

# Membership Policy

## **Our Commitment**

Argyll Community Housing Association is committed to providing equal opportunities across all services and to avoid discrimination. This policy is intended to assist ACHA to put this commitment into practice. Compliance with this policy should also ensure that employees do not commit unlawful acts of discrimination.

**This policy can be made available in other formats, for example in large print, audio-format or Braille: the document may also be available in other languages, in full or summary form, as appropriate.**

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## Section 1 Context

1.1 The aim of this policy is to ensure that Argyll Community Housing Association Limited (ACHA) acts in an open and transparent manner. We offer opportunities for people living, and organisations working, in Argyll and Bute who share our objectives, to participate in the shareholding of our Association.

## Section 2 The Law and Good Practice

2.1 The main legislation which pertains to this policy is covered under the following Acts:

2.1.1 **The Housing (Scotland) Act 2001:** provides a statutory right to all tenants with Scottish Secure Tenancies to receive information about their landlord's policies and procedures. The Act also obliges landlords to consult and provide tenants with information in developing their Tenant Participation Strategy.

2.1.2 **The Co-operative and Community Benefit Societies Act 2014:** consolidates previous industrial and provident society legislation including:

- Industrial and Provident Societies Act 1965
- Friendly and Industrial and Provident Societies Act 1968
- Co-operative and Community Benefit Societies Act 2003

2.1.2 **The Data Protection Act 2018:** provides rights to individuals in relation to personal data held about them; and regulates the use of personal data,

2.1.3 **The Freedom of Information Act (Scotland) 2002 and Environmental Information (Scotland) Regulations 2004:** entitles members of the public to receive information for a public authority, subject to certain exemptions such as the need for the protection of personal data, commercial sensitivity or national security.

2.1.4 **The Scottish Social Housing Charter:** the purpose of the Charter is to help improve the quality and value of the services that social landlords deliver for their tenants and other customers and supports the Scottish Government's strategic objective of a safer and stronger Scotland:

✓ **Charter Indicator 1: Equalities**

Social landlords perform all aspects of their housing services so that:

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.

This outcome describes what social landlords, by complying with equalities legislation, should achieve for all tenants and other customers regardless of age, disability, gender reassignment, marriage and civil partnership, race, religion or belief, sex, or sexual orientation. It includes landlords' responsibility for finding ways of understanding the needs of different customers and delivering services that recognise and meet these needs.

## ✓ **Charter Indicator 3: Participation**

Social landlords manage their businesses so that:

Tenants and other customers find it easy to participate in and influence their landlord's decisions at a level they feel comfortable with. This outcome describes what landlords should achieve by meeting their statutory duties on tenant participation. It covers how social landlords gather and take account of the views and priorities of their tenants; how they shape their services to reflect these views; and how they help tenants and other customers to become more capable of involvement.

### **2.1.5 Equalities Act 2010:** the Equality Act 2010 sets out the protected characteristics on which discrimination is prohibited in law.

The protected characteristics, in alphabetical order, are as follows:

- age;
- disability;
- gender re-assignment;
- marriage and civil partnership;
- pregnancy and maternity;
- race;
- religion or belief;
- sex; and
- sexual orientation.

## **Section 3 Our Policy Objectives**

### **3.1 Our Group Aims and Objectives**

3.1.1 To improve, develop and manage quality affordable homes for across Argyll and Bute by working in partnership, by:

- Achieving the Scottish Government housing standards and addressing housing need in Argyll & Bute, through development and upgrading;
- Providing quality customer care and equality across all our services;
- Developing the financial strength and capacity to meet current and future objectives;
- Deliver progressive and sustainable business performance and service delivery;
- Improving strategic relationships and partnerships;
- Continuous improvement of Scottish Social Housing Charter indicators;

### 3.2 Open Membership

3.2.1 We operate a policy of open membership within our areas of operation within Argyll and Bute (Rule 2.2). We aim to attract and encourage people and organisations from the communities we serve to become members of our Association.

3.2.2 Our members are the people, organisations and corporate bodies who hold a share in our Association and whose names are entered in our Register of Members. It is a requirement of membership that members support our aims and objectives (see 3.1).

