

A meeting of the Management Committee will take place on **Thursday 28 May 2020 at 7.00pm held virtually using Teams**

Please advise staff if you are unable to attend.

Joyce Bolan
Secretary

B U S I N E S S

1.0 GENERAL

- 1.1 Apologies
- 1.2 Declaration of Interest by Management Committee Members
- 1.3 Minutes of 28 May 2020 (paper to follow) – **for approval**
- 1.4 Matters Arising

2.0 GOVERNANCE

- 2.1 Secretary's Report – **for homologation**
- 2.2 Key Performance Indicators 2019/20 – for information
- 2.3 Management Committee Training Needs Assessment – **for approval**
- 2.4 Model Rules Review – **for approval**
- 2.5 Amendments to the Scottish Housing Quality Standard (SHQS) – for information

3.0 PRIORITY ITEMS

- 3.1 Annual Return on the Charter – **for approval**

4.0 POLICIES

- 4.1 Requirements of Writing Policy Review – **for approval**
- 4.2 Management Committee and R3 Board Expenses Policy Review – **for approval**
- 4.3 Asset Management Strategy – **for approval**
- 4.4 Working Away from the Office Policy – **for approval**

5.0 BUSINESS MANAGEMENT

- 5.1 Tenant Participation Annual Report – for information

6.0 ANY OTHER BUSINESS

DATE OF NEXT MANAGEMENT COMMITTEE MEETING

Thursday 20 August 2020 at ELHA Head Office, Haddington, at 7.00pm

Secretary's Report – for homologation

1.0 Membership:

No new applications for membership have been received

2.0 Use of Seal for Homologation:

Exclusive occupancy agreement between East Lothian Housing Association and [REDACTED]

Letter of Variation of Loan Facility between East Lothian Housing Association [REDACTED]

Recommendation

The Management Committee is asked to Homologate the use of the Seal.

Key Performance Indicators 2019/20

Report by Martin Pollhammer, Chief Executive – for Information

1.0 Introduction

The Association's Key Performance Indicators (KPI's) for the fourth quarter of 2019/20 are attached as **Appendix 1** to this report.

2.0 ELHA Performance

The Association has missed the following targets:

2.1 Unit Reactive Maintenance Costs

Note: As this section of the report contains some commercially sensitive information, it will be redacted when the reports are published on **elha.com**.

Unit Reactive Maintenance Costs are £906, compared to a target of £667. Included in reactive costs is an adjustment of £110k to bring R3's gross profitability on ELHA jobs for the period up to 42%.

Expenditure on voids is £61k over budget for the year due to both a higher number of voids than anticipated in the year and the repair costs for some of the voids being high due to the condition the properties were left in.

However, expenditure within the Cyclical and Maintenance budget for the year of £79k on Cyclical and £26k on External Maintenance, a total of £105k, was not committed during the final quarter of the financial year in order to offset this additional expenditure on Response and Void Repairs. Excluding the profitability adjustment and the exceptional void spend, Reactive / Void Maintenance costs are £778, or £111 per unit more than target. This compares with out-turns in 2017/18 of £742 and £793 in 2018/19. The budget for 2020/21 is £711, including the contingency made for the possibility of higher than budgeted void expenditure.

The effect of the profitability adjustment will be kept under review in 2020/21. It is important to note that the significant planned reduction in Planned Maintenance with R3 in 2019/20 was achieved (a reduction of around £330k), which included R3 reducing its workforce through the year (but without the need for any redundancies). With a balanced workforce in relation to expected income levels going forwards, and the new Viewpoint contract in particular, this should help R3 spread overheads more effectively and therefore achieve a higher level of profitability on all contracts, including ELHA. If this is achieved, the profitability adjustments should reduce, and can also work in ELHA's favour.

2.2 Gold and Platinum Key Tenants

Figures have continued to increase every month during the year but remain under target at year end. During this quarter emphasis has been firmly placed on getting tenants to sign up to their My Home account and go paper-free. Given that these targets have almost been achieved, emphasis will now be placed on encouraging tenants to sign up to the Key Tenant Scheme. Procedures will also be developed to ensure that staff are proactive in the early identification of those tenants who could potentially lose discounts, ensuring that appropriate support is given to keep them on the Scheme.

2.3 Percentage of tenants using their My Home Account

The actual figure was 0.52% below the target for the year end (one more tenant would have seen this figure rounded up to meet the target!), however it is expected that figures will increase gradually over the coming months and the target exceeded.

Key Performance Indicators 2019/20

Appendix 1

Performance Indicator	Quarterly Target	Q1	Q2	Q3	Q4	2019/20 Target	2018/19 Actual	Year to Date	Status
Rental Income									
Non-technical arrears as % of rental income	3.4%	3.01%	2.98%	2.39%	2.77%	3.4%	3.28%	2.77%	😊
Bad debts written off as % rental income	1.75%	0.92%	0.92%	-1.44%	0.80%	1.75%	-0.26%	0.30%	😊
Voids as % of rental income	0.75%	0.36%	0.29%	0.37%	0.53%	0.75%	0.41%	0.38%	😊
Finance									
Interest cover (loan covenants)	110%	264%	297%	232%	170%	110%	251%	243%	😊
Gearing (loan covenants FRS102 definition)	<37%	25%	25%	25%	25%	<37%	26%	25%	😊
Current assets as a % of current liabilities	100%	128%	130%	156%	119%	100%	124%	119%	😊
Unit management costs	£1,663	£1,526	£1,492	£1,619	£1,654	£1,663	£1,545	£1,573	😊
Unit reactive maintenance costs	£667	£559	£769	£1,148	£1,150	£667	£793	£906	😞
Asset Management									
Stock condition inspections completed	cumulative	20%	0%	0%	0%	20%	20%	20%	😊
Gas services completed within timescale	cumulative	100%	100%	100%	100%	100%	100%	100%	😊
Planned maintenance contracts with >5% overspend	0	0	0	0	0	0	0	0	😊
Average time taken to complete emergency repairs	< 2 hours	1.29	1.05	1.16	1.34	< 2 hours	1.01	1.21	😊
Average time taken to complete non-emergency repairs	< 6 days	5.64	4.6	5.41	6.14	< 6 days	6.42	5.38	😊
Repairs completed right first time	85%	95%	97%	93%	97%	85%	95%	96%	😊
Repair appointments kept	93%	96%	99%	95%	96%	93%	95%	97%	😊
Housing Management									
Properties allocated after 3 or more refusals	0	0	1	1	0	0	0	2	😊
Number of evictions carried out	no target	0	1	2	0	no target	5	3	😊
Number of ASBO's in force against tenants	no target	1	2	2	2	no target	1	2	😊
Gold Key Tenants	35.0%	10.6%	10.6%	11.1%	12.4%	35%	10.5%	12.4%	😞
Platinum Key Tenants	25.0%	13.3%	14.0%	15.7%	16.4%	25%	11.3%	16.4%	😞
Corporate									
Number of accidents reportable to HSE	0	0	0			0	1	0	😊
% working days lost through long term sick leave	5%	0.4%	1.15%	0.85%	2.59%	5%	2.29%	1.26%	😊
% working days lost through short term sick leave	2%	1.05%	0.92%	0.91%	2.35%	2%	1.60%	1.31%	😊
Management Committee Attendance	75%	91%	62%	75%		75%	71%	76%	😊
Audit & Assurance Committee Attendance	75%	92%	54%	83%		75%	81%	76%	😊
% of Tenants using their My Home Account	75%	66%	69%	74%	74%	75%	65%	74%	😊
% of Tenants Paper Free	60%	47%	49%	54%	70%	60%	45%	70%	😊

😊 Performance Excellent 😞 Performance Satisfactory 😞 Performance Poor

Training Needs Analysis

Report by Peter Ewart, Chair – for approval

1.0 Introduction

Training Needs Assessment (TNA) forms have been issued, with all returned.

Comprehensive information has been gathered for the returned TNA's, which assess the Management Committee's overall competence in the various categories rather than simply individual training requirements.

2.0 Management Committee Training Plan 2020/21

The Training Plan for 2020/21 has been based on the outcomes of the TNA's received.

Clearly no-one is expected to be fully competent within every area, but if the Management Committee as a whole has the required skills set, then this is sufficient. This does not preclude individuals from receiving tailored training to improve their skills, but the focus for the training programme is based on areas where the overall skill level within the Management Committee is lower.

Section 9 of the TNA form is scored based on understanding. Therefore, the higher the score (both individually and collectively), the higher the skills and knowledge level.

Description	Score
Have a full understanding	3
Have some understanding	2
Have little understanding (training required)	1

Appendix 1 sets out the responses made by individual Members.

The average subject skill level based on 11 responses across the various different subject areas is 2.9. This is an increase from 2.6 in the previous year. This gives an average individual skill level across all subjects of 2.7 which is slightly higher from the previous year (which was 2.5). Therefore, the Management Committee's general competence across all areas is just below level 3 (a full understanding of the subject).

There was only one Management Committee member reported a skill level of 1 in any areas. This demonstrates, in general terms, the Management Committee's overall competence.

Any individual with training needs will have this met by an individual training plan which will be discussed during the individual annual reviews with the Chair.

This year’s results show that there was only one subject with the lowest subject level skill, which was the Legal Liabilities of the Association.

The Training plan for 2019/20 had training requirements for two subjects; Employment and Human Resources, and Knowledge of Care & Support Organisations. Unfortunately, neither of these took place with the latter unable to take place due to the current Coronavirus situation. However, the Knowledge of Care & Support Organisations had the second lowest score in this year’s review. It is therefore proposed that this along with the Legal Liabilities of the Association form the basis for the training plan for this year.

The table below sets out the training requirements for the year, including the proposed delivery method and trainer / training agency.

It was identified in the TNA’s that Management Committee members were split over their preferred time of training with slightly over half preferring training prior to the start of a Management Committee meeting and the others preferring other weekday evenings. A discussion is therefore required over the agreed timings for training sessions (however one or both could be included as part of the Management Committee Away Day programme). Other training needs identified can be met on a one-to-one basis, or by attendance at suitable conferences / training events (although see Section 3 below).

Training Requirement	Delivery Method	Trainer	Provisional Date
Legal Liabilities of the Association	External Trainer	TBC	February 2021
Knowledge of Care & Support Organisations	Internal Trainer	Angela Brunton, Care & Repair	March 2021

Under additional comment, there are further comments that the Management Committee might want to consider before agreeing Training Plan.

3.0 Conference Attendance

Due to the current Coronavirus situation, there are no conference dates currently identified for the coming year. However, in previous years, attendance at conferences had been relatively low, which meant that the budget had been able to accommodate all requests. It is anticipated that this year conference attendance will also be low and any requests should be easily accommodated within the £5,000 training budget.

Once future conference dates (whether by attendance or online) are available, the Management Committee will be informed.

Recommendation

The Management Committee is asked to approve the Management Committee Training Plan for 2020/21

Model Rules Review

Report by Martin Pollhammer, Chief Executive – for approval

1.0 Introduction

The Scottish Federation of Housing Associations has published updated Model Rules. The Scottish Housing Regulator requires RSLs to notify them if they do not intend to update their current Rules to use the Model Rules in 2020 (this could become an issue if the current pandemic prevents AGMs from being held). However, the Association intends to work through the process to adopt the new Rules in the hope that the AGM scheduled for 24 September 2020 can go ahead as planned.

Advice has been sought from the Association's solicitors, Anderson Strathern, in preparing this report. Legal advice will continue to be taken until the process is complete and the new Rules in place.

2.0 Process to be Followed

First of all, the Management Committee needs to approve the revised Rules. These can then be put to the Membership at the AGM. Following this, the Rules must be Registered with the FCA and OSCAR notified, and finally the SHR notified of their formal adoption.

This paper sets out an initial review of the Rules and explains the changes to the existing Rules. In addition, there are some Optional Rules. The Management Committee needs to clarify which (if any) of the Optional Rules it wishes to include within ELHA's revised Rules. Any adjustments will then be made, and a final set of Rules presented to the next Management Committee meeting on 20 August 2020.

3.0 Changes to the Model Rules

A Schedule has been prepared by Anderson Strathern to set out the changes between the current Rules and revised Rules and is attached as **Appendix 1** to this report (key changes are highlighted in red text, optional amendments are highlighted with a yellow background). This document also sets out at the end existing clauses that ELHA has adopted over and above the Model Rules, which will be retained in the revised Rules (these primarily relate to the Group Structure).

A clean set of the revised Rules based on this Schedule is attached as **Appendix 2** to this report. Copies of the existing Rules and of the existing Rules with proposed changes marked up can be provided on request and are available in the Management Committee area of elha.com alongside the papers for this meeting. The Management Committee is asked to approve this clean set of revised Rules in principle, so that the Optional Rules can be considered in their own right.

3.1 Optional Rules

As noted in **Appendix 1**, there are Optional Rules that can be inserted if required.

3.1.1 Appointed Committee Members

This allows a change to the Rules to allow the Management Committee to appoint up to five Members of the Management Committee directly (although a majority of Members must still be appointed through a normal election process). If this is required, the amendments shown in **Appendix 3** would need to be made to the Rules.

3.1.2 Provision for Payment of Management Committee Members

The current Rules include this provision (at 38.4). The new Model Rules remove this provision, but this can be re-inserted if desired. This does not commit the Association to paying Management Committee Members or Office Bearers, it simply permits it if inserted. If it is not included, then such payment could not occur without a further revision of the Rules. The insertion which would be required is included within **Appendix 4**.

3.1.3 Other

In addition to the change required to pay Management Committee members or Office Bearers, **Appendix 4** also sets out the amendments needed if any of the following optional insertions are required:

- To allow staff members to be a part of your governing body as Executive Management Committee members
- To prohibit related Management Committee members

4.0 Summary

The Management Committee is asked to approve the Rules as set out at **Appendix 2**. In addition, if the Management Committee wishes to adopt any of the optional provisions, a further report will be presented to the next Management Committee to incorporate these changes, and to approve a final set of revised Rules, in August 2020.

In the event that no additions are required to the Rules as set out at **Appendix 2**, the Management Committee may approve the Extract Minute attached at **Appendix 5** in order to approve those Rules, and no further report will be made to the Management Committee in August 2020.

Once the Rules have been approved, they will be presented to the Membership at the AGM in September 2020, before formal adoption later in the year.

Recommendation

The Management Committee is asked to approve the revised Rules as attached at **Appendix 2** to the report, and then confirm:

- (a) Whether or not the option to pay Management Committee members is retained in the revised Rules;
- (b) Confirm whether the option to allow staff members to become Executive Management Committee members is required; and
- (c) Confirm whether the optional Rule to prohibit related Management Committee members is required.

If no Optional Rules are required, the Management Committee is asked to approve the Extract Minute at **Appendix 5** to record this decision.

EAST LoTHIAN HOUSING ASSOCIATION (“ELHA”)

PROPOSED ADOPTION OF NEW ELHA RULES

TO BE BASED ON

SFHA CHARITABLE MODEL RULES (SCOTLAND) 2020 (“MODEL RULES”)

This Schedule sets out (a) amendments required to the existing ELHA rules to adopt the Model Rules and (ii) optional amendments to the Model Rules which have been approved by the Scottish Housing Regulator to consider adopting (iii) purpose of and/or benefits and risks (if any) attached to the proposed amendments and (iv) existing provisions to consider retaining in ELHA Rules which are not included in the Model Rules.

The amendments will be considered by the ELHA management committee at the management committee meeting to be held on 28 May 2020. The new rules of ELHA will incorporate the amendments approved by the management committee at such meeting.

Defined terms in “Existing Rule” column are as defined in the existing ELHA rules (available in the Management Committee area of elha.com or a printed copy on request). Defined terms in the “New Rule” column are as defined in the Model Rules (attached at Appendix 2).

Objects			
Rule No.	Existing Rule	New Rule	Purpose of and/or benefits and risks (if any) attached to the proposed amendments
4.1	The Association shall not trade for profit.	The Association shall not trade for profit and any profits shall only be applied for the purpose of furthering the Association’s objects and/or in accordance with these Rules.	Clarifies where any profits should be applied.
4.2	No Rule	Nothing shall be paid or transferred by way of profit to Members.	Required under charities legislation.
Share Capital			

Transferring Shares			
Rule No.	Existing Rule	New Rule	Purpose of and/or benefits and risks (if any) attached to the proposed amendments
15	No Rule	You shall not be entitled to any property of the Association in your capacity as Member and your share is not withdrawable or transferable save in the circumstances set out in Rules 16 and 17.	Clarifies that share may only be transferred in the specific circumstances set out in Rules 16 and 17.
General Meetings			
Procedure at general meetings			
Rule no.	Existing Rule	New Rule	Purpose of and/or benefits and risks (if any) attached to the proposed amendments
26.1	The Chairperson of the Management Committee will be Chairperson at all our meetings. If there is no Chairperson or he/she is not present or willing to act, the Vice Chair will be Chairperson of the meeting. If there is no Vice Chair or s/he is not present or willing to act, the Members present must elect a Member of the Management Committee to be Chairperson of the meeting. If no Management Committee Members are present, the Members present must elect a Member to be Chairperson of the meeting.	<i>Optional: Removal of the wording: or he/she is not present or willing to act, the Vice Chair will be Chairperson of the meeting. If there is no Vice Chair...</i>	The new rule provides that the Chairperson of the Management Committee will be the chairperson at all general meetings of ELHA (as is the position under the existing rules). However, under the new Rule if the chairperson is not present or willing to act at a general meeting, the Vice Chair will no longer be the default chairperson. The members will elect a member of the Management Committee to be chairperson. To be agreed whether ELHA wish to retain

			<p>position of Vice Chair and if Vice Chair should be default chairperson if chairperson of the Management Committee is not present or willing to act at a General Meeting.</p> <p>It is noted that this was flagged at the previous review and was not agreed to. Please confirm whether ELHA still has a Vice Chair.</p>
Proxies/Representatives/Postal Votes			
Rule No.	Existing Rule	New Rule	Purpose of and/or benefits and risks (if any) attached to the proposed amendments
27.1	To appoint a representative to vote on your behalf by proxy, you must let the Association have a properly completed document in the form shown in Appendix 1. Your representative does not need to be a Member. The document must reach the Association at least five days before the meeting at which you want to be represented.	To appoint a representative to vote on your behalf by proxy, you must let the Association have a properly completed document in the form shown in Appendix 1. Your representative does not need to be a Member. The document must reach the Association at least five days before the meeting at which you want to be represented. The Chairperson shall not be entitled to act as a representative for any other Member.	The use of proxy votes can be controversial, particularly where a large number of proxies are collected by one person. The original intention behind the use of proxies was to provide a mechanism where a person could take one or two proxy votes for Members who were ill or were not able to attend for some other reason.
The Committee of Management			
Composition of the Committee			
Rule No.	Existing Rule	New Rule	Purpose of and/or benefits and risks (if any) attached to the proposed

			amendments
37.6	From 1 April 2015, the Committee shall assess annually the skills, knowledge, diversity and objectivity that it needs for its decision making and what is contributed by the Committee Members by way of annual performance reviews. The Committee must satisfy itself that any Committee Member seeking re-election to the Committee after service as a Committee Member for a continuous period in excess of 9 years can demonstrate his/her continued effectiveness as a Committee Member.	The Committee shall assess annually the skills, knowledge, diversity and objectivity that it needs for its decision making and what is contributed by the Committee Members by way of annual performance reviews. The Committee must be assured that any Committee Member who has continuous service on the Committee of nine years or more and who is seeking re-election is able to demonstrate his/her continued effectiveness as a Committee Member before he/she may stand for re-election.	All Committee Members shall be subject to an annual performance review and the Committee must satisfy itself that any Committee Member seeking re-election after 9 years continuous service on the Committee must demonstrate his/her continued effectiveness as a Committee Member. SFHA will provide further guidance in this connection as part of its Governance Handbook.
37.8	No Rule	The Committee can require that a Committee Member who is being investigated for a potential breach of the Association’s Code of Conduct for Committee Members take leave of absence and not attend any meeting in his or her capacity as Committee Member until the Committee has completed its consideration of the potential breach. When on such leave of absence, the Committee Member will not be entitled to receive minutes and/or documents in his or her capacity as a Committee Member relating to the business of the Association.	This provision would not restrict the right of a committee member on such a leave of absence to access documents under Data Protection or Freedom of Information legislation. As such, a Committee Member should continue to receive documents in his/her capacity as a tenant if appropriate. It is at the option of the Committee, if considered appropriate, to continue to provide minutes and documents to a Committee Member on leave of absence in these circumstances.

Composition of the management committee (optional amendments)			
The Scottish Housing Regulator has approved optional amendments to the Model Rules which would allow ELHA to directly appoint governing body members in addition to those who are elected. A majority of Committee Members will still need to be elected – SEE APPENDIX 3 FOR DRAFT TEXT OF AMENDMENTS			
The Scottish Housing Regulator has approved optional amendments to the Model Rules which would: (1) allow staff members to be part of the ELHA governing body; (2) to prohibit related Governing body members; or (3) to allow payment to Committee Members – SEE APPENDIX 4 FOR DRAFT TEXT OF AMENDMENTS.			
Interests			
Rule No.	Existing Rule	New Rule	Purpose of and/or benefits and risks (if any) attached to the proposed amendments
38.4	If the Association’s policy on payments and benefits permits payment to Committee Members (or any of them) the Committee must take account of any independent guidance and good practice in fixing the amount of such payments. Any payments will be linked to specified duties to be undertaken by the relevant Committee Members and the Association will have in place a clear and robust process for assessing the performance of Committee Members in carrying out such duties. The Association must ensure that any such payments to Committee Members are disclosed in the audited accounts of the Association.	<i>Optional: Deletion of Rule.</i>	The new Rules have removed the ability to pay Committee Members. As mentioned in the option amendments above, this can be re-inserted.

