



Minutes of Berneslai Homes Board held 26th September, 2024

4.00 p.m.
Gateway Plaza

Present:

- Ken Taylor (KT) - Chair
- Richard Fryer (RF) - Board Member
- Mahara Haque (MH) - Independent Chair of Customer Services Committee
- Adam Hutchinson (AH) - Board Member
- Mark Johnson (MJ) - Board Member
- Gez Morrall (GM) - Board Member
- Kevin Osborne (KO) - Board Member
- Eric Smith - Board Member (Co-optee)
- Sarah Tattersall (ST) - Board Member

In attendance

- Amanda Garrard (AGa) - CEO
- Dave Fullen (DF) - Executive Director, Customer & Estate Services
- Arturo Gulla (AGu) - Executive Director, Property Services
- Rachel Taylor (RT) - Executive Director, Resources
- Sam Roebuck (SR) - Head of Governance and Strategy and Company Secretary
- Sarah Clyde (SC) - Head of Strategic Housing (BMBC)

	ACTION
<p><u>Item 1 – Apologies</u></p> <p>Jo Sugden – Board Member Rebecca Mather – Board Member</p>	
<p><u>Item 2 – Declarations of Interest</u></p> <p>There were no declarations of interest.</p>	

<p><u>Item 3 – Governance Update</u></p> <p>SR presented the report summarising the key points outlined in the Executive Summary.</p> <p>She initially referred to the delegated decisions review, which will provide BMBC with clear oversight of reports. Consultation has taken place with BMBC, the Board Chair and Committee Chairs on the approval routes. Appendix A attached to the report shows the proposed changes to reporting escalations.</p> <p>The Board was then referred to the Decision Making Framework, which outlines the roles of the Council, Board, Committees, etc. This has been reviewed with BMBC colleagues and is in line with the Services Agreement.</p> <p>Following discussions with Board Members, it is proposed to appoint Board Champions, and the Board is asked to approve these as set out in the report.</p> <p>The Chair believes this approach strengthens the governance of the organisation. Board Champions will require publicising, and lead officers will need to be identified for the Champions to report to.</p> <p>Resolved:</p> <ul style="list-style-type: none"> I. Board approved the recommended changes in Appendix A to reporting escalations. II. Board approved the recommended changes in Appendix B, to the Delegations Framework (summarised in Appendix C). III. Board noted that any amended terms of references for Committees and Board will be recommended for approval at Board on 5th December 2024. IV. Board approved the appointment of Board Champions and approve the Terms of Reference for the Health and Safety Champion and ED & I Champion. V. 	SR
<p><u>Item 4 – Annual Governance Statement</u></p> <p>SR presented the report. Board noted this had already been to the Audit and Risk Committee. AH as Chair of Audit and Risk assured Board that Committee were satisfied with the report and had nothing of significance to highlight. Committee were satisfied that the report reflected the evidence of a mature governance approach and includes continuity for improvement.</p>	

<p>SR brought Board’s attention to the key points within the Executive Summary. The report highlights the review of internal controls for Berneslai Homes in 2023-24; it includes the CEO Assurance Statement for inclusion in the Director’s Annual Report and Accounts. The review concluded there were no fundamental issues but there were some areas for development identified.</p> <p>MH queried the reason for ceasing the use of IIP for staff satisfaction. AGa provided an explanation that this has been part of Berneslai Homes’ contract with the Council previously and was in the Services Agreement. It has been agreed, in consultation with BMBC, that more focus should be on customers, therefore the SLA has been changed to reflect this and that a more customer facing accreditation be introduced.</p> <p>Resolved:-</p> <p>As recommended by Audit and Risk Committee:</p> <ul style="list-style-type: none"> i. Board was satisfied that the assurance provided in this report, in relation to internal control arrangements, is sound and forms a satisfactory basis for the Statement attached as Appendix A for inclusion in the 2023-24 Accounts and recommend its approval to Board. ii. Board noted the proposed 2024-25 Plan for improving the robustness of the system of internal control. iii. Board approved the Modern Slavery Statement 2023-24 for signature by the Board Chair. iv. Board approved the Senior Information Risk Owner Annual Report 2023-24. 	
<p><u>Item 5 – Risk Management Annual Report</u></p> <p>SR presented the report, bringing to Board’s attention the key points.</p> <p>Audit and Risk Committee has already considered the report.</p> <p>The Risk Management Strategy has undergone the formal 2 year review, the commentary has been refreshed. There were no key procedural changes.</p> <p>Following a recommendation from the Corporate Assurance Review the Strategic Risks are now reviewed on a monthly basis and this has been stated as procedure.</p> <p>Following a zero based review of the Risk Appetite by Board in February 2023, the Risk Appetite Statement remains fit for purpose. Corporate Assurance undertook a review of the risk management framework in 2022, a follow up was also undertaken and a positive assurance opinion was confirmed. Board’s attention was drawn to the 17 active strategic issues and concerns contained in Appendix B.</p>	

