

Date

**28/09/2023**

Time

**18:30 - 20:30**

# Board Meeting

Maryhill Housing Association

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## 1 - Welcome

*Rebecca Wilson*

- Apologies
- Declaration of Interests

For Information

## 2 - Election of Chair and Vice Chair

*Rebecca Wilson*

Verbal Update

| For Decision

3

18:38, 3 min

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### 3 - Approval of Board Minutes – 21st August 2023

*Lindsay Forrest*

| For Decision

#### **Attachments**

[3. \(RR\) Draft Minutes 21 August 2023.pdf](#)

4

18:41, 4 min

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## 4 - Action Tracker

*Lindsay Forrest*

| For Decision

### **Attachments**

[4. \(RR\) Board Decision - Action Tracker - New Format.pdf](#)

Board Action Tracker

No. of actions proposed for closure: **19**

Date of Board Meeting	Item	Decision	Action	Lead	Latest Update & Anticipated Completion Date
27/02/2023	9.12	Officers confirmed that the AGM would be the best forum to share what the cash reserves and rent increases would be spent on.	Presentation at next AGM to include this.	RW	<p><b>March Update:</b> This will be included in the presentation to the September 2023 AGM.  <b>April Update:</b> As above.  <b>May Update:</b> As above.  <b>June Update:</b> as above  <b>August Update:</b> as above  <b>September Update:</b> Included in presentation to AGM Sept 2023.</p> <p><b>PROPOSE TO CLOSE</b></p>
30/03/2023	12.2	DW to ensure contact with RR has been made in line with recent leave of absence.	DW to ensure contact with RR has been made in line with recent leave of absence.	DW	<p><b>April Update:</b> RR does not return from leave of absence until end of July, so will ensure contact is made before then.  <b>May Update:</b> As above.  <b>June Update:</b> As Above.  <b>August update:</b> RW has contacted RR, update to be provided at meeting.  <b>September Update:</b> RR will be returning from his leave of absence in October.</p> <p><b>PROPOSE TO CLOSE</b></p>
25/05/2023	6.4	The Board agreed that the Customer Insight and Engagement Plan should be brought back to the June Board meeting which would allow DW to investigate the National Standards for Community Engagement and update the action plan, where appropriate.	DW to review and bring back to Board for approval.	DW	<p><b>June Update:</b> Customer Insight and Engagement Strategy will be brought back to the August Board for approval.  <b>August update:</b> This work has been delayed, propose to bring to October Board.  <b>September Update:</b> This will be brought to the October Board for approval.</p>

Date of Board Meeting	Item	Decision	Action	Lead	Latest Update & Anticipated Completion Date
25/05/2023	13.1	Board members asked Officers to consider whether the ARC working Group was required as they felt that it was too operational.	Officers to consider whether the ARC Working Group was required.	DW	<p><b>June Update:</b> Review of ARC Working Group being completed and outcome will be reported back to Board in August.</p> <p><b>August update:</b> This work has been delayed, propose to bring to October Board.</p> <p><b>September Update:</b> Meeting scheduled for 26/10/23 to review remit of the ARC Working Group.</p>
26/06/2023	6.7	A separate Mid-Market Allocation Policy will be developed and presented to the Maryhill Living Board for their approval in August 2023	Maryhill Living Mid Market Allocation Policy to go to ML Board in August	JS	<p><b>August Update:</b> An updated policy was not taken to the ML Board as a notification from Glasgow City Council has suggested that there should be no income levels linked to Mid Market rent. In addition it was suggested that there should be no requirement for an applicant to be in work and the assessment should be based on affordability. A meeting is being facilitated by Scottish Housing Network who has invited the Scottish Government to meet with RSL representatives to provide clarification on the qualifying criteria for Mid Market rent applicants. Maryhill will be attending this meeting and it is proposed to take the policy to the November ML meeting.</p> <p><b>September Update:</b> The revised proposed Mid Market Policy will be presented to October Board.</p>
26/06/2023	7.2	new Treasury Golden Rules and also a proposed suite of new strategic financial KPIs to the August Audit & Risk Committee	New Treasury Golden Rules and also a proposed suite of new strategic financial KPIs to the August Audit & Risk Committee.	RW	<p><b>August update:</b> treasury golden rules will go to Audit &amp; Risk Committee meeting on 31st August and new strategic financial KPIs will come to September Board and an optional Board workshop on 19th September.</p> <p><b>September Update:</b> On tonight's agenda.</p> <p><b>PROPOSE TO CLOSE</b></p>
26/06/2023	7.3	Board approved the Treasury Strategy 2023	Treasury Strategy 2023 to be published to F:Drive.	DW	<p><b>August update:</b> not yet actioned.</p> <p><b>September Update:</b> Strategy has now been published to the F:Drive.</p> <p><b>PROPOSE TO CLOSE</b></p>
26/06/2023	8.3	Board approved the Delivery Plan 2023/24	Progress against approved Delivery Plan to be reported to Assurance Boards during 2023/24.	DW	<p><b>August update:</b> Delivery Plan Assurance report not provided for August Board. Will be provided for November '23.</p>
26/06/2023	12.6	The Board approved the amendment to the Property Purchase and Sale Policy	Property Purchase and Sale Policy to be published to F:Drive and website	DW	<p><b>August update:</b> not yet actioned.</p> <p><b>September Update:</b> Policy has now been published to the F:Drive.</p> <p><b>PROPOSE TO CLOSE</b></p>

Date of Board Meeting	Item	Decision	Action	Lead	Latest Update & Anticipated Completion Date
26/06/2023	12.8	The Board approved the amendment to the Procurement and Community Benefits Policy.	Procurement and Community Benefit Policy to be published to F:Drive and website.	DW	<b>August update:</b> Not yet actioned. <b>September Update:</b> Policy has now been published to the F:Drive. <b>PROPOSE TO CLOSE</b>
			Procurement Toolkit to be updated to reflect changes	RW	<b>September Update:</b> Time scheduled on 26/09/23 for RW to show DW how to update toolkit.
26/06/2023	13.3	Board approved the revised CEO Performance Management Framework	CEO Performance Management Framework to be published to F:Drive	DW	<b>August update:</b> Not yet actioned. <b>September Update:</b> Framework published to F:Drive. <b>PROPOSE TO CLOSE</b>
26/06/2023	13.4	Board approved the revised CEO Remuneration Procedure	CEO Remuneration Procedure to be published to F:Drive	DW	<b>August update:</b> Not yet actioned. <b>September Update:</b> Procedures published to F:Drive. <b>PROPOSE TO CLOSE</b>
26/06/2023	13.5	Board approved the revised Staffing Panel remit	Staffing Panel Remit to be published to F:Drive	DW	<b>August update:</b> Not yet actioned. <b>September Update:</b> Procedures published to F:Drive. <b>PROPOSE TO CLOSE</b>
26/06/2023	13.6	Board approved the revised Scheme of Delegation	Standing Orders with updated Scheme of Delegation to be published to F:Drive and website.	DW	<b>August update:</b> Not yet actioned. <b>September Update:</b> Procedures published to F:Drive. <b>PROPOSE TO CLOSE</b>
26/06/2023	13.7	Board approved that the Association retains the current policy wording for the Entitlement, Payments and Benefits Policy.	Entitlements, Payments and Benefits Policy approved at May 23 Board to be published to F:Drive and website.	DW	<b>August update:</b> Not yet actioned. <b>September Update:</b> Procedures published to F:Drive. <b>PROPOSE TO CLOSE</b>
21/08/2023	3.1	19 actions approved for closure in Board Action Tracker.	JB to close actions.	DW	<b>September Update:</b> all actions closed. <b>PROPOSE TO CLOSE</b>
21/08/2023	8.8	Fall Protection policy approved by Board.	Corporate Support Team to publish the approved Fall Protection Policy on the Association's website and internal policy store.	DW	<b>September Update:</b> Policy published to F:Drive and website. <b>PROPOSE TO CLOSE</b>
			Head of Neighbourhoods and Communities to oversee completion of practical procedures to support the Fall Protection Policy and training provided to the staff team – by December 2023.	SM	

Date of Board Meeting	Item	Decision	Action	Lead	Latest Update & Anticipated Completion Date
			Head of Neighbourhoods and Communities to oversee the introduction of digital records of daily 'block checks' in blocks over five stories by December 2023.	SM	
21/08/2023	9.2	The Chair advised there was an error in the cover slide of Health and Safety report whereby compliance with internal standards should be coloured red.	BW confirmed that this was an error and the slides would be amended.	BW	<b>September Update:</b> Amendment made. <b>PROPOSE FOR CLOSURE</b>
21/08/2023	9.6	A Board member asked if an insurance broker would give a warranty for fire safety work carried out.	BW to investigate if this would be possible.	BW	<b>August Update:</b> The fire safety work is now out to tender so it should not necessary for an insurance broker to provide a warranty. <b>PROPOSE TO CLOSE</b>
21/08/2023	9.8	Board members felt the Investment Report was really useful for managers to keep track of projects, but that it was too detailed for Board.	Consideration to be given to summarising the report for November Board.	BW	<b>August update:</b> this will be actioned for the November Assurance Board.
21/08/2023	10.1	Board approved the extension of the close cleaning contract by one year from 1st October 2023 to 30th September 2024 at an uplift of 7%.	Contract extension to be finalised with contractor.	JS	<b>September Update:</b> This contract extension has been finalised. <b>PROPOSE FOR CLOSURE</b>
21/08/2023	10.2	The Board approved the addition of the Menopause Policy to the policy schedule.	Policy schedule to be updated.	DW	<b>September Update:</b> Policy schedule updated. <b>PROPOSE TO CLOSE</b>
21/08/2023	10.3	Board considered the Mid-Market Policy, a Board member asked if there was any flexibility available to managers in applying the income thresholds, BW advise that currently there is no flexibility but that this will be considered for future policy amendment.	Ability to apply flexibility when applying income thresholds for MMR properties to be considered when the policy is next reviewed.	BW	<b>August update:</b> The proposed revised Mid Market Policy will be presented to October 2023 Board.
21/08/2023	10.3	Board approved the revised Mid-Market Policy, subject to this typo correction.	Policy to be updated and published.	DW	<b>September Update:</b> Awaiting for correction to be completed and then this policy will be published.

Date of Board Meeting	Item	Decision	Action	Lead	Latest Update & Anticipated Completion Date
21/08/2023	10.4	The Board approved the amendment of the governance KPI on Board gender mix to "60% maximum" of any single gender.	KPI report to be updated.	DW	<b>September Update:</b> KPI Report updated. <b>PROPOSE TO CLOSE</b>
21/08/2023	11.1	Leave of absence approved for Raphael Rickson and Paul Imrie.	DW to contact both prior to their return to Board.	DW	<b>September Update:</b> DW will contact PI before the September Board meeting.
21/08/2023	11.2	Board approved delegation of authority to the Chair to approve the lease of up to 20 properties for mid-market rent to Maryhill Living.	DW to add delegation to the Governance tracker and update to reflect use of delegated authority.	DW	<b>September Update:</b> Appendix B of Governance Report updated. <b>PROPOSE TO CLOSE</b>

<b>KEY:</b>		
AM: Alistair McArthur	JS: Jennifer Simon	AMc: Arlene McLaughlin
BW: Bryony Willett	SB: Steve Bruce	RW: Rebecca Wilson
CD: Christopher Duff	JR: Joanne Reid	DW: Debbie Watt

5

18:45, 5 min

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## 5 - Feedback from Training/Events

*Lindsay Forrest*

Verbal Update

For Information

6

18:50, 10 min

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## 6 - Feedback from Audit and Risk Committee

*Valerie Wilson*

Verbal Update

For Information

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## 7 - Assurance Statement

*Bryony Willett*

| For Decision

### **Attachments**

[7. \(RR\) Our overall assurance position and assurance statement.pdf](#)


[7.1 \(RR\) Appendix A - Assurance Framework Dashboard Sep 2023.pdf](#)

[7.2 \(RR\) Appendix B - Full Assurance Framework Sep 2023.pdf](#)

[7.3 \(RR\) Appendix C - Assurance Position - proposed 2023 assurance statemen~.pdf](#)

[7.4 \(RR\) Appendix D - Assurance Position - proposed 2023 assurance statemen~.pdf](#)

[7.5 \(RR\) Appendix E - Annual Assurance Statements - final - February 2019.pdf](#)

<b>REPORT TO:</b>	<b>Board</b>	
<b>DATE OF MEETING:</b>	<b>28<sup>th</sup> September 2023</b>	
<b>AGENDA ITEM:</b>	<b>7</b>	
<b>CONFIDENTIALITY:</b>	<b>Not Confidential</b>	
<b>AUTHOR:</b>	<b>Bryony Willett</b>	
<b>RESPONSIBLE DIRECTOR:</b>	<b>Bryony Willett, Chief Executive</b>	

**REPORT TITLE: OUR OVERALL ASSURANCE POSITION and ASSURANCE STATEMENT**

**PURPOSE OF THE REPORT:**

1.1 This report sets out the Association’s overall assurance position and introduces the proposed 2023 Assurance Statement for submitting to the Scottish Housing Regulator. The report also provides an update on proposed improvements to the Association’s Assurance process.

**2. RECOMMENDATIONS:**

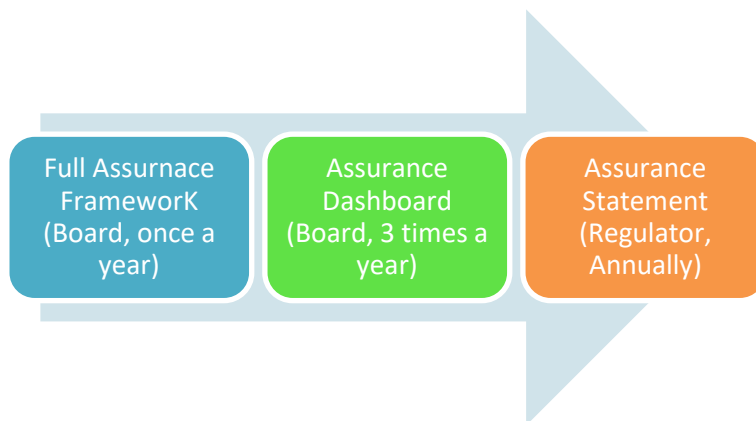
2.1 It is recommended that the Board:

- **Approves** the Assurance ratings proposed by officers as set out in Appendix A.
- **Approves** the 2023 Assurance Statement as set out at Appendix C
- **Delegates authority** to the Chair and/or Vice Chair to approve the final wording of the Assurance Statement following consultation with staff and customers.

**3. EXECUTIVE SUMMARY:**

3.1 The Association holds Assurance Boards three times a year where the Board considers compliance against the seven Regulatory Standards of Governance and Financial Management, the Scottish Social Housing Charter and other legislative requirements which together comprise the Scottish Housing Regulator’s Regulatory Framework.

3.2 These Assurance Boards culminate in the production of the Annual Assurance Statement which is a one-page summary of the Association’s compliance with the above standards. This is summarised in the diagram below. The proposed 2023 Assurance Statement is set out at Appendix C. More information about the purpose and expectations of the Assurance Statement can be found in the Regulator’s statutory guidance shown at Appendix E.



3.3 Officers are proposing that the Association should submit a self-assessment of compliant with the Regulatory framework. This must be submitted to the Regulator by the end of October 2023.

<b>IMPLICATIONS OF THE REPORT</b>	
<b>FINANCIAL RESOURCE AND VALUE FOR MONEY:</b>	There are no implications
<b>LEGAL/REGULATORY/RULES/NOTIFIABLE EVENTS:</b>	This report summarises the changes to the Association’s Assurance position since the August 2023 Assurance Board. It introduces and explains the proposed 2023 Assurance Statement, submission of which by the end of October 2023 is a key Regulatory requirement.
<b>CORPORATE PLAN/STRATEGIC OBJECTIVES:</b>	Production of an Assurance Statement by October 2023 is a requirement highlighted in the 2023/24 Governance timetable.
<b>CUSTOMER/TENANT PARTICIPATION:</b>	Tenant consultation on the proposed Assurance Statement is planned for late September/early October 2023.
<b>COMMUNICATIONS:</b>	The Assurance Statement will be available on the Association’s Website and promoted via social media and the Christmas 2023 newsletter.
<b>HEALTH AND SAFETY:</b>	There are no implications
<b>ENVIRONMENTAL:</b>	There are no implications
<b>EQUALITY IMPACT ASSESSMENT:</b>	There are no implications
<b>RISK ANALYSIS:</b>	In order to comply with the Regulatory Framework, the Association is required to produce an evidence based annual Assurance Statement setting out compliance against the Regulatory Framework. Associations are expected to keep a record of the evidence used to produce the Assurance Statement. This paper and appendices will form a key part of this evidence. The Assurance Statement will form part of the overall

	Regulatory view of the Association. Failure to comply with these requirements could result in Regulatory intervention.
<b>FREEDOM OF INFORMATION:</b>	<p>The following should <b>not</b> be published:</p> <p><input checked="" type="checkbox"/> N/A    <input type="checkbox"/> Full Report    <input type="checkbox"/> Section(s):</p> <p>Reason for redacting:</p> <p>Confidential: <input type="checkbox"/></p> <p>Commercially Sensitive: <input type="checkbox"/></p>

#### 4. BACKGROUND

- 4.1 Compliance with the Regulatory Framework was last reported to the Assurance Board in August 2023. There have been no changes since the August Board.
- 4.2 In previous years the Regulator has specifically asked landlords to give consideration to particular issues in the preparation of their Assurance statement. Examples are the impact of the covid pandemic, high inflation, or how landlords are progressing meeting requirements around equalities data collection. The Regulator has not issued any specific requests or guidance for the 2023 Assurance Statements.
- 4.3 The Regulator has re-emphasised its guidance on how Associations should respond to the requirement in the Regulatory Framework to collect and use equalities data on all protected characteristics. The proposed 2023 Assurance Statement is in line with this guidance.

#### 5. Proposed Assurance Statement

- 5.1 A tracked changes version of the proposed 2023 Assurance Statement is shown at Appendix B. This shows what has changed from the 2022 Assurance Statement. Key changes summarised below:
1. No changes have been made to the 'compliance' section.
  2. Under the section 'improvement' the key areas of focuses remain the same but changes in emphasis have been made to reflect current plans. These changes are summarised in the table below:

Change	Explanation
Adding 'continued' into the item about support for the cost of living crisis	This is to highlight that it is still very much impacting our tenants at least as much as it was last year.
Changing the item from recruiting tenant Board members to recruiting Board members	To reflect our current campaign which I focused on tenant and independent Board Members.

Minimal changes to the item about continued high inflation whilst investing in homes	Trying to make this item more succinct
Adding in reference to the new Equality and Diversity Strategy	This was approved in March '23 and there is a Delivery Plan project to deliver it.
Changed the item about attracting and retaining and talented staff team to 'Developing a high performing culture through investing in the staff team'	This reflects the Delivery Plan projects and the current areas of focus.

5.2 Board members are asked to read this cover paper, the Assurance Dashboard (Appendix A) and the Assurance Statement (Appendix C) as required reading. Appendices B and D are additional reading.

## 6. Agreed improvements to Assurance processes

6.1 In February 2023 and August 2023, the Board approved a number of improvements to our Assurance process and reporting. The table below summarises progress delivering these improvements to date.

<b>Key:</b> not achieved, partially achieved, complete, on track for completion		
<b>Improvement</b>	<b>Status</b>	<b>Comment</b>
Senior management team will self-assess against the requirements of Chapter 3 of the Regulatory Framework using the SFHA's 2022 updated Assurance Toolkit and the Chartered Institute of Housing (CIH)'s Human Rights Checklist between May and August 2023. The outcome of this exercise will be reported to August Board and updated annually moving forward.	partially achieved	Self-assessment against the CIH Human Rights checklist included in the full Assurance Framework Review (and resultant actions identified in the dashboard) but full review of the Framework not yet involving all SMT. Now proposing to involve all SMT for Summer 2024 review.
The Investment Assurance report will be updated for August 2023 to clearly show spend against budget and actual delivery against planned delivery.	partially achieved	New proposed Investment Report presented to August Board. Board requested a simpler report. Revised
Board can request additional reports on any item of concern identified from the individual Assurance reports (or any other issues identified during the year), e.g. in November 2022 Board requested an additional report on staffing which was reported to Board in January 2023.	on track for completion	This is an ongoing issue but report on staff feedback will be presented to August 2023 Board.
An Assurance policy and procedure will be developed and submitted to April 2023 Board for approval.	complete	Assurance Policy completed.

Frontline staff and customers will be involved in the process of assessing compliance in September of each year to feed into the Board's assessment. Officers will seek best practice from the sector to try and find ways to make this engaging and meaningful to customers and frontline staff.		Plans in place to involve customers and staff in September/early October
Assurance papers on Delivery Plan and Governance Effectiveness Plan to be presented at Assurance meetings and become required reading.		Governance Effectiveness Plan presented to August '23 Board. Delivery Plan paper to be presented to November '23 Board.
New proposed financial key performance indicators and quarterly Assurance report		New proposed key performance indicators presented to September Board and new Assurance report to be presented in November 2023.

6.2 Plans are in place to consult customers and staff on the Association's Assurance Statement in late September/early October. Board are being asked to approve the Assurance Statement in advance of these sessions because the October Board meeting date has moved to November – but the deadline for the Assurance statement is the end of October. So, September is the last Board meeting date before the Assurance Statement needs to be submitted.

6.3 It is not envisaged that there will be material changes to the Assurance Statement following staff and customer feedback. However, it may be appropriate to make changes to the 'improvement' section following feedback. Board are asked to delegate authority to the Chair and/or Vice Chair to approve any final changes to the Assurance Statement following staff and customer feedback.

## 7. Next steps

7.1 Complete staff and customer consultation on the proposed Assurance Statement and propose any relevant changes to the Chair and/or Vice Chair.

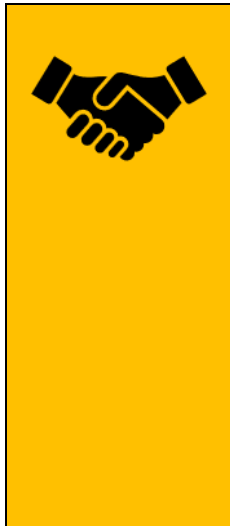
7.2 Submit the final version of the Assurance Statement to the Scottish Housing Regulator by the end of October 2023.

There have been no changes since the August 2023 meeting

Scottish Social Housing Charter

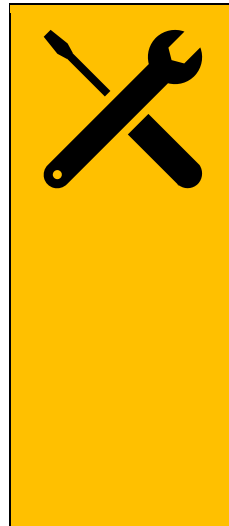
Key

	Compliant
	Complaint (with non-material areas for improvement)
	Working towards compliance
	Not compliant



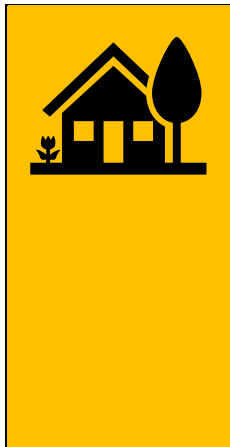
**The Customer/Landlord Relationship (Equalities, Communication and Participation)**

- Equality and diversity strategy in place and action delivered. All E, D and I data to be collected and used.
- Customer satisfaction with being kept informed and opportunities to participate reduced and lower than peers
- Improving performance on responding to complaints within timeframes
- New Customer Charter rolled out in April 2022.
- Complaints training rolled out in March 2023, and refresh due by Dec 2023.
- Scrutiny arrangements to be reviewed by ~~March 2023~~ Dec 2023.



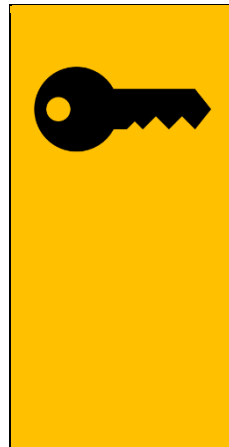
**Housing Quality and Maintenance**

- Repair response better than benchmark but not meeting internal targets.
- Repair satisfaction reducing and lower than benchmarks
- Customer satisfaction with the quality of the home reduced
- New repairs contract launched in Oct 2022. Full mobilisation to be completed by Dec '23.
- Not compliant with SHQS or EESSH due to numbers of electrically heated homes and outstanding EICR checks.
- Investment Plan has resources and contracts in place to replace all traditional storage heaters by March '24.
- Investment Plan allocates resources to energy efficiency improvements, such as boilers and windows.



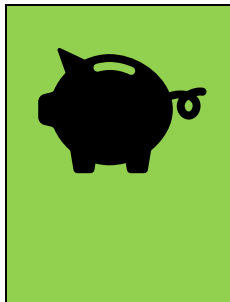
**Neighbourhood and Community (Estate management and Anti-social behaviour)**

- Performance on resolution of ASB in line with benchmarks
- Customer satisfaction with the management of the neighbourhood reducing and low compared to peers.
- ASB strategy delivered October 2019 and processes being updated.
- Customer satisfaction with ASB introduced from September 2019 and performance improved in 2022/3.
- Consultation on new estate management policies to be completed by Oct '23.



**Access to Housing and Support (Housing options and Tenancy sustainment)**

- Allocations Policy reviewed in 2018 in response to 2014 Housing Act
- New Development Policy clearly linked to housing need
- Not offering Housing Options interviews to new tenants
- Implementing online Choice Based lettings system by ~~April 2023~~ April 2024.



**Getting Good Value from Rents and Service Charges**

- Rents lower than peers.
- Strong voids performance and better than benchmarks
- Below inflation rent increase approved for April 2023. Rents continue to be affordable for most property/household types.
- Rents restructured from 2016 – 2018.
- Customer satisfaction that rents provide value for money reduced.
- Rent collection performance improved in 2022/23.

## Regulatory Standards



### Standard 1 – Leadership and direction

All 7 statements are compliant

No current actions



### Standard 2 – Openness and accountability to customers

4 statements are compliant

1 statement compliant (with non-material areas of improvement)

Agreed actions (more info pages 19 - 23):

- Capture customer preferences for communication
- Review service improvement group (scrutiny panel)



### Standard 3 – Managing resources for affordable rents

5 statements are compliant

2 statement compliant (with non-material areas of improvement)

No current actions:

- Introduce strategic financial KPIs
- Introduce new process for full Assurance framework review.



### Standard 4 – Making decisions and managing risk

All 6 statements are compliant

No current actions



### Standard 5 – Honesty and integrity

4 statements are compliant

2 statements compliant (with non-material areas of improvement)

Agreed actions (more info pages 37 - 42):

- Ensuring new values promoted in the Association's offices
- Roll out E and D training for staff and Board
- Deliver human rights workshop for staff
- Achieve ethnic diversity KPIs
- Review standard specs for cultural appropriateness



### Standard 6 – Skills and knowledge

All 7 statements are compliant

No current actions



### Standard 7 – Organisational changes

All 9 statements are compliant

No current actions

## Regulatory Requirements & Legislation



### Health and Safety

- Non-material improvements required in all areas of landlord safety following 2021 audit programme and internal dip sampling. Approved action plan in place for all areas.
- Non-material improvements required in organisational health and safety, such as lone working and water safety



### Environmental Protection

- No current Sustainability Strategy in Place due to be completed by ~~September 2020~~ ~~November 2024~~ during 2022 – 2023.



### Data Protection and Published Information

- Reasonable assurance given in recent GDPR internal audit.
- FOI policies and procedures in place in line with Information Commissioner and SFHA best practice.
- Website publication schedule up to date
- 'Strong' rating in FOI internal audit



### Performance Reporting, Tenant Scrutiny, Complaints

- Tenants involved in scrutinising performance through the Service Improvement Panel and feedback sought on new video Annual Review
- Customer Engagement Strategy updated in Feb 2020
- Complaints training provided spring 2022, to be refreshed Dec '23.
- Service improvement group (scrutiny group) to be reviewed by ~~March 2023~~ Dec 2023.



### Scottish Public Services Ombudsman Complaints

- Work to improve our complaints handling complete - changes to the SDM complaints module, establishment of a learning from complaints group and additional training for staff.



### Whistleblowing

- Whistleblowing Policy in place and training recently provided for all staff.
- Whistleblowing Policy refreshed in October 2022
- Virtual refresher training delivered Dec 2020



### Equality and Human Rights

- Equalities Impact Assessment training completed and EQIAs introduced for future policies.
- Start collecting all equalities data by ~~Jan 2023~~ April 2024.



### Housing Law

- Allocations Policy, ASB Policy and tenancy agreement reviewed in light of 2014 Housing Act. Key housing management policies in place.



### Accounting and Taxation

- External and internal auditors in place.
- VAT review carried out by external auditors in 2019.
- Financial controls internal audit completed in 2020.



### Employment Law

- HR employment advice from Employers in Voluntary Housing (EVH) and external legal advisers.
- Model policies provided by EVH



Key

	Compliant
	Complaint (with non-material areas for improvement)
	Working towards compliance
	Not compliant

Scottish Social Housing Charter

	Charter Outcome	How does this happen at Maryhill?	Assurance – lines of defence	Agreed actions	
1.	<p><b>Equalities</b></p> <p>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.</p> <p>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 rights and needs of different customers and delivering services that recognise and meet these.</p>	<p>Equality and Diversity Strategy in Place. Detailed self-assessment in 2017 and 2019 and improvement from 'developing' E and D approach to 'achieving'.</p> <p>Range of improvements delivered including training for all staff on E and D responsibilities and cultural awareness and proactive links made with specific community advocacy organisations, such as Maryhill Integration Network.</p> <p>New Corporate Value to 'embrace people's differences'</p> <p>Consideration of changes in customer demographic as part of Corporate Planning process.</p> <p>Not yet collecting full protected characteristic information to shape services around customers' needs.</p>	<ul style="list-style-type: none"> <li>2<sup>nd</sup> – Equality and Diversity Strategy</li> <li>2<sup>nd</sup> – 2022 – 2025 Corporate Plan.</li> </ul>	<p>Active collection and use of data on all protected characteristics by December 2024 (<i>2022 – 2023 Delivery Plan</i>)</p>	

	Charter Outcome	How does this happen at Maryhill?	Assurance – lines of defence	Agreed actions	
2.	<p><b>Communication</b></p> <p>Social landlords manage their businesses so that 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.</p> <p>This outcome covers all aspects of landlords' communication with tenants and other customers. This could include making use of new technologies such as web-based tenancy management systems and smart-phone applications. It is not just about how clearly and effectively a landlord gives information to those who want it. It also covers making it easy for tenants and other customers to make complaints and provide feedback on services, using that information to improve services and performance, and letting people know what they have done in response to complaints and feedback. It does not require landlords to provide legally protected, personal or commercial information.</p>	<p>Customer satisfaction with being kept informed reduced in 2021 and is lower than peers.</p> <p>Theme in customer satisfaction survey and complaints around not keeping customers up to date.</p> <p>Range of communication channels used including:</p> <ul style="list-style-type: none"> <li>- Website</li> <li>- Text</li> <li>- Email</li> <li>- Newsletter</li> <li>- Social media channels</li> <li>- Residents' associations</li> <li>- Customer portal</li> </ul> <p>Complaints information held in leaflet form and on website.</p> <p>Learning from complaints forms in place for staff and learning from complaints group in place. 'You Said, We Did' section in all newsletters and now in new report for all Assurance Board meetings.</p> <p>Complaints training in the process of being rolled out</p>	<ul style="list-style-type: none"> <li>▪ 1<sup>st</sup> – website</li> <li>▪ 1<sup>st</sup> – social media channels</li> <li>▪ 1<sup>st</sup> - newsletters</li> <li>▪ 1<sup>st</sup> – Complaints procedures and forms</li> <li>▪ 2<sup>nd</sup> – Complaints &amp; Other Customer Feedback assurance report</li> <li>▪ 3<sup>rd</sup> – Service Improvement Panel review of customer contact during 2019/20.</li> <li>▪ 3<sup>rd</sup> – External customer satisfaction survey</li> </ul>	<p>Refresh of complaints training for all frontline staff and managers by December 2023 (<i>SMT action tracker</i>)</p>	

	Charter Outcome	How does this happen at Maryhill?	Assurance – lines of defence	Agreed actions	
3.	<p><b>Participation</b></p> <p>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.</p> <p>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, other customers, and bodies representing them such as registered tenant organisations; how they shape their services to reflect these views; and how they help tenants, other customers and bodies representing them such as registered tenant organisations to become more capable of involvement – this could include supporting them to scrutinise landlord services.</p>	<p>Customer satisfaction with participation in decision making reduced in 2021 and is lower than peers.</p> <p>Customer engagement strategy in place setting out key priorities.</p> <p>Moving to more digital forms of communication which has been more successful, e.g. over 500 responses to our rent consultation survey last year.</p> <p>Seek transactional feedback on repairs, anti-social behaviour, investment works and new tenant feedback.</p> <p>Support nine registered tenants' organisations.</p> <p>Support service improvement (scrutiny) panel to review services in detail and clearly link this into governance framework.</p> <p>Annual report produced in video form since 2019.</p>	<ul style="list-style-type: none"> <li>▪ 2<sup>nd</sup> – Customer Engagement Strategy</li> <li>▪ 1<sup>st</sup> - Service Improvement Panel Governance paper to Board</li> <li>▪ 2<sup>nd</sup> – Assurance Board report, complaints and customer feedback</li> <li>▪ 3<sup>rd</sup> – External customer satisfaction survey</li> </ul>	<p>Review of scrutiny arrangements by <del>March 2023</del> December 2023 (2022-23 Governance Effectiveness Plan)</p>	

	Charter Outcome	How does this happen at Maryhill?	Assurance – lines of defence	Agreed actions	
4.	<p><b>Quality of housing</b></p> <p>Social landlords manage their businesses so that tenants' homes, as a minimum, meet the Scottish Housing Quality Standard (SHQS) when they are allocated; are always clean, tidy and in a good state of repair; and also meet the Energy Efficiency Standard for Social Housing (ESSH) by December 2020.</p> <p>This standard describes what landlords should be achieving in all their properties. It covers all properties that social landlords let, unless a particular property does not have to meet part of the standard.</p> <p>If, for social or technical reasons, landlords cannot meet any part of these standards, they should regularly review the situation and ensure they make improvements as soon as possible.</p>	<p>Customer satisfaction with quality of the home reduced in 2021 and is lower than peers.</p> <p>Specific concerns raised around fuel poverty and the estate environment.</p> <p>Not SHQS compliance (73% compliant at March 2023) and not ESSH 1 complaint (95% compliant at March 2023).</p> <p>Corporate Plan clear focus on improving energy efficiency and common areas. Resources and contracts in place to replace all traditional storage heaters by the end of March '23.</p> <p>5 Year investment plan refreshed in light of January 2023 below inflation rent increases and significantly increased costs, such as reactive repairs and voids.</p>	<ul style="list-style-type: none"> <li>▪ 2<sup>nd</sup> – Corporate Business Plan including financial plans and projections.</li> <li>▪ 1<sup>st</sup> – 2022/23 Investment Plans</li> <li>▪ 2<sup>nd</sup> – 2021/22 ARC</li> </ul>	<p>Delivery of 2023/24 Investment Programme</p>	

	Charter Outcome	How does this happen at Maryhill?	Assurance – lines of defence	Agreed actions	
5.	<p><b>Repairs, maintenance &amp; improvements</b></p> <p>Social landlords manage their businesses so that tenants’ homes are well maintained, with repairs and improvements carried out when required, and tenants are given reasonable choices about when work is done.</p> <p>This outcome describes how landlords should meet their statutory duties on repairs and provide repairs, maintenance and improvement services that safeguard the value of their assets and take account of the wishes and preferences of their tenants. This could include setting repair priorities and timescales; setting repair standards such as getting repairs done right, on time, first time; and assessing tenant satisfaction with the quality of the services they receive.</p>	<p>Customer satisfaction with quality of the repairs service has been behind target in 2022/23 impacted by early termination of the contract.</p> <p>Repairs Policy updated in March 2021.</p> <p>Repairs timeframes: performance exceeds benchmarks for emergency and routine repairs.</p> <p>Repairs right first time: significant reduction in performance in June and July 2022.</p> <p>High levels of customer satisfaction with improvement works.</p> <p>Refocused Property Team during 2019 to introduce patch-based Property Officers.</p> <p>New repairs contract launched in October 2022. Poor performance in first few months but mobilisation progressing and resources to the contract increasing and flows of data now established.</p>	<ul style="list-style-type: none"> <li>▪ 3<sup>rd</sup> – repairs and investment works customer satisfaction</li> <li>▪ 2<sup>nd</sup> – strategic performance indicators</li> <li>▪ 1<sup>st</sup> – repairs and maintenance policy</li> </ul>	<p>Complete mobilisation of new repairs contract (including full interface) by <del>December 2022</del> <b>March 2023</b> December 2023 (<i>2023-2024 Delivery Plan</i>).</p>	

	Charter Outcome	How does this happen at Maryhill?	Assurance – lines of defence	Agreed actions	
6.	<p><b>Estate management, anti-social behaviour, neighbour nuisance &amp; tenancy disputes</b></p> <p>Social landlords, working in partnership with other agencies, help to ensure as far as reasonably possible that tenants and other customers live in well-maintained neighbourhoods where they feel safe.</p> <p>This outcome covers a range of actions that social landlords can take on their own and in partnership with others. It covers action to enforce tenancy conditions on estate management and neighbour nuisance, to resolve neighbour disputes, and to arrange or provide tenancy support where this is needed. It also covers the role of landlords in working with others to tackle anti-social behaviour.</p>	<p>Customer satisfaction with quality of the neighbourhood reduced in 2021 and is lower than peers.</p> <p>New in-house landscaping service introduced for approximately 1/3 of the stock in 2017 with positive results.</p> <p>Landscaping service externally post-inspected</p> <p>Consultation on refreshed Estate Management Policy, ASB Plan and Pet Policy being carried out in September 2023.</p> <p>Good performance on resolution of ASB issues – better than peers in 2022/23.</p> <p>New permanent bulk uplift service introduced from April '23.</p>	<ul style="list-style-type: none"> <li>▪ 1<sup>st</sup> – Estate Management Policy</li> <li>▪ 1<sup>st</sup> – Anti-social behaviour policy</li> <li>▪ 2<sup>nd</sup> ASB strategy</li> <li>▪ 2<sup>nd</sup> – ASB key performance indicators</li> <li>▪ 3<sup>rd</sup> – External post inspection of landscaping service</li> </ul>	<p>Complete consultation on new draft ASB Plan, Estate Management Policy, Pet Policy and Abandonment Policy by the end of October '23 (<i>SMT action tracker</i>)</p>	

	Charter Outcome	How does this happen at Maryhill?	Assurance – lines of defence	Agreed actions	
7. 8. 9.	<p><b>Housing options</b></p> <p>Social landlords work together to ensure that people looking for housing get information that helps them make informed choices and decisions about the range of housing options available to them, and that tenants and people on housing lists can review their housing options.</p> <p>Social landlords ensure that people at risk of losing their homes get advice on preventing homelessness.</p> <p>These outcomes cover landlords' duties to provide information to people looking for housing and advice for those at risk of becoming homeless. This could include providing housing 'health checks' for tenants and people on housing lists to help them review their options to move within the social housing sector or to another sector.</p>	<p>Bi-annual visits to all tenants commenced in April 2022 following a covid-prompted pause.</p> <p>No longer participating in Housing Options prior to potential customers joining the housing register.</p> <p>Homes still allocated through traditional allocations where are labour intensive and not transparent for customers.</p>	<ul style="list-style-type: none"> <li>▪ 1<sup>st</sup> – Allocations Policy</li> </ul>	<p>Implementing Find My Home Choice Based Lettings system by <del>April 2023</del> April 2024 (2023-2024) <i>Delivery Plan</i>).</p>	

	Charter Outcome	How does this happen at Maryhill?	Assurance – lines of defence	Agreed actions	
10.	<p><b>Access to social housing</b></p> <p>Social landlords ensure that people looking for housing find it easy to apply for the widest choice of social housing available and get the information they need on how the landlord allocates homes and on their prospects of being housed.</p> <p>This outcome covers what social landlords can do to make it easy for people to apply for the widest choice of social housing that is available and suitable and that meets their needs. It includes actions that social landlords can take on their own and in partnership with others, for example through Common Housing Registers or mutual exchange schemes, or through local information and advice schemes.</p>	<p>Development Policy updated in 2021 with continued focus on new build which meets housing need identified in 2017 housing needs and demand study.</p> <p>Clear Allocations Policy fully reviewed in 2018 in response to 2014 Housing Act and to add affordability as a dimension of housing need.</p> <p>No longer participating in Housing Options prior to potential customers joining the housing register.</p> <p>Homes still allocated through traditional allocations where are labour intensive and not transparent for customers.</p>	<ul style="list-style-type: none"> <li>▪ 1<sup>st</sup> - Allocations Policy</li> <li>▪ 1<sup>st</sup> – New Build Policy</li> <li>▪ 3<sup>rd</sup> – Housing needs and demand study</li> </ul>	<p>Implementing Find My Home Choice Based Lettings system by April-2023 April 2024 (2023-2024) <i>Delivery Plan</i>).</p>	

	Charter Outcome	How does this happen at Maryhill?	Assurance – lines of defence	Agreed actions	
11.	<p><b>Tenancy sustainment</b></p> <p>Social landlords ensure 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.</p> <p>This outcome covers how landlords on their own, or in partnership with others, can help tenants who may need support to maintain their tenancy. This includes tenants who may be at risk of falling into arrears with their rent, and tenants who may need their home adapted to cope with age, disability, or caring responsibilities.</p>	<p>Rent arrears policy focused on prevention</p> <p>Referral pathways in place to a range of third sector support providers</p> <p>Financial support team mainstream funded by the Association</p> <p>Tenancy sustainment slightly lower than peers and lower for previously homeless households in 2022/2023.</p> <p>Resources allocated to deliver adaptations where required and improved process introduced in 2019 for adaptations decisions.</p> <p>New grant funded tenancy sustainment project launched from June '23.</p>	<ul style="list-style-type: none"> <li>▪ 1<sup>st</sup> – rent arrears policy</li> <li>▪ 3<sup>rd</sup> – universal credit internal audit during 2019/20</li> <li>▪ 1<sup>st</sup> – adaptations policy</li> </ul>		

	Charter Outcome	How does this happen at Maryhill?	Assurance – lines of defence	Agreed actions	
13.	<p><b>Value for money</b></p> <p>Social landlords manage all aspects of their businesses so that tenants, owners and other customers receive services that provide continually improving value for the rent and other charges they pay.</p> <p>This standard covers the efficient and effective management of services. It includes minimising the time houses are empty; managing arrears and all resources effectively; controlling costs; getting value out of contracts; giving better value for money by increasing the quality of services with minimum extra cost to tenants, owners and other customers; and involving tenants and other customers in monitoring and reviewing how landlords give value for money.</p>	<p>Rent collection performance improved in 2022/23.</p> <p>Void turnaround improved significantly in 2022/23.</p> <p>Competitively procured contracts in place for all key services.</p> <p>Savings target of £750k over seven years exceeded ahead of time.</p> <p>Current target of savings of £100k per year for three years.</p> <p>Business plan reviewed in October 2022 in light of cost increases. Below inflation rent increase of 7% approved for January 2023.</p>	<ul style="list-style-type: none"> <li>▪ 2<sup>nd</sup> – Corporate Business Plan and long term financial plans.</li> <li>▪ 2<sup>nd</sup> – Strategic key performance indicators</li> <li>▪ 2<sup>nd</sup> - Annual Procurement Strategy</li> <li>▪ 1<sup>st</sup> – Procurement Policy</li> </ul>		

	Charter Outcome	How does this happen at Maryhill?	Assurance – lines of defence	Agreed actions	
14. 15.	<p><b>Rents and service charges</b></p> <p>Social landlords set rents and service charges in consultation with their tenants and other customers so that a balance is struck between the level of services provided, the cost of the services, and how far current and prospective tenants and service users can afford them. Tenants get clear information on how rent and other money is spent, including details of any individual items of expenditure above thresholds agreed between landlords and tenants.</p> <p>These outcomes reflect a landlord’s legal duty to consult tenants about rent setting; the importance of taking account of what current and prospective tenants and other customers are likely to be able to afford; and the importance that many tenants place on being able to find out how their money is spent. Each landlord must decide, in discussion with tenants and other customers, whether to publish information about expenditure above a particular level, and in what form and detail. What matters is that discussions take place and the decisions made reflect the views of tenants and other customers.</p>	<p>Rent levels broadly in line with the national average but 7 – 9% lower than peer landlords in Glasgow.</p> <p>Rents freeze in April 2021. 3.6% increase in April 2022. 7% rent increase approved for April 2023. Higher than peers but rents still shown to be affordable.</p> <p>Customer satisfaction that rent provides value for money reduced in 2021 and is lower than peers.</p> <p>Extensive customer consultation on rent options carried out in 2022. Over 1000 tenants responded to the rent survey.</p> <p>Consultation with customers around changes to rent for caretaking, internet and more efficient heating systems completed in Autumn 2022.</p> <p>Publication schedule in place publishing transparent financial information.</p>	<ul style="list-style-type: none"> <li>▪ 2<sup>nd</sup> – Board papers on 2019 and 2020 rent consultations</li> <li>▪ 2<sup>nd</sup> – Corporate Business Plan and long term financial plans</li> <li>▪ 3<sup>rd</sup> – externally delivered customer satisfaction survey</li> <li>▪ 1<sup>st</sup>- rent structure</li> </ul>		

## Regulatory Standards

### Standard 1

The governing body leads and directs the RSL to achieve good outcomes for its tenants and other service users.

