

A meeting of the Management Committee will take place on **Wednesday 27 November 2024 at 7.00pm** in the Hayman Room, **Head Office, Haddington**

Please advise staff if you are unable to attend.

**Karen Barry**  
**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 26 September 2024 – **for approval**
- 1.4 Action List – for information
- 1.5 Matters Arising

### **2.0 GOVERNANCE**

- 2.1 Secretary's Report – for information
- 2.2 Governance Review Working Group Report – for information
- 2.3 New Governance Structure – **for approval**
- 2.4 Management Committee Calendar 2025/26 – **for approval**
- 2.5 Key Performance Indicators 2024/25 – for information

### **3.0 PRIORITY ITEMS**

- 3.1 Independent Review of ELHA Performance – for information

### **4.0 POLICIES**

- 4.1 IT Systems Policy Review – **for approval**
- 4.2 Tenancy Management Policy – **for approval**
- 4.3 Freedom of Information Policy Review – **for approval**
- 4.4 Staff Training and Development Policy Review – **for approval**

### **5.0 BUSINESS MANAGEMENT**

### **6.0 ANY OTHER BUSINESS**

### **DATE OF NEXT BOARD MEETING**

**Thursday 20 February 2025** at ELHA Head Office, Haddington, at 7.00pm

## Action List

### Report by Martin Pollhammer, Chief Executive – for information

The table below sets out the required actions agreed at the last meeting of the Management Committee on 26 September 2024, and confirms the actions taken.

Minute Ref	Action Required	Action By	Action Taken
1.3	Update as noted in the minute and publish the minutes and papers from the August 2024 meeting on elha.com	ES	Complete
2.1	The Scottish Housing Regulator Portal to be updated with governing body member changes and Office Bearer appointments	ES	Complete
2.2	Companies House to be updated with R3 Board appointments	GA	Complete
2.3	All Codes of Conduct to be signed	ES	Complete
2.4	Anderson Strathern to be appointed to prepare draft Terms of Reference, Scheme of Delegation and Revised Standing Orders for the Governance Review Working Group to review	MP	See <b>Agenda Item 2.3</b>
2.4	Senior Management Team to prepare a revised Corporate Calendar, draft meeting agendas and Policy Delegation Schedule for the Governance Review Working Group to review	MP	See <b>Agenda Item 2.5</b>
4.1	Check formatting and update the Working Away from the Office Policy in the ELHA File Structure, Management Committee area of elha.com and update the Policy Review Timetable	ES	Complete

## Secretary's Report – for approval

---

### 1.0 Membership

No new applications for membership have been received.

### 2.0 Cancellation of Membership

A membership is cancelled if the criteria for cancellation within the Rules is met. These include:

Rule 12.2, if you have:

- Failed to tell us of a change of address as set out in Rule 11 or
- Failed to attend or submit apologies for five AGMs

The undernoted memberships have been cancelled as failure to attend or submit apologies for five AGMs:

- Membership No 1 – Mr D K Affleck
- Membership No 334 – Mr Kenneth Anderson
- Membership No 146 – Mr Herbert Coutts
- Membership No 374 – Ms Elizabeth Joan Manthorpe
- Membership No 214 – Mr Roy McDonald
- Membership No 47 – Mr Kevin Robertson
- Membership No 329 – Ms Annie Russell

#### **Recommendation**

The Management Committee is asked to approve the cancellation of the Memberships noted at Section 2.0.

## Governance Review Working Group Report

### Report by Paul Hillard, Working Group Chair – for information

---

#### 1.0 Introduction

A short-life Governance Review Working Group (GRWG) was established at the February 2024 Management Committee meeting. The GRWG will continue to report to each Management Committee meeting until the Governance Review is complete. At this point the GRWG will be disbanded.

#### 2.0 Working Group Meeting on 13 November 2024

The Working Group met to review the legal advice provided on the proposed new Governance Structure, and to work through the various documentation in detail.

The Working Group was pleased to find that all of the initial recommendations the Group wished to take forwards could be done without any Rule changes.

The Key document is the revised Standing Orders. There are significant changes, and the Working Group has seen evidence of all the e-mails between the Chief Executive and Anderson Strathern, as well as access to all tracked changes. The Working Group was content that the revised Standing Orders have been appropriately updated and recommends their adoption by the Management Committee.

The Working Group also reviewed all the Appendices to the Standing Orders, including the Core Functions of the proposed Board and Sub-Committees. The Working Group asked for a small number of changes to be made to the drafts it reviewed, including:

- Moving the responsibility for Chief Executive recruitment from the Governance Committee into Board Core Functions
- Adding the following responsibility to Board Core Functions: *Ensuring there is appropriate engagement with a wide range of stakeholders, including tenants and other service users*
- Discussing membership requirements in relation to the minimum quorum of three for both Committees (and deciding to recommend that Committees of between three and eight members be formed, with an ideal membership of between six and seven)

- Asking for the following insertion into the Governance Committee's Terms of Reference:
  - *To develop and implement the process of:*
    - *Appraisals of effectiveness of members of the ELHA Board, and of each Committee, with a view to determining any training needs or skills gaps*
    - *Determining and addressing any training needs*
    - *New Board Member induction*
    - *Board Succession Planning and Board Member recruitment*
- Making it explicit within the Core Functions and Terms of Reference that virtual attendance and in person attendance count equally in terms of a quorum
- Asking that a cross-reference exercise be undertaken between the responsibilities listed for Senior Management Team in terms of Delegated Powers and relevant Job Descriptions be undertaken

The Working Group looked through all draft agendas and was content that a full cross-reference process had been undertaken to ensure all Board and Sub-Committee responsibilities were covered through appropriate reporting (although the Working Group agreed that further work was required in relation to future performance reporting).

The Working Group considered the proposed Policy Matrix and agreed with all Senior Management Team recommendations, and therefore recommends the adoption of this Policy Matrix to the Management Committee.

The Working Group also reviewed the proposed Corporate Calendar and agreed that the meeting schedule was appropriate. Specifically, the Working Group agreed that Risk & Audit Committee meetings, with the exception of the annual meeting with the Auditors (which should be held in-person), would be held on Teams, during working hours (10.00 to 11.00). The Working Group agreed that Board and Governance Committee meetings should be held in person wherever possible, but that occasional virtual attendance would be tolerated where necessary, particularly if required to achieve a quorum.

The Working Group concluded that the Senior Management Team had taken forward all the tasks required as part of the initial response to the Altair Report. The Working Group therefore recommends that the Management Committee approve the revised Standing Orders and other documents relating to the new Governance Structure.

### 3.0 Next Meeting

The Working Group is scheduled to meet again on 9 January 2025. At the next meeting, the Group will review the remaining recommendations made by Altair and consider any Action Plan required.

A report will therefore be presented to the Board at either the Board Away Day in January 2025 or the next Board meeting in February 2025. It is possible that the Working Group can then be disbanded at that point.

#### **Recommendation**

The Management Committee is recommended to approve the new Governance Framework proposed at **Agenda Item 2.3**.

## New Governance Structure

### Report by Martin Pollhammer, Chief Executive – for recommendation

---

#### 1.0 Introduction

At the last Management Committee meeting on 26 September 2024, it was agreed to Delegate Authority to the Chief Executive to:

- (a) Approach Anderson Strathern to advise on Terms of Reference for the proposed Board and Sub-Committee structure;
- (b) Ask Anderson Strathern to revise Standing Orders and advise on any Rule changes that may be required to implement the proposed new governance structure;
- (c) Prepare a draft Scheme of Delegation and ensure this is properly reflected in the documentation produced by Anderson Strathern; and
- (d) Prepare a revised Corporate Calendar including draft Meeting Agendas to support the new governance framework.

All the required documents have now been prepared and are presented to the Governance Review Working Group meeting for scrutiny, and recommendation to the Management Committee (see **Agenda Item 2.2**).

It is important to note that this Delegated Authority was given to ensure the principles agreed at the Management Committee in August 2024 in receiving the Altair report are delivered. There are other recommendations within the Altair report, which the Governance Review Working Group will now review.

The six principles agreed were:

- That the Management Committee will change its title to the Board
- That the Audit & Assurance Committee is disbanded and replaced with a Risk & Audit Committee
- That the Chair of the Management Committee cannot be a member of the Risk & Audit Committee
- That the Governance Standards Working Group and Remuneration Working Group are amalgamated and replaced by a permanent Governance Committee

- That the role of Secretary is in future held by a member of the Senior Management Team (other than the Chief Executive, it is proposed that the Director of Housing, who has Deputy Chief Executive responsibilities, takes on this responsibility, subject to appropriate changes to the relevant delegated authorities)
- That the Corporate Risk Panel is disbanded, and risks assessed by the Senior Management Team in line with the proposed Risk Management Framework

## **2.0 Advice on Rule Changes**

Anderson Strathern have advised that no Rule changes are required to deliver any of the six principles, however the Management Committee would need to adopt the name “Board” until such time as the Rules are changed to reflect this. The Rules could be changed at the 2025 AGM.

The specific advice given was as follows:

*I understand that of the changes proposed by Altair, ELHA are minded to make the following:*

- *To change the name of the Committee of Management to “the Board”*
- *To change the Audit & Assurance Committee to a Risk & Audit Committee*
- *To ensure that the Chair of the Committee of Management / Board does not sit on the Risk & Audit Committee*
- *To establish a new Governance Standards Committee (name to be confirmed)*
- *To delegate more matters to the senior management team (e.g. assessment of risk in line with the risk management framework approved by the Committee of Management)*
- *To ensure that the Secretary is a member of the staff team, and not of the Committee of Management*

*My view is that none of the above changes (with the exception of the change of name of the Committee of Management) definitively require a change to the Rules, for the following reasons:*

- *To change the Audit & Assurance Committee to a Risk & Audit Committee; the provisions of the Rules, in respect of sub-committees, are in general terms and do not make reference to specific committees*



- *To ensure that the Chair of the Committee of Management / Board does not sit on the RAC; as indicated above, the Rules do not make reference to specific sub-committees, as such, it is not technically necessary to include a provision to this effect and it would be in order to simply reference this in the relevant Terms of Reference*
- *To establish a new Governance Standards Committee (name to be confirmed); again, the general nature of the provisions of the Rules relating to sub-committees means that the Committee of Management can readily establish such a sub-committee, but this need not be specifically referred to within the Rules*
- *To delegate more matters to the senior management team (e.g. assessment of risk in line with the risk management framework approved by the Committee of Management); again, this is consistent with the Rules which (in general terms) allow for delegation to the SMT, but it would not be appropriate to go into detail of this in the Rules themselves*
- *To ensure that the Secretary is a member of the staff team, but not the Chief Executive; the Rules already anticipate that the Secretary may be an employee of EHLA but must not be a member of the Committee of Management, this gives the requisite flexibility and any restriction on the Chief Executive holding this role could be dealt with in the Standing Orders (but it would, of course, be possible to adjust the Rules to refer to this if there was strong feeling on this)*

*On the proposed change of name of the Committee of Management, you could either formally make the change to the Rules (which would involve convening a meeting of the members to pass the necessary resolution etc) or the legal name could remain the same (under the Rules) but “Board” could be adopted as a working name and recognised as such in all relevant documents e.g. “the Committee of Management shall be referred to as “the Board” in these standing orders...” It is quite standard for Rules of registered societies to refer to a “Management Committee”, but the underlying legislation is certainly wide enough that this terminology could be changed. Please let me know what your preference is.*

The Working Group is asked to recommend to the Management Committee that appropriate Rule changes are made through the 2025 AGM process (this would require initial decisions to be taken at the May 2025 Board meeting).

### **3.0 Standing Orders**

A clean copy of the proposed **Standing Orders Document** is attached to this report. Members of the Governance Review Working Group were provided with background documentation showing the process of the revision of the Standing Orders with Anderson Strathern, with all tracking and comments included.

The Standing Orders contain a number of Appendices, as follows:

**3.1 Appendix 1, Election of Office Bearers**

This is based on the current document with only minor changes required to support the new Governance Structure.

**3.2 Appendix 2, Board Core Functions**

This sets out the key Board functions and has been developed from the draft approved by the Governance Review Working Group at its meeting in September 2024. The list of functions has then been cross-referenced to the draft agendas, see Section 5.0 below, to ensure all core functions have appropriate reporting mechanisms in place.

**3.3 Appendix 3, Delegated Powers to Office Bearers and Staff**

This is based on the current document with appropriate amendments to suit the new Governance Structure.

To support this, a **Policy Review Matrix** has been developed by the Senior Management Team and attached to this report. This Matrix is separated into two parts, with Strategy Documents reviewed on a three yearly basis, and (in most cases) policies continuing to be reviewed every five years. The Matrix sets out whether reviews are carried out by the Annual General Meeting (where required by the Rules), the Board, or the Senior Management Team. The Matrix also distinguishes between minor and material variation, where in some cases minor amendments are delegated to the Senior Management Team, but material changes still requiring Board authorisation.

A review of all policies has been undertaken to see if any policies can be deleted. Only three policies are recommended for deletion at this time, and these are highlighted in red in the Policy Review Matrix.

Each future Board agenda will contain a standing item called “Policy Review Summary”. This will report any policy revisions signed off by Senior Management Team since the last Board meeting, note whether the review was completed on time or not, and note the location where Board members can view the revised document if they wish.

**3.4 Appendix 4, Risk & Audit Committee Terms of Reference**

This sets out the key Committee functions and has been developed from the draft approved by the Working Group at its meeting in September 2024. The list of functions has then been cross-referenced to the draft agendas, see Section 5.0 below, to ensure all core functions have appropriate reporting mechanisms in place.

A minimum quorum of three is required. The Governance Review Working Group agreed that up to eight appointments could be made to the Committee, with the aim to have between six and seven members. This number may be reduced in future years if there is more confidence that a smaller Committee membership could still ensure meetings are quorate.

**3.5 Appendix 5, Governance Committee Terms of Reference**

This document has been developed by Anderson Strathern and the Senior Management Team based on the template for the Risk & Audit Committee and using the recommendations within the Altair report, with the amendments made by the Governance Review Working Group noted at **Agenda Item 2.2**.

The core function of this Committee is to ensure the preparation of the Annual Assurance Statement. In terms of Human Resources (HR), the remit is very limited due to ELHA's membership of Employers in Voluntary Housing (EVH), and the collective bargaining position. In general terms, the Committee will only be required to direct ELHA's EVH Representative how to cast the Association's vote (for example, in relation to the annual salary increase ballot), or to consider any matters relating to local variation of, or addition to, core Terms & Conditions. For this reason, the Governance Review Working Group agreed that no reference was needed in the Committee title to HR or Remuneration.

In cross referencing the list of functions to the draft agendas (see Section 5.0), the Working Group could not see any additional business to justify adding any further meetings to the three meetings required for the preparation of the Annual Assurance Statement, therefore only three annual meetings are proposed.

A minimum quorum of three is required. The Governance Review Working Group agreed that up to eight appointments could be made to the Committee, with the aim to have between six and seven members. This number may be reduced in future years if there is more confidence that a smaller Committee membership could still ensure meetings are quorate.

**4.0 Corporate Calendar**

A draft **Corporate Calendar** has been developed by the Senior Management Team and is included at **Agenda Item 2.4**.

There are six Board meetings per year, all in-person. The September meeting following the AGM will continue to be held at the AGM venue, with all other meetings in the Hayman Room. Meeting dates are in line with previous Management Committee meetings, since they are set around legal and regulatory return dates, and other key dates such as budget setting and rent increase. Thursday evenings from 7.00pm to 9.00pm have been retained as meeting times (with the exception of the meeting following the AGM, which is timed from 4.00pm to 6.00pm).

One Board Away Day is required each year, and it is proposed that this returns to the Friday or Saturday following the November meeting to better align with the corporate planning process.

Four Risk Panel meetings (only attended by Senior Management Team and included for information only) take place on the morning of Board meetings, because senior staff will all be present in the office that day. That allows risk assessments to be completed ahead of the meeting with any significant issues then able to be drawn to the Board's attention immediately.

Risk & Audit Committee meetings then follow one week later, with papers issued following the Risk Panel meetings. These are short, focused meetings and therefore it is proposed they take place on Teams, timed from 10.00am to 11.00am. The exception to this is the August meeting, which is scheduled from 4.00pm to 6.00pm, as an in-person meeting as the Auditors will be in attendance.

Governance Committee meetings will include extensive review of documents, which will be presented on the TV screen in the Hayman Room. It is proposed that these meetings continue to be held in-person, from 2.30pm to 3.30pm.

R3 Board meeting dates are set by the R3 Board and are for information only. Dates are in line with previous years, with the exception of the February R3 Board meeting. Here it is proposed that the R3 Board follows on from the ELHA Board meeting. ELHA is required to see sight of the R3 Budget each year, and currently receives a copy of the approved R3 Budget as the R3 Board precedes the ELHA meeting. If the R3 Board agrees to this switch in dates, the ELHA Board will be able to see (and comment on) a draft R3 Budget ahead of its approval by the R3 Board.

JCC meeting dates continue to be included as the Governance Review Working Group is recommending that these meetings continue for the time being. Timings have been reduced to one hour, with the meetings in person. Appointments for the JCC for 2024/25 have been made, but there are only currently two Management Committee members appointed. A third appointee will be sought at the meeting.

It has already been agreed that there will be no Board representation on the Health & Safety Committee, which will now be convened by the Senior Management Team, and so Health & Safety meeting dates have been removed.

## **5.0 Draft Meeting Agendas**

Draft Meeting Agendas have been created for the Board and the Committees. In each case, the Agendas have been cross-referenced to the Terms of Reference to ensure all required reporting areas are appropriately covered.

The Governance Review Working Group has reviewed these agendas in detail, and therefore they have not been included with this report, but are available on request should any Management Committee member wish to see them.

## **5.1 Performance Reporting**

The Senior Management Team recognises that the proposed agendas do not provide the Board with sufficient performance reporting. The intention is to add some form of dashboard reporting in future, but in the short term to continue with Key Performance Indicator reporting, and direct the Board to the Performance 365 information already available and published on a monthly basis on **elha.com**.

**5.2 Internal Reporting**

The Senior Management Team recognises that a number of reports made to the Audit & Assurance Committee still have value within the business, but are not appropriate as a governing body paper under this new structure. Instead, the Senior Management Team intends to set up a new quarterly reporting format where key internal service and performance data will be reported through reports and presentations by managers to the Senior Management Team.

This should ensure that the discipline and value in preparing these reports is not lost, but also give more autonomy to managers to prepare reports and advise the Senior Management Team about current performance.

**6.0 Decision Time Implementation**

Configuration of the Risk Management software is complete. Senior Management Team training is scheduled for 21 November 2024. An initial Risk Map will be compiled on this date, ready for presentation to the first Risk & Audit Committee meeting on 12 December 2024 (this is being held one week later in 2024 than planned in future years to allow for the roll-out of Decision Time).

Staff training for the Meetings Module in Decision Time is scheduled for 26 November 2024. This will allow papers for the first Risk & Audit Committee to be issued using Decision Time on 5 December 2024.

Members of the Risk & Audit Committee will be required to attend a one hour Decision Time training session during week commencing 2 December 2024, with the exact time to be confirmed. This will allow Decision Time to be used for both papers issue, the meeting itself, and for both staff and Committee members to use the Risk Management software before and during the meeting.

The intention is then to roll-out use of Decision Time to the R3 Board in February 2025, and to the Board in March 2025. In each case, members of each Board not already familiar with the new software will need to attend a one hour Decision Time training course ahead of the Board meeting.

This should mean that the roll-out of Decision Time will be complete by March 2025, and that all governing body meetings will be paper-free by this point.

**Recommendation**

The Management Committee is asked to approve:

- (a) That the term “Board” is immediately adopted to describe ELHA’s Committee of Management, and that a Rule change is sought at the AGM in 2025 to formalise this;
- (b) The adoption of the revised Standing Orders and Appendices from 28 November 2024;
- (c) Delegated Authority to the Senior Management Team for Policy Review as set out in the Policy Review Matrix; and
- (d) That the JCC carry on in its current form until at least the 2025 AGM, with the position reviewed at this point (one extra Board representative is required).