<p>AH reported that Audit & Risk Committee felt assured following the deep dive they undertook on mental health and have requested they be kept updated. The information on this is contained in the minutes which Board members have access to.</p> <p>Resolved:</p> <p>As recommended by Audit and Risk Committee:</p> <ul style="list-style-type: none"> I. The Risk Management Annual Report for 2023-24 was approved by Board. II. The proposed 2024-25 Action Plan at Section 11 was approved by Board. III. Board agreed they felt sufficiently informed about risk management. 	
<p><u>Item 6 – BH Ltd Report and Accounts</u></p> <p>RT presented the company’s final annual report and accounts for the year ending 31st March 2024.</p> <p>Audit and Risk Committee at their August meeting considered the ‘near’ final version, which they approved. BDO the external auditors attended this committee meeting to discuss with members.</p> <p>Board was referred to the Executive Summary which highlights the key financial results. RT also stated that the annual report and accounts not only focuses on figures but is an important public document that will be available on Companies House website. It provides information on how an organisation is performing, the challenges, risks etc.</p> <p>AH referred to an outstanding ongoing legal case which has a potential high level of liability attached to it and requested an update. RT advised that the hearing occurred before the accounts were finalised, however the judge did not make a decision, so the case is not finalised. A decision therefore had to be taken on whether to disclose in the financial statements. A detailed assessment from the legal advisor was sought on the case and a summary of final remarks obtained. From this it was concluded that there was a high likelihood that this would be in Berneslai Homes favour, consequently a relatively small amount of money would be involved. BDO agreed, following their discussion with the legal advisor, this would not need to be included in the financial statements. A decision is still awaited.</p> <p>RT also referred to a pension query. This was double checked and BDO were satisfied with the advice provided.</p> <p>The Chair thanked the Financial Team involved in producing the accounts, acknowledging the significant work involved.</p>	

<p>Resolved:</p> <p>As recommended by the Audit & Risk Committee Board:-</p> <ul style="list-style-type: none"> I. Considered the Berneslai Homes Limited Annual Report and Accounts for the period ended 31st March 2024 (Appendix A) II. Considered the letter from BMBC (Appendix B) III. Considered the final audit report from the external auditors, BDO (Appendix C) IV. Approved the Berneslai Homes Limited Annual Report and Accounts for the period ended 31st March 2024 V. Approved the Chair of the Board, the Chair of the Audit & Risk Committee and the Head of Governance & Strategy sign the Annual Report and Accounts for the period ended 31st March 2024 at the relevant sections VI. Approved the Chair of the Board signs the letters of representation (Appendix D) 	
<p><u>Item 7 – Compliance Policies - Amendments</u></p> <p>AGu presented the report and highlighted the reasons for amending the Fire Safety Policy, the Building Safety Policy, Fire and Building Safety Management Plan and the Lift Safety Policy. The amendments have been made following recommendations from the audits undertaken by Pennington Choices and BMBC Corporate assurance (Lift Policy).</p> <p>RF referred to the Fire Safety Policy in relation to the final Grenfell report and if this has been considered and if any amendments were required. AGu advised that once the government has reviewed the Grenfell report there may be further amendments needed.</p> <p>MJ referred to the process used to get to this point and the assurance Board requires to ensure it is best practice, he particularly referred to the consolidation of 3 policies. AGu advised of the mechanisms in place i.e the Building Safety Board, attendance at seminars on compliance in relation to building safety etc. At the recent inspection the regulators provided positive comments in relation to the score card information. AGu also informed Board of the work taking place with Legal on a revised approach where tenants refuse access for electrical inspections to be undertaken, which has been successful. Board were also assured that Pennington Choices are a reputable consultant in the housing field, working with a significant number of organisations.</p> <p>AGu advised of organisations being called in by the Building Safety Regulator on high rise buildings where they feel there is a risk. BH have 3 buildings, which are only 7 storeys high; they have no cladding and therefore are low risk. Looking at the proposed timetable for inspection, the BH inspection should take place during year 3 or 4. Board were advised that thorough safety cases are in place.</p>	

