



REGISTERED TENANT ORGANISATION PROCEDURE

May 2024

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Introduction

In July 2001, the Housing (Scotland) Act 2001 became law. It brought new rights for tenants and new duties for landlords.

Part of the Act states that landlords must produce a **Policy** and keep a **Register of Tenants' Organisations** as part of the landlord's **Tenant Participation Strategy**. This gives tenants and residents associations' legal rights to participate and be consulted on issues that affect tenants.

This document is Spire View Housing Association's procedure for registering tenants' organisations. The participating landlords involved fully recognise the benefits of an active tenants and residents movement and are aware of the positive influence tenant participation has on influencing services delivered by landlords.

This procedure for registering tenant organisations has been developed and reviewed by Spire View Housing Association. The procedure is open to suggestions of change from any involved party.

The procedure covers the following:

Background

- 1. Process for registering a Tenants' Organisation**
- 2. Criteria for registering a Tenants' Organisation**
- 3. Removal from the Register**
- 4. Process for Appeals**
- 5. Groups that do not want to Register**
- 6. Complaints**

Appendix A – Application Form for Registration

Background

What is a Registered Tenants' Organisation?

Registered tenants' organisations (RTO's) are **independent** groups, set up mainly to **represent tenants' interests** in relation to housing and related services. They have more commonly been called tenants and residents associations.

Why have Registration?

Registration will give tenants groups' rights to be properly recognised by their landlord. Registration should ensure that the landlord asks for **and pays attention to** the views of tenants' groups, especially in relation to housing policies, housing conditions and housing and related services.

It is a new and improved right for tenants. Groups do not have to register, but it is beneficial to do so.

Registration also gives tenants' groups the opportunity to show that they are open, democratic and accountable.

What are the benefits of Registration for RTOs?

Landlords must:

- ✓ Ask RTO's what issues they want to be consulted on.
- ✓ Make arrangements for obtaining and considering the views of RTO's.
- ✓ Notify RTO's of intent to make proposals or changes in relation to housing management, housing policy, housing conditions and related services.
- ✓ Give RTO's information about proposals under consideration.
- ✓ Allow RTO's time to consider draft proposals and put forward their views.

What about Mixed Tenure Groups?

Spire View Housing Association recognises that 'residents' or 'owner occupiers' as well as private tenants may be involved in local Tenants and Residents Associations.

Mixed tenure groups are welcome to register, as long as they can show that they represent the views of tenants in their area.

What about Tenants Federations or Umbrella Groups?

The Registration criteria is the same for Tenants Federations or umbrella organisations and for local tenants and residents groups. This means that when being consulted, groups should ensure that the views given to landlords are those of the tenants it represents.

What do Groups need to become Registered?

To become a registered tenant organisation (RTO), groups must:

1. have an appropriate constitution
2. have an elected committee of at least three people, who may co-opt other members on to the group
3. identify the area that the group represents
4. have a membership policy that shows that membership is open to all tenants in the defined area over 16 years old
5. show that the group's finances are used appropriately, recorded and independently audited each year
6. show that the group has open meetings, consults with the wider membership and acts on the views of the tenants that it represents.

More details of how to register will be outlined later.

How often must Groups register?

Registration lasts three years from the point of registration. Groups should let Spire View Housing Association know if any details change (e.g. office bearers, boundary, constitution or if the group becomes inactive).

Spire View Housing Association's Registration Policy

Spire View Housing Association will be responsible for managing the Register. The Register is a **public document** that will be on display on request.

The Register will be maintained by the Housing Manger and will be updated regularly.

1. Process for Registering a Tenants' Organisation

Application forms are available on request from Spire View Housing Association at the address below. The form should be completed and returned to:

Donna Richardson
Spire View Housing Association
43 Tharsis Street
Glasgow
G21 2JF

Tel: 0141 552 7928
Email: donnarichardson@spireview.org.uk

If you have enquiries about registering or require assistance with the form contact the Housing Manager at the above address.

Spire View Housing Association will take no longer than 28 days to process the application and will respond in writing to the group.

2. Criteria for Registration of Tenants' Organisations

Registration gives RTOs rights to participate and be consulted, and the opportunity to demonstrate to landlords that they are open and democratic organisations.

