

23 April 2020

Dear Member,

The next Management Committee will be held on **30 April 2020, at 11:30am via Zoom**

Agenda Item		Lead	Time	
1.	Welcome, <i>Sederunt</i> & Apologies.	Chair	1 min	Verbal
2.	Declarations of Interest.	Chair	1 min	Verbal
3.	Minutes of the Committee Meeting of 27 February 2020	Chair	5 min	Approval
4.	Matters Arising & Actions from the minutes report	Chair	3 min	Note
5.	KPI report	Management Team	10 min	Note
6.	Rent arrears update report	Housing Manager	10 min	Approval
7.	Update on Coronavirus Bill	Housing Manager	10 min	Approval
8.	Operational updates	Management Team	20 min	Approval
9.	Policy Review:			
	i. Complaints, Compliments & Comments Policy	Housing Manager	5 min	Approval
	ii. Income & Debt Policy			
10.	AOCB	Governance Officer	5 min	Decision
	i. Committee appraisals			

Meeting close: 12:30pm, Next Meeting: 28 May 2020, time to be confirmed.

WELLHOUSE HOUSING ASSOCIATION
MINUTES OF THE COMMITTEE MEETING HELD ON 27th February 2020
AT 6PM AT THE ASSOCIATION'S OFFICE, THE HUB, 49 WELLHOUSE CRESCENT G33 4LA

1. Welcome, Sederunt & Apologies.

Present:

Darron Brown	Chair
Maureen Morris	Vice Chair
Sarah Morris	Committee Member
Tom Lucas	Committee Member
Shona McKenna	Co-optee
Carol Torrie	Co-optee

In Attendance:

Martin Wilkie-McFarlane	Director
Gordon Kerr	Finance & Corporate Services Manager
Carol Hamilton	Housing & Customer Services Manager
Bill Black	Assets & Maintenance Manager
Stephen Pringle	Auditor, Wylie & Bisset (Item 6 only)
Linda Logan	Minute secretary

Apologies:

Clare Monteith	Treasurer
Michelle Harrow	Committee Member
Jane Heppenstall	Committee Member

The Chair welcomed Carol Torrie to her first meeting.

The Chair asked committee to note that agenda item 6 would be taken first.

2. Declarations of Interest.

There were no declarations of interest.

3. Jargon Buster.

Noted for information.

4. Minutes of the committee meeting of 30 January 2020.

The minute of the committee meeting held on 30 January 2020 was proposed as accurate by Maureen Morris and seconded by Sarah Morris.

5. Matters arising from the minutes of 30 January 2020.

There were no matters arising that were not covered in subsequent agenda items.

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6. Internal Audit Reports.

The Finance & Corporate Services Manager made introductions. He asked committee to note typographical errors on page 39 which read that there were no recommendations made which were given a grading of high, where in fact there was 1 high recommendation. On page 43 where the implementation dates should have read March 2020 rather than March 2019.

Stephen Pringle, Auditor, Wylie & Bisset presented the findings from the Statutory Instruments and Procurement Audits as part of the previously agreed Internal Audit Programme. The item was reported in full due to the Audit & Risk Committee meeting being cancelled.

Stephen provided the committee with an overview of the audit process and the work undertaken. He highlighted that the Statutory Instruments Audit was to ensure that the Association was complying with the requirements of the Housing (Scotland) Act 2014, of which the overall conclusion had been to provide a strong level of assurance from its review. The audit highlighted several areas of good practice which had been reassuring. There had been one low graded recommendation that the Association should always have an action plan in place for any project it was about to embark on. The management response was to agree this recommendation with immediate effect.

The Procurement Audit had highlighted three medium and one high graded recommendation. The recommendation graded as high related to the Association setting up a central location for storing all contact documentation. Stephen asked committee to note page 34 to 38 of the audit report which highlighted the monitoring and work undertaken during the audit process. The overall conclusion had provided a weak level of assurance over the procurement arrangements in place at the Association. He highlighted that during the review they had found no central location for tender documentation and were only able to test procurement for 2 of the 26 contracts in place for maintenance work. He highlighted that the current Assets & Maintenance Manager has only been in place since September 2019 and has actively been trying to locate the documentation and is in contact with the Association's procurement advisor, Reid Associates.

Stephen provided scenarios of previous experience and stated that the Association may be at risk of not monitoring its current contracts correctly.

The committee sought clarification as to why the contract central location was not in place. The Director stated that he was at a loss as he had been led to believe all of these processes were in place. He reassured committee that this process was being dealt with as a matter of urgency. He assured committee that all of the recommendations would be implemented in March 2020.

Resolution:

Committee noted the contents of the audit reports, the findings and approved the draft management response.

Tom Lucas proposed and Maureen Morris seconded the draft management response.

Stephen Pringle left the meeting at this time.

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7. Neighbourhood Management Policy

The Housing Manager presented the report to update on the review and consultation of the Neighbourhood Management Policy for consideration and comment.

The policy was discussed with the Customer Opinion Panel at its meeting of 22 December 2019, published on the website and a draft of the policy and comments response sheet was on display at reception throughout January. There were no responses to any of the above means of consultation.

The consultation period ended on 30 January and the final draft of the policy was presented for approval.

Resolution:

Committee approved the Neighbourhood Management Policy for adoption.

The Neighbourhood Management Policy was proposed by Sarah Morris and seconded by Maureen Morris.

8. Rent Arrears update

The Housing Manager updated on the January rent arrears position.

She stated that that since last reporting gross current rent arrears had increased by £6,564.88 and non-technical arrears had reduced by £3,452.13.

The number of arrears of £1,000 had increased by 1 to 89 since December which included 39 Universal Credit recipients.

Committee noted the contents of the report.

9. Credit Adjustment & Write Off Report

The Housing Manager presented the report to outline our bad debts and seek approval for the proposed write-offs from former tenant rent accounts and a credit adjustments.

She provided committee with an overview of bad debts on rent accounts for the period December 2018 to December 2019. She asked committee to note appendix 1 of the report which detailed accounts deemed to be irrecoverable and therefore recommendations were made to write off these former tenant arrears.

She advised that following an enquiry regarding a planned kitchen renewal being withheld due to outstanding court expenses, staff had identified a historic adjustment of £147.17 where a credit balance was debited from a tenant's rent account. In this case a credit balance had been adjusted out of the rent account towards a memo account for court expenses. A credit adjustment is required to rectify this.

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Resolution:

Committee approved the total write off request of £8,383.71 and a credit adjustment of £147.17.

The write off request of £8,383.71 was proposed by Maureen Morris and seconded by Sarah Morris.

The credit adjustment of £147.17 was proposed by Michelle Harrow and seconded by Sarah Morris.

10. Draft Budget 2020/21

The Finance & Corporate Services Manager presented the report to provide details of the expected financial position of WHA for the financial year 2020/21.

He led committee through the Statement of Comprehensive Income which highlighted gross rental income of £3,299.71 which reflected a flat increase for all tenants. Operating costs are budgeted to be £3,118,725 and net interest payable is expected to be £234,310. Budget surplus for the year is £641,090 and investment in replacement components will increase cost properties to £42,000,283. Cash flow is expected to reduce by almost £240,000 over the financial year however due to the large underspend this year on planned renewals and replacement components. The opening cash balance remains in a healthy position and expected to be £1,790,370 at the end of the financial year.

He highlighted no issues with covenant compliance and the gearing was well within the target set by the bank however interest cover covenants were proving problematic. He asked committee to note that after the second draft of the budget timing issues with major maintenance programmes has resulted in a breach of covenant compliance. Despite the December Management Accounts covenant being achieved by 508% any shortfall in 2019/20 has not been looked upon favourably by our lenders. To overcome this issue, overhead spend has been reduced and where possible we have delayed some of the maintenance programmes for the external painting programme and backcourt improvements, which would allow us to achieve the interest cover covenant. It is hoped with prudent budgeting and reduced uptake on replacement components will allow for more funds to be available for these delayed programmes.

The Finance & Corporate Services Manager and Director will meet with our new Relationship Manager who will hopefully take account of the peaks and troughs of this expenditure more favourably rather than look at each year in isolation.

The Assets and Maintenance Manager provided a brief overview of delayed programmes and investments that will progress during the year.

Committee sought clarification if surpluses could be offset and used for the planned maintenance programme. The Finance & Corporate Services Manager stated that we could however due to the methodology behind the calculations of loan covenants would mean us breaching our covenants. The Director explained that the introduction of component accounting and FRS102 and the methodology of calculations were proving to be a problematic across the sector. He will update committee following further discussions with our lenders.