Resolved:

- **Boarded noted, commented on and approved the following amended new compliance policies:-**
 - **Fire Safety Policy**
 - **Building Safety Policy**
 - **Fire and Building Safety Management Plan**
 - **Lift Safety Policy**

The Chair and another Board member agreed to sign each policy.

Item 8 – 2024/25 Quarter 1 Performance Summary

DF presented the summary. The full detailed report was considered by Customer Services Committee and by the ALMO Strategic Planning Assurance Group which was observed by the Regulatory inspectors. The key points were summarised.

The report reflects Berneslai Homes' strength on building safety.

There has been a positive outcome as a result of the additional work and resources that has been put into complaints/complaints handling, with 96% of Stage 1 and 2's being responded to in target.

RF advised that Customer Services Committee had spent some time looking at complaints performance and were pleased to see the improvements, but they felt further progress needs to be made on the proportion of complaints upheld. The importance of evaluation and learning was also stressed, this should help stem the flow of complaints. DF referred to the fundamental route cause being addressed, which is tackling the backlog.

The latest complaints transactional satisfaction shows a 15% point increase in agreement that it is easy to complain amongst those surveyed, this is positive and is an important measure

Rent collection is good. The challenges remain on the managed migration of tenants onto Universal Credit (UC). In the first quarter, UC claims have increased by 9%. This trend continues, for example, in July and August a further 300 tenants have migrated onto UC.

A new challenge has emerged on rent collection. This is following a case entered into court, where Shelter represented the tenant. This resulted in fundamental issues raised with regard to the right to representation in court by Berneslai Homes. BH are working with BMBC on the issue and an external solicitor has been appointed. This will be picked up at the next Customer Services Committee.

