

**Report  
to the Housing Management Sub Committee  
at meeting held on 6<sup>th</sup> July 2011**

**1.0 Subject - Outcome of consultation exercise on the review of the Membership Policy**

**Prepared by: Cearda McGregor and Pat Cahill, Directors of Housing –  
May 2011**

**2.0 Summary**

The purpose of this report is to present an analysis of the responses received following the consultation exercise on the review of the Membership Policy. The consultation was carried out in during April and May 2011 with members of the Tenant Panel and Registered Tenant Organisations. This report contains recommendations.

**3.0 Link to Business Plan**

Consultation supports the following objectives in the Co-operatives Business Plan:

1. To provide, manage and maintain top quality affordable housing across a range of tenures
2. As a fully mutual Co-operative, to maximise the involvement of members and promote co-operative benefits and principles

**4.0 The Results of the Consultation**

The Housing Scotland Act 2001 requires consultation to be carried out on key policy documents when being reviewed and in particular to highlight any significant changes being proposed to those policies.

The Co-operative's Tenant Panel and 4 Registered Tenant Organisations were consulted on the Membership Policy by way of a questionnaire and covering letter explaining the purpose of the consultation. The letter and questionnaire are attached as Appendix 1 and 2 respectively.

Responses were received from 14 (out of 59) members of the Tenant Panel (representing a 24% response) and 6 (out of 24) members of Registered Tenant Organisations (representing a 25% response). This represents an overall response rate of 24%.

### The results of the consultation

Without exception, all agreed that they were happy with the contents of the policy as well as the wording, clarity and layout.

There was one response from a Tenant panel member that contained a detailed comment. This was in relation to a situation within the area that they live, rather than a comment in relation to the Membership policy and its content. This has been passed to the Housing Officer for the area, who will visit the member to discuss the matter further.

In light of the responses, no changes are recommended to the draft Membership Policy contained at Appendix 3.

## **5.0 Financial Implications**

There are no financial implications relating to this report.

## **6.0 Risk Assessment**

By carrying out consultation on key policy documents the Co-operative adheres to its statutory duties and its legal obligations. It also fulfils the strategic and operational aims of its Business Plan to involve members in policy formulation. There are therefore no operational or strategic risks associated with this report.

## **7.0 Sustainability**

See Risk Assessment above.

## **8.0 Staffing Issues**

Following approval of the policy document staff training will be required.

## **9.0 Equal Opportunities**

A statement on the above has been appropriately included in the Membership Policy.

## **10.0 Recommendations**

It is recommended that the members of the Housing Management Sub Committee agree the following:

- To approve the contents of this report
- That the reviewed Membership Policy (attached as Appendix 3) is formally approved
- That the results of the consultation exercise are made available to all members via the Co-operative's Your Voice Newsletter and the Co-operative's Web Site

Our Ref:

Appendix 1

Name  
Address  
Address  
Address  
Address

Date

Dear Tenant Panel Member

### **Membership Policy Review**

As your landlord, the Co-operative is seeking your views on the review of the Membership Policy. This review does not contain any major changes to the Policy content or meaning since the last time and only minor amendments have been made, for example to job titles.

The main purpose of the Membership Policy is to advise what it will do in the following circumstances:-

- How potential new tenants become members of the Co-operative
- The rules that apply to admission to membership
- Who has the authority to approve membership to the Co-operative
- The powers delegated to the Director of Housing and the Housing Management Sub Committee by the Committee of Management
- The reasons that the Co-operative may be justified in refusing membership
- How a prospective member may appeal against a decision to refuse membership

You will find enclosed a questionnaire to assist you on commenting on the Membership Policy. Please complete the areas where you feel you have comments to make and return the questionnaire in the reply paid envelope provided. We would be grateful if you could do this by 30<sup>th</sup> April 2011.

Should you wish to discuss the Membership Policy prior to replying please feel free to contact Pat Cahill, Director of Housing on 628418 between 10:00 a.m. and 3.00 p.m. Monday to Friday. If we are not available please leave your telephone number and we will contact you.

