



TOLLCROSS  
housing association

## Membership Policy

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Policy Created	//
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Reviewed By	Management Committee

CORPORATE FIT	
Internal Management Plan	✓
Risk Register	✓
Business Plan	✓
Regulatory Standards	✓
Equalities Strategy	✓
Legislation	✓

On request, the Association will provide translations of all our documents, policies and procedures in various languages and other formats such as computer disc, tape, large print, Braille etc. and these can be obtained by contacting the Association's offices.

## **1. INTRODUCTION**

- 1.1 Tollcross Housing Association Limited (the Association) is a membership organisation, and aims to attract people from the groups and communities it serves to become members of the Association. The Association seeks to establish a wide and active membership by recruiting as members, individuals with an interest in the work of the organisation and to make effective use of the skills, experience and views of its members. Our membership is an important means of enhancing and demonstrating our accountability to the community in which we operate. We will actively promote membership through appropriate channels as a way of providing opportunities for interested parties to play an active part in the affairs of the Association. Some of the ways we promote membership are detailed in Section 5 of this policy.
- 1.2 Members of the Association are those people who hold a share in the Association and whose names are entered into the Register of Members. It is a requirement of membership that members are supportive of the aims and objectives of the Association.
- 1.3 This policy aims to promote good governance of the Association and to ensure the proper accountability of its Committee of Management by having a membership which is as wide as possible, subject to the criteria described in Section 6.
- 1.4 Tenants come first in every decision Tollcross Housing Association takes, so it's not surprising we want as many tenants as possible to become members of the Association. Membership is a real opportunity for tenants to have their voice heard.
- 1.5 The purpose of the policy is to set out the criteria by which the Management Committee consider applications for membership and outline the roles and responsibilities of membership.

## **2. REGULATORY & LEGAL FRAMEWORK**

- 2.1 Standard 1 of the Scottish Housing Regulator's Regulatory Framework states: "The Governing body leads and directs the RSL to achieve good outcomes for its tenants and other service users. More specifically and in relation to this Membership Policy, Standard 1.6 states: "Each governing body member always acts in the best interests of the RSL and its tenants and service users, and does not place any personal or other interest ahead of their primary duty to the RSL. The RSL maintains its independence by conducting its affairs without control, undue reference to or influence by any other body (unless it is constituted as the subsidiary of another body.)"

- 2.2 Personal data held by the Association relating to membership shall be stored securely and in line with the Association's Data Protection Policy.
- 2.3 The Association is registered with the Financial Conduct Authority as a Registered Society under the Co-operative and community Benefit Societies Act 2014 and is a recognised Scottish Charity and registered as a property factor. The rules are as published by the Scottish Federation of Housing Associations in co-operation with the Scottish Housing Regulator, and as amended from time to time by the Membership of the Association.
- 2.4 Copies of our rules may be obtained from our registered office, 84 Braidfauld Street, Glasgow G32 8PJ or by visiting our website [www.tollcross-ha.co.uk](http://www.tollcross-ha.co.uk)

### **3. RISK MANAGEMENT**

- 3.1 The Association has considered the potential risks facing the Association should the Membership Policy fail to be adhered to.
- 3.2 The Association shall be in breach of its legal obligations should it fail to comply with the rules on membership to the Association as set out in the SFHA Charitable Model Rules (Scotland) 2013. Should this occur, the Scottish Housing Regulator could appoint representatives to assist in the governance and management of the Association's business. This could have an adverse affect on our creditability and future funding opportunities.
- 3.3 In order to minimise this risk, the Association ensures the staff employed to deal with membership issues are fully conversant with the rules of the Association. Conditions for membership are regularly published in the Newsletter and contained within the membership application form.

### **4. EQUALITY & DIVERSITY**

- 4.1 The Association's Equality and Diversity policy outlines our commitment to promote a zero tolerance to unfair treatment or discrimination to any person or group of persons, particularly on the basis of any of the protected characteristics<sup>1</sup>. This includes ensuring that everyone has equal access to information and services and, to this end, the Association will make available a copy of this document in a range of alternative formats including large print, translated into another language or audio.
- 4.2 We are also aware of the potential for policies to inadvertently discriminate against an individual or group of individuals.

