



## **SHA Nomination and Election Procedures for Management Committee**

**Issued: June 2015**

**Revised: April 2025**

**Next Review Date: April 2028**

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## 1. INTRODUCTION

- 1.1 This procedure aims to sets out Southside Housing Association's (SHA) processes in relation to handling nominations from candidates who are interested in standing for election to become a member of the SHA Management Committee.
- 1.2 This procedure applies to both prospective new members of the Management Committee and to existing members who are seeking re-election in line with the SHA Rules.
- 1.3 This procedure is informed by and should also be considered in reference to the SHA Rules. The SHA Membership Policy is also relevant to this Procedure.

## 2. LEGAL, REGULATORY AND CONSTITUTIONAL REQUIREMENTS

2.1 The following legislation is relevant to this Procedure:

- **Co-operatives and Community Benefits Societies Act 2014** – With regard to Shareholding Membership and age threshold for Management Committee membership.
- **Charities and Trustee Investment (Scotland) Act 2005** – Particularly in relation to eligibility for Management Committee membership and disqualification criteria for becoming a Management Committee member.
- **Charities (Regulation and Administration) (Scotland) Act 2023** – Update Scottish Charity law and from Summer 2025 imposes further disqualification criteria for becoming a Management Committee member.

2.2 The Scottish Housing Regulators' (SHR) *Regulation of Social Housing in Scotland: Our Framework* (Regulatory Framework) document revised in February 2024 sets out a range of Standards, Requirements and outcomes which registered social landlords (RSLs) in Scotland. The Regulatory Framework also includes the Standards of Governance and Financial management which each Scottish RSL must comply with.

2.3 The following Standards are relevant to this Procedure:

**Regulatory Standard 6.1** - The RSL has a formal, rigorous and transparent process for the election, appointment and recruitment of governing body members. The RSL formally and actively plans to ensure orderly succession

to governing body places to maintain an appropriate and effective composition of governing body members and to ensure sustainability of the governing body, and;

**Regulatory Standard 6.2** - The governing body annually assesses the skills, knowledge, diversity and objectivity it needs to provide capable leadership, control and constructive challenge to achieve the RSL's purpose, deliver good tenant outcomes, and manage its affairs. It assesses the contribution of continuing governing body members, and what gaps there are that need to be filled, and;

2.4 The Regulatory Framework also sets out a range of Constitutional Requirements which RSLs must comply with. The Constitutional Requirements relevant to this Procedure are:

- **Constitutional Requirements for RSLs 14** - Recruitment to the governing body is open and transparent. It is clear who is eligible to become a member of the governing body and how to become a member of the governing body whether by election, nomination, selection, etc and how membership is ended. There is a procedure for removing members from the governing body, and;
- **Constitutional Requirements for RSLs 15** - There is a procedure by which members stand down from the governing body to allow for a turnover in membership. Governing body members are appointed for specific terms subject to re-election or re-appointment.

### 3. ELIGIBILITY CRITERIA FOR MEMBERSHIP OF THE MANAGEMENT COMMITTEE

3.1 The SHA Rules explicitly sets out a range of eligibility criteria which any prospective member of the Management Committee must meet in order to qualify for nomination to the Management Committee. The eligibility criteria are set out at Section 43.1 of the SHA Rules.

3.2 A person will not be eligible to become a Management Committee member, and cannot be elected or appointed if the following circumstances apply:

- He/she is an undischarged bankrupt, has been granted a trust deed which has not been discharged, or is in a current debt payment plan under the Debt Arrangement Scheme;
- He/she has been convicted of an offence involving dishonesty which is not spent by virtue of the Rehabilitation of Offenders Act 1974, or an offence under the Charities and Trustee Investment (Scotland) Act 2005;