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After the 30<sup>th</sup> of April, we will collate the replies and consider if these can be incorporated into the Membership Policy. A report on replies received will be presented to the Housing Management Sub Committee members who are responsible for approval of the Policy. This approval is then noted by the Committee of Management.

The outcome of this consultation will be published in a future Newsletter that will be issued to all members.

Thank you for taking time to participate in this policy consultation process.

Yours sincerely

Pat Cahill  
Director of Housing

Encs: Draft Membership Policy  
Questionnaire  
Reply-paid envelope

**Tenants First Housing Co-operative**

**Consultation on the Membership Policy**

**Tenant Panel Questionnaire**

Please answer the questions below after reading the policy.

**1. Do you agree with all aspects of the aims of the Policy on Page 2?  
(if No please provide an explanation at number 6. below) YES/NO**

**2.** We have identified the main elements of the Policy as follows. Please indicate whether you agree with the inclusion of each element below.

	<b>POLICY ELEMENT</b>	<b>YES</b>	<b>NO</b>
<b>1.</b>	The role of staff and the Housing Management Sub Committee including the powers delegated to the Director of Housing by the Committee of Management (page 3)		
<b>2.</b>	Reasons for refusing membership (pages 3 -5)		
<b>3.</b>	Written notification to Applicant (pages 4-5)		
<b>4.</b>	Promotion of the Co-operative ethos (page 5 and also Appendix 1)		

**3.** Are you happy with the Policy’s statement on Equal Opportunities on Page 5?

**YES/NO**

If NO, please state why

.....  
.....

**4.** On Page 5 we have set out how we plan to monitor and how well the Membership policy works and how we will report that. Are you happy with this? If NO please state why:-

**YES/NO**

.....  
.....

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5. What do you think of the way we have written the Policy?

	Yes	No
Is it clearly set out?		
Did you find it easy to read?		
Did you find it easy to understand?		
Is it free from "jargon" or technical terms?		

6. Do you wish to make any other comments about the Policy?

.....

.....

.....

.....

.....

.....

**Name**

.....

**Address** .....

.....

**Telephone** .....

If you have answered NO to any of the questions in the questionnaire, or if you have added any other comments, we may contact you to discuss this further. This will allow us to make sure that the views of members are fully taken into account when our policy is finalised and approved by the Co-operative's Committee of Management.

**Thank you very much for showing your commitment to the Co-operative by taking the time to complete this questionnaire.**

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Tenants First Housing Co-operative  
**Membership Policy**

***Approved:***

***Next Review Date:***

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## **Membership Policy**

### **1. Policy Aims**

Tenants First Housing Co-operative (hereafter called The Co-operative) recognises the requirement to have an effective Membership Policy.

An application for membership of the Co-operative can be made by any individual or jointly, by two or more, individuals who have applied for housing owned by the Co-operative. In the main, applications will be processed from those who have been successfully considered for an allocation of Co-operative housing and the allocations process has been completed.

Existing Co-operative members may also make a new application for membership. For example, sole to joint membership or joint to sole membership or where an assignation is requested. New applications for membership will also be considered where a member succeeds to a tenancy.

Membership of the Co-operative can give members the right to become a tenant and to participate in the running of the Co-operative in a range of ways. The following are the key areas:-

- The right to vote at the Annual General Meeting or any Special General meeting
- The right to be elected to the Committee of Management and its Sub Committees
- The right to be consulted with on key areas of the Co-operative's business such as policies

The Co-operative recognises the following as the key aims of its Membership Policy:-

- Compliance with the Co-operative's fully mutual status
- Compliance with regulatory guidance and performance standards as laid down by the Scottish Government
- Compliance with the constitution of the Co-operative
- The protection of the confidentiality of the prospective member
- Minimal void and rent loss being incurred on a vacant property
- Prospective members have a clear understanding of the Co-operative ethos and the values of tenant participation

- That applicants' have recourse to the Co-operative's formal complaints procedure in the event that their application for membership of the Co-operative is refused
- To promote equality of opportunity and access to the Co-operative's services

## **2. Objectives**

The Membership Policy links with the following sub-objectives contained in the Co-operative's Business Plan:

- 1) To provide manage and maintain properties to customers satisfaction
- 2) As a fully mutual Co-operative, to maximise the involvement of members and promote co-operative benefits and principles

## **3. Membership and Associated Issues**

### The Role of Staff and the Housing Management Sub Committee

The Committee of Management delegates to the staff of the Co-operative, the authority to implement the Membership Policy and the associated procedures as detailed in this Policy. The responsible officer will be the Director of Housing. The Director of Housing will also be responsible for reporting on the membership applications approved to the Housing Management Sub Committee.