Policy	Lead	Review Frequency	Service Area	Approval (Minor Changes)	Approval (Material Changes)
Standing Orders for the ELHA Group	MP	5 years	Governance	Board	Board
Freedom of Information Policy	KB	5 years	Corporate	SMT	Board
Tenancy Management Policy	KB	5 years	Housing	SMT	Board
IT Systems Policy	GA	5 years	Corporate	SMT	SMT
Staff Appraisal	MP	5 years	Corporate	SMT	SMT
Staff Training and Development	MP	5 years	Corporate	SMT	SMT
Management Committee / R3 Board Members' Training	MP	5 years	Governance	Board	Board
Shared Ownership Policy	KB	5 years	Housing	SMT	Board
Fraud and Theft Policy	GA	5 years	Corporate	SMT	SMT
Domestic Abuse and the Workplace Policy	KB	5 years	Corporate	SMT	SMT
Lone Working Policy	KB	5 years	Corporate	SMT	SMT
Domestic Abuse	KB	5 years	Housing	SMT	SMT
Authorisations and Standard Charges / Allowances	GA	1 year	Governance	SMT	Board
Treasury Management	GA	5 years	Finance	SMT	Board
Requirements of Writing	MP	5 years	Governance	SMT	Board
Management Committee / R3 Board Members Expenses	MP	5 years	Corporate	SMT	Board
Long and Extended Notice Policy	MP	5 years	Corporate	SMT	SMT

Policy	Lead	Review Frequency	Service Area	Approval (Minor Changes)	Approval (Material Changes)
Association Membership Policy	MP	5 years	Governance	Board	Board
Sponsorship and Donations	GA	5 years	Corporate	AGM	AGM
Financial Regulations	GA	5 years	Governance	Board	Board
Dignity at Work	MP	5 years	Corporate	SMT	SMT
Special Leave (Volunteer Reserve Forces) Policy	MP	5 years	Corporate	SMT	SMT
Disciplinary Policy	MP	5 years	Corporate	SMT	Board
ICT Security Policy	GA	5 years	Corporate	SMT	SMT
Comments and Complaints Policy	MP	5 years	Corporate	SMT	Board
Pension Policy	GA	5 years	Finance	SMT	Board
Gifts and Hospitality Policy	MP	5 years	Governance	SMT	Board
Personal Relationships at Work	MP	5 years	Corporate	SMT	SMT
Recruitment Policy	MP	5 years	Corporate	SMT	SMT
Board Membership	MP	5 years	Governance	Board	Board
Procurement & Value for Money Policy	CC	5 years	Asset Management	SMT	Board
Code of Conduct for Staff	MP	5 years	Corporate	SMT	Board
Code of Conduct for Management Committee	MP	5 years	Corporate	SMT	Board
Smoke-Free Policy	MP	5 years	Corporate	SMT	SMT
Factoring Services	KB	5 years	Corporate	SMT	Board
Disposal of Assets	GA	5 years	Finance	SMT	Board
Anti-Bribery and Corruption Policy	MP	5 years	Corporate	SMT	Board



Policy	Lead	Review Frequency	Service Area	Approval (Minor Changes)	Approval (Material Changes)
Emergency Call-Out Policy	MP	5 years	Corporate	SMT	SMT
Information and Advice Policy	KB	5 years	Corporate	SMT	SMT
Use of Revenue Reserves	GA	5 years	Corporate	SMT	Board
Asbestos Management Policy	CC	5 years	Corporate	SMT	Board
Salary Sacrifice Policy	GA	5 years	Finance	SMT	Board
Communication Policy	KB	5 years	Housing	SMT	SMT
Temporary Accommodation & Decants Policy	KB	5 years	Corporate	SMT	SMT
Openness and Confidentiality Policy	MP	5 years	Governance	SMT	Board
Disclosure Scotland - Use of Information	MP	5 years	Governance	SMT	Board
Money and Home Energy Advice Policy	KB	5 years	Housing	SMT	Board
These Homes (Allocations) Policy	KB	5 years	Housing	SMT	Board
Stress Policy	MP	5 years	Corporate	SMT	SMT
Entitlements, Payments & Benefits	MP	5 years	Corporate	SMT	Board
Property Maintenance - Legal Obligations	CC	5 years	Asset Management	SMT	Board
Sustainability Policy	MP	5 years	Corporate	SMT	SMT
Quality Assurance Framework (Money & Home Energy Advice Service)	KB	5 years	Housing	SMT	Board

Policy	Lead	Review Frequency	Service Area	Approval (Minor Changes)	Approval (Material Changes)
Vulnerable Customer Policy (Money and Home Energy Advice)	KB	5 years	Housing	SMT	Board
Joint Policy on Registering Tenant Organisations	KB	5 years	Corporate	SMT	SMT
Rent Arrears and Tenancy Debt	KB	5 years	Housing	SMT	Board
Chargeable Repair Service Policy	CC	5 years	Asset Management	SMT	SMT
Tenancy Sustainment Policy	KB	5 years	Housing	SMT	SMT
Driving Policy	MP	5 years	Management	SMT	SMT
Payroll	GA	5 years	Corporate	SMT	SMT
Rent and Service Charge Policy	KB	5 years	Corporate	SMT	Board
Equality & Diversity Policy	MP	5 years	Governance	SMT	Board
Alcohol and Substance Misuse Policy	MP	5 years	Governance	SMT	SMT
Attendance and Absence Management Policy	MP	5 years	Corporate	SMT	SMT
Mutual Repairs Policy	CC	5 years	Asset Management	SMT	SMT
Provision of Agency Services	GA	5 years	Finance	SMT	Board
HR Equality & Diversity Policy	MP	5 years	Corporate	SMT	Board
Maintenance Policy	CC	5 years	Asset Management	SMT	Board
Unacceptable Customer Behaviour	KB	5 years	Corporate	SMT	SMT
Neighbour Nuisance and Anti-Social Behaviour Policy	KB	5 years	Housing	SMT	SMT
Empty Homes Management	KB	5 years	Housing	SMT	SMT

Policy	Lead	Review Frequency	Service Area	Approval (Minor Changes)	Approval (Material Changes)
Flexible Working Policy	MP	5 years	Corporate	SMT	SMT
Insurances	GA	5 years	Corporate	SMT	Board
Fixed Asset Depreciation	GA	5 years	Finance	SMT	SMT
Contract Management Policy	CC / GA	5 years	Corporate	SMT	SMT
Risk Management Framework	MP	5 years	Governance	SMT	Board
Whistleblowing Policy	MP	5 years	Governance	SMT	Board
Customer Care Policy	KB	5 years	Corporate	SMT	SMT
Equality & Human Rights Strategy	MP	5 years	Corporate	SMT	Board
Employee Expenses	MP	5 years	Corporate	SMT	Board
Settlement Agreements Policy	MP	5 years	Corporate	SMT	Board
Privacy Policy	MP	5 years	Governance	SMT	Board
Working Away from the Office Policy	MP	5 years	Corporate	SMT	SMT
Conversations Framework	MP	5 years	Staff	SMT	SMT

## Election of Office Bearers Procedures

---

### 1.0 Chair

The Chair will be elected annually from the Board Members (excluding co-optees) at the first Board meeting held after each Annual General Meeting.

The position will be held until the next Annual General Meeting unless the Chair: (i) ceases to be a Board Member; or (ii) the Chair is prevented from standing or being elected to the Board under the Rules (Rule 43); or (iii) if a majority of the remaining Board Members present at a special meeting require their resignation.

The Chair must not normally hold office continuously for more than five annual general meetings.

Due to the timing of this election, the procedures will be as follows:

- The meeting will be chaired by the Vice Chair or a Board Member who is not standing for office
- Nominations will be invited verbally
- Nominations will be proposed and seconded verbally
- One nomination will require only a majority of Board Members present to confirm the Chair's appointment
- More than one nomination will require a vote by secret ballot to determine who will be Chair
- If there is a tie in the vote the Chair of the meeting will have a second, deciding vote

### 2.0 Election of Other Office Bearers

Election of other Office Bearers will take place at the first Board meeting following the Annual General Meeting. Board Members may vote for the appointment of the Vice Chair. Sub-committee Members may vote to appoint their Chair, and such appointments are normally made at the first meeting of the Sub-Committee following the election of Board Office Bearers. Co-optees are not entitled to vote on any of the above.

Voting Arrangements for the appointment of Office Bearers:

- Nominations will be formally invited from Board Members
- One nomination per post will require a majority of the Board Members present to approve the Office Bearer's appointment
- More than one nomination will require a secret ballot to determine the elected Office Bearer
- If there is a tie in the vote the Chair will have a second, deciding vote.

Board Members shall also confirm the appointment of the Secretary, who shall be a member of the Senior Management Team of the Association (and not a Board Member) and will typically be the individual holding the position of Director of Housing.

### **3.0 Subsidiaries**

#### **3.1 R3 Repairs Limited ("R3")**

The Association, for so long as it remains a member of R3, may appoint up to three Board Members as Directors of R3. In addition the Association may appoint up to three other individuals (not being Board Members) as Directors of the Company.

Appointments to the Board of R3 will be made at the first Board meeting held after the annual general meeting.

The arrangements for election of R3 Directors will be as follows:

- Nominations will be formally invited from Board Members
- Three nominations from the Board Members will require a majority of the Board Members present to approve the appointments
- More than three nominations from the Board Members will require a secret ballot to determine who should be appointed as R3 Directors
- In relation to the non-Board Members to be appointed as R3 Directors, the majority of the Board Members will agree the three individuals to be appointed. For the avoidance of doubt, an Association employee may be elected to be such a Director
- If there is a tie in the vote the Chair will have a second, deciding vote
- On election, written notice of the appointments signed on behalf of the Association requires to be delivered to R3
- The Chair of the R3 Board is elected by the R3 Board at the first meeting of the Board after the appointment of Directors by the Board, following the same process used to appoint the Chair of the Board set out in section 1.0 above.

## Board Core Functions and Terms of Reference

---

The following list of core functions outlines the key responsibilities of the Board. This list is not comprehensive but is a guide for Board Members and should be read in conjunction with the Rules and the Code of Conduct for Governing Body Members.

### 1.0 General, Governance and Strategy

In addition to the powers specified in the Rules, the Board is responsible for:

- 1.1 Setting the values, mission and strategic objectives of the Association and its subsidiaries (“the Group”).
- 1.2 Reviewing achievement of the strategic objectives of the Group, with a view to ensuring its long-term success.
- 1.3 Reviewing and setting the Group’s governance structures including the terms of reference for Sub-Committees, ensuring that they support the delivery of the Association’s social purpose and strategic objectives.
- 1.4 Seeking assurance that the desired culture and behaviours are being enacted in practice in alignment with the Association’s mission and values.
- 1.5 Establishing a framework for approving strategies, policies and plans to achieve agreed corporate objectives and establishing a scheme of delegation (which shall be kept under review) in terms of functions and authorities delegated to Sub-Committees and the Chief Executive, which shall not contravene reserved powers listed in the Chair’s Delegated Actions section below.
- 1.6 Approving the annual Budget, Business and Corporate Plans, including annual KPI targets. Subjecting the Association’s Business Plan to rigorous stress testing to understand how much stress the organisation can withstand and ensure plans are in place to deal with potential scenarios as they materialise.
- 1.7 Approving any plans, strategies and policies listed in the annual Policy Review Timetable, as required.
- 1.8 Ensuring there is appropriate engagement with a wide range of stakeholders, including tenants and other service users.
- 1.9 Approving the Asset Management Strategy and seeking assurance from the senior management team that the Association has up to date information about the housing stock condition, indicating that the condition meets required standards.

- 1.10 Monitoring the Group's performance in relation to agreed strategies, plans, the annual budget, policies, controls and KPIs.
- 1.11 Satisfying themselves that the Group's affairs are conducted lawfully and in accordance with generally accepted standards of performance, probity and good practice and seeking relevant information and evidenced assurances from the senior management team that there is compliance with the Scottish Housing Regulator's regulatory requirements and standards and those of the Office of the Scottish Charity Regulator.
- 1.12 Establishing and overseeing a framework for the identification, management and reporting of risk, in order to safeguard the assets of the Association, including risk appetites and tolerances and ensuring that reviews of risk (against the agreed framework) and of risk strategies are reported to the Board via the Risk & Audit Committee. Satisfying themselves (through liaison with the Risk & Audit Committee) that the Risk Register reflects the key risks faced by the Association and includes key controls and mitigations.
- 1.13 Managing the strategic risks faced by the Group and obtaining robust assurance that controls are effective, that plans and compliance obligations are being delivered, and that the Association is financially viable.
- 1.14 Assuming overall responsibility for Health & Safety and seeking to assure themselves (via liaison with the Risk & Audit Committee and the Senior Management Team) at least annually that the Association complies with agreed Health & Safety policies, KPIs and relevant legislation.
- 1.15 Ensuring that the Board and Subsidiary Boards have the appropriate range of skills and knowledge to enable them to fulfil all of their functions.
- 1.16 Establishing a strong working relationship with the Chief Executive and other senior staff.
- 1.17 Appointing (and, if necessary, dismissing), and appraising at least annually the Chief Executive following agreed procedures.
- 1.18 To lead any recruitment exercise for the post of Chief Executive.
- 1.19 Receiving development and other capital investment update reports at least twice a year that provide assurance on the progress of current and future developments.
- 1.20 Following the Association's Rules in appointing the Chair of the Board and other Office Bearers (and, if necessary, removing Office Bearers and Board Members in accordance with the Rules).
- 1.21 Monitoring the behaviour of the Board in compliance with the SFHA Code of Conduct for Governing Body Members and in accordance with their charity trustee duties under The Charities and Trustee Investment (Scotland) Act 2005.
- 1.22 Following the Association's Rules in making appointments to the R3 Board and other representative bodies.

- 1.23 Approving the annual R3 Business Plan and receiving/reviewing Budget updates and quarterly Management Accounts from R3.
- 1.24 Delegating Authority to the Risk & Audit Committee, to the [Governance Standards Committee], to Working Groups, Steering Groups and Subsidiary Boards of Directors as it sees appropriate, and monitoring and reviewing their performance to ensure the effective running of our business.
- 1.25 Receiving regular reports of Sub-Committee meetings from Sub-Committee Chairs, considering these and monitoring such activities, seeking further information etc where necessary with a view to obtaining the relevant assurances, all prior to approving any recommendations made by the Sub-Committees.
- 1.26 Establishing ad hoc, time-limited Working Groups to examine matters that warrant such attention in more detail.
- 1.27 Reviewing the Rules and recommending proposed changes to the Membership, including the Association's policy for admitting new Members.
- 1.28 Approving applications for the shareholding membership of the Association.
- 1.29 Monitoring and approving the submission of statutory returns and ensuring deadlines are met.
- 1.30 Recommending the appointment of the External Auditor to the Annual General Meeting.
- 1.31 Approving the appointment of the Association's solicitors.
- 1.32 Ensuring good practice in respect of equal opportunities throughout our activities.
- 1.33 In addition to its schedule of Board meetings, the Board shall additionally meet at least once annually to plan the future strategy and business of the Association, which meeting shall be known as the 'Away Day'.

## **2.0 Staffing**

- 2.1 Employing staff to carry out the day-to-day work of the Housing Association.
- 2.2 For Housing Association staff, setting and reviewing conditions of service, contracts of employment (which are currently discharged through the Association's membership of Employers in Voluntary Housing, EVH), and pension fund arrangements.
- 2.3 For Housing Association staff, involvement in the final stages of the disciplinary and grievance procedures.



**3.0 Corporate Management and Finance**

- 3.1 Ensuring that proper accounts and related records are maintained for the Group.
- 3.2 Satisfying themselves with the integrity of financial information, reviewing quarterly management accounts and approving each year's annual accounts prior to publication.
- 3.3 Having responsibility for managing significant financial risk and ensuring compliance with all loan and security covenants and financial requirements.
- 3.4 Approving essential expenditure which has not been allowed for in the overall budget.
- 3.5 Approving borrowings, and ensuring investments and cash flow are in line with the Treasury Management Policy.
- 3.6 Approving material bad debt write offs in accordance with the levels for Delegated Authority contained in Appendix 3.

**4.0 Powers Delegated to Sub-Committees**

- 4.1 The strategic governance activities of the Board will be supported by a Committee Structure comprising:
  - Risk & Audit Committee
  - Governance Committee
- 4.2 The Board will agree the Remit and Terms of Reference for each of the Committees. Each Committee will appoint its own Chair, who must be a Board member, from within its membership. The Chair of the Board is not eligible for membership of the Audit & Risk Committee.

**5.0 Subsidiaries**

**5.1 R3 Repairs Limited ("R3")**

- 5.1.1 As set out in **Appendix 1**, the Association, for so long as it remains a member of R3, may appoint up to three Board Members as Directors of R3. In addition the Association may appoint up to three other individuals (not being Board Members) as Directors of the Company. The procedure for electing R3 Directors is set out in **Appendix 1**.
- 5.1.2 The powers and duties of the R3 Directors are set out in its Articles of Association and accordingly the individuals appointed as Directors to the Board of R3 must comply with its Articles of Association.

5.1.3 In addition the Rules continue to apply to Board Members and any Association employees appointed to the Board of R3.

## **6.0 Review**

The Board has approved these terms of reference and they will bind the Board from 28 November 2024.

The Board shall carry out an initial review of the structure, responsibilities, reporting arrangements and terms of reference after five years (or sooner if the need arises).

## Delegated Powers to Office Bearers and Staff

---

### 1.0 General Principles

- 1.1 We recognise that the effective day to day running of the Group will often require decisions to be taken without awaiting Board / Subsidiary Board approval, and that many routine matters fall within the remit of the Chief Executive and senior staff in accordance with approved policies and procedures. Accordingly, this Appendix sets out the basis on which delegated powers shall be exercised by Office Bearers and senior staff.
- 1.2 Office Bearers and staff shall, in all cases, seek to use delegated powers to maintain progress in their various areas of work, provided that no policy decisions are taken or major financial commitments entered into without the approval of the Board / Subsidiary Board. Office Bearers and staff shall at all times comply with the terms of reference established by the Board / Subsidiary Board in relation to delegated powers.
- 1.3 The Chief Executive and senior staff delegated powers are set out in the Group's, Association's and subsidiary company's policies including the financial regulations and staff job descriptions. Additional delegated powers are listed in sections 4.0 to 9.0 below.

### 2.0 Office Bearers

- 2.1 In the absence of a Board / Subsidiary Board meeting, the Chair of the Board / Subsidiary Board shall have a general remit to consult with the Chief Executive to authorise any urgent decisions which fall outwith the remit of staff to ensure the day to day business of the Group is not interrupted. Such decisions will not normally have policy implications or major financial implications (unless specified in the financial regulations) which would require Board / Subsidiary Board approval. All matters on which the Chair has authorised action shall be reported to and homologated at the next meeting of the Board / Subsidiary Board.
- 2.2 It shall be understood that, in all cases where discretionary authority is delegated to the Chair of the Board / Subsidiary Board, the same authority shall be delegated to the Vice-Chair in the absence of the Chair.

### 2.3 Secretary

Notwithstanding the foregoing, the Secretary shall have authority:

- i) To carry out the duties of Secretary as laid down in the Rules and to ensure the proper completion and security of all legal documents;
- ii) To accept applications for Association membership and to report them to the following meeting of the Management Committee.

#### **2.4 Sub-Committee Chairs**

Sub-Committee Chairs in conjunction with the Chief Executive and any appropriate manager may authorise a decision or action that falls within the remit of that committee which cannot wait until the next meeting, subject to the decision being formally reported and homologated at the next Sub-Committee meeting.

#### **3.0 Emergency Powers**

- 3.1 In the event of an emergency occurring which needs an immediate decision, the Chief Executive may take emergency action as necessary, after consultation with the Chair and Vice Chair. Where urgent decisions with policy implications become necessary and when it is impracticable to call a Board Meeting, the Chair and the Vice-Chair shall consult with the Chief Executive, and shall take such decisions as shall involve the least possible policy commitment on behalf of the Group. The decisions taken shall be reported to the Board / Subsidiary Board as soon as possible thereafter for homologation.
- 3.2 In some circumstances, these emergency powers will be superseded by the Business Continuity Plan, which contains policies, procedures and emergency powers to be followed / used in the event of a disaster.

#### **4.0 Chief Executive**

The Chief Executive or, in their absence, such person as may be authorised to deputise for them, in consultation with other staff and the Chair and Vice Chair, shall have authority as detailed in the Chief Executive's job description and financial regulations, including the following:

- 4.1 Monitoring legislation affecting the Group's legal status, its role as an employer, property landlord and service provider.
- 4.2 Assessing risk in accordance with the Risk Management Framework and updating the risk register.
- 4.3 Approving revisions to Delegated Policies as set out in the Policy Framework.
- 4.4 Appointment of staff and approval of contracts of employment and associated matters such as approval of training and support, up to approved budget levels.

**5.0 Director of Housing**

The Director of Housing shall have responsibility as set out in the Director of Housing's job description and the financial regulations including the following:

- 5.1 Allocating tenancies to applicants on the waiting list in accordance with Housing Association Policy, and subject to the reporting of all such allocations to the Audit & Assurance Committee.
- 5.2 Taking such emergency or short-term action as may be necessary to ensure the efficient prosecution of the Association's Housing policy, subject to the reporting of all such actions to the following meeting of the Management Committee.
- 5.3 Authorisation of expenditure in line with the Association's Financial Regulations and policies.
- 5.4 Monitoring rent arrears and approving necessary steps to cover rent arrears including evictions in accordance with the Association's Rent Arrears Policy.
- 5.5 Preparation of the rent review in conjunction with the Director of Finance for the approval of Management Committee.
- 5.6 In conjunction with the Director of Finance, approving and reviewing the methods by which rent payments are made by tenants.
- 5.7 Informing and consulting with the Association's Chief Executive on any activity which might have implications on the Association's business activities.
- 5.8 Promoting tenant membership of the Association and participation by tenants in the work and decision-making processes of the Association.
- 5.9 Encouraging the formation and growth of tenant's groups and other similar developments among residents in the Association's area.
- 5.10 Monitoring the quality and levels of customer satisfaction of the Association's services and feedback to the Board on appropriate action required.
- 5.11 Monitoring literature circulated to tenants and applicants.
- 5.12 Responsibility for all day to day operational matters relating to Care & Repair.

**6.0 Director of Finance & Corporate Services**

The Director of Finance & Corporate Services shall have responsibility as set out in the Director of Finance's job description and the Group's financial regulations including the following:

- 6.1 In consultation with the Chief Executive, taking such emergency or short term action as may be necessary to protect or promote the Group's financial position, subject to the reporting of all such action to the following meeting of the Board / Subsidiary Board.
- 6.2 The overall financial management of the Group.
- 6.3 Authorisation of expenditure in line with the Group's Financial Regulations.
- 6.4 Preparation of financial projections including annual budgets and longer-term projections in consultation with budget holders.
- 6.5 Informing and consulting with the Senior Management Team on any activity which might have implications on the Group's business activities.
- 6.6 Preparing the rent review in conjunction with the Director of Housing for the approval of the Board.
- 6.7 In conjunction with the Director of Housing and Director of R3 & Asset Management, approving and reviewing the methods by which payments are made by tenants and other customers.
- 6.8 Ensuring that the Group's Financial Policies and Procedures are in accordance with the Association's Rules and the Scottish Housing Regulator Performance Standards and the requirements of Scottish charity law.
- 6.9 The assessment and selection of private funders and recommending the subsequent arrangement of borrowings in line with the Rules and Treasury Management Policy.
- 6.10 The assessment and selection of institutions / organisations for investing funds and placing investments in line with the Rules and Treasury Management Policy.
- 6.11 Monitoring and reporting on compliance with loan terms and conditions.
- 6.12 Ensuring that the Group has appropriate insurances in place.
- 6.13 Financially appraise housing development proposals.
- 6.14 Ensure that the Group's IT resources, applications and security are appropriate to requirements and budgets and are adequately supported.
- 6.15 Ensure that the Group's office administrative resources are appropriate to requirements and budgets and are adequately supported.