Electing committee members			
Co-optees			
Rule No.	Existing Rule	New Rule	Purpose of and/or benefits and risks (if any) attached to the proposed amendments
39.2	The retiring Committee Members should be those who have served the longest on the Committee since the date of their last election. If two or more Committee Members have served equally long and cannot agree who should retire, they must draw lots.	In the absence of Committee Members standing down voluntarily, the retiring Committee Members should be those who have served the longest on the Committee since the date of their last election. If two or more Committee Members have served equally long and cannot agree who should retire, they must draw lots.	<p>If agreement cannot be reached about who should stand down between Committee Members who have served equally long then these particular Committee Members will draw lots to decide who should stand down.</p> <p>Any Committee Member standing down voluntarily at the AGM will count towards the one third irrespective of how long that person has served on the Committee.</p>
40.2	The Association will post or send by fax or email intimation of the intended date of the annual general meeting and information on the nomination procedure to each Member at the address, fax number or email address given in the Register of Members of the Association not less than 28 days before the date of the meeting. Nominations for election to the Committee must be in writing and in the form specified by the Association and must give the full name,	The Association will post or send by fax or email intimation of the intended date of the annual general meeting and information on the nomination procedure to each Member at the address, fax number or email address given in the Register of Members of the Association not less than 28 days before the date of the meeting. Nominations for election to the Committee can be made only by Members, must be in writing and in the form specified by the Association and must give the full name, address and occupation of the	Clarifies that nominations can only be made by Members of ELHA

	<p>address and occupation of the Member being nominated. A Member cannot nominate himself/herself for election to the Committee. Nominations must be signed by and include a signed statement from the Member being nominated to show that they are eligible to join the Committee in accordance with Rules 37.4 and 43, and that they are willing to be elected. Nomination forms can be obtained from the Association and must be completed fully and returned by hand or by post to the Association's registered office at least 21 days before the general meeting.</p>	<p>Member being nominated. A Member cannot nominate himself/herself for election to the Committee. Nominations must be signed by and include a signed statement from the Member being nominated to show that they are eligible to join the Committee in accordance with Rules 37.4 and 43, and that they are willing to be elected. Nomination forms can be obtained from the Association and must be completed fully and returned by hand or by post to the Association's registered office at least 21 days before the general meeting.</p>	
<p>40.3</p>	<p>No Rule</p>	<p>A nomination for election to the Committee can be rejected by a decision by not fewer than three quarters of the Committee Members on one or more of the following grounds:-</p> <p>40.3.1 where election to the Committee would be contrary to the Association's Rules or policies; or</p> <p>40.3.2 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</p> <p>40.3.3 where there is clear evidence of relevant circumstances from which it is concluded that election to the Committee would not be in the</p>	<p>This provision allows the Committee to reject a nomination for election to the Committee on a similar basis to the provision allowing the Committee to reject an application to become a shareholder.</p> <p>SHR have stressed that it is expected that this provision is used in exceptional circumstances only.</p> <p>It should be noted that the timescale for this is tight as the Committee must reach</p>

		best interests of the Association.	any decision to reject a nomination between the date the nomination is received and the date of the relevant AGM.
40.4	No Rule	The rejection of a nomination for election to the Committee shall be notified to the Member concerned in writing at any time prior to the date of the relevant annual general meeting.	
Co-optees			
Rule No.	Existing Rule	New Rule	Purpose of and/or benefits and risks (if any) attached to the proposed amendments
42.1	The Committee can co-opt to the Committee anyone the Committee consider is suitable to become a Committee Member. Co-optees do not need to be Members, but they can only serve as co-optees on the Committee until the next annual general meeting or until removed by the Committee. A person co-opted to the Committee can also serve on any sub-committees.	The Committee can co-opt to the Committee or to a sub-committee anyone it considers is suitable to become a Committee Member or member of a sub-committee. Co-optees do not need to be Members, but they can only serve as co-optees on the Committee or sub-committee until the next annual general meeting or until removed by the Committee.	Amendment to Rule clarifies that a person can be co-opted to a sub-committee without being co-opted to the Committee.
42.2	A person appointed as a co-optee shall undertake the role of Committee Member and accordingly will be subject to the duties and responsibilities of a Committee Member. Co-optees can take part in discussions at the Committee or any sub-committees and vote at Committee and	A person appointed as a co-optee shall undertake the role of Committee Member or member of a sub-committee and accordingly will be subject to the duties and responsibilities of a Committee Member. Co-optees can take part in discussions at the Committee or any sub-committees and vote at Committee and sub-	Amendment refers to those persons co-opted to sub-committee only.

	sub-committee meetings on all matters except those which directly affect the Rules, the membership of the Association or the election of the Association’s Office Bearers. Co-optees may not stand for election, nor be elected as one of the Office Bearers of the Committee.	committee meetings on all matters except those which directly affect the Rules, the membership of the Association or the election of the Association’s Office Bearers. Co-optees may not stand for election, nor be elected as one of the Office Bearers of the Committee.	
Eligibility of the committee			
Rule No.	Existing Rule	New Rule	Purpose of and/or benefits and risks (if any) attached to the proposed amendments
43.1	A person will not be eligible to be a Committee Member and cannot be appointed or elected as such if:- 43.1.1 he/she has been adjudged bankrupt, has granted a trust deed for or entered into an arrangement with creditors or his/her estate has been sequestrated and has not been discharged	A person will not be eligible to be a Committee Member and cannot be appointed or elected as such if:- 43.1.1 he/she is an undischarged bankrupt, has granted a trust deed which has not been discharged or is in a current Debt Payment Plan under the Debt Arrange Scheme	Rule updated to reflect current legislation and insolvency arrangements that individuals can enter into.
43.1	A person will not be eligible to be a Committee Member and cannot be appointed or elected as such if:- 43.1.8 he/she has been removed 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	A person will not be eligible to be a Committee Member and cannot be appointed or elected as such if:- 43.1.8 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	Rule amended to cover situations where the individual has been disqualified under the relevant legislation.

43.1	A person will not be eligible to be a Committee Member and cannot be appointed or elected as such if:- 43.1.11 after 1 April 2015, at an annual general meeting, he/she has served as a Committee Member for a continuous period in excess of nine years and the Committee has not resolved to permit him/her to stand again or otherwise be nominated for re-election	A person will not be eligible to be a Committee Member and cannot be appointed or elected as such if:- 43.1.11 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.	Rejecting a nomination applies only to the AGM for which the nomination was received. It does not prevent the members being nominated in subsequent years.
43.1	A person will not be eligible to be a Committee Member and cannot be appointed or elected as such if:- 43.1.12 he/she is the spouse, partner, child (including adopted child or step child), parent, parent-in-law, grandparent, grandchild or sibling of a Committee Member or of a governing body member of any other organisation in the Group.	<i>Optional: Deletion of Rule</i>	Deletion to allow family member of Committee Members to stand for election.
43.2	No Rule	A person cannot be re-elected as a Committee Member if the Committee is not satisfied under Rule 37.6 of the individual's continued effectiveness as a Committee Member. In these circumstances the Committee must not allow the individual to stand for re-election	This is intended to replace and be a clear version of 43.1.11 noted above.
Rule No.	Existing Rule	New Rule	Purpose of and/or benefits and risks (if any) attached to the proposed amendments

44.7	A Committee Member will cease to a Management Committee Member if [amongst others]: - he/she is a co-optee whose period of office is ended in accordance with Rules 39.1 or 42.2	A Committee Member will cease to a Management Committee Member if [amongst others]: he/she is a co-optee or was appointed to fill a casual vacancy and whose period of office is ended in accordance with Rules 39.1 or 42.1.	Amendment to refer to those Committee Members appointed to fill a casual vacancy.
Powers of the committee of management			
Rule No.	Existing Rule	New Rule	Purpose of and/or benefits and risks (if any) attached to the proposed amendments
45.	The Committee is responsible for directing the affairs of the Association and its business and may do anything lawful which is necessary or expedient to achieve the objects of the Association. The Committee is not permitted to exercise any powers which are reserved to the Association in general meetings either by these Rules or by statute. The Committee is responsible for the leadership, strategic direction and control of the Association with the aim of achieving good outcomes for its tenants and other service users in accordance with Regulatory Standards and Guidance issued by The Scottish Housing Regulator from time to time.	The new rule inserts the following new words to the existing rule: The Committee is responsible for ensuring that the Association can demonstrate its governance and financial arrangements are such as to allow The Scottish Housing Regulator to regulate effectively and exercise its full regulatory powers.	Adds further responsibilities to the Management Committee. These clauses relate to Constitutional Requirement 17 within the Scottish Housing Regulator’s Regulatory Framework , i.e. <i>“The powers and responsibilities of the governing body are clearly set out.”</i>
47.	Amongst its most important powers, the Management Committee can [amongst others]:	<i>Optional: The new rule deletes the aforementioned powers.</i>	We have previously advised on this amendment. At that time we stated:

	<ul style="list-style-type: none"> - establish a subsidiary of the Association within the meaning of the Companies Act 2006 or the Co-operative and Community Benefit Societies Act 2014. - grant a guarantee in respect of the liabilities and obligations of a subsidiary of the Association within the meaning of the Companies Act 2006 or the Co-operative and Community Benefit Societies Act 2014. Where the Association is granting such guarantee it must: <ul style="list-style-type: none"> 47.4.1 limit its liability to a maximum of 70% of the Association’s accumulated surplus; 47.4.2 ensure the charitable status of the Association is not prejudiced; and 47.4.3 comply with any legal requirement and regulatory guidance issued by The Scottish Housing Regulator and the Office of the Scottish Charity Regulator. 		<p>“ELHA has incorporated R3 Repairs Limited and may incorporate other subsidiaries in the future. Although rule 47 is not an exclusive list of the management committees powers, the re-insertion of the power to establish a subsidiary and grant a guarantee is recommended. ELHA to confirm.”</p> <p>We assume that these powers should remain in this list but please confirm.</p>
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The Secretary and Office Bearers			
Rule No.	Existing Rule	New Rule	Purpose of and/or benefits and risks (if any) attached to the proposed amendments
59.1	<p>The Association must have a Secretary, a Chairperson, a Vice Chair and any other Office Bearers the Committee considers necessary. The Office Bearers, except for the Secretary, must be elected Committee Members and cannot be co-optees. An employee may hold the office of Secretary although not be a Committee Member. The Committee will appoint these Office Bearers. If the Secretary cannot carry out his/her duties, the Committee, or in an emergency the Chairperson, can ask another Office Bearer or employee to carry out the Secretary’s duties until the Secretary returns.</p>	<p><i>Optional: deletion of reference to Vice Chair.</i></p> <p>The Association must have a Secretary, a Chairperson and any other Office Bearers the Committee considers necessary. The Office Bearers, except for the Secretary, must be elected Committee Members or Committee Members appointed to fill casual vacancies in accordance with Rule 41 but cannot be co-optees. An employee may hold the office of Secretary although not be a Committee Member. The Committee will appoint these Office Bearers. If the Secretary cannot carry out his/her duties, the Committee, or in an emergency the Chairperson, can ask another Office Bearer or employee to carry out the Secretary’s duties until the Secretary returns.</p>	<p>The new rule does not require ELHA to have a vice chair. ELHA to confirm if vice chair required. If a vice chair is to be appointed, appropriate references will require to be included in the new rules.</p> <p>Reference to Committee Members appointed to fill casual vacancies added.</p>
59.5	<p>At its first meeting after registration of the Association, the Committee will elect the Chairperson and Vice Chair of the Association. Thereafter a Chairperson and Vice Chair will be appointed on an annual basis at the next scheduled Committee Meeting held after each annual general meeting.</p>	<p><i>Optional: Removal of reference to Vice Chair.</i></p> <p>At its first meeting after registration of the Association, the Committee will elect the Chairperson of the Association, the Secretary and any other Office Bearers the Committee considers necessary. Thereafter a Chairperson and other Office Bearers will be appointed on an annual basis at the next scheduled</p>	<p>The new rule removes reference to Vice-chair and inserts references to the Secretary and other Office Bearers.</p> <p>If ELHA has a Vice-chair then it is recommended to keep this reference and include the references to the Secretary and other Office Bearers.</p>

		Committee Meeting held after each annual general meeting.	The responsibilities of the Chair have been moved to a new paragraph 59.6.
59		<i>Optional: Removal of references to Vice-chair</i>	Throughout paragraph 59, references to Vice-chair have been removed. These should be retained if ELHA has a Vice-chair.
Accounts			
Rule No.	Existing Rule	New Rule	Purpose of and/or benefits and risks (if any) attached to the proposed amendments
69	The Association must keep proper books of accounts to cover its income, expenditure transactions and its assets, liabilities and reserves in line with sections 75 and 76 of the Co-operative and Community Benefit Societies Act 2014. It must also set up and maintain a suitable system for controlling its books of accounts, its cash and its receipts and invoices.	The Association must keep proper books of accounts to cover its income, expenditure transactions and its assets, liabilities and reserves in line with Part 7 of the Co-operative and Community Benefit Societies Act 2014. It must also set up and maintain a suitable system for controlling its books of accounts, its cash and its receipts and invoices.	New Rule refers to the whole of Part 7 of the legislation, which includes all sections relating to accounts and audit.
70	The Committee must send the Association's accounts and balance sheet to the Association's auditor. The auditor must then report to the Association on the accounts it has examined. In doing this, the auditor must follow the conditions set out in the Co-operative and Community Benefit Societies Act 2014 and paragraphs 69 (1) and (2) of Part 6 of the Housing	The Committee must send the Association's accounts and balance sheet to the Association's auditor. The auditor must then report to the Association on the accounts it has examined. In doing this, the auditor must follow the conditions set out in Part 7 of the Co-operative and Community Benefit Societies Act 2014 and Part 6 of the Housing (Scotland) Act 2010.	Again reference is made to Part 7 of the Co-operative and Community Benefit Societies Act 2014. Reference to the whole of Part 6 of the Housing (Scotland) Act 2010 is made rather than to specific paragraphs. Part 6 covers all the sections relating to account and audit.

	(Scotland) Act 2010.		
Annual Returns and Balance Sheet			
Rule No.	Existing Rule	New Rule	Purpose of and/or benefits and risks (if any) attached to the proposed amendments
76	The Association must provide a free copy of the latest annual return and auditor’s reports to Members or people with a financial interest in the Association.	If requested, the Association must provide a free copy of the latest annual return and auditor’s reports to Members or people with a financial interest in the Association.	This would lessen the burden on ELHA. ELHA would only need to provide these documents if specifically requested. This may be what is happening in practice anyway.
Inspecting the register			
Rule No.	Existing Rule	New Rule	Purpose of and/or benefits and risks (if any) attached to the proposed amendments
81	Any Member or person having a financial interest in the Association can inspect their own account. They may also inspect the second copy of the Register of Members which shall be made available to them for inspection within 7 days of the request of a Member or eligible person. The books must be available for inspection at the place they are kept at all reasonable hours. The Committee may set conditions for inspecting the books. The Association will also maintain a register of the names of those Members who have given consent	The following words have been deleted: The Association will also maintain a register of the names of those Members who have given consent for this purpose which shall be made available for inspection within 7 days of the request of any person.	This removes the need for ELHA to maintain a register of names.

	for this purpose which shall be made available for inspection within 7 days of the request of any person.		
Closing Down the Association			
Rule No.	Existing Rule	New Rule	Purpose of and/or benefits and risks (if any) attached to the proposed amendments
86	The Association may be closed down in either of the following ways: - by an order or resolution to wind up the Association as set out in the Insolvency Act 1986 and/or Section 105 of the Housing (Scotland) Act 2010; or	Deletion of the reference to section 105 of the Housing (Scotland) Act 2010.	The section has been repealed so is no longer enforceable.
Changing the Rules			
Rule No.	Existing Rule	New Rule	Purpose of and/or benefits and risks (if any) attached to the proposed amendments
88.1	Any of these Rules can be changed or deleted and new Rules can be introduced if: 88.1.1 three-quarters of the votes at a special general meeting are in favour of the change(s); and 88.1.2 The Scottish Housing Regulator has	Any of these Rules can be changed or deleted and new Rules can be introduced if: three quarters of the votes at a special general meeting are in favour of the change(s).	Rule changes are no longer subject to prior consent from SHR. Rule changes must be notified to SHR in accordance with statutory guidance on Notifiable Events. For charitable associations any changes to the objects (section 2 of the Model Rules) require prior consent from OSCR.

	approved the change(s).		
88.3	The Association must apply to the Financial Conduct Authority to register every rule change as set out in treasury regulations. Each Member must receive a copy of the change. No change is valid until it has been registered by the Financial Conduct Authority.	The Association must apply to the Financial Conduct Authority to register every rule change as set out in treasury regulations. Each Member must receive a copy of the change. No change is valid until it has been registered by the Financial Conduct Authority. <i>The Association must notify The Scottish Housing Regulator within 28 days of the change or amendment being made.</i>	Updated to state that the SHR only need to be notified.
88.5	If the Association changes its name in terms of Rule 88.4 it must inform The Scottish Housing Regulator in writing within 14 days.	If the Association changes its name in terms of Rule 88.4 it must notify The Scottish Housing Regulator in writing within 28 days of the change being made.	Updated to reflect new procedure.
88.6	The Association can change its registered office but must: 88.6.1 notify The Scottish Housing Regulator and the Financial Conduct Authority of the change in registered office within seven working days of the decision having been made; and 88.6.2 notify the Office of the Scottish Charity Regulator within three months of the change having been made.	The Association can change its registered <i>or principal</i> office but must: 88.6.1 notify The Scottish Housing Regulator of the change in registered office within 28 days of the <i>change</i> having been made; and <i>the Financial Conduct Authority as soon as possible after the change in registered office has been made.</i> 88.6.2 notify the Office of the Scottish Charity Regulator within 3 months of the change having been made.	Updated to reflected new procedure.
Interpreting These Rules			

89	In these Rules, the following words and phrases have the meanings given below:		
89.2	“Chairperson” means the Chairperson of the Association referred to in Rule 59.1	“Chairperson” means the Chairperson (or such other term that is used by the Association to denote the holder of this office) of the Association referred to in Rule 59.1.	Alternative terms for Chairperson (e.g. Convenor) are acceptable. ELHA does not have to amend its rules to reflect any alternative term used if it does not wish to, but some organisations may wish to do so for consistency.
89.5	“Committee” means the Committee of Management referred to in Rule 37.1.	“Committee” means the Committee of Management (or such other term that is used by the Association to denote the governing body of the Association) referred to in Rule 37.1	Alternative terms for the Committee (e.g. Board) are acceptable. ELHA does not have to amend its rules to reflect any alternative term used if it do not wish to, but some organisations may wish to do so for consistency.
89.21	“Vice Chair” means Vice Chair of the Association referred to in Rule 59.1.	Optional: Definition deleted.	This should be retained if ELHA has a Vice Chair.
89.2	In the event of Sterling joining the Euro any sums of money referred to in Sterling in these Rules shall be redenominated into Euros at the rate of exchange applying for such redenomination as at the date of joining the Euro.	Paragraph deleted	Deleted due to effects of Brexit.

These are the Rules

of

East Lothian Housing Association Limited

Based upon
SFHA Charitable Model Rules (Scotland) 2020

Registered under the
Co-operative and Community Benefit Societies Act 2014
and the Housing (Scotland) Act 2010

2266RS

Published by
the Scottish Federation of Housing Associations
in co-operation with The Scottish Housing Regulator

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Further guidance

Further Advice

A separate document is also available from the SFHA Rules Service, which gives guidance on the use of these rules and the options. Advice is also available from staff at The Scottish Housing Regulator.

Advice on the procedural aspects of making a Rule registration application or Rule Amendment application is also available from the SFHA Rules Service.

CONTENTS PAGE

ITEM	PAGE NO	ITEM	PAGE NO
Introduction:	1	The Secretary and Officer Bearers	16
- Name		- Role of the Chair	
- Objects		Financial Guarantees for Officers	18
Membership	1	The Committee's Minutes, Seal, Registers and Books	18
- Applying for membership		- Minutes	
Ending your membership	2	- Execution of Documents and Seal	
Representing an Organisation	3	- Registers	
Share Capital	4	- Registered Name	
- Shares		- Documentation	
- Transferring shares		Accounts	19
Borrowing Powers	4	The Auditor	20
General Meetings	5	Annual Returns and Balance Sheet	21
- Annual General Meeting		Surpluses and Donations	21
- Special General Meeting		Investments	21
- Notice of Meetings		Inspecting the Register	21
- Procedure at General Meetings		Disputes	21
- Proxies/Representatives/Postal Votes		Statutory Applications to the Financial Conduct Authority	22
- Voting		Copies of Rules	22
- Proceedings at General Meetings		Closing Down the Association	22
The Committee of Management	9	Changing the Rules	23
- Composition of the Committee		Interpreting these Rules	24
- Interests		Appendices:	26
Electing Committee Members	10	- Appendix 1: Proxy form	
- Co-optees		- Appendix 2: Cancellation of Proxy	
- Eligibility for the Committee		Signatures of Committee Members	28
Powers of the Committee of Management	13		
Committee Procedure	14		
- Special Committee Meetings			
- Sub-committees			

INTRODUCTION

Name

- 1 The name of the Society shall be East Lothian Housing Association Limited (hereinafter referred to as "the Association").

Objects

- 2 The objects of the Association are:
 - 2.1 to provide for the relief of those in need by reason of age, ill-health, disability, financial hardship or other disadvantage through the provision, construction, improvement and management of land and accommodation and the provision of care; and
 - 2.2 any other purpose or object permitted under Section 24 of the Housing (Scotland) Act 2010 which is charitable both for the purposes of Section 7 of the Charities and Trustee Investment (Scotland) Act 2005 and also in relation to the application of the Taxes Acts.
- 3 The permitted activities and powers of the Association will include anything which is necessary or expedient to help the Association achieve these objects.
- 4.1 The Association shall not trade for profit and any profits shall only be applied for the purpose of furthering the Association's objects and/or in accordance with these Rules.
- 4.2 Nothing shall be paid or transferred by way of profit to Members.
- 5 The registered office of the Association is at : 18-20 Market Street, Haddington, East Lothian, EH41 3JL.

MEMBERSHIP

- 6 The Members of the Association shall be those persons or organisations who hold a share in the Association and whose names are entered in the Register of Members.