	Description	How does this happen at Maryhill?	Assurance – lines of defence	Agreed actions	
1.1	<p>The governing body sets the RSL’s strategic direction. It agrees and oversees the organisation’s business plan to achieve its purpose and intended outcomes for its tenants and other service users.</p>	<p>There are 2/3 Board Away Days per year that enable strategic discussions, including a financial business planning workshop in the spring. These days cover a range of ‘where are we now’ information including customer feedback, risk review, KPI performance, and budget performance. This also covers consideration of external factors through SWOT and PESTLE analyses.</p> <p>The financial business planning workshop in the spring gives Board opportunity to consider medium term and long term financial scenarios.</p> <p>The draft Corporate Business Plan is then produced, then the final Business Plan presented to Board for approval.</p> <p>Draft priorities are shared with RTOs for comment.</p> <p>The three year Corporate Plan is translated into an annual Delivery Plan, KPIs, and budgets. All of these are reported quarterly to Assurance Boards.</p> <p>2020 internal audit in business planning returned strong result</p>	<ul style="list-style-type: none"> <li>▪ 1<sup>st</sup> – away day agendas, slides and notes</li> <li>▪ 2<sup>nd</sup> - Standing Orders and Scheme of Delegation approved by Board</li> <li>▪ 2<sup>nd</sup> - Corporate Business Plan and appendices including risk assessment, annual delivery plan, and annual KPIs approved by Board</li> </ul>		

	Description	How does this happen at Maryhill?	Assurance – lines of defence	Agreed actions	
1.2	<p>The RSL’s governance policies and arrangements set out the respective roles, responsibilities and accountabilities of governing body members and senior officers, and the governing body exercises overall responsibility and control of the strategic leadership of the RSL.</p>	<p>This is set out in broad terms in the Standing Orders and Scheme of Delegation.</p> <p>Up to date job descriptions for the Chief Exec, Directors and Performance &amp; Governance Manager are in place. Role descriptions are also in place for Board Members, the Chair and Vice Chair. These are shared during induction so expectations are clear. Exec JDs are reviewed annually as part of appraisals. Non-exec JDs are reviewed every three years as per the Policy Schedule.</p> <p>Board reviews are carried out annually and a new Governance Effectiveness Plan approved annually, with progress reported quarterly Assurance Boards.</p> <p>Code of Conduct training delivered in 2022.</p> <p>Consideration of appropriateness of reports and information to Board is completed annually as part of Board review process. Exec team participates in the Board review process.</p> <p>Board and Committee structure fully reviewed in 2018/19 and a new streamlined structure introduced included quarterly Assurance Boards to ensure the right information is considered in the right place.</p> <p>Company Secretary role moved from CEO to Director of Resources in 2021 following recommendation from external review.</p>	<ul style="list-style-type: none"> <li>▪ 1<sup>st</sup> - role descriptions for senior officers, Board Members and officer bearers</li> <li>▪ 1<sup>st</sup> – papers from Board Away Day</li> <li>▪ 2<sup>nd</sup> - Scheme of Delegation and Standing Orders approved by Board</li> <li>▪ 2<sup>nd</sup> - investigations following breaches in Code of Conduct presented to Board for decision</li> </ul>		

	Description	How does this happen at Maryhill?	Assurance – lines of defence	Agreed actions	
1.3	<p>The governing body ensures the RSL complies with its constitution and its legal obligations. Its constitution adheres to these Standards and the constitutional requirements set out below.</p>	<p>Our Rules are based on the SFHA model rules and were updated during 2020. Any deviations from the rules comply with the constitutional standards. This was confirmed with external legal advice. These include provision for emergency decisions outside of meetings via email – this is then minuted at the next meeting.</p> <p>There is a section in all Board reports to consider legal/regulatory issues, including reference to the Rules and notifiable events.</p> <p>External legal advice is taken as appropriate, e.g. around bringing the dormant subsidiary back into use.</p> <p>The Standing Orders were fully reviewed and re-written in 2018/19 and updated in 2020 and 2021.</p> <p>A clear Scheme of Delegation is in place and includes reference to notifiable events and notification to other key bodies such as funders.</p> <p>Organisational details are kept up to date on the Landlord Portal. This is managed by the Performance and Governance Manager.</p> <p>Regulatory updates are a standing agenda item at monthly senior management team meetings.</p>	<ul style="list-style-type: none"> <li>▪ 1<sup>st</sup> – Board report templates</li> <li>▪ 1<sup>st</sup> – Governance Excellence Plan and Board Learning &amp; Development Plan</li> <li>▪ 2<sup>nd</sup> – Scheme of Delegation approved by Board</li> <li>▪ 3<sup>rd</sup> – Rules approved by Regulator and FCA</li> </ul>		

	Description	How does this happen at Maryhill?	Assurance – lines of defence	Agreed actions	
1.4	All governing body members accept collective responsibility for their decisions.	<p>Collective responsibility is highlighted in Board Member induction.</p> <p>Board minutes reflect the discussions that take place and are available on the website. Disagreements at Board are settled by votes and this is recorded in the minutes.</p> <p><a href="https://www.maryhill.org.uk/about-us/board-meetings-and-minutes/">https://www.maryhill.org.uk/about-us/board-meetings-and-minutes/</a></p> <p>The annual Governance Effectiveness process includes a self-assessment on collective decision making.</p> <p>Board Away Days in December 2020 focused on Code of Conduct and the role of the Board.</p> <p>Board induction process refreshed in 2022 to strengthen section on the Code of Conduct and expectations.</p>	<ul style="list-style-type: none"> <li>▪ 1<sup>st</sup> - Board minutes including those on the Maryhill Housing website</li> <li>▪ 1<sup>st</sup> - Board Member induction programme</li> <li>▪ 1<sup>st</sup> – papers from Board Away Day</li> <li>▪ 2<sup>nd</sup> – Board Member Code of Conduct signed annually by all Board Members</li> </ul>		

	Description	How does this happen at Maryhill?	Assurance – lines of defence	Agreed actions	
1.5	<p>All governing body members and senior officers understand their respective roles, and working relationships are constructive, professional and effective.</p>	<p>Meetings are chaired effectively to ensure purpose of reports and decisions required from Board members are clear. Board, senior officer and officer bearer role descriptions are in place.</p> <p>Effective Board member induction programme that has been checked against the GWSF guidance and other best practice is in place. This includes the Code of Conduct and worked examples of the role of the Board, and involves a meeting with the Chair. A 6 month review is carried out to ensure the effectiveness of the induction process.</p> <p>Board induction process refreshed in 2022 to strengthen section on the Code of Conduct and expectations.</p> <p>The annual Board review process explicitly asks a question around constructive relationships between Board members and senior staff.</p> <p>A process is in place to appraise the Senior Officer's performance in line with the CEO Performance Management Framework. The outcome of this is reported to the Board.</p> <p>Private Board review discussion is held after each Board meeting with actions taken forward in the Board action tracker.</p>	<ul style="list-style-type: none"> <li>▪ 1<sup>st</sup> - role descriptions for senior officers, Board Members and officer bearers</li> <li>▪ 1<sup>st</sup> – CEO Performance Management Framework</li> <li>▪ 1<sup>st</sup> - Board member induction programme</li> <li>▪ 2<sup>nd</sup> - Board member review process</li> <li>▪ 3<sup>rd</sup> – External Board member review every three years</li> </ul>		

	Description	How does this happen at Maryhill?	Assurance – lines of defence	Agreed actions	
1.6	<p>Each governing body member always acts in the best interests of the RSL and its tenants and service users, and does not place any personal or other interest ahead of their primary duty to the RSL.</p>	<p>An effective Board Member induction programme is in place that includes the Code of Conduct and Declarations of Interest. All Board Members also sign these documents every year following the AGM.</p> <p>Board induction process refreshed in 2022 to strengthen section on the Code of Conduct and expectations.</p> <p>All Board reports include links to the strategic or annual plans.</p> <p>A Register of interest is held and checked before every Board meeting by the Performance and Governance Manager and reported to the Audit and Risk Committee quarterly.</p> <p>Board Members are elected onto the Board at annual AGMs. Candidates are invited to describe why they want to join the Governing Board and this background information is included in the documentation.</p> <p>Board Away Day in December 2020 focused on Code of Conduct, different types of interest and the role of the Board.</p>	<ul style="list-style-type: none"> <li>▪ 1<sup>st</sup> – Board Member files with signed documents</li> <li>▪ 1<sup>st</sup> – Board recruitment process</li> <li>▪ 1<sup>st</sup> - Board member induction programme</li> <li>▪ 1<sup>st</sup> – papers from Board Away Day</li> <li>▪ 2<sup>nd</sup> – Board Member Code of Conduct and Declarations of Interest signed annually by all Board Members</li> <li>▪ 2<sup>nd</sup> - Board member review process</li> <li>▪ 3<sup>rd</sup> – External Board member review every three years</li> </ul>		

	Description	How does this happen at Maryhill?	Assurance – lines of defence	Agreed actions	
1.7	The RSL maintains its independence by conducting its affairs without control, undue reference to or influence by any other body (unless it is constituted as the subsidiary of another body).	<p>Responsibilities to declare interests set out in staff and Board Member Code of Conduct.</p> <p>There is an opportunity to declare interests at the start of every Board and Committee meeting, this is also checked by the Performance and Governance Manager and included in the note to chair. Conflicts are managed appropriately.</p>	<ul style="list-style-type: none"> <li>▪ 1<sup>st</sup> – Governance Effectiveness Plan</li> <li>▪ 1<sup>st</sup> – Board Member files with signed documents</li> <li>▪ 1<sup>st</sup> - Board member induction programme</li> <li>▪ 1<sup>st</sup> – Employee Code of Conduct</li> <li>▪ 2<sup>nd</sup> – Board Member Code of Conduct and Declarations of Interest signed annually by all Board Members</li> </ul>		

## Standard 2

The RSL is open about and accountable for what it does. It understands and takes account of the needs and priorities of its tenants, service users and stakeholders. And its primary focus is the sustainable achievement of these priorities.

	Description	How does this happen at Maryhill?	Assurance – lines of defence	Agreed actions	
2.1	<p>The RSL gives tenants, service users and other stakeholders information that meets their needs about the RSL, its services, its performance and its future plans.</p>	<p>Information for customers and other stakeholders is published on our accessible website, on social media, in our newsletters (3 per year), and in our Annual Review. We also have an online portal for customers – My Home. We currently have approximately 1000 users.</p> <p>Information is also given to new tenants when they move into their property, explaining about our services and what they can expect.</p> <p>Improvements have been made to the information we publish about our Investment Programme, following a review by our scrutiny panel.</p> <p>We have a Customer Engagement Strategy and Communication Strategy that set out how we will engage and communicate with all stakeholders.</p> <p>We have a toolkit for staff about how to communicate with customers who cannot speak or read English. Interpretation and translation is provided.</p> <p>Website reviewed to ensure FOI compliance and a range of information published in line with Information Commissioner/Scottish Federation of Housing Associations guidance</p>	<ul style="list-style-type: none"> <li>▪ 1<sup>st</sup> – Maryhill Housing website and social media</li> <li>▪ 1<sup>st</sup> – My Home portal</li> <li>▪ 1<sup>st</sup> – newsletters</li> <li>▪ 1<sup>st</sup> – Annual Review</li> <li>▪ 1<sup>st</sup> – Tenant Handbook</li> <li>▪ 2<sup>nd</sup> – Customer Engagement Strategy approved by Board</li> <li>▪ 2<sup>nd</sup> – Communication Strategy approved by Board</li> </ul>	<p>Review how we capture and record customers' preferred communication method / communication needs, by March 2024. <del>March 2023</del> <del>December 2022</del> <del>August 2022</del> <del>March 2021</del> <del>March 2020</del> (2023-4 Delivery Plan)</p>	

	Description	How does this happen at Maryhill?	Assurance – lines of defence	Agreed actions	
2.2	<p>The governing body recognises it is accountable to its tenants, and has a wider public accountability to the taxpayer as a recipient of public funds, and actively manages its accountabilities.</p>	<p>Our website and social media profiles are used for wider public accountability, as we have an important role in our local community that goes beyond our standard housing and factoring services. The website includes electronic copies of our newsletters, Annual Review and annual statutory accounts.</p> <p>Our newsletter includes ‘you said, we did’ reporting on our complaints and other feedback.</p> <p>A working group of customers helped to develop our Annual Report on the Charter (pre-covid).</p> <p>We hold consultation events for our new developments in the area and these are open to the public.</p> <p>We produced a publication framework as part of our Freedom of Information implementation. This includes publication of Board papers.</p>	<ul style="list-style-type: none"> <li>▪ 1<sup>st</sup> – Maryhill Housing website and social media</li> <li>▪ 1<sup>st</sup> – newsletters</li> <li>▪ 1<sup>st</sup> – Annual Review</li> <li>▪ 1<sup>st</sup> – consultation and other events</li> </ul>		

	Description	How does this happen at Maryhill?	Assurance – lines of defence	Agreed actions	
2.3	<p>The governing body is open and transparent about what it does, publishes information about its activities and, wherever possible, agrees to requests for information about the work of the governing body and the RSL.</p>	<p>We publish a range of information on our website, including the minutes from our Board meetings.</p> <p><a href="https://www.maryhill.org.uk/about-us/board-meetings-and-minutes/">https://www.maryhill.org.uk/about-us/board-meetings-and-minutes/</a></p> <p>When additional information is requested from customers or other stakeholders we always try to be as open as possible and provide this for them.</p> <p>Guide to Information in place and Publication Scheme produced in line with best practice from SFHA.</p> <p>Processes introduced and team training completed on Freedom of Information.</p>	<ul style="list-style-type: none"> <li>▪ 1<sup>st</sup> – Maryhill Housing website</li> <li>▪ 1<sup>st</sup> – record of Subject Access Requests</li> <li>▪ 1<sup>st</sup> – Freedom of Information Implementation Plan</li> <li>▪ 2<sup>nd</sup> – GDPR Policy approved by Board, with a range of supporting procedures</li> <li>▪ 3<sup>rd</sup> – 2019/20 FOI preparedness audit</li> </ul>		

2.4	<p>The RSL seeks out the needs, priorities, views and aspirations of tenants, service users and stakeholders. The governing body takes account of this information in its strategies, plans and decisions.</p>	<p>We carry out a full customer survey at least once every 3 years. This includes the statutory Charter questions as well as a range of other questions specific to our services and objectives.</p> <p>In support of the full survey, we also carry out smaller service-based surveys. These cover areas such as repairs, anti-social behaviour investment &amp; maintenance, and new tenancies. The results of these surveys are presented back to the Board quarterly and reviewed in more detail during an away day. Improvement actions are agreed to address any areas of dissatisfaction.</p> <p>We received over 1000 responses to our 2022 rent consultation.</p> <p>We have a scrutiny group, the Service Improvement Panel, and work with 8 RTOs. Board Members attend consultation events with these groups, such as around the new Customer Charter.</p> <p>We have a Customer Engagement Strategy which sets out how customer influence decisions. We introduced a new approach to involving customers in 2019 which included digital feedback. The organisation's Stakeholder Map is contained within the Communications Strategy and stakeholders are actively engaged with.</p> <p>Training was delivered for Board Members in 2021 explaining strategic and local stakeholders and partners.</p>	<ul style="list-style-type: none"> <li>▪ 1<sup>st</sup> – online, text and paper surveys, including annual Rent Consultation</li> <li>▪ 1<sup>st</sup> – survey results and action plans</li> <li>▪ 1<sup>st</sup> – Service Improvement Panel minutes and reports</li> <li>▪ 2<sup>nd</sup> – Board Away Day slides and notes, reviewing customer satisfaction results and agreeing priorities</li> <li>▪ 2<sup>nd</sup> – Customer Engagement Strategy approved by Board</li> </ul>	<p>Review Service Improvement Group (scrutiny panel) by <del>March 2023</del> December 2023 (2023-24 Governance Effectiveness Plan)</p>	
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	Description	How does this happen at Maryhill?	Assurance – lines of defence	Agreed actions	
		<p>Tenants, owners and staff have been involved in discussing how the Association should respond to the cost of living crisis and very high inflation.</p>			
2.5	<p>The RSL is open, co-operative, and engages effectively with all its regulators and funders, notifying them of anything that may affect its ability to fulfil its obligations. It informs the Scottish Housing Regulator about any significant events such as a major issue, event or change as set out and required in notifiable events guidance.</p>	<p>We have a positive relationship with our Regulation Plan Manager at the Scottish Housing Regulator, and often discuss issues or keep them informed. We also have a robust notifiable events process, to ensure that we notify the Regulator formally of any incidents that meet the set criteria. The Scheme of Delegation sets out who is responsible for reporting notifiable events and a register is held.</p> <p>We also have a good working relationship with the SPSO and ICO, and staff are clear when to raise relevant issues with Corporate Support.</p> <p>Any notifiable events are reported to Board in the Governance Report at each meeting, or beforehand via email if required.</p> <p>Covenant compliance is reported to the Board quarterly and the relationship with key partners is actively managed at a senior level, e.g. six monthly liaison meetings with funders.</p> <p>A governance calendar is in place and used to develop Board and Committee agendas.</p>	<ul style="list-style-type: none"> <li>▪ 1<sup>st</sup> - Notifiable Events process and records</li> <li>▪ 1<sup>st</sup> – Governance Calendar</li> <li>▪ 2<sup>nd</sup> – CEO Reports to Board</li> <li>▪ 3<sup>rd</sup> - Internal and External Audit Reports</li> </ul>		

### Standard 3

The RSL manages its resources to ensure its financial well-being, while maintaining rents at a level that tenants can afford to pay.

	Description	How does this happen at Maryhill?	Assurance – lines of defence	Agreed actions	
3.1	<p>The RSL has effective financial and treasury management controls and procedures, to achieve the right balance between costs and outcomes, and control costs effectively. The RSL ensures security of assets, the proper use of public and private funds, and access to sufficient liquidity at all times.</p>	<p>Board approve budget, medium term financial plans and long term financial plans annually as part of Business Planning cycle. Board have the opportunity to comment on draft before budget is finalised.</p> <p>Corporate Business planning process includes feedback from customers and prioritisation of resources in response to this – e.g. 2021 feedback in customer satisfaction survey around cost of heating – resources allocated to replacing electric heating systems.</p> <p>Rents approved annually by the Board and in 2022 options given to tenants. Robust rent setting process in line with Regulator’s thematic enquiry. Rent affordability tested in a variety of ways. Rent affordability included as a key section in the Corporate Plan.</p> <p>Costs are not currently actively benchmarked.</p> <p>Performance against budget is monitored monthly by senior management team and reported in detail to the Audit and Risk Committee quarterly and at Assurance Boards.</p> <p>Business Plan was re-cast in March 2023 in light of very high inflation and the potential rent restrictions imposed by Scottish Government.</p>	<ul style="list-style-type: none"> <li>▪ 1<sup>st</sup> - Corporate Business Plan</li> <li>▪ 2<sup>nd</sup> - Board away day presentations and notes</li> <li>▪ 2<sup>nd</sup> - Value for money strategy</li> <li>▪ 1<sup>st</sup> - Treasury management policy</li> <li>▪ 1<sup>st</sup> - Annual report</li> <li>▪ 1<sup>st</sup> - Scheme of delegation</li> <li>▪ 3<sup>rd</sup> - Internal audit plan and reports</li> <li>▪ 3<sup>rd</sup> - External audit reports</li> <li>▪ 3<sup>rd</sup> - HouseMark cost benchmarking report</li> <li>▪ 3<sup>rd</sup> - External audit management letter</li> </ul>	<p>Introduce strategic financial key performance indicators by November 2023 (<i>2023-24 Board Planner</i>).</p>	

	Description	How does this happen at Maryhill?	Assurance – lines of defence	Agreed actions	
		<p>Treasury management policy is in place and reviewed annually by an external advisor that reports directly to the Board.</p> <p>Treasury Management Strategy introduced in June 2020.</p> <p>Covenant compliance is assessed and projected quarterly.</p> <p>Corporate business planning clearly assesses covenant compliance.</p> <p>Key business plan long term financial assumptions were tested externally during 2018 and amendments made – e.g. bad debt provision increased.</p> <p>Value for money strategy in place and reviewed annually as part of business planning process. Current programme of savings - £100k in 2023-24.</p> <p>Annual report includes information on where money is spent and rent affordability.</p> <p>3 year internal audit plan prepared annually with input from Audit committee and senior staff. Regulator’s key business planning risks considered in internal audit plan. Progress against audit actions reported quarterly to Audit and Risk Committee.</p> <p>Scheme of delegation was reviewed in 2018/19 and 2020 and new authorisation levels introduced to support efficient financial management.</p>			

	Description	How does this happen at Maryhill?	Assurance – lines of defence	Agreed actions	
		All Board reports include a section on financial implications and value for money.			
3.2	The governing body fully understands the implications of the treasury management strategy it adopts, ensures this is in the best interests of the RSL and that it understands the associated risks.	<p>Treasury management policy previously approved every three years by Audit and Risk committee – from 2019 approved by Board. The Policy takes account of the CIPFA code on Treasury Management.</p> <p>Effectiveness of Treasury Management tested annually by external advisors reporting to Board/Committee.</p> <p>Specialist Treasury Management advice externally procured as required, e.g. 2018 Treasury Management Review and reprocured in 2021 on a retainer basis. This included training on Treasury Management to the Board.</p> <p>Treasury Management decisions included in Scheme of Delegation.</p> <p>Treasury Management included in the Association’s strategic risk register.</p>	<ul style="list-style-type: none"> <li>▪ 1st - Reports and training materials around 2018 Treasury Management Review.</li> <li>▪ 2<sup>nd</sup> - Corporate Risk Register</li> <li>▪ 1st - Finance and Treasury Management training provided to the Board during 2018.</li> </ul>		

3.3	<p>The RSL has a robust business planning and control framework and effective systems to monitor and accurately report delivery of its plans. Risks to the delivery of financial plans are identified and managed effectively. The RSL considers sufficiently the financial implications of risks to the delivery of plans.</p>	<p>Whole Association approach to business planning commenced in the autumn and concluded in the Spring with draft and final plans to Board. Business Planning processes developed from SHR guidance.</p> <p>Risk review completed and included in the Corporate Plan as an appendix. Key risks reported to the Audit and Risk Committee and Assurance Board quarterly.</p> <p>Key risks tested through financial scenarios and discussed as Board business planning workshop. Scenario testing includes treasury risks, e.g. LIBOR increases.</p> <p>High level strategic objectives translated into annual delivery plan (action plan), KPI targets, policy schedule. Key performance targets developed through Board working group. All of these key documents separately approved by the Board. KPIs set following benchmarking exercise with comparable landlords.</p> <p>Performance against budget reported to Senior Team monthly, and Audit and Risk Committee and Board quarterly.</p> <p>Progress against these along with any corrective action reported to new assurance Board quarterly.</p> <p>New Assurance Board reports introduced for health and safety and development in 2022 and for Investment in 2023.</p> <p>Detailed full Assurance process does not involve the full senior staff team.</p>	<ul style="list-style-type: none"> <li>▪ 2<sup>nd</sup> - Corporate Business Plan</li> <li>▪ 1<sup>st</sup> - Annual delivery Plan</li> <li>▪ 2<sup>nd</sup> - Annual KPIs and Policy and Performance Committee report including benchmarking</li> <li>▪ 2<sup>nd</sup> - Progress reports to Assurance Board</li> <li>▪ 2<sup>nd</sup> - Risk Board and Committee reports</li> <li>▪ 2<sup>nd</sup> - Budget Board and Committee reports.</li> </ul>	<p>Introduce new process for full Assurance Framework review by July 2024 (<i>2023-24 Board Planner</i>).</p>	
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	Description	How does this happen at Maryhill?	Assurance – lines of defence	Agreed actions	
		Group structures considered as part of 2022 business planning process.			
3.4	The governing body ensures financial forecasts are based on appropriate and reasonable assumptions and information, including information about what tenants can afford to pay and feedback from consultation with tenants on rent increases.	<p>Affordability assessed as part of annual rent setting process. Affordability assessed in line with Regulator’s Thematic Review and using SFHA / HouseMark tool.</p> <p>Board decision on final rent increase considers feedback from tenants.</p> <p>Key financial assumptions, e.g. long term interest rates, itemised as part of annual Corporate Business Plan and compared with previous years. Explanation of provenance of assumptions included, e.g. bank of England projections.</p> <p>Treasury Advisors annual services provided include review of business plan and assumptions.</p> <p>Five year financial projections are submitted to SHR in accordance with statutory guidance.</p>	<ul style="list-style-type: none"> <li>▪ 3<sup>rd</sup> - Report by Treasury advisers on business plan assumptions.</li> <li>▪ 2<sup>nd</sup> - Rent increase Board reports – pre and post consultation.</li> </ul>		

3.5	<p>The RSL monitors, reports on and complies with any covenants it has agreed with funders. The governing body assesses the risks of these not being complied with and takes appropriate action to mitigate and manage them.</p>	<p>Covenant compliance both actual and projected included in quarterly management accounts report to Board and Audit and Risk Committee quarterly.</p> <p>Detailed Treasury Review Process undertaken in 2018 which considered covenants and considered in detail by Audit and Risk Committee prior to approval by Board. New Treasury Policy approved August 2022.</p> <p>Board member financial training delivered internally by Head of Finance/Director of Resources and externally by Treasury Advisers included information on covenant compliance.</p> <p>Covenant compliance of long term and medium term financial plans set out in Corporate Business Plan.</p> <p>Testing of financial scenarios including assessment against covenants and the impact on financial viability assessed.</p> <p>Risks and mitigation actions reported to Board quarterly.</p> <p>Discussions have been held with lenders around the implications of the high inflation environment and the potential for rent restrictions.</p> <p>External advice from the Association's Treasury Advisers has been taken around the current high inflation environment and options available to the Association.</p> <p>New covenants introduced from 2023.</p>	<ul style="list-style-type: none"> <li>▪ 1<sup>st</sup> - Financial and Treasury Management Board training materials</li> <li>▪ 2<sup>nd</sup> - Quarterly management accounts</li> <li>▪ 2<sup>nd</sup> - Annual Corporate Business Plan and financial appendices.</li> </ul>		
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	Description	How does this happen at Maryhill?	Assurance – lines of defence	Agreed actions	
3.6	The governing body ensures that employee salaries, benefits and its pension offerings are at a level that is sufficient to ensure the appropriate quality of staff to run the organisation successfully, but which is affordable and not more than is necessary for this purpose.	<p>Full EVH members so salaries and other elements of Ts and Cs set centrally.</p> <p>Pensions reviewed during 2017 and 2019 and changes introduced in April 2018 and April 2020 – external pension advice procured and reported directly to the Board. Majority of staff moved to defined contribution pension scheme.</p> <p>Non-EVH changes to terms and conditions require Board approval in scheme of delegation.</p> <p>Staff terms and conditions and benefits package considered in Spring 2022 and staff consultation taken place in October 2022.</p>	<ul style="list-style-type: none"> <li>▪ 1<sup>st</sup> - Staff terms and conditions</li> <li>▪ 2<sup>nd</sup> - Reports to the Board during pension review</li> <li>▪ 2<sup>nd</sup> - Reports to the Board during SMT restructure</li> </ul>		

	Description	How does this happen at Maryhill?	Assurance – lines of defence	Agreed actions	
3.7	<p>The governing body ensures the RSL provides accurate and timely statutory and regulatory financial returns to the Scottish Housing Regulator. The governing body assures itself that it has evidence the data is accurate before signing it off.</p>	<p>Audited accounts, audit management letter and Board response to the auditor all approved by the Board following detailed consideration by the Audit and Risk Committee.</p> <p>External audit function regularly re-tendered to ensure current Best Practice is applied.</p> <p>Governance calendar in place from April 2019 setting out all returns, leads and sign off required. This is reviewed monthly by Senior Management Team.</p> <p>From 2019 returns requiring Board approval, e.g. the ARC is considered by the Board ahead of submission and since 2020 a working group was set up to consider this in detail.</p> <p>Corrections to returns are made as required, e.g. in 2021 and 2022 corrections made to ARC. Board made aware of this.</p>	<ul style="list-style-type: none"> <li>▪ 1<sup>st</sup> - Governance Calendar</li> </ul>		

**Standard 4**

**The governing body bases its decisions on good quality information and advice and identifies and mitigates risks to the organisation’s purpose.**

	Description	How does this happen at Maryhill?	Assurance – lines of defence	Agreed actions	
4.1	<p>The governing body ensures it receives good quality information and advice from staff and, where necessary, expert independent advisers, that is timely and appropriate to its strategic role and decisions. The governing body is able to evidence any of its decisions.</p>	<p>We have an agreed reporting format for Board and Committees, that helps summarise each report and make clear what we are asking Board Members to consider. We record all decisions in our agreed minute format, and publish Board decisions on our website. Board papers are issued a week in advance. Board papers are structured to consider key issues first. Format of Board papers is considered as part of Board review process and changes have been made in 2020 and 2023.  <a href="https://www.maryhill.org.uk/about-us/board-meetings-and-minutes/">https://www.maryhill.org.uk/about-us/board-meetings-and-minutes/</a></p> <p>We reviewed and streamlined our Committee structure in 2019, as well as reviewing our Scheme of Delegation to agree what must be considered at each governance level.</p> <p>We make good use of external professionals and advisors, particularly in relation to areas identified as requiring additional assurance and / or more complex areas, e.g. pensions, treasury. Specialist advisors provide advice directly to the Board by attending meetings. In addition, Board Members and senior officers are encouraged to attend networking and learning events throughout the year.</p> <p>Two Board away days are scheduled each year.</p>	<ul style="list-style-type: none"> <li>▪ 1<sup>st</sup> – Maryhill Housing website</li> <li>▪ 1<sup>st</sup> – Board training budget and Learning &amp; Development Plan</li> <li>▪ 1<sup>st</sup> – Board agendas, papers and minutes</li> <li>▪ 2<sup>nd</sup> – Standing Orders, Scheme of Delegation and Committee remit approved by Board</li> <li>▪ 3<sup>rd</sup> – presentations and reports from external advisors</li> </ul>		

	Description	How does this happen at Maryhill?	Assurance – lines of defence	Agreed actions	
4.2	<p>The governing body challenges and holds the senior officer to account for their performance in achieving the RSL's purpose and objectives.</p>	<p>There are good discussions at Board and Committee meetings, with questions being asked of senior officers relating to their papers and the decisions Board Members are being asked to make. Board training on effective questioning was delivered in 2023.</p> <p>The relationship between Board and senior officers is reviewed annually as part of the Board Appraisal process.</p> <p>The CEO's performance is appraised annually using an agreed process by a sub-committee of Board members. This is set out in the CEO Performance Management Framework. The outcome is reported to the Board.</p> <p>Performance across the business (KPIs, development, investment delivery, finance, risk) is reported to quarterly Assurance Boards.</p> <p>A new Scheme of Delegation was approved in 2019 and ensures appropriate delegation for efficient running of the business.</p>	<ul style="list-style-type: none"> <li>▪ 1<sup>st</sup> – Board agendas, papers and minutes</li> <li>▪ 1<sup>st</sup> – Board appraisal process and records</li> <li>▪ 2<sup>nd</sup> – Standing Orders, Scheme of Delegation and Committee remit approved by Board</li> <li>▪ 2<sup>nd</sup> – CEO appraisal process</li> </ul>		

	Description	How does this happen at Maryhill?	Assurance – lines of defence	Agreed actions	
4.3	<p>The governing body identifies risks that might prevent it from achieving the RSL’s purpose and has effective strategies and systems for risk management and mitigation, internal control and audit.</p>	<p>We have a detailed risk register and map including lead senior officers that is updated at least quarterly and reported to management, to Audit &amp; Risk Committee, and to Board. The risk approach was reviewed and improved during 2019 and considers SHR guidance on risk as part of risk identification. A new Risk Policy and procedures were approved in 2022.</p> <p>We have a Risk Strategy that forms part of our Corporate Plan and is reviewed annually with approval from Board. An internal audit on risk management was completed in 2023.</p> <p>Risk implications are included on our Board paper template, so all decisions are made with the relevant risk areas being considered.</p> <p>Our internal and external auditors regularly check our Risk Register to inform their audit proposals. Three yearly internal audit plans are approved annually by the Board following discussion with senior management team and Audit and Risk Committee.</p> <p>Risks are considered in detail quarterly by senior management team and highlighted to all managers.</p> <p>Our Scheme of Delegation and Board reports include identification of notifiable events and responsibilities for submitting.</p>	<ul style="list-style-type: none"> <li>▪ 2<sup>nd</sup> – Risk Strategy and Risk Register approved by Board</li> <li>▪ 2<sup>nd</sup> - Risk reports to Audit &amp; Risk Committee and to Board</li> <li>▪ 3<sup>rd</sup> - Internal and External Audit reports and plans</li> </ul>		

	Description	How does this happen at Maryhill?	Assurance – lines of defence	Agreed actions	
4.4	<p>Where the RSL is the parent within a group structure it fulfils its responsibilities as required in our group structures guidance to:</p> <p>a) control the activities of, and manage risks arising from, its subsidiaries;</p> <p>b) ensure appropriate use of funds within the group;</p> <p>c) manage and mitigate risk to the core business; and</p> <p>d) uphold strong standards of governance and protect the reputation of the group for investment and other purposes.</p>	<p>We currently have a subsidiary- Maryhill Living Ltd.</p> <p>Governance framework for the subsidiary was approved in 2022 following external legal advice.</p> <p>Detailed governance documents setting out the relationship between Maryhill Living and Maryhill Housing approved in September 2022.</p>	<ul style="list-style-type: none"> <li>▪ 1<sup>st</sup> - Maryhill Communities Ltd minutes</li> <li>▪ 1<sup>st</sup> - Companies House returns and online profile</li> </ul>		

	Description	How does this happen at Maryhill?	Assurance – lines of defence	Agreed actions	
4.5	<p>The RSL has an internal audit function. The governing body ensures the effective oversight of the internal audit programme by an audit committee or otherwise. It has arrangements in place to monitor and review the quality and effectiveness of internal audit activity, to ensure that it meets its assurance needs in relation to regulatory requirements and the Standards of Governance and Financial Management. Where the RSL does not have an audit committee, it has alternative arrangements in place to ensure that the functions normally provided by a committee are discharged.</p>	<p>We have had an internal auditor for many years. Our three year internal audit plan is signed off by the Board as part of the Corporate Plan following working groups with Senior Management Team and the Audit and Risk committee. This includes consideration of key risk areas and risk and business planning guidance from the Scottish Housing Regulator. During the Audit and Risk Committee where the 3 year plan is considered there is time for the Committee to meet directly with the internal auditors without staff present.</p> <p>The audit plan and all audit reports are presented to our Audit &amp; Risk Committee, which meets quarterly and has a remit strongly focused around audit, risk, assurance and financial management. The internal auditor also produces an annual report summarising internal audit activity which goes to the full Board. The Board and Audit Committee both have the ability to request time with the internal auditors without staff present.</p> <p>Our internal auditor was re-procured in 2023 following a competitive process using SFHA guidance.</p> <p>Since 2021 we have supplemented our internal audit plan with third line of defence reviews, usually by specialists, to supplement traditional internal audit. Progress in delivering these also reported to Audit and Risk Committee quarterly.</p>	<ul style="list-style-type: none"> <li>▪ 1<sup>st</sup> - Audit &amp; Risk agendas, papers and minutes</li> <li>▪ 2<sup>nd</sup> - Internal Audit Plan approved by Board</li> <li>▪ 3<sup>rd</sup> - Internal Audit Reports</li> <li>▪ 3<sup>rd</sup> - External Audit Reports</li> </ul>		

	Description	How does this happen at Maryhill?	Assurance – lines of defence	Agreed actions	
4.6	The governing body has formal and transparent arrangements for maintaining an appropriate relationship with the RSL's external auditor and its internal auditor.	<p>Our internal and external auditors are formally procured in line with our Procurement Policy. Once assigned the contract they provide an audit programme or plan to formalise what they will review and report on while working for us. This plan is approved by Audit &amp; Risk Committee and by Board.</p> <p>The External Audit Report is considered and approved at the annual AGM, alongside the statutory accounts. A representative from the firm presents the Report to all Members in attendance.</p>	<ul style="list-style-type: none"> <li>▪ 1<sup>st</sup> - AGM papers and minutes</li> <li>▪ 1<sup>st</sup> - Board papers and minutes</li> <li>▪ 1<sup>st</sup> - Internal &amp; External Audit contracts</li> <li>▪ 1<sup>st</sup> - Audit &amp; Risk papers and minutes</li> <li>▪ 2<sup>nd</sup> - Internal &amp; External Audit Plans approved by Board</li> <li>▪ 3<sup>rd</sup> - Letter confirming independence of external auditor</li> </ul>		

**Standard 5**

**The RSL conducts its affairs with honesty and integrity.**

	Description	How does this happen at Maryhill?	Assurance – lines of defence	Agreed actions	
5.1	<p>The RSL conducts its affairs with honesty and integrity and, through the actions of the governing body and staff, upholds the good reputation of the RSL and the sector.</p>	<p>Corporate Business Plan includes clear sections on values having been developed through extensive consultation with staff and in response to feedback from customers – hence the new value to Deliver on Promises.</p> <p>Senior Management Team and Board workshop held to discuss Corporate Business plan in February of each year.</p> <p>Board member Code of Conduct included in Board Member induction. Additional training on the Board Code of Conduct completed October 2022.</p> <p>Explicit expectation for senior staff to be outward looking in JDs and competency framework and the association takes the opportunities to promote the work of the Association through housing press and by speaking and conferences and events.</p> <p>Development of openness culture through All Manager quarterly away days and staff engagement surveys.</p> <p>Networking with local organisations carried out as part of developing 2022 Equality, Diversity and Inclusion Strategy. Also integration with the wider community through social media, Community Fund and donations programme.</p>	<ul style="list-style-type: none"> <li>▪ 2<sup>nd</sup> - New Corporate Business Plan.</li> <li>▪ 1<sup>st</sup> - Board member signed codes of conduct</li> <li>▪ 3<sup>rd</sup> - Best companies survey to assess effectiveness of leadership</li> <li>▪ 2<sup>nd</sup> Board Review process (internally)</li> <li>▪ 3<sup>rd</sup> – external Board review process every three years</li> </ul>	<p>Values publicly stated in offices by April 2024 <del>October 2019</del>  <del>March 2020</del> (Corporate Support Team Delivery Plan)</p>	

	Description	How does this happen at Maryhill?	Assurance – lines of defence	Agreed actions	
		<p>Assessment of honesty and value driven included in annual Board review process.</p> <p>The organisation is a Glasgow Living Wage employer and is part of the Disability Confident Scheme.</p> <p>Corporate Plan objectives, vision and values embedded across the organisation – e.g. 1-1s, all manager meetings. New appraisal process launched in December 2019 and tracked quarterly.</p>			

