vulnerable to ill health as a result of exposure to poor indoor air quality include:

- people with a pre-existing health condition such as asthma, allergies, chronic obstructive pulmonary disease (COPD) and cardiovascular disease
- pregnant women and their unborn babies
- pre-school children
- older people
- people who live in poor-quality housing
- people exposed to tobacco smoke in their homes
- people who live in poverty.

Housing conditions

Housing conditions that put people at increased risk of exposure to poor indoor air quality include:

- location (external factors such as high levels of outdoor air pollution, or where noise or security risks mean residents do not open windows)
- physical infrastructure (such as small room size, inadequate ventilation and the building's layout and orientation)
- standard of housing (for example, with damp and mould or physical disrepair including flood damage or with unflued or poorly maintained fuel-burning appliances)
- overcrowding.

There are a number of activities that might contribute to poor indoor air quality (see the [section on advice and information for the general population](#)).

For the purposes of this guideline, the term 'local authorities' covers all types of local

authority in England; these are county councils, district councils, unitary authorities, metropolitan districts and London boroughs. Each local authority should decide which of the following recommendations are relevant to their local responsibilities.

1.1 Prioritising indoor air quality in local strategy or plans

These recommendations are for local authorities.

- 1.1.1 Embed a plan for improving indoor air quality in an existing strategy or plan to improve people's health. This could be a general air quality strategy if one exists. Otherwise, for example, include it in a strategy on housing, health and wellbeing, or inequalities.
- 1.1.2 Ensure the strategy or plan takes account of the housing conditions that put people at increased risk of exposure to poor indoor air quality and especially people who are particularly vulnerable to ill health as a result of such exposure (see [box 1](#)).
- 1.1.3 Emphasise the need for a balanced approach to ventilation, insulation and heating for good indoor air quality. (See the [sections on raising awareness of poor indoor air quality in the home](#) and [advice and information for the general population](#), and [NICE's guideline on winter deaths and illness and cold homes](#).)
- 1.1.4 Encourage joint working between local authority departments, across different local authorities, with local health and social care providers, and with voluntary, community and social enterprise organisations and other organisations with interest in indoor air quality, to improve air quality in people's homes (see the [sections on raising awareness of poor indoor air quality in the home](#) and [advice and information for the general population](#)).
- 1.1.5 Encourage the use of existing home visits to identify poor indoor air quality. For example, visits to people's homes by housing officers, environmental health practitioners, community health services, social workers, care workers, and fire and rescue services.

- 1.1.6 Encourage the use of local inspection protocols to identify poor indoor air quality during home visits. This may include visual inspections, checklists and the monitoring of pollutant levels. Use this information to identify other homes that may be at increased risk of poor indoor air quality.
- 1.1.7 Encourage joint working with external organisations to inform home improvement programmes and identify grants to combat poor indoor air quality.
- 1.1.8 Monitor progress against the goals of the strategy. Use audit data (see the recommendation on encouraging the use of existing home visits in this section) plus the lists in box 1 to identify people who may be vulnerable and properties that are at risk.

For a short explanation of why the committee made these recommendations and how they might affect practice, see the [rationale and impact section on prioritising indoor air quality in local strategy or plans](#).

Full details of the evidence and the committee's discussion are in:

- [evidence review 1: associations between individual or building characteristics and exposure levels](#)
- [evidence review 2: exposure to pollutants and health outcomes](#)
- [evidence review 4: effective strategies for raising awareness](#).

1.2 Referrals for a housing assessment

These recommendations are for local authorities.

- 1.2.1 Develop a structured process so that health and social care professionals and housing and local authority staff can use existing referral pathways to help people request a housing assessment if poor indoor air quality has been identified or is suspected, for example, by using the housing

condition factors in [box 1](#).

- 1.2.2 Advise health and social care professionals and housing and local authority staff on how to help people request a housing assessment if poor indoor air quality is identified or suspected, for example, by using the housing condition factors in [box 1](#).

For a short explanation of why the committee made these recommendations and how they might affect practice, see the [rationale and impact section on referrals for a housing assessment](#).

Full details of the evidence and the committee's discussion are in:

- [evidence review 1: associations between individual or building characteristics and exposure levels](#)
- [evidence review 2: exposure to pollutants and health outcomes](#).

1.3 Raising awareness of poor indoor air quality in the home

These recommendations are for local authorities.

- 1.3.1 Use existing communication strategies to ensure members of the public and relevant professionals (those involved in planning, designing, building, renovating and maintaining homes) are aware of:
- the causes of poor indoor air quality
 - how residents' activities can affect indoor air quality
 - how health is affected by poor indoor air quality
 - who is particularly vulnerable (see [box 1](#))
 - how to prevent or reduce poor indoor air quality.

- 1.3.2 Use existing professional development opportunities to ensure local authority staff who visit people in their homes (such as housing, healthcare and social care professionals):
- know about the sources of indoor air pollutants and how they can affect health
 - can give general advice on how to avoid activities that increase the level of indoor air pollutants (see the [sections on advice and information for the general population](#) and [healthcare professionals](#))
 - can give general advice on how to improve ventilation if the source of the pollutant cannot be controlled (see the [sections on advice and information for the general population](#) and [healthcare professionals](#))
 - are aware that affordability may be a barrier to effective and efficient heating and ventilation
 - know that tenants may not be allowed to repair or alter building fabric, fixtures or fittings
 - know who can provide help with repairs and necessary improvements (for example, the local authority or a home improvement agency)
 - can advise people on how to request a housing assessment (see the [section on referrals for a housing assessment](#)).

For a short explanation of why the committee made these recommendations and how they might affect practice, see the [rationale and impact section on raising awareness of poor indoor air quality in the home](#).

Full details of the evidence and the committee's discussion are in [evidence review 4: effective strategies for raising awareness](#).

1.4 Advice and information for the general population

These recommendations are for local authorities.

- 1.4.1 Advise people on how to reduce damp and condensation and prevent mould. For example, by:
- using background ventilation (such as trickle vents, or whole-house mechanical ventilation systems)
 - using mechanical ventilation (such as extractor fans), and opening windows where possible and safe to provide temporary increased ventilation
 - avoiding moisture-producing activities (such as air-drying clothes) indoors if possible, or improving ventilation if these cannot be avoided
 - repairing sources of water damage and ensuring that residual moisture is removed.
- 1.4.2 Advise people on how to use trickle vents correctly.
- 1.4.3 Tell people that the following activities may lead to poor indoor air quality and that they should think about increasing ventilation (by using extractor fans in the bathroom or kitchen, or opening windows if possible and safe):
- using cookers, especially gas cookers
 - using open solid-fuel fires
 - using candles
 - using free-standing gas heaters
 - using cleaning products, household sprays or aerosols and paints
 - having a bath or shower
 - air-drying clothes in the home.
- 1.4.4 Advise private and social tenants to contact their landlord if:
- ventilation is not adequate (for example, if the ventilation system is not working, trickle vents are blocked or damaged, extractor fans in the kitchen or bathroom are not working, or if excessive noise from the fans discourages their use)

- repairs are needed to prevent water from entering their building
 - improvements to heating or insulation are needed to prevent condensation.
- 1.4.5 Advise private and social tenants to contact their local authority if no action is taken to improve ventilation or carry out repairs (see the [government guides on private renting](#) and [council housing](#), and the [Guide for tenants: Homes \[Fitness for Human Habitation\] Act 2018](#)).
- 1.4.6 Advise people not to use unflued paraffin heaters in the home.
- 1.4.7 Advise people to follow the product instructions when using, for example, candles, paints, glues and solvents, to minimise exposure to pollutants.
- 1.4.8 Advise people to choose low-emission materials (for example, products with a low volatile organic compound [VOC] or formaldehyde content and emissions) if furniture or flooring needs replacing.
- 1.4.9 Advise people installing a new cooker about the need for ventilation, especially for gas cookers.
- 1.4.10 Advise people not to use gas cookers to heat a room.
- 1.4.11 Encourage people not to smoke in the home (see [NICE's guidelines on stop smoking interventions and services](#) and [smoking: stopping in pregnancy and after childbirth](#)).

Also see the section on healthcare professionals' advice for women who are pregnant or who have given birth in the past 12 months (see the [section on healthcare professionals](#)) and the section on advice for property managers and landlords (see the [section on rental properties](#)).

For a short explanation of why the committee made these recommendations and how they might affect practice, see the [rationale and impact section on advice and information for the general population](#).

Full details of the evidence and the committee's discussion are in:

- [evidence review 1: associations between individual or building characteristics and exposure levels](#)
- [evidence review 2: exposure to pollutants and health outcomes](#)
- [evidence review 3.1: material and structural interventions](#).

1.5 Healthcare professionals

People with asthma, other respiratory conditions or cardiovascular conditions

- 1.5.1 Explain that indoor air pollutants (including nitrogen dioxide, damp, mould, [particulate matter](#) and VOCs) can trigger or exacerbate asthma, other respiratory conditions or cardiovascular conditions.
- 1.5.2 If a person has repeated or worsening respiratory symptoms such as a cough or wheezing, ask about their housing conditions. If these are a concern, help them request a housing assessment from the local authority (see the [section on referrals for a housing assessment](#)).
- 1.5.3 Advise people whose asthma is triggered by household sprays, air fresheners or aerosols to:
- avoid using them
 - use non-spray alternatives.

Also see the section on advice and information for recommendations about ventilation and controlling sources of pollution (see the [section on advice and information for the general](#)

[population](#)) and [NICE's guideline on asthma](#).

People who are allergic to house dust mites

1.5.4 Advise people who are allergic to house dust mites how to reduce their exposure to them. This includes:

- avoiding second-hand mattresses if possible
- using allergen barriers such as mattress and pillow covers
- washing bedding regularly.

Also see the section on advice and information for recommendations about ventilation and controlling sources of pollution (see the [section on advice and information for the general population](#)) and [NHS advice on allergen avoidance](#).

Women who are pregnant or who have given birth in the past 12 months and partners and people who live with them

1.5.5 Ask about the person's housing conditions. If housing factors are a health concern, for example, because of damp or lack of ventilation, help them request a housing assessment from the local authority (see the [section on referrals for a housing assessment](#)).

1.5.6 Advise women who are pregnant that they are at increased risk of ill health from exposure to poor indoor air quality. Advise people who care for babies under 12 months old that the baby is at increased risk. Both groups should:

- reduce their use of household sprays, air fresheners and other aerosols, and always follow product instructions
- if possible, avoid or reduce activities that produce particulate matter such as using open solid-fuel fires or candles
- always keep the room well ventilated during these activities.

See also [recommendations 1.4.3, 1.4.4, 1.4.6 and 1.4.8](#).

- 1.5.7 Explain that other people's tobacco smoke is a risk to a woman who is pregnant and her baby, before and after birth. Advise not smoking in the home or around the woman and her baby. (Also see [NICE's guideline on smoking: stopping in pregnancy and after childbirth.](#))

For a short explanation of why the committee made these recommendations and how they might affect practice, see the [rationale and impact section on healthcare professionals.](#)

Full details of the evidence and the committee's discussion are in:

- [evidence review 1: associations between individual or building characteristics and exposure levels](#)
- [evidence review 2: exposure to pollutants and health outcomes](#)
- [evidence review 3.2: occupant behaviour interventions.](#)

1.6 Regulators and building control teams

- 1.6.1 Update existing standards, for example building regulations, or develop new ones for indoor air quality. Base them on current safe limits set for pollutants in residential developments. See, for example, [World Health Organization guidelines on selected pollutants \(2010\)](#) and [dampness and mould \(2009\)](#), and the [Public Health England indoor air quality guidelines for selected VOCs \(2019\)](#).
- 1.6.2 Use existing building regulation enforcement activities to improve indoor air quality. Ensure enforcement takes place within the specified timelines. (See the [government's Building Regulations 2010](#) and [Housing health and safety rating system operating guidance](#), and the [Planning Portal's failure to comply with the building regulations.](#))

For a short explanation of why the committee made these recommendations and how they might affect practice, see the [rationale and impact section on regulators and building control teams](#).

Full details of the evidence and the committee's discussion are in:

- [evidence review 1: associations between individual or building characteristics and exposure levels](#)
- [evidence review 2: exposure to pollutants and health outcomes](#).

1.7 Architects and designers

Avoiding sources of pollutants

- 1.7.1 Consider specifying building materials and products that only emit a low level of formaldehyde and VOCs. Use existing labelling schemes or other available information on product emissions (for example, on product labels) to make these specifications.
- 1.7.2 Design or specify heating systems that minimise indoor exposure to [particulate matter](#).