In order to achieve registration, a tenant organisation should meet all of the criteria set out below.

Criteria for Registration of Tenant Organisations

The organisation must have a publicly available written constitution that sets out:

- ❑ its objectives and area of operation
- ❑ how people can become members of the organisation
- ❑ the way the committee will operate
- ❑ how the business of the organisation will be conducted
- ❑ how decisions will be reached democratically (a statement should be provided setting out how the organisation plans to engage with its members and how it will represent their views)
- ❑ how funds will be managed
- ❑ arrangements for public meetings (minimum of 2 open meetings per year, one of which can be an Annual General Meeting (AGM))
- ❑ arrangements for an AGM
- ❑ how changes can be made to the constitution
- ❑ its commitment to equal opportunities
- ❑ how the group can be dissolved
- ❑ its commitment to the promotion of the housing and housing related interests of the tenants of the registering landlord(s).

Spire View Housing Association recognises that newly established groups may require time and support to develop a constitution. Assistance is available to develop a constitution from Spire View Housing Association or any of the participating landlords, please contact:

Donna Richardson
Spire View Housing Association
43 Tharsis Street
Glasgow
G21 2JF

The organisation must have a committee that:

- ❑ (after the first year) is elected at an AGM
- ❑ has at least three members. (Committee members may be tenants of Spire View Housing Association, owner-occupiers or private tenants)
- ❑ can co-opt others onto the committee during the course of the year
- ❑ has elected office bearers
- ❑ holds meetings that are open to any member of the organisation
- ❑ can demonstrate that decisions are reached democratically
- ❑ promotes equal opportunities.

Where an organisation has received a grant from Spire View Housing Association:

- ❑ the organisation must present an annual financial statement to the landlord.

The organisation must operate within:

- ❑ an area in Royston, which includes housing stock, owned and managed by the landlord with whom it is seeking to register.

3. Removal from the Register

The Housing (Scotland) Act 2001 states that a Registered Tenants' Organisation can be removed from the Register in any of the following circumstances:

1. The Tenants' Organisation no longer meets the registration criteria; or
2. The Tenants' Organisation ceases to exist or does not operate; or
3. Tenants' Organisation no longer wishes to be registered.

Should the group wish to be removed from the Register, they should apply in writing to the Housing Manager giving the reasons why. If the participating landlords decide not to remove the group from the Register, they will notify the group in writing giving the reasons why and informing the group of their right to appeal.

Spire View Housing Association may seek to remove a group from the Register. When considering removal, Spire View Housing Association will ensure that attempts are made to discuss the reasons for removal with representatives from the group in question. Support will be provided where required to enable the group to ensure it meets the registration criteria.

Removal from the Register will take place 28 days following written notification to the group that explains:

- ❑ the reasons for removal
- ❑ timescale for removal
- ❑ information on the appeal process.

When the participating landlord(s) decides to remove an organisation from the register, the group will be notified in writing and also given a right of appeal.

The Act obliges the landlord to keep a record of RTOs that are removed from the Register.

4. Process for Appeals

The Housing (Scotland) Act 2001 states that a tenants' organisation may appeal against a landlord's decision to:

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

The appeals process will have various stages these are outlined below:

1. The **RTO should write** to Spire View Housing Association explaining their reason for their appeal:
 - 1) The RTO should write to the Director
 - 2) The appeal against the landlord's decision will be considered by the Director who will instruct an investigation into the appeal
2. Spire View Housing Association will have **28 days** to make a decision and inform the RTO in writing.
3. If the appeal is successful, the landlord will reinstate the group to the register and inform the RTO in writing.
4. If the appeal is unsuccessful, the (R)TO can appeal to the Scottish Housing Regulator, Buchanan House, 58 Port Dundas Road, Glasgow, G4 0HF who will investigate on behalf of Scottish Ministers. The Scottish Housing Regulator will be responsible for the process of the second stage appeal and the timescales involved.

5. Groups that do not want to Register

There may be circumstances where a tenant group does not wish to register with the landlord. Where this is the case individual group members, as individual tenants of the landlord, will still have their right to be consulted. Landlords whenever appropriate should as a matter of good practice, consult with non-registered groups, particularly if this is an informal group, brought together over a specific issue in a certain area. Landlords will have to apply a judgement as to the representative nature of the group. Consultation with such a group would still remain out with the statutory provisions of the Act.

