



Tenant Participation Strategy (Consultative Draft)

May 2021

Version Control

Document Reference.		Rev.	Issue date.	Reason for issue.	Reviewer.	Sign.
HD STRAT 134.	Draft.	1.	12 May 2021.	Rewrite of Strategy.	Head of Community Learning, Leisure and Housing.	

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1. Foreword

Orkney Islands Council recognises the importance of listening to local people and working together with local communities. We are committed to providing high quality services to our tenants and tenant participation is a vital part of that process. It is important that we understand our tenants' views on the housing services they experience, so that we can seek to improve their experience of that service. In order to achieve this, we are committed to encouraging and supporting tenants to become involved in decisions which affect them.

The challenges of encouraging tenant participation in a rural and island area are significant. Therefore we have developed a strategy which recognises this and endeavours to encourage tenants to engage in a manner which works for them and that opportunities to participate are offered through a range of methods which allow flexibility around the level of time different tenants are able to give.

With this in mind, we have developed our revised Tenant Participation Strategy and seek to ensure Tenant Participation in Orkney:

“... delivers clear benefits for tenants, staff and landlords alike. These include:

- better service delivery and improved outcomes for tenants which give value for money.
- working together for common goals with respect and understanding.
- informed and knowledgeable tenants who have the skills and confidence to influence decisions.
- increased tenant satisfaction with their home and neighbourhood.
- identifying actions for service and performance improvements and working together to implement these recommended improvements.

(Scottish Government's Guide to successful Tenant Participation, 2019)”.

Our new Tenant Participation Strategy will set out how, over the next 5 years, we will look to further improve our relationships with tenants and provide modern approaches to tenant engagement.

Cllr Gwenda Shearer.

Chair of Education, Leisure and Housing Committee.

2. Introduction

2.1. The Council is generally referred to as “we” or “us” in this Strategy. Tenants and residents are normally referred to as “you”, “your” or “they”.

2.2. We will inform, engage, consult, and use what you tell us when making decisions. We will work to empower you to shape what is important to you and show that you are making a difference.

2.3. We seek greater Value for Money (VFM) - effective, economic, and efficient services - and higher satisfaction with our services and the place you live and see tenant participation as a vital part of achieving this.

2.4. We recognise the importance of working in partnership and offer individual and group options for you to choose, as there is no one method that is attractive to all or appropriate for every subject. These may be via:

- Our day-to-day interactions with you.
- Post, internet, social media, and texting (MSN).
- Our publications (distributed in a variety of ways).
- Community publications, events, and groups.
- At formal and informal events and activities.

2.5. We will consult you on housing services, policies, procedures, and performance. The main areas are Housing service standards and targets and policies including:

- Allocations and homelessness.
- Rent setting and collection.
- Tenancy management.
- Anti-social behaviour.
- Housing repairs and maintenance service.
- Capital works programme.
- Communal area maintenance.
- Tenant participation.
- Strategic development including the Local Housing Strategy.

2.6. We will assist tenants, the community, and colleagues to inform, engage and consult on Council and community partnership priorities including (but not limited to):

- Refuse collection and recycling.
- Community safety and policing.
- Environmental improvement.
- Fuel efficiency.
- Life-long learning and employment.
- Income and benefits.
- Transport.
- Health improvement.
- Equality.

The above lists are not exhaustive. If an issue is important to you, we will assist you to be informed, engaged, and consulted.

2.7. We will encourage and support you to engage with the national housing agenda and Orkney wide issues.

2.8. We believe you have an essential role in delivering high quality services and the Strategy helps you develop the skills and tools to influence decision making.

2.9. Since the birth of the Charter, there is an increasing awareness of our performance and its use to benefit customers. Across Scotland tenants are increasingly taking up opportunities to analyse and challenge performance and decision making through tenant scrutiny and we want to ensure you have opportunities to know about, discuss and use our performance to improve what is important to you. We will work with you decide if formal tenant led scrutiny is of interest to you.

2.10. Over the course of this Strategy, we aim to improve your opportunities to be informed of, engaged in, and consulted on services, influence decisions and raise our performance by:

- Making our participation more inclusive.
- Using our day-to-day contact with you to engage with you and seek your views.
- Expanding membership of our Residents' Panel.
- Planning consultation through our Consultation Calendar.
- Proving information on service standards, performance, and costs when consulting.
- Evidence how we use your views.