Heating and ventilation

- 1.7.3 Adopt a whole-building approach to heating and ventilation to ensure indoor air quality is maintained while achieving standards for energy use. (Also see [NICE's guideline on winter deaths and illness and cold homes](#).)
- 1.7.4 Ensure design strategies include provision for removing indoor air pollutants, for example by:
- specifying kitchen extractor fans or cooker hoods that extract to the outside, and are easily accessible for cleaning or maintenance, with simple instructions for residents

- when safe and appropriate to do so, specifying that all habitable rooms are provided with windows that are openable and that windows or openings meet the [purge ventilation](#) requirements (see the [Ministry of Housing, Communities and Local Government's advice on ventilation](#)).
- 1.7.5 Design ventilation systems to reduce or avoid exposure to outdoor air pollution. For example:
- ensure windows that open face away from sources of outdoor air pollution, such as busy roads
 - fit mechanical systems with filtration to protect against outdoor pollutants. (Also see the [government clean air strategy 2019](#).)
- 1.7.6 When building dwellings or refurbishing them to improve thermal performance, ensure there is permanent, effective ventilation.

For a short explanation of why the committee made these recommendations and how they might affect practice, see the [rationale and impact section on architects and designers](#).

Full details of the evidence and the committee's discussion are in:

- [evidence review 1: associations between individual or building characteristics and exposure levels](#)
- [evidence review 2: exposure to pollutants and health outcomes](#)
- [evidence review 3.1: material and structural interventions](#)
- [evidence review 3.3: ventilation design and use](#).

1.8 Builders, contractors and developers

These recommendations apply both to building new homes and renovating or refurbishing existing homes.

- 1.8.1 Ensure products and materials comply with building regulations, design

specifications and the manufacturer's guidance on installation and commissioning.

- 1.8.2 Use materials that emit a low level of formaldehyde and VOCs as specified. If materials need to be substituted, only use products with the same or lower emission levels.
- 1.8.3 Ensure all heating and ventilation is installed and commissioned in accordance with the manufacturer's instructions and meets building regulation requirements.
- 1.8.4 Ensure all installed heating and ventilation systems are easily accessible for regular maintenance.
- 1.8.5 Ensure any variations to the heating and ventilation specification comply with design specifications and building regulations (see the [Ministry of Housing, Communities and Local Government's advice on ventilation](#)).

For a short explanation of why the committee made these recommendations and how they might affect practice, see the [rationale and impact section on builders, contractors and developers](#).

Full details of the evidence and the committee's discussion are in [evidence review 3.1: material and structural interventions](#).

1.9 Rental properties

These recommendations are for local authorities and cover both private and public rented housing.

Regulations

1.9.1 Use existing regulatory powers to:

- reduce people's exposure to pollutants in their homes by ensuring identified problems such as damp and mould are fixed promptly

- ensure homes have suitable and efficient heating and ventilation (see the [Ministry of Housing, Communities and Local Government's advice on ventilation and housing health and safety rating system operating guidance](#), and [NICE's guideline on winter deaths and illness and cold homes](#)).

1.9.2 Where a housing assessment has identified problems in private or public rented housing that may contribute to poor indoor air quality, ensure the property has:

- heating appliances and ventilation systems that:
 - comply with design and performance requirements
 - are correctly installed and tested
 - keep properties warm and ventilated without excessive heat loss or draughts
- ventilation that prevents the build-up of pollutants, including:
 - trickle vents
 - working mechanical ventilation systems, such as extractor fans, in bathrooms and kitchens
 - windows that open (but not onto busy roads or other major sources of outdoor air pollution)
- cooking appliances that:
 - comply with design and performance requirements
 - are correctly installed and tested.

1.9.3 Where a housing assessment has identified water damage in private or public rented housing, ensure that any water damage is repaired as soon as possible and the property has properly dried out.

Property management

1.9.4 Advise property managers and landlords to:

- develop and undertake maintenance programmes for heating and ventilation systems
- provide clear, easy-to-understand instructions telling residents how to use the heating and ventilation systems effectively.

1.9.5 Advise property managers and landlords about:

- the health risks associated with poor indoor air quality
- methods to control and minimise identified sources of indoor air pollution (see the [section for architects and designers](#))
- their responsibilities for maintaining the property.

1.9.6 Advise property managers and landlords to:

- use low-pollutant-emission items when replacing furniture or flooring (for example, furniture or flooring with a low formaldehyde content and emission)
- ensure rooms are well ventilated and that the manufacturer's guidelines for use of materials are followed
- ensure there is adequate ventilation provision before installing a new cooker (especially a gas cooker).

For a short explanation of why the committee made these recommendations and how they might affect practice, see the [rationale and impact section on rental properties](#).

Full details of the evidence and the committee's discussion are in:

- [evidence review 1: associations between individual or building characteristics and exposure levels](#)
- [evidence review 2: exposure to pollutants and health outcomes](#)
- [evidence review 3.1: material and structural interventions](#)
- [evidence review 3.2: occupant behaviour interventions](#)
- [evidence review 4: effective strategies for raising awareness](#).

Terms used in this guideline

This section defines terms that have been used in a particular way for this guideline. For other definitions, see the [NICE glossary](#) or, for public health and social care terms, the [Think Local, Act Personal Care and Support Jargon Buster](#).

Particulate matter

Particulate matter (also referred to as PM or particle pollution) is a complex mixture of solid or liquid particles suspended in air. These particles can vary in size, shape and composition. Indoor particulate matter can be generated through cooking, combustion (including candles, open solid-fuel fires, unvented space heaters or paraffin heaters) and smoking.

Purge ventilation

Manually controlled ventilation of rooms or spaces at a relatively high rate to rapidly dilute pollutants or water vapour, for example by opening a window or using a fan.

Recommendations for research

The guideline committee has made the following recommendations for research.

Key recommendations for research

1 Health impact of air pollutants at home

What is the health impact of exposure to individual air pollutants alone or combined with each other in the home?

For a short explanation of why the committee made the recommendation for research, see the [rationale on raising awareness of poor indoor air quality in the home and advice and information for the general population](#).

Full details of the evidence and the committee's discussion are in:

- [evidence review 1: associations between individual or building characteristics and exposure levels](#)
- [evidence review 2: exposure to pollutants and health outcomes](#)
- [evidence review 3.1: material and structural interventions](#).
- [evidence review 4: effective strategies for raising awareness](#).

2 Effective interventions to improve indoor air quality for people without pre-existing health conditions

What is the effectiveness and cost effectiveness of interventions to improve indoor air quality at home for people without pre-existing health conditions?

For a short explanation of why the committee made the recommendation for research, see the [rationale on advice and information for the general population and healthcare professionals](#).

Full details of the evidence and the committee's discussion are in:

- [evidence review 1: associations between individual or building characteristics and exposure levels](#)
- [evidence review 2: exposure to pollutants and health outcomes](#)
- [evidence review 3.1: material and structural interventions](#)
- [evidence review 3.2: occupant behaviour interventions](#).

3 Air exchange rate and the quality of indoor air at home

What is the minimum air exchange rate to minimise the health effects of poor indoor air quality in the home?

For a short explanation of why the committee made the recommendation for research, see the [rationale on architects and designers](#).

Full details of the evidence and the committee's discussion are in:

- [evidence review 1: associations between individual or building characteristics and exposure levels](#)
- [evidence review 2: exposure to pollutants and health outcomes](#)
- [evidence review 3.1: material and structural interventions](#)
- [evidence review 3.3: ventilation design and use](#).

4 Impact of building materials on indoor air quality

What are the emission profiles of indoor air pollutants released from building materials in a lived-in home environment?

For a short explanation of why the committee made the recommendation for research, see the [rationale on architects and designers](#).

Full details of the evidence and the committee's discussion are in:

- [evidence review 1: associations between individual or building characteristics and exposure levels](#)
- [evidence review 2: exposure to pollutants and health outcomes](#)
- [evidence review 3.1: material and structural interventions](#)
- [evidence review 3.3: ventilation design and use](#).

5 Raising awareness of the health risks of damp and mould at home

What interventions are effective and cost effective at raising awareness of the health risks of damp and mould in the home?

For a short explanation of why the committee made the recommendation for research, see the [rationale on raising awareness of poor indoor air quality in the home](#).

Full details of the evidence and the committee's discussion are in [evidence review 4: effective strategies for raising awareness](#).

Other recommendations for research

Damp and mould in the home

How can damp and mould in the home be prevented?

How is damp and mould in the home best identified?

How is damp and mould in the home best fixed?

How can tenants be best made aware of whose responsibility it is to make any changes needed as a result of damp and mould in the home?

To find out why the committee made the research recommendations about damp and mould, see [evidence review 4: effective strategies for raising awareness](#).

Rationale and impact

These sections briefly explain why the committee made the recommendations and how they might affect practice. They link to details of the evidence and a full description of the committee's discussion.

Prioritising indoor air quality in local strategy or plans

Recommendations 1.1.1 to 1.1.8

Why the committee made the recommendations

Local authority strategies

The committee noted that local authorities have a duty of care to ensure both public sector and private homes are maintained to a 'decent' standard. The committee also noted that local authorities are responsible for ensuring people's health and wellbeing.

Limited evidence showed that exposure to poor indoor air quality is linked to a range of health problems. These include respiratory conditions such as a cough, wheezing or asthma, and allergic symptoms such as a runny nose or eye irritation.

Local authorities that have been declared an 'air quality management area' must have an air quality action plan ([government clean air strategy 2019](#)). The committee agreed that indoor air quality would fit within this plan, where it exists. Otherwise, they agreed it could be embedded within one of several existing, health-related local authority strategies.

Vulnerable groups and factors that affect indoor air quality

Poor indoor air quality is a risk to everyone's health. But evidence showed that some groups are more at risk than others (see [box 1](#)).

For example, people living in poor-quality housing – including housing with damp or with inadequate heating due to fuel poverty or housing that may need remedial work – are at

increased risk. They may not have the resources to carry out the necessary work or may have to wait a while for landlords or property managers to carry it out. This could leave them exposed to pollutants for longer.

Good evidence showed that homes with damp and those in need of repair are both linked to an increased risk of health problems. (Homes with serious damp and mould are likely to be classified as having a category 1 hazard by the [Ministry of Housing, Communities and Local Government's housing health and safety rating system](#).)

There was no evidence on the effect of poor indoor air quality on older people. But the committee agreed, based on their experience, that older people may spend longer than average at home and so may be at increased risk of exposure. People with existing health problems such as asthma or chronic obstructive pulmonary disease (COPD) are also more likely to be affected by poor indoor air quality.

Pregnant women, those who have recently given birth, and pre-school children are also at increased risk from damp and other indoor pollutants. This is partly because pregnant women and those who have recently given birth may have compromised immune systems, and pre-school children are likely to spend more time at home.

The committee agreed that location is a risk factor because if the property is near a busy road, for example, then opening windows to improve ventilation may be counterproductive. It is also important to consider other pollutant sources associated with building location, such as nearby open fires, bonfire and firework events, agricultural sources, industrial sources or railway lines, as outlined in the [government clean air strategy 2019](#).

Evidence also showed that overcrowding increases moisture in the air from everyday activities such as cooking and washing. This creates damp conditions. In addition, in properties where rooms are used for both living and sleeping (for example, in bedsits or studio flats), poor indoor air quality can have a greater impact. That is because residents are exposed to it for a greater proportion of time and smaller dwellings have less space in which to dilute pollutants. Local authorities should assess crowding and space using the [housing health and safety rating system of the Housing Act 2004](#).

Heating and ventilation can help to maintain good air quality. The committee agreed to stress that the balance has to be right, and remedial or maintenance works for any property should be assessed individually. For example, insulating the home to prevent cold without thinking of ventilation might lead to increased humidity and condensation, which in

turn results in damp. But the committee concluded that because buildings vary so much (for example, in terms of age, type, location and state of repair), it wouldn't be practical to make any specific recommendations in this area.

Joint working, inspection protocols and home visits

There was evidence on the benefits of home visits by healthcare professionals to prevent or reduce indoor air pollution. The committee were also aware of examples of shared decision making on health and funding in England.

There was a lack of evidence on the benefits of joint working and local inspection protocols to prevent or reduce indoor air pollution. But the committee agreed to recommend these actions because:

- Staff who visit vulnerable people in their homes are ideally placed to report on poor housing conditions, particularly if there are inspection protocols in place.
- Sharing this information, subject to local data-sharing arrangements, would speed up the process of assessment and remedying the poor housing conditions.

Home improvements

Based on their knowledge of current practice in England, the committee agreed that local authorities would benefit from working with local home improvement agencies who provide home improvement grants to vulnerable groups. The committee also considered the benefits of working with professional organisations such as the Chartered Institution of Building Services Engineers, the Chartered Institute of Environmental Health, the Royal Institute of British Architects, the Chartered Institute of Architectural Technologists and the Royal Town Planning Institute. These organisations would be able to provide practical information to support home improvements, which may include information on grants available. Not only would it free up resources, but it would also allow them to work with local partners to emphasise the importance of maintaining good air quality in the home.

Collecting data and monitoring progress

Based on their experience, the committee agreed that it would be helpful if local authorities regularly checked existing and new strategies to ensure air quality in the home is being given priority.

This could include monitoring buildings for signs of poor indoor air quality and checking whether data collected during home visits and local inspections identify vulnerable people and other neighbouring or similar types of properties that may be at risk.