In line with the aims of the participating landlords' individual Tenant Participation Strategies, we will ensure that all our tenants have opportunities to get involved in a way that suits them. We recognise that a range of options need to be available to enable involvement and we will promote a menu of options for participation. We value all forms of tenant participation equally and will ensure that support is available to encourage tenants to get involved.

6. Complaints

Complaints about Landlords

Spire View Housing Association endeavour to provide a high quality service, but in the event that your Group would like to make a complaint about the service provided by Spire View Housing Association, a copy of our Complaints Handling Procedure can be obtained from our office or our website.

Spire View Housing Association
43 Tharsis Street
Glasgow
G21 2JF

0141 552 7928

www.spireview.org.uk

Complaints about RTOs

Complaints about RTOs should be made in the first instance to its Committee. If the complaint is not resolved satisfactorily, the complainant can request the assistance of an independent party who will assist in trying to resolve the matter.

If a complaint is made about an RTO's failure to comply with the registration criteria, this will be investigated depending on the nature of the complaint by one of the following Spire View staff members:

- ❑ Housing Manager
- ❑ Depute Director
- ❑ Director

The RTO will be notified in writing that an investigation will be carried out. The investigation will take no longer than 28 days (unless in exceptional circumstances) and the findings will be shared with the Committee of the group.

Appendix A: Spire View Housing Association Application for Registration as a Registered Tenants' Organisation

Please read the policy and guidance before filling in this form

1. Name of group

2. Contact details of group (You may ask to keep this confidential, as the Register is a publicly available document.)

Contact name:
Position in Group:
Address:

Postcode:
Tel:
Fax:
Email:

3. Area of operation (List the streets that your organisation covers)

4. Do you have a written, publicly available constitution?

Yes No

Please remember to include this with your application.

5. Does your organisation have a committee of at least three members who have been elected at your Annual General Meeting?

Yes No

Please provide a copy of the minutes of your last Annual General Meeting with the application form.

Please provide your Office Bearers' contact details.

	Name	Position	Address
1.			
2.			
3.			
4.			

6. Is your organisation committed to representing the views of Spire View Housing tenants in your area?

Yes

Please tell us briefly how you will represent your members' views, for example, the number of public meetings you will hold; newsletters you produce and how you will publicise your AGM;

7. Data Protection

In accordance with Data Protection laws Spire View Housing needs to provide information about how people's personal data will be stored and describe what it will be used for.

The personal data that you provide will be held by Spire View Housing only for the purposes of managing the Register of Tenants' Organisations. In order to process your application to register, your details will be shared with Spire View Housing Association. The Scottish Government will also, from time to time, ask Spire View Housing to pass on information, from our Register of Tenant Organisations

to them. Further details about what we use your personal information for can be found in our Fair Processing Notice, along with information detailing your rights in relation to that information.

If Spire View Housing Association wishes to use this data for any other purpose not set out within our Fair Processing Notice ~~reason~~ in the future, we will contact you and ask you for your consent before we go ahead.

Under the Freedom of Information (Scotland) Act people have a right to ask for recorded information held by Spire View Housing Association. Some information may be covered by the exemptions listed in the Act. If Spire View Housing Association does not provide you with the information you have requested, it has to give full reasons for not doing so and you have the right to appeal to the Scottish Information Commissioner. If you would like to request information, please email donnarichardson@spireview.org.uk or contact the office at 43 Tharsis Street Glasgow G21 2JF.

8. Check list

Please ensure that you have included the following:

- Application form with all sections completed
- Constitution
- Minutes of last AGM

9. Confirming information

Please complete the section below to confirm that you are the person who has completed this application form on behalf of the Group and that all the information about your Group is correct.

Your Name:	Position in Group:
Your Address:	
Postcode:	
Tel:	
Email:	
Signed	Date

Please return the completed application and attached papers to:

Donna Richardson
Spire View Housing Association
43 Tharsis Street
Glasgow
G21 2JF

For assistance with this form, please contact Donna Richardson, Housing Manager, Spire View Housing Association, at the address above, or call 0141 552 7928.