**7.0 Director of R3 & Asset Management**

The Director of R3 & Asset Management shall have responsibility as set out in the Director of Asset Management's job description and the financial regulations including the following:

- 7.1 Appointing Maintenance Contractors for particular projects in accordance with the Group's Procurement policy and advising the Audit & Assurance Committee accordingly.
- 7.2 The preparation of annual estimates and budgets in conjunction with the Directors of Housing and Finance relating to the maintenance function of the Association.
- 7.3 Ensuring that appropriate and current Professional Indemnity (PI) Insurances are in place for all Consultants prior to their formal engagement, including maintaining the PI Register.
- 7.4 Advising on the appropriate use of materials and their design on the Group's properties.
- 7.5 Informing and consulting with the Senior Management Team on any activity which might have implications on the Group's business activities.
- 7.6 Promoting the involvement of tenants in the Maintenance process.
- 7.7 Approving maintenance spending in accordance with the Group's Procedures.
- 7.8 Overall responsibility for the operations of R3 Repairs Limited.
- 7.9 Overall responsibility for reporting on the activities of R3 Repairs Limited to the R3 Board, and to the Management Committee and Sub-Committees as required.

## Risk & Audit Committee Terms of Reference

---

### Functions

#### General

1. Advise ELHA's Board on whether there is an appropriate culture of control, assurance and risk management throughout the organisation.
2. Ensure that there is a transparent procedure in place for the selection, periodic review and agreement of fees for the External and Internal Auditors.
3. Appoint both the External and Internal Auditors, subject to any ratification required at the Annual General Meeting.
4. Report to the Board of ELHA further to each meeting of the Committee (such report to be given ahead of the next meeting of the Board of ELHA) containing details of all recommendations for approval by the Board.

#### External and Internal Audit

5. Recommend to the Board of ELHA the re-appointment or otherwise of the External Auditor.
6. Recommend to the Board of ELHA the fee to be paid to the External Auditor.
7. Discuss with the External Auditor, the nature and scope of the Audit, prior to its commencement.
8. Discuss findings arising from any Interim and Final Audit, and any matters the External Auditors may want to discuss (in the absence of staff if necessary).
9. Consider and agree ELHA's Accounting Policies and recommend their adoption by the Board.
10. Review the Annual Financial Statements from the perspective of compliance with Accounting Policies, Standards, law and regulations, and their consistency with prior reporting of financial results during the year, advising the Board on any matters of discretion available within the Annual Financial Statements.
11. Agree the Internal Audit Plan, and monitor the performance and progress against that Plan.



12. Agree Management Action Plans from agreed Internal and External Audit recommendations (or similar), and constantly monitor their implementation.
13. Review the External Auditors' Audit Findings Report and Management's Response, and submit them to Board for consideration, along with the Letter of Representation.
14. Encourage co-operation and co-ordination between Internal and External Auditors.
15. As a matter of principle, and to ensure that their independence is not compromised, the Committee should meet with the External Auditors at least once a year without any staff being present.

### **Internal Controls**

16. Establish and oversee systems of delegation and internal control.
17. Keep under constant review the effectiveness of those internal control systems and have responsibility for recommending to the Board the Annual Statement of Internal Control.
18. To commission, where necessary and with the approval of the Board, special investigations into matters of particular concern relating to internal controls.
19. To ensure that the impact of alleged or fraudulent activity on the organisation's framework of internal control is properly assessed and, where it considers it necessary, to recommend changes to strengthen the control framework.
20. To receive reports relating to any matters of whistleblowing or alleged or actual fraudulent activity that may have an effect upon the organisation (or any of its subsidiaries) and ensure that any necessary reports about fraud are made to the Regulator.

### **Risk**

21. Using ELHA's Risk Management Framework, ensure the appropriate identification and management of risk so as to minimise and take appropriate action in respect of those risks which could adversely affect ELHA's ability to meet its business objectives and deliver services successfully.
22. Continuously monitor ELHA's Risk Map, including for the identification of new risks and for the changing context of risks already identified and report upon these to the Board – reports as against the risk register (developed as part of the Risk Framework) to be reported on quarterly with an additional more detailed annual report to be prepared.
23. Resolve ELHA's strategy for addressing insurable risk, including the maintenance of adequate insurance cover, ensuring ELHA's assets and resources are subjected to agreed acceptable levels of insurable risk.

24. Establish and review ELHA's Business Continuity Plan (including the disaster recovery plan).
25. Report on the strategic risk register to the Board at least quarterly with preparation of a more detailed report on an annual basis.

**Other**

26. Consider any proposals to change Scheme of Delegation and Financial Regulations.
27. Ensure that systems are in place to ensure Covenant Compliance.
28. Approve the review of all ELHA policies regarded by Board as policies which are relevant to these Terms of Reference.
29. To review ELHA's Gifts & Hospitality Register at least once per year. and report upon the same to the Board
30. To review ELHA's Contracts and Procurement Register at least once per year and report upon the same to the Board.

**Authority and Access to Information**

31. The Committee should meet at least annually with the External Auditors and Internal Auditors without any staff being present.
32. The Committee is authorised by the Board to obtain outside legal or other independent professional advice up to a value agreed by the Board and to secure the attendance of third parties with relevant expertise and experience if considered necessary.
33. The Committee Chair will report the exercise of this authority to the Board Chair together with the advice received. Unless the Board Chair is of the opinion that to reveal the advice would compromise any investigation or to do so would be contrary to the interests of ELHA, all relevant facts relating to the advice will be reported to the Board at its next meeting or as soon as appropriate thereafter.
34. The Committee has right of access to information related to its functions under these Terms of Reference and shall receive the co-operation of ELHA's staff so as to be able to carry out its responsibilities.

**Accountability**

35. The Committee is accountable to the ELHA Board for the fulfilment of the responsibilities delegated to it as set out in this Terms of Reference.

36. All Committee members share responsibility for its decisions and should act only in the interests of ELHA and not on behalf of any constituency or interest group.
37. The ELHA Board will obtain assurance on the Committee's work via reports and regular verbal feedback from the Committee Chair on all of the Committee meetings. Minutes of Committee meetings are available to all Board members at all times.
38. The Chair of the Committee will ensure that key issues are promptly brought to the attention of the ELHA Board.
39. The Committee will report formally on its work (via a more comprehensive report) to ELHA's Board on an annual basis.

### **Composition**

40. The Committee will have a membership of a maximum of eight individuals (one of whom will be the Committee Chair, appointed by the Committee – this individual must also be a member of the ELHA Board), with the ELHA Board having the ability to appoint up to one additional independent member, appointed on the basis of their skills and expertise in finance.
41. The ELHA Board should aim to include an individual as a member of the Committee who is a member of a recognised accountancy body.
42. The Chair of the Board and the Chair of the R3 Board may not sit on this Committee. The Chair of the Board and the Chair of the R3 Board may observe by invitation of the Committee.

### **Quorum**

43. The quorum for the Committee will be three. Virtual or in person attendance counts equally towards any quorum.

### **Frequency of meetings**

44. The Committee will meet four times per year.

### **Review**

45. The ELHA Board has approved these Terms of Reference and they will bind the Committee from 28 November 2024. The Committee shall carry out an initial review of the structure, delegated responsibilities, reporting arrangements and terms of reference after five years and report its conclusions to the ELHA Board, including any recommendations for change.

## Governance Committee Terms of Reference

---

### Purpose

1. To keep under review the governance model of the Association, including periodic review of its Rules and Standing Orders (including Terms of Reference and the Scheme of Delegation and Code of Conduct) and the governance of any subsidiary, with a view to recommending any necessary changes to the ELHA Board.
2. To oversee the development of the Annual Assurance Statement and report on this to the Board prior to its submission to the Scottish Housing Regulator.
3. To instruct the relevant representative how to cast the Association's vote for annual wage increases or any other ballot held by Employers in Voluntary Housing (bearing in mind collective bargaining arrangements in place).
4. To approve any local variation or amendments to Terms & Conditions of Employment.
5. To develop and implement the process of:
  - Appraisals of effectiveness of members of the ELHA Board, and of each Committee, with a view to determining any training needs or skills gaps
  - Determining and addressing any training needs
  - New Board Member induction
  - Board Succession Planning and Board Member recruitment

### Authority and Access to Information

6. The Committee is authorised by the Board to obtain outside legal or other independent professional advice up to a value agreed by the Board and to secure the attendance of third parties with relevant expertise and experience if considered necessary.
7. The Committee Chair will report the exercise of this authority to the Board Chair together with the advice received. Unless the Board Chair is of the opinion that to reveal the advice would compromise any investigation or to do so would be contrary to the interests of ELHA, all relevant facts relating to the advice will be reported to the Board at its next meeting or as soon as appropriate thereafter.

8. The Committee has right of access to information related to its functions under these Terms of Reference and shall receive the co-operation of ELHA's staff so as to be able to carry out its responsibilities.

### **Accountability**

9. The Committee is accountable to the ELHA Board for the fulfilment of the responsibilities delegated to it as set out in this Terms of Reference.
10. All Committee members share responsibility for its decisions and should act only in the interests of ELHA and not on behalf of any constituency or interest group.
11. The ELHA Board will obtain assurance on the Committee's work via reports and regular verbal feedback from the Committee Chair on all of the Committee meetings. Minutes of Committee meetings are available to all Board members at all times.
12. The Chair of the Committee will ensure that key issues are promptly brought to the attention of the ELHA Board.
13. The Committee will report formally on its work (via a more comprehensive report) to ELHA's Board on an annual basis.

### **Composition**

14. The Committee will have a maximum membership of eight individuals (one of whom will be the Committee Chair, appointed by the Committee – this individual must also be a member of the ELHA Board), with the ELHA Board having the ability to appoint up to one additional independent member, appointed on the basis of their specialist skills and expertise in respect of governance (e.g. a solicitor with a background in corporate governance or an individual with experience of running a third sector body (of scale) at a senior level).

### **Quorum**

15. The quorum for the Committee will be three. Virtual or in person attendance counts equally towards any quorum.

### **Frequency of meetings**

16. The Committee will meet three times per year.

### **Review**

17. The ELHA Board has approved these terms of reference and they will bind the Committee from 28 November 2024. The Committee shall carry out an initial review of the structure, delegated responsibilities, reporting arrangements and terms of reference after five years and report its conclusions to the ELHA Board, including any recommendations for change.

<b>Date Issued</b>	1988
<b>Amended</b>	June 2005, March 2007, October 2009, February 2010, October 2011, September 2016, August 2019, November 2024
<b>Department</b>	Corporate
<b>Title</b>	<b>Standing Orders for the ELHA Group (Management Committee (“Board”), Sub-Committees and wholly owned subsidiaries)</b>
<b>Objective</b>	To outline the Group’s Standing Orders
<b>Responsible</b>	Chief Executive
<b>Next Review Date</b>	November 2029

***Terms defined in the Standing Orders, including the Appendices, will have the same meaning as set out in the Rules, unless otherwise specified.***

### **1.0 Introduction**

The Management Committee will ensure that the business of East Lothian Housing Association Group (“the Group”) is undertaken in accordance with its Rules. To assist in this process the Management Committee has approved Standing Orders, which provide detailed procedures on how the Group’s business is to be conducted in order to comply with its Rules. Our Financial Regulations form part of these Standing Orders, but are held as a separate document for ease of reference.

### **1.1 Structure and Constitution**

The Group has adopted Rules based on the SFHA Charitable Model Rules (Scotland) 2013 for a registered Housing Association. The Rules set out the management and administrative structure of the Group, including the objects of the Group and its authority to establish a Management Committee (which shall be referred to throughout the Standing Orders, including the Appendices, as “the Board”), Sub-Committees and subsidiary Boards of Directors

**1.2** These Standing Orders contain guidance for Members, Board Members, Subsidiary Board Members and staff based on the Rules. The Standing Orders describe the Board and Sub-Committee structures, proceedings, responsibilities and the delegated powers to Office Bearers and senior staff. The Standing Orders provide a flexible framework within which authorised decisions can be taken.

**1.3** The Standing Orders will be reviewed at least every five years.

## 2.0 Board

### 2.1 Composition of Board

The composition and powers of the Board are governed by the Rules. The Board shall have a minimum of 7 **and** a maximum (including co-optees) of 15 members. In practice, the Board shall seek to have between 8 to 12 members at any time. The Board can co-opt to the Board anyone it considers suitable to become a Board Member. Co-opted members will not make up more than one third of the total number of Board Members at any one time. The Chair of the Risk & Audit Committee shall be a member of the Board.

One third of Board Members shall (in accordance with Rule 39.2) retire at the end of every Annual General Meeting (which shall be in addition to those Board Members who have to retire due to having been co-opted either to fill a vacancy between Annual General Meetings or co-opted in accordance with Rule 42).

### 2.2 Chair

The Board Members will elect the Chair and the Vice Chair (who, in each case, cannot be a co-optee under rule 42 of the Rules) on an annual basis at the next scheduled Board meeting held after each Annual General Meeting (see **Appendix 1**). The Chair of the Board shall preside at all meetings of the Board. In the absence of the Chair, the Vice-Chair shall preside. If the Chair and Vice-Chair are not present, then the Board Members present shall elect a Chair for that meeting.

The Chair can decide who can speak and for how long, allowing equal time for each speaker. If a point arises which is not covered by the Rules, the Chair will give their ruling which will be final.

All questions of order arising at any meeting shall be decided by the Chair. If the votes of the Board Members are divided equally for and against an issue, the Chair will have a second and deciding vote.

### 2.3 Secretary

The Board Members will elect the Secretary on an annual basis at the next scheduled Board meeting held after each Annual General Meeting. The Secretary cannot be a co-optee and should be drawn from the Senior Management Team of the Association (but must not be the individual holding the post of Chief Executive). In an emergency, the Secretary can ask another Office Bearer or employee to carry out the Secretary's duties until the Secretary returns.

The formal responsibilities of the Secretary are to:

- Call and attend all general meetings of the association and all meetings of the Board
- Keep the minutes for all general meetings and meetings of the Board
- Send out letters, notices calling meetings and relevant documents to members before a meeting

- Attend to administration relating to membership of the Association
- Prepare and send all reports to the Financial Services Authority, The Scottish Housing Regulator and the Office of the Scottish Charity Regulator
- Ensure compliance with the Rules
- Keep the Register of Members and other registers required under these Rules
- Supervise the use of the Association's Seal
- Keep all the books of accounts and receive all contributions and payments owed to the association
- Pay over the contributions and payments received by the Association as instructed by the Board

For the avoidance of doubt, in the absence of the Secretary, another Office Bearer or member of the Senior Management Team can deputise.

### **3.0 Sub-Committees and Steering Groups**

- 3.1** The Board alone has the power to create Sub-Committees and may delegate any of its own powers to such Sub-Committees. Any Sub-Committees must follow the terms of reference given to them by the Board which must be set down in writing.

The meetings and procedures of Sub-Committees will be the same as those of the Board as set out in the Rules. Sub-Committees must also follow any other additional regulations the Board may impose.

The Board must review periodically any Sub-Committees terms of reference and their level of authority.

The Board shall have responsibility for monitoring and evaluating the work of each Sub-Committee.

- 3.2** Co-optees appointed to the Board can also serve on Sub-Committees however they must not make up more than one third of a Sub-Committee. Co-optees do not count towards the number of members needed for a Board or Sub-Committee meeting to take place. They can vote on all matters except those which directly affect the membership of the Association or the election of Office Bearers. This ruling does not apply to steering or working groups as they have limited remits.



**3.3 Sub-Committee Structure**

The Board has approved a Sub-Committee structure which will include a Risk & Audit Sub-Committee (hereinafter referred to as the Risk & Audit Committee) and a Governance Sub-Committee (hereinafter referred to as the Governance Committee).

**3.4 Sub-Committee Responsibilities**

Sub-Committees have delegated responsibilities and powers to act on behalf of and to report to the Board on specific matters. The Sub-Committee Terms of Reference are contained within **Appendices 4 and 5**.

Any decision made by a Sub-Committee must be reported to the next Board Meeting in accordance with the Rules.

**3.5 Sub-Committee Membership**

Each Sub-Committee will consist of a minimum of three and a maximum of eight elected or co-opted Board Members. In practice, each Sub-Committee shall seek to have between six to seven Members at any time. Any Board Member can volunteer to sit on any Sub-Committee, but they are not under any obligation to do so.

The Chair of the Board may not be a Member of the Risk & Audit Sub-Committee.

Membership of each Sub-Committee will be approved by the Board at their first Board meeting following the Annual General Meeting – decisions shall be made based on the requisite skills and expertise of the relevant individuals.

**3.6 Chairs**

Each Sub-Committee shall have a Chair (“Chair”) who shall be appointed by the Sub-Committee members at the first meeting of the Sub-Committee after the Annual General Meeting (and after appointments to the Sub-Committee have been made by the Board at the first Board meeting following the Annual General Meeting), in accordance with the procedure set out in the Election of Office Bearers (see **Appendix 1**). Co-opted Board Members may not be appointed as Chair. The Chair of the Board may not be appointed as Chair of a subsidiary. Co-opted Board Members can sit on the Risk & Audit Committee. A member of the Senior Management Team will Chair the first meeting following the Annual General Meeting up to the point that a new Chair is appointed.

In the absence of the Chair, Sub-Committee members present shall elect a Chair for that meeting.

**3.7 Attendance at Sub-Committee meetings**

Members of the Association’s Senior Management Team, in agreement with the Chair, can attend any Sub-Committee meeting they deem necessary. Any member of the Board who is not a serving member of a particular Sub-Committee can attend that Sub-Committee meeting with the Chair’s prior agreement. Any such Board Member will not have any voting powers but may participate in the business of the meeting at the discretion of the Sub-Committee Chair.

**3.8 Steering / Working Groups**

Ad hoc steering or working groups may also be formed from time to time as determined by the Board. The remit of steering / working groups will be determined by the Board at the time the group is formed, along with the anticipated timescale and reporting requirements.

Steering / working groups may invite non-Board Members onto the group who have specific skills or interests that would help further the group's objectives subject to the prior approval of the Board.

Steering / working groups may meet at a time and place convenient to the group members. Steering / working groups will report directly to the Board for the duration of their existence unless otherwise delegated to a Sub-Committee. Minutes or notes of all meetings will be recorded and regular reports tabled to the Board or delegated Sub-Committee for information and monitoring purposes.

**4.0 Frequency and Duration of Meetings**

**4.1 Duration of Meetings**

The normal duration of meetings of the Board and Sub-Committees shall be two hours, with a maximum extension of thirty minutes by suspending the Association's Standing Orders. This extension of time must be proposed and approved by the Board Members or Sub-Committee members present.

**4.2** The Association's Board will agree annually the calendar of all Board Meetings and Sub-Committee meetings for the year. The frequency of meetings will be subject to business requirements but generally will tend to be as follows: Board Meetings - no less than six meetings a year, Sub-Committees and Subsidiary Board meetings – no less than four meetings a year (three, in the case of the Governance Committee).

Meeting dates may be adjusted to accommodate administrative demands with appropriate notice given.

**4.3 Notice of Meetings**

Notice of Board Meetings and Sub-Committee meetings shall be sent to Members by the Secretary at least seven days before the date of the meeting. All matters of business for the agenda must be sent to the Secretary by 4.00 pm on the day preceding that on which the notice of meeting is due to be issued.

**4.4 Special Board Meetings**

The Chair or two Board Members can request a special meeting of the Board by writing to the Secretary with details of the business to be discussed.

The Secretary will send a copy of the request to all Board Members within three working days of receiving it. The meeting will take place between 10 and 14 days after the Secretary received the request. Only the business for which the meeting has been called may be discussed at a special Board Meeting.

If the Secretary fails to call the special Board Meeting, the Chair or the two Board Members who requested the meeting can call the meeting. In this case, they must write to all Board Members at least seven days before the date of the meeting. If a Board Member does not receive notice of any meeting (ordinary or special) this will not prevent the meeting from going ahead.

## **5.0 Board Proceedings**

**5.1** Ordinary meetings of the Board will normally be held at the Association's Head Office, or in external offices as notified by the Association. Where necessary, in-person meetings can be attended by members virtually. Not less than six meetings shall be held in each calendar year. Subsidiary Board meetings will normally be held in the Association's offices. Sub-Committee meetings may be held online or in the Association's offices as necessary.

## **5.2 Quorums**

Four elected Board Members shall form a quorum at all Board Meetings, except for the Sub-Committees, where the quorum shall be three Sub-Committee members. The quorum for subsidiary board meetings will be agreed by the Board on the formation of the subsidiary and will normally be at least two directors of the Board. Virtual or in person attendance counts equally towards any quorum.

Co-opted Members of the Board do not count towards the quorum for either Board or Sub-Committee meetings.

## **5.3 Order of Meetings**

The business at Board Meetings, Sub-Committee meetings and subsidiary Board meetings will normally follow the order of the agenda. The Chair can change the order of business at any stage. Matters not on the agenda may be discussed at an ordinary meeting, if the majority of Board Members / Board directors agree to this. The Board / Sub-Committee / Subsidiary Board can adjourn any meeting to another date/time, and, when any adjourned meeting is resumed, the meeting will start at the point at which it adjourned, and unless otherwise agreed by the members present, only items on the agenda for the original meeting will be discussed.

## **5.4 Any Other Business**

If any Board Member, member of any Sub-Committee, Subsidiary Board Member or the Chief Executive (or their nominee) wishes to raise items under "Any Other Competent Business", the Chair and senior staff member of the relevant Board / Committee must be told before the start of the meeting. In all cases the Chair will decide whether or not the item can be raised.

## **5.5 Motions and Amendments**

If a Board Member, member of any Sub-Committee, Subsidiary Board Member or the Chief Executive (or their nominee) submits a motion for inclusion in the agenda as outlined at 5.4 above and is unable to attend the meeting, the item will be included on the agenda for the next meeting.

