

# **Registered Tenants Organisation Policy and Procedures**

Service: Tenant Engagement & Support	Date	Staff Member
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## Scottish Social Housing Charter Relevant Standard Outcomes

STANDARD
<b>Section:- The customer/landlord relationship</b>
<b>1. Equalities</b>
<ul style="list-style-type: none"><li>• <i>Every tenant and other customer have their individual needs recognised, is treated fairly and with respect, and receives fair access to housing and housing services.</i></li></ul>
<b>2. Communication</b>
Social landlords manage their businesses so that:
<ul style="list-style-type: none"><li>• <i>tenants and other customers find it easy to communicate with their landlord and get the information they need about their landlord, how and why it makes decisions and the services it provides.</i></li></ul>
<b>3. Participation</b>
Social landlords manage their businesses so that:
<ul style="list-style-type: none"><li>• <i>tenants and other customers find it easy to participate in and influence their landlord's decisions at a level they feel comfortable with.</i></li></ul>

## Scottish Housing Regulator – Relevant Standards of Governance and Financial Management and Guidance

STANDARD
<p>1 The governing body leads and directs the RSL to achieve good outcomes for its tenants and other service users. <b>Relevant standard 1.3</b></p>
<p>2 The RSL is open about and accountable for what it does. It understands and takes account of the needs and priorities of its tenants, service users and stakeholders. And its primary focus is the sustainable achievement of these priorities. <b>Relevant standards 2.2 and 2.4</b></p>

# **REGISTERED TENANTS ORGANISATION POLICY AND PROCEDURES**

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# REGISTERED TENANTS ORGANISATION POLICY AND PROCEDURES

## 1. GENERAL POLICY

- 1.1 The Housing (Scotland) Act 2001 introduced the rights for tenants of registered social landlords such as Lochalsh and Skye Housing Association (the Association) in relation to tenant participation and consultation.
- 1.2 The Association's policy on tenant participation encourages tenants to become involved in the decision-making process on an informal basis. However, this new legislation requires more formal procedures to be in place where a group of tenants have got together with a view to implementing change.
- 1.3 In order to meet these requirements all groups that are formed have to be registered on the Register of Tenants Organisations (RoTO's) but in order to be registered each group has to meet certain criteria referred to in **Appendix 1** set by Scottish Government Ministers about being democratic and accountable.
- 1.4 Groups that are registered will be consulted on certain issues such as policy changes at the planning stage or specific consultations that may affect them. They should also be involved in reviews of housing standards, tenant participation strategies and stock transfers with reasonable timescales and sufficient background information to assist any feedback. Therefore, being on the RoTO's can help tenants to influence the decision-making process within the Association. The Association should take these views into account and provide RoTO's with feedback on the outcome of the review and proposals.

## 2. REGISTRATION PROCEDURE

- 2.1 Once you have formed a group and wish to apply for registration with the Association please complete and return the Tenant Group Registration Form to Lochalsh & Skye Housing Association, Morrison House, Bayfield, PORTREE, Isle of Skye, IV51 9EW.

To receive the full benefit of the legislation, tenants' organisations should register with every landlord whose tenants they represent.

- 2.2 As noted in 1.3 above you should also provide:-
  - Tenant Group Registration Form, completed. This asks for certain basic details about your group. Please note that all information on this form will be entered onto the RoTO's held at the Association and that this register is a public document.
  - A copy of your constitution – this can be a simple document but must reach certain standards. For example, it must show how you elect your office bearers. Guidance on this can be found in **Appendix 2**.

- Details of the people making up your Board and their roles as office bearers or committee members.
- A contact address for correspondence which can be made public (this can be c/o the landlord)
- Description of the geographical area/location your group covers, could be "Lethin Park only."
- Details of other landlords they are registered with or applying to become registered with
- A set of accounts, if your group has been active for more than one year -you must present an audited annual financial statement to the groups' AGM.

RTOs are also required to promote equal opportunities for those in the local areas they represent and their commitment to do so should be included in their constitution, as is noted in the Act. RTOs should pro-actively seek the participation of hard to reach groups in their own organisation.

