

Policy

Title: Independence Policy

Date of Issue: June 2008

Issue Number: 2.0

Date of next review: June 2011

Author: Neil McGrath

Service Area applies to: Governance

Approved By: Board

Electronic Storage: Sharelt

A policy should be a short statement which describes in general terms or objectives what a service area's principles and key objectives are on a particular subject and should be no longer than a 2 pages in length. The aim of the policy is to give practical effect of the strategy it supports.

Translations available on request by phoning 0151 510 5000

यदि आपनि एई तथा अना आसार पोते छान, अहले नरा नर 0151 510 5000 नयल फोन करुन।

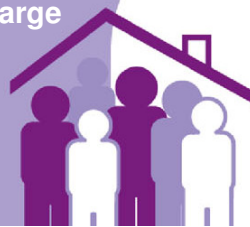
यह सूचना यदि आपको किसी अन्य भाषा में चाहिये तो कृपया नंबर 0151 510 5000 पर फोन करें।

یہ معلومات اگر آپ کو کسی دیگر زبان میں چاہیے تو براۓ مہربانی نمبر 0151 510 5000 پر فون کریں۔

如果你需要其他語文版本的本資訊，請致電 0151 510 5000

Jeśli chcieliby Państwo otrzymać powyższe informacje w innym języku prosimy zadzwonić pod numer 0151 510 5000

This document is also available in Braille, large print and on tape



Halton
Housing Trust

CONTENTS PAGE

	Page No
Introduction	3
Aims / Objectives of the policy	3
Performance Measure / Monitoring	3
Scope	3
Responsibility	3
Service Standards	3
Policy Statement	4
Consultation Arrangements	4
Benchmark Analysis	4
Regulatory or legal compliance	4
KLOEs affected	5
Links to Strategies, Procedures and Associated Documents	5
Equality and Diversity Considerations	5
Business Impact	5
Self Assessment Compliance Statement (SACS) Considerations	5

Introduction

With this policy Halton Housing Trust (the Trust) sets out criteria that ensures its Board can demonstrate that it is neither under the control of, nor subject to, influence which could prejudice its independence from any other person or organisation.

Aims / Objectives

The aims of the policy are to :

- ensure that the Trust can demonstrate its independence by conducting its affairs without undue reference to or influence by any other body
- ensure that membership policies and Board composition do not compromise the Trust's independence
- ensure that individual Board members act in a personal capacity and not as nominees/representatives of any other body

Performance Measures / Monitoring

The Trust will continuously monitor its relationship with the Local Authority to ensure it remains independent from it.

The Trust will undertake regular reviews of any contractual agreements with other organisations to ensure that these do not prejudice its constitution or the independence of its Board.

Scope

This policy exists to ensure that the Board can demonstrate that it is neither under the control of, nor subject to, influence which could prejudice its independence from any other person or organisation.

Responsibility

The Director of Resources will have overall responsibility for the effective implementation of this policy.

Responsibility for the day to day implementation of dealing with the Board will rest with the Governance Officer.

Service Standards

The Trust will ensure that at least one third of the Board is made up of independent representatives, who do not belong to any other defined constituent group (i.e. customers, local authority persons or nominees).

The Trust will ensure that the governing instruments and agreements or contracts between itself and Halton Borough Council should not prejudice the nature of its constitution, the independence of its Board or its charitable status.

The Trust will ensure that when appointing Members who do not belong to a defined constituent group (such as customers or local authority persons or nominees), that the Member(s) are independent from each other and do not represent a particular set of interests.

The Board must have the skills and experience relevant and appropriate to the nature and extent of its proposed activities.

Formal service or development agreements must be implemented between the Trust and other housing associations, where they are acting on behalf of the Trust or where the Trust is acting on their behalf.

Policy Statement

The Trust will conduct its affairs without undue reference to or influence by any other body,

Consultation arrangements

Senior employees have been consulted as part of the review of this policy. Their views have been incorporated into the revised policy.

Benchmark Analysis

The governance arrangements of the Trust will be reviewed from time to time as deemed appropriate by the Board. As part of the review the Trust's governance arrangements will be compared with best practice both from within and external to the housing association sector.

Regulatory or Legal Compliance

The Housing Corporation's Regulatory Code (2.1) states that housing association's must operate according to the law and their constitutions:

- maintaining their independence unless they are a subsidiary of another housing association;
- complying with all statutory and regulatory requirements.

The accompanying guidance states that

- the association demonstrates its independence by conducting its affairs without undue reference to or influence by any other body, unless it is part of a group structure where operating arrangements between group members are documented.
- Membership policies and governing body composition do not compromise the association's independence.
- Individual governing body members act in a personal capacity and not as nominees/representatives of any other body, unless the constitution so provides.

KLOE's affected

There is no specific KLOE that relates to this policy. However the Prospects for Improvement KLOE refers to effective leadership and its role in creating a climate of openness, transparency and mutual respect.

Links to Strategies, Procedures and Associated Documents

Board Membership Policy
Membership Policy
Equality and Diversity Strategy & Policies
Memorandum and Articles of Association
Standing Orders
Board Members Code of Conduct

Equality and Diversity Considerations

The Trust will ensure that this policy will be applied equitably and fairly to all. The Trust will undertake to complete an Equality Impact Assessment (EIA) for this policy. Any changes required to be made to the policy following the assessment will be incorporated accordingly.

Business Impact

The Trust will ensure that membership and Board membership are set at a level which prevents changes in the constitution being promoted solely by a single interest group, with accompanying governance arrangements in place which reflects this principle to include the number and composition of:-

- Members required to form a quorum at annual or extraordinary general meetings;
- Board Members required to form a quorum at meetings of the governing body.

The Trust's constitution must ensure that the Board has full control of the Trust's affairs and also that the Board contains a balanced range of suitably skilled and representative members, with no single constituent group having an overall majority.

The Board must act in the interests of the Trust and control, plan, and oversee all aspects of its work in an effective and accountable way for the continuing proper stewardship of social rented housing, including publicly funded assets.

Self Assessment Compliance Statement (SACS) Implications

It is not envisaged that this policy will have any impact on the SACS document or that any changes/amendments will be required.