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Resolution:

Committee approved the draft budget for the 2020/21 financial year.

The 2020/21 budget was proposed by Maureen Morris and seconded by Michelle Harrow.

11. Management Accounts – December 2019.

The Finance & Corporate Services Manager updated members with a comparison of the estimated and actual financial position to 31 December 2019.

He led the committee through the Statement of Comprehensive Income and outlined all variances. The budgeted surplus for the period to 31st December 2019 is £356,567. The actual results for the period show a surplus of £751,630. a favourable variance for the period of £395,063.

He highlighted that the favourable variance of £395,063 arises from;

- Operational Activities £392,791; (favourable variance)
- Net interest and other £2,272 (favourable variance)

Rental income is slightly higher than budget at £2,423. Void losses (2) are also lower than the budget figure of £10,565 as opposed to £19,281. A favourable net rental income of £11,148.

The Corporate & Finance Services Manager noted a few over and underspends against budget in the Statement of Comprehensive Income. Salaries had an underspend of £45,576 due to replacement of the Assets and Maintenance Manager not being in place and one Estate Warden not being in place for 9 months. He provided detail and a breakdown of the underspend in Repairs & Maintenance of £325,268.

The Housing Properties has increased by £247,672, in the main due to the cost of replacement components and boilers, however this spend is much lower than the budgeted spend of over £753,558 in the three quarters to date. He highlighted that the cash position has increased by £130,000 to £1,898,921. A delay in the maintenance/component renewals programmes has results in the balance increasing.

There were no covenant compliance issues.

Resolution:

Committee approved the Management Accounts for the period to date.

The Management Accounts to December 2019 were proposed by Maureen Morris and seconded by Michelle Harrow.

12. Financial Regulations and Procedures Review

The Finance & Corporate Services Manager advised of the proposed changes to the financial regulations and procedures.

He asked committee to note the main issues arising from the review; which were

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- Changes to the staff structure and job titles since the last review are now reflected in the updated documents;
- Any changes to processes due to good practice are reflected and segregation of duties incorporated wherever possible to reduce risk;
- Updated to reflect changes to legislation;
- New policies have been referred to where they have been adopted since the last review;
- Recommendations from internal audits particularly maintenance works authorisation have been included;
- Authorisation levels have been reviewed and remain the same.

Committee noted the main issues arising from the review.

Resolution:

The Financial Regulations and Procedures were proposed by Maureen Morris and second by Michelle Harrow for adoption.

13. KPI Report

The Housing Manager highlighted that the average relet for quarter 3 was 29 days against annual target of 12 days. She highlighted that 3 of these properties were void for 27-41 days due to their condition and for kitchens and bathrooms to be replaced. Voids between 43 – 48 days were due to several refusals for the area and anti-social behaviour concerns. 100% of tenants asked as part of the Annual House Visit survey had said they were satisfied with the management of the neighbourhood they live in. 5 compliments were received in the Quarter.

Michelle Harrow sought clarification on the number of section 5 referrals. The Housing Manager updated on a meeting with Glasgow City Council, she highlighted that the housing team were constantly have to ask the Council for referrals.

The Director advised that he had been contacted by the SHR who are completing research into homelessness to ascertain of our experience. A questionnaire has now been received and will be returned to the SHR in due course.

The Assets and Maintenance Manager asked committee to note progress on emergency and non-emergency repair results and comparatives. Contractors continue to provide very good response times.

Committee noted the contents of the report.

14. Management Team Report:

The various updates reports were noted for information.

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5. Director:

5.1 Equality & Diversity.

The Director reminded members of the equality and diversity e-learning arranged through T C Young. He thanked those that had already completed the training.

5.2 Connect Community Trust.

The Director advised that Connect Community Trust had elected new Chair, Harry Blackwood. Correspondence had been received today which the Director will circulate to committee for information. The Chair and Director have a meeting scheduled with Mr. Blackwood early next week.

5.3 Staff Away Day

Approval was sought to close the office on 24th April 2020 to facilitate the staff away day as previously agreed by committee.

5.4 New Model Rules.

It is hoped that an SGM will be held before the summer of 2020 to adopt the new model Rules. We are waiting for sign off from the FCA before we can proceed. Mark Ewing, T.C. Young will attend to present any changes to the Model Rules. SGM attendance will be open to the membership only.

6. Assets and Maintenance Manager

All updates were noted as outlined within the report.

6.2 Procurement

The Assets and Maintenance Manager updated on a meeting held with Ewing Somerville Partnership on 20th January to discuss our requirements for procurement and direct awarding to ESP from the SPA Framework. The next step will be to lodge this as a project with SPA along with an outline of our requirements and future works.

6.4 Approved Contractors

Approval was sought to add Modus Ltd, Latto Ltd, S.A.S to the approved contractors list. A brief overview of their business activities was provided.

7. Housing Manager

All updates as outlined within the report were noted.

8. Finance & Corporate Services Manager

All updates as outlined within the report were noted

Resolution:

Committee;

- Noted the various update reports for information;
- Approved closure of the office on 24th April 2020 to facilitate the staff away day;
- Approved Modus Ltd, Latto Ltd and S.A.S. being added to the approved contractors list.

Approval for Modus Ltd, Latto Ltd and S.A.S being added to the approved contractors' lists was proposed by Maureen Morris and seconded by Tom Lucas.

Approval for closure of the office on 24th April to facilitate the staff away day was proposed by Maureen Morris and seconded by Sarah Morris.

15. Forward Planning – 30 April 2020

Committee noted the proposed agenda for 30 April 2020 committee meeting and proposed additions resulting from this meeting.

16. AOCB

Management Committee Away Day.

The Director suggested that a committee away day be arranged in due course. He suggested that the preferred option would be on a Saturday. He asked committee to come back with preferred dates.

The Chair advised that due to work commitments, Maureen Morris had very kindly agreed to complete committee appraisals with Linda Ewart on his behalf. Maureen advised that the 14th and 17th April 2020 had been agreed. The Corporate & Governance Officer will contact members to schedule the appraisals.

There was no other business. Meeting closed 8:15pm. Next meeting 30 April 2020, 6pm.

I certify that the above minute has been approved as a true and accurate reflection of the proceedings:

Signed (Chair)

Date:.....

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ACTIONS ARISING FROM PREVIOUS MANAGEMENT COMMITTEE MEETINGS April 2020

MINUTE REFERENCE	ACTION	OWNER	DUE BY	STATUS OPEN/ CLOSED	PROGRESS
24 October 2019					
11. Management Team Report	Site at the former Wellhouse Primary School; The Director will report on the feasibility of progressing a development and a bid for this site.	Martin Wilkie-McFarlane	March 2020	Open	Site Investigations are suspended during Covid 19 lockdown period.
13. Rent Arrears	Universal credit will be included on the November committee meeting agenda	Carol Hamilton	November 2019	Open	An update report will be provided at the 30 April committee meeting.
November 2019					
11. Management Team Report	The Finance Manager will email proposed dates for fraud training to interested members	Gordon Kerr	January 2020	Open	The Finance Manager is still waiting for proposed dates for fraud training from the auditors. Suspended during Covid 19 lockdown period
January 2020					
10. Management Team Report Hub BP	The Director will provide a full report on the assessment of use for the hub at the end of the business year 2020	Director	December 2020	Open	An update will be provided at the May 2020 committee meeting and a report is due by the year end.
February 2020					
There were no actions arising from the 27 February 2020 management committee meeting.					

Management Committee	30th April 2020
Agenda item	5
Title of Paper	KPI Targets 2020/21
Author	Gordon Kerr, Finance & Corporate Services Manager
Attachments	Appendix 1 – KPI Targets Control Sheet
Executive Summary	This KPI report is presented from the Management Team as our targets for 2020/21 to measure our performance against for the coming financial year.

1 PURPOSE

- 1.1 The purpose of this report is to bring to the attention of Committee the performance targets in relation to Key Performance Indicators (KPI) to be in place for financial year 2020/21.
- 1.2 The Appendix details performance targets set for 2020/21, which are considered to be realistic. Committee is asked to discuss with the Management Team any of the proposed performance targets, consider any influencing factors and suggest appropriate responsive action.
- 1.3 Upon Committee approval, the core KPIs will be updated on website including the FOI section, and will be reported on regularly to reflect performance throughout the year, including quarterly Management Committee reports.
- 1.4 The attached Appendix contains updated targets and also columns to the right-hand side of the spreadsheet explaining the rationale involved in arriving at these target figures. These will be removed prior to updating the website.