How the recommendations might affect practice

Local authorities regularly update their strategies. But additional resources (in terms of staff time and meetings) may be needed to include indoor air quality in an existing strategy and ensure it is implemented.

Because making indoor air quality a public health priority will improve people's health, this will lead to resource savings elsewhere. For example, by reducing the need for enforcement teams to intervene. There may also be additional economic benefits to the local economy and wider social benefits including improved educational outcomes and contributing to the achievement of government policies supporting policies such as Best Start in Life.

Local health and wellbeing boards are already in place to review current and future health and social care needs. So the costs of staff time and meetings associated with multi-agency working are expected to be minimal. Also, increased collaboration with home improvement agencies could mean that local authority resources set aside for issues related to indoor air quality could be reallocated.

Staff who visit people in their homes may need training to identify problems with indoor air quality and give advice on how to prevent or resolve such problems. Incorporating this training into existing continuous professional development could help minimise costs. But the visits may take longer if staff give advice and they may also result in additional enforcement activities.

Using building control or enforcement teams to collect and use performance data may have resource implications. For example, staff time, communication, and meetings for cross-team working. But improved health outcomes and resource savings elsewhere in the system (for example, by reducing the need for enforcement teams to intervene) might offset costs. The committee also considered the impact of not taking action. This may increase the risk of any future litigation arising from 'unhealthy' homes.

There were limited data on the link between someone who was at high risk and their level of exposure, so the committee had to estimate this.

Some benefits that were identified could not be quantified. So the overall benefits are likely to have been underestimated. The committee concluded that interventions could offer good value for money, but that this will depend on local factors.

[Return to recommendations](#)

Referrals for a housing assessment

[Recommendations 1.2.1 and 1.2.2](#)

Why the committee made the recommendations

There are several ways tenants can request a housing assessment:

- Tenants in local authority housing can follow their complaints procedure, take action themselves or go to the Housing Ombudsman.
- Tenants in housing association housing can follow their complaints procedure and can contact the Housing Ombudsman or Environmental Health.
- Tenants in private rented properties can contact Environmental Health or take action themselves.

Private homeowners can also contact the local authority for advice if they are worried about the condition of their home. In the committee's experience, many people – including professionals working in housing services – don't know about these processes.

The committee also agreed that health and social care staff who visit people in their homes, and healthcare professionals who have concerns, need to be able to help people request a housing assessment. This is especially important for people who may be particularly vulnerable to ill health as a result of exposure to poor indoor air quality due to their housing conditions (see [box 1](#)). There was no evidence on how effective this would be. But the committee agreed it would ensure staff can make every contact count and could improve people's health.

Based on their experience, the committee agreed that there might be barriers preventing tenants from requesting a housing assessment. For example, they might be concerned about eviction, or about a possible increase in rent due to maintenance and repairs of heating and ventilation systems.

How the recommendations might affect practice

Housing assessment pathways already cover some of the causes of poor indoor air quality. For example, professionals such as heating engineers are given instructions on how to identify signs of poor ventilation (see [NICE's guideline on winter deaths and illness and cold homes](#)).

Minimal additional resources would be needed to extend this to health and social care professionals and public service staff (for example, fire and rescue service professionals, ambulance service staff) who visit people in their homes. Healthcare professionals may need training on how poor air quality affects health, how to identify poor indoor air quality and how to take steps to mitigate its effects. This could be incorporated within existing training pathways, including professional training and accreditation examinations.

If more professionals are made aware of how to make referrals, this could lead to more housing assessments and more remedial work or legal actions. But local authorities have budgets for regular maintenance and upkeep of their properties. In addition, if legal action is taken to enforce standards in private properties, these costs will be recovered if the action is successful.

[Return to recommendations](#)

Raising awareness of poor indoor air quality in the home

[Recommendations 1.3.1 and 1.3.2](#)

Why the committee made the recommendations

Good evidence showed that exposure to poor indoor air quality is linked to a range of health problems. This includes respiratory conditions such as a cough, wheezing or asthma, and allergic symptoms such as a runny nose or eye irritation. Certain groups are more vulnerable, either because of their personal circumstances or because of where they live. Because poor indoor air quality is a hidden health threat, raising awareness is a first step in reducing the risk of long-term health issues, especially for vulnerable groups.

In the committee's experience, professionals such as care workers and health visitors, and

the public, are generally unaware of the factors affecting indoor air quality. The same applies to private and social landlords, and those who regulate them.

Similarly, the committee agreed that not all professionals who see people in their home know who is likely to be most vulnerable to poor indoor air quality. And they will not necessarily know how to get help for those who cannot afford repairs or modifications.

Evidence showed that advice given on sources of poor indoor air quality could reduce people's risk of exposure. This includes general advice on using ventilation systems, barriers to heating and ventilation, and more specific advice about particular situations and activities, including how to get a housing assessment.

The committee noted that people on a low income, particularly in poorly insulated homes, may not be able to afford effective heating and may try to make their homes airtight to keep heat in. This, in turn, can mean the ventilation is less effective. They also may not be able to afford to heat all rooms to a constant temperature, or may only use heating occasionally (for example, when expecting a home visit). Both approaches can cause damp and condensation.

The committee were also aware of the increased risk for those who cannot afford remedial work or have to rely on landlords or property managers to do the work. In both cases, this could leave them exposed to pollutants while they wait for it to be done. The committee pointed out that there are enforcement powers that local authorities can use to ensure compliance with regulations. (See the [recommendation on using existing building regulation enforcement activities in the section on regulators and building control teams](#) and also the [Ministry of Housing, Communities and Local Government's Housing health and safety rating system operating guidance](#).)

Most of the evidence focused on homes where a problem had already been identified. The committee agreed that research is needed on how to give people information on identifying the sources of the problem in the first place. Also, the committee considered that further research on the health impact of pollutants, alone or in combination with each other, would help identify the pollutant or combination of pollutants that have the largest impact on people's health. This research would also provide useful information to help raise awareness around indoor air pollutants. (See the [research recommendations on the health impact of air pollutants at home, effective interventions to improve indoor air quality in the healthy population, air exchange rate and good air quality, health impact of building materials, and effective strategies for raising awareness](#).)

How the recommendations might affect practice

The [government clean air strategy 2019](#) already outlines how the government and local authorities need to raise awareness of poor indoor air quality. These recommendations support the strategy and should have minimal additional impact.

Resident satisfaction from improved health outcomes should result in resource savings elsewhere in the system and will offset costs. For social landlords, improved tenant satisfaction reduces both the time properties are left vacant and the likelihood of compensation claims.

It is not expected that any extra resources would be needed. Staff may need training on raising awareness of poor indoor air quality and in giving advice in a language the tenant understands. But incorporating this into existing general training and continuous professional development could minimise costs. Improved health outcomes leading to potentially fewer hospital visits, GP visits, or visits from community nurses should result in resource savings elsewhere in the system and will offset costs.

[Return to recommendations](#)

Advice and information for the general population

[Recommendations 1.4.1 to 1.4.12](#)

Why the committee made the recommendations

The committee looked at evidence for specific interventions such as air filtering systems or air purifiers. But they agreed that buildings vary so much that it wouldn't be practical to make any specific recommendations in this area.

Evidence showed that giving people advice on specific pollutants and their sources can help them reduce the pollution levels in their homes and improve their health. Evidence also showed that giving people advice on how to reduce or prevent indoor air pollution is cost effective for people who are already ill, because it can prevent their condition worsening. So this can lead to savings for the NHS.

The committee agreed that local authority staff are in a good position to give this advice because they are in contact with members of the public who use their services, including

social housing. (They also have a regulatory responsibility for privately rented properties.)

There is clear evidence of a link between gas cookers and increased levels of nitrogen dioxide, and between open solid-fuel fires and increased levels of particulate matter. Exposure to these is linked to poor health, especially if there isn't sufficient ventilation to prevent the build-up of pollutants.

Based on their experience, the committee agreed that rooms should be well ventilated when cooking to prevent moisture and condensation. The committee also agreed that gas cookers should not be used for heating rooms because this can result in the build-up of moisture and indoor air pollutants (for example, nitrogen dioxides).

Although there was no evidence on candles, the committee, based on their experience, extrapolated from the evidence on particulate matter from other combustion sources and from the [Chief Medical Officer annual report 2017: health impacts of all pollution](#). This stated that candles were one of a number of large combustion sources of pollutants alongside heating, cooking and open solid fuel fires. The committee therefore agreed that candles should not be used unless the room is well ventilated.

There was insufficient evidence on the health effects of indoor air pollutants in the home. The committee agreed that research on the relative health impact of individual pollutants alone or combined with each other, would help give people better information to understand and avoid harms associated with indoor air pollution (see the [research recommendation on the health impact of air pollutants at home](#)).

Evidence showed that poor housing in need of repair (for example, houses with damp) puts people's health at risk. Again, the committee agreed it was important to emphasise the significance of ventilation not only when washing or cooking, but also during other moisture-producing activities, for example, air-drying clothes indoors. The committee agreed that it is important for the local authority to take action if landlords do not carry out repairs or improve ventilation.

Evidence shows that paraffin heaters are linked with respiratory symptoms such as wheezing. These appliances are not in widespread use in England. But the committee agreed, based on their experience, that it was important to avoid using them at all indoors. They also agreed that paraffin heaters are more harmful than open solid-fuel fires, for example, because the latter are flued so that any harmful fumes should, in theory, be extracted outdoors.

Based on their experience, the committee were aware that many people do not know how and when to use ventilation systems. Ensuring a room is adequately ventilated is usually a key part of reducing exposure to volatile organic compounds (VOCs) especially while painting, renovating or decorating and using household products such as cleaning sprays and aerosols. The committee noted that there is a labelling scheme for paints in the UK. Although newer paints have a lower VOC content than older paints, the product advice is still to ensure good ventilation when using these products. The committee also agreed that people should be reminded to read the manufacturer's instructions and increase ventilation during these activities.

The evidence showed that flooring and furniture are often sources of VOCs or formaldehyde. Based on the evidence, the committee agreed it was important to highlight these dangers, because both can damage people's health.

Smoking and environmental tobacco smoke are always a health risk. The committee agreed it was important to encourage people not to smoke in their homes, and so they referred to NICE's guidance on smoking.

The committee agreed that research is needed on ways to improve indoor air quality for people who do not have pre-existing health conditions that put them at risk from poor indoor air quality (see the [research recommendation on effective interventions to improve indoor air quality in the healthy population](#)).

How the recommendations might affect practice

Local authorities will need to develop or update existing practice to provide people with information on how to improve indoor air quality and where to go for help. Staff might need training but incorporating this into existing continuous professional development could help minimise costs.

Improved health outcomes leading to higher resident satisfaction should result in resource savings elsewhere in the system and will offset costs. For example, by reducing the need for enforcement teams to intervene if a problem develops.

[Return to recommendations](#)

Healthcare professionals

Recommendations 1.5.1 to 1.5.7

Why the committee made the recommendations

Healthcare professionals frequently see people with pre-existing health conditions and women who are pregnant or have young children. The committee agreed that this puts them in an ideal position to give advice on how indoor air pollutants, as well as damp and mould, can affect their health.

People with asthma, other respiratory conditions or cardiovascular conditions

Evidence showed that people with respiratory or cardiovascular conditions or allergies are particularly affected by poor indoor air quality, including pollutants from damp and from open solid-fuel fires.

Good evidence showed that exposure to poor indoor air quality is linked to a range of health problems. These include respiratory symptoms and conditions such as a cough, wheezing or asthma, and allergic symptoms such as a runny nose or eye irritation.

Based on the evidence, the committee agreed that if people keep getting these types of symptoms – or they are getting worse – then they might be linked to the home environment.

People who are allergic to house dust mites

Evidence showed that allergen barriers like mattress and pillow covers can reduce exposure to house dust mite allergens. Evidence also showed that second-hand mattresses were associated with increased levels of house dust mites.

Women who are pregnant or who have given birth in the past 12 months and partners and people who live with them

Good evidence showed that damp homes and those in need of repair are both linked to an increased risk of health problems. (Homes with serious damp and mould are likely to be classified as having a category 1 hazard by the Ministry of Housing, Communities and Local Government's housing health and safety rating system.)

Pregnant women, those who have recently given birth, and young children are at increased risk from damp and other indoor pollutants. This is partly because these groups may have compromised or undeveloped immune systems, and also because young children are likely to spend longer than average at home. So the committee agreed that it was important to make sure they are living in a 'healthy' home that is well ventilated.

Women who are pregnant and babies under 12 months may be particularly vulnerable to pollutants such as VOCs. In addition, evidence suggested that exposure to VOCs during pregnancy was linked with coughing, wheezing and other health issues in the first years of the child's life. VOCs are found in products like aerosol sprays and glue.

Women who are pregnant and babies under 12 months may also be particularly susceptible to the effects of particulate matter – released from, for example, open solid-fuel fires. Based on this evidence, the committee agreed that using proper ventilation to disperse these pollutants is very important – as is reducing use of such appliances when this is feasible.

