

**Coronavirus information exchange for GWSF members**

Update 8, 2/4/20

Please feel free to get in touch on any of the issues raised below, and where appropriate we’ll share views and information with members, non-attributably.

**Maintenance contracts – HAs contracting with Mears Property Services**

For the time being it looks like only one contractor has been pressuring its associations to pay the full monthly contract amount: this is Mears Property Services.

GWSF spoke with MPS yesterday (1 April) to try to get a better understanding of their position, which seems to be based on a reluctance to use the furlough scheme and a belief that keeping staff on fully will enable them to hit the ground running when things return to normal.

Associations’ legal advice seems to be clear that they are under no obligation (e.g. from government procurement advice) to do as contractor may be asking, and that paying for services in advance carries significant risk.

In the last few hours Mears are now suggesting that an ‘emergency only’ option can be offered, albeit at an increased cost which they say is necessary once such a service is separated out from the reactive repairs service.

At this stage it is not clear whether a consensus exists within the 19 or so associations with a Mears contract in Scotland, or whether there will eventually be a mixture of responses.

**Close cleaning**

Some comments from members:

‘We have ceased doing as do not see risk as “essential” especially as general needs stock and tenants could do.  We will need to review and consider rent position.  Suspect it would be more hassle and cost for everyone if HB were wanting to reclaim cost of close cleaning not done.’

‘We recently wrote to customers in our multi-storey properties to advise that this service was being suspended until further notice as it was not classed as ‘essential’.   A tenant passed a copy of this letter on to Glasgow Living Rent who then got in touch with us via Twitter alleging that, by stopping the service, we had “abandoned our duty of care” to our customers and requesting that we reconsider our position.  They also advised that they had contacted another Housing Association (Cube) about the same matter and they had reconsidered.

Relevant staff members met about this yesterday and a decision has been taken to recommence this work although it is an amended service and will focus on the sanitisation of communal areas; particularly common touch points such as doors, handrails, door entry systems, etc.

In their final tweet to us (by which point we had advised that cleaning would recommence), Glasgow Living Rent tagged the SFHA and requested that they “strongly advise all of their members” to do the same sort of thing. I thought it would be worth letting you know about this in order to flag to any other HA’s who may find themselves being contacted by Living Rent.’

GWSF would note that we are aware of at least one further association which is reviewing its initial decision to cut back on close cleaning and is likely to resume some or all of the service in relation both to maintaining hygiene and dealing with bulk items left in closes.

**Allocations**

We’re starting to hear some talk of ‘contactless lettings’ but so far are unaware of any members doing this or what it entails, so for now the position remains that the only re-use of voids relates to leasing to councils for use as temporary accommodation.

**Evictions**

The Forum does have some concerns about the longer term impact of the measures in yesterday’s emergency Bill, and we will be looking at the provisions in more detail in the coming days. One thing we’re clear about is that in cases where decree has already been obtained, it will fall after six months where it is not progressed.

**Furloughing staff**

‘Here we have no current plans to do this and have cited this as an opportunity to divert resources to support tenants but also given this is still a reduced workload use this time to focus on areas like service improvement for example policies, assurance and creating new systems which mean we are even stronger at the end of the period. I have heard suggestions that some organisations are considering furloughing their staff and it would be interesting to understand how common this is, the rationale for it and the decisions being taken.’

GWSF has largely left this issue to EVH. Our understanding is that after a slow start, more associations are looking at the possibility of furloughing for some staff.

**Office closures**

We’ve been asked if any members are still retaining some kind of office presence. We’ll assume most are not but let us know if this isn’t the case for you.

**Governance issues**

Two governance-related issues have been raised with us in the last couple of days. We included an item on difficulties around recruiting new committee/board members. Michael Cameron has commented as follows:

‘The model rules have provisions that will help in the circumstances where membership of the governing body falls below the minimum number.  These provide for a two month period in which the governing body can operate as normal, and thereafter the only powers the governing body has are to appoint new members.  There are also provisions that allow for the appointment of co-optees or to fill casual vacancies in these circumstances, although I appreciate there may be difficulties in getting people to do this in the current context.  Is there a “mutual aid” arrangement you and the SFHA may be able to put in place to help landlords in these circumstances to find people to act as co-optees? Finally, it would be a notifiable event where membership of a governing body falls below the minimum number, and we would work with the notifying RSLs to find a workable solution.’

The other issue we asked in the last Updateabout was how any delegated authority was being sought where the committee/board was not meeting in person:

‘We held a Board meeting on Zoom last week and all business was held and dealt with as normal other than we were all sitting at home! So in my view delegated authority is not required. We had never heard of Zoom one month ago so it

is possible, even where you have Board members whose digital skills are not great. Some were using their laptop but most just used phones or a tablet. Only negative is that we are still having to issue paper versions of board papers for some as you can’t look at electronic papers and zoom screen unless you have two devices.’