Applying for Membership

- 7.1 The Committee shall set, review and publish its membership policy for admitting new Members. Subject to the provisions of Rule 7.2 the following shall be eligible to become Members:-
 - 7.1.1 Tenants of the Association;
 - 7.1.2 Service users of the Association;
 - 7.1.3 Other persons who support the objects of the Association.
 - 7.1.4 Organisations sympathetic to the objects of the Association.

- 7.2 If you are applying for membership you must send a completed and signed application form and the sum of one pound (which will be returned to you if the application is not approved) to the Association's registered office. Whilst it is the Association's intention to encourage membership, the Committee has absolute discretion in deciding on applications for membership and the following shall constitute grounds for refusal of an application for membership:-
- 7.2.1 Where membership would be contrary to the Association's Rules or policies; or
- 7.2.2 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
- 7.2.3 Where the Committee considers that accepting the application would not be in the best interests of the Association.
- 7.3 Your application shall be considered by the Committee as soon as reasonably practicable after its receipt by the Association. An application for membership will not be considered by the Committee within the period of fourteen days before the date of a general meeting. The Committee has the power in its absolute discretion to accept or reject the application.
- 7.4 If the Committee approve your application, you will immediately become a Member and your name and other necessary particulars will be included in the Register of Members within seven working days. You will then be issued one share in the Association.
- 8 You can apply for membership of the Association from the age of 16.
- 9 No Member can hold more than one share in the Association.
- 10 If you change your address, you must let the Association know by writing to the Secretary at the registered office within three months. This requirement does not apply if you are a tenant of the Association and have moved home by transferring your tenancy to another property owned and managed by the Association.

ENDING YOUR MEMBERSHIP

- 11.1 Your membership of the Association will end and the Committee will cancel your share and record the ending of your membership in the Register of Members if:-
- 11.1.1 You resign your membership giving seven days' notice in writing to the Secretary at the registered office; or
- 11.1.2 The Committee reasonably believes that you have failed to tell the Association of a change of address as required by Rule 10; or
- 11.1.3 For five annual general meetings in a row you have not attended, submitted apologies, exercised a postal vote or appointed a representative to attend and vote on your behalf by proxy; or
- 11.1.4 The Association receives a complaint about your behaviour and two-thirds of the Members voting at a special general meeting agree to end your membership. The following conditions apply to this procedure:

- 11.1.4.1 the complaint must be in writing and must relate to behaviour which could harm the interests of the Association.
 - 11.1.4.2 the Secretary must notify the Member of the complaint in writing not less than one calendar month before the meeting takes place;
 - 11.1.4.3 the notice for the special general meeting will give details of the business for which the meeting is being called;
 - 11.1.4.4 you will be called to answer the complaint at the meeting. The Members present will consider the evidence supporting the complaint and any evidence you decide to introduce;
 - 11.1.4.5 the Members can vote in person or through a representative by proxy;
 - 11.1.4.6 if you receive proper notice but do not go to the meeting without providing a good reason, the meeting will go ahead without you and the Members will be entitled to vote to end your membership.
- 11.2 If your membership is ended in accordance with Rule 11.1.4, you will immediately cease to be a Member from the date that the resolution to end your membership was passed and any further application for membership by you will need to be approved by two-thirds of the Members voting at a general meeting.

REPRESENTING AN ORGANISATION

- 12.1 An organisation which is a Member is free to nominate any person it considers suitable as its representative to the Association. That person will represent all of the organisation's rights and powers at general meetings.
- 12.2 To confirm the identity of a representative, the organisation must send the Association a copy of the authorisation or appointment of an individual as a representative. This should be signed by a Director, Secretary or Authorised Signatory of the organisation which signature must be witnessed, or in the case of a local authority, by the Chief Executive, or properly authorised Officer of the local authority.
- 12.3 An organisation can change the identity of the person entitled to represent that organisation at any time by confirming the identity of the new representative in terms of Rule 12.2 and withdrawing the authority of the original representative.
- 12.4 If you are a representative in terms of Rule 12.2, of an organisation which is a Member, you cannot be a Member as an individual yourself. If you are already a Member as an individual when you start to represent an organisation which is a Member, the Association will suspend your membership as an individual, until such time as you are no longer a representative of an organisation which is a Member.

SHARE CAPITAL

Shares

- 13 The share capital of the Association will be raised by issuing one-pound shares to Members. Shares cannot be held jointly. Joint tenants of the Association may each become individual Members.
- 14 There is no interest, dividend or bonus payable on shares.

Transferring Shares

- 15 You shall not be entitled to any property of the Association in your capacity as Member and your share is not withdrawable or transferable save in the circumstances set out in Rules 16 and 17.
- 16 You cannot sell your share but you can transfer it if the Committee agrees.
- 17.1 If you die or end your membership or have your membership ended, or you are a representative of an organisation which no longer exists, the Committee will cancel your share (except in those circumstances outlined in Rules 17.2 and 17.3) and the value of the share will then belong to the Association.
- 17.2 You can nominate the person to whom the Association must transfer your share in the Association when you die, as long as the person that you nominate is eligible for membership under these Rules and in terms of the Association's membership policies. On being notified of your death, the Committee shall transfer or pay the full value of your share to the person you have identified. Your nomination must be in the terms required by the Co-operative and Community Benefit Societies Act 2014.
- 17.3 If you die or become bankrupt and your personal representative or trustee in bankruptcy seeks to claim your share, the Committee (to the extent that your personal representative or trustee in bankruptcy has right) will transfer or pay the value of your share in terms of your representative's or trustee's instructions.

BORROWING POWERS

- 18.1 The Association can borrow money as long as the total borrowing at any time is not more than £100,000,000.
- 18.2 In respect of any proposed borrowing for the purposes of Rule 18.1, the amount remaining undischarged of any index-linked loan previously borrowed by the Association or any deep discounted security shall be deemed to be the amount needed to repay such borrowing in full if the pre-existing borrowing became repayable in full at the time of the proposed borrowing.

- 18.3 For the purposes of Rule 18.1 in respect of any proposed borrowing intended to be index-linked or on any deep discounted security the amount of borrowings shall be deemed to be the proceeds of such proposed borrowings that would be receivable by the Association at the time of the proposed borrowing.
- 18.4 The Association will not pay more than the market rate of interest as determined by the Committee having regard to the terms of the loan on any money borrowed.
- 18.5 The Association will not accept money on deposit.
- 18.6 The Association can lend money to an organisation which is a subsidiary of the Association within the meaning of the Companies Act 2006 or the Co-operative and Community Benefit Societies Act 2014 at a market rate of interest as determined by the Committee having regard to the terms of the loan. Where the Association is using a loan facility to on lend it must comply with the Regulatory Framework and Regulatory Guidance issued by The Scottish Housing Regulator from time to time.
- 18.7 The Association may borrow money from such lawful sources as is permitted by its Treasury Management Policy subject always to the requirement that the Association will comply with the Regulatory Framework and Regulatory Guidance issued by The Scottish Housing Regulator from time to time.
- 18.8 Subject to the foregoing provisions the Committee can determine and change the conditions under which the Association borrows or lends money.
19. The Association shall not lend money to Members.

GENERAL MEETINGS

Annual General Meeting

20. The Association will hold a general meeting known as the annual general meeting within six months of the end of each financial year of the Association. The functions of the annual general meeting are to:
- 20.1 present the Chairperson's report on the Association's activities for the previous year;
 - 20.2 present the accounts, balance sheet and auditor's report;
 - 20.3 elect Committee Members.
 - 20.4 appoint the auditor for the following year; and
 - 20.5 consider any other general business included in the notice calling the meeting.

Special General Meeting

- 21.1 All general meetings other than annual general meetings are known as special general meetings. The Secretary will call a special general meeting if:
- 21.1.1 the Committee requests one; or
 - 21.1.2 At least four Members request one in writing. If there are more than 40 Members, at least one tenth of all the Members must ask for the meeting.

- 21.2 Whoever asks for the meeting must give the Secretary details of the business to be discussed at the meeting.
- 21.3 If a special general meeting is requested, the Secretary must within 10 days of having received the request give all Members notice calling the meeting. The meeting must take place within 28 days of the Secretary receiving the Members' request. The Secretary should decide on a time, date and place for the meeting in consultation with the Committee or the Chairperson, but if such consultation is not practicable the Secretary can on his/her own decide the time, date and place for the meeting.
- 21.4 If the Secretary fails to call the meeting within 10 days, the Committee or the Members who requested the meeting can arrange the meeting themselves.
- 21.5 A special general meeting must not discuss any business other than the business mentioned in the notice calling the meeting.

Notice for Meetings

- 22.1 The Secretary will call all general meetings by written notice posted or sent by fax or email to every Member at the address, fax number or email address given in the Register of Members at least 14 days before the date of the meeting. This notice will give details of:
- 22.1.1 the time, date and place of the meeting;
 - 22.1.2 whether the meeting is an annual or special general meeting;
 - 22.1.3 the business for which the meeting is being called.
- 22.2 The Committee may ask the Secretary to include with the letter or send separately to Members any relevant papers or accounts. If a Member does not receive notice of a meeting or papers relating to the meeting, this will not stop the meeting going ahead as planned. Each communication sent to a Member by post, addressed to his or her registered address, shall be deemed to have arrived forty eight hours after being posted. Each communication sent to a Member by fax or email shall be deemed to have arrived on the day it is sent.
- 23 The proceedings of a meeting shall not be invalidated by the inadvertent failure of the Association to send a notice calling the meeting to any Member.

Procedure at General Meetings

- 24.1 For a meeting to take place there must be at least seven Members either present at the venue or represented at the venue by a representative approved in terms of Rule 27.1. If there are more than 70 Members, at least one-tenth must either be present or represented at the venue by a representative in terms of Rule 27.1.
- 24.2 If not enough Members are present in person or by representative within half an hour of the time the meeting was scheduled to start, the meeting shall be rescheduled to the same day the following week at the same time and at such place as may be fixed by the Chairperson of the meeting and announced at the meeting. There is no need to give notice to Members of the rescheduled meeting. If at that meeting there are not enough Members present in person or by representative at the scheduled starting time the meeting can still go ahead.

- 25 If a majority of Members present agree, the Chairperson of a meeting can adjourn the meeting. No business can be discussed at the adjourned meeting other than the business not reached or left unfinished at the original meeting. There is no need to give notice to Members of the adjourned meeting.
- 26.1 The Chairperson of the Committee will be Chairperson at all meetings of the Association. If there is no Chairperson or h/she is not present or willing to act, the Vice Chair will be the Chairperson of the meeting. If there is no Vice Chair or he/she is not present or willing to act, the Members present must elect a Member of the Committee to be Chairperson of the meeting. If no Committee Members are present, the Members present must elect a Member to be Chairperson of the meeting.
- 26.2 If the Chairperson arrives later, after the meeting has commenced, s/he will take over as Chairperson of the meeting as soon as the current agenda item is concluded.

Proxies/Representatives/Postal Votes

- 27.1 To appoint a representative to vote on your behalf by proxy, you must let the Association have a properly completed document in the form shown in Appendix 1. Your representative does not need to be a Member. The document must reach the Association at least five days before the meeting at which you want to be represented. The Chairperson shall not be entitled to act as a representative for any other Member.
- 27.2 If there is any doubt about whether your representative has authority to vote, the Chairperson will decide and his/her decision will be final.
- 27.3 The maximum number of proxy votes that may be cast by any one person is 10.
- 27.4 To reverse your appointment of a representative, you must let the Association have a properly completed document in the form shown in Appendix 2. The document must be presented to the Association before the meeting at which you no longer want to be represented convenes. Alternatively, if you declare yourself present before the meeting convenes, the appointment of a representative to vote on your behalf will automatically fall.
- 27.5 The Chairperson will report to the meeting the details of any documents seeking to appoint a representative received but which are not valid. If you represent an organisation, your authorisation or appointment as a representative requires to be in accordance with the terms of Rule 12.2.
- 27.6 If there is to be an election of Committee Members at an Annual General Meeting, you can vote by post. Not less than 14 days before a meeting is held at which one or more Committee Members will be elected, you will receive a ballot paper for the election. You can vote in the election by returning the ballot paper to the Secretary at least 5 days before the day of the meeting, or by bringing your ballot paper along to the meeting.

Voting

- 28 If a decision of a meeting is put to the vote, the outcome will be determined by the majority of those Members voting. Voting will be by a show of hands except where a poll is requested or required. Votes cannot be taken on resolutions which conflict with any provisions of these Rules or the law.
- 29.1 Where a vote is by a show of hands every Member present in person has one vote. Where a vote is by a poll every Member present in person or who has appointed a representative has one vote. Where an appointed proxy is present, and he/she advises the Chairperson, the Chairperson shall direct that the vote is by a poll.
- 29.2 In relation to the election of Committee Members, the vote is by a poll using the ballot paper issued to the Members prior to the meeting; votes received by post in advance of the meeting will be counted in the total number of votes at the meeting.
- 30 If there is an equal number of votes for and against a resolution, or in relation to the election of Committee Members, the Chairperson will have a second and deciding vote. The Chairperson's announcement of the decision of a vote will be final and conclusive. The decision is then recorded in the minutes of the meeting. There is no need to record the number of votes for or against the decision.
- 31.1 A poll can be required before or immediately after a vote by a show of hands, if at least one-tenth of the Members present at the meeting (in person or by proxy through a representative appointed in accordance with Rule 27.1) request this.
- 31.2 A poll must take place as soon as the Chairperson has agreed to it, in line with the Chairperson's instructions. The result of the poll will stand as the decision of the meeting.

Proceedings at General Meetings

- 32 All speakers must direct their words to the Chairperson. All Members must remain quiet and orderly while this is happening.
- 33 You will not be allowed to speak more than once on any individual matter unless it is to explain something or ask for an explanation until every other Member has had the chance to speak. You will then have the opportunity to speak a second time on a matter but only if the Chairperson agrees. Where the Chairperson raised the matter for discussion initially, she/he shall be permitted to make a final reply on the matter.
- 34 The Chairperson will decide how long each speaker is allowed to speak, allowing equal time to each speaker.
- 35 If any point arises which is not covered in these Rules, the Chairperson will give his/her ruling. If the Chairperson's ruling is challenged by more than one person, the Chairperson will step down and those present will decide the point raised on a majority vote. If the vote is tied, the Chairperson's original ruling is carried.
- 36 Meetings must not last longer than two hours unless at least two-thirds of the Members present agree after the end of that time to continue the meeting.

THE COMMITTEE OF MANAGEMENT

Composition of the Committee

- 37.1 The Association shall have a Committee of Management which shall have a minimum of 7 and a maximum (including co-optees) of 15 persons. The Association shall keep up to date a register of the names of the Committee Members which shall be made available to any person at no cost. The names of Committee Members will also be published by the Association on its website, and in its annual reports and other similar documentation.
- 37.2 The first Committee Members will be the Members who have signed the application to register the Association. The first Members and all subsequent Members who are eligible shall be Committee Members until there are more than seven Members. Once there are more than seven Members of the Association, at the end of the next annual general meeting, all of the Committee Members shall retire.
- 37.3 A person must be aged 18 or over and a Member to become a Committee Member (including any person appointed to fill a casual vacancy) other than a person appointed as a co-optee or appointed by The Scottish Housing Regulator who must be aged 18 or over but need not be a Member.
- 37.4 An employee of the Association, or a Close Relative of an employee, may not be a Committee Member.
- 37.5 No Committee Member may take office until they have agreed to and signed the Association's code of conduct for Committee Members.
- 37.6 The Committee shall assess annually the skills, knowledge, diversity and objectivity that it needs for its decision making and what is contributed by the Committee Members by way of annual performance reviews. The Committee must be assured that any Committee Member who has continuous service on the Committee of nine years or more and who is seeking re-election is able to demonstrate his/her continued effectiveness as a Committee Member before he/she may stand for re-election.
- 37.7 Each of the Committee Members shall, in exercising his/her role as a Committee Member, act in the best interests of the Association, its tenants and service users and will not place any personal or other interests ahead of his/her primary duty to the Association; and, in particular, must:-
- 37.7.1 seek, in good faith, to ensure that the Association acts in a manner which is in accordance with its objects.
 - 37.7.2 act with the care and diligence which it is reasonable to expect of a person who is managing the affairs of another person.
 - 37.7.3 in circumstances giving rise to the possibility of a conflict of interest between the Association and any other party:-
 - 37.7.3.1 put the interests of the Association before that of the other party, in taking decisions as a Committee Member;

- 37.7.3.2 where any other duty prevents him/her from doing so, disclose the conflicting interest to the Association and refrain from participating in any discussions or decisions involving the other Committee Members with regard to the matter in question
- 37.7.4 ensure that the Association complies with any direction, requirement, notice or duty imposed on it by the Charities and Trustee Investment (Scotland) Act 2005.
- 37.8 The Committee can require that a Committee Member who is being investigated for a potential breach of the Association's Code of Conduct for Committee Members take leave of absence and not attend any meeting in his or her capacity as Committee Member until the Committee has completed its consideration of the potential breach. When on such leave of absence, the Committee Member will not be entitled to receive minutes and/or documents in his or her capacity as a Committee Member relating to the business of the Association.

Interests

- 38.1 The Committee shall set and periodically review its policy on payments and benefits. If a person is a Member, employee of the Association or serves on the Committee or any sub-committee he/she must not receive any payment or benefit unless it is permitted by the policy. In making any payment or conferring any benefit the Association shall act at all times with transparency, honesty and propriety.
- 38.2 If a person serves on the Committee or any sub-committee he/she must declare any personal or other external interests on an annual basis in accordance with the Association's Code of Conduct for Committee Members. If while serving on the Committee that person has any conflict of interest in any contract or other matter about to be discussed at a meeting, he/she must tell the Committee. He/she will be required to leave the meeting while the matter is discussed and will not be allowed to vote on the matter or to stay in the meeting while any vote on the matter is being held. If that person is inadvertently allowed to stay in the meeting and vote on the matter, his/her vote will not be counted.
- 38.3 If a person serves on the Committee or any sub-committee he/she must not receive any payment or benefit unless it is permitted by the Charities and Trustee Investment (Scotland) Act 2005 and as set out in the Association's policy referred to in Rule 38.1. He/she shall also comply with the requirements of the Charities and Trustee Investment (Scotland) Act 2005 in respect of any conflict of interest that might arise.

ELECTING COMMITTEE MEMBERS

- 39.1 At the end of the first annual general meeting after the total membership of the Association has risen to seven or more, all Committee Members must retire. From then on, at the end of every annual general meeting, one-third of the Committee Members or the nearest whole number thereto, must retire. Anybody appointed as a co-optee under Rule 42.1 or to fill a casual vacancy under Rule 41 and who retires for that reason, shall not count towards the one third provision. The retiring Committee Members should be selected in accordance with Rule 39.2.

- 39.2 In the absence of Committee Members standing down voluntarily, the retiring Committee Members should be those who have served the longest on the Committee since the date of their last election. If two or more Committee Members have served equally long and cannot agree who should retire, they must draw lots.
- 39.3 Committee Members must also retire if they have been co-opted onto the Committee under Rule 42.1 or have filled casual vacancies under Rule 41.
- 39.4 If a Committee Member retires from the Committee in terms of Rule 39 on the date of the next annual general meeting, that Committee Member can stand for re-election without being nominated.
- 40.1 If, at the annual general meeting the number of Members standing for election is less than or equal to the number of vacant places, the Chairperson will declare them elected without a vote. If there are more Members standing for election than there are vacant places, those present at the general meeting or those exercising a postal vote in accordance with Rule 27.6 will elect Members onto the Committee, in accordance with Rule 29.2. Each Member present or who has appointed a representative will have one vote for each place to be filled on the Committee. A Member must not give more than one vote to any one candidate.
- 40.2 The Association will post or send by fax or email intimation of the intended date of the annual general meeting and information on the nomination procedure to each Member at the address, fax number or email address given in the Register of Members of the Association not less than 28 days before the date of the meeting. Nominations for election to the Committee can be made only by Members, must be in writing and in the form specified by the Association and must give the full name, address and occupation of the Member being nominated. A Member cannot nominate himself/herself for election to the Committee. Nominations must be signed by and include a signed statement from the Member being nominated to show that they are eligible to join the Committee in accordance with Rules 37.4 and 43, and that they are willing to be elected. Nomination forms can be obtained from the Association and must be completed fully and returned by hand or by post to the Association's registered office at least 21 days before the general meeting.
- 40.3 A nomination for election to the Committee can be rejected by a decision by not fewer than three quarters of the Committee Members on one or more of the following grounds:-
- 40.3.1 where election to the Committee would be contrary to the Association's Rules or policies; or
 - 40.3.2 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
 - 40.3.3 where there is clear evidence of relevant circumstances from which it is concluded that election to the Committee would not be in the best interests of the Association.
- 40.4 The rejection of a nomination for election to the Committee shall be notified to the Member concerned in writing at any time prior to the date of the relevant annual general meeting.
- 41 If an elected Committee Member leaves the Committee between the annual general meetings, this creates a casual vacancy and the Committee can appoint a Member to take their place on the Committee until the next annual general meeting.

Co-optees

- 42.1 The Committee can co-opt to the Committee or to a sub-committee anyone it considers is suitable to become a Committee Member or member of a sub-committee. Co-optees do not need to be Members, but they can only serve as co-optees on the Committee or sub-committee until the next annual general meeting or until removed by the Committee. A person co-opted to the Committee can also serve on any sub- committees.
- 42.2 A person appointed as a co-optee shall undertake the role of Committee Member or member of a sub-committee and accordingly will be subject to the duties and responsibilities of a Committee Member. Co-optees can take part in discussions at the Committee or any sub-committees and vote at Committee and sub-committee meetings on all matters except those which directly affect the Rules, the membership of the Association or the election of the Association’s Office Bearers. Co-optees may not stand for election, nor be elected as one of the Office Bearers of the Committee.
- 42.3 Committee Members co-opted in this way must not make up more than one-third of the total number of the Committee or sub-committee members at any one time. The presence of co-optees at Committee Meetings will not be counted when establishing whether the minimum number of Committee Members are present to allow the meeting to take place as required by Rule 48 and the presence of co-optees will not count towards the quorum for sub-committee meetings.