The committee did not look at evidence on environmental tobacco smoke because any level is considered unsafe. Instead they agreed to adapt recommendations from and cross-refer to NICE's guidance on smoking during pregnancy.

People without pre-existing health conditions

There was a lack of evidence on how indoor air pollutants affect people without pre-existing health conditions and how to improve air quality in their homes. So the committee made a research recommendation on this group (see the [research recommendation on effective interventions to improve indoor air quality in the healthy population](#)).

How the recommendations might affect practice

Most healthcare professionals might need training on how poor indoor air quality affects health and how to mitigate it. Incorporating this training into existing general training and continuous professional development could help minimise costs.

Asking about housing conditions and helping people request a housing assessment may increase consultation times. But this will be offset by future healthcare savings.

[Return to recommendations](#)

Regulators and building control teams

[Recommendations 1.6.1 and 1.6.2](#)

Why the committee made the recommendations

There are no national regulations or guidelines to determine 'safe' levels of indoor air pollutants. But based on their experience, the committee agreed that standards such as the World Health Organization or Public Health England guidelines could be used.

Building regulations are generally used to enforce standards in new housing. Other local standards may be used for existing homes, for example, standards on repairs and property condition or room size. Using these regulations will ensure existing and new buildings meet air quality standards.

The committee noted that enforcement and prosecution practice may vary across local authorities. Reasons for this variation include capacity for follow-up visits and time taken to confirm non-compliance. They agreed to highlight the importance of meeting the government Building Regulations 2010 legislation and housing health and safety rating system operating guidance because this can improve people's health.

How the recommendations might affect practice

Increased use of building control or enforcement teams may have resource implications. For example, staff time for inspection, communication, follow-up and meetings. But improved health outcomes and resource savings elsewhere in the system (for example, by reducing the need for enforcement teams to intervene) might offset costs.

Using existing international guidelines will minimise the resource impact of developing new standards or updating existing ones.

[Return to recommendations](#)

Architects and designers

Recommendations 1.7.1 to 1.7.6

Why the committee made the recommendations

Avoiding sources of pollutants

Evidence showed that some building materials can emit high levels of pollutants. There was no evidence on building materials and products that emit a low level of VOCs and formaldehyde. The committee agreed that specifying low-emission materials could help protect people's health. But because of the lack of evidence, they could only suggest professionals consider their use on a case-by-case basis when drawing up specifications.

The committee also noted that there are no national labelling schemes for building materials or consumer products in England (apart from a scheme for paints). They also noted government plans to set up a voluntary labelling scheme in England, as outlined in the [government's clean air strategy 2019](#).

The committee noted the [Department for Education's Building bulletin BB101: ventilation, thermal comfort and indoor air quality 2018](#) and considered that its recommended performance levels could also be applied to homes.

Evidence showed that open solid-fuel fires emit particulate matter and are a major cause of poor indoor air quality. This evidence was limited, but the committee agreed that designing heating options that avoid them will help protect people's health.

Heating and ventilation

Ventilation affects indoor air quality, and its role in removing potential pollutants is critical.

Evidence showed a clear link between cooking with gas and pollutant levels – these are higher in the kitchen when cooking using gas than outdoor pollutant levels unless there is an air quality alert.

Evidence also showed that some causes of poor indoor air quality, such as condensation, are the result of poor thermal performance, high moisture levels combined with poor ventilation. The current focus on draught proofing and energy efficiency can add to the

problem.

Because buildings vary so much, the committee were unable to recommend specific types of ventilation or heating strategies. But they agreed it is important that design strategies achieve the correct balance between ventilation, energy efficiency and heating.

Outdoor pollutants entering through windows can contribute substantially to poor indoor air quality. This is particularly the case in deprived areas where housing is likely to be close to busy roads (see the [government's clean air strategy 2019](#)). The committee agreed that if opening windows is not safe or lets in more outdoor pollutants (for example, if the window faces a busy road) then other methods of ventilation or methods of preventing pollutant ingress without resorting to opening windows are needed. This includes mechanical systems with filtration to protect against outdoor pollutants including intelligent ventilation systems.

Building or refurbishing homes to improve heating without taking ventilation into consideration can affect the health of people who live in them. So the committee stressed the importance of balancing the need for heating and ventilation, and taking into account all factors affecting indoor air quality.

They noted that the [British Standards Institute standards for domestic retrofits and energy efficiency](#) could be a useful source of information for architects and designers.

The committee agreed that more research is needed about the benefits and harms of different air exchange rates, and the health risks associated with pollutants released from building materials over time in lived-in home environments. This would improve understanding of the minimum ventilation thresholds and appropriate building materials that designers and builders should use. (See the [research recommendations on air exchange rate and good air quality and health impact of building materials](#).)

How the recommendations might affect practice

The recommendations will reinforce current best practice. Architects and building designers should already be aware of the potential risks of the products and materials that they specify.

Balancing ventilation, insulation and heating is already best practice to maintain good air quality so there should be no additional resource impact.

[Return to recommendations](#)

Builders, contractors and developers

[Recommendations 1.8.1 to 1.8.5](#)

Why the committee made the recommendations

In the UK, materials specified for use by builders, contractors and developers have to comply with existing building regulations and should be used according to the manufacturer's instructions. The same is true for heating and ventilation systems. Based on their collective experience, the committee felt that compliance with regulations and instructions can be variable, so they agreed it was important to highlight them.

There are regulations on pollutant threshold levels but information on the level of emissions from different materials is limited. Few regulations exist to guide the choice of materials according to their effect on indoor air quality.

In the committee's experience, it is common practice for builders to use substitute materials if the specified ones are not available. Members agreed that emission levels need to be taken into account in such cases, whether working on a new building or a refurbishment.

Evidence showed that people's health is affected if best practice and standards are not complied with during home renovations. This is most likely during works that do not require building regulation approval.

In the committee's experience, building regulation enforcement may vary across local authorities. The committee stressed the particular need for enforcing compliance with heating and ventilation regulations, because any imbalance can have a disproportionate effect on indoor air quality.

The committee also highlighted that heating and ventilation systems in the home should be installed by a recognised competent installer, so as to avoid issues of poor-quality installation, in ways that make them easily accessible for regular checks and maintenance.

How the recommendations might affect practice

The recommendations reinforce current best practice and will help local authorities meet their obligations to improve people's health and reduce health inequalities. Ensuring compliance will lead to cost savings in healthcare, because it will reduce the number of homes with poor indoor air quality and, in turn, improve residents' health.

Building regulations and standards already exist for enforcement teams. But building control teams may need to monitor their activities more closely, unless building work is under the control of an approved inspector. This may incur costs for local authorities and homeowners, particularly if issues are identified that need to be fixed. (Only local authorities have the power to enforce standards if things go wrong.)

Training on specifications and compliance will involve costs and time away from work. Incorporating this training into existing continuous professional development could help minimise costs. For small contractors and companies that do not run continuous professional development programmes, the cost will be offset by reducing the risk of future litigation that may arise from building 'unhealthy' homes.

[Return to recommendations](#)

Rental properties

[Recommendations 1.9.1 to 1.9.6](#)

Why the committee made the recommendations

Regulations

Local authorities have a responsibility for public health, improving wellbeing and reducing inequalities, and a duty of care to ensure public sector homes are maintained to a decent standard. This duty extends to private housing with hazards considered to be a serious and immediate risk to a person's health and safety (category 1 hazards). Homes with serious damp and mould, excess cold or excess heat are likely to be classified as having a category 1 hazard by the [Ministry of Housing, Communities and Local Government's housing health and safety rating system](#). Local authorities can also take action for hazards that are less serious or less urgent (category 2 hazards).

Local authorities have a range of enforcement options (see [Ministry of Housing, Communities and Local Government's housing health and safety rating system enforcement guidance: housing conditions](#)). The most commonly used enforcement option is an improvement notice, which requires work to be carried out within a defined time period to remove a category 1 or category 2 hazard. If the works are not carried out, the local authority may prosecute for not complying with the notice, and/or carry out the works itself and charge the owner.

The committee were aware that it is best practice to have heating and ventilation systems that meet performance requirements and are regularly maintained, which should include checking the airflow rates of extractor fans. The committee emphasised that some pollutants (such as damp and mould) and some hazards associated with poor indoor air quality (such as excess cold and excess heat) can only be dealt with if a problem has been identified and by ensuring that appropriate heating and ventilation systems are in place. But they agreed that this does not always happen – and so this needs to be stressed to all landlords as part of local authority advice to the public (see the [section on advice and information for the general population](#)) and implemented, if a housing assessment has identified a problem that may contribute to poor indoor air quality.

The committee agreed that best practice also involves repairing any water damage and removing its cause as soon as possible, to prevent mould and damp developing. Local standards may be used for existing homes, for example, landlord legislation or standards on repairs and property conditions or room size.

The committee were also aware of the increased risk for tenants who cannot afford remedial work or have to wait for landlords or property managers to do repairs (including to heating and ventilation systems). This could leave them exposed to pollutants while they wait for the work to be done.

Property management

Based on their experience, the committee agreed that if properties are properly equipped and maintained, this will control and reduce sources of indoor air pollution.

But they were concerned that property managers and landlords might not be aware of how mould, damp and other indoor air pollutants affect people's health. So they made a recommendation to advise on this and their general responsibilities to safely maintain their properties.

The evidence showed that flooring and furniture that contain flame retardants are often sources of VOCs or formaldehyde. Based on the evidence, the committee agreed it was important that these dangers were highlighted to property managers and landlords, because both can damage people's health.

How the recommendations might affect practice

Regulations

The recommendations will reinforce current best practice and the need to use existing regulatory powers to ensure homes are safe (see the [government's advice on renting out your property \[England and Wales\]](#)) and the [Ministry of Housing, Communities and Local Government's housing health and safety rating system operating guidance](#). Because many people on a low income live in rented accommodation, this will help address health inequalities. It will also help improve the health of other vulnerable groups and others who live in rented accommodation.

Property management

These recommendations will reinforce current best practice.

Property managers are legally obliged to carry out maintenance checks and the following have to be embedded in tenancy agreements:

- checks and maintenance of ventilation systems (including airflow rates of extractor fans)
- gas and electricity safety checks.

So, the impact on practice and resources should be minimal, although there may be costs for repair of any problems found during the checks.

Housing has an important effect on health and health inequalities, particularly when properties need repairs. These recommendations will help meet local authorities' obligations to tackle health inequalities.

[Return to recommendations](#)

Context

People spend up to 90% of their lives indoors and 60% of that time at home.

Indoor air pollutants come from many sources, including:

- building materials (including fittings and flooring)
- furniture and furnishings
- consumer products, including household and personal care products
- activities such as cooking and smoking
- biological sources, including mould, house dust mites, bacteria, pests and pet dander.

Exposure to indoor air pollutants including, for example, nitrogen dioxide, carbon monoxide, particulates, biological agents and volatile organic compounds (VOCs), is widespread and can cause respiratory and other conditions, and premature death in some people. Asthma is a common respiratory condition, with over 5 million people receiving treatment for it in the UK. Indoor air pollutants such as dust mite allergens, nitrogen dioxide and particulate matter are small enough to get into the lungs, making the airways inflamed and swollen. This can exacerbate asthma symptoms and trigger asthma attacks.

It is best practice to reduce pollutant sources and reduce emissions as much as possible, especially for those who are more vulnerable to health problems caused by poor indoor air quality. This includes children and people with respiratory and cardiovascular conditions ([Committee on the Medical Effects of Air Pollutants guidance on the health effects of air pollutants](#)).

Usually the most effective way to deal with indoor pollutants is to either remove the source or reduce emissions from it. If these are not possible, the pollutant can be diluted by ventilation (for example, opening windows) to reduce exposure. But outdoor pollutants also enter through windows or gaps in the structure and are a significant contributor to indoor air quality, particularly in deprived areas (see the [government's clean air strategy 2019](#)). [NICE has also produced a guideline on outdoor air pollution](#).

This guideline covers the whole population. But special consideration has been given to

those at increased risk of exposure to or adverse effects from poor indoor air quality.

Finding more information and resources

You can see everything NICE says on this topic in the [NICE Pathway on air pollution](#).

To find NICE guidance on related topics, including guidance in development, see the [NICE web page on environment](#).

For full details of the evidence and the guideline committee's discussions, see the [evidence reviews](#). You can also find information about [how the guideline was developed](#), including details of the committee.

NICE has produced [tools and resources to help you put this guideline into practice](#). For general help and advice on putting NICE guidelines into practice, see [resources to help you put guidance into practice](#).