3. National Context: Legislation

3.1. 2001 Act established a statutory right to participation and required us to:

Provide a range of information to you.

- Have a Tenant Participation Strategy.
- Have a registration scheme for tenant organisations to register with us and keep a publicly available register of Registered Tenant Organisations.
- Consult with you and Registered Tenant Organisations on a range of housing and related services affecting them and take account of your views within a reasonable timescale.

3.2. 2002 Regulations set out the process and roles of landlords and Registered Tenant Organisations.

3.3. 2010 Act established the:

- Scottish Social Housing Charter (the Charter) which sets out what you can expect from us.

- Scottish Housing Regulator (SHR) who regulates, monitors and reports on Council housing services and Registered Social Landlords (RSLs) to ensure the Charter is delivered.

3.4. 2014 Act extended our requirement to consult and consider the views of applicants for housing and homeless persons on allocations, transfers, and homelessness services.

3.5. Community Empowerment (Scotland) Act 2015 empowered community bodies through the ownership or control of land and buildings and strengthened community voices in decisions about public services.

4. National Context: Guidance

4.1. Scottish Government's Guide to successful Tenant Participation sets out:

- What is Tenant Participation?
- The benefits of Tenant Participation.
- The legal framework for Tenant Participation.
- The Scottish Social Housing Charter.
- Role of the Scottish Housing Regulator.
- Tenant Scrutiny.
- Ensuring equal opportunities.

4.2. The National Standards for Community Engagement sets out the values that provide the basis for successful community engagement. The Standards act as a good practice guideline, and a means to benchmark. They were reviewed and re-launched in 2016 in response to the Community Empowerment Act and built on established good practice. These 7 standards are:

- Inclusion.
- Support.
- Planning.
- Working together.
- Methods.
- Communication.
- Impact.

5. National Context: Regulation and Performance Management

5.1. Scottish Social Housing Charter: Standards and Outcomes that are most relevant to this Strategy are:

Equalities

Social landlords perform all aspects of their housing services so that:

Every tenant and other customer has their individual needs recognised, is treated fairly and with respect, and receives fair access to housing and housing services.

This outcome describes what social landlords, by complying with equalities legislation, should achieve for all tenants and other customers regardless of age, disability, gender reassignment, marriage and civil partnership, race, religion or belief, sex, or sexual orientation. It includes landlords' responsibility for finding ways of understanding the rights and needs of different customers and delivering services that recognise and meet these.

Communication

Social landlords manage their businesses so that:

Tenants and other customers find it easy to communicate with their landlord and get the information they need about their landlord, how and why it makes decisions and the services it provides.

This **outcome** covers all aspects of landlords' communication with tenants and other customers. This could include making use of new technologies such as web-based tenancy management systems and smart-phone applications. It is not just about how clearly and effectively a landlord gives information to those who want it. It also covers making it easy for tenants and other customers to make complaints and provide feedback on services, using that information to improve services and performance, and letting people know what they have done in response to complaints and feedback. It does not require landlords to provide legally protected, personal, or commercial information.

Participation

Social landlords manage their businesses so that:

Tenants and other customers find it easy to participate in and influence their landlord's decisions at a level they feel comfortable with.

This outcome describes what landlords should achieve by meeting their statutory duties on tenant participation. It covers how social landlords gather and take account of the views and priorities of their tenants, other customers, and bodies representing them such as registered tenant organisations; how they shape their services to reflect these views; and how they help tenants, other customers and bodies representing them such as registered tenant organisations to become more capable of involvement - this could include supporting them to scrutinise landlord services.

(From Scottish Social Housing Charter, 2017).

The Charter makes it clear that the outcomes on equalities, communication and participation should be reflected across all our activities. Where these outcomes are achieved our performance is better.

5.2. Annual Report on the Charter (ARC) our performance is monitored and reported annually to the Scottish Housing Regulator (SHR). The SHR reports on landlords' performance in achieving the outcomes and standards in the Charter, including tenant participation and acts to assist landlords to achieve the required standards and outcomes. Tenant satisfaction data, including communication and participation data in the ARC is taken from a robust Tenant Satisfaction Survey (TSS) conducted at least once every 3 years.

