



Berneslai Homes Board 22nd February 2024

Face to Face Meeting

4 p.m. Level 10 Gateway Plaza

| | | Decision/ Approval/ Information |
|-----|---|--|
| 1 | Apologies | |
| 2 | Declarations of Interest | |
| 3 | Customer First – Building and Fire Safety (Video) | For Information |
| 4 | Governance Update | For Approval |
| 5 | Audit and Risk Committee Annual Report 2023 | For Approval |
| 6 | Performance Report Quarter 3 | For Information |
| 7 | Repairs First Verbal Update | For Information |
| 8 | Quarterly Risk Update including RSH Sector Risk Profile | For Information |
| 9. | Board Terms of Reference | For Information |
| 10. | Resources Information Reports:- <ul style="list-style-type: none"> • Board Member Fact Sheet | For Information |
| 11 | Minutes/Actions from Previous meeting held 7/12/2023 | For Approval |
| | Date of Next Meeting – 30 th May 2024 | |

| | | | |
|----------------------|--|--------------------------------|--|
| Report Title | Governance Update | Confidential | No |
| Report Author | Head of Governance and Strategy | Report Status | For Approval |
| Report To | Board 22/2/2024 | Officer Contact Details | samantharoebuck@berneslaihomes.co.uk clairedenson@berneslaihomes.co.uk |

| | |
|------------------------------------|---|
| <p>1. Executive Summary</p> | <p>1 <u>Board Development</u></p> <p>1.1 The draft annual Board Development Plan is at Appendix A for approval. Board and EMT have been consulted in the schedule for development.</p> <p>1.2 The Board member Personal Development Programme is at Appendix B, which was communicated to Board members in November 2023. It is based on feedback, including from appraisals and skills assessments during 2023. Short sessions and one-to-ones will be organised throughout 2024 as requested.</p> <p>1.3 At the Board meeting in December 2023, Board agreed that a trainee Councillor Board member should be recruited to shadow Councillor Board members from 6 months before their retirement date. BMBC have made suggested amendments to the Memorandum and Articles to support this and this is subject to the council's governance approval process. The BMBC report is attached at Appendix D for Board information.</p> <p>2 <u>Board Register of Interests</u></p> <p>2.1 Currently, Board member register of interests is not published on the BH website, just the offer of it being available upon request. However, other organisations do publish the full register of interests. As part of the Annual Governance Update to Audit and Risk Committee on 25th January 2024, Committee recommend to Board that the register of interests for Board members should be published on the BH website. Recommended data to be published at Appendix C, with any sensitive data removed.</p> <p>3. <u>Appointment of Cooptee to the Board</u></p> |
|------------------------------------|---|

A priority from the Board Away Day included technology and Innovation. As we move towards AI and new technology, the Board recognised that this is a skill requirement on the Board. These skills alongside the role of Customer Champion were covered by Eric Smith our Tenant Board member. Due to a change in circumstances Eric has stepped down from the Board as a Tenant Board Member. To ensure we retain this skill set, it is recommended that the Board co-opt Eric Smith to the Board from 22/2/24, to ensure we retain the IT skills and Customer Champion at Board level. A cooptee to the Board is a non-voting member who is appointed to the Board to provide specific expertise or to represent a particular interest group. Cooptees to the Board is now a paid role, with an annual remuneration of £3,000.00.

4. Customer Voice/Impact

2.2 Customer views were not sought in undertaking this report. However, the Board Development Plan positively impacts on delivery of services to tenants by providing relevant training and guidance.

2. Recommendations

Board are requested to:

- I. Approve the proposed annual Board Development Plan for 2024.**
- II. Review and comment on the Board Member Personal Development Programme.**
- III. Agree to the publication of the Board Member Register of Interests as recommended by Audit and Risk Committee.**
- IV. Note the proposed amendments to the memorandum of articles**
- V. Appoint Eric Smith as a Cooptee to the Board from 22/2/24.**

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

Board Development (Annual)

4.1 The draft annual Board Development Plan is at **Appendix A** for approval. Board and EMT have been consulted in the schedule for development.

4.2 The Board member Personal Development Programme is at **Appendix B**, which was communicated to Board members in November 2023. It is based on feedback, including from appraisals and skills assessments during 2023. Short sessions and one-to-ones will be organised throughout 2024 as requested.

4.3 At the Board meeting in December 23 Board agreed that a trainee Councillor Board member should be recruited to shadow councillor Board members from 6 months before their retirement date. BMBC have made suggested amendments to the Memorandum and Articles to support this and this is subject to the Council's governance approval process. The BMBC report is attached at **Appendix D** for Board information.

Board Register of Interests

4.4 Currently, Board member register of interests are not published on the BH website, just the offer of it being available upon request. However, other organisations do publish the full register of interests. As part of the Annual Governance Update to Audit and Risk Committee on 25th January 2024, Committee recommend to Board that the register of interests for board members should be published on the BH website. Any sensitive data will be removed. Recommended data to be published at **Appendix C**.

Governance Handbook

4.5 The [Governance Handbook](#) in Decision Time Resources is a great tool for information related to internal and external governance information.

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. However, the Board Development Plan positively impacts on delivery of services to tenants by providing relevant training and guidance.

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 provides an opportunity to further diversify the Board. A priority within the Code is Equality, Diversity, and Inclusion performance.

13. Sustainability Implications

13.1 No specific zero carbon implications from this report

14. Associated Background Papers

14.1 [Succession, Recruitment and Induction Policy](#)

14.2 [Governance Handbook](#)

14.3 [Delegations](#)

15. Appendices

15.1 Appendix A – Board Development Plan

15.2 Appendix B – Board Personal Development Programme

15.3 Appendix C – Board register of Interests document recommended for publishing

15.3 Appendix D – BMBC report – Minor amendments to the Memorandum of Articles and Association - [BMBC Report - Link to report in D Time Resources](#)

Appendix A – Board Development Plan 2024

| Development | Timeframe |
|---|---------------------------------------|
| Asset Management Stock Data presentation | 18 th January |
| Board Away Day | 31 st January |
| 3 yearly facilitated session with external consultant, DTP (Board annual review of performance) | 22 nd February (pre-board) |
| Prevent e-Learning - Mandatory for BMBC and BH | March 2024 |
| The Social Housing (Regulation) Act and Regulatory Reform | 5 th June |
| Board Away Day | 11 th July, PM |
| Equality and Diversity at Board level | 4 th September |
| Policy briefing (TBC) | 7 th November |
| Annual Budget Session | 27 th November |

Appendix B – Board Member personal development programme

| Development | Details |
|---|--|
| Zero Carbon and Sustainability | Session with the Head of Asset management |
| Building Safety and compliance including C365 | Session with the Head of Repairs, Maintenance and Building Safety |
| Finance, inc HRA | Session with the Exec Dir of Corporate Services and the Finance Manager |
| Customer Engagement, inc tenant reps and structures | Session with the Head of Customer Services and the Customer Engagement Manager |
| Construction Services – PRIP / DLO | Session with MD Construction Services |
| ALMO Model | Lead officer(s) TBC |
| Observing Committees | Audit And Risk Committee 2024 |
| | Customer Services Committee 2024 |
| Attending Estate Walkabouts | To choose 2 walkabouts for 2024 |

Appendix C - Register of Board Member Interests (December 2023)

| Name | Details |
|------------------|---|
| Ken Taylor | a) EN:Able Communities CIO, Chair (voluntary position) b) Efficiency North Holdings Limited, Independent Advisor to the Board c) Calderdale and Kirklees Recovery College, Chair (voluntary position) |
| Sarah Tattersall | d) Elected Councillor of Barnsley MBC |
| Mark Johnson | a) None to declare |
| Richard Fryer | a) Executive Director, Governance and Integration, and Company Secretary, Karbon Homes Ltd. b) Company Secretary of all subsidiaries of Karbon Homes c) Governor, Stokesley School and 6th Form College |
| Mahara Haque | a) None to declare |
| Jo Sugden | a) Executive Director of Ongo Group b) Company Secretary for the Ongo Group |
| Eric Smith | a) BH Tenant |
| Adam Hutchinson | a) Director of Resources at 54North Homes Limited |
| Kevin Osborne | a) Elected Councillor of Barnsley MBC |
| Gez Morrall | a) BH Tenant b) Director/owner of Independent Training and Education Consultants Ltd that receives govt funding to deliver apprenticeships c) Director of ITEC CIC d) Director of Mapplewell and Staincross Village Hall Ltd |

Appendix D

BARNSELY METROPOLITAN BOROUGH COUNCIL

REPORT OF: EXECUTIVE DIRECTOR OF GROWTH & SUSTAINABILITY

TITLE: MINOR AMENDMENTS TO THE MEMORANDUM AND ARTICLES OF ASSOCIATION FOR BERNESLAI HOMES LTD

| | |
|---------------------------------|---------------------------------|
| REPORT TO: | CABINET |
| Date of Meeting | 17 April 2024 |
| Cabinet Member Portfolio | Regeneration and Culture |
| Key Decision | Yes |
| Public or Private | Public |

Purpose of report

This report seeks approval to make minor amendments to the Memorandum and Articles of Association for Berneslai Homes Ltd. The amendments link to the appointment of councillor representatives to the Board.

Council Plan priority

Healthy, Growing, Sustainable and Learning Barnsley

Recommendations

That:

1. Cabinet approves the minor amendments to the Memorandum and Articles of Association for Berneslai Homes Ltd linked to the timescales and process for appointing councillor representation to the Board.
2. Cabinet authorises representatives of the Director of Core Services to enter all necessary legal documentation in connection with the amendments to the Memorandum.

1. INTRODUCTION

- 1.1 In October 2020, Cabinet approved the renewal of the Services Agreement with Berneslai Homes for a period of 10 years up to the end of March 2031 (Cab.23.9.2020/8). Within this same report, Cabinet authorised amendments to the Memorandum and Articles of Association following an independent Governance Review undertaken by David Tolson Partnership Ltd (DTP). The amendments included a change to the composition of the Berneslai Homes Board which included:

- Reducing the number of Council and Tenant representatives from three to two board members (Article 13).
- Increasing the number of independent board members from three to four (Article 13).
- Reducing the number of consecutive terms for Board Members from three to two consecutive three-year terms, with further one-year terms up to a maximum of nine years by exception (Article 13).
- Removal of the prescriptive process of appointment of Chair (Article 17).
- The addition of two co-optees to board and committees (Article 18).

1.2 The amendments were made to the Memorandum and Articles of Association (from here referred to as the 'Memorandum'), and this was adopted on 10th December 2020. This is the most recent version of the Memorandum.

2024 Proposed Amendments

- 1.3 Further to consultation between the Berneslai Homes Board and the Council's clienting team and Portfolio Holder, it is proposed that two minor amendments are made to the Memorandum. Firstly, wherever possible, it is proposed that the recruitment process for a new councillor board member commences 9 months before an existing councillor board member is due to step down. This would mean that there could be a six-month shadow period with the retiring board member, allowing for a seamless transfer into position. The new board member would be required to adhere to the Board Members Code of Conduct but would not be a voting member of the Board until formally taking over the position. Appendix 1 details the proposed amendment to the Memorandum (article 14).
- 1.4 Secondly, it is proposed that a formalised recruitment process is agreed for the appointment of a councillor board member to ensure that there is a clear and transparent process for prospective applicants and that this is documented within the Memorandum. The proposed recruitment process is detailed below.

Recruitment Process

- 1) The BH Governance Team will produce the vacancy advert and all associated documentation.
- 2) The advert will be agreed with the Council's Shareholder Representative and passed to the BMBC Governance Team to distribute to all BMBC Councillors.
- 3) The applications are received by the BH Governance Team.
- 4) Shortlisting takes place (if required) by the panel members, and a maximum of 6 candidates will be interviewed. Shortlisting will be based on an assessment of experience and competencies aligned to the role.
- 5) All shortlisted applicants will be interviewed by a panel consisting of the Chair of the Board, the council's Shareholder Representative and a representative of the Berneslai Homes Executive Management Team.
- 6) Following interview, a report will be presented to Council recommending appointment of the preferred candidate.

2. PROPOSAL

- 2.1 It is proposed that Cabinet approves the minor amendments to the Memorandum and Articles of Association as tracked in Appendix 1. The Board recruitment policy will be updated to reflect agreed changes.

3. IMPLICATIONS OF THE DECISION

3.1 Financial and Risk

Financial:

- 3.1.1 Consultation on the financial implications of this report have taken place with representatives of the Director of Finance (Section 151 officer).
- 3.1.2 There are no direct financial implications relating to the appointment of board members for the Council. The remuneration arrangements for board members are documented in section 27 of the Articles of Association of Berneslai Homes Ltd. Remunerations are delegated to the remuneration committee and funded from the Management Fee paid to Berneslai Homes annually.
- 3.1.3 The management fee is agreed as part of the annual HRA Business plan in a separate report to cabinet.

Risk:

- 3.1.4 The proposed amendments to the Articles will ensure that the Council has a robust recruitment process for councillor board members and that new members have the benefit of shadowing exiting members for a 6-month period before formal appointment. This will ensure that new members can gain a detailed background and understanding of the Board, its decision making and key issues, and enable a seamless handover of member experience and expertise. It should be noted that it would not be possible to adhere to the proposed recruitment timescales should a serving member not retain their position as councillor in a local election, steps down or is removed from the board without due notice being served.

3.2 Legal

- 3.2.1 The Memorandum and Articles of Associations for Berneslai Homes sets out the role, remit, and powers of Berneslai Homes Ltd, the Membership of the organisation and governance arrangements for the Board. Berneslai Homes was established as an ALMO in 2002. It is a Company Limited by Guarantee, overseen by a Board of Directors and is ultimately wholly owned by the Council (i.e., the Council is the only Shareholder).

3.3 Equality

- 3.3.1 The board recruitment process will be conducted with due care and consideration to equality and diversity in line with the BH Equality, Diversity, and Inclusion strategy.

3.4 Sustainability

- 3.4.1 There are no direct sustainability implications linked to the appointment of board members. Zero carbon is one of the objectives of the Berneslai Homes Strategic Plan and includes the actions that Berneslai Homes will take to assist in achieving the zero carbon targets as a company in line with their Sustainability Strategy. The Strategic Plan and Action Plan are aligned to Barnsley 2030 with a key emphasis on providing quality, affordable homes, neighbourhoods and supporting people to achieve their potential.

3.5 Employee

- 3.5.1 There are no direct employee implications.

3.6 Communications

- 3.6.1 There are no direct communications implications arising from this report. There will be a robust communications plan to advertise board member opportunities as they arise.

4. CONSULTATION

- 4.1 Consultation with officers within the Council and Berneslai Homes, the Board (including the Council's shareholder representative) and the Portfolio Holder for Regeneration and Culture has been undertaken.

5. ALTERNATIVE OPTIONS CONSIDERED

- 5.1 The current Memorandum and Articles of Association remain fit for purpose and could be retained should this proposal not be supported.

6. REASONS FOR RECOMMENDATIONS

- 6.1 The proposed changes will serve to improve the recruitment process for councillor representatives and ensure a streamlined handover between exiting and new board members.

7. LIST OF APPENDICES

- 7.1 Appendix 1 – Tracked Memorandum and Articles of Association.

8. BACKGROUND PAPERS

- 8.1 Not applicable

9. REPORT SIGN OFF

| | |
|--|---|
| Financial consultation & sign off | Senior Financial Services officer consulted and date: Ashley Gray – Strategic Finance Business Partner |
| Legal consultation & sign off | Legal Services officer consulted and date: <i>Pamela Nsofor</i> <i>05/03/2024</i> |

Report Author: Sarah Clyde
Post: Head of Strategic Housing
Date: 09/02/2024



BERNESLAI HOMES LIMITED

Company No. 04548803

MEMORANDUM AND ARTICLES OF ASSOCIATION

**COMPANY LIMITED BY GUARANTEE
THE COMPANIES ACT 1985 AND 1989 AND 2006**

ADOPTED BY SPECIAL RESOLUTION ON

Date of Incorporation: 30 September 2002

**MEMORANDUM AND ARTICLES
OF ASSOCIATION**

**Walker Morris LLP
Kings Court
12 King Street
Leeds
LS1 2HL**

MEMORANDUM OF ASSOCIATION

1 NAME

The name of the company is Berneslai Homes Limited (“the **Organisation**”).

2 REGISTERED OFFICE

The Organisation’s registered office is to be located in England.

3 OBJECTS

The objects of the Organisation shall be principally, but not exclusively in the areas where the Council owns or manages housing stock to:

- (1) provide, manage, maintain, improve, demolish or convert the housing stock owned or managed by the Council from time to time together with any other amenities or facilities for the benefit of residents of such housing stock either exclusively or together with persons who are not residents of such housing stock;
- (2) provide amenities and services of any description for residents of housing stock owned or managed by the Council from time to time either exclusively or together with persons who are not residents of such housing stock;
- (3) provide advice and assistance to all tenants, leaseholders, and licensees, of the Council and applicants for housing and applicants for housing advice in respect of Council housing;
- (4) carry out any activity which contributes to the regeneration or development (within the meaning of Section 126 of the Housing Grants Construction and Regeneration Act 1996) including but not limited to:-
 - (a) securing that land and buildings are brought into effective use;
 - (b) contributing to or encouraging economic development;
 - (c) creating an attractive and safe environment;
 - (d) preventing crime or reducing the fear of crime;
 - (e) providing or improving housing or social and recreational facilities for the purpose of encouraging people to live or work in the said area or for the purpose of benefiting people who live there;
 - (f) providing employment and training;

- (g) providing or improving training, educational facilities or health services for local people;
 - (h) assisting local people to make use of opportunities for education, training or employment;
 - (i) meeting the special needs of local people which arise because of disability or because of their sex, sexuality, age or the racial group to which they belong.
- (5) provide, construct, maintain, improve or manage housing to be kept available for letting, sale or hostels;
 - (6) provide, manage, maintain or improve accommodation required from time to time for the benefit of persons who require temporary accommodation;
 - (7) assess applicants for housing assistance including the allocation of dwellings on behalf of the Council;
 - (8) assess applications by residents of housing stock owned or managed by the Council to exercise the right to buy under Part V of the Housing Act 1985;
 - (9) enabling or assisting any residents of the housing stock owned or managed by either the Council or the Organisation to acquire, or to acquire and enter into occupation of, houses; and
 - (10) provide services of any description for the Council.

4 POWERS

Subject to Clause 5, the Organisation may do anything that a natural or corporate person can lawfully do which is not expressly prohibited by the Memorandum and in particular it has powers:

Property

- (1) to construct, alter, improve, maintain, equip, furnish and/or demolish any buildings, structures or property;
- (2) to purchase, lease, exchange, hire or otherwise acquire any real or personal property rights or privileges (including shared or contingent interests);
- (3) to sell, lease, licence, exchange, dispose of or otherwise deal with property;
- (4) to provide accommodation for any other organisation on such terms as the Board decides (including rent free or at nominal or non-commercial rents);

Staff and Volunteers

- (5) to employ staff or engage consultants and advisers on such terms as the Board may approve and to provide pensions to staff, their relatives and dependants;
- (6) to recruit or assist in recruiting and managing voluntary workers;

Fund Raising

- (7) to raise funds, to invite and receive contributions;

Trading

- (8) to trade in the course of carrying out its objects and to charge for services;

Publicity

- (9) to hold, conduct or promote meetings, conferences, lectures, exhibitions or training courses and to disseminate information to publicise the work of the Organisation and other similar organisations;
- (10) to promote or carry out research and publish the results of it;

Contracts

- (11) to co-operate with and enter into contracts with any person, including the Council;

Bank or Building Society Accounts

- (12) to draw, make, accept, endorse discount, execute and issue promissory notes, bills, cheques and other instruments and to operate bank or building society accounts in the name of the Organisation;

Borrowing and Loans

- (13) subject to the prior written consent of the Council and to such consents as may be required by law to borrow money, to issue loan stock or raise money in such manner as the Organisation shall think fit and to secure the repayment of any money borrowed raised or owing by such security as the Organisation shall see fit (including by way of floating charge) upon the whole or any part of the Organisation's property or assets (whether present or future) and also by giving similar security to secure and guarantee the performance by the Organisation of any obligation or liability it may undertake or which may become binding on it;

Insurance

- (14) to insure the assets of the Organisation to such amount and on such terms as the Board decides, to pay premiums out of income or capital and to use any insurance proceeds as the Board decides (without necessarily having to restore the asset);

- (15) to insure and indemnify in accordance with the Organisation's Articles of Association its employees and voluntary workers from and against all risks incurred in the proper performance of their duties;
- (16) to take out insurance to protect the Organisation and those who use premises owned by or let or hired to the Organisation;
- (17) to take out indemnity insurance to cover the liability of the Board Members and officers of the Organisation who are not Board Members but this insurance may not extend to:
 - a. any claim arising from any act or omission which a Board Member or officer knew was a breach of duty or breach of trust or which was committed by a Board Member or officer in reckless disregard of whether it was a breach of duty or breach of trust or not; or
 - b. the costs of an unsuccessful defence to a criminal prosecution brought against a Board Member or officer in his capacity as a Board Member or officer of the Organisation.

Investments

- (18) to invest the money of the Organisation in any investments, shares, securities or property (real or personal) of any nature (including investments involving liability and those not producing income) and in any location that the Board decides;
- (19) to delegate to an investment manager power at his discretion to buy and sell investments for the Organisation in accordance with the investments policy laid down by the Board;
- (20) to make such arrangements as the Board thinks fit for any investments of the Organisation or income from those investments to be held by a corporate body which is incorporated in England and Wales (or which has established a branch or a place of business in England and Wales) as the Organisation's nominee and to pay remuneration to that corporate body;
- (21) subject to such consents as may be required by law and compliance with all formal guidance issued by the Organisation's regulators (if any) to purchase or otherwise acquire or encourage or promote and in any way support or aid the establishment and development of any subsidiary, or any other body established for the purposes of carrying on any trade or business either for the purpose of raising funds for the Organisation or for the furtherance of the objects of the Organisation;
- (22) subject to the prior written consent of the Council to make donations, grants or loans or provide services or assistance to such persons and organisations and on such terms as the Board shall think fit to further the objects of the Organisation;

Other Organisations

- (23) to establish, promote, assist or support (financially or otherwise) any trusts, companies, industrial and provident societies, charities, associations or institutions which have purposes which include any one or more of its objects;
- (24) to co-operate or join with any voluntary body or public or statutory authority in any location whatsoever in furthering its objects or allied purposes, to exchange information and advice and to undertake joint activities with them;
- (25) to amalgamate with any organisation which has objects similar to its objects;
- (26) to affiliate, register, subscribe to or join any relevant organisation;
- (27) to act as agent or trustee for any organisation;

Reserves

- (28) to accumulate income in order to set aside funds for special purposes or as reserves against future expenditure;

Formation expenses

- (29) to pay the costs of forming the Organisation and of complying with all relevant registration requirements;

General

- (30) to do anything else within the law which promotes or helps to promote its objects.

5 The Organisation shall not, without the prior written consent of the Council, have the power to:

- (1) enter into any transaction which may affect:
 - a. the Council's affordable borrowing limits as determined from time to time by the Council under section 3 of the Local Government Act 2003;
 - b. any borrowing limits set by the Secretary of State under section 4 of the Local Government Act 2003 either in relation to the Council's borrowing limits or the limits of local authorities in general; or
 - c. the Council's compliance with the Prudential Code for Capital Finance in Local Authorities published by CIPFA as amended or reissued from time to time; or
- (2) invest or make any arrangements to invest sums other than in a building society or bank.

6 APPLICATION OF INCOME AND PROPERTY

The income and property of the Organisation shall be applied solely towards the promotion of its objects as set forth in the Memorandum of Association and no portion thereof shall be paid or transferred, directly or indirectly, save as provided below by way of dividend, bonus or otherwise howsoever by way of profit, to the Council and no Board Member shall be appointed to any office of the Organisation paid by salary or fees or receive any remuneration or other benefit or money or money's worth from the Organisation PROVIDED THAT nothing herein shall prevent any payment in good faith by the Organisation:-

- (1) Of reasonable and proper remuneration (including pensions, contributory pension payments, payment of premiums to pension policies and terminal grants and gratuities) to any officer or employee of the Organisation (not being a Board Member) in return for any services rendered to the Organisation;
- (2) Of fees, remuneration or other benefit in money or money's worth to a company of which a Board Member may be a member holding not more than 2% of the share capital of the company;
- (3) To (a) any Board Member or (b) any person who is appointed by the Board to sit on a committee to which the Board has delegated any of its powers (for the avoidance of doubt, in each case in their capacity as a Board Member or person so appointed), of reasonable out-of pocket expenses and such other sums as may be determined by the Council PROVIDED THAT no sum shall be paid to a Board Member in excess of that which would be permitted to be paid to a board member of a social landlord registered under the 1996 Act and PROVIDED FURTHER THAT no sum shall be paid to a Board Member who is an elected member of the Council in excess of that permitted by the Order;
- (4) Of sums due in respect of indemnity insurance for Board Members under Clause 4(17);
- (5) Of reasonable and proper remuneration to the Council or employees thereof (not being Board Members) in return for any services rendered to the Organisation;
- (6) Of reasonable and proper rent for premises demised or let by the Council;
- (7) Of reasonable and proper interest on money lent by the Council;
- (8) Of contribution towards any expenditure by or on behalf of the Council on activities or for purposes which if carried out by the Organisation would fall within the Organisation's Objects in Clause 3.