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Accreditation



Annual Review of Performance 2022/23



KPIs Met or Exceeded Annual Target

Achieved target

9 out of 28

Ref	Description	2021/22	Target 2022/23	Out Turn 2022/23	Bench mark
BH2	The percentage of tenants that are satisfied their home is safe and secure	83%	86% (+/-3)	83.4%	80%
BH4	Tenant satisfaction with landlords repairs and maintenance services	79%	82% (+/-3)	79.5%	
BH5	Percentage of priority 1 repairs completed on time (24 hours)	99.02%	99.5%	99.51%	
BH8	Percentage of appointments kept	99.37%	99.1%	99.35%	96.5%
BH9b	Income lost due to void properties	0.73%	1.05%	0.76%	
BH11	Proportion of apprentices in workforce	7.66%	3%	4.27%	
BH15	Management fee efficiency target as part of annual VFM report	New	1% reduction	Achieved	
Company Pulse 8	Percentage of BME staff in total workforce	2.16%	2%	2.69%	
Company Pulse 9	Likely to recommend Berneslai Homes	26	>30	34.6	24

Failed to achieve target

15 out of 28

KPIs Failed to Achieve

Ref	Description	2021/22	Target 2022/23	Out Turn 2022/23	Bench mark
BH1	The percentage of all tenants satisfied with the overall service provided	85%	89% (+/- 3)	84.2%	79%
BH3	The percentage of tenants who feel their views are listened to and acted upon	70%	78% (+/-3)	68.1%	65%
BH6	Compliance with Decent Homes Standard	99.71%	100%	99.67%	100%
BH7	Average length of time taken to complete non-emergency reactive repairs	8.83	9.0	9.71	
BH9a	Average length of time taken to re-let local authority housing (calendar days)	31.02	25.00	30.19	
BH10	Rent collected as a proportion of rents owed on HRA dwellings	96.37%	97%	96.06%	
BH12	Spend funds locally supporting the Barnsley economy	71.36%	72%	66.21%	
BH13	Compliance with health and safety obligations	99.08%	100%	99.57%	
BH14a	Average SAP ratings across stock	New	67	66.26	
BH14b	Percentage of properties with an EPC C or above	New	35%	34.76%	
Company Pulse 4	Tenant satisfaction with complaints handling	63%	70%	63.7%	53%
Company Pulse 6	Average number of days absent per full time equivalent employee	11.10	9.0	12.12	
Company Pulse 7	Percentage of staff defining under the Equality Act definition of disability	5.41%	8%	5.77%	
Company Pulse 10	Percentage of current tenant arrears	3.29%	3%	3.51%	
Company Pulse 11	We will answer priority calls in less than 3 minutes	New	80%	65.03%	

KPIs Narrowly Missed or No Target

Narrowly missed target

2 out of 28

Ref	Description	2021/22	Target 2022/23	Out Turn 2022/23	Bench mark
Company Pulse 2	Responsive repairs completed right first time	72.45%	81%	78.30%	
Company Pulse 3	Percentage of complaints resolved in agreed time	87.9%	75%	70.02%	

2 Newly introduced KPIs with no annual target for 2022/23

Ref	Description	2021/22	Target 2022/23	Out Turn 2022/23
Company Pulse 1	Tenant satisfaction home is well maintained and safe to live in	New	New	84.4%
Company Pulse 5	Employee satisfaction	New	New	68%

Tenant Satisfaction

- Two perception-based measures assessed annually via STAR survey
- Sector wide dip in satisfaction due to pressures around responsive repairs service
- Overall satisfaction 84.2% against target of 89% (Sector benchmark 79%)
- Views are listened to and acted upon 68.1% against target of 78% (Sector benchmark 65%)
- Strategic plan commitment to achieve over 90% customer satisfaction by 2030



Repairs

- Sector wide increase in emergency and non-emergency repairs
- Impact of damp, mould and condensation reports
- 99.51% of priority 1 repairs completed in target time of 24 hours in Q4
- 99.35% of repair appointments kept
- Non-urgent responsive repairs completed in average of 9.71 days (average across 3, 7 and 25 day priority jobs)



Complaints

- Rising complaints volumes across the sector
- Current UK Government media campaign 'Make Things Right'
- At Berneslai Homes double the number of stage one and stage two complaints
- 70.02% of complaints were resolved in the agreed time against a target of 75%
- 63.70% of tenants were satisfied with complaints handling and whilst this did not meet the target of 70% our performance was over 10 percentage points higher than the sector median of 53%.



Income

- Year end collection rate of 96.06%
- The cost-of-living crisis has impacted on collection levels with social renters feeling the impact more acutely than many
- Review of Income team structures, NEC account analytics went live
- A variety of measures were in place to support tenants



Compliance

- The metric is a combination of several property compliance requirements (electrical safety, gas servicing, asbestos surveys, fire risk assessments and lifts maintenance)
- 99.57% compliance with health and safety obligations against a target of 100%
- Non-compliance relates to electrical safety where 152 properties had Electrical Installation Condition Reports (EICRs) over 10 years old.



Asset Management Stock Data

- Average SAP rating across stock was 66.26 against target of 67
- 34.76% of properties had an EPC C or above against a target of 35%
- Both measures were new for 2022/23
- Commitment to achieve EPC C or above for 100% of properties by 2030
- 99.67% of properties were classed as decent against target of 100%. 59 non-decent properties



Sickness

- On average staff were absent for 12.12 days against a target of 9
- Mental Health accounted for the largest proportion of sickness (33%), followed by acute medical illness (30%) and musculoskeletal (29%)
- HR provided spotlight on sickness to EMT, to continue to be monitored



Report Title	Professionalisation Agenda	Confidential	No
Report Author	Interim Executive Director Corporate Services	Report Status	For Information
Report To	Board 23/5/2023	Officer Contact Details	shaeenazam@berneslaihomes.co.uk

1. Executive Summary	<p><u>Professionalism Agenda</u></p> <p>1.1 To provide an update on the professionalisation agenda and what is required of Berneslai Homes to be compliant.</p> <p>1.2 The Charter for Social Housing Residents – Social Housing White Paper sets out the actions the government will take to ensure that residents in social housing are safe, are listened to, live in good quality homes, and have access to redress when things go wrong.</p> <p>1.3 In the Social Housing Regulation Bill mandatory qualifications for Senior Executive and Senior Managers in Social Housing has been proposed. The regulatory standard will apply to all employees at all levels of seniority. This will ensure that changes happen across organisations and that professionalism is embedded into organisational culture from top to bottom.</p> <p>1.4 Currently no timescales have been agreed and the government are consulting with the sector, but once these are established it is important that individuals obtain the qualification as it has been indicated there would be unlimited fines for organisations.</p> <p>1.5 Next steps: Appendix A details the Action Plan</p> <ul style="list-style-type: none"> • Identify what qualifications staff currently hold, starting with the Leadership forum. • Identify which positions will require the qualification. • Align Berneslai competencies with those proposed and update. • Explore current or new system that can hold information on approved staffing structure and the qualifications required for that position, and allows you
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	<p>to record the post holder qualifications, and identifies any gaps.</p> <ul style="list-style-type: none"> • Explore options as to the best route in ensuring staff have the qualification required, i.e working with CIH or different partnering organisation. • Explore customer service tailored programme for staff. • Updating of JD to include qualifications.
2. Recommendation/s	1. Board note the next steps in ensuring the professionalism agenda criteria is met.

3. Background

Why Professionalism agenda:

- Witness statements from the Grenfell inquiry revealed “a lack of respect, tenants not listened to, no transparency” “institutional indifference”.
- The Green Paper put a focus on how housing staff contributed to the “stereotyping and stigmatisation of social housing”.
- The Social Housing White Paper focussed on how residents are treated at the heart of its charter for social housing tenants “when residents interact with landlords they should expect and receive a professional service from “competent and empathetic staff”; “all landlord staff act professionally, listen to their residents and, at all times, treat them with courtesy and respect”.
- Focus on the condition of existing stock revealing poor working practices combined with poor attitudes towards residents.

3.1 The Department for Levelling Up, Housing and Communities (DLUHC) Social housing Professionalisation Review means that it will ensure that all housing staff have the **knowledge, skills, attitudes and behaviours** they need to be technically competent for the role they perform and to conduct themselves in a professional manner and that all housing staff interacting with tenants are equipped to listen to what tenants say, act upon it and treat people with courtesy and respect.

3.2 The Social Housing Regulation Bill will introduce

- i. A mandatory requirement that **housing managers** and **senior housing executives** have, or are working towards, a housing management qualification at **levels 4 and 5** respectively (knowledge and skills)
- ii. New regulatory standards on competence and conduct (attitudes and behaviours)

3.3 **The Bill says - Mandatory Qualifications**

It may require registered providers to ensure that their relevant managers:-

- a) have a **specified qualification** in housing management or type of qualification in housing management, or

b) are working towards such a qualification or type of qualification

A “relevant manager” means:

- a) a senior housing executive, or
- b) a senior housing manager

A qualification or type of qualification specified for a **senior housing executive** may only be:

- a) a foundation degree, or
- b) a qualification or type of qualification regulated by the Ofqual which is of a level not exceeding **level 5**

3.4 A qualification or type of qualification specified for a **senior housing manager** may only be a qualification or type of qualification regulated by the Ofqual which is of a level not exceeding level 4

Senior Housing Executive defined as an employee or officer who:

- has responsibility for the day-to-day management of the provision of services
- and is part of the provider’s senior management

Senior Housing Manager includes those managing housing or property related services, leading a team and taking responsibility for the cost effectiveness and efficiency of their business area. The role involves the management of resources with delegated authority to deliver the business objectives. For example –

- Neighbourhood Housing Manager
- Neighbourhood Investment Manager
- Property Manager
- Voids and Lettings Manager
- Assets Manager
- Incomes Manager
- Resident Involvement Manager
- Supported Housing Manager
- Leasehold Manager

4. Competence and Conduct

4.1 The bill also mentions competence and conduct and the regulator may set standards for registered providers in matters relating to the competence and conduct of individuals involved in the provision of services in connection with the management of social housing.

4.2 Standards under subsection may require registered providers to comply with specified rules about:

- (a) the knowledge, skills and experience to be required of individuals involved in the provision of service in connection with the management of social housing, and;

- (b) the conduct to be expected of such individuals in their dealings with tenants.

5. Financial Impact

5.1 The government have stated that Local authorities will be assessed for 'new burdens' funding, so it is important we are in a position to submit an application to be assessed.

5.2 £372k has been earmarked from reserves to cover costs related to the professionalisation agenda. Detail costings will follow, once we have established the level of qualifications and training required.

6. Risk & Risk Appetite

6.1 There are a number of risk that need to be highlighted:

- Having sufficient providers to deliver the training.
- The pressure on services whilst individuals are out of the business studying for the qualification and the potential impact on customers and employees.
- The potential of unlimited fines if not compliant.
- Increased risk around recruitment into positions where the qualifications are now required.

7. Strategic Alignment

This report supports the strategic ambitions that supports Barnsley 2030

- Hearing Customers
- Keeping tenants Safe
- Employment and Training

8. Data Privacy

Not Applicable

9. Consumer Regulatory Standards

Not Applicable

10. Other Statutory/Regulatory Compliance

Not Applicable

11. Financial

As outlined in section 5, further costing will be established once we identify who needs the qualifications and training.

12. Human Resources and Equality, Diversity and Inclusion

None other than what has been outlined in the report.

13. Sustainability Implications

13.1 Not Applicable

14. Associated background papers

Not Applicable

15. Appendices

Appendix A – Action Plan

Action Plan**Appendix A**

Action	Deadline	Responsibility	Completed
Explore options as to the best route in ensuring staff have the qualification required, i.e working with CIH or different partnering organisation.	July 2023	OD Manager	
Explore customer service tailored programme for staff.	July 2023	ED Corporate Services	
Identify what qualifications staff currently hold, starting with the Leadership forum.	August 2023	Head of OD and HR	
Explore current or new system that can hold information on approved staffing structure and the qualifications required for that position, and allows you to record the post holder qualifications, and identifies any gaps.	August 2023	Head of OD and HR	
Identify which positions will require the qualification.	September 2023	EMT	
Align Berneslai competencies with those proposed and update.	September 2023	OD Manager	
Updating of JD to include qualifications.	March 2024	Head of OD and HR	

Report Title	Quarterly Risk Update	Confidential	No
Report Author	Executive Director of Corporate Services	Report Status	For Information
Report To	Board 23/5/2023	Officer Contact Details	Sam Roebuck, Head of Governance and Strategy samantharoebuck@berneslaihomes.co.uk Claire Denson, Risk & Governance Manager clairedenson@berneslaihomes.co.uk

1. Executive Summary	<p>1.1 To receive the quarterly update on the Berneslai Homes' risk framework.</p> <p>1.2 This report focuses on the Strategic Issues and Concerns Register, but the Committee are also asked to note the Operational and Fraud issues and concerns registers, all available to view on the risk system. A summary of the current Strategic risks has been provided at Appendix A.</p> <p>1.3 The NHF Code of Governance and DTP review progress update is at Appendix B.</p> <p>1.4 All Operational risks identified as requiring a Critical Response have been escalated to EMT for review and recommendations.</p> <p>1.5 The Risk Appetite was reviewed by Board on 23rd February 2023. The proposed refreshed Statement is at Appendix C for review by Board.</p>
2. Recommendations	<p>It is recommended that:</p> <ul style="list-style-type: none"> i. Board review and comment on the quarterly Risk Update. ii. Board review and comment on the Strategic Risks. iii. Board review and comment the progress made against the NHF Code of Governance and DTP Action plan. iv. Board review and comment on the refreshed Risk Appetite.