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<sup>1</sup> The Equality Act 2010 identifies the "protected characteristics" as age, disability, marriage and civil partnership, race, religion or belief, gender, gender reassignment and sexual orientation.

To help tackle this and ensure that it does not occur, best practice suggests that organisations carry out Equality Impact Assessments to help identify any part of a policy that may be discriminatory so that this can be addressed (please see section 6 of the Equality and Diversity Policy for more information).

- 4.3 In line with section 6.3 of the Equality and Diversity Policy, the Association will apply a screening process based on that recommended by the Equality and Human Rights Commission to ascertain whether each policy requires an Impact Assessment to be carried out. The screening process was applied to this policy and it was decided that an impact assessment is not required.

## **5. PROMOTION OF MEMBERSHIP**

- 5.1 The Association will promote membership by circulating information on membership to tenants, sharing owners, residential and commercial factored owners and other owner occupiers, local community and representative groups, local authority departments, housing advice agencies and by providing information on membership on our website.
- 5.2 Information on membership will be presented via leaflets and newsletters, available to tenants, sharing owners, residential and commercial factored owners and housing applicants.
- 5.3 The Management Committee (MC) supports the principle that the membership should reflect the Association's responsibility to stakeholders including tenants, future tenants, local residents and others interested in furthering social housing objectives locally.
- 5.4 The MC recognises that to achieve a diverse and representative membership, it needs to promote membership opportunities to tenants and others throughout the community on an ongoing basis.
- 5.5 A membership application will be issued to all housing applicants and new tenants of the Association. Tenants and residents will be encouraged to join the Association and advised of the special rights that membership confers.

## **6. WHO CAN JOIN**

- 6.1 You must be at least 16 years old to apply for membership.

- 6.2 The Association seeks to ensure broad representation in its membership of the groups and communities that it serves. To this end, the Association will particularly welcome applications from: -
- a) Tenants of the Association
  - b) Service users of the Association
  - c) Other persons who support the objectives of the Association
  - d) Organisations sympathetic to the objectives of the Association
- 6.3 The Association undertakes an annual exercise in comparing existing Committee membership demographics against Association membership. This is measured against the 2011 Scottish Census and helps us to identify sections of the community that are underrepresented. With this in mind, we would particularly welcome applications from:
- Individuals under the age of 59
  - Individuals who are single (i.e. have never married or registered a same sex marriage)
  - Individuals from black and ethnic minority backgrounds
- 6.4 The Association accepts applications from organisations, in accordance with the rules relating to representing an organisation.

## **7. WHO CANNOT JOIN?**

Membership will not be granted to the following categories of applicant.

- Where membership would be contrary to the Association's Rules or policies.
- 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.
- Where the Committee considers that accepting the application would not be in the best interests of the Association.

## **8. PROCEDURES FOR APPLYING FOR MEMBERSHIP**

- 8.1 Those who want to apply for membership should contact the Association for a membership form. The completed form should be sent with £1.00 to the Secretary at the registered office.
- 8.2 Every application is considered by the Management Committee of the Association at its next meeting after the application is received, or as soon thereafter as is practicable. No applications will be considered by the MC within the 14 day period occurring before the date of a general meeting.

- 8.3 Once approved, the Association will, within seven working days, include the applicant's name and other necessary particulars within the Register of Members. We will also write to the new member to confirm their membership, and issue a Share Certificate and a copy of the Association's Rules. Details of how members can participate in the organisation including the AGM and how to stand for election to the Committee of Management will be issued to all members prior to every AGM.
- 8.4 While it is the Association's intention to encourage membership, the Management Committee has absolute discretion in deciding on applications for membership, taking full account of the membership policy and Rules of the Association.
- 8.5 The Management Committee will designate each new member either:-
- **Tenant member** - Membership in the category will be open only to tenants (including joint tenants) of the Association.
  - **General member** – Membership in this category will be open to local residents who are not tenants. This could be a member of any household, an owner occupier or sharing owner living in a property owned or managed by Tollcross Housing Association. It also covers organisations that are sympathetic to the objects of the Association.
  - **Non local members** - non local resident is a person who lives beyond the boundaries of the stock owned and managed by the Association.
  - **Specific expertise** – membership in this category will be open to those with specific expertise or professional interest or skill that could be considered an enhancement to the Management Committee. They may also live beyond the boundaries of the stock owned and managed by the Association.
- 8.6 The Management Committee will have the final say where an applicant satisfies more than one of the membership criteria, which category they should be registered under.
- 8.7 Where an application is unsuccessful a written statement of the reasons for refusal will be given to the applicant with 14 days of the date of the decision. An applicant will then have one further opportunity to request membership and to give reason why the decision should be changed. This should be made in writing within 14 days of receipt of the refusal.