PROVIDED FURTHER THAT nothing shall prevent the Organisation from managing a property in accordance with its objects (including the full range of activities it may undertake) notwithstanding the fact that the tenant, lessee or licensee (or prospective tenant, lessee or licensee) of such property may be a Board Member SUBJECT TO the proviso that any Board Member who is a beneficiary of the Organisation shall not be entitled to speak in any debate

or cast his/her vote in respect of any matter relating solely to the property of which they are lessee, tenant or licensee and shall absent himself/herself from such proceedings but such Board Member shall be entitled to speak and vote in respect of matters which relate not only to such property but also to other properties managed by the Organisation.

7 EQUAL OPPORTUNITIES

The Organisation shall at all times take into consideration the principles of equality of opportunity irrespective of age, gender, race, nationality, ethnic origin, religion, sexual orientation or disability.

8 LIMITED LIABILITY

The liability of the Member is limited.

9 MEMBERS GUARANTEE

The Member undertakes to contribute to the assets of the Organisation, in the event of the same being wound up while they are a member of the Organisation, or within one year after they cease to be a member of the Organisation, for payment of the debts and liabilities of the Organisation contracted before they cease to be a member of the Organisation, and of the costs, charges and expenses of winding up, and for the adjustment of the rights of the contributories among themselves, such amount as may be required not exceeding one pound.

10 WINDING UP

If, upon the winding up or dissolution of the Organisation, there remains, after the satisfaction of all its debts and liabilities any property whatsoever, the same shall be paid or transferred to the Housing Revenue Account (as defined in the 1989 Act) of the Council.

11 DEFINITIONS

- (a) “Order” shall mean the Local Authorities (Companies) Order 1995 as amended or re-enacted from time to time;
- (b) “the 1989 Act” shall mean the Local Government and Housing Act 1989 as amended or re-enacted from time to time;
- (c) terms defined in the Articles of Association of the Organisation shall have the same meaning in this Memorandum of Association.

I am the subscriber to the Memorandum of Association and wish to be joined into a company in pursuance of the Memorandum.

Name and Address of Subscriber

Barnsley Metropolitan Borough Council

Town Hall

Barnsley

South Yorkshire S70 2TA

Authorised Representative



Legal Service Director & Solicitor to the Council

Witnessed by Claire Denson, Berneslai Homes Risk and Governance Manager



10th December 2020

Dated

ARTICLES OF ASSOCIATION

BERNESLAI HOMES LIMITED

DEFINITIONS AND INTERPRETATION

1. In the Articles unless the context otherwise requires:

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| "the 1996 Act" | Housing Act 1996. |
| "the Act" | Means the Companies Act 1985, save where and to the extent the same has been amended, replaced or superseded by the Companies Act 1989 and the Companies Act 2006. |
| "ALMO" | Arms-Length Management Organisation. |
| "the Articles" | Means these Articles of Association as originally adopted or as altered from time to time. |
| "Board" | Means the Board of directors of the Organisation from time to time and (where appropriate) includes a Committee and the Directors acting by written resolution. |
| "Board Members" | Means the directors for the time being of the Organisation. |
| "Board Members' Code of Conduct" | Means the code of conduct issued by the Organisation to the Board Members dated August 2013 as amended or replaced from time to time. |
| "Chair" | Means the independent chair of the Organisation appointed pursuant to Article 17, or in his/her absence, the Senior Independent Director, appointed pursuant to Article 34(3). |
| "clear days" | In relation to the period of a notice means that period excluding the day when the notice is given or deemed to be given and the day for which it is given or on which it is to take effect. |

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| “Committee Member” | Means a person who sits on a committee of the Board established pursuant to Article 25. |
| Co-optee | “Co-optee” means a person co-opted by the Board pursuant of Article 18(7). |
| "Council" | Means Barnsley Metropolitan Borough Council or any successor body thereto who shall be the sole member of the Organisation. |
| "Council Board Member" | Means a Board Member appointed by the Council pursuant to Article 14. |
| "executed" | Means in relation to any contract, agreement or other document consent thereto and includes any mode of execution. |
| “Executive Officer” | Means any member of the Organisation’s senior management team from time together with any officer of the Organisation designated as such by the Board. |
| “Family Member” | Means, in relation to a Board Member, their spouse, partner, parent, parent-in-law, son, daughter, stepson, step-daughter, child of a partner, brother, sister, grandparent, grandchild, uncle, aunt, nephew, niece, or the spouse or partner of any of the preceding persons and “partner” means a person who lives with a Board Member as husband, wife or same sex partner. |
| "Independent Board Member" | Means a Board Member appointed pursuant to Article 16. |
| "Local Authority Person" | Means any person: <ul style="list-style-type: none"> (i) who is a member of the Council; or (ii) who is an officer of the Council (which for these purposes shall not include employees without a supervisory or managerial role apart from employees responsible for monitoring the activities of or providing advice to the Organisation or who perform duties in relation to the Council’s housing functions). |
| "Office" | Means the registered office of the Organisation. |
| “the Organisation” | Means Berneslai Homes Limited. |

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| “the seal” | Means the common seal of the Organisation. |
| "Secretary" | Means the secretary of the Organisation or any other person appointed to perform the duties of the secretary of the Organisation, including a joint, assistant or deputy secretary. |
| Senior Independent Director | Has the meaning ascribed to in article 18(8), incorporating the Deputy Chair role. |
| "Tenant" | Means an individual who occupies a residential property belonging to the Council under a secure or introductory tenancy agreement or a lease of residential property of the Council. |
| "Tenant Board Member" | Means a Board Member appointed pursuant to Article 15. |
| “Tenants' Representative” | Means a tenant nominee(s) who the Board shall resolve to be the representative of the tenants of the Council whose dwellings are managed by the Organisation. |
| "the United Kingdom" | Means Great Britain and Northern Ireland. |

2. Unless the context otherwise requires, words or expressions contained in these Articles bear the same meaning as in the Act but excluding any statutory modification thereof not in force when these regulations become binding on the Organisation.

MEMBERSHIP OF THE ORGANISATION

ADMISSION OF MEMBERS

3. No person other than the Council shall be admitted to membership of the Organisation.
4. The Council shall nominate a person to act as its representative in the manner provided in Section 323 of the Act. Such representative shall have the right on behalf of the Council to attend meetings of the Organisation and vote thereat, and generally exercise all rights of membership on behalf of the Council. The Council may from time to time revoke the nomination of such representative, and nominate another representative in his place. All such nominations and revocations shall be in writing.
5. The rights of the Council shall be personal and shall not be transferable.

GENERAL MEETINGS

NOTICE OF MEETINGS

6. (1) All meetings other than annual general meetings shall be called general meetings.
- (2) The Board Members may call general meetings and, the Council may require the Board Members to call a general meeting pursuant to the provisions of the Act. Where the Council requires the Board Members to call a general meeting they shall forthwith proceed to convene a general meeting for a date not later than eight weeks after receipt of the request.
- (3) If there are not within the United Kingdom sufficient Board Members to call a general meeting, any Board Member or the Council may call a general meeting.
7. (1) An annual general meeting and a general meeting not called on the requisition of the Council pursuant to Article 6(2) shall be called by at least fourteen clear days' notice or by shorter notice if it is so agreed by the Council in writing.
- (2) The notice shall be in writing and specify the time, date and place of the meeting and, in the case of an annual general meeting, shall specify the meeting as such.
- (3) The notice shall be given to the Council and to the Board Members and auditors.
- (4) The notice shall be posted in such place as the Board decides in order to bring it to the attention of the Tenants.

OMISSION OR NON-RECEIPT OF NOTICE

8. The accidental omission to give notice of a meeting to, or the non-receipt of notice of a meeting by, any person entitled to receive notice shall not invalidate the proceedings at that meeting.

QUORUM

9. (1) No business shall be transacted at any general meeting unless a quorum is present. The presence of a duly authorised representative of the Council shall be a quorum.
- (2) Tenants and Board Members may attend a general meeting and may speak but may not vote.

DECISIONS OF THE MEMBERSHIP

10. (1) With the exception of a resolution concerning the removal of a Board Member or auditor, the Council may make decisions either in a general meeting or by means of a written resolution and any such decision shall be valid and effectual as if agreed by the Organisation in general meeting.

- (2) Approval for a written resolution will be by reference to its status. A special written resolution will require seventy five percent approval and an ordinary written resolution will require fifty one percent approval. A proposed written resolution will lapse if not passed before the period of 28 days beginning with the circulation date. The circulation date being the date on which copies of the written resolution are sent or submitted to the Council.
 - (3) Any decision taken by the Council pursuant to this Article 10 shall be recorded in writing and delivered by the Council to every Board Member and to the Organisation for entry in the Organisation's minute book.
11. An entry stating that a resolution has been carried or lost in the approved minutes of any meeting shall be conclusive evidence of the fact.

PROXY

12. (1) The Council may appoint a proxy in writing. A proxy need not be a Council Board Member. The Board may from time to time prescribe a form to appoint a proxy by standing orders. A proxy may not appoint another proxy.
- (2) The document appointing a proxy may include instructions on which way to vote on particular resolutions.
- (3) A proxy will only be valid if the appointing document (and any power of attorney or other authority under which it is signed) or a properly certified copy is deposited at the Office at least twenty four hours before the start time for the meeting. For this purpose weekends and bank holidays are to be excluded.

BOARD MEMBERS

NUMBER OF BOARD MEMBERS

13. (1) The number of Board Members shall be nine.
- (2) Two Board Members shall be Council Board Members.
- (3) Two Board Members shall be Tenant Board Members.
- (4) Four Board Members shall be Independent Board Members.
- (5) One board member (The **Chair**) shall be appointed independently.
- (6) No more than two Board Members shall be Tenants.
- (7) No more than two Board Members shall be Local Authority Persons.

- (8) In the event that the number of Board Members shall be less than the numbers specified in this Article 13 the remaining Board Members shall use reasonable endeavours to appoint further Board Members but, for the avoidance of doubt, may act notwithstanding there are vacancies in their number.
- (9) The first Board Members shall be those persons named in the statement delivered pursuant to Section 10(2) of the Act who shall be deemed to have been appointed under the Articles. Future Board Members shall be appointed as provided in the Articles.
- (10) The first Tenant Board Members shall be those persons identified as Tenant Board Members in the statement referred to in Article 13(9).
- (11) No person shall be appointed as a Board Member or Committee Member if that person is a Family Member of a Board Member or Committee Member.
- (12) No person shall be appointed as a Board Member or Committee Member if that person is a paid employee of the Organisation.
- (13) No person other than the independently appointed Chair shall be appointed as a Board or Committee Member unless they have first been assessed as passing a skills threshold by a panel chosen by the Board and consisting of two or more of the following:
 - (a) a Tenant Representative;
 - (b) a Council nominee;
 - (c) the Chief Executive of the Organisation or a nominee of the Chief Executive;
 - (d) the Chair of the Board or his/her nominee; and
 - (e) such other person or persons as the Board may from time to time determine.
- (14) For the avoidance of doubt, the Board may appoint different panels for different categories of Board Member.
- (15) No person shall be appointed as a Board Member unless they have first signed and accepted the terms of the Board Members' Code of Conduct from time to time in force.
- (16) No Board Member shall hold office for a period of more than two consecutive three-year terms, with further one-year terms up to a maximum of nine years by exception.
- (17) No Board Member shall seek re-election or selection for a period of three years after stepping down on reaching the maximum term of office.

- (18) The Council shall have the power to extend the term of office of any one or more Board Members for such period as it may from time to time determine.

APPOINTMENT OF COUNCIL BOARD MEMBERS BY THE COUNCIL

14. (1) Subject to Articles 13 and 18, the Council shall from time to time appoint two persons as Council Board Members and shall have the power to remove from office any such Board Member. Council nominees shall serve for a period of two consecutive three-year terms, and shall retire at the annual meeting nearest to the expiry of the term of office. **Where possible, the recruitment process for council nominees shall commence 9 months prior to the retirement of the exiting council nominee. This will allow for a 6-month shadow period (as a non-voting board member) for the newly nominated council representative. Appointment will be by a competitive recruitment.**

process and selection by a panel.

- (2) Appointment or removal pursuant to Article 14(1) shall be effected by an instrument in writing signed by the Council and shall take effect upon lodgement at the Office or such date later than such lodgement as may be specified in the instrument.
- (3) Notwithstanding any other provisions in these Articles the Council shall have power at any time by notice in writing to the Secretary to remove any Board Member.

RETIREMENT AND ELECTION OF TENANT BOARD MEMBERS

15. (1) Subject to Articles 13 and 18, there are to be two Tenant Board Members.
- (2) Tenant Board Members shall serve for a period of two consecutive three-year terms, and shall retire at the annual meeting nearest to the expiry of the term of office.
- (3) Where a Tenant Board Member is appointed as a consequence of the death or retirement (other than by operation of this sub-paragraph) of another Tenant Board Member (the **Predecessor**) under Articles 18(4) to 18(5) inclusive, the period of time for which the Tenant Board Member shall have held office shall, for the purposes only of Article 15(2), be deemed to include the period since the appointment of the Predecessor.
- (4) Prior to relevant annual general meetings, interviews shall be held among the Tenants to replace the Tenant Board Members who must retire in accordance with the operation of Article 15(2) appointed thereat. Only Tenants shall be eligible to be appointed as Tenant Board Members. Otherwise the mode and manner of any process to appoint Tenant Board Members under these Articles shall be as the Board may from time to time agree subject at all times to compliance with Article 13.

RETIREMENT AND ELECTION OF INDEPENDENT BOARD MEMBERS

16. (1) Subject to Articles 13 and 18, there are to be four Independent Board Members.

- (2) Independent Board Members shall serve for a period of two consecutive three-year terms, and shall retire at the annual general meeting nearest to the expiry of the term of office.
- (3) Where an Independent Board Member is appointed as a consequence of the death or retirement (other than by operation of this sub-paragraph) of another Independent Board Member (the **Predecessor**) under Article 18(2), the period of time for which the Independent Board Member shall have held office shall, for the purposes only of Article 16(2), be deemed to include the period since the last election or appointment of the Predecessor.
- (4) If, at the meeting at which an Independent Board Member retires in accordance with Article 16(2), there are no other candidates to fill the post the retiring Board Member shall, if willing to act, be deemed to have been re-appointed unless a resolution not to reappoint the Board Member is passed by the meeting.
- (5) No person other than an Independent Board Member retiring by rotation shall be appointed as an Independent Board Member at any general meeting unless they are recommended by the Board.
- (6) Subject to Articles 16(1) – (4) the Council may by ordinary resolution in general meeting appoint any eligible person who is willing to act as an Independent Board Member.
- (7) Not less than seven nor more than twenty-eight clear days before the date appointed for holding a general meeting, notice shall be given to the Council of any person (other than a Board Member retiring by rotation at the meeting) who is recommended by the Board for appointment or reappointment as an Independent Board Member at the meeting. The notice shall give the particulars of that person which would, if they were so appointed or re-appointed, be required to be included in the Organisation's register of Board Members.

APPOINTMENT OF CHAIR

- 17 (1) Subject to Articles 13 and 18 there shall be an independent Chair of the Board appointed by a competitive recruitment process and selected by an independent panel.
- (2) The Chair shall serve for a period of six years from appointment, subject to review after three years. Continuation of service for the remainder of the six year term will be subject to the overall progress of the Organisation, reviewed by an independent panel, as set out in Article 17.1.
- (3) The Chair will be eligible for re-appointment thereafter by re appraisal or by a competitive recruitment process and selection, by an independent panel as set out in Article 17.1 which ever shall be deemed suitable by the nominated representative of the Council.

- (4) The maximum term of office for the Chair will be six years, with further one-year terms up to a maximum of nine years by exception, unless the Council determines otherwise as set out at Article 13.18.

CASUAL VACANCIES

18 Subject to Articles 13 and 20, vacancies on the Board may only be filled according to the following:-

- (1) For Council Board Members, by the Council. If the Council shall have failed within three months of a written request by the Board to make the appropriate appointments to the Board of a Council Board Member, the Board may fill the vacancies solely until the next annual general meeting;
- (2) For Independent Board Members, by the Council following a recommendation by the Board;
- (3) If the Board fails to make a recommendation within six months of a vacancy for an Independent Board Member, the Council may appoint any person who is willing to act as an Independent Board Member to the vacancy solely until the next annual general meeting. If the Council fails within three months of a written request by the Board to make the appropriate appointments to the Board of an Independent Board Member, the Board may fill the vacancies solely until the next annual general meeting;
- (4) For Tenant Board Members, where there remains more than one year until retirement by the appropriate recruitment process according to Article 15(4) among the Tenants;
- (5) For Tenant Board Members where there remains one year or less until retirement; and
- (6) For the Chair, in accordance with Article 17.
- (7) The Board may from time to time co-opt up to a maximum of two persons to the Board, and a maximum of two persons to a committee, and may at any time revoke such co-option. Co-optees shall be entitled to attend and to speak but not to vote at meetings of the Board or of a committee of the Board and shall not be counted as part of the quorum.
- (8) The Chair shall nominate an Independent director (the "Senior Independent director"), incorporating the Deputy Chair role, to perform the duties ascribed to the Senior Independent director in the Articles, and shall be able to remove from that position and replace any director so appointed. The Chair shall promptly notify the directors and the Chief Executive, either in writing or at a meeting of the directors, of every such nomination, removal and replacement. The Senior Independent director shall perform the duties of the Chair if the Chair is by reason of absence, illness, injury or conflict unable to exercise the power vested in him/her pursuant to the Articles. In addition, the Senior Independent Director will work in partnership with the Chair of the Board to achieve effective management of Board meetings and the Chief Executive.

DISQUALIFICATION, SUSPENSION AND REMOVAL OF BOARD MEMBERS

19. The Board may with immediate effect direct that a Board Member is suspended from office either:
- (1) pending the outcome of a panel hearing which is held in accordance with the procedure for breach set out in the Board Members' Code of Conduct where pursuant to paragraph 8 of such procedure the Chair (or where appropriate the Chief Executive) considers the circumstances of the breach are such to merit suspension from office; or
 - (2) for a period determined by the panel following a panel hearing as referred to in (1) above, where the panel decides the allegation or complaint has been substantiated and a sanction of suspension from office is imposed pursuant to the sanctions set out in the Board Members' Code of Conduct.
20. A person shall be ineligible for appointment to the Board and if already appointed shall immediately cease to be a Board Member if the relevant individual:-
- (1) ceases to be a Board Member by virtue of any provision of the Act or becomes prohibited by law from being a company director; or
 - (2) is or becomes a person disqualified from elected membership of a local authority; or
 - (3) becomes bankrupt or makes any arrangement or composition with his creditors generally; or
 - (4) is, or may be, suffering from mental disorder and either:-
 - (a) is admitted to hospital in pursuance of an application for admission for treatment under the Mental Health Act 1983 or, in Scotland, an application for admission under the Mental Health (Scotland) Act 1960; or
 - (b) an order is made by a court having jurisdiction (whether in the United Kingdom or elsewhere) in matters concerning mental disorder for his/her detention or for the appointment of a receiver, curator bonis or other person to exercise powers with respect to his property or affairs; or
 - (5) resigns his office by notice to the Organisation; or
 - (6) is removed from office by a resolution of (or written notice signed by) at least three quarters of all the other Board Members from time to time provided that the Board Member concerned has first been given an opportunity to put their case and to justify why they should not be removed as a Board Member; or

- (7) fails to attend a meeting of the Board following receipt of a letter from the Company Secretary requesting attendance at the meeting. Such a letter will be sent by the Company Secretary where the individual has been absent for two consecutive meetings of the Board without having sought in writing an approved leave of absence from the Board; or
- (8) in any period of 12 months, they shall have been absent from at least three of the meetings of the Board held during that period without having sought and obtained an approved leave of absence from the Board unless the Board resolves otherwise; or
- (9) in the case of a Tenant Board Member they cease to be a Tenant PROVIDED THAT this Article 20(9) shall not apply in respect of a Tenant Board Member temporarily ceasing to be a Tenant as a result of the demolition of or works carried out to that Tenant Board Member's home; or
- (10) is a Tenant Board Member and is (in the reasonable opinion of at least three quarters of all the other Board Members) in serious breach of their obligations as a Tenant; or
- (11) is a Council Board Member and is or becomes a Tenant leading to a breach of the limit in Article 13(2); or
- (12) is a Tenant Board Member and is or becomes a Local Authority Person leading to a breach of the limit in Article 13(3); or
- (13) is an Independent Board Member and is or becomes a Tenant or a Local Authority Person; or
- (14) is removed by resolution of the Council pursuant to Article 14(3); or
- (15) is convicted of any criminal offence (other than minor offences under the Road Traffic Acts or the Road Safety Acts for which a fine or non-custodial penalty is imposed); or
- (16) is or becomes a paid employee of the Organisation.

POWERS OF THE BOARD

- 21 Subject to the provisions of the Act, directions of the Council in general meeting and the Memorandum and Articles of Association, the business of the Organisation shall be managed by the Board who may exercise all the powers of the Organisation. No alteration of the Memorandum or Articles or directions of the Council shall invalidate any prior act of the Board which would have been valid if that alteration had not been made. The powers given by this Article shall not be limited by any special power given to the Board by the Articles and a meeting of the Board at which a quorum is present may exercise all powers exercisable by the Board.

22 The Board may, by power of attorney or otherwise, appoint any person to be the agent of the Organisation for such purposes and on such conditions as they determine, including authority for the agent to delegate all or any of his powers.

23 The Board may introduce or vary its procedures and agreements relating to Board Member conduct. In particular, the Board may from time to time amend the Board Members' Code of Conduct.

BORROWING POWERS

24 Subject to Clauses 4.13 and 5 of the Memorandum of Association the Board may exercise all the powers of the Organisation to borrow money without limit as to amount and upon such terms and in such manner as they think fit, and to grant any mortgage, charge or other security over its undertaking and property, or any part thereof, and to issue any debenture, whether outright or as security for any debt, liability or obligation of the Organisation or of any third party.

DELEGATION OF BOARD MEMBERS' POWERS

25 (1) The Board may delegate any of their powers to any committee consisting of such persons the Board considers fit to exercise such powers. They may also delegate to the Chair/ Senior Independent Director /sub committee or to any executive officer such of their powers as they consider desirable to be exercised by them.

(2) Any such delegation may be made subject to any conditions the Board may impose, and either collaterally with or to the exclusion of their own powers and may be revoked or altered. Subject to any such conditions and this Article, the proceedings of a committee with two or more members shall be governed by the Articles regulating the proceedings of the Board so far as they are capable of applying.

ALTERNATE BOARD MEMBERS

26 No Board Member shall be entitled to appoint any person as an alternate Board Member.

BOARD MEMBERS' REMUNERATION AND EXPENSES

27 (1) The ordinary remuneration of Board Members (including the Chair) shall be determined by delegated authority to the Remuneration Committee. No Executive Director shall be entitled to receive a fee or any other form of remuneration in respect of the performance of his/her ordinary duties as a Board Member.

- (2) Board Members may be paid all travelling, hotel and other expenses reasonably and properly incurred by them in connection with their attendance at meetings of the Board or committees of the Board or general meetings or otherwise in connection with the discharge of their duties and such other sums as may be determined by the Council PROVIDED THAT no sum shall be paid to a Board Member in excess of that which would be permitted to be paid to a Board Member of a social landlord registered under the 1996 Act and PROVIDED FURTHER THAT no sum shall be paid to a Board Member who is an elected member of the Council in excess of that permitted by the Order.
- (3) Any person who is appointed by the Board to sit on a committee to which the Board has delegated any of its powers under Article 25 may be paid all travelling, hotel and other expenses reasonably incurred by them in connection with their attendance at meetings of such committee and such other sums as may be determined by the Council PROVIDED THAT no sum shall be paid to such person in excess of that which would be permitted to be paid to a board member of a social landlord registered under the 1996 Act and PROVIDED FURTHER THAT no sum shall be paid to such person who is an elected member of the Council in excess of that permitted by the Order.

