

REGISTRATION OF TENANT ORGANISATIONS

Tenant **Participation**



Tenant & Landlord Working Together

1. Our Commitment to Tenant Participation

Castlehill Housing Association is committed to providing effective, clear and responsive consultation and information processes through which to improve housing conditions and management services.

The 2001 Housing (Scotland) Act introduced specific responsibilities on landlords to develop meaningful tenant participation and consultation processes. In particular, the Act defines three duties, which the Association require to comply with –

- Duty to notify tenants and registered tenants organisations (RTOs) of proposals relating to housing management and services and a duty to have regard to representations made by individual tenants or tenants groups.
- Duty to maintain a Register of tenants groups.
- Duty to prepare strategies for tenant participation, which includes an assessment of resources to put the strategy into action.

Following consultation with tenants, Castlehill set out the Tenant Participation Strategy, which is available from our office.

2. Registered Tenant Organisations – Criteria for Registration

Castlehill would like to encourage its tenants to form Registered Tenants Organisations (RTOs). The Housing (Scotland) Act 2001 (Registration of Tenant Organisations) Order 2002 has particular criteria that tenants must comply with to become a RTO. We have taken the following information from guidance from the Scottish Government regarding this issue, but if you wish to view the exact wording of the Order you can access the HMSO website - <http://www.scotland-legislation.hmso.gov.uk>

2.1 Submission of Application Material

The organisation must submit the application material to Castlehill. It should include the following:

- the written constitution;
- names and contacted details of committee members (identifying office bearers);
- a description of the area of operation.

2.1 Expanded upon, attached.

2.1.1 Constitution

The applicant must have publicly available written constitution that sets out:

- Its objectives and area of operation;
- How people can become members of the organisation;
- The way the committee will operate;
- How people can become committee members/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;
- How changes can be made to the constitution;
- Its commitment to promotion of equal opportunities;
- Its commitment to the promotion of the housing and housing related interests of tenants.

2.1.2 Committee

The applicant(s) must have a committee. Members will be elected, after the first year, at an AGM (Annual General Meeting).

The committee will have at least three members, who can co-opt others onto the committee during the course of the year and it must have elected office bearers.

The committee should also demonstrate that decisions are reached democratically and that they promote equal opportunities.

2.1.3 Area of Operation

The applicant must operate within:

- A defined area which includes housing stock owned and managed by Castlehill
- Membership of the organisation and participation in its activities must be open to all eligible tenants within its defined area of operation

2.1.4 Accounting Records

The applicant must have appropriate accounting records and present an audited financial statement each year at the AGM. Where an organisation only receives limited funds, a formal financial audit may not be appropriate, as it might not warrant the costs involved. In this case, Castlehill will carry out the audit.

2.1.5 Members Consultation and Representation

The applicant must demonstrate that it is committed to representing the interests of its members. We appreciate that the applicant body may be a mix of Castlehill tenants and tenants of other organisations and the applicant must be able to show that, when consulted by Castlehill, it can represent the views of all its members who are Castlehill tenants in its defined area of operation. This could be, for example, a statement of how the applicant would achieve this.

3. Procedure for Registration of Tenant Organisations

While Castlehill Housing Association acknowledges individual views and comments, we would like to encourage tenants to be active as RTOs in the participation process. We view the participation process as an integral part of management and service delivery and will support tenants who wish to set up RTOs in their areas.

When a tenant expresses an interest in setting up a RTO, an information pack will be sent to them. This pack will include the following –

- Getting started; criteria for registration of tenant organisations (above);
- Information on constitutions, Committee and Office Bearers (above);
- Details of support that Castlehill will offer.

On receipt of an application from a tenant wishing to become a RTO, the following procedure will be followed –

Internal Procedure for Registration of Tenant Organisations

- Application received – acknowledge receipt of, within 5 days and advise applicant when application will be heard by the Housing Management Committee.
- Application presented to next available Housing Management Committee (held every 3 months)
- Application outcome - must advise applicant group within 5 working days of the decision being made.
- Registered Tenant Organisation entered into the Registered Tenant Organisations Register.

4. Removal from the Register

A Registered Tenant Organisation can be removed from the Register in any of the following circumstances –

- The tenants organisation no longer meets the registration criteria; or
- The tenants organisation ceases to exist or does not operate; or
- There is a mutual agreement between the landlord and tenants organisation.

If Castlehill Housing Association believe the organisation no longer meets the registration criteria or that the organisation no longer operates, we will investigate our concerns, prepare and present a report to the Housing Management Committee who will make a decision as to whether or not the organisation is removed from the Register.

Removal from the register will only take place after a period of 28 days notice by either party.

5. Appeals

A tenant organisation may appeal against a landlord's decision to:

- Not register the organisation; or
- Remove the organisation from the Register; or
- Not remove the organisation from the Register.

Appeals will be initially dealt with through a RTO Appeals Procedure, as follows -

Internal Appeals Procedure – Registered Tenant Organisations

- Appeal received - acknowledge within 5 working days and advise when appeal will be heard at Management Committee meeting.
- Appeal presented to next available Management Committee (held every two months).
- Appealing Applicant to be advised of outcome within 5 working days, following the Management Committee meeting.
- The entire process should take no longer than **3 months** of the initial appeal being made.

If the tenant group is not satisfied with the decision made through Castlehill's Management Committee they can further appeal to the Scottish Housing regulator.

<p>* Promotes equal opportunities:</p> <ul style="list-style-type: none"> - If it follows its aims and objectives, the organisation will be fulfilling this criterion. 	<input type="checkbox"/>
<p>3 Area of Operation</p> <p>* The applicant must operate within a defined area, and in which there is housing stock owned or managed by Castlehill Housing Association with whom it seeks to register.</p> <ul style="list-style-type: none"> - 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 as one group, for more effective working. 	<input type="checkbox"/>
<p>4 Accounting</p> <p>* The applicant must maintain proper accounting records showing income and expenditure and a statement of assets and liabilities. Its constitution must require that an annual financial statement, - externally scrutinised by the landlord or by a qualified accountant should be prepared for presentation at its annual general meeting.</p> <ul style="list-style-type: none"> - Where a group has funds, these should be properly reported and accounted for. If it has been awarded funding from Castlehill. External scrutiny may be carried out as a condition of that funding. 	<input type="checkbox"/>
<p>5 Consultation and Presentation</p> <p>* The applicant must be able to demonstrate to the landlord its commitment to representing the interests of its members and its ability to represent the views of its members who are tenants of the landlord with whom it is seeking to register.</p> <ul style="list-style-type: none"> - This requirement demonstrates the need for tenant groups to be accountable in what they do. A statement could be produced showing how tenant views may be sought and represented, e.g. through newsletters, at public meetings, etc. 	<input type="checkbox"/>