The Management Committee will consider the reasons at its next meeting or as soon thereafter as practicable and its decision on that occasion will be final. The applicant will be informed within 14 days of the date of the final decision.

## **9. MEMBERS RIGHTS AND RESPONSIBILITIES**

- 9.1 The Association will hold an Annual General meeting to provide members with a report on the affairs of the Association, a report from the auditor on the annual accounts and balance sheet and to give members the opportunity to elect members to the Management Committee. Each member will be entitled to stand for election to the Management Committee and to nominate and help elect other prospective Committee members.
- 9.2 Members are entitled to attend and participate in all general meetings of the Association. Members must submit apologies if they are unable to attend a general meeting.
- 9.3 Members are entitled to receive the latest audited accounts and any annual report at the General Meeting. It should be noted that according to the Association's constitution there is no right to receive interest, dividends or bonuses on members' shares.
- 9.4 Members have the right to appoint the Auditor.
- 9.5 Members have the right to vote in person or by proxy at such meetings in accordance with the rules.
- 9.6 Members have the right to amend the Association's rules. This may only be done at Special General Meeting by a resolution passed by at least three quarters of the members, subject to the Scottish Housing Regulator (SHR) and the Scottish Charity Regulator (OSCR) approving the rule change.
- 9.7 Members elected to the Management Committee will have the opportunity to influence the strategies, policies and management of the Association.

## **10. MEMBER PARTICIPATION**

- 10.1 The Association wishes to ensure its members are informed and can actively participate in the organisation. To this end, the Association will:
  - a) publicise general meetings at least 14 days before the day of the meeting
  - b) send written notice of meeting to members home at least 14 days prior to the meeting

- c) circulate information to members so they can make informed decisions at the general meetings. Where information in particular format or language is required, the Association will endeavour to provide this
- d) make every effort to hold general meetings at times and locations suitable for membership, and which is accessible
- e) keep members informed on all major developments affecting the Association
- f) make a copy of our annual accounts available to all our members
- g) provide all our members with a copy of our Landlord Performance Report
- h) actively promote the opportunities that exist, through election, for serving on the Management Committee

## **11. TERMINATION OF MEMBERSHIP**

11.1 Membership will cease when a member: -

- a) Resigns by giving written notice to the Secretary
- b) Is expelled in accordance with Rule 11.1.4
- c) Changes address but does not notify the Association of their new address within three months, unless the new address is also a property of the Association
- d) Fails to attend and submit apologies for 5 Annual General Meetings
- e) Dies
- g) In the case of where a corporate body ceases to be a corporate body
- h) ceases to fall within the definition of membership criteria

11.2 The Management Committee will end the membership and cancel the share. The £1.00 membership fee is not refundable on termination of membership. The value of the share will then belong to the Association with effect from the date of the Committee resolution to that effect. The ending of the membership will be recorded in the Register of Members.

## **12. EXPULSION OF MEMBERS**

12.1 Members can be expelled from membership if we receive a complaint about their behaviour and there is evidence to show that they have been involved in conduct capable of being detrimental to the interests of Tollcross Housing Association.

12.2 The following conditions apply to this process.

- The Secretary will call a Special General meeting
- The Secretary will write to the member not less than one calendar month before the meeting takes place outlining the basis for expulsion and asking the member to attend the SGM to answer the complaint.
- If the member is given proper notice but does not attend the meeting without providing good reason, the meeting will go ahead without the member being present.
- At the SGM the members attending will be presented with evidence and asked to reach a view.
- A vote will be taken on a resolution to expel the member concerned. This can be done in person or by proxy.
- If two thirds or more of the members present vote in favour of the resolution the member will be expelled.
- If we end a membership in this way, any further application for membership by that person will need to be approved by two thirds of the members voting at another General meeting.

