

## **WISHAW AND DISTRICT HOUSING ASSOCIATION**

# **RESIDENT PARTICIPATION AND CONSULTATION POLICY & STRATEGY**

**As with all the Association's policies and procedures, this document, where required, can be translated into other community languages on request. For people with visual impairment, taped, large print or Braille versions can also be provided. Further information on the implementation of this policy is available at the office.**

Wishaw and District Housing Association acknowledges that, under the Housing (Scotland) Act 2001, it is required to consult with residents on policies that directly affect the management of the properties. The consultation process on the Allocations Policy took place between April – 16<sup>th</sup> May 2008

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## 1.0 INTRODUCTION

Although tenants of the Association have a statutory right to participation and consultation under the terms of Section 53 and 54 of the Housing (Scotland) Act 2001, Wishaw and District Housing Association seeks to offer equal rights and opportunities for participation and consultation to all residents living in areas owned and managed by the Association. As such the Association is committed to ensuring that all its residents are kept sufficiently informed on all aspects of its services and activities, particularly those that affect the way their homes, environments and, where applicable, their tenancies are managed. The Association is also committed to providing opportunities and mechanisms for allowing residents to influence decisions that affect how these services are developed and delivered.

To this end the Resident Participation and Consultation Policy is intended to put in place a framework for effective resident involvement and empowerment and formalise the process of both participation and consultation. The policy is also intended to outline the mechanisms that the Association will adopt to ensure that it meets all its statutory obligations relating to participation and consultation as well as meeting the objectives it has to encourage to residents to become actively involved in the development and ongoing improvement of service provision.

## 2.0 LEGAL FRAMEWORK

**The Housing (Scotland) Act 2001** provides a legal framework for tenant participation and imposes a legal duty on the Housing Association to consult with residents and to develop participation within their area.

Section 53 of the Act requires the Association to develop and implement a tenant participation strategy and to set up arrangements for the registration of tenant organisations.

Section 54 of the Act requires the Association to consult with tenants and tenant groups on a range of issues.

**'Partners in Partnership'** is the Government's National Strategy for Participation and lays out the key principals for meaningful participation.

### 3.0 AIMS AND OBJECTIVES

The key aims of the Resident Participation and Consultation Policy is to ensure that all residents are given the opportunity to express their opinions, needs, desire and aspirations on a local level directly to the Association and to ensure that those opinions are used constructively to influence the development of policies and standards of services that affect them and their tenure.

Arising from these overall principals are a number of key objectives;

- To encourage residents to take up membership of the Association and to consider getting actively involved in the running of the Association by joining the Board of Directors.
- To clarify how the Association will ensure that all residents are kept sufficiently informed of the Associations activities and services
- To respect an individual residents right to chose or to decline to participate
- To ensure that the Association uses all appropriate methods at its disposal to make residents aware of all their options for becoming involved in the activities of the Association
- To provide a flexible framework for participation that can accommodate the needs of residents at a local level
- To foster a culture of mutual trust, respect and partnership between residents and the Association
- To lay out the processes for consultation and participation that are clear and easily understood
- To ensure that the Association consults with all affected residents on the development of policies, service standards and service provision.
- Where appropriate to identify service users and stakeholders and to seek their opinions on service provision
- To develop a clear policy promoting openness, equality and accountability in all of the Association's activities
- To ensure that adequate resources are made available for the promotion and support of participation and consultation and, in particular the training and support of resident organisations
- To promote greater understanding of the decision making process within the Association

#### **4.0 DEVELOPMENT OF THE POLICY**

Wishaw and District Housing Association has long been committed to the principals of participation and consultation and has demonstrated this commitment by having a Tenant Participation Policy in place since 1994. This was amended in 1998 to include all residents living in areas under the Association's ownership and/or management.

Unfortunately the Association has experienced great difficulty in generating any significant and sustained interest in participation and the majority of the efforts made in the past have had disappointing responses from residents.

However the Association remains committed to the principals and, with the introduction of the statutory duties on landlords and the new rights of residents, the Association seeks to re-affirm its aspirations to work with its residents in the ongoing development and improvement of services.

In developing the policy and strategy on resident participation and consultation the Association was keen to involve residents in the initial stages of setting the agenda of the development process and, to this end, carried out a survey on the level of existing tenant interest in participation as part of the process of sign-ups to the Scottish Secure Tenancy. Unfortunately this resulted in a very low positive response and the policy has therefore been developed by staff and put out for consultation to all residents.