‘We held a Board Meeting last Wednesday evening using Microsoft Teams. It was like a conference call involving all eleven Board Members and senior staff and allowed us to cover an almost “normal” agenda. Microsoft Teams was relatively easy to set up provided Board Members have a computer or tablet with a Microsoft Account and follow the instructions on how to join the meeting.  I had made the Regulator aware we would be using Microsoft Teams and they seem fine with this. If anyone replicates our approach, they may need to also update their Standing Orders to ensure they allow for remote access meetings.’

‘With regard to decisions, we are using our Standing Orders, specifically the following clause: “In the event that a meeting cannot be arranged, the most senior staff member involved will, in consultation with at least as many Office Bearers and thereafter any Committee members as can be contacted, implement whatever action is agreed as quickly as required.  Contact may be by email, telephone or SMS text.”

The current situation suggests to me that this clause should be updated to reflect what we are currently experiencing. So far we have only used it for the actual Office closure and reduction in services and this year’s Budget.  We are looking at the possibility of using zoom or something for virtual meetings but, having tried it for a family discussion, I’m not holding out much hope for its use as a structured format for a meeting involving more than three or four people.’

‘We effectively ‘postponed’ our meeting planned for 26th March and we have really been giving members email updates. We have delegated authority to chair and vice chair but this can’t continue indefinitely. Our Board members have IPads but I doubt whether all of them will be able to set up/coordinate zoom or otherwise, so it is an issue. Most of the decisions so far have been operational and we will try zoom – we do only need 4 for a quorum so should manage to keep something going.’

‘For governance we have been making decisions through the management team as pretty much everything is operational. We have postponed the most recent management committee meeting and have had video conferences with the Chair / Vice Chair to keep up to date. The plan would be to hold a virtual meeting at the end of April and hopefully things will be a little clearer by then.’

GWSF received a detailed response from one association as below.

Extract below from our delegated authority policy, re use of emergency decisions and senior officer delegated powers.

**7.      Emergency Decisions**

In circumstances where the decision making authority is not already delegated to the senior officer, the  Association’s Office Bearers will have delegated authority to take decisions on urgent matters that cannot be delayed until the next scheduled meeting, including during  any recess.

Such circumstances would include instances where delaying the decision until the next Management Committee or relevant sub-Committee meeting would:

* Risk causing harm to the Association, it’s tenants, its staff, Committee, consultants/ contractors, customers, visitors or other stakeholders,
* Put the Association’s or the sector’s reputation at risk,
* Cause or risk financial loss that could be avoided by taking prompt action.

Where this occurs, the Director (or most senior officer available) will telephone the Association’s Office Bearers.  If time permits, and the decision requires, a special meeting will be convened within 48 hours; if an immediate decision is required, then this can be done via the telephone/electronic communication.  Where no Office Bearers are available and a decision must be taken, it will fall to the most senior member of staff available – if this is not the Director, then all reasonable attempts should be made to contact the Director whether or not s/he in on leave.  Where possible, other staff and the finance agent should also be consulted.

A written report on the decision, including reasons why it had to be taken urgently, will be presented to the next meeting of the Management Committee. By definition, we would not expect such decisions to be taken routinely.

**10.3    Delegated Powers to Staff (Senior Officer)**

The senior officer (Director) has overall responsibility for the day-to-day management of the Association.  In carrying out these duties, the Director has authority to:

* Ensure the effective implementation of the Association’s strategies, policies and plans;
* Represent  the Association on official business, consistent with agreed policies and principles;
* Carry out all necessary legal and financial duties to ensure the Association’s compliance with statutory and regulatory requirements.

In order for the senior officer to discharge his/her duties in a responsible and controlled manner, the Committee has delegated authority to him/her.  It should be noted that some of the following may be delegated to other staff members, but the Director will retain overall responsibility so long as other staff members are acting within the agreed delegated authorities.

[This section details all the things but I’ve extracted to save space as just common sense things]

The delegated powers to staff must be considered in conjunction with the financial regulations and, in the event of any conflict with the financial regulations or constitution, the latter will prevail.

Any authority exercised outwith the points noted above must only be done in exceptional circumstances that could not reasonably been foreseen where failure to act could damage or have significant consequences for the Association.  Where this has occurred, it must be reported at the next Management Committee meeting and an appropriate amendment made to these delegated authorities in order to ensure their ongoing relevance.

Any inadvertent breach of these delegated authorities must be reported at the next Management Committee meeting.  The Committee will then decide what, if any, action is required.  This may involve engaging an external advisor to assist the Association.

We are using the section highlighted in yellow above along with me having telephone conversations with Chairperson and giving a weekly update e-mail to all committee who have access, others being advised by phone, but these telephone members may move on to special leave of absences once we set up virtual meetings as they do not have access for this.