	Description	How does this happen at Maryhill?	Assurance – lines of defence	Agreed actions	
5.2	<p>The RSL upholds and promotes the standards of behaviour and conduct it expects of governing body members and staff through an appropriate code of conduct. It manages governing body members' performance, ensures compliance and has a robust system to deal with any breach of the code.</p>	<p>Code of conduct signed annually by Board members – use SFHA model.</p> <p>Code of conduct included in Board member induction process (refreshed in 2022) and considered in detail at Board Away days in 2019 and 2020 and refresher training provided in 2022.</p> <p>Robust process for Annual Board member review –externally 2021, internally in 2022 and 2023. Board member Code of Conduct and the Association's values form part of the annual Board review process. Results from the review process discussed at Board in autumn and then feed into following year's Governance Effectiveness Plan.</p> <p>Robust process in place to manage alleged breaches in the code of conduct – Regulator notified and process in Code of Conduct followed for alleged breaches. Process led by the Chair as appropriate and external investigation carried out as required. External review carried out in 2020 followed potential breaches and improvements approved to the protocol for managing potential breaches. Improvements made again in 2022 following application of the new process in practice.</p>	<ul style="list-style-type: none"> <li>▪ 1<sup>st</sup> - Signed Board Member code of conducts</li> <li>▪ 1<sup>st</sup> - Board member induction materials and procedure</li> <li>▪ 1<sup>st</sup> - Board member review process – paper to the Board</li> <li>▪ 1<sup>st</sup> - Notifiable events regarding alleged breaches in the Code of Conduct.</li> </ul>		

	Description	How does this happen at Maryhill?	Assurance – lines of defence	Agreed actions	
5.3	<p>The RSL pays due regard to the need to eliminate discrimination, advance equality and human rights, and foster good relations across the range of protected characteristics in all areas of its work, including its governance arrangements.</p>	<p>Introduction of equality impact assessment for policies as per policy schedule from September '19. Senior Management Team trained and format externally verified.</p> <p>Toolkit in place for communicating with staff who do not speak or read English and training provided to staff. Interpretation and translation offered.</p> <p>Equality and diversity strategy approved in March 2023 which included self assessment against Clh Human Rights Guidance.</p> <p>New values include 'embracing people's differences' which reflects the importance of inclusion.</p> <p>Processes in place to encourage applications for jobs from under-represented groups, e.g. promotion of jobs to specific networks. Ethnic diversity of staff team now reported to the Board.</p> <p>Equalities policy in place to safeguard against discrimination of staff.</p> <p>E and D training for staff and Board not completed since 2023.</p> <p>Human rights approach not embedded within the staff team.</p> <p>Standard specifications are not culturally specific.</p> <p>The Association's staff and Board are not representative of the community in terms of ethnic diversity.</p>	<ul style="list-style-type: none"> <li>▪ 2<sup>nd</sup> - Equality and diversity strategy and action plan</li> <li>▪ 1<sup>st</sup> - Equalities policy</li> <li>▪ 1<sup>st</sup> - EIA for new policies</li> <li>▪ 1<sup>st</sup> - Accessible office facilities</li> </ul>	<p>Roll out E and D training for staff by March 2024 (<i>2023-24 Delivery Plan</i>)</p> <p>Roll out E and D training for Board Members by October 2023 (<i>2023-24 Governance Effectiveness Plan</i>).</p> <p>Deliver workshop on Human Rights in October 2023 All Staff session (<i>Board Planner, 2023-24</i>).</p> <p>Review our standard specification for Investment and Development projects to ensure they are culturally specific (<i>2023-24 Delivery Plan</i>).</p> <p>Achieve KPIs on staff and Board diversity (<i>2023-24 Strategic KPIs</i>)</p>	

	Description	How does this happen at Maryhill?	Assurance – lines of defence	Agreed actions	
5.4	<p>Governing body members and staff declare and manage openly and appropriately any conflicts of interest and ensure they do not benefit improperly from their position.</p>	<p>Requirement to declare interests set out in staff Ts and Cs and Board Code of Conduct. This is completed annually for both groups and a register held. Guidance is issued to explain what should be registered as an interest.</p> <p>SFHA model payments and benefits policy is in place for staff and Board members.</p> <p>Board member induction includes responsibility to declare interests. Training provided October 2022.</p> <p>There is a standing item on Board agenda for declaration of interests. This is reported to the Audit and Risk Committee quarterly. This is also checked in advance of Board meetings by the Performance and Governance Manager.</p> <p>Where declarations of interest are noted this is managed appropriately, e.g. members of the Board not participating in discussions or leaving the room for certain discussions. This is minuted.</p> <p>There is a standing item on senior management team agendas for regulatory updates. This is checked by the Performance and Governance Manager.</p>	<ul style="list-style-type: none"> <li>▪ 1st - Register of interests</li> <li>▪ 1<sup>st</sup> - Board member declarations of interest on file</li> <li>▪ 1<sup>st</sup> - Gifts, payments and benefits policy and register in place based on the SFHA model.</li> </ul>		

	Description	How does this happen at Maryhill?	Assurance – lines of defence	Agreed actions	
5.5	The governing body is responsible for the management, support, remuneration and appraisal of the RSL’s senior officer and obtains independent, professional advice on matters where it would be inappropriate for the senior officer to provide advice.	<p>Appraisal process is in place for the Senior Officer which is undertaken by the Chair, Vice chair and Chair of Staffing Committee. This is then reported to the full Board. Feedback is sought from the full Board to include in the appraisal.</p> <p>From April 2019 CEO remuneration managed in line with the SHR guidance.</p> <p>A salary benchmarking exercise was carried out ahead of recruitment to the current CEO.</p> <p>Where the CEO has a personal interest, e.g. the March 2019 Board paper on CEO remuneration, the CEO is not involved in these discussions.</p> <p>CEO performance management framework introduced in May 2021.</p>	<ul style="list-style-type: none"> <li>▪ 2<sup>nd</sup> - CEO appraisal</li> <li>▪ 2<sup>nd</sup> - Board reports following CEO appraisal</li> <li>▪ 2<sup>nd</sup> - CEO remuneration report to Board March 2019.</li> </ul>		
5.6	There are clear procedures for employees and governing body members to raise concerns or whistleblow if they believe there has been fraud, corruption or other wrongdoing within the RSL.	<p>Fraud theft and anti-bribery policy in place and training provided virtually during 2020.</p> <p>Whistleblowing Policy and procedure in place – reviewed October 2022.</p> <p>Payments internal audit carried out in 2018 following payment of a fraudulent invoice and processes improved as a result.</p> <p>Fraud and attempted fraud notified to the Board and Regulator and a full learning review carried out.</p>	<ul style="list-style-type: none"> <li>▪ 1<sup>st</sup> - Whistleblowing policy</li> <li>▪ 1<sup>st</sup> - Fraud, theft and anti-bribery policy</li> <li>▪ 3<sup>rd</sup> - Payments internal audit</li> <li>▪ 2<sup>nd</sup> - 2019 fraud notifiable event</li> </ul>		

	Description	How does this happen at Maryhill?	Assurance – lines of defence	Agreed actions	
5.7	Severance payments are only made in accordance with a clear policy which is approved by the governing body, is consistently applied and is in accordance with contractual obligations. Such payments are monitored by the governing body to ensure the payment represents value for money. The RSL has considered alternatives to severance, including redeployment.	<p>Severance payments are made in line with the payments and benefits policy based on the SFHA model and the terms and conditions and the Severance Policy.</p> <p>Legal advice has been taken in all instances of severance and the legal advice has been presented directly to the Board to provide assurance that the policy has been complied with.</p>	<ul style="list-style-type: none"> <li>▪ 1<sup>st</sup> - Payments and benefits policy</li> <li>▪ 2<sup>nd</sup> - Board reports on staffing restructures during 2018 and 2019.</li> </ul>		
5.8	Where a severance payment is accompanied by a settlement agreement the RSL does not use this to limit public accountability or whistleblowing. The RSL has taken professional legal advice before entering into a settlement agreement.	Settlement agreements are drafted by our legal advisers and the format does not limit public accountability or whistleblowing.	<ul style="list-style-type: none"> <li>▪ 1<sup>st</sup> - Example settlement agreement</li> </ul>		

**Standard 6**

**The governing body and senior officers have the skills and knowledge they need to be effective.**

	Description	How does this happen at Maryhill?	Assurance – lines of defence	Agreed actions	
6.1	<p>The RSL has a formal, rigorous and transparent process for the election, appointment and recruitment of governing body members. The RSL formally and actively plans to ensure orderly succession to governing body places to maintain an appropriate and effective composition of governing body members and to ensure sustainability of the governing body.</p>	<p>We currently have 9 elected Board Members. Our minimum is 7 and max 15, with at least 12 of these being elected, so we are meeting that requirement. 5 are customers (4 tenants, 1 owner) and 4 independent. This means we are compliant with our rules as we must have a customer majority.</p> <p>There is a role description in place for Board Members and Office Bearers.</p> <p>Board recruitment is ongoing to recruit new tenant Board members.</p> <p>We use the annual face-to-face Board appraisal process to discuss with Board Members what their plans may be for the future. This allows us to manage succession effectively.</p> <p>The Chair and Vice Chair were re-elected in September 2022.</p> <p>A Board recruitment procedure is in place and was refreshed in September 2022. Potential new Board Members are issued with a Board recruitment pack, are invited to observe two Board meetings, submit an application form and are interviewed by a panel of Board Members.</p>	<ul style="list-style-type: none"> <li>▪ 1<sup>st</sup> – Governance Effectiveness Plan</li> <li>▪ 1<sup>st</sup> – Board Member Information maintained by Corporate Support</li> <li>▪ 1<sup>st</sup> – AGM papers and minutes</li> <li>▪ 1<sup>st</sup> – Board Member Recruitment Process</li> <li>▪ 1<sup>st</sup> – Board Member Induction Checklist &amp; materials</li> <li>▪ 2<sup>nd</sup> – Board Member Appraisal Process and paperwork approved by Board and carried out by Chair</li> <li>▪ 3<sup>rd</sup> – Rules approved by Regulator and FCA</li> </ul>		

	Description	How does this happen at Maryhill?	Assurance – lines of defence	Agreed actions	
6.2	<p>The governing body annually assesses the skills, knowledge, diversity and objectivity it needs to provide capable leadership, control and constructive challenge to achieve the RSL’s purpose, deliver good tenant outcomes, and manage its affairs. It assesses the contribution of continuing governing body members, and what gaps there are that need to be filled.</p>	<p>We have a detailed annual Board Appraisal Process, which covers Board Members’ own performance and skills assessment (discussed at face-to-face discussions) as well as wider governance effectiveness. For the latter, we use an electronic survey to gather Board Member views, followed by a Governance Effectiveness workshop to discuss the results as a group.</p> <p>The final output of this process is a Governance Effectiveness Plan, structured in line with the Regulatory Framework and outlining what actions will be taken to improve our compliance over the next year.</p> <p>In 2021 the Board review process was completed externally to help support a relatively new and inexperienced Board. It is being delivered internally in 2023.</p> <p>When looking to recruit new Board members we identify the skills we require (based on the feedback from the review process) as part of the advertisement and assessment process.</p> <p>The skills the Board are seeking is promoted via newsletters, social media and external advertisement.</p>	<ul style="list-style-type: none"> <li>▪ 1<sup>st</sup> – Governance Effectiveness Plan</li> <li>▪ 1<sup>st</sup> – analysis of Governance Effectiveness survey</li> <li>▪ 1<sup>st</sup> – Governance Effectiveness presentations (Oct &amp; Jan Board meetings)</li> <li>▪ 1<sup>st</sup> – relevant Board minutes</li> <li>▪ 2<sup>nd</sup> – Board Member Appraisal Process and paperwork approved by Board and carried out by Chair</li> <li>▪ 2<sup>nd</sup> – Governance Effectiveness Plan approved by Board and progress reported quarterly</li> <li>▪ 3<sup>rd</sup> – Board appraisals managed by external facilitator every third year</li> </ul>		

	Description	How does this happen at Maryhill?	Assurance – lines of defence	Agreed actions	
6.3	<p>The RSL ensures that all governing body members are subject to annual performance reviews to assess their contribution and effectiveness. The governing body takes account of these annual performance reviews and its skills needs in its succession planning and learning and development plans. The governing body ensures that any non-executive member seeking re-election after nine years' continuous service demonstrates continued effectiveness.</p>	<p>In 2021 our annual Board Appraisal Process was delivered externally. In 2022 and 2023 it will be delivered in-house. We use individual Board Appraisal forms to review each individual's performance during the year, as well as an electronic survey to gather their views on other areas of governance / the Board. Meetings are then held between the Chair and each Board Member, followed by a Governance Effectiveness workshop to discuss the outputs as a group.</p> <p>For the Chair herself, in 2023 a survey was sent to all Board Members asking for their feedback on him. She will then have an appraisal meeting with the Vice Chair.</p> <p>The final output of this process is a Governance Effectiveness Plan including Board Learning &amp; Development Plan. This includes an L&amp;D Plan setting out what training will be held during the year to ensure we have the right mix of skills and that Board Members stay up to date with regulatory matters.</p> <p>Our last Board Member subject to the 9-year rule was in 2017. The normal appraisal process was expanded to consider his contribution to the Board and to what extent he remained objective and effective. The Chair was satisfied that this Board Member should continue, and this recommendation was then discussed and approved by Board.</p>	<ul style="list-style-type: none"> <li>▪ 1<sup>st</sup> – Governance Effectiveness Plan</li> <li>▪ 1<sup>st</sup> – analysis of Governance Effectiveness survey</li> <li>▪ 1<sup>st</sup> – Governance Effectiveness presentations (Oct &amp; Jan Board meetings)</li> <li>▪ 1<sup>st</sup> – relevant Board minutes</li> <li>▪ 1<sup>st</sup> – Board Member Information maintained by Corporate Support</li> <li>▪ 2<sup>nd</sup> – Board Member Appraisal Process and paperwork approved by Board and carried out by Chair</li> <li>▪ 2<sup>nd</sup> – Governance Effectiveness Plan approved by Board and progress reported quarterly</li> <li>▪ 2<sup>nd</sup> – Board Learning &amp; Development Plan approved by Board</li> <li>▪ 3<sup>rd</sup> – Board appraisals managed by external facilitator every third year</li> </ul>		

	Description	How does this happen at Maryhill?	Assurance – lines of defence	Agreed actions	
6.4	The RSL encourages as diverse a membership as is compatible with its constitution and actively engages its membership in the process for filling vacancies on the governing body.	<p>Our approach to membership is clearly set out in our rules. We promote shareholding membership when we sign up new tenants, through our website and through adhoc discussions with customers, e.g. responding to complaints or customer satisfaction surveys. Of our 9 elected Board Members, 5 are customers of the association.</p> <p>Board recruitment is ongoing and we are specifically seeking more tenant Board members who are representative of the Maryhill community.</p>	<ul style="list-style-type: none"> <li>▪ 1<sup>st</sup> – Board Member Information maintained by Corporate Support</li> <li>▪ 1<sup>st</sup> – Board Member Recruitment Process</li> <li>▪ 3<sup>rd</sup> – Rules approved by Regulator and FCA</li> </ul>		

	Description	How does this happen at Maryhill?	Assurance – lines of defence	Agreed actions	
6.5	<p>The RSL ensures all new governing body members receive an effective induction programme to enable them to fully understand and exercise their governance responsibilities. Existing governing body members are given ongoing support and training to gain, or refresh, skills and expertise and sustain their continued effectiveness.</p>	<p>We have a detailed induction process to help all new Board Members learn about the housing sector and our organisation, understand the Board Member role, observe Board meetings as well as meeting staff and other Board Members, receiving tours of our stock, and meeting with the Chair to discuss their interests and skills. This induction process was revised in in 2022 as a learning action from the management of a potential breach of the Board Code of Conduct.</p> <p>Our annual Board Appraisal Process and Board Learning &amp; Development Plan ensure new and existing Board members are given ongoing support and training. This forms part of our Governance Effectiveness Plan reported to the Board three times a year. We have a healthy L&amp;D budget for our Board Members, this ensures they are able to attend conferences and formal training throughout the year. All Board Member training is captured on a tracker. We also provide a programme of internal briefing sessions.</p> <p>Board member learning from training or events is reported back to the wider Board at the next meeting with a standing agenda item.</p>	<ul style="list-style-type: none"> <li>▪ 1<sup>st</sup> – Board Member Recruitment Process</li> <li>▪ 1<sup>st</sup> – Board Member Induction Checklist &amp; materials</li> <li>▪ 2<sup>nd</sup> – Board Member Appraisal Process and paperwork approved by Board and carried out by Chair</li> <li>▪ 2<sup>nd</sup> – Board Learning &amp; Development Plan approved by Board</li> </ul>		

	Description	How does this happen at Maryhill?	Assurance – lines of defence	Agreed actions	
6.6	If the governing body decides to pay any of its non-executive members then it has a policy framework to demonstrate clearly how paying its members will enhance decision-making, strengthen accountability and ownership of decisions, improve overall the quality of good governance and financial management and deliver value for money.	<p>We do not currently pay our Board Members, who are involved with us on a voluntary basis only.</p> <p>We have a Board Expenses Policy that ensures Board Members are not out of pocket for attending our meetings or other events. This covers travel expenses and overnight allowances for those who wish to claim them, as well as child care if required. This policy is regularly reviewed and approved by Board.</p>	<ul style="list-style-type: none"> <li>2<sup>nd</sup> – Board Expenses Policy approved by Board annually</li> </ul>		
6.7	The governing body is satisfied that the senior officer has the necessary skills and knowledge to do his/her job. The governing body sets the senior officer's objectives, oversees performance, ensures annual performance appraisal, and requires continuous professional development.	<p>The Chief Executive goes through an annual appraisal process, with an appraisal meeting held with the Chair, Vice Chair and Chair of Staffing Panel. The outcome of this appraisal is reported to the full Board.</p> <p>Part of this process is agreeing the Chief Executive's objectives for the year. These objectives are presented to Board for formal approval. The objectives fall under 3 main headings – Behaviours, Tasks, and Skills. This is in line with the wider Staff Appraisal Process of the organisation.</p> <p>CEO performance management framework introduced from May 2021.</p>	<ul style="list-style-type: none"> <li>1<sup>st</sup> – Staff Appraisal Process</li> <li>1<sup>st</sup> – Chief Executive appraisal form</li> <li>1<sup>st</sup> – Relevant Board paper and minutes</li> <li>2<sup>nd</sup> – Chief Executive objectives approved by Board</li> </ul>		

## Standard 7

The RSL ensures that any organisational changes or disposals it makes safeguard the interests of, and benefit, current and future tenants.

	Description	How does this happen at Maryhill?	Assurance – lines of defence	Agreed actions	
7.1	The governing body discusses and scrutinises any proposal for organisational change and ensures that the proposal will benefit current and future tenants.	<p>Any proposal for organisational change would be subject to significant discussion by the Board supplemented by external advice.</p> <p>At Maryhill we have a subsidiary and in the past three years we have investigated the best structures for delivery of certain activities, such as selling development services. Consideration of these issues has not directly affected current or future tenants.</p> <p>Previously options appraisals have been carried out following the departure of CEOs and the brief for these was clear that tenants' interests are a key consideration.</p> <p>The Board considered potential partnership opportunities in the 2023 business planning process.</p>	<ul style="list-style-type: none"> <li>▪ 3<sup>rd</sup> - Board paper and external legal advice November 2018 on subsidiary governance</li> <li>▪ 1<sup>st</sup> - Brief for 2014 option appraisal following departure of the CEO.</li> </ul>		
7.2	The RSL ensures that its governance structures are as simple as possible, clear and allow it to meet the Standards of Governance and Financial Management, Constitutional Requirements, and Group Structures guidance.	<p>Investigation into options for group structures specifically considered the Group Structures Guidance and the Standards of Governance and Financial Management. The proposed group structure following this exercise aimed to be as simple and clear as possible.</p> <p>Governance framework for the subsidiary approved by the Board in May 2022 and detailed documents approved September 2022.</p>	<ul style="list-style-type: none"> <li>▪ 2<sup>nd</sup> - Board paper November 2018 on subsidiary governance</li> </ul>		

	Description	How does this happen at Maryhill?	Assurance – lines of defence	Agreed actions	
7.3	The RSL ensures adequate consultation with, and support from, key stakeholders including tenants, members, funders (who may need to give specific approval) and local authorities as well as other regulators.	<p>The only constitutional change at Maryhill in recent years has been an update to the rules to bring them into line with the SFHA model process. This process was completed quickly and efficiently.</p> <p>Requirements on rule changes set out in Scheme of Delegation. Senior Management Team and Board received training on the scheme of delegation and notifiable events in April 2019.</p>	<ul style="list-style-type: none"> <li>1<sup>st</sup> - Scheme of Delegation approved in January 2019 and updated in April 2019 to include regulatory requirements.</li> </ul>		
7.4	The governing body is satisfied that the new (or changed) organisation will be financially viable, efficient and will provide good outcomes for tenants.	This was given detailed consideration and approved in the development of the government framework and detailed documents setting out the relationship between Maryhill Housing and Maryhill Living in 2022.			
7.5	The RSL establishes robust monitoring systems to ensure that delivery of the objective of the change and of commitments made to tenants are achieved (for example in relation to service standards, operating costs and investment levels).	<p>The Association has not recently undertaken any organisational change.</p> <p>The second stage stock transfer in 2011 comprised the most significant organisational change at Maryhill and the association reviewed these commitments in April 2020.</p>			

	Description	How does this happen at Maryhill?	Assurance – lines of defence	Agreed actions	
7.6	Charitable RSLs seek consent/notify OSCR of changes to their constitution and other changes as appropriate.	This was completed as part of the 2020 Rule Change process.	<ul style="list-style-type: none"> <li>1<sup>st</sup> - 2018/19 rule change process including notification to OSCR.</li> </ul>		
7.7	The governing body ensures that disposals, acquisitions and investments fit with the RSL's objectives and business plan, and that its strategy is sustainable. It considers these taking account of appropriate professional advice and value for money - whether as part of a broader strategy or on a case by case basis.	<p>The Association's approach to acquisitions and disposals is covered in our Asset Management Strategy and our Property Purchase and Sale Policy.</p> <p>Our approach to Investments is set out in our Treasury Management Policy and performance is externally assessed annually.</p> <p>Our Capital Accounting Policy was approved in 2020.</p> <p>The Association has commenced work to assess the long-term viability of its multi-storey stock and considered this at the November 2019 Board away day. An external review was concluded at approved by the Board in October 2020.</p>	<ul style="list-style-type: none"> <li>2<sup>nd</sup> - Asset Management strategy</li> <li>1<sup>st</sup> - Treasury Management Policy</li> <li>1<sup>st</sup> Capital Accounting Policy</li> <li>1<sup>st</sup> - 2019-20 Delivery Plan</li> <li>3<sup>rd</sup> – Board Paper and external advice on disposal of commercial unit at 1036 Maryhill Road</li> <li>3<sup>rd</sup> – Annual external review of Treasury performance</li> </ul>		
7.8	The RSL complies with regulatory guidance on tenant consultation, ballots and authorisation.	This does not apply to Maryhill.			

	Description	How does this happen at Maryhill?	Assurance – lines of defence	Agreed actions	
7.9	The RSL notifies the Regulator of disposals in accordance with regulatory guidance.	<p>Regulator is notified of disposals in accordance with the Regulatory guidance and specific advice was sought in 2019 around the treatment of 'flipping tenancies'. Notifiable event was submitted in April 2019.</p> <p>In 2019 the Delegations Schedule was updated to include notifiable events and other regulatory permissions and the standard Board paper format was updated to include notifiable events</p>	<ul style="list-style-type: none"> <li>1<sup>st</sup> - April 2019 notifiable event on housing leases.</li> <li>1<sup>st</sup> – Delegation Schedule</li> </ul>		
7.10	The RSL only agrees fixed or floating charges where the assets are used to support core activities. This should exclude providing security in relation to staff pensions.	The Association's only loan is to fund core activity of investment in our homes and building new homes. The Association does not provide any security in relation to pensions.	<ul style="list-style-type: none"> <li>1<sup>st</sup> - 30 year financial plans</li> </ul>		

## Regulatory Requirements & Legislation

	Each landlord must....	How does this happen at Maryhill?	Assurance – lines of defence	Agreed actions	
i.	Prepare an Annual Assurance Statement in accordance with our published guidance, submit it to us between April and the end of October each year, and make it available to tenants and other service users.	Most recent statement signed off by the Board in October 2022.	<ul style="list-style-type: none"> <li>▪ 1<sup>st</sup> – Governance Effectiveness Plan</li> <li>▪ 2<sup>nd</sup> - Assurance Board meetings with standard agenda</li> <li>▪ 2<sup>nd</sup> - Assurance Framework and Dashboard</li> </ul>		
ii.	Notify us during the year of any material changes to the assurance in its Assurance Statement.	Ongoing compliance with the Regulatory framework assessed at will be assessed at Assurance Board meetings three times a year. Assurance dashboard updated at these meetings and both papers published quarterly.	<ul style="list-style-type: none"> <li>▪ 1<sup>st</sup> – Board Schedule</li> <li>▪ 2<sup>nd</sup> - Assurance Board meetings with standard agenda</li> <li>2<sup>nd</sup> - Assurance Framework and Dashboard</li> </ul>		
iii.	Have assurance and evidence that it is meeting all of its legal obligations associated with housing and homelessness services, equality and human rights, and tenant and resident safety.	<p>Legal obligations included in implications section of all Board reports. Policies refer to relevant legislation. Compliance against key legislative areas below:</p> <p>Allocations: Current policy compliant with the 2014 Housing Scotland Act. Lettings quotas reported at quarterly Assurance Boards. Lets to homeless households significantly increased following request from GCC and Scottish Government. Evidence of tenant consultation with Allocations Policy was changed. Housing needs and demand study carried out in 2017.</p>	<ul style="list-style-type: none"> <li>▪ 2<sup>nd</sup> – Board report cover papers</li> <li>▪ 3<sup>rd</sup> - External Audit reports</li> <li>▪ 3<sup>rd</sup> - Specific Internal Audits</li> </ul>	<p>Sustainability Strategy to be produced during 2023/24 September 2020 during 2021/22 2022/2023 (<i>Policy Schedule</i>).</p> <p>Range of health and safety actions as set out in health and safety action plan.</p> <p>Start collecting equalities data for housing applicants by the end of April 2024 as part of delivery of the Choice Based</p>	

	Each landlord must....	How does this happen at Maryhill?	Assurance – lines of defence	Agreed actions	
		<p>Anti-social behaviour: Current policy compliant with the 2014 Housing Scotland Act. Customer satisfaction on ASB collected and reported to Board three times a year. Evidence of tenant consultation when ASB Policy was updated.</p> <p>Evictions: Eviction covered in ASB and rent arrears policies. Specialist legal advice taken. Evictions reported to Assurance Boards three times a year.</p> <p>Abandonments: Statement on abandonments included in Allocations policy. Abandonments reported monthly to Operational Management Team.</p> <p>Homelessness: Proportion of lets to homeless households reported to Assurance Boards. Active participants in local lettings communities. Contributed to the development of the rapid rehousing plan.</p> <p>Equalities and human rights: All Board reports consider equalities. From August 2019 key policies include a full equalities impact assessment. Strategic objectives linked to equalities. Embracing differences a core value. E, D and I Policy in place and Equality and Diversity Strategy in place. Now collecting equalities data for all protected characteristics groups for staff, job applicants, new tenants and Board Members.</p> <p>Tenancy agreements: Tenancy agreement updated following 2014 Act. New tenancy agreement approved by the Board and checked by</p>		<p>lettings project (2023-24 Delivery Plan).</p>	

	Each landlord must....	How does this happen at Maryhill?	Assurance – lines of defence	Agreed actions	
		<p>legal advisers. Evidence of consultation on changes on ASB and Allocations.</p> <p>Environmental Protection. No current Environmental Strategy in Place due to be completed during 2023 – 2024.</p> <p>Accounting and Taxation. External and internal auditors in place. VAT review carried out by external auditors in 2019. Strong result in financial controls audit in 2020/21.</p> <p>Employment Law. HR employment advice from EVH and external legal advisers.</p> <p>Health and Safety. Health and health policies and procedures in place and audit and external advice provided by ACS Risk on organisational health and safety and Housing H and S Compliance on Landlord Health and Safety. Specialist external audit of landlord health and safety completed 2020 – 2021 in all six key areas. CDM Policy in place and refreshed in 2022. External risk assessments completed and acted on for fire safety.</p> <p>Other key areas of non-compliance (although non-material): electrical safety; stock fire safety; render failure; gas safety; asbestos safety; water safety (legionella). Clear plans in place to address all areas requiring improvement.</p>			

	Each landlord must....	How does this happen at Maryhill?	Assurance – lines of defence	Agreed actions	
iv.	<p>Notify us of any tenant and resident safety matters which have been reported to, or are being investigated by the Health and Safety Executive, or reports from regulatory or statutory authorities, or insurance providers, relating to safety concerns.</p>	<p>Training on health and safety delivered to Board members during 2022 and separate health and safety section of Assurance Board meetings now introduced.</p> <p>Incidents reported to HSE as required and notifiable events submitted to the SHR, e.g. recent notifications around asbestos, gas, electrical safety and legionella. Any such incidents included in the Health &amp; Safety report to Board.</p> <p>Liaison with insurers around risks posed by failing render at Glenavon. Actions requested by the insurers all taken.</p> <p>Stock condition survey completed for over 80% of properties over the last ten years. external review of Investment Planning approach completed in 2023. External stock condition survey being considered for 2023.</p> <p>Monthly close inspections commenced again in April 2021 following covid.</p>	<ul style="list-style-type: none"> <li>▪ 2<sup>nd</sup> – Health &amp; Safety assurance report</li> <li>▪ 3<sup>rd</sup> – HSE incident investigations</li> <li>▪ 3<sup>rd</sup> – notifiable events reviewed by SHR</li> </ul>		
v.	<p>Make its Engagement Plan easily available and accessible to its tenants and service users, including online.</p>	<p>Engagement Plan available online.</p> <p>Engagement Plan promoted in winter 2022 newsletter.</p>	<ul style="list-style-type: none"> <li>▪ 1<sup>st</sup> – Maryhill Housing website</li> </ul>		

	Each landlord must....	How does this happen at Maryhill?	Assurance – lines of defence	Agreed actions	
vi.	Register all requirements for providing data to us with the Information Commissioner’s Office as a purpose for which they are acquiring data under the Data Protection Act 2018.	Association is registered with the ICO.	<ul style="list-style-type: none"> <li>▪ 3<sup>rd</sup> – ICO registration</li> <li>▪ 3<sup>rd</sup> – GDPR Internal Audit</li> </ul>		
vii.	Submit an Annual Return on the Charter to us each year in accordance with our published guidance.	<p>ARC returns consistently submitted within required timeframes.</p> <p>Internal review of data accuracy/validity. External review of data validity being completed in August 2023.</p> <p>Corporate oversight/management of the submission.</p> <p>Board working group set up to review data in detail.</p> <p>Performance against the Charter including benchmarking reported to the Board quarterly.</p> <p>Performance information is shared with customers through the Association’s website from November 2019 as part of FOI preparation and in quarterly newsletters from winter 2020.</p>	<ul style="list-style-type: none"> <li>▪ 2<sup>nd</sup> – Annual ARC report to Board</li> <li>▪ 3<sup>rd</sup> – SHR engagement rating</li> </ul>		

	Each landlord must....	How does this happen at Maryhill?	Assurance – lines of defence	Agreed actions	
viii.	<p>Involve tenants, and where relevant other service users, in the preparation and scrutiny of performance information. It must:</p> <ul style="list-style-type: none"> <li>• agree its approach with tenants</li> <li>• ensure that it is effective and meaningful – that the chosen approach gives tenants a real and demonstrable say in the assessment of performance</li> <li>• publicise the approach to tenants</li> <li>• ensure that it can be verified and be able to show that the agreed approach to involving tenants has happened</li> <li>• involve other service users in an appropriate way, having asked and had regard to their needs and wishes.</li> </ul>	<p>Performance information reported to Service Improvement Panel to inform scrutiny reviews.</p> <p>Clear governance framework around scrutiny developed in partnership with the Tenant Information service (TIS)</p> <p>Customer satisfaction survey developed with the Tenants’ Service Improvement Group.</p> <p>Our approach to the preparation and scrutiny of performance information is proactively agreed with tenants through our scrutiny panel. Tenants were also asked to feedback on our draft video annual review and feedback on the final version. This was incorporated into the Annual Reviews for 2020 and 2021.</p> <p>Moving away from reliance on traditional customer engagement methods, e.g. RTOs and public meetings, and focusing more on different ways to get feedback from a more representative sample of tenants focused on customer insight. This is set out in the Customer Engagement Strategy.</p> <p>Scrutiny reports are published on the Association’s website as part of our FOI implementation plan.</p> <p>Owners are fully consulted on our service, e.g. consultation on estate management policies involved all customers.</p> <p>The Scrutiny Panel (Service Improvement Group) has not been active since covid and requires review.</p>	<ul style="list-style-type: none"> <li>▪ 1<sup>st</sup> – SIP scoping document and meeting notes</li> </ul>	<p>Review Service Improvement Group (scrutiny panel) by December 2023 <del>March 2023</del> (2023-24 <i>Governance Effectiveness Plan</i>)</p>	

	Each landlord must....	How does this happen at Maryhill?	Assurance – lines of defence	Agreed actions	
ix.	<p>Report its performance in achieving the Charter to its tenants and other service users by October. It must agree the format of reporting with tenants, ensuring that it is accessible, with plain and jargon-free language.</p> <p>When reporting performance it must:</p> <ul style="list-style-type: none"> <li>• provide them with an assessment of performance in delivering each of the relevant Charter outcomes and standards</li> <li>• include comparisons – these should include comparisons with previous years, other landlords and national performance</li> <li>• set out how and when the landlord intends to address areas for improvement</li> <li>• give tenants and other service users a way to feed back their views on the style and form of the reporting.</li> </ul>	<p>Annual Review developed following feedback from a panel of tenants. Includes an assessment of performance against charter indicators, showing relevant comparisons and trends. It sets out where we aimed to address areas for improvement. Customers asked to feedback on the style and content of the video annual review and feedback incorporated into 2021 and 2022 review.</p>	<ul style="list-style-type: none"> <li>▪ 1<sup>st</sup> – consultation exercise</li> <li>▪ 2<sup>nd</sup> - Annual Review approved by Board</li> <li>▪ 3<sup>rd</sup> – SHR engagement rating</li> </ul>		

	Each landlord must....	How does this happen at Maryhill?	Assurance – lines of defence	Agreed actions	
x.	Make our report on its performance easily available to its tenants, including online.	Video annual review available on the Association's website.	<ul style="list-style-type: none"> <li>1<sup>st</sup> – Maryhill Housing website</li> </ul>		
xi.	Have effective arrangements and a policy for whistleblowing by staff and governing body which it makes easily available and which it promotes.	<p>Whistleblowing Policy in place, approved by the Board and training provided to all staff in 2019. Updated in October 2022.</p> <p>Virtual refresher of whistleblowing training issued in 2020.</p>	<ul style="list-style-type: none"> <li>1<sup>st</sup> – Whistleblowing Policy and procedures</li> <li>1<sup>st</sup> – staff and Board training</li> <li>2<sup>nd</sup> – Policy approved by Board</li> </ul>		
xii.	Make information on reporting significant performance failures, including our leaflet, available to its tenants.	<p>Significant Performance Failures information available online:</p> <p><a href="https://www.maryhill.org.uk/our-tenants/performance-service-standards-service-failure">https://www.maryhill.org.uk/our-tenants/performance-service-standards-service-failure</a></p> <p>Significant failures leaflet available in reception.</p>	<ul style="list-style-type: none"> <li>1<sup>st</sup> – Maryhill Housing website</li> </ul>		
xiii.	Provide tenants and other service users with the information they need to exercise their right to complain and seek redress, and respond to tenants within the timescales outlined in its service standards, in accordance with guidance from the Scottish Public Services Ombudsman (SPSO).	<p>Information provided to tenants via our website and a paper leaflet available in reception.</p> <p>Complaints performance reported to Assurance Boards including learning from complaints outcomes, comparison with others.</p> <p>Consultation with customers over 250 responses received on reasonable response times to complaints. Changes incorporated Customer Charter.</p> <p>New internal targets for complaints timeframes introduced from November 2019.</p>	<ul style="list-style-type: none"> <li>1<sup>st</sup> – complaints leaflet</li> <li>2<sup>nd</sup> – Complaints Policy approved by Board</li> <li>2<sup>nd</sup> – Complaints &amp; Other Customer Feedback assurance report</li> </ul>		

	Each landlord must....	How does this happen at Maryhill?	Assurance – lines of defence	Agreed actions	
xiv.	Ensure it has effective arrangements to learn from complaints and from other tenant and service user feedback, in accordance with SPSO guidance.	Learning from complaints forms in place for staff and learning from complaints group in place. 'You Said, We Did' section in all newsletters and now in customer feedback report for all Assurance Board meetings.	<ul style="list-style-type: none"> <li>▪ 1<sup>st</sup> – Complaints procedures and forms</li> <li>▪ 2<sup>nd</sup> – Complaints &amp; Other Customer Feedback assurance report</li> </ul>		
xv.	Have assurance and evidence that it considers equality and human rights properly when making all of its decisions, in the design and review of internal and external policies, and in its day-to-day service delivery.	<p>Equalities implications section of Board reports in place.</p> <p>Equality impact assessment procedure in place and in use from August 2019.</p> <p>Equality and Diversity Policy in place and refresh currently out for consultation.</p> <p>Equality and Diversity Strategy and action plan in place. This included review against CIH Human Rights Best Practice.</p> <p>Equalities KPIs in place and reported quarterly to Assurance Boards.</p> <p>Toolkit in place for communicating with staff who do not speak or read English. Training provided to staff.</p>	<ul style="list-style-type: none"> <li>▪ 1<sup>st</sup> – Delivery Plan</li> <li>▪ 2<sup>nd</sup> – Board report cover papers</li> <li>▪ 2<sup>nd</sup> – Equality &amp; Diversity Strategy approved by Board</li> </ul>		

	Each landlord must....	How does this happen at Maryhill?	Assurance – lines of defence	Agreed actions	
xvi.	To comply with these duties, landlords must collect data relating to each of the protected characteristics for their existing tenants, new tenants, people on waiting lists, governing body members and staff. Local authorities must also collect data on protected characteristics for people who apply to them as homeless. Landlords who provide Gypsy/Traveller sites must collect data on protected characteristics for these service users.	Board approval of an approach to collecting data for all protected characteristics groups in September 2022. Rolled out for Board Members, new tenants, job applicants and existing staff from January 2023.	<ul style="list-style-type: none"> <li>▪ 1<sup>st</sup> – housing application form</li> <li>▪ 1<sup>st</sup> – tenant visit form and procedure</li> <li>▪ 1<sup>st</sup> – equalities data on SDM</li> </ul>	Start collecting equalities data for housing applicants as part of Choice Based Lettings project by April 2024 ( <i>2023-24 Delivery Plan</i> )	

	Each landlord must....	How does this happen at Maryhill?	Assurance – lines of defence	Agreed actions	
xvii.	<p>Make publicly available up to date details of:</p> <ul style="list-style-type: none"> <li>• who is on its governing body</li> <li>• the date when they first became a member/office holder</li> <li>• how to become a member of the RSL and of the governing body, and</li> <li>• minutes of governing body meetings.</li> </ul>	<p>Up to date Board Member information available online, as well as contact details for becoming a Board Member.</p> <p><a href="https://www.maryhill.org.uk/about-us/the-maryhill-board/">https://www.maryhill.org.uk/about-us/the-maryhill-board/</a></p> <p><a href="https://www.maryhill.org.uk/about-us/joining-the-association/">https://www.maryhill.org.uk/about-us/joining-the-association/</a></p> <p>Board minutes published online following approval. Updated after each meeting.</p> <p><a href="https://www.maryhill.org.uk/about-us/board-meetings-and-minutes/">https://www.maryhill.org.uk/about-us/board-meetings-and-minutes/</a></p> <p>Audit and Risk committee minutes now available online following approval.</p> <p>Board member nomination forms include explanation of skills required based on the Board review process.</p>	<ul style="list-style-type: none"> <li>▪ 1<sup>st</sup> – Maryhill Housing website</li> </ul>		

## Maryhill Housing

### Assurance Statement 202~~3~~2

#### Compliance

Maryhill Housing has appropriate assurance that we:

- Comply with the regulatory requirements as set out in Chapter 3 of the Regulatory framework;
- Comply with the standards and outcomes in the Scottish Social Housing Charter for tenants, people who are homeless and others who use our services;
- Comply with the Scottish Housing Regulator's Standards of Governance and Financial Management.
- Comply with all relevant legislative duties

The Association's Board assesses compliance against these requirements throughout the year and considers detailed evidence, together with customer feedback, as part of this assessment. This evidence bank is available on the Association's website.

#### Improvement

In order to sustain compliance, the Association will be focusing on the following areas during the coming year:

- Improving standards of customer satisfaction
- Supporting our customers through the continued cost of living crisis whilst ensuring high levels of rent collection
- Recruiting new ~~tenant~~ Board Members representative of our communities with the skills we need
- Continuing to improve our approach to landlord health and safety
- Responding proactively ~~ositively~~ to the challenge posed by continued high inflation – ~~finding creative ways to maintain~~ ing affordable rents whilst ~~and continuing to invest~~ ing in improvements helping to reduce heating bills
- Implementing our new Equality and Diversity Strategy including ~~agreed approach to~~ collecting and using all equalities information and ensuring we apply a human rights approach in our work
- ~~Developing a high performing culture through investing in the staff team~~ Attracting and retaining a talented staff team

This Assurance Statement was approved by the Association's Board on 28<sup>th</sup> September ~~7<sup>th</sup> October~~ 202~~3~~2.

Signed by:





## Maryhill Housing

### Assurance Statement 2023

#### Compliance

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- Continuing to improve our approach to landlord health and safety
- Responding proactively to the challenge posed by continued high inflation – maintaining affordable rents whilst investing in improvements to reduce heating bills
- Implementing our new Equality and Diversity Strategy including collecting and using all equalities information and ensuring we apply a human rights approach in our work
- Developing a high performing culture through investing in the staff team

This Assurance Statement was approved by the Association's Board on 28<sup>th</sup> September 2023.