In addition to the above the following powers and guidance will be delegated by the Committee of Management to the Director of Housing:-

- The responsibility for approving or rejecting requests for membership approval on behalf of the Committee of Management in accordance with the approved Membership Policy and associated procedure
- That in considering membership applications, their actions are unequivocally non-discriminatory in accordance with the Co-operative's Equality and Diversity Policy
- That the Director of Housing acts in accordance with the time scales detailed in the procedure to assist in ensuring minimal void and rent loss to the Co-operative
- That the applications for membership are considered primarily on the basis of best use and housing need or are in accordance with the terms of a specific balanced communities or special lettings initiative
- That any additional details requested will not compromise the confidentiality of the prospective member/s or the integrity of housing management staff

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- That the Director of Housing or any other member of staff will not be involved in approving membership applications where the applicant knows them personally, is their relative or friend.

### Reasons for Refusing Membership

The Co-operative recognises that there will, in exceptional circumstances, be justifiable grounds for the Director of Housing to refuse membership or not to proceed to the membership process. This is considered imperative to protect the Co-operative, its ethos, existing members and other members of the community. It also aims to avoid unnecessary delay in the allocations process thereby assisting to minimise void periods and rent loss on void properties.

The following details the key potential grounds for refusal but is not an exhaustive list. However, the Co-operative wishes to ensure that its adopted guidance on these issues is fair and flexible and that each case will be judged on its own circumstances and merits. The Co-operative has adhered to the requirements of the Housing (Scotland) Act 2001 and 2010 and consulted the good practice guidance detailed in Raising Standards in Housing by the Scottish Federation of Housing Associations.

### ***Outstanding Monies - Current and Former***

Where an applicant has monies outstanding amounting to one month's rent or more from a current or previous tenancy, a repayment agreement will need to be in place with the current or previous landlord and maintained for at least three successive months preceding the application for membership. In the case of existing members of the Co-operative the same criteria will apply.

### ***Other areas***

- Where any form of legal or court action has been commenced against an applicant or a member of their household under the terms of the Housing (Scotland) Act 2001 and 2010; the Antisocial Behaviour (Scotland) Act 2004; or as a breach of a Scottish Secure, Short Scottish Secure Tenancy, or Occupancy Agreement
- A sex offender who has refused permission for a risk assessment to be carried out in order to identify suitable housing
- Threatening or abusive behaviour towards Co-operative staff
- Where an applicant has been found to have given false or misleading information about their circumstances and this has led to the applicant attracting higher priority for membership than was due
- Where an applicant has been found to have deliberately worsened their living circumstances in order to attract higher priority for membership than was due.

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- On the grounds of effective housing management or the need to create a balanced community e.g. a new development where it is desirable to consider a balance of applicants in different circumstances

However, the Committee of Management state that this facility should not compromise valid membership approval and that there must be very clear, justifiable and demonstrable rationale for the Director of Housing's decision. There is a clear expectation by the Committee of Management that this facility should be implemented only occasionally and in appropriate circumstances.

#### Written Notification to Applicant

If the Director of Housing has decided that there are sufficient grounds to justify refusing an application for membership, written notification of this must be sent to the prospective member in question. This must clearly set out the reasons for the decision and the actions they can take to enable consideration of a future application.

If an applicant does not accept this explanation, the Director of Housing will offer the option of a personal interview to discuss the matter and re-iterate the rationale. Should this decision continue to dissatisfy the applicant they will have access to the Co-operative's formal complaints process. This process will not delay the letting of the vacancy in question which will proceed with the consideration of other applicants.