BOARD MEMBERS' APPOINTMENTS AND INTERESTS

- 28 A Board Member may not have any financial interest personally or as a member of a firm or as a director or senior employee (being an employee with managerial status) in any contract or other transaction of the Organisation unless it is permitted by these Articles and is not prohibited by Clause 5 of the Memorandum.
- 29 Each Board Member shall ensure that the Secretary has at all times an up to date list of:-
 - (1) all bodies trading in which they have an interest as:
 - (a) a director or senior employee,
 - (b) a member or partner of a firm,
 - (c) the owner or controller of more than 2% of the issued share capital in a company,
 - (2) all interests as an official or elected member of any statutory body;
 - (3) all interests as the occupier of any property owned or managed by the Organisation;
 - (4) any other significant or material interest.

PROCEEDINGS OF BOARD MEETINGS

- 30 (1) Subject to any regulations established from time to time by the Organisation in general meeting and compliance with Section 10(1) of the Local Authorities (Companies Order) 1995 the Board may regulate their proceedings as they think fit and the quorum for the transaction of the business of the Board at the time when the meeting proceeds to business shall be four comprising no fewer than one Tenant Board Member, one Independent Board Member, one Council Board Member and one other Board Member PROVIDED THAT if either the number of Board Members in one or more category of Board Member falls below one or all the Board Members in one or more category are prevented from counting towards the quorum by Article 30 then the quorum requirement shall be reduced to none in respect of such category or categories.
- (2) Board Meetings may be held in person, by telephone, video-conference, internet or such other method as the Board may from time to time determine.
- (3) 33¹/₃ percent of the total number of Board Members (or such whole number of Board Members nearest to 33¹/₃ percent) may call a meeting of the Board. It shall not be necessary to give notice of a meeting to a Board Member who is absent from the United Kingdom.
- (4) If a quorum is not present within half an hour from the time appointed for a Board Meeting the Board Meeting shall, if requested by a majority of those Board Members present, be adjourned to the same day in the next week at the same time and place or to such other day and at such other time and place as the Board Members present may determine.
- (5) If at the adjourned meeting a quorum is not present within half an hour from the time appointed for the meeting then notwithstanding Article 30(1) the Board Members present shall constitute a quorum.
- 31 Questions arising at a Board Meeting shall be decided by a majority of votes and each Board Member present shall be entitled to one vote. In the case of an equality of votes, the Chair shall have a second or casting vote. Votes shall be by show of hands or at the discretion of the Chair, whose decision shall be final and conclusive, by secret ballot, administered by the Executive Officer.

- 32 (1) Any Board Member (which shall include interests of Family Members) having an interest in any arrangement between the Organisation and another person or body shall disclose that interest to the meeting before the matter is discussed by the Board or committee of the Board. Unless the interest is of the type specified in Articles 32(2) or 32(3) the Board Member concerned shall not remain present during the discussion of that item unless requested to do so by the remaining members of the Board or committee of the Board. Unless permitted by Articles 32(2) or 32(3) the Board Member concerned may not vote on the matter in question, but no decision of the Board or any committee of the Board 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 Article 32(1) a Board Member may remain present during the discussion and may vote on the matter under discussion where the interest arises because:
- (a) the Board Member is a Tenant so long as the matter in question affects all or a substantial group of Tenants; or
 - (b) the Board Member is a director or other officer of a company or body which is a parent, subsidiary or associate of the Organisation; or
 - (c) the Board Member is an official or elected member of any statutory body.
- (3) A Board Member shall not be treated as having an interest:
- (a) of which the Board Member has no knowledge and of which it is unreasonable to expect him to have knowledge;
 - (b) in the establishment of a policy in respect of Board Member expenses payable pursuant to Article 27.
- 33 If a question arises at a meeting of the Board or of a committee of the Board as to the right of a Board Member to vote, the question may, before the conclusion of the meeting, be referred to the chair of the meeting and his ruling in relation to any Board Member other than himself shall be final and conclusive.
- 34 (1) The Chair of the Board will be the independent chair appointed for that purpose in accordance with Article 17.
- (2) Unless they are unwilling to do so, the Chair so appointed shall preside at every meeting of the Board at which they are present. But if there is no Board Member holding that office, or if the Board Member holding it is unwilling to preside or is not present within five minutes after the time appointed for the meeting, the Senior Independent Director is to be chair of the meeting. In the event that this is not possible the Board may appoint one of their number to be chair of the meeting.

35 All acts done by a meeting of the Board, or of a committee of the Board or by a person acting as a Board Member shall, notwithstanding that it be afterwards discovered that there was a defect in the appointment of any Board Member or that any of them were disqualified from holding office, or had vacated office, or were not entitled to vote, be as valid as if every such person had been duly appointed and was qualified and had continued to be a Board Member and had been entitled to vote.

DECISIONS OF THE BOARD

36 With the exception of a resolution concerning the removal of a Board Member or auditor, the Board may make decisions either at a meeting of the Board or by means of a written resolution if signed by:

- (1) three quarters of all the Board Members entitled to receive notice of a meeting of the Board or of a committee of the Board; and
- (2) the Chair of the Organisation or of the relevant committee; and

which satisfies the quorum requirements of Article 30(1) shall be as valid and effectual as if it had been passed at a meeting of the Board or (as the case may be) a committee of the Board duly convened and held and may consist of several documents in the like form each signed by one or more Board Members.

SECRETARY

37 Subject to the provisions of the Act, the Secretary and any deputy or alternate Secretary shall be appointed by the Board for such term, at such remuneration and upon such conditions as they may think fit and any Secretary so appointed may be removed by them.

MINUTES

38 The Board shall cause minutes to be made in books and electronic records kept for the purpose:-

- (1) of all appointments of officers made by the Board Members; and
- (2) of all proceedings at meetings of the Organisation and of the Board, and of committees of the Board and of the Council in its capacity as the sole member of the Organisation, including the names of the Board Members present at each such meeting.

RECORDS ACCOUNTS AND RETURNS

39 The Organisation shall comply with the provisions of Part V of the Local Government and Housing Act 1989, the Local Authorities (Companies) Order 1995 and Part 15 and 16 of the Act in respect of:-

- (1) the keeping and auditing of accounting records;
- (2) the provision of accounts and annual reports of the Board Members; and
- (3) in making an annual return.

THE SEAL

40 (1) If the Organisation has a Seal it shall only be used with the specific or general authority of the Board or of a committee of the Board. The Board may determine who shall sign any instrument to which the Seal is affixed and unless otherwise so determined it shall be signed by a Board Member and by the Secretary or a second Board Member.

- (2) The Organisation may exercise the powers conferred by Section 49 of the Act with regard to having an official seal for use abroad, and such powers shall be vested in the Board Members.

NOTICES

41 Notice of a general meeting may be given to the persons entitled to receive it in any manner permitted by the Act from time to time including (but not limited to) in hard copy, by means of a website, or by other electronic means, subject in each case to compliance by the Organisation with any requirements prescribed by or pursuant to the Act.

42 The Council present by duly authorised representative at any meeting of the Organisation shall be deemed to have received notice of the meeting and, where requisite, of the purposes for which it was called.

INDEMNITY

43 (1) Every Board Member or other officer of the Organisation shall be entitled to be indemnified out of the assets of the Organisation against all losses or liabilities as are mentioned in Section 310(3) of the Companies Act 1985 (as amended, superseded, varied or replaced from time to time) which they may sustain or incur in or about the execution of the duties of his office or otherwise in relation thereto, and no Board Member or other officer shall be liable for any loss, damage or misfortune which may happen to or be incurred by the Organisation in the proper execution of the duties of his office or in relation thereto PROVIDED THAT this Article shall only have effect in so far as its provisions are not avoided by the Act or any re-enactment or statutory modification thereto.

- (2) The Board shall have power to purchase and maintain for any Board Member or officer of the Organisation insurance against any such liability as is referred to in Section 232 of the Act.

Names & Address

Of Subscriber:

Barnsley Metropolitan

Borough Council

Town Hall

Barnsley

South Yorkshire S70 2TA

Authorised Representative:



Legal Service Director & Solicitor to the Council

Witnessed by Claire Denson, Berneslai Homes Risk and Governance Manager



10th December 2020

Dated



Creating great homes and communities
with the people of Barnsley

| | | | |
|----------------------|---|--------------------------------|--|
| Report Title | Audit and Risk Committee Annual Report 2023 | Confidential | No |
| Report Author | Chair of Audit and Risk Committee | Report Status | For Approval |
| Report To | Board 22/2/2024 | Officer Contact Details | Claire Denson, Risk & Governance Manager clairedenson@berneslaihomes.co.uk |

| | |
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| 1. Executive Summary | <p>1.1 To provide an annual overview of the activities undertaken by Audit and Risk Committee and, through self-assessment, identify opportunities for further development.</p> <p>1.2 The terms of reference are included as standard within this report. An additional recommendation was made at the Audit and Risk Committee to clarify within the Terms that the Committee are responsible for overseeing Emergency Resilience and Business Continuity.</p> <p>Actions and comments from the self assessments:</p> <p>1.3 A suggestion on one of the self assessments was that the Committee increase the number of face-to-face meetings. Committee are asked to discuss this as part of the report.</p> <p>1.4 The gender diversity has been reduced due to a female member being replaced with a male member. However, the skills diversity has expanded with the new member having strategic experience.</p> <p>1.5 The Committee's engagement of experts was queried and has therefore been clarified on the report activities as well as an action to engage further with experts, such as relevant networks.</p> <p>1.6 Specific skills audits and succession planning were queried. An action to undertake annual meetings between the Committee Chair and the Head of Governance and Strategy has been scheduled and the Remuneration Committee have agreed to monitor the skills matrix, which will consider Board and Committee skills.</p> <p>1.7 Having knowledge of members' personal development was queried and has been further clarified in the report.</p> |
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| | <p>1.8 The question related to communicating with stakeholders has resulted in an action to explore how the Committee can further improve connections with BMBC.</p> <p>1.9 The action to further engage with tenants remains on the report to ensure it is an ongoing priority for Committee and Board.</p> <p><u>Customer Voice/Impact</u></p> <p>1.10 The aim of the Committee self-assessment is to scrutinise the internal performance and therefore customer views are not sought for this report. There are actions within the report that will impact on tenants, including increased engagement with customers.</p> |
| <p>2. Recommendations</p> | <p>It is recommended that Board:</p> <p>2.1 Approve the report and recommendations, as recommended by Audit and Risk Committee.</p> |

3. Background

- 3.1 The Audit and Risk Committee Annual Report is identified by members as best practice in evaluating current activities and identifying development requirements.
- 3.2 Included within the report process is a member self-assessment aimed at evaluating the Committee's effectiveness and compliance with requirements.

4. Current Position/Issues for Consideration

- 4.1 The Annual Report is prepared annually for approval by the Board.
- 4.2 The self-assessment process includes a set of targeted questions for members to evaluate the performance of the Committee, then a separate set of questions for the Governance team relating to the administration of the Committee. Both assessment results have fed into the report as required.
- 4.3 The terms of reference are included as standard within this report. These were fully refreshed in September 2022 to remain in line with the CIPFA Audit Committee Core Functions. An additional recommendation was made at the Audit and Risk Committee to clarify that the Committee are responsible for overseeing Emergency Resilience and Business Continuity.

Actions and comments from the self assessments:

- 4.4 A suggestion on one of the self assessments was that the Committee increase the number of face-to-face meetings. Committee are asked to discuss this as part of the report.

- 4.5 The gender diversity has been reduced due to a female member being replaced with a male member. However, the skills diversity has expanded with the new member having strategic experience.
- 4.6 The Committee's engagement of experts was queried and has therefore been clarified on the report activities as well as an action to engage further with experts, such as relevant networks.
- 4.7 Specific skills audits and succession planning were queried. An action to undertake annual meetings between the Committee Chair and the Head of Governance and Strategy has been scheduled and the Remuneration Committee have agreed to monitor the skills matrix, which will consider Board and Committee skills.
- 4.8 Having knowledge of members' personal development was queried and has been further clarified in the report.
- 4.9 The question related to communicating with stakeholders has resulted in an action to explore how the Committee can further improve connections with BMBC.
- 4.10 The action to further engage with tenants remains on the report to ensure it is an ongoing priority for Committee and Board.

5. Customer Voice/Impact

- 5.1 The aim of the Committee self-assessment is to scrutinise the internal performance and therefore customer views are not sought for this report. There are actions within the report that will impact on tenants, including increased engagement with customers.

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.
 - As part of this Annual Performance Report.
 - 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 act 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 Audit and Risk Committee with assurance around their operating 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 An effective Audit and Risk Committee enables effective scrutiny of all areas, including Equality and Diversity and other relevant Human Resources policies and procedures.

13. Sustainability Implications

13.1 No specific zero carbon implications from this report

14. Associated Background Papers on Decision Time

14.1 Not applicable.

15. Appendices

15.1 Appendix A – The Audit and Risk Committee Annual Report 2023.

15.2 Appendix B – Audit and Risk Committee Terms of Reference.



Audit and Risk Committee

ANNUAL REPORT 2023

FOREWORD BY THE CHAIR OF THE AUDIT AND RISK COMMITTEE

I am pleased to present the Annual Report of the Audit and Risk Committee, which outlines the Committee's work and achievements over the year ending 31st December 2023.

I hope that this Annual Report helps to demonstrate the vital role that is carried out by the Audit and Risk Committee and the contribution it makes to the company's overall governance.

The report will be submitted for consideration by Board as a measure of evaluating the work undertaken by the Committee and making other members aware of what the Committee does. The Committee has had a consistent membership through the year with members building good relationships with each other and officers following new appointments and retirements in 2022.

This has been a successful year for the Committee, and I would like to express my thanks to those officers and members who have supported the work of this Committee by presenting, discussing, challenging, and debating solutions to the ongoing risk, control and governance environment of Berneslai Homes. There has been constructive questioning by members throughout.

Looking forward, we will see a change in our Tenant member, and I particularly want to thank Adriana for her contributions through her term, keeping the Committee focussed on the customer experience.

The results of our formalised self-assessment, via comments from Audit and Risk Committee members, are summarised within this report. Whilst confirming a high level of compliance with 'good practice', it also highlights areas where we can improve the Committee's effectiveness.

These are challenging times for Berneslai Homes but there are also opportunities to continue to move the organisation forward. I am confident that the Committee is very well placed to play a key role during 2023 to 2024 and beyond.

No matters raised to management remain unresolved at time of writing this report.

Adam Hutchinson
Chair of the Audit and Risk Committee
January 2024

1. Introduction

- 1.1 This report covers the Audit and Risk Committee's activities during the calendar year 2023. It shows that the Company is committed to working as an exemplar organisation in operating the highest standards of governance.
- 1.2 This report shows how the Audit and Risk Committee has successfully fulfilled its terms of reference and has scrutinised the Company's governance and control environments.

2. Role and Responsibilities

- 2.1 The Committee performs the core Audit and Risk Committee functions recommended as good practice by the Chartered Institute of Public Finance and Accountancy (CIPFA). The core functions are incorporated in the Committee's terms of reference, which have been reviewed in line with this report. A recommendation was made to clarify within the Terms that the Committee are responsible for overseeing Emergency Resilience and Business Continuity. **Appendix B.**
- 2.2 The overall purpose of the Audit and Risk Committee is to provide an independent and high-level focus on the adequacy of governance, risk and control arrangements. The committee's role in ensuring that there is sufficient assurance over governance, risk and control gives greater confidence to all those charged with governance that those arrangements are effective.
- 2.3 The Audit and Risk Committee will:
 - Promote the development of strong and effective governance arrangements and internal controls which support the delivery of Berneslai Homes' strategic aims and objectives and enable the Board to maintain overall control and consistency of approach.
 - Support the Board in ensuring that an effective framework is established and maintained for the identification and management of risk and assurance.
 - Have oversight of both internal and external audit together with the financial and governance reports, helping to ensure that there are adequate arrangements in place for both internal challenge and public accountability.

3. **Audit and Risk Committee Membership**

3.1 The Audit and Risk Committee has five Members. During 2023 the membership was:

| Member | Dates of appointment to Audit Committee |
|----------------------------|---|
| Current members | |
| Adam Hutchinson – Chair | September 2022 - current |
| Kevin Osborne – Councillor | September 2022 - current |
| Mark Johnson – SID | January 2020 to April 2020 / April 2021 – Current |
| Jo Sugden – Independent | April 2021 – Current |
| Retired members | |
| Adriana Rrustemi – Tenant | September 2022 – September 2023 |
| Gez Morrall – Tenant | December 2023 – current |

3.2 There is strong officer support to the Audit and Risk Committee through the regular attendance of the Executive Director of Corporate Services, Executive Director of Property Services, Head of Governance and Strategy, and Finance leaders.

4. **Meetings and attendance**

4.1 The Audit and Risk Committee had five scheduled meetings between during 2023.

| Audit and Risk Committee Member | Possible Meetings | Meetings Attended |
|---------------------------------|-------------------|-------------------|
| Adam Hutchinson - Chair | 5 | 5 |
| Mark Johnson | 5 | 5 |
| Jo Sugden | 5 | 3 |
| Kevin Osborne | 5 | 3 |
| Adriana Rrustemi | 4 | 4 |
| Gez Morrall | 0 | 0 |
| Total Possible Attendances | 24 | |
| Total Actual Attendances | 20 | |
| Percentage Attendance | 83% | |

5. **Core Activity 2023**

The Committee's work and outcomes in each of its areas of responsibility are summarised in the following sections.

5.1 **Internal Audit**

5.1.1 The Committee has a role to ensure that the Internal Audit function is properly resourced and to review the activities of the Internal Audit function, including its annual work programme. The level of resource and also Internal Audit coverage has enabled an annual assurance opinion to be provided.

5.1.2 During 2023:

- Internal Audit delivered all major aspects of its annual plan, achieved key performance targets and adhered to professional standards.
- Management's compliance in responding to Internal Audit reports and implementing agreed management actions was good, with all reports being reported into the Committee to provide assurance that they are addressed by management promptly.
- The plan of work to be undertaken by Internal Audit was agreed by the Chair of Audit and Risk Committee, EMT and Internal Audit. This is a risk-based approach that identifies key risk areas to be monitored.
- Internal Audit provide an annual report on their review of core systems, the year's activity and assurance of Berneslai Homes' control systems tested during the year. In terms of the 2022/23 report, Internal Audit gave a controls assurance opinion which reflects that systems concerning internal control were reasonable. Whilst a reasonable overall opinion was given, the Audit and Risk Committee were asked to ensure that the issues raised in the audit reviews reported during the year are implemented to improve the control environment. All 2022/23 agreed management actions were implemented on a timely basis.

5.2 External Audit

- The Committee works closely with External Audit, and they are included in the full circulation list for formal meetings of the Committee.
- In August 2023, the Audit and Risk Committee received and discussed the Annual Audit Letter with BDO and was satisfied that the key issues identified were being addressed.
- A standard annual agenda item each August ensures Committee members meet with External Audit without management in attendance. This was utilised in August 2023.

5.3 Internal Control incorporating Risk Management, Financial Probity and Stewardship

5.3.1 The Audit and Risk Committee:

- Received, considered and recommended to Board the Annual Governance Statement and the action plan to address further development activities. The report utilises the Assurance Framework, with input from SMT and EMT feeding into the action plan, which is monitored by Committee as part of the Quarterly Risk Update. The annual report also provides Committee with assurances of works undertaken throughout the year on tackling fraud.
- Received the annual risk management report, which provided assurance of the effective implementation of the new risk framework 12 months on.

5.4 Accounts

5.4.1 The Audit and Risk Committee received and considered the final annual accounts and recommended them to Board, meeting the statutory timescales.

5.5 Compliance

5.5.1 Throughout the year, continued scrutiny of compliance included:

- The application of the General Data Protection Regulations (GDPR), Data Protection Act, Information and Cyber Security.
- The ongoing undertaking of the risk management framework.
- Performance around the Health and Safety Compliance Scorecard.

6. Outcomes for 2023

6.1 Our main focus is on adding value through our activity. By concentrating on outcomes, we can identify the benefits of our work. Our key overarching achievements this year are:

6.1.1 Training received:

- a) Roles and Responsibilities of Board members (DTP).
- b) Joint BH/BMBC Briefing to Board members around Budget responsibility/relationship in relation to the HRA, Capital Programme, Management Fee etc. How PRIP contract works, roles of BH/BMBC and how budgets and future investment need are agreed.
- c) Session undertaken with BMBC Cyber Security expert.
- d) Annual overview provided by BMBC Internal Audit and Financial Services regarding Berneslai Homes Investments.
- e) 2 members attended Local Housing Finance webinars.
- f) 3 Members attended a demonstration of the Risk System.

6.1.2 Achievements:

- a) Board members undertook a full review of the Risk Appetite, and a fully refreshed document was implemented.
- b) Continued monitoring of progress on Repairs First to ensure we meet the challenging targets and budgets.

6.1.3 Continued progress:

- a) 6-monthly catch-up meetings with the BMBC Head of Corporate Assurance and the ARC Chair.
- b) ARC update provided at each Board meeting, which is attended by BMBC.
- c) Raising the profile of corporate governance generally across the Company.

- d) Supporting the Internal Audit and Risk Management functions to raise their profile and improve the response to audit reports and the implementation of recommendations.
- e) Enquiring and challenging the Company's procedures and performance to satisfy itself that arrangements are in place and effective to enable the Committee to meet its responsibilities in providing assurance to the Board.

7. Plans for 2024

7.1 To ensure that we continue to develop, we will ensure:

7.1.1 To undertake the actions identified as part of this report:

- a) To explore how ARC can further improve connections with BMBC.
- b) To enhance engagement with professional networks and other avenues of ensuring members are up to date with current thinking and to promote causes which advance our customers' best interests.
- c) To actively seek opportunities to further engage with tenants and staff as part of overall board development.
- d) Succession & development – The Committee Chair will undertake annual discussions with the Head of Governance and Strategy.
- e) To ensure a thorough induction for the new Committee Member/ Tenant Board Member.
- f) Committee members will be invited to join EMT to undertake the two-year zero-based review of risks, issues and concerns which will result in a fully refreshed risk register that is fully representative of Berneslai Homes' current position. This will be scheduled for Autumn 2024.

7.1.2 Continued progress by:

- a) Continuing to be vigilant in overseeing evolving technology to ensure effective delivery.
- b) Ongoing scrutiny of NHF Code of Governance self-assessment and review progress against actions.
- c) Seeking briefings from the Executive Director of Corporate Services on technical issues as required.
- d) Playing a critical role in scrutinising the Annual Governance Statement and in so doing ensuring all governance arrangements are reviewed.
- e) Continuing to assist and support officers to promote the work of the Committee and the roles of audit and risk management and scrutinise the implementation of the risk framework.
- f) Supporting the continued production of high quality and compliant statutory accounts and general good practice in financial management.
- g) Helping to further increase awareness within the Company of its governance arrangements.
- h) Reviewing the monitoring of the quality of audit services being provided (both internal and external).

- i) Continuing the annual workshop provided by BMBC Internal Audit and Financial Services regarding Berneslai Homes Investments.
- j) Ensure Members continue to receive the necessary training to fulfil our responsibilities.
- k) Continue to review of risks, issues and concerns and ensure that all relevant areas are being scrutinised more deeply by the Committee. Encourage external reviews where Audit and Risk Committee feel they are beneficial.
- l) To support proactive agenda setting by Committee members, the draft agenda will be sent to members before each meeting for feedback on any additional areas they wish to include for discussion. This will be sent out following the Board meeting held prior to the Audit and Risk Committee.

We are pleased with the progress and response to the challenges this year has brought. We look forward to building on this further, next year.