Eligibility for the Committee

- 43.1 A person will not be eligible to be a Committee Member and cannot be appointed or elected as such if:-
 - 43.1.1 he/she is an undischarged bankrupt, has granted a trust deed which has not been discharged or is in a current Debt Payment Plan under the Debt Arrangement Scheme; or
 - 43.1.2 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; or
 - 43.1.3 he/she is a party to any legal proceedings in any Court of Law by or against the Association; or
 - 43.1.4 he/she is or will be unable to attend the Committee Meetings for a period of 12 months; or
 - 43.1.5 he/she has been removed from the Committee of another registered social landlord within the previous five years; or
 - 43.1.6 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; or
 - 43.1.7 he/she has been removed from the Committee in terms of Rules 44.4 or 44.5 within the previous five years; or
 - 43.1.8 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; or

- 43.1.9 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; or
 - 43.1.10 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); or
 - 43.1.11 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.
- 43.2 A person cannot be re-elected as a Committee Member if the Committee is not satisfied under Rule 37.6 of the individual's continued effectiveness as a Committee Member. In these circumstances the Committee must not allow the individual to stand for re-election
- 44 A Committee Member will cease to be a Committee Member if:
- 44.1 he/she resigns his/her position as a Committee Member in writing; or
 - 44.2 he/she ceases to be a Member unless he/she is a co-optee in terms of Rule 42.1 or an appointee of The Scottish Housing Regulator; or
 - 44.3 he/she misses four Management Committee meetings in a row without special leave of absence previously being granted by the Committee either at his/her request or by exercise of the Committee's discretion; or
 - 44.4 the majority of Members voting at a general meeting decide this. (The Members at the meeting may then elect someone to take his/her place. If a replacement is not elected at the meeting, the Committee may appoint a Committee Member in terms of Rule 41); or.
 - 44.5 the majority of those remaining Committee Members present and voting at a special meeting of the Committee convened for the purpose decide to remove him/her as a Committee Member. The resolution to remove him/her as a Committee Member must relate to one of the following issues:
 - 44.5.1 failure to perform to the published standards laid down by the Scottish Federation of Housing Associations and/or The Scottish Housing Regulator adopted and operated by the Association;
 - 44.5.2 failure to sign or failure to comply with the Association's Code of Conduct for Committee Members; or
 - 44.5.3 a breach of the Association's Rules, standing orders or other policy requirements;
 - 44.6 he/she becomes ineligible as a Committee Member in terms of Rule 43; or
 - 44.7 he/she is a co-optee or was appointed to fill a casual vacancy and whose period of office is ended in accordance with Rules 39.1 or 42.1; or
 - 44.8 he/she is a Committee Member retiring in accordance with Rule 39.1.

POWERS OF THE COMMITTEE OF MANAGEMENT

- 45 The Committee is responsible for directing the affairs of the Association and its business and may do anything lawful which is necessary or expedient to achieve the objects of the Association. The Committee is not permitted to exercise any powers which are reserved to the Association in general meetings either by these Rules or by statute. The Committee is responsible for the leadership, strategic direction and control of the Association with the aim of achieving good outcomes for its tenants and other service users in accordance with Regulatory Standards and Guidance issued by The Scottish Housing Regulator from time to time. The Committee is responsible for ensuring that the Association can demonstrate its governance and financial arrangements are such as to allow The Scottish Housing Regulator to regulate effectively and exercise its full regulatory powers.
- 46 The Committee acts in the name of the Association in everything it does. A third party acting in good faith and without prior notice does not need to check if the powers of the Committee have been restricted, unless they are already aware that such a restriction may exist.
- 47 Amongst its most important powers, the Committee can:-
- 47.1 buy, sell, build upon, lease or exchange any land and accept responsibility for any related contracts and expenses.
 - 47.2 agree the terms of engagement and remuneration of anyone employed in connection with the business of the Association and act as employer for anyone employed by the Association.
 - 47.3 Establish a subsidiary or subsidiaries of the Association within the meaning of the Companies Act 2006 or the Co-operative and Community Benefit Societies Act 2014.
 - 47.4 grant a guarantee in respect of the liabilities and obligations of any subsidiary of the Association within the meaning of the Companies Act 2006 or the Co-operative and Community Benefit Societies Act 2014. Where the Association is granting such a guarantee it must:
 - 47.4.1 limit its liability to a maximum of 70% of the Association's accumulated surplus;
 - 47.4.2 ensure the charitable status of the Association is not prejudiced; and
 - 47.4.3 comply with any legal requirement and regulatory guidance issued by The Scottish Housing Regulator and the Office of the Scottish Charity Regulator.
 - 47.5 grant heritable securities over land owned by the Association and floating charges over all or any part of property and assets both present and in future owned by the Association. This includes accepting responsibility for any related expenses.
 - 47.6 decide, monitor and vary the terms and conditions under which property owned by the Association is to be let, managed, used or disposed of.
 - 47.7 appoint and remove solicitors, surveyors, consultants, managing agents and employees, as required by the Association's business.
 - 47.8 refund any necessary expenses as are wholly necessary incurred by Committee Members and sub-committee members in connection with their duties.
 - 47.9 compromise, settle, conduct, enforce or resist either in a Court of Law or by arbitration any suit, debt, liability or claim by or against the Association.
 - 47.10 accept donations in support of the activities of the Association.

COMMITTEE PROCEDURE

- 48 It is up to the Committee to decide when and where to hold its ordinary meetings, but it must meet at least six times a year. There must be at least four Committee Members present for the meeting to take place.
- 49 The Committee will continue to act while it has vacancies for Members. However, if at any time the number of Committee Members falls below seven, the Committee can continue to act only for another two months. If at the end of that period the Committee has not found new Members to bring the number of Committee Members up to seven, the only power it will have is to act to bring the number of Committee Members up to seven.
- 50 Committee Members must be sent written notice of Committee meetings posted, or delivered, by hand or sent by fax or email to the last such address for such communications given to the Secretary at least seven days before the date of the meeting. The accidental failure to give notice to a Committee Member or the failure of the Committee Member to receive such notice shall not invalidate the proceeding of the relevant meeting.
51. Meetings of the Committee can take place in any manner which permits those attending to hear and comment on the proceedings.
- 52 All speakers must direct their words to the Chairperson. All Committee Members must remain quiet and maintain order while this is happening. The Chairperson will decide who can speak and for how long.
- 53 If any point arises which is not covered in these Rules, the Chairperson will give his/her ruling which will be final.
- 54 All acts done in good faith as a result of a Committee Meeting or sub-committee meeting will be valid even if it is discovered afterwards that a Committee Member was not entitled to be on the Committee.
- 55 A written resolution signed by not fewer than three quarters of the Committee Members or three quarters of the members of a sub-committee will be as valid as if it had been passed at a Committee Meeting or sub-committee meeting duly called and constituted.

Special Committee Meetings

- 56.1 The Chairperson or two Committee Members can request a special meeting of the Committee by writing to the Secretary with details of the business to be discussed. The Secretary will send a copy of the request to all Committee Members within three working days of receiving it. The meeting will take place at a place mutually convenient for the majority of Committee Members, normally the usual place where Committee Meetings are held, between 10 and 14 days after the Secretary receives the request.
- 56.2 No other business may be discussed at the meeting other than the business for which the meeting has been called.

- 56.3 If the Secretary does not call the special meeting as set out above, the Chairperson or the Committee Members who request the meeting can call the meeting. In this case, they must write to all Committee Members at least seven days before the date of the meeting.
- 57 If a Committee Member does not receive notice of the meeting, this will not prevent the meeting going ahead.

Sub-committees

- 58.1 The Committee can delegate its powers to sub-committees or to staff or to Office Bearers. The Committee will establish the terms of reference for such delegation, which will be set down in writing and communicated to the recipient of the delegated powers. Such delegation will be set out down in writing in standing orders, schemes of delegated authority or other appropriate documentation. In the case of a sub-committee such delegation shall include the purposes of the sub-committee, its composition and quorum for meetings. A minimum number of members for a sub-committee shall be three. There must be at least three of the members of a sub-committee present for the meeting to take place. The Committee shall be responsible for the on-going monitoring and evaluation of the use of delegated powers.
- 58.2 The meetings and procedures of sub-committees or otherwise must comply with the relevant terms of reference.
- 58.3 Any decision made by sub-committee must be reported to the next Committee Meeting.
- 58.4 The Committee can establish and delegate powers to sub committees, designated as Area Committees, to take decisions relating to the management and maintenance of properties within a particular geographical area. The Committee will determine the membership and delegated responsibility of an Area Committee in its terms of reference. An Area Committee shall exercise such delegated powers notwithstanding the provisions of Rules 42.1 and 42.3 which provisions shall not apply to Area Committees.

THE SECRETARY AND OFFICE BEARERS

- 59.1 The Association must have a Secretary, a Chairperson, a Vice Chair and any other Office Bearers the Committee considers necessary. The Office Bearers, except for the Secretary, must be elected Committee Members or Committee Members appointed to fill casual vacancies in accordance with Rule 41 but cannot be co-optees. An employee may hold the office of Secretary although not be a Committee Member. The Committee will appoint these Office Bearers. If the Secretary cannot carry out his/her duties, the Committee, or in an emergency the Chairperson, can ask another Office Bearer or employee to carry out the Secretary's duties until the Secretary returns.
- 59.2 The Secretary and the other Office Bearers will be controlled, supervised and instructed by the Committee.
- 59.3 The Secretary's duties include the following (these duties can be delegated to an appropriate employee with the Secretary assuming responsibility for ensuring that they are carried out in an effective manner):
- 59.3.1 calling and going to all meetings of the Association and all the Committee Meetings;
 - 59.3.2 keeping the minutes for all meetings of the Association and Committee;

- 59.3.3 sending out letters, notices calling meetings and relevant documents to Members before a meeting;
 - 59.3.4 preparing and sending all the necessary reports to the Financial Conduct Authority and The Scottish Housing Regulator;
 - 59.3.5 ensuring compliance with these Rules;
 - 59.3.6 keeping the Register of Members and other registers required under these Rules; and
 - 59.3.7 supervision of the Association's seal.
- 59.4 The Secretary must produce or give up all the Association's books, registers, documents and property whenever requested by a resolution of the Committee, or of a general meeting.
- 59.5 At its first meeting after registration of the Association, the Committee will elect the Chairperson and Vice Chair of the Association, the Secretary and any other Office Bearers the Committee considers necessary. Thereafter a Chairperson and Vice Chair and other Office Bearers will be appointed on an annual basis at the next scheduled Committee Meeting held after each annual general meeting.

Role of the Chair

- 59.6 The Chairperson is responsible for the leadership of the Committee and ensuring its effectiveness in all aspects of the Committee's role and to ensure that the Committee properly discharges its responsibilities as required by law, the Rules and the standing orders of the Association. The Chairperson will be delegated such powers as is required to allow the Chairperson to properly discharge the responsibilities of the office. Among the responsibilities of the Chairperson are that:-
- 59.6.1 the Committee works effectively with the senior staff;
 - 59.6.2 an overview of business of the Association is maintained;
 - 59.6.3 the Agenda for each meeting is set;
 - 59.6.4 meetings are conducted effectively;
 - 59.6.5 minutes are approved and decisions and actions arising from meetings are implemented;
 - 59.6.6 the standing orders, code of conduct for Committee Members and other relevant policies and procedures affecting the governance of the Association are complied with;
 - 59.6.7 where necessary, decisions are made under delegated authority for the effective operation of the Association between meetings;
 - 59.6.8 the Committee monitors the use of delegated powers;
 - 59.6.9 the Committee receives professional advice when it is needed;
 - 59.6.10 the Association is represented at external events appropriately;

- 59.6.11 appraisal of the performance of Committee Members is undertaken, and that the senior staff officer's appraisal is carried out in accordance with the agreed policies and procedures of the Association; and
- 59.6.12 the training requirements of Committee Members, and the recruitment and induction of new Committee Members is undertaken.
- 59.7 The Chairperson and the Vice Chair must be elected from the Committee Members (excluding co-optees) and must be prepared to act as Chairperson and Vice Chair until the end of the next annual general meeting (unless s/he resigns the post). The Chairperson and Vice Chair respectively can only be required to resign if a majority of the remaining Committee Members present at a special meeting agree to this.
- 59.8 If the Chairperson is not present at a Committee meeting or is not willing to act, the Vice Chair will be the Chairperson for the Committee Meeting. If the Vice Chair is not present or is not willing to act, the Committee Members present will elect another Committee Member to be Chairperson for the Committee Meeting. If the Chairperson arrives at the meeting late, s/he will take over as Chairperson of the Committee meeting as soon as the current agenda item is concluded.
- 59.9 If the votes of the Committee Members are divided equally for and against an issue, the Chairperson will have a second and deciding vote.
- 59.10 The Chairperson and Vice Chair can resign his/her office in writing to the Secretary and must resign if s/he leaves the Committee or is prevented from standing for, or being elected to the Committee under Rule 43. The Committee will then elect another Committee Member as Chairperson or Vice Chair depending on which vacancy arises.
- 59.11 The Chairperson and Vice Chair can be re-elected but must not hold office continuously for more than five years.

FINANCIAL GUARANTEES FOR OFFICERS

- 60.1 The Committee shall take out fidelity guarantee insurance to cover all Office Bearers and employees who receive or are responsible for the Association's money, or, these office bearers and employees must be covered by a bond as set out in Schedule 1 of the Co-operative and Community Benefit Societies Act 2014, or a guarantee under which they promise to account for and repay money due to the Association accurately.
- 60.2 The Committee shall have the power to purchase and maintain indemnity insurance for, or for the benefit of, persons who are, or were at any time, Committee Members, officers or employees of the Association. A Committee Member may form part of a quorum and vote at a meeting where such insurance is under consideration notwithstanding the terms of Rules 38.1 and 38.2.
- 61 Office Bearers and employees will not be responsible for the Association's loss while they are carrying out their duties unless there has been gross negligence or dishonesty. If an Office Bearer or employee is dishonest, the Association will try to recover any loss that it has suffered and may alert the police or other relevant authority.

THE COMMITTEE'S MINUTES, SEAL, REGISTERS AND BOOKS

Minutes

- 62 Minutes of every general meeting, Committee Meeting and sub-committee meeting must be kept. Those minutes must be presented at the next appropriate meeting and if accepted as a true record, signed by the Chairperson of the meeting at which they are presented. All minutes signed by the Chairperson of the meeting shall be conclusive evidence that the minutes are a true record of the proceedings at the relevant meeting.

Execution of Documents and Seal

- 63 The Association shall execute deeds and documents in accordance with the provisions of the Requirements of Writing (Scotland) Act 1995 and record the execution in the register. The use of a common seal is not required. The Association may have a seal which the Secretary must keep in a secure place unless the Committee decides that someone else should look after it. The seal must only be used if the Committee decides this. When the seal is used, the deed or document must be signed by the Secretary or a Member of the Committee or another person duly authorised to subscribe the deed or document on the Association's behalf and recorded in the register.

Registers

- 64 The Association must keep at its registered office a Register containing:
- 64.1 the names and addresses of the Members and where provided for the purposes of electronic communication, fax numbers and e-mail addresses;
 - 64.2 a statement of the share held by each Member and the amount each Member paid for it;
 - 64.3 the date each person was entered in the Register as a Member and the date at which any person ceased to be a Member of the Association;
 - 64.4 a statement of other property in the Association, whether in loans or loan stock held by each Member; and
 - 64.5 the names and addresses of the Office Bearers of the Association, their positions and the dates they took and left office.
- 65.1 The Association must also keep at its registered office:
- 65.1.1 a second copy of the Register showing the same details as above but not the statements of shares and property. This second register must be used to confirm the information recorded in the main Register.
 - 65.1.2 a register of loans and to whom they are made.
 - 65.1.3 a register showing details of all loans and charges on the Association's land.
- 65.2 The inclusion or omission of the name of any person from the original Register of Members shall, in the absence of evidence to the contrary, be conclusive that the person is or is not a Member of the Association.

Registered Name

- 66 The registered name of the Association must be clearly shown on the outside of every office or place where the Association's business is carried out. The name must also be engraved clearly on the Association's seal and printed on all its business letters, notices, adverts, official publications, website and legal and financial documents.

Documentation

- 67 The Association's books of account, registers, securities and other documents must be kept at the registered office or any other place the Committee decides is secure.
- 68 At the last Committee Meeting before the annual general meeting, the Secretary must confirm in writing to the Committee that Rules 62 to 67 have been followed or, if they have not been followed, the reasons for this. The Secretary's confirmation or report must be recorded in the minutes of the Committee Meeting.

ACCOUNTS

- 69 The Association must keep proper books of accounts to cover its income, expenditure transactions and its assets, liabilities and reserves in line with Part 7 of the Co-operative and Community Benefit Societies Act 2014. It must also set up and maintain a suitable system for controlling its books of accounts, its cash and its receipts and invoices.
- 70 The Committee must send the Association's accounts and balance sheet to the Association's auditor. The auditor must then report to the Association on the accounts it has examined. In doing this, the auditor must follow the conditions set out in Part 7 of the Co-operative and Community Benefit Societies Act 2014 and Part 6 of the Housing (Scotland) Act 2010.
- 71 The Association must provide The Scottish Housing Regulator and the Financial Conduct Authority with a copy of its accounts and the auditor's report within six months of the end of the period to which they relate.

THE AUDITOR

- 72.1 Each year the Association must appoint, at a general meeting of the Association, a qualified auditor to audit the Association's accounts and balance sheet. In this Rule "qualified auditor" means someone who is a qualified auditor under Section 91 of the Co-operative and Community Benefit Societies Act 2014.
- 72.2 None of the following can act as auditor to the Association:-
- 72.2.1 a Committee Member or employee of the Association;
 - 72.2.2 a person who is a partner of, or an employee or employer of a Committee Member or employee of the Association;
 - 72.2.3 an organisation which is a Member of the Association.

- 73 The Association must appoint an auditor within three months of being registered by the Financial Conduct Authority. The Committee will appoint the auditor unless there is a meeting of the Association within that time. The Committee may appoint an auditor to fill in a casual vacancy occurring between general meetings of the Association. The Committee shall take such steps as it considers necessary to ensure the continuing independence of the Association's auditor including the periodic review of the need for audit rotation. The Association must send a copy of its accounts and the auditor's report to The Scottish Housing Regulator within six months of the end of the period to which they relate.
- 74.1 An auditor appointed to act for the Association one year will be re-appointed for the following year unless:-
- 74.1.1 a decision has been made at a general meeting to appoint someone else or specifically not to appoint them again; or
 - 74.1.2 they have given the Association notice in writing that they do not want to be re-appointed; or
 - 74.1.3 they are not a qualified Auditor or are excluded under Rule 72.2; or
 - 74.1.4 they are no longer capable of acting as Auditor to the Association; or
 - 74.1.5 notice to appoint another Auditor has been given.
- 74.2 To prevent an auditor being re-appointed or to appoint another person as auditor, not less than 28 days' notice must be given to the Association that the matter requires to be discussed at the next meeting of the Association.
- 74.3 The Association shall give notice to the auditor who is to be asked to step down that the matter will be discussed at the next meeting of the Association. If possible the Association will also give proper notice of this matter to the Members but if this is not possible, the Association can give notice by advertising in the local newspaper at least 14 days before the meeting.
- 74.4 The retiring Auditor may make representations to the Association or give notice that he/she intends to make representations at the meeting and the Association must tell the Members of any representations made by the Auditor under Section 95 of the Co-operative and Community Benefit Societies Act 2014.

ANNUAL RETURNS AND BALANCE SHEET

- 75.1 Every year, within the time allowed by the law, the Secretary shall send to the Financial Conduct Authority the annual return in the form required by the Financial Conduct Authority.
- 75.2 The Secretary must also send:
- 75.2.1 a copy of the auditor's report on the Association's accounts for the period covered by the return; and
 - 75.2.2 a copy of each balance sheet made during that period and of the auditor's report on that balance sheet.
- 76 If requested, the Association must provide a free copy of the latest annual return and auditor's reports to Members or people with a financial interest in the Association.

- 77 The Association must always keep a copy of the latest balance sheet and auditor's report publicly displayed at its registered office.
- 78 The Association must comply with the requests of The Scottish Housing Regulator for annual returns.

SURPLUSES AND DONATIONS

- 79.1 The Association must not distribute its surpluses to Members.
- 79.2 The Committee shall set and review periodically its policy for the donation of funds to charities. Such donations must further the objects of the Association and the Committee shall report to the Members on such donations.

INVESTMENTS

- 80 The Association's funds may be invested by the Committee in such manner as is permitted by its Investment Policy subject always to the requirement that the Association will comply with the Regulatory Framework and Regulatory Guidance issued by The Scottish Housing Regulator from time to time.

INSPECTING THE REGISTER

- 81 Any Member or person having a financial interest in the Association can inspect their own account. They may also inspect the second copy of the Register of Members which shall be made available to them for inspection within 7 days of the request of a Member or eligible person. The books must be available for inspection at the place they are kept at all reasonable hours. The Committee may set conditions for inspecting the books.

DISPUTES

- 82 Every dispute between the Association or the Committee and:-
- 82.1 a Member; or
 - 82.2 a person aggrieved who has ceased to be a Member within the previous six months; or
 - 82.3 a person claiming under the Rules of the Association shall be dealt with in accordance with these Rules and any procedures determined by the Committee from time to time but without prejudice to all rights which any person may have to raise an action on the matter in any court with competent jurisdiction, including without prejudice the Sheriff Court in the Sherriffdom in which the Association's registered office is located.

