

Residents Association Policy



Reference:	HS_POL_CS_RA_0.1	Author:	Lorna Collisson
Scope:	Board Members Employees Residents	Approved by:	ETX E-Panel
Legislation:	Landlord and Tenant Act 1985 Bribery Act 2010 Data Protection Act 2018 General Data Protection Regulation (UKGDPR)2021	Date of approval:	07.12.22
Regulatory/ Governance:	<ul style="list-style-type: none">• Tenant Involvement and Empowerment Standard• Social Housing White Paper• Neighbourhood and Community Standard• Regulator of Social Housing• The Charter for Social Housing• NHF Code of Governance	Date of next review:	31 Dec 2025
Related Policies:	Resident Engagement Policy Volunteer Policy Equality, Diversity and Inclusion Policy Vulnerable Customer Policy Data Protection Policy Data Retention Policy Whistleblowing Policy Professional Boundaries Policy ICT Acceptable Use Policy Safeguarding Policy		

1. Policy Statement

- 1.1 This policy supports the Corporate Strategy and Resident Engagement Strategy and sets out the principles of our approach to recognising Residents Associations. This document refers to 'residents' which includes both tenants and homeowners of Housing Solutions, as well as others living in the household, but due to the nature and location of our estates we will also engage and listen to those who are

not 'residents' (e.g. community members, private residents, etc)

1.2 Housing Solutions is focused on providing localised and personalised services to residents, ensuring that we not only meet their needs but also exceed their expectations. We are a community based, resident focused organisation and resident engagement is a key part of what we do. Our mission is to make our residents proud of where they live and our colleagues proud of where they work. We have three strategic objectives to underpin our mission:

- Safe, to keep residents and colleagues safe
- Satisfied, value for money services for residents and fulfilling careers for colleagues
- Sustainable, deliver more effective services and more efficient homes

1.3 Housing Solutions values listening to the voice of the resident and is committed to the promotion of resident engagement to empower residents to participate. Whether you are living in social housing, sheltered accommodation, a supported property or you are a leaseholder who owns their home, we want our residents to have a real say in how Housing Solutions operates, which helps the organisation to deliver effective services and meet the needs of the diverse communities it serves. Residents Associations in local communities are an important part of resident's options for getting involved, as outlined in the Resident Engagement Strategy.

2. Scope

2.1 Scope of the Policy

2.1.1 The policy applies to all our residents wanting to get involved with a Resident Association, which will include residents of all tenures; potential residents and the wider community in which we operate.

2.2 The aim of the Policy is to:

2.2.1 Promote and embed the uptake and involvement of Residents Associations

2.2.2 Ensure both residents and staff understand the requirements for Residents Associations

2.2.3 Ensure residents understand the support they will receive from Housing Solutions

2.2.4 Ensure that Housing Solutions complies with the necessary statutory and regulatory requirements, in respect of Resident Engagement and involvement and Leaseholder Residents Association.

3. Roles and Responsibilities

Role	Responsibilities
The Board, Chief Executive and Executive Team	Responsible for demonstrating a clear and active commitment to resident engagement and Residents Associations.
The Director of Resident Services and Community	Responsible for ensuring this policy remains up to date.
Operational service leads	Responsible for ensuring their teams are aware of and abide by the wording and the principles set out in this policy.
Housing Officers/ Sheltered Housing Officers/Supported Housing Officers/Homeownership Officers	Responsible for being the main point of contact for relevant Residents Associations, day to day activities and keeping the Community Engagement Team up to date.
Community Engagement Officer	Responsible for all reporting, monitoring activities and providing involvement and training opportunities
Employees	Responsible for promoting opportunities for Residents Associations
Residents	Responsible for understanding the policy and ensuring that requirements within it are fulfilled.

4. Definitions

4.1 Residents Association

4.1.1 We are using the term Residents Associations to define an association that is formally recognised by Housing Solutions and meets the criteria as set out below in section 6.

4.2 Committee

4.2.1 The Committee is a group of residents that run the Residents Association on a day to day basis on behalf of its members.

5. Legislation

5.1 Housing Solutions will ensure that we remain compliant with all regulation guidance set out on page 1 of this policy. We will also ensure that this policy is

updated if there are any changes in legislation, guidance and best practice.