If the member does not attend the second meeting at which the item is due to be discussed the item will be dropped. All motions must be relevant to the subject under discussion. In all cases, relevance will be determined by the Chair.

**5.6 Voting**

Voting will be by a show of hands except where a poll is requested, or required by the Rules. All matters except a motion to suspend Standing Orders will be decided by a simple majority. A motion to suspend Standing Orders will require a two-thirds majority. If there is an equal number of votes for and against a decision the Chair will have a second and deciding vote.

**5.7 Resolutions**

Any Board Member, Sub-Committee member or Subsidiary Board Director may, without giving reasons, ask that their dissent from any resolution be recorded in the minutes, providing that the request is made at the meeting at which the resolution has been passed.

Any decision or resolution approved by the majority of the Sub-Committee Members / Subsidiary Board Members present at a Sub-Committee / Subsidiary Board meeting cannot be later questioned by a Sub-Committee member at Board level, unless a Sub-Committee member / Subsidiary Board Director records their dissent. The matter then can be brought up at the next Board meeting.

Other Board Members / Subsidiary Board Directors can, of course, seek points of clarification before the decision or resolution is ratified by the full Board.

Decisions of the Board cannot be questioned by a Board Member until six months after the decision was taken. Board Members can, of course, seek points of clarification before the decision is taken or ratified by the full Board. A review will take place if:

- (i) New legislation or regulations affecting the decision have been implemented; or
- (ii) New facts, which are ruled by the Chair of the meeting to be pertinent, have come to light since the original decision.

**5.8 Order of Debate**

The Chair will decide the order of debate and will endeavour to encourage broad participation by all Board Members / Sub-Committee / Subsidiary Board Members during meetings. They will have the final say in closing any debate.

Any Board Member / Sub-Committee / Subsidiary Board Member may raise a point of order in the course of a meeting. No questions of order will be permitted without the Chair's permission.

**5.9** It shall be the duty of the Chair of any meeting to ensure that Standing Orders are observed and enforced at that meeting.

## 6.0 Delegation of Powers

6.1 The Board can delegate authority to Sub-Committees, Office Bearers or staff to ensure that no business is unduly delayed between Board meetings. In the absence of the Board, the Chief Executive is authorised to take all necessary steps to ensure the effective day-to-day operation of the Association in accordance with the Association's Delegated Powers (see **Appendix 3**) and Financial Regulations.

## 6.2 Emergency Powers

In the event of an emergency occurring which needs an immediate decision and is outwith the remit of the Chief Executive, the Chief Executive will liaise with the Chair and Vice Chair (involving a subsidiary Chair where the decision relates to that company), to agree the appropriate action required as set out in the Delegated Powers to Office Bearers and Staff.

## 6.3 Board Responsibilities

A summary of the core functions indicating the key responsibilities of the Board and the delegated powers to Sub-Committees and subsidiary Boards of Directors is set out in **Appendix 2**. These core functions should be read in conjunction with the Rules and the SFHA Code of Conduct for Governing Body Members.

## 7.0 Openness and Accountability

7.1 The Association recognises that it has a variety of stakeholders and needs to demonstrate accountability to all of them. It must conduct its affairs openly and make information publicly available unless there are justifiable reasons for withholding it. The mechanisms by which the Association will demonstrate accountability are contained in the Association's Openness and Confidentiality Policy.

## 7.2 Confidentiality

Housing Associations are required to operate in an open and accountable manner. The Association will endeavour to disseminate information widely to all its stakeholders in different formats. Only information that is of a personal or commercially sensitive nature may be withheld, all in accordance with our Openness and Confidentiality Policy.

## 7.3 Admission of the Public to Meetings

The public may be admitted to general meetings of the Association and also to Board Meetings as observers provided that the prior agreement of the Chair is given and the Board has not voted in favour of the public being removed. The public will be excluded from meetings which discuss confidential matters.

Minutes of meetings will be made available to the public on request in accordance with the Association's Openness and Confidentiality Policy. Any matters relating to procedures, personnel issues, disciplinary action, complaints or any other confidential matters shall be considered as private and not disclosed to the public.

**7.4 The Media**

The Association will aim to be as open as possible in responding to enquiries from the media. Public statements in response to media enquiries should in the first instance be brought to the Chief Executive's attention for approval and in sensitive situations the Chair's agreement may be sought before responding.

The Association's staff will have authority to liaise directly with the media with regards to promoting the Association's profile as delegated by the Chief Executive.

**8.0 Minutes of Meetings**

Minutes will be taken of all Board Meetings, Sub-Committee and Subsidiary Board meetings, and retained in a form available for future reference. The minutes will be presented at the next appropriate meeting and if accepted as a true record, be signed by the Chair of the meeting at which they are approved.

In addition, the Association publishes Board minutes, once they have been approved by the Board.

As these minutes are publicly available, some information may be redacted, for example because it contains personal information about an individual or member of staff. Where a Confidential or Private & Confidential item is discussed, no public minute is published.

**9.0 Administration and Servicing of Committees**

The Chief Executive has overall responsibility for ensuring that committee papers are sent out timeously for all meetings; that all meetings are serviced by relevant staff, and that appropriate actions are taken in advance of the next meeting.

**10.0 Declaration of Interests**

**10.1 Members Interests**

A Board, Sub-Committee or Subsidiary Board Member must not receive any payment or benefit unless it is permitted by our Entitlements, Payments and Benefits Policy and in accordance with the Rules.

**10.2 Declaring an Interest**

If a Board, Sub-Committee or Subsidiary Board Member has a personal or pecuniary interest, direct or indirect, in any matter under discussion, they shall declare that interest to the Board, Sub-Committee or Subsidiary Board as appropriate at the earliest opportunity (normally at the start of the meeting).

As required by the Code of Conduct, they must leave the meeting whilst the matter they have declared an interest in is discussed.

The declaration of interest will be noted in the minutes of the meeting. Failure to disclose an interest can result in expulsion from the Board, Sub-Committee or Subsidiary Board.

The Association will maintain a register of disclosure of personal interest in respect of all members of the Board and staff in line with guidance from the Scottish Housing Regulator in relation to Schedule 7 of the Housing (Scotland) Act 2001.

## **11.0 Subsidiary Companies**

### **11.1 R3 Repairs Limited**

R3 Repairs Limited (“R3”) is a wholly owned subsidiary of the Association. Pursuant to R3’s articles of association, the Association has the right to appoint Directors to the Board of R3 (“R3 Board Members”). The procedure for appointing such Directors is set out in **Appendix 1**.

## Corporate Calendar 2024/26

### Report by Martin Pollhammer, Chief Executive – for approval

---

#### 1.0 Introduction

The Corporate Calendar attached as **Appendix 1** to this report sets out meeting dates forwards to December 2026.

Dates for all Management Committee, Risk & Audit Committee, Governance Committee and R3 Board meetings, as well as Management Committee and Board Away Days, are included.

#### 2.0 Key Points to Note

It is assumed that all Board and Governance Committee meetings will be held in person, but virtual attendance at meetings can be accommodated if necessary. However, three out of four Risk & Audit Committee meetings are proposed to be held on Teams, the exception being the annual meeting with the Auditors (in August each year), which is proposed to be in person.

It is proposed that Corporate Risk Panel is held four times per year, with each meeting held on the morning of a Board meeting. This ensures that all Senior Management Team will be present as they will be in the office for the meeting later that day. It also ensures any significant risks can immediately be reported to the Board. Risk & Audit Committee meetings then follow one week later to review the outcomes of the Corporate Risk Panels and other relevant business.

Most meetings are held on Thursdays (including R3 Board meetings, if this proposal is agreed at the November 2024 R3 Board meeting), with the exception of Governance Committee and JCC (held on Wednesdays) and two meetings within the August meeting cycle to allow for efficient preparation and consideration of Group and Consolidated Financial Statements. This is the only cycle where Risk & Audit Committee meets ahead of Board, with a nine day gap now introduced between these two meetings, to allow scrutiny of the draft Financial Statements.

The date for the 2025 AGM is 25 September 2025. It is proposed that the Annual Board Away Day is held on Friday 14 or Saturday 15 November 2025. The Calendar will be reviewed again in a year's time, so dates for 2026 are provisional at this stage.

#### Recommendation

The Management Committee is asked to approve the Corporate Calendar to December 2026.



## Corporate Calendar, December 2024 to December 2026

<b>2024</b>		
<b>December 24</b>		
Thursday 11	<b>Risk &amp; Audit Committee</b>	10.00-11.00 Teams
<b>2025</b>		
<b>February 25</b>		
Thursday 20	Corporate Risk Group	10.00-12.00 SMT Only
Thursday 20	<b>Board</b>	7.00-9.00 Hayman Room
Thursday 27	<b>Risk &amp; Audit Committee</b>	10.00-11.00 Teams
Thursday 27	<b>R3 Board</b>	2.00-4.00 Hayman Room
<b>March 25</b>		
Wednesday 5	<b>JCC</b>	2.00-3.00 Hayman Room
Thursday 20	<b>Board</b>	7.00-9.00 Hayman Room
<b>April 25</b>		
Wednesday 23	<b>Governance Committee</b>	2.30-3.30 Hayman Room
<b>May 25</b>		
Wednesday 21	<b>Governance Committee</b>	2.30-3.30 Hayman Room
Thursday 29	Corporate Risk Group	10.00-12.00 SMT Only
Thursday 29	<b>Board</b>	7.00-9.00 Hayman Room
<b>June 25</b>		
Wednesday 4	<b>JCC</b>	2.00-3.00 Hayman Room
Thursday 5	<b>Risk &amp; Audit Committee</b>	10.00-11.00 Teams
Thursday 19	<b>R3 Board</b>	2.00-4.00 Hayman Room

<b>August 25</b>		
Tuesday 5	Corporate Risk Group	10.00-12.00 SMT Only
Tuesday 12	<b>Risk &amp; Audit Committee</b>	4.00-6.00 Hayman Room
Wednesday 20	<b>R3 Board</b>	2.00-4.00 Hayman Room
Thursday 21	<b>Board</b>	7.00-9.00 Hayman Room
<b>September 25</b>		
Wednesday 3	<b>JCC</b>	2.00-3.00 Hayman Room
Thursday 25	<b>AGM Board</b>	2.00 - 3.30 Maitlandfield Hotel 4.00 - 6.00 Maitlandfield Hotel
<b>October 25</b>		
Wednesday 22	<b>Governance Committee</b>	2.30 – 3.30 Hayman Room
<b>November 25</b>		
Wednesday 5	<b>JCC</b>	2.00-3.00 Hayman Room
Friday 14 or Saturday 15	<b>Board Away Day</b>	TBC
Thursday 20	<b>R3 Board R3 Board Away Day</b>	10.00-11.30 <b>Carberry Towers (TBC)</b> 11.30-3.00 <b>Carberry Towers (TBC)</b>
Thursday 27	Corporate Risk Group	10.00-12.00 SMT Only
Thursday 27	<b>Board</b>	7.00-9.00 Hayman Room
<b>December 25</b>		
Thursday 4	<b>Risk &amp; Audit Committee</b>	10.00-11.00 Teams

2026		
<b>February 26</b>		
Thursday 19	Corporate Risk Group	10.00-12.00 SMT Only
Thursday 19	<b>Board</b>	7.00-9.00 Hayman Room
Thursday 26	<b>Risk &amp; Audit Committee</b>	10.00-11.00 Teams
Thursday 26	<b>R3 Board</b>	2.00-4.00 Hayman Room
<b>March 26</b>		
Wednesday 4	<b>JCC</b>	2.00-3.00 Hayman Room
Thursday 19	<b>Board</b>	7.00-9.00 Hayman Room
<b>April 26</b>		
Wednesday 22	<b>Governance Committee</b>	2.30-3.30 Hayman Room
<b>May 26</b>		
Wednesday 20	<b>Governance Committee</b>	2.30-3.30 Hayman Room
Thursday 28	Corporate Risk Group	10.00-12.00 SMT Only
Thursday 28	<b>Board</b>	7.00-9.00 Hayman Room
<b>June 26</b>		
Wednesday 3	<b>JCC</b>	2.00-3.00 Hayman Room
Thursday 4	<b>Risk &amp; Audit Committee</b>	10.00-11.00 Teams
Thursday 18	<b>R3 Board</b>	2.00-4.00 Hayman Room
<b>August 26</b>		
Tuesday 11	Corporate Risk Group	10.00-12.00 SMT Only
Tuesday 11	<b>Risk &amp; Audit Committee</b>	4.00-6.00 Hayman Room
Wednesday 19	<b>R3 Board</b>	2.00-4.00 Hayman Room
Thursday 20	<b>Board</b>	7.00-9.00 Hayman Room

<b>September 26</b>		
Wednesday 2	<b>JCC</b>	2.00-3.00 Hayman Room
Thursday 24	<b>AGM Board</b>	2.00 - 3.30 Maitlandfield Hotel 4.00 - 6.00 Maitlandfield Hotel
<b>October 26</b>		
Wednesday 29	<b>Governance Committee</b>	2.30 – 3.30 Hayman Room
<b>November 26</b>		
Wednesday 4	<b>JCC</b>	2.00-3.00 Hayman Room
Friday 13 or Saturday 14	<b>Board Away Day</b>	TBC
Thursday 19	<b>R3 Board R3 Board Away Day</b>	10.00-11.30 <b>Carberry Towers (TBC)</b> 11.30-3.00 <b>Carberry Towers (TBC)</b>
Thursday 26	Corporate Risk Group	10.00-12.00 SMT Only
Thursday 26	<b>Board</b>	7.00-9.00 Hayman Room
<b>December 26</b>		
Thursday 3	<b>Risk &amp; Audit Committee</b>	10.00-11.00 Teams

# Key Performance Indicators 2024/25

## Report by Martin Pollhammer, Chief Executive – for Information

---

### 1.0 Introduction

The Association's Key Performance Indicators (KPI's) for the second quarter of 2024/25 are attached as **Appendix 1** to this report.

### 2.0 ELHA Performance

The Association has missed the following targets:

#### 2.1 Voids as a % of Rental Income

With the completion of the new development at Hamish Gardens in the year, the Association experienced high void numbers, particularly with the knock-on effect of internal transfers. This is likely to settle in the remainder of the year. This new development was completed earlier than budgeted, so the negative cash effect of increased voids has been far outweighed by the extra rental income received.

#### 2.2 Cash as a % of Net Rental and Service Charge Income

This KPI is 4% below target; however since setting this target the Association has updated the Treasury Management Policy around "near liquid funds". The new definition of "near liquid funds" is being adhered to, but does mean the Association will hold less cash, mostly as a result of more timely loan drawdowns to try and match development spend more closely. This will reduce interest suffered on the loans.

#### 2.3 Unit Reactive and Void Maintenance Costs

Unit Reactive and Void Maintenance Costs are £1,005 compared to a budget of £996. In percentage terms the overspend is minimal, however, the main reason is due to a high number of voids in the period. With 23 new homes at Hamish Gardens becoming available there have been more internal transfers in Quarter One, thus creating more void properties. The Reactive Maintenance spend is still below budget.

#### 2.4 Bronze Key Tenants

Bronze Key Tenants have remained steady this quarter at 43%, and are slightly over the target of 40%. However, plans are underway to make Rent Collector a requirement for Gold Key Tenants from 1 November 2024 and it is expected that a significant number will be downgraded to Bronze level. The position will be reviewed once the transition is complete. Meanwhile staff continue to encourage those at Bronze Key Tenant level to upgrade to Gold Key Tenant status at every opportunity.

**2.5 Gold Key Tenants**

The percentage of Gold Key Tenants has remained steady at 21% this quarter, and overall continues to remain under target. Plans are underway to make Rent Collector a requirement for Gold Key Tenants from 1 November 2024 and is expected to impact the number of tenants at Gold level. The position will be reviewed once this transition is complete.

**2.6 Audit & Assurance Committee Attendance**

This was below target for Quarter Two (71% against a target of 75%), as only five of the seven members were able to attend the August 2024 meeting. The low attendance is also reflected in the Year-to-Date figure, and hopefully this can recover through improved attendance at future meetings.

**2.7 Percentage of Tenants with a Connected Rent Collector Account**

The target for connected Rent Collector accounts was increased from 30% to 50% from 1 April 2024 and the transition is underway to make this a requirement for Gold Key Tenants from 1 November 2024. Given tenants advance warning of this change has resulted in an increase to 43% this quarter and it is anticipated that the target of 50% will be achieved this financial year. Meanwhile staff continue to encourage take-up at every opportunity.

**2.8 Percentage of Complaints Responded to within Target**

One Stage One complaint went over the target response time during Quarter 2. Given the low number of complaints received by the Association, being out of target in just one complaint can have a material impact on the figures, and in this case it has resulted in the Association only achieving 97% against a target of 100%. This was a complex case, and an extension of time for a response was given to staff. Though the SPSO procedure was followed, such cases must be reported as a failure.

Key Performance Indicators 2024/25

Performance Indicator	Quarterly Target	Q1	Q2	Q3	Q4	2024/25 Target	2023/24 Actual	Year to Date	Status
<b>Rental Income</b>									
Non-technical arrears as % of rental income	2.8%	2.51%	2.56%			2.8%	2.76%	2.56%	😊
Bad debts written off as % rental income	1.50%	1.43%	0.87%			1.50%	0.62%	0.87%	😊
Voids as % of rental income	0.75%	0.75%	0.88%			0.75%	0.33%	0.88%	😞
<b>Finance/Treasury</b>									
Interest cover (loan covenants)	110%	282%	283%			110%	225%	283%	😊
Gearing (loan covenants FRS102 definition)	<37%	22%	22%			<37%	23%	22%	😊
Maximum annual new borrowing	<£3m	£300k	£550k			<£3m	£2.9m	£550k	😊
Maximum borrowing per unit	<£26,000	£17k	£17k			<£26,000	£17.2k	£17k	😊
Current assets as a % of current liabilities	100%	111%	110%			100%	159%	110%	😊
Cash as a % of net rental and service charge income	>20%	19%	16%			>20%	32%	16%	😞
Unit management costs	£2,232	£1,900	£1,868			£2,232	£1,929	£1,868	😊
Unit reactive maintenance costs	£996	£1,026	£1,005			£996	£956	£1,005	😞
<b>Asset Management</b>									
Stock condition inspections completed	cumulative	0%	50.0%			20%	30%	50%	😊
Gas services completed within timescale	cumulative	100%	100%			100%	100%	100%	😊
Planned maintenance contracts with >5% overspend	0	0	0			0	0	0	😊
Average length of time taken to complete emergency repairs	<2 hours	01:19:10	01:22:56			<2 hours	01:23:50	01:21:03	😊
Average length of time taken to complete non-emergency repairs	< 6 days	3.5	4.60			< 6 days	5.46	4.1	😊
Repairs completed right first time	85%	95.95%	88.50%			85%	94%	92.23%	😊
Repair appointments kept	93%	97.00%	96.00%			93%	97%	96.50%	😊
<b>Housing Management</b>									
Properties allocated after 3 or more refusals	0	0	0			0	0	0	😊
Number of evictions carried out	no target	2	0			no target	2	2	😊
Bronze Key Tenants	<40%	43%	43%			<40%	46%	43%	😞
Gold Key Tenants	27%	21%	21%			27%	19%	21%	😞
Platinum Key Tenants	20%	21%	23%			20%	20%	21%	😊
<b>Corporate</b>									
Number of accidents reportable to HSE	0	0	0			0	0%	0	😊
Network Availability	99%	100%	100%			99%	99%	100%	😊
% working days lost through long term sick leave	5%	1.0%	1.6%			5%	1.8%	1.3%	😊
% working days lost through short term sick leave	2%	1.1%	0.7%			2%	1.4%	0.9%	😊
Management Committee Attendance	75%	77%	79%			75%	71%	77%	😊
Audit & Assurance Committee attendance	75%	71%	71%			75%	66%	71%	😞
% of tenants using their My Home account	90%	89%	90%			90%	89%	89%	😊
% of tenants paper-free	87%	86%	87%			87%	86%	86%	😊
% of tenants with a connected Rent Collector account	50%	36%	43%			50%	35%	36%	😞
% of complaints responded to within target	100%	95%	97%			100%	98%	96%	😞

😊 Performance Excellent    😞 Performance Satisfactory    😞 Performance Poor

# Independent Review of ELHA Performance

## Report by Linda Ewart – for Information

---

### 1.0 Introduction

The benchmarking group that forms the basis for the annual performance review was developed and introduced in 2022<sup>1</sup> to ensure that the ‘benchmarking group’ is relevant to ELHA, its tenant profile and operating environment. The data is presented in a similar format to previous years, to aid the Management Committee’s consideration and, as before, the year-on-year comparison period is three years. ELHA’s performance is compared over the period and then compared with the ‘neighbours’, the ‘peers’ and the Scottish average, as before. This year (2023/24) is the first year when three-year comparisons can be considered consistently for this selection of peers.

The composition of the peer groups’ composition is shown below; data from East Lothian Council is presented separately. The data presented in this report builds on that presented for the first time in 2022 and is intended to help to support the Management Committee’s consideration of trends and comparisons.

The following table shows the total number of homes managed by each landlord: all landlords have increased their stock over the last year<sup>2</sup>.