### **13. MEMBERSHIP RECORDS**

13.1 Tollcross Housing Association will keep a proper register of members containing the names and addresses and such other particulars of members. The original register (manual) is the substantive evidence of membership. This register will be made available for public scrutiny should the need arise. The duplicate register will be computerised.

13.2 The membership records are maintained in accordance with the rules of the Association in the following form.

- 1) A Register of Members – This contains the names and addresses of members, the amount paid, what category the member falls within (e.g. tenant or general member), the date in which each person was entered on the register as a member, the date at which and reason for any person ceases to be a member (the original register).
- 2) A Duplicate Register of Members – Member names and addresses, the date on which they became members, the category of membership, date of birth, attendance at AGM and the date and reason for the person ceasing to be a member (this is a computerised register).

## **14. MANAGEMENT COMMITTEE MEMBERSHIP**

The Association has a Committee of Management which shall have a minimum of 7 and maximum of 15 members (including Co-optees). The Management Committee shall endeavor to have a mix of representatives from each of the membership categories outlined in Section 8 of this Membership Policy. Each member must be 18 years of age or over.

The Management 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 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.

### **14.1 Eligibility for the Committee**

A person will not be eligible to be a Committee Member and cannot be appointed or elected as such if:

They have been declared bankrupt; granted a trust deed for or entered into an arrangement with creditors or their estate has been sequestrated and has not been discharged; or

They have 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

They are a party to any legal proceedings in any Court of Law by or against the Association; or

They are or will be unable to attend the Committee Meetings for a period of 12 months; or

They have been removed from the Committee of another registered social landlord within the previous five years; or

They have resigned from the Committee in the previous five years in circumstances where the resignation was submitted after the date of their receipt of notice of a special committee meeting convened to consider a resolution for their removal from the Committee in terms of Rule 44.5; or

They have been removed from the Committee in terms of Rules 44.4 or 44.5 within the previous five years; or

They have 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; or

They have 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 they were responsible or to which they were privy, or which their conduct contributed to or facilitated; or

They have a disqualification order or disqualification undertaking has been made against them 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

At an annual general meeting, they have served as a Committee Member for a continuous period in excess of nine years and the Committee have not resolved to permit them to stand again or otherwise be nominated for re-election.

A member of your household and/or your spouse or partner (as set out in Rule 40.3) is already a Committee Member.

## 14.2 Ending Committee Membership

A Committee member will cease to be a Committee Member if:

They resign their position as a Committee Member in writing; or
They cease to be a Member unless they are a co-optee in terms of Rule 42.1 or an appointee of The Scottish Housing Regulator; or
They miss four Management Committee meetings in a row without special leave of absence previously being granted by the Committee either at their request or by exercise of the Committee's discretion; or
The majority of Members voting at a general meeting decide this. (The Members at the meeting may then elect someone to take their place. If a replacement is not elected at the meeting, the Committee may appoint a Committee Member in terms of Rule 41); or
The majority of those remaining Committee Members present and voting at a special meeting of the Committee convened for the purpose decide to remove them as a Committee Member. The resolution to remove them as a Committee Member must relate to one of the following issues:
- 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;
- failure to sign or failure to comply with the Association's Code of Conduct for Committee Members; or
- a breach of the Association's Rules, standing orders or other policy requirements;
They become ineligible as a Committee Member in terms of Rule 43; or
They are a co-optee whose period of office is ended in accordance with Rules 39.1 or 42.2; or
They are a Committee Member retiring in accordance with Rule 39.1; or
They were a representative of an organisation and that organisation has withdrawn its authority from that person in accordance with Rule 12.3.

## 14.3 Co-optees and Casual Vacancies

### 14.3.1 Co-optees

The Management Committee can co-opt to the Committee anyone who is suitable to become a Committee Member. Co-optees do not need to be members of the Association, 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-Committee. They can take part in discussions at the Committee or any Sub-Committee meetings 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. Co-optees may not stand for election, nor be elected as one of the Office Bearers of the Committee.

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 is present to allow the meeting to take place.

#### **14.3.2 Casual Vacancies**

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.

A person filling a casual vacancy must be 18 years of age or over and unless appointed by the Scottish Housing Regulator, must be a member of the Association.

## **15. POLICY REVIEW**

- 15.1 The Membership Policy shall be reviewed every four years or sooner as deemed necessary by the Management Committee.