- 2.3 When your application is received it will be assessed by the Tenant Engagement and Support Manager, and you will be contacted again to discuss it if further information is required.
- 2.4 You will be contacted within 14 days of the receipt of your application to confirm you have been placed on the RoTO's.
- 2.5 If you are not eligible you will be contacted within 14 days of the receipt of your application and advised why this has been the case.
- 2.6 Some groups may take time to meet all the eligibility requirements. Our aim is to work with you so that you do become eligible within a reasonable timescale to be placed on the RoTO's. Although, we will consider whether or not a group is on the RoTO's when any funds or grants are requested, if we are working towards being eligible to register your group but you do not yet have everything in place, this will not necessarily prevent you from being awarded funding by this Association.
- 2.7 Your group will be asked to re-register in April on a three- yearly basis, in order to remain on the RoTO's. If your group does not respond or no longer meets the criteria it will be removed from the RoTO's. However, this will not be done without advising you, and wherever possible the Association will work with you to ensure you remain registered.

## 2.8 APPEALS

You can appeal against any decision:-

- Not to register the organisation; or
- To remove the organisation from the register; or
- Not to remove the organisation from the register.

This can be done by writing to the Chief Executive giving details of why you think the decision is wrong. The Chief Executive will refer the matter to the Board of the Association for a decision within three months of the appeal being made or as otherwise agreed between the Association and the RTO. If the Board upholds the original decision and you are still not satisfied with this, you have a further right of appeal to the Scottish Housing Regulator who will consider your appeal. Details of who to contact will be provided by the Association.

### **3. GENERAL DATA PROTECTION REGULATIONS**

- 3.1 The Association will treat your personal data in line with our obligations under the current data protection regulations and our own policies and procedures.
- 3.2 Information regarding how your data will be used and the basis for processing your data is provided in the Association's Privacy Policy.

### **4. REVIEW**

- 4.1 This document will be reviewed by the Board or Sub-Committee set up for that purpose in accordance with the requirements of the Association's Register of Policies and Procedures.
- 4.2 An Equalities Impact Assessment (EIA) has been completed as part of this review to have due regard to the impact of our approach on protected characteristic groups. The EIA should be updated on the same schedule as the policy.

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**REGISTERED TENANTS ORGANISATION CHECKLIST**  
**(Scottish Executive (2001) Housing (Scotland) Act 2001 – Guidance on Tenant Participation Criteria for Registration)****1. CONSTITUTION**

Your group must have a written constitution available for inspection by the public that sets out: -

- Your objects and area of operation
  - State how your group will represent your members.
  - Define your membership area. e.g. if you represent a community within a town you may define your area by street. If you represent a village, you could put down the name of your village.
  - State your commitment to the promotion of the housing and housing related interests of the tenants of Lochalsh and Skye Housing Association.
- Your membership criteria and the procedure for application for membership
  - State who is eligible to become members of your group. e.g. membership is open to all tenants and/or residents in your area, and members must be at least 16 years of age. Membership will cease upon the person leaving the area. The group should also decide whether or not your members must pay a subscription fee.
- The way the Board/Committee will operate
  - State how many times per year your Board will meet, the number of open meetings per year, the month the AGM is to be held etc.
- Your procedure for election of Board/Committee members and Office Bearers
  - e.g. after the first year, the Board will be elected at the AGM. Office Bearers will be elected at the AGM or by the Board from their own number at the first meeting after the AGM. Retiring Board Members can stand for re-election, etc.
- How your business is conducted, including delegation of powers
  - A set of rules relating to conduct at meetings, decision taking, documentation required for meetings and correspondence etc.
- How your decisions are reached democratically
  - You must demonstrate that decisions are reached democratically, e.g. by giving members the opportunity to become actively involved, by publicising meetings etc.
- How your funds are managed
  - e.g. the treasurer will keep proper accounts of the finances of your group, which will be managed through a bank account etc.
- Your procedures for public meetings of members including the AGM

- Requests for meetings and quorum requirements. Meetings should be held regularly so those members are given an opportunity to take part in important business.
- Your procedure for amending your constitution
  - How to go about instituting changes and proposed changes to the constitution etc.
- Your commitment to the promotion of Equal Opportunities
  - Your group should demonstrate your commitment to promoting the interests of all tenants in your area and taking account of their views. This can be done through meetings, newsletters, surveys, etc.
- Your commitment to the promotion of the housing and housing related interests of tenants.

## 2. BOARD

- Your group must have a Board, the members of which are elected at the AGM and members of the Board must be required to stand down after a period specified in your constitution.
  - Requirements must be stated in the constitution.
- Your Board must consist of at least 3 members
  - The Scottish Executive requires that there will be at least 3 members.
- Board members can co-opt other members on to the Board during the course of the year.
  - Members can be co-opted, if and when required.
- Your Board procedures set out in your constitution must require that the decisions of the Board are reached democratically.
  - This requirement aims to place accountability at the forefront of tenant groups. Democratic decisions have to be shown via the executive. For new groups, this will be assessed by looking at your constitution, details of the Board and how they are appointed, frequency of meetings, minutes, etc.
- Promotes Equal Opportunities
  - You should show that you are meeting your obligations with regard to promoting Equal Opportunities within the group.