<b>Neighbours</b>	<b>Total Owned and Managed (at 31/3/24)</b>
ELHA	1,373
Berwickshire	1,960
Places for People Scotland (PFPS)	8,129
Manor Estates (MEHA)	1,016
Melville	2,106
East Lothian Council	9,353
<b>Peer Group</b>	
Angus	2,129
Eildon	2,993
Loreburn	2,541
Osprey	1,783
Waverley	1,455

<sup>1</sup> Covering the reporting year 2021/22

<sup>2</sup> Scottish Housing Regulator (SHR) Annual Return on the Charter (ARC) data 2023/24



## 2.0 National Trends

In 2024 the SHR reported that, in what they have described as the most challenging period since being established in 2012<sup>3</sup>, overall, 88% of RSL tenants are satisfied with their homes and landlord's service (80% LA<sup>4</sup>). For the most part, performance has been maintained or slightly improved, in terms of national averages:

- Tenants' overall satisfaction with the quality of their home has been maintained at 84%; satisfaction with the landlord's management of the neighbourhood has increased slightly to 85% (from 84%)
- Tenants' satisfaction with repairs performance has declined slightly to 87%
- Satisfaction with opportunities to participate has increased to 88% and with arrangements to keep tenants informed has increased to 91%
- Emergency repairs response times improved to 4 hours but average non-emergency response time declined to 9 days; right first-time performance is stable at 88%
- Agreement that rent provides value for money is stable at 82% (rents increased by an average of 6%)
- SHQS compliance increased by 5% to 84%; average gas safety compliance is 99.6%
- Resolution of ASB complaints is stable at 94%; response rates to Stage 1 complaints increased again and is now 97%

It must be noted that the timing of data collection about tenant satisfaction for the peer groups is not consistent: some is more recent / up-to-date than others, because of the different timescales and frequencies adopted by the various landlords. SHR reports that just under half of all landlords carried out tenant satisfaction surveys during 2023/24: two of the 'neighbours' (Berwickshire and Castle Rock Edinvar) carried out surveys in 2023/24 and three of the peer group (Eildon, Loreburn and Osprey).

## 3.0 Tenant Satisfaction

ELHA's most recent tenant satisfaction survey was carried out in 2022 (reported February 2023): it reported that ELHA's performance had, in the main, been maintained when compared against the 2019 results, although a decline in repairs satisfaction was noted: this was attributed to the ongoing impact of the pandemic. When compared to the 2023/24 national averages, elha's overall performance remains 4% above the Scottish average.

---

<sup>3</sup> SHR Annual Report (October 2024)

<sup>4</sup> LA: Local Authority

Table 1	Quality of service overall	Good at keeping informed about service & outcomes	Satisfied with opportunities to participate in decision making
elha 2024	90.5%	96.4%	96.8%
elha 2023	90.5%	96.4%	96.8%
elha 2022	94.5%	97.7%	92.3%
Scottish Av. 2024	86.5%	90.5%	87.7%
Scottish Av. 2023	86.7%	89.7%	85.9%
Scottish Av. 2022	88%	91%	87%

### 3.1 Tenant Satisfaction Comparison

Table 2 draws together the comparisons between ELHA, the Scottish average and the averages of the two benchmarking groups, plus ELC, all over the three-year term. Scottish averages are broadly comparable over the period. By comparison, elha’s overall satisfaction level fell by 4%; neighbours by -6.5%<sup>5</sup> and peers by -3%.

The ‘neighbours’ record has declined against all three indicators: both Berwickshire and Castle Rock Edinvar completed surveys in 2023/24 and both record significantly poorer results than all other comparisons. For CRE (part of Places for People), overall satisfaction has fallen by -13% and Berwickshire by -5%. Berwickshire has maintained satisfaction with opportunities to participate in decision-making, albeit originally much lower than most of the other RSLs in the group, but CRE/PfP satisfaction in this area has almost halved, falling from 90% to 48.5%. These results, obviously, impact the comparisons that are the basis for this review. For opportunities to participate in decision-making, ELHA is now almost 20% ahead of the neighbours.

Against each of the three satisfaction indicators, ELHA continues to out-perform against the Scottish, peer group and neighbours’ averages and ELC. For quality of service, ELHA is now 12% ahead of the neighbours and 7.4% ahead of the peer group; for provision of information, ELHA’s performance is 13.7% better compared to the neighbours and 11.4% ahead of the peer group.

When compared against ELC, elha’s performance continues to be markedly stronger: the data for both remains constant between 2023 and 2024.

<sup>5</sup> Driven by sharp falls recorded by CRE and, to a lesser extent, Berwickshire in 2024  
3.1 Independent Review of ELHA Performance 2023/24

Table 2

	Quality of service overall			Good at keeping informed about services & outcomes			Satisfied with opportunities to participate		
	22	23	24	22	23	24	22	23	24
ELHA	94.5%	90.5%	90.5%	97.7%	96.4%	96.4%	92.3%	96.8%	96.8%
Scottish average	88%	86.7%	86.5%	91.2%	89.7%	90.5%	86.8%	85.9%	87.7
Neighbours' average	85%	83.1%	78.5%	90.5%	89.5%	82.7%	87.4%	87.1%	77%
Peer group average	86.3%	85.5%	83.1%	90.5%	87%	85%	83.6%	81.2%	77.8%
East Lothian Council	84.3%	81.6%	81.6%	88.6%	86%	86%	85.3%	80.2%	80.2%

#### 4.0 Quality and Maintenance

Table 3 contains information for ELHA based on the 2024 ARC, together with the Scottish averages for the same period, and Table 4 compares elha with the neighbours, peer group and ELC.

ELHA has continued to improve levels of compliance with SHQS and has achieved average compliance, following the implementation of a post-pandemic catch-up programme to renew EICRs in 2022/23: 97.6% compliance has been achieved (+50% compared to 2021/22 and +4% from 2023). The Scottish average has also continued to improve, largely due to a sector-wide focus on improving electrical safety performance: the national average is now 84.4% - an increase of around 5%.

ELHA's performance in respect of emergency repairs times has been maintained and remains significantly better than the Scottish average (1.3 hours compared to 4). ELHA's non-emergency repairs response times have declined slightly from the improved position achieved in 2023 (+ 1 day) but remain better than in 2022. The national average response time has increased slightly: ELHA's performance remains better. ELHA's performance in completing repairs 'right first time' has been maintained and is 6% ahead of the national average.

Overall satisfaction with elha's repairs service has fallen slightly and remains poorer (-3.6%) than the Scottish average which has remained broadly static.

Table 3 Landlord	Meet SHQS	Av hrs for emerg. repair	Av days for non-emerg. repair	% reactive complete right 1 <sup>st</sup> time	% tenants satisfied with service
elha '24	97.6%	1.3	5.7	94.2%	83.7%
elha '23	93.6%	1.3	4.7	94.2%	84.6%
elha '22	43.6%	1.1	7.6	91.5%	84.5%
S Av '24	84.4%	4	9	88.4%	87.3%
S AV '23	79%	4.2	8.7	87.8%	88%
S AV '22	73%	4.2	8.9	88.3%	88%

#### 4.1 Quality and Maintenance Comparison

Table 4 looks at the same indicators as Table 3 but with additional comparisons to provide a broader picture, encompassing the neighbours and peer groups and, separately, ELC. ELHA's performance is better against all the comparators for three of the five indicators (having fallen behind peers for 'right first time' performance in 2024, in addition to overall satisfaction comparisons, which, nationally, have also fallen slightly).

SHQS compliance has continued to increase for each of the comparisons: the Scottish average has increased by 5.5% but remains approximately 10% below the 2020 level; the neighbours have improved by 7% (Berwickshire and Melville recorded improvements); the peer group average has continued to increase and is now 90.1%; ELC's compliance has increased to 89.7%.

Average emergency repairs response times have remained broadly static throughout the review period, apart from in the neighbours' group, where response times have increased from 5.3 hours to 7.4. ELHA's performance is in line with pre-pandemic results, and remains around 3 hours' hours better than the Scottish average (and almost +6hours faster than the neighbours).

For non-emergency repairs, ELHA's performance has declined year on year (response times extended by 1 day). The Scottish and peer averages are static; the neighbours' average has returned to the 2022 level; ELC non-emergency response times have lengthened significantly (+7 days).

In respect of 'right first time', ELHA has maintained performance and is approaching the pre-pandemic position; ELHA's performance is similar to that of the peer group (which has strengthened), is better than the Scottish average and is significantly ahead of the neighbours and ELC.

ELHA's overall satisfaction with the repairs service remains below the Scottish average (which declined 'slightly') and is also behind the peer average and ELC.

Table 4	Meet SHQS	Av hrs for emerg. repair	Av days for non-emerg. repair	% reactive complete right 1 <sup>st</sup> time	% tenants satisfied with repairs service
elha '24	97.6%	1.3	5.7	94.2%	83.7%
elha '23	93.6%	1.3	4.7	94.2%	84.6%
elha '22	43.6%	1.1	7.6	91.5%	84.5%
S Av '24	84.4%	4	9	88.4%	87.3%
S AV '23	79%	4.2	8.7	87.8%	88%
S Av '22	73%	4.2	8.9	88.3%	88%
N Av '24	84.6%	7.4	9.8	83.8%	80.8%
N AV '23	77%	6.1	11.7	82.5%	82.4%
N Av '22	66.3%	5.3	9.9	89.3%	82.1%
P Av 24'	90.1%	2.3	8.2	95.2%	89.3%
P Av '23	88.6%	2.2	8.5	93.3%	94.1%
P Av '22	78.6%	2.1	9.2	92%	91.9%
ELC '24	89.7%	3.7	16.3	85.7%	88.8%
ELC '23	86.9%	3.9	9.2	92.4%	88%
ELC '22	63.1%	3.9	9.8	90.8%	90.4%

(S Av = Scottish average; N Av = neighbours' average; P AV = peers' average; ELC = East Lothian Council).

### 5.0 Neighbourhoods - ELHA

ELHA has improved its performance in resolving ASB complaints during 2024 (+2%); performance is now stronger than in 2022 and is around 4% ahead of the Scottish average.

Table 5	% resolved within local targets
elha 2024	<b>98.7%</b>
elha 2023	<b>96.5%</b>
elha 2022	<b>97.5%</b>
Scottish Av 2024	<b>94.3%</b>
Scottish Av 2023	94.2%
Scottish Av 2022	94.7%

**5.1 Neighbourhoods Comparison**

ELHA’s performance has improved in the last year and continues to exceed each of the other comparisons: it is 11% better than the neighbours and the peer group and 20% better than ELC.

Table 6	% resolved within local targets
ELHA 2024	<b>98.7%</b>
ELHA 2023	<b>96.5%</b>
ELHA 2022	<b>97.5%</b>
Scottish Av 2024	<b>94.3%</b>
Scottish Av 2023	94.2%
Scottish Av 2022	94.7%
Neighbours’ Av 2024	87.9%
Neighbours’ Av 2023	92.4%
Neighbours’ Av 2022	92.2%
Peer Av 2024	87.4%
Peer’s Av 2023	87.4%
Peer’s Av 2022	90.1%
ELC 2024	78%
ELC 2023	73%
ELC 2022	78.2%

**6.0 Value for Money: ELHA**

Rents increased, on average, by 6% nationally in 2024: like the majority of the comparisons, ELHA’s rent increase was higher (7.1%).

ELHA’s performance in collecting rent has remained static and very slightly ahead of the Scottish average (+0.6%). Performance on void loss has improved marginally and remains better than the national average, which is static. The time taken to re-let properties has, again, been improved and remains significantly better than the national average: ELHA’s average re-let time is approximately one third of the national average.

Table 7	% of total rent due collected	% rent not collected due to voids	Average number of days to re-let
ELHA 2024	100%	0.3%	18.5
ELHA 2023	99.9%	0.5%	22.2
ELHA 2022	100.7%	0.5%	25.7
Scottish Av 2024	99.4%	1.4%	56.7
Scottish Av 2023	99%	1.4%	55.6
Scottish Av 2022	99.3%	1.4%	51.6

### 6.1 Value for Money Comparison

Table 8 shows that ELHA’s performance compares well across the indicators and is significantly stronger in respect of re-let times, which have improved year on year. Over the three-year period, elha’s rent collection and void loss performance is stable. Re-let times are significantly better than the national average and ELC.

Table 8	% of total rent due collected	% rent not collected due to voids	Average number of days to re-let
ELHA 2024	100%	0.3%	18.5
ELHA 2023	99.9%	0.5%	22.2
ELHA 2022	100.7%	0.5%	25.7
Scottish Av 2024	99.4%	1.4%	56.7
Scottish Av 2023	99%	1.4%	55.6
Scottish Av 2022	99.3%	1.4%	51.6
Neighbours 2024	100.5%	0.6%	32.4
Neighbours 2023	99.5%	0.6%	30
Neighbours 2022	100.8%	1.8%	39.8
Peers 2024	100%	0.6%	23.6
Peers 2023	99%	0.6%	24.3
Peers 2022	98.5%	1%	33
ELC 2024	100.9%	0.7%	49.9
ELC 2023	101.4%	1.09%	65.2
ELC 2022	103%	1%	66.2

7.0 Complaints Handling

Table 9 includes comparison information for all of the landlords in respect of response times for Stage 1 and Stage 2<sup>6</sup>. Comparisons for ELHA are provided for three years; for the other landlords, performance over the last two years is provided. ELHA's performance has, again, fallen slightly (-c1%) in respect of Stage 1 complaints and, more markedly in respect of Stage 2 (down almost -7%). The percentage of Stage 1 complaints responded to in full by ELHA is behind the majority of the other landlords in the exercise, and slightly ahead of the national average (which has improved slightly to 96.1%). For Stage 2 complaints, ELHA's performance is stronger in comparison to some (4) landlords and is slightly ahead of the national average (which has fallen slightly to 90.6% from 92.5%). Comparisons are difficult because of the variations in the number of complaints received by the landlords.

Table 9	%Stage 1 responded in full	%Stage 2 responded in full
ELHA 2024	97.4%	93.3%
ELHA 2023	98.3%	100%
ELHA 2022	100%	95.8%
Angus 2024	99%	80.7%
Angus 2023	96.5%	69.2%
Berwickshire 2024	100%	100%
Berwickshire 2023	100%	98.4%
CRE/PfP 2024	98.1%	90%
CRE / PfPS 2023	98%	92.6%
Eildon 2024	97.5%	88.2%
Eildon 2023	100%	100%
ELC 2024	94.2%	80.5%
ELC 2023	97%	85.1%
Loreburn 2024	95.6%	96.8%
Loreburn 2023	97.9%	91.7%
Manor Estates 2024	99.7%	93.7%
Manor Estates 2023	100%	88.5%
Melville 2024	100%	100%
Melville 2023	99.4%	100%
Osprey 2024	100%	100%

<sup>6</sup> Extracted from SHR Dataset August 2024  
 3.1 Independent Review of ELHA Performance 2023/24



Osprey 2023	100%	100%
Waverley 2024	100%	100%
Waverley 2023	98.1%	92.6%

**8.0 Conclusion**

Performance during the year amongst the comparisons has shown evidence of both improvement but also deterioration. The challenges associated with the post-pandemic recovery and volatile economic and operating climates continue to have a significant effect.

ELHA’s performance continues to be ahead of the national averages against almost all of the indicators: the only area where performance is below average continues to be in respect of tenants’ satisfaction with the repairs service, which has remained broadly static over the period (-1%). This is obviously a critical measurement for all landlords but it should be noted that ELHA’s performance in terms of repairs ‘right first time’ is better against all but one of the comparisons. The 2023 TSS reported that the ‘least satisfactory’ element of tenants’ satisfaction with the repairs service was ‘contractors carrying out the job expected’.

Nationally, the SHR reported that levels of overall tenant satisfaction were stable: ELHA is above average. The 2023/24 confirms that ELHA continues to compare positively against almost all indicators and all comparisons.

GROUP POLICY

<b>Date Issued</b>	December 2011
<b>Reviewed</b>	<u>October 2024</u> <del>November 2019</del>
<b>Department</b>	Corporate Services
<b>Title</b>	<b>Information Technology Systems</b>
<b>Objective</b>	To describe the Group’s policy for managing its Information Technology Systems
<b>Responsible</b>	<b>Director of Finance</b> <u>&amp; Corporate Services</u>
<b>Next Review Date</b>	November 20 <u>29</u> 24

**1.0 Introduction**

- 1.1 We recognise that our Information Technology (IT) Systems are of critical importance to the efficient and effective working of the Group’s operations, and we will therefore ensure that these systems are kept secure, up to date, fully supported and their use maximised.
- 1.2 We require all users to adhere to a comprehensive set of procedures to ensure the security of our IT systems/Network is maintained at the highest level. We require users to confirm their acceptance of these procedures at time of Induction and also when changes are made to the procedure ~~and ensure that they are informed of any changes to them.~~ We regard the unauthorised use of the Group’s IT systems as a serious disciplinary offence and will take disciplinary action against any user who breaches our IT security and procedures.
- 1.3 We maintain a Data and Digital ~~IT~~ Strategy to ensure that the Group’s IT systems are kept up to date and support the implementation of its Business Plans.
- 1.4 We will allocate adequate resources to ensure that both the integrity of our IT systems and data contained on them is managed and appropriately maintained through both internal and external support.
- 1.5 We will maximise our investment in IT Systems by ensuring that all employees are suitably trained in the use of those systems which enable them to carry out their duties and enhance overall performance.
- 1.6 We will develop and maintain a suite of robust procedures to monitor and control access to the system, including, the use of complex passwords which require regular change, and two factor authentication for working remotely to access

our systems ~~as well as giving authority to work remotel~~ to enable the Group and its staff to adhere to this policy.y.

~~1.7 We will develop and maintain full procedures to enable the Group and its staff to adhere to this Policy.~~

## 2.0 Data Protection and General Data Protection Regulations (GDPR)

2.1 We will mitigate any risk of breaching the Data Protection Act 2018 and The General Data Protection Regulations (GDPR) , the Computer Misuse Act 1990 and the Obscene Publications Act, 1959 by providing all users with appropriate procedures to follow.

## 3.0 Non-Business Work

3.1 To protect the systems, we do not permit any unauthorised non-business work on the Group's IT equipment. If an employee wishes to undertake non-business work on their computer (in their own time) they must first obtain the approval of their line manager. Normally, such approval will not be unreasonably withheld.

3.2 Internet and E-mail use are for Group business. During work time, access to the ~~InternetWorld Wide Web~~ will be limited to sites relevant to a person's job responsibility. The e-mail system is intended for business purposes only; however incidental non-business use will be tolerated, in the same way as personal use of telephones is accepted, and as set out in section 4.1 of the Use of Information Technology procedure. Specifically, though, employees must not access their own personal e-mail remotely (for example by logging in to a Hotmail account), since this can seriously compromise our security.

3.3 All use of the Group's internet and e-mail facilities must be in accordance with the Use of Information Technology procedure.

## 4.0 Social Media Platforms

4.1 We respect the right to a private life and that includes joining any social media platforms, for example Facebook, Twitter etc., employees wish. However, information posted on such sites is classed as public and is not private. Employees are therefore not allowed to disclose information relating to the Group, its customers, partners, suppliers, Committee or Board members, employees, or stakeholders on any social networking platform. It is also prohibited to post any comments about people and events connected to the Group or make remarks which could potentially bring us into disrepute.

- 4.2 The Group use Social Media for the promotion of activities, events and as a communication method and staff must use this in accordance with the “Use of Information Technology” procedure.

## 5.0 Monitoring

- 5.1 Our IT systems are critical -to the running of the business and it is imperative that they are fully protected from unauthorised use which could lead to problems with business continuity. To help us achieve this protection, we will monitor the use of our IT systems in accordance with the Telecommunications (Lawful Business Practice) (Interception of Communications) Regulations 2000 (“the Lawful Business Practice Regulations”).
- 5.2 We reserve the right to inspect copy, store and disclose the contents of electronic mail messages at any time. However, we will only do so if we believe it is appropriate to prevent or correct improper use, satisfy a legal obligation, or ensure proper operation of the electronic mail facilities. In addition, line managers are authorised to monitor the e-mail accounts of their staff in their absence.
- 5.3 Usage of the internet and our e-mail systems will be monitored by our line managers on a regular basis. Excessive non-business use and/or non-business use during working hours may lead to the privilege being withdrawn and disciplinary action being taken.

## 6.0 Breaches

- 6.1 Breach of IT Security and the “Use of Information Technology Procedure” could lead to disciplinary action under the Group’s Grievance and/ or Disciplinary Procedures, ranging from suspension of E-mail/Internet services to the termination of employment.
- 6.2 Where a criminal offence may have been committed, the Chief Executive (or Chairman) will decide whether or not to involve the Police.

## 7.0 Implementation and Review

- 7.1 The Corporate Services Manager will regularly monitor the implementation of this policy. Any breach of the policy will be reported to the Senior Management Team and Management Committee.
- 7.2 The Director of Finance and Corporate Services will ensure that this policy is reviewed at least every five years and that any amendments required are submitted to the Management Committee for approval.

## IT Systems Policy Review

### Report by Gary Alison, Director of Finance & Corporate Services – for Approval

---

#### 1.0 Introduction

The Information Technology (IT) Systems policy sets out how IT systems are managed. This Policy was last reviewed in November 2019, and is due its periodic review. The revised **Policy Document** is attached to this report.

#### 2.0 Summary of Proposed Changes

The reviewed identified only a few minor updates and these have been included as tracked changed in the **Policy Document**.

The Policy refers to the Use of IT procedure. This was reviewed and updated as part of this policy review.

#### **Recommendation**

The Management Committee are asked to approve the IT Systems policy.