Signed by:



\_\_\_\_\_  
Lindsay Forrest, Chair

\_\_\_\_\_  
Bryony Willett, CEO



Scottish Housing  
Regulator

# Annual Assurance Statement

Statutory Guidance  
February 2019

# About us

We are the independent regulator of social landlords in Scotland.

## We safeguard and promote the interests of:

Around:

**600,000**

Tenants who live in homes provided by social landlords

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Over:

**123,000**

Home owners who receive services of social landlords

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Over:

**45,000**

People and their families who may be homeless and seek help from local authorities

---

Around:

**2,000**

Gypsy/Travellers who can use official sites provided by social landlords

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## We regulate:

Around:

**200**

Social landlords

---

Around:

**160**  
**32**

Registered social landlords

Local authorities

## Our equalities commitment

Promoting equalities and human rights is integral to all of our work. We set out how we will meet our equalities duties in our Equalities Statement.

## Our role:

To monitor, assess and report on social landlords' performance of housing activities and RSLs' financial wellbeing and standards of governance. We intervene, where we need to, to protect the interests of tenants and service users.

Our Regulatory Framework explains how we regulate social landlords. It is available from: [www.scottishhousingregulator.gov.uk](http://www.scottishhousingregulator.gov.uk)



HAPPY TO **TRANSLATE**

## 1. Introduction and purpose

- 1.1 Social landlords must submit to us an Annual Assurance Statement providing assurance that their organisation complies with the relevant requirements of chapter 3 of the [Regulatory Framework](#). This includes regulatory requirements that apply to all social landlords and the Standards of Governance and Financial Management that apply to Registered Social Landlords (RSLs).
- 1.2 The Statement should be made and submitted by the RSL's governing body, or the relevant local authority committee which has been delegated authority to complete the Statement by the local authority. This guidance is for members of governing bodies and local authority committees.
- 1.3 This guidance sets out how landlords should prepare their Statement and submit it to us. In complying with this guidance landlords will meet the requirements on Annual Assurance Statements in chapter 3 of the [Regulatory Framework](#).
- 1.4 Each landlord should confirm in its Statement its compliance with all of the relevant requirements at chapter 3 of the Framework. Where a landlord does not fully comply, it should set out in the Statement how and when it will make the necessary improvements to ensure compliance.

## 2. How should you assure?

- 2.1 It is for you to determine the most appropriate and effective way to get the necessary assurance on your organisation's compliance with regulatory requirements. Your approach should enable you to reach an objective and evidence-based judgement on compliance, ensuring sufficient evidence and information, and where necessary independent assurance.
- 2.2 In determining your approach for each requirement at Chapter 3 in the Regulatory Framework, you should consider:
- what level of assurance is proportionate, considering your organisation's business and context;
  - the sources of assurance and evidence you have and whether they are sufficient and reliable; and
  - whether you need independent assurance, and what that should be.
- 2.3 It is for each governing body and local authority committee to consider the timeframe and process for getting assurance.
- 2.4 You should keep a record of the evidence you have used, and how you got the assurance you needed. We do not require landlords to send this evidence to us, as it is your evidence for you to reach a judgement on compliance. But we may ask to see it, or elements of it, if we are engaging with your organisation.

### Internal Audit

- 2.5 Landlords should consider how to best use internal audit as a source of independent assurance when making their Annual Assurance Statements on whether they are meeting regulatory requirements, including the Standards of Governance and Financial Management for RSLs.

### Tenants and other service users

You should consider feedback from tenants and other service users as part of your assurance framework. This feedback is an important, objective view of how your organisation is performing and in particular, whether you are achieving the Charter outcomes. Each governing body and local authority committee should take account of tenant and service user feedback when assuring itself against the requirements.

### 3. What should you do if you find you don't comply?

- 3.1 Where you identify areas for improvement, your governing body or committee should agree appropriate actions. But they do not all necessarily need to be recorded in the Assurance Statement. The key question is whether these issues are of such materiality and significance that they mean you cannot say confidently that your organisation is complying with a particular requirement. Any areas of material non-compliance should be disclosed in the Statement.
- 3.2 It is for each governing body and committee to weigh up the evidence and seriousness of the issue and reach a judgement on whether it is material and should be disclosed.
- 3.3 When you consider materiality, you should look at whether the issue could:
- seriously affect the interests and safety of tenants, people who are homeless or other service users;
  - threaten the stability, efficient running or viability of service delivery arrangements;
  - bring the landlord into disrepute, or raise public or stakeholder concern about your organisation or the social housing sector; and
  - in the case of RSLs, put at risk the good governance and financial health of the organisation.
- 3.4 If we are engaging with your organisation at a later date, it is possible that we might reach a different view about whether an issue is material. This is a matter of judgement. In these circumstances, the most important considerations for us when deciding whether to engage further would be:
- whether your governing body or committee is fully aware of the issue and has taken a view on materiality and disclosure; and
  - whether you are taking effective action to resolve the issue within an appropriate timeframe.

## 4. What should the Statement cover?

- 4.1 Your Statement should be short and succinct. It should confirm compliance, or otherwise, with relevant regulatory requirements at the date of signing (but note that section 5 explains that there is an ongoing requirement to notify us of changes in-year).
- 4.2 The Statement should be completed and agreed by your governing body or local authority committee. Your governing body or committee should:
- Confirm that you have appropriate assurance that you comply with:
    - all relevant regulatory requirements set out in Chapter 3 of the Regulatory Framework
    - all relevant standards and outcomes in the Scottish Social Housing Charter
    - all relevant legislative duties
    - the Standards of Governance and Financial Management (RSLs only)

### **Example wording:**

We comply with the regulatory requirements set out in Chapter 3 of the Regulatory Framework.

- Set out any areas where you do not materially comply, and describe briefly how you are planning to improve in those areas and the timeframe for improvement.

### **Example wording:**

We achieve all but the following standards and outcomes in the Scottish Social Housing Charter for tenants, people who are homeless and others who use our services:

- <AREA WHERE YOU DO NOT MATERIALLY COMPLY>:<HOW WE PLAN TO IMPROVE>
- <AREA WHERE YOU DO NOT MATERIALLY COMPLY>:<HOW WE PLAN TO IMPROVE>

- Confirm that you have seen and considered appropriate evidence to support the level of assurance you have.
  - Confirm the date of the meeting of your governing body or committee at which you considered and agreed the Statement.
  - Sign the Statement. This should be by your Chairperson or Chair of the committee.
- 4.3 If your RSL is part of a group structure, and the parent is a Scottish RSL, the parent should submit one Statement on behalf of the whole group. The Statement must clearly explain which RSLs it relates to, and disclose any material non-compliance in subsidiary RSLs.
- 4.4 You may wish to produce a more detailed version of the Statement for your tenants and other stakeholders, with additional information about how you obtained assurance and your work during the year. It is up to each governing body and committee to decide whether you wish to do so, in the context of the other performance information that you publish and taking account of any feedback from your tenants. You do not need to send us any additional Statement you produce.

## 5. What happens next?

- 5.1 You must submit your Statement to us between April and October each year through the landlord portal. Instructions on how to do this can be found on the [portal](#). You should also make the Statement easily available to your tenants.
- 5.2 We will publish each landlord's Statement.
- 5.3 Your Statement will form part of the overall regulatory view that we have of your organisation.
- 5.4 Where you have told us about an area of non-compliance, and we are assured that you have effective plans and the capacity and willingness to improve or resolve the issue, it will be for you to take forward the improvement. We may ask you to keep us updated.
- 5.5 In these circumstances we will not engage with you unless the issue presents such a significant risk to the interests of tenants and service users that we need to monitor it closely, or take action, to ensure it is resolved successfully. We will contact you if we require any further information or assurance.
- 5.6 You must notify us during the year if anything happens which materially changes the level of assurance in your Statement. This could be a positive development, such as completion of planned improvement work. Or it could be that you have found a new area of material non-compliance. If so, you must tell us about the issue and what you are doing to resolve it. For RSLs, you should do this in accordance with our [notifiable events guidance](#). Local authorities should write to the SHR contact person named in your Engagement Plan.

This guidance has been issued under section 35 of the Act and is intended to ensure that all social landlords understand the purpose of the Annual Assurance Statement as it relates to housing activities.

This guidance has also been issued under section 36 of the Act and is intended to ensure that RSLs understand the purpose of the Annual Assurance Statement as it relates to governance and financial management.



**Scottish Housing  
Regulator**

[www.scottishhousingregulator.gov.uk](http://www.scottishhousingregulator.gov.uk)

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## 8 - Financial Performance Indicators and Covenants


*Rebecca Wilson*

| For Decision

### Attachments

[8. \(RR\) Strategic Financial Indicators.pdf](#)

[8.1 \(AR\) Appendix A - Audit Risk Committee Report on Proposed Strategic F-.pdf](#)

<b>REPORT TO:</b>	<b>Board</b>	
<b>DATE OF MEETING:</b>	<b>28 September 2023</b>	
<b>AGENDA ITEM:</b>	<b>8</b>	
<b>CONFIDENTIALITY:</b>	<b>Non-Confidential</b>	
<b>AUTHOR:</b>	<b>Rebecca Wilson, Director of Resources</b>	
<b>RESPONSIBLE DIRECTOR:</b>	<b>Rebecca Wilson, Director of Resources</b>	

**REPORT TITLE: PROPOSED STRATEGIC FINANCIAL INDICATORS & UPDATE TO TREASURY GOLDEN RULES**

**1. PURPOSE OF THE REPORT**

1.1. To present Board with proposed new strategic financial indicators for the Association and updated golden rules to reflect upcoming EBITDA covenant change.

**2. RECOMMENDATIONS**

2.1. It is recommended that Board:

- **Approve** the proposed new strategic financial indicators for the Association.
- **Approve** the new treasury golden rule of interest cover of 300% to reflect the upcoming move to EBITDA only loan covenant.
- **Note** that there will be a workshop session for Board members to discuss the new indicators at 6pm on 28<sup>th</sup> September immediately before the Board meeting.

**Definitions:**

Loan Covenant	When a bank lends money to the Association the loan agreement will contain a number of loan covenant clauses. A loan covenant is a contractual promise by the Association to the bank that the Association will do or not do a specific thing. Loan covenants are used by the bank to manage the risk of loan debt not being repaid. A covenant differs from other clauses in the loan agreement in that a breach of a covenant has more severe consequences. A loan covenant breach could ultimately lead to the bank terminating the loan agreement and seeking immediate repayment of the loan.
Golden Rule	The Association’s ‘golden rules’ are set out in the Treasury Management Policy. These are internally set performance measures that are designed to require financial performance at a higher level than the loan covenant requirements. This means that the ‘golden rules’ therefore provide a contingency amount or ‘headroom’ between actual performance and the minimum performance required to meet the loan covenant. If performance fails to meet the ‘golden rule’ this can therefore act as both a warning sign to the Board and provide a safety net of the ‘headroom’ amount.
Interest Cover	Loan agreements usually contain an ‘Interest Cover’ loan covenant, this is designed to assess whether the Association is generating enough operating

	surplus to meet interest payable on the loan borrowed, i.e. the cash being generated is enough to cover the interest repayments.
Gearing	Loan agreements usually contain a 'Gearing' loan covenant, this is designed to assess how much the business relies on loan debt to fund its activities. For the Association gearing is calculated as the ratio of loan debt compared to value of our housing properties. Where gearing is very high this could flag a potential risk that the Association has over stretched and may struggle to repay its debts in times of high interest rates. If this led to loan default, the bank also wants to know that there is sufficient value in the property owned by the Association so will set a maximum gearing to safeguard it's interests.
G8	The G8 is a housing association benchmarking group. There are 8 members Maryhill Housing, West of Scotland HA, Almond HA, Clyde Valley HA, Glen Oaks HA, Riverside Scotland, Thenuue HA, Fife HA and Berwickshire HA
Scotland's Housing Network	Scotland's Housing Network (SHN) is a membership organisation for local authority and housing association landlords, set up in 1995. SHN work collaboratively with members to drive up performance and deliver quality services by means of benchmarking, data insights, practice and knowledge exchange and supporting self-assessment.
Business Plan	The SHR defines the business plan as the key strategic document which communicates an organisation's vision and objectives, and how it will achieve those objectives. In Maryhill Housing we call this document the 'Corporate Plan'. However, part of the corporate plan is the 30-year financial projections that show in financial terms the resourcing requirements to meet the organisation's vision and objective. It is this 30-year financial plan which we refer to as the 'Business Plan'.
Treasury Management	Treasury Management is "the management of the organisation's borrowing, investments and cash flows, its banking, money market and capital market transactions; the effective control of the risks associated with those activities; and the pursuit of optimum performance consistent with those risks".







### 3. EXECUTIVE SUMMARY

- 3.1. The Corporate Plan approved in March 2023 says: [the] 'Scottish Housing Regulator published business planning best practice guidance in 2015. Currently the Association, once the loan covenant amendment is finalised, complies with all elements of this apart from providing strategic financial performance indicator information. These indicators will be developed and presented to August 2023 Board for consideration.'
- 3.2. A report on the proposed approach to developing new strategic financial indicators was presented to August Audit & Risk Committee (inquorate meeting) (see Appendix A) and then senior management team held a detailed session to consider a long list of potential indicators.
- 3.3. August Audit & Risk Committee (inquorate meeting) also gave consideration to the updated interest cover golden rule to reflect the change to EBITDA only loan covenant.
- 3.4. The following report sets out the proposed new strategic financial indicators for the Association and reporting frequency, and the proposed updated golden rule.

<b>IMPLICATIONS OF THE REPORT</b>	
<b>FINANCIAL RESOURCE AND VALUE FOR MONEY:</b>	Monitoring of strategic financial performance can assist in achieving good financial control and value for money.
<b>LEGAL/REGULATORY/NOTIFIABLE EVENTS:</b>	<p>The Scottish Housing Regulator's (SHR) Regulatory Framework requires that:</p> <p><i>Standard 3: The RSL manages its resources to ensure its financial well-being, while maintaining rents at a level that tenants can afford to pay.</i></p> <p><i>Standard 4: The governing body bases its decisions on good quality information and advice and identifies and mitigates risks to the organisation's purpose.</i></p> <p><i>Standard 6: The governing body and senior officers have the skills and knowledge they need to be effective.</i></p> <p>The SHR Business Planning Guidance highlights the role that clear and appropriate financial performance indicators have in RSLs meeting these three standards.</p>
<b>CORPORATE PLAN/STRATEGIC OBJECTIVES:</b>	Development of strategic financial indicators is a Corporate Plan objective for 2023/24.
<b>CUSTOMER/TENANT PARTICIPATION:</b>	There are no customer/tenant participation implications of this report.
<b>COMMUNICATIONS:</b>	There are no communications implications of this report.
<b>HEALTH AND SAFETY:</b>	There are no health and safety implications of this report.
<b>ENVIRONMENTAL:</b>	There are no environmental implications of this report.
<b>EQUALITY IMPACT ASSESSMENT:</b>	There are no equality implications of this report.
<b>RISK ANALYSIS:</b>	<p>Developing and monitoring strategic financial indicators assists in addressing the following strategic risks:</p> <p>Board effectiveness - Failure of the Board to lead the organisation effectively and have clear strategic direction and planning.</p> <p>Legislation &amp; Regulation - Failure of staff to ensure MHA meets Statutory and Regulatory standards related to operational activities.</p> <p>Financial control - Ineffective financial business planning &amp; financial controls</p>
<b>FREEDOM OF INFORMATION:</b>	<p>The following should <b>not</b> be published:</p> <p><input checked="" type="checkbox"/> N/A    <input type="checkbox"/> Full Report    <input type="checkbox"/> Section(s):</p> <p>Reason for redacting:</p> <p>Confidential: <input type="checkbox"/></p> <p>Commercially Sensitive: <input type="checkbox"/></p>

#### 4. SCOTTISH HOUSING REGULATOR (SHR) BEST PRACTICE

4.1 The SHR Business Planning guidance states “*The aim of financial reporting is to ensure the provision of accurate, quality, and timely management information to appropriate internal and external stakeholders. This should be achieved by producing clear and meaningful summary reports and providing key financial indicators and accounting ratios. This should then allow the assessment of different strategic activities. Good financial reporting should also help to achieve the following key financial reporting outcomes*” The table below sets out these Key Financial Reporting Outcomes and shows how the Association currently meets these (as discussed at March 2023 Board Away Day).

Outcome	Details	
Cash position	Positive cash position is maintained throughout the plan.	
Debt & covenant position	Debt fully repaid by 2041. Yr1 and Yr2 covenant breaches, but discussions underway and RBS have offered a range of covenant amendment options. <u>All</u> of these options would result in covenant and golden rule being met. Flagged as red until RBS approval obtained, aiming to achieve before March Board	
Rent affordability	Slightly less than CPI rent increase assumed April 2024 and then CPI+1% April 2025, then CPI only rent increases throughout rest of the plan in line with the Association’s value for money aim.	
Level of investment	Plan supports level of investment required in our stock, but <u>as a result of 2023</u> below CPI increase, some elements pushed out beyond 5 Year Investment Plan and no allowance for additional EESSH2 investment.	
Level of contingency	Working capital of £1.5m maintained throughout plan. Internal ‘golden rule’ contingency of 140% interest cover maintained other than <u>Yr 1 &amp; 2</u> as per covenant note	
Performance Indicators	A range of financial indicators will be developed for August 2023 Board	

4.2 The guidance says Performance Indicators should give “*clear insight into which aspects of the business are working well, where improvement is required and how the business compares with other RSLs and other relevant organisations*”.

4.3 In terms of strategic financial indicators the guidance suggests that financial business planning should consider “*a range of financial health check indicators including peak debt, debt repayment, closing cash balances, covenant impact and business plan pressure points.*”

4.4 So in summary, the guidance is suggesting a range of financial indicators that cover:

- Key financial indicators and accounting ratios.
- Financial performance indicators for various aspects of the business including comparisons.
- Financial health check indicators.

4.5 The following section sets out how the Association proposes to meet the SHR guidance.

## 5. PROPOSED APPROACH

- 5.1 It is proposed that the Association's strategic financial indicators will cover the following:
- Financial Ratios – as reported annually to the SHR, with comparison data from G8 members.
  - Financial Health Check Indicators – used in assessing robustness of 30-year financial plans.
  - Financial Performance Benchmarking – using comparison data from Scotland's Housing Network.
  - Treasury Golden Rules & Treasury Management Procedures – to ensure compliance with internal measures.

- 5.2 In presenting the indicators this will be done in a table format providing information on:
- The measure
  - What the measure means & why it is important
  - Required value (e.g., KPI target)
  - Actual value
  - Details on current performance
  - Status indicator

### 5.3 Financial Ratios

All RSLs submit annual account information each year to the SHR and these report on a number of high-level financial ratios shown below. The SHR does not publish comparison information on these ratios however the G8 group of Associations, of which we are a member, does share these indicators for comparison purposes.

- 5.4 The initial proposal to Audit & Risk Committee was that these indicators would be calculated on a quarterly basis with comparison average G8 results shown from the previous financial year. However, upon detailed consideration of these financial ratios by Senior Management Team, it was identified that due to the necessarily 'broad brush' approach taken by the SHR when looking at indicators across the whole sector, some of the results were not particularly meaningful for Board. In addition, it was felt that quarterly reporting was too often, and that these indicators should tie in with preparing for and then approving the 30-year Business Plan (currently updated annually or biannually).
- 5.5 The following table provides all SHR indicators. It is proposed that only the green highlighted ones will be reported to Board at the November and March Board Away Days when considering the Business Plan. This will include G8 comparisons and trends information. The workshop session on 28<sup>th</sup> September provides the opportunity to explore these indicators in more detail if Board members wish.

Area	Financial Ratio	Proposed Indicator	Reason not proposed as strategic financial indicator
Financial Capacity:	Interest cover	No	The Association's loan covenant is a more accurate calculation
	Gearing	No	The Association's loan covenant is a more accurate calculation
Efficiency:	Voids rent loss	No	Reported in Performance KPIs
	Gross rent arrears	No	Reported in Performance KPIs
	Net rent arrears	No	Not meaningful
	Bad Debts	No	Not meaningful
	Staff costs/turnover	Yes	n/a
	Key management personnel/Staff costs	Yes	n/a
	Turnover per unit	Yes	n/a
	Responsive repairs to planned maintenance	Yes	n/a
Liquidity:	Current ratio	Yes	n/a
Profitability:	Gross surplus	Yes	
	Net surplus	Yes	
	EBITDA/revenue	No	The Association's loan covenant is a more accurate calculation
	EBITDA excluding Deferred grant	No	The Association's loan covenant is a more accurate calculation
Financing	Debt burden	No	Not meaningful
	Net debt per unit	No	Not meaningful to compare to others, this is something best monitored through our own treasury management approach
	Debt per unit	Yes	n/a
Diversification	Income from no-rental activities	No	Not meaningful

## 5.6 Financial Health Check Indicators

There are a number of indicators that are already considered annually as part of the development of the 30-year financial business plan. It is proposed to formalise the reporting of these indicators, create three new indicators, and set targets for all. The workshop session on 28<sup>th</sup> September provides the opportunity to explore these indicators in more detail if Board members wish.

- 5.7 When viewed in the round, these indicators are designed to provide Board with assurance that the 30-year business plan is robust, appropriate and that corrective action is identified where any negative performance is highlighted (e.g., negotiating covenant change with lender). In addition, the new indicators around borrowing levels have been created to ensure the additional scope in the plan created by the move to the new EDIBTDA covenant will not be used in a way that creates a less financially robust 30-year plan:

Financial Health Check Indicators	Reason for monitoring this indicator	Target
Positive cash position maintained throughout business plan	SHR best practice and ensures that we are planning adequately for our cash requirements	100%
Rent increase at CPI throughout model	SHR best practice re affordable rents and ties into our value for money commitment	100%
Meet golden rules throughout model	In line with our Treasury Management golden rules to ensure contingency within the plan to respond to unexpected costs	100%
Meet covenants throughout model	To ensure that we comply with lenders' requirements, and to enable planning ahead for any years where covenant is not met or is in danger of breach to ensure early discussion with lender	100%
Debt repayment within the 30 years	Treasury advice as best practice that all debt can be repaid in full within the plan period.	Yes
Test assumptions with external treasury adviser	To provide Board with assurance that the business planning assumptions used in the plan are appropriate and reflect as much as possible latest economic forecasts	By end of February each year
External review of financial model	To provide Board with assurance that the financial modelling software (Brixx) is being used correctly and that the resulting 30-year financials are calculating correctly.	By mid March each year
Investment budgets based on robust asset management data	<b>NEW MEASURE:</b> To provide Board with assurance that the investment spend contained in the 30 year financials is based on robust data and as a result is not significantly under or over estimating investment requirements for our stock.	80% of stock has stock condition survey within the last 5 years
All additional borrowing within business plan to be fully funded by increase in rental income	<b>NEW MEASURE:</b> To provide Board with assurance that the Association is not borrowing new funding without having a new income source or using income source from the list of unused borrowing capacity to support it.	100%
Identify any rental income in the plan which has not been used to fund additional borrowing	<b>NEW MEASURE:</b> To provide Board with information on the level of rental income within the plan that is not being used to support new loan debt, and therefore could be utilised to fund future unbudgeted costs if required.	Maintaining a list of unused borrowing capacity

## 5.8 Financial Performance Benchmarking

The Association joined Scotland's Housing Network (SHN) a few years ago and have participated in their annual Value for Money (VFM) assessment process for the last two years. The resulting report from SHN provides information on a range of costs and comparison information from other local authority and housing association members.

- 5.9 The following indicators from the SHN report are proposed as the new financial performance benchmarks that will come to November Board Away Day each year and KPI targets set at March Away Day:

Financial Performance Benchmark	Details
Management costs per unit	This measure looks at the total management costs for social housing, with drill down detail provided on the following activities: allocations, rent collection, repairs admin, estate management, ASB, tenancy sustainment, tenancy management.
Average cost of a reactive repair	This takes the total spend on reactive repairs in the year and divides it by the number of repair jobs reported in the ARC to give an average cost per repair.
Reactive repairs spend as % of total maintenance spend	This calculates the % spent on reactive repairs as a total of reactive + voids + cyclical maintenance + non-capitalised planned maintenance. Information is also provided showing cost of repair against tenant satisfaction with repair service.
Average back-office costs per unit	This calculates the cost per unit of the non-customer facing services, with drill down provided for HR, IT, finance and corporate.
Capital spend on component replacement per unit	This provides information on actual capital spend on component replacement divided by the total number of units owned. Unfortunately, there is no drill down for actual costs per component type e.g., kitchen, bathroom, heating.

### 5.10 New Treasury Golden Rule

Before setting out the golden rules and indicators contained within the Treasury Management Policy and Procedures, Board are first asked to consider the need for a new golden rule to reflect the upcoming change in interest cover loan covenant. The Audit & Risk Committee in August was inquorate and therefore could not approve this recommendation to Board, therefore this is brought in full to Board for consideration.

- 5.11 The implementation of the revised loan documentation putting the new EBITDA only covenant in place, will mean that the golden rule set out in the Association's Treasury Policy will also need amended to reflect the covenant change.
- 5.12 The Treasury Policy currently includes the following golden rule:  
*Adjusted Operating Surplus or Earnings before Interest, Tax, Depreciation and Amortisation – Major Repairs Included ('EBITDA-MRI') is another key covenant in the RBS loan agreement, set at a minimum of 110%; the Golden Rule is to maintain a ratio above 140%*
- 5.13 Following discussion with DTP, the following new golden rule is proposed:  
*Adjusted Operating Surplus or Earnings before Interest, Tax, Depreciation and Amortisation ('EBITDA') is another key covenant in the RBS loan agreement, set at a minimum of 230%; the Golden Rule is to maintain a ratio above 300%*
- 5.14 As shown in the table below, the lowest EBITDA result in the current 30-year business plan is 434% in 2033, and the lowest headroom is £1.8m in 2024 (i.e., the amount that could be spent before hitting the 300% rule), therefore the new golden rule would be comfortably achieved throughout:

	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034
<b>EBITDA %</b>	516%	549%	638%	671%	678%	648%	597%	605%	494%	434%	1296%
<b>Headroom from RBS 230% £k</b>	2,364	3,039	4,146	4,475	4,716	5,047	4,978	5,090	4,482	4,039	7,206
<b>Headroom from golden rule 300% £k</b>	1,785	2,372	3,434	3,763	3,979	4,201	4,027	4,139	3,293	2,655	6,733

5.15 Board are asked to approve the proposed new golden rule and note that an updated Treasury Management Policy will come to November Audit & Risk Committee meeting and Board for approval.

#### 5.16 Treasury Golden Rules & Treasury Management Procedures

These measures are already in place, and some are reported quarterly to Audit & Risk Committee. It is proposed that all of the following will start to be reported to Audit & Risk Committee quarterly from November this year.

5.17 External comparison on these treasury indicators is not really applicable as they are specific to the Association's business plan. These are reviewed each year by DTP (our treasury advisers) in setting the Treasury Strategy.

Treasury Golden Rule	Details
Minimum Liquidity: 24 months of cash	To ensure the Association has enough cash (including invested cash), plus access to overdraft and/or undrawn loan facility to meet the next 24 months of anticipated cash outgoings that exceed anticipated cash income – i.e., for the Association this is 24 month forecast costs less any rental income and capital grants. This is set higher than the Treasury Procedure requirement of 18 months.
Gearing: ratio of historic cost to debt should not exceed 40%	This means the amount of loan debt the Association has must not be more than 40% of the value of the historic cost of the housing properties owned (i.e. how much we paid to build or acquire them). This helps ensure the Association isn't borrowing funds without sufficient property assets to use as security for the debt.
<b>CURRENT GOLDEN RULE THAT WILL BE REDUNDANT ONCE RBS LOAN FACILITY AMENDMENT IS IN PLACE:</b> Interest cover: Adjusted Operating Surplus or Earnings before Interest, Tax, Depreciation and Amortisation – Major Repairs Included ('EBITDA-MRI) must be above 140%	This means the surplus made in the year, excluding non-cash costs like depreciation, but taking into account capital investment work to our existing properties, must be above 1.4 times greater than the interest payable on loan debt. This measures the Association's ability to pay the interest on loan debt plus meet the capital repayment of our loans.

<p><b>NEW GOLDEN RULE THAT REPLACES ABOVE ONCE RBS LOAN FACILITY AMENDMENT IS IN PLACE:</b> Interest cover: Adjusted Operating Surplus or Earnings before Interest, Tax, Depreciation and Amortisation ('EBITDA') must be above 300%</p>	<p>This means the surplus made in the year, excluding non-cash costs like depreciation must be above 3 times greater than the interest payable on loan debt. This measures the Association's ability to pay the interest on loan debt plus meet the capital repayment of our loans. However, as it no longer takes capital investment work into account, some additional Financial Health check Indicators have been created to ensure the Association does not overborrow for capital works.</p>
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<b>Treasury Management Procedures which set targets or limits</b>	<b>Details</b>
3. Minimum operational liquidity of available same day/overnight cash + any undrawn overdraft facility must be at least 1 month's operating expenditure (i.e., excluding capital spend)	To ensure the Association has enough immediately available cash to meet anticipated operating costs within the month ahead
4. Maintained overdraft facility will be £nil	To ensure the Association is not unnecessarily incurring interest costs on overdraft balances
5. Minimum cash holding £1.5m	To ensure the Association's business plan allows for a minimum level of cash holding (including invested cash) to meet anticipated costs throughout the 30-year plan period.
6. At all times cash held + overdraft facility + undrawn available loan finance must cover 18 months forecast aggregate net cash outflow	To ensure the Association has enough cash (including invested cash), plus access to overdraft and/or undrawn loan facility to meet the next 18 months of anticipated cash outgoings that exceed anticipated cash income – i.e., for the Association this is 18 month forecast costs less any rental income and capital grants.
10. Variable rate debt will aim to be in the range of 15% to 35% with optimal risk determined by Annual Treasury Strategy	To limit exposure to unfavourable fluctuations in variable interest rates
11. Fixed rate debt will aim to be in the range of 65% to 85% with optimal risk determined by Annual Treasury Strategy	To allow for some exposure to potentially favourable fluctuations in variable interest rates
12. The Association will only invest with institutions with a minimum short term credit rating of Fitch – F1, Moody's – P1, S&P – A1	Aim is to safeguard cash from potential bank failure

<b>Treasury Management Procedures which set targets or limits</b>	<b>Details</b>
14. The maximum amount invested at any time with an approved investment institution may not exceed greater of £2m or 40% of the total surplus funds invested and have a maturity not exceeding 364 days. (surplus funds = funds above the minimum target cash holding value)  Clearing bank (i.e., our main operating RBS account) unlimited for first 28 days	Aim is to safeguard cash from potential bank failure
15. Where undrawn available loan finance is included in the calculation at 6. The lender must have a minimum credit rating of Fitch – F1, Moody's – P1, S&P – A1	Aim is to safeguard available funding from potential bank failure
24. Where more than £1m is to be invested, rates will be obtained from at least two lending institutions	To ensure best possible terms for investment are achieved and therefore maximise interest earned.

#### 5.12 Proposed Reporting

The following table summarises the proposed reporting timescales for each of the types of strategic financial indicator:

<b>Indicator type</b>	<b>November Board Away Day</b>	<b>March Board Away Day</b>	<b>Quarterly to Audit &amp; Risk Committee</b>
Financial Ratios	X	X	
Financial Health Check Indicators	X	X	
Financial Performance Benchmarking	X	X	
Treasury Golden Rules & Treasury Management Procedures	X	X	X


### 5.13 Proposed Reporting Format for Strategic Financial Indicators

The following table provides an example of the proposed reporting format for the strategic financial indicators.

Measure	What it means & Why it's important	Required value	Current Value	Current Details	Status
Gearing: ratio of historic cost to debt should not exceed 40%	<p>This means the amount of loan debt the Association has must not be more than 40% of the value of the historic cost of the housing properties owned (i.e. how much we paid to build or acquire them).</p> <p>This is important as it helps ensure the Association isn't borrowing funds without sufficient property assets to use as security for the debt.</p> <p>Our Royal Bank of Scotland loan covenant allows for 50% gearing, but the 40% golden rule provides a safety net to ensure the Association doesn't risk breaching the loan covenant. Breach of a loan covenant could result in the lender requiring full repayment of the loan.</p>	<40%	12%	Gearing is low as the Association's loan borrowing of £10.5m is comparatively low for its stock size of 3000+ properties.	

### 5.14 Next Steps

If Board approve the proposed strategic financial indicators, these will be reported in line with the table at 5.12 with the first report showing actual values and benchmarking data presented to the November 2023 Away Day.

<b>REPORT TO:</b>	<b>Audit &amp; Risk Committee</b>	
<b>DATE OF MEETING:</b>	<b>31<sup>st</sup> August 2023</b>	
<b>AGENDA ITEM:</b>	<b>7</b>	
<b>CONFIDENTIALITY:</b>	<b>Non-Confidential</b>	
<b>AUTHOR:</b>	<b>Rebecca Wilson, Director of Resources</b>	
<b>RESPONSIBLE DIRECTOR:</b>	<b>Rebecca Wilson, Director of Resources</b>	

**REPORT TITLE: PROPOSED STRATEGIC FINANCIAL INDICATORS**

**1. PURPOSE OF THE REPORT**

1.1. To present Audit & Risk Committee with proposed approach to developing new strategic financial indicators for the Association.

**2. RECOMMENDATIONS**

2.1. It is recommended that the Committee:

- **Approve** the proposed approach to developing new strategic financial indicators for the Association.
- **Note** that the new indicators will be developed and presented to September Board for approval, with a workshop session for Board members on 18<sup>th</sup> September.

**3. EXECUTIVE SUMMARY**

3.1. The Corporate Plan approved in March 2023 says the “Scottish Housing Regulator published business planning best practice guidance in 2015. Currently the Association, once the loan covenant amendment is finalised, complies with all elements of this apart from providing strategic financial performance indicator information. These indicators will be developed and presented to August 2023 Board for consideration.”

3.2. The following report sets out the proposed approach to developing new strategic financial indicators for Committee consideration and approval.







<b>IMPLICATIONS OF THE REPORT</b>	
<b>FINANCIAL RESOURCE AND VALUE FOR MONEY:</b>	Monitoring of strategic financial performance can assist in achieving good financial control and value for money.
<b>LEGAL/REGULATORY/NOTIFIABLE EVENTS:</b>	The Scottish Housing Regulator’s (SHR) Regulatory Framework requires that: <i>Standard 3: The RSL manages its resources to ensure its financial well-being, while maintaining rents at a level that tenants can afford to pay.</i>

	<p><i>Standard 4: The governing body bases its decisions on good quality information and advice and identifies and mitigates risks to the organisation's purpose.</i></p> <p><i>Standard 6: The governing body and senior officers have the skills and knowledge they need to be effective.</i></p> <p>The SHR Business Planning Guidance highlights the role that clear and appropriate financial performance indicators have in RSLs meeting these three standards.</p>
<b>CORPORATE PLAN/STRATEGIC OBJECTIVES:</b>	Development of strategic financial indicators is a Corporate Plan objective for 2023/24.
<b>CUSTOMER/TENANT PARTICIPATION:</b>	There are no customer/tenant participation implications of this report.
<b>COMMUNICATIONS:</b>	There are no communications implications of this report.
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<b>ENVIRONMENTAL:</b>	There are no environmental implications of this report.
<b>EQUALITY IMPACT ASSESSMENT:</b>	There are no equality implications of this report.
<b>RISK ANALYSIS:</b>	<p>Developing and monitoring strategic financial indicators assists in addressing the following strategic risks:</p> <p>Board effectiveness - Failure of the Board to lead the organisation effectively and have clear strategic direction and planning</p> <p>Legislation &amp; Regulation - Failure of staff to ensure MHA meets Statutory and Regulatory standards related to operational activities</p> <p>Financial control - Ineffective financial business planning &amp; financial controls</p>
<b>FREEDOM OF INFORMATION:</b>	<p>The following should <b>not</b> be published:</p> <p><input checked="" type="checkbox"/> N/A    <input type="checkbox"/> Full Report    <input type="checkbox"/> Section(s):</p> <p>Reason for redacting:</p> <p>Confidential: <input type="checkbox"/></p> <p>Commercially Sensitive: <input type="checkbox"/></p>

#### 4. SHR BEST PRACTICE

- 4.1 The SHR Business Planning guidance states “*The aim of financial reporting is to ensure the provision of accurate, quality and timely management information to appropriate internal and external stakeholders. This should be achieved by producing clear and meaningful summary reports and providing key financial indicators and accounting ratios. This should then allow the assessment of different strategic activities. Good financial reporting should also help to*

achieve the following key financial reporting outcomes” The table below sets out these Key Financial Reporting Outcomes and also shows how the Association currently meets these (as discussed at March 2023 Board Away Day).

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4.2 The guidance says Performance Indicators should give “clear insight into which aspects of the business are working well, where improvement is required and how the business compares with other RSLs and other relevant organisations”.

4.3 In terms of strategic financial indicators the guidance suggests that financial business planning should consider “a range of financial health check indicators including peak debt, debt repayment, closing cash balances, covenant impact and business plan pressure points.”

4.4 So in summary, the guidance is suggesting a range of financial indicators that cover:

- Key financial indicators and accounting ratios
- Financial performance indicators for various aspects of the business including comparisons
- Financial health check indicators

4.5 The following section sets out how the Association proposes to meet the SHR guidance.

## 5. PROPOSED APPROACH

5.1 It is proposed that the Association’s strategic financial indicators will cover the following:

- Financial Ratios – as reported annually to the SHR, with comparison data from G8 members

- Financial Health Check Indicators – used in assessing robustness of 30 year financial plans
- Financial Performance Benchmarking – using comparison data from Scotland Housing Network
- Treasury Golden Rules & Treasury Management Procedures – to ensure compliance with internal measures

5.2 In presenting the indicators (see example at Appendix 1 below), this will be done in a table format providing information on:

- The measure
- What the measure means & why it is important
- Required value (e.g. KPI target)
- Actual value
- Details on current performance
- Status indicator

5.3 **Financial Ratios** – All RSLs submit annual account information each year to the SHR and these report on a number of high level financial ratios shown below. The SHR does not publish comparison information on these ratios however the G8 group of Associations, of which we are a member, does share these indicators for comparison purposes. It is proposed that these indicators will be calculated on a quarterly basis with comparison average G8 results shown from the previous financial year.

<b>Financial Capacity:</b>
Interest cover
Gearing
<b>Efficiency:</b>
Voids rent loss
Gross rent arrears
Net rent arrears
Bad Debts
Staff costs/turnover
Key management personnel/Staff costs
Turnover per unit
Responsive repairs to planned maintenance
<b>Liquidity:</b>
Current ratio
<b>Profitability:</b>
Gross surplus
Net surplus
EBITDA/revenue
EBITDA exc Deferred grant

5.4 **Financial Health Check Indicators** - there are a number of indicators that are already considered annually as part of the development of the 30 year financial business plan. It is proposed just to formalise the reporting of these indicators as set out below:

<b>Business Plan Requirements</b>
Rent increase at CPI throughout model
Meet golden rules throughout model
Meet covenants throughout model
Debt repayment within the 30 years
Test assumptions with external treasury adviser
External review of financial model
Robust asset management data

5.5 **Financial Performance Benchmarking** - using the value for money comparison data provided through our membership of Scotland Housing Network it is proposed we develop a range of indicators to allow benchmarking and assessment of relative performance of various aspects of the business. It is proposed in the first instance to identify a range of indicators and then develop target KPIs for these measures. Some initial first measures could include:

housing staffing costs per unit
overheads as a % of turnover
void repairs costs per unit

- 5.6 **Treasury Golden Rules & Treasury Management Procedures** – these measures are already in place, but it is proposed that these will be monitored and reported on a quarterly basis. External comparison on these is not really applicable as they are specific to the Associations business plan. These are reviewed each year by DTP in setting the Treasury Strategy.
- 5.7 Committee are asked to give consideration to the approach above and approve the development of these strategic financial indicators. These will be presented to September Board for approval and a workshop session to review the proposed indicators has been set up for Board members on 18<sup>th</sup> September.

## Appendix 1: Example Strategic Financial Indicator

Measure	What it means & Why it's important	Required value	Current Value	Current Details	Status
Gearing: ratio of historic cost to debt should not exceed 40%	<p>This means the amount of loan debt the Association has must not be more than 50% of the value of the historic cost of the housing properties owned.</p> <p>This is important as it helps ensure the Association isn't borrowing funds without sufficient assets as security.</p> <p>Our Royal Bank of Scotland loan covenant allows for 50% gearing, but the 40% golden rule provides a safety net to ensure the Association doesn't risk breaching the loan covenant. Breach of a loan covenant could result in the lender requiring full repayment of the loan.</p>	<40%	12%	Gearing is low as the Association's loan borrowing of £10.5m is comparatively low for its stock size of 3000+ properties.	

9

19:20, 10 min

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## 9 - Neighbourhood Team Pay

*Bryony Willett*

*Removed as Confidential*

| For Decision

### Attachments

[9. \(RR\) Neighbourhood Team Pay.pdf](#)

10

19:30, 10 min

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## 10 - EVH Salary Negotiation

***Bryony Willett***

***Removed as Confidential***

| For Decision

### **Attachments**

[10. \(RR\) EVH pay award, v2.pdf](#)

[10.1 \(RR\) Appendix A - EVH Salaries Consultation for full members August 20-.pdf](#)

11

19:40, 10 min

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## 11 - Gas Safety Policy


*Jennifer Simon*

| For Decision

### **Attachments**

[11. \(RR\) Gas Policy Review Cover Paper.pdf](#)

[11.1 \(RR\) Appendix A - Gas Policy Sept 2023 with changes tracked.pdf](#)

<b>REPORT TO:</b>	<b>Board</b>	
<b>DATE OF MEETING:</b>	<b>28<sup>th</sup> September 2023</b>	
<b>AGENDA ITEM:</b>	<b>11</b>	
<b>CONFIDENTIALITY:</b>	<b>Non-Confidential</b>	
<b>AUTHOR:</b>	<b>Jennifer Simon, Director of Operations</b>	
<b>RESPONSIBLE DIRECTOR:</b>	<b>Jennifer Simon, Director of Operations</b>	

**REPORT TITLE: Gas Safety and Inspection Policy**

**1. PURPOSE**

- 1.1 This report recommends the key changes proposed to the Gas Safety Policy and seeks Board approval for these updates.