3. Background

- 3.1 This report provides a quarterly update on risk management performance including Berneslai Homes' strategic and operational issues and concerns.

4. Current Position/Issues for Consideration

4.1 Strategic Issues and Concerns

4.1.1 This report focuses on the Strategic Issues and Concerns Register, but Board are also encouraged to review and comment on the linked [operational issues and concerns registers](#).

4.1.2 The Strategic Register considers each issue and concern to ensure they:

- i) Are visibly linked to the current RSH Risk Profile 2022, having been cross-referenced to ensure all risks which are relevant to Berneslai Homes have been captured.
- ii) Are visibly linked to the Governance Domains (High level strategic risk areas).
- iii) Follow the evolving level of concern, identifying where we are less, more or same concerned about a particular issue or concern since the previous review.

4.1.3 A summary of the current Strategic risks has been provided at **Appendix A**, with full details of mitigations available on the linked [risk system](#).

4.2 NHF Code of Governance and DTP Actions

4.2.1 Berneslai Homes undertake an annual assessment against the National Housing Federation (NHF) Code of Governance. We have committed to the code and in 2021 carried out an in-depth assessment, with a light touch review in 2022. Internal Audit undertook a review of our self-assessment in March 2023 to measure compliance against the NHF Code of Governance standards, which concluded a substantial assurance opinion with no findings or implications raised as part of the review.

4.2.2 In 2022 we undertook a light touch review to ensure we continue to improve, which resulted in further development actions over the following 12 months.

4.2.3 Following the governance follow-up review by DTP, we have combined the actions plans into one. Progress is monitored by Audit & Risk Committee, with the action plan at **Appendix B**.

4.3 Risk Management Framework Update

4.3.1 The Risk Appetite was reviewed by Board on 23rd February 2023. The Risk Appetite Statement defines the extent to which risk is encouraged and tolerated across Berneslai Homes. It acknowledges a range of risk appetites for different areas of risk and provides Board with a consistent framework of assurance that effective control measures are in place. Following Board feedback, the refreshed Statement is at **Appendix C** for review and comment by Board.

4.3.2 All Operational risks identified as requiring a 'Critical Response' were escalated to EMT for review and make recommendations on 11th April 2023. EMT discussed and agreed to reduce three 'Critical Response' ratings to 'Important Response' due to their reduced risk and effective mitigations. These can be viewed on the [risk system](#).

4.3.3 The Annual Governance Statement Action Plan will continue to be monitored by the Governance Team with progress updates available to view in [Decision Time Resources](#).

4.3.4 The latest live Fraud Issues and Concerns register is available to view on the [risk system](#) – filter ‘Fraud’ Risks.

5. Customer Voice/Impact

5.1 The aim of the review of risks is to scrutinise the internal risk management system and therefore customer views are not sought for this report. A number of risks and mitigations arising from reviewing our risks seek to enhance the customer voice.

6. Risk and Risk Appetite

6.1 There is a risk that the Board, Audit and Risk Committee and management do not appreciate Berneslai Homes’ key vulnerabilities and take appropriate action to manage them. The Risk Management Framework ensures that effective mechanisms are in place for the management of risk.

6.2 Therefore, where required these controls are monitored via such as:

- The Strategic and Operational Risk Register reviews.
- As part of the Annual Governance Statement.
- Specific reporting to Board, such as financial reports, compliance reports, etc.
- Performance monitoring.

6.3 Strategic Risk Appetite – Risk Adverse: We aim to comply with all relevant legislation and have zero tolerance for regulatory compliance issues. We give high priority to Internal Audit recommendations and take immediate action to resolve concerns. We have zero tolerance for failure to meet deadlines from Regulators.

7. Strategic Alignment

7.1 The report aligns to the requirements from BMBC (Barnsley Metropolitan Borough Council) for the effective governance of Berneslai Homes. Good risk management links to the successful achievement of all our ambitions:

- Hearing Customers.
- Keeping Tenants Safe.
- Growth of Homes and Services.
- Technology and Innovation.
- Employment and Training.
- Zero Carbon.

8. Data Privacy

8.1 There are no data privacy implications arising from this report. No personal data has been processed and no DPIA (Data Protection Impact Assessments) is required.

9. Consumer Regulatory Standards

9.1 This report relates to the following elements of the Regulatory Standard:

- Governance and Financial Viability Standard - Good governance ensures the organisation always acts in the best interests of the business. This ensures improvement of performance, unlocks new opportunities and reduces risk.

10. Other Statutory/Regulatory Compliance

10.1 To provide Board with assurance around our risk management arrangements.

11. Financial

11.1 There are no financial implications arising directly from this report.

12. Human Resources and Equality, Diversity and Inclusion

12.1 Human Resources Policies and Procedures, including Equality, Diversity and Inclusion are key internal controls and seek to mitigate any associated risks.

13. Sustainability Implications

13.1 No specific zero carbon implications from this report.

14. Associated Background Papers on Decision Time

14.1 Live Strategic, Operational, Project and Fraud Issues and Concerns registers – [risk system on SharePoint](#).

14.2 Annual Governance Statement action plan progress update – [Performance Monitoring Section](#).

14.3 RSH Sector Risk Profile 2022 – [Governance Handbook section](#).

15. Appendices

15.1 Appendix A – Strategic Risks Summary.

15.2 Appendix B – NHF Code of Governance and DTP Action Plan.

15.3 Appendix C – Risk Appetite Statement 2023

Appendix A - Strategic Risks

Title of Concern/Issue/Focus	Description	Assessment	Issue/Concern Owner	Status:	Impact:	Response Rating	Level of Concern since previous review	Strategic Objective	Governance Domain	Strategic Risk Area (RSH Sector Risk profile)
Mould, damp and condensation	<p>Are we keeping tenants safe by ensuring that damp, mould and condensation are not a health risk to tenants?</p> <p>A letter by Michael Gove says that govt expect landlords to be undertaking assessments of:</p> <ul style="list-style-type: none"> damp and mould issues affecting our properties, including the prevalence of category 1 and 2 damp and mould hazards; the action we have identified that may need to be taken in relation to damp and mould issues affecting our properties 	<ul style="list-style-type: none"> Damp, mould and condensation have become a priority risk for all landlords, especially due to tenants being unable to afford to heat their homes due to the cost of living crisis. A letter by Michael Gove warns of the consequences of not taking responsibility and treating damp and mould seriously The issue is prevalent in the news and tenants are fighting back 	Executive Director of Property Services	Actual	Actual	Critical	More Concerned ^	Sustainable Communities	Health and Safety	Health and Safety
Vulnerability of in-house and third party systems to cyber attack	<ul style="list-style-type: none"> vulnerability maybe exploited leading to cyber-attack of in-house and/or third-party systems impacting confidentiality, integrity or availability of data and information. This could lead to, amongst others, financial loss, fines, regulator intervention, inability to deliver services, reputational. As a public sector organisation, we are more at risk from the current situation with Russia and Ukraine and the increased cyber-attacks in general. No evidence of 	<ul style="list-style-type: none"> Cyber-attacks are increasing in number, the organisation is becoming more agile, there is an increasing volume of data held on IT systems and the systems are becoming more complex. Legislation in place which means risk management is crucial. 	Executive Director of Corporate Services	Potential	Potential	Critical	Same Concerned >	Well Managed	Information Governance/ Security	Data Security
The cost-of-living crisis is impacting tenants and our communities	<ul style="list-style-type: none"> Condition of homes – changing behaviours Vulnerable tenants – changing behaviours Rent arrears, govt policy, Less tenant turnover – reduction in void levels Disrepair cases – legal costs – increasing Communal heating systems - affordability Unpredictability of tenant behaviour - increased violence and aggression towards staff, chaotic lifestyles Sustainability of estates – increased ASB, crime, DV Opportunity: Tenants may want to move to smaller accommodation, which will release family-sized properties. 	<ul style="list-style-type: none"> Cost of Living Reduced funding More support needs 	Exec Dir Customer & Estate Services and Exec Dir of Property Services	Actual	Actual	Critical	Same Concerned >	Sustainable Communities	Asset Management (Estates and non-IT equipment)	Delivering Services to Tenants
The health and safety of tenants and staff	<ul style="list-style-type: none"> Statutory H&S requirements - Safe working practices to keep tenants and staff safe Failure to implement policies and procedures and associated communications / training. Bone working / personal safety / violence and aggression 	Failure to comply with H&S legislation could result in injury or death and associated business risks.	Exec Dir Customer & Estate Services and Exec Dir of Property Services	Potential	Potential	Important	Same Concerned >	Well Managed	Regulatory Compliance	Health and Safety
Ability to source the right materials and services at the right price	<ul style="list-style-type: none"> Increased cost of materials - and continue to increase Contractors not being local (Barnsley pound) Smaller company and expertise shrinking for ALMOs / housing orgs – trouble attracting subcontractors 	Brexit / COVID / cost of Living	Managing Director of Construction Services	Actual	Actual	Important	Same Concerned >	Well Managed	Procurement, Commissioning and Contract Management	Construction process risk
Struggling to recruit staff and keep the right people with the right skills	<ul style="list-style-type: none"> Competing with other organisations with higher salaries for technical roles - therefore hard to source and hard to keep. Commitment to the professionalism agenda – learning organisation, productivity, reputation 	<ul style="list-style-type: none"> Rising national salaries and national workforce shortages. Boom in Construction sector - record high vacancies in the sector - operatives leaving, agency staff paid better elsewhere (minimal CVs coming from agency). Lack of migrant workers. Increasing regulatory environment requires sought-after technical skills 	Executive Director of Corporate Services	Actual	Actual	Important	Same Concerned >	Well Managed	Workforce/HR Management	Delivering Services to Tenants

Title of Concern/Issue/Focus	Description	Assessment	Issue/Concern Owner	Status:	Impact:	Response Rating	Level of Concern since previous review	Strategic Objective	Governance Domain	Strategic Risk Area (RSH Sector Risk profile)
The HRA does not cover service requirements	<ul style="list-style-type: none"> Rent caps, inflation, CPI, use of reserves, management fee Tenant financial hardship Insufficient resources to support vulnerable customers Pensions – impact on balance sheet Reduction in funding for repairs and investment in stock – PRIP - impact on CS profit – reputation Impact on Strategic plan - resources to deliver the priorities - reputation with BMBC Relationship with the Council is crucial Reliant on annual reserves to bridge the gap between management fee and resources to deliver services contract with BMBC - gap of approx £500k. Reliant on CS profits. Need the turnover guaranteed at £20m. 	<ul style="list-style-type: none"> Insufficient funds in HRA and longer-term financial plan due to economic climate putting increased pressure on budgets and reducing stock numbers reducing income base. There was a financial overspend on Repairs and Maintenance budgets for 21-22. Increasing number of tenants on Universal Credit reducing rental income 	Chief Executive	Actual	Actual	Important	Same Concerned >	Well Managed	Financial Management	Costs and Inflation
The zero-carbon agenda is not sufficiently funded or skilled	<ul style="list-style-type: none"> Questions around the sustainability of some estates – types of homes / energy efficiency Difficult to maximise funding opportunities – essential partnership working with BMBC Requires upskilling of staff – technical skills are more expensive Change in behaviour required of staff and tenants 	Strategic priority in line with local and national government	Executive Director of Property Services	Actual	Actual	Important	Same Concerned >	Sustainable Communities	Asset Management (Estates and non-IT equipment)	Delivering against expectations
Business continuity	<ul style="list-style-type: none"> Are we prepared for industrial action / civil unrest, power cuts, services going down, another virus outbreak? Are we prepared for a cyber attack Are we prepared for climate change – heat, fires, floods Impact on business, staff and tenants 	Are we prepared for potential impact of disaster situations to operations?	Chief Executive	Potential	Potential	Important	Same Concerned >	Well Managed	Business Continuity and Emergency Resilience	Delivering Services to tenants
Failure to meet increasing and changing regulatory requirements	<ul style="list-style-type: none"> Statutory requirements in respect of property/assets including Building Safety, decent homes Reputational concerns due to new Regulatory approaches by the Housing Ombudsman and the Regulator for Social Housing - TSMs, neighbourhood agenda / investment in neighbourhoods We do not have the most effective software to do this. The Smoke and Carbon Monoxide Alarm (Amendment) Regulations 2022 come into force on 1 October 2022. New Consumer standards will be reviewed in 2023 inc new professionalism agenda (monitored as a dedicated operational risk in Corporate Services) 	A change and strengthening in regulatory approach is being implemented nationally, including the professionalism agenda (CIH).	Chief Executive	Potential	Potential	Important	Same Concerned >	Well Managed	Regulatory Compliance	Delivering against expectations
Do we have the right data to make informed decisions (Data Quality)	<ul style="list-style-type: none"> Ability to develop our repairs IT systems to meet modern access approaches - online reporting, tracking, self-serve – delayed to April 2023. Includes Dynamic Scheduling system. Not meeting customer expectations - Poor reputation and satisfaction. 	We do not currently have the systems in place.	Executive Director of Property Services	Actual	Potential	Important	Same Concerned >	Well Managed	Performance Management and Data Quality	Delivering Services to Tenants
Reduction in customer satisfaction	<ul style="list-style-type: none"> Increasing demands from customers – they require increasing support Increasing regulatory demands Reduction in funding – more with less Contact Centre performance – we could miss significant issues Customers unable to access repairs services online effectively 	<ul style="list-style-type: none"> Cost of living Planned repairs and reduced budgets Regulatory intervention 	Chief Executive	Actual	Actual	Important	Same Concerned >	Excellent Customer Services	Performance Management and Data Quality	Delivering Services to Tenants
That we don't take the opportunities that are out there to increase funding for services e.g. zero carbon	<ul style="list-style-type: none"> We must keep on top of all the opportunities out there to help fund such as the zero-carbon agenda and to upskill staff 	Zero-carbon agenda	Executive Director of Property Services	Potential	Potential	Important	Same Concerned >	Sustainable Communities	Asset Management (Estates and non-IT equipment)	Delivering against expectations

