

REPORT TO: HOUSING COMMITTEE 19 FEBRUARY, 2001

REPORT ON: REVIEW OF TENANT PARTICIPATION POLICY

REPORT BY: DIRECTOR OF HOUSING

REPORT NO.: 93-2001

1. PURPOSE OF REPORT

- 1.1. To propose a number of changes to the current Tenant Participation Policy (TPP) following a review carried out by a group of tenants and officers.

2. RECOMMENDATIONS

It is recommended that:

- 2.1. Housing Committee approve the recommended changes to the current TPP as set out in 7.8, 8.7, 9.2, 9.4, 9.6, 9.8, 9.10.

3. FINANCIAL IMPLICATIONS

- 3.1. There are no financial implications.

4. LOCAL AGENDA 21 IMPLICATIONS

- 4.1. The proposed changes to the TPP will strengthen tenant participation in decision taking.

5. EQUAL OPPORTUNITIES IMPLICATIONS

- 5.1. The proposed changes to the TPP will strengthen the Council's commitment to take action to improve awareness of diversity and of equality issues amongst the Citizens of Dundee.

6. BACKGROUND

- 6.1. Housing Committee approved the current TPP in March 1997. Since then Customer Satisfaction levels on tenant participation have usually been above target. However a number of developments in the past 3 years have had a significant impact on participation activities. These include:

- New Housing Partnerships
- Best Value
- The National Participation Strategy (endorsed by the Scottish Executive).

- 6.2. In light of these developments a review group (RG) of tenants and officers was given a remit by the Housing Department's Management Team (HDMT) to review the TPP. The RG prepared a report which took into account the above developments; tenant experiences of the current policy; and Draft Codes of Practice for Tenant Participation in Best Value and Stock Transfer, issued by the Scottish Executive, as part of its National Participation Strategy.

The RG's report has been considered by Housing Department's Management Team (HDMT) and Dundee Federation of Tenants' Associations (DFTA). The recommended changes and the justification for these changes as set out in this report are based upon the RG report, which incorporates amendments put forward by the H.D.M.T. The RG report has also been agreed by DFTA.

- 6.3. Because there are statutory requirements specifically relating to tenant involvement in stock transfer proposals, the RG looked at two policy areas – those where stock transfer is not a feature, and those where it might be.

7. PROPOSED CHANGES TO THE TENANT PARTICIPATION POLICY – JUSTIFICATION AND DETAILED RECOMMENDATIONS

MAJOR POLICY DEVELOPMENT – NOT INVOLVING STOCK TRANSFER

- 7.1. The RG considered that the role of tenants in new policy development and monitoring required clarification. Furthermore in light of the positive experience of the 'working party' model (which involves tenants, officers, and elected members) the RG considered that the policy should make it clear that the Council welcomes and encourages this form of tenant involvement in the development and monitoring of policies.
- 7.2. The RG considered that any system of 'working parties' must reflect the wishes of tenants and how they wish to participate, the capacity of tenants' representatives, and the resources available to the Council.
- 7.3. Therefore, the RG did not consider it appropriate that the TPP prescribes what 'working parties' should be established, but rather to leave it to negotiation/discussion between tenants' representatives and the Director of Housing on an annual basis.
- 7.4. The RG acknowledged that because of legal constraints, the Council cannot delegate powers held by Committees to tenants' representatives, on issues which may have financial implications for the Council. However the RG considered that if the TPP contained an expression of willingness to delegate its powers to 'working parties' including tenants where legally possible, this would be welcomed by tenants as an indication of the Council's commitment in this field.
- 7.5. The RG recognised that tenants have benefited from advice provided by independent housing consultants on projects linked to the possible transfer of stock. However, the RG considered that in the context of Best Value, where transfer of service to an alternative service provider may be a real possibility, the provision of independent advice would be of benefit to tenants. This was because, given the inevitable complexity and sensitivity of the subject matter, tenants may have understandable reservations about information emanating from the Council or the possible alternative service provider. Therefore, advice from an expert impartial source would re-assure tenants as to the integrity of the proposals and make it more likely they would support the final outcome.
- 7.6. The RG also took into account the Scottish Executive's Code of Practice on Tenant Participation in Best Value which suggests that local authorities should consider tenant access to independent advice where relevant. The RG acknowledged that the services of an Independent Advisor would be unnecessary in every circumstance, however the RG felt it would be helpful if the TPP made it clear that the Council would be sympathetic to requests from tenants for independent advice in this field, deciding each case on its merits.

- 7.7. The RG recognised that tenant members of 'working parties, in order to be effective, may need administrative support, development guidance and training in order to make an effective input. The RG suggested an amendment to the TPP which covers resources for tenant participation, clarifying this commitment.

7.8. **Proposed Replacement Text**

Section on Major Policy Development (page 15-16 current TPP) – All existing text to be deleted. The following text to be inserted:

Major Policy Development and Policy Monitoring

The Council's Housing policies affect every single tenant in Dundee. We recognise the valuable contribution which tenants can make to the Council's policies and in monitoring their effectiveness. This section outlines how tenants can be involved in developing new policies and reviewing and monitoring existing ones.