***Berneslai Homes Audit and Risk Committee
January 2024***

Appendix B

| TERMS OF REFERENCE – AUDIT & RISK COMMITTEE | |
|--|--|
| 1. Constitutional Authority and Purpose | <p>1.1 The Audit and Risk Committee (the “Committee”) is a sub-committee of the board of Berneslai Homes. The committee may be delegated some governance responsibilities but will be accountable to Board.</p> <p>1.2 The overall purpose of the Audit and Risk Committee is to provide an independent and high-level focus on the adequacy of governance, risk and control arrangements. The committee’s role in ensuring that there is sufficient assurance over governance risk and control gives greater confidence to all those charged with governance that those arrangements are effective.</p> <p>1.3 The Audit and Risk Committee will :</p> <ul style="list-style-type: none"> a) Promote the development of strong and effective governance arrangements and internal controls which support the delivery of Berneslai Homes’ strategic aims and objectives and enable the Board to maintain overall control and consistency of approach. b) Support the Board in ensuring that an effective framework is established and maintained for the identification and management of risk and assurance. c) Have oversight of both internal and external audit together with the financial and governance reports, helping to ensure that there are adequate arrangements in place for both internal challenge and public accountability. |
| 2. Composition | <p>2.1 For further avoidance of doubt, the Board Chair may not serve as the Committee Chair. The Chair must be a Qualified CCAB or CIMA Accountant.</p> <p>2.2 Employees of Berneslai Homes are not eligible to serve on this Committee.</p> <p>2.3 The Committee will have a membership of at least 3 Board members (one of which will be the Committee Chair) and can include co-opted board members and up to 2 independent members.</p> <p>2.4 Specialists may be co-opted to Committee, in addition to those co-opted to Board, to provide particular expertise as and when required, to be approved by the Board.</p> <p>2.5 If the Committee Chair is not present at a quorate meeting of the Committee, the Committee Members present shall elect one of their number to chair that meeting.</p> |

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| | <p>2.6 Membership of the committee and its chair is subject to the appointment of the board and will be reviewed from time to time to ensure that the relevant skills and competency are present.</p> <p>2.7 Include, as regular attendees, the Executive Director of Corporate Services, the Chief Executive, the Head of Internal Audit, or their nominees, and the appointed external auditor. These officers should also be able to access the committee members, or the chair, as required.</p> |
| <p>3. Meetings and Quorum</p> | <p>3.1 The quorum for a Committee meeting shall be two, at least one of which must be a non-executive member of the Board.</p> <p>3.2 The Committee must meet at least four times a year and its proceedings and decisions shall be reported to the Board.</p> <p>3.3 At least five working days' notice of all meetings of the Audit Committee will be given to each Audit Committee Member and to the Chair of the Board unless any two members of the Audit 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>3.4 Resolutions of the Committee are to be decided by a majority of votes and each Committee Member present in person shall be entitled to one vote. A written resolution signed by all of the members of the Committee (provided that they would constitute a quorum of the Committee) is as valid as if it had been passed at a meeting of the Committee and may consist of several documents in similar form each signed by one or more of the Committee.</p> <p>3.5 If there is an equality of votes, the Chair is entitled to a second or casting vote. Resolutions which fail to secure a majority in favour are to be lost.</p> |
| <p>4. Duties and Responsibilities</p> | <p>4.1 The principal duties of the Committee are:</p> <ul style="list-style-type: none"> a) To seek and provide assurance that there is effective financial control, internal controls and risk management in place across Berneslai Homes by ensuring there are adequate systems of internal control and risk management in place and by monitoring the effectiveness of those systems. b) Helping Berneslai Homes to implement the values of ethical governance, including effective arrangements for countering risks of fraud and corruption. Reviewing and advising the Board |

on internal control systems for enhancing fraud resilience and to consider reports in relation to allegations of fraud and reports of suspicious activity in relation to money laundering and any other such exceptional issues.

- c) To seek assurance that Berneslai Homes activities are efficient, effective and represent value for money.
- d) Reviewing arrangements by which employees may, in confidence, raise concerns about possible improprieties in matters of financial reporting or other matters (whistleblowing) and specifically to receive any concerns raised through these procedures that concern the Chief Executive or their delegated officer in respect of the whistleblowing arrangements.
- e) Reviewing arrangements and confirming processes for regulatory returns and reports on behalf of Berneslai Homes.
- f) Monitoring the implementation of approved recommendations relating both to internal audit reports, other relevant audit and assurance reports, external audit reports and management letters across Berneslai Homes.
- g) Monitoring data protection compliance and Information security compliance.
- h) Initiating reports and investigations as it sees fit, having the right of access to all minutes, books, documents or any other information maintained within the organisation.
- i) Reporting annually to the Board on the internal controls and assurance arrangements in place through a process of integrated assurance, including:
 - Reviewing, assessing and monitoring the effectiveness of the external and internal audit services and their relationship with each other.
 - Reviewing arrangements and confirming processes for a range of additional assurance sources.
 - Receiving and reviewing an annual assurance report before making recommendations as to its acceptance to the Board.
- j) To comment on and review the Treasury Management Strategy and make recommendations to Board on that Strategy. To receive reports on Treasury Management activities and performance. To report to the Board on any breaches of Treasury Strategy or Procedure.

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| | <p>k) Monitoring Health and Safety Landlord compliance (compliance audit scorecard).</p> <p>l) With Governance at its core, by supporting a comprehensive understanding of governance across the organisation and among all those charged with governance, fulfilling the principles of good governance.</p> <p>More specific responsibilities of the Committee are detailed in sections below:</p> |
| <p>4.2 Financial Accountability</p> | <p>4.2.1 The Committee will monitor the integrity of the annual financial statements, interim reports and any formal announcements relating to Berneslai Homes' financial performance before they are presented to the Board, focusing on:</p> <ul style="list-style-type: none"> a) Accounting policies b) Compliance with accounting standards c) Reviewing significant financial reporting judgements d) Findings of the external auditor, including significant audit adjustments |
| <p>4.3 Internal Audit</p> | <p>4.3.1 The Committee will monitor and review the effectiveness of the internal audit function and more particularly will:</p> <ul style="list-style-type: none"> a) Ensure that there is a transparent procedure in place for the periodic review of the appointment of internal auditors. Advise the Board on the appointment and remuneration of the internal auditor and their scope of work. b) Review the long-term plan for internal audit, approve the Annual Plan, and monitor results as presented in internal audit's interim reports and annual report. c) Review, consider and advise upon reports made by the internal audit service as to the functioning, maintenance and development of Berneslai Homes' control systems. d) Review and monitor management's responsiveness to the internal auditor's findings and recommendations. e) Monitor and assess the effectiveness of the internal audit function in the overall context of Berneslai Homes' risk management and assurance arrangements. f) Be able to meet privately and separately with the Head of Internal Audit |
| <p>4.4 External Audit</p> | <p>4.4.1 The Committee will oversee Berneslai Homes' relations with the external auditor and more particularly will:</p> <ul style="list-style-type: none"> a) Ensure that there is a transparent procedure in place for the selection and periodic review of the appointment of external auditors. |

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| | <ul style="list-style-type: none"> b) Appoint the external auditors, subject to any ratification required at the Annual General Meeting. c) Advise the Board on the appointment and remuneration of the external auditor and review and agree the level of fees and the letter of engagement prior to the start of each annual audit. d) Meet with the external auditor at least twice per year to consider the scope of the audit at planning stage, and the resulting opinion, reports and recommendations , and monitor management action in response to the issues raised by external audit. e) Review on an annual basis, the external auditor’s independence and objectivity and the effectiveness of the audit process, taking into consideration relevant UK professional, regulatory and ethical requirements including the regular rotation of relationship partners. f) Meet privately and separately with the external auditor. |
| <p>4.5 Risk</p> | <p>4.5.1 The Committee should understand the risk profile of the organisation and seek assurances that active arrangements are in place on risk-related issues.</p> <ul style="list-style-type: none"> a) The Committee will review and advise the Board, who approve the overall risk assessment process, on the current risk exposures of Berneslai Homes and risk strategy by: Regularly reviewing and scrutinising the overall risk assessment processes that inform the Board’s decision making. b) Reviewing and reporting to the Board upon the strategic and operational risk maps, and any other risk types of critical importance, annually, c) Reviewing and reporting to the Board on Berneslai Homes’ overall risk appetite, tolerance and strategy. Reviewing reports on any material breaches of risk limits and risk management, including any potential for ‘serious detriment’ as defined by the Regulator, including the adequacy of proposed action. d) <u>Review at least once a year the provisions for business continuity and disaster recovery and the assessment of the effectiveness of the arrangements in place.</u> |
| <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> |

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| | <p>5.2 The Committee has rights of access to and constructive engagement with other committees and scrutiny functions and strategic groups.</p> <p>5.3 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 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>5.4 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</p> <p>6.2 At least annually, the Committee shall review its 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 The Committee will report formally on its work to the Board on an annual basis.</p> <p>7.4 Minutes of each Audit 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 Audit Committee and to the Board.</p> <p>7.5 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>7.6 The Committee will submit any reports it considers necessary to the Board.</p> |



Creating great homes and communities
with the people of Barnsley

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|----------------------|---|--------------------------------|--|
| Report Title | 2023/24 Quarter Three Performance Summary | Confidential | No |
| Report Author | Head of Governance and Strategy | Report Status | For Information |
| Report To | Board 22/02/2024 | Officer Contact Details | Sarahdrafz3@berneslaihomes.co.uk |

| | |
|-----------------------------|---|
| 1. Executive Summary | <p>This report presents an assessment of Berneslai Homes' performance for quarter three of the 2023/24 financial year. The report also includes the quarter three update against the Annual Business Action Plan.</p> <p>Key performance highlights for the quarter include:</p> <ul style="list-style-type: none"> • 100% compliance across the five building safety Tenant Satisfaction Measures (TSMs); gas, asbestos, fire, lift and water safety, • exceeding the target for the proportion of emergency repairs completed in the target timescale, • exceeding the target for proportion of apprentices in the workforce. <p>Key performance exceptions for the quarter include:</p> <ul style="list-style-type: none"> • the proportion of rent lost due to void properties, • the proportion of stage one complaints responded to in target timescales, • Staff sickness. <p>Customer Services Committee were assured that appropriate measures were in place to address areas of underperformance. Comments from Customer Services Committee have been incorporated into this summary.</p> |
|-----------------------------|---|

| | |
|--------------------------------|--|
| 2. Recommendation/s | <p>2.1 Board is asked to consider quarter three performance.</p> <p>2.2 Where performance targets have not been achieved, Board should ensure they are satisfied with the explanations provided and there are adequate controls and actions in place.</p> <p>2.3 Board should identify any areas where they feel more detailed consideration is required by Customer Services Committee.</p> |
|--------------------------------|--|

3. Background

- 3.1 Berneslai Homes performance is measured so that we can monitor the success of our Strategic Plan commitments, see how well areas of the business are doing and see the difference we are making to our customers. On a quarterly basis a report showing company performance against the suite of KPIs is scrutinised at Customer Services Committee.
- 3.2 At quarter three of 2023/24 there were 20 KPIs identified as behind target. Where key exceptions were identified, commentary and trend data were included in the performance report scrutinised by Customer Services Committee.

4. Current Position /Issues for Consideration

- 4.1 At quarter three 14 KPIs were reported as green/met or exceeded target, five KPIs were rated as amber/narrowly missed target, 20 KPIs were reported as red/behind target and four KPIs were not RAG rated as these measures did not have an annual target.
- 4.2 The quarter three performance report has been updated to include benchmarks. Benchmarks were taken from the Housemark mid-year benchmarking report which contained data to September 2023. In the main benchmarks reflect the peer group upper quartile. ASB cases and hate related ASB per 1,000 properties (NM01 1 and NM01 2) and stage 1 and stage 2 complaints per 1,000 properties (CH01 1 and CH01 2) benchmarks show the peer group median at quarter two given the annual target for these measures is to be in line with the peer group median. Housemark did not provide peer group upper quartiles for the building safety TSMs as for the majority of providers, performance was at or almost at 100%.
- 4.3 Our performance in comparison with others in our peer group is strong.
- Results for five of the perception based TSMs and four of the management information derived TSMs were in line with or above the peer group upper quartile.
 - Results for two of the perception based TSMs ('satisfaction landlord makes a positive contribution to neighbourhood' and 'satisfaction with landlords approach to handling ASB') and one of the management information derived TSMs (number of stage two complaints received per 1,000 homes) were in line with or below the peer group lower quartile.

- 4.4 11 of the 20 KPIs reported as behind target relate to tenant perceptions assessed via our annual tenant satisfaction survey. Across the Housing Sector, customer satisfaction scores have been significantly impacted by the cost-of-living crisis, inflationary rent increases and shortages in labour and materials. We remain committed to listening to our customers, hearing what they say and making sure they feel safe in their homes. We have used tenant feedback from the satisfaction survey to feed into our self-assessment against the Regulator of Social Housing (RSH) Consumer Standards which in turn has influenced our Customer First – Regulation Action Plan. This plan has been co-developed with BMBC and representation from our involved tenants.
- 4.5 Customer Services Committee Members discussed satisfaction with handling ASB performance, which at 48.3% is behind the target of 60% and lower than the peer group upper quartile of 55%. Whilst a dedicated ASB team is now in place, performance for this measure was assessed via the annual tenant survey, which was undertaken in summertime, it would have been too soon for the impact of the team to be seen in the survey results. Transactional ASB surveys are undertaken at the point ASB cases are closed, we are working through results from the latest transactional surveys which will provide more timely insight into ASB satisfaction. Berneslai Homes staff work in partnership with the councils Safer Neighbourhood Service (SNS) to manage ASB, it is the council responsible for enforcement action. A mini summit is to be held between involved parties to discuss and refine the joint approach to ASB.
- 4.6 59 of our homes or 0.33% of stock was classed as non-decent at year end of 2022/23. Actions were in place to address all 59 properties. Since year end, at quarter three 14 of the 59 properties are still classed as non-decent and require work to bring them up to standard. In the main, the remaining non-decent properties have un-surveyed elemental failures, inability to access these properties has impacted on performance.
- 4.7 We achieved 100% compliance across the five KPIs reported under building safety which cover gas, asbestos, fire, lift and water safety. Keeping tenants safe is a strategic priority and Berneslai Homes is committed to ensuring we are compliant with all elements of the Building Safety Act.
- 4.8 99.9% of emergency repairs in the financial year to quarter three were completed in the target timescale of 24 hours which exceeds the target of 99.5%. Non-emergency repairs performance combines our three non-emergency repair priority categories; those categorised as to be completed within 3, 7 and 25 days. At quarter three 96.55% of non-emergency repairs were completed in target. Whilst our non-emergency repair performance fell slightly behind our annual target of 99.5% our performance exceeded the mid-year peer group upper quartile of 95.5%.
- 4.9 So far this year 77.4% of the 538 stage one complaints received were responded to within Complaint Handling Code timescales. Performance has been impacted by an increase in complaints, with more than double the amount of stage one complaints received this year in comparison to last, particularly impacted by an increase in repairs related complaints which this year account for 85% of all stage one complaints. 97.89% of stage two complaints were

responded to within Complaint Handling Code timescales. A complaints dashboard is included within the quarter three performance report to provide further complaints data.

- 4.10 3.66% of our workforce were apprentices at quarter three against a target of 3%. We have both craft apprentices based at Construction Services and office apprentices at Construction Services and Corporate Services. Apprentices present the opportunity for us to grow talent and expand our skilled and qualified workforce.
- 4.11 Void rent loss at quarter three is 1.27% which equates to £743k lost against a target of 1.05% or less. This financial year we have seen a large increase in the number of voids that require major works to bring them up to a lettable standard. Budgets that were set for the year are not aligned to meet this demand. Whilst we are conscious that void properties impact on potential income and the Council Housing waiting list, we recognise the importance of bringing properties up to standard before they are re-let. An action plan has been put in place to address performance and with agreement from the council we have re-prioritised budgets to progress bringing more major works void properties up to a lettable standard.
- 4.12 At quarter three our collection rate was 96.47% against a target of 97%. Performance follows a similar trajectory to last year. Current rent arrears to December were 3.38% against a target of 3.5% or less. The Income Team continues to work closely with colleagues in Tenants First to support with financial assistance and advice with a focus on helping tenants to get more money coming in and less going out.
- 4.13 67% of influenceable funds were spent locally against a target of 75%. This measure combines Construction Services and Berneslai Homes Management spend, it was the latter that had a lower proportion of local spend impacted by an increase in recruitment and contractor costs.
- 4.14 74.07% of tenants surveyed reported satisfaction with responsive repairs completed right first time against target of 82%. This measure is calculated based on tenants' responses to a transactional perception survey. Upon interrogation of the responses this quarter, the repairs of all those who said they were dissatisfied had been completed within target. It is possible that understanding of "right first time" may differ between Berneslai Homes and tenants.
- 4.15 Staff satisfaction was 48% against the target of 68%. The question formed part of the IIP survey which was undertaken in Spring 2023 around the time of significant organisational change which is seen to have had an impact on staff satisfaction and morale. Berneslai Homes' performance was comparable with the IIP Housing Association/Real Estate peer group average. An action plan is in place to improve staff satisfaction, alongside addressing outcomes from other feedback including the 'CEO for a day' Staff Conference exercise. We recently introduced a new reward and recognition programme with a core focus on saying thank you, celebrating staff success and recognising those who demonstrate our values to specifically address feedback from the IIP report around staff feeling undervalued.

- 4.16 At the end of quarter three the projected year end number of days sickness per employee was 12.01 against a target of 9 days or less. Performance was 1.18 days worse than at the same point last year but the gap in performance between this year and last has reduced significantly as the year has progressed. The main cause of absence was Mental Health accounting for 32% of all absence, followed by Musculoskeletal (27%). The majority of absence is long term (72%), however there has been an increase in short term absence since quarter two, which is due to seasonal illnesses. HR continue to proactively monitor sickness absence and meet regularly with managers to ensure sickness is managed effectively and discuss any additional support required. Remuneration Committee will be carrying out a deep dive into sickness at their next meeting.
- 4.17 4.76% of the workforce at quarter three defined as disabled under the Equality Act definition against a target of 8%. Specific actions to improve representation are identified in our Equality of Opportunity report which includes a proposed data-refresh of the equality information we hold for existing staff to ensure we are capturing up-to-date figures. A Supported Internships programme for individuals with disabilities/learning difficulties is now in place and one placement has started within Corporate Services.
- 4.18 83.39% of priority calls were answered in our target timescale of less than three minutes against a target of 80%. Performance is over 29% points higher than at the same point in the previous year. As we approach the winter months we typically experience higher call volumes. We continue to monitor performance for this measure and recognise the importance of our customers being able to get through to us.
- 4.19 The Business Action Plan which illustrates the extent of work undertaken by Berneslai Homes to support our tenants is now included as an appendix to the performance report as a standing item.

5. Customer Voice/Impact

- 5.1 To ensure that tenant's voices are represented, Tenant Voice Panel members sit on the Customer Services Committee and are involved in scrutiny of quarterly performance. In addition, two tenant Board representatives are members of Customer Services Committee and provide scrutiny of company performance.

6. Risk and Risk Appetite

- 6.1 There are no risk register items which directly link to this report. Any compliance areas of concern linked to performance are included on the corporate risk register.

7. Strategic Alignment

- 7.1 Our KPIs are aligned to our mission; Great place, great people, great company, which supports our vision 'Creating great homes and communities with the people of Barnsley.' We work closely with the council to ensure we align our services and Strategic Plan to meet the challenges and opportunities of their new Corporate Plan and the Barnsley 2030 vision.
- 7.2 The performance report links to all the Barnsley 2030 Strategic Ambitions (listed below) as it is one of the mechanisms by which we monitor our performance against plan.
- Hearing Customers
 - Keeping tenants Safe
 - Growth of Homes and Services
 - Technology and Innovation
 - Employment and Training
 - Zero Carbon

8. Data Privacy

- 8.1 No processing of personal data has taken place in the creation of this report.

9. Regulatory Standards

- 9.1 This report relates to the following elements of the Regulatory Standard:
- Governance and Financial Viability Standard
 - Value for Money Standard
 - Home Standard
 - Tenancy Standard
 - Neighbourhood and Community Standard
 - Tenant Involvement and Empowerment Standard
 - Tenant Satisfaction Measures Standard

By measuring and monitoring performance against our KPIs and involving tenants in this process we can effectively ensure we demonstrate progress towards achievement of our strategic objectives and compliance with multiple regulatory standards.

10. Other Statutory/Regulatory Compliance

- 10.1 There are no specific statutory or regulatory compliance implications arising directly from this report.

11. Financial

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

12. Human Resources and Equality. Diversity and Inclusion

12.1 There are no human resource implications arising directly out of the recommendations in this report.

13. Sustainability Implications

13.1 Various performance measures reported assess progress towards achieving our net zero ambitions which in turn links to our sustainability strategy.

14. Associated Background Papers

None

15. Appendix

Appendix A – Quarter Three 2023/24 Performance Report

Quarterly Performance Report Quarter 3 - 2023/2024



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GREAT PLACE

| | | | |
|---|---|---|---|
| Annual Indicator  Tenant Satisfaction with Repairs | Annual Indicator  Time Taken Recent Repair | Annual Indicator  Satisfaction Home is Safe |  Gas Safety Checks |
| Annual Indicator  Well Maintained Home |  DHS Compliance |  Fire Safety Checks |  Asbestos Safety Checks |
|  Emergency Repairs |  Non-Emergency Repairs |  Water Safety Checks |  Lift Safety Checks |
| Annual Indicator  Positive Contribution to Neighbourhoods | Annual Indicator  Satisfaction with Communal Areas | Annual Indicator  Satisfaction with Handling ASB |  ASB Cases |

HEADLINES


We were 100% compliant across the five Building Safety TSMs



ASB Cases Hate Incidents

GREAT PEOPLE


| | |
|---|--|
| Annual Indicator  Tenant Satisfaction | Annual Indicator  Listening to Tenants |
| Annual Indicator  Keeping Tenants Informed | Annual Indicator  Treating Tenants Fairly |
| Annual Indicator  Handling Complaint |  Stage One Complaints |
|  Stage Two Complaints |  Stage One Response Time |
|  Stage Two Response Time | |

| GREAT PLACE | |
|---|---|
|  Annual Indicator Tenant Satisfaction with Repairs |  Annual Indicator Time Taken Recent Repair |
|  Annual Indicator Well Maintained Home |  Annual Indicator DHS Compliance |
|  Emergency Repairs |  Non-Emergency Repairs |
|  Annual Indicator Positive Contribution to Neighbourhoods |  Annual Indicator Satisfaction with Communal Areas |

| YEAR END 22/23* | Q1 | Q2 | Q3 | Q4 | YEAR END 23/24 | TARGET 23/24 | BENCH MARK** | |
|-----------------|--------|---|--------|----|----------------|--------------|--------------|--|
| 83.1% | 75.1% | | | | | 83.1% | 76.0% | TP02: Tenant Satisfaction with Repairs Tenant Satisfaction with repairs |
| New | 75.5% | | | | | 80.4% | 71.0% | TP03: Time Taken Recent Repair Satisfaction with time taken to complete most recent repair |
| New | 73.8% | | | | | 82% | 73.8% | TP04: Well Maintained Home Satisfaction that the home is well maintained |
| 0.33% | 0.33% | Measured at the start and end of the year | | | | 0% | 0.33% | RP01: DHS Compliance Homes that do not meet the Decent Homes Standard |
| 100% | 99.95% | 99.70% | 99.90% | | | 99.5% | 98.9% | RP02 2: Emergency Repairs Repairs completed within target timescale |
| New | 96.74% | 96.16% | 96.55% | | | 99.5% | 95.5% | RP02 1: Non-Emergency Repairs Repairs completed within target timescale |
| New | 59.6% | | | | | 62% | 64.0% | TP11: Positive Contribution Satisfaction that the landlord makes a positive contribution to neighbourhoods |
| New | 66.0% | | | | | 66% | 66.0% | TP10: Satisfaction with Communal Areas Satisfaction that the landlord keeps communal areas clean and well maintained |

*Year end performance was assessed based on whether a target was achieved (denoted by green formatting) or missed (denoted by red formatting)

**Benchmark is based on sector wide upper quartile

| GREAT PLACE | |
|--|---|
|  Annual Indicator Satisfaction Home is Safe |  Gas Safety Checks |
|  Fire Safety Checks |  Asbestos Safety Checks |
|  Water Safety Checks |  Lift Safety Checks |
|  Annual Indicator Satisfaction with Handling ASB |  ASB Cases |
|  ASB Cases Hate Incidents | |

| YEAR END 22/23* | Q1 | Q2 | Q3 | Q4 | YEAR END 23/24 | TARGET 23/24 | BENCH MARK** | |
|-----------------|--------|-------|-------|----|----------------|--------------------------------|-------------------------------|--|
| 83.4% | 74.9% | | | | | 83% | 77.0% | TP05: Home is Safe Satisfaction that the home is safe |
| 100% | 100% | 100% | 100% | | | 100% | | BS01: Gas Gas safety checks |
| 100% | 100% | 100% | 100% | | | 100% | | BS02: Fire Fire safety checks |
| 100% | 100% | 100% | 100% | | | 100% | | BS03: Asbestos Asbestos safety checks |
| 99.29% | 99.64% | 100% | 100% | | | 100% | | BS04: Water Water safety checks |
| 100% | 64.92% | 100% | 100% | | | 100% | | BS05: Lift Lift safety checks |
| 60.1% | 48.3% | | | | | 60% | 55.0% | TP12: Satisfaction Handling ASB Satisfaction with the landlords approach to handling anti-social behaviour |
| 39.54 | 10.45 | 24.02 | 33.20 | | | In line with peer group median | 30.38 Q2 peer group median | NM01 1: ASB Cases Anti-social behaviour cases |
| 0.44 | 0.22 | 0.61 | 0.61 | | | In line with peer group median | 0.72 Q2 peer group median | NM01 2: ASB Cases Hate Incidents Anti-social behaviour cases that involve hate incidents |

GREAT PEOPLE

| YEAR END 22/23* | Q1 | Q2 | Q3 | Q4 | YEAR END 23/24 | TARGET 23/24 | BENCH MARK** | |
|-----------------|--------|--------|--------|----|----------------|--------------------------------|-------------------------------|--|
| 84.2% | 76.8% | | | | | 84% | 76.0% | TP01: Tenant Satisfaction Overall satisfaction |
| 68.1% | 59.6% | | | | | 68% | 61.0% | TP06: Listening to Tenants Landlord listens to tenants views and acts upon them |
| 70.6% | 64.5% | | | | | 71% | 68.0% | TP07: Keeping Tenants Informed Landlord keeps tenants informed about things that matter to them |
| 85.3% | 76.9% | | | | | 85% | 80.8% | TP08: Treating Tenants Fairly Landlord treats tenants fairly and with respect |
| New | 43.1% | | | | | 62% | 31.0% | TP09: Satisfaction Handling Complaints Satisfaction with the landlords approach to handling complaints |
| New | 9.34 | 19.52 | 29.92 | | | In line with peer group median | 19.14 Q2 peer group median | CH01 1: Stage One Complaints Stage one complaints relative to the size of the landlord |
| New | 1.56 | 3.00 | 5.39 | | | In line with peer group median | 2.17 Q2 peer group median | CH01 2: Stage Two Complaints Stage two complaints relative to the size of the landlord |
| New | 88.08% | 83.15% | 77.40% | | | 90% | 85.0% | CH02 1: Stage One Response Time Stage one complaints response time |
| New | 100% | 96.72% | 97.89% | | | 90% | 91.0% | CH02 2: Stage Two Response Time Stage two complaints response time |

| | |
|--|--|
|  Annual Indicator Tenant Satisfaction |  Annual Indicator Listening to Tenants |
|  Annual Indicator Keeping Tenants Informed |  Annual Indicator Treating Tenants Fairly |
|  Annual Indicator Handling Complaint |  Stage One Complaints |
|  Stage Two Complaints |  Stage One Response Time |
|  Stage Two Response Time | |

GREAT PLACE



EPC C or Above

HEADLINE

38.67% of properties had an EPC C or above against a target of 40%

GREAT PEOPLE



Proportion of Apprentices

HEADLINE

3.66% of the workforce were apprentices which exceeds the 3% target.