In recognition that the policy is merely a starting point for the Association in its development of participation and consultation, the process will be ongoing and the policy itself will be subject to regular review to ensure that the strategies it contains are actually meeting their objectives.

#### **5.0 KEY PRINCIPALS OF PARTICPATION**

The Scottish Executive requires that both landlords such as Wishaw and District Housing Association and residents apply the ten key principals of the National Strategy when developing a tenant participation and consultation policy.

In summary the key principals state that;

- There must be TRUST between the Association and its residents
- Participation is a CONTINUOUS PROCESS of sharing information, ideas and power
- All parties must be able to CONTRIBUTE to the agenda
- There must be ENOUGH TIME for all views to be properly considered
- We will ensure that residents' organisations are able to be INDEPENDENT from the Association

- The Association will aim to develop GOOD WORKING RELATIONS which will change as residents' requirements change
- We will provide RESOURCES for training, support and servicing of residents' groups
- Our strategy will be TAILORED to suit the individual needs of the community
- Our strategy will be INCLUSIVE of all residents living within the community and, in particular, it will observe the principals of equal opportunities

The Association endorses these principals in full and will seek to use the principals to underpin the development of participation and consultation strategies.

## **6.0 SCOPE OF PARTICIPATION AND CONSULTATION**

The Association recognises that many of the areas it owns and manages are mixed tenure and, as such, has a range of policies and services that require to be constantly reviewed and developed to ensure continual improvement in service delivery. Some of these services only affect specific tenures whilst others affect all residents in the area, regardless of tenure. In addition the Association provides services to consumers other than residents, such as applicants and members of the general public.

When considering the scope of an exercise in consultation and participation, the Association will seek to identify consumers of that service. Service users will include, where appropriate;

- Tenants of the Association
- Sharing Owners of the Association
- Owner Occupiers to whom the Association provides a factoring service
- Applicants to the waiting list for rented and shared ownership properties
- Potential applicants, tenants and sharing owners

## **7.0 AREAS OF CONSULTATION**

The Association will seek to determine the areas which residents wish to be consulted on by implementing an ongoing programme of opinion surveys. However the Association is committed to ensuring that it consults with appropriate service users on all aspects of its services and policies that are likely to significantly affect them, in particular;

- The development of policies on tenancy matters including the assessment of housing applications, the letting of houses, tackling anti-social behaviour, the assessment of mutual exchange applications and the management of rent arrears
- Any proposed increase in rents and/or service charges
- The methods for setting rents
- The procedures for processing Right to Buy applications
- The management and allocation of shared ownership properties
- Estate management and the provision of the factoring service
- Significant changes to the terms and conditions of the tenancy agreement or Deeds of Conditions
- The provision of the maintenance and repairs service
- Major regeneration works and/or proposals for new developments

## **8.0 METHODS OF CONSULTATION**

The Association recognises the need for a clear and effective strategy for informing and communicating with service users on the development of policies and service provision. However it also recognises that the level and method of consultation adopted must be appropriate to the issue and represent best value for the Association. The Association will therefore endeavour to use the most cost effective means of communication of contacting the greatest number of service users and/or generating the greatest response.

### **8.1 Policies and Standards of Service Provision**

All policies and development of service standards and targets will be presented and approved by the Association's Board of Directors as interim documents until the end of the consultation period. Where appropriate, any amendments made to the documents as a result of the consultation exercise will be considered by the Board before the document is fully implemented. However where the consultation exercise does not result in any amendments, documents will automatically be fully implemented at the end of the consultation period.

The consultation process for new and reviewed policies and the development of service provision and standards will involve publicising the documents in the most appropriate medium including;

- The Association's newsletters
- Information bulletins and flyers
- Local newspapers
- Posters in local public areas

Service users will be invited to request a copy of the documents for perusal and consideration and will be offered a variety of methods for making comment including;

- In person at the office
- By requesting a home visit
- In writing to the office
- By telephoning the office
- By fax to the office
- By electronic mail
- On the Association's website

Where appropriate the Association will also hold public meetings and open days at suitable venues to allow the maximum number of service users to attend, either at a local level or centrally at the Association's offices.

## **8.2 Rent Reviews**

The provisions of the Housing (Scotland) Act 2001 specifically state that the Association must consult with tenants on any proposed rent increase. To reflect the Association's commitment to all its residents this consultation exercise will also be taken to include sharing owners.