STATUTORY APPLICATIONS TO THE FINANCIAL CONDUCT AUTHORITY

- 83 Any 10 Members of the Association who have been Members for at least the 12 previous months can apply to the Financial Conduct Authority to appoint an accountant or actuary to inspect and report on the Association's books on payment to the Financial Conduct Authority of the costs required.
- 84.1 One-tenth of Members can apply to the Financial Conduct Authority to:
- 84.1.1 appoint an inspector to examine and report on the affairs of the Association; or
 - 84.1.2 call a special general meeting of the Association.
- 84.2 If there are more than 1000 Members in the Association, only 100 Members need to apply to the Financial Conduct Authority in terms of Rule 84.1.

COPIES OF RULES

- 85 The Secretary shall, on demand, provide a copy of the Rules of the Association free of charge to any Member who has not previously been given a copy and, upon payment of such fee as the Association may require, not exceeding the amount specified by law, to any other person.

CLOSING DOWN THE ASSOCIATION

- 86.1 The Association may be closed down in either of the following ways:
- 86.1.1 by an order or resolution to wind up the Association as set out in the Insolvency Act 1986; or
 - 86.1.2 In accordance with Section 119 of the Co-operative and Community Benefit Societies Act 2014, by an instrument of dissolution to which not less than three-fourths of the Members have given their consent testified by their signatures to the instrument.
- 86.2 The prior approval of the Office of the Scottish Charity Regulator is required before the Association can be dissolved. The Association must submit its application for approval to the Office of the Scottish Charity Regulator not less than 42 days before the date on which the Association intends to dissolve.
- 87 If any property remains after the Association has paid its debts, this property will be transferred to such other charitable registered social landlord as determined by The Scottish Housing Regulator.

CHANGING THE RULES

- 88.1 Any of these Rules can be changed or deleted and new Rules can be introduced if three-quarters of the votes at a special general meeting are in favour of the change(s).
- 88.2 Where an amendment of these Rules affects the purposes of the Association the prior approval of the Office of the Scottish Charity Regulator is required. The Association must submit its application for approval to the Office of the Scottish Charity Regulator not less than 42 days before the date on which the Association intends to amend its purposes. Any other amendment of these Rules requires to be notified to them within three months of the change having been made.
- 88.3 The Association must apply to the Financial Conduct Authority to register every rule change as set out in treasury regulations. Each Member must receive a copy of the change. No change is valid until it has been registered by the Financial Conduct Authority. The Association must notify The Scottish Housing Regulator within 28 days of the change or amendment being made.
- 88.4 The Association can change its name if:
- 88.4.1 three-quarters of the votes at a special general meeting are in favour of the change; and
 - 88.4.2 the Financial Conduct Authority approves the change in writing.
 - 88.4.3 the Office of the Scottish Charity Regulator has given its prior approval. The Association must submit its application for approval to the Office of the Scottish Charity Regulator not less than 42 days before the date on which the Association intends to change its name.
- 88.5 If the Association changes its name in terms of Rule 88.4 it must notify The Scottish Housing Regulator in writing within 28 days of the change being made.
- 88.6 The Association can change its registered or principal office but must:
- 88.6.1 notify The Scottish Housing Regulator of the change in registered office within 28 days of the change having been made; and the Financial Conduct Authority as soon as possible after the change in registered office has been made.
 - 88.6.2 notify the Office of the Scottish Charity Regulator within 3 months of the change having been made.

INTERPRETING THESE RULES

- 89 In these Rules, the following words and phrases have the meanings given below:
- 89.1 "A person claiming through a Member":- includes an heir, executor, assignee or nominee. This heading would be used in connection with disputes about the transfer of a Member's share after his death. It would also cover executors of a former Member
 - 89.2 "Association" means the registered social landlord referred to in Rule 1 whose Rules these are.

- 89.3 “Chairperson” means the Chairperson (or such other term that is used by the Association to denote the holder of this office) of the Association referred to in Rule 59.1.
- 89.4 “Close Relative” means someone who is the spouse or civil partner of a person, or (being either of the same or different sex) who cohabits with that person, or is that person’s parent, grandparent, child, stepchild, grandchild, brother or sister.
- 89.5 “Committee” means the Committee of Management (or such other term that is used by the Association to denote the governing body of the Association) referred to in Rule 37.1.
- 89.6 “Committee Meeting” means a meeting of the Committee.
- 89.7 “Committee Member” means a member of the Committee.
- 89.8 “Financial Conduct Authority” means the registering authority for societies registered under the Co-operative and Community Benefit Societies Act 2014 and the Credit Unions Act 1979 set up in terms of the Financial Services Act 2012 or its successor body.
- 89.9 “Group” means the Association and any organisation which is its parent, its subsidiary or is a subsidiary of its parent.
- 89.10 “Meeting” means a general meeting of the Association, whether special, general or annual referred to in Rules 20-23.
- 89.11 “Member” means a member of the Association whose name is entered in the Register of Members.
- 89.12 “Office Bearer” means the Chairperson, Secretary, and such other Officer Bearer appointed under Rule 59.1.
- 89.13 “Office of the Scottish Charity Regulator” means the body set up under the Charities and Trustee Investment (Scotland) Act 2005 to regulate charities in Scotland.
- 89.14 “organisation” means a legal body which exists separately and distinctly from its members and includes companies, building societies, community benefit societies, local authorities and so on and also for the purposes of these Rules includes unincorporated organisations such as social clubs, branches of political parties or trade unions and other voluntary bodies.
- 89.15 “property” includes everything which can be passed on by inheritance (including loans, certificates, books and papers).
- 89.16 A reference to law or statute is a reference to that law or statute as re-enacted, amended or replaced.
- 89.17 “Register of Members” means the register of members referred to in Rule 64.
- 89.18 “Rules” means the registered Rules of the Association.
- 89.19 “Taxes Acts” means Part 11 of the Corporation Tax Act 2010 as read with Schedule 6 of the Finance Act 2010 and any statute or statutory provision which amends, extends, consolidates or replaces the same.
- 89.20 “The Scottish Housing Regulator” means The Scottish Housing Regulator as established pursuant to Section 1 of the Housing (Scotland) Act 2010.
- 89.21 “Secretary” means the Office Bearer appointed by the Committee to be the Secretary of the Association or anyone authorised by the Committee to stand in for the Secretary.
- 89.22 “Vice Chair” means the Vice Chair of the Association referred to in Rule 59.1
- 89.23 Words in the singular also include the plural. Words in the plural also include the singular.

APPENDIX 1

PROXY FORM

You must use the wording shown below to appoint a representative to vote at a meeting for you. Please see Rule 27.1 for more details.

I (insert name) am a member of (insert name) _____ Limited.

My address is: (please insert).

I hereby appoint (insert name) who lives at (insert address) to be my representative and vote for me at the Association's meeting on (insert date) and any other dates that meeting continues on.

Your name _____

Your signature _____

Date _____

APPENDIX 2

CANCELLATION OF PROXY

You must use the wording shown below to reverse your application to send a representative to vote at a meeting for you. Please see Rule 27.4 for more details.

I (insert name) am a member of (insert name) _____ Limited.

My address is: (please insert).

I hereby revoke the appointment of (insert name) as my representative to vote for me at the Association's meeting on (insert date) made by me on the (insert date).

I no longer authorise the person referred to above to represent me at the meeting referred to above.

Your name _____

Your signature _____

SIGNATURE OF COMMITTEE MEMBERS

Date _____

1. _____

2. _____

3. _____

4. _____ Members

5. _____

6. _____

7. _____

_____ Secretary

Appendix 3 – Optional Amendments

Appointed Committee Members

The following guidance has been approved by the Scottish Housing Regulator and provides optional amendments for those associations who wish to have the power to directly appoint governing body members in addition to those who are elected. The below outlines provisions for up to 5 appointed Committee members, but organisations could adjust this to be fewer if that suited their circumstances. However, it is important to note that the majority of Committee Members must always be elected (as per clause 37.1 below).

The changes to the text of the standard charitable model are set out in this guide but where such changes are being implemented this may require a further renumbering of clauses and changes to cross referencing of clauses.

1) Delete existing Rules 37.1 and replace with:-

37.1 The Association shall have a Committee of Management which shall have a minimum of 7 and a maximum (including co-optees) of 15 persons comprising not more than 10 persons nominated and elected in accordance with the provisions of Rules 40.1 and 40.2 (“Elected Committee Members”) and not more than 5 persons who shall be appointed for a specified term of office as Committee Members by the Committee subject to such persons being willing and eligible to be so appointed (“Appointed Committee Members”). Appointed Committee Members shall not retire in accordance with Rule 39.1 but shall continue in office (subject to Rules 43 and 44) until the specified term of office expires or such appointment is revoked by resolution of the Committee. A majority of the Committee of Management must at all times be Elected Committee Members. Appointed Committee Members can be appointed by the Committee at any time and shall not be co-optees for the purposes of these Rules. The Association shall keep up to date a register of the names of the Committee Members which shall be made available to any person at no cost. The names of Committee Members will also be published by the Association on its website, and in its annual reports and other similar documentation.

2) Delete existing Rule 37.6 and replace with:-

37.6 The Committee shall assess annually the skills, knowledge, diversity and objectivity that it needs for its decision making and what is contributed by the Committee Members by way of annual performance reviews. The Committee must be assured that both any Elected Committee Member seeking re-election to the Committee, or Appointed Committee Member seeking to continue as a Committee Member who has continuous service on the Committee of nine years or more is able to demonstrate his/her continued effectiveness as a Committee Member before he/she may stand for re-election or continue as an Appointed Committee Member.

3) Delete existing Rules 39.1 and 39.2 and replace with:-

39.1 At the end of the first annual general meeting after the total membership of the Association has risen to seven or more, all Committee Members must retire. From then on at the end of every annual general meeting, one-third of the Elected Committee Members or the nearest whole number thereto, must retire. Anybody appointed as a co-optee under Rule 42.1 or to fill a casual vacancy under Rule 41 and who retires for that reason, shall not count towards the one third provision. The retiring Elected Committee Members should be selected in accordance with Rule 39.2.

39.2 In the absence of Committee Members standing down voluntarily, the retiring Elected Committee Members should be those who have served the longest on the Committee since the date of their last election. If two or more Elected Committee Members have served equally long and cannot agree who should retire, they must draw lots.

4) Delete existing Rule 39.4 and replace with:-

39.4 If an Elected Committee Member retires from the Committee in terms of Rule 39 on the date of the next annual general meeting, that Committee Member can stand for re-election without being nominated.

5) Delete existing Rule 40.1 and replace with:-

40.1 If, at the annual general meeting the number of Members standing for election is less than or equal to the number of vacant places for Elected Committee Members, the Chairperson will declare them elected without a vote. If there are more Members standing for election than there are vacant places for Elected Committee Members, those present at the general meeting or those exercising a postal vote in accordance with Rule 27.6 will elect Members onto the Committee, in accordance with Rule 29.2. Each Member present or who has appointed a representative will have one vote for each place to be filled by election on the Committee. A Member must not give more than one vote to any one candidate.

6) Delete existing Rule 41 and replace with:-

41 If an Elected Committee Member leaves the Committee between the annual general meetings, this creates a casual vacancy and the Committee can appoint a Member to take their place on the Committee until the next annual general meeting.

7) Delete existing Rule 42.1 and replace with:-

42.1 The Committee can co-opt to the Committee or to a sub-committee anyone it considers is suitable to become a Committee Member in the Elected Committee Member category or member of a sub-committee. Co-optees do not need to be Members, but they can only serve as co-optees on the Committee or sub-committee until the next annual general meeting or until removed by the Committee. A person co-opted to the Committee can also serve on any sub-committees.

8) Delete existing Rule 42.3 and replace with:-

42.3 Committee Members co-opted in this way must not make up more than one-third of the number of Elected Committee Members or the total number of sub-committee members at any one time. The presence of co-optees at Committee Meetings will not be counted when establishing whether the minimum number of Committee Members are present to allow the meeting to take place as required by Rule 48 and the presence of co-optees will not count towards the quorum for sub-committee meetings.”

9) At the end of Rule 44.8, add:-

; or

10) Add new Rule 44.9 as follows:-

44.9 he/she is an Appointed Committee Member whose specified term of office has expired, or whose appointment has been revoked by resolution of the Committee or who has continuous service on the Committee of nine years or more and the Committee is not satisfied of the individual’s continued effectiveness as a Committee Member and in these circumstances the Committee has resolved that he/she shall cease to be a Committee Member.”

11) Delete existing Rule 48 and replace with:-

48 It is up to the Committee to decide when and where to hold its ordinary meetings, but it must meet at least six times a year. There must be at least four Committee Members present for the meeting, with a majority of the Committee Members present being Elected Committee Members, for the meeting to take place.

12) Amend 59.1 on the third line whereby “elected” should be amended to “Elected”.

Part 2 – Other Amendments

This guide highlights further options which have been approved by the Scottish Housing Regulator. The changes to the text of the standard charitable model are set out in this guide but where such changes are being implemented this may require a further renumbering of clauses and changes to cross referencing of clauses.

The following optional amendments can be made should your association choose:

- To allow staff members to be a part of your governing body as Executive Committee members (provisions a, b, c, d, e, f, i, j, k & l); or
- To prohibit related Governing Body members (provision h); or
- To allow payment to Committee Members (provision g)

(a) Delete existing Rules 37.1 and replace with:-

37.1 The Association shall have a Committee of Management which shall have a minimum of 7 and a maximum (including co-optees and Executive Committee Members) of 15 persons. There shall be not more than [insert number] Executive Committee Members serving on the Committee at any one time. The Association shall keep up to date a register of the names of the Committee Members which shall be made available to any person at no cost. The names of Committee Members will also be published by the Association on its website, and in its annual reports and other similar documentation.

(b) Add new Rule 37.2:-

37.2 The Committee can appoint to the Committee any employees the Committee considers are suitable to the role of Executive Committee Members subject to the provisions of Rule 37.1. Executive Committee Members shall serve until removed by the Committee and shall not be subject to retiral in terms of Rule 39.1 or the provisions of Rule 43.2. Executive Committee Members can also serve on any sub-committees. Executive Committee Members must not receive any additional payment in connection with their role as a Committee Member over and above what they are entitled to receive under their contract of employment.

(c) Renumber Rule 37.2 as Rule 37.3.

(d) Delete existing Rule 37.3 and replace with:-

37.4 A person must be aged 18 or over and a Member to become a Committee Member (including any person appointed to fill a casual vacancy) other than a person appointed as a co-optee, a person appointed by The Scottish Housing Regulator or an Executive Committee Member.

(e) Delete existing Rule 37.4 and replace with:-

37.5 Executive Committee Members can take part in discussions at the Committee or any sub-committees and vote at Committee and sub-committee meetings on all matters except those which directly affect the membership of the Association or the election of the Association's Office Bearers. Executive Committee Members may not stand for election, nor be elected as one of the Office Bearers of the Committee. The presence of Executive Committee Members at Committee Meetings will not be counted when establishing whether the minimum number of Committee Members are present to allow the meeting to take place as required by Rule 48 and the presence of Executive Committee Members will not count towards the quorum for sub-committee meetings. No Committee Meetings or sub-committee meetings can take place if Executive Committee Members constitute the majority of those Committee Members present. Executive Committee Members shall comprise a minority of the total number of Committee Members at all times. A Close Relative of an employee may not be a Committee Member.

(f) Renumber existing Rule 37.5 as 37.8 respectively.

(g) Add new Rule 38.4:-

If the Association's policy on payments and benefits permits payment to non-executive Committee Members (or any of them) the Committee must take account of any independent guidance and good practice in fixing the amount of such payments and can demonstrate value for money. Any payments will be linked to specified duties to be undertaken by the relevant Committee Members and the Association will have in place a clear and robust process for assessing the performance of Committee Members in carrying out such duties. The Association must ensure that any such payments to Committee Members are disclosed in the audited accounts of the Association. Where the Association has one or more subsidiaries it must ensure that any payments and benefits to the subsidiary governing body members are included in the policy. The Association must comply with the Charities and Trustee Investment (Scotland) Act 2005 and any associated guidance from the Office of the Scottish Charity Regulator when considering payment or benefits to the charity trustees.

(h) Add new Rule 43.1.12:-

he/she is the spouse, partner, child (including adopted child or step child), parent, parent-in-law, grandparent, grandchild or sibling of a Committee Member or of a governing body member of any other organisation in the Group.

(i) Delete existing Rule 44.2 and replace with:-

44.2 he/she ceases to be a Member unless he/she is a co-optee in terms of Rule 42.1 or an Executive Committee Member or an appointee of The Scottish Housing Regulator; or

(j) Add new Rule 44.9:

44.9 he/she is an Executive Committee Member whose period of office is ended in accordance with Rule 37.2; or

(k) Add new Rule 89.1.8

89.1.8 Executive Committee Member means an employee of the Association appointed as a Committee Member in accordance with Rule 37.2.

(l) Renumber existing Rule 89.1.8 to 89.1.22 respectively.

Extract Minute

If the Management Committee wishes to adopt the revised Rules presented at **Appendix 2**, the following Meeting Minute should be recorded:

A copy of the New Rules was produced to the meeting.

After due and careful consideration by the members of their duties (including those in the Charities and Trustee Investment (Scotland) Act 2005) IT WAS RESOLVED THAT:

- (a) the New Rules be approved; and
- (b) the adoption of the New Rules be put to a vote of members of ELHA at the next annual general meeting of ELHA.

Amendments to the Scottish Housing Quality Standard (SHQS)

Report by Duncan Mackay, Director of Asset Management – for information

1.0 Introduction

The Scottish Government published updated guidance on the Scottish Housing Quality Standard (SHQS) in its letter to Registered Social Landlords of 5 May 2020. The amendments reported here concern the requirements “...to bring the guidance in line with changes to the tolerable standard for fire and smoke alarms and carbon monoxide detectors,” and “...to ensure guidance on electrical safety inspections is consistent with the requirements of BS 7671 Requirements for Electrical Installations (the “Wiring Regulations”)

In summary, this requires ELHA to upgrade all its properties to the Tolerable Standard by ensuring they all have fire detection that meets the requirements of the LD2 standard as specified in BS 5839-6:2019, and that all properties have an Electrical Installation Condition Report (EICR) renewed every five years.

2.0 Fire Detection Upgrades

Following the tragic fire at Grenfell Tower in London, a Ministerial Working Group on Building and Fire Safety was established to review Scotland’s building and fire safety regulatory frameworks. Legislation was introduced through an amendment to the Housing (Scotland) Act 1987 (Tolerable Standard) (Extension of Criterion) Order 2019 and now includes this new element covering smoke and heat alarms. The introduction of smoke and heat alarms in the Tolerable Standard is in recognition of the danger fire poses to the occupants of a house and is intended to reduce the risk of loss of life, injury and damage to property in the event of a fire. The SHQS guidance has subsequently been amended to bring this in line with the Tolerable Standard.

The revised Tolerable Standard requires:

- One smoke alarm installed in the room most frequently used for general daytime living purposes
- One smoke alarm in every circulation space on each storey, such as hallways and landings
- One heat alarm installed in every kitchen

All alarms should be ceiling mounted and interlinked. There is also a requirement for Carbon Monoxide detectors to be fitted where there is a carbon-fuelled appliance such as gas boilers, fires (including open fires), heaters and stoves or a flue in an apartment of the property.

3.0 Implications for ELHA

All of ELHA's stock has smoke alarms and Carbon Monoxide detectors installed but the new standard requires an upgrade to the LD2 system standard as specified in BS 5839-6:2019. The requirement is to ensure that all properties have been upgraded to this standard by February 2021. ELHA's Planned Maintenance Programme for 2020/21, approved by Management Committee at its meeting on 26 February 2020, included a budget for carrying out this work and projected that this could be met within the required timescale. Since then, further investigation has been undertaken to establish the extent of the issue as some of stock already meets the standard in its entirety (259 units), and there will be varying amounts of work required in the remainder to achieve it, as this requires additions to the existing fire detection systems. The original programme made assumptions on unit numbers and costs based on the information available at that time.

Following the outbreak of the Covid-19 pandemic, the likelihood of achieving full compliance with the requirements in the required timescale are now in doubt, this due to the delays with the start of the work as a consequence of the introduction and continuation of the current lockdown. With R3 Repairs originally geared up to start this exercise in the first week of April 2020, the loss of 7 weeks on site at the time of writing this report, means meeting this already challenging target is now very doubtful. The Scottish Government is engaging with the Scottish Housing Regulator on this as it is recognised that there will be a significant impact on organisations in meeting the target deadline.

4.0 Requirement for all Properties to have current Electrical Installation Condition report (EICR)

Also introduced on 5 May 2020 as an amendment to the SHQS (Element 45 Safe Electrical Systems), there is now a requirement for all properties to have a valid EICR, renewed every five years and for this to be available to the tenant in the property in a similar way to a Gas Safety Certificate.

Work is underway to establish how many ELHA properties have a current certificate, and how many will be required to be carried out and issued. This task is a significant undertaking both in terms of identifying the scale of the issue and in the actual work of inspection on site and will require considerable resources and planning to achieve. Current thinking is that it would make sense to bring the two tasks noted in this report together and upgrade the fire warning systems and test the electrical installation in the property at the same time when access is arranged. The drawback to this approach is that carrying out both pieces of work at the same time will take longer on site and may well delay the completion of the work to upgrade alarms and detectors.

Notwithstanding this, it is felt that this approach will be less disruptive for tenants with only one visit to their home and should be most economically advantageous to ELHA.

5.0 Conclusion

The Management Committee is asked to note the content of this report and that a further update on this issue will be given to the next meeting of the Management Committee in August 2020.

Annual Return on the Charter (ARC)

Report by Karen Barry, Director of Housing – for Approval

1.0 Annual Return on the Charter (ARC)

The Scottish Housing Regulator (SHR) is responsible for monitoring social landlords' progress towards achieving the standards and outcomes set out in the Charter. The Annual Return on the Charter (ARC) provides contextual information and performance information against 45 Charter Indicators and must normally be submitted to the SHR by 31 May each year. This year the submission date has been extended by the SHR to take account of the disruption caused by the Coronavirus, but the Association has managed to complete the work required within the normal timescale.

The Energy Efficiency Standard for Social Housing (ESSH) was launched by the Scottish Government in March 2014. The ESSH will contribute towards the carbon emissions reduction targets set by the Climate Change (Scotland) Act 2009. The SHR monitors and reports on social landlords' compliance with the ESSH and until this year a separate return has been required, however this has now been incorporated within the ARC.