2 RECOMMENDATIONS

- 2.1 Committee is asked to discuss and note the contents of this report and approve the 2020/21 KPI targets.

Management Committee	30 April 2020
Agenda Item	6
Title of Paper	Rent Arrears Update
Author	Carol Hamilton, Housing & Customer Service Manager
Attachment(s)	N/A
Executive summary	<p>The following information is recorded at the end of Period 12, 31st March 2020:</p> <ul style="list-style-type: none"> • Gross rent arrears are £264,417 – 8.2% of annual income • Net arrears are £234,047-7.3% of annual income • Former Tenant's arrears are £34,728 • Rent collection is currently 91.8% (cumulative 12 months to end March 2020) • 80 tenants owing £1000+ now owe £153,013 collectively – 57.9% of all arrears and 4.8% of annual rent income. 46 of these are UC recipients. • The number of tenants claiming UC is 131. • The amount of UC arrears figure is £97,705.96

FOR INFORMATION

1 PURPOSE

- 1.1 To update Committee on the arrears position

2 RECOMMENDATIONS

- 2.1 That the content be noted for information

3 BUSINESS PLAN, VISION AND VALUES

- 3.1 The production of an arrears report is consistent with:
- our strategic objective 5: to maintain good governance and financial management and:
 - our values of excellence and accountability

4 BACKGROUND

- 4.1 Committee have requested regular arrears reports
- 4.2 This summary forms an update to the end of March position.

5. MAIN ISSUES:

- 5.1 Since the last Committee update, gross rent arrears had increased to £283,324 in February, and subsequently reduced considerably throughout March, to £264,417

resulting in a reduction of £2,674 during the final quarter. The reduction is in part due to a double Universal Credit payment from DWP as these payments are paid every 5 weeks in arrears.

- 5.2 In addition, the team have actively secured some substantial Discretionary Housing Payments (DHP) throughout March.
- 5.3 One serious arrears case has been cleared and two others have substantially reduced.
- 5.4 The final net arrears figure has been adversely impacted by the final Housing Benefit (HB) payment from the Local Authority and so no account has been taken of HB payments due after 16th March.
- 5.5 UC applications continue to increase as a result of Covid-19.

6. DISCUSSION

- 6.1 The full extent of the impact of Covid-19 on the rental income of the Association remains to be seen. It is unclear at this stage how it has affected the ability of some tenants to pay their rent on time. The situation will be monitored closely and further reports will be provided to Committee.

7 REGULATORY, LEGAL AND CONSTITUTIONAL ISSUES

- 7.1 ARC report will include our performance.
- 7.2 Regulatory and current legislation dictates that legal action will not be pursued where arrears have occurred solely as a result of the Covid-19 situation.

8. FINANCIAL IMPLICATIONS

- 8.1 Dealt with in the body of the report.

9 KEY RISKS

- 9.1 Failure to robustly manage arrears is a failure to deliver on core KPI and reduces income to the Association. Mitigation – persistent and consistent application of policy and staff performance management.
- 9.2 Any rise in evictions may lead to reputational damage. Mitigation- use only as a last resort and adhere to Coronavirus (Scotland) Bill.

10 EQUALITY, DIVERSITY & HUMAN RIGHTS IMPLICATIONS

- 10.1 The rent management policy has been written with our commitment to diversity included.

Management Committee	30 April 2020
Agenda Item	7
Title of Paper	Coronavirus (Scotland) Bill
Author	Carol Hamilton, Housing & Customer Services Manager
Appendices:	None

FOR INFORMATION

1 PURPOSE

- 1.1 To update Committee on the impact and potential consequences to our business of the Coronavirus (Scotland) Bill.

2 RECOMMENDATIONS

- 2.1 That the Committee note the temporary changes to tenancy notice periods.

3. BUSINESS PLAN, VISION AND VALUES

- 3.1 This briefing note complies with all of our visions and values.

4. BACKGROUND

- 4.1 Emergency legislation has been introduced and approved in Scotland in response to the Coronavirus crisis which increases the eviction notice period, depending on the grounds used, for up to 6 months. The Bill proposes significant temporary changes to residential tenancy law in both private and social rented sectors.
- 4.2 The changes are intended to protect tenants who may be facing difficulties, financial or otherwise, as a result of the virus.

5. MAIN ISSUES

- 5.1 The current 4 week notice period for Scottish Secure Tenancies (SSTs) will increase to 3 months for grounds 2, 6, 7 and 8. (These grounds focus on gaining a tenancy by false statement, using the tenancy for illegal or immoral purposes, anti-social behaviour and harassment). For all other grounds a 6 months' notice period will apply. The one exception is where the tenant is failing to occupy their tenancy and the notice period remains at 4 weeks.
- 5.2 The current notice period for Short Scottish Secure Tenancies (SSST) is 2 months and this will remain unchanged for all those that were created as a result of criminal convictions or anti-social behaviour. WHA currently have one SSST which was created for rent arrears which converts back to an SST in May 2020.

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- 5.3 The Bill introduces increases in notice periods for Private residential tenancies, Assured and Short Assured Tenancies. This does not affect WHA.
- 5.4 In all cases a landlord would be obliged to satisfy the court that evictions are reasonable while the legislation remains in force and account will be taken of how the Coronavirus has affected the personal circumstances of the tenant.
- 5.5 Scottish courts have postponed all eviction cases until June 2020 at the earliest. All current WHA cases have been postponed and it is expected that when normal business does resume, that there will be a delay in lodging new cases as postponed cases will have priority. WHA have postponed 4 cases to date solely as a result of the crisis.
- 5.6 It is expected that the new provisions will expire in September 2020 although there is scope for Scottish Ministers to extend them for periods of 6 months until September 2021.

Discussion

- 5.7 Analysis of the impact of the crisis on rental income is difficult at this stage. Early indications nationally are that Universal Credit (UC) claims have increased significantly and it remains to be seen how many more WHA tenants have, or will, apply. At the point of writing this report 6 more tenants had applied for UC solely as a result of the crisis and it is expected that this will increase daily. An update on numbers will be provided verbally at the Committee meeting. To date 3 tenants have made payment arrangements or reduced existing arrangements due to loss of income.
- 5.8 WHA had approval from Committee to evict a tenant as a result of decree being awarded for rent arrears prior to the crisis. This eviction has been postponed meanwhile.

6 Financial Implications

- 6.1 As previously mentioned in the report, it is too early to predict the impact of the crisis on rental income. Future arrears reports will include relevant updates.
- 6.2 It can be safely assumed that rent arrears will increase as a result of more UC claims than usual, due to the time lapse before an award is credited to the recipient. In addition, it is anticipated that rent due from those tenants who make affordable arrangements as a result of lost income will have the same effect.
- 6.3 WHA will follow national guidance and legislation and will avoid taking legal action against tenants who have suffered financially solely as a result of the crisis, or who's current payment arrangements have been adversely affected.
- 6.4 There may be instances where some tenants will not accept support or agree to make an arrangement to pay arrears of rent and those cases will be dealt with individually and sensitively.

7. KEY RISKS

These are dealt with in the body of the report.

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8. EQUALITY AND DIVERSITY ISSUES

None identified.

9. SUSTAINABILITY

No impact on the environment identified.

10. SWOT ANALYSIS

Not required as no new proposal or initiative proposed

11. CONCLUSION

As a result of the Coronavirus (Scotland) Bill, the eviction notice period has been temporarily extended. It is anticipated that rent arrears will increase as a result of the impact of the crisis and WHA will not take legal action against those who suffer solely as a result of it, as long as they continue to accept support and make affordable arrangements to pay rent due.