In order to ensure that the Association meets its statutory obligations the Association will contact each tenant and sharing owner in writing to inform them of the proposed rent increase and invite comments on the proposal during the consultation period. Where appropriate, consultation meetings will also be held to allow tenants and sharing owners to discuss any issues related to the proposed increase and/or to provide more information on the rent increase process.

All appropriate comments submitted to the Association during the consultation period will be presented to the Board of Directors for consideration before the final rent increase figure is approved.

### **8.3 Amendments to the Terms of the Tenancy Agreement or Deeds of Condition**

As any changes to the terms of the Tenancy Agreement or Deed of Condition can only be made with the mutual agreement of both parties, tenants and sharing owners will all be consulted in writing on an individual basis regarding any proposed amendments in writing. Where the proposed amendments are significant consideration will be given to supporting the consultation process via personal visits and/or public meetings to facilitate open discussion and the sharing of information.

### **8.4 Setting of Service Standards**

In setting standards and levels of service provision the Association will seek to ensure that the needs and aspirations of service users are fairly reflected. In order to determine these needs the Association will endeavour to seek the views of service users on current service provision and how these can be improved through an ongoing programme of opinion surveys.

## **9.0 PROMOTING PARTICIPATION**

The Association has, to date, not enjoyed a high level of interest in participation from residents and surveys have shown that very few residents wish to become involved in consultation and focus groups. Furthermore, the Association has received no enquiries relating to the formation of a Registered Tenants Organisation and any resident groups formed in the past have had a relatively short lifespan.

However, the Association is committed to promoting the principal of participation and will seek to advise residents of their options regarding involvement with the Association and will use every appropriate medium for promoting and encouraging residents to exercise their right to participate. Consideration will therefore be given to including promotional material on participation in;

- Tenant, sharing owner and owner occupiers handbooks
- Newsletters
- Information leaflets, bulletins and flyers
- Advertisements in local newspapers
- On the Association's website

Consideration will also be given to hosting open days and information events specifically on the concept of Participation and Consultation.

At the time of the sign-up process to the new Scottish Secure Tenancy Agreement, all existing tenants of the Association were advised of their rights and options regarding participation. All new tenants and sharing owners thereafter will be provided with an information leaflet outlining their rights to consultation and participation.

## **10.0 MECHANISMS FOR PARTICIPATION**

The Association is committed to providing as many vehicles and mechanisms as possible to allow residents to exercise their rights to participate in the workings of the Association. In doing so, the Association endeavours to be flexible and responsive to the needs of residents and recognises that the mechanisms that are suitable for one area, tenure or type of resident, may not be suitable for another.

The Association will therefore seek to offer residents a choice of participation mechanisms that meet their own needs and expectations.

### **10.1 Membership of the Association**

Membership of the Association represents the simplest and most direct route for resident participation and, as such, the Association will endeavour to ensure that every resident is made aware of their right to become a member of the Association and that the process of joining the Association is easily understood and is as accessible as possible.

Application forms for membership will be made available on request and, in accordance with clause 2.1 of the Association's Policy on Membership of the Association, an applicant who is a tenant or sharing owner of the Association, or who owns a house factored by the Association, will be assumed to have good and proper reasons for wishing to join and will be automatically granted membership by the Board unless the Board consider there is good reason for believing to the contrary. Where this is the case, the applicant will be invited to meet with members of the Board to discuss their reasons for wishing to join.

All new tenants and sharing owners will be advised of their right to become members of the Association and will be issued with an explanatory leaflet and application form at the time of signing the tenancy agreement. This will be re-enforced at the 'settling-in visit'.

### **10.2 Public Events**

Where appropriate the Association will organise public events at a level suitable for the purposes. These events may be organised on a small, local scale such as close or block meetings or accessible to all service users, such as open days. These events are viewed as an opportunity for residents to interact in a constructive way with the Association and to provide a forum for open discussion.

Where a public meeting is arranged for a specified purpose or to address a particular issue, relevant staff and Board members will be in attendance in order to facilitate the exchange of information and opinions. Where appropriate, external agencies may be invited to participate and contribute to the discussion or to attend in an advisory capacity.

### **10.3 Community Based Surgeries**

In recognition that the Association's office is not easily accessible to some tenants living in more further afield areas, local surgeries will be considered, taking into account resources, the availability of venues and the level of demand from local residents.

### **10.4 Opinion Surveys**

In order to seek the opinion of residents and as a means of identifying issues and/or areas of concern for residents the Association will endeavour to implement a programme of resident opinion surveys.