The information provided in the ARC is used by the SHR to:

- Form a view of the regulatory risk presented by a Registered Social Landlord (RSL) and consequently the level of engagement that the SHR will have with the landlord (other information, e.g. Financial returns is also considered)
- Inform the regulatory process by comparison with other RSLs
- Form the basis for thematic inspections
- Publish an annual statistical report to enable RSLs, and others, to analyse performance against comparable organisations
- Publish information aimed at informing tenants about their landlords performance

It is the responsibility of the Management Committee to ensure that staff provide accurate information and submit the ARC on time. A Management Committee member is required to authorise the online submission of the ARC and to confirm that its contents have been discussed at a meeting of the full Management Committee.

A copy of ELHA's ARC is attached to this report.

3.0 Assurance Statement

To comply with the Regulatory Framework, the Management Committee is obliged to submit an annual Assurance Statement to the Scottish Housing Regulator. This report will be used as part of the Assurance Evidence Bank to help inform the development of the Annual Assurance Statement. Management Committee members should be confident that this evidence is sufficient and reliable for this purpose.

This data is particularly relevant to the following Governance Standards:

Standard 1 – The Governing Body leads and directs the RSL to deliver good outcomes for tenants and other service users

Standard 3 – The RSL manages its financial resources to ensure its economic well being whilst maintaining rents at a level that tenants can afford to pay

Standard 4 – The Governing Body bases its decisions on good quality information and advice and identifies and mitigates risk to the organisation's purpose

The data used in this report is drawn from various sources but is collated using prescriptive guidance about each indicator from the Regulator. The data is entered into an online portal which cross-references entries within the data set and identifies any errors. The data set has been checked and no errors are reported. The data can therefore be considered robust.

In addition, it should be noted that the majority of ARC data is now gathered on a monthly basis and reported in P365 on elha.com. This information through time, will be automated, further improving the quality and consistency of the data being reported.

4.0 Performance Review

The Scottish Housing Regulator uses the ARC return to compile Landlord Performance Reports for each RSL. This includes some key comparative data.

The Association commissions an independent consultant to review the published ARC data and undertake a review of ELHA performance, including benchmarking performance against other RSLs. This report will be presented to the November 2020 Management Committee meeting.

This ensures the Management Committee is able to review the Association's performance in a wider context, but routine performance management is reported through the Key Performance Indicator report (see **Agenda Item 2.2**), and Complaints Analysis reports, as well as other more detailed performance reporting to the Audit & Assurance Committee, therefore no further analysis of the ARC return has been undertaken at this stage.

Recommendation

The Management Committee is asked to approve the Annual Return on the Charter for submission to The Scottish Housing Regulator.



Landlord name: East Lothian Housing Association Ltd

RSL Reg. No.: 103

Report generated date: 14/05/2020 17:27:12

Approval

A1.1	Date approved	
A1.2	Approver	
A1.3	Approver job title	
A1.4	Comments	



Social landlord contextual information

Staff

Staff information, staff turnover and sickness rates (Indicator C1)

C1.1	the name of Chief Executive	Mr Martin Pollhammer
C1.2.1	C1.2 Staff employed by the RSL: the number of senior staff	4.00
C1.2.2	the number of office based staff	39.90
C1.2.3	the number of care / support staff	0.00
C1.2.4	the number of concierge staff	0.00
C1.2.5	the number of direct labour staff	29.30
C1.2.6	the total number of staff	73.20
C1.3.1	Staff turnover and sickness absence: the percentage of senior staff turnover in the year to the end of the reporting year	0.00%
C1.3.2	the percentage of total staff turnover in the year to the end of the reporting year	13.48%
C1.3.3	the percentage of days lost through staff sickness absence in the reporting year	2.42%



Social landlord contextual information

Lets

Number of lets during the reporting year, split between 'general needs' and 'supported housing' (Indicator C3)	
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C3.1	The number of 'general needs' lets during the reporting year	68
C3.2	The number of 'supported housing' lets during the reporting year	13
Indicator C3		81



The number of lets during the reporting year by source of let (Indicator C2)
--

C2.1	The number of lets to existing tenants	13
C2.2	The number of lets to housing list applicants	28
C2.3	The number of mutual exchanges	27
C2.4	The number of lets from other sources	0
C2.5.1	C2.5 The number of applicants who have been assessed as statutorily homeless by the local authority as: section 5 referrals	0
C2.5.2	nominations from the local authority	2
C2.5.3	other	38
C2.6	the number of other nominations from local authorities	0
C2.7	Total number of lets excluding exchanges	81



Comments (Social landlord contextual information)

**Overall satisfaction****All outcomes**

Percentage of tenants satisfied with the overall service provided by their landlord (Indicator 1)

1.1.1	1.1 In relation to the overall tenant satisfaction survey carried out, please state: the number of tenants who were surveyed	703
1.1.2	the fieldwork dates of the survey	10/2019
1.1.3	The method(s) of administering the survey:	
	Post	<input type="checkbox"/>
1.1.4	Telephone	<input type="checkbox"/>
1.1.5	Face-to-face	<input checked="" type="checkbox"/>
1.1.6	Online	<input type="checkbox"/>
1.2.1	1.2 In relation to the tenant satisfaction question on overall services, please state the number of tenants who responded:	327
	very satisfied	
1.2.2	fairly satisfied	337
1.2.3	neither satisfied nor dissatisfied	17
1.2.4	fairly dissatisfied	17
1.2.5	very dissatisfied	0
1.2.6	no opinion	5
1.2.7	Total	703

Indicator 1	94.45%
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Comments (Overall satisfaction)



The customer / landlord relationship

Communication

Percentage of tenants who feel their landlord is good at keeping them informed about their services and decisions (Indicator 2)

2.1	How many tenants answered the question "How good or poor do you feel your landlord is at keeping you informed about their services and decisions?"	703
2.2.1	2.2 Of the tenants who answered, how many said that their landlord was: very good at keeping them informed	364
2.2.2	fairly good at keeping them informed	323
2.2.3	neither good nor poor at keeping them informed	12
2.2.4	fairly poor at keeping them informed	4
2.2.5	very poor at keeping them informed	0
2.2.6	Total	703

	Indicator 2	97.72%
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Participation

Percentage of tenants satisfied with the opportunities given to them to participate in their landlord's decision making processes (Indicator 5)

5.1	How many tenants answered the question "How satisfied or dissatisfied are you with opportunities given to you to participate in your landlord's decision making processes?"	703
5.2.1	5.2 Of the tenants who answered, how many said that they were: very satisfied	259
5.2.2	fairly satisfied	390
5.2.3	neither satisfied nor dissatisfied	51
5.2.4	fairly dissatisfied	3
5.2.5	very dissatisfied	0
5.2.6	Total	703

	Indicator 5	92.32%
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Comments (The customer / landlord relationship)



Housing quality and maintenance

Quality of housing

Scottish Housing Quality Standard (SHQS) – Stock condition survey information (Indicator C8)
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C8.1	The date your organisation's stock was last surveyed or assessed for compliance with the SHQS	05/2019
C8.2	What percentage of stock did your organisation fully assess for compliance in the last five years?	100.00
C8.3	The date of your next scheduled stock condition survey or assessment	07/2020
C8.4	What percentage of your organisation's stock will be fully assessed in the next survey for SHQS compliance	20.00
C8.5	Comments on method of assessing SHQS compliance.	
The survey specifically assessed SHQS requirements.		



Scottish Housing Quality Standard (SHQS) – Stock summary (Indicator C9)

		End of the reporting year	End of the next reporting year
C9.1	Total self-contained stock	1,305	1,340
C9.2	Self-contained stock exempt from SHQS	36	36
C9.3	Self-contained stock in abeyance from SHQS	2	2
C9.4.1	Self-contained stock failing SHQS for one criterion	0	0
C9.4.2	Self-contained stock failing SHQS for two or more criteria	0	0
C9.4.3	Total self-contained stock failing SHQS	0	0
C9.5	Stock meeting the SHQS	1,267	1,302



C9.6	Total self-contained stock meeting the SHQS by local authority
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	End of the reporting year	End of the next reporting year
Aberdeen City	0	0
Aberdeenshire	0	0
Angus	0	0
Argyll & Bute	0	0
City of Edinburgh	0	0
Clackmannanshire	0	0
Dumfries & Galloway	0	0
Dundee City	0	0
East Ayrshire	0	0
East Dunbartonshire	0	0
East Lothian	1,267	1,302
East Renfrewshire	0	0
Eilean Siar	0	0
Falkirk	0	0
Fife	0	0
Glasgow City	0	0
Highland	0	0
Inverclyde	0	0
Midlothian	0	0
Moray	0	0
North Ayrshire	0	0



North Lanarkshire	0	0
Orkney Islands	0	0
Perth & Kinross	0	0
Renfrewshire	0	0
Scottish Borders	0	0
Shetland Islands	0	0
South Ayrshire	0	0
South Lanarkshire	0	0
Stirling	0	0
West Dunbartonshire	0	0
West Lothian	0	0
Totals	1,267	1,302



Percentage of stock meeting the Scottish Housing Quality Standard (SHQS) (Indicator 6)
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6.1.1	The total number of properties within scope of the SHQS: at the end of the reporting year	1,305
6.1.2	projected to the end of the next reporting year	1,340
6.2.1	The number of properties meeting the SHQS: at the end of the reporting year	1,267
6.2.2	projected to the end of the next reporting year	1,302

Indicator 6 - Percentage of stock meeting the SHQS at the end of the reporting year	97.09%
Indicator 6 - Percentage of stock meeting the SHQS projected to the end of the next reporting year	97.16%



Percentage of tenants satisfied with the quality of their home (Indicator 7)

7.1	How many tenants answered the question "Overall, how satisfied or dissatisfied are you with the quality of your home?"	703
7.2.1	7.2 Of the tenants who answered, how many said that they were: very satisfied	392
7.2.2	fairly satisfied	261
7.2.3	neither satisfied nor dissatisfied	35
7.2.4	fairly dissatisfied	15
7.2.5	very dissatisfied	0
7.3	Total	703

	Indicator 7	92.89%
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**Repairs, maintenance & improvements**

Average length of time taken to complete emergency repairs (Indicator 8)		
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8.1	The number of emergency repairs completed in the reporting year	70
8.2	The total number of hours taken to complete emergency repairs	86

Indicator 8		1.23
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Average length of time taken to complete non-emergency repairs (Indicator 9)		
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9.1	The total number of non-emergency repairs completed in the reporting year	3,557
9.2	The total number of working days taken to complete non-emergency repairs	19,276

Indicator 9		5.42
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Percentage of reactive repairs carried out in the last year completed right first time (Indicator 10)

10.1	The number of reactive repairs completed right first time during the reporting year	3,395
10.2	The total number of reactive repairs completed during the reporting year	3,557

Indicator 10		95.45%
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How many times in the reporting year did not meet your statutory duty to complete a gas safety check (Indicator 11).

11.1	The number of times you did not meet your statutory duty to complete a gas safety check.	0
11.2	if you did not meet your statutory duty to complete a gas safety check add a note in the comments field	

Indicator 11	0
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Percentage of tenants who have had repairs or maintenance carried out in last 12 months satisfied with the repairs and maintenance service (Indicator 12)

12.1	Of the tenants who had repairs carried out in the last year, how many answered the question "Thinking about the LAST time you had repairs carried out, how satisfied or dissatisfied were you with the repairs service provided by your landlord?"	415
12.2	Of the tenants who answered, how many said that they were:	308
12.2.1	very satisfied	
12.2.2	fairly satisfied	79
12.2.3	neither satisfied nor dissatisfied	19
12.2.4	fairly dissatisfied	8
12.2.5	very dissatisfied	1
12.2.6	Total	415

	Indicator 12	93.25%
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EESH

Percentage of properties meeting the EESH (Indicator C10)

C10.1 Number of self contained properties				
	Gas	Electric	Other fuels	Total
Flats	346	176	0	522
Four-in-a-block	44	4	4	52
Houses (other than detached)	577	139	11	727
Detached houses	4	0	0	4
Total	971	319	15	1,305

C10.2 Number of self contained properties not in scope of the EESH				
	Gas	Electric	Other fuels	Total
Flats	0	0	0	0
Four-in-a-block	0	0	0	0
Houses (other than detached)	0	0	0	0
Detached houses	0	0	0	0
Total	0	0	0	0

C10.3 Number of self contained properties in scope of the EESH				
	Gas	Electric	Other fuels	Total
Flats	346	176	0	522
Four-in-a-block	44	4	4	52
Houses (other than detached)	577	139	11	727
Detached houses	4	0	0	4
Total	971	319	15	1,305

C10.4 Number of properties in scope of the EESH where compliance is unknown				
	Gas	Electric	Other fuels	Total
Flats	0	0	0	0
Four-in-a-block	0	0	0	0
Houses (other than detached)	0	0	0	0
Detached houses	0	0	0	0
Total	0	0	0	0



C10.4.21	Where EESSH compliance is unknown for any properties, please explain why

C10.5	Number of properties in scope of the EESSH that do not meet the standard			
	Gas	Electric	Other fuels	Total
Flats	1	0	0	1
Four-in-a-block	0	0	0	0
Houses (other than detached)	2	0	0	2
Detached houses	0	0	0	0
Total	3	0	0	3

C10.6	Number of properties in scope of the EESSH that are exempt the standard			
	Gas	Electric	Other fuels	Total
Flats	0	0	0	0
Four-in-a-block	0	0	0	0
Houses (other than detached)	0	0	0	0
Detached houses	0	0	0	0
Total	0	0	0	0

C10.7	Number of properties in scope of the EESSH that meet the standard			
	Gas	Electric	Other fuels	Total
Flats	345	176	0	521
Four-in-a-block	44	4	4	52
Houses (other than detached)	575	139	11	725
Detached houses	4	0	0	4
Total	968	319	15	1,302

	C10	99.8%
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Anticipated exemptions from the EESSH (Indicator C11)

C11.1	Number of properties anticipated to require an exemption from the first EESSH milestone in the next reporting year			
	Gas	Electric	Other fuels	Total
Flats	0	0	0	0
Four-in-a-block	0	0	0	0
Houses (other than detached)	0	0	0	0
Detached houses	0	0	0	0
Total	0	0	0	0

C11.2	The reasons properties anticipated to require an exemption	
		Number of Properties
Technical		0
Social		0
Excessive cost		0
New technology		0
Legal		0
Disposal		0
Long term voids		0
Unable to secure funding		0
Other reason / unknown		0
Total		0

C11.3 If other reason or unknown, please explain

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Energy Performance Certificates (EPCs) (Indicator C12)

C12.1	EPC rating	
	The number of properties with a valid EPC	The number of EPCs lodged in the reporting year
A	16	0
B	325	1
C	842	27
D	121	20
E	1	0
F	0	0
G	0	0
Total	1,305	48

C12.2	Of the properties with a valid EPC, please state which version of the SAP was used for generating the EPCs	
	Number of Properties	
SAP 2001	0	
SAP 2005	0	
SAP 2009	232	
SAP 2012	1,073	
Other procedure / unknown	0	
Total	1,305	

C12.3 If other procedure or unknown, please explain

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Indicator C12

100.0%



Investment in the EESSH (Indicator C13)

C13.1	The total number of properties brought up to the EESSH during the reporting year	29
C13.2	Of the total amount invested in bringing properties up to the EESSH, please state how much came from	
C13.2.1	Subsidy	£0
C13.2.2	The landlord's own financial resource	£87,698
C13.2.3	Another source	£0
C13.2.4	Total amount invested in bringing properties up to the EESSH	£87,698

C13.3 Please give reasons for any investment which came from another source

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Comments (Housing quality and maintenance)



Neighbourhood & community

Estate management, anti-social behaviour, neighbour nuisance and tenancy disputes

Percentage of all complaints responded to in full at Stage 1 and percentage of all complaints responded to in full at Stage 2. (Indicators 3 & 4)

	1st stage	2nd stage
Complaints received in the reporting year	113	12
Complaints carried forward from previous reporting year	2	0
All complaints received and carried forward	115	12
Number of complaints responded to in full by the landlord in the reporting year	112	11
Time taken in working days to provide a full response	317	180

Indicators 3 & 4 - The percentage of all complaints responded to in full at Stage 1	97.39%
Indicators 3 & 4 - The percentage of all complaints responded to in full at Stage 2	91.67%
Indicators 3 & 4 - The average time in working days for a full response at Stage 1	2.83
Indicators 3 & 4 - The average time in working days for a full response at Stage 2	16.36



Percentage of tenants satisfied with the landlord's contribution to the management of the neighbourhood they live in (Indicator 13)

13.1	How many tenants answered the question "Overall, how satisfied or dissatisfied are you with your landlord's contribution to the management of the neighbourhood you live in?"	703
13.2.1	13.2 Of the tenants who answered, how many said that they were: very satisfied	319
13.2.2	fairly satisfied	346
13.2.3	neither satisfied nor dissatisfied	23
13.2.4	fairly dissatisfied	15
13.2.5	very dissatisfied	0
13.2.6	Total	703

Indicator 13	94.59%
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Percentage of tenancy offers refused during the year (Indicator 14)		
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14.1	The number of tenancy offers made during the reporting year	101
14.2	The number of tenancy offers that were refused	20

		Indicator 14	0.00%
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Percentage of anti-social behaviour cases reported in the last year which were resolved (Indicator 15)

15.1	The number of cases of anti-social behaviour reported in the last year	137
15.2	Of those at 15.1, the number of cases resolved in the last year	132

Indicator 15		96.35%
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Abandoned homes (Indicator C4)

C4.1	The number of properties abandoned during the reporting year	2
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Percentage of the court actions initiated which resulted in eviction and the reasons for eviction (Indicator 22)

22.1	The total number of court actions initiated during the reporting year	11
22.2.1	The number of properties recovered: because rent had not been paid	3
22.2.2	because of anti-social behaviour	0
22.2.3	for other reasons	0

Indicator 22 - Percentage of the court actions initiated which resulted in eviction because rent had not been paid	27.27%
Indicator 22 - Percentage of the court actions initiated which resulted in eviction because of anti-social behaviour	0.00%
Indicator 22 - Percentage of the court actions initiated which resulted in eviction for other reasons	0.00%
Indicator 22 - Percentage of the court actions initiated which resulted in eviction	27.27%



Comments (Neighbourhood & community)



Access to housing and support

Housing options and access to social housing

Percentage of lettable houses that became vacant in the last year (Indicator 17)
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17.1	The total number of lettable self-contained stock	1,305
17.2	The number of empty dwellings that arose during the reporting year in self-contained lettable stock	82

	Indicator 17	6.28%
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Number of households currently waiting for adaptations to their home (Indicator 19)

19.1	The total number of approved applications on the list for adaptations as at the start of the reporting year, plus any new approved applications during the reporting year.	45
19.2	The number of approved applications completed between the start and end of the reporting year	36
19.3	The total number of households waiting for applications to be completed at the end of the reporting year.	2
19.4	if 19(iii) does not equal 19(i) minus 19(ii) add a note in the comments field.	
9 were not carried out. 2 will be carried out in 2020/21 and 7 were no response from tenants.		