Every year the Council will discuss with DFTA the forthcoming Housing Services Plan (formerly the Housing Action Plan) and all policy areas including Best Value and Area Regeneration. Proposals can come from either the Federation or the Council.

Agreement will be reached on which policies need to be developed or reviewed and which services should be monitored. Building on what is recognised by tenants and the Council as good practise the Council would encourage and support the establishment of working parties to take forward the development of new policies and monitor existing policies. How tenants are to be involved in these will also be agreed. This could include:

- Working parties involving Councillors, tenant representatives and officers.**
- Working parties involving tenants' representatives and officers.**
- Officers presenting proposals at meetings with tenants.**
- Officers providing discussion papers for comments by tenants' groups.**

The Council would be keen to ensure that the detailed remit and number of these working parties reflects tenants' wishes on how and when they want to participate. However, account would also have to be taken on the resources available to the Council.

These working parties need not necessarily be similar in size or method of operation. Some may become a permanent feature of the Housing Service, others may be of a short life nature. The powers of these working parties may vary dependent on the topic under consideration. However, the Council, subject to legal constraints, would be keen to provide them with an even greater involvement in decision making.

The Council acknowledges that in order to participate effectively in these working parties, tenants may require general administrative support, development advice and training. This would be provided by the Housing Department's Tenant Participation Staff including DFTA's support staff. However the Council recognise that in a limited number of complex policy areas arising under Best Value, tenants may also need access to independent advice. Requests for this type of advice will be sympathetically considered in light of resources available to the Council.

Additional Text to be added to the Calendar of Participation

In May – they and the Council should consider the Housing Services Plan for the year ahead and agree arrangements for tenant involvement in policy development, review and monitoring, including the establishment and proposed remit of working parties involving tenants.

8. POLICY DEVELOPMENT INVOLVING THE POSSIBILITY OF STOCK TRANSFER

- 8.1. The RG acknowledged that the Council and many tenants/tenants' representatives have considerable experience of policy development involving stock transfer. The proposed recommended change builds on this, as well as taking into account statutory obligations and the Draft Code of Practice on Tenant Participation in Stock Transfer, produced by the Scottish Executive.
- 8.2. In light of the above the RG considered that if tenants were involved from the earliest possible stage, this would help create a positive working relationship between tenants and the Council. The RG therefore recommends that the TPP includes a statement committing the Council to bringing tenants on board from the outset.
- 8.3. The RG consider that experience in Ardler and recognised good practice elsewhere in the Country indicates the importance of ensuring that:
 - i. all affected tenants have access to detailed information about the proposals for their area in a form that is easily understood.
 - ii. tenants are given plenty of time for reflection and discussion.
 - iii. all affected tenants are given the opportunity to influence the final outcome.
- 8.4. The RG therefore recommends that the TPP includes a statement committing the Council to coming forward with an information/consultation strategy which will make it clear to tenants how it intends to achieve the aims outlined above (8.3).
- 8.5. Although the role of Independent Housing Consultants in stock transfer projects is well established, the RG considered that most tenants/tenants' groups will only have a limited understanding of what their role and entitlements are in this field. The RG recommend that if the purpose of the appointment and the tenants' role in the appointment process is clearly stated within the TPP, this would help tenants to quickly make the most of this service thus enabling effective participation from an early stage.
- 8.6. The RG acknowledge the importance of the ballot in stock transfer and consider it essential that the key principles underpinning the ballot process are included in the TPP.
- 8.7. **Proposed Additional Text**

Policy Development Involving the Possibility of Stock Transfer

In the development of any policy, which includes the possibility of transfer of stock, the Council will encourage and support tenant involvement, including Tenants' Groups and DFTA, in the preparation and implementation of proposals. This would include funding bids to the Scottish Executive.

The Council will also develop with tenants (whose homes are included in the proposal), their representatives and the possible alternative landlord, a consultation/information strategy designed to ensure that every affected tenant would be given sufficient information about the proposals to reach an informed opinion; the opportunity to influence what the proposals contain; and adequate time to consider and discuss them.

In all cases a key part of this strategy would be the provision of independent expert advice to all affected tenants by housing consultants with no vested interest in the outcome of the proposals.

Where there is a recognised constituted tenants' organisation or a tenants' steering group, its representatives will be invited to appoint an independent advisor.

Where no tenants' group exists the Council and DFTA will promote the establishment of a tenants' steering group. If this is not possible to achieve within an appropriate timescale, the Council will ask Dundee Federation of Tenants to appoint the independent advisor.

Such appointments would be subject to terms of engagement drawn up jointly with the Council. These would include monitoring arrangements.

Where tenants are engaged in discussions with a possible alternative landlord the Council recognises that the nature of these discussions will be primarily a matter between the two parties. However, tenants engaged in this process will be provided with administrative support and group development advice by Tenant Participation Staff. This would complement services being provided to tenants by their Independent Advisor.

The Council would in all cases fund a ballot of all tenants, whose homes are affected by a proposal to transfer stock, to determine the level of support. The ballot to be conducted by an independent reputable organisation in this field. The Council would only agree to transfer stock if the majority of tenants who voted in the ballot were in favour of the transfer proposal.