Comprehensive surveys will be carried out for each tenure (i.e. Tenant Survey, Sharing Owner Survey, Owner Occupiers Survey) and user of specific services (e.g. waiting list applicants, new tenants etc) as well as smaller surveys on specific issues (e.g. repairs service, quality of information provided, factoring service).

### **10.5 Focus Groups and Working Groups**

Where there is a definable purpose for participation the Association will encourage affected residents and service users to form a recognisable and formal focus group or working group.

Such groups may be established for purposes such as:

- Design Group for new build or rehab sites
- The development of policies
- Organising social events within a community

This list is not exhaustive and the Association will positively consider any proposals for such groups and, where directly relevant to the Association's work, will actively encourage and support groups.

### **10.6 Membership of the Board of Directors**

As a member of the Board of Directors, residents have the right to have a formal role in how the Association operates and the level and standard of services provided.

All members of the Association will be given the opportunity to be nominated to the Board at the time of the Association's Annual General Meeting (AGM) and the required nomination forms will be issued to all members along with the papers for the AGM. The Association will also maintain a register of all members interested in filling any vacancies on the Board that may arise during the year.

## **10.7 Registered Tenant Organisations**

The creation of Registered Tenants Organisations (RTOs) is a central concept to the participation strategy of the Scottish Executive and was introduced through the Housing (Scotland) Act 2001. The aim of registering resident groups is to ensure that such groups are given a recognised and formal role in participating with their landlord by giving RTOs a statutory right to be consulted.

**N.B. This does not preclude the Association from communicating directly with all residents and service users on matters that significantly affect them.**

The Scottish Executive has set criteria that resident groups must meet before they can be registered and these are laid out in the (Registration of Tenant Organisations) Order 2002. Information and advice on the criteria for registration will be made available to interested parties on request.

The Association will maintain a register of all resident groups and this will be open for public inspection at all times. The Association will also actively support the formation of residents groups by offering appropriate support and resources such as;

- Initial financial support and 'start up' funds
- Provision and/or use of equipment (e.g. photocopying, word processing)
- Premises
- Liaison with other external agencies such as Tenant Participation Advisory Services, CAVOC, Tenants Information Services etc

This list is not exhaustive and the Association will positively consider all reasonable requests for support and resources from resident groups seeking registration.

### **10.7.1 *Registration Criteria***

The Association will consider all applications for registration from resident groups that meet the Scottish Executive's criteria for registration and provides a constitution that sets out;

- The group's main objectives and defined geographical area of operation

- The group's membership criteria and procedures for applying for membership
- The way the Committee will operate, including how committee members are elected
- How the business of the group will be carried out
- How decisions will be made democratically
- How funds will be managed
- How public meetings will be organised, including the Annual General Meeting
- How changes can be made to the constitution
- The group's commitment to equal opportunities

Where required the Association will provide assistance to fledgling groups in drawing up its constitution. Guidance and support will also be offered in order to maximise the number of groups that meet the criteria and are therefore registered with the Association.

#### **10.7.2 Refusal to Register**

Where the Association refuses to register a residents group and officially recognise its status as a RTO the Association will advise why the application has been rejected. Advice will also be given on what the group is required to do to meet the criteria and assistance will be given to help it do so.

Where the Association refuses to register a group or where it removes the group from the register, the RTO will be entitled to appeal the decision, initially through the Association appeals procedures. If the organisation is not satisfied with the Association's response it can appeal formally to Scottish Ministers. The Regulation and Inspection Division of Communities Scotland will consider the formal appeal on behalf of the Scottish Ministers.

#### **10.7.3 Consultation with RTOs**

Where a Registered Tenants Organisation is formed the Association has a statutory obligation to;

- Invite the RTO to identify what it feels the Association should be considering changing
- Have arrangements for obtaining and taking the views of the RTO into account

- Notify the RTO of its intention to review or develop policies that affects its members
- Provide the RTO with information on any proposals under consideration that affect its members
- Provide the RTO with information on proposals about housing services, housing standards, resident participation strategy and stock transfers
- Give the RTO reasonable time to offer views about the proposals and consider any views submitted
- Provide the RTO with copies of the Communities Scotland inspection reports following the Association's inspection.

Where a residents group does not wish to go through the formal process of registering, consultation with the group will be outwith the statutory provisions of the Housing (Scotland) Act 2001. However, the Association will seek to consult with these groups where appropriate and will still have a statutory obligation to consult with members of the group on an individual basis.