- He/she is a party to any legal proceedings in any Court of Law by or against the Association;
- He/she is unable to attend the Committee meetings for a period of twelve months;
- He/she has been removed from the Committee of another registered social landlord within the previous five years;
- He/she has resigned from the Committee in the previous five years in circumstances where the resignation was submitted after the date of his/her receipt of notice of a special committee meeting convened to consider a resolution for his/her removal from the Committee in terms of Rule 44.5
- He/she has been removed from the Committee in terms of Rules 44.4 or 44.5 within the previous five years;
- He/she has been removed, disqualified or suspended from a position of management or control of a charity under the provisions of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 or the Charities and Trustee Investment (Scotland) Act 2005;
- He/she has been removed from the office of charity trustee or trustee for a charity by an order made by the Charity Commissioners for England and Wales or by Her Majesty's High Court of Justice in England on the grounds of any misconduct in the administration of the charity for which he/she were responsible or to which he/she were privy, or which his/her conduct contributed to or facilitated;
- a disqualification order or disqualification undertaking has been made against that person under the Company Directors Disqualification Act 1986 or the Company Directors Disqualification (Northern Ireland) Order 2002 (which relate to the power of a Court to prevent someone from being a director, liquidator or administrator of a company or a receiver or manager of company property or being involved in the promotion, formation or management of a company);
- His/her nomination for election to the Committee has been rejected in accordance with Rule 40.3 during the period between the return of the completed nomination form and the commencement of the relevant Annual General Meeting.

3.3 Rule 37.4 of the SHA Rules set out that a member of the Management Committee must be a shareholding member of the Association and aged 18 years or over, including where a prospective member is filling a casual vacancy arising when a member retires from the Management Committee between Annual General Meetings (AGM). An individual who is co-opted onto the Management Committee, or a member appointed to the Management Committee by the Scottish Housing Regulator however need not be a shareholding member of the Association.

3.4 Rule 37.4 of the SHA Rules also provides that an employee of the Association, or a close relative of an employee, may not be a member of the Management Committee. The SHA Group Policy on Entitlements, Payments and Benefits sets out in detail the definition of 'close relative' in this context.

3.5 A person should not apply for nomination or be nominated for election to the Management Committee if they are ineligible on account of any one or more of the criteria set out at Section 3.2 of this policy and Rule 37.4 and Rules 43.1 to 43.1.11 of the SHA Rules

#### **4. NOMINATIONS FROM PROSPECTIVE NEW GOVERNING BODY MEMBERS**

4.1 If an individual is not a current member of the SHA Management Committee, they may propose themselves to the Associations' shareholding membership for election to the Management Committee at the Associations' AGM.

4.2 A prospective candidate for election to the Management Committee in this way must be:

- A shareholding member of the Association;
- Aged 18 or over at the time of their election to the Management Committee, and;
- Qualified to be nominated for election by meeting the eligibility criteria set out at Section 3 of this Procedure.

4.3 Prospective candidates for election must be nominated by one other shareholding member of the Association.

4.4 Prospective Candidates must complete in full Part 1 and Part 3 of the Nomination Form at Appendix 1 of these Procedures, confirming their eligibility under Rules 37.4 and 43 of the SHA Rules and providing a Personal Statement in line with Rule 40.2 and in support of their nomination to become a member of the Management Committee .

4.5 In completing their Personal Statement at Part 3 of the Nomination Form, candidates should consider the Guidance for Candidates at Appendix 2 of these Procedures.

4.6 Prospective Candidates must also have their completed Nomination Form signed and dated by the shareholding member who has nominated them.

4.7 Completed Nomination Forms must then be returned to the Secretary of the Association at:

Southside Housing Association  
Southside House  
135 Fifty Pitches Road  
Glasgow  
G51 4EB

- 4.8 Completed Nomination Forms should be returned to and received by the Association by no later than twenty-one days prior to the date of AGM.
- 4.9 Nominations for election to the Management Committee may be rejected by way of a decision by not fewer than three quarters of the Management Committee members on one or more of the following grounds (Rule 40.3 of the SHA Rules):
- Where election to the Management Committee would be contrary to the Association’s Rules or policies, or;
  - Where a conflict of interest may exist which even allowing for the disclosure of such an interest may adversely affect the work of the Association, or;
  - Where there is clear evidence of relevant circumstances from which it is concluded that election to the Management Committee would not be in the best interests of the Association.
- 4.10 The rejection of a nomination for election to the Management Committee shall be notified to the shareholding member concerned in writing at any time prior to the date of the AGM.