<b>Date Issued</b>	22 March 2007	<b>ELHA Policy Document</b>
<b>Last Reviewed</b>	November <del>2019</del> 2024	
<b>Department</b>	Housing Management	
<b>Title</b>	<b>Tenancy Management</b>	
<b>Responsible</b>	Director of Housing	
<b>Next Review</b>	November <del>2024</del> 2029	

## 1.0 Introduction

1.1 The term Tenancy Management covers many of the services we provide to tenants in our role as a landlord. This document details our policy in relation to the following matters;

- Abandonment of tenancy / joint tenancy
- Assignations
- Care of estates
- Care of gardens
- Car parking
- Garages / garage plots
- Pets
- Lodgers
- Mutual exchanges
- Running a business from home
- New tenancy visits
- Short Scottish secure tenancies
- Sublets
- Succession
- Tenancy terminations
- Transfer of tenancy and voluntary changes

1.2 We have separate policies for the following:

- Antisocial Behaviour
- Domestic Abuse
- Rent Arrears
- Empty Homes Management
- Tenancy Sustainment

2.0 Legal and Regulatory Framework

2.1 We will comply with all relevant legislation and regulations including the following:

- Housing (Scotland) Act 2001 & 2014
- General Data Protection Regulations 2018
- Equality Act 2010

2.2 We will also comply with the Scottish Housing Regulator’s Social Housing Charter Indicators which support the requirements of the Scottish Social Housing Charter, and in particular, the following outcomes:

<u>Equalities</u>	<u>Social landlords perform all aspects of their housing services so that:</u>  <u>They support the right to adequate housing, and Every tenant and other customer has their individual needs recognised, is treated fairly and with respect, and receives fair access to housing and housing services</u>
<u>Communication</u>	<u>Tenants and other customers find it easy to communicate with their landlord and get the information they need about their landlord, how and why it makes decisions and the services it provides</u>
<u>Estate management, anti-social behaviour, neighbour nuisance and tenancy disputes</u>	<u>Tenants and other customers live in well-maintained neighbourhoods where they feel safe</u>
<u>Tenancy Sustainment</u>	<u>That tenants get the information they need on how to obtain support to remain in their home; and ensure suitable support is available, including services provided directly by the landlord and by other organisations</u>

2.1 This policy complies with the:

- Housing (Scotland) Acts 2001 & 2014
- Equalities Act 2010
- Scottish Social Housing Charter outcomes

2.3 Staff are provided with detailed procedures on every area covered by this policy. The procedures will cover how the policy objectives are to be

achieved, recording and reporting mechanisms, and monitoring arrangements.

### 3.0 Policy Aims

~~32.1~~ We aim to make sure that:

- Our tenants have access to clear information about their rights and responsibilities and our policies in relation to tenancy issues
- A clear framework exists to ensure that staff can respond effectively to enquiries from tenants on a range of tenancy management issues
- Our estates are well maintained and attractive  
A high level of service is provided to all regardless of age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; ~~or sexual orientation~~ special needs, geographical location or disability

### ~~43.0~~ General Principles

~~43.1~~ We will adopt a preventative approach to all potential tenancy management problems by making sure that tenants are well informed about their tenancy rights and obligations. Where possible, we aim to “design out” problems.

~~43.2~~ We will adopt a customer centred approach when dealing with tenancy issues and will involve both individuals and groups of tenants in finding solutions.

~~43.3~~ We will deal with issues sensitively and in confidence. Some issues cannot be dealt with effectively whilst absolutely maintaining confidentiality. Where this is the case, it will be explained to the individual(s) concerned and they will be consulted on how to proceed.

4.4 We will use legal remedies such as Action of Specific Implement and Notice of Proceedings to resolve issues. If necessary, we will take action to end a tenancy, but this will always be a last resort, when all other options have been exhausted.

~~43.5~~ We will develop effective working relationships and involve other agencies such as the Police, Environmental Health, Safer Communities Team and Social Work wherever appropriate.

~~43.6~~ Unless otherwise specified, requests from tenants required in terms of the Tenancy Agreement must be in writing and can be submitted through the tenant’s My Home account. Where appropriate, forms will be provided to



facilitate this and to ensure that all necessary information is collected at the outset. We provide a Family & Friends service for those tenants who require support to manage their My Home account.

43.7 We will provide ~~leaflets~~information on elha.com, in plain English, explaining our policy and procedures in relation to particular requests, e.g. Mutual Exchanges, Permission for Lodgers etc. This information is in a format which can be printed, though and these will be available online elha.com and My Home are designed to be highly accessible, easily navigated by tenants using screen readers or tabbed browsing and are Readspeaker enabled. Translation services are also provided.

4.8 On request and where appropriate, we will take practical steps to help tenants, such as arranging interpreting and translation (we are members of Happy to Translate), information on CD, in larger print and in ~~ethnic~~other than English where this is required.

43.9 ~~8~~—In some instances (for example mutual exchanges, applications to take in lodgers) we are required by law to notify our decision within 28 days failing which our consent is assumed. If we do not have sufficient information to make the decision, then we may refuse the request ~~may be refused~~ in order to protect our position. We will inform the tenant of our revised decision ~~will be made and notified to the tenant~~ as soon as the necessary information is available.

43.10 ~~9~~ If we refuse a tenant's request, including in the circumstances outlined at 3.98 above, we will explain why in writing and advise the tenant ~~will be advised~~ of their right to appeal. We will signpost all tenants to appropriate advocacy services should they require support to make an appeal.

#### **54.0 Abandonment of Tenancy / Joint Tenancy**

54.1 We aim to prevent abandonment by ensuring that all tenants know how to terminate their tenancy, that a named emergency contact is provided by all new tenants and by good management of all tenancies.

54.2 If we have reasonable grounds to believe that someone has abandoned their tenancy, we will give the tenant(s) 4 weeks' Notice of our intention to repossess the property. If at the end of that period, the tenant has not made contact and we still have reasonable grounds for believing the tenancy has been abandoned then we will repossess the house by serving another Notice.

54.3 If during the period between service of the first and second Notices we have reason to believe that the property may be at risk (e.g. of vandalism

or frozen pipes/flooding), 2 members of staff will enter the property for the purposes of ensuring that it is secure.

**54.4** If we have reason to believe a joint tenant has abandoned the house, we may give the abandoning tenant 4 weeks notice of our intention to end their part of the tenancy. If at the end of this period, we still have reasonable grounds for believing that the abandoning tenant is not occupying the property we will serve another Notice terminating their interest in the tenancy, which will end 8 weeks from the date of serving the second notice. The second Notice will be copied to the remaining joint tenant and the tenancy will then continue in their name only.

**54.5** We may suspend the use of the Abandonment Procedure if the tenant(s) whereabouts are discovered at any stage.

**54.6** If a tenant is unhappy about our decision to recover an abandoned house they have a right of appeal to us. They also have recourse to court and may raise proceedings against us within 6 months of the tenancy being terminated.

**54.7** If a joint tenant is unhappy with our decision to end their interest in a joint tenancy, they may appeal to us. They also have recourse to court and may raise proceedings against us within 8 weeks after the date of service of the second notice.

**54.8** We maintain a register of all tenancies subject to the Abandonment procedure. We also maintain a public register of belongings left in abandoned property.

**54.9** We will store abandoned belongings for a six-month period provided they are of sufficient value to meet the costs of storage. We will dispose of any belongings which are of insufficient value to cover the costs of storage.

#### **65.0 Assignment**

**65.1** An assignment is when a tenant passes their tenancy (or part of their tenancy) over to another person who then becomes the tenant of the property. This is a continuation of the original tenancy, and a new Scottish Secure Tenancy Agreement should not be signed.

**65.2** All tenants have the right to assign their tenancy in accordance with the Housing (Scotland) Act 2001 provided they make their application in writing, and they have received written consent from us. We may refuse consent if we have reasonable grounds for doing so (see Appendix 1).

**65.3**

— The assignee must have resided in the property as ~~his or her~~their only or principalle home for a minimum of 12 months before the date of the written request, and the tenant or assignee must have notified us that they were living there. The length of time the assignee has been living in the property as their only or ~~principle~~principal home starts from the date we were notified. A tenant can update their details at any time in their My Home account, and the My Home software contains full audit trails that record the date and time of any change made. If we receive this information in any other way (for example in writing), our staff will update the tenant's My Home record for them. Therefore, the date recorded in the My Home software will normally be the date we use as the date we were informed that the assignee became a member of the household.

65.4 If the property is adapted or it will be under-occupied by more than ~~4~~one bedroom, we will not consent to the assignation but may offer suitable alternative accommodation.

65.5 If a tenant is permanently hospitalised or moves to a nursing home and there is someone living in the property who would qualify for an assignation, we will consider such a request if the tenant is able to put it in writing. If the property is adapted or it will be under-occupied by more than ~~4~~one bedroom, we will not consent to the assignation but may offer suitable alternative accommodation. (See ~~Section also~~18.0, Tenancy Terminations).

65.6 We must respond to a request giving our decision within 28 days of receiving the original application. If we do not respond within this time then, by law, it will be taken that we have agreed to the request.

## 76.0 Care of Estates

76.1 We will ensure our estates are maintained to a high standard by:

- Carrying out regular estate inspections throughout the year in every development in our stock. These will be done in consultation with tenants and/or tenant & resident groups where appropriate. This enables us to identify short-term repairs and improvements as well as build a picture of our neighbourhoods' requirements and our tenants' aspirations for the longer term.
- Making sure that all communal landscaped areas are regularly monitored to ensure that they are tidy and well maintained. Any problems will be raised with East Lothian Council or Contractors and Consultants as appropriate.
- Regularly monitoring the fabric and cleanliness of communal areas including stairs, bin stores, lock-up garages, parking areas and drying

facilities and taking appropriate remedial action to resolve any issues that may arise.

- Attending to repairs to walls, fences, gates, signposts, bin stores, lock-up garages or other communal property in our ownership promptly and in accordance with our maintenance policies and procedures.
- Regularly monitoring general environmental matters such as parking, street cleaning, lighting, refuse collection, condition of pavements etc. and taking appropriate action to remedy any issue which may arise.
- Dealing with issues such as vandalism including graffiti, damage to fences, etc promptly.
- Dealing with issues such as complaints of vermin and pest infestation promptly.

~~7.2~~ — We will consider the use of all appropriate remedies, including the use of cleaning rotas, inclusion in service charges and, ultimately, legal action to keep our communal areas neat and tidy.

~~7.2~~ \_\_\_\_\_

~~7.3~~ \_\_\_\_\_

~~7.3~~ ~~6.3~~ — We operate a stair cleaning contract in many of our stairs for which residents are required to pay a service charge. (See Appendix 2 for specification). We monitor this contract in line with the Contract Management Policy ~~on a regular basis~~ to ensure that the work is being carried out satisfactorily. We will carry out an annual satisfaction survey of this contract to obtain tenants views and to ensure a high level of service is being achieved.

7.4 We also operate a hard landscaping contract to maintain all areas of hard landscape in our estates, not adopted by East Lothian Council. We also monitor this contract in line with the Contracts Management Policy to ensure work is being carried out to satisfactorily.

#### ~~87.0~~ Care of Gardens

~~87.1~~ We will outline the importance of garden maintenance to all new tenants at the start of their tenancy.

~~87.2~~ We will inspect gardens routinely when visiting estates on other matters.

~~87.3~~ We will carry out home visits to tenants whose gardens are not being maintained to identify the cause of the problem.

87.4 A Garden Care Scheme is available to all ~~of~~ our tenants who are unable to look after their garden. We will accept tenants on to the scheme provided that:

- They were able to do the garden when they were allocated and accepted the house, ~~and-~~
- They have no-one living with them who could reasonably be expected to care for the garden, ~~and-~~
- ~~If under 70 years of age, they will need to~~ provide medical evidence to support their application ~~(the Housing Manager can waive this requirement in exceptional circumstances only, for example where the tenant is very elderly or infirm), and-~~
- ~~That~~ All other obligations of the tenancy are being met.

87.5 We will carry out an annual review of all tenants on this scheme to ensure that they continue to qualify and will measure their levels of satisfaction with the service.

87.6 We will maintain the gardens of our empty properties until we re-let them.

## 98.0 Car Parking

98.1 Car parking spaces are available to tenants and their visitors in some of our developments. Since the number of spaces is limited, it is not normally possible to allocate spaces for the sole use of specific tenants.

98.2 Our car parks are provided for the sole use of parking private cars belonging to residents and their visitors. ~~We will consider the use of a permit holder only service where parking for our tenants becomes a problem.~~ We will take appropriate measures to remove vehicles parked without authorisation (e.g. caravans, commercial vehicles) if they are causing a problem, or vehicles that have been abandoned in our car parks. Untaxed cars will be reported to East Lothian Council's Environmental Services who have the authority to remove them.

98.3 We will not allow major repair work on cars or other vehicles parked in car parks owned or managed by us.

## 109.0 Garages & Garage Plots

109.1 We will accept enquiries for garage / plot lets in person, by telephone or in writing.

- 109.2 ~~We will record the area which an applicant is interested in and add their details to the garage / plot waiting list. If no waiting list exists, When a garage/plot becomes available~~ we will advertise ~~it the garage/plot~~ through elha.com and our office window.
- 109.3 We will give our tenants priority over non-tenants when allocating a garage otherwise we will make all allocations in date order.
- 109.4 There are no succession rights to garage leases. We will however give priority to spouses, civil partners and co-habitees if the tenant dies and the partner wishes to continue with the lease.
- 109.5 All tenants and non-tenants will only hold one garage / plot let. However, the ~~Director of~~ Housing Manager, may in exceptional circumstances, consider a further let, i.e. where there are vacant garage / plots and there is no waiting list.
- 109.6 We will only grant permission for garages which can be dismantled to be erected on our garage plots.

#### **110.0 Pets**

- 110.1 Sections 2.6, 2.7 and 3.3 of the Tenancy Agreement state that tenants have the right to keep domestic pets; provided they recognise their responsibilities and obligations set out in the Agreement; including not allowing their pet to cause a nuisance. If a tenant does not comply with the Agreement, we can insist on the removal of the pet and will consider taking the appropriate legal action if necessary.
- 110.2 ~~Due to the excessive number of complaints received relating to dogs living in flats, from 1 April 2017~~ We will not allow dogs in a flats where there is no private garden. However, the ~~Director of~~ Housing Manager may grant permission in exceptional circumstances ~~only for example, the dog assists with a mental health issue. We will ask for supporting documentation such as a GP's letter in such cases.~~
- 110.3 Provided they are complying with the terms of the Tenancy ~~Agreement,~~ Agreement; no existing dog owner will be required to re-home their pet but any dog owner living in our flats before 1 April 2017 will be asked to register their dog(s) with us. If, after this date, their dog/s cause a nuisance we will request that the animal is removed and will take the appropriate legal action if the tenant fails to comply with our request.
- 110.4 When we advertise flats to which the ban on dogs applies this will be clearly stated in the advert to ensure that applicants are aware of the ban before they apply for the property.

119.5 We will also reiterate this information at pre allocation visits and check that the applicant does not own a dog.

119.6 From 1 April 2017 the only exception to the ban on dogs in common entrance flats will be assistance dogs.

#### **124.0 Lodgers**

124.1 A lodger can be defined as someone who has sole use of at least one room in a tenant's home and pays some form of rent. Family members will not normally be classed as lodgers.

124.2 All Scottish secure tenants have the right to take in a lodger provided they have applied in writing and have received our written consent. We may refuse consent if we have reasonable grounds for doing so. (See Appendix 1).

124.3 We will ensure that the tenant understands the implications of having a lodger and how this might affect their benefit entitlement. During the lodging period the tenant remains responsible for the payment of rent and adherence to the tenancy agreement.

124.4 There is no legal relationship between the lodger and us. If the presence of a lodger results in a breach of tenancy conditions, e.g. nuisance to neighbours, we will withdraw permission. We may take appropriate legal action if the tenant fails to comply with our withdrawal of lodger permission.

124.5 We must respond to requests for a lodger within 28 days of receiving the application with our decision. If we fail to respond within this timescale, it will, by law, be taken that we have agreed to the request.

#### **132.0 Mutual Exchanges**

132.1 Tenants have the right to exchange with another tenant of a local authority, other housing association, or a water authority or sewerage authority provided they have applied in writing and have received our written consent.

132.2 We may refuse consent if we have reasonable grounds for doing so (See Appendix 1).

132.3 No minimum period of tenancy applies before an exchange may be considered.

132.4 Exchanges are intended to satisfy long term housing need and may be refused where the exchange improves an applicant's situation but still leaves them in housing need.

~~132~~.5 Exchanges will be allowed where they will result in under-occupation of the property by no more than one bedroom.

~~132~~.6 We must respond to a request to exchange within 28 days of receiving the application with our decision. If we do not respond within this timescale, it will, by law, be taken that we have agreed to the request.

### ~~143~~.0 Running a Business from Home

~~143~~.1 We will normally grant permission to run a business from home provided that:

- The running of the business will not cause nuisance, annoyance or danger to neighbours or damage to property.
- There will be no breach of other tenancy conditions.
- The business does not require a change of use in respect of the building or lead to objections from statutory authorities.

~~143~~.2 It is the tenant's responsibility to ensure that any necessary statutory consents, e.g. Planning Permission, are granted and that any conditions applying to such consents are fulfilled.

### ~~154~~.0 New Tenancy Visits

~~154~~.1 We will carry out new tenancy visits to any tenant who requests a visit, or to tenants who are vulnerable or for whom early indicators suggest that it would be beneficial, to ensure that the tenancy is sustained. Please refer to our Tenancy Sustainment Policy.

~~154~~.2 The purpose of the new tenancy visit is to:

- Ensure that new tenants fully understand their rights and responsibilities, and our rights and responsibilities as a landlord
- Address any concerns that the tenant may have
- Prevent rent arrears
- Encourage tenant participation
- Provide general housing advice
- Provide additional support at the start of a new tenancy

### ~~165~~.0 Short Scottish Secure Tenancies (SSST)



165.1 Our policy is to provide tenants with a Scottish ~~s~~Secure ~~t~~Tenancy but we recognise that in some special circumstances there will be a requirement for a short Scottish ~~s~~Secure ~~t~~Tenancy (SSST).

We will grant SSST's for a minimum period of 6 months except where they are granted following complaints of anti- social behaviour. In such cases the minimum period will be 12 months (see 15.4). We will only extend SSST's for a further period of 6 months if the tenant is in receipt of housing support services and we have explained the reasons for the extension.

165.2 We may use an SSST in the following circumstances:

- If there is evidence that a tenant, anyone living with them or visiting them has behaved antisocially within the previous 3 years of the notice being served
- If there is evidence that a prospective tenant, or someone who will reside with them, has behaved anti-socially within 3 years of being considered for a tenancy
- Temporary lets to persons moving into the area to take up employment to enable them to seek accommodation
- Temporary lets pending development affecting a property
- Temporary lets to homeless persons for tenancies 6 months or over
- Temporary lets to persons requiring or receiving housing support services as defined in section 91(8) of the Housing (Scotland) Act 2001
- Temporary lets where other property owned
- Lets in houses leased by us from another body where the terms of the lease preclude us from subletting under an SST.

165.3 Rights of the SSST

- There is no right to succeed to the tenancy
- Security of tenure is limited
- Rights to assign, sublet or exchange are limited to the period of the SSST

165.4 SSST for Anti-Social Behaviour

We may convert a tenancy to a SSST when there is evidence that a tenant, someone living with them, a subtenant or visitor has behaved antisocially in or in the locality of the house during the preceding three years of serving a Notice. We may also create an SSST for a prospective tenant who has, or anyone living with them has behaved antisocially within three years of them being considered for a tenancy. The SSST will last for a minimum of 12 months and will convert to a SST unless we have taken action to evict the tenant. However, we can extend the SSST for a further one-off period of 6 months if the tenant is in receipt of housing support services and we have notified them of the reasons for the extension.

We will make it clear to tenants that the SSST is being granted because of certain behaviour and that it will convert to a SST in 12 months provided the tenancy is conducted satisfactorily. We will make it clear that certain support will be made available specifically to help the tenant to successfully convert to a SST.

If the tenant refuses support, we will decide whether to offer the SSST without the support or make acceptance of the support a condition of the offer.

If there are serious breaches of tenancy during the 12-month period (18 months where the extension applies) we will seek to recover possession at any time using the grounds set out in Schedule 2 of the Housing (Scotland) 2001 Act. However, if the tenant, someone living with them, a sub tenant or a visitor ~~has~~ been convicted of serious criminal or anti-social behaviour in or around the property which is punishable by imprisonment (irrespective of whether the conviction itself imposed a term of imprisonment), we may seek to recover possession using the streamlined eviction process provided the conviction was within the previous 12 months and the criteria for the streamlined process is met.

If we serve Notice to commence repossession action, a tenant can apply to the Association to have the decision reviewed within 14 days of service of the Notice. The Association must notify the tenant of the decision of the review and if the decision is ~~to~~ seek recovery of possession, provide the tenant with an explanation.

~~165.5~~ If we serve Notice to commence repossession action, a tenant can apply to the Association to have the decision reviewed within 14 days of service of the Notice. The Association must notify the tenant of the decision of the review and if the decision is ~~to~~ seek recovery of possession, provide the tenant with an explanation.

~~165.6~~ Tenants have the right to appeal to the Courts if they are not satisfied with the type of tenancy or occupancy offered by us. We will make tenants aware of this right when offering a SSST and of their right to appeal our decision. In the event of an appeal, we will not hold the property offered pending the outcome but if the tenant's appeal is upheld will offer the first available suitable property.

#### ~~176.0~~ Sub-lets

~~176.1~~ All Scottish secure tenants have the right to sub-let provided they have made their request in writing and received our written permission. We may refuse consent if we have reasonable grounds for doing so (See Appendix 1).

- 17.2 If a tenant wants to sublet all or part of their home, they must have lived in the property as his or her ~~principle~~-~~principal~~ home for a minimum of 12 months immediately before the date of their written request. If they were not the tenant throughout that period, it must have been their only or ~~principle~~-~~principal~~ home during the previous 12 months, and the tenant must have told us they were living there. The length of time the person who wants to sublet the house has been living in the property starts from the date we were notified that they are living in the house as their only or ~~principle~~-~~principal~~ home. A tenant can update their details at any time in their My Home account, and the My Home software contains full audit trails that record the date and time of any change made. If we receive this information in any other way (for example in writing), our staff will update the tenant's My Home record for them. Therefore, the date recorded in the My Home software will normally be the date we use as the date we were informed that someone became a member of the household.
- ~~17.6.3~~ We will normally only consider giving permission to sub-let when the tenant will be away from home for a temporary period. Permission to sub-let will only be granted for a specific period during which the tenant may be away, not normally exceeding 12 months. This period may be extended dependant upon individual circumstances and subject to the approval of the ~~Director of Housing~~ Manager.
- ~~17.6.4~~ Permission will only be granted on condition that the tenant has registered as a Private landlord with the Local Authority and fulfils the criteria for registration.
- ~~17.6.5~~ We will consider applications to sublet workshops as it could be a means of alleviating business difficulties experienced by Workshop Homes tenants.
- ~~17.6.6~~ Permission to sub-let will be conditional upon us approving the tenancy agreement to be issued to the sub-tenant and the amount of rent to be charged.
- ~~17.6.7~~ The tenant will remain responsible for ensuring that all conditions of their tenancy are fulfilled throughout the period of the sub-let.
- ~~17.6.7~~~~8~~ The property must be occupied only by the person(s) for whom we have given permission, and we reserve the right to refuse an application to sub-let (see Appendix 1).
- ~~17.6.9~~ If, at the end of the sub-let, the tenant does not move back into the property and we have not granted an extension to the period of sub-let, we may raise proceedings to terminate the tenancy.

