

Leases Policy

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Owner:	Fiona Ross	Job Title:	Head of Housing Services
To be issued to:		Board of Management ARK Management All Staff	
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Version Control

Date	Owner	Version	Reason for Change
Jan 2020	Fiona Ross	V4.0	3 yearly review

Summary of Changes

Section	Change
7.0	Additional responsibility for negotiating leases for ARK staff offices

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1.0 ARKs Values

Our organisational values are the basis for everything that we do, from providing housing, care and support to tenants and service users to ensuring that staff have clear standards of performance set. ARK believes that everyone should have the opportunity to lead a happy, healthy and safe life. We value:

- The worth of each person
- Trusting relationships
- Understanding difference
- Challenging oppression
- Personal and organisational accountability
- Caring for our physical environment
- Enjoyment

2.0 Purpose

The purpose of this policy is to set out our criteria for:

- letting or renting properties for use as offices,
 - for renting properties from other landlords for ARK supported tenants to live in areas where ARK does not own properties,
- or
- for letting properties to other organisations for their supported tenants,

and to ensure that the terms of relevant leases maximise the benefit for ARK and minimise the risks to ARK.

3.0 Policy Statement

ARK will put in place measures to ensure that we comply with relevant legal requirements, and in particular we will ensure that a lease will clearly define the terms for renting.

4.0 Scope

All Board of Management Members and employees are required to comply with the requirements of this policy.

5.0 Legal/Regulatory Framework

All leases will be drafted in accordance with Scots Law, and in accordance with relevant legal advice where required.

6.0 Responsibilities

6.1 Board of Management

ARK's Board of Management is responsible for consideration and approval of this policy.

6.2 Executive Team

ARK's Executive Team is responsible for ensuring that this policy is reviewed in accordance with ARK's schedule for review of policies, or sooner if required.

6.3 Senior Leadership Team

ARK's Senior Leadership Team is responsible for review of the policy, and for ensuring that relevant measures are put in place in order to implement its requirements.

6.4 Managers

ARK Managers will be responsible for the effective implementation of this policy, and the Leases and Protocols Procedure which supports it, within their area of responsibility. They must also ensure that each member of their staff, as relevant to their job role, is made aware of this policy.

6.5 All Staff

All relevant ARK employees are required to familiarise themselves with this policy, and the Leases and Protocol Procedure which supports it, as relevant to their job role, and comply with their provisions.

6.6 Third Parties

ARK will ensure that relevant third parties are familiar with, and abide by, the terms of this policy as necessary.

7.0 Leases

A **lease** agreement will be appropriate where ARK wishes:

- To rent a property **from** another organisation/person for the purposes of using for:
 - A staff office; or
 - A supported tenant to live in a specific area where **ARK** does not own properties.

- To rent a property it owns **to** another organisation for the purposes of using for:
 - A staff office; or
 - That organisation's supported tenant or tenants to live in an area where **another Care Provider** does not have its own properties.

A lease will be for a fixed period, and it may be renewed either following a review or by exercise of the relevant legal mechanism. Each self contained property will have its own individual lease.

In cases where a lease has been put in place for the purpose of providing support, a **Protocol** will also be put in place which will state particular requirements of staff when allocating properties and helping tenants to sustain their tenancy.

8.0 Related Policies & Procedures

This policy is supported by detailed procedures related to Leases and Protocols and Sustaining Tenancies. It complies with our policy on [Signing and Witnessing of Documents](#) G16.

9.0 Equality Impact Assessment (EIA)

No potential equalities issues have been identified in relation to the development of this policy, and consequently an EIA has not been completed.

10.0 Data Protection Impact Assessment (DPIA)

No potential high risk data protection implications have been identified in relation to the development of this policy and consequently a DPIA has not been completed.

11.0 Stakeholder Consultation

- ARK Board of Management;
- ARK Executive Team; and
- ARK Senior Leadership Team.

12.0 Monitoring and Review

12.1 Monitoring

The Head of Housing Services will provide an annual report on the number and types of leases granted, thus allowing ARK's Executive and Senior Leadership Teams to monitor implementation of this policy.

12.2 Review

This policy will be reviewed within 3 years from the date of approval by our Board of Management, in accordance with ARK's policy review framework.