#### Promotion of the Co-operative Ethos

In accordance with the Business Plan, the Committee of Management instructs the staff of the Co-operative to positively promote the Co-operative ethos on their behalf and the opportunities for member participation as part of the membership process. When approving admission to the membership of the Co-operative, the Committee of Management wish the Director of Housing to be satisfied that the prospective member has been encouraged to gain a clear understanding of this. Appendix One details the areas that will be explained to the prospective and new member/s in an effort to achieve this.

## **4. Training**

The Co-operative through its Business Plan is committed to training and developing staff and its committee members to their full potential in order to deliver a high quality of service in all areas of its business to members, applicants and the public.

## 5. Equal Opportunities

The Co-operative will ensure its Membership Policy and practices will not unfairly discriminate against any individual, household or group on the grounds of gender, gender identity, marital status, on racial grounds, or on grounds of disability, age, sexual orientation, language or social origin, or other personal attributes, including beliefs or opinions such as religious beliefs or political opinions.

## 6. Monitoring and Reporting

All memberships approved and refused by the Housing Management Section will be reported to the Housing Management Sub Committee.

## 7. Review

This policy will be approved by the Committee of Management and reviewed in consultation with staff and members as appropriate. It will be reviewed every three years unless amendment is prompted by a change in legislation, operational requirements or customer feedback.

## 8. Legal Framework

In approving this Policy, the Co-operative aims to comply with the following legislation:-

- Industrial and Provident Societies Act 1965
- Housing (Scotland) Act 2001 and 2010
- Human Rights Act 1998
- Data Protection Act 1998
- Equalities Act 2010

## 9. References

- The Co-operative's Constitution

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- Scottish Secure Tenancy Agreement/Short Scottish Secure Tenancy Agreement

## 10. Related Policies/Documents

- Business Plan
- Scottish Secure Tenancy/Short Scottish Secure Tenancy Agreement and Occupancy Agreement
- Control of Payments and Benefits: Code of Conduct for Governance and Accountability as amended by the Housing (Scotland) Act 2010
- Allocation Policy
- Void Policy
- Participation Strategy
- Equality and Diversity Policy

## **Appendix 1                      The Co-operative Ethos**

This Appendix deals with the promotion of the Co-operative's services as a landlord, the Co-operative ethos and the commitment to tenant participation.

As detailed in the Policy document, the Co-operative considers it vital that this is promoted to all customers but particularly prospective members and existing members. It is the responsibility of all staff of the Co-operative to take a lead role in this at every possible opportunity.

For the purposes of the Membership Policy and its associated procedures the key areas are as follows:-

- At the initial point of applying for housing
- At the point of applying for Co-operative membership
- At the signing of the Scottish Secure Tenancy/Short Scottish Secure Tenancy or Occupancy Agreements
- At the follow up settling in visits to new members after commencement of tenancy

The following are the areas that will be discussed:-

- The areas within which the Co-operative operates and the housing stock
- The Co-operative ethos i.e. fully mutual status, membership, having a 'share' in the organisation, the right to be considered for election to the Committee of Management and its Sub Committees
- The right to contribute to the running of the organisation, the right to vote at the AGM and any special general meetings etc.
- The service provided to members by the Co-operative
- The Co-operatives Participation Strategy and its views in terms of members being kept informed and consulted
- The aims and objectives of the organisation

The Tenant's Handbook provides comprehensive information on services to members and this will play a key part at the signing of the relevant Agreement in promoting Co-operative services. Housing Management staff will have a particular responsibility for this area given that they are responsible for operating policies associated with allocation of housing and membership approval.

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It is important that verbal feedback is sought to clarify understanding of the issues explained. That is not to say that prospective members should feel they are in any way being tested or indeed that the allocation of a property is dependant on the right answers. It is, however, important to provoke thought, e.g. what could the Co-operative ethos mean to them and what part could they play in this? It will be made clear that there is a minimum expectation that they will participate by attending the Annual General Meeting or at the very least vote by proxy.

The Committee of Management also recognises and is committed to their responsibilities in respect of the positive promotion of their organisation.