## **5. ELECTION OF MANAGEMENT COMMITTEE MEMBERS**

- 5.1 Prior to the AGM at least one-third of Management Committee members, or the nearest whole number, must retire. Any member appointed as a co-optee member or to fill a casual vacancy and who retires in line with the requirements of SHA Rule 39.3 in relation to co-optee and casual members, shall not count towards the one-third provision.
- 5.2 The retiring Management Committee members should be those members who have served the longest tenure on the Management Committee since the date of their last election. If two or more Management Committee members have an equal length of tenure since their last election and cannot agree on who should retire, then lots will be drawn to decide which member retires.
- 5.3 If a member retires from the Management Committee, as part of the one-third provision before the date of the next AGM then the member can stand for re-election without being nominated.
- 5.4 At the AGM, if the number of Members standing for election is less than, or equal to the number of vacant positions on the Management Committee, the Secretary will declare them elected without a vote.
- 5.5 If there are more members standing for election than vacant positions on the Management Committee, those shareholding members present at the AGM, or exercising a proxy vote will elect Members to the Management Committee. Each shareholding member present at the AGM, or who has appointed a

representative by proxy, will have one vote for each position to be filled on the Management Committee. A shareholding member must not give more than one vote to any one candidate.

- 5.6 Any candidate who is successful in being elected to the Management Committee must sign the Code of Conduct for Governing Body Members before they may serve as a Management Committee member.

## **6. NOTICE OF NOMINATIONS AND THE ANNUAL GENERAL MEETING**

- 6.1 In accordance with Rule 21 of the SHA Rules an AGM must be held no later than six months following the end of the Associations' financial year. An indicative timeline which sets out the choreography of pre-AGM activities and dates is set out below at Table 1.
- 6.2 Intimation of notice of the Associations' intention to hold an AGM must be issued with a MINIMUM of twenty-eight days' notice to the Associations' shareholding membership.
- 6.3 An invitation to shareholding members who wish to be nominated for election to the Management Committee must also be issued to the shareholding membership at least twenty-eight days before the date of the next AGM.
- 6.4 Official notice of the AGM with the agenda and the business to be discussed, and ballot papers with a list of candidates for election must be issued to the shareholding members at least fourteen days before the date of the next AGM.
- 6.5 The SHA Rules do not allow for postal voting, shareholding members then must bring their completed ballot paper to the AGM or appoint a proxy representative to do so on their behalf.

### **Table 1: AGM Timeline Example**

**For an AGM with a nominal date of 23 September, where the election of Management Committee Members will take place:**

<b>Activity</b>	<b>Deadline</b>
Information Circulated informing Members that the General Meeting will take place	26 August (at the latest)
Invite nominations for Committee places	2 September (at the latest)
Nominations Due in	2 September
Notice of AGM issued	9 September
Ballot Paper Issued	9 September
AGM, including the election of Committee Members	23 September
Reserve Date for AGM in the event that AGM is not Quorate	30 September (the latest date an AGM can be held in accord with the SHA Rules and the SHA Financial year end)

## **7. DATA PROTECTION**

- 7.1 The Association collects personal data about Management Committee members or prospective Management Committee members for the purpose of monitoring the equalities profile of the Governing Body in line with Regulatory requirements and to ensure that we are treating everyone fairly and not discriminating against any person with a protected characteristic.
- 7.2 Personal data will be collected and processed in line with our obligations in terms of the UK Data Protection Regulation (UKGDPR), Data Protection Act 2018, the SHA Privacy Policy and our Fair Processing Notice. We will only collect and process sensitive personal data where we have the appropriate lawful bases for processing that type of data.
- 7.3 In monitoring equalities data wherever possible this data will be used in an anonymised aggregated way. Access to any individual’s sensitive personal data will be strictly controlled and stored in a secure way as set out in the SHA Fair Processing Notice. This also sets out how and why we may share data and who we may share it with.
- 7.4 The SHA Data Retention Schedule sets out how long we will retain Management Committee member and candidates for nomination personal data.

## **8. EQUALITY AND HUMAN RIGHTS**

8.1 This policy reflects the Association’s commitment to meeting our Equality obligations in advancing equality, promoting good relations and eliminating discrimination in the way we provide our services.

8.2 It also aims to reflect our commitment to considering the Equality and Human Rights impacts of what we do as a registered social landlord, including how we communicate and provide access to information to tenants and other service users.