GREAT COMPANY



Void Rent Loss



Rent Collection



Barnsley Pound



Annual indicator

Management Fee Efficiency Target

Annual Indicator

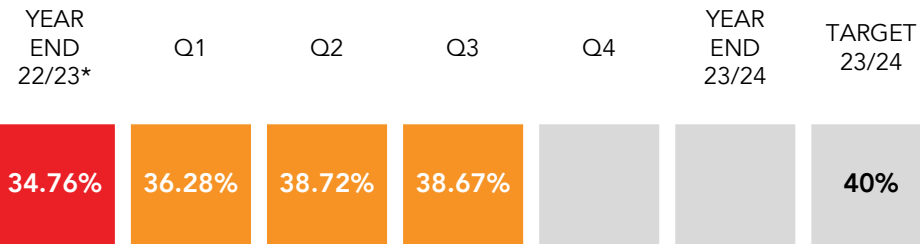


TSM Targets

HEADLINE

96.47% of rent was collected against a target of 97%.

GREAT PLACE



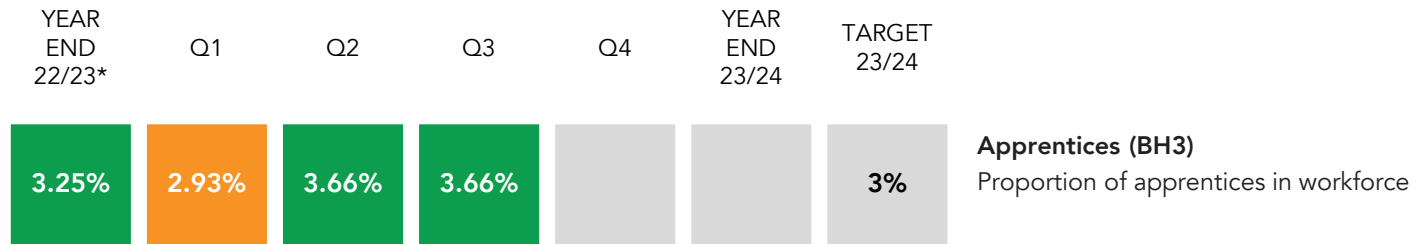
EPC Ratings (BH5)
Percentage of Properties with an EPC C or above.



EPC C or Above

*22/23 year end performance was assessed based on whether a target was achieved (denoted by green formatting) or missed (denoted by red formatting)

GREAT PEOPLE



Proportion of Apprentices

*22/23 year end performance was assessed based on whether a target was achieved (denoted by green formatting) or missed (denoted by red formatting)

| GREAT COMPANY | | YEAR END 22/23* | Q1 | Q2 | Q3 | Q4 | YEAR END 23/24 | TARGET 23/24 | | |
|--|---|-----------------|----------|--------|--------|----|----------------|--------------|--|---|
|  Void Rent Loss |  Rent Collection | 0.76% | 1.31% | 1.24% | 1.27% | | | 1.05% | Void Rent Loss (BH1) Income lost due to void properties | |
| | | 96.06% | 94.87% | 95.37% | 96.47% | | | 97% | Rent collection (BH2) Rent collected as a proportion of rents owed on Housing Revenue Account dwellings. | |
|  Barnsley Pound | Annual Indicator  Management Fee Efficiency Target | 66.21% | 65% | 67% | 67% | | | 75% | Local Spend (BH4) Spend funds locally supporting the Barnsley economy. | |
| | | Achieved | Achieved | | | | | | 1% | Management Fee (BH6) Management Fee Efficiency target as part of annual Value For Money report. |
| Annual Indicator  TSM Targets | | New | 8.3% | | | | | | 100% | TSM Targets (BH7) Meet all TSM satisfaction targets |

*22/23 year end performance was assessed based on whether a target was achieved (denoted by green formatting) or missed (denoted by red formatting)

GREAT PLACE



Right First Time

HEADLINES

74.07% of tenants felt responsive repairs were completed right first time against a target of 82%.

GREAT PEOPLE

Annual Indicator



Staff Satisfaction



Staff Attendance



Equality Act



Minority Ethnic



HF Awarded



HF Supported

HEADLINES

942 Hardship Fund applications were approved so far this financial year against an annual target of 666.

GREAT COMPANY

Annual Indicator



Net Promoter



Current Tenant Arrears

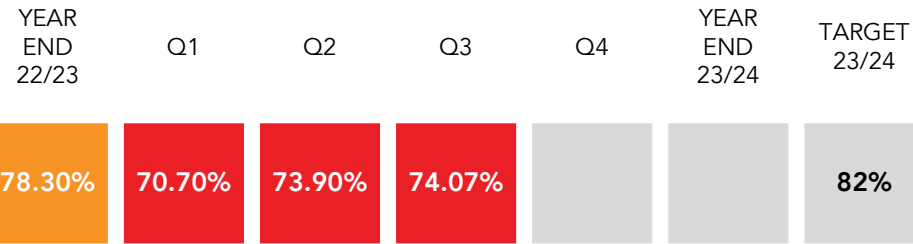


Contact Centre

HEADLINES

83.39% of priority calls were answered in the target timescale of 3 minutes or less.

GREAT PLACE



Keeping properties in good repair (KPI 1)
Responsive repairs right first time.



Right First Time

| GREAT PEOPLE | | YEAR END 22/23 | Q1 | Q2 | Q3 | Q4 | YEAR END 23/24 | TARGET 23/24 | |
|---|---|----------------|---------------|----------------|----------------|----|----------------|---------------|--|
| Annual Indicator | | | | | | | | | |
|  |  | 68% | 48% | | | | | 68% | Staff Satisfaction (KPI 2) Employee satisfaction rate. My organisation is a great place to work. |
| Staff Satisfaction | Staff Attendance | 12.12 | 14.28 | 12.20 | 12.01 | | | 9 days | Staff Attendance (KPI 3) Average number of days absent per full time equivalent employee. |
|  |  | 5.77% | 4.77% | 4.39% | 4.76% | | | 8% | Diversity (KPI 4) Percentage of staff defining under the Equality Act definition of disability. |
| Equality Act | Minority Ethnic | 2.69% | 2.56% | 2.38% | 2.75% | | | 2.7% | Diversity (KPI 5) Percentage of minority ethnic staff in total workforce. |
|  |  | New | 57,872 | 136,937 | 266,753 | | | £500k | HF Awarded (KPI 9) Hardship Fund awarded to tenants. |
| HF Awarded | HF Supported | New | 268 | 550 | 942 | | | 666 | HF Supported (KPI 10) Hardship Fund No. of successful applications. |

GREAT COMPANY

Annual Indicator



Net Promoter



Current Tenant Arrears



Contact Centre

| YEAR END 22/23 | Q1 | Q2 | Q3 | Q4 | YEAR END 23/24 | TARGET 23/24 | BENCH MARK** |
|----------------|--------|--------|--------|----|----------------|--------------|--------------|
| 34.60 | 20.4 | | | | | >34 | 20.4 |
| 3.51% | 3.74% | 3.87% | 3.38% | | | 3.5% | |
| 65.03% | 91.57% | 78.08% | 83.39% | | | 80% | |

Net Promoter (KPI 6)

Likely to recommend Berneslai Homes.

Current Tenant Arrears (KPI 7)

Percentage of Current Tenant Arrears.

Contact Centre (KPI 8)

We will answer priority calls in less than 3 minutes (Contact Centre).

| Barnsley 2030 objective | Priority | Strategic Ambition | Key Milestones | Date | BH Lead and additional resources | Q1 | Q2 | Q3 |
|-------------------------|---|--|---|---|--|---|--|---|
| Corporate Priorities | | | | | | | | |
| Healthy Barnsley | Ensure we have resources to deliver our strategic plan and provide value for money | | 1) Implement restructure across organisation. 2) Review of Admin teams, PMO's and IT. 3) Review success of restructure. | 1) April 2023 2) July 2023 3) March 2024 | Executive Management Team. | 30/6 company restructure in place - complete 30/6 Admin and PMO review complete. IT review to be undertaken by end of December 23. | IT review to run alongside implementation of Reps First and once Business as usual determined. | 10/1/24 IT review to run alongside implementation of Reps First and once Business as usual determined. |
| | Cost of living- minimising hardships for staff and tenants | Hearing Tenants | 1) Deliver BH Hardship Fund and evaluate impact. | 1) Dec-23 | Executive Management Team. | 30/6 23/24 fund in place (£500k). Cost of Living Champion role out to advert closing 9/6/23. Monitoring and evaluation underway. | 14/9 CoL Champion in place. Close monitoring of spend and action plan in place including Home from Home winter initiative | |
| Growing Barnsley | Maximising Income. | Growth | 1) Working in partnership with BMBC looking at Service Charges 2) De-pooling of rents 3) Maximising income for Construction | Throughout 2023/24 | Executive Management Team. | 30/6 Service Charge Review led by Council. Scope agreed. HQN appointed and review commenced. | 4/9 Interim Income Manager in place; tasked with leading recovery plan to improve performance. | 18/1 - Embedding change to work flow within team. Options to implement software to increase and automate outbound contact to drive up collection rates underway |
| Healthy Barnsley | Customers voices are heard in our Governance arrangements. | Hearing Tenants | 1) Develop overall approach for Board to hear the tenants voice – using best practice. 2) Ensure Board have ownership of the trends from complaints and learn from customer journey mapping. 3) Board use opportunities to meet and discuss services with tenants. 4) Board set the culture and develop culture changes for all staff. | 1) October 2023 2) April 2023 3) October 2023 4) October 2023 | Executive Director Corporate Services. Board Champion | 30/6 Work has commenced in this area including Away day arranged to discuss Sept 23 with TPAS, voids and estate tour for Board members, tenants voice included in all Board and Committee reports. 30/6 Complaints deep dive and journey mapping taken place at CS Committee and regular reports and discussions held at every committee- complete. 30/6 New Board member newsletter identifying opportunities for Board to meet with staff and residents. 30/6 Away day September 23. | 14/9 - Customer Services committee to meet in community bases and extend opportunity for involved and local tenants to pre-meet. 14/9 TVP reps meet direct with BMBC (Strategic ALMO Meeting) 14/9 Accessible summary of committee and board meeting versions to be developed for Q3 | 18/1/24 commenced summaries from Committees and making improvements to Board pages to provide more information for customers. 18/1/24 New Board Chair taking a lead role in attending local events and customer events. |
| | Modernization of Services. | Technology and Innovation | 1) Deliver Repairs IT project including Dynamic Resource scheduling. | Phase 1 April 2023 Phase 2 July/ August 2023 | Executive Director of Corporate Services and One Consulting. | 30/6 Delay agreed to early 2024 regular updates provided to BMBC and BH Board, as project progresses. | Go live date of Jan 24 | 10/1/24 Go live date 31/14/24 phase 1 |
| | Respond to new consumer regulatory standards and framework | Hearing Tenants | 1) To be determined following issuing of new standards by the Regulator of Social Housing. 2) Ensure we can report on the new standards to BMBC to enable them to fulfil their landlord responsibilities. | 1) Phase 1 April 2023 Phase 2 April 2023 2) April 2023 | Executive Director Customer and Estate Services. | 17/7 - New standards not released yet. 17/7 - HQN self assessment tool to be used and completed by 30/9/23 17/7 to complete self assessment by 30/9/23 | 14/9 - All leads progressing well on SA's. Regulatory Board set up to include BMBC and tenant rep. Full schedule of SA presentations scheduled for October. 14/9 - Customer panel 21/9 focussing on regulation 14/9 - HQN attending bespoke session with EMT | 18/1 Regulation Action plan reviewed and resource/financial impact currently underway. Still awaiting final version of Consumer Standards from RSH. Session with TVP to agree actions 23/1 Plan developed to raise awareness amongst members/board and wide staff Key action plan being developed to respond to an Inspection Call |
| | Embrace and embed the new professionalism standards for all Social Housing providers. | Employment and Training/ Hearing Tenants | 1) Assess standards once published (core competencies v new standards). 2) Update employee specifications and PDR form in line with standards. 3) Identify and implement any training requirements including develop a management development program. 4) Undertake pilot Professional Passport in Housing Management. | 1-3) December 2023 (pending publication of professionalism standards) 4) June 2023 | Executive Director of Corporate Services. | 30/6 Professional Passport in Neighbourhood Team commencing June 2023 (Kingdom Academy) | 4/9 Housing Professional Passport commenced across Neighbourhoods. 18/09 The core competencies and standards have not officially been published but are expected later this year. The current guidance has been interpreted. Monthly gov.uk updates are being closed followed. 18/09 A review has been undertake to identify all managers believed to be in scope and the qualifications they hold. Training providers to be identified for those who do not hold the recognised qualifications. | 15/12 a delay in publication of the standards, now not expected to be until end of 2024. Work will continue on the wider aspects of competency and conduct and preparation for professionalism. 08/01/24: Update report to go to EMT on 09/01. Professionalism to be included as a topic at February Leadership Development session. |
| Learning Barnsley | Increase skills for the future and to ensure we achieve the ambitions in our Strategic Plan. | Employment and Training | 1) Develop our graduate and apprentice opportunities. 2) Creative approach to opportunities and use vacancies to reassess options. 3) Obtain funding to support employment and training. | 1) Mar 2024 2) Throughout 23/24 3) Dec 2023 | Executive Director of Corporate Services. | 30/6 ESF – Council programme linked into | 4/9 - ESF Project manager tasked with identifying possible funding streams to support customers post December 2023. 18/09 - Hosting seven displaced Craft Apprentices via Efficiency North 18/09 - All Craft apprenticeship positions assessed when vacancies arise to identify skills gaps | 15/12 ESF funding has been utilised to access training such as MHFA and MHFA Refresher Training |
| Healthy Barnsley | Improve Customer Satisfaction. | Hearing Tenants | 1) Learn from new call handling in-time feedback. 2) Implement new Housing Management Service Model and improvement plan with focus on professionalisation agenda. | 1) Sept 2023 2) April 2023 | Executive Director Customer and Estate Services. | 30/6 New 'Neighbourhoods' structure implemented 1st April 2023 30/6 Modernisation plan underway and on track. Professional Passport to be undertaken by all Neighbourhoods Staff 23/24 | 14/9 - Neighbourhoods Structures in place and embedding. HPP commenced. | 18/1 Contact Centre in call feedback now received and being analysed. Contact Centre SLA due for light touch review March. Transaction surveys being developed and annual plan for roll out from April 24 |
| | Increase and broaden customer engagement and feedback | Hearing Tenants | 1) Develop Customer Portal. 2) Establish tenant Estate Champions as 'eyes and ears' in community. 3) Establish targeted local engagement plans. | 1) 2023/24 2) June 2023 3) Dec 2023 | Executive Director Customer and Estate Services. | 17/7 Commenced | 14/9 - demos booked from Engagement IT Platform providers. 14/9 - Transactional Survey Development Plan commenced. 14/9 - series of community engagement tour underway with positive interaction and new tenants signed up to be more involved | 18/1 Insight and Engagement Strategy in draft and due for TVP consultation 25/1. Action plan developed and due for EMT sign off March 24. Sftware options explored and at procurement stage. Meeting held with TVP 12/12 and agree to review the TVP model early 24 |
| Growing Barnsley | Implement and embed new lettings Policy. | Growth | 1) Implement New Lettings Policy. 2) Establish 1st Annual Lettings Plan. 3) Undertake VFM review of BH approach to use of hotels as Temporary Accommodation. 4) Front-door market-place approach to new Lettings Policy | 1) April 2023 2) April 2023 3) May 2023 4) August 2023 | Executive Director Customer and Estate Services. | 17/7 - Agreed go live date of Dec 23. Review underway | 14/9 - All outbound contact for band reviews now completed. Cancelled unreturned for bands 1-5. Working through reassessments and on track to complete full review on time. 14/9 - NEC commenced rebuild of system. 14/9 Lettings Board meeting as scheduled | 18/1 - Go live deferred to 1st April due to IT system alignments. All reviews completed |
| Learning Barnsley | 200 tenants per annum supported to get ready for work. | Employment & Training | 1) Delivery of ESF funded 'Achieve' targets and generating additional profit. | 1) April to December 2023 | Executive Director Customer and Estate Services. | 30/6 Achieve delivery on target and achieving excellent outcomes. Due to end delivery December 2023 upon cessation of ESF funding. | 4/9 ESF project on track to meet delivery milestones 14/9 planning for closure of ESF contract (ending December 2023 inc final claim and report | |
| Healthy Barnsley | Meeting Building safety requirement and keeping safety as our number one priority. | Keeping Tenants Safe | 1) C365 software to be in place. 2) Comply with the Building Safety Act on the production and compilation of Safety cases. 3) Comply with new Fire Safety Act and ensure actions from this are implemented during 23/24 to ensure compliance. | 1) December 2023 2) Throughout 2023/24 3) March 2024 | Executive Director Property Services. | 30/6 Successful testing ongoing. 30/6 Safety cases and action plan ready August 2023. 30/6 Buildings to be registered September 2023 30/6 Completed | 15/9 - All on track. Building Safety Compliance performance maintains upper quartile and requirements of the Building Safety Act, Fire Safety Act & Fire Safety Regulations being implemented within agreed target milestones. | 1) C365 - All modules built and 4 areas currently running live (Electric / Legionella / Lifts / Asbestos), Fire minor issues being addressed and will be live by Jan24. Gas cannot go live until we are using NEC as part of the original plan. We will run C365 against our current systems to ensure accuracy and fulfil audit requirements until the end of Q4. 2) Complete - Safety Cases produced for all 3 High Rise Buildings and are live documents. Penningtons re-reviewing these in March 24. 3) Complete |
| Growing Barnsley | Meeting future requirements of social housing in Barnsley and exploring opportunities externally. | Growth | 1) Work with the council on the future of council housing - new build and acquisition during 2023/24. | 1) During 2023/24 | Executive Director Property Services. | AG liaising with NC to see how we can build new homes. | | Working closely with BMBC on two key streams of new acquisitions and new build programs - RTB reserves acquisition programme & Afghan re-settlement project. Amanda Garrard continuing to liaise with Neil Copley on the future of new build. |

| Barnsley 2030 objective | Priority | Strategic Ambition | Key Milestones | Date | BH Lead and additional resources | Q1 | Q2 | Q3 |
|-------------------------|--|---------------------------|---|--|--|---|--|--|
| Healthy Barnsley | Data Quality - ensuring we have up to date and accurate data including our stock conditions, health and safety including damp and mould and tenants vulnerability. | Keeping Tenants Safe | 1) Review of current data held. 2) Action Plan to collect data, to ensure accurate and up to date. 3) Collecting appropriate data to increase the accuracy of data held. 4) Arrangements in place to ensure this continues to be accurate and up to date. | 1) April 2023 2) May 2023 3) Throughout 2023 | Executive Management Team Lead | 30/6 Complete 30/6 Knowing our customers project underway | 14/9 - knowing our customer action plan agreed and project meetings established | 18/1/24 Full roll out of Knowing Customer Project Deferred to CRM go live. Interim actions to enhance contact details and consent statements. Agreed to review/share what we already know about customers |
| Sustainable Barnsley | Installation of renewable technology, carbon reduction initiatives across the stock and business. | Zero carbon | 1) Deliver 1000 solar PV working with BMBC and Energise Barnsley. 2) Use SHDF for fabric first improvements 3) Develop plan for EPC C by 2030. 4) Reskill sessions for existing staff for retrofit opportunities. | 1) January 2024 2) March 2024 3) March 2024 4) March 2024 | Executive Director Property Services. | 30/6 Ongoing consultation between BH/BMBC/EB Ltd. Indicative project start date Sept 2023 30/6 SHDF Wave 1 (approx. 90 properties) and 2.1 (approx. 150 properties) to delivering fabric first "retrofit" improvements 30/6 EPC C retrofit kickstart BH/BMBC cabinet report developed to agree approach – project pilot via PRIP in year 1 30/6 Upskilling of team. Retrofit awareness, adviser and assessor training/qualifications currently being undertaken | 04/9 Project likely to start now in Q3. EB Ltd to provided revised procurement and project programme. 04/9 SHDF Wave 1 (approx 70 properties) be completed Sept 23. Wave 2.1 commencing in Oct/Nov 23. 04/9 EPC C retrofit pilot commenced with Task Group monitoring progress. Compliant PAS2035 designs currently being undertaken to allow for contract partners to produce GMP for the pilot project. 04/9 Project Liaison Officers now retrofit adviser qualified. Capital Projects Officers completed DEA qualification, which now allows them to complete Retrofit Assessor quals. | 04/01 Following Milestones Plan agreed between parties. Project installation commencement May 24 - complete Aug 25. 04/01 SHDF Wave 1 (approx. 70 properties) completed Dec 23. Wave 2.1 (approx. 150) commenced Jan 24. 04/01 EPC retrofit pilot Task Group monitoring progress. GMP agreed, pilot installation works commenced Jan 24. 04/01 Retrofit quals been undertaken by staff. |
| | Supporting Barnsley and the wider economy and supporting the move to zero carbon. | Zero carbon | 1) Develop Fleet vehicle EV Plan. 2) Construction Services successfully accredited to PAS 2030. | 1) April 2024 2) July 2023 | 1) Depot and transport Manager 2) CS Head of Operations | 30/6 Reviewing our plans around new BMBC active travel strategy and charging infrastructure, as well as zero emissions vehicles. This will also include suitability of depot charging facilities. 30/6 Update accreditation application submitted Pilot schemes in progress to contribute to learning and development of being accredited to PAS2030 | 28/09 - Working with BMBC Fleet Services to look at suitable vehicles at time of renewal. Working up options around charging infrastructure and suitability of current premises should we need to form an overnight charging setup. 28/09 - Waiting on date for accreditation assessment following submission of application. NICEIC are the body who have been assigned to evaluate our application. | 19.01.24 - CS have their PAS2030 accreditation audit booked for 24,25 January 2024 with NICEIC - Possible visit to see pilot properties at Roper Lane. |
| Healthy Barnsley | Modernisation of Construction Services. | Technology and Innovation | 1) Embedding of Dynamic Resource Scheduling system to improve efficiencies within Construction Services. 2) New Business Plan for Construction Services to ensure continuous improvement and the development of proposals from this. | 1) January 2024 – June 2024 2) Plan by April 2023 – development throughout 2023/24 | 1) Managing Director Construction Services. 2) Managing Director Construction Services and External specialist input into plan. | 30/6 Date changed due to Go live date delayed and reflects 6 month embedding process as per original business case. 30/6 At board for approval Sept 23. Following approval this document will hold all of CS and its corporate strategic priorities | 28/09 - DRS launch date now January 2024. 28/09 - Business Plan Strategy at board today for approval | 19.01.24 CS preparing for launch and working with all stakeholders to deliver an approach that will be as smooth as possible. 19.01.2024 - Business plan approved CS HOS to take to BH SMT end of February |
| Growing Barnsley | Growth of Construction Services. | Growth | 1) Construction Services to provide maintenance of PV systems on behalf of Energise Barnsley. 2) Develop and upskill CS to be able to deliver plans around EPC C | 1) March 2024 2) March 2024 | 1) Head of Operations 2) Head of Operations | 30/6 Contract in place and works started, looking at other works through Energise Barnsley 30/6 CS HOS working with all stakeholders to ensure CS are able to deliver works. | 28/09 - Agreements in place and now working with Energise Barnsley, also continuing with minor adaptations to private homes via SLA with BMBC | 19.01.2024 - SLA in place with Energise Barnsley (solar Repairs) & BMBC (Private adaptations) with CS delivering works through agreements with both parties. 19.09.2024 - Continue to look for other opportunities to increase CS workloads away from PRIP contract. |
| Healthy Barnsley | Supporting Barnsley voluntary organisations. | Hearing customers | 1) Achieving the Social Value targets in PRIP to spend locally and provide training and employment opportunities | 1) Throughout 2023/24 | Managing Director Construction Services. | 30/6 Monitored throughout the year on a quarterly basis and at year end full report to PRIP core group | 28/09 - Various opportunities planned throughout the year to contribute to achieving this outcome | 19.01.2024 - Various opportunities planned throughout the year to contribute to achieving this outcome |
| Healthy Barnsley | Enforcing a proactive approach to damp and mould. | Keeping Tenants Safe | 1) Policy Review – Write & Implement a new Policy. 2) Systems (NEC) – Implementation. 3) Comms – New Website Launch / review letters & leaflets / Social Media Campaign. 4) Approach – Move from reactive to proactive. 5) Delivery – Utilise external specialists. 6) Training – Tenants / Front Line Staff / Specialist MSI. | 1) April 2023 2) April 2023 3) March 2023 4) March 2023 5) April 2023 6) April 2023 | Executive Director Property Services. | 30/6 Complete 30/6 Revised date of Jan 2024 30/6 Complete 30/6 Action plan being worked through with task group 30/6 Qest contract finalised. External consultants being utilised as required. 30/6 Ongoing via HQN | 15/9 - we have a robust policy in place with a proactive approach to managing damp & mould. Recruitment of a dedicated Damp, Mould & Disrepair team is underway. We hold an effective monthly task group with tenant representation and key stakeholder engagement including BMBC colleagues from public health. We continue to follow government guidance and instil best practice within the organisation. | 1) - Complete - New Damp Mould & Disrepair Manager currently reviewing the policy/procedure in line with the 'Awaabs Law Consultation' 2) - Ongoing - Go Live Date 31st Jan24 3) - Complete 4) - Ongoing, we have reduced referrals and number of reactive repairs per property in line with Housemark Median but the changes proposed in the 'Awaabs Law Consultation' will turn this on it's head within the sector and we will have to be more re-active to meet the stringent timeframes. 5) - We have Qest Mould set up as a contractor for both BH & BHCS to utilise and are working on implementing a minor works framework for specialist contractors throughout 2024-25 for DMC / Disrepair Activities. 6) - Surveyors have had the Michael Parrett Training, all front line staff have received HQN Training and we have just completed a pilot with tenants via National Open College Network and Efficiency North and are looking at social value funding options to roll this out further in the near future. Following the 'Awaabs Law Enactment', competency will be outlined and more training (HHSRS Refresher / DMC / Property Related) may be required. |