Management Committee	30 April 2020
Agenda Item	8
Title of Paper	Operational Update Report
Author	Management Team
Appendices:	8.1 Legislation update – Jim Bauld, T.C. Young 8.2 Monthly Return template for SHR 8.3 Update on cashflow from Finance Manager

FOR INFORMATION AND DECISION

EXECUTIVE SUMMARY:

1. Director – Main Issues

- Transition to remote working for entire team (save for estate wardens), requiring bringing forward the purchase of 10 PC's to supply to staff for home working. There have been a few teething problems as you would imagine, but working with our IT provider we have managed a few work arounds. I will recommend, when matters return to normal, that we progress to office 365 which will make business continuity much easier in the future.
- The management team are having weekly zoom video meetings and, now that we have a fully established account, we will use this for full and departmental team meetings and trial it for this committee meeting.
- Communication with residents continues through the website, social media and a newsletter. We are taking phone calls and email queries and are proactively calling vulnerable residents.
- We have suspended all major projects, including our development work for the meantime, although discussions continue with the local authority.
- I am participating in a range of forums with other chief officers, the SFHA, EHRA, etc. as a means of mutual learning and support.
- I am keeping in contact with the SHR – we have been afforded extended submission dates for our returns, but we will aim for the original date by means of a disciplined approach to work. There is a new monthly submission to send in and we will complete on by the end of April.
- We have not, as yet, furloughed any staff. Some Housing Associations have done. Furloughing is more accurately referred to as the Coronavirus (Covid 19) job retention scheme. The basic purpose of the scheme to offset the possible cost of the lockdown should employers be unable to trade or lose income and the knock-on effect of redundancies. 80% of salary is reimbursed and 3% of pension contributions, up £2,500 per month. We need not top up the sums but EVH recommend that we do. In terms of our income, CCT have asked for a rent-free period, our other commercial tenants may also ask. Arrears may well rise. We may have a disproportionate cost

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burden when we return to catch up on remedial works (possibly offset by lack of cost now). We have had unexpected IT costs. It may be imprudent to ignore government support that is available to support our costs. At this time, all staff are fully occupied. Furloughing should be for 3 weeks minimum. Committee views are sought. See appendix 3 with brief update on cashflow from Finance Manager

- There have been no staff absences in this period.
- I am working with small group looking at appropriate planning for the eventual return to normalcy

2. Housing & Customer Services Manager – Main Issues

The following is a summary of the activity of the Housing & Customer Service Team since the February Committee:

- Adjusting to home working;
- Preparation for the Annual Return on the Charter;
- Ongoing data cleansing of all e -files in relation to tenant and property information in line with GDPR requirements;
- Updating tenant handbook;
- Appropriate officers completed bespoke Domestic Abuse training (basic awareness training for all postponed until normal working practice resumes);
- Contacting vulnerable service users, providing support and referring to CCT for food parcels;
- Continuing to take rent payments;
- Monitoring rental income and contacting tenants regarding missed payments;
- Assisting with claims for UC/ HB;
- Monitoring impact of Covid-19 on rental income;
- Equalities and Diversity e- learning module now completed by all;
- Full review of the sign-up pack;
- Liaising with Police Scotland in relation to ASB and potential tenancy issues.
- The team are mindful of the emergency legislation, The Coronavirus (Scotland) Bill 2020, and the implications for the management of tenancy related Anti-Social Behaviour (ASB). A separate agenda item contains a briefing on the legislation as well as an update on the subject from Jim Bauld, Solicitor, TC Young, which is attached as appendix 1 to this report. Currently there is one ASB case that may require legal action depending on the result of information requested from

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Police Scotland and therefore action will be delayed as the new law extends the notice period given to tenants prior to any court action being taken. The team are liaising with Police Scotland regularly and we are assured that apart from breaches of lockdown, there are no reports of other tenancy related ASB activity at this time.

3. Assets & Maintenance Manager – Main Issues

- Gas Servicing has now moved to a 3-star service with Saltire. Tenants can contact Saltire Direct 24hrs a day to arrange works
- We are following the latest advice from Gas Safe on gaining access for gas servicing and repair work the link below outlines several scenarios and recommendations in dealing with possible self-isolation no access etc.

<https://www.gassaferegister.co.uk/help-and-advice/covid-19-advice-and-guidance/landlords/>

The Scottish Government recently emailed SFHA to indicate that no unnecessary visit should take place to tenants' homes during this epidemic.

The Scottish Government position is at odds with the strict legal view being issued from HSE. The HSE suggestion that landlords should try to obtain an alternate contractor may prove to be nigh impossible given that several contractors have said they will not be doing these checks just now. We are aware that discussions are taking place with a view to obtaining some form of relaxation of these rules which would seem sensible during this current period.

Several tenants have contacted us to say they are self-isolating, none of these are currently by their 12 month service date.

- We are in regular contact with our contractors and emergency works are being carried out, we also have a list of other works/issues that have been reported but we are unable to attend at the moment. We anticipate a surge in repairs requests once we are back to normalcy. We have issued a 5th of the repairs that we did this time last year.
- Contractors have been notified that an extension for one year has been applied so we can procure the new day to day contracts.
- Estate Services - we have noticed an increase in bulk rubbish being left. The Wardens are lifting this but we only have access to the Sheildhall Depot (next to Ikea) and this is operating at reduced opening hours, we are continuing with litter picks and will start spraying over the next couple of weeks to keep the weeds down.
- Estate Warden Supervisor, we interviewed for the post and have offered the post to the successful candidate, but due to the ongoing situation we are unable to confirm a start date (he has been furloughed from his current post).
- Veranda Works at 5, 7, 8 Wellhouse Gardens & 19 Balado Road - These works were tendered and the returns are detailed below. The Consultants have recommended we accept the quote from Total Reinstatement Services Ltd. Please see recommendations below.

Trust Honesty Integrity Excellence Accountability Sustainability

Contractor	Tender Sum	Corrected Sum
Cosmos Projects	£104,071.00	£104,071.00
Hugh Stirling Limited	£ 81,506.12	£ 83,556.94
Prime Build Solutions	£133,644.50	N/A
Total Reinstatement Services Limited	£ 62,491.14	£ 64,333.19

Conclusions:

We consider that all contractors have understood the requirements of this contract and that the tenders have been submitted in fair competition.

We consider that the lowest offer, from Total Reinstatement Services, in the amount of £64,333.19 (Sixty-Four Thousand, Three Hundred and Thirty-Three Pounds and Nineteen Pence) to be fair and reasonable for the works as described. We would not foresee any problems with execution, management or programming of the works by this contractor.

RECOMMENDATIONS:

Committee are asked to approve Total Reinstatement Services to complete the works and accept their quote in the amount of £64,333.19.

4. Finance & Corporate Services Manager – Main Issues

4.1 Operational Update

The following is a summary of the activity of the Finance & Corporate Services Team since the February Committee:

- Adjusting to home working, with the following functions continuing to be carried out remotely;
- Posting all rent payments to tenant's accounts
- Posting all factoring payments to owner's accounts
- Sending out sales invoices to commercial customers
- Processing purchase invoices and pay suppliers
- Process payroll and pay staff, HMRC and Pensions Trust
- All statutory and regulatory reporting and Returns
- Internal management reporting
- Treasury management and loan repayments
- Dealing with GDPR and FOI requests
- Internal and external audit functions
- Liaising with Hiper and Resource to ensure IT/Telephony functions continue to operate smoothly
- Update website
- Preparation for the Year-End Annual Statutory Accounts
- Regular staff contact

Trust Honesty Integrity Excellence Accountability Sustainability

4.2 Audit Tenders

The external and internal audit functions were due to be tendered for 2020/21 with work on these planned to start in February/March. Due to the current situation, this has obviously been delayed and no definitive timescales of when this can re-commence.

The internal audit function is implemented by way of a 3-year cycle audit plan. We will be entering year 3 of the Plan in 2020/21. This had been highlighted at the time of the new plan; therefore, it may make some sense to delay the tender to coincide with the adoption of a new 3 year plan.

The external audit for 2020/21 will commence with the planning meeting and interim audit taking place in late January/early February 2021. These dates could probably still be achievable; however, it would still all depend on when we can restart the tendering process and the workloads of all parties concerned later in the year.

Due to the uncertainty of when normal service can be resumed, and to encourage consistency with the internal audit plan, it may be advisable to delay the tendering process for both contracts to start from 2021/22 but with work starting on both of these exercises later in the calendar year of 2020.

Recommendations:

Committee is asked to approve an extension of current contracts with internal auditors, Wylie & Bisset and external auditors, Scott-Moncrieff for 1 year and tendering process to proceed with contract start dates of 2021/22.

Jim Bauld: Does the new 'eviction delay' law protect the antisocial element?

Published 7 April 2020

*TC Young's **Jim Bauld** outlines what the Coronavirus (Scotland) Act means for antisocial tenants.*



Jim Bauld

The Scottish Parliament has moved to pass emergency legislation to deal with the ongoing coronavirus pandemic. The Coronavirus (Scotland) Act 2020 is now on the statute books.