Indicator 19

9



Total cost of adaptations completed in the year by source of funding (£) (Indicator 20)

20.1	The cost (£) that was landlord funded;	£3,657
20.2	The cost (£) that was grant funded	£40,973
20.3	The cost (£) that was funded by other sources.	£0

Indicator 20		£44,630
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The average time to complete adaptations (Indicator 21)

21.1	The total number of working days taken to complete all adaptations.	875
21.2	The total number of adaptations completed during the reporting year.	36

Indicator 21		24.31
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Homelessness – the percentage of referrals under Section 5, and other referrals for homeless households made by the local authority, that result in an offer, and the percentage of those offers that result in a let (Indicator 23)

23.1	The total number of individual homeless households referrals received under section 5.	0
23.2	The total number of individual homeless households referrals received under other referral routes.	41
23.3	The total number of individual homeless households referrals received under section 5 and other referral routes.	41
23.4	The total number of individual homeless households referrals received under section 5 that result in an offer of a permanent home.	0
23.5	The total number of individual homeless households referrals received under other referral routes that result in an offer of a permanent home.	41
23.6	The total number of individual homeless households referrals received under section 5 and other referral routes that result in an offer of a permanent home.	41
23.7	The total number of accepted offers.	40

Indicator 23 - The percentage of referrals under section 5, and other referrals for homeless households made by a local authority, that result in an offer	100.00%
Indicator 23 - The percentage of those offers that result in a let	97.56%



Average length of time to re-let properties in the last year (Indicator 30)		
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30.1	The total number of properties re-let in the reporting year	81
30.2	The total number of calendar days properties were empty	1,544

Indicator 30		19.06
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Tenancy sustainment

Percentage of new tenancies sustained for more than a year, by source of let (Indicator 16)

16.1.1	The number of tenancies which began in the previous reporting year by: existing tenants	89
16.1.2	applicants who were assessed as statutory homeless by the local authority	30
16.1.3	applicants from your organisation's housing list	23
16.1.4	nominations from local authority	0
16.1.5	other	36
16.2.1	The number of tenants at 16.1 who remained in their tenancy for more than a year by: existing tenants	86
16.2.2	applicants who were assessed as statutory homeless by the local authority	29
16.2.3	applicants from your organisation's housing list	22
16.2.4	nominations from local authority	0
16.2.5	other	35

Indicator 16 - Percentage of new tenancies to existing tenants sustained for more than a year	96.63%
Indicator 16 - Percentage of new tenancies to applicants who were assessed as statutory homeless by the local authority sustained for more than a year	96.67%
Indicator 16 - Percentage of new tenancies to applicants from the landlord's housing list sustained for more than a year	95.65%
Indicator 16 - Percentage of new tenancies through nominations from local authority sustained for more than a year	
Indicator 16 - Percentage of new tenancies to others sustained for more than a year	97.22%



Comments (Access to housing and support)



Getting good value from rents and service charges

Rents and service charges

Rent collected as percentage of total rent due in the reporting year (Indicator 26)

26.1	The total amount of rent collected in the reporting year	£6,491,697
26.2	The total amount of rent due to be collected in the reporting year (annual rent debit)	£6,488,508

Indicator 26



Gross rent arrears (all tenants) as at 31 March each year as a percentage of rent due for the reporting year (Indicator 27)

27.1	The total value (£) of gross rent arrears as at the end of the reporting year	£315,655
27.2	The total rent due for the reporting year	£6,736,692

	Indicator 27	4.69%
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Average annual management fee per factored property (Indicator 28)

28.1	The number of residential properties factored	45
28.2	The total value of management fees invoiced to factored owners in the reporting year	£72

Indicator 28		£1.60
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Percentage of rent due lost through properties being empty during the last year (Indicator 18)

18.1	The total amount of rent due for the reporting year	6,736,692
18.2	The total amount of rent lost through properties being empty during the reporting year	24,787

Indicator 18		0.37%
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Rent increase (Indicator C5)

C5.1	The percentage average weekly rent increase to be applied in the next reporting year	3.20%
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The number of households for which landlords are paid housing costs directly and the total value of payments received in the reporting year (Indicator C6)

C6.1	The number of households the landlord received housing costs directly for during the reporting year	679
C6.2	The value of direct housing cost payments received during the reporting year	£2,000,723



Amount and percentage of former tenant rent arrears written off at the year end (Indicator C7)

C7.1	The total value of former tenant arrears at year end	£116,834
C7.2	The total value of former tenant arrears written off at year end	£3,359

	Indicator C7	2.88%
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**Value for money**

Percentage of tenants who feel that the rent for their property represents good value for money (Indicator 25)
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25.1	How many tenants answered the question "Taking into account the accommodation and the services your landlord provides, do you think the rent for your property represents good or poor value for money?"	703
25.2.1	25.2 Of the tenants who answered, how many said that their rent represented: very good value for money	139
25.2.2	fairly good value for money	420
25.2.3	neither good nor poor value for money	86
25.2.4	fairly poor value for money	54
25.2.5	very poor value for money	4
25.3	Total	703

Indicator 25	79.52%
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Percentage of factored owners satisfied with the factoring service they receive (Indicator 29)
--

29.1	How many factored owners answered the question "Taking everything into account, how satisfied or dissatisfied are you with the factoring services provided by your landlord?"	15
29.2.1	29.2 Of the factored owners who answered, how many said that they were: very satisfied	1
29.2.2	fairly satisfied	4
29.2.3	neither satisfied nor dissatisfied	6
29.2.4	fairly dissatisfied	2
29.2.5	very dissatisfied	2
29.3	Total	15

Indicator 29	33.33%
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Comments (Getting good value from rents and service charges)



Other customers

Gypsies / Travellers

For those who provide Gypsies/Travellers sites - Average weekly rent per pitch (Indicator 31)

31.1	The total number of pitches	0
31.2	The total amount of rent set for all pitches during the reporting year	

Indicator 31



For those who provide sites – percentage of Gypsy/Travellers satisfied with the landlord's management of the site (Indicator 32)
--

32.1	How many Gypsies/Travellers answered the question "How satisfied or dissatisfied are you with your landlord's management of your site?"	
32.2.1	32.2 Of the Gypsies/Travellers who answered, how many said that they were: very satisfied	
32.2.2	fairly satisfied	
32.2.3	neither satisfied nor dissatisfied	
32.2.4	fairly dissatisfied	
32.2.5	very dissatisfied	
32.2.6	Total	

Indicator 32	
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Comments (Other customers)

Requirements of Writing Policy Review

Report by Martin Pollhammer, Chief Executive – for approval

1.0 Introduction

The Requirements of Writing Policy has been reviewed by the Association's solicitors, Anderson Strathern.

One minor change has been recommended at 2.1.

Recommendation

The Management Committee is asked to approve the revised Requirements of Writing Policy.

ELHA POLICY

Date Issued	18 December 1997
Last Revision	May 2020
Department	Corporate
Title	Requirements of Writing
Objective	To describe our arrangements for the signing and witnessing of legal documents
Responsible	Chief Executive
Next Review Date	May 2025

1.0 Introduction

- 1.1 The Requirements of Writing (Scotland) Act 1995 introduced new provisions for the formal execution of Deeds in Scotland.
- 1.2 Broadly, the formal execution of a Deed should mean that the Deed proves itself and its contents in legal proceedings without the need for further evidence, i.e. the formal execution should mean that the party/parties signing it are in full agreement with the terms of the document.
- 1.3 Any Deed or document relating to a long term contract and/or involving a significant amount of money should be formally executed, and Deeds relating to land or building require to be formally executed and recorded in the Land Register or Register of Sasines.
- 1.4 Under the 1995 Act, all Deeds and documents of whatever kind will be presumed to have been subscribed by us if they have been subscribed by:
 - A Management Committee Member, or
 - Our Secretary, or
 - A person authorised to sign such Deeds, documents on our behalfand either:
 - Signed by a witness, providing their name and address, or
 - Where the Deed or document is not signed by a witness, it is sealed with the Seal of the Association

1.5 In law, we no longer require to use our Seal to execute Deeds and documents in order for them to be properly executed. However, should we use our Seal for this purpose, it must be done in accordance with our Rules, i.e. where the seal is used on a document the Deed or document, it will also be signed by the Secretary or a member of the Management Committee and recorded in the Register.

2.0 Procedures

Use of the Seal

2.1 ~~Pursuant to paragraph 1.4, the Seal will may be used in respect of the following; thereby ensuring compliance with Performance Standards and current "best practice":~~

- (i) All Deeds relating to land or buildings, e.g. site acquisitions, shared ownership agreements
- (ii) All long term contracts, e.g. leases, management agreements
- (iii) All arrangements involving a significant amount of money
- (iv) Share membership of ELHA
- (v) Building contracts

2.2 The Seal will be kept in our safe.

2.3 A Register will be kept recording the use of the Seal, including the following information:

- (i) The nature of the document signed
- (ii) The name of the authorised signatory, i.e. the Secretary or Management Committee Member

2.4 All documents to be signed using the Seal will be received by the Corporate Services Manager, who will make the necessary arrangements for signing with the Secretary or Management Committee Member as detailed in our procedures for the signing of legal documents. The nature of the documentation will be made clear to the signatory before they sign, and any supporting information required will be provided.

2.5 The use of the Seal will be reported to the next meeting of the Management Committee under the agenda item: Secretary's Report: Use of the Seal.

Authorised Signatories

2.6 The Authorised Signatories and the levels of their authorisation are set out in our Authorisations Policy.

2.7 The Authorised Signatories will have delegated powers to authorise our Deeds and documents in accordance with this policy.

Management Committee responsibilities

- 2.8 Our Code of Conduct for Governing Body Members outlines Management Committee Members' responsibilities in respect of the proper control and conduct of our business activities.

Management Committee Members will be reminded annually that they are bound by the Code of Conduct for Governing Body Members.

- 2.9 It will be the responsibility of each Management Committee Member who is asked to sign or witness a Deed or document to ensure that they fully understand the nature of the document and the level of commitment being entered into by or on our behalf.

3.0 Policy Review

- 3.1 The Chief Executive will ensure that this policy is reviewed by the Management Committee at least every five years.

Management Committee and R3 Board Members Expenses Policy Review

Report by Martin Pollhammer, Chief Executive – for approval

1.0 Introduction

The Management Committee and R3 Board Members Expenses Policy has been reviewed.

From April 2020, HMRC extended the concession given to voluntary governing body members of charities (that travel between home and governing body meetings will not be taxed as a normal commute) to voluntary governing body members of non-charities. An addition has been made at 2.11 to reflect this.

Changes are also proposed at the renumbered 2.15 and 2.17 to note that the levels of allowances are agreed annually as part of the Authorisations and Standard Allowances Policy.

Recommendation

The Management Committee is asked to approve the revised Management Committee and R3 Board Members Expenses Policy.

ELHA POLICY

Date Issued	1 August 1998
Last Reviewed	May 2020
Department	Corporate
Title	Management Committee / R3 Board Members Expenses
Objective	To describe the Group's arrangements for reimbursing appropriate expenses to Management Committee and R3 Board Members
Responsible	Chief Executive
Next Review Date	May 2025

1.0 INTRODUCTION

1.1 The Group will reimburse reasonable 'out-of-pocket' expenses necessarily incurred by a Management Committee or R3 Board Member in the course of fulfilling their responsibilities, under the following headings:

- Travel costs between the Member's home and meeting venues for official meetings and/or events
- Travel costs for attendance at courses, conferences or on other Group business, including the cost of overnight accommodation where appropriate
- Reasonable subsistence expenses, e.g. for meals while on Group business where these incur additional costs, or for additional costs arising from overnight stays
- Child minding or care of a dependent relative, except where another member of the Member's household is looking after the child or other dependent

2.0 GENERAL

2.1 All claims for reimbursement of expenses will be made on the expenses claim form or mileage claim form, as appropriate. The completed form will be submitted by the Management Committee / R3 Board Member to the Finance Department, normally by the end of the month following the incurring of the expenditure.

2.2 All claims will be supported by relevant receipts wherever possible, except for mileage claims.

- 2.3 All expenditure will be incurred in the most cost-effective manner, taking into account location, time of event, and whether other Management Committee / R3 Board Members or employees will be attending, etc. (e.g. sharing of transport).
- 2.4 Expenses will be approved by a member of the Senior Management Team.
- 2.5 Advances on expenses will not normally be given. There may be situations however when this will be required, and the Management Committee / R3 Board Member should in the first instance bring any request for an advance to the Chief Executive, or in their absence, another member of the Senior Management Team.
- 2.6 Provision of receipts and a reconciliation of the expenses incurred will be required following conclusion of the business for which an advance has been made.
- 2.7 Where a Management Committee / R3 Board Member is found to have falsely claimed expenses, and following investigation of the circumstances by the Chief Executive and 2 other Management Committee Members in association with the internal auditor, the Management Committee will consider the results of the investigation and, depending on its seriousness and whether the false claim was deliberate or inadvertent, may decide that the Management Committee / R3 Board Member concerned should resign.

Travel

- 2.8 Reimbursement of travel costs will include the following:
- Car mileage payable at the current essential users rates
 - Up to the standard 2nd class fare on public transport (rail, bus or ferry)
 - Taxi fares (where necessary)
 - Bridge tolls and car parking fees (but not fines for breaching parking regulations)
- 2.9 Where public transport is to be used, travel arrangements will be confirmed in advance with the Group's staff.
- 2.10 Management Committee / Board Members wishing to upgrade their travel arrangements, travel using tickets that cost more than the standard 2nd class fare, or make alternative (more costly) arrangements, may do so at their own expense.

2.10.11 As from April 2020, claims for travelling to and from Board meetings (the home to "work" commute) are no longer taxable for voluntary board members of non-charities.

Accommodation

- 2.11.12 Accommodation, normally required as part of attending a course or conference, will usually be booked and paid for directly by the Group. In cases where a Management Committee / R3 Board Member is required to

pay for accommodation, reimbursement will only be made on production of a receipt.

Meals

~~2.122~~.13 Meals expenses will only be payable to Management Committee / R3 Board Members who are prevented by their official duties from taking their meal at home (or where they would normally take their meals), and as a result incur additional expense.

2.143 This will not include attendance at any Management Committee, Sub-Committee or R3 Board meeting held by the Group, or where a suitable meal is provided or is included in the overall costs of an event, e.g. course or conference.

2.154 Actual expenses will only be paid, up to the ~~following~~ maximum amounts set out in the Authorisations and Standard Allowances Policy:-

Breakfast	£5
Lunch	£10
Evening Meal	£15

Allowances

2.165 It is recognised that the social side of events such as Conferences provides an opportunity for Members to network with representatives from other organisations including Housing Associations. As this type of networking is beneficial, Members are encouraged to participate in the social side of authorised events. In recognition of the cost of this, a Management Committee / R3 Board Member may claim an allowance to cover the 'out-of-pocket' expenses incurred in exploiting suitable networking opportunities.

2.176 The allowance will be reviewed annually and is included within the Authorisations and Standard Allowances Policy, ~~but is currently (2014/15) set at £15 per night~~.

2.18 Such allowances are taxable income, and Management Committee / R3 Board Members will be responsible for declaring any such payments received to the Inland Revenue.

Care of Child or Dependent Relative

2.19 Reasonable expenses for child care will be paid for any child or step-child, or any child for whom the Management Committee / R3 Board Member is the legal guardian, except where another member of the Member's household provides the care. The child will live at the Member's home and be under the age of 16 years.

2.20 Expenses will be paid for attendance at Management Committee and R3 Board Meetings and official events, including attendance at an approved course or conferences. Expenses will not be paid where a cheaper alternative, e.g. a free or subsidised crèche, is available.

2.21 Expenses will be paid for the length of time the meeting or event lasts, plus the normal travel time to/from home before and after the meeting/event. For periods likely to last more than 6 hours, overnight care or longer periods, approval in advance of likely costs must be obtained from the Chief Executive.

2.22 Except when the care is provided by another member of the household, expenses for the care of a dependent relative will also be payable, as detailed in paragraph 2.18 above.

2.23 The same rates of reimbursement will apply as for childcare. In both cases, where practical, receipts for the expenditure incurred will be required prior to reimbursement.

3.0 CONCLUSION

3.1 The Director of Finance will ensure that the details of expenses paid to Management Committee / R3 Board Members are separately identified and recorded in the nominal ledger.

3.3 The Chief Executive will ensure that this policy is reviewed by the Management Committee at least every five years.

Asset Management Strategy Review

Report by Duncan Mackay, Director of Asset Management – for approval

1.0 Introduction

The Association is developing an overall Strategic Asset Management framework. The current Asset Management Strategy is out of date, but a simple review is not possible in the wider context of Strategic Asset Management.

Instead, the existing Strategy has been revised to concentrate on the management of the housing stock. This has resulted in large sections being re-written or removed, and therefore it was not practical to track changes to the original document.

Instead the revised document is presented as a new document, which will be incorporated into the overall Strategic Asset Management approach later in the year.

Recommendation

The Management Committee is asked to approve the revised Asset Management Strategy.

ELHA POLICY

Date Issued	May 2007
Last Revised	May 2020
Department	Asset Management
Title	Asset Management Strategy
Objective	To outline the Association's strategy for managing its property assets
Responsible	Director of Asset Management
Next Review Date	May 2025

1.0 Introduction

1.1 Asset Management

Asset management is the process by which we ensure that the assets that we need to operate our business are managed effectively and provide value for money. It covers a range of activities that are in place to protect these assets.

We are developing a wider Strategic Asset Management approach to our overall business assets. This Asset Management Strategy is primarily concerned with our housing stock.

Through our asset management strategy, we are committed to ensuring the following:

- Quality – continued standards now and in the future
- Purpose – that property stock is available for letting and appropriate to meet current housing needs
- Sustainability – that quality and demand are sustained in the long term and that we meet our environmental sustainability objectives
- Economic viability – that we can afford to manage and maintain our stock in the long term

1.2 Context

East Lothian is an area of exceptional housing pressure. Situated to the East of Edinburgh, the area is predominately rural with a coastline characterised by beaches, seaside towns and golf courses.

As well as being a significant destination for tourists and day trippers, East Lothian has good road and rail links to Edinburgh, and therefore attracts large numbers of (predominantly higher income) commuters and is also an area to which many people will choose to move to when they retire.

Locally, the economy is dependent on service industries, tourism and farming, and wages are low. This means that many low and middle-income households in the area are priced out of the local housing market. The area has a significant homelessness problem.

Land supply is severely constrained, both by the local environment, but also as there is usually significant opposition to new developments in most towns and villages, even where that development is affordable rented housing. Land prices are therefore exceptionally high.

Our problems are therefore quite different to many other areas. It is unlikely that on any scale East Lothian will suffer from low demand issues in the foreseeable future, any such issues are likely only to relate to specific properties and in exceptional circumstances.

At 1 April 2020, we owned 1308 homes as follows:

Type of accommodation	% of stock
1 bedroom	25%
2 bedrooms	46%
3 bedrooms	26%
4 or more bedrooms	3%

In addition, at 1 April 2020, we owned 44 shared ownership properties, 32 garages, 28 garage sites, and 5 other non-residential properties.

Our area of operation is from Musselburgh to Innerwick across the local authority district of East Lothian. Since we were founded in 1988, we have built Around 66% of our homes, and we acquired the remaining 34% from Scottish Homes in 1996 as a large-scale voluntary stock transfer. This means that the age profile of our stock varies significantly.

2.0 Asset Management and Strategic Objectives

Our Vision is to provide “Healthy, Happy Homes”.

In helping to deliver this Vision, our Asset Management Strategy:

- Recognises that asset life should be maximised to obtain best value
- Links between strategies for management and maintenance of existing assets and the procurement of new stock

- Ensures that we can adequately fund the strategy through our Budget and Business Planning process
- Recognises that although our main aim is to retain stock, understanding that in some exceptional circumstances it may be good business sense to sell assets where those assets are no longer fit for purpose or value for money to retain
- Integrates the Asset Management Strategy into the Risk Management Strategy

3.0 Quality Standards

3.1 Scottish Housing Quality Standards (SHQS)

Almost all our properties meet the SHQS, the only exceptions are properties where we only own a minority share of a block and we cannot get the agreement of the other owners to bring these properties up to the standard.

3.2 Energy Efficiency Standard for Social Housing (ESSH)

All but two of our homes meet the ESSH standard. In both cases, the tenants refuse to allow access to have their heating system upgraded. Whilst these systems remain functional we will leave them in place and upgrade the system once we are able to gain access.

3.3 Our Standards – Our Star Rating System

Our Star Grading System is a grading system for our stock that takes account of house type, geographic location, age, SHQS and ESSH compliance, and the following quality criteria:

- 5* Excellent property in high demand
- 4* Good quality property that could be improved and/or in medium / high demand
- 3* Acceptable standard of property that could be improved and/or in medium / lower demand
- 2* Property or land that no longer meets the association's objectives
- 1* Below Tolerable Standard and not available for rent

This grading system may inform future rent setting and allocations policies, as well as future investment strategies. Current criteria are set out at elha.com.

For assets that fall into the 1* and 2* categories above, we will either upgrade the properties as soon as is practical, or we may consider disposal. 3* properties will generally be included in forthcoming planned improvement programmes. 4* properties meet the SHQS and ESSH.

4.0 Management of our Homes

4.1 Stock Condition Survey / Database

We have 100% stock condition database following a five-year rolling programme to survey 20% of the stock each year. This will now be maintained through a regular cycle of inspection, reporting and updating, to refine the data and projections and facilitate more accurate reporting and forecasting abilities. The database includes:

- Basic description and information on age and construction
- SAP ratings
- Component life cycle
- Expenditure needs
- Location
- Star grading

We will ensure that:

- The survey information will inform our future maintenance planning and determine our ability to meet the standards we aim to achieve
- Stock condition information will be updated as improvements or repairs are carried out
- Life cycle information on newly built properties will be incorporated into the database

4.2 Asset Management Information

In addition to the stock condition database, we hold a range of information in our filing systems and SDM (our Housing and Property Management software) and the Housing Data Register which includes:

- Building and site location plans
- Contract documentation for historic planned and cyclical maintenance contracts
- Details of funding and loan arrangements
- Medical adaptations
- Property types

4.3 Option appraisals

As stated above, we categorise our stock into five different Star Ratings. In order to assist with this categorisation, we will set up early warning systems to identify assets at risk. This will include regular monitoring of Key Performance Indicators such as:

- Schemes where on average there are less than 10 applications per property
- Schemes where vacant properties are refused on more than 3 occasions
- A significant increase in turnover

There are a number of factors why a property may be categorised into the 1* or 2* ratings. These are outlined below:

Reason	Monitoring factor
There may be no prospect of the property meeting the SHQS or ESSH and/or the costs to do this are prohibitive.	Stock Condition Survey
The property may not meet the needs for which it was constructed e.g. community care project.	Void turnover and re-let time Loss of funding Change in legislation
Falling demand	Early warning system – increase in voids turnover, refusal and fall in applicants
Financial viability and other circumstances	Income does not cover costs or other economic grounds e.g. retaining one property in a group of communal properties where significant future expenditure appears likely

In such situations, we will carry out an option appraisal that considers possible outcomes, including:

- Continuing to monitor the situation
- Carry out improvements / repairs
- Consider changing the client group
- Reconfigure / remodel the property
- Dispose of the asset
- Demolish and rebuild

- Apply for grant assistance
- Transfer the management to another organisation

4.4 Financial models

In managing our assets, we will prepare medium and long term financial projections. We will also use these projections to assist in decision-making on option appraisals.

4.5 Planned Maintenance

Continued compliance with the SHQS and EESSH standards will remain a key priority for our planned maintenance programmes. The programme will be delivered in the main by R3 with any works not yet carried out by R3 being let in accordance with our procurement policy. In drawing up specifications, we will take account of how the choice of replacement component may impact on the responsive repairs budget in the future and maintain a database of component suppliers, technical and legislative requirements.

4.6 Cyclical repairs

The Cyclical maintenance programme will include contracts such as:

- Gas servicing
- External Renewal
- Painter work
- Landscaping

Where appropriate, these works will be carried out by R3. Where this is not the case, the works will be procured through a selection process based on our procurement policy.

In addition, we will move towards meeting the revised SHQS, published by the Scottish Government in May 2020, in respect of the requirements for fire, smoke and carbon monoxide detectors and electrical inspections.

4.7 Responsive repairs

Responsive repairs will be delivered by R3 in accordance with our repairs and maintenance policy.

We will use information collected about responsive repairs trends to help inform the planned maintenance programme and adjust likely replacement periods of building components in the light of this information.

4.8 Voids

Repairs to void properties will be carried out in accordance with our Void Maintenance procedures.

4.9 Asbestos

We have policies and procedures in place to manage asbestos. The age of our own build stock suggests that it is highly unlikely that asbestos is present in these homes. Asbestos has been identified in some of our stock transfer properties purchased from Scottish Homes, and this is being managed in accordance with our policies and procedures.