### 3.3 Who can become a Member of the Association?

3.3.1 The following individuals may wish to consider applying to become a member, in compliance with Rule 7.4:

3.3.1.1 Tenants of the Association (over the age of 16 years).

3.3.1.2 Service users of the Association (over the age of 16 years).

3.3.1.3 Other residents within Argyll and Bute (over the age of 16 years) who support our aims and objectives who can contribute particular community, business or professional experience or skills relevant to the Association.

3.3.1.4 Organisations within Argyll and Bute who are sympathetic to our aims and objectives. These organisations would then, as a member, nominate a person to act as their representative for the purposes of attending and voting at annual general meetings and special general meetings. If appropriate, they can also become a member of the Board of Management or Area Committee of the Association.

3.3.2 An organisation which is a member is free to appoint any person it considers suitable as its representative to represent that organisation and will act in the best interests of the Association (as per Rule 14.1).

3.3.3 To confirm the identity of a representative, the organisation must send us a copy of the authorisation or appointment of an individual as a representative. This should be signed by a Director, Secretary or an Authorised Signatory of the organisation whose signature must be witnessed or, in the case of Argyll and Bute Council, signed by the Chief Executive or by a properly authorised Officer (as per Rule 14.2).

## Section 4 Implementing our Policy Objectives

### 4.1 Membership Applications – Procedure

4.1.1 People wishing to become members should complete an application form and send it with one pound (£1.00) to our Registered Office at Argyll Community Housing Association Limited, Menzies House, Glenshellach Business Park, Oban, PA34 4RY, (as per Rule 8.1)

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- 4.1.2 Our Board of Management will consider any application at its next meeting, as long as the application is received by us at least 14 days before that meeting.
- 4.1.3 An application for membership will not be considered by the Board of Management within the 14-day period occurring before an annual or special general meeting.
- 4.1.4 Once considered, we will, within seven working days (Rule 8.3), write to the applicant either to confirm their membership or advise why membership has been refused. If the application has not been approved, we will return the one pound (£1.00) payment.
- 4.1.5 Whilst it is our intention to encourage membership, the Board of Management has absolute discretion in deciding on applications for membership and the following shall constitute grounds for refusal of an application for membership (Rule 8.1):
- 4.1.5.1 Where membership would be contrary to our Rules or policies;
  - 4.1.5.2 Where a conflict of interest may exist which may adversely affect our work;
  - 4.1.5.3 Where the Board of Management considers that accepting the application would not be in the best interest of the Association;
- 4.1.6 If membership is confirmed, the new member will be issued with a copy of our Rules (Constitution) in addition to details of how they can participate in our work.
- 4.1.7 Each member will hold one share of the Association (as per Rule 8.3).
- 4.1.8 There will be no interest, dividend or bonus payable on shares (as per Rule 16).
- 4.1.9 We operate four Area Associations. Individual members of the Association will also automatically become members of the Area Association (management area) in which they live. Organisational members may elect to become members of any one of the four Area Associations. Area Associations will appoint an Area Committee. This Area Committee will have delegated authority from our Board of Management to oversee the management at local area level, will monitor services and set the priorities for investment and the development of new services.
- 4.2 Promoting Membership**
- 4.2.1 We are committed to tenant participation in our management and work and will actively promote membership among our tenants. All tenants when signing their tenancy agreement will be informed of their right to become a member and given an application form and details of membership. While we will encourage participation of all our tenants, we recognise those tenants who have chosen to become members may be particularly consulted on issues relating to the management of the Association.
- 4.2.2 Each issue of our periodic newsletter will also contain an application form (in the form of a cut out reply coupon or enclosed form).
- 4.2.3 Details of how to become a member of our Association will also be contained in the Tenant's Handbook and also on our website [www.acha.co.uk](http://www.acha.co.uk)

### **4.3 Why become a Member**

- 4.3.1 Membership provides both benefits and responsibilities. The benefits include having a say, through the democratic processes in the management and direction of the organisation.
- 4.3.2 Members are also an important constituent whereby we can get feedback about our work and performance. At the same time, members are expected to act responsibly to promote and support our work.
- 4.3.3 Members will receive regular reports, newsletters and other forms of information to keep them abreast of the work and new developments of our work. They will also receive invitations to regular meetings and events organised by us. Members are automatically entitled to attend and vote at our Annual and Special General Meetings.
- 4.3.4 Membership does not however prefer any benefits to individual members in terms of the service they may receive from us.