Among the many measures in this Act are new rules which will affect evictions in both public and the private sector.

Many of these proposals have proved to be uncontroversial and have been widely accepted as necessary to deal with the extraordinary situation which currently exists.

The new law will extend the period of notice to be given to tenants prior to any court or tribunal action being raised against them. In cases involving rent arrears, tenants in all sectors will now be entitled to receive six months' notice of any pending court or tribunal action.

The new law however also extends the required period of notice to be given to tenants of any pending eviction action based on either criminal activity within the tenancy or antisocial behaviour. Such tenants will now be given three months' notice of the pending court action.

No prior notice of this proposal was seemingly given to any of the landlords' organisations nor did it appear that this proposal was widely publicised before the Bill was produced in parliament.

Effectively the Scottish Parliament has now legislated to give antisocial tenants a further two months in which to continue to behave in a manner which will cause misery, stress and nuisance to their neighbours. Residents who are complaining about antisocial neighbours will find that the ability of their landlord to deal with this problem has been

restricted. They will be required to endure a further period of noise, threats and, in some cases, assaults.

Was this really the intention of the government when passing this legislation? The legislation does allow the Scottish ministers to pass amending regulations and it may well be this is one area in this new law which requires immediate reconsideration.

The Parliament is planning to meet again in late April to reconsider its plans to abolish jury trials which were swiftly withdrawn from the Bill after a public outcry. Perhaps this is another issue which requires some publicity and some pressure on MSPs to ensure that tenants suffering from antisocial behaviour are not prevented from obtaining a resolution to this problem.

This may be even more important during a period where we are all having to stay at home. It does seem unfortunate that this legislation appears to condone and encourage the continuation of antisocial behaviour and to give protection to the perpetrators.

- **Jim Bauld is a partner at TC Young Solicitors**

15 April 2020

Email to all Social Landlords

Monthly Coronavirus COVID-19 Information Return

We recognise that landlords are facing unprecedented challenges in delivering services during the pandemic, and we know you are working to safeguard and protect the interests of your tenants and residents.

We are working with the Scottish Government and the newly formed Social Housing Resilience Group (SHRG) to understand the impact of the pandemic and where support is needed by social landlords.

In order to get a clear picture of the impact on social landlords, tenants and other service users we have agreed with the Scottish Government and the SHRG that we will provide regular reports on the impact of the Coronavirus COVID-19 pandemic on social landlords. This will help them understand the scale and nature of disruption and to plan co-ordinated responses.

To that end, we are asking all social landlords to provide us with a short monthly information return. We will write to you again shortly to give you further information on how to submit the return to us. We are asking that you provide the first return to us by Thursday 7 May.

In recognition of the challenges that you face, we are keen to minimise the work that is involved in providing information to us during the pandemic. We have carefully considered the information that we need and that we have kept this to a minimum.

The information we will be asking all landlords to provide for each month, starting from the end of April is set out in the annex to this letter.

There will be a separate return for RSLs and Local Authorities, and non-stock owning local authorities should complete the information on homelessness only. RSLs which are part of a wider group of RSLs should submit one return for the Group through the parent RSL.

You do not need to have your monthly return approved by your governing body. Normally we would expect the information you provide to be approved by the Senior Officer of the RSL or the Chief Housing Officer for a local authority. If that isn't possible then you should contact your lead Regulator to discuss this.



Buchanan House, 58 Port Dundas Road, Glasgow G4 0HF
Tel: 0141 2425642
housingregulator@gov.scot

We would also ask that you try wherever possible to give as accurate information as you can, although we recognise you may have some challenges with this in the current circumstances. Please let us know if you cannot provide any of the information or if you have concerns about its accuracy

We will ask for monthly returns until the impact of the pandemic reduces. For RSLs, please continue to alert us to any Notifiable Events in relation to the pandemic in addition to this information request.

We will provide the Scottish Government and the SHRG with aggregate information from the returns and we do not intend to share individual landlord data.

We all face unprecedented challenges in working during the pandemic and we are keen to work as closely as possible with you in addressing the many risks and issues. So if you have any questions at all relating to this information request please do not hesitate to contact your Lead Officer within SHR.

Thank you and stay safe.



Ian Brennan
Director of Regulation



Buchanan House, 58 Port Dundas Road, Glasgow G4 0HF
Tel: 0141 2425642
housingregulator@gov.scot

RSL Only:

Staff absence levels on the last day of the month;

- Total number of staff (full time equivalent);
- Total number of staff absent (FTE) ie the number of staff (FTE) not available to work, because of ill-health, care responsibilities, compassionate leave, other reasons;
- Number of staff placed on furlough - in accordance with the UK Government's furlough scheme.

Cash balance as at the last day of the month.

RSLs and Local Authorities with stock:

Arrears - Gross rent arrears (all tenants) as at last day of the month as a percentage of rent due for the reporting year. (Definitions and calculations as per ARC Technical Guidance)

Empty homes:

- The number of empty dwellings that arose during the last month in self-contained lettable stock. (Definitions and calculations as per ARC Technical Guidance)
- The total number of empty dwellings in self-contained lettable stock on the last day of the reporting month.

Total lets

Number of lets during the reporting month

- Lets to homeless (SST)
- Lets to homeless (short SST)
- Lets to homeless (leased to relevant LA)

All Local Authorities:

- The number of homeless applications received in the month;
- The number offered and accepted temporary accommodation in the month;
- The number offered and refused temporary accommodation;
- The number not offered temporary accommodation when needed in the month.

Appendix 8.3

Update on cashflow from Finance Manager

- If you cannot maintain your current workforce because your operations have been severely affected by coronavirus (COVID-19), you can furlough employees.
- If staff are not able to work from home they can be furloughed.
- Furloughed staff are not allowed to undertake any duties while furloughed. 15 members of staff have a laptop/PC at home with firewalled access to SDM, e-mails and all files on server.
- 3 Estate Wardens have no remote access to SDM, e-mails and all files on server, however, that is not a major part of their job. Estate Wardens are still carrying out other duties.
- 1 Modern Apprentice. Although we are not entitled to furlough employees who we claim grant for (PCF and GG grants), the funding for this individual stopped in December 2019 and we may be able to furlough him – confirmation being sought.
- It should be noted that any employee who has been furloughed can not carry out any work for the Association during this period. This could mean a drop in service provision.
- Tenants are still being charged the full rent for this period. No reduction in rent to offset any potential reduction in service.
- Current cash balance is £2 million.
- With full rent continuing to be charged, in theory, the cash balance should not reduce.
- However, tenants may have with issues with their employers, which could affect their ability to pay their rent.
- Arrears would continue to rise, which means that the cash balance would start to fall.
- We are closely monitoring how much arrears are increasing by due to this issue.

Management Committee	30 April 2020
Agenda Item	9
Title of Paper	Policy Review
Author	Carol Hamilton, Housing & Customer Service Manager
Attachment	1. Complaints, Compliments and Comments Policy 2. Income Collection, Debt Recovery and Write-Off Policy

FOR DECISION

1 PURPOSE

- 1.1 To provide the updated Complaints, Compliments and Comments Policy and the updated Income Collection, Debt Recovery and Write-Off Policy to the Management Committee for approval.

2. RECOMMENDATIONS

- 2.1 That the following policies be ratified for a further 3 years;
- Complaints, Compliments and Comments Policy
 - Income Collection, Debt Recovery and Write Off Policy

3 BACKGROUND

- 3.1 The attached Complaints, Compliments and Comments policy has been updated in accordance with the latest guidance from the Scottish Public Sector Ombudsman (SPSO). The policy now takes account of an additional initial category entitled 'Resolution' although it remains a 2-stage complaints process. The policy also contains updates of SPSO contact details. All changes are in italics and will return to normal type upon Board approval.
- 3.2 The attached Income Collection, Debt Recovery and Write-Off Policy has been updated to take account of a recommendation as a result of the Internal Audit 2019/20 Follow Up Review to include the timeframe of when a tenant should be notified that a repair is rechargeable and invoiced with a rechargeable repair. The relevant update is in para 8.9, bullet point 3.

4 OBJECTIVES

Wellhouse Business Plan, Vision and Values

- 4.1 The production of this report is integral to all business activity and our ethos and is therefore consistent with:
- All of our strategic objectives;
 - Our vision and;
 - All of our values.