4.10 Legionella

We comply with Health & Safety requirements and best practice in our procedures on Legionella.

4.11 Aids and Adaptations

We are committed to ensuring that the needs of tenants are addressed in terms of any aids and adaptations that may be necessary to enable residents to stay in their homes. On an annual basis, we will apply to the Scottish Government for grant funding to meet these needs and will work closely with Occupational Therapists and East Lothian Council in delivering best value for money in this respect.

Our adaptations service to our tenants is delivered and administered by our Care & Repair service. Our Care & Repair staff are specialists in this field and our approach is recognised as best practice in this field.

4.12 Insurance

We will ensure that our stock is comprehensively insured and that the valuation of the stock for insurance purposes is regularly updated.

4.13 Sustainability

We are aware of the importance of protecting our environment, the need to preserve natural resources, and the need to reduce greenhouse gas emissions. We are committed to creating a sustainable organisation by striving to ensure that we make a positive contribution to the protection of the environment and to sustainable development in Scotland.

We have developed a sustainability policy, but specifically in terms of our asset management strategy, this means that we will work to reduce fuel poverty and make our properties as energy efficient as possible, within the constraints of our available funding.

5.0 Housing Demand

5.1 Stock analysis

We recognise that it is not solely information about the physical characteristics of our stock that informs our asset management strategy. A key risk is whether our stock will remain in high demand in the future. As set out at Section 4.3 above, we will set up an early warning system to identify potential pockets of low demand.

In addition, we will gather information about the local area to assist in our decision-making on asset management. This will include:

- Housing Context Statements
- The Local Housing Strategy and Housing Needs Assessment
- Strategic Housing Investment Plan (SHIP)
- Developments in the housing market and local infrastructure that may affect demand e.g. development of new or larger communities, revised transport arrangements etc.
- Changing demographics in the area
- Information from our register of applicants
- Other housing market information

5.2 Development Strategy

When developing or acquiring new housing, we must demonstrate that there is demand for the proposed housing and there is a link to the Local Housing Strategy for the area. We work closely with our partners at CRE and East Lothian Council to help achieve this.

5.3 Community Factors

We recognise that it may not be solely the physical nature of the property that will affect demand. Often external factors such as the local environment, amenities and affordability / ability to pay can affect demand. In line with our strategic aim to provide Healthy, Happy Homes we will aim to ensure our overall service provision helps to sustain tenancies and support communities.

6.0 Financial Implications

We will finance our asset management strategy through:

- Rents and service charges
- Grants where available
- Private finance raised on our asset base

We will review our assumptions on costs on an annual basis, taking account of trends and statistical information about inflation and cost increases.

We will also review our loan portfolio periodically to ascertain if we are achieving best value in terms and conditions of loan finance.

7.0 Staffing Resources

We need the right staff resource to manage our homes and deliver quality services to our customers. We aim to be an employer of choice and we will ensure that our Human Resource policies reflect best practice and protect our staff as an organisational asset.

We will ensure that pay and conditions contribute to this, but also ensure that there is a balance between creating a strong and motivated workforce and our organisational priorities.

We undertake succession planning for all staff on an annual basis to ensure that we understand the dynamics of our workforce, and so that we prepare and plan for the future accordingly.

8.0 Risk Management

Our Risk Management Strategy sets out our corporate approach to Risk Management. Our Corporate Risk Panel meets quarterly and considers the key risks faced by the organisation, whilst Business Risk Groups can look at individual areas of risk.

9.0 Monitoring and Evaluation

Our Audit & Assurance Committee has Delegated Authority from our Management Committee to oversee our approach to asset management.

The Committee receives regular reports relating to various aspects of asset management (such as details of maintenance and improvement programmes and monitoring of specific Asset Management Performance Indicators).

In addition, monitoring and evaluation of our asset management strategy will take place through our existing reporting structures in relation to:

- Business Plan approval and monitoring
- Reporting of Key Performance Indicators
- Budget monitoring
- SHQS and EESSH compliance and review
- Staff appraisals

10.0 Strategy Review

This asset management strategy identifies how we will protect our assets and in particular our housing stock. A wider approach to Strategic Asset Management is under development and identified as a Priority 1 Task within our Business Plan.

This strategy will be reviewed on a five-yearly basis by our Management Committee.

Working Away from the Office Policy Review

Report by Martin Pollhammer, Chief Executive – for Approval

1.0 Introduction

The Working Away from the Office Policy was originally established in 2010 to allow staff to work remotely. The primary purpose of this policy was to reduce the risks associated with working in environments other than the office, and to raise staff awareness of the risks involved. The policy did not give staff the right to work remotely and each case of remote working was assessed on an individual basis and subject to approval by a member of the Senior Management Team.

2.0 Policy Changes

Since the Policy was introduced, the Group has gone through a full IT infrastructure which has resulted in tighter security measures being put in place. In addition, ways of working away from the office have changed and staff, mainly within Housing and Asset Management, tend to be more mobile in their working practices rather than fully office based.

This Policy covers “Business as Usual” working conditions. An additional procedure is currently being developed to cover working away from the office in an emergency situation such as the current Coronavirus pandemic. This procedure will form part of the Business Continuity Plan.

The two main changes to the policy are:

- The introduction of a Two Factor Authentication security for the two levels of remote access
- The tightening up of security and authorisation around the use of portable devices

Proposed changes to the Policy are tracked in the attached **Policy Document**.

3.0 Consultation with the JCC

Although most material changes have been discussed and agreed with the JCC, a small number of points are outstanding, and the original intention was to present this revised Policy for approval in August 2020. However, given the current Coronavirus crisis has resulted in widespread temporary home working, it was felt important to update the policy, and then discuss any final changes with JCC. Any further revisions will therefore be reported to the August 2020 meeting.

This will include consideration of whether Appendix 3 remains appropriate, especially given the likely increase in working away from the office that may result from the outcomes of the current pandemic. The views of Managers on this will also be sought.

However, in completing this work, it became clear that it was not simply a case of applying the revised Policy in the current circumstances, and this instead has resulted in the more appropriate approach of developing procedures for this kind of temporary situation and adding them to the Business Continuity Plan, as noted in Section 2.0 above.

Recommendation

The Management Committee is asked to approve the revised Working Away from the Office Policy.

ELHA POLICY

Date Issued	August 2011
Last Reviewed	May 2020
Department	Corporate
Title	Working Away from the Office Policy
Objective	Protection of the <u>Group's Association's Data/ Information</u> whilst working out-with the office premises
Responsible	<u>Corporate Services Manager</u> Chief Executive
Next Review Date	May 2025

1.0 INTRODUCTION

1.1 Security and pProtection of Data and other key information in any format is one of our key principles. ~~This means that A~~all staff must practice safe working behaviours when working away from the office (mobile working/agile working) to ensure we do all we can to prevent theft, loss, or misuse of information. The "Use of Information Technology" Procedure has a section on "Remote Access" and will be regularly updated.

A breach ~~in~~of –information security can have serious consequences. These consequences can include:

- disclosure of personal information
- breach of the General Data Protection Regulations (GDPR) resulting in an interruption in ~~to~~ the Group's ability to deliver services
- financial losses related to correcting the situation
- legal actions
- reputational damage
- erosion of tenant and customer trust
- financial penalty

1.2 This Policy offers guidance for safe ~~mobile working~~ practice while working away from the office and will be referred to as mobile working throughout the policy. It is intended to guide staff using mobile devices ~~users~~ and help them understand their responsibilities and obligations. However, the same principles apply to paper-based information. **Appendix 1** shows the responsibilities of staff while mobile working.

2.0 DEFINITION

2.1 ~~This policy covers Mobile working is concerned with~~ the access to, transportation, storage and processing of information by employees who occasionally work away from the office, and those who frequently move from location to location. Mobile working provides employees with the flexibility to conduct the Group's business from virtually any location and at any time.

2.2 Mobile working typically involves access to the Group's information by use of the following devices:

- Laptops
- Home PC's
- Palmtops/Tablets(handhelds/personal digital assistants)
 - Data Pens/sticks/CD's and other similar storage devices (should only be used following approval by SMT via your line manager)
- Mobile Phones

2.3 Although this policy does not cover home working, it does cover occasional working from home by office-based staff (see Working from Home on an Occasional Basis Procedure).

Occasional working from home may be considered where it promotes more efficient working and would not be detrimental to the organisation. Regular day to day work will not normally be considered as appropriate work to be undertaken at home.

If a Manager thinks that it is appropriate for a member of staff to access work from home on an occasional basis, they must seek the approval of ~~from~~ the Senior Management Team by completing the "Request to Work from Home" form (**Appendix 2**).

If approved, it is the Manager's responsibility to control when a member of staff works from home. This includes ensuring the monitoring sheet (**Appendix 3**) is completed after each occasion. Working from home will only normally be considered if there is sufficient staffing in the office. ~~Managers will report to the Senior Management Team on the usage of this policy by their department each year following the staff appraisal process.~~

It is the staff member's responsibility to update their monitoring sheet on a daily basis when undertaking authorised work away from the office and submitting this to their Manager for approval.

3.0 ACCESS CONTROL

Work information can be accessed using the above devices either remotely (accessing information directly from the work's server) or portably (using another device which holds and transports information).

Access to the Group's network when working remotely will always be accessed with Two Factor Authentication, this will be a password of the user's choice and an authentication prompt code. Office 365 reporting will monitor system access. will be remotely will be monitored Office 365 reporting
~~password controlled in the same way that user access to the network at the office is controlled. In addition, all access to the group's IT network (including remote access) is monitored by our IT systems.~~

3.1 Remote Working Access

There are two levels of remote access, - both access levels will require Two Factor Authentication:

- Access to e-mails and calendars (Outlook) only, and
- Access to e-mails, calendars and the IT network (the electronic file structure)

The Senior Management Team is responsible for approving the remote access rights of individual members of staff and only authorised members of staff are permitted to access the Group's IT network remotely using devices either supplied by the Group or their own device (e.g. home PC/laptop, handhelds etc).

3.2 Remote Access to Security Outlook

Any staff member accessing the network/outlook remotely ~~If a staff member accesses Outlook remotely, they~~ must, adhere to the following guidance:

- ~~They must k~~Keep accessing to the network/outlook ~~to Outlook~~ in public areas to an absolute minimum, due to the threat of 'overlooking'. Any member of staff choosing to use access the network/outlook in Outlook in public areas which that results in any related incidents will have to explain why they had to access to the network/outlook ~~Outlook~~ in a public place and the efforts they made to protect the information.

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- ~~They must Not~~ leave equipment, being used to access the network/Outlook unattended at any time and must sign out when finished.

3.3 Working with Portable Devices

~~These are data storage devices such as data pens and CD's which hold information. These devices are generally used to hold presentations and other work related files which for some reason cannot be accessed remotely.~~ A portable device should **never** contain any personal or sensitive information and information must not be transferred to a home PC/laptop: without the express permission of a member of the Senior Management Team and strict adherence to the "Printing from Home Protocol".

~~Any D~~data pens or CD's, whether belonging to the Group or a member of staff, should always be virus checked each time it they are used, these items should only be used if authorised by a Senior Manager and (where belonging to ELHA) returned to IT Support once no longer required. All data must be erased from them. Care must be taken- not to mislay them when out of the office.

~~W~~Where devices such as PDA's and mobile phones could be used to access e-mail or our network, they must be PIN protected.

4.0 GROUP SUPPLIED EQUIPMENT

These are devices that are supplied to staff by the Group and will normally consist of equipment such as laptops, ~~t, palm top~~tablets, mobile phones etc and data pens (All ~~The~~ equipment is checked and maintained by the Corporate Services Department. An inventory of all Group equipment is held within the Corporate Services Department (and is security marked)).

Where the Group has supplied any form of data device, only the member of staff it is supplied to is authorised to have access to it unless they have explicit permission (from a member of the Senior Management Team) to provide access to the device to another staff member. Any member of staff allowing access to an unauthorised person, deliberately or inadvertently may be subject to disciplinary proceedings.

4.1 Looking After Group Supplied Equipment

Staff should take good care of Group devices and take all reasonable precautions to prevent damage, loss or theft. In the event that a device is stolen, staff will be expected to report the theft to the police immediately and obtain an incident number. This should then be reported to the Corporate Services Manager and their line manager.

Each new device normally comes with a warranty. Staff members must report to the Corporate Services Department any damage that has been caused to a device, so as not to invalidate this warranty.

All incidents relating to the security of the portable device should be reported immediately to the line manager. As well as theft this also includes:

- Disclosure of data to an unauthorised person
- Loss of data

Negligence in the care of devices or failure to report loss or damage at the earliest opportunity may result in disciplinary action being taken against the staff member concerned.

4.2 Security of Equipment

~~The use of information in public areas should be kept to an absolute minimum, due to the risks of 'overlooking' and theft. Any member of staff choosing to use information and/or devices in public areas that results in any related incident will have to explain why they had to use the device in a public place and the efforts they made to protect the information and any equipment.~~

Equipment should not be left unattended at any time and devices should be password protected.

~~If possible, devices should be password protected.~~

5.0 STAFF OWNED EQUIPMENT

Staff may occasionally work from home using their own equipment (~~i.e laptop/Home PC, etc~~), however use of this equipment must first be authorised by a member of the Senior Management Team.

Staff who access Outlook or the network remotely using their own equipment are normally expected to be liable for any costs incurred (e.g. internet connection for home computers and network charges for mobile phones).

5.1 Security While Using Own Equipment

Whether a member of staff works remotely or uses a portable device with their home equipment, they must never store any work information on their personal equipment.

Only Members of staff who have been authorised by the Senior Management Team are allowed to access Association Information at home in any form, on any media.

When using a home PC or Laptop, no family member is allowed access to this when Association work is being carried out.

When using a home PC or Laptop in conjunction with any portable device, no family member is allowed to use this device or have access to the data held on it. This is only to be used for work purposes.

Staff must ensure the security of information within their home from theft, as well as ensuring that unauthorised individuals are not able to see information or access systems.

If possible, all devices should be password protected.

If a member of staff uses a data pen, this must be obtained from IT Support~~their own data pen for storing and transporting information and returned when not in use and this will be~~, ~~this must be~~ virus checked by the Corporate Services Department each time it is used.

6.0 STAFF LEAVING THE GROUP

Staff leaving the Group must return their device(s) to the Corporate Services Department. The Corporate Services Department will agree the returned equipment against their records to confirm that all equipment has been returned.

7.0 REVIEW

This Policy will be reviewed by the Corporate Services Manager~~Chief Executive~~ at least every five years. The absence of such a review will not cause it to lapse.

RESPONSIBILITIES OF STAFF

Security

- When using a mobile device or paper-based information, staff must ensure that no one other than themselves has access to this information
- Staff must ensure that no personal or sensitive information is stored on any mobile device
- Staff must take due care of mobile devices when moving between the office and other sites
- Staff must use the Group's own devices for mobile working whenever possible
- No family members may use any Group mobile devices. The equipment is supplied for the staff members' sole use
- Staff must never store the only version of a document on mobile computing devices. The primary document should be saved on the secure network drive (j Drive)
- Staff must report to their line manager immediately if they have lost any actual information or suspect loss, theft, or misuse of information
- Staff must report to the police and then their line manager any loss or theft of a mobile device
- Staff must not use public devices (e.g. internet cafes etc) to access work information
- Any member of staff wishing to use any device not owned by either themselves or us (e.g. a computer owned by a friend or other family member) must get prior authorisation from a member of the Senior Management Team
- Staff must not install or update any software on to any of the Group's mobile devices without authorisation from Corporate Services

- Staff must not install any screen savers on to any of the Group's mobile computing devices
- Staff must not change the configuration of any of the Group's mobile devices without authorisation from Corporate Services
- Staff must not install any hardware on to any of the Group's mobile devices without authorisation from Corporate Services
- Staff must report all faults with mobile devices to the Corporate Services department immediately
- If authorised to send work documents to a personal email address, staff must follow the "Printing from Home Protocol"

APPENDIX 2

Request to Work from Home

Part A - Request

Manager Making Request:	Staff Member who request is for:
Request Date:	Department:
Outline of why this is being requested including a description of the type of work to be undertaken:	
What Association equipment is being used:	
What personal equipment is being used:	
<p>I confirm that I have read the Working Away from the Office Policy and understand my responsibilities therein</p> <p>Staff Member Signature:</p> <p>Manager's Signature:</p>	

Part B – Authorisation

Approved by Senior Management Team	Date:
	Signature:

Part C – Activation

Remote Access Set Up by Corporate	Date:
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Services	
	Signature:

Original to be kept in Corporate Services and electronic copy to be passed to the Executive Support Officer for staff member's personnel record.

Monitoring Sheet

Year Sheet No.....

Staff Name:.....

Department:

**Manager:
.....**

Date Remote Access Approved by SMT:

All work undertaken away from the office MUST be agreed in advance with your Manager (or a member of the SMT in their absence).

Date	Hours	Reason Work Undertaken Away From Office	Work Undertaken	Outputs	Signed Staff Member	Signed Manager

Tenant Participation Annual Report

Report by Karen Barry, Director of Housing – for information

1.0 Introduction and Assurance Statement

The responsibility for monitoring Tenant Participation throughout the year is delegated to the Audit & Assurance Committee. However, involving tenants in the Association's work is both a legal and regulatory requirement, as well as a corporate responsibility. This Annual Report highlights the work the Association has carried out in relation to Tenant Participation during the year 2019/20.

To comply with the Regulatory Framework, the Management Committee is obliged to submit an annual Assurance Statement to the Scottish Housing Regulator.

This report will be used as part of the Assurance Evidence Bank to help inform the development Annual Assurance Statement. Management Committee members should be confident that this evidence is sufficient and reliable for this purpose.

This report is particularly relevant to the following Governance Standards:

Standard 1 – The Governing Body leads and directs the RSL to deliver good outcomes for tenants and other service users

Standard 2 – The RSL is open and accountable for what it does. It understands and takes account of the needs and views of its tenants, service users and other stakeholders. And its primary purpose is the sustainable achievement of these priorities.

Standard 3 – The RSL manages its financial resources to ensure its economic well being whilst maintaining rents at a level that tenants can afford to pay.

Standard 4 – The Governing Body bases its decisions on good quality information and advice and identifies and mitigates risk to the organisation's purpose

2.0 Tenant Participation Strategy

The review of the Tenant Participation Strategy in November 2019, and progress on the Tenant Participation Action Plans (parts of the Tenant Participation Strategy that are reviewed three yearly and annually) was overseen by the TIG Panel. Action Plans for 2020/21 have been agreed, and the 2019/20 scrutiny project has been extended into a two-year project.

3.0 Tenant Involvement Group (TIG)

The TIG Scrutiny Panel commenced work on investigating out of target repairs. During the scrutiny project, a number of areas for investigation became apparent, and the Asset Manager who had been assisting on the project left ELHA. In order to ensure that the scrutiny project was carried out thoroughly and meaningfully, the Panel agreed that the scrutiny should be extended into a two year project.

The TIG Panel's work over the year also involved:

- Reviewing the Annual Return on the Charter (ARC) Report
- Reviewing several satisfaction surveys and consultation exercises, including the rent increase consultation
- Reviewing the outcome of the TPAS Accreditation assessment
- Appointing the consultant for the large Tenancy Satisfaction Survey

Membership of the TIG Panel currently stands at six.

4.0 Information & Consultation

The Association produced a range of information for tenants during the year including:

- Four newsletters, one in each quarter, with five-minute survey cards seeking views on a variety of matters (newsletters were also produced on CD for the visually impaired or those with literacy problems)
- A 2020 calendar, sent to everyone who received the newsletter in December 2019
- E-news, launched in February 2020 for paper-free tenants
- ELHA's Annual Report on the Charter to Tenants, in line with the requirements of the Scottish Social Housing Charter

Tenants were consulted on the annual Rent Increase by letter and in My Home. The increase in paper-free tenants meant that 54% of these were sent via e-mail, with the remaining 46% through the Royal Mail. The response rate was 24.3% (equating to 318 tenants), which is a large increase from last year when 15.3% of tenants completed the consultation. The Key Tenant Scheme appears to have had a positive impact on response levels; in 2017, responses were only received from 7.7% of tenants. The vast majority of responses (90.3%) were received via My Home with only 9.7% (31 responses) coming in on paper.

Satisfaction surveys were also carried out over the year for the following service areas, the results of which were reported to the Housing & Property Services Sub-Committee / Audit & Assurance Committee:

- Reactive Maintenance Service
- Financial Inclusion Service
- Garden Care Service
- Stair Cleaning Service

The large Tenant Satisfaction Survey was carried out in November 2019 when 703 face to face visits with tenants were carried out.

ELHA was awarded a Certificate of Recognition by Happy to Translate for commitment to providing accessible information.

5.0 elha.com / Social Media

Use of elha.com throughout the year has continued to increase since the launch of My Home and the introduction of the Key Tenant Scheme. At the time of writing this report 76% of tenants (979) have live My Home accounts and 71% of tenants (910) are paper-free.

Facebook continues to be an integral part of the Association's work and followers have increased by approximately 14% this year to 1,092. This platform has been used throughout the year to promote a range of information and services, answer numerous enquiries and to gather feedback where required. It has also proven an invaluable tool at the start of the Coronavirus outbreak to get information out to tenants and communities quickly.

6.0 Working with Tenants / Tenant Groups

During the year, the Association has worked with:

- Residents at the sheltered housing complex at Osborne Court, Cockenzie to promote digital services and the Key Tenant Scheme
- Informal groups in Whitecraig, Prestonpans and Tranent, as well as East Lothian Council, to address estate management issues and consider estate improvements

The Estates Assistant has been settling into their new role, getting to know developments, increasing ELHA's presence on estates and building relationships with tenants by gathering ideas for improvements.

7.0 Working with Partners

The East Lothian Tenant Participation Liaison Group had hoped to resurrect meetings this year to maximise opportunities for joint working, pooling resources and sharing areas of good practice, but unfortunately, only met once during the course of the year.