Title of Concern/Issue/Focus	Description	Assessment	Issue/Concern Owner	Status:	Impact:	Response Rating	Level of Concern since previous review	Strategic Objective	Governance Domain	Strategic Risk Area (RSH Sector Risk profile)
Increase in staff mental ill health and wellbeing	<ul style="list-style-type: none"> Service restructures, increased service demands, more difficult and complex cases to manage. Staff wellbeing is increasing sickness absence. Cost of living is bringing staff back into the office and putting strain on the agile working model. Impact of agile working on staff and services – quality assurance (management controls) <p>21.03.23 - report to EMT re HWB survey undertaken in Feb 23 - stats say 22% of LT sickness is linked to mental ill health - therefore reduced from critical to Important</p>	The economic climate is impacting on staff wellbeing as a result of circumstances at home and also increased demands on staff due to the impact on BH services.	Executive Director of Corporate Services	Actual	Actual	Important	Less Concerned v	Well Managed	Workforce/HR Management	Health and Safety
Inability to meet housing need due to loss of stock and ability to influence growth of homes for social rent	<ul style="list-style-type: none"> Concerned that we continue to lose stock as a result of RtB and demolitions. Resulting in the inability to meet housing need, particularly taking into consideration the number of applications for properties 	We are losing stock because of RtB and demolitions and we are reliant on BMBC building new homes for social rent.	Executive Director of Property Services	Actual	Potential	Requires Attention	Same Concerned >	Sustainable Communities	Asset Management (Estates and non-IT equipment)	Existing Stock Quality
Reduced opportunities for lobbying as the ALMO sector gets smaller	<ul style="list-style-type: none"> How do we maximise the wider role of the sector - how do we get the voice of the ALMO and the voice of the tenants heard? 	The ALMO sector is getting smaller	Chief Executive	Potential	Potential	Requires Attention	Same Concerned >	Sustainable Communities	Partnership, Relationship and Collaboration Governance	Delivering services to tenants
That we do not effectively embed a culture that acknowledges, promotes and celebrates the diverse talents and backgrounds of staff and tenants	<ul style="list-style-type: none"> We need to ensure that equality, diversity and inclusion is fully embedded and part of the DNA of Berneslai Homes. We need to ensure it is owned by all and that we recognise differences and take these into account to provide an effective and appropriate service to all our customers (internal and external). 	Due to staffing resources, ED&I development lost it momentum. Following HDN assessment, ED&I was developed, launched and in the process of being fully embedded across the organisation. Majority of year 1 actions have been completed and year priorities are currently being considered.	Executive Director of Corporate Services	Potential	Potential	Requires Attention	Same Concerned >	Well Managed	Workforce/HR Management	Delivering Services to Tenants

Appendix B – Action Plan – Combined DTP and NHF Code

Action	By Who	Target Date
1. Items for approval to be first on the agenda rather than a mix between approval and information. (DTP recommendations)	Head of Governance and Strategy	September 2022 – completed
2. Online chat function during Board and Committee meetings not to be used for debate – Board attendees from September Board. (DTP recommendations)	Board	September 2022 – completed
3. Updated Agreement of Services to include termination clause and payment in such circumstances (DTP recommendations)	Risk and Governance Manager	October 2022 – completed
4. Amend clause 2.4 to make it clear that Audit Committee can co-opt additional members to those co-opted to Board. (DTP recommendations)	Risk and Governance Manager	October 2022 – completed
5. Absence from meetings and conflicts of interest to be removed from Board and Committee terms of reference and added to code of conduct. (DTP recommendations)	Risk and Governance Manager	October 2022 – completed
6. Review section 4 of the Customer Services terms of reference to ensure its clear around the delegations from Board and is reflected in the new delegation's framework. Ensure there is no duplication between Customer Services Committee and Audit and Risk Committee. (DTP recommendations)	Head of Governance and Strategy	October 2022 – completed
7. Review the BMBC Attendee Role Profile. (DTP recommendations)	Head of Governance and Strategy	October 2022 – completed
8. Review how the Customer voice is heard by Board, how Board triangulates this, and invitations to Board for customer events. (DTP recommendations and NHF Code)	Head of Governance and Strategy Head of Customer Services	October 2022 – completed CS Committee voids tour May 2023 Ongoing work to embed – key priority during 23/24.
9. To ensure they are hearing our customer. (DTP recommendations and NHF Code)	Board	
10. Review Board template to hear the customer voice, ensure exec summary and provide guidance for staff writing reports. (DTP recommendations)	Head of Governance and Strategy	December 2022 – completed
11. Annual Customer survey plan to be refreshed: Consultant appointed to plan out 15-week review of Customer Insight (NHF Code of Governance)	Head of Customer Services	Feb 2023 - completed
12. Develop the Customer Insight Strategy and enhance IT systems: Consultant appointed to plan out 15-week review of Customer Insight (NHF Code of Governance)	Head of Customer Services	Feb 2023 - completed
13. Assign a board champion responsible for complaints (NHF Code of Governance)	Head of Customer Services	December 2022 – Completed
14. Report to Board on succession Planning following skills matrix assessments (DTP recommendations)	Head of Governance and Strategy	February 2023 – completed
15. Review information we give to residents – full transparency (NHF Code of Governance)	Head of Customer Services	Target for completion June 2023 Commenced review of information we share.

Action	By Who	Target Date
16. Review the annual co-regulation self-assessment framework (NHF Code of Governance)	Head of Customer Services	Target for completion June 2023. Tenant led self-assessment completed and presented to CSC in Nov 2022. Commenced development of revised co-regulation framework.
17. Full review of Delegated Decision Framework (NHF Code of Governance)	Head of Governance and Strategy	To July 2023 Board for approval. Delayed due to the size of the task and being linked to the new financial regs.
18. Board to review performance as a Board and committees – 3 yearly facilitated session with external consultant. (NHF Code of Governance)	Head of Governance and Strategy	October 2023

Appendix C - Risk appetite 2023

Risk Driver	Appetite (current)	Appetite (aspirational)	What this means to Berneslai Homes (BH)
The customer experience	Averse	Cautious	<p>Berneslai Homes is committed to providing a good quality service to all our customers. We are a listening organisation, valuing and encouraging feedback from customers, working together to continuously improve services. Customer perception and experience of the services we deliver are the best source of feedback to shape future service improvement. There are occasions when, for various reasons, someone may be dissatisfied with the level or standard of service that they have received. We aim to ensure that there is an established and effective way in which compliments, complaints or suggestions are dealt with positively and consistently.</p> <p>BH is on a continuous journey in terms of customer service. Whilst we want to be innovative in finding the best solutions for great service, we are unwilling to take risks that may negatively impact way that we deliver to our customers. Proactive solutions include the Repairs First project; however, we will not exclude more traditional forms of service delivery (phone, face-to-face). BH accepts that in some areas of customer service delivery it does not have full control (e.g., contact centre) which limits the amount of risk it can take. BH is committed to the new professionalism agenda and will continue to embed a culture of customer first, ensuring all staff have the skills to interact with customers in an exemplary way.</p> <p>BH acknowledge that we must manage customer expectations and focus on ensuring we deliver what we say we can deliver and be open about what we can do with the resources we have available.</p>
Consumer Regulation	Averse	n/a	<p>Some very tragic circumstances in housing have rightly led to the government focus to improve housing services across the UK. The new Social Housing legislation will bring about one of the most fundamental changes to social housing regulation for over a decade. It will set new expectations on the services that we provide for our tenants and give the regulator stronger powers to hold us to account. The new Consumer Standards will change the current framework and the Housing Ombudsman has greater powers to challenge and enforce. BH has more challenging targets to meet, including the implementation of the Tenant Satisfaction Measures TSMs. BH must be open and transparent with all stakeholders on our progress and any challenges.</p> <p>The BH Board will have new performance measures in place to enable them to effectively challenge and scrutinise. Board is fully aware of its responsibilities and uses its knowledge, skills and experience to monitor compliance on a regular basis. We aim to comply with all relevant legislation and have zero tolerance for regulatory compliance issues. We give high priority to internal audit recommendations and take immediate action to resolve concerns. We have zero tolerance for failure to meet deadlines from regulators.</p>
Asset management	Cautious	Balanced	<p>Berneslai Homes' Asset Management Strategy 2021-2026 was co-designed with BMBC. BH has the challenge of making our stock more sustainable by investing in properties and reducing the need for repairs. Data quality is essential to inform the Asset Management Strategy. We have a target of 100% stock condition and EPC data by March 2024. There is a need for BH to invest appropriately in its assets, but only where those assets are viable in the future.</p> <p>The approach is a cautious one as BH have ongoing and new challenges to meet, such as achieving Decent Homes across our stock, supply chain sustainability, damp and mould, retaining a skilled workforce, alongside increasing statutory obligations.</p> <p>BH must work with BMBC to influence funding for regenerating the borough and BH is ambitious in considering innovative solutions.</p>

Risk Driver	Appetite (current)	Appetite (aspirational)	What this means to Berneslai Homes (BH)
Sustainability (net zero carbon)	Cautious	Balanced	Berneslai Homes' Sustainability Strategy 2022-2027 is an ambitious zero carbon plan developed in line with BMBC sustainability targets. BH is cautious with the risk of early adopting building and heating technology without knowing enough about how it will evolve and whether it will still be sustainable in the future. However, if we're too cautious for too long, we may risk falling behind and therefore aspire to have a balanced appetite.
Strategic delivery and partnership with BMBC	Balanced	Open	BH is closely aligned with BMBC. There is a good, balanced working partnership in place, and it is imperative to maintain this, hence the Balanced appetite. BH is prepared to innovate where it is right for the customers we serve. Innovation must be appropriate to the BH and BMBC mission and objectives. Where there is clear community benefit, we are prepared to be innovative and invest.
Building Safety	Averse	n/a	The Building Safety and Fire Safety Acts have increased the legislative challenges around building safety. The BH Board is fully aware of its responsibilities and uses its knowledge, skills and experience to monitor compliance on a regular basis. We aim to comply with all relevant legislation and have zero tolerance for regulatory compliance issues. We give high priority to internal audit recommendations and take immediate action to resolve concerns. We seek contract certainty and understanding of all key terms before signing. We have zero tolerance for failure to meet deadlines set by regulators.
Health and safety	Averse	n/a	BH has a zero-tolerance approach to non-compliance with all aspects of health and safety. This includes its workforce, contractors, partners, customers and the general public. BH will always seek 100% compliance with health and safety legal requirements and is not willing to take any risks in this area.
Income risk	Averse	n/a	BH is financially dependent on the management fee it receives annually from BMBC and is averse to doing anything which puts this income at risk. Likewise, it has a keen maximise its income which is then used to pay for services to tenants by focusing on rent collection, service charges, leaseholder service charges and recharges and minimising rent lost through void processes.
Financial Stability	Averse	n/a	BH's overriding imperative is to remain financially viable, therefore it is risk averse when it comes to the strategic management of its finances. Financial performance relies on meeting budgetary targets and PRIP targets. BH have a responsibility to run a business that is aligned with our plans, which may require us to draw more from BMBC to manage those demands. BH and BMBC need to continue to have sensible conversations about budget. Whilst BH does not have to comply with the RSH's VFM Standard, it wishes to be mindful of it and takes a risk averse approach to VFM in that it seeks to maximise local, social value and impact in Barnsley for the money it spends there.
Third/counter party risk	Cautious	n/a	BH takes a cautious approach to the contracts it has in place with third parties. If a third party were to cease operating, tenants could potentially be put at risk. Safe delivery of contracts is paramount. BH is more open to risks when it comes to new opportunities with third parties. The current economic environment has increased the risks in supply chain, so BH must ensure we have a Plan B. We may need to look at longer term partnerships. We may need to bring some services in-house to deliver effectively. The procurement rules are changing and there is currently no certainty around what the new rules will mean for BH.
Workforce (HR, recruitment, training etc.)	Cautious	Balanced	Increased regulatory challenges and ongoing issues with skills shortages is putting pressure on the workforce. Recruitment to specialist posts is more difficult. BH is hungry to improve its approach to training, education and skills in line with the new professionalism agenda. There is uncertainty of what housing qualifications the government will expect of housing employees in the future. BH is risk averse around legal compliance on HR matters.