5.2 Under the Landlord and Tenant Act 1985, where Housing Solutions recognises a Leaseholder Residents Association, the Association is entitled to:

- Request a list of relevant qualifying residents in order to ask those residents to join the Association (please see Appendix 1 for Housing Solutions responsibilities in relation to the request);
- Ask for a summary of costs incurred by Housing Solutions in connection with matters for which they are being required to pay a service charge;
- Inspect the relevant accounts and receipts;
- Ask to be consulted about the appointment or reappointment of a managing agent
- Be sent a copy of estimates obtained by Housing Solutions for cost of services and intended works to properties
- Propose names of contractors for inclusion in any tender list when the landlord wishes to carry out major works;
- Ask for a written summary of the insurance cover and inspect the policy
- Appoint a surveyor to advise on any matter relating to service charges. The surveyor will have the right to see and copy relevant documents held by the landlord. They will also be able to inspect the communal areas and appoint assistants. The Resident's Association will be liable for the costs of the surveyor; these costs cannot be recovered from Housing Solutions whatever the outcome of the surveyor's investigations or the management audit.

6. Recognition of Residents Associations

6.1 We require Residents Associations to meet reasonable standards for formal recognition and it is essential that formally recognised groups do not exclude people for reasons of age, disability, race and ethnicity, religion or belief, sexual orientation, marital status, gender or tenure type.

6.2 Residents Associations wishing to be formally recognised must show annually that they are democratic, accountable and meet the following criteria:

- Have a written constitution, signed by committee members;
- Demonstrate an active involvement in the area they represent and a wide membership, for example, well attended, open meetings;
- Have a full committee – this must include Chair, Secretary and Treasurer plus at least two other committee members. The committee must be made up of

residents within the area the Association represents;

- Have membership clearly open to all potential members in the area the Association represents;
- Hold regular meetings including an annual general meeting (AGM) with a quorum, annual reports and democratic elections;
- Have a code of conduct that is approved by Housing Solutions
- Make minutes of meetings open, public and available, and submit copies to Housing Solutions;
- Keep a proper record of accounts and present them at the AGM (where applicable);
- Sending newsletters etc to residents (at least 1 per annum) giving information about activities and encouraging everyone to join;
- Demonstrate and promote diversity and equality;
- Participate in all relevant monitoring and reporting with Housing Solutions.

6.3 Residents associations not meeting the recognition criteria will not be recognised. For non-leaseholder associations we will provide three months notice, however if we feel there is an immediate risk to the organisation, we reserve the right to intervene and withdraw recognition immediately. If Housing Solutions wish to withdraw recognition from a leaseholder association, it will be necessary to provide them with 6 months' notice of withdrawal, in line with The Landlord and Tenant Act 1985.

6.4 We will monitor the recognition on an annual basis. Where Residents Associations fall short of any of the above criteria, Housing Solutions will, where appropriate, agree a support and action plan with the committee to help them to achieve the required standard.

6.5 Only one Residents Associations will be recognised by Housing Solutions to represent a defined area.

7. Support and training offered to Residents Associations

7.1 All Residents Associations will be given a named point of contact in the Housing Team, and will also be supported by the Community Engagement Officer.

7.2 If a training need is identified by the group, the Community Engagement Officer will source appropriate training and other regular training opportunities will be offered to committee members.

7.3 All members will have access to TPAS and can benefit from free member training and the resources hub, as well as joining the resident focused groups TPAS

facilitate.

- 7.4 Housing Solutions will promote Residents Associations and their activities.
- 7.5 Housing Solutions will record all Leaseholder resident associations recognised under section 29 of the Landlord and Tenant Act 1985 for statutory consultation.

8. Vulnerable Residents

- 8.1 We recognise that residents will engage with us in different ways and our approach must adapt and be flexible to accommodate the needs of all residents, especially those who are more vulnerable residents. We will work closely with colleagues and partners to sensitively engage with residents and aim to make involvement activities accessible. For further details please refer to our Equality, Diversity and Inclusion Policy and our Vulnerable Customer Policy.

9. Consumer Standards

- 9.1 This policy is guided by two consumer standards:
 - 9.1.1 The Tenant Involvement and Empowerment Standard.
 - 9.1.2 The Neighbourhood and Community Standard.

10. Equality & Diversity

- 10.1 Housing Solutions recognises the needs of a diverse population and always acts within the scope of its own Equality, Diversity & Inclusion Policy and the Equalities Act 2010. Housing Solutions works closely with its partners to ensure it has a clear understanding of its resident community with clear regularly updated service user profiles. Housing Solutions will record, analyse and monitor information on ethnicity, vulnerability and disability.