5.3. Housing Service Annual Report is made public each year to advise tenants of our annual performance by the end of October. This is our Annual Performance Report to Tenants.

6. Local Context

6.1. Orkney Partnership's Community Engagement Strategy is guided by their "Strategy for Communication and Community Engagement" and "Community Consultation and Engagement Guide". We have adopted the consultation and engagement guidelines developed by the Orkney Partnership. The guidelines are regularly updated to reflect new learning and best practice.

6.2. This Tenant Participation Strategy has been developed to ensure working with tenants and customers remains a core part of our business. It underpins the approach to customer involvement throughout Orkney Islands Council.

7. Inclusive involvement

7.1. The Housing (Scotland) Act 2001 introduced responsibilities relating to equal opportunities and tenant participation/customer involvement. Specifically, we are required to:

- Consider the needs of equalities groups, to involve under-represented groups.
- Ensure any barriers to participation are minimised.
- Ensure Registered Tenant Organisations promote equal opportunities, and criteria for registration makes it accessible to all tenants (see Appendix 4 for information on Registered Tenant Organisations).
- Registered Tenant Organisations must promote equal opportunities in their communities and act to involve excluded groups.

7.2. We are committed to treating people respectfully, fairly, and equally across all our services, and tackling discrimination and harassment in all our activities. Inclusive involvement underpins our Strategy's aims, objectives, and actions and we prioritise engaging with hard-to-reach groups.

7.3. Involving all customers is our aim.

7.4. Some groups of tenants and other customers are hard to reach and often are under-represented in community involvement, including:

- Young people.
- Migrants.
- Black and minority ethnic groups.
- Gypsy / Travellers.
- Disabled people.
- LGBT+.
- Homeless service users.
- The digitally excluded.

7.5. We will offer all tenants the opportunity to become involved, are committed to removing barriers, and do this by:

- Holding meetings:
 - in venues that are accessible, convenient, and secure for you.
 - at times that take account of your preferences.
- Assisting with reasonable cost of creche or care facilities on request.
- Assisting with reasonable travel costs for customers to attend events we host, on request.
- Providing learning opportunities so you have appropriate knowledge and skills and provide specialist assistance as required.
- Offering contact numbers charged at local rates, email addresses, and freepost returns on surveys.
- Ensuring you can access written and statistical materials.
- Making interpreting facilities available, when requested / known to be needed, and induction loops available in all our offices.

- Using translation services (including online options) to assist in communication at meetings, when writing if you request it or we know you find reading English difficult, and during service requests / visits.
- Using braille and large print on request / when we know someone has sight difficulties.
- Ensuring adequate funds are provided to develop the key issues agreed with customers.

7.6. We aim to build on our approach in involving under-represented groups to gain their views on services. The core group of tenants who actively participate regularly have an older age profile. Diversity in the age of involved tenants will give us a better understanding of needs and aspirations.

7.7. During the life of this Strategy, we will encourage engagement with young people and younger households, applicants for housing and new tenants and refugee and migrant communities.

How will we engage young people and younger household?

- Support our residents' groups to embrace young people and younger households, helping to integrate them into local communities and offering them opportunities for involvement.
- Increase digital opportunities, including social media, to inform, engage, consult, and use our services.
- Offer flexible times to attend events and activities, to better fit your household's responsibilities.
- Actively seek out opportunities to engage "where you are" and activities targeted at you.
- Accompany you or where possible, arrange experienced tenants to accompany you to your initial Registered Tenant Organisations meetings and consultation activities and events.
- Work with schools and colleges to provide appropriate information on housing options, law, services, and tenants' responsibilities and work experience with the Service and career opportunities.

How will we engage applicants for housing and new tenants?

- Support our residents' groups to embrace new tenants, helping to integrate them into local communities and offering them opportunities for involvement.
- Invite applicants for housing and new tenants to join our Residents' Panel.
- Increase digital opportunities (including social media) to inform, engage, consult. and access allocation services.
- Actively seek out opportunities to engage "where you are" and activities targeted at you.
- Make our Tenant Participation leaflet and other publications available to those applying for housing with us.
- Accompany you or arrange experienced tenants to accompany you to initial Registered Tenant Organisations meetings and consultation activities and events.

