



## **SHA Registered Tenants Organisation Policy**

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## 1. INTRODUCTION

- 1.1 This Policy sets out Southside Housing Association's registration scheme, for tenant organisations seeking to become Registered Tenants Organisations (RTOs).
- 1.2 The Policy takes account of the requirements set out in the Housing (Scotland) Act 2001 and subsequent statutory guidance on the criteria for RTO registration.
- 1.3 The Housing (Scotland) Act 2001 provides that registered social landlords (RSL) develop a policy in relation to registered tenants' organisations and maintain a register of those organisations. This provides those registered tenants and residents groups with legal rights to participate and be consulted with on issues which will materially affect them.
- 1.4 Our Policy provides an overview of the process for registration. Full legal definitions are provided in The Housing (Scotland) Act 2001 (Registration of Tenant Organisations) Order 2002, Scottish Statutory Instrument 2002, No. 416.

## Registration Criteria for Registered Tenants Organisations

## 2. CONSTITUTION

- 2.1 A tenants organisation seeking registration with the Association must have a written constitution that is publicly available.
- 2.2 The constitution must set out:
  - The organisation's objectives and area of operation;
  - How people can become members of the organisation;
  - The way the committee will work;
  - Procedures for electing committee members and office bearers;
  - How the business of the organisation will be conducted;
  - How decisions will be reached democratically;
  - How funds will be managed;
  - Arrangements for public meetings and for an annual general meeting;
  - How changes can be made to the constitution;

- The organisation's commitment to promoting equality, diversity and inclusion;
- The organisation's commitment to promoting the housing and housing related interests of tenants.

2.3 The Association will only register organisations that are non-political and that are fully committed to observing and promoting equal opportunities in their work.

2.4 The constitution should be clear about the organisation's area of operation. It is helpful to include either a list of street names or a map of the area covered by the organisation.

2.5 The Association can signpost your group to an independent tenants organisation, if it would like some help with producing an appropriate constitution.

### **3 THE ORGANISATIONS' COMMITTEE**

3.1 The organisation applying for registration must have a committee that:

- Is elected at an annual general meeting, after the first year;
- Has arrangements for committee members to stand down after a period specified in the organisation's constitution;
- Has at least three members;
- Can co-opt others onto the committee during the course of the year;
- Has office-bearers who are elected;
- Can demonstrate that its decisions will be made in a democratic fashion; and
- Promotes equality, diversity and inclusion.

### **4 AREA OF OPERATION**

4.1 The organisation must operate within a defined area that includes housing stock owned and managed by Southside Housing Association.

4.2 Membership of the organisation and participation in its activities must be open to all tenants aged 16 or over within the organisation's defined area of operation.

## 5 ACCOUNTING

5.1 The organisation must have appropriate accounting records and present an audited annual financial statement to its annual general meeting. The annual financial statement may be audited by a qualified accountant or by the Association. A copy of the financial statement must be available to members of the organisation.

## 6 MEMBERSHIP POLICY

6.1 The organisation must demonstrate that:

- Membership will be open to all Southside Housing Association tenants within the organisation's proposed area of operation;
- It is committed to representing the interests of its members, and;
- It can represent the views of its members who are Southside Housing Association tenants, when consulted by the Association.

## 7 LARGER TENANT ORGANISATIONS AND TENANT FEDERATIONS

7.1 It is possible that a tenant's organisation could represent tenants of two or more different landlords. Organisations of this type are eligible to seek registration with the landlords concerned. However, when consulted by Southside Housing Association, it would be essential for an organisation of this type to demonstrate that the views it provides are representative only of the tenants of Southside Housing Association.

7.2 The same principles apply to tenants' federations that are registered by the Association. These have the right to be consulted by the Association but must be able to demonstrate that the views they provide are representative only of the Association's tenants.

## 8 MIXED GROUPS

8.1 The Association recognises that groups may comprise a mix of Southside Housing Association tenants and other residents. There is nothing to prevent a mixed group of tenants and residents applying to be registered provided that:

- It meets the necessary criteria, and;
- The organisation can arrange for the views of tenants only to be obtained if required (for example, through tenant-only surveys or tenant sub-committees).

