

## Guide to Registered Tenant Organisations

### 1. What is registration?

The Housing (Scotland) Act 2001 introduced a number of tenant participation duties that all registered social landlords must carry out. One of these duties involves setting up and maintaining a register of tenant organisations.

By registering with LHA, tenants' groups will have a recognised role in the participation process. Groups will have the right to be consulted on a wide range of housing issues.

To register, groups must be able to show that they meet the conditions set out in section 4. Although they are called registered tenant organisations (RTOs), mixed groups such as tenants and resident associations can apply as long as they meet the conditions.

### 2. What does the register look like?


It is a public document that holds information about registered tenant organisations and includes information on:


- Details of the area they represent;
- How to contact the group; and
- When the group has its committee and annual general meeting;

Copies of the register are available for the public to see at our offices at 101 High Street, Fort William.

### 3. How does a group apply?

You can contact your Housing Officer at:

 101 High Street  
Fort William  
PH33 6DG

 01397 702530

- [housingmgt@lochaberhousing.org.uk](mailto:housingmgt@lochaberhousing.org.uk)

We will ask you to fill in a registration form and give us:

- A copy of your constitution (written set of rules)
- Details of the area your association represents, or a map outlining the area

- The names and contact details of committee members (identifying who holds which post); and
- A statement setting out how you plan to involve members and how you will represent their views.

Our Housing Management staff can give you help and advice to meet the necessary requirements. Contact us and we will meet with you to take you through the process. Once we receive this information, we will check that your group meets the conditions set out by the Scottish Government.

We will write to you within two weeks of receiving your application and let you know if we have accepted you for registration. If we do not accept you, we will explain why.

#### **4. What are the conditions?**

*(Adapted from Housing (Scotland) Act 2001 Guidance on Tenant Participation).*

##### **4a. Your group must have a written constitution that is available to the public and which sets out:**

- your objectives and the area you will cover;
- how people can become members of your group;
- the way the committee will work;
- how people can become committee members or hold certain posts;
- how the business of your group will be carried out;
- how decisions will be reached democratically;
- how you will manage funds;
- your arrangements for public meetings and an annual general meeting (AGM);
- how you can change your constitution;
- your commitment to promoting equal opportunities; and
- your commitment to promoting the housing and housing-related interests of tenants.

##### **4a. Your group must have a committee that:**

- (after the first year) is elected at an AGM;
- has at least five members;
- can elect others onto the committee during the course of the year;
- has elected people who can hold certain posts;
- holds regular committee meetings;
- holds advertised public meetings;
- can show that decisions are reached democratically; and
- promotes equal opportunities.

You can show that you meet sections A and B through a constitution. We will give you a Model Constitution for you to use.

We need to see that:

- your group answers to the tenants and residents that you represent
- decisions within your group are reached democratically; and
- you have the appropriate structures in place to run your association.

**4c. Your group must operate within a defined geographical area, which includes housing we own and manage. Membership of the group and involvement in its activities must be open to all tenants and residents within your defined area;**

You should give us the names of the streets that your group represents and you can give us a map so that you can outline the area your group covers.

**4d. Your group must keep appropriate accounting records and present an audited annual financial statement at an annual general meeting;**

We can give you training and information to help you with this.

**4e. Your group must show that;**

- It is committed to representing the interests of its members (tenants and residents in your area of operation); and
- It can represent the views of its members who are tenants of LHA.

Membership of your group must be open to all tenants and residents in your defined area. Because membership is open, we need to have some idea of how you will represent your members, such as a simple statement explaining how your group will be accessible and involve its members. This might be similar to the types of things you would say in your chairperson's report at your annual general meeting. For example:

- information about public meetings;
- information about newsletters;
- that you will encourage as many members as possible to your annual general meeting;
- that you may carry out a survey to get your member's view on a specific topic.

There are many ways in which you can make your group available to your membership. There are also different ways in which you can get their views so that you know you are representing their interests.

If you represent tenants of different landlords (for example, you may have tenants of The Highland Council represented in your membership), you should register with both landlords as long as you meet the conditions. However, when we consult you to get your views, we will want to make sure that we consult our own tenants.

**4f. If your group is made up of a mix of tenants and residents, a process must be in place that will allow us to get the views of our tenants;**

There will be occasions when we may want to get the views of our tenants and not the views of owner-occupiers or other residents. We need to agree a way for us to be able to do this – for example a tenant subgroup or tenant survey.

**5. How long does registration last?**

When you first register, we will need to carry out a detailed check against the conditions set out by the Scottish Government. Registration lasts for three years, however, to ensure that all the details we hold for you in our public register are up to date, we will send you a re-registration form annually, to be completed after your AGM.

**6. What if a group does not register?**

If your group chooses not to register, we would still include the group in consultations we carry out. However, we would not recognise you as an RTO and you will not have the legal rights of an RTO.

**7. What happens if there are any changes to a group?**

If your group's constitution, members, or area of operation changes, you must tell us. We may ask you to register again. You should send your application to register again to the tenant Housing Management staff no later than two weeks from the date the change takes place.

We will tell you if we have accepted you onto the register within two weeks of receiving your application.

**8. Can a group be removed from the register?**

We can remove a group from the register if any of the following circumstances apply:

- you no longer meet the registration conditions;
- your group no longer exists or does not operate;
- you do not follow the adopted Code of Conduct; or
- there is mutual agreement between you and us to take you off the register.

We can remove your group from the register after we have given you one month's notice.

**9. Can a group appeal against our decision?**


You may appeal against our decision:


- not to register your group;

- to remove your group from the register; or
- not to remove your group from the register.

If you want to appeal against our decision not to register your group or to remove your group from the register, you must write to the Housing Management Coordinator, who will make a decision. We will write to you within three weeks to let you know the outcome of your appeal.

If you are not happy with our decision you have the right to appeal further to:

 The Scottish Housing Regulator  
Highlander House  
58 Waterloo Street  
Glasgow  
G2 7DA

 0141 271 3810

## **10. Can a group get help and advice?**

We value and support our tenant and residents' groups. We recognise your independence and valuable input that can be achieved through these tenant participation arrangements. Our Housing Management staff will work with all groups to support them achieve registration. However, if your group wants to get independent advice, you could contact:

Tenant Participation Advisory Service (TPAS) on 0141 552 3633