**2. RECOMMENDATIONS**

- 2.1 The Board is asked to:
  - **Approve** the proposed updated Gas Safety Policy shown at Appendix A.

**3. EXECUTIVE SUMMARY**

- 3.1 The Association’s current Gas Safety Policy was approved at its meeting in May 2020. Through the Association’s membership of EVH the Association has adopted the Health and Safety Control Manual (HSCM) which is produced by ACS Ltd and provides a framework and a format for key organisational health and safety policies. Each document can be amended to reflect the needs of each organisation. The current gas policy was developed using the HSCM model policy.
- 3.2 ACS will issue updates to the manual when there are changes in legislation or further good practice identified and these have been incorporated into the review of the policy.
- 3.3 The proposed changes to the policy recommend by ACS set out more clearly the conditions for retaining gas servicing records and sets out specific details in relation to appliances which can be used and clear guidance on using a gas appliance in areas used for sleeping. Although the manual relates to organisational health and safety, the good practice advice around gas equally applies to residential properties.
- 3.4 A thematic enquiry carried out by the Scottish Housing Regulator into Gas and Tenancy Safety in 2017 was reviewed by the Senior Management Team in 2018. At that point the regulations on gas safety checks for empty homes did not apply but it was agreed from a good practice point of view to update the policy to state that gas checks should be carried out on empty homes within 12 months of the previous gas service.
- 3.5 Whilst gas safety checks in empty homes is not a legal requirement The Scottish Housing Regulator expects registered social landlords to carry out gas safety checks in empty

properties. Where landlords fail to do this the properties as classed as a gas safety 'fail' in the Annual Return on the Charter to the Scottish Housing Regulator.

- 3.6 The enquiry also noted that the organisations involved in the study found that engagement with customers and providing easy to understand accessible information improved access to customers' homes for gas servicing. It was agreed to review the information provided to customers.
- 3.7 The actions agreed at the Senior Management Team meeting were not implemented and have been considered in this review of the policy. A process is now in place to ensure all actions agreed in Senior Management Team meetings are tracked to completion.
- 3.8 The Board have been made aware of two incidents relating to the gas safety where properties purchased through the acquisition programme did not have a safety certificate in place at the point of sale and gas servicing at the newly constructed homes at Rothies Drive did not having a gas safety check carried out within the 12-month timeframe.
- 3.9 The learning from these incidents have been captured and procedures updated. The review of the policy has been updated to strengthen these areas.
- 3.10 The Association's Health and Safety Advisors have recommended that Association should be clearer on the position on gas safety checks at any change of tenancy and this is set out more clearly in the policy.
- 3.11 A table setting out the key changes proposed is listed below:

Section of Report	Proposed Update	Source of Update
Section 7	Strengthening the focus on the management of data and systems	Learning from Incidents Action
Section 7	Setting out the role of the Performance and Governance Manager and GM and Compliance Officer in the management of gas safety	Learning from Incidents Action
Section 8	Clearer guidelines on how gas in acquisitions properties will be managed	Learning from Incidents Action
Section 12	Update on the management and retention of gas safety records.	ACS
Section 15	Clearer guidelines on the management of void Properties.	Learning from Incidents Action
Section 15	Clearer guidelines on the management of gas for any tenancy changes	H&S Advisor
Section 19	New section on gas appliances	ACS

- 3.12 The Board is asked to approve the new Gas Safety Policy shown at Appendix A with changes tracked.
- 3.13 Next steps:
  - Corporate Support Team to publish the new Gas Safety Policy internally and on the Association's website.

## IMPLICATIONS OF THE REPORT

<b>FINANCIAL RESOURCE AND VALUE FOR MONEY:</b>	The Association currently has a gas contract in place with Gas Call and gas checks in voids are carried out City Building and the costs associated with checks are included in the gas and void budgets. There are no financial implications from the proposed Policy change.
<b>LEGAL/REGULATORY/ RULES/NOTIFIABLE EVENTS:</b>	Serious breaches of Health and Safety policy are notifiable events to the Scottish Housing Regulator and the Health and Safety Executive (HSE). The organisation must ensure that it is compliant with all relevant H&S legislation. This is a legal requirement and is also set out in the Scottish Housing Regulator's 2019 Regulatory Framework.
<b>CORPORATE PLAN/STRATEGIC OBJECTIVES:</b>	<p>This report relates to the strategic objectives of: Providing Better Places and Building a Sustainable Business.</p> <p>Health and Safety monitoring and management remains an area of key focus for the Association.</p>
<b>CUSTOMER/TENANT PARTICIPATION:</b>	There is limited opportunity for customer/tenant participation as gas management is a legal requirement.
<b>COMMUNICATIONS:</b>	Customers are made aware of key H&S information when they sign up for a tenancy, and throughout the course of their relationship with the organisation via newsletter articles, website and social media updates.
<b>HEALTH AND SAFETY:</b>	The policy has been developed to ensure that the Association is compliant with legislation and regulation to ensure the safety of customers, contractors' staff and the wider community. The proposed changes incorporate recommendations from the Association's external health and safety advisers.
<b>ENVIRONMENTAL:</b>	A gas leak could have a seriously detrimental impact on the local environment and policy aims to mitigate any risk to the wider community.
<b>EQUALITY IMPACT ASSESSMENT:</b>	An equality impact assessment is not required.
<b>RISK ANALYSIS:</b>	<p>Without an appropriate gas policy and procedures, there is serious risk of injury to persons, including customers, contractors, staff, and the wider community.</p> <p>Similarly, if a gas incident occurs without there being appropriate policy and procedure in place, there is a legal, regulatory, financial and reputational risk to the Association from a claim being made against the organisation.</p>

	<p>This proposed policy update aims to mitigate against the following strategic risks:</p> <p>Health and safety - Board, staff, customers, contractors come to harm.</p> <p>Legislation and regulation – failure of staff to ensure MHA meets statutory and regulatory standards.</p>
<p><b>FREEDOM OF INFORMATION:</b></p>	<p>The following should <b>not</b> be published:</p> <p><input checked="" type="checkbox"/> N/A      <input type="checkbox"/> Full Report      <input type="checkbox"/> Section(s):</p> <p>Reason for redacting:</p> <p>Confidential: <input type="checkbox"/></p> <p>Commercially Sensitive: <input type="checkbox"/></p>

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<b>ASPECT</b>	TOPIC SPECIFIC GUIDANCE – Gas Safety and Inspection						

## Purpose

- 1.1 The aim of this Policy is to ensure the effective inspection, maintenance and management of gas systems within premises controlled by the Association and to provide a servicing and repair regime which is legally compliant and provides excellent customer service. The gas safety system, inspection and monitoring programmes will also include the carbon monoxide monitoring systems which are considered to be an integral part of the gas safety management programme.
- 1.2 All gas servicing, maintenance and repair work will be contracted to an external competent body.
- 1.3 The procedures detailed within this section are intended to facilitate the effective management of the contractor as well as all additional gas safety management issues, ensuring that all reasonable steps are taken to comply with the Health & Safety at Work etc. Act 1974 and the Gas Safety (Installation & Use) Regulations 1998, as amended.

## Scope

- 2.1 The policy applies to all Board members, employees, workers, and agency staff responsible for the management of gas servicing and repairs with the Association.

## 3. Definitions

- 3.1 **Gas Appliance** – means an appliance for heating, lighting, cooking or other purposes for which gas can be used. In general, portable or mobile appliances are not covered, except the use of portable or mobile space heaters (e.g. LPG cabinet heaters).
- 3.2 **Gas Fittings** – means pipework, valves (other than Emergency Controls), regulators and meters and fittings etc. designed for use by consumers of gas.
- 3.3 **Flue** – means a passage for conveying the products of combustion from a gas appliance to the external air.
- 3.4 **CP12** – means the gas safety check certificate.

## 4. HSE Advice

- 4.1 Health & Safety Executive (HSE) Gas Safety Advice Line. Open 9.00am to 5.30 pm Monday to Thursday and 9.00am to 5.00pm on Friday. Tel: 0800 300 363.

## 5. Relevant Legislation and Good Practice (see also Section 8.7 of the Topic Specific Guidance)

- Gas Safety (Installation and Use) Regulations 1998, as amended
- Gas Safety (Management) Regulations 1996

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- Gas Safety Guidance (supporting this policy)
- Gas Safety (Installation and Use) (Amendment) Regulations 2018
- Health and Safety at Work etc. Act 1974
- Management of Health and Safety at Work Regulations 1999, as amended
- Housing (Scotland) Acts 2001, 2006 and 2010
- Scottish Secure Tenants (Right to Repairs) Regulations 2002
- Environmental Protection Act 1990
- Disability Discrimination Act 1995
- Building (Scotland) Act 2003
- Asbestos Regulations (Control of Asbestos at Work) 2002
- Asbestos (Licensing) Regulations 1983
- Asbestos (Prohibitions) Regulations 1992
- Scottish Social Housing Charter
- SFHA Good Practice Guidance Repairs and Maintenance 2012

## 6. Competent Persons

- 6.1 The Organisation shall ensure no person is permitted to carry out any works on gas installations unless competent to do so. Current competency is approved by the “Gas Safe Register” ([www.gassaferegister.co.uk](http://www.gassaferegister.co.uk)).

## 7. Roles and Responsibilities

- 7.1 The Organisation has defined roles and responsibilities for named individuals with accountability for aspects of the gas safety management system as follows:

### 7.2 The Board

- 7.2.1 The Board has overall responsibility for monitoring performance on gas servicing and repairs, and for approval of this policy.

### 7.3 Chief Executive (CEO)

The Chief Executive, being the most senior level of executive control within the organisation, will hold ultimate accountability and responsibility for the development and implementation of this policy.

### 7.4 Director of Operations (DOO)

- 7.4.1 The Director of Operation holds the lead responsibility for this policy with implementation delegated to the Head of Property.

### 7.5 Head of Property (HOP)

- 7.5.1 The Association’s Head of Property will be responsible for the practical delivery and implementation of this policy and for identifying amendments / areas of improvement in relation the following areas:

1. Delivery of the gas safety management programme
2. Administration of the gas safety management programme

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3. Contractor selection, control and monitoring
4. Repairs
5. Communications with tenants
6. Emergencies
7. Updates required in accordance to legislative changes
8. [Data Management](#)
- 7-9. [Quality Control/Assurance](#)

Any suggested amendments will be escalated to the Director of Operations without undue delay.

- 7.5.2 The HOP will provide all reasonable support (both management and technical) to the Property Manager (PM) to ensure their duties may be performed appropriately and within timescales.
- 7.5.3 The HOP will ensure appropriate lines of communication with the PM and will take all reasonable steps to comply with all reasonable requests and issues raised by the PM.
- 7.5.4 The HOP will escalate all relevant issues, non-conformances, policy breaches and other material events to the Director of Operations without undue delay.
- 7.5.5 The HOP will take all necessary steps to deal with gas emergencies, uncontrolled risks and required actions brought to their attention.

## 7.6 Property Manager

The Property Manager will be responsible for the day to day management and implementation of this policy and will be responsible for the following:

- Maintaining an effective regime of inspection and monitoring
- Contract management of the appointed gas maintenance and servicing and installation contractors including escalation of poor performance to the Head of Property and Director of Operations.
- Assisting the HOP to review and update the policy and procedures as necessary and update on their effectiveness to the senior management team as required
- Providing compliance information to the quarterly Health and Safety Forum.
- Providing relevant information to interested parties, including enforcement authorities on gas incidents and maintenance / inspection, as required
- Reporting any gas emergency to the HOP and carrying out any required investigation, with the support of the HOP. Where appropriate, ensuring the correct reporting of incident under RIDDOR (Reporting of Injuries, Diseases and Dangerous Occurrences Regulations).
- Monitoring that all relevant staff are aware of their responsibilities under this policy
- Ensuring appropriate record-keeping of all servicing records for the timescales

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- Ensuring that the data and systems support the monitoring and reporting of performance under this policy and escalating any issues to the HOP and DOO.

## 7.7 Customer Contact Team

The Customer Contact Team is responsible for the following:

- Fully administering the gas servicing process to ensure the Association is compliant with relevant legislation, including the administration of the forced access procedure
- Processing and raising repairs to gas appliances in line with agreed procedures and timescales.
- Running daily system-driven compliance reports and immediately notifying the Customer Services Manager, Property Manager, Head of Property and Director of Operations of any non-compliances.

## 7.8 Performance and Governance Manager

The Performance and Governance Manager is responsible for carrying out an annual audit of the gas administration process.

## 7.9 Compliance Officer

The Compliance Officer is responsible for the following:

- auditing and reviewing the gas report monthly.

producing the monthly KPI figures

## 8 Servicing and Safety Regime

8.1 Maryhill Housing has a duty to ensure that the gas appliances and flues provided for tenants' use are maintained in a safe condition at all times and are checked for safety within every 12 months of the first installation or last service date by a Gas Safe registered engineer. Failure to comply with the legislation is an offence, unless the Association can show that reasonable steps have been taken to prevent any contravention.

8.2 Maryhill Housing will inspect all gas appliances and associated pipework within its properties, in accordance with all relevant legislation. This covers 100% of all gas heating systems, including boilers, fires, etc., whether owned by the Association or not. All such systems will be checked for safety, as follows:

- At least once every 12 months
- When a property becomes empty.

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8.3 Maryhill Housing will force entry to a property for the purpose of carrying out an annual Gas Safety Check, if this is deemed necessary. This will be done in accordance with agreed procedures. This process will include raising legal action if required.

8.4 In relation to properties which have been acquired by the Association (through purchase), the Association will cap the gas supply of the property if it is void on the day that sale has settled. Where the property will be sold with a sitting tenant a copy of the gas safety certificate will be requested in advance of the sale. If the certificate is out of date or not available a gas safety check will be carried out on the day the sale has settled. carry out a full gas service and safety check of the property before the property is tenanted

8.5 Where the gas supply of an empty property has been capped, access will be arranged with the incoming tenant to restore the gas supply and carry out a gas safety check.

8.48.6 The Association will retain a valid gas safety certificate for all properties regardless of whether they are void or not.

8.58.7 Requests by customers for alterations within their property for the installation of a gas appliance will be reviewed in line with the procedure on alterations. The appliance, if approved, will be checked and serviced annually by the Association as part of the annual gas safety check.

## 9. Contractor Selection and Control

9.1 The Association will define a detailed scope of works for the annual gas servicing and maintenance contract and will procure gas services in line with its Procurement Policy and Toolkit to provide economically advantageous services for the Association.

9.2 Contractors will be required to demonstrate compliance with the competency requirements of the Regulations and will be, as a minimum, Gas Safe Registered.

9.3 The Association will effectively client its gas contractor to deliver high quality, value for money services. A formal system of contractor monitoring will be established and maintained to ensure the gas safety management system continues to operate in compliance with the agreed scope of works and with documented procedures, and that any non-conformances, ineffective arrangements and problem areas are quickly identified and actioned upon.

9.4 A defined 'no access' procedure is in place to ensure all reasonable steps are taken by the contractor and the Organisation to meet the 12 month deadline for landlords' gas safety checks.

## 10. Record Keeping

10.1 Under current legislation Landlord Gas Safety Records must be kept for a minimum period of 2 years. The Organisation will record all activity in relation to gas servicing, maintenance, repairs, installations, emergencies and all other

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relevant gas safety management data on its integrated housing management system. The Association will provide a copy of the gas safety check certificate to the tenant.

10.2 In relation to the annual gas safety inspection programme, the Organisation will hold the following records as a minimum:

- Inspection records, findings and actions
- Reports and communications from gas contractors
- No access reports and actions (audit trail)
- Properties beyond 12 months
- Intermediate safety checks on properties (voids).
- External Audit Reports
- Maintenance and repair records
- Emergency situations and actions taken
- Letters of complaint
- Gas Appliances at Risk or Dangerous

## 11. Information to tenants

11.1 On an annual basis (and at the time of new tenants being housed), the Organisation will outline the pertinent issues of gas safety to tenants by way of written communication. This will include:

- Emergency contact numbers and reporting procedures
- The Organisation's commitment to gas safety.
- Tenants responsibilities under their Tenancy Agreement.
- Key health and safety risks.
- The importance of the annual safety check and the need for access to premises.
- Key points on the safe use of gas and gas appliances including action to be taken if a gas leak is suspected.
- The requirement to ensure that all gas related work must be carried out by a Gas Safe registered engineer.
- Articles in newsletters and information on the website and social media platforms.

11.2 Formal 'rules' setting out tenants' gas safety obligations and duties will be clearly set out in their Tenancy Agreements. The Organisation will define a procedure for dealing with unauthorised gas installations, repairs, disconnections and other gas related activities which fall foul of the Tenancy Agreement.

## 12. Gas Safety Internal Monitoring

12.1 A formal system of monitoring the gas servicing is established and maintained with properly defined reporting, escalation and action procedures. Records will be retained until there have been two further checks carried out or, in respect of an appliance or flue that is removed from the premises for a period of 2 years from the date of the last check of that appliance or flue.

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12.2 The monitoring system will include, as a minimum, timeous review of:

1. All servicing and repair certificates
2. Unsafe gas systems
3. No access procedure, notices and problems
4. Properties 'over 12 months'
5. Void properties
6. Quality assurance / quality control reports
7. Repairs and maintenance reports

### 13. Reactive Repairs and Emergencies

13.1 The Association and its contractors will provide a 24 hour a day, 365 days per year service for gas repairs reporting and delivery. The Association will offer appointments for all non-emergency repairs and gas-servicing appointments. Appointments will be offered at times to suit the customer, including evenings and weekends. The Association and its contractors will communicate with customers throughout the journey of a repair.

13.2 Maryhill will categorise repairs into emergency and routine categories. Full loss of heating will be classed as an emergency repair. Emergency repairs will be attended within 2 hours and completed with 24 hours. Temporary heating will be provided by the contractor if the repair cannot be completed at the first visit or if there is likely to be a significant delay in the contractor attending the property, for example, during extreme weather. Routine repairs, including partial loss of heating, will be completed within seven working days.

13.3 As well as carrying out annual servicing to gas appliances and raising landlord's gas safety records the contractor will provide a full reactive repairs and emergency response service. All gas servicing and repairs will be completed using high quality materials and an appropriately trained workforce with full Gas Safe qualifications in place. The Association aims to complete all repairs as a first time fix and will return to complete any failed repairs within 24 hours.

13.4 Where the contractor has been unable to obtain access to undertake necessary repair work, the contractor must bring the situation to the attention of the Organisation. The Organisation will ensure that the tenant is contacted as quickly as the situation demands.

#### 13.5 Gas Leaks:

- SGN have a statutory duty to attend gas escapes reported to them within two hours of receipt.
- In the main, gas escapes are likely to occur within individual properties and tenants should in the first instance contact SGN Emergency Services by calling 0800 111 999.
- Recognising that SGN will normally shut down the gas supply to an individual property where a leak is found and will not carry out any further works the Association will follow up a report of a gas leak by instructing the gas contractor to attend.
- Where repairs cannot be readily made and the heating system remains switched off, the contractor will be asked to provide temporary heating and

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will advise the Association of the repair problem in order to agree remedial work.

#### 14. Quality Assurance (QA)

- 14.1 An external third party shall be appointed to carry out a minimum inspection of 10% of completed annual services.
- 14.2 The contractor undertaking the QA work will require to be Gas Safe registered and employ fully qualified engineers.
- 14.3 Where a QA check identifies non-compliances or where unsatisfactory performance of the primary gas contractor is being observed details of the problems and suggestions for rectification will be clearly set out in the QA contractor's report.
- 14.4 Where the QA contractor identifies situations that pose an immediate or imminent risk to health, the contractor will notify the Organisation as soon as practicable. These notifications should be in addition to the regular reporting regime.
- 14.5 The Association aims to continuously improve its gas services and will adapt processes in response to customer complaints, customer satisfaction information, input from the Service Improvement Panel, internal audit and sector good practice

#### 15. Void/Re-Let Procedures

- 15.1 A formal procedure is defined for gas safety inspections associated with void properties and this is included in the overall gas safety management system, contractor's contractual requirements and monitoring procedures. Consideration will be given to capping the gas supply in voids with a particular consideration to the following: properties being held for demolition: where major works are required following a fire or health and safety issue: or any other issue which means that the property will continue to be void for over 100 days. The Association will retain a valid CP12 for all properties with a gas supply regardless of whether they are void or not.
- 15.2 A Gas Safety check is carried out in any properties owned by the Association prior to a Mutual Exchange being completed. This will be done even if the Gas safety check is not due. The mutual exchange cannot proceed without the gas safety check.
- 15.3 For properties subject to assignments and successions, the annual gas safety check will be carried out in line with the normal gas servicing programme.

#### 16. Closing Up

- 16.1 Where a property is to be closed up on a long term or permanent basis then the existing gas supply shall be disconnected from the pipework within the flat. The gas supply shall be physically disconnected at the meter point and both cut ends blanked. Where appropriate, SGN will be advised and requested to remove the meter supply from the property.

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## 17. RIDDOR

- 17.1 In relation to gas safety there are duties imposed upon gas conveyers, suppliers, etc. to report cases whereby death or a major injury (as defined by regulations) occurs out of or in connection with the gas supplied.
- 17.2 It is also recognised that a contractor will have a duty to formally report certain situations where it is deemed likely that the gas installation may cause death or major injury. The types of faults likely to cause death or major injury and would be reportable include: -
- i. A dangerous gas leak arising, for example, from the use of unsatisfactory materials or bad workmanship.
  - ii. A gas appliance which spills products of combustion or shows signs of incomplete combustion or shows signs of combustion problems due to inadequate ventilation
  - iii. An appliance which is not suitable for use with the gas supplied
  - iv. An appliance in which a safety device has been made inoperative
  - v. Use of unsatisfactory materials in gas connections
  - vi. An appliance installation which has become dangerous through faulty servicing
- 17.3 Further information on RIDDOR is contained within the Accidents Policy of the Organisation's Health & Safety Manual.

## 18. Temporary Heating

- 18.1 LPG or other bottled gas heating sources will not be provided to tenants as a temporary source of heating.
- 18.2 Where electrical heaters are provided as a temporary source of heating, the Electrical Safety policy should be consulted. Where temporary electric heating is provided, tenants will be compensated at a rate of £5 per day.

## 19. Appliances

19.1 The Organisation will not knowingly use or permit the use of any unsafe gas appliance within its premises.

~~19.1~~19.2 The Organisation will not:

- (i) install a gas appliance in a room used or intended to be used as a bathroom or a shower room unless it is a room-sealed appliance.
- (+)(ii) install a gas fire, other gas space heater or a gas water heater of more than 14kW in a room used or intended to be used as sleeping accommodation, unless it is a room-sealed appliance.

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(iii) install a gas fire, other gas space heater or a gas water heater of 14kW or less in a room used or intended to be used as sleeping accommodation, unless it is a room-sealed appliance or incorporates a safety control designed to shut down the appliance before there is a buildup of a dangerous quantity of the products of combustion in the room concerned.

19.3 The Organisation will not convert any room into sleeping accommodation which contains an appliance that would contravene points ii or iii in 2.2.

19.4 The Organisation will install room sealed appliances in preference to non-room- sealed appliances with control systems, wherever reasonably practicable.

19.5 Where a new or replacement gas combustion appliance is installed (excluding an appliance solely used for cooking) a Carbon Monoxide detection system will be installed.

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**ASPECT** TOPIC SPECIFIC GUIDANCE – Gas Safety and Inspection

# Landlords Guide to Gas Safety and Inspection



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## 1. Introduction

This Gas Safety Guidance has been produced to assist Landlords to understand their responsibilities for Gas Safety in properties under their control, as well as to provide practical information, advice and guidance for ensuring the safety and wellbeing of tenants.

The guide is intended for all property types under the Landlord's control that contain gas installations within the premises and any gas equipment provided by the Landlord.

### 1.1 What are Gas Installations?

Gas installations are defined as appliances, fittings and flues within premises.

- **Gas Appliances** - are appliances used for heating, lighting, cooking or other purposes for which gas can be used. In general, portable or mobile appliances are not covered, except for the use of portable or mobile space heaters (e.g. LPG cabinet heaters).
- **Gas Fittings** – are pipework, valves (other than emergency controls), regulators, meters and fittings, apparatus and appliances designed for the use of the tenant for heating, lighting, cooking or other purposes for which gas can be used.
- **Gas Flues** – use a passage for conveying the products of combustion from the gas appliance to the external air.

## 2. Legislation

Landlords have a legal duty to protect tenants' safety by ensuring that gas installations provided for tenants' use within premises under their control is safe (fit for purpose and kept in good order) before a tenancy begins and throughout its duration.

The legislation relating to gas safety is listed below. See *Appendix A* for an Overview of the following Legislation.

- The Gas Safety (Installation and Use) Regulations 1998, as amended
- The Gas Appliances (Safety) Regulations 1995
- The General Product Safety Regulations 2005
- The Housing (Scotland) Act 2006
- The Building (Scotland) Regulations 2013

## 3. Landlord Duties

### 3.1 What are Landlords' duties?

Landlords have a duty to ensure that gas installations pipework, appliances and flues must be maintained in a safe condition. Gas appliances should be serviced in

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accordance with manufacturers' instructions. If these are not available it is advised that they are serviced annually.

### 3.2 Periodic Inspection and Testing

Gas Safety Checks must be carried out annually (12 monthly) on gas installations (gas appliances, pipework and flues installed at a property). Checks must be undertaken by a Gas Safe Registered Engineer, who will issue a Gas Certificate following the check.

The engineer will check the following:

- Gas appliances will be checked for gas tightness.
- If gas points are available, standing and working pressure will be tested.
- Check the burner pressure and gas rate against the manufacturer's data plate.
- Checks will be carried out for the provision of all necessary ventilation.
- Flue flow will be tested to make sure products of combustion are removed.
- All flame failure devices will be checked for satisfactory operation.
- Where appropriate, checks will be made for physical stability, presence and effectiveness of stability brackets.

Without completion of all the above checks an appliance cannot be issued with a Gas Safety Certificate.

### 3.3 Gas Safety Check

Under the Gas Safety Regulations all gas appliances have to be checked annually, **including the tenant's own appliances** in respect of gas soundness, ventilation and flue provisions. The tenancy agreement should clearly state if the tenant's own gas appliances are to be inspected during the annual gas safety check. It is reasonable for the tenant's own appliance to be checked.

Even where there is no gas appliance or gas meter, each property that has an incoming gas main must be checked to ensure that the supply is safe and that no appliance or meter has been added without the landlord's knowledge.

Gas fires will be checked, switched on and a full smoke test carried out.

The tenant will be informed immediately if their own appliance is found to be defective or unsafe and they will be instructed that it is their responsibility to carry out the necessary service, repair or renewal. The appliance will be **disconnected and labelled as dangerous**, prior to the gas installer leaving the property.

Should the tenant refuse disconnection, the gas contractor will immediately inform both the tenant's gas supplier under Regulation 34 "Unsafe Appliances" of the 1998 Regulation and also the landlord. Under no circumstances will the **gas contractor service the tenant's own appliance**.

### 3.4 Gas Safe Certificate

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A Gas Safe Certificate, also commonly referred to as a Gas Safety Record, is a document that confirms a Gas Safety check has been performed on gas appliances by a qualified Gas Safe Registered Engineer. The certificate will be issued by the engineer showing the outcome of the inspection and a reminder when it is next due for renewal.

The tenant will receive a copy of the gas safety certificate within 28 days of the gas check taking place.

In the case of void properties a copy of the certificate will be made available to the new tenant at commencement of the tenancy.

In properties which have communal gas installations a copy of the safety checks will be displayed in a prominent position in the communal area.

All original copies of the gas safe certificates should be sent to the landlord.

Gas Safety inspections are reviewed and audited to ensure proper completion. Any discrepancies observed should be raised with the gas contractor.

### **3.5 Action if an Appliance Fails Inspection and Testing**

The safety check record will contain details of any safety defects identified and remedial action taken by the engineer. Landlords must ensure that any safety defects are rectified before the equipment is used again. Defects must be rectified by a Gas Safe Registered Engineer.

### **3.6 New Lease Inspection and Testing Requirements**

Before any new lease starts, Landlords must make sure that Gas Safety Checks have been carried out within one year prior to the start of the lease date, unless appliances in the property have been installed for less than 12 months.

### **3.7 Record Keeping**

Accurate records of Gas Safety Checks should be maintained. It is also good practice to keep details of any gas installation and maintenance work on file. The record is a 'living document' and landlords should supplement it with records of any follow up action taken (if required). This would provide a full record of the gas safety within the property.

All records are retained on file for a period of 2 years from the date of the annual check.

### **3.8 Access to Tenant Properties**

Landlords must take 'all reasonable steps' to ensure gas safety checks and maintenance works are carried out. This may involve giving written notice to a tenant requesting access, and explaining the reason.

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At the start of the tenancy the contract between the landlord and the tenant must state that the tenant will allow access for any gas general works, maintenance and checks to be carried out.

When tenants do not co-operate to allow access to the contractor to carry out Annual Gas Safety Visit checks, landlords have to show that they have taken all reasonable steps to comply with the law. Landlords must keep a record of their actions to demonstrate the steps taken to discharge their duties:

- Personal visits explaining the reasons why access is required.
- Leaving the tenant a notice stating that an attempt was made to complete the gas safety check and providing relevant contact details.
- Write to the tenant (recorded delivery) explaining that a safety check is a legal requirement and that it is for the tenant's own safety.
- Give the tenant the opportunity to arrange their own appointment. The landlord should be flexible and arrange appointments for gas installers to call outside normal working hours.

*Note: HSE inspectors will look for repeated attempts to complete the gas safety check, including the above suggestions; however the approach will need to be appropriate to each circumstance. It would ultimately be for a court to decide if the action taken was reasonable depending upon the individual circumstances.*

*If the tenant continues to refuse access after repeated requests, the landlord can arrange for the gas supply to be capped externally. Where it is not possible to cap the supply externally and in order to ensure compliance with statutory obligations, the landlord is required to give notice, as stipulated in the Scottish Secure Tenancy Agreement and under the terms of the Housing Act 2001, to force entry and carry out the Annual Gas Safety Visit or cap the supply internally.*

*Where there is concern about the safety of gas fittings at the property, the tenant's gas supplier should be contacted to attend the premises and use their powers to gain entry.*

#### 4. Gas Safe Registered Engineer

All works carried out on gas installations must be carried out by a 'Gas Safe Registered Engineer'.

Gas Safe Registered Engineers must be registered with the Gas Safe Register, which contains the official list of gas engineers. To check that an engineer is registered Landlords can contact the company during normal working hours on 0800 408 5500 or go on the website by clicking the following link to check online ([www.gassaferegister.co.uk](http://www.gassaferegister.co.uk)).

##### 4.1 Gas Safe Registered Engineer

The gas engineers must be **Gas Safe** registered and must hold a current relevant qualification under the Accredited Certification Scheme (ACS), listing



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the areas of gas work that the installer can undertake. This proof of competence must be provided to the Landlord. The Engineer should be able to provide a current ID card.

## 4.2 Engineer Identification

Whenever the gas engineer attends a property to undertake work they must have their Gas Safe ID card with them. The ID card contains a photo of the engineer, their business registration number and personal license number, company name, the start and expiry date of the card and a security hologram. The reverse of the card details what kind of gas work the engineer is able to do.



## 5. Tenant Information and Guidance

Landlords should actively promote the importance of the annual gas safety checks (ASVs) through various media, such as Newsletters, a Tenants Handbook, Tenancy Agreements and training for tenants at sign-up on the use of the gas appliances.

*NOTE: Since the 1st October 2013, it has been a legal requirement in Scotland to have a Carbon Monoxide alarm installed in the same room as a new or replacement fossil fuel burning heating appliance – this includes gas appliances. The alarm may be hard wired or battery powered to comply.*

### 5.1 Tenant and Landlord Appliances

The landlord allows tenants to use their own gas appliances. In such circumstances the landlord must have procedures in place to ensure that the tenants' appliances are registered with the landlord, are fitted correctly and are safe.

Any gas appliance that the landlord owns and provide for tenants' use is included in the landlord's legal duties. If a tenant has their own gas appliance that the landlord has not provided, then the landlord is responsible for parts of the associated installation and pipework **but not for the actual appliance**.

To help the landlord fulfil their legal duties under the Health and Safety at Work etc. Act 1974, the HSE recommends that all flues (e.g. chimneys) connected to gas appliances should be included within the landlord's gas safety check, even where **they do not** serve appliances provided by the landlord.

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All appliances which the tenant wishes to install such as cookers and fires must have a copy of the installation instructions for that particular make and model before being fitted, otherwise the appliances can be deemed illegal.

The appliance must be fitted by a qualified Gas Safe Registered installer.

Free-standing cookers connected by a flexible connector (bayonet fitting), are not considered to be 'readily movable', but can be moved, temporarily e.g. to clean the space they normally occupy. This type of activity is not regarded as 'work' within the meaning of these Regulations (Gas Appliances (Safety) Regulations 1995).

The landlord/representative should visit all new tenants within one month after sign-up to ensure no illegal appliances have been fitted.

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## Appendix A – Gas Safety Legislation Overview

### The Housing (Scotland) Act 2006

*The Housing (Scotland) Act 2006* places a duty on Landlords and states that all installations in the property for the supply of water, **gas**, electricity, sanitation, **space heating** and **heating of water** are in a reasonable state of repair and in proper working order at the start of the tenancy and at all times during the tenancy. Any fixture, fitting and appliance provided by the landlord should be in a reasonable state of repair and in proper working order.

### The Building (Scotland) Regulations 2013.

These regulations address the various aspects of building design and construction which include health and safety, energy conservation, welfare and convenience of disabled people. Guidance is provided in the Building (Scotland) technical handbooks for Domestic Buildings and Non Domestic Buildings. Section 3 (Environment) details the requirement for the installation and maintenance of gas appliances, flues and chimneys. Section 4 (Safety) requires the installation of a detection system in order to alert all occupants to the presence of harmful levels of Carbon Monoxide (CO).

### Landlords – Gas Safety (Installation and Use) Regulations 1998.

The Gas Safety (Installation and Use) Regulations 1998 place specific duties on gas users, installers, suppliers and landlords. The Regulations deal with the safe installation, maintenance and use of gas systems, including gas fittings, appliances and flues, mainly in domestic and commercial premises. The requirements include both natural gas and liquefied petroleum gas (LPG). The main requirements are for landlords to **inspect and service gas installations on an annual basis** and to **only allow qualified and approved gas engineers** to work on any gas appliances or installations. These regulations sit within the wider context of the Health & Safety at Work Act 1974 and the Management of Health and Safety at Work Regulations 1999. The Gas Safety (Installation and Use) Regulations 1998 place specific duties on gas users, installers, suppliers and landlords see Appendix B for details.

### Gas Appliances (Safety) Regulations 1995

Manufacturers and suppliers of new, second hand and reconditioned appliances and fittings, burning gaseous fuel used for cooking, heating, hot water production, refrigeration, lighting or washing and having, where applicable, a normal water temperature not exceeding 105 degrees Celsius, are subject to the Gas Appliances (Safety) Regulations 1995, and must bear **CE marking** and be safe.

### General Product Safety Regulations 2005

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Under the General Product Safety Regulations 2005 it is an offence to supply (including hiring out) a used gas cooking appliance unless it complies with certain safety requirements. For example, the gas carrying component must prevent leaks of gas, the gas shutoff devices must work properly and safely and surface temperatures must not be too high. Only someone who is **Gas Safe registered can install a gas appliance**.

### **Housing Scotland Act 2001**

Section 79 of the Housing (Scotland) Act 2001 provides Scottish Ministers with the power to set and publish Performance Standards which forms the key reference point for all housing association activities. Performance Standards are fundamental to the way social landlords and regulated services behave and conduct their business. Housing associations are required to have in place a Gas Safety Policy which conforms to the standards set out by the Scottish Housing Regulator in 2009.

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## Appendix B

### General Duties and Responsibilities for Gas Users, Installers, Suppliers and Landlords

- Anyone carrying out work on gas appliances or fittings as part of their business must be competent and **registered with the Gas Safe Register**.
- Only a competent person can carry out work on gas appliances or fittings. **Do-it-yourself** work on gas appliances or fittings could be dangerous and is likely to be illegal.
- The regulations place a number of restrictions on gas appliances installed in bathrooms, shower rooms and bedrooms that are detailed and prescriptive.
- It is illegal to install instantaneous water heaters, which are not room-sealed or fitted with a safety device that automatically turns the gas supply off before a dangerous level of poisonous fumes builds up.
- It is illegal to install any fixed fire, space heater or water heater of more than 14kW input into a room intended to be used as sleeping accommodation, unless it is 'room sealed'. If it is below 14kW, it must either be 'room sealed' or have an oxygen depletion cut out.
- No alterations are to be made to any premises which would adversely affect the safety of a gas fitting so as to result in any contravention of or failure to comply with the regulations e.g. installation/removal of a window, air bricks, extractor fans or putting extra weight on hidden pipes.
- Nothing may be done which could affect a gas fitting or any flue or means of ventilation in such a manner that subsequent use could constitute a danger to any person.
- Any person (Gas Safe Registered) disconnecting a gas fitting must seal off the outlet pipe.
- No person is to install a meter in a locked box without supplying a key.

### Landlord Duties

- Landlords are responsible for making sure that gas fittings and flues are maintained in good order, and gas appliances that they own in their residential premises, and flues, are checked for safety every 12 months. They must also keep a record of the safety checks for at least two years and issue it to existing tenants within 28 days of the check being completed and any prospective tenants before they move in.
- Employers (Housing Associations) with gas appliances at places of work, landlords and providers of holiday accommodation must ensure that gas appliances, including LPG cabinet heaters, are checked for safety, including where relevant, checks on the effectiveness of the flue, the ventilation, gas operating pressure and gas tightness by a Gas Safe Registered engineer.
- As a minimum, the record of a gas safety check must contain:
  - A description of and the location of each appliance or flue checked.
  - The name, registration number and signature of the individual carrying out.
  - The check carried out.
  - The date on which the appliance or flue was checked.

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- The address of the property at which the appliance or flue is installed.
- The name and address of the landlord (or their agent where appropriate).
- Any defect identified and any remedial action taken.

### Tenant Duties

- Tenants must not use any gas appliance or fittings that they know or suspect to be unsafe. Through the Gas Safe Register, the Health & Safety Executive has asked all registered installers to disconnect any Gas Appliance or fittings that are so dangerous as to be a threat to life if they are used.
- Tenants are responsible for the maintenance and safety of appliances they own.
- No person searching for an escape of gas is to use any source of ignition e.g. a match or lighter.
- Combustible material must not be stored in any meter box.

A statement confirming that the safety check has been completed and complies with the requirements of the Gas Safety (Installation and Use) Regulations 199

12

19:50, 10 min

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## 12 - Menopause Policy

*Rebecca Wilson*


| For Decision

### **Attachments**

[12. \(RR\) Menopause Cover Paper - September 2023.pdf](#)

[12.1 \(RR\) Draft Menopause Policy.pdf](#)

[12.2 \(AR\) Equality Impact Assessment - Menopause Policy.pdf](#)

<b>REPORT TO:</b>	<b>Board</b>	
<b>DATE OF MEETING:</b>	<b>28<sup>th</sup> September 2023</b>	
<b>AGENDA ITEM:</b>	<b>12</b>	
<b>CONFIDENTIALITY:</b>	<b>Non confidential</b>	
<b>AUTHOR:</b>	<b>Arlene McLaughlin, HR Manager</b>	
<b>RESPONSIBLE DIRECTOR:</b>	<b>Rebecca Wilson, Director of Resources</b>	

## REPORT TITLE

### 1. PURPOSE

- 1.1 The purpose of this paper is to introduce a new Menopause Policy for Maryhill Housing staff.

### 2. RECOMMENDATIONS

- 2.1 Board is asked to:
- **Approve** the draft Menopause Policy at Appendix A.

### 3. EXECUTIVE SUMMARY

- 3.1 There is potentially some lack of knowledge and understanding about the menopause. A clear policy can help to raise awareness and offer a support framework for all staff.
- 3.2 The aim of this policy is to remove barriers and provide guidance for managers and staff on how best to support employees in the workplace.
- 3.3 Though not a legal requirement, it is felt having such a policy will not only raise awareness but will develop good practice, demonstrating Maryhill Housing's commitment to Inclusion and Diversity. It will support employee health and wellbeing, promote engagement and motivation while reducing staff turnover and recruitment costs.