## **11.0 RESIDENTS' RIGHT NOT TO PARTICPATE**

Although Wishaw and District Housing Association is committed to promoting and encouraging participation, it also recognises that residents have the right NOT to participate and will respect an individual's wish not to participate. However, in doing so, the Association must ensure that it continues to comply with its legal obligations.

## **12.0 PROVISION OF INFORMATION**

The Association recognises the foundation of building good working relations with its residents is the provision of high quality information on the Association's services and activities. To this end the Association will seek to ensure that residents are kept informed of all matters that affect them, their tenancies or their environment and will provide information through a variety of medium including;

- Newsletters to tenants and sharing owners
- Newsletters and Information Bulletins to owner occupiers as required
- The Annual Report
- The Association's Website

- Information Leaflets
- Handbooks
- Public Meetings
- Personal Letter
- Personal Liaison with staff members
- Publicity and Promotional Advertisements
- New Tenant Packs

### **13.0 TRAINING**

It is recognised that, in order to maximise the benefits of participation, all interested parties will need to have adequate opportunity to receive training and support. This is particularly applicable to residents seeking to establish a Registered Tenants Organisation.

The most suitable form of training will be identified in consultation with the affected parties and may be provided in-house by the Association or by independent external training agencies such as CAVOC, SFHA, Tenant Participation Advisory Service, Scottish Tenants Organisation and Tenants Information Service.

### **14.0 RESOURCING RESIDENT PARTICIPATION**

Under the Housing (Scotland) Act 2001, the Association is required to assess the resource needed to promote, support and sustain resident participation. The Association will therefore set aside a budgeted amount for tenant participation that will be used to cover items such;

- Start-up Costs
- Venue Hire
- Publicity
- Training
- Administrative Costs
- Committee Running Costs
- Access to Independent Services for the Organisation

- Development of Support

This list is not exhaustive and the Association will positively consider all reasonable requests from resident organisations for resources.

The level of financial resources set aside for resident participation will be agreed as part of the annual budget setting process.

Where possible, the RTO will be given responsibility for the management of its own finances on the proviso that proper accountability arrangements are in place.

## **15.0 EQUAL OPPORTUNITIES OF ACCESS TO PARTICPATION & CONSULTATION**

The Association is committed to ensuring that every resident is given the opportunity to actively influence and contribute to the development of service provision by the Association regardless of race, colour, religion, ethnic origin, gender, age, sex or sexual orientation, marital status, political affiliations, family circumstances or responsibilities, illness or disability.

In particular, the Association seeks to ensure that no resident is unable to, or discouraged from, contributing because they are unable to fully understand documents produced by the Association either because of their format or the language used. In line with the Association's policy on Translation and Interpretation, where required documents will be produced in other forms such as;

- Larger print for the visually impaired
- On tape or in Braille for those unable to read printed documents
- Translated into other languages

Similarly, residents will not be discouraged from coming to public meetings and a sign or language interpreter will be provided where necessary.

Furthermore residents that experience difficulties in attending pubic meetings due to child minding commitments or transport and/or mobility issues will, wherever reasonably possible, be offered the facilities of a creche or pickups to and from venues where appropriate and, as far as possible, the Association will seek to hold public meetings in venues that are barrier free.

## 16.0 MONITORING & EVALUATION

It is recognised that the Tenant Participation and Consultation Policy and Strategy will be subject to ongoing review. In order to make this a meaningful exercise and identify where the policy and strategy requires to be amended or further developed to meet the needs, aspirations and demands of the residents, the implementation of the strategy will be monitored and evaluated to;

- Identify the subjects and topics on which consultation and participation took place
- Determine the response achieved by different methods of participation and consultation
- Assess the feedback received from residents and RTOs
- Identify what arrangements were made to ensure that there were equal opportunities to participate
- Demonstrate how the results of participation and consultation exercise were reflected in the outcomes.
- Assess the level of interest in participation and consultation with the Association's residents
- Assess the level of satisfaction with participation and consultation exercises employed
- Assess the satisfaction with the level and quality of information provided.

## 17.0 REVIEW OF POLICY AND STRATEGY

The full Resident Participation and Consultation Policy and Strategy will be reviewed by the Association's Board of Directors at least once every three years. However the Board may consider elements of the Policy for review within that timescale.

### Document History

First Adopted by Management Committee	-	25 <sup>th</sup> August 1994
First Revision by Management Committee	-	11 <sup>th</sup> July 1998
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