## 3. AREA OF OPERATION

- Your group must operate within a defined area, and in which there is housing stock owned or managed by the Association with whom you are seeking to register.
  - This is to allow groups to recognise natural areas of operation. Where a number of small groups claim to cover the same area, they would be encouraged to join up as one group, for more effective working.

#### **4. MEMBERSHIP POLICY**

- Membership must be open to all Association tenants with a Scottish Secure Tenancy/Short Scottish Secure Tenancy and of a house situated within your defined area or operation.
  - Your group should demonstrate that membership is open to all eligible tenants within your area. Active involvement and participation will be encouraged.

#### **5. ACCOUNTING**

- You must maintain proper accounting records showing income and expenditure and a statement of assets and liabilities. Your constitution must require that an annual financial statement, - externally scrutinised by the Association or by a qualified accountant should be prepared for presentation at your AGM.
  - Where your group has funds, these must be properly reported and accounted for. If you have been awarded funding by the Association, external scrutiny may be carried out as a condition of that funding.

#### **6. CONSULTATION & REPRESENTATION**

- You must be able to demonstrate to the Association your commitment to representing the interest of your members and your ability to represent the views of your members who are tenants of the Association with whom you are seeking to register.
  - This requirement demonstrates the need for tenant groups to be accountable in what they do. A statement could be produced showing how tenants' views are sought and represented, e.g through newsletters, at public meetings, etc.

#### **7. FURTHER INFORMATION AND ASSISTANCE**

- The Housing Association will provide information and assistance to groups wishing to form RTO's and you should contact:

Lochalsh & Skye Housing Association  
Morrison House  
Bayfield  
PORTREE  
Isle of Skye  
IV51 9EW  
Tel: 01478 612035  
Fax: 01478 613377  
email: [info@LSHA.co.uk](mailto:info@LSHA.co.uk)

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**SAMPLE TENANT GROUP CONSTITUTION**

**1. Name**

The name of the Association shall be .....

**2. Objectives**

To improve the living conditions, community facilities and services for tenants and residents living in the area covered by the attached map and marked. The Association will at all times operate on an equal opportunities basis.

**3. Membership**

- a) Membership shall be open to all members of the community.
- b) All members shall have an equal vote.
- c) All members should actively seek to represent the various needs of the area and must not discriminate of the grounds of nationality, political opinion, race, religious opinion, gender, sexuality or disability.
- d) Members shall at all times conduct themselves in a reasonable manner when attending meetings or any other function in connection with the group.

**4. Committee**

- a) A Committee shall be elected at the Annual General Meeting of the Association and shall serve for 12 months.
- b) The Committee shall consist of at least three members, who shall have the power to co-opt other members on to the Committee, during the course of the year. All members will have voting rights.
- c) The Committee shall elect from within their number a Chairperson, Secretary and Treasurer. No committee member shall fill more than one position.
- d) The Committee shall make and carry out decisions in accordance with the objectives of the Association.
- e) Meetings of the Committee shall be open to any member of the Association who wishes to attend.
- f) There must be at least two-thirds of the Committee members present for decisions to be made at a Committee meeting.
- g) Non-voting members may be co-opted onto the Committee from landlords, staff, Councillors etc.
- h) Voting members may be co-opted amongst other tenants to fill casual vacancies throughout the year.
- i) Committee members can be voted off if: they have not attended number of meetings or have terminated their tenancy.

Committee members must declare any interest they may have in the topic under discussion and the Committee will decide if they need to forfeit their right to vote on this occasion.

## **5. Conduct Of Business Or Standing Orders**

- a) Members may speak only through the chair.
- b) Decisions will be made by a simple majority, voted in through a show of hands or a secret ballot.
- c) Meetings will end at a time agreed by the Committee.
- d) Any offensive behaviour, including racist, ageist, sexist or inflammatory remarks will not be permitted.
- e) Any member who consistently brings the group into disrepute or refuses to comply with the constitution shall be expelled on a two-thirds majority vote of the full Committee.
- f) Any such member will have the right to appeal within 28 days of the expulsion. The appeal shall be heard by the membership at a Special General Meeting called for that purpose.
- g) The secretary shall deal with all correspondence.
- h) Agendas will be distributed to the membership at least seven days before a meeting. Items should be forwarded to the Secretary and Chair 14 days before the meeting.
- i) Minutes will be distributed to the membership at least seven days after a meeting.