<b>IMPLICATIONS OF THE REPORT</b>	
<b>FINANCIAL RESOURCE AND VALUE FOR MONEY:</b>	There are no implications
<b>LEGAL/REGULATORY/ RULES/NOTIFIABLE EVENTS:</b>	<p>1. Health and Safety at Work Act 1974, which says an employer must, where reasonably practical, ensure everyone's health, safety, and welfare at work.</p> <p>2. Equality Act 2010, which protects workers against discrimination.</p> <p>There is no legal requirement to have a Menopause policy in place as the menopause is not a specific protected characteristic under the Equality Act 2010.</p> <p>However, if an employee is put at a disadvantage and treated less favourably because of their menopause symptoms, this could be discrimination if related to a protected characteristic, for example: age, disability, gender reassignment, sex.</p>
<b>CORPORATE PLAN/STRATEGIC OBJECTIVES:</b>	Introduction of the Policy which will further support and promote the Equality, Diversity, and Inclusion strategy.
<b>CUSTOMER/TENANT PARTICIPATION:</b>	There are no implications.
<b>COMMUNICATIONS:</b>	All staff to be notified of policy following approval. Policy will be available on F Drive for staff and managers to access
<b>HEALTH AND SAFETY:</b>	In accordance with the Health & Safety at Work Act 1974 and the employer's duty of care.
<b>ENVIRONMENTAL:</b>	There are no implications.
<b>EQUALITY IMPACT ASSESSMENT:</b>	The full equality impact assessment is attached for additional reading. There are no negative implications of the Policy. The Policy aims to have a positive impact to support affected staff and offer practical guidance and advice to both staff and managers. The Policy will further promote, celebrate and value inclusion and this is underpinned by our Equality, Diversity & Inclusion Strategy and our Staff Absence & Attendance Management Policy.
<b>RISK ANALYSIS:</b>	While it is not a statutory requirement to have a Menopause Policy in place, recognising the issues faced by staff who currently or will at some time in the future, fall into this category, demonstrates our commitment to staff health and wellbeing. Having a robust policy will support staff retention, engagement and motivation and decrease the risk of discrimination in relation to age, disability, gender reassignment, sex.
<b>FREEDOM OF INFORMATION:</b>	<p>The following should <b>not</b> be published:</p> <p><input checked="" type="checkbox"/> N/A      <input type="checkbox"/> Full Report      <input type="checkbox"/> Section(s):</p> <p>Reason for redacting:</p> <p>Confidential: <input type="checkbox"/></p> <p>Commercially Sensitive: <input type="checkbox"/></p>



<b>Title</b>	<b>Menopause at Work Policy</b>
<b>Purpose</b>	<p>Maryhill Housing is committed to providing an inclusive and supportive working environment for everyone who works here. We recognise that women experiencing the menopause, whether before, during or after this time of hormonal change and associated symptoms, may need additional consideration, support and adjustments.</p> <p>We recognise that the menopausal symptoms can also affect transgender, intersex and non-binary people.</p> <p>Maryhill Housing is committed to developing a workplace culture that supports workers experiencing the menopause in order for them to feel confident to raise issues about their symptoms and ask for reasonable adjustments at work.</p>
<b>Scope</b>	<p>This Policy applies to:</p> <ul style="list-style-type: none"> <li>• All MH employees</li> </ul>
<b>Definitions</b>	<p>For the purpose of this policy the following definitions are provided in relation to the menopause:</p> <p><b>Woman</b> - In the context of the policy the term ‘woman’ refers to people born with female reproductive organs who may therefore experience the menopause irrespective of gender.</p> <p><b>Menopause</b> – a natural transition stage in most women’s lives lasting from four to eight years, although for some women it can be much longer. Most women experience the menopause between the ages of 45 and 55, although it can start earlier. It is marked by changes in the hormones and the woman stops having periods. Women may also experience a wide range of physical and psychological symptoms as a result of the menopause.</p> <p><b>Premature menopause</b> – for some women, it can be experienced at a much younger age, in their 30s or even younger. This is sometimes called premature ovarian insufficiency. The NHS estimates that 1 in every 100 women will experience premature menopause.</p> <p><b>Medical or surgical menopause</b> – there are some medical circumstances that will create an immediate menopause, whatever the woman’s age, such as a medically induced menopause to shrink fibroids or when the ovaries are damaged by specific interventions such as treatment for cancer, or when a woman’s ovaries are removed as part of a hysterectomy.</p>

	<p><b>Perimenopause</b> – a period of time before the menopause, in the years leading up to the menopause where there can be significant changes for women, including irregular and heavy menstrual bleeding and many of the classic symptoms associated with menopause.</p> <p><b>Post-menopause</b> – a term used when a woman’s periods have stopped for 12 consecutive months. However other menopausal symptoms may not have ended so soon. Problematic symptoms may continue for years.</p>
<p><b>Policy Statement</b></p>	<p>Evidence suggests that many people who take time off work because of the menopause do not tell their employer the real reasons for their absence. This can be because the person feels that their symptoms are a private and/or personal matter, that their symptoms might be embarrassing for them and/or the person they would be confiding in. They can also worry that their symptoms will not be taken seriously, that they will be thought to be less capable or that their job security and/or chances of promotion will be harmed.</p> <p>An effective policy must be inclusive of all those who experience menopause and recognise how each person’s experience of menopause is different, therefore requiring a tailored approach. Some people may go through menopause at an earlier age than experienced or have a sudden onset of symptoms as a result of surgical or medical treatment.</p> <p>Generating awareness of good practice when supporting employees and creating positive work cultures benefits organizations by:</p> <ul style="list-style-type: none"> <li>• increasing employee engagement, morale and productivity.</li> <li>• improving the health and wellbeing of employees and boosting their healthy working life expectancy which, in turn, benefits their immediate families.</li> <li>• increasing employee retention, and reducing the costs of attrition, recruitment and training while enhancing the reputation of Maryhill Housing as an employer of choice.</li> <li>• improving diversity and inclusion objectives by preventing the loss to the workplace, due to inadequate or inflexible working conditions. We are committed to creating a workplace that respects and values each other’s differences, that promotes dignity and combats prejudice, discrimination, and harassment.</li> <li>• improving leadership culture by generating more awareness among managers without personal or lived experience.</li> </ul> <p>Experiences of menopause may also vary for reasons related to other characteristics such as race, culture, religion and belief or disability. Every individual should be treated with sensitivity, dignity and respect.</p> <p><b>We aim to</b></p> <ul style="list-style-type: none"> <li>• make managers aware of their responsibility to understand how the menopause can affect staff, and how they can support those experiencing the menopause at work.</li> <li>• foster an environment in which colleagues can openly and comfortably instigate conversations, or engage in discussions about the menopause in a respectful and supportive manner.</li> </ul>

- raise wider awareness and understanding among all employees about the menopause.
- enable workers experiencing the menopause to continue to be effective in their jobs.
- outline support and reasonable adjustments available.
- help us recruit and retain employees experiencing the menopause.

We recognise many of the changes to workplace culture and adjustments offered here may not only be of benefit to workers experiencing the menopause, but to all staff.

### **Definition of the menopause**

The menopause is a natural transition stage in most women's lives. For some it will be medically induced. It is marked by changes in the hormones and the woman stops having periods. Women may have a wide range of physical and psychological symptoms whilst experiencing the menopause and peri-menopause and may often encounter difficulties at work as a result of their symptoms. Each woman will be affected in different ways and to different degrees over different periods of time, and menopausal symptoms can often indirectly affect their partners, families, and colleagues.

Maryhill Housing recognises that for many reasons, peoples' individual experiences of the menopause may differ greatly. Some of the more commonly reported menopausal symptoms are described in **Appendix 1**

Menopausal symptoms may also exacerbate existing impairments and conditions that those affected may already be struggling to cope with.

### **Support for employees experiencing the menopause**

Maryhill Housing is committed to supporting staff experiencing the menopause. Staff and managers will be provided with appropriate information and training will be available so that they are able to better understand the effects of the menopause and be comfortable about discussing and addressing the impact that it can have on employees in carrying out their roles. Training will include any specific issues for BAME women, disabled women, and trans employees.

Maryhill Housing recognises that the menopause is a very personal experience and therefore different levels and types of support and adjustments may be needed. Employees experiencing the menopause are encouraged to let their line manager or HR know if they are struggling with symptoms that may impact on their work, so that appropriate support is provided. Such information will be treated confidentially and in accordance with our data protection policy. An alternative contact is available to employees experiencing the menopause should they not feel comfortable discussing their problems with their line manager, (particularly if they are male). This is the HR Manager or HR Officer.

Managers should take account of any additional need for sickness absence by employees experiencing the menopause in order to manage their menopausal symptoms. **Absence will be recorded as related to menopausal symptoms and managers will consider such absence as**

**an ongoing condition requiring the consideration of reasonable adjustments and flexibility in absence procedure triggers.**

Maryhill Housing recognises the potential impact of menopausal symptoms on performance by employees experiencing the menopause. Managers will seek to support staff sympathetically rather than moving directly to capability or disciplinary procedures.

Maryhill Housing will ensure that a Menopause Support Risk Assessment [here](#) is undertaken to consider the specific needs of employees experiencing the menopause and to ensure that the working environment will not make their symptoms worse. The risk assessment will assist with the identification of any potential adjustments that may be required. Common areas in particular to consider are:

- workplace temperature and ventilation
- flexible working arrangements
- access to adequate toilet and washing facilities
- access to drinking water
- uniforms and personal protective equipment (PPE)
- working times and break times
- workplace stress and workload
- bullying and harassment.

Employees who are experiencing the menopause can apply for adjustments to support them at work. Further details are contained in **Appendix 2**

We will consider additional suggestions put forward by members of staff and Trade Union reps.

Confidential support is available for individual employees from the employee assistance programme, and this may include counselling if appropriate.

**Responsibilities of managers**

Managers should ensure that all employees are aware of this policy and understand their own and the Maryhill Housing's responsibilities.

Managers (with the support of HR where requested) should encourage employees to discuss the impact of their menopausal symptoms on their work-life and encourage them to access the support and adjustments offered. They should promote a positive attitude to discussions around women's health issues.

Managers should be ready and willing to have open discussions about the menopause, appreciating the personal nature of the conversation, and treat the discussion sensitively, confidentially, and professionally.

Managers will consider all requests for support and adjustments sympathetically and will not discriminate against those employees who are experiencing the menopause and put in place the required support or adjustments in a timely manner.

	<p>All employees must be treated fairly and consistently. Employees need to be confident that they will not be treated less favourably if they take up any support available to employees experiencing the menopause.</p> <p>Maryhill Housing will take seriously and investigate any complaints of discrimination, harassment, or victimisation, using the agreed procedures and respecting confidentiality.</p> <p>All requests for support or adjustments must be dealt with confidentially and in accordance with the data protection policy.</p> <p>Managers will support employees in informing their colleagues about the situation if appropriate.</p> <p><b>Responsibilities of employees</b></p> <p>All staff should take a personal responsibility to look after their health. Employees are encouraged to inform their manager (or the alternative contact, should they not feel comfortable speaking to their manager) if they are struggling with menopausal symptoms and need any support, so that they can continue to be effective in their jobs.</p> <p>Employees experiencing the menopause are encouraged to seek support through their GP, the employee assistance programme, and other external organisations in <b>Appendix 3</b></p> <p>All staff have a responsibility to contribute to a respectful and productive working environment, be willing to help and support their colleagues, and understand any necessary adjustments their colleagues are receiving as a result of their menopausal symptoms.</p> <p>Employees should report any instances of harassment, victimisation or discrimination experienced because of issues related to the menopause. If an employee is found to have harassed, victimised or discriminated against another employee in relation to the menopause, then they will be seen as having committed a disciplinary offence.</p>
<b>Approval</b>	SMT - 7 <sup>th</sup> September 2023
<b>Policy Owner</b>	Arlene McLaughlin HR Manager
<b>Review</b>	This policy will be reviewed in September 2026 or as determined by relevant legislation

## Appendix 1

### Menopausal Symptoms

- Hot flushes – a very common symptom that can start in the face, neck or chest, before spreading upwards and downward, may include sweating, the skin becoming red and patchy, and a quicker or stronger heart rate.
- Heavy and painful periods and clots, leaving those affected exhausted, as well as practically needing to change sanitary wear more frequently. Some affected may become anaemic.
- Night sweats, restless leg syndrome and sleep disturbance.
- Low mood, irritability, increased anxiety, panic attacks, fatigue, poor concentration, loss of confidence and memory problems.
- Urinary problems - more frequent urinary incontinence and urinary tract infections such as cystitis. It is common to have an urgent need to pass urine or a need to pass it more often than normal.
- Irritated skin – including dry and itchy skin or formication, and dry eyes. Also vaginal symptoms of dryness, itching and discomfort.
- Joint and muscle aches and stiffness.
- Weight gain.
- Headaches and migraines.
- Menopausal hair loss.
- Osteoporosis - the strength and density of bones are affected by the loss of oestrogen, increasing the risk of the bone-thinning disease osteoporosis.
- Side effects from hormone replacement therapy (HRT), a form of treatment for menopausal symptoms for some people (although not suitable or appropriate for all).

## Appendix 2

Control over environmental factors ie

- with provision of desk fans on request,
- review of office seating plans so that affected employees can be near the window or open doors, or away from direct sources of heat such as radiators,
- fitting blinds to windows,
- greater access to chilled drinking water, and to toilets and washing facilities.
- Where uniforms are provided, to use natural fibres wherever possible.
- Flexibility dress codes should they exacerbate symptoms such as hot flushes and sweating, and provision of additional spare uniforms.
- Changing/washing facilities for staff to change clothes during the working day.
- For employees who are required to drive as part of their usual work pattern, duration of travel to be reduced and increased rest breaks provided.
- Flexible working arrangements. Full details can be found in the 'Flexible working policy [here](#)
- Flexibility around the taking of breaks, or increased breaks during the working day, and if required providing cover as necessary for these breaks.
- Flexibility around attending relevant medical appointments, more details to be found in the Guidance Note [here](#)
- Temporary changes to the employee's duties, such as undertaking fewer high-visibility work like formal presentations or meetings or on reception because it can be difficult to cope with symptoms such as hot flushes, or assessing how work is allocated or whether the employee is affected at particular points of the day.
- Provision of private spaces for women to rest temporarily, to talk with a colleague or to phone for personal or professional support. (For further advice on adjustments available contact HR).

This is not a definitive list of adjustments.

## Appendix 3

### Self-management for staff experiencing the menopause

Employees experiencing the menopause are encouraged not to suffer in silence. Consider:

- Seeking medical advice from your GP
- Discussing symptoms with your manager or with the alternative contact (see above) requesting appropriate workplace adjustments.

### Further information

NHS information

[www.nhs.uk/conditions/menopause](http://www.nhs.uk/conditions/menopause)

[www.nhs.uk/conditions/early-menopause](http://www.nhs.uk/conditions/early-menopause)

NICE guidelines on 'Menopause: diagnosis and treatment'

[www.nice.org.uk/guidance/ng23/ifp/chapter/About-this-information](http://www.nice.org.uk/guidance/ng23/ifp/chapter/About-this-information)

Menopause Matters [www.menopausematters.co.uk](http://www.menopausematters.co.uk)

Women's Health Concern [www.womens-health-concern.org](http://www.womens-health-concern.org)

Daisy Network <https://www.daisynetwork.org>

The Menopause Exchange [www.menopause-exchange.co.uk](http://www.menopause-exchange.co.uk)



Additional Reading

**Equality Impact Assessment**

<b>Name of Project</b>	Menopause Policy	<b>Date of approval</b>	7.9.23
<b>Name of completing officer</b>	Arlene McLaughlin	<b>Date EqIA created</b>	28.08.23

<b>Stage 1 – who will this affect?</b> Identify the main stakeholders, e.g. staff, tenants, applicants.
Current staff, job applicants, agency workers
Board members

<b>Stage 2 – Scoping Exercise - Equality evidence used in this Equality Impact Assessment</b> Identify the main sources of the evidence, both quantitative and qualitative, that supports your analysis. This could include for example, data on the Association’s workforce, tenants or applicants	
<b>Information Source (include link where published)</b>	<b>What does this information include?</b>
<a href="https://www.menopausematters.co.uk/">https://www.menopausematters.co.uk/</a>	Independent website offering a full range of information on this subject.
Equality and Diversity strategy available here: <a href="#">Equality &amp; Diversity Strategy</a>	Breakdown of the above plus staff gender and age.
Equality Monitoring form	The EM form collects data on protected characteristics from a range of sources including the 3 categories identified in Stage 1 above. This data will inform us of the current and future implications of the Menopause and allow support measures to be put in place.

**Stage 3 – Considering the above information, what impact will this proposal have on protected groups? Consider whether the impact is positive, negative or neutral.**

<b>Sex</b>	The Menopause Policy will provide a framework to support all affected stakeholders who fall into this category, historically, currently, or sometime in the future. It provides practical guidance for both staff and managers to raise awareness and understanding of the menopause and how it can affect different individuals in different ways. While menopausal symptoms will affect female members of staff, there is acknowledgement that male employees who manage females may need support and guidance. Within the context of the policy the term “Woman” refers to anyone born with female reproductive organs, including, intersex people, whom may experience the menopause irrespective of gender. It is hoped having such a document in place will prove to have a positive impact.
<b>Gender Reassignment</b>	As above. We also recognise menopausal symptoms can also affect trans people. It is hoped having such a document in place will prove to have a positive impact.
<b>Age</b>	As above. We also recognise that while there is a generally acknowledged age range for the menopause, woman in their 20’s and 60’s can suffer the symptoms. It is hoped having such a document in place will prove to have a positive impact.
<b>Disability</b>	As above. It is hoped having such a document in place will prove to have a positive impact.
<b>Race &amp; Ethnicity</b>	As above. We also recognise experience of menopause may vary for women of colour, ie early onset of menopause and possibly more severe symptoms. It is hoped having such a document in place will prove to have a positive impact.
<b>Sexual Orientation</b>	As Above. We also recognise that menopausal symptoms can also affect non binary and intersex people. It is hoped having such a document in place will prove to have a positive impact.
<b>Religion or Belief (or No Belief)</b>	Neutral
<b>Pregnancy &amp; Maternity</b>	Neutral
<b>Marriage &amp; civil partnership</b>	Neutral

Stage 4 – Are there any negative impacts?	Can you objectively justify these? If not, what actions could be taken to mitigate, advance equality or fill gaps in information
No	

**Stage 5 – General duty. There are three key considerations to think about in terms of equalities implications on any new policy as set out below. Please set out how you have considered each of these.**

<b>Is there anything more the policy could do to eliminate discrimination?</b>	Not the Policy itself because the Policy is a statement of aspiration. The Equality and Diversity action plan here <a href="#">..\..\..\Policies &amp; Strategies\Current\Corporate\Equality and Diversity Strategy Appendix B - 2018-19 action plan.docx</a> sets out <i>how</i> we will aim to reduce the risk of discrimination.
<b>Could the policy better advance equality of opportunity?</b>	Not the Policy itself because the Policy is a statement of aspiration. The Equality and Diversity action plan here <a href="#">..\..\..\Policies &amp; Strategies\Current\Corporate\Equality and Diversity Strategy Appendix B - 2018-19 action plan.docx</a> sets out <i>how</i> we will aim to better advance equality of opportunity.
<b>Does the policy pay due regard to the need to promote good relations between different groups?</b>	Not the Policy itself because the Policy is a statement of aspiration. The Equality and Diversity action plan here <a href="#">..\..\..\Policies &amp; Strategies\Current\Corporate\Equality and Diversity Strategy Appendix B - 2018-19 action plan.docx</a> sets out <i>how</i> we will aim to promote good relations between different groups.
<b>Are there any other actions you could take to better meet the General Equality duty?</b>	Not the Policy itself because the Policy is a statement of aspiration. The Equality and Diversity action plan here <a href="#">..\..\..\Policies &amp; Strategies\Current\Corporate\Equality and Diversity Strategy Appendix B - 2018-19 action plan.docx</a> sets out <i>how</i> we will aim to better meet the general equality duty.

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## 13 - Maryhill Living Governance Approach

*Rebecca Wilson*

| For Decision


### **Attachments**

[13. \(RR\) Maryhill Living Governance approach.pdf](#)

[13.1 \(RR\) Appendix A - MHA MMR lease \(Locks View\).pdf](#)

[13.2 \(RR\) Appendix B - MHA MMR lease \(hathaway various properties\).pdf](#)

[13.3 \(RR\) Appendix C - MHA MLL Services Agreement.pdf](#)

<b>REPORT TO:</b>	<b>Board</b>	
<b>DATE OF MEETING:</b>	<b>28<sup>th</sup> September 2023</b>	
<b>AGENDA ITEM:</b>	<b>13</b>	
<b>CONFIDENTIALITY:</b>	<b>Non confidential</b>	
<b>AUTHOR:</b>	<b>Rebecca Wilson, Director of Resources</b>	
<b>RESPONSIBLE DIRECTOR:</b>	<b>Rebecca Wilson, Director of Resources</b>	

**REPORT TITLE      Maryhill Living Ltd Governance Arrangements**

**1.      PURPOSE**

1.1      The purpose of this report is to set out a new proposed approach to the governance relationship between Maryhill Living and Maryhill Housing, including a new proposed service agreement and leases.

**2.      RECOMMENDATIONS**

2.1      Board is asked to:

- **Approve** the draft leases between Maryhill Housing and Maryhill Living for the mid-market rent units at Locks View and Hathaway Lane. In the event Maryhill Living Board does not request any changes, this approval will be final, however should Maryhill Living Board request any changes the leases will come back to Maryhill Housing Board for final approval by written resolution. Appendices A and B.
- **Approve** the draft service agreement between Maryhill Housing and Maryhill Living for the provision of services between the two organisations. In the event Maryhill Living Board does not request any changes, this approval will be final, however should Maryhill Living Board request any changes the service agreement will come back to Maryhill Housing Board for final approval by written resolution. Appendix C.
- **Delegate authority** to the signatories for the leases between Maryhill Housing and Maryhill Living (CEO and Director of Resources) to vary the Schedule One of the Hathaway Lane lease so that the properties that are included in the lease (and the lease rental value) can be varied over time as more properties are purchased. The maximum number of properties that can be included under this lease is 20.

**3.      EXECUTIVE SUMMARY**

3.1      In May 2022 the Board approved the intra group agreement and in September 2022 approved the lease and service agreement, with these three documents setting out the governance framework between Maryhill Living and Maryhill Housing. This framework was proposed by the Association’s previous legal advisers, Harper MacLeod, for new build mid-market schemes such as Locks View.

3.2      The Maryhill Housing Group’s decision to purchase properties at Hathaway Lane for mid-market rent prompted a review of this governance framework by the Association’s new legal advisers, TC Young.

- 3.3 A new governance framework is proposed, which aims to make the financial relationship between Maryhill Housing and Maryhill Living more transparent, particularly in Hathaway Lane where substantial investment work is required to the properties.
- 3.4 In the new Governance framework reactive repair, cyclical maintenance, and component replacement responsibilities remain with Maryhill Housing and are not passed to Maryhill Living. This means Maryhill Living pays a higher lease rent. This means that Maryhill Living does not need to buy these services from Maryhill Housing, reducing the service agreement cost. There is no overall financial impact.

<b>IMPLICATIONS OF THE REPORT</b>	
<b>FINANCIAL RESOURCE AND VALUE FOR MONEY:</b>	There are no financial implications from this proposal. Legal costs to redraft the governance documents will be contained within existing budgets.
<b>LEGAL/REGULATORY/RULES/NOTIFIABLE EVENTS:</b>	<p>Specialist legal advice has been taken in developing the governance documents.</p> <p>Under standard four of the Regulatory Framework, where the RSL is the parent within a group structure it must fulfil its responsibilities as required in the group structures guidance to:</p> <ul style="list-style-type: none"> <li>(a) control the activities of, and manage risks arising from, its subsidiaries;</li> <li>(b) ensure appropriate use of funds within the group;</li> <li>(c) manage and mitigate risk to the core business; and</li> <li>(d) uphold strong standards of governance and protect the reputation of the group for investment and other purposes.</li> </ul> <p>Under standard seven of the Regulatory Framework RSLs are required to ensure their ‘governance structures are as simple as possible, [and] clear as possible’. This has been built into the proposals recommended for approval.</p>
<b>CORPORATE PLAN/STRATEGIC OBJECTIVES:</b>	Delivering Regeneration in Hathaway Lane, and other areas in Maryhill and Ruchill, is a strategic priority in the 2022 – 2025 Corporate Plan.
<b>CUSTOMER/TENANT PARTICIPATION:</b>	There are no customer/tenant implications at this stage.
<b>COMMUNICATIONS:</b>	There are no communications implications.
<b>HEALTH AND SAFETY:</b>	There are no health and safety implications.
<b>ENVIRONMENTAL:</b>	There are no environmental implications.
<b>EQUALITY IMPACT ASSESSMENT:</b>	There are no equalities implications

IMPLICATIONS OF THE REPORT	
<b>RISK ANALYSIS:</b>	<p>The Regulatory guidance <i>Group Structures and Constitutional Partnerships</i> is clear that the parent should not take on liability for risks of a non-registered Subsidiary. Liabilities are clearly set out in the intra-group agreement between Maryhill Housing and Maryhill Communities. The key risk around establishing a Subsidiary for mid-market rent is added governance complexity which could distract from core services. This risk has been mitigated by keeping the Subsidiary governance as simple as possible.</p> <p>The new proposed governance framework aims to avoid the risk that Maryhill Housing could be perceived to be subsidising Maryhill Living (which is a non-charitable subsidiary).</p>
<b>FREEDOM OF INFORMATION:</b>	<p>The following should <b>not</b> be published:</p> <p><input checked="" type="checkbox"/> N/A      <input type="checkbox"/> Full Report      <input type="checkbox"/> Section(s):</p> <p>Reason for redacting:</p> <p>Confidential: <input type="checkbox"/></p> <p>Commercially Sensitive: <input type="checkbox"/></p>

**4. BACKGROUND**

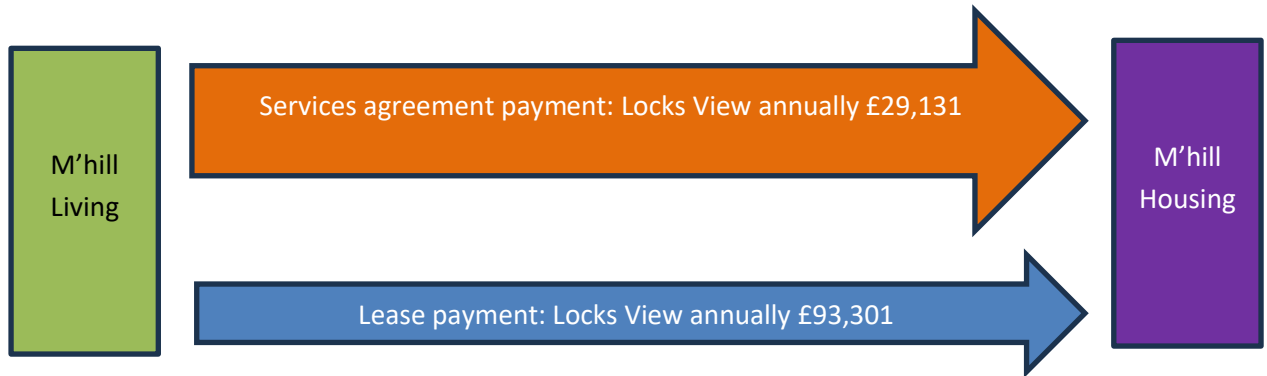
**Governance Documents**

- 4.1 There are five key governance/legal documents which set out the relationship between Maryhill Housing and Maryhill Living. These are explained below.
- **Articles of Association of Maryhill Living Ltd.** These are the Subsidiary Company’s Rules.
  - **Maryhill Living Board remit.** This sets out in more detail how the subsidiary Board operates and what its responsibilities are.
  - **Intra-Group Agreement.** This is the key document which sets out how the relationship between Maryhill Housing and Maryhill Living will work.
  - **Lease** - The ownership of the mid-market rent units stays with Maryhill Housing and these units are then leased to Maryhill Living in order that Maryhill Living can then let the properties to the individual tenants.
  - **Services Agreement** This sets out the services that will be provided by Maryhill Housing staff to Maryhill Living and the payment for such.
- 4.2 In May 2022 and September 2022 the Board approved the final/final draft versions of these documents. This governance framework was proposed by the Association’s

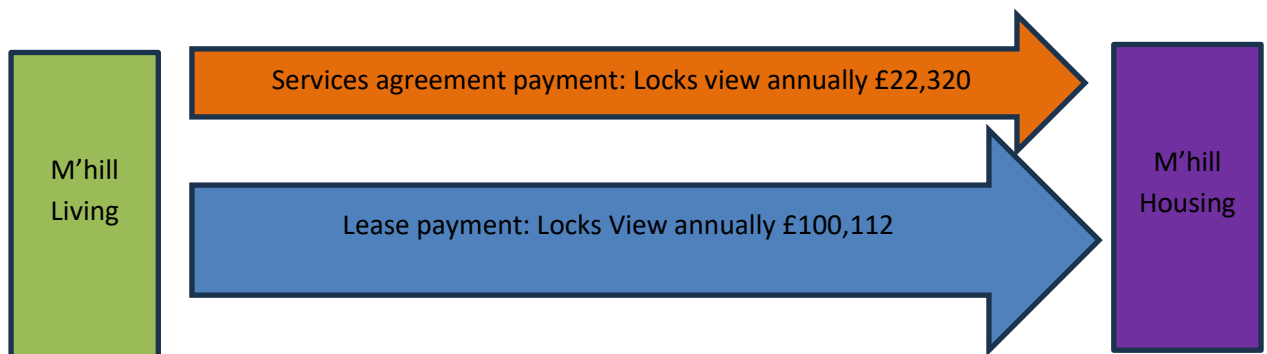
previous legal advisers, Harper MacLeod, for new build mid-market schemes such as Locks View.

- 4.3 In March 2023 the Maryhill Housing Board approved that the Association could purchase up to 30 properties in 2023-24. The Association's Property Purchase and Sale Policy identifies expanding mid-market rent as a strategic priority. In April 2023 the Maryhill Housing Board approved approaching Glasgow City Council to ask that Hathaway Lane be designated a priority area. This was approved in June 2023 and Glasgow City Council has been providing funding to Maryhill Housing to buy properties on Hathaway Lane to rent at mid-market rent.
- 4.4 In August 2023 Maryhill Living approved adding up to twenty mid-market rent properties at Hathaway Lane to the portfolio of properties to be leased to, and managed by, Maryhill Living. In August 2023 the Maryhill Housing Board also approved delegating authority to the Chair to approve a lease between Maryhill Housing and Maryhill Living for up to twenty mid-market rent properties at Hathaway Lane.
- 4.5 The current lease between Maryhill Housing and Maryhill Living only relates to mid-market rent units at Locks View. The new venture into mid-market at Hathaway Lane would, therefore, require Maryhill Living to enter into a new lease and revised service agreement with Maryhill Housing.
- 4.6 Officers sought legal advice on this from the Association's new legal advisers: TC Young. TC Young proposed a different approach to the lease and service charge between Maryhill Housing and Maryhill Living.
- 4.7 Under the approach approved in September 2022, the lease between Maryhill Living and Maryhill Housing passed full management, repair, major component replacement responsibilities from Maryhill Housing to Maryhill Living. Maryhill Living then purchased all these services from Maryhill Housing under the service agreement. TC Young advised that this arrangement made sense for a new build scheme when component replacement requirements would be minimal for the first few years. However, at Hathaway Lane it is expected that there will be significant capital investment requirements. Meeting these costs would be the responsibility of Maryhill Living under the lease and Maryhill Living would pay Maryhill Housing to provide this service through the service agreement. In practice this could be viewed as Maryhill Housing subsidising Maryhill Living's share of these costs which Maryhill Living would then repay over time through the payments under the service agreement. TC Young recommended against this, and instead proposed a different arrangement whereby reactive repairs, cyclical maintenance and component replacement responsibilities remain with Maryhill Housing under the lease and are not transferred over to Maryhill Living. In this way there is more transparency and there is no risk of perceived subsidisation of Maryhill Living. This means that Maryhill Living would pay Maryhill Housing a higher lease cost (because it is leasing a fully repaired property), but a lower service cost (because it does not have to purchase property repair services). In addition, to allow for the staggered purchase of Hathaway Lane properties, the service agreement now sets out a per property charge that is applied pro rata from the date each property is leased to Maryhill Living, rather than the original lump sum approach for Locks View. There is no overall financial impact. This is summarised in the diagrams below.

**Current relationship: lower lease payment and higher service agreement payment, totalling 95% of rental income charge for each MMR tenancy**

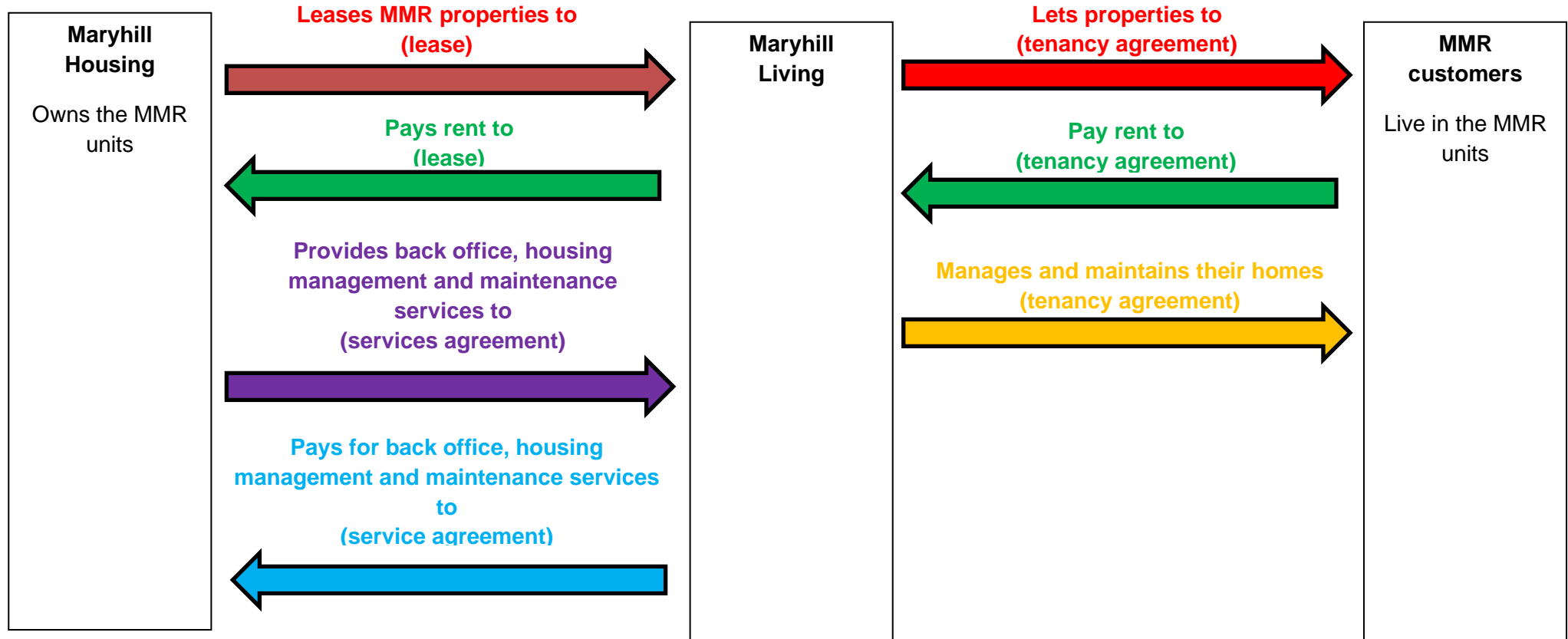


**New proposed relationship: higher lease payment and lower service agreement payment, totalling 95% of rental income charge for each MMR tenancy**

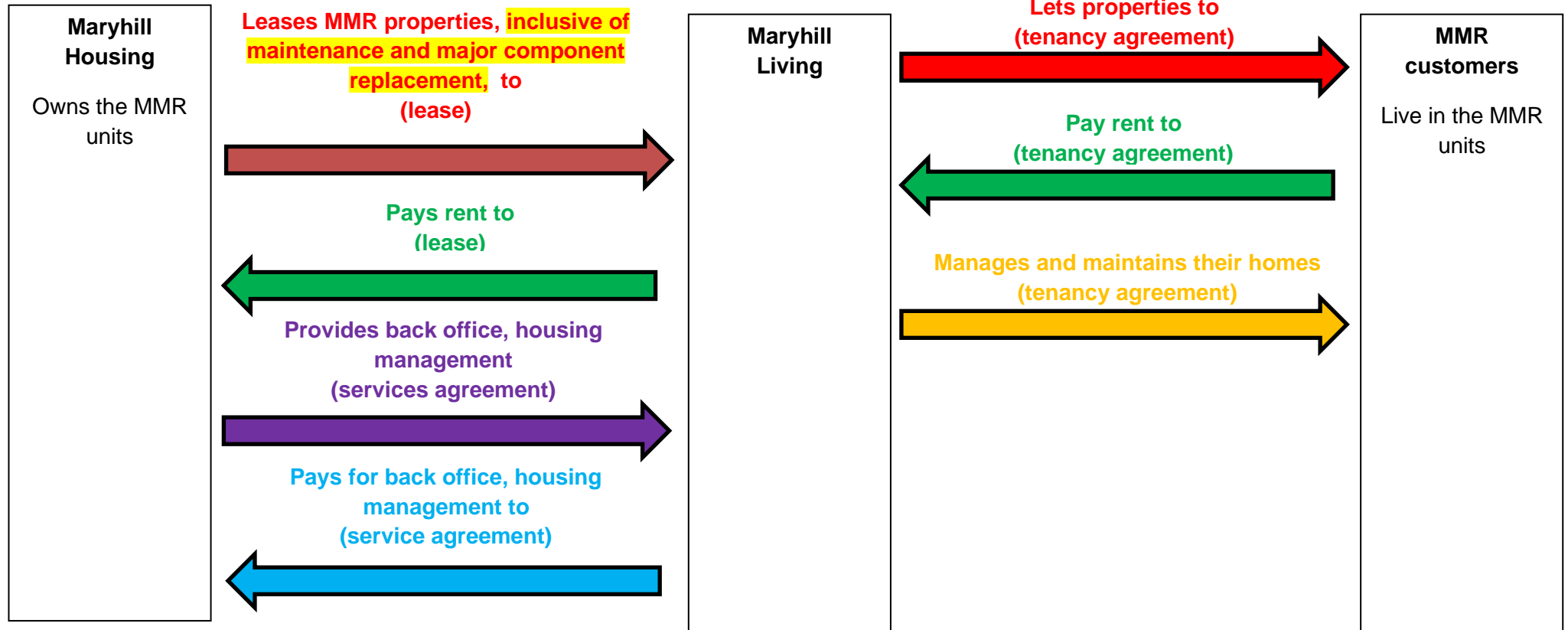


- 4.8 Throughout the process of developing the governance framework between Maryhill Housing and Maryhill Living, the aim has been to keep bureaucracy to a minimum and the governance relationship as simple as possible. As such, officers were keen to keep one services agreement between Maryhill Housing and Maryhill Living. This could have become complicated if the Hathaway Lane lease was structured in the high lease cost/low service agreement cost way, but the Locks View lease was still structured in the lower lease cost/high service agreement cost way. Board is, therefore, asked to approve:
- Changes to the Locks View lease (Appendix A)
  - Entering into a new lease for Hathaway Lane mid-market rent properties (Appendix B)
  - Changing the service agreement between Maryhill Living and Maryhill Housing to reflect the lower charge and also the move to per property charging (Appendix C)
- 4.9 No changes are required to the other governance/financial documents. The Hathaway Lane acquired properties were not included in the 2023/24 budget. Acquiring and improving these properties will have budget implications but these do not require Board approval. All acquired properties must deliver a break-even financial position over thirty years.
- 4.10 The diagrams below summarise the role of the different documents in governing the relationship between the Subsidiary, the Association, and its mid-market rent customers under the current and proposed arrangement.

**Current arrangement**



Proposed arrangement: (changes highlighted in yellow)



**5. Lease Agreement:**

- 5.1 The Association’s new layers TC Young have completely redrafted (and simplified) the Locks View lease. The Hathaway Lane lease is new.
- 5.2 Key principles of the new/revised mid-market rent leases are set out below. The item highlighted in green is a different approach to that previously approved by Board.

<b>Locks View</b>	<b>Hathaway Lane</b>
All 18 units (and any associated land or parking areas etc) once completed will be leased by Maryhill Housing to Maryhill Living.	The lease does not specify a number of properties but will have a separate schedule attached that can be updated as new properties are purchased.
Maryhill Housing or Maryhill Living can terminate the lease at any time by giving 6 months’ notice to Maryhill Housing (previously there were five yearly break points in the lease).	Maryhill Housing or Maryhill Living can terminate the lease at any time by giving 6 months’ notice to Maryhill Housing.
The total rent to be paid by the Maryhill Living to Maryhill Housing is set at 95% of the rental income charge for each MMR tenancy, less the Service Agreement charge.	The total rent to be paid by the Maryhill Living to Maryhill Housing is set at 95% of the rental income charge for each MMR tenancy, less the Service Agreement charge.
The lease places responsibility for the maintenance, repair and component replacement of the property with Maryhill Housing (previously this was the responsibility of Maryhill Living).	The lease places responsibility for the maintenance, repair and component replacement of the property with Maryhill Housing.
The lease places responsibility for management of the individual tenancies on Maryhill Living. However, as the subsidiary will have no staff, all of the services in delivering these responsibilities will be provided by MHA and these will be set out in the Service Agreement.	The lease places responsibility for management of the individual tenancies on Maryhill Living. However, as the subsidiary will have no staff, all of the services in delivering these responsibilities will be provided by MHA and these will be set out in the Service Agreement.

**6. Service Agreement:**

- 6.1 The service agreement sets out the details of the services that will be provided between Maryhill Living and Maryhill Housing and the costs for these services.
- 6.2 Currently there are no services that Maryhill Living will provide to Maryhill Housing, but the wording of the agreement allows for these to be introduced in future if/when appropriate.
- 6.3 It is proposed that Maryhill Housing will provide the following management and back-office services to enable the Maryhill Living to deliver on its responsibilities as landlord:

- Information and advice
- Management and administration services
- Enforcement of tenancy conditions
- Debt management
- Allocation and lettings
- Tenant consultation and communication
- Governance support to MLL Board
- Full range of corporate support services, including performance reporting, health & safety, risk management, internal audit, HR, IT and communications
- Full range of finance support, including budgets, management accounts, payments and income processing, banking, rent deposit administration

- 6.4 The service agreement will apply from the point of signing, but it is proposed that Maryhill Living will only start to pay for any services delivered by Maryhill Housing once mid-market rent properties have been completed/purchased and leased to Maryhill Living.
- 6.5 The charge in the Service Agreement will be reviewed in November each year and set for the following year based on an assessment of actual costs incurred to date plus estimated costs for the remaining months of the current year and inflation.

**LEASE**

**between**

**MARYHILL HOUSING ASSOCIATION LIMITED**

**and**

**MARYHILL LIVING LIMITED**

**For Properties at Locks' View, Glasgow**

**tc young** solicitors  
effective legal solutions

## LEASE

between

**Maryhill Housing Association** Limited, a Registered Society under the Co-operative and Community Benefit Societies Act 2014 (Registered Number: 1904RS), and being a Registered Social Landlord and Charity (Scottish Charity Number: SC032468) and having their registered office at 45 Garrioch Road, Glasgow, G20 8RG (who and whose successors are hereinafter referred to as “MHA”)

and

**Maryhill Living Limited** incorporated under the Companies Acts (Company number SC398293) and having their registered office at 45 Garrioch Road, Glasgow, G20 8RG (who and whose successors are hereinafter referred to as “MLL”)

### 1. RULES AND PERMITTED OBJECTS

- (i) MHA has within its rules and permitted objects and amongst its agreed policies and objectives the power to manage, own, sell and lease the Properties listed in Schedule Part One (“the Properties”) (which Schedule in 4 parts is annexed and subscribed as relative hereto), for the provision of residential accommodation, and
- (ii) MLL has within its rules and permitted objects and amongst its agreed policies and objectives the power to lease and manage the Properties for the provision of residential accommodation let to occupiers on Private Rented Tenancies.