How will we engage asylum and migrant communities?

- Support our residents' groups to embrace new Scots, helping to integrate them into local communities and offering them opportunities for involvement.
- Use digital opportunities (including social media) to reduce language barriers, including using Google translate to translate letters, at interviews and hold meetings with us, when seeking translation and interpretation services could be a barrier.
- Make our Tenant Participation leaflet and other publications available in your language, on request.
- Accompany you or arrange experienced tenants to accompany you at initial Registered Tenant Organisations meetings and consultation activities and events.
- Actively seek out opportunities to engage "where you are" and activities targeted at you.
- Engage and consult with refugee and migrant community groups and institutions.

7.7. We have embedded the Equality Act 2010 in our service delivery and an equality impact assessment has been completed for this Strategy. No adverse impact or affect was identified on particular group(s) or people.

8. Developing the Strategy

8.1. The draft Tenant Participation Strategy will be considered by the Committee in June 2021 along with a proposed consultation plan so you and staff will be asked for views on the Strategy.

8.3. The proposed consultation plan is:

- A public launch of the consultation on the draft Tenant Participation Strategy in August 2021.
- Via the newsletter and Council website explain the draft Strategy and encourage interest in the Residents' Panel.
- During September / October 2021, gather responses to the draft Strategy via:
 - Staff's conversations with customers.
 - An online and paper survey.
 - Electronic events.

8.4. All responses will be available on our website.

8.5. On completion of the consultation a finalised revised Tenant Participation Strategy will be presented to our Education, Leisure and Housing Committee in November 2021 with all responses gathered during the consultation.

8.6. The final Tenant Participation Strategy 2021 to 2026 will be publicly launched and made available via our website in December 2021.

9. Approach and priorities

9.1. Our tenant participation work will be shaped around 4 key priorities of:

Priority 1: Information Sharing
Aim: Our information will be useful and attractive to you.
How will we improve our information sharing?
Our information will be shared in: <ul style="list-style-type: none">• A variety of mediums (website, social media, on paper, etc.) and sources (email, text, newsletter, information displays).• Plain and simple language.• Well designed and attractive publications.• Languages and formats that our tenants and service users require.
We will involve you in deciding what information is produced and how it is presented.
We will link our service information (standards and targets), performance and costs in our newsletter when undertaking consultation, so you can have a complete picture when engaging with us and responding to consultations.

Priority 2: Engaging
Aim: Engaging based on mutual trust and through opportunities you enjoy taking part in.

How will we engage you?

- You can engage through your routine contact with our staff, the Residents' Panel, events, a residents' group or focus groups.
- Some engagement opportunities will be formal and others informal, some will be arranged by us while others will be instigated by you, residents' and other community groups, and organisations.
- We will:
 - Assist with reasonable expenses for care, meals and transport incurred to engage with us (if agreed in advance) and act to minimise barriers to you engaging.
 - Expand, use, and support our Residents' Panel. The Panel will offer a variety of ways to engage; surveys, focus groups, local events, etc. Some carried out online.
 - Encourage and support residents' groups and help them become Registered Tenant Organisations, if they wish, and assist them to address their local issues.
 - Engage with you on issues that are important to you that relate to our services and aid you to engage with others if we are not directly involved in delivering the service.

Build your trust by being open and honest and publishing your views and how you have influenced decisions and strengthened your community via our website and newsletter.

Residents' Panel

All our tenants can become Panel members by completing a membership form on our website, with staff, at any event or via a survey.

Once joined they will be advised of all engagement and consultation opportunities and the results of activities.

They will remain on the Panel until they request to be removed or cease to be a tenant.

Residents' Panel members will adhere to the Code of conduct.

Priority 3: Consulting

Aim: To consult you on strategic plans, policy reviews and service standards and targets, annual rent setting and performance in a variety of suitable ways to gather views and ideas that will shape decisions.

How will we consult you?

In a variety of ways, so you have a choice. We will consult you as an individual, via our Residents' Panel and through residents' and other community groups so you have a choice.

Provide information so you are well informed about our service standards and targets, performance, and costs.

Advertise consultation opportunities widely and offer ways to respond that you like.

Give adequate time for you to consider your views and respond.