## **6. Finances**

- a) The Association may raise funds by obtaining grants from other bodies or by fundraising schemes.
- b) All funds shall be kept in a bank account, which shall be opened in the name of the Association.
- c) The Secretary, Treasurer and the Chairperson shall be the signatories on the account and all cheques shall require two of these signatures.
- d) Accounts shall be kept by the Treasurer and brought to every Committee meeting where they may be inspected. Failure to bring the books to a meeting on three consecutive occasions will mean the Treasurer will be asked to resign.
- e) All expenditure shall be agreed and controlled by the Committee.
- f) All payments over Fifteen pounds shall be made by cheque, not cash. Any exception to this rule shall be discussed and agreed by the Committee.
- g) No officer shall sign a blank cheque – all cheques to be filled in before signatures are added.
- h) Once a year, the accounts will be audited and presented to the Annual General Meeting of the Association. The Auditors will be either: – An Officer or Councillor, Committee member, Landlord or: – The Committee of another local community organisation.
- i) All correspondence of the organisation, including the bank statement, shall be addressed to the Secretary.

## **7. Public Meetings**

- a) Public meetings of the members shall be regularly held to discuss matters of importance and to keep the members fully informed of the Association's activities.
- b) Members shall be given 14 day's notice of a public meeting.
- c) All votes shall be decided by a simple majority of the members present. This applies to all meetings of the Association.
- d) Any member, having the written support of 10 other members, may request the Committee to call a special Public Meeting of the Association. The Committee shall call the meeting within 21 days of this written request.

## **8. Annual General Meeting**

- a) An Annual General Meeting shall be held every year to discuss the activities of the Residents' group, to receive the audited accounts and to elect the Committee.
- b) The Annual General Meeting shall be held at a suitable venue to accommodate as many members as possible.
- c) Quorum shall be \_\_\_\_\_ % of members.
- d) \_\_\_\_\_ day's notice needs to be given to members of the Annual General Meeting.

## **9. Changes To Constitution**

- a) This constitution shall only be changed at a Special Public Meeting of the Association, or at an Annual General Meeting.
- b) For decisions to be taken there must be a quorum of at least 10 people. The voting shall be by a simple majority of those present.
- c) All members shall be given 14 day's notice of the meeting and proposed changes.

## **10. Dissolution Of The Association**

- a) If the Committee or any member wishes to dissolve the Association, a special Public Meeting shall be called.
- b) If two-thirds of voting members present at the Special Public Meeting agree to dissolve the Association, any remaining funds shall be donated to a relevant charity, after returning unused grants to the Landlord.

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SCHEDULE OF REVISIONS		
DATE	REVISION No.	DETAILS
21.10.2019	2.1	ADDED: Cover page – new SHR Standards of Governance and Financial Management
21.10.2019	2.1	AMENDED 2.1 - DELETED “(Appendix 2) to Maureen Taylor, Housing Services Officer.
21.10.2019	2.1	ADDED: NEW Point 3 - <b>GENERAL DATA PROTECTION REGULATIONS</b>
21.10.2019	2.1	APPENDIX 1 – Point 7 - DELETED – Maureen Taylor, Housing Services Officer.
10.12.2020	2.1	AMENDED reference of Management Committee to the Board.
18.10.2024	2.2	AMENDED: Cover page – Service changed from Housing Services to Tenant Engagement and Support Manager
18.10.2024	2.2	ADDED: Scottish Social Housing Charter – Section 1. Equalities; REMOVED Outcomes
18.10.2024	2.2	ADDED: Scottish Housing Regulator – Relevant Standard numbers 1.3, 2.2, 2.4; REMOVED Outcomes
18.10.2024	2.2	AMENDED: Section 1 – updated with additional detail of when to ensure RoTO involvement in service reviews, consultations or changes.
18.10.2024	2.2	AMENDED: Section 2 – updated to latest requirements to register RoTO with LSHA, including reference to (newly added) constitution template and the Appeals process
18.10.2024	2.2	ADDED: Section 2 – reference to tenants' organisations needing to register with every landlord whose tenants they represent.
18.10.2024	2.2	ADDED: APPENDIX 2 – Sample Tenant Group Constitution