11. Confidentiality

- 11.1 Under the Data Protection Act 2018 and, UK General Data Protection Regulation (UKGDPR), all personal and sensitive organisational information, however received, is treated as confidential. This includes:
 - anything of a personal nature that is not a matter of public record about a resident, client, applicant, staff or board member
 - sensitive organisational information.

11.2 Housing Solutions employees will ensure that they only involve other agencies and share information where there is a legal basis for processing the information.

12. Review

12.1 This policy will be reviewed on a 3 yearly basis or more frequently in response to changes in legislation, regulatory guidance, good practice or changes in other relevant Housing Solutions' policy.

12.2 Our performance in relation to the delivery of the services and activities set out in this policy will be monitored on an ongoing basis through our established reporting mechanisms to our Senior Management Group, Executive Team, Board and associated committees.

Appendix 1: Duty of Housing Solutions once a request for information on qualifying residents has been made:

Duty 1: Acknowledgment of request notice

When served by a secretary of a residents' association with a request notice for information about relevant qualifying residents' who are not members of the association, Housing Solutions must within seven days (beginning with the date on which the request notice was received):

1. Acknowledge receipt of the request notice in writing; and
2. Inform the secretary of the residents' association that the landlord will provide a substantive response to the notice.*

Duty 2: Contacting relevant qualifying residents'

Once served with a request notice, Housing Solutions must, as soon as practicable, send an information form to each relevant qualifying tenant about whom information has been requested.

The "information form" is a written document which:

1. informs the leaseholder that a residents' association has requested that the landlord provide information relating to the qualifying tenant;
2. sets out what information has been requested in relation to the qualifying tenant;
3. identifies the residents' association that has made the request;
4. includes the postal address of the residents' association and its e-mail address (if it has one);
5. asks the qualifying tenant for written consent to disclose the information to the residents' association,
6. informs the qualifying tenant that the information will not be disclosed without that consent;
7. informs the qualifying tenant that the residents' association has stated in its request that the information will only be used to ask the qualifying tenant if they want to become a member of that association;
8. informs the qualifying tenant that any queries relating to the residents' association should be directed to that residents' association;
9. asks the qualifying tenant to reply within 28 days (beginning with the date of receipt of the information form):
 - o confirming that they consent to all of the information being disclosed;
 - o confirming that they consent to some of the information being disclosed (and what that is);
 - o confirming that they do not consent to any of the information being disclosed;
10. gives a postal address and e-mail address (if the landlord has one) which can be used to reply to the landlord; and
11. is signed and dated by the landlord.

Duty 3: Substantive response to request notice

Housing Solutions has four months (beginning with the date on which the request notice was received) to provide a substantive response to the residents' association.

This substantive response must be in writing.

The substantive response must either state:

1. all information which the landlord has consent to disclose; or
2. That there is no such information.

The substantive response must:

1. state the number of qualifying residents' to whom the landlord sent an information form; and
2. state the number of such qualifying residents' who did not give written consent for information to be disclosed
3. Be signed and dated.
4. Be accompanied by a statement signed and dated by the landlord that the information contained in the substantive response is true to the best of the landlord's knowledge and belief.

Duty 4: Further disclosure

Where Housing Solutions receives consent from a qualifying tenant to disclose known information after the four month period, the landlord must disclose that known information as soon as reasonably practicable after consent has been received. Such further disclosure must be in writing and accompanied by a statement that the information comprising the further disclosure is true to the landlord's knowledge and belief. This statement must be signed and dated by the landlord.

Failure to comply with duties

The First Tier Tribunal (Property Chamber) ("the FTT") can deal with landlords who fail to comply with their duties.

The secretary of a residents' association can apply to the FTT for an order requiring Housing Solutions to:

1. **acknowledge their request notice;**
2. **contact relevant qualifying residents' ;**
3. **provide a substantive response to the request notice.**

*If Housing Solutions does not consider the request notice to be valid, they must, within seven days beginning with the date on which the notice was received-

1. Inform the secretary of the residents' association in writing that the landlord will not provide a substantive response because the landlord does not consider the notice received to be a valid request notice: and
2. Give reasons as to why the landlord does not consider the notice to be a valid one.

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