~~17.6-10~~ We must respond to requests to sub-let within 28 days of receiving the application giving our decision. If we fail to respond within this timescale, it will, by law, be taken that we have agreed to the request.

### **187.0 Succession**

~~187.1~~ Succession to a Scottish secure tenancy means a person, who is a qualifying person, inheriting that tenancy on the death of the tenant.

~~187.2~~ A Scottish secure tenancy can only be succeeded to twice. Each time there are three levels of priority (See Appendix 3) if the tenancy has been inherited twice, the third death will normally end the tenancy. However, this will not happen if there is a surviving joint tenant, in which case the tenancy will continue.

~~187.3~~ We will grant a succession providing the following conditions are met:

- The tenant has died
- The successor must be a qualified person as stated in Clause 7 of the Scottish secure tenancy agreement (see Appendix 3)

~~187.4~~ Succession is an automatic right and cannot be refused ~~on the basis of~~ based on tenancy breaches by the deceased tenant.

~~187.5~~ Before granting a succession, we will need to be satisfied that the person applying to succeed is a qualifying person. They also need to meet the notification and residency requirements (see Appendix 3).

~~187.6~~ If more than one person qualifies under any of the levels of priority, they must decide amongst themselves who should get the tenancy. If they cannot agree within 4 weeks of the tenant's death, we will make the decision.

~~187.7~~ Qualifying successors will sign a slip which will be attached to the SST agreeing to be bound by the conditions of the original SST.

~~187.8~~ If a qualifying person living in the property does not wish to succeed to the tenancy, they should tell us in writing within 4 weeks of the date of death of the tenant. They legally have up to 3 months from the date of death to vacate the property. They will be charged for occupancy at the same rate as the rent for the property, but payments will be taken as 'in lieu of occupancy charges' and no Scottish secure tenancy will be created.

~~187.9~~ If the house is designed or substantially adapted for a person with special needs, only a person qualifying at level 1 can succeed to the tenancy in the first round of succession (see Appendix 3) unless that person has special needs requiring that type of accommodation. If a person would

have qualified otherwise at level 2 or 3 we will make other suitable accommodation available. In these circumstances, the Scottish secure tenancy will continue, and the person will pay an occupancy charge at the same rate as the rent until such time as suitable alternative accommodation is offered.

~~187~~.10 Where paragraph ~~17.10-9~~ above applies and a person qualifying at level 1 has succeeded to the tenancy, a second round of succession will only be allowed to a qualifying person if that person has special needs requiring the design features or adaptations provided in the property.

~~187~~.11 If, after two successions, the second successor dies and there is a person in the household who would otherwise qualify to succeed to the tenancy (but is not a joint tenant) they will be allowed to remain in the property for a maximum of 6 months following the date of death of the tenant. The person will be offered an occupancy agreement.

~~187~~.12 If an applicant is not a qualifying person, we do not have discretion over whether to grant a succession of tenancy. In such cases, where there are no other qualifying persons, the applicant will be allowed to remain in the home for up to three months whilst they seek alternative accommodation. They will be charged for occupancy at the same rate as the rent for the property, but payments will be taken as 'in lieu of occupancy charges', and no Scottish secure tenancy will be created.

~~187~~.13 In exceptional circumstances only, we may consider it appropriate to allocate a tenancy of either the existing tenancy or another property to the applicant. In these cases, a new tenancy will be granted, and it will not be a succession. These cases will be reported to the Audit & Assurance Committee in accordance with our [These Homes \(Allocations\)](#) policy.

~~187~~.14 If anyone is dissatisfied with a decision regarding a right of succession they can appeal using our Complaints Procedure.

#### ~~198~~.0 Tenancy Terminations

~~198~~.1 All tenancy terminations must be confirmed in writing; contain the tenant's signature and will normally be subject to one month's notice in accordance with the terms of the Tenancy Agreement. They can only be submitted by email or through My Home if accompanied by a scanned document containing the tenant's signature.

~~198~~.2 If the tenancy is being terminated due to the death of the tenant, two weeks rent free will be allowed for the family to clear the house. This may be extended to a maximum of four weeks, with the approval of the ~~Director of Housing~~ [Manager](#).

- 198.3 If the termination is as a result of an offer of housing from another RSL or Local Authority, the period of notice may be reduced, and the tenancy ended the day after the keys are received.
- 198.4 If a tenant is permanently hospitalised or moves to a nursing home, and they cannot sign a termination form, then the tenancy can only be terminated by someone with the legal power to do so e.g. a Power of Attorney. If the tenancy is terminated in this way and we have been told about someone living in the property who has been resident for at least 12 months before the tenant was hospitalised, we may offer the tenancy to that person, provided this complies with our [These Homes \(Allocations\)](#) policy; for example, if the property is adapted or will be under occupied by more than 1 bedroom we would offer suitable alternative accommodation.
- 198.5 At the termination of tenancy the tenant will be required to leave a clear rent account and the property in an acceptable condition in accordance with the terms of the SST.

#### **2049.0 Transfer of Tenancy**

- 2049.1 There is legally only one type of transfer which should be called a transfer of tenancy: - transfer from one spouse to another by the court under the terms of the Matrimonial Homes (Family Protection) (Scotland) Act 1981. Our consent to this is not required but we are able to object to the transfer by representation in Court.
- 2049.2 When the Court makes such an order, the new tenant will assume all rights and obligations of the former tenant other than the rent arrears. However, where the tenancy was a joint tenancy, the tenants remain jointly and severally liable for any arrears accumulated before the Order. That means that either spouse can be obliged to repay the entire amount.
- 2049.3 In all cases, a new Tenancy Agreement must be signed, and we must retain a copy of the Court Order.

#### **210.0 Voluntary Changes in Tenancy**

##### **210.1 Joint to Sole tenancy**

If one joint tenant wishes to relinquish their share of the tenancy, then this must be done by written agreement between both joint tenants and us. This does not end the tenancy which will continue in the name of the remaining tenant, who assumes responsibility for all aspects of the tenancy, including for example, any rent arrears.

##### **20-221.2 Sole to Joint tenancy**

Formatted: Outline numbered + Level: 2 + Numbering Style: 1, 2, 3, ... + Start at: 2 + Alignment: Left + Aligned at: 1 cm + Indent at: 1.82 cm

All Scottish Secure tenants have the right to a joint tenancy with one or more individuals, provided the proposed joint tenant has lived in the property as their only or ~~principle~~-~~principal~~ home for the 12 months immediately before the date of the written request, and the tenant or proposed joint tenant had notified us of them moving in the property. The length of time the proposed joint tenant has been living in the property will start from the date we were notified of them living there as their only or ~~principle~~-~~principal~~ home. A tenant can update their details at any time in their My Home account, and the My Home software contains full audit trails that record the date and time of any change made. If we receive this information in any other way (for example in writing), our staff will update the tenant's My Home record for them. Therefore, the date recorded in the My Home software will normally be the date we use as the date we were informed that the assignee became a member of the household.

–The person the tenant wants to add as a joint tenant, and any existing joint tenants, must apply in writing along with the tenant.

We may refuse consent if we have reasonable grounds for doing so (See Appendix 1).

When we receive a joint tenancy request, we will explain the advantages and disadvantages of entering into such a contract. The main point being that, although both or all parties will have equal rights to the tenancy, it may be difficult in practice to exercise this right (e.g. when one party has been forced out of the house) but at the same time both / all tenants are jointly and severally responsible for the tenancy, including rent payments.

We must respond to a request for a joint tenancy within 28 days of receiving the request, giving our decision. If we fail to respond within this time, it will, by law, be taken that we have agreed to the request.

## **224.0 Equal Opportunities**

224.1 We will not discriminate unreasonably in the operation of this policy on the basis of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, ~~and~~–race, religion or belief, sex, or sexual orientation.

224.2 We aim to promote equal opportunities and comply with the requirements of the Equality Act 2010.

## **232.0 Training**

232.1 All appropriate staff, particularly housing management staff, will receive training to enable them to ensure that the aims of this policy are achieved.

**243.0 Performance Monitoring**

243.1 The Audit & Assurance Committee will monitor the operation of this policy through the submission of quarterly reports.

**254.0 Review of Policy**

254.1 The Director of Housing will ensure that this policy is reviewed every five years, or earlier if there is a significant change in legislation. Any significant amendments required will be submitted to the Management Committee for approval.



Tenancy Management Policy

Appendix 1

The Housing (Scotland) Acts 2001 & 2014 state that we may refuse to consent to a request for an assignation, lodger, mutual exchange, sublet or joint tenancy providing we have reasonable grounds for doing so. The Acts set out particular grounds for refusal, but this does not take away our general right to refuse. Tenants aggrieved by a decision have access to an appeals procedure.

**Statutory Grounds for refusal [Housing (Scotland) Acts 2001 & 2014**

Assignation, subletting joint tenancy or lodgers

- We have served a Notice of Proceedings on the tenant warning that we may seek eviction on certain grounds because of the tenant's conduct
- We have obtained an order for eviction
- In the case of sub-letting and lodgers, the rent or deposit proposed is unreasonable
- The proposed change would lead to the criminal offence of overcrowding
- We intend to carry out work on the house (or building of which the house forms part) which would affect the part of the house connected with the proposed change
- We have not been notified that the relevant person has been living in the property as their only or ~~principle~~ principal home
- The relevant person has not been living in the property for the required 12 month period
- Where the proposed assignee would not be given reasonable preference (priority) under our Allocations Policy
- If the assignation would result in the house being under-occupied

Mutual Exchanges

- We have served a Notice of Proceedings on the tenant warning that we may seek eviction on certain grounds because of the tenant's conduct
- We have obtained an order for eviction
- The house was let to the tenant because of his/her employment with us.
- The house was designed or adapted for persons with special needs and if the exchange was allowed, there would be no person living in the house who required those designs or adaptations
- The house is substantially larger for the proposed tenant and his/her family needs or is not suitable for the needs of the proposed tenant and his/her family
- The proposed change would lead to the criminal offence of overcrowding

**Other Reasonable Grounds:**

General

- If there are rent arrears outstanding
- If the proposed tenant, sub tenant or lodger fails to meet the requirements set out in our Allocations policy in terms of eligibility for housing (in practice this means that they would be able to complete our Registration process and would not be placed 'on hold' for any reason if they were to register)
- We have information (from official sources) regarding the person/s who will become the tenant, sub-tenant or lodger that, were it in respect of a direct application for housing, would be sufficient to enable us to place that applicant 'on hold' on our housing register

Mutual Exchanges

- The house and garden of the incoming applicant is in an unsatisfactory condition, or they have broken other tenancy conditions.
- Our tenant has altered the property without permission and needs to bring the property up to an acceptable standard.
- The exchange will result in under-occupation of more than one bedroom
- The Association's property is for designated special needs and the proposed incoming tenant does not meet the allocation criteria or require the facilities provided (e.g. wheelchair or amenity housing)
- An unsatisfactory report is received from the landlord of the incoming tenant.
- Either party has a medical condition and the proposed exchange property is unsuitable.
- Other social reasons in accordance with our allocations policy.

**The above list is not exhaustive, and we may refuse consent if we have other reasonable grounds for doing so.**

Appendix 2

**SERVICE AGREEMENT**

~~East Lothian Housing Association  
18-20 Market Street  
Haddington  
East Lothian EH41 3JL~~

~~Contact: Karen Barry.~~

~~Telephone: 01620 825032~~

~~Fax: 01620 826596~~

~~Contract Period: 2 years~~

~~Start Date: 1 February 2017~~

~~End Date: 31 January 2019~~

~~Review: Annually~~

~~Inspection: Periodically by Housing Officer's~~

~~ing: ½ yearly meeting to be arranged by East Lothian Housing Association~~

~~Access: Keys will be provided by East Lothian Housing Association~~

~~Invoices should be sent monthly to the Housing Manager by 28<sup>th</sup> of each month and should detail:~~

- ~~• dates of clean~~
- ~~• cost of weekly, fortnightly & monthly clean~~

~~ct: East Lothian Housing Association expects all contractors to be courteous and polite to all staff and tenants during the course of their work.~~

~~ials: Clean fresh water to be used for each stair. Water to be supplied by cleaning company.~~

~~To be agreed between East Lothian Housing Association and Cleaning Company.~~

~~ety: The Association requires a copy of the Cleaners' Health and Safety policy, in the absence of which they will be required to comply with the Association's policy.~~

~~The Association requires a copy of the Cleaners' Equalities policy statement, in the absence of which they will be required to comply with the Association's~~

**Cleaning**

~~Equipment: It is essential that clean, fresh mops are used.~~

~~Certificate of Insurance to be provided by Contractor to cover period of contract.~~

**Termination**

~~Either party may terminate by giving 3 months notice. ELHA may terminate by giving 1 months notice if the contractor does not comply with the service agreement or does not clean to the required standards.~~

**STAIR CLEANING SPECIFICATION**

**FREQUENCY**

FREQUENCY

<b>Floors:</b>	Vacuum all floor mats/carpets. Sweep all passages and stairs from ground to top, including steps and uplift all litter.	fortnightly
	Wash all floors and entrance using germicidal cleaner.	
<b>Windows:</b>	Wash windows internally and externally.	6 monthly
<b>Doors:</b>	Wash communal door inside and outside.	monthly
<b>Walls:</b>	Internal walls to be washed	6 monthly
<b>Binstores:</b>	Remove any rubbish, sweep out and wash using germicidal cleaner.	monthly
<b>General:</b>	Clean lights, railings and skirtings, risers and tramlines. Stairs and landings should be left dry from excess water to prevent danger to public.	monthly

Appendix 3

**ORDER OF SUCCESSION**

A Scottish secure tenancy can be inherited twice. Each time there are three levels of priority:

**Level 1**

Priority goes to the surviving spouse, civil partner or joint tenant provided the house was their only or ~~principle~~principal home at the date of death.

Priority also goes to a co-habitee providing the house has been his or her only or principal home for at least 12 months immediately before the tenant's death, and the tenant or co-habitee has notified us that they are living in the property. The length of time they have been living in the property as their only or ~~principle~~principal homes starts from the date we were notified. A tenant can update their details at any time in their My Home account, and the My Home software contains full audit trails that record the date and time of any change made. If we receive this information in any other way (for example in writing), our staff will update the tenant's My Home record for them. Therefore, the date recorded in the My Home software will normally be the date we use as the date we were informed that the assignee became a member of the household.

**Level 2**

If nobody qualifies or chooses to succeed from the first priority group, priority goes to other members of the tenant's family, providing that they are aged 16 years or over. The property must have been his or her only or ~~principle~~principal home for at least 12 months immediately before the tenant's death, and the tenant or family member must have notified us that they are living in the property. The length of time they have been living in the property as their only or ~~principle~~principal homes starts from the date we were notified. A tenant can update their details at any time in their My Home account, and the My Home software contains full audit trails that record the date and time of any change made. If we receive this information in any other way (for example in writing), our staff will update the tenant's My Home record for them. Therefore, the date recorded in the My Home software will normally be the date we use as the date we were informed that the assignee became a member of the household.

**Level 3**

If nobody in any of the above categories qualifies or chooses to succeed, priority goes to carer's aged at least 16 where the house has been their only or principal home for at least 12 months immediately before the tenant's death and where they have given up their only or principal home to care for the tenant or a member of the tenant's household.

The tenant or carer must have notified us of them living in the property, and the length of time they have been living in the property as their only or ~~principle~~principal home starts from the date we were notified. A tenant can update their details at any time in their My Home account, and the My Home software contains full audit trails that record the date and time of any change made. If we receive this information in any other way (for example in writing), our staff will update the tenant's My Home record for them. Therefore, the date recorded in the My Home software will normally be the date we use as the date we were informed that the assignee became a member of the household.

Note:

If more than one person qualifies under any of the levels of priority stated above, they must decide amongst themselves who should get the tenancy. If they cannot agree within 4 weeks of the tenant's death, we will make the decision.

## Tenancy Management Policy Review

### Report by Karen Barry, Director of Housing – for Approval

---

#### 1.0 Introduction

The Tenancy Management Policy is due its periodic review.

#### 2.0 Proposed Changes

A desktop review has been undertaken no significant changes are being proposed. Tenants were invited to take part in the review through e-news and the Talkback newsletter, and the Tenant Involvement Group was consulted. No feedback was received.

The minor amendments proposed are tracked on the **Policy Document** attached to this report and are self-explanatory. Key changes include:

Section	Comments
2.0 Legal & Regulatory Framework	This section has been added to clarify the Scottish Social Housing Charter requirements, bringing the format of the policy in line with all other service policies
4.0 General Principles	Amendments have been made to this section following an Equality Impact Assessment, to clarify the support in place for tenants with protected characteristics
7.0 Care of Estates	7.4 has been added to explain that a hard landscape maintenance contract is in place for unadopted ground, for example, car parks and some access paths, and that these will be monitored in line with the Contracts Management Policy
8.0 Care of Gardens	8.4 has been amended to remove reference to age which was highlighted as part of an equality impact assessment
9.0 Car Parking	Reference to considering a permit holder only service has been removed from the Policy (this was successfully introduced in North High Street, Musselburgh a number of years ago which resolved an issue at that time, but the company then ceased to provide a service; it is very unlikely to be required in any other developments)

**3.0 Equality Impact Assessment**

Consideration had been given to the Equality & Diversity Policy and an Equality Impact Assessment (EIA) of this Policy has been carried out, with amendments made at Sections 3.0 and 8.0 as noted above.

EIAs are a regulatory requirement and evidence of the assessment will be provided to the Governance Committee for consideration, and will form part of the Evidence Bank to support the Annual Assurance Statement

**Recommendation**

The Management Committee is asked to approve the revised Tenancy Management Policy.



**Date Issued**            October 2019

**Last Review Date**    November 2024

**Department**           Corporate

**Title**                    **Freedom of Information Policy**

**Objective**            To describe our arrangements for complying with requests submitted under the Freedom of Information (Scotland) Act 2002 and Environment Information (Scotland) Regulations 2014

**Responsible**        Chief Executive / Director of Housing

**Next Review Date**   November 2029

## **1.0 Introduction**

- 1.1 The Freedom of Information (Scotland) Act 2002 (FOISA) and the Environmental Information (Scotland) Regulations 2014 (EISR) enable the public to access information held by Scottish Public Authorities.
- 1.2 The purpose of this policy is to outline the principles and procedures for providing access to information held by East Lothian Housing Association in accordance with FOISA and EISRs.
- 1.3 All staff must be aware of the policy and the EISR responsibilities under FOISA and the EISR and should be prepared to provide advice and assistance to prospective customers.
- 1.4 Procedures are provided for staff in the handling of FOISA and EISR requests and reviews, and for ensuring that our Publication Framework is regularly reviewed and updated.
- 1.5 This Policy does not apply to requests received by the Association's from persons for access to their own personal data. Such requests must be handled in accordance with our Privacy Policy and Subject Access Request procedures.

## **2.0 Principles**

- 2.1 We are committed to the underlying principles of openness and transparency underpinning FOISA and EISR and complying fully with the requirements of this legislation. We will:

- Handle requests for information in accordance with legal requirements and best practice, including the guidance contained within the Scottish Ministers Codes of Practice relating to FOISA and EISR, as well as any relevant guidance issued by the Scottish Information Commissioner (SIC) – [www.itspublicknowledge.info](http://www.itspublicknowledge.info)
- Respond to requests as promptly as possible and will only use the maximum period for response and issue a fees' notice for access to information in circumstances where this is strictly necessary
- Consider the needs of individuals when presenting information under FOISA and EISR
- Make all staff aware of thEISR responsibilities under FOISA and EISR and support them in fulfilling those responsibilities
- Publish a wide range of information through our Publication Scheme
- Monitor compliance with FOISA and EISR with a view to continuous improvement
- Respect data protection in accordance with the GDPR and Data Protection Act 2018 when complying with FOISA and EISR
- Only withhold information where we are entitled to do so under FOISA and EISR and explain why any information is withheld
- Provide advice and assistance to individuals seeking to access information

### **3.0 Responsibilities**

- 3.1 The Chief Executive and Director of Housing share lead management responsibility for FOISA and EISR within ELHA. This will include effective implementation and regular review of this Policy.
- 3.2 Our Executive Support team will receive, and process requests made under FOISA and EISR and will ensure requests are passed to the appropriate staff member to action. Our Chief Executive will review, and quality check the final response before it is issued by the Executive Support Team.
- 3.3 The Executive Support team will also deal with any requests for a review, and ensure that links within our Guide to Information are kept up to date.
- 3.4 Line Managers are responsible for raising awareness of this policy and ensuring that the staff they manage are aware of what to do if they receive a request for information directly.
- 3.5 All staff must be aware of and comply with this policy and immediately forward any requests for information requests received by them to the Executive Support Team.

- 3.6 If staff have any questions or comments about the content of this policy or if they need any further information, they can seek guidance from the EISR Line Manager or Executive Support Officer.
- 3.7 Staff should be aware that where an information request is received, a criminal offence is committed if an employee deletes or alters information held by us with the intention of preventing disclosure of that information. Where staff are unsure if deletion or alteration of information may result in an offence, they should seek guidance from the Director of Housing.