### 2. PROPERTIES

MHA is at the date of commencement of this Lease (“the Commencement Date” after defined) the proprietor of inter alia the Properties known as and forming

0.1	2 Whitelaw Street	G20 0BF
0.2	2 Whitelaw Street	G20 0BF
0.3	2 Whitelaw Street	G20 0BF
1.1	2 Whitelaw Street	G20 0BF
1.2	2 Whitelaw Street	G20 0BF
1.3	2 Whitelaw Street	G20 0BF
2.1	2 Whitelaw Street	G20 0BF
2.2	2 Whitelaw Street	G20 0BF
2.3	2 Whitelaw Street	G20 0BF

3.1	2 Whitelaw Street	G20 0BF
3.2	2 Whitelaw Street	G20 0BF
3.3	2 Whitelaw Street	G20 0BF
4.1	2 Whitelaw Street	G20 0BF
4.2	2 Whitelaw Street	G20 0BF
4.3	2 Whitelaw Street	G20 0BF
5.1	2 Whitelaw Street	G20 0BF
5.2	2 Whitelaw Street	G20 0BF
5.3	2 Whitelaw Street	G20 0BF

### **3. FINANCIAL CAPACITY**

- (i) MLL has satisfied MHA of its current financial ability to meet the commitments of this Lease.

### **4. CONDITIONS UNDERPINNING THE OPERATION OF THE LEASE**

This Lease (hereinafter and before referred to as either “this Lease” or “the Lease”) is subject to:

- (i) The registered rules of MLL and MHA
- (ii) The proper observance and compliance with all requirements under any statute, byelaw or other enactment, order or regulation affecting the Properties, their use or occupation including any condition imposed by any funder.
- (iii) The proper observance and compliance with equal opportunities legislation, policy and practice by both parties, who shall not unfairly discriminate against any individual on the grounds of race, colour, culture, ethnic or national origin, religion, gender, age, disability, sexual orientation, family circumstances or marital status. This clause covers all the activities of both parties, including their respective policies and practices in employment and recruitment.

### **5. PURPOSE OF LEASED PROPERTIES**

MHA will lease to MLL the Properties for the purpose of enabling MLL to provide, manage and maintain the Properties and the tenancies and future tenancies in respect of the Properties from time to time in accordance with their Mid Market Policy.

### **6. PERIOD OF LEASE**

MHA will lease and hereby let the Properties to MLL for a period of from the Commencement Date until the Termination Date after defined and monthly thereafter, subject to the terms and conditions of this Lease.

The Lease may be renewed from the Termination Date subject to the written agreement of both parties.

The Lease may be terminated by either party supplying not less than six months' written notice to the other party of their intention to terminate this Lease subject always to the provisions of Clause 9 hereof. Declaring that the parties may, by mutual agreement, vary the terms of this Lease to permit the removal of any of the properties by MHA from the ambit of this lease.

## **7. COMMENCEMENT AND TERMINATION DATE**

The Commencement Date is #, notwithstanding the dates of execution of these presents. The Termination Date will be thirty years from the Commencement Date subject to Clauses 6 and 8 of this lease.

## **8. TERMINATION OF LEASE**

Notwithstanding Clause 7, the Lease may also be terminated:

- (i) if at any time during the currency of this Lease either MLL or MHA shall contravene or fail to comply with any of the provisions, conditions and restrictions herein contained;
- (ii) if either party shall be formally dissolved or cease operations;
- (iii) by signing an amended lease;
- (iv) by the written agreement of MLL and MHA.

Where either party seeks to terminate this Lease in accordance with 8(i) above, they shall first serve notice on the other party intimating the contravention or non-compliance. If all steps agreed to be necessary by the parties to remedy the contravention or non-compliance have been taken within a period of 30 days, neither party shall be entitled to terminate the Lease. In the event of contravention or non-compliance with the terms of this Lease, both parties should first follow the complaints procedure detailed at Clause 20 of this Lease.

## **9. ASSIGNMENT**

MLL will not assign or otherwise dispose of the lease or part of the lease without the prior consent in writing of MHA, such consent not to be unreasonably withheld or delayed.

**10. VACANT POSSESSION**

Upon expiry or termination of this Lease, MLL undertakes to give MHA vacant possession of the Properties.

**11. MORTGAGEE IN POSSESSION**

The provisions of this Lease shall not apply in respect of an assignment or other disposal of the Properties where such assignment or disposal is required or approved by any Mortgagee or Chargee now or at any time in the future subsisting.

**12. VARIATION**

The terms of this Lease may not be varied except with the written consent of both parties.

**13. RENT**

The rent payable by MLL to MHA in respect of the Properties is £100,112 per annum, this will be paid quarterly in arrears on the financial quarter end dates of 30th June, 30th September, 31st December and 31st March in every year, clear of all deductions whatsoever, the first of such payments for the period from each of the Commencement Date to the first quarter date to be a pro rata payment calculated by the number of days from the Date of Entry to the quarter dates. The next payment to be made on the quarter day for the quarter succeeding and so forth quarterly, termly and proportionally thereafter.

MHA will review the rent on an annual basis in accordance with MHA Rent and Service Charge Policy advising MLL of any uplift in rent not later than 28 days prior to applying any increase from 1<sup>st</sup> April in any given year.

**14. COUNCIL TAX, ETC**

The rent payable by MLL to MHA is exclusive of all rates, water rates, council tax or any other burden imposed by the local authority. Such burdens, payments and obligations are the sole responsibility of MHA in terms of this Lease. Both parties hereto acknowledge that MLL will be entitled to impose such of the obligations and payment responsibilities as they consider appropriate to the occupiers of the Properties in terms of any subletting tenancy agreements they may put in place.

**15. REGISTRATION AS A PRIVATE LANDLORD**

MLL shall register and shall maintain registration as a private landlord with Glasgow City Council under Part 8 of the Antisocial Behaviour etc (Scotland) Act 2004 and shall exhibit its registration to MHA prior to the commencement of the Lease.

**16. TENANCY / OCCUPANCY AGREEMENTS FOR EACH INDIVIDUAL**

MLL shall not enter into any new tenancies or assign their interest in the Properties or any part of them to individuals other than by means of the Private Residential Tenancy Agreement in accordance with The Scottish Government's Model Private Residential Agreement in terms of the Private Housing (Tenancies) (Scotland) Act 2016, or by means of an alternative Agreement which has been approved by MHA.

**17. ENTITLEMENT TO UNINTERRUPTED OCCUPATION**

So long as MLL implements the obligations specified in this Lease and its attached schedules, MLL are entitled to uninterrupted occupation and use of the Properties in accordance with the terms of this Lease.

**18. MANAGEMENT AND MAINTENANCE OF THE PROPERTIES**

MLL shall appoint MHA to act as their agent to manage, repair and maintain the Properties in accordance with the provision of Schedule Part Three to this Lease

**19. ACCESS BY MHA PERSONNEL**

MLL agree to liaise with any relevant occupiers within the Properties to enable the staff of MHA or its agents access to the Properties in the discharge of their responsibilities. Wherever possible, except in the event of emergency access being required, MHA will give MLL not less than 24 hours' notice of access being required.

**20. DISPUTES AND ARBITRATION**

In the event of any dispute or complaint arising between the parties in respect of this Lease, and which cannot be addressed through other provision of this Lease, both parties will:

- (i) use their best endeavours to reach an amicable and practical resolution of the dispute;
- (ii) in the event that a satisfactory resolution cannot be reached, the provisions relating to Resolution of Differences set out in the Joint Arrangement Deed (JAD) dated 28 July 2010 and made between the parties hereto (or any subsequent JAD entered into between the parties hereto) shall apply.

**21. SIGNATURE AND SEAL**

IN WITNESS WHEREOF these present consisting of this and the preceding pages together with the attached Schedule are executed by the parties hereto:

THIS IS THE SCHEDULE IN THREE PARTS TO THE LEASE BETWEEN  
MHA AND MLL

**SCHEDULE PART ONE**

**List of Properties, Rents & Commencement Dates**

This schedule is not in use.

**SCHEDULE PART TWO**

**MID MARKET POLICY**

## **SCHEDULE PART THREE**

### **Management of Properties**

The management of the Properties which are the subject of this Lease Agreement between MHA and MLL will be undertaken in accordance with the following provisions:

#### **1. Use of the Properties**

The Properties are leased to MLL for the purpose of housing those applicants who meet MLL Mid Market Policy.

#### **2. Tenancy/Occupancy Agreements**

MLL have the obligation to manage, maintain, collect the rents and generally carry out all functions and obligations of a Landlord in respect of the Properties and the tenancies, per the Private Rented Tenancies created after the Commencement Date but the parties hereto accept that MLL may contract out this service to be carried out on their behalf by MHA.

#### **3. Selection of Occupants**

MLL shall be responsible for the selection of occupants for the Properties in consultation with MHA and in accordance with the said Mid Market Policy referred to at Schedule Part Two.

#### **4. Void Levels**

MLL shall appoint MHA to take all necessary steps on their behalf to ensure that the Properties are fully occupied and to minimise the level of void places within the Properties.

#### **5. Employment of Staff**

MLL shall be responsible for the provision of such staff as are necessary to effectively discharge MLL' responsibilities under the terms of this Lease, They shall be entitled to appoint MHA to carry out any of their functions as MHA agree to carry out in terms of a Service Level Agreement or other contract between MLL and MHA and which will provide for the provisions of remuneration passing between the parties for such a service.

## **6. Rent Collection**

MLL shall be responsible for setting and collecting the charges from the Tenants/Occupants in accordance with the provisions of the Tenancy Agreements and future Sub-Leases but shall be obliged to consult MHA in this process.

## **7. Operating Deficits**

Any Operating Deficit arising from the management of the Properties shall be met by the party undertaking that role either directly or as an agent for the other party.

## **8. Termination of Tenancy/Occupancy Agreements**

MLL shall be responsible for raising any necessary actions against Occupants arising out of any breach of the terms of the Private Tenancy Agreement as attached at Schedule Part Three. MLL is expected to have used all reasonable endeavours to resolve the difficulty before resorting to recovery action at their own expense.

## **9. MHA External & Internal Maintenance Responsibilities**

Subject to the provisions of Clause 22 hereof, MHA shall be responsible for the maintenance, repair and replacement of:

- (i) the structure and exterior of the Properties, including drains, gutters, external pipes, doors and windows;
- (ii) all installations in the Properties for the supply of electricity, electric lighting, water, gas and space heating, including all pipes and wiring;
- (iii) boundary walls, fences, paths, gates and all parts of the Properties held either jointly, in common or in which there is a common interest;
- (iv) the stair lighting, the maintenance of the communal areas and the soft and hard landscaping, the installation, repair and replacement of the CCTV system;
- (v) generally the maintenance and repair of all common areas and common parts in and about the Properties.
- (vi) all other repairs to the exterior of the Properties or the larger building of which they form a part.
- (vii) Maintenance of all white goods

(viii) All internal repairs and decoration to the Properties which are not the responsibility of MLL in terms of Conditions 13 and 14 hereof

**10. Gas and Electricity Safety Checks / Energy Performance Certificates**

MHA will be responsible for carrying out necessary gas and electricity safety checks prior to, and throughout, the Lease period in accordance with legislation and its own procedures and programmed cycle of works.

**11. Emergency Access**

In the event of an emergency, MHA is hereby entitled to obtain emergency access to the Properties in order to discharge its responsibilities in accordance with this Lease.

**12. Emergency Repairs**

If required MHA shall take any necessary steps to secure the repair but must notify MLL immediately thereafter.

**13. MLL Responsibilities: Fixtures and Fittings**

MLL shall maintain the fittings and fixtures provided by MHA in good order and condition all to the satisfaction of MHA, (fair wear and tear excepted). The fittings and fixtures will be replaced by MLL at the termination of this Lease, unless MHA and MLL agree otherwise in writing.

**14. MLL Responsibilities: Internal Maintenance and Repair**

MLL shall be responsible for the maintenance and repair of the following within the Properties:

- (i) any appliances, fixtures or any other items introduced by MLL or Occupants;
- (ii) any damage to the structure, fittings or contents, including furniture, however caused by MLL, Occupants or visitors to the Properties;

**15. Notification of Repairs**

MHA will notify MLL immediately of any matters arising in connection with the repair and maintenance of the Properties which have not been identified by MLL and confirm same in writing.

**16. Assistance to MHA in Respect of Repairs**

MLL undertakes to give all necessary assistance to MHA and its contractors in the exercise of any emergency repairs and any planned maintenance works to the Properties or the larger building of which they form a part carried out by MHA in their role as property factor of the building.

**17. Access MHA**

MLL undertakes to give access to the representatives of MHA for the purpose of carrying out any works in the Properties as may be necessary. Regular inspections of the Properties shall be carried out by officers of MHA to determine necessary repairs and maintenance works. MHA will inform MLL in writing of any works identified as being necessary which are the responsibility of MLL in terms of this Lease, and MLL will carry out such repairs within a reasonable period.

**18. Suitable Alternative Accommodation**

In the event of major repairs being required to the Properties which necessitate the temporary removal of the Occupants, it shall be the responsibility of MLL to secure suitable alternative accommodation for all Occupants prior to the commencement of the works if the deem this appropriate. MHA will assist in securing decant accommodation if that is possible but, in the event of decant accommodation not being provided by MHA, the normal rent payable under the terms of this Lease will be waived or reduced for the period during which the Properties cannot be beneficially used for the purpose stated in this Lease by MLL.

**19. Alterations and Improvements**

MLL will not undertake any alterations to the Properties, whether to the structure, layout, services or fitments.

**20. Reinstatement of the Properties**

Where MLL has carried out alterations/improvements at its own expense, MLL must reinstate the Properties to their original condition upon termination of this Lease, unless otherwise agreed between MLL and MHA.

**21. Insurance**

- (i) MHA are responsible for insuring the external fabric of the Properties, the structure and fittings and fitments of the

Properties, including window frames, against loss or damage by fire and such other risks normally covered by comprehensive insurance. MHA shall inform MLL of the amount of insurance cover and the perils insured against. MHA shall ensure that the interest of MLL is endorsed on any global policy of insurance. Any costs relating to buildings insurance will be met by MHA

- (ii) MLL shall include in the tenancy agreement with the occupants of the Properties an obligation to obtain insurance for all contents and furniture in the Properties owned by them.

**22. Planned Maintenance**

Notwithstanding the foregoing provisions, MHA shall be entitled, exercising their sole discretion, to carry out any and all works that they deem necessary to the Properties including Planned Maintenance Works.

**23. Confidentiality**

Both parties agree to respect the confidentiality of information which may become available to them concerning the Occupants of the Properties. Neither party shall disclose such information to a third party without the express permission of the Occupant concerned. The only exceptions to this provision shall be general statistical information required by funding or other authorities, or as required by law.

.....authorised signatory  
Maryhill Housing Association Limited

.....authorised signatory  
Maryhill Living Limited

**LEASE**

**between**

**MARYHILL HOUSING ASSOCIATION LIMITED**

**and**

**MARYHILL LIVING LIMITED**

**For various Mid Market Rent Properties**

**tc young** solicitors  
effective legal solutions

## LEASE

between

**Maryhill Housing Association** Limited, a Registered Society under the Co-operative and Community Benefit Societies Act 2014 (Registered Number: 1904RS), and being a Registered Social Landlord and Charity (Scottish Charity Number: SC032468) and having their registered office at 45 Garrioch Road, Glasgow, G20 8RG (who and whose successors are hereinafter referred to as “MHA”)

and

**Maryhill Living Limited** incorporated under the Companies Acts (Company number SC398293) and having their registered office at 45 Garrioch Road, Glasgow, G20 8RG (who and whose successors are hereinafter referred to as “MLL”)

### **1. RULES AND PERMITTED OBJECTS**

- (i) MHA has within its rules and permitted objects and amongst its agreed policies and objectives the power to manage, own, sell and lease the Properties listed in Schedule Part One (“the Properties”) (which Schedule in 4 parts is annexed and subscribed as relative hereto), for the provision of residential accommodation, and
- (ii) MLL has within its rules and permitted objects and amongst its agreed policies and objectives the power to lease and manage the Properties for the provision of residential accommodation let to occupiers on Private Rented Tenancies.

### **2. PROPERTIES**

MHA is at the date of commencement of this Lease (“the Commencement Date” after defined) the proprietor of inter alia the Properties all as the same are described in Part 1 of the Schedule annexed hereto.

The maximum number of properties that can be included in the lease is twenty.

### **3. FINANCIAL CAPACITY**

- (i) MLL has satisfied MHA of its current financial ability to meet the commitments of this Lease.

### **4. CONDITIONS UNDERPINNING THE OPERATION OF THE LEASE**

This Lease (hereinafter and before referred to as either “this Lease” or “the Lease”) is subject to:

- (i) The registered rules of MLL and MHA
- (ii) The proper observance and compliance with all requirements under any statute, byelaw or other enactment, order or regulation affecting the Properties, their use or occupation including any condition imposed by any funder.
- (iii) The proper observance and compliance with equal opportunities legislation, policy and practice by both parties, who shall not unfairly discriminate against any individual on the grounds of race, colour, culture, ethnic or national origin, religion, gender, age, disability, sexual orientation, family circumstances or marital status. This clause covers all the activities of both parties, including their respective policies and practices in employment and recruitment.

## **5. PURPOSE OF LEASED PROPERTIES**

MHA will lease to MLL the Properties for the purpose of enabling MLL to provide, manage and maintain the Properties and the tenancies and future tenancies in respect of the Properties from time to time in accordance with their Mid Market Policy.

## **6. PERIOD OF LEASE**

MHA will lease and hereby let the Properties to MLL for a period of thirty years, commencing on the first Commencement Date set out at Schedule One hereof until the Termination Date after defined and monthly thereafter, subject to the terms and conditions of this Lease.

The Lease may be renewed from the Termination Date subject to the written agreement of both parties.

The Lease may be terminated by either party supplying not less than six months’ written notice to the other party of their intention to terminate this Lease subject always to the provisions of Clause 9 hereof. Declaring that the parties may, by mutual agreement, vary the terms of this Lease to permit the removal of any of the properties by MHA from the ambit of this lease.

## **7. COMMENCEMENT AND TERMINATION DATE**

- (i) The Commencement Date in, respect of the each of the properties is set out in Schedule Part 1 notwithstanding the dates of execution of these presents. The Termination Date will

be thirty years from the first Commencement Date subject to Clause 6 and Clause 8.

## **8. TERMINATION OF LEASE**

Notwithstanding Clause 7, the Lease may also be terminated:

- (i) if at any time during the currency of this Lease either MLL or MHA shall contravene or fail to comply with any of the provisions, conditions and restrictions herein contained;
- (ii) if either party shall be formally dissolved or cease operations;
- (iii) by signing an amended lease;
- (iv) by the written agreement of MLL and MHA.

Where either party seeks to terminate this Lease in accordance with 8(i) above, they shall first serve notice on the other party intimating the contravention or non-compliance. If all steps agreed to be necessary by the parties to remedy the contravention or non-compliance have been taken within a period of 30 days, neither party shall be entitled to terminate the Lease. In the event of contravention or non-compliance with the terms of this Lease, both parties should first follow the complaints procedure detailed at Clause 20 of this Lease.

## **9. ASSIGNMENT**

MLL will not assign or otherwise dispose of the lease or part of the lease without the prior consent in writing of MHA, such consent not to be unreasonably withheld or delayed.

## **10. VACANT POSSESSION**

Upon expiry or termination of this Lease, MLL undertakes to give MHA vacant possession of the Properties.

## **11. MORTGAGEE IN POSSESSION**

The provisions of this Lease shall not apply in respect of an assignment or other disposal of the Properties where such assignment or disposal is required or approved by any Mortgagee or Chargee now or at any time in the future subsisting.

## **12. VARIATION**

The terms of this Lease may not be varied except with the written consent of both parties.

### **13. RENT**

The rent payable by MLL to MHA is set out at Schedule One in respect of each of the Properties, this will be paid quarterly in arrears on the financial quarter end dates of 30th June, 30th September, 31st December and 31st March in every year, clear of all deductions whatsoever, the first of such payments for the period from each of the commencement dates in respect of the relevant Properties to the first quarter date to be a pro rata payment calculated by the number of days from the Date of Entry to the quarter dates. The next payment to be made on the quarter day for the quarter succeeding and so forth quarterly, termly and proportionally thereafter.

MHA will review the rent on an annual basis in accordance with MHA Rent and Service Charge Policy advising MLL of any uplift in rent not later than 28 days prior to applying any increase from 1<sup>st</sup> April in any given year.

### **14. COUNCIL TAX, ETC**

The rent payable by MLL to MHA is exclusive of all rates, water rates, council tax or any other burden imposed by the local authority. Such burdens, payments and obligations are the sole responsibility of MHA in terms of this Lease. Both parties hereto acknowledge that MLL will be entitled to impose such of the obligations and payment responsibilities as they consider appropriate to the occupiers of the Properties in terms of any subletting tenancy agreements they may put in place.

### **15. REGISTRATION AS A PRIVATE LANDLORD**

MLL shall register and shall maintain registration as a private landlord with Glasgow City Council under Part 8 of the Antisocial Behaviour etc (Scotland) Act 2004 and shall exhibit its registration to MHA prior to the commencement of the Lease.

### **16. TENANCY / OCCUPANCY AGREEMENTS FOR EACH INDIVIDUAL**

MLL shall not enter into any new tenancies or assign their interest in the Properties or any part of them to individuals other than by means of the Private Residential Tenancy Agreement in accordance with The Scottish Government's Model Private Residential Agreement in terms of the Private Housing (Tenancies) (Scotland) Act 2016, or by means of an alternative Agreement which has been approved by MHA.

**17. ENTITLEMENT TO UNINTERRUPTED OCCUPATION**

So long as MLL implements the obligations specified in this Lease and its attached schedules, MLL are entitled to uninterrupted occupation and use of the Properties in accordance with the terms of this Lease.

**18. MANAGEMENT AND MAINTENANCE OF THE PROPERTIES**

MLL shall appoint MHA to act as their agent to manage, repair and maintain the Properties in accordance with the provision of Schedule Part Three to this Lease

**19. ACCESS BY MHA PERSONNEL**

MLL agree to liaise with any relevant occupiers within the Properties to enable the staff of MHA or its agents access to the Properties in the discharge of their responsibilities. Wherever possible, except in the event of emergency access being required, MHA will give MLL not less than 24 hours' notice of access being required.

**20. DISPUTES AND ARBITRATION**

In the event of any dispute or complaint arising between the parties in respect of this Lease, and which cannot be addressed through other provision of this Lease, both parties will:

- (i) use their best endeavours to reach an amicable and practical resolution of the dispute;
- (ii) in the event that a satisfactory resolution cannot be reached, the provisions relating to Resolution of Differences set out in the Joint Arrangement Deed (JAD) dated 28 July 2010 and made between the parties hereto (or any subsequent JAD entered into between the parties hereto) shall apply.

**21. SIGNATURE AND SEAL**

IN WITNESS WHEREOF these present consisting of this and the preceding pages together with the attached Schedule are executed by the parties hereto:

THIS IS THE SCHEDULE IN THREE PARTS TO THE LEASE BETWEEN  
MHA AND MLL

## **SCHEDULE PART ONE**

### **List of Properties, Rents & Commencement Dates**

The maximum number of properties that can be included in the lease is  
twenty.

**SCHEDULE PART TWO**

**MARYHILL LIVING MID MARKET POLICY**

## **SCHEDULE PART THREE**

### **Management of Properties**

The management of the Properties which are the subject of this Lease Agreement between MHA and MLL will be undertaken in accordance with the following provisions:

#### **1. Use of the Properties**

The Properties are leased to MLL for the purpose of housing those applicants who meet MLL Mid Market Policy.

#### **2. Tenancy/Occupancy Agreements**

MLL have the obligation to manage, maintain, collect the rents and generally carry out all functions and obligations of a Landlord in respect of the Properties and the tenancies, per the Private Rented Tenancies created after the Commencement Date but the parties hereto accept that MLL may contract out this service to be carried out on their behalf by MHA.

#### **3. Selection of Occupants**

MLL shall be responsible for the selection of occupants for the Properties in consultation with MHA and in accordance with the said Mid Market Policy referred to at Schedule Part Two.

#### **4. Void Levels**

MLL shall appoint MHA to take all necessary steps on their behalf to ensure that the Properties are fully occupied and to minimise the level of void places within the Properties.

#### **5. Employment of Staff**

MLL shall be responsible for the provision of such staff as are necessary to effectively discharge MLL' responsibilities under the terms of this Lease, They shall be entitled to appoint MHA to carry out any of their functions as MHA agree to carry out in terms of a Service Level Agreement or other contract between MLL and MHA and which will provide for the provisions of remuneration passing between the parties for such a service.

## **6. Rent Collection**

MLL shall be responsible for setting and collecting the charges from the Tenants/Occupants in accordance with the provisions of the Tenancy Agreements and future Sub-Leases but shall be obliged to consult MHA in this process.

## **7. Operating Deficits**

Any Operating Deficit arising from the management of the Properties shall be met by the party undertaking that role either directly or as an agent for the other party.

## **8. Termination of Tenancy/Occupancy Agreements**

MLL shall be responsible for raising any necessary actions against Occupants arising out of any breach of the terms of the Private Tenancy Agreement as attached at Schedule Part Three. MLL is expected to have used all reasonable endeavours to resolve the difficulty before resorting to recovery action at their own expense.

## **9. MHA External & Internal Maintenance Responsibilities**

Subject to the provisions of Clause 22 hereof, MHA shall be responsible for the maintenance, repair and replacement of:

- (i) the structure and exterior of the Properties, including drains, gutters, external pipes, doors and windows;
- (ii) all installations in the Properties for the supply of electricity, electric lighting, water, gas and space heating, including all pipes and wiring;
- (iii) boundary walls, fences, paths, gates and all parts of the Properties held either jointly, in common or in which there is a common interest;
- (iv) the stair lighting, the maintenance of the communal areas and the soft and hard landscaping, the installation, repair and replacement of the CCTV system;
- (v) generally the maintenance and repair of all common areas and common parts in and about the Properties.
- (vi) all other repairs to the exterior of the Properties or the larger building of which they form a part.
- (vii) Maintenance of all white goods

(viii) All internal repairs and decoration to the Properties which are not the responsibility of MLL in terms of Conditions 13 and 14 hereof

**10. Gas and Electricity Safety Checks / Energy Performance Certificates**

MHA will be responsible for carrying out necessary gas and electricity safety checks prior to, and throughout, the Lease period in accordance with legislation and its own procedures and programmed cycle of works.

**11. Emergency Access**

In the event of an emergency, MHA is hereby entitled to obtain emergency access to the Properties in order to discharge its responsibilities in accordance with this Lease.

**12. Emergency Repairs**

If required MHA shall take any necessary steps to secure the repair but must notify MLL immediately thereafter.

**13. MLL Responsibilities: Fixtures and Fittings**

MLL shall maintain the fittings and fixtures provided by MHA in good order and condition all to the satisfaction of MHA, (fair wear and tear excepted). The fittings and fixtures will be replaced by MLL at the termination of this Lease, unless MHA and MLL agree otherwise in writing.

**14. MLL Responsibilities: Internal Maintenance and Repair**

MLL shall be responsible for the maintenance and repair of the following within the Properties:

- (i) any appliances, fixtures or any other items introduced by MLL or Occupants;
- (ii) any damage to the structure, fittings or contents, including furniture, however caused by MLL, Occupants or visitors to the Properties;

**15. Notification of Repairs**

MHA will notify MLL immediately of any matters arising in connection with the repair and maintenance of the Properties which have not been identified by MLL and confirm same in writing.

**16. Assistance to MHA in Respect of Repairs**

MLL undertakes to give all necessary assistance to MHA and its contractors in the exercise of any emergency repairs and any planned maintenance works to the Properties or the larger building of which they form a part carried out by MHA in their role as property factor of the building.

**17. Access MHA**

MLL undertakes to give access to the representatives of MHA for the purpose of carrying out any works in the Properties as may be necessary. Regular inspections of the Properties shall be carried out by officers of MHA to determine necessary repairs and maintenance works. MHA will inform MLL in writing of any works identified as being necessary which are the responsibility of MLL in terms of this Lease, and MLL will carry out such repairs within a reasonable period.

**18. Suitable Alternative Accommodation**

In the event of major repairs being required to the Properties which necessitate the temporary removal of the Occupants, it shall be the responsibility of MLL to secure suitable alternative accommodation for all Occupants prior to the commencement of the works if the deem this appropriate. MHA will assist in securing decant accommodation if that is possible but, in the event of decant accommodation not being provided by MHA, the normal rent payable under the terms of this Lease will be waived or reduced for the period during which the Properties cannot be beneficially used for the purpose stated in this Lease by MLL.

**19. Alterations and Improvements**

MLL will not undertake any alterations to the Properties, whether to the structure, layout, services or fitments.

**20. Reinstatement of the Properties**

Where MLL has carried out alterations/improvements at its own expense, MLL must reinstate the Properties to their original condition upon termination of this Lease, unless otherwise agreed between MLL and MHA.

**21. Insurance**

- (i) MHA are responsible for insuring the external fabric of the Properties, the structure and fittings and fitments of the

Properties, including window frames, against loss or damage by fire and such other risks normally covered by comprehensive insurance. MHA shall inform MLL of the amount of insurance cover and the perils insured against. MHA shall ensure that the interest of MLL is endorsed on any global policy of insurance. Any costs relating to buildings insurance will be met by MHA.

- (ii) MLL shall include in the tenancy agreement with the occupants of the Properties an obligation to obtain insurance for all contents and furniture in the Properties owned by them.

**22. Planned Maintenance**

Notwithstanding the foregoing provisions, MHA shall be entitled, exercising their sole discretion, to carry out any and all works that they deem necessary to the Properties including Planned Maintenance Works.

**23. Confidentiality**

Both parties agree to respect the confidentiality of information which may become available to them concerning the Occupants of the Properties. Neither party shall disclose such information to a third party without the express permission of the Occupant concerned. The only exceptions to this provision shall be general statistical information required by funding or other authorities, or as required by law.

.....authorised signatory  
Maryhill Housing Association Limited

.....authorised signatory  
Maryhill Living Limited

## Required Reading

### **Group Services Agreement**

between

**Maryhill Housing Association Limited**

and

**Maryhill Living Limited**

**THIS AGREEMENT** is between:

- (1) Maryhill Housing Association Limited, a registered social landlord registered in Scotland (registration number 159), a registered Scottish Charity (charity number SC032468) and a registered society registered under the Co-operative and Community Benefit Societies Act 2014 (registration number 1904RS) having its registered office at 45 Garrioch Road, Glasgow G20 8RG ("**MHA**"); and
- (2) Maryhill Living Limited, a company registered in Scotland with company number SC398293 and having its registered office at 45 Garrioch Road, Glasgow G20 8RG ("**MLL**"),

each of MHA and MLL a "**Party**" and together hereinafter referred to as the "**Parties**".

### **Introduction**

- (A) MHA is a registered social landlord, the head of a group of entities which undertake a range of housing, community, social and commercial activities and seeks to, without limitation, improve the housing, services and opportunities for the Group's social housing tenants.
- (B) MLL is a wholly-owned subsidiary of MHA and undertakes a range of housing and general commercial activities.
- (C) The Parties have agreed to the provision of the Services (as hereinafter defined) on the terms set out in this Agreement.

### **Agreed terms**

#### **1 Interpretation**

- 1.1 In this Agreement, where the context so admits, the following words and phrases shall bear the following meanings:

**"Agreement"** means this agreement and its Schedule;

**"Confidential Information"** means all information in respect of the business of either Party which is not publicly available (and whether or not recorded) including without prejudice to the generality of the foregoing any ideas, business methods, information concerning products, prices, strategy, recruitment and clients (or potential clients), client lists, contacts, computer systems or software and know-how;

**"Commencement Date"** means the date or last date of execution of this Agreement;

**"Designated Officers"** means those officers of MHA and of MLL nominated by the Group Chief Executive

**"Dispute Resolution Procedure"** means the dispute resolution procedure set out in clause 15;

**"Financial Year"** means 1 April to the following 31 March;

**"Group"** means the Parties and any other entity which is a subsidiary or associate of either Party, and the Parties and any such other entity are together referred to as "**Group Members**";

**"Group Policies"** means policies, procedures and protocols which the Board of MHA adopts as policies, procedures and protocols for the Group;

**"Intra Group Agreement"** means the Intra Group Agreement entered into by MLL and MHA on or around the date hereof;

**"MLL Services"** means the services listed in Part 1B of the Schedule;

**"Price"** means the sum payable by MLL for the Services as referred to in clause 4 and in Schedule Part 2;

**"Schedule"** means the schedule in two parts attached as relative to this Agreement;

**"Services"** means the services specified in Schedule Part 1A and **"Service"** and shall be construed accordingly; and

**"Termination Date"** means the date on which this Agreement terminates pursuant to the provisions hereof except as otherwise agreed in respect of any Service.

- 1.2 Words denoting the singular shall include the plural and vice versa, words denoting the masculine gender shall include the feminine gender and vice versa and words denoting persons shall include corporations.
- 1.3 Reference to any statutory provisions or instruments shall be deemed to include reference to any such provisions or instruments as from time to time amended, varied, replaced, extended or re-enacted and to any orders, regulations or other subordinate legislation under such provisions or instruments.
- 1.4 Reference to a clause or a schedule shall be deemed to be references to a clause or the schedule to this Agreement and references to a sub-clause shall be deemed to be references to a sub-clause of the clause in which the reference appears.
- 1.5 In this Agreement, clause headings are included for ease of reference only and shall not affect this Agreement or the interpretation hereof.

## **2 Provision of Services**

- 2.1 MHA shall provide the Services to MLL.
- 2.2 MLL shall carry out the MLL Services.
- 2.3 MHA and MLL shall perform their respective obligations under this Agreement and the Intra-Group Agreement
- 2.4 Each Service shall be provided by MHA and MHA shall provide the Services in a competent and professional manner exercising reasonable skill and care and in compliance in all material respects with all relevant statutes and any relevant guidance issued by the Scottish Housing Regulator and Office of the Scottish Charity Regulator.

- 2.3 MHA shall ensure that all staff and other personnel who are engaged in the provision of services to MLL have the appropriate skills and experience necessary to provide the Services in accordance with the terms of this Agreement.
- 2.4 MHA may sub-contract the discharge of all or any of its functions and obligations under this Agreement by appointing such other Group Member as its agent for the provision to MLL of any Service or all Services contracted to be provided by it under this Agreement, provided that such Group Member is equally capable of effectively delivering the Services in accordance with the terms of this Agreement. If MHA appoints an agent (the "**Agent**"), MLL shall accept the performance of the Agent as the performance of MHA under this Agreement; and references in this Agreement to "MHA" or to a party which is MHA shall (where appropriate) be deemed to include a reference to the Agent; and the Agent shall have the right to enforce any term of this Agreement which confers a benefit on MHA if MHA has assigned that benefit to, or otherwise conferred that benefit on, the Agent, provided that MLL gave its prior written consent to such assignment, such consent not to be unreasonably withheld or delayed. The Agent shall comply with all the terms of this Agreement.

### **3. Execution of Services**

- 3.1 MHA shall allocate responsibility to its Designated Officer for ensuring the effective provision of Services in accordance with this Agreement. The Designated Officer of MHA shall be responsible for reporting to the Board of MLL on all aspects relating to the delivery of Services on behalf of MHA.
- 3.2 MHA's Designated Officer may delegate operational responsibility for provision of Services in accordance with this Agreement to relevant members of staff of MHA. The Board of MLL shall be informed of the allocation of such operational responsibilities at the Commencement Date. Any subsequent changes will be notified to the Board of MLL as they occur.
- 3.3 In providing services to MLL, MHA shall have full authority to incur all necessary expenditure on behalf of MLL.

### **4 Payment for Services**

- 4.1 MLL hereby agrees to pay to MHA the Price for the Services provided to MLL on the basis of the calculations referred to in Part A of Schedule Part 2, such payments to be made quarterly in arrears and within 30 days following a relevant valid invoice .
- 4.2 For the avoidance of doubt all sums payable under this Agreement are exclusive of VAT and other duties or taxes (if any) shall be payable in addition to such sums.

### **5 Term of this Agreement**

- 5.1 This Agreement shall commence on the date hereof and shall, subject to the provisions of clause 11, continue until terminated by not less than 3 months' notice in writing given by MHA to MLL or by MLL to MHA.
- 5.2 Termination of this Agreement shall be without prejudice to any claim by either Party against the other in respect of any antecedent breach of any covenant or condition contained in this Agreement.

## 6 **Review of Operation**

- 6.1 The operation of this Agreement and the achievement of the required standards of service shall be formally reviewed by the Parties on an annual basis. Following such review, any amendments to this Agreement shall be noted in writing signed on behalf of the Parties and shall operate as variations to this Agreement.
- 6.2 The Price shall be formally reviewed by MHA and MLL on an annual basis in November each year. MHA shall make available to MLL all relevant information as to its actual costs incurred for the previous full financial year and also for the actual costs incurred in quarter 1 and 2 of the current financial year and estimated costs for remaining quarters of the current financial year in performing the Services in the period ending 31<sup>st</sup> March 2024 and thereafter for each following Financial Year. Each annual review referred to in clause 0 shall additionally consider such information.

## 7 **Confidentiality**

- 7.1 The Parties agree in respect of all Confidential Information:
- 7.1.1 to keep the Confidential Information in strict confidence and secrecy;
  - 7.1.2 not to use the Confidential Information save for enjoying its rights and complying with all its obligations under this Agreement;
  - 7.1.3 not to disclose any Confidential Information to any third party;
  - 7.1.4 to restrict the disclosure of the relevant and necessary parts of the Confidential Information to such of its employees, sub-contractors and others who necessarily need the same in the performance of their duties as envisaged by this Agreement and in such circumstances to ensure that such employees, sub-contractors and others are aware of the confidential nature of the Confidential Information and that they are required not to disclose the Confidential Information except as permitted in this clause 7;
  - 7.1.5 on termination of this Agreement to return to the other Party all papers and other information relating to the other Party in whatever form it may have been provided to it under this Agreement together with any copies thereof.
- 7.2 Clause 7.1 does not prevent the disclosure of Confidential Information which:
- 7.2.1 the Party concerned is legally obliged to make as a matter of law or by order of any court or statutory or regulatory authority of competent jurisdiction or authority; or
  - 7.2.2 is in the public domain otherwise than by reason of the breach of an obligation of confidentiality owed under or pursuant to this Agreement.
- 7.3 The obligation of confidentiality contained in this clause 7 shall survive any termination or expiry of this Agreement.

## 8 **Relationship of the Parties**

The provisions of this Agreement are intended to constitute a contract for the provision of services to MLL. Save as provided in clause 2.4, nothing contained in this Agreement shall be construed to imply that there is any relationship between the Parties of landlord/tenant or of partnership or of principal/agent or of employer/employee and accordingly neither Party shall have the right or authority to act on behalf of the other Party nor to bind the other Party by contract or otherwise, unless expressly permitted by the terms of this Agreement.

## 9 **Default**

In the event that a Party shall claim that another Party is in default of its obligations pursuant to this Agreement, the Party alleging the default may serve notice upon that other Party requiring it to remedy the default within such period as may be reasonable. In the event that the default complained of shall not be remedied within such reasonable period as may be specified in such notice the Dispute Resolution Procedure shall apply.

## 10 **Illegality**

If any provision or term of this Agreement or any part thereof shall become or be declared illegal, void, invalid, or unenforceable for any reason whatsoever, including without limitation by reason of any provision of any legislation or other provisions having the force of law or by reason of any decision of any court or other body of authority having jurisdiction over the parties to this Agreement, such terms or provision shall be divisible from this Agreement in the jurisdiction in question provided always that if any such deletion substantially affects or alters the commercial basis or financial viability or practicality of this Agreement the parties shall negotiate in good faith to amend and modify the provisions and terms of this Agreement as may be necessary or desirable in the circumstances.

## 11 **Force Majeure**

Neither Party shall be in breach of this Agreement if there is any total or partial failure of performance by it or its duties or obligations under this Agreement occasioned by act of God, natural disaster, fire, act of intervention of government or state riot or civil commotion, insurrection or industrial dispute of whatever nature or any other reason beyond the control of either Party and if a Party is unable to perform its duties or obligations under this Agreement as a direct result of the effect of one of the above reasons that Party shall give written notice to the other Party of the inability stating the reason therefor and the operation of this Agreement shall be suspended during the period (and only during the period) in which such reason continues and forthwith upon such reason ceasing to exist the Party relying upon it shall give written notice to the other Party of this fact, provided that if the reason continues for a period of more than 90 days and substantially affects the commercial basis, financial viability or practicality of this Agreement a Party not claiming relief under this clause 11 shall have the right to terminate this Agreement upon giving 30 days written notice of such termination to the other Party.

**12 Assignment**

12.1 Neither Party may assign the benefit of this Agreement (in whole or in part) to any person save with the prior written consent of the other Party.

12.2 This Agreement shall be binding upon and inure to the benefit of each Party's successors and permitted assignees.

**13 Dispute resolution**

13.1 It is the declared intention of the Parties that all matters of disagreement should be resolved by negotiation and discussion between the Parties and each agrees to act in good faith and use its reasonable endeavours to apply the terms of this Agreement without the necessity for implementing the dispute resolution procedures of this clause 13.

13.2 In the event that there is any disagreement or dispute between the Parties as to the operation of this Agreement, each Party agrees that its Chair will meet the Chair of the other Party with a view to resolving any issues of concern and that those persons present at such meeting will resolve the dispute between the Parties.

**14 Governing law and jurisdiction**

This Agreement shall be governed by Scottish law and the Parties hereby submit to the exclusive jurisdiction of the Courts of Scotland.