Risk Driver	Appetite (current)	Appetite (aspirational)	What this means to Berneslai Homes (BH)
Data quality and data integrity	Averse	Cautious	<p>Data quality has a significant impact in decision making. It is essential for sustainability, innovation, service provision, health and safety and performance monitoring, and much more. There is opportunity inherent in having good data. It has also become a priority regulatory concern. BH are on a journey to achieving effective collation of data, as referred to in the appetites for Asset Management, Customer Experience and Consumer Regulation. BH aims to use proven methods when it comes to ICT. We have a low tolerance of ICT outages and have effective and tested Business Continuity Plans in place to respond to outages of 3 hours or more. IT, however, is an enabler of service delivery, and in that sense, there is more appetite for taking risks, such as the new Repairs First project.</p> <p>There is so much data available and we have a strong responsibility to be stewards of that data. We have zero tolerance for the loss or compromise of personal/sensitive data.</p> <p>The UK Housing Data Standards aim to support the housing sector to improve its data and overcome current challenges by increasing data governance, improving performance and streamlining regulatory reporting in social housing.</p>
Cyber security	Averse	n/a	<p>Cyber security is a global issue with increasing risks of such areas as malware and ransom attacks. BH must understand and prioritise controls and assurance, which are reported to the Audit and Risk Committee. BH with BMBC undertake resilience exercises on cyber-attacks. Expertise on this area sits with BMBC.</p>
Reputation	Averse	n/a	<p>BH holds dearly its reputation as an excellent provider of management and other services in Barnsley, as a key partner of BMBC and as an employer. We fully accept that there will be reputational challenges given the nature of our business, and we will look to fully understand and mitigate these challenges. We have a low appetite for reputational risk generally, in all areas of the business. We aspire to high standards of corporate governance and legal compliance, have zero tolerance for serious injury or death caused by H&S failure, and seek to avoid any legal action against the organisation.</p>

Report Title	Technology and Innovation Strategy	Confidential	No
Report Author	Head of IT Service Management	Report Status	For Information
Report To	Board	Officer Contact Details	chrisbrownley@berneslaihomes.co.uk

<h2>1. Executive Summary</h2>	<p>This report is for information only and provides an update on progress of the technology action plan which forms part of the Innovation and Technology Strategy.</p> <p>15 IT projects were to be delivered in the 2022/23 financial year and, of these:</p> <p>8 have been completed (highlighted in green), 3 have changed since the initial report was produced (highlighted in yellow) and 4 have slipped (highlighted in orange).</p> <p>All projects that are delayed are still planned to be delivered and have been rolled forward into the current year. Planning will be undertaken to develop the new action plan which will be delivered in the coming months.</p>																								
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 25%;">Project</th> <th style="width: 10%;">Status</th> <th style="width: 25%;">Project</th> <th style="width: 10%;">Status</th> </tr> </thead> <tbody> <tr> <td>New Website</td> <td style="background-color: #008000; color: white; text-align: center;">✓</td> <td>Income Management Analytics</td> <td style="background-color: #008000; color: white; text-align: center;">✓</td> </tr> <tr> <td>Digital Inclusion Pilot</td> <td style="background-color: #008000; color: white; text-align: center;">✓</td> <td>360 View of Housing System</td> <td style="background-color: #008000; color: white; text-align: center;">✓</td> </tr> <tr> <td>Ensure Housing System is on Supported/Current Release</td> <td style="background-color: #008000; color: white; text-align: center;">✓</td> <td>Internet of Things (IoT)</td> <td style="background-color: #008000; color: white; text-align: center;">✓</td> </tr> <tr> <td>Data Warehouse / Dashboards</td> <td style="background-color: #008000; color: white; text-align: center;">✓</td> <td>End User device refresh programme</td> <td style="background-color: #008000; color: white; text-align: center;">✓</td> </tr> <tr> <td>Telephony</td> <td style="background-color: #ffff00; text-align: center;">X</td> <td>Eform system</td> <td style="background-color: #ffff00; text-align: center;">X</td> </tr> </tbody> </table>		Project	Status	Project	Status	New Website	✓	Income Management Analytics	✓	Digital Inclusion Pilot	✓	360 View of Housing System	✓	Ensure Housing System is on Supported/Current Release	✓	Internet of Things (IoT)	✓	Data Warehouse / Dashboards	✓	End User device refresh programme	✓	Telephony	X	Eform system	X
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	(Robotic) automation	X	Repairs First	X
	Deliver Training Programme for use of New Repairs First Systems	X	C365 Compliance Management System	X
	SAP success Factors	X		
<p>The projects that have changed during the year have done so due to:</p> <ul style="list-style-type: none"> • Telephony – BMBC consulted on wider telephony strategy which resulted in delay and change of technology provider. • Robotic Automation – BMBC led and decision taken to stop the use of current tool and use a more cost effective and supportable solution for automation of routine tasks. • Eform system – Planned to move to a BMBC solution but operational issues have led to a reevaluation of approach. 				
2. Recommendation/s	It is recommended that this report be noted.			

3. Background

- 3.1 This report updates Board on the progress made with the delivery of the action plan which forms part of the Innovation and Technology strategy.
- 3.2 The plan sets out 15 projects which would be planned and delivered in the first year of the strategy.

4. Current Position /Issues for Consideration

- 4.1 Of the 15 projects, 8 have been successfully delivered, 3 have changed since the plan was developed and 4 are behind or delayed.

4.2 The 8 projects that have been delivered are:

- New Berneslai Homes customer website – modern website on an updated platform giving customers an improved experience. Also allowing new tools such as the ‘Lettings Demand Tool’ to be developed and introduced and giving BH further customer insight on usage and visits.
- Income Management account analytics tool – Improved detail and depth of analysis for rent accounts. Brings efficiencies for staff as focus can now be given to those accounts in need of action or attention with improved segmentation of accounts.
- Digital inclusion pilot for tenants – Funded project to bring internet connectivity and devices to selected tenants in the Central Ward.
- 360 degree view of the customer and property within the housing management system – Offers staff, including call centre, a detailed overview of the tenant and/or property as this central screen pulls together information from multiple modules allowing improved customer service.
- Housing management system on supported/current release – Helps to ensure the core system is supported, available and ensures staff and customers benefiting from the latest released functionality.
- Internet of Things (IoT) project with Sheffield Hallam University – Project has improved links with the educational establishment, which was an aim in the strategy, and students have delivered a workable technical specification for an IoT device which could be further developed to help with the organisational aims around damp and mould in tenants’ homes.
- Data Warehouse / Dashboards within housing management IT system – Pulls together usually disperse data from within the housing management system, into a central area. Enables improved analysis and reporting of data.

4.3 The 4 that are behind or delayed are:

- Repairs First – The project will improve data, reporting and the scheduling of repairs and maintenance tasks. This will improve the customer experience and give staff access to information they need while also delivering efficiencies.
- Delivery of Training Programme for the use of the new Repairs First IT systems – Training programme will enable correct use of the systems which is critical for the success of the project.
- Introduction of compliance management system (C365) – New system will give greater assurance that compliance tasks have been completed and the data recorded accurately.
- SAP Success Factors – Improved user experience and moderation of HR processes.

4.4 The 3 that have changed during the year are:

- Increased use of Call Centre Telephony - BMBC consulted on wider telephony strategy which resulted in delay and change of technology provider. Project is now planned for delivery in May 2023.
- Move to a new eForm system - Planned to move to a BMBC solution but operational issues have led to a reevaluation of approach. Currently, updating the current eForm system so fully supported and evaluation of options during Quarter 2.
- Introduce (Robotic) automation - BMBC led, and decision taken to stop the use of current tool and use a more cost effective and supportable solution for automation of routine tasks. System is being developed and BH aiming for access and training during the first 2 quarters of the financial year.

5. Customer Voice/Impact

The introduction of the website has proven successful for customers. Data shows increased use and the system allows for greater insight on customer use. The website also allowed for the introduction of new features such as the 'rehousing demand tool'. The main delayed project which impacts customers is the extended use of call centre technology since we are unable to remove calls from the Call Centre and route directly to subject matter experts.

6. Risk and Risk Appetite

One of the main reasons for the delay to the Repairs First Project was the unacceptable level of risk it would have introduced. Staff would not have had all the information they needed to work safely and a lack of time for testing and training would have introduced unnecessary risks to data, working practices and customer service.

7. Strategic Alignment

This report links to the following Strategic Ambitions and supports Barnsley 2030 aims:

- Keeping tenants Safe
- Technology and Innovation
- Zero Carbon

8. Data Privacy

Individual Data Protection Impact Assessments are required for each of the projects and these are in place.

9. Consumer Regulatory Standards

This report relates to the following elements of the Regulatory Standard:

- Home Standard
- Tenancy Standard
- Neighbourhood and Community Standard
- Tenant Involvement and Empowerment Standard

10. Other Statutory/Regulatory Compliance

Procurement rules have been followed for procurement of all IT systems and associated services.

11. Financial

Delays will impact budgets directly or indirectly. The move to use more suitable and cost-effective tools for automation, for example will have a positive affect and allow for reinvestment of savings into other developments which will offer invest to save opportunities.

12. Human Resources and Equality. Diversity and Inclusion

All requirements are considered when scoping projects and when delivering. Equality Assessments are completed, and customers / users consulted.

13. Sustainability Implications

Some projects will contribute to carbon reduction in the form of reduced travel.

14. Associated Background Papers

None.

15. Appendices

IT Programme April 2023

16. Glossary

N/A

Project Title	Description	Project Lead/s	Status	Complete	Current Position
New Website	Website moved onto a new platform, giving new options re. communication with customers.	Siobhan Dransfield	Green	✓	Completed
Income Management Analytics	Build and introduce an analytics tool for income management.	Chris Brownley	Green	✓	Completed
Digital Inclusion Pilot	Deliver the Digital Inclusion Pilot.	Leon Sidebottom /Claire Hawley	Green	✓	Completed
360 View of Housing System	Introduce a 360 view of the Housing Management system.	Jonathan Rhodes	Green	✓	Completed
Ensure Housing System is on Supported/Current Release	Ensures system is supported by the supplier, latest security is in place and new functionality available.	Jonathan Rhodes	Green	✓	Completed.
Internet of Things (IoT)	Explore, with the aim of piloting, internet of Things Technology for building maintenance or energy efficiency.	Chris Brownley, Anthony Spencer, Sara Hydon (BMBC)	Green	✓	Completed
Data Warehouse / Dashboards	Development of data warehouse and dashboards (rents, repairs & allocations).	Jonathan Rhodes	Green	✓	Completed
End User device refresh programme	Deliver Phase 1 and 2 of revised end user device refresh programme.	Chris Brownley	Green	✓	Completed
Telephony	Increase use of call centre technology.	BMBC Lead BH Lead - Sarah Barnes	Yellow	X	BMBC stopped progress and engaged 3rd party to advise on council wide telephony strategy. New system chosen as call centre telephony supplier after procurement exercise. This brought delays to BH project but planning now underway to introduce new system into Call Centre and Service Control Unit. This will then be extended into other areas of the organisation.
Eform system	Eform system move and new developments.	Sarah Barnes	Yellow	X	BMBC encouraged use of existing in-house 'Requestary' system. Explored the use of the tool but lacking retention functionality and does not meet service requirements on functionality. Current e-form system is being upgraded so there is continued support whilst wider exercise is undertaken.
(Robotic) automation	Establish process automation programme with the aim of automating a set of non- value adding processes.	Chris Brownley	Yellow	X	Working with BMBC, introduced 'Blue Prism' for process automation. Electrical testing admin process successfully automated. Extended use into moving/storage of photographs and documents within asset management. However, BMBC have moved away from Blue Prism and retired the system. New approach to be delivered using Microsoft's Power Automate tool.
Repairs First	Implement new system for Housing repairs and maintenance including dynamic scheduling, new mobility, online repairs reporting and real time reporting.	One Consulting	Red	X	Re-planning underway.

Deliver Training Programme for use of New Repairs First Systems	Staff must be competent in the use of the new systems.	One Consulting		X	Forms an important part of the re-planning exercise which is underway.
C365 Compliance Management System	C365 Compliance Management System - implement new compliance software for building safety. (Electrical, asbestos, water hygiene, lifts, fire, sump pumps)	Leslie Gudalajtys		X	Phased approach with first modules nearing go-live.
SAP success Factors	Supporting BMBC in implementation of SAP Success Factors (BMBC/BH wide).	BMBC Lead BH Lead - Nicola Scott		X	Significant issues with the delivery of the project. BMBC are leading the project and they are now looking at different approaches to delivery due to on-going issues.

	Delivered
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