<p>Local spend is good, supporting the local economy.</p> <p>Areas for focus were summarised.</p> <p>Emergency Repairs – Noted good at making safe, but further work is required on complete fixes on repairs. However, Board did note the challenges in relation to the unavailability of obtaining some materials i.e glazing. This is also being experienced by other organisations. Discussions are taking place with key suppliers on managing the supply chain.</p> <p>Void rent loss. Work has been taking place on the development of an internal void improvement plan. This has been shared with the Council. Engaged tenants have also shown an interest, therefore learning from damp and mould, a task and finish group has been established.</p> <p>The report refers to the issues of the Contact Centre performance. Reasons include Repairs First, staff turnover, training etc. Since the report was produced, performance has improved, increasing to 60%. This is not impacting on satisfaction with the call itself and further work is required with the Council to ensure improvement continues and reaches the target. DF advised he will be meeting BMBC’s Service Director responsible for the Contact Centre to discuss</p> <p>MJ raised the issue of non-decency and the assurance that needs to be provided to Board on progress. AGu advised this had taken place as part of the Pennington’s report this year, however it was agreed that an update will be provided to Board on a more regular basis.</p> <p>AH requested an update on the reporting of Hate incidents. DF referred to the spike around the time of the recent riot and a peak in hate crime reported, some which were very serious. He advised Board that he had attended the Barnsley Safety Partnership Group today, and although there are a few ‘blips’, it is now at a normal level. The Partnership’s focus is tackling the underlying fundamental issues. The Council are also doing some work around myth busting and will relaunch ‘Love Where you Live’. BH will be involved. Front line staff have been re-briefed so everyone has a refresh on hate crime.</p> <p>MH stressed the importance of learning from the issues and the need to be prepared/active in the event of such incidents re-occurring. DF concurred. He advised that a Civil Disorder plan will be established for the borough, as part of the lessons learned and BH will be involved. Improvement is also required on comms messages, getting through at the right time to the right people.</p> <p>GM hopes social media will be part of the plan as it is a significant issue in Barnsley. DF agreed that it is a major contributory factor. The Council and Police are taking social media into consideration, but they are still in the reflection and learning stage. It was felt the internal/external culture and behaviour is a topic for discussion at the Away Day.</p>	<p>DF</p> <p>AGu</p>
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<p>KT referred to his concerns on the internal restructure of the neighbourhood teams and queried if this is working. DF advised that a review will shortly take place, probably at the end of the year. There were some staffing issues initially and steps have been taken to rebuild the team.</p> <p>The Chair requested that a progress report be presented at the December Board meeting, if feasible. DF to assess the possibility of this request.</p> <p>The Chair also referred to the number of grey areas in the TSM measures SR explained that this year the STAR survey is being conducted in two instalments. The first part will be reported in the next performance report produced for Q2.</p> <p>Resolved:</p> <ol style="list-style-type: none"> I. Board considered Quarter One performance. II. Where performance targets were not achieved, Board were satisfied with the explanations provided and there are adequate controls and actions in place. III. Board did not identify any further areas where they feel more detailed consideration is required by Customer Services Committee. 	DF
<p><u>Item 9 – Disrepair Annual Report/Current Position</u></p> <p>AGu presented a report indicating the increase in disrepair cases in 2024 compared to the previous year, mainly due to damp, mould, plastering, and guttering. This is a concern. Collaborative efforts with the Council and Kennedys are continuing. BH also lead on a collaboration with local peers, sharing good practice etc.</p> <p>Work is ongoing with the Council to deal with disrepair and there are some ongoing actions in place, although the recent departure of the Damp, Mould and Disrepair Manager poses a challenge.</p> <p>Claims harvesters are exacerbating the situation by advising tenants to refuse access, and a backlog in repairs is also contributing to the problem.</p> <p>AGa also highlighted the additional pressure caused by the cost of living crisis, which is preventing people from using their heating and thereby worsening damp and mould issues. This increases the pressure of getting properties to EPC C as quickly as possible.</p> <p>Resolved:-</p> <p>Board noted the year end disrepair position and ongoing actions to manage/reduce both existing and future cases.</p>	

<p><u>Item 10 – BH Sustainability Strategy 2022-27 Action Plan Progress</u></p> <p>AGu presented, highlighting some of the successes as outlined in the Executive Summary.</p> <p>MJ commented on the 59% of properties that remain below EPC C and referred to funding issues.</p> <p>ST noted that certain tenants are declining retrofit works due to various concerns, including disruptions that particularly affect elderly tenants. Enhanced communication regarding the benefits of these works, such as cost savings for tenants, could be advantageous. It was proposed that positive tenant stories and lived experiences be shared. AGu will coordinate with the Communications Team.</p> <p>Reasons for refusal include timelines, assessments, and the extent of work required. The current criteria are extensive and may discourage tenants. SC recommended informing tenants about the timelines at the outset of the process. KO suggested that providing myth-busting information might also be helpful.</p> <p>Resolved:</p> <p>Board noted the review of the Sustainability Strategy Annual Plan 2023/24 progress report and provided appropriate feedback.</p>	<p>AGu</p>
<p><u>Item 11 – Resources Reports:-</u></p> <p><u>11.1 Board Fact Sheet</u></p> <p>Board noted the fact sheet which they found to be very useful.</p>	
<p><u>Board Mins and Actions from meeting held 11/7/2024</u></p> <p>Resolved:</p> <p>The minutes were approved as a true and accurate record and the actions were noted.</p>	
<p><u>Date of next meeting – 5th December 2024</u></p>	