### **4.4 Termination of Membership**

- 4.4.1 A member may terminate his or her membership by notifying us in writing by providing 7 days' notice (as per Rule 12.1).
- 4.4.2 If a member dies or ends their membership, or has their membership withdrawn, or is a representative of an organisation which no longer exists, we will cancel their share and the value of the share will belong to ACHA. (as per rule 17.2).
- 4.4.3 Members can nominate a person to whom ACHA must transfer their share if the member were to die, as long as the nominated person was eligible for membership (as per Rule 18.1).
- 4.4.4 Members require to inform us, at our Registered office, of any change of address within 3 months (as per Rule 11). This doesn't apply where an association tenant transfers their tenancy to another property owned by us.
- 4.4.5 Your membership will be ended if;
- You have not informed us of a change of address (as per Rule 12.2.1);
  - Have not attended 5 general meetings in a row, or submitted apologies, exercised a postal vote or appointed a representative to attend and vote on your behalf (as per rule 12.2.2);
- 4.4.6 The value of the share will then belong to us with effect from the date of a Board of Management resolution to that effect. The ending of your membership will be recorded in the Register of members referred to in Rule 70 (as per Rule 12.2).

- 4.4.7 We may end your membership if we receive a complaint about your behaviour and two thirds ( $\frac{2}{3}$ ) of the members voting at a special general meeting agree to this. The following conditions apply to this procedure (as per Rule 13.1):
- 4.4.7.1 the members can vote in person or through a representative by proxy;
  - 4.4.7.2 the complaint must be in writing and must relate to behaviour which could harm our interests;
  - 4.4.7.3 the Secretary must notify the member of the complaint in writing not less than 1 calendar month before the meeting takes place;
  - 4.4.7.4 the notice for the special general meeting will give details of the business for which the meeting is being called;
  - 4.4.7.5 you will be called to answer the complaint at the meeting. The members present will consider the evidence supporting the complaint and any evidence you decide to introduce; and
  - 4.4.7.6 if you receive proper notice but do not attend the meeting without providing a good reason, the meeting may go ahead without you.
- 4.5 If you are expelled from membership, you will immediately cease to be a member from the date that the resolution to expel you was agreed (as per Rule 13.2).
- 4.6 If we end your membership in this way, any further application for membership by you will need to be approved by two thirds ( $\frac{2}{3}$ ) of the members voting at a general meeting (as per Rule 13.3).

### **Section 5 Performance Management**

- 5.1 A report will be provided to our Board of Management on a monthly basis advising of the number of current members.
- 5.2 The Board of Management will set, review and publish the Membership Policy for admitting new members, complying with the Rules of the association.

### **Section 6 Development and Training**

- 6.1 Our Governing Body will regularly review their membership strategies to continuously improve and encourage new members of our Association assisted by each Area Committee which promotes share membership within each area.

### **Section 7 Our Positive Action Initiatives**

- 7.1 Membership will be open to any eligible person regardless of race, religion, age, sex, disability or sexual orientation.



- 7.2 We will actively promote membership among individuals and groups who may otherwise experience social or economic exclusion.
- 7.3 We will monitor membership in order to ensure that this is as representative as possible for all sections of the community and the areas in which we operate and will have a policy of actively promoting membership to redress any significant imbalances.

### **Section 8 Dealing with Complaints**

- 8.1 Complaints relating to the membership policy will be dealt with in line with our complaint handling procedure. In terms of this policy complaints can be made if we fail to apply this policy properly or don't meet our organisational standards.

### **Section 9 Consultation and Review Procedures**

- 9.1 This policy will be monitored by us, on an annual basis, to judge its effectiveness and will be updated in accordance with changes in the law. If changes are required, we will implement them.

### **Section 10 Confidentiality and Data Protection**

- 10.1 Confidential Information we hold will be used only for the purpose it was obtained. We will ensure that all confidential information is stored in a secure manner, can only be accessed by authorised persons and in the event of disposal, will be dealt with in accordance with the Data Protection Act 2018 and General Data Protection Regulations.