## **9. REVIEW OF PROCEDURES**

9.1 We will review the SHA Nomination and Election Procedures for Management Committee at least every three years, or sooner in the event of any legislative developments, or changes to the SHA Rules which present a material impact on these procedures

**APPENDIX 1.**



**NOMINATION FOR ELECTION TO THE MANAGEMENT COMMITTEE**

**PART 1: TO BE COMPLETED BY THE PERSON SEEKING ELECTION**

**Your name**

**Address**

**Southside Housing Association membership number**

**Telephone number or email address (in case we need to contact you)**

**Have you enclosed a Personal Statement in support of your nomination?**  Yes  No  
Please fill in the box at Part 3, or use a separate sheet

**Please tick each of these boxes to certify you agree with each statement**

- I agree to be nominated for election to the Management Committee
- I agree to abide by the Association’s Nomination Procedures, which include the enclosed “Guidance for Candidates”
- I am eligible to be elected under Rules 37.4 and 43 (see attached “Guidance for Candidates” for details)
- The information I have given in this form is truthful and correct and I understand that my nomination will be invalid if I have given false information.

**Signature**

**Date**

**PART 2: TO BE COMPLETED BY THE PERSON MAKING THE NOMINATION**

I hereby nominate the person named above for election as a member of the Management Committee.

**Name**

**Address**

**Southside Housing Association membership number**

**Telephone number or email address**

**Signature**

**Date**

### **PART 3: PERSONAL STATEMENT**

Please say **why you are standing and why you believe you would be able to make a contribution as a member of the Management Committee.** This information will be given to the Members attending the AGM, if there is a contest for places on the Management Committee.

Your Personal Statement **should not exceed 200 words** and you should read the enclosed “Guidance for Candidates” for more information.

#### **Personal Statement**

You can either write out your statement in the box below, or else use a separate sheet to do this (remember to include this when sending back your nomination form)



## Appendix 2

### Elections to the Management Committee of Southside Housing Association Guidance for Candidates

#### Personal Statements

We aim to attract people with different skills and experience to the Management Committee. This includes tenants and other customers, people with an interest in our local communities and people with expertise from voluntary work or paid employment.

Please provide a Personal Statement (**not more than 200 words**) as part of your nomination papers. This allows you to **introduce yourself** to the Association's Members and to say **why you are standing** and **how you would be able to contribute** to the work of the Management Committee.

The content is for you to decide but you should work within the following guidelines:

- The Association will not permit any content that is threatening, abusive or offensive. If your Personal Statement includes any such content, we will ask you to remove it and to provide a new statement if time allows.
- If your Statement is longer than 200 words, we may terminate it after the 200<sup>th</sup> word to ensure fairness and equality of opportunity for everyone who is seeking election.

The Association will type all Personal Statements in a standard format and provide copies to shareholding members attending the AGM. We will inform the shareholding members attending if we have not received a Personal Statement from any of the candidates nominated for election.

#### Campaigning Activity

The Association wishes to make sure that:

- All candidates have exactly the same opportunity to state their case, through their Personal Statements;
- Members and tenants do not suffer any nuisance, even if this is not intentional.

Following the deadline for nominations, organised campaigning by candidates or their supporters is prohibited. This includes (but is not restricted to) the following activities:

- Door-to-door and/or telephone canvassing of people entitled to vote
- Calling public meetings
- Soliciting proxy votes from other Southside HA Members
- The issuing of leaflets or any other printed material
- The use of e-mails, social media or the internet for campaigning purposes
- The use of posters or any other method of advertising
- Articles or interviews in the press or other media.

There are common sense exceptions to these rules about what counts as “organised campaigning”. For example, you may mention to relatives, neighbours, friends or acquaintances that you are standing for election, and ask for their support. If you are in any doubt about what is permitted, you should seek direction from the Association’s Secretary.

The Secretary will investigate any allegations that this Guidance has been breached.

If the Secretary has reasonable grounds for concluding that this has happened, he/she will report this to the AGM and may seek the Members’ agreement that a nominated candidate should be disqualified from being elected because they have not complied with the Nomination Procedures. Any such motion by the Secretary shall be carried if a majority of the members voting at the AGM agree to this.

If it is alleged after the AGM that a candidate who has been elected has breached the Nomination Procedures, the Secretary will conduct an investigation.

The Management Committee will then decide what action, if any, should be taken. This may include a vote by the Management Committee to remove the member concerned from the Management Committee.



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