5 MAIN CHANGES

5.1 The updates and changes are described above at 3.1 and 3.2

6. REGULATORY, LEGAL AND CONSTITUTIONAL ISSUES

None apparent.

7 FINANCIAL IMPLICATIONS

None at this time.

8 KEY RISKS

(a) Strategic Risks	(b) Operational Risks	(c) Project Level Risks
Policies are not fit for purpose and become out dated.		
Mitigation	Mitigation	Mitigation
Our policy and practice framework and new culture supports the developments and the management team must focus on improvements		

7. EQUALITY AND DIVERSITY

7.1 All policies must comply with and recognise WHA's equality and diversity obligations and objectives.

8. SUSTAINABILITY

No impact

9. SWOT ANALYSIS

Not required as no new business activity proposed.

10. CONCLUSIONS

10.1 Our current policies are consistent with best practice; we should review them in three years' time.

Policy

Complaints, Compliments & Comments

Wellhouse - The Place To Be

Policy Created:	March 2016
Policy Reviewed:	March 2017, June 2019, April 2020
Date of Next Review:	April 2023

Section	Content	Pages
1.	Vision and values	3
2.	Governance	3
3.	Policy Aims	3
4.	Equal Opportunities Statement	3
5.	Introduction	3
6.	The Policy	4

Linked Policies/Procedures

1.	Neighbourhood Management Policy
2.	Anti-Social Behaviour Policy
3.	Social Media Policy

1. Vision and values

Wellhouse – the Place to Be.

This simple statement is our vision of Wellhouse as an attractive place where people feel happy and safe, benefit from having a good home and an attractive environment and feel proud to be part of a vibrant community.

We believe that our values of Trust, Honesty and Integrity, Excellence, Accountability and Sustainability supported by a comprehensive policy framework will help make our vision a reality.

2. Governance

Wellhouse HA is a community controlled registered social landlord and is managed by a group of local people who are elected onto the Management Committee. Their role is to make sure that the Association is well run, meets the needs of the local area and is responsive to what is important to local people.

The Management Committee appoints senior staff, agrees all the Association's policies and takes all the key decisions. The Director and the senior team support the Committee in these responsibilities.

3. Policy - Aims

The aim of the Complaints, Compliments & Comments policy is: -

- To deliver a complaints service that meets Wellhouse HA's service standards.
- To facilitate organisational learning from complaints.
- To work collaboratively internally, with partner organisations and other agencies where necessary to coordinate comprehensive outcomes to complaints.
- To facilitate the effective and early resolution of complaints.
- To use the analysis of complaints to help Wellhouse improve services and reduce the level of complaints.
- To manage all complaints in an open and accountable way.

4. Equal Opportunities & Human Rights Statement

We aim to ensure that all services, including the delivery of this policy, provide equality of opportunity.

We will respond to the different needs and service requirements of individuals. We will not discriminate against any individual for any reason, including age, disability, gender re-assignment, marriage, civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation, or other status.

5. Introduction

Wellhouse HA recognises that providing a high standard of service delivery is essential. The proper handling of complaints is therefore one of Wellhouse HA's highest priorities. Staff members are trained to perceive complaints as a valuable source of information about services and processes that handled in the correct manner can assist in continuous improvement.

6. The Policy

Wellhouse Housing Association Complaints Procedure

We are committed to providing high-quality customer services. We value complaints, compliments and other comments, and use information from them to help us improve our services.

Compliments and comments give us useful feedback on what is working well. If something goes wrong or customers are dissatisfied with our services, we want them to tell us. This is our complaints procedure.

What is a Complaint?

Anyone can make a complaint to us; e.g. tenants, former tenants, factored owners, housing applicants or local residents, including the representative of someone who is dissatisfied.

We regard a complaint as any expression of dissatisfaction about our action or lack of action, or about the standard of service provided by us or on our behalf (e.g. by our contractors). Complaints may involve more than one of our services or be about someone working on our behalf.

Customers can complain about things like:

- delays in responding to enquiries and requests
- failure to provide a service
- our standard of service
- dissatisfaction with our policy
- treatment by or attitude of a member of staff
- our failure to follow proper procedure.

There are some things we can't deal with through our complaints procedure. These include:

- a routine first-time request for a service, for example reporting a problem that needs to be repaired or initial action on anti-social behaviour
- a request for compensation
- our policies and procedures that have a separate right of appeal: for example, if a customer is dissatisfied with the level of priority given when applying for a house, they may have the right to appeal against the decision
- issues that are in court or have already been heard by a court or a tribunal
- an attempt to reopen a previously concluded complaint or to have a complaint reconsidered where we have already given our **final** decision following a stage 2 investigation. If a customer is still not satisfied, they can ask the Scottish Public Services Ombudsman for an independent review of the complaint.

If other procedures or rights of appeal can help resolve concerns we will give information and advice to help.

Complaints Procedure

Customers can complain in person at our office, in writing, email, *social media*, or by using the contact form on our information leaflet.

It is easier for us to resolve complaints if they are made quickly and directly to the service concerned. Therefore, we will encourage customers to talk to staff so they can try to resolve any problems on the spot.

When complaining, we ask customers to tell us:

- their full name and address
- as much as they can about the complaint

- what has gone wrong
- how they want us to resolve the matter.

Timescales

Normally, we expect a complaint to be made within six months of:

- the event complained about, or
- finding a reason to complain, but no longer than 12 months after the event itself.

In exceptional circumstances, we may be able to accept a complaint after the time limit. If a customer feels that the time limit should not apply, we will ask them to tell us why.

Anonymous Complaints

These can be difficult to investigate and resolve. However, we will consider the content of any anonymous complaint and where feasible, act upon them. *We will accept complaints that are received via social media; however, we will block vexatious or malicious posts.*

Compliments & Comments

These also help us to improve our service to Customers. We welcome verbal or written comments to staff by telephone, email, *social media* or the feedback form on our information leaflet.

Our complaints procedure has two stages:

Stage one – Frontline resolution

We aim to resolve complaints quickly and close to where we provided the service. This could mean an on-the-spot apology and explanation, if something has clearly gone wrong, and immediate action to resolve the problem. *All cases where issues have been resolved amicably at the outset will be recorded and the outcomes will be used as learning points to improve future service delivery. This will be called a Resolution Category and as such they will be recorded, monitored and reported in the Annual Return on the Charter to the Scottish Housing Regulator, along with all other categories of complaints. In all cases where complaints have been resolved at the outset, complainers will be advised that they may escalate the complaint to Stage 1.*

We will give a decision at stage 1 in five working days or less, unless there are exceptional circumstances. If we can't resolve a complaint at this stage, we will explain why. If the customer is still dissatisfied, they can ask for their complaint to be investigated further (Stage 2). We can help customers to make this request.

Stage two – Investigation

Stage 2 deals with two types of complaint: those that have not been resolved at stage 1 and those that are complex and require detailed investigation. Stage 2 complaints will be handled by a Management Team member.

At stage 2 we will:

- acknowledge receipt of the complaint within three working days
- discuss the complaint with the customer to understand why they remain dissatisfied and what outcome they are looking for
- Give the customer a full response to the complaint as soon as possible and within 20 working days.

If our investigation will take longer than 20 working days, we will tell the customer. We will agree revised time limits with the customer and keep them updated on progress.

Reporting, Monitoring and Learning from Complaints

The Management Team will make regular reports to the Management Committee on the nature, number and resolution of complaints *at the Resolution stage, stages 1 and 2*. The Committee wishes to be assured that matters have been properly investigated and fairly resolved. Reports will include details of learning outcomes and changes as a result of complaints, compliments and comments.

Unresolved Complaints

After we have fully investigated, if a customer is still dissatisfied with our decision or the way we dealt with their complaint, they can ask the Scottish Public Services Ombudsman (SPSO) to look at it.

The SPSO **cannot** normally look at:

- a complaint that has not completed our complaints procedure
- events that happened, or that the customer became aware of, more than a year ago
- A matter that has been or is being considered in court.

The SPSO may be contacted:

In Person:

SPSO

99 McDonald Rd

Edinburgh

EH7 4NS

By Post:

Freepost SPSO

*(this is all you need to write
on the envelope)*

Freephone: 0800 377 7330

Or call : 0131 225 5300

Online contact www.spsso.org.uk/contact-us

Website: www.spsso.org.uk

Mobile site: <http://m.spsso.org.uk>

Factoring Complaints

We will treat complaints from owners about our factoring service according to this procedure. The SPSO does not normally look at complaints about our factoring service. The Scotland Housing and Property Chamber will try to resolve complaints if they are not resolved by this internal procedure.