In witness whereof these presents on this and the preceding four pages together with the Schedule in two parts attached as relative hereto are executed as follows:

Subscribed for and on behalf of Maryhill Housing Association Limited

at

on

by

\_\_\_\_\_

Authorised signatory

before

Witness

Full Name

Address

Subscribed for and on behalf of Maryhill Living Limited

at

on

by

\_\_\_\_\_

Authorised signatory

before

Witness

Full Name

Address

This is Part 1 of the Schedule in two parts referred to in the foregoing Agreement between Maryhill Housing Association Limited and Maryhill Living Limited

### **Schedule Part 1A**

#### **Services**

MHA will provide the following Services to MLL:

- Information and advice
- Management and administration services
- Enforcement of tenancy conditions
- Debt management
- Allocation and lettings
- Tenant consultation and communication
  
- Governance support to MLL Board
- Full range of corporate support services, including performance reporting, health & safety, risk management, internal audit, HR, IT and communications
- Full range of finance support, including budgets, management accounts, payments and income processing, banking, rent deposit administration

## **Schedule Part 1B**

### **MLL Services**

MLL will provide the following Services to MHA:

Currently there are no services delivery requirements for MLL

This is Part 2 of the Schedule in two parts referred to in the foregoing Agreement between Maryhill Housing Association Limited and Maryhill Living Limited

## **Schedule Part 2**

### **Part A – Calculation of Price**

The Price for the provision of each Service within the Services will be calculated annually for each Financial Year based on budgeted costs for that Financial Year in relation to the services set out at Schedule Part 1A and will be reviewed on an annual basis as detailed in clause 6.

The Price for each Financial Year will be provided to MLL by MHA and agreed with MLL's Board in advance of the start of each Financial Year and in advance of commencement of MHA's budget setting process.

### **Part B – Price**

The Price for the delivery of the Services in respect of the financial year 1<sup>st</sup> April 2023 to 31 March 2024 will be £1,240 per property leased to MLL. Where properties are leased to MLL during the financial year, the Price shall be applied on a pro rata basis for the period from the date each relevant property is leased to MLL to the following 31<sup>st</sup> of March.

14

20:10, 5 min

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## 14 - CEO Report

*Bryony Willett*

| For Decision

### **Attachments**

[14. \(RR\) CEO Report.pdf](#)

[14.1 \(RR\) Appendix A - Health and Safety Policy - Sept 2023.pdf](#)

<b>REPORT TO:</b>	<b>Board</b>	
<b>DATE OF MEETING:</b>	<b>28<sup>th</sup> September 2023</b>	
<b>AGENDA ITEM:</b>	<b>14</b>	
<b>CONFIDENTIALITY:</b>	<b>Confidential</b>	
<b>AUTHOR:</b>	<b>CEO/Directors/Senior Managers</b>	
<b>RESPONSIBLE DIRECTOR:</b>	<b>Chief Executive</b>	

**REPORT TITLE: CHIEF EXECUTIVE’S REPORT**

**1. PURPOSE**

1.1 This report aims to provide Board with an overview of key activity and issues for information. The report updates Board Members on organisational and operational issues and provides progress updates on items which do not require a paper in their own right.

**2. RECOMMENDATIONS**

2.1. Board is asked to:

- **Note** the content of the report.
- **Approve** the revised Health and Safety Policy shown at Appendix A.
- **Approve** the revised damp and mould strategic key performance indicators (KPIs) as set out at 1.3 below.
- **Approve** unbudgeted spend to bring forward boiler renewals planned for 2024/25 to 2023/24. Officers to confirm the value of unbudgeted spend required via email before the Board meeting.
- **Approve** posts within the organisation that can be signatories for the acceptance of grant offers and submission of grant claims in respect of Glasgow City Council HAG and Stage 3 funding.
- **Note** that the repairs performance report will be presented to the October Board meeting.

**Contents:**

1. **Chief Executive**
2. **Operations**
3. **Resources**

<b>IMPLICATIONS OF THE REPORT</b>	
<b>FINANCIAL RESOURCE AND VALUE FOR MONEY:</b>	The potential unbudgeted expenditure to bring forward boiler renewals will have financial implications, and this will be set out by officers when the Board approval required is confirmed.

<b>IMPLICATIONS OF THE REPORT</b>	
<b>LEGAL/ REGULATORY/ RULES/NOTIFIABLE EVENTS:</b>	External legal advice has been taken to inform the following items: Maryhill Locks defects.
<b>CORPORATE PLAN/ STRATEGIC OBJECTIVES:</b>	<p>Reactive repairs mobilisation is a Delivery Plan project for 2023/24.</p> <p>The following items relate to the following strategic objectives: Improving customer experience:</p> <ul style="list-style-type: none"> <li>- Reactive repairs mobilisation</li> </ul> <p>Providing better places:</p> <ul style="list-style-type: none"> <li>- Maryhill Locks</li> <li>- Glenavon render</li> <li>- Mould and damp key performance indicators</li> <li>- Unbudgeted expenditure on boiler renewals</li> </ul> <p>Building a sustainable business:</p> <ul style="list-style-type: none"> <li>- Revised signatories</li> <li>- Exploring strategic partnerships</li> </ul>
<b>CUSTOMER/TENANT PARTICIPATION:</b>	Tenant consultation is a key part of the project to explore strategic partnerships. A working group has been established to oversee this.
<b>COMMUNICATIONS:</b>	A communications plan for the exploring strategic partnerships tenant consultation has been developed and is being overseen by the working group.
<b>HEALTH AND SAFETY AND WELLBEING:</b>	<p>The mould and damp key performance indicator aims to give senior staff and Board appropriate oversight of the Association's effective management of damp and mould in our homes.</p> <p>The Health and Safety Policy has been renewed annually in response to best practice guidance.</p>
<b>ENVIRONMENTAL:</b>	There are no items in this report with environmental implications
<b>EQUALITY IMPACT ASSESSMENT:</b>	No equality impact assessment has been carried out on the items contained in this report.
<b>RISK ANALYSIS:</b>	<p>A number of items relate to strategic risks as follows:</p> <p>1.1 Health and Safety Policy – Health and Safety 1.3 Damp and mould KPI – Health and Safety 2.3 Leased properties, – Housing need 2.1 Reactive repairs mobilisation – Contractor failure 2.8 Unbudgeted expenditure on boiler renewals – Financial control 2.4 Glenavon render – Glenavon render</p>
<b>FREEDOM OF INFORMATION:</b>	<p>The following should <b>not</b> be published:</p> <p><input type="checkbox"/> N/A    <input type="checkbox"/> Full Report    <input checked="" type="checkbox"/> Section(s): 1.2, 2.1, 2.3, 2.4, (and sections within recommendations and implications table in respect of these)</p> <p>Reason for redacting:</p>

## IMPLICATIONS OF THE REPORT

Confidential:

Commercially Sensitive:  (2.1, 1.2, 2.3, 2.4)

### CHIEF EXECUTIVE

#### 1.1 Health and Safety Policy

The Health and Safety Policy is reviewed annually. This is in line with good practice from the Health and Safety Executive (whereas other policies are reviewed at least every three years). The Health and Safety Policy has been reviewed by the Association's Senior Management Team and one minor change is proposed – to change the name of the Head of Property to Christopher Duff. Board are asked to approve this change. A tracked changes version of the Health and Safety Policy is shown at Appendix A.

#### 1.2 Exploring strategic partnerships project – update

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

#### 1.3 Damp and mould key performance indicator

In May 2023 the Board approved a new Damp and Mould Policy. In June 2023 the Board approved new strategic damp and mould key performance indicators (KPIs). Officers have been working on the Association's approach to damp and mould over the last month – developing procedures and reporting. Officers have identified an inconsistency between the Damp and Mould Policy (which states all cases should be resolved within fifteen working days), and the key performance indicator which is that no cases should be live for more than fourteen days. It is proposed to amend the strategic KPI to bring it in line with the Policy. Board are asked to approve the following revised strategic KPIs to be reported as part of the quarterly health and safety report:

- Number of live damp and mould cases as a percentage of the Association's stock (target, less than 1% or 30 properties)
- Number of damp and mould cases that have not been resolved for over 15 working days (target, 0)

## 1.4 Chartered Institute of Housing Awards

The Association has been shortlisted for four Chartered Institute of Housing Awards as follows:

- **Excellence in Development for Affordable Housing** – Locks View
- **The Marion Gibbs Award for Equality in Housing** – Supporting individuals with no recourse to public funds in the community.
- **Working in Partnership** – Youth Services for Maryhill (with YoMo)
- **Apprentice of the Year** – Pamela Gibson (Development Trainee)

The awards dinner is on 25<sup>th</sup> October 2023 and further details will follow for any Board Members who would like to attend the dinner.

## 2. OPERATIONS

### 2.1 Maryhill Locks

[REDACTED]

[REDACTED]

[REDACTED]

### 2.2 Additional leased properties – update

Elpis sunflower project: We have been unable to progress signing any leases but are continuing to work with them to identify suitable properties. The new Head of Neighbourhood and Communities will meet with the project to try and progress this.

### 2.3 Reactive repairs mobilisation update

[REDACTED]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

## 2.4 Glenavon render

[Redacted]

## 2.5 Unbudgeted expenditure to bring forward boiler renewals

Officers are exploring bringing forward boiler renewals planned for 2024/25 into the 2023/24 Investment Programme. All of these boilers are already beyond their 15-year expected lifespan and this may provide better value for money as the contractor has confirmed that prices would be held at 2023/24 prices. At the time of writing officers have not been able to confirm that this would offer better value for money, or the value of the unbudgeted expenditure required. As the value of the unbudgeted expenditure is likely to exceed £100k this would require Board approval. Officers will clarify the Board approval requested ahead of the September Board meeting via email.



### 3. RESOURCES

#### 3.1 Authorised Signatories

Approved signatories in respect of Glasgow City Council HAG and Stage 3 funding were last reviewed and approved by Board in 2019. The Council has requested updates to the signatory schedule. Board are asked to approve that the following posts are approved as signatories, meaning changes in post holder can be updated to the Council without the need for Board approval:

Acceptance of Grant Offers – any one of:

Chief Executive
Director of Resources
Director of Operations

Submission of Grant Claims, via online HARP system or by form – any one of:

Chief Executive
Director of Resources
Director of Operations
Head of Development
Development Manager
Development Consultant
Development Trainee
Head of Property

#### 3.2 Annual procurement report 2022/23

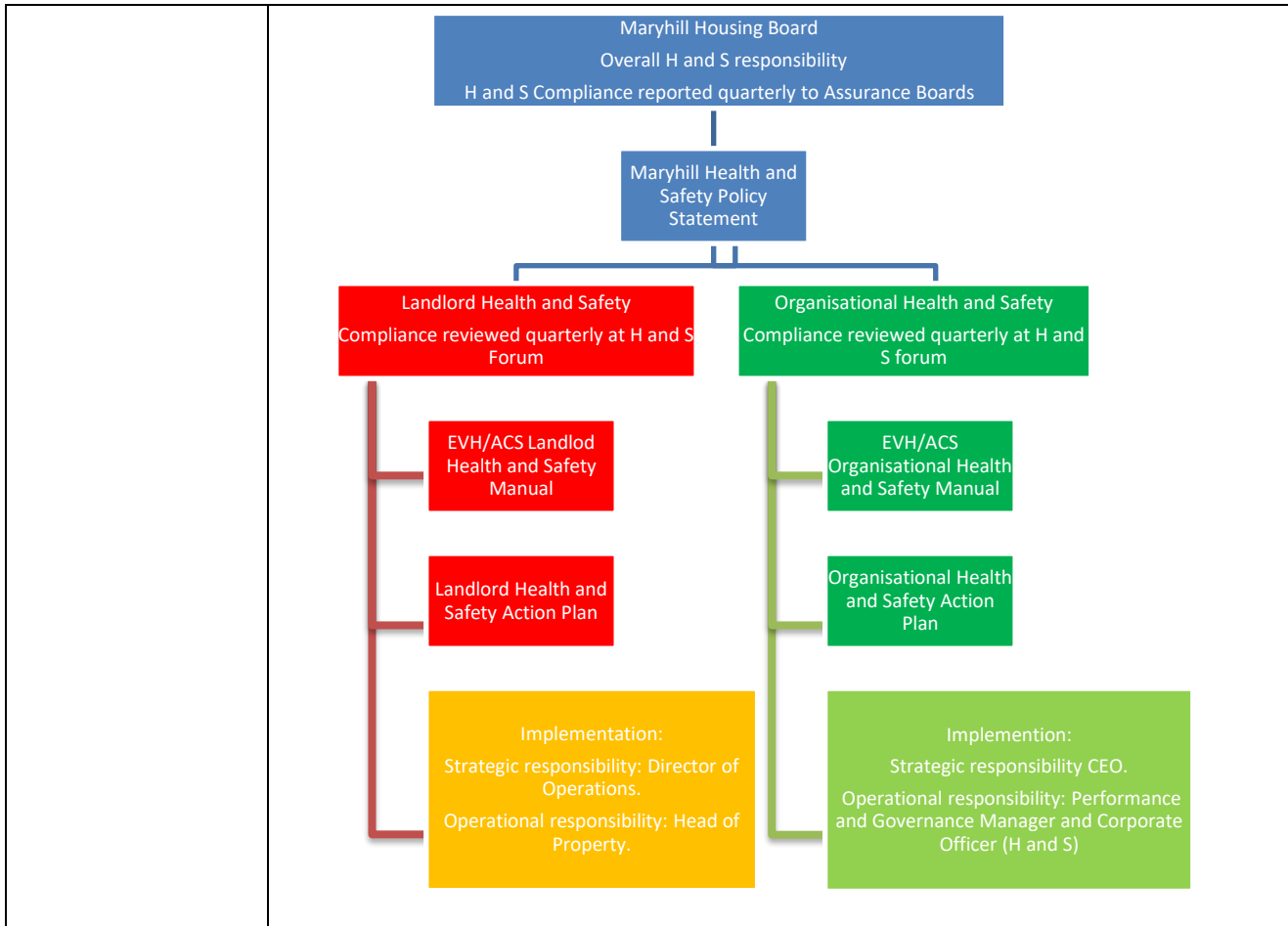
The Annual Procurement Report for 2022/23 was due for publication by the end of August 2023. Drafting of this report has been delayed due to staff absence and the vacant Procurement Manager role. Drafting the report has started and it is hoped this can be completed by the end of October at the latest.

#### 3.3 Annual procurement report 2021/22

The Annual Procurement Report for 2021/22 was due for publication by the end of August 2022. Drafting of this report was underway but has not been completed due to the additional financial planning work in respect of potential rent restrictions and then covering for staff vacancies. Scottish Government have been advised of the delay and are content this report will be provided as soon as practical. Following completion of the corporate plan in March, the drafting of this report has now restarted. Board will be updated once the Annual Procurement Report has been published, it is hoped this can be completed by the end of October at the latest.



<b>Title</b>	<b>Health and Safety Policy</b>
<b>Purpose</b>	<p>This policy sets out how the Maryhill Housing Group will take all reasonable steps to ensure the safety of its customers, staff, and contractors.</p> <p>It provides a framework for the management of health and safety and how key risks are mitigated.</p> <p>The Association will comply with relevant legislation and adopt the principles and practices detailed in the Scottish Housing Regulator’s Regulatory Framework</p>
<b>Scope</b>	<p>This policy is applicable to all the Association’s staff, contractors, customers, and properties directly owned or factored.</p> <p>The policy covers the full area of operation within the Organisation’s property portfolio where the Organisation acts as a landlord.</p> <p>The Chief Executive holds overall executive control and is, therefore, responsible for the conduct of the Organisation.</p> <p>Maryhill’s approach to health and safety is divided between organisational health and safety (employees, contractors, and the general public) and landlord health and safety (customers, contractors and the general public).</p> <p>To enable the Organisation to meet its statutory duties and commitments set out in this policy a comprehensive Health and Safety Management System shall be operated, which shall include written Policies, Procedures and Arrangements for all relevant areas of Health and Safety Management relevant to the role of Maryhill as Employer and Landlord. These shall be set out in the Organisational Health and Safety Control Manual and the Landlord Health and Safety Control Manual, which will be approved by our Board.</p>
<b>Responsibilities</b>	<ul style="list-style-type: none"> <li>▪ Maryhill Housing Board holds overall health and safety responsibility.</li> <li>▪ The Chief Executive (Bryony Willett) holds overall executive control.</li> <li>▪ Strategic responsibility (Landlord Safety): Director of Operations (Jennifer Simon)</li> <li>▪ Strategic responsibility (Organisational Health &amp; Safety): Director of Resources (Rebecca Wilson)</li> <li>▪ Operational responsibility (Landlord Safety): Head of Property (<a href="#">Christopher Duff</a><del>Carol Bain</del>).</li> <li>▪ Operational responsibility (Organisational Health &amp; Safety): Performance and Governance Manager (Debbie Watt)</li> </ul> <p><b>The diagram below sets out responsibility for health and safety at Maryhill.</b></p>



**Policy Statement**

The *Health & Safety at Work etc. Act 1974* imposes statutory duties on employers and employees. A range of topic specific legislation imposes statutory duties on Landlords in relation to the protection of the Health, Safety and Welfare of tenants and others who may be affected by the Organisation’s undertaking as a landlord.

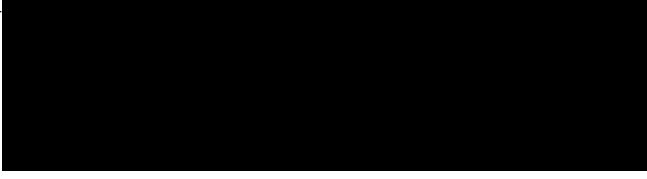
To enable these statutory duties to be carried out, it is the policy of the Organisation, so far as is reasonably practicable, to ensure that responsibilities for health and safety are assigned, accepted, and fulfilled at all levels of the Organisation.

It is the Policy of the Organisation, so far as is reasonably practicable, to prevent injuries, incidents and ill-health that may be associated with its property portfolio and to ensure the health, safety, and welfare of all employees; and to conduct the business in such a way that the Health & Safety of visitors, to any premises under our control, is not put at risk.

It is the intention of the Organisation, so far as is reasonably practicable, to ensure that:

- a) The living environment of all tenants is safe and without risks to health or safety and that adequate provisions are made regarding the safety of premises and facilities.

	<p>b) The working environment of all employees is safe and without risks to health and that adequate provisions are made regarding the facilities and arrangements for their welfare at work.</p> <p>c) The provision and maintenance of machines, equipment and systems of work which are safe and without risks to health to tenants, service users, employees, contractors, and any other person who may be affected regarding any premises or operations under our control.</p> <p>d) All Statutory inspection regimes are implemented and maintained so far as reasonably practicable to comply with legislation, codes of practice and best practice.</p> <p>e) Adequate information is made available to tenants and others in relation to facilities and premises related hazards and risks.</p> <p>f) Arrangements for use, handling, storage and transport of articles and substances for use at work are safe and without risks to health.</p> <p>g) Adequate information is available with respect to machines and substances used at work detailing the conditions and precautions necessary to ensure that when properly used they will be safe and without risk to health.</p> <p>h) Employees are provided with such instruction, training, and supervision as is necessary to secure their Health &amp; Safety and that the Landlord's health and safety responsibilities may be adequately discharged.</p> <p>It shall be the duty of all <b>employees</b> at work, including those with defined responsibilities under the Health &amp; Safety Management System to ensure:</p> <p>a) That reasonable steps are taken to safeguard the Health &amp; Safety of themselves and of other persons who may be affected by their acts or omissions at work.</p> <p>b) Co-operation with the Board and Senior Management Team so far as is necessary to ensure compliance with any duty or requirement imposed on the employer, or any other person, under any relevant statutory duties.</p> <p>This Policy Statement shall be presented on the Organisation's web site and made available to all staff to ensure that all interested parties can view this commitment to Health and Safety.</p> <p>Parties requiring further, more detailed information on the system shall be provided with all such reasonable information by the Organisation's Corporate Support Team.</p> <p>All accidents, incidents, ill health and near misses associated with a potential breach of the Association's Health and Safety duties shall be reported to the Chief Executive and shall be appropriately investigated and reported to external Authorities/Bodies where appropriate.</p>
<b>Approval</b>	Maryhill Housing Board, September 2023 <sup>32</sup>

	
<b>Policy Owner</b>	Bryony Willett, Chief Executive
<b>Review</b>	Annually. Next review due September 202 <del>4</del> <sup>3</sup>

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## 15 - Governance Report

*Rebecca Wilson*


| For Decision

### Attachments

[15. \(RR\) Governance Report.pdf](#)

[15.1 \(RR\) Appendix C - GWSF briefing Scottish Government Programme for Gove~.pdf](#)

[15.2 \(RR\) Appendix D - Audit and Risk Committee Remit - Sept 23.pdf](#)

<b>REPORT TO:</b>	<b>Board</b>	
<b>DATE OF MEETING:</b>	<b>28th September 2023</b>	
<b>AGENDA ITEM:</b>	<b>15</b>	
<b>CONFIDENTIALITY:</b>	<b>Non-Confidential</b>	
<b>AUTHOR:</b>	<b>Director of Resources/ CEO/ Performance and Governance Manager</b>	
<b>RESPONSIBLE DIRECTOR:</b>	<b>Director of Resources</b>	

**REPORT TITLE: GOVERNANCE REPORT**

**1. PURPOSE**

1.1 This report aims to provide Board with an overview of key governance activity. The report updates Board Members on issues that relate to the Association’s Rules, its Regulators, or the Board, where such items do not require a paper in their own right.

**2. RECOMMENDATIONS**

2.1. Board is asked to:

- **Elect** Board members onto the Staffing Panel, Audit & Risk Committee, Development Hub.
- **Elect** Board members onto Maryhill Living Board.
- **Appoint** Board members to take forward Board recruitment.
- **Approve** the Audit & Risk Committee remit at Appendix D.
- **Note** the remaining items in this report.

**Contents:**

1. **Regulatory issues**
2. **Board issues**
3. **Maryhill Living issues**
4. **Other Governance issues**

IMPLICATIONS OF THE REPORT	
<b>FINANCIAL RESOURCE AND VALUE FOR MONEY:</b>	There are no financial or value for money implications from this report.
<b>LEGAL/ REGULATORY/ RULES/NOTIFIABLE EVENTS:</b>	<p>The Scottish Housing Regulator set outs in the Standards of Governance and Financial Management for RSLs:</p> <p><i>“Standard 1 – The governing body leads and directs the RSL to achieve good outcomes for its tenants and other service users.</i></p> <p><i>1.2 The RSL’s governance policies and arrangements set out the respective roles, responsibilities and accountabilities of governing body members and senior officers, and the governing</i></p>

<b>IMPLICATIONS OF THE REPORT</b>	
	<p><i>body exercises overall responsibility and control of the strategic leadership of the RSL.</i></p> <p><i>1.3 The governing body ensures the RSL complies with its constitution and its legal obligations.”</i></p> <p>The purpose of this report, in providing updates on key governance activity, including regulatory and Rules compliance, and therefore to address the above guidance.</p>
<b>CORPORATE PLAN/ STRATEGIC OBJECTIVES:</b>	<p>The following are identified as objectives within the Governance Effectiveness Plan:</p> <p><i>“Ongoing recruitment to be carried out for new Board members who are reflective of the Maryhill and Ruchill communities.”</i></p>
<b>CUSTOMER/TENANT PARTICIPATION:</b>	There are no tenant participation implications
<b>COMMUNICATIONS:</b>	There are no communication implications
<b>HEALTH AND SAFETY AND WELLBEING:</b>	There are no health & safety implications
<b>ENVIRONMENTAL:</b>	There are no environmental implications
<b>EQUALITY IMPACT ASSESSMENT:</b>	There are no equality implications
<b>RISK ANALYSIS:</b>	<p>This report addresses the following strategic risks:</p> <p><b>Legislation &amp; Regulation</b> - <i>Failure of staff to ensure MHA meets Statutory and Regulatory standards related to operational activities.</i></p> <p><b>Board Effectiveness</b> - <i>Failure of the Board to lead the organisation effectively.</i></p>
<b>FREEDOM OF INFORMATION:</b>	<p>The following should <b>not</b> be published:</p> <p><input type="checkbox"/> N/A      <input type="checkbox"/> Full Report      <input checked="" type="checkbox"/> Section(s): 1.1 , 2.5 , &amp; Appendix 1 Board member commitments</p> <p>Reason for redacting:</p> <p>Confidential: <input checked="" type="checkbox"/> 1.1, 2.5 &amp; Appendix 1</p> <p>Commercially Sensitive: <input type="checkbox"/></p>

## 1. REGULATORY ISSUES

### 1.1 Notifiable events

No new notifiable events have been submitted since the August 2023 Board:

No notifiable events have been closed since the August 2023 Board:

The Association’s 5 remaining open notifiable events are summarised in the table below.

## **1.2 Regulatory Correspondence**

No Regulatory correspondence has been received since the August 2023 Board.

However, the **Programme for Government** was announced by the First Minister with implications for housing. A summary of these implications provided by the Glasgow and West of Scotland Forum is attached at Appendix C. There are no significant policy changes suggested by the Programme of Government. It is likely that reducing homelessness and numbers of households in temporary accommodation will be a key focus over the next year.

## **2. BOARD ISSUES**

### **2.1 Chairs Action**

Under section 9.1 of the Standing Orders, urgent unexpected matters of an exceptional nature which cannot wait until the next scheduled Board meeting can be approved via Chairs Action, this requires a written report to be provided to the Chair by the CEO (or in absence other Executive Management Team member) detailing the need for the urgent

decision. This report is then signed by the Chair to confirm approval and reported to the next scheduled Board meeting.

No Chair's Actions have been taken since the August Board meeting.

## 2.2 Delegated decisions taken by the Chair

There were no delegated decisions taken by the Chair. Delegated authority was granted to the Chair at August Board to approve the new mid market lease for Hathaway Lane, however due to T C Young advising a different approach to the Maryhill Living mid market leases and service agreement these documents have been included in the Board agenda for tonight's meeting rather than addressed through delegation.

## 2.3 Potential breaches of the Board Member Code of Conduct

There are no potential breaches to report.

## 2.4 Shareholding membership applications

No new shareholding applications have been received.


## 2.5 Board member leave of absence

Raphael Rickson was on a 4 month leave of absence which ended in July 2023. At the August Board meeting, approval was granted for a further leave of absence up until the October Board meeting. Raphael has however indicated he wishes to resume Board duties and intends to be at September Board.

At August Board a leave of absence was granted to Paul Imrie up until the September Board meeting. Paul intends to attend the AGM and resume Board duties from the September Board meeting.

## 2.6 Sub Committee Membership

Each year at the Board meeting after the AGM the Board elects a Chair and Vice Chair. This has already been covered at Item 1 of tonight's agenda.

 The Board also needs to appoint members onto any sub committees at this meeting. This involves confirming continuing membership with existing members and consideration of electing new members. The three sub committees currently in place are set out below:

Position	Time commitment	Number required	Current post holder(s)	Commentary/further information about role
Audit and Risk Committee – 'core' members	Four meetings per year	Quorum for meetings is three. 'Core' members to be at least three.	'Core' members: Valerie Wilson; Paul Imrie; Lindsay Forrest	Key functions: oversee the internal audit programme; receive and consider the external audit report in detail; scrutinise the

Position	Time commitment	Number required	Current post holder(s)	Commentary/further information about role
		Board Members are encouraged to join to increase the 'core' membership of this Committee.	<b>Due to Committee being at minimum core numbers, Board is requested to elect additional members</b>	Association's finances in detail; receive reports on treasury management; review the Associations' risk register.  All Board Members are members of the Committee and can count towards quorum (other than co-optees) but 'core' members are due to attend every meeting.
Staffing Panel	This is a non-standing committee – it currently only meets when there is a hearing or other specific meeting requirement	Three Board Members are required for hearings to take place.	Tim Holmes; Paul Imrie; Jenny Crowe  Tim Holmes is current Panel Chair  <b>Due to panel being at minimum numbers, Board is requested to elect additional members</b>	Key functions: disciplinary and grievance proceedings at Stage 3 (the final stage).  The Panel Chair also represents Maryhill at Employers in Voluntary Housing (EVH) and conducts the CEO's appraisal and CEO remuneration consideration along with the Chair and Vice Chair.
North West Partners (NWP) Hub Board	One meeting per year	Two Maryhill Board Members	Raphael Rickson  <b>There is a vacancy on this Board following Isabella standing down. Board is requested to elect an additional member</b>	NWP is the joint Maryhill and Queens Cross new build development team. Key functions: to ensure that the Development Hub and delivery of the new build housing programme are effectively managed.

## 2.7 Board member commitments

The table at Appendix A provides an overview of individual Board members' commitments across the Association's activities.

## **2.8 Board recruitment**

The Board members recruitment campaign was launched for tenant members in the summer newsletter on 12<sup>th</sup> August and for independent members by advert on 6<sup>th</sup> September. So far, we have had a great response with expressions of interest from 6 tenants and 6 independents and 2 returned application forms and other applications expected shortly. The closing date is 29<sup>th</sup> September for this round of recruitment.

The CEO has had informal initial chats with all the interested people. The Director of Resources (as Company Secretary) will undertake initial induction sessions with the candidates. Informal feedback from both the CEO and Director of Resources will be provided to the Board recruitment panel.

The next stage in the Board recruitment process will be for nominated Board members to form a recruitment panel to short list applications, interview the shortlisted candidates and then report back to enable Board to consider progressing with the appointment.

Board is requested to appoint three Board members to undertake the recruitment process for all the above applicants and also any further applications received through the coming year.

## **2.9 Audit & Risk Committee Remit**

The Audit & Risk Committee remit was last reviewed in full in September 2020, although a minor change was made in June 2021, therefore the remit is due for three yearly review. The remit is attached at Appendix B, no changes are proposed to the remit. Board are asked to approve the remit and note that this will next be reviewed in September 2026 or earlier if required.

## **3 MARYHILL LIVING ISSUES**

### **3.1 Maryhill Living Board Membership**

The Maryhill Living Board of Management remit sets the maximum number of Board members as 5, with up to 3 of these being Maryhill Housing Board members. Following Roger Popplewell stepping down in September 2022 and Isabella's intention to step down in September 2023, this will bring the Maryhill Housing members to 1. Board are asked to consider selecting at least one Board member to join Maryhill Living Board.

## **OTHER GOVERNANCE ISSUES**

### **4.1 Updates on delegated authority granted to staff**

Current delegations are set out in Appendix B.

### **4.2 Updates on delegated authority to Committees**

There are currently no live delegations to Committee, as shown in Appendix 2 and subsequently no delegated authority actions were taken by Committee since the last report.

## Appendix B - Specific Delegations of Authority out with Standing Orders

Details of Delegation Granted	Meeting Granted At	Delegation Granted To	Delegation Valid To	Delegation Complete
North Maryhill land transfer – areas around the blocks. Board approved the transfer of land as set out at in Item 6, section 4.7 and Appendix A from Glasgow City Council to Maryhill Housing as long as the annual additional cost to maintain these areas does not exceed £2000 per annum and no significant health and safety concerns are raised by the Association’s play park inspections contractor.	6 July 2020 Board Meeting	Chief Executive	Ongoing	
Board approved delegation of authority to the Chair to approve the lease of up to 20 properties for mid-market rent to Maryhill Living.	21 August 2023 Board Meeting	Board	September 2023	Matter came to full Board for consideration at September Board so delegation was not used. <b>DELEGATION ENDED</b>

# Scottish Government Programme for Government 2023-2024

## Key housing elements from Social Justice portfolio (Cab Sec – Shirley-Anne Somerville)

Ensuring people have a safe and secure place to live is fundamental to delivering our missions. This is why we have laid regulations seeking to extend the emergency rent cap for most private tenants and the additional eviction protections across the majority of the rented sector until 31 March 2024. We continue to work with COSLA to deliver the Ending Destitution Together strategy to support people subject to the UK Government's increasingly draconian immigration rules and the specific policy of No Recourse to Public Funds – giving crisis funds to people facing destitution and supporting access to legal advice.

We remain committed to delivering 110,000 affordable homes by 2032 and we are proud that an estimated 3,480 households with children have been helped into affordable housing in the year to March 2023. Keeping social rents lower than market rents benefits approximately 140,000 children in poverty each year. In our response to the recommendations from the Temporary Accommodation Task and Finish Group, we have set out the actions we will take to reduce the number of people living in temporary accommodation. As part of these actions, we have committed to support a £60 million national acquisition plan in 2023-24 through the Affordable Housing Supply Programme.

As the conflict in Ukraine continues, Scotland has stood shoulder to shoulder with Ukrainians fleeing the country. We have provided sanctuary for more than 24,000 people displaced from Ukraine since March 2022, 20% of the total taken by the UK as a whole. Our Ukraine Longer Term Resettlement Fund of up to £50 million supports local authorities and Registered Social Landlords to bring empty homes back into use. We have already approved funding for almost 1,200 homes and there is a healthy pipeline of applications and expressions of interest in the Fund. We are also proud to have established the statutory Guardianship Scotland service, investing £1 million in 2023-24 to support vulnerable children who have arrived in Scotland alone.

### Delivering in the year ahead

In the coming year, I will take forward the following critical activity.

#### Preventing and ending homelessness and supplying affordable, safe homes

- Work with Local Government and stakeholders to reduce the number of people in temporary accommodation by preventing homelessness wherever possible and,

where homelessness cannot be prevented, acting quickly to move people into settled homes.

- Continue to promote Housing First, which offers a mainstream settled tenancy and wraparound support, as the default response for people experiencing homelessness who have multiple and complex needs, including people whose homelessness is made harder by experiences of trauma and problem substance use.
- Introduce the Housing Bill to create powers for the introduction of long term rent controls – creating new tenants’ rights and introduce new duties aimed at the prevention of homelessness.
- Invest £752 million this year through our Affordable Housing Supply Programme as we continue to support the delivery of affordable homes to meet housing needs and our longer-term target of 110,000 affordable homes by 2032, of which at least 70% will be available for social rent and 10% in our rural and island communities.
- Publish a Remote, Rural and Islands Housing Action Plan this autumn to help retain and attract people in rural and island communities – making available up to £25 million from our Affordable Housing Supply Programme budget over the period 2023-28 to identify homes for key workers in rural communities.
- Complete a stock survey of relevant medium and high rise buildings and introduce a Cladding Remediation Bill to help safeguard homeowners and residents by creating a new power to undertake urgent measures to remediate unsafe cladding that presents a risk to life.
- Consider the recommendations of the short-life Housing Review Group which will be provided in the coming weeks, identifying those actions that can be taken by local authorities to address existing housing pressures within their current powers and budget – particularly around greater efficiency and effectiveness of resource use.



**AUDIT & RISK COMMITTEE REMIT**  
as at ~~June 21~~September 2023

**1. Role**

- 1.1. Maryhill Housing's (MH) Board have overall responsibility of ensuring that MH is adequately resourced and effectively managed to meet its objectives and fulfil its obligations.
- 1.2. In accordance with MH's Rules and Standing Orders, the Board has delegated authority to the Audit & Risk Committee to ensure that these affairs are managed appropriately.
- 1.3. This remit sets out those areas in which authority has been delegated to the Audit & Risk Committee. Where there is any doubt about the extent of the Audit & Risk Committee's responsibilities, the matter is referred to the MH Board for decision.

**2. Constitution**

- 2.1. The Audit & Risk Committee will:
  - be constituted formally as a Standing Committee of Management
  - have sufficient authority and resources, including the right of access to obtain all the information it considers necessary and to consult with any professional advisors it considers necessary.
  - act in an advisory capacity to the Board but will also be able to take decisions as defined within its delegated authority.

**3. Membership**

- 3.1. All MH Board members will also be members of the Audit & Risk Committee and will be able to attend meetings. When attending they will count towards quorum (excluding co-optees). The Committee will however have a core membership of at least three members due to attend every meeting. This core membership will be agreed at the first Board meeting following the Association's Annual General Meeting.
- 3.2. The Audit Committee will appoint a Chair at the first Audit & Risk Committee meeting following the AGM. The Chair must be appointed from members of the MH Board. The Chair of the Association may be a member of the Audit & Risk Committee but cannot also

be the Chair of the Audit & Risk Committee. Appointment of the Chair of the Audit & Risk Committee must be approved by the MH Board.

- 3.3. The Chair of the Committee shall have a casting vote.
- 3.4. In the event the Chair is absent from a meeting of the Audit & Risk Committee, the other members will select one of their number to chair the meeting (excluding co-opted members), who shall be entitled to use the casting vote.
- 3.5. The Audit & Risk Committee can co-opt members to the Committee either from the Board or directly to the Committee. Co-optees need not be members of MH. Co-optees are only able to serve on Committee until the next AGM or until removed by the Board. Co-opted members must not make up any more than one-third of Committee members and do not count as part of the number required for the Committee to be quorate. Co-opted members cannot stand for any Office Bearer position and although they can vote, they are not able to vote on any matters directly affect the Rules, Membership of the Association or Election of Office Bearers.
- 3.6. The Board must be satisfied that at least one member of the Audit & Risk Committee (including co-opted members) has recent and relevant financial and/or internal/external audit experience.
- 3.7. The Director of Resources will support and advise the Committee and will act as principal advisor and liaise with the Chair over the preparation of the agenda, minutes and papers.
- 3.8. Other MH officers, the Internal Auditor and the External Auditor will attend meetings in full or for particular agenda items as required. Any person in attendance at meetings will leave the meeting at the request of the Audit & Risk Committee Chairperson in relation to relevant agenda items.

#### **4. Meetings**

- 4.1. The Audit & Risk Committee will meet at least four times per year, as required by the cycle of internal and external audit reports, business plans and financial reports and on such dates and times as determined by the Committee.
- 4.2. Additional meetings may be convened by the Director and the Chair if it is considered that such a meeting is necessary.

#### **5. Quorum**

- 5.1. A quorum will be not less than three members excluding any co-opted members.

## **6. Agenda, Minutes and Reporting**

- 6.1. The agendas for meetings will be agreed with the Audit & Risk Committee Chair and will be circulated, electronically, to all members, together with appropriate reports, seven days before a meeting.
- 6.2. A summary of the quarterly management accounts approved by Committee will be presented to the next MH Board for noting.
- 6.3. Any matter that is referred to the Board for approval or decision will be subject of a separate paper that will be prepared and circulated with MH Board papers.
- 6.4. A full copy of the minutes of each Audit & Risk Committee will be provided to all Board members.
- 6.5. The Chair of the Audit & Risk Committee will speak to the minutes of the last Audit & Risk Committee meeting(s), at the next available meeting of the Board, and will account to the Board for all decisions taken under delegated authority.

## **7. Key Responsibilities**

### **7.1. Introduction**

The Director of Resources is responsible for providing advice to the Audit & Risk Committee, for ensuring MH's affairs are managed appropriately with reference to approved strategies, policies, the financial business plan and budget and that all legal and regulatory requirements and accounting standards are met.

The Audit & Risk Committee is responsible for:

### **7.2. Finance: -**

- to ensure that financial regulations and associated procedures are being complied with and that appropriate and accurate financial records are maintained.
- to review the quarterly management accounts and raise any issues of concern or recommend approval to the Board.
- quarterly review of treasury management and review of MH's treasury management policy and strategy, including accounting principles and policies, banking arrangements and investment of surpluses. Recommending any changes to the Board.
- consider MH's proposed terms of borrowing and recommend approval to the Board.

### **7.3. External Audit: -**

- to receive from the external auditor the annual report and financial statements and ensure that these give a true and fair view of the Associations affairs and have been

prepared in accordance with applicable accounting standards and that suitable accounting policies have been applied.

- to advise the Board on any matters of concern identified by the external auditor and recommend appropriate action and confirm to the Board that action has been/is being there are no outstanding areas of disagreement between officers and the external auditors.
- to discuss with the external auditor any principal matters of concern, including the review of the annual management letter, to act upon the issues raised and ensure that there are no outstanding matters of concern. The Committee will recommend the annual accounts for approval to the Board.
- to ensure that the Association has appropriate external audit arrangements in place
- to make recommendations to the Board on the appointment, re-appointment and removal of external auditors and monitoring their value for money
- to consider the remuneration and terms of engagement of the external auditors

#### 7.4. Internal Audit: -

- to ensure that the Association has appropriate internal audit arrangements in place.
- to have input to, review and monitor the planned programme of internal audit work to ensure its appropriateness.
- to consider the annual internal audit programme and recommend approval to the Board.
- To oversee the delivery of the annual programme, consider internal audit reports, approve management responses, monitor the implementation of recommendations, and receive an annual report on the internal audit function and process.

#### 7.5. Overview of internal control and performance: -

- to satisfy the Board that there is a sufficient and systematic review of the internal control arrangements of the Association.
- to ensure that any weaknesses identified are dealt with and reported to the Board.
- to consider the external auditor's management letter
- to learn from the internal audit function of any major audit findings, determine any action required, monitor its implementation and report to the Board thereon.
- to commission and report on special investigations into matters of particular concern relating to internal control and performance
- to review the Fraud Register at each meeting, to include all alleged, attempted and actual instances of Fraud, Bribery or Corruption. Also review the registers on disclosure of interest; gifts and hospitality; and payments and benefits.

#### 7.6. Risk: -

- to monitor the operations and implementation of MH's approved corporate risk management strategy to ensure effective and appropriate assessment, management, and mitigation of risk.
- The Committee will review all Strategic Risks at each meeting and highlight to the Board any changes in risk score of key strategic risks and appropriate mitigation strategies.

7.7. Scrutiny:

- To monitor the implementation of scrutiny (Service Improvement Panel) recommendations once approved by the Board.

7.8. Other Regulator's Recommendations:

- To monitor the implementation of other Regulator's recommendations, such as the Information Commissioner and the Scottish Public Service Ombudsman.

**8. Other**

8.1. The Internal and External Auditors will have a right of access to the Chair of the Audit & Risk Committee and the right to request that a meeting of the Audit & Risk Committee be convened if necessary.

8.2. The Audit & Risk Committee will meet with the internal and external auditors in the absence of staff at least annually to seek appropriate independent support and guidance.

**9. Review of Remit**

9.1. This remit shall be reviewed and amended at least every three years.

9.2. Proposed changes to the remit will be presented to the MH Board for approval. The remit of the Audit & Risk Committee cannot be amended without the approval of the MH Board.

## 16 - Meeting Review

| For Discussion