Agree an annual Consultation Calendar to give notice and not overburdened you with requests. The dates and subjects will take into consideration:

- Set requirements (i.e. annual rent setting).
- When a contract is to be renewed or the law changed, or we are reviewing policy and procedures.
- Service performance raised by the Annual Return against the Charter, the Tenant Satisfaction Survey or other indicators. (See Appendix 2 for an outline to our Consultation Calendar).

We will publish the consultation's outputs and how they influenced decision making on our website and in our newsletter.

There will be a minimum of 4 weeks from when information and consultation questions are made public to when response need to reach us.

Priority 4: Developing

Aim: To continually improve our services to meet your needs we will develop a culture of participation in our service and respond to your changing needs.

How will we develop a culture of participation?

All staff will receive training on our participation aims and their roles.

Our Tenant Participation Officer will set out a plan of anticipated areas to be reviewed over the course of this Strategy.

Our Tenant Participation Officer will, work with team leaders to:

- Ensure written information on services involves tenants' oversight.
- Will devise a plan to improve information provision on tenant participation over the term of this Strategy.
- Establish consultation plans and negotiate their inclusion in the Consultation Calendar over the course of this Strategy and report on their progress in the Newsletter.

How will we develop services with you?

By linking existing and proposed services with information on costs, performance, service standards and targets.

Short life working groups will be established from Customer Panel members to shape services, standards, and targets.

These working groups will use the experience of Residents' Panel members, outputs of consultation, performance data, results from tenant satisfaction surveys, questionnaire results, comments, compliments and complaints and staff experience to develop services.

Over the course of this Strategy, we will work with you to explore formal tenant led scrutiny. We believe that producing performance information along with service standards, target and costs within engagement and consultation opportunities and in short life working groups the basis of tenant led scrutiny can best be established.

10. Tenant Participation Strategy Monitoring and Review

10.1. Monitoring and reviewing this Strategy will ensure it achieves its aims and delivers better opportunities to inform, engage and consult with service users to develop services. This Strategy informs and drives our work and is flexible so we can adapt to any change.

10.2. Responsibility for the monitoring and review of this Strategy lies with the Service Manager (Housing, Homelessness and Schoolcare Accommodation).

10.3. Our management team will review progress on the action plan annually and communicate this to tenants and service users as relevant.

10.4. We will monitor the resources and support needed to deliver our Tenant Participation Strategy, (see Appendix 2) annually.

10.5. The Strategy will be responsive to local circumstances and adapt to meet local needs.

10.6. To show levels of diversity we will monitor Residents Panel members against the 9 protected characteristics as outlined in the Equality Act 2010:

- Age;
- Disability;
- Gender re-assignment;
- Marriage and civil partnership;
- Pregnancy and maternity;
- Race;
- Religion or belief;
- Sex; and
- Sexual orientation.

In addition we will determine whether they are:

- Homeless service users.
- An OIC tenant.
- An owner occupier living within a former Council scheme.

10.7. To show any increase in tenants' / residents' groups we will record the number of Registered Tenant Organisations, other tenants / residents' groups and other community groups we engage with.

10.8. To show more engagement and consultation opportunities and interest in them we will monitor the number:

- of activities we undertake.
- participation by activity types.

10.9. To show satisfaction with our engagement and consultation activities we will undertake feedback surveys at activities and an annual survey (online and by post) of Residents' Panel members.

Appendix 1: Residents' Panel

The Residents' Panel is shared with Orkney Housing Association Ltd. Our Residents' Panel will be advertised at every opportunity and will be the primary method of engaging with and consulting our tenants. We will not include non-tenants on consultation activities that are specifically a tenant issue, such as the annual rent setting.

Any tenant can join our Residents' Panel by completing a paper or an online registration form.

Once a member they will be advised of all appropriate engagement and consultation opportunities until they request to be removed from the list of Panel members or cease to be tenants.

Appendix 2: Outline to our Consultation Calendar

Each January we will set out our consultation plan. This will establish subjects and timing for issuing information, methods, invitations. Each November there will be consultation focussing on our annual rent setting and we will also seek feedback on our Annual Report to Tenants. It is anticipated there will be opportunities to consider communal areas and maintenance during the spring / summer to allow estate walkabouts.