Glasgow Tribunals Centre
20 York Street
Glasgow
G2 8GT
Tel- 0141 302 5900

Website – HPCA@scotcourtribunals.gov.uk

Significant Performance Failure Reports to the Scottish Housing Regulator

The Scottish Housing Regulator (SHR) can consider issues raised with them about 'significant performance failures'. A significant performance failure is defined by the SHR as something that a landlord does or fails to do that puts the interests of its tenants at risk, and which the landlord has not resolved. This is something that is a systematic problem that does, or could, affect all of a landlord's tenants. We ask customers affected by a problem like this, to first report it to us. If we have been told about it but the customer feels we have not resolved it, they can report it directly to the SHR.

A complaint between an individual tenant and us as their landlord is not a significant performance failure. However, customers can ask us for more information about significant performance failures. We will refer them to the SHR and its website <http://www.scottishhousingregulator.gov.uk/>

Providing help to make a complaint

We understand that customers may be unable, or reluctant, to make a complaint. We are committed to making our service easy to use for all members of the community. In line with our statutory equalities duties, we will always ensure that reasonable adjustments are made to help customers access and use our services. We will assist customers to explain and submit their complaints, including by providing information in appropriate languages and formats (such as large print, audio and Braille).

We also accept complaints from the representative of a person who is dissatisfied with our service. We can take complaints from a friend, relative, or an advocate, if they have been given consent to complain on a customer's behalf. We will advise customers they can contact advocates in our area by contacting the Scottish Independent Advocacy Alliance or Citizens Advice Bureau:

Scottish Independent Advocacy Alliance

Tel: 0131 260 5380 Fax: 0131 260 5381 Website: www.siaa.org.uk

Citizens Advice Scotland

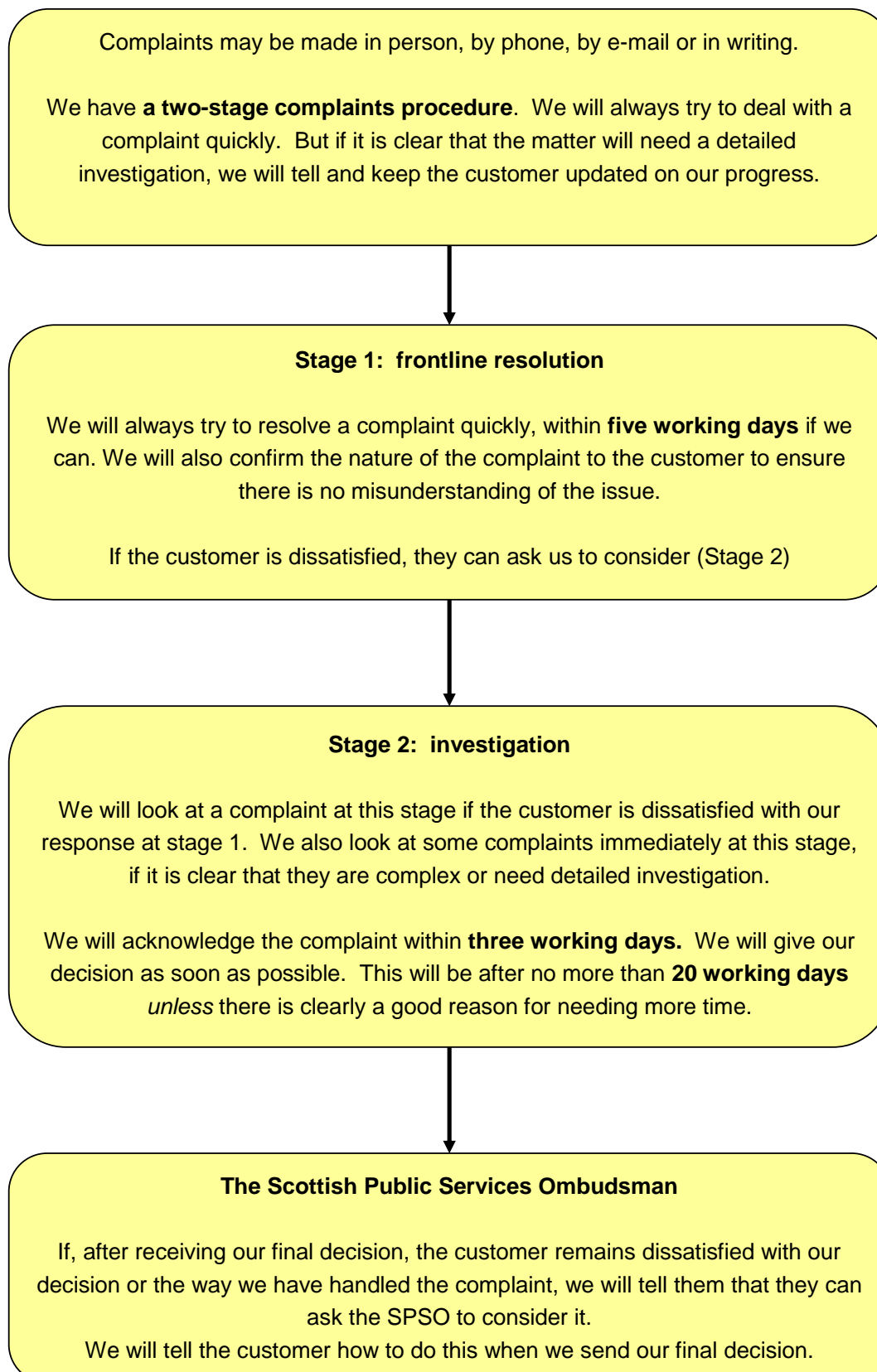
Website: www.cas.org.uk

And phone book for the local bureau.

General Data Protection Regulations

The organisation will treat personal data in line with our obligations under the current data protection regulations and our own policy GDPR Policy. Information regarding how your data will be used and the basis for processing your data is provided in Wellhouse HA's privacy notice

Quick guide to our complaints procedure



POLICY

Income Collection, Debt Recovery and Write Off Policy

Wellhouse - The Place To Be

Policy reviewed	November 2019 and April 2020
Date of Next Review	April 2023

The policy is available on the Association's website. Customers will be provided with a copy of this policy as part of their Tenants' Handbook. We will provide this policy in specific formats as requested. i.e., tape, Braille or another language.

Section	Content	Pages
1.	Vision and values	3
2.	Governance	3
3.	Policy Aims	3
4.	Equal Opportunities Statement	3
5.	Scottish Housing Charter	3
6.	Legislation	4
7.	Our principles and standards	4
8.	The Policy	4
9.	Monitoring and performance	9
10.	Consultation	9
11.	Complaints	9
12.	Policy Review	9

Linked Policies/Procedures

1.	Openness and Confidentiality
2.	Customer Engagement and Participation policy
3.	Complaints, Compliments and Comments Policy
4.	Factoring
5.	Rent Management
6.	Financial Procedures
8.	Equality and Diversity
9.	Rechargeable Repairs process

1. Vision and values

Wellhouse – the Place to Be.

This simple statement is our vision of Wellhouse as an attractive place where people feel happy and safe, benefit from having a good home and an attractive environment and feel proud to be part of a vibrant community.

We believe that our values of **Trust, Honesty and Integrity, Excellence, Accountability and Sustainability** supported by a comprehensive policy framework will help make our vision a reality.

2. Governance

Wellhouse HA is a community controlled Registered Social Landlord and is managed by a group of local people who are elected onto the Management Committee. Their role is to make sure that the Association is well run, meets the needs of the local area and is responsive to what is important to local people. We may co-opt other people onto the Management Committee from time to time where we feel we need specialist support.

The Management Committee appoints senior staff, agrees all the Association's policies and takes all the key decisions. The Director and the senior team support the Committee in these responsibilities.

3. Policy Aims

By ensuring we collect all income due to us we can maximise our investment in Wellhouse. We will take all reasonable steps to ensure debts to the Association do not build up.

4. Equal Opportunities & Human Rights Statement

We aim to ensure that all services, including the delivery of this policy, provide equality of opportunity.

We will respond to the different needs and service requirements of individuals. We will not discriminate against any individual for any reason, including age, disability, gender re-assignment, marriage, civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation, or other status.

