

Guidance Note

Board minutes are mandatory documents for annual regulatory reporting

Purpose of this guidance note

This guidance note outlines our reasons for classifying Board minutes as mandatory documents for the purposes of annual regulatory reporting.

Introduction

To achieve registration, a community housing provider (CHP) must demonstrate it has the capacity to meet the Performance Standards. These standards are then monitored in terms of a CHP's compliance each year.

We assess certain key documents to perform this annual monitoring function. The list is a set of mandatory documents, most of which an organisation should already have to hand. These include all Board minutes for the 12 months prior to a registered CHP submitting its annual regulatory report for assessment, without redactions other than to protect personally identifiable information about tenants and staff.

Why are Board minutes mandatory?

From a regulatory perspective, there is no better evidence of compliance across the full suite of Performance Standards than Board minutes. They demonstrate how the Board is working with the management team, and how the business is operating in line with the policies and processes reviewed by the Authority. Areas of performance the Authority looks at during annual monitoring include:

- **Governance:** that probity policies and procedures are being followed (for example, that significant procurement activities are transparent and receive appropriate Board/management sign-off), strategic and operational planning is

undertaken, decision-making policies and procedures are being followed (for example, that a quorum is present, that significant issues are discussed by the Board, and that resolutions are made, seconded, and appropriately recorded in the minutes), conflicts of interest are recorded and mitigated, processes for identifying, managing and reporting risk are in place, health and safety reporting occurs regularly, quality management practices occur and quality management activities to improve service delivery are reported to the Board.

- **Management:** there is regular reporting by senior management to the Board, that decision-making by the Board and senior management takes place within the set delegations policies and procedures, and that information gathered through operational activities is used to improve business processes.
- **Financial viability:** there is regular reporting to the Board on the financial status of the organisation, including maintaining an acceptable capital structure and level of financial performance, and that financial risks are brought to the Board's attention and mitigations are put in place.
- **Tenancy management:** there is regular reporting of aggregate complaints, tenant satisfaction (e.g. through annual tenant surveys), and rent arrears data to the Board. This could also include bringing serious complaints to the Board for final arbitration should this be in line with a registered CHP's complaints policies and

procedures.

- **Property and asset management:** planning for acquisitions and disposals, and reporting on regular maintenance programmes to the Board.

The Board minutes of the registered entity must be provided in their entirety, not just the parts of the minutes that relate to the housing operation. The Authority requires the entire minutes so it can understand the ongoing viability of the registered CHP as a whole.

The one exemption from the requirement for unredacted Board minutes is that the Authority requires personally identifiable information on tenants and staff to be redacted. For example, in a Board minute relating to a tenant complaint about a CHP staff member, the names and addresses of the tenant and staff member should be redacted, but the remainder of the item should still appear in the minutes.

What happens with the Board minutes?

Like any regulator, we receive confidential and commercially sensitive information to inform our regulatory function. We do not share any documents we receive with other business units within the Ministry of Housing and Urban Development, or other agencies.

However, providers should be aware that the Authority, like other public service agencies, is subject to the [Official Information Act 1982](#).

All material provided to the Authority becomes potentially discoverable under that Act, and may be released with previously unpublished personal information redacted. If any such information release is required you will be consulted beforehand and will be able to provide comments on the proposed release, including whether you consider any information should be withheld because it meets the criteria for withholding information contained in the Official Information Act. For

further information on this issue, please see the Authority's [Official Information Act Guidance Note](#).

Please note, however, that the final decision on release is ultimately made by the Ministry of Housing and Urban Development.

Further information

If you have any concerns or questions on the provision of Board minutes as part of the annual monitoring process, please contact us at chra@hud.govt.nz.

For information about how the Authority handles potential releases under the Official Information Act, visit: www.ombudsman.parliament.nz/resources/oi-a-ministers-and-agencies-guide-processing-official-information-requests.