Complaints

Date updated: 18/01/2024

| | | 2023/24 | | | | | | | | | Performance over time |
|-----------------|---|-----------|---------|---------|-----------|---------|--------|--------|---------|---------|-----------------------|
| | | Quarter 1 | | | Quarter 2 | | | Q3 | | | |
| Theme | Measure | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec | |
| Complaints | Escalated service requests | 108 | 101 | 141 | 87 | 98 | 140 | 123 | 74 | 119 | |
| | Stage 1 complaints in month per 1,000 properties | 3.5 | 3.06 | 2.78 | 3.06 | 3.34 | 3.78 | 4.06 | 3.73 | 2.61 | |
| | Stage 2 complaints in month per 1,000 properties | 0.33 | 0.73 | 0.5 | 0.61 | 0.5 | 0.33 | 0.61 | 1.34 | 0.44 | |
| | Percentage of stage 1 complaints responded to within complaint handling code timescales (inc agreed extensions) (cum) | 93.18% | 85.59% | 88.08% | 88.12% | 86.73% | 83.15% | 77.29% | 76.87% | 77.40% | |
| | Percentage of stage 1 complaints responded to in internal 10 day target (cum) | 79.55% | 65.77% | 71.52% | 71.78% | 69.91% | 65.17% | 59.65% | 58.66% | 58.80% | |
| | Percentage of stage 1 complaints where extension agreed with complainant | 88.89% | 75.86% | 100.00% | 92.86% | 83.33% | 87.09% | 75.00% | 84.61% | 78.95% | |
| | Percentage of stage 2 complaints responded to within complaint handling code | 100.00% | 100.00% | 100.00% | 100.00% | 98.04% | 96.72% | 96.92% | 97.40% | 97.89% | |
| | Percentage of stage 2 complaints responded to in internal 20 day target (cum) | 81.82% | 89.47% | 93.94% | 89.74% | 86.27% | 81.97% | 83.08% | 83.12% | 77.89% | |
| | Percentage of stage 2 complaints where extension agreed with complainant | 100.00% | N/A | N/A | 100.00% | 100.00% | 75.00% | N/A | 100.00% | 100.00% | |
| | Housing Ombudsman complaints received | 2 | | 3 | | | 2 | | | | |
| | New Ombudsman enquiries received | 2 | | 1 | | | 3 | | | | |
| | Number of Ombudsman cases determinations received | 4 | | 3 | | | 0 | | | | |
| | Number of Ombudsman findings received | 9 | | 5 | | | 0 | | | | |
| | Number of Ombudsman severe maladministration findings | 0 | | 0 | | | 0 | | | | |
| | Number of Ombudsman maladministration findings | 0 | | 2 | | | 0 | | | | |
| | Number of Ombudsman partial maladministration findings | 0 | | 0 | | | 0 | | | | |
| | Number of Ombudsman reasonable redress findings | 1 | | 1 | | | 0 | | | | |
| | Number of Ombudsman no maladministration findings | 6 | | 1 | | | 0 | | | | |
| | Number of Ombudsman outside jurisdiction | 2 | | 1 | | | 0 | | | | |
| | Number of Ombudsman withdrawn findings | 0 | | 0 | | | 0 | | | | |
| | Number of outstanding cases with the Ombudsman at the end of the period | 3 | | 3 | | | 5 | | | | |
| | Compensation paid £ | 6942 | 3095 | 3006 | 3364 | 4950 | 5178 | 5965 | 4627 | 7453 | |
| | Compensation paid (number of cases) | 17 | 23 | 21 | 18 | 15 | 21 | 24 | 18 | 28 | |
| | Service improvements identified | 12 | | | 24 | | | 10 | | | |
| | Compliments received | 78 | 117 | 110 | 65 | 34 | 106 | 137 | 105 | 93 | |
| Disrepair cases | 7 | 4 | 3 | 5 | 2 | 3 | 4 | 1 | 15 | | |

| | | | |
|----------------------|--|--------------------------------|--|
| Report Title | Quarterly Risk Update | Confidential | No |
| Report Author | Executive Director of Corporate Services | Report Status | For Approval |
| Report To | Board 22/2/2024 | Officer Contact Details | Claire Denson, Risk & Governance Manager clairedenson@berneslaihomes.co.uk Sam Roebuck, Head of Governance and Strategy samantharoebuck@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 We undertake an annual self-assessment against the Sector Risk Profile, with the latest version published in November 2023. The full 2023 assessment is provided at Appendix B.</p> <p>1.4 The Annual Governance Statement (AGS) Action Plan will continue to be monitored by the Governance Team with progress updates available to view in Decision Time Resources.</p> <p>1.5. Customer Voice/Impact:</p> <p>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.</p> |
| 2. Recommendations | <p>It is recommended that Board:</p> <ul style="list-style-type: none"> i. Review and comment on the quarterly Risk Update. ii. Review and comment on the Strategic Risks. iii. Approve the RSH Sector Risk Profile Self-Assessment carried out by BH. |

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 Audit & Risk Committee are also asked to review and comment on the linked [operational issues and concerns registers](#).

4.1.2 The front page of the Strategic Register contains the headline details of each issue and concern to ensure they:

- i) Are visibly linked to the current RSH Risk Profile 2023, 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 RSH Sector Risk Profile 2023

4.2.1 The Regulator of Social Housing's Sector risk profile is intended to help Boards have a better understanding of the risks in an increasingly complex and diverse sector.

4.2.2 With knowledge and oversight of these risks, Board's role is to ensure that Berneslai Homes remains compliant with legislation and regulation, prioritising safety and essential services. The general themes of the profile are key areas of focus for Boards, these are:

- Strategic Direction
- Macroeconomic risk and viability
- New supply and development
- Stock decency and safety
- Service delivery and accountability
- Reputation

Not all of the risks apply, however the key points relevant to Berneslai Homes as an ALMO are identified and risk assessed.

4.2.3 We undertake an annual self-assessment against the Sector Risk Profile, with the latest version published in November 2023. The full 2023 assessment is provided at **Appendix B**. The mitigations will be monitored quarterly by Audit and Risk Committee.

4.2.4 The Board/Committee report template ensures that report writers and therefore EMT and Board members consider their risk appetite and provide a measured approach in managing risks, therefore helping to ensure that Committees and Board decision making is underpinned by detailed knowledge and high-quality information. The Strategic Risk Register is closely assessed by Audit and Risk Committee and overseen by Board.

4.3 NHF Code of Governance

4.3.1 We committed to the National Housing Federation (NHF) Code of Governance in 2021 and carried out an in-depth assessment. Each year following, we continue to undertake an annual self-assessment against the Code, which is then reviewed annually by Internal Audit.

4.3.2 The 2023-24 self-assessment and action plan commenced in December 2023 and will be reviewed by Internal Audit and reported to Audit and Risk Committee in April 2024.

4.4 Risk Management Framework Update

4.4.1 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](#).

4.4.2 The latest live Operational and Fraud Issues and Concerns register is available to view on the [risk system](#) – filter 'Fraud' or 'Operational' Risks.

4.4.3 Following the recent incident, the Fraud risk regarding 'Assets and Materials' was updated and the eLearning was reviewed and rolled out as required.

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 2023 – [Governance Handbook section](#).
- 15. Appendices
- 15.1 Appendix A – [Strategic Risk Summary](#)
- 15.2 Appendix B – [RSH Sector Risk Profile 2023 Self Assessment](#)

Appendix A - Strategic Headline risks

| Title of Risk | Description | Assessment | Risk Owner | Status | Impact | Response Rating | Level of Concern since previous review | Strategic Risk Area (RSH Sector Risk 2023) | Strategic Objective |
|--|--|---|---|-----------|-----------|-----------------|--|--|-------------------------|
| Backlogs of Planned Works | We have an accumulated backlog of planned works that we are working with contract delivery partners to try and clear throughout the 2024-25 financial year. With backlogs of work brings various risks for the organisation. | A large increase in demand and restricted funding have been the key issues. | Executive Director of Property Services | Actual | Actual | Critical | More Concerned ^ | Compliance | Well Managed |
| 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. <p>14.06.23: Concerned increased. Deficit for 24-25 is nearly £2m with another £2 the year after. Increasing requirements for both the zero carbon and the unknown expectations of stock condition. Irrespective of further changes in Decent Homes. 22.11.23: Concern remains increased.</p> | <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 | Critical | More Concerned ^ | Costs and Inflation | Well Managed |
| 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 gov't 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 | Executive Director of Property Services | Actual | Actual | Critical | More Concerned ^ | Health and Safety | Sustainable Communities |
| 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 <p>22.11.23: Increased response level due to increased risks e.g. cyber attacks in the sector and recent floods.</p> | Are we prepared for potential impact of disaster situations to operations? | Chief Executive | Potential | Potential | Critical | More Concerned ^ | Delivering Services to tenants | Well Managed |
| Ability to deliver historical & in year R&M works within current financial resources available | <p>Ability to deliver historical & in year R&M works within current financial resources available.</p> <p>Workshops taken place 6/9/23 with contract delivery partners to assist with the delivery of backlogged repairs.</p> <p>Delivery plan due 20/9/23</p> | <p>Increase in repair requests (in year)</p> <p>Historical Repairs (Backlogged)</p> <p>Recent new Consumer Standards placing additional pressure on Landlords to undertake repairs</p> <p>Pending Decent Homes 2 which 'may' incorporate repairs (such as plastering etc)</p> | Executive Director of Property Services | Actual | Actual | Critical | Same Concerned > | R&M | Well Managed |

| Title of Risk | Description | Assessment | Risk Owner | Status | Impact | Response Rating | Level of Concern since previous review | Strategic Risk Area (RSH Sector Risk 2023) | Strategic Objective |
|--|---|---|---|-----------|-----------|-----------------|--|--|-----------------------------|
| 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 <p>Opportunity:</p> <ul style="list-style-type: none"> 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 > | Delivering Services to Tenants | Sustainable Communities |
| Reduction in customer satisfaction | <p>New risk 10.10.22 (zero based risk review) - Incorporating 'Ability to meet statutory duties and tenant expectations as a result contact centre performance' and 'Customers unable to access repairs services online effectively'.</p> <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 <p>22.11.23: Housmark mid-year TSM comparison - places BH mid quartile on most measures. This could change for year end as some of participants have rolling TSM measures.</p> | <ul style="list-style-type: none"> Cost of living Planned repairs and reduced budgets Regulatory intervention | Chief Executive | Actual | Actual | Important | More Concerned ^ | Delivering Services to Tenants | Excellent Customer Services |
| 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 > | Delivering against expectations | Sustainable Communities |
| Increase in staff mental ill health and wellbeing | <ul style="list-style-type: none"> Increased service demands, more difficult and complex cases to manage. Staff wellbeing is increasing sickness absence | 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 | Same Concerned > | Health and Safety | Well Managed |
| Gap and lack of recent reviews in policies and procedures, leaves us at risk with the Housing Ombudsman and the Social Housing Regulator | Review of AM policy and procedures has identified some significant gaps in relation to the service area. Customer Services Team currently carrying out, organisational exercise. | Review of AM policy and procedures has identified some significant gaps in relation to the service area. | Head of Customer Services | Actual | Potential | Important | Same Concerned > | Delivering against expectations | Well Managed |
| Effective preparation for regulatory inspection | <ul style="list-style-type: none"> Shift towards proactive rather the reactive regulation. Removal of serious detriment test Intro of TSMs and spotlight on landlords underperforming Once the self assessment has been undertaken, it may create additional tasks to align to expectations. | New RSH regulatory regime - inspections effective from 1 April 2024 | Executive Director of Customer and Estate Services | Actual | Potential | Important | Same Concerned > | Delivering against expectations | Well Managed |
| 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 JD 13.09.23 High value claims to BMBC / BH | 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 > | Health and Safety | Well Managed |

| Title of Risk | Description | Assessment | Risk Owner | Status | Impact | Response Rating | Level of Concern since previous review | Strategic Risk Area (RSH Sector Risk 2023) | Strategic Objective |
|--|---|--|--|-----------|-----------|--------------------|--|--|---------------------|
| 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 > | Delivering against expectations | Well Managed |
| Do we have the right data to make informed decisions (Data Quality) | <ul style="list-style-type: none"> Sufficient resources to implement data strategy and action plan Dynamic Scheduling system. Not meeting customer expectations - Poor reputation and satisfaction. Data regarding both customers and assets. <p>24.11.23: Less concerned as actions being undertaken to mitigate</p> | <ul style="list-style-type: none"> We do not currently have fully effective data quality systems in place regarding customers and assets . | Chief Executive | Actual | Potential | Important | Less Concerned √ | Delivering Services to Tenants | Well Managed |
| 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). | <ul style="list-style-type: none"> 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. 17.11.23- New OD in post from 1.8.23- ED&I development back in progress. | Executive Director of Corporate Services | Potential | Potential | Requires Attention | Less Concerned √ | Delivering Services to Tenants | Well Managed |

Appendix B

| Heading | Risk | The Sector Risk Profile | Berneslai Homes Mitigations | Actions and responsible officer | Link to risk appetite (2023) |
|------------------------|--|--|--|--|--|
| Strategic Risks | Macroeconomic and financial environment | <p>How are we mitigating:</p> <ul style="list-style-type: none"> Persistently high-cost inflation Tight labour market Contractor failures and supply chain issues are delaying works and increasing costs for providers. Interest rates have risen markedly in response to high inflation, resulting in materially increased provider borrowing costs. Uncertain incomes - Rental income constrained by the 7% and probable increased arrears as tenants experience cost of living pressures and real terms falls in incomes. <p>These economic factors have weakened the sector’s financial position and reduced its capacity to manage downside risk.</p> <p>Does BH:</p> <ul style="list-style-type: none"> Demonstrate provide value for money to a range of stakeholders. <p>Does Board:</p> <ul style="list-style-type: none"> Continue to set a clear strategic direction? Deliver objectives - will need to consider these carefully to maintain viability while prioritising essential services and safety. Closely monitor and constructively challenge performance to make well informed decisions regarding the effective use of the assets and resources available. As Board make choices on priorities, they undertake stress testing of key assumptions, establishing robust, worked up mitigation strategies to address further possible shocks. Fully understand BH’s assets, liabilities, and operating environment to ensure their organisations remain financially viable and that social assets remain inside the social housing sector. | <ol style="list-style-type: none"> Strategic plan – takes economic environment into consideration – 2024-25 plan approved by Board on 7th December 2023. The Board receives an annual report on Value for Money and undertakes an annual self-assessment against governance standards, which ensures value for money and quality governance translates through into strategic objectives and delivery methods. The Value for Money Strategy 2020 – 2023 has been approved by our Board. The regular review of this strategy provides oversight from Board and ensures the Board monitors and challenges performance, and makes well informed decisions regarding the effective use of assets and resources available. Budget workshops – report on budgets to Board for 24/25 considering financial pressures. Financial markets and increased costs, ability of customers to pay rents and support for tenants – drive for rent first priority. Budgets aligned to proposed rent increases by BMBC. Financial position report at every Audit Committee and Board meeting Quarterly and annual Performance monitoring reports to Customer Services Committee and Board. And to BMBC. This includes information on rent collected and arrears. CEO horizon scanning presentation to each board meeting ensuring board remain fully up to date on the issues, threats and opportunities facing Berneslai Homes. Annual Board Away day Zero based review of risks September 2022 Risk Appetite refreshed by Board and EMT February 2023 | <ol style="list-style-type: none"> Review value for money strategy and reporting for 2023 – Finance Manager Mar 2024 | Financial Stability Risk (inc VfM) – Averse |
| | Delivering against expectations | <p>How are we managing stakeholders with competing demands, while ensuring fundamental requirements such as tenant safety continue to be met? (Current and future tenants, local communities, councillors and MPs, local (BMBC) and national government, lenders, contractors, other regulators, and the media):</p> <ul style="list-style-type: none"> To proactively seek to understand and respond to the diverse needs of tenants, especially vulnerable tenants. Rent increases – residents negatively affected, resources needed to be compliant and to provide quality services. Inflation – decisions re salaries Housing Ombudsman – a 27% increase in the number of complaints it received in 2022/23, with the main complaint types focussed on property condition and complaints handling. Its investigations have seen a steady increase in the proportion of cases with maladministration findings, rising from 48% of cases in Q1 to 61% in Q4 2022/23. 2. Reputation – Instances of poor stock quality or service delivery failures may reach the public domain very quickly and can be shared widely before providers are able to address them. | <ol style="list-style-type: none"> Strategic plan focuses on how we will undertake our service delivery responsibilities, including Social Housing Regulation, the Building Safety Act and Zero Carbon targets. Board scrutinise the key performance indicators used to measure our success, and monitor progress against self-assessments, such as against the Consumer standards and the NHF Code of Governance. The plan is reviewed annually with consultation with key stakeholders. Underpinning the Board and Committee structure is our co-regulatory tenant involvement and engagement model, including our Tenant Voice and Scrutiny panels and our local TARA’s. Ensuring our customers are fully involved in developing, shaping, and scrutinising our services. Annual self-assessment against the Housing Ombudsman’s Complaint Handling Code to ensure our procedure responds to tenant issues and drives service improvements and meets the social housing regulatory standards. The process involves tenants and is reported to Customer Services Committee and Board. The Your Comments Count Annual Report provides assurance regarding the delivery of our own framework, the Housing Ombudsman’s Code and the RSH regulatory framework. It highlights risks and concerns and future actions. It is reported to Customer Services Committee and Board. | <ol style="list-style-type: none"> Knowing our customers – ongoing work on this around the data we hold – Heads of Customer Services Estates and Governance and Strategy – 2024 | The Customer Experience and Consumer Regulation - Averse |

| Heading | Risk | The Sector Risk Profile | Berneslai Homes Mitigations | Actions and responsible officer | Link to risk appetite (2023) |
|---------|------------------------------------|---|--|---|---|
| | | <p>Does board:</p> <ul style="list-style-type: none"> Ensure they are aware of the expectations of tenants and other stakeholders as part of their strategic approach and decision making. Appropriately set the balance between short term and long-term stock investment and recognise that unexpected delays in regeneration programmes could lead to disrepair. Where difficult trade-offs are required, ensure that they have timely and effective mitigating strategies in place to manage reputational risks, including transparent and effective communication with tenants and stakeholders. Ensure that reported TSMs have been calculated accurately and in accordance with regulatory requirements. | <ol style="list-style-type: none"> The annual STAR survey seeks customer views linked to the TSMs with a resulting action plan. It is reported to Customer Services Committee and Board and published on our website. Bi-monthly reviews of complaints are analysed to highlight trends and regular issues etc. and reported to Customer Services Committee. Board member allocated to be Customer Complaints Champion Assurance audits of all stage 1 complaints are undertaken monthly, and developments are fed back to managers. BH Annual Investment Strategy to Audit Committee and Board Customer Insight Strategy Undertook HouseMark Accreditation for complaint handling in 2023 with 100% accreditation. Review of how we deliver repairs for 2024 (Proposed Budget and Proposed HRA budget), decision by Board as a result of hearing our customers and their concerns. | | |
| | Diversification | <p>Do Board understand the risks of diversifying?</p> <ul style="list-style-type: none"> They must ensure that they have the required skills, information and advice to appropriately assess any move into a new business stream and manage this on an ongoing basis. They must understand the full range of risks that diverse activity can expose them to and ensure that such activity has a clear strategic role in meeting their organisation's purpose and objectives. They must understand the potential risks associated with the funding structures and finance of non-social housing activities and must have appropriate governance structures and ring-fencing arrangements in place to ensure that social housing assets are not put at risk by, for example, guarantees or impairment relating to non-social assets. | <ol style="list-style-type: none"> Commercial diversification is not a significant area of risk for Berneslai Homes but best practice of identifying costs, benefits and risks of undertaking more diverse activities will always be applied to any new works under consideration. Contributions to Council Housing supply through Acquisitions, Newbuild and Conversions report to Board in May 2022. The responsibility for all new direct build council house activity transferred back into the Council in June 2018 having previously been delivered by Berneslai Homes. The responsibility for the delivery of the acquisition programmes passed to the BMBC Housing Growth Team in April 2020. Berneslai Homes still has a significant role in managing and implementing any remedial work required to bring acquired properties up to a lettable standard. | | Strategic delivery and partnership with BMBC – Balanced |
| | Access to labour and skills | <ul style="list-style-type: none"> We are reliant on access to skilled workers to deliver development, undertake programmes of major repairs and maintenance, comply with health and safety requirements (including building safety), and deliver key services to tenants. The ongoing tight labour market continues to exacerbate skills shortages and could threaten providers' ability to deliver these programmes and services. Procuring external auditors is also increasingly difficult and are having to be retained beyond their original term. Sourcing insurance is becoming more expensive, with a limited range of insurers for specific risks such as flooding and tower blocks. Changed standards from the government's upcoming review of the Decent Homes Standard and consultation on MEES may lead to further demand for skilled labour, compound existing issues. The requirements under the Building Safety Act are creating demand for specialist contractors, which is increasing contractor costs. <p>Boards will need to:</p> <ul style="list-style-type: none"> Understand their operating environment and how emerging and longer-term labour and skills shortages impact the delivery of organisational objectives, safety and quality. Have established effective mitigation strategies to ensure essential services continue to be delivered. | <ol style="list-style-type: none"> There are currently issues with competition for specialist contractors and high pricing as a result. Within Construction Services the risk of skills shortages is mitigated by using sub-contractors where we are unable to self-deliver, and we have an agency contract in place to access agency staff for any shortages. Repairs Maintenance and Investment update to Board Proposed budgets, including HRA, to Board Employment and Skills Plan 2022-25 approved by Board in May 2022 A project reviewing our approach to recruitment was undertaken in 2023 and an action plan was monitored by SMT. Market supplements are agreed for hard to recruit roles. We have a successful Apprenticeship scheme, with currently 20 craft apprenticeships and eight Office Admin apprenticeships. We support and encourage all apprentices to obtain full time employment with us and we do have high retention levels. We have a successful Graduate Trainee Programme in place with two trainees currently in post. The previous round of trainees (three posts) were successful in gaining posts within Berneslai Homes. The Kickstart placement scheme, which concluded in 2023, engaged 31 placements in various roles across the company. Out of those 31, 12 were successful in securing a permanent role within Berneslai Homes (in a range of directorates). There are still Five placements in place, which conclude in March 2024. | <ol style="list-style-type: none"> Target to increase the number of apprenticeships to represent 10% of our workforce by 2031 – Head of HR and OD We are looking at taking on college students to help at Construction Services with some properties BMBC have bought back to get them back up to standard. We are hosting 8 displaced apprentices from EN:Able futures 7 electricians and 1 bricklayer. | Workforce (HR, Recruitment, training etc) – Cautious |