5. Scottish Housing Charter

The Scottish Government's Social Housing Charter came into force in April 2012. The Charter sets out the standards and outcomes that Registered Social Landlords should achieve.

There is one outcome that is especially relevant to this policy:

Outcome 13: Value for money

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.

6. Legislation

The following legislation is relevant to this policy:

- Housing (Scotland) Act 2014
- Housing (Scotland) Act 2001
- Housing (Scotland) Act 2010
- Debt Arrangement (Scotland) Act 2002.
- Debt Arrangement (Scotland) Regulations 2011
- Data Protection Act 1988
- Human Rights Act 1998

7. Our principles and standards

We will be clear in all our dealings with debtors as to the amount owed to the Association and when it is due.

We will always adopt a reasonable approach and take into account an individual's circumstances.

We will ensure that our practice is informed by relevant legislation and good practice

We will offer assistance and advice including signposting to debt-counselling, advice, income maximisation and money advice services.

We will regularly review and report on our performance to the Management Committee.

8. The Policy

8.1 Types of debt

- Commercial properties
- Factored owners
- Care providers leasing charges
- Hub users
- Occupancy charges
- Service charges for customers
- Debts owed by former customers in respect of rechargeable repairs and other non-rental charges
- Insurance premiums
- Former customer rent arrears and non-rental debts of former customers
- Non rental debts of existing customers

8.2 Collecting our Income

We expect that all debtors will fulfil their legal obligations to pay outstanding debts.

This policy is designed to maximise our ability to recover outstanding debts from debtors to reduce overall the level of debts owed to us and to underpin the setting of targets for debt recovery.

Where a debtor has multiple debts the provision of debt/money advice is paramount to the success of any recovery process and we will assist debtors to get the right advice.

8.3 Prevention

We will encourage all customers to contact us early if they are having difficulty in paying what they owe us.

Early intervention is a priority in the recovery of outstanding debts; we will take account of a person/s total indebtedness and actively pursue methods of preventing debts from escalating. We acknowledge that debtors may experience financial hardship and require assistance to overcome such hardship.

A realistic and consistent approach to debt recovery is essential and debtors need to be informed that non-payment will result in prompt and decisive measures being taken.

8.4 Early Identification and Early Action

All invoices should be paid within 28 days and after that time they are treated as debts.

All amounts due will be invoiced and where amounts remain outstanding reminders will be sent. Invoices and reminders will include contact details of who the debtor should contact discuss the amount owed and making an arrangement to pay.

8.5 Personal Contact

To ensure we do not breach confidentiality, discretion will be used when assessing how we contact people. Where we do not have an up to date address for a debtor we will use a tracing agent to obtain one.

8.6 Making Arrangements-Taking into account people's circumstances

The purpose of early contact is to establish an agreed repayment arrangement and early settlement of the debt, taking into account other debts and their individual financial circumstances.

We will seek to make an arrangement to pay with all debtors within 4 months of an amount becoming due.

We aim to reach realistic, affordable and sustainable repayment arrangements to clear outstanding debts. We will take into account a person's circumstances during the recovery process to ensure we treat people from all backgrounds fairly and consistently. Arrangements will be made so that recovery of any debt is made over a 12 month period where possible.

We will, wherever possible, explore the options of deducting any outstanding debts from any payments due to a debtor. Such deductions must conform with legislation relevant to that case.

8.7 Debt Recovery - Legal Action

Where an arrangement cannot be made within 4 months or is not adhered to we reserve the right to recover debts by taking legal action.

Before any legal action is taken:

- We will take account of a debtor's overall indebtedness when assessing what actions to take.
- We will use Debt Recovery agents or others to trace debtors.

If at any time after legal action has been taken an acceptable arrangement is agreed, then further action on the debt will be suspended. An acceptable arrangement is one that clears the debt within 12 months.

Debtors will be required to pay any costs incurred in taking legal or court action.

8.8 Former Tenant Debts

Former tenant debts occur when a customer is no longer the Scottish Secure Tenant of the property having lost their tenancy through the following events:

- Eviction
- Termination of Tenancy
- Assignment
- Death (through the winding up of deceased's estate)
- Transfer
- Abandonment

Court Costs do not require further actions raised to recover the debt. The original decree granted with costs should be used to recover court costs even if the costs relate to a tenancy that is no longer current.

8.9 Rechargeable Repairs

Rechargeable repairs occur when a repair is reported and identified as rechargeable to the customer. The process for selecting which repairs fall into this category is specified within the Maintenance Policy.

The Tenancy Agreement outlines tenant's responsibilities with regard to repairs and maintenance. These can be summarised as follows:

- Customers must report to the Association as soon as reasonably possible, any damage to the house, the common parts or loss or damage to Association property.

- Customers are responsible for taking reasonable care of the house and keeping the house in a reasonable state of cleanliness.
- A tenant will be advised if a repair is rechargeable, as well as an estimate of the cost when the repair is requested. In the event that a request is made out with office hours, an officer will contact the tenant within 2 working days to confirm if the repair is to be recharged and an estimated cost will be provided. Either way, a written confirmation will be sent to the tenant within 2 working days. Rechargeable invoices will be provided to the tenant within 10 days of receipt of the relevant Contractor's recharge to the Association.

WHA is committed to recovering the costs of repairs required because of the wilful or negligent actions of its customers or others.

8.10 Other Debts

These could be debts raised for various reasons and include such items as charges for access to files and information, ad-hoc charges for one-off services.

8.11 Writing Off Debt

In some situations we may find that it is not possible to recover former tenant and owner debts, in these circumstances, a recommendation will be made for write off from our accounts. Examples are:

- A tenant/owner has deceased and no details of executor are known;
- No forwarding address is known and the case has been passed to collection/tracing agency and they have been unsuccessful in attempts to provide forwarding address for former tenant/owner ;
- Arrears over 12 months where three attempts to contact are made, with no response for former tenant/owner ;
- Under £100 on the basis that this is non-economical to recover;
- All rechargeable debt for current tenants will be determined as irrecoverable if the costs of recovery would exceed the level of debt;
- Current tenant rent arrears will only be written off in exceptional circumstances where the Association has been found at fault in the management of an arrears case.

8.12 Administration and Monitoring

We provide clear procedures and training for staff working in income collection and arrears control.

We provide resources and guidance for staff to enable them to offer support and assistance to customers while maximising income for the Association.

We will maintain comprehensive records and files on all debtors and debts, along with correspondence sent and received repayment arrangements and proceedings taken for recovery.

The provision of full training, support and updates in tandem with any changes that relate to the debtors' policy implementation and management.

9. Monitoring and performance

We make annual reports to the Management Committee on debt recovery performance, as follows:

- The number of arrangements made within 4 months of an amount being due
- The number of arrangements maintained
- The number of debtors over £50 and payments made
- The number of legal cases
- The number of proposed legal actions
- Debts that may no longer be collectable for example because of death of a debtor

10. Consultation

We aim to deliver excellent services, which respond to local needs and reflect what is most important to our customers.

To do that we need our customers and local people to tell us how well our policy is working and help us to make the changes which will improve it. In line with our Customer Engagement and Participation Policy:

- We make it easy for tenants and local people to give us their comments and views face to face, by telephone, e-mail, on line or in a letter;
- We commission formal independent tenant satisfaction surveys on a continuous monitoring basis carried out every three months;
- We consult our Customer Opinion Panel;
- We publish the targets we set;
- We publish how we have performed against those targets.

We use customer feedback to review our policies and ask them about the changes we are making.

11. Complaints

We have a separate complaints policy and procedure. Leaflets and copies of the complaints procedure are available from the Association's office and on our website. We also provide information on how our customers can make a complaint to the Scottish Public Services Ombudsman, Bridgeside House, 99 McDonald Road, Edinburgh, EH7 4NS, telephone 0800 377 7300 or 0131 225 5300 and how to contact the Scottish Housing Regulator.

The Ombudsman will not normally deal with complaints unless customers have followed the Association's complaints' procedure

12. Review timeframe

The policy will be reviewed every three years, or sooner, in response to a change in legislation or circumstance.

13. General Data Protection Regulations

The organisation will treat your personal data in line with our obligations under the current GDPR regulations and our own policy. Information regarding how your data will be used and the basis for processing your data is provided in Wellhouse HA's Fair Processing Notice.

9. Freedom of Information

As at November 2019, the Association is subject to FOI and all enquiries with respect to Income Collection, Debt Recover and Debt Write off will be handled strictly in line with FOI and confidentiality policies.