## **9 APPLYING FOR REGISTRATION**

9.1 The following information is needed in support of an application for registration:

- The organisation's written constitution;
- The names and contact details of its committee members (this should say who the office bearers are), and;
- A description of the organisation's area of operation, if this is not included in the constitution.

9.2 If the organisation covers a wider area than Southside Housing Association's area, the application should also provide details of other landlords with whom the organisation has registered or is seeking to register.

## **10 REMOVAL FROM THE REGISTER**

10.1 A registered tenants organisation can be removed from the Register in any of the following circumstances:

- It no longer meets the registration criteria, or;
- It ceases to exist or does not operate, or;
- Removal from the Register is agreed between the Association and the tenant's organisation.

10.2 Removal from the Register should take place only after the Association has provided written notice of its decision.

## **11 APPEALS**

11.1 The Housing (Scotland) Act 2001 provides that a tenant's organisation can appeal against any decision by the Association to:

- not register the organisation, or;
- remove the organisation from the Register, or;
- not remove the organisation from the Register.

11.2 Any appeals made to the Association will be initiated without delay and shall be completed within twenty-eight days of the appeal being made or as otherwise agreed between the Association and the tenant's organisation.

11.3 A registered tenants organisation, or a tenant organisation applying to become a registered tenant organisation, should write to Southside Housing Association explaining the reasons for making an appeal of the Association's decision.

11.4 An appeal should be addressed to the Association's Chief Executive Officer who will consider the appeal and conduct any necessary investigations.

11.5 The law provides for a right of appeal to Scottish Ministers. Such an appeal should be submitted only after the Association's own appeals procedure has been exhausted.

## **12 FURTHER INFORMATION AND SUPPORT**

12.1 Further information about forming a registered tenants organisation is available from the Association's office.

12.2 The Association will assist tenants' groups that wish to become registered tenants' organisations. This assistance may take the form of:

- Providing practical support, help with letters, leaflets and meeting arrangements.
- Providing a start-up grant to enable committee members to enhance their skills and enable effective participation.
- Provide staff assistance in response to specific requests and on routine, constitutional and record keeping matters.

12.3 The Association will also work with any unregistered tenants' groups and support them in their work. Support to these groups may be in the form of staff time or services.

12.4 If the Association is providing financial support to a tenant's organisation, then it is expected that the organisation will have proper procedures in place (for example, a list of authorised signatories), to ensure that there is proper accountability for the control and use of funds.

## **13 DATA PROTECTION**

13.1 Southside Housing Association handles the personal data we use in line with our obligations under data protection legislation and the Association's Privacy Policy and Data Retention Schedule. Information about how we handle personal data and the legal basis for processing personal data is available through the Association's Fair Processing Notices.

## **14. EQUALITY AND HUMAN RIGHTS**

14.1 Southside Housing Association will provide equality of opportunity and fair treatment for all, ensuring that no individual or group is treated less favourably

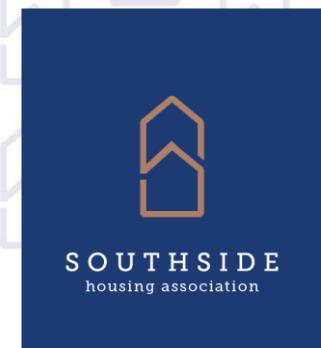
than anyone else. We work closely with community stakeholders, to provide assurance that we are achieving these aims.

14.2 The Association will meet, and where appropriate exceed our obligations under the Equality Act 2010, including the general equality duty in the Act, to ensure we do not discriminate against, harass or victimise a person because they have one or more of the nine protected characteristics described in the Act.

## **15 PUBLICISING REGISTERED TENANTS ORGANISATIONS**

15.1 The Association will maintain a register of any Registered Tenant Organisations that may become established in future.

15.2 We will display information about all tenants' organisations (registered and unregistered) in our office, and raise awareness of the work of these organisations through our newsletters, corporate publications, website and social media channels



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