| Heading | Risk | The Sector Risk Profile | Berneslai Homes Mitigations | Actions and responsible officer | Link to risk appetite (2023) |
|--|-------------------------------|--|--|--|---------------------------------------|
| | | | <p>10) Berneslai Homes are currently supporting nine T-Level placements across different subject areas. A T-Level is equivalent to 3 A levels and requires a placement to be obtained, which are 1 day a week for 45 weeks totalling 315 hours.</p> <p>11) The Decent Homes 2 is not likely to be launched no earlier than summer 2024 so no impact currently. There will be a new energy efficiency standard within decency which we will need to consider. Domestic Social Housing properties are not subject to the MEES Regulations. It does apply to our commercial assets we are responsible for managing though i.e. shops.</p> <p>12) 2 supported placements have commenced, where they attend work with a work coach to ensure they remain supervised until it is determined they can work unsupervised.</p> | | |
| | Counterparty risk | <p>Contracts with a wide range of third parties:</p> <ul style="list-style-type: none"> • construction and maintenance contractors, suppliers, consultants, lenders, Auditors – due diligence, reputable orgs, are they financial sustainable, concentration risk e.g., PRIP partner. • Contractors frequently operate on tight profit margins and high inflation and a tight labour market have made the environment for contractors particularly challenging. <p>Boards must:</p> <ul style="list-style-type: none"> • Ensure we conform to all relevant policies, standards, and law when outsourcing to third-party organisations. • Consider impairment implications from potential counterparty failures and ensure contingency plans are in place. • Have assurance that concentration risk is being managed, including monitoring of counterparty robustness and consideration of protections for breaches or termination of contracts. • Due diligence should be undertaken to ensure any potential conflicts are identified that could breach policy, regulation, legislation or cause reputational harm | <p>1) Berneslai Homes enters into contracts with 3rd parties that exposes BH to counterparty risk. This risk is managed through effective and robust procurement processes being in place, managing contractual risks and ensuring these contracts are managed effectively. Due diligence is undertaken to ensure any potential conflicts are identified that could breach regulation, policy, legislation or cause reputational harm.</p> <p>2) Annual Procurement update to Audit Committee.</p> <p>3) utilise public sector contracts framework as required.</p> | New procurement regs in force from 2024 – review of policies and procedures to ensure compliance | Third / Counter Party Risk - Cautious |
| Operational risks – existing stock and service delivery | Existing stock quality | <p>Stock deterioration, repairs and maintenance backlog, huge media interest, Grenfell, damp and mould high demand, financial viability, disrepair claims:</p> <ul style="list-style-type: none"> • Failure to ensure homes are maintained at a decent standard or to effectively respond when issues arise can result in significant consequences for tenants, as well as having substantial implications for the trust and confidence that tenants and other stakeholders have in a provider. • High-profile instances of extremely poor stock quality that have led to severe impacts to tenants have damaged the reputation of the sector. • Current sector expenditure on repairs and maintenance is at a record level and providers forecast further large increases. • Many providers continue to report delays or changes to repairs and maintenance programmes, with limited access to contractors and price inflation leading to repairs and maintenance programmes being reassessed and, in some cases, postponed. | <p>1) The Barnsley Homes Standard is a funded priority within the 30-year HRA business plan and ensuring the Home Standard is met is one of the company's key performance indicators which is monitored by Board on an annual basis. A key part of the Asset Management strategy is to have effective planning and delivery of responsive and planned major repairs to ensure investment in the stock and ensuring properties can be re let.</p> <p>2) The new Decent Homes Standard is likely to be enhanced to include compliance and fire safety requirements. There are additional risks in terms of compliance requirements and recent government recommendation on smoke and carbon monoxide detectors will increase demands on the limited HRA budget. Work is ongoing with BMBC to consider holistically the demands and future requirements for the existing stock and the financial impact on the 30-year business plan.</p> <p>3) The Executive Management Team have fed into the HRA medium term budget setting process for 2022-25, additional resources have been highlighted for adaptation works, Health and Safety and further environmental improvements</p> | | Asset management – Cautious |

| Heading | Risk | The Sector Risk Profile | Berneslai Homes Mitigations | Actions and responsible officer | Link to risk appetite (2023) |
|---------|---------------------------------------|--|---|---|--|
| | | <ul style="list-style-type: none"> Providers reported being affected by continuing high demand for damp and mould works. Poor engagement or poor case handling can result in increased disrepair and no-access cases, resulting in higher costs and delaying works. Failure to invest appropriately can also lead to deterioration of stock, potentially leading to greater expense at a later date. The Home Standard will be replaced by the Safety and Quality Standard, which will set out expectations on stock quality, decency, repairs, maintenance, and planned improvements, and housing adaptations. <p>BH must:</p> <ul style="list-style-type: none"> In ensuring their stock remains fit for purpose, providers should also consider the resilience of their stock to the effects of climate change, such as the implications of higher temperatures, more extreme weather events, and indoor air quality. <p>Board must:</p> <ul style="list-style-type: none"> ensure that their organisation provides a repairs and maintenance service to homes and communal areas that represents value for money, and which ensures tenants' homes meet minimum standards. Ensure that stock continues to be fit for purpose over its lifetime. Receive comprehensive, robust, and up-to-date stock condition data to make informed decisions. This should support understanding of the stock's cyclical maintenance demands and new requirements on energy performance or through potential revisions to the Decent Homes Standard as well as enable identification of investment needs. Consider implications from such new requirements on the economic performance of assets. Understand the requirements and implications of the proposed new Safety and Quality standards, including ensuring providers are prepared to accurately report TSMs for 2023/24 in line with regulatory requirements. | <p>via the Community Regeneration Scheme. The PRIP contract continues to be monitored by the PRIP Core Group.</p> <ol style="list-style-type: none"> The Board receive regular performance reports relating to capital and revenue costs. Our approach to damp and mould 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 campaign promotes 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 a dedicated website section for damp, mould & condensations with customer focussed content; https://www.berneslaihomes.co.uk/your-home/keeping-tenants-safe/damp-and-mould/ We have a new 5-year Sustainability Strategy and roadmap for energy decarbonisation that provides a structured approach to improving energy performance of the housing stock. Improving the environmental performance of the Council housing stock can lower carbon emissions, keep customers warm, reduce energy costs and alleviate fuel poverty. Accelerate the programme in place to attain a 100% position of stock condition surveys (SCS) and Energy Performance Certificates (EP) by April 2024. A more comprehensive set of component information through SCS and EPCs allows for informed decision making from a housing investment perspective, and enables forecasting of the future investment programmes based on robust validated datasets. All relevant staff received DMC training in 2023. Damp and Mould specialist team – January 2024 | | |
| | Delivering services to tenants | <p>As well as breaching consumer standards, a failure to deliver good quality housing services or to engage effectively with tenants could lead to a breakdown in trust in the relationship providers have with their tenants. This could result in harm to tenants, as well as seriously damaging the reputation of the provider and sector.</p> <p>Changes to consumer regulation will strengthen the accountability of landlords for maintaining good quality homes and services, prioritising safety, treating residents with respect and being transparent organisations.</p> <p>BH must:</p> <ul style="list-style-type: none"> Ensure robust data that gives a clear and accurate account of performance, so that Boards can be assured of the quality and safety of homes and quality of services to tenants. | <ol style="list-style-type: none"> Berneslai Homes retains a strong focus on consumer regulation through its performance framework and tenant engagement and scrutiny model. This is to ensure the tenant voice is strong and the Board has strategic oversight and assurance on how the company meet its regulatory responsibilities against the consumer standards. A Co-regulation Assurance report on how all consumer standards are met is produced annually for the Board and monitored by the Customer Services Committee and by tenants as part of the co-regulatory approach. This framework was reviewed for 2022 to ensure we are ready for the new TSMs and approved at Customer Services Committee in November 2022. The TSMs are collected as part of the STAR survey and RP measures collected and benchmarking undertaken. We have a strong approach to customer engagement, including the Tenant Voice Panel, Tenant Scrutiny and the Appeals Process. | <ol style="list-style-type: none"> Ongoing action to increase the customer voice at Board level – Head of Governance and Strategy 2024 Action identified to update the website and start producing easy read summaries of key decisions – | The Customer Experience and Consumer Regulation - Averse |

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|---------|--------------------------|---|---|--|------------------------------|
| | | <ul style="list-style-type: none"> Ensure effective communication with tenants, treating tenants with fairness and respect, and learning from tenant complaints. Ensure all decisions and communications with tenants demonstrate transparency and accountability. <p>Boards must:</p> <ul style="list-style-type: none"> Ensure organisations meet these standards. Ensure reported performance data is accurate and in line with regulatory requirements. Ensuring that strong governance arrangements are in place to continue to manage effective delivery of services to tenants and maintain compliance with consumer standards. Have a robust understanding of performance across all areas and ensure that they are receptive to the issues that tenants raise through feedback and complaints. | <ol style="list-style-type: none"> The Tenant Voice Panel meet on a regular basis to look at performance and expand their knowledge of our systems and procedures. The Tenant Scrutiny panel undertake regular scrutiny exercises, inc a recent assessment of our compliance with HOB Code. Board member champion for Complaints within Customer Services Committee. Two TVP reps are members of the Customer Services Committee. Journey Mapping process being embedded across BH, with associated training - Learning from customer journey. The Digital Inclusion Project concluded in August 2022. The initial 12-week pilot was a success and reached out to over 60 tenants. The project was monitored via the quarterly performance reports to Board, regular project updates to EMT, and regular meetings with the Community Regeneration Fund. Funding to roll out is on hold. Customer Insight Strategy Performance reporting to committee and Board quarterly including compliance and TSM data | <p>Head of Customer Services 2024.</p> <ol style="list-style-type: none"> The tenant engagement model and Insight Strategy are scheduled for review by Apr-2024 | |
| | Health and safety | <ul style="list-style-type: none"> How do we keep tenants safe in their home? How do we keep staff safe at work? What are we doing about new regulation? (e.g., Building Safety Act, Fire Safety Act) <p>BH should:</p> <ul style="list-style-type: none"> Identify where RAAC components are present and associated risks to tenants. Provide assurance on health and safety responsibilities for all buildings over 11 metres, including meeting responsibilities under the Fire Safety (Regulatory) Order 2005, that risks are identified and understood, and timely remediation plans are in place for buildings with life safety fire risks. Be prepared to report building safety tenant satisfaction measures for 2023/24. Have accurate and reliable data so that board can be assured that they we are meeting all relevant legal health and safety requirements and risks are identified and managed. <p>Board must:</p> <ul style="list-style-type: none"> Ensure they adequately understand all legislative and regulatory requirements relating to health and safety compliance, including their duties and responsibilities with regard to fire and building safety under the new regulatory regime. Ensure BH have comprehensive and effective building safety systems and programmes in place to provide assurance that tenants remain safe. This is particularly important when services are provided by third parties such as managing agents or contractors, as ultimate responsibility lies with the landlord. | <ol style="list-style-type: none"> The company must meet statutory responsibilities in all areas of compliance, gas safety, fire safety, electrical safety, asbestos, legionella, lift safety as well as employee safety. The internal audit programme includes audit days for landlord responsibility on compliance. The Building Safety Act introduced a new regulatory regime, overseen by the Health and Safety Executive (HSE), to enhance the fire and structural safety of new and existing residential buildings, and ensure residents have a stronger voice in the system. Additional resources were identified from the HRA to meet these requirements, including additional posts recruited for Fire Door Inspections and a Building Safety Manager. The Building Safety Compliance Scorecard is reported to each Audit Committee and Board. Implementing Cloud 365 compliance software package used in the social housing sector for the six key compliance areas. Board receives the Annual Employee Health and Safety performance report. BMBC undertake ongoing and regular audits of the management of Health and Safety within services. RAAC report to Board Dec 23. Covered at Building Safety Project Board and any concerns would be escalated accordingly. | | Health and Safety – Averse |

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|---------|----------------------------------|---|--|---|------------------------------|
| | | <ul style="list-style-type: none"> Gain assurance that BH hold good quality data to enable the accurate assessment and management of risks. Understand the costs associated with remediation works and any implications for other planned major repairs and ensure that BH communicates transparently with tenants and stakeholders. | | | |
| | Costs and inflation | <p>Increasing costs for BH:</p> <ul style="list-style-type: none"> Impact of persistent inflationary pressure Rent increase cap Tight labour market Supply costs <p>Board must:</p> <ul style="list-style-type: none"> Fully understand their cost base and capital requirements and have a clear prioritisation approach to ensure continued delivery of essential services and safety. Consider how decisions taken to mitigate risk in the short term may increase risks in the longer term. Ensure they understand the financial and operational impacts from any changes to strategic investment decisions due to high inflation. | <ol style="list-style-type: none"> Financial risks such as inflation are managed as part of the annual budget setting process and monthly budget monitoring. Cost and inflationary pressures are highlighted in the financial monitoring board reports. We work closely with BMBC through the PRIP contract, identifying inflationary risks, such as the current issue around material price rises, where we are raising it through the PRIP Core group for decisions to be taken on task prices within the contract, which is flagged within the financial monitoring reports to board. | | Financial Stability – Averse |
| | Rent setting | Set by BMBC in line with government regulation. | <ol style="list-style-type: none"> Compliance with the expectations of <i>the Policy Statement for Rents in Social Housing</i> as set out in the Rent Standard lies with the Council as Landlord. The rent increase for 23/24 saw the Government set a rent increase cap of 7% with BMBC agreeing the rent increases at 6.5% for 23/24. | 24-25 rent increase govt cap TBC | Income Risk – Averse |
| | Rental income and arrears | <p>High inflation and real terms wage reductions have increased financial pressure on households and could result in an increase in arrears. Failure to appropriately manage rent collection and arrears can ultimately impact providers' financial viability.</p> <p>Boards must:</p> <ul style="list-style-type: none"> Continue to ensure rental income risks are appropriately managed. Demonstrate that they understand the implications of increased arrears, stress testing against falls in income and establishing mitigations for this. | <ol style="list-style-type: none"> Rental collection remains a key priority. The cost-of-living crisis has added further risks to all customer groups, including those in receipt of UC, HB and non-benefit customers. The Income Team are continuing to have detailed conversations with customers on their financial position and make affordable payment plans, monitor compliance with these, remain aware of financial support available and complete the relevant applications where possible, e.g., DHP, housing support grant and hardship fund. If the customer is experiencing multiple debt problems or the case is of a complex nature, the Income Team are making the necessary referrals to CAB and the Tenants First team, respectively. The BMBC-commissioned ARUM Review resulted in the completion of an action plan that was monitored by the Customer Services Committee and BMBC. We are exploring the use of a new system (Voicescape) to better prioritise focus on cases, automate actions and utilise AI to recommend action for officers. Monthly and quarterly performance reporting is ongoing. Demand for homes remains high with increasing pressure as the waiting list increases and turnover reduces. Berneslai Homes actively benchmarks its unit costs against peer organisations which continue to show the company is high performing and low cost. Right to Buy (RTB) continues to be identified as a risk to the business plan with the high level of discounts available, activity on RTB is monitored monthly with the Council at the ALMO liaison meetings. | New arrears management module in testing phase. | Income Risk – Averse |

| Heading | Risk | The Sector Risk Profile | Berneslai Homes Mitigations | Actions and responsible officer | Link to risk appetite (2023) |
|---------|--------------------------------|--|---|---|---|
| | Data and Cyber security | <ul style="list-style-type: none"> Legal obligations – duty of care to staff and tenants Increasing data security risks Working from home Increased online service delivery Proposed requirements in the Transparency, Influence, and Accountability Standard from April 2024 <p>Board must:</p> <ul style="list-style-type: none"> Ensure we have appropriate technical and organisational measures in place to implement the data protection principles effectively and safeguard individual rights and to manage data protection risks. Ensure that our IT security function is safe and secure and that security vulnerabilities are appropriately identified and mitigated. Ensure we have a proactive cyber incident response plan that is fully aligned with our business continuity and recovery plans, and that prioritises service restoration and communication with tenants. Consider the implications of collecting or processing new data and take steps to prevent personal data breaches. They must also understand the risks of processing personal data with third parties, including the need to undertake due diligence on third parties' security measures, using standardised contractual clauses where necessary, and documenting where data is located. | <ol style="list-style-type: none"> Audit Committee receive quarterly assurance on the safety and security of the IT function as part of the Data Protection update report. Cyber Security Audit was undertaken and reported in February 2022. A reasonable assurance opinion was concluded and an action plan to review and update three related policies by March 2023. Berneslai Homes utilise BMBC's IT network which is controlled and monitored for attack. BMBC have obtained Public Services Network (PSN) connection compliance after successfully demonstrating infrastructure is sufficiently secure to meet standard set out by the Cabinet Office. Berneslai Homes pay BMBC for a dedicated 'Information, Governance & Security Incident Analyst'. They provide advice and support in areas including security measures, policy, and procurement of new systems. They support during security incidents and make recommendations to enhance security compliance. They ensure consideration is given to implementation of security enhancements made to BMBC network security for BH network security. They are also responsible for development and maintenance of an Information Security Management System. Various scanning and testing is undertaken to identify vulnerabilities that may impact information security position. This includes regular security monitoring of systems held in the public part of the network. 'Phishing' Campaigns are completed each year. Reports produced relating to Berneslai Homes and follow-up activity is always undertaken. Training and awareness delivered in this important area. Deep dive by Audit Committee on Cyber security 2023 New simulated phishing software purchased to enable more targeted and more regular simulated phishing campaigns across the organisation. End user devices are secured and encrypted and logged on an asset register. Mobile devices are controlled using Mobile Device Management Software (MDM) and all laptops are purchased from BMBC so to ensure they are fully tested and secure on the network. Many systems are now cloud hosted as cloud first policy is rolled out within BMBC. Housing Management system cloud hosted and SLA in place for back-up, business continuity and disaster recovery. Attendance at sector specific and Local Authority WARPs (Warning, Advice and Reporting Point) meetings. WARP's are a community-based service where members can receive and share up-to-date advice on information security threats, incidents and solutions. Cyber Security session with named officers 2023 and action plan in place BC Plan for Corporate Services, covering loss of IT, approved by Internal Audit 2023. A simulated security incident, using National Cyber Security Centres activities, was undertaken by BMBC IT in Dec-23. | 1) BMBC Contact Centre working on an up-to-date BC plan for loss of IT – Head of Customer Services 2024 | Data quality and data integrity and Cyber Security – Averse |
| | Data integrity | <ul style="list-style-type: none"> Accurate, up-to-date, complete, and reliable data are fundamental for boards to monitor areas such as rent setting, financial management, stock condition, tenant needs and expectations, health and safety, and meeting consumer standards. Strengthened requirements for landlords to ensure performance data is accurate, transparent and comparable are at the heart of the | <ol style="list-style-type: none"> Repairs First is due to launch in Jan 2023, which will further improve data integrity. Dedicated Data Protection and Records Management officers ensure GDPR, and record/ data management remains a priority. Information Asset Owners across the business and their role is to understand what information is held, | | Data quality and data integrity – Averse |

| Heading | Risk | The Sector Risk Profile | Berneslai Homes Mitigations | Actions and responsible officer | Link to risk appetite (2023) |
|--|---|--|--|---------------------------------|---|
| | | <p>proposed Transparency, Influence, and Accountability Standard, including the requirements on TSMs.</p> <ul style="list-style-type: none"> Accurate and timely data underpins the RSH's engagement with providers. They consider failure to manage data integrity to be indicative of a poor internal controls assurance framework. Failure to provide accurate and timely data that meet regulatory requirements will be reflected in the judgement of compliance with regulatory standards. <p>Board must:</p> <ul style="list-style-type: none"> Have assurance that decisions are underpinned by robust data that is appropriately managed, ensuring confidentiality, integrity, and availability. This will require adequate quality controls and robust audit trails are in place. Ensure that stock condition survey approaches produce data that is sufficiently detailed to enable assurance against compliance with health and safety legislation, the Decent Homes Standard, and delivery of repairs, maintenance, and planned improvements to stock. Ensure the collection of robust data to support key regulatory returns, including from summer 2024 the accurate reporting of TSM data in line with regulatory requirements. Board oversight, control, and decision making is undermined by failure to maintain data integrity or by data isolated in siloed systems. | <p>what is added and removed, how information is moved and who has access and why.</p> <ol style="list-style-type: none"> A significant amount of work was undertaken by a third party to cleanse and ensure accuracy of records in the area of building safety and compliance. Checks were also completed on adherence to policy, procedure and process maps. Systems have access controls including usernames, passwords and single sign-on. Groups are used to restrict access, and these are reviewed regularly. Since moving to use Office 365, licencing is now received monthly. The licencing information is reviewed each month and acts as a check point. SAP system is fully auditable and records who changed what record and when. Validation is enabled on data fields on main systems which restricts the type of input. Internal Audit report on Housing Rents each year. Further audits planned for data security which will include reviewing data integrity arrangements along with confidentiality and availability of information. Cyber Security Risk Register regularly reviewed. Annual Report to board, as part of Annual Governance Statement, covering annual performance of Information Governance. Quarterly reports to Audit and Risk Committee. data review ongoing with strategy and action plan to be in place from March 24. | | |
| | Supported housing | N/A | Berneslai Homes do not provide supported housing. | | N/A |
| Operational risks – development | Low-cost home ownership and market sales | N/A | Berneslai Homes has no exposure to market sales and the management of the HRA and investment decisions on council house new build supply is the responsibility of the Council. | | N/A |
| | Construction process risks | Is this applicable as relates to construction developments and methods | <ol style="list-style-type: none"> Ongoing operational meetings by relevant managers to discuss related risks. The PRIP Core Group and monthly PRIP Finance Meetings review the financial and performance positions, such as supply chains, increased material costs, and labour issues. The ongoing performance and financial position is then reported to Committees and Board quarterly. | | Strategic Delivery and Partnership with BMBC – Balanced |
| Finance and treasury management | Existing debt | N/A | 1) The Company investments are managed in line with the approved Investment Strategy following advice from BMBC our treasury management advisers. | | Financial Stability – Averse |
| | New debt | N/A | 2) Berneslai Homes does not borrow, this is a BMBC function in the HRA/General Fund. | | Financial Stability – Averse |
| | Alternative funding models | N/A | <ol style="list-style-type: none"> The Annual Governance Statement (AGS) provides an overall assessment of Berneslai Homes' governance arrangements. The AGS provides evidence of assurance to Audit and Risk Committee, the Berneslai Homes' Board, Barnsley Council, Internal Audit and External Audit, that key controls are in place to manage financial risk and that effective controls, systems and processes are in place to govern decision-making and ensure financial control. The key sources of assurance include the Internal Audit Annual Report, External audit, and inspection findings, including the External Audit Annual Audit Letter and the Review of the Annual Governance Statement Action Plan. | | Financial Stability – Averse |

| Heading | Risk | The Sector Risk Profile | Berneslai Homes Mitigations | Actions and responsible officer | Link to risk appetite (2023) |
|---------|-----------------|---|--|---------------------------------|------------------------------|
| | Pensions | Although most providers have taken a proactive approach to managing this risk, where appropriate boards should seek independent advice from relevant professionals to understand their risk exposure. | 1) Berneslai Homes offers employees membership of a defined benefit pension scheme. Pension costs are accounted for in line with FRS102 with pension assets and liabilities included in the balance sheet. The level of employee contributions to the scheme is reviewed every three years following the triennial valuation of the Fund. | | Financial Stability – Averse |
| | Fraud | <p>Providers are vulnerable to many types of corporate fraud, including mandate fraud, supplier fraud, and finance function fraud. The current heightened cyber security threat climate increases the risk of providers falling victim to cyber-attacks.</p> <p>Board must:</p> <ul style="list-style-type: none"> • Ensure that we have robust internal control procedures in place. • Seek appropriate professional advice when fraud is identified. • Understand their responsibilities under anti-money laundering legislation. • Anti-fraud policies should be regularly reviewed and well communicated, with employees given regular training. • Demonstrate a rigorous attitude to combatting fraud and create a culture where employees are motivated to help in this. | <ol style="list-style-type: none"> 1) Board receives an annual report on internal controls, which includes fraud activity, including tenant and staff fraud and whistleblowing. 2) The fraud issues and concerns register is included in each quarterly risk update to Audit Committee and Board 3) Board approves the two-yearly review of the fraud policy documents and the Whistleblowing Policy. 4) Internal Audit report quarterly on fraud activity and the BMBC Anti-Fraud section provide our competent advice and guidance. 5) Board receive training related to fraud – most recently HQN delivered fraud awareness to board in January 2022, which was then rolled out to Leadership Forum in June 2022. 6) Fraud e-learning rolled out to staff and operatives during 2023. | | Reputation - Averse |