#### **4.0 Scope of the Policy**

- 4.1 FOISA provides for a right of access to recorded information held by the Association and its subsidiary organisations in relation to housing activities. This covers any activities undertaken by us in relation to housing services as defined in Section 165 of the Housing (Scotland) Act 2010, including information in any format regarding the following:
- The prevention and alleviation of homelessness
  - The management of social housing accommodation
  - The provision and management of sites for gypsies and travellers
  - The supply of information to the Scottish Housing Regulator (SHR) by us in relation to our financial wellbeing and standards of governance
- 4.2 Examples of information held by us covered by FOISA include information on housing applications submitted to the Association, allocations of a property, general tenancy management (such as complaints, rent calculations and reviews, rent arrears and evictions), tenant participation, policies and procedures relating to the provision of housing services, rent payments & service charges for Shared Owners, estate management and management of communal areas, performance and regulatory matters such as notifications, returns and reports to the Scottish Housing Regulator and the Associations other regulators.
- 4.3 EISR provides a right of access to 'Environmental Information' held by us. Environmental Information has a very wide definition which is set out in Regulations and is very technical and complex. We will always refer to SIC guidance, but examples of information covered by EISRs may include development, sale and purchase of property, major repairs, surveys or building inspections.
- 4.4 This policy applies to any information held by us which relates to one or more of the functions set out at Section 4.1, regardless of format. This will include information created internally and information received from third parties. It will also relate to information which is held on our behalf.
- 4.5 This policy applies to all staff. Compliance with this policy is compulsory and any staff member who fails to comply may be subject to disciplinary action.

## 5.0 Legal Duties

5.1 We have three core duties which we must comply with under FOISA and EISR which are explained in Sections 6.0 - 8.0 below:

- Duty to respond to information requests
- Duty to provide assistance and advice
- Duty to publish

## 6.0 Duty to Respond to Information Requests

6.1 A request for information made to the Association must include the following particulars for it to be a valid request:

- The full name of the person making the request – using first or given names is not sufficient. If the name is not clear from the request or it appears that the request is being made on behalf of another person, then the Association is entitled to refuse the request, subject to staff first providing appropriate advice and assistance to try to validate the request
- Address for correspondence, which may consist of a post or e-mail address
- A description of the information to which the individual is seeking access to

6.2 A FOISA request must be in writing or other permanent form such as a letter, e-mail, social media message, audio recording or made to us via the website [www.whatdotheyknow.com](http://www.whatdotheyknow.com) but it does not need to specifically refer to FOISA in order for it to be a valid request.

6.3 An EISR request does not need to be in writing, can be made verbally and does not need to specifically refer to the EISR.

6.4 We will provide an individual with appropriate advice and assistance to validate a request by, for example, assisting the person to put a FOISA request in writing if they are unable to do so. We must not ask the person why they seek access to the information requested; we are not entitled to know this.

6.5 We will accept requests made by a third party on behalf of a person. The request must contain the full name of the person on whose behalf the request is being made.

6.6 If we reject a request on the basis that it is invalid, we must advise the person of their right to request a review, and if they remain dissatisfied, we must advise of their right to make an application to the SIC for a decision on the handling of their request.

- 6.7 We will acknowledge receipt of a request, explaining who will handle the response and when it will be provided. We aim to respond to information requests promptly, and in any event within 20 working days of receiving the request (except in some circumstances under EISR where we are entitled to extend the timescale for responding by an additional 20 working days where the request is complex or voluminous). The timescale for response can be paused when an individual is asked for clarification on their request or a fees notice is issued by the Association (see 6.8 & 6.9 below), and resumes when the clarification has been provided or fee has been paid by the person.
- 6.8 Where we are providing an individual with information they have requested we will, where reasonable, provide information in the format that the individual has requested and will adhere to any duties under the Equality Act 2010. Where we are refusing to provide information to individuals, we will clearly explain to the individual what provision in FOISA or EISR allows us to withhold that information and why we believe that provision applies (including, where required, an explanation of how we have carried out the Public Interest Test).
- 6.9 We are not obliged to create or acquire information from a third party to satisfy a request. The duty to respond to requests extends to information held by the Association as at the date of receipt of the request. Where we are asked to provide information which we do not hold, but we know that another Scottish Public Authority does hold the requested information, we will provide contact details of that Authority to the individual requesting the information and explain that the individual may wish to request the information from that Scottish Public Authority. Where a request is being handled under EISR and these circumstances apply, we will offer to transfer the individual's request to the other Scottish Public Authority.
- 6.10 We may choose to charge for fulfilling information requests received from individuals. Any charges made by us will be made in accordance with:
- For requests being handled under FOISA: the Freedom of Information (Fees for Required Disclosure) (Scotland) Regulations 2004
  - For requests being handled under EISR: the Schedule of Charges set out in our Guide to Information
- 6.11 Any fee charged by us will be reasonable and will not exceed the costs of providing the requested information. Fees are published on [elha.com](http://elha.com), in our Guide to Information.
- 6.12 We aim to be as open as possible when carrying out our activities, however there may be circumstances when we cannot disclose information. FOISA and EISR contain two categories of exemption (or exception in the case of EISR) from disclosure of the requested information. These exemptions are set out in Section 39(2)(a) of FOISA ([SIC Guidance Notes](#)).

- 6.13 In applying the exemptions, we will explain to the individual that we hold the requested information and specify which exemption has been applied and the reasons why we have applied this. However, dependent upon the information requested we may partially respond by redacting only the exempt information and not withhold the full document in which the information is contained.
- 6.14 Where the information requested concerns a third party, we may consult the third party to seek their views on disclosure and any resultant harm that may arise. We will not disclose the identity of the individual making the request to the third party and will undertake the consultation as soon as possible following receipt of the request to allow the third party to submit their views, and for us to consider them and respond to the individual in accordance with the relative timescales. We will notify the third party when the information has been published.

## **7.0 The Duty to Provide Advice and Assistance**

- 7.1 We have a duty to provide reasonable advice and assistance to a person who proposes to make, or has made, a request for information at all stages of the request.
- 7.2 The aim of providing advice and assistance is to give the individual an opportunity to discuss their application with us, with a view to helping them to describe what is being sought reasonably clearly, so that we can identify and locate it. Staff must not give individuals the impression that they are obliged to disclose the intent behind their request or that they will be treated differently if they do so.
- 7.3 We will provide the advice and assistance to ensure that all barriers which may potentially prevent an individual from accessing information are removed. We will comply with this duty by following the guidance contained in the Section 60 Code of Practice issued by Scottish Ministers. [Section 60 Code of Practice](#)
- 7.4 Examples of reasonable advice and assistance that staff must provide include:
- Providing guidance on how to make a request and associated fees
  - Helping a person to understand the processes, procedures and legislation involved in making a request for information
  - Helping an applicant describe the information sought or to clarify their request
  - Helping to validate requests where all of the required particulars have not been provided by the person
  - Providing outlines of relevant information held by us
  - Maintaining dialogue with an applicant regarding who is handling the request (third parties being consulted and when the person should expect to receive a response)

- Sending reminders to the individual in relation to clarifications and fees required
- Being sensitive to an applicant's circumstances, particularly in relation to disability and literacy
- Finding suitable alternatives if information cannot be provided in the format requested by the individual
- Informing an individual about what can be provided within the fees limit
- If an individual cannot afford to pay the fees, highlighting to them what can be provided free of charge
- Assisting an individual to understand the application of exemptions and exceptions and what other information held by the Association (that is not exempt or except) may be useful and relevant to an individual's request

## **8.0 Duty to Publish**

8.1 FOISA requires us to adopt and maintain a Model Publication Scheme which sets out the information that we routinely publish or intend to publish.

8.2 We have adopted the Model Publication Framework promoted by the Scottish Information Commissioner, which is known as our Guide to Information. The Guide is regularly reviewed and kept up to date by our Executive Support team and is available at [elha.com](http://elha.com) - [Guide to Information](#). A paper format is available on request but there may be an administrative charge for this.

8.3 EISRs do not require us to adopt and maintain a publication scheme but do require us to publish a schedule of charges and we must actively disseminate environmental information. We do this by including relevant information within our Guide to Information.

8.4 We will notify the SIC if we remove any information from our Guide to Information or make changes to our charging regime as this may affect the Commissioners approval of the scheme.

## **9.0 Handling Reviews and the SIC**

9.1 Where someone has requested information from us and:

- We have failed to respond to the request within the 20 working day deadline (or extended deadline in respect of certain requests made under EISR), or
- The person requesting the information is unhappy with the response to the request (for example where information has been withheld under one of the exemptions or exceptions available under FOISA/EISR)

Then they have the right to request that we review the response to their request within 40 working days of receiving the response to determine whether the provisions of FOISA or EISR have been followed. An individual does not specifically have to ask for a review, but they do have to specify why they are dissatisfied with the original response for the review request to be valid. Where possible or practicable, the staff member carrying out the review will not be the person who responded to or advised on the original request.

- 9.2 Where we perform a review and determine that a response to a request is not in accordance with FOISA or EISR, we will take immediate steps to rectify this (which could, for example, include releasing information which was previously withheld).
- 9.3 Where we perform a review and determine that a response to a request is in accordance with FOISA or EISR, the statutory timescale for response will begin and we will notify the individual who asked for a review as quickly as possible. The notice will set out an individual's rights to apply to the SIC and thereafter appeal against a decision by the SIC to the Court of Session on a point of law.
- 9.4 In any event, we will handle and respond to all requests for review within 20 working days.
- 9.5 When we respond to a review request, and an individual is unhappy with the response we will advise in writing that they may appeal to the SIC within six months of the response along with details of the Commissioner's office. If an appeal is made to the SIC and a decision handed down by them both we and the individual in question have a right to appeal to the courts on a point of law.
- 9.6 Procedures will be provided for staff handling reviews in accordance with the [Code of Practice](#).

## 10.0 Record Keeping

- 10.1 We will keep detailed records related to requests for information made to us, including:
  - Information about the individual making the request
  - Nature of the request for information, including whether the request was a FOISA or EISR request
  - Steps taken to retrieve the information relevant to the request, including searches undertaken in electronic and paper files and consultations with third parties (including the outcome of such consultations)
  - Concerns and other issues highlighted by staff and third parties regarding the disclosure of information
  - Notes on the decisions on the application of exemptions
  - Procedure followed at review stage including the outcome of review



- Whether the request for information and the requirement for review were responded to within the relevant timescales
- If there was an application to the SIC and any action taken by the SIC. If the outcome of any application to the SIC was that the Association was required to take steps to comply with FOISA or the EISRs, the steps taken and where they were taken will also be recorded

### **11.0 Records Management**

- 11.1 We may not refuse a request for information on the ground that we are unable to locate the information that is the subject of the request because of a lack of appropriate record management within the Association.
- 11.2 Staff must create and maintain complete, accurate, up to date and accessible records of the information relevant to their work at the Association. Staff must also comply with the Data Retention Schedule and destroy or dispose of information when it is no longer required to be held by the Association.
- 11.3 We will complete regular information audits on a functional basis to catalogue the information we hold, why that information is held and where it is located. This will assist in ensuring that requests for information are processed efficiently and that all available information is disclosed to the applicant.

### **12.0 Reporting**

- 11.1 The Executive Support team are responsible for compiling statistics on the Association's performance under FOISA and the EISRs and reporting them to the Senior Management Team and the Management Committee upon request.
- 11.2 The Executive Support team will also submit quarterly reports to the SIC.

### **13.0 Data Protection**

- 13.1 We are committed to upholding our data protection obligations set out in the GDPR and the Data Protection Act 2018.
- 13.2 Under data protection laws, individuals have the right to request access to all of the information that we hold about them. This and other rights that individuals have under data protection are not covered by this policy. We have a separate Privacy Policy which sets out how we respond to these requests.

### **14.0 Equal Opportunities**

- 14.1 We are committed to ensuring that all people are given full and equal opportunity to make a request for information.

- 14.2 We will not discriminate in the operation of this policy on the basis of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, or sexual orientation. We aim to promote equal opportunities and comply with the requirements of the Equality Act 2010.
- 14.3 Where necessary, staff will assist and advise the applicant by helping to validate a request for them and read it back to them to ensure that an accurate record of the request has been taken.
- 14.4 We are members of Happy to Translate and will provide appropriate assistance to individuals who has difficulty with spoken English or whose first language is not English.
- 14.5 We will support visually impaired individuals by providing information in large print or an audio recording, and sign language interpretation for the hard of hearing, if appropriate.
- 14.6 Where an individual is unable to make a request on their own, we may accept requests made on their behalf by a third party where an individual has authorised the third party to make the request. The person on whose behalf is being made must be named in the request, if not, we are entitled to refuse the request on the ground that it is not valid.

**15.0 Policy Review**

- 15.1 This policy will be reviewed by the Chief Executive or Director of Housing every five years, or sooner if there are any changes in legislation, with any material changes submitted to the Management Committee for approval.

## Freedom of Information Policy Review

### Report by Karen Barry, Director of Housing – for Approval

---

#### 1.0 Introduction

The Freedom of Information (Scotland) Act 2002 (FOISA) and the Environmental Information (Scotland) Regulations 2004 (EISR) place a general obligation on Scottish Public Authorities to allow the public access to information that they hold. Both FOISA and EISR are overseen by the Scottish Information Commissioner (SIC).

The requirements of FOISA and EIR were extended to Registered Social Landlords on 11 November 2019 when the Association adopted a Model policy. This policy is now due its periodic review.

#### 2.0 Proposed Changes

The review has highlighted a significant number of changes are required to the policy to provide greater clarity for staff and service users. These changes are in line with Section 60 & 61 of FOISA which required Scottish Ministers to issue two Codes of Practice. Given the scale of changes, the **Policy Document** attached to this report is a clean copy though a tracked changes version can be provided on request.

Key changes are set out in the table below.

Section	Comments
3.0 Responsibilities	The Director of Housing will share a lead management responsibility for FOISA and EISR within the Association
4.0 Scope of Policy	This section has been expanded and now provides examples of the information held by the Association, covered by FOISA and EISR
5.0 Legal Duties	This section has been amended to clearly set out the Association's legal duties
6.0 Duty to Respond to Information Requests	The section has been expanded in line with Section 60 Code of Practice to cover in more detail what the Association is required to do when a FOISA or EISR request is received

Section	Comments
7.0 The Duty to Provide Advice and Assistance	This section has been expanded in line with Section 60 Code of Practice and provides examples of what is considered reasonable advice and assistance
8.0 Duty to Publish	This section has been amended to reflect that the Association has adopted the Scottish Information Commissioners Model Publication Framework and provides a link to the Guide to Information on elha.com which is regularly updated by the Executive Team
9.0 Handling Reviews and the SIC	This section has been expanded in line with Section 60 Code of Practice to provide clearer guidance on the handling of a review and an individual's right to apply to the SIC
10.0 Record Keeping	This section sets out what is required in terms of record keeping relating to FOISA requests, in line with Section 60 Code of Practice
11.0 Record Management	This section has been added to reflect the requirements set out Section 61 Code of Practice. Staff must create and maintain complete, accurate, up to date, accessible records in line with the Data Retention Schedule
14.0 Equal Opportunities	This section has been added to provide clear statements on how the Association will comply with the Equality Act 2010

### 3.0 Equality Impact Assessment

Consideration had been given to the Equality & Diversity Policy and an Equality Impact Assessment (EIA) of this Policy has been carried out, with additions made at Sections 14.0 as noted above.

EIAs are a regulatory requirement and evidence of the assessment will be provided to the Governing Standards Working Group for consideration and will form part of the Evidence Bank to support the Annual Assurance Statement

### 4.0 Action Plan

The policy review has also highlighted the need for several actions to ensure compliance with FOISA and EISR. Target dates are still to be agreed in most cases and will be included in the 2025/26 Business Plan. However, the significant task of reviewing records held in the Associations filing systems is underway by the Management Team (ref FOI4) and this task is expected to be completed by year-end.

Ref	Action	Responsible	Target Date
FOI1	To provide a policy overview to all staff	Director of Housing	December 2024
FOI2	Develop a Records Management Policy	Director of Housing	
FOI3	Review existing procedures for handling FOISA requests and reviews in line with Section 60 Code of Practice, including downloading Notices from the SIC website	Executive Support Officer	
FOI4	Develop a recording system for all FOISA requests	Executive Support Officer	
FOI5	Review files in old/new file structure, off site storage and in basement to ensure compliance with GDPR and the Data Retention Schedule	Management Team	March 2025
FOI6	Review the Publication Framework Procedure to ensure compliant with Section 60 Code of Practice	Executive Support Officer	

**Recommendation**

The Management Committee is asked to approve the revised Freedom of Information Policy.

GROUP POLICY

**Date Issued** August 1996

**Last Reviewed** November 2024

**Department** HR

**Title** **Staff Training and Development**

**Objective:** To describe the arrangements for providing training to staff members

**Responsible** Chief Executive

**Next Review Date** November 2029

## 1.0 INTRODUCTION

Separate Staff Training and Development Procedures support this policy.

1.1 ~~4.1~~ We consider that the training and development of our staff is an essential part of achieving our aims and objectives and in the maintenance of effective, well motivated employees.

1.2  
~~4.1.3~~ We acknowledged that training and development are often self driven by individuals and encourage individuals to take initiative in identifying personal training needs. Management and the business plan also have a role to play in identifying areas where training is required.

1.2 We aim to make available appropriately funded training facilities which will allow employees to acquire and maintain the aptitude, skills, knowledge and qualifications necessary to perform their duties and responsibilities effectively. We will also try to meet the training needs of employees wishing to develop their careers.

1.3 This Policy applies to all members of staff. The Chief Executive and Line Managers will take account of the needs of employees at all levels when considering their Departmental Training Plans and budget requirements.

## 2.0 POLICY OBJECTIVES

2.1 We aim to:

- Ensure that we have sufficient trained, experienced and suitably qualified employees to meet our needs and to ensure the Group's continuing effectiveness in providing a good quality of service to our customers

- Provide the necessary training to enable employees to perform their present jobs effectively
- Ensure fairness, clarity and consistency for all Group staff members
- Provide a framework for ensuring that the business as well as employees benefit from development activities undertaken.
- Promote a culture of sharing knowledge and skills with work colleagues
- Improve skills required when employees move into new or different areas of work
- Assist employees to develop their ~~potential for career progression~~continuous professional development (CPD) consistent with the needs of both ourselves and the employee
- Ensure that there is equal opportunity for employees to obtain systematic training in accordance with our policy
- Meet the training and development needs of employees in the most effective way by using a variety of internal and external training facilities

### 3.0 TRAINING PRIORITIES

We will try to meet the needs of individual employees as far as possible. We will give priority to any training which is necessary to ensure that:

- Our legal obligations are met
- A high standard of service is provided to all of our customers
- Employees have the skills required to do their job effectively
- New procedures can be implemented
- New technology/equipment within the office can be operated effectively and safely

The purpose of our Staff Appraisal system is to:

- Give direction to the job and to relate it to our organisational priorities
- Set the work priorities, targets in relation to the above and monitor performance throughout the year
- Provide feedback on overall performance

- Identify training needs and support arrangements to assist the member of staff in undertaking their duties
- Provide an opportunity for staff to contribute to the Group's development
- Build good relations between staff and managers
- Ensure equality of opportunity

We set our training budgets annually to ensure we are able to support the training requirements of our staff as far as we can.

#### 4.0 FURTHER EDUCATION

4.1 ~~4.1~~—Any request from a member of staff for enrolling in further education and requiring financial support, must be authorised by the Management Committee / R3 Board (as appropriate).

4.2 ~~Further information regarding vocational training and qualifications can be found in our Terms & Conditions.~~

#### 5.0 PAYMENT OF TRAINING AND QUALIFICATIONS

5.1 ~~For appropriate courses (such as those leading to technical or professional qualifications), we can provide up to 100% of the cost or fees. We will pay the fees directly to the educational organisation or institution.~~

5.2 ~~Rules which apply to this funding:~~

We treat the fees paid as a loan. We will write off the loan 12 months after finishing the relevant course or examination. We will ask you to refund the full cost or part of the cost of fees if you voluntarily leave your employment within those 12 months, if you or the training institution prematurely ends your course or if you are dismissed during that period.

5.3 ~~The form at **Appendix 1** must be completed once the payment of the course has been agreed. The Manager should upload the signed form to the employee's documents section on People HR.~~

5.4 ~~If you withdraw from a course, you will have to repay the fees on the basis of 2.1.1 above, unless:~~

- you give us written justification and we agree that you withdraw from the course; and
- you have had to withdraw due to long-term sickness, maternity / adoption leave or redundancy.



**65.0 POLICY REVIEW**

**65.1** The Chief Executive is responsible for ensuring that this policy is reviewed at least every five years by the Management Committee.

Appendix 1

Undertaking to repay a loan for professional or vocational training fees

I..... , agree that I will continue working for you, .....  
for 12 months after completing any course you have paid the fees for.

If I leave your employment or am dismissed before the end of 12 months after  
completing the course or if I leave the course (or the institution makes me leave), I will  
refund you an amount to cover the period of service I would be due to work. This will  
be worked out using all money loaned to me for the course of studies.

I agree that you may take any amount I owe from my salary or other payments due to  
me under my contract of employment.

Signed ..... Date .....

## Staff Training & Development Policy

### Report by Martin Pollhammer, Chief Executive

---

#### 1.0 Policy Review

A desktop review of the Staff Training & Development Policy was carried out by the Executive Support Officer (HR) in line with EVH's model policy. Some minor changes were required to the existing information, which were mainly wording changes / additions throughout, to bring the Policy in line with EVH's model policy.

It should be noted that Section 3.0 may require further review if the Conversations Framework trial is deemed successful and the Appraisal Policy is replaced.

#### 2.0 JCC Review

The policy was previously reviewed by the JCC where a suggestion was made to add wording to cover the fact that the employee would be liable to repay the training costs should their employment end either during the training period or within 12 months of completing the training. These details have been added into the policy under Section 5.0.

#### Recommendation

The Management Committee are asked to approve the Staff Training & Development Policy.