9. MISCELLANEOUS CHANGES

- 9.1. The RG noted that the role of tenants' panels/focus groups has been recognised over the past few years, and it suggests a simple amendment to cover this development.

9.2. Proposed Replacement Text

Other Forms of Tenant Involvement (p.16, para 5 current TPP)

Customer Satisfaction Surveys, Tenants' Panels and Focus Groups are all methods of identify priorities for developing or reviewing the effectiveness of policy changes. The Council will use such methods following consultation with DFTA and local tenants' groups as appropriate, to supplement and enhance participation activities outlined above.

- 9.3. The RG considered that tenants would be reassured on the effectiveness of the TPP if they had a clear indication on how it could be put into practice. The RG recommend that a simple statement is included in the TPP indicating that the Council will produce Codes of Practice for Tenant Participation in all key areas of the housing service.

9.4. **Proposed Additional Text**

Codes of Practice (as part of a new introduction)

Detailed Codes of Practice covering tenant participation in all key areas of the housing service, such as the Capital Programme, Best Value and Stock Transfer will be prepared and regularly updated in consultation with tenant representatives. These codes will be drawn up in light of guidance from the Scottish Executive, where available, but will primarily reflect local needs and circumstances.

- 9.5. The RG were aware of the Council's Equal Opportunities Policy. However, it was concerned that the absence of any statement within the TPP, could be misinterpreted. The RG suggest that a statement is included in the TPP outlining the Council's stance on Equal Opportunities.

9.6. **Proposed Additional Text**

Equal Opportunities Policies (new stand-alone section)

The Council is strongly committed to its Equal Opportunities Policy, which recognises the need to attain equality for all citizens. In order to counter discrimination we are committed to positive action measures, resourced from existing budgets, to ensure that service provision and access to civic life are bias free and made equally and easily available to all citizens.

In the specific field of Tenant Participation we will:

- **Promote and encourage the full and active involvement of all citizens in tenant participation and existing tenant groups.**
- **Not support or recognise any tenants' organisation, which operates discriminatory practices.**
- **Provide, on request, through the Council's Translation Service, translations of all documents produced by the Housing Department subject to the requirements of confidentiality and the Council's standing orders.**

- 9.7. The RG, particularly tenant members felt, that the policy did not give sufficient prominence as to how tenants could seek redress in the event of a perceived failure in the service. The RG suggest therefore that the section on 'making a complaint' should be expanded upon.

Proposed Replacement Text

9.8. **Making a Complaint – (Para 13, Page 14 current TPP)**

We do our best to get things right first time. We have a Complaints Procedure which is designed to quickly and efficiently solve the problem when we don't. If tenants are not satisfied with the service they receive the quickest way to sort things out is to contact the staff responsible for the service who will make tenants aware of how to proceed. Ultimately, this may lead to an appeal being made to the Director of Housing to consider the case. Alternatively, tenants may contact the Council's Helpline who can also advise on the Complaints Procedure.

If tenants are not satisfied with the action the Council propose to take in response to their complaint they have the option of approaching the Local Government Ombudsman who may decide to carry out an independent review of the situation.

- 9.9. The RG suggested that a number of changes are made to the part of the section of the TPP dealing with Resources for Participation, all of which build upon good practice developed since the policy came into effect.

9.10. **Proposed Replacement/New Text**

Resources for Tenant Participation (Page 18 current TPP)

(New Introduction)

The Council, together with DFTA welcomes and will promote tenant involvement in the Housing Service particularly through constituted tenants' groups. We recognise that tenants' groups need resources to help them represent their communities. We have consistently provided resources – as existing text.

Para 2 (additional text)

e). The provision of crèche facilities

Groups will also be offered assistance by Tenant Participation staff to apply for money from other sources, e.g. The National Lottery.

Para 3 (Replacement text)

All tenants' groups engaged in activities related to Council housing will be eligible to apply for a grant every financial year. The maximum level of grant and other forms of support will be agreed annually between the Director of Housing and the Federation.

Para 4 (Replacement text)

- a). A copy of their constitution which has been signed and dated at a public meeting. The constitution must include in its aims the promotion of tenants' interests and prohibit discrimination or harassment on grounds of race religion political belief sex or sexual orientation.**

Para 6 (replacement text)

All tenants' groups in receipt of grant assistance from the Housing Department will also receive support from dedicated Tenant Participation staff.

Para 7 (new)

All tenants' groups will be encouraged to join DFTA.

Para 8 (new)

All tenants' groups will be made fully aware of their entitlements under this policy.

10. **CONSULTATION**

The Chief Executive, Director of Finance & Director of Neighbourhood Resources Development Department and Director of Support Services, have been consulted on the contents of this report.

11. **BACKGROUND PAPERS**

- 11.1. Good Practice Guides to Tenant Participation in Stock Transfer and Best Value, issued by the Scottish Executive.
- 11.2. Tenant Participation Policy Review – Report by Tenant/Officer Working Group.

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Signed: _____

Date: _____