TERMS OF REFERENCE FOR BOARD

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| <p>1. Constitutional Authority & Purpose</p> | <p>1.1 To direct the affairs of Berneslai Homes in accordance with its objects and rules /constitution.</p> <p>1.2 To approve:</p> <ul style="list-style-type: none"> • Changes to the corporate structure of the organisation • The shareholding policies of the organisation. • Rule / constitution changes for the organisation. • Changes to the structure, size, constitution, composition and retained functions of the Board and its Committees. • Standing Orders including the Financial Regulations and Scheme of Delegations, Terms of Reference of all Committees, Working Groups and Panels of the Board. • Delegation of any decision-making powers to Committees, Panels or working groups. • All resolutions to be put to the shareholder / members at any AGM. |
| <p>2. Composition</p> | <p>2.1 The Board will have a membership of up to 9 (not including co-optees), comprising the Board Chair, 4 independents, 2 Councillors and 2 tenants.</p> <p>2.2 The Board may from time to time co-opt up to a maximum of 2 persons to the Board, and may at any time revoke such co-option. Co-optees shall be entitled to attend and to speak but not to vote at meetings of the Board and shall not be counted as part of the quorum.</p> |
| <p>3. Meetings & Quorum</p> | <p>3.1 The quorum for the transaction of the business of the Board shall be 4 comprising no fewer than 1 Tenant Board Member, 1 Independent Board Member, 1 Council Board Member and 1 other Board Member (Article 30 (1)).</p> <p>3.2 The Board must meet at least 6 times a year, including training days.</p> <p>3.3 At least five working days' notice of all Board meetings will be given to each Member unless the meeting ought to be called as a matter of extreme urgency.</p> <p>3.4 Resolutions of the Board are to be decided by a majority of votes and each Board Member present in person shall be entitled to one vote. A written resolution signed by all of the members of the Board</p> |

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| | <p>(provided that they would constitute a quorum) is as valid as if it had been passed at a board meeting and may consist of several documents in similar form each signed by one or more of the Board.</p> <p>3.5 If there is an equality of votes, the Board Chair is entitled to a second or casting vote. Resolutions which fail to secure a majority in favour are to be lost.</p> |
| <p>4. Duties & Responsibilities</p> | <p>4.1 In accordance with the Rules / Constitution, the Board is responsible for directing the affairs of the organisation in accordance with its objects and Rules. Its functions shall include:</p> <ul style="list-style-type: none"> a) Setting and ensuring compliance with the values, mission and strategic objectives of the organisation and ensuring its long-term success; b) Appointing (and if necessary removing) the Chief Executive and approving their benefits and terms of employment; c) Satisfying itself as to the integrity of financial information, approving each year's budget and business plan and annual accounts prior to publication; d) Establishing and overseeing a framework of delegation and systems of internal control; e) Establishing and overseeing a risk management framework in order to safeguard the assets of the organisation ; f) Taking appropriate advice; g) Ensuring at all times that the organisation takes into account any obligation imposed by the regulator(s) in the exercise of its powers; h) Satisfying itself that the organisation's affairs are conducted in accordance with generally accepted standards of performance and propriety; i) Establishing an operating a performance appraisal system for the board, chair and individual board members; and j) Establishing and overseeing a committee for the payment of board members. <p>4.2 As well as the powers conferred on the Board by the Rules/Constitution, the following are additional responsibilities:</p> <ul style="list-style-type: none"> a) The appointment, induction and training of Board members; b) Any extension or restriction in the scope of the organisation's activities or functions; c) Overseeing the annual appraisal of the Chief Executive and a three-yearly review of their terms and conditions of employment; d) Major matters with regard to relationships with central government, regulators, local authorities, other statutory bodies and other Housing organisation's; e) Any item which is referred to it by a General Meeting; |

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| | <p>f) Any matter reserved to it by the Financial Regulations;</p> <p>g) Any allegation or instance of fraud which affects the organisation, and bring any such matter to the attention of the Regulator / Local Authority in an appropriate manner.</p> <p>h) Comply with all relevant legislation and regulation, such as Health and Safety.</p> <p>4.3 The Board may create Standing and other Committees, Sub-Committees or Working Groups to which it may delegate or refer business for detailed consideration from time to time.</p> <p>4.4 Any matter may be referred by the Board to a General Meeting of the organisation .</p> |
| <p>4.5 Operation of the Board</p> | <p>The Board will:</p> <p>a) Approve annually:</p> <ul style="list-style-type: none"> • The annually updated Strategic plan; • Annual budgets and determine the resources to fulfil financial and operational requirements; • Accounts, auditors report, management letter and Board disclosure letter; • Asset management strategy; • Value for money strategy; • Internal control statement; • Internal Audit Report – Audit Committee Annual Report to the Board; • Appointment of members of the Board, Committee Members, Chairs and Deputy Chairs; • Parameters for regeneration projects, development projects, new initiatives and agency arrangements; • Risk Management Strategy on the recommendation of the Audit Committee. <p>b) Review and approve on a regular basis:</p> <ul style="list-style-type: none"> • Standing Orders and Financial Regulations; • Investment management strategy and policies <p>c) Approve from time to time:</p> <ul style="list-style-type: none"> • New strategies and policies, together with major changes to existing ones, which will determine the way in which the organisation operates, for example ICT and premises strategies; • Specific projects that fall outside the parameters determined by the relevant strategy; • Co-options and casual appointments to the Board or Committees. |

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| | <p>d) Review annually a schedule of all policies approved by the Board and in operation, deleting any that are now redundant, and noting any changes agreed by the Chief Executive during the year.</p> <p>e) Receive reports at each meeting, or as the need arises, on:</p> <ul style="list-style-type: none"> • Any appeals panel decisions • Urgent decisions taken between meetings <p>f) Deal with Executive Management Team grievances and Executive Management disciplinary matters.</p> |
| <p>4.6 Compliance & Governance</p> | <ul style="list-style-type: none"> • To approve (where this is formally required) and receive assurance that regulatory returns have been processed in a timely and accurate manner. • To review regulatory assessments and where appropriate, make associated responses. • To review annually its own collective performance, constitution and terms of reference, and that the organisation is compliant with the adopted Code of Governance. • To approve a code of conduct and expected behaviour for Members and staff. • To monitor that its affairs are conducted lawfully and in accordance with generally accepted standards of performance, propriety, regulatory requirements and good governance. • To monitor that Members of the organisation comply with the values, vision, mission and strategic goals of the organisation . • To monitor that services are delivered in line with the strategies agreed by the Board and that there is a clear and accountable framework of performance indicators and action plans to achieve the organisation's strategic objectives. |
| <p>4.7 Strategies, Policies, Plans & performance</p> | <ul style="list-style-type: none"> • To monitor that there is a robust framework for approving and reviewing organisation strategies, plans and policies. • To ratify all decisions as necessary and receive reports on decisions made by Committees. • To approve the annual financial and business plans of the organisation and to monitor any outcomes. • To approve and monitor organisation performance indicators for activities within the remit of the Board. |
| <p>4.8 Financial information; annual accounts, budget & financial plan</p> | <ul style="list-style-type: none"> • To approve any resolutions to the General Meetings. • To review and approve annually the assumptions in the organisation's Financial Plans. • To review the robustness of the organisation 's financial planning. • To approve the annual report of directors, annual accounts, organisation budgets and business plan, and monitor any outcomes. |
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| <p>4.9 Risk</p> | <p>To ensure that the organisation’s present and foreseeable financial, organisational and reputational risks are recognised, regularly assessed and managed.</p> <ul style="list-style-type: none"> • To approve annually the organisation risk map and framework for the identification, management and reporting of risk. • To approve or ratify policies and decisions on all matters which, in the opinion of the Board, might create significant financial or other risk to the organisation, or that raise material issues of principle. • To approve and monitor compliance with the organisation’s Equality and Diversity & Health and Safety Policies. • To ratify approval of and review processes for dealing with individual cases raising material issues of ethics or probity. |
| <p>4.10 Investment</p> | <p>To assess and approve organisation’s investment activity in accordance with its Investment plan – including but not restricted to the extension of the organisation’s activities into new business areas; and any decisions to cease all or any material part of the organisation ’s business.</p> |
| <p>4.11 Appointments & Remuneration</p> | <ul style="list-style-type: none"> • To appoint (and, if necessary, remove) the Board Chair, the Chief Executive, and members of the Board and Committees. <p>To approve:</p> <ul style="list-style-type: none"> • Any remuneration and employment policies for Board Members and Committee members, the Chief Executive and Executive Management Team. • Any termination arrangements for the Chief Executive and Senior Management Team. |
| <p>5. General Authority & Scope</p> | <p>5.1 The Board 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 Board.</p> <p>5.1 Following prior consultation with the Chair of the Board and, where appropriate, the Chief Executive, the Board is authorised to obtain legal or other professional advice which is relevant to its 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.</p> <p>5.2 The Board 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</p> |

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| | <p>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 Board from 9th December 2022.</p> <p>6.2 At least every two years, the Board shall review its structure, delegated responsibilities, reporting arrangements, terms of reference and effectiveness, including any recommendations for changes.</p> |
| <p>7. Reporting procedures</p> | <p>7.1 Minutes of each Board 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.</p> <p>7.2 Minutes of each Board 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> |

Rent update

Rent charges for our homes help us to deliver a great service to our tenants so we can repair and improve homes. Based on social rent increase formula, we're expecting an increase of 7.7% in line with CPI (September 2023) + 1%. This would see our average property rent charge increase by £6.56 per week. 2024/2025 is also a 49-week chargeable year which means that tenants have the 'extra' week to pay. All other charges including garages and service charges are expected to increase.



We're committed to supporting tenants to maintain rent payments. If tenants are worried about money, then here's how we can help:

- Income team – can provide support to check benefit entitlement and provide budgeting support. They can also look at manageable repayment terms to clear arrears.
- Tenants First team - Referrals are made when enhanced support is needed. The team can help tenants to claim benefits, access services and grants, and provide mental health (housing related) support.
- Independent Money Advice Worker service - can help with complex and multiple debt issues.

We're communicating with tenants early to make sure they can plan ahead. We're also:

- Making early intervention contacts with tenants who fall into arrears.
- Agreeing affordable repayment terms for the 'extra' week for those who struggle to pay.
- Continuing to pro-actively support tenants to pay their rent and sustain their tenancies.

Our assets / our homes



Total homes

18,346 homes in management
 Council Stock (17,996) 58% are houses (10,223)
 69% are 3 x beds (7,091) 28% are 2 x beds (2,838)
 Together Housing 53
 Leaseholders (350) remainder social housing



Bungalows

25% of homes are bungalows (4,644)
 mainly 1 and 2 beds



Flats

16% of homes are flats (2,993) mainly 1 and 2 beds
 3 High rise buildings



Designation

67% of homes are general needs (12,187)
 32% with restrictions (5,794)
 11 Independent Living Schemes with 312 flats for over 60s



Age of stock

70% of homes were built before 1965



Attributes

743 blocks to maintain
 46 community facilities
 31 shops in management
 90% of our homes are mains gas, 10% air source, biomass,
 ground source, other electrical and solid fuel



Condition

13,745 homes EPC surveyed (76.43%)
 99.67% homes meet Barnesley Homes Standard
 13,237 homes received stock condition survey (73.61%)

Building safety compliance

- ✓ Fire safety compliance
- ✓ Gas safety compliance
- ✓ Asbestos safety compliance **100%**
- ✓ Water safety compliance
- ✓ Lift maintenance

✓ Electric safety compliance (*) **99.24%**

(*) This is due to no access, which we're working on as a priority

Data: January 2024

Repairs and maintenance



75% Satisfaction with repairs in last 12 months

76% Satisfaction with time taken to complete repairs after being reported

28 Disrepair cases

933 Damp, mould and condensation treatment jobs inspected with 255 outstanding.

Managing estates

60% Satisfaction landlord makes a positive contribution to neighbourhoods

48% Satisfaction with landlord's approach to handling of anti-social behaviour

66% Satisfaction that communal areas are clean and well maintained



Letting homes

4,673 Number of people on housing register

145 Average number of applications per property advertised



Listening to tenants

43% Satisfaction with how we deal with complaints

60% Satisfaction that we listen to tenant views and act upon them

36 Service improvements made to our service following tenant feedback since April 2023

64% Satisfaction that we keep tenants informed

77% Satisfaction that we treat tenants fairly



Delivering value for money

- 77% of tenants say rent is value for money
- Collected 95.37% of rent due
- Tenant arrears 3.87%
- 67% of funds were spent locally, supporting the local economy and keeping the 'Barnsley Pound' in Barnsley
- Made over £154K of efficiency savings that was invested back into services



Data: September 2023



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Last updated January 2024



Minutes of Berneslai Homes Public Board held 7th December 2023 at 4.00pm
Gateway Plaza

Present:

- Mark Johnson - Interim Chair (Handing over to Ken Taylor from Item 5)
- Ken Taylor - Chair (from Item 5 onwards)
- Richard Fryer - Board Member
- Adam Hutchinson - Board Member
- Gez Morrall - Board Member (from Item 5 onwards)
- Kevin Osborne - Board Member
- Eric Smith - Board Member
- Sarah Tattersall - Board Member
- Mahara Haque - Independent Chair of Customer Services Committee (Board observer) – Joined virtually

In attendance

- Amanda Garrard - CEO
- Dave Fullen - Executive Director, Customer & Estate Services
- Arturo Gulla - Executive Director, Property Services
- Lee Winterbottom - Managing Director Construction Services
- Kulvinder Sihota - Executive Director, Corporate Services
- Sam Roebuck - Head of Governance and Strategy and Company Secretary
- Kathy McArdle - Service Director BMBC
- Steve Williams - Observing (Eric Smith’s mentor)

Before the meeting commenced introductions took place.

| | ACTION |
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| <u>Item 1 – Apologies</u> | |
| Jo Sugden – Board Director | |
| <u>Item 2 – Declarations of Interest</u> | |
| None were declared. | |

Item 3 – ‘Lester’s Story’ - Video

The meeting watched the short film which outlines Lester’s inspirational journey which BH staff have played a significant part in.

KMcA felt Pathways to Work Commission should have sight of the video, which is a great example in showing how people can make changes with the correct resources in place. It was also suggested this be displayed at Homeseekers and hopefully brought to the attention of full Council in the new year.

The support provided to Lester was part of the ESF scheme, which finishes at the end of December. However, BH staff are working with the Council’s employment and skills team on a proposal to access shared prosperity funding, which will focus on the hard to reach. DF to provide update to Board at the February meeting.

Board commended the approach which affirms Board’s purpose and extended their thanks to the team for delivering the story and the outcomes.

**Resolved:
The Board received the video.**

DF

Item 4 – Governance Update

SR presented the report and summarised the key information around the process, leading to the appointment of the new Chair and Tenant Board Member. Remuneration Committee at their meeting on the 27th September recommended approval by Board.

The meeting’s attention was drawn to the proposal to appoint a trainee Councillor Board Member as part of succession planning and Remuneration Committee were supportive. Conversations would be required with BMBC. KMcA felt this was a sensible approach, which would need to go through the Council’s approval process and also the memorandum and articles would require updating.

Board were advised that the Governance Team have also reviewed the delegations, making lines of reporting much clearer etc. This information is available in Decision Time Resources.

Resolved:

- 1. Board approved the recommendation by Remuneration Committee that Ken Taylor be appointed the new Board Chair effective immediately.**
- 2. Board approved the recommendation by Remuneration Committee that Gez Morrall be appointed the new Tenant Board Member effective immediately.**

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| <p>3. Board reviewed and supported the proposal to recruit a trainee Councillor Board Member.</p> <p>4. Board reviewed and commented on the completion of the review of delegations.</p> <p>MJ handed the meeting over to the new Chair Ken Taylor. He took the opportunity to express his appreciation on his appointment and for the warm welcome he has received. KT also thanked MJ on behalf of the Board and EMT for undertaking the role of Interim Chair.</p> | |
| <p><u>Item 5 – Strategic Plan and Annual Business Action Plan 2024/25</u></p> <p>SR presented the report which outlines the annual review that has been undertaken. The changes that have been made were summarised (detailed at Section 1.3 of the report). These changes reflect those of the external environment. 7 success measures have also been amended to reflect EMT discussions – the data is now more measurable, and the collection and improvements can be easily mapped. The draft Strategic Plan (Appendix 1) and Business Action Plan details the key actions and focus areas with budget costs and KPI’s. AGa referred to the priority to develop a 2 – 3 year plan, which will be discussed at the Board Away Day, taking place on the 31/1/24</p> <p>Resolved:</p> <ul style="list-style-type: none"> • Board approved the light touch review of the 10-year Strategic Plan; • Board approved the draft Annual Business Action Plan for the period 1st April 2024 to 31st March 2025 and delegate any minor amendments to the Strategic Plan and Annual Business Action Plan to the Chief Executive as the plans go through the approval process with BMBC; • Board noted the quarterly performance report includes an update against the actions agreed as part of Annual Business Action Plan. | |
| <p><u>Item 6 – Quarter 2 Performance Report 2023/24</u></p> <p>DF presented the information, highlighting the key areas to Board. This has been considered by Customer Services Committee at their meeting on the 16th November. Since the Q2 report was produced Housemark have provided an analysis of 189 organisations and shared tenant satisfaction surveys.</p> <p>A general decline in satisfaction has been seen across all sectors and this drop in satisfaction is typical across the housing sector.</p> <p>The majority of measures places BH in the median category in almost all indicators, with a couple in the top quartile, these are around the proportion of</p> | |

emergency and none-emergency repairs completed in time, which is a key measure.

Concerns were outlined.

Void rent loss. Up to Quarter 2 performance was significantly higher than normal, equating to around a £0.5M loss. This has been impacted by major works being required on voids and prioritising budgets to release funding. EMT have considered in detail and have identified further funds to release, however major works will continue through the year, continuing to impact.

Complaints have increased significantly. The same period last year the figure was 160, this year it exceeds 400. Improvement has been seen in response times and additional resources have been looked at, but this is linked to the backlog repairs situation etc. To note is that the general profile of complaints has been raised significantly since the Ombudsman took a new direction, together with the government's complaints campaigns. However, lessons are being learned, with careful thought being given to policies and procedures to effect change. BH would not want to discourage people from complaining.

Reference was made to the Housemark KPI's and their fluidity. A suggestion was made whether dynamic ones could be included relating to peers. This was in the context of the difficulties being faced by everyone and the need to be reflective of the world we are currently living in. DF advised that these are set by the Council so negotiations would need to take place with them. KMCA referred to the importance of tracking KPI's to assess under or over achieving. However, she said this could be discussed at the ALMO Strategic Meeting on whether they need adapting.

It was noted that complaints will continue to rise across the sector, however the new tenant satisfaction measures will assist as comparisons can be made. Next year the council will be submitting information on the complaint rate per 1000 properties, which will provide a benchmark and good tracer. A learning log is also published on the website on key areas. Longer term funding, reprioritising will all impact on complaints as will the capital programme changes.

LW outlined the approach to repairs in the future, resulting in savings being generated linked to Repairs First. Some ambiguity exists currently with repairs calls; however, this will be removed with dynamic scheduling. Reviewing the repairs policy is critical and communication is important. Timescales will be clearer on the batched work following the review taking place.

Board noted the slight dip in performance of the Contact Centre following their significant improvement. However, this was temporary dip and performance is now back to normal.

Sickness – This is continuing to reduce. It was felt that earlier in the year the restructure could have had an impact.

Board noted the review by the council of the PRIP contract. KMCA advised this is out for procurement and although a Council review, BH are involved.

KMCA

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| <p>She acknowledged the need to refine the specification, however expectations have to be managed. Work is hoped to commence in January.</p> <p>The number of red indicators were commented on, and a suggestion was made by the Chair to include the Housemark benchmarking data as a sector comparison to show how BH are performing and include any commentary.</p> <p>Resolved</p> <ul style="list-style-type: none"> • Board considered quarter two performance. • Where performance targets have not been achieved Board ensured they were satisfied with the explanations provided and there are adequate controls and actions in place. • Board did not identify any additional areas where they feel more detailed consideration is required by Customer Services Committee. | KS |
| <p><u>Item 7 – Building Safety RAAC Survey Update</u></p> <p>AGu presented the update following the initial briefing that was presented to the September Board meeting.</p> <p>Curtins were commissioned and provided with a list of properties to survey. No RAAC was found to be present which is a reassuring outcome. BH are mindful there is the potential RAAC may be present in other buildings, however staff are trained to identify.</p> <p>The dynamic risk assessment process was outlined, providing assurance to Board that any unsafe areas would be identified.</p> <p>Resolved:</p> <p>Board noted that there are no properties with RAAC present and that repair orders will be raised for the defects noted in Curtins’ Structural Survey recommendations.</p> | |
| <p><u>Item 8 – Repairs First Update - Presentation</u></p> <p>KS provided a detailed update covering background information, the July position, current position, risks etc.</p> <p>Board noted the significant progress made since July. End to end testing is completed, super-users have been trained and user acceptance testing has commenced. Training is scheduled for 8th January and go live is 31st January. The twice weekly update meetings that have been taking place with the partners have now increased to daily.</p> <p>KS confirmed that monthly meetings have been taking place with the contact centre and they are also represented on the Project Board. The meeting were advised that there will potentially be an impact in their performance initially and discussions will take place with the team. Assurance was</p> | |

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| <p>provided that any impact on the contact centre performance or to customers will be reflected in the narrative in the quarterly performance report.</p> <p>KS informed Board that Phase 2 of the project will pick up housing online which is currently being looked at and a detailed report will be presented to a future meeting.</p> <p>Board were also assured of the detailed regular communications that have taken place with staff on a weekly basis and also at CS toolbox talks. Decommissioning is also being considered and discussions continue on the cut-over plan.</p> <p>Board thanked KS for the useful presentation and extended thanks to her and team for their hard work.</p> <p>Resolved:</p> <p>Board received the update on Repairs First.</p> | |
| <p><u>Item 9 – Resource Information Papers</u></p> <p><u>9.1 Quarterly Risk Update</u></p> <p><u>9.2 Board Members Fact Sheet –</u> Board felt this was a worthwhile document. AGa advised it would be updated regularly.</p> | |
| <p><u>Item 10 – Minutes/Actions/Debrief</u></p> | |
| <p><u>Minutes/Actions from previous Board meeting held 28/9/2023</u></p> <p>Resolved</p> <p>The minutes were agreed as a true and accurate record and the actions were noted.</p> | |
| <p><u>Date of Next Meeting</u> – 22/2/2024</p> | |

Board Meeting 7 December 2023 - Actions

| PUBLIC AGENDA | | | |
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| Item | Action | By Whom | Comments |
| Item 3 – ‘Lester’s Story’ | Update to be provided at the February Board meeting on Berneslai Homes’ access to the Shared Prosperity Funding being explored with the Council’s Employment and Skills Team | DF | Productive meetings have taken place with the Council’s Employment and Skills Team and agreements reached in principle. A SLA is being finalised for a commission to Berneslai Homes to the value of £195,000 for 2024/25. The scheme is subject to Cabinet formally accepting the UKSPF allocation for Barnsley. |
| Item 6 – Quarter 2 Performance Report | <p>Consideration to be given to the potential of adapting some of the KPI’s to be more reflective of the world we are currently living in – to be picked up at the ALMO Assurance Delivery Group</p> <p>As a sector comparison Housemark benchmarking data to be included in future reports to show how BH are performing, including commentary</p> | <p>KMcA/AGa</p> <p>KS/SR</p> | <p>The new targets for 2024/25 have been agreed based on the updated Housemark 6 monthly data, they now reflect more realistically the recent trends in KPIs and the Tenant satisfaction Measures.</p> <p>04/1/24. This information is usually included in the performance report, however due to a delay in the information being received from Housemark, particularly around the 6 month TSM data it wasn’t possible to include up to date benchmark information. This will be included as usual in the next performance report.</p> |