Consultation will be timed to allow our newsletter to include:

- Advertising of activities.
- Information (including standards, targets, performance, and costs) relating to the topic.
- Armchair consultation opportunities (with staff and by phone, post and online).
- Local activities / events.
- Feedback on consultations undertaken.

Our staff will be given information so they can:

- Answer questions or direct you accordingly.
- Gather views as they go about their day-to-day duties.
- Encourage you to attend any events and respond to surveys, etc.

The mix of activities / methods will depend on the subject but will include opportunities to respond:

- Through Housing staff members.
- By post or email.
- To attend local drop-in sessions or meetings.

Registered Tenant Organisations / other tenant / resident groups will be invited to respond to all consultations.

Appropriate additional advertising of surveys, drop-in sessions and meetings will be undertaken via our website, local groups, social media, community notice boards and newsletters and press.

Local Registered Tenant Organisations, residents' and community groups, partner organisations and other Council services will be invited to attend local drop--in sessions or meetings and to speak with local people.

Every opportunity will be taken to gather membership of our Residents' Panel, promote our Tenant Participation Strategy.

Appendix 3: Resourcing Tenant Participation

The Council currently resources tenant participation by funding the part-time employment of a Tenant Participation Officer.

In addition, the following costs may apply:

- Training (for tenants, staff. and elected members).
- Hiring meeting rooms.
- Cost of tea/coffee etc.
- Cost of crèche / care facilities.
- Out of pocket expenses.
- Consultation costs.
- Travel expenses for tenants attending meetings.
- Printing and posting newsletters and other information.
- Grants to help new and established tenant organisations.
- Access to IT and support networks.
- Staff time.
- Attendance at conferences/seminars.

The Council will endeavour to provide a start-up grant and ongoing funding to recognised residents' groups.

A separate budget exists for the purposes of resourcing our Tenant Participation Services. Funding arrangements sit within the Council's Financial Regulations and the overall budget available for Tenant Participation.

Separate policies and procedures exist in respect of funding available for residents' groups.

The Council recognises that to ensure the successful implementation of its Strategy sufficient resources need to be made available. The Council will review its budget annually and the level of funding required to effectively implement the Tenant Participation Strategy.

Annually the resources available to deliver our Strategy will be reviewed.

Appendix 4: Registered Tenant Organisations' Process



Policy and Procedure for Registering Tenants Organisations

Draft for Orkney Islands Council

May 2021

1. Introduction

The Housing (Scotland) Act 2001 brought rights for tenants and duties for landlords. These included:

- Every Local Authority and Registered Social Landlord must have a tenant participation strategy for 'promoting participation of tenants....in relation to management of housing and related services.
- Tenants' organisations could now formally register with their landlord and would have a right to be consulted on issues that affect tenants.

The Council recognises the importance of active tenants and residents and the positive influence this can have on services delivered by the Council.

This document will outline:

- Background.
- The Process for registering a Tenants' Organisation.
- Criteria for registering a Tenants' Organisation.
- Removal from the register.
- Process for appeals.
- Groups that do not want to register.
- Complaints.

2. Background

What is a Registered Tenants' Organisation?

Registered Tenants' Organisations (RTOs) are independent groups, set up mainly to represent tenants' interests in relation to housing and services.

Why have a Registration Process?

Registration will give such tenants' and residents' groups' rights to be properly recognised by the Council. It ensures that the Council asks for and pays attention to the views of tenants' and residents' groups, especially in relation to housing policies, housing conditions and housing related services.

This is a right for tenants' and residents' groups. Groups do not have to register, but it is beneficial to do so.

Registration also gives tenants' and residents' groups the opportunity to show that they are open, democratic. and accountable.

What are the Benefits of Registration for RTOs?

Landlords must:

- Ask RTOs what issues they want to be consulted on.
- Make arrangement for obtaining and considering the views of RTOs.

- Notify RTOs of intent to make proposals or changes in relation to housing management, housing policy, housing conditions and related services.
- Give RTOs information about proposals under consideration.
- Allow RTOs time to consider draft proposals and put forward their views.

The Council will continue to include tenants from areas covered by and RTO in their engagement and consultation activities.

How often must groups register?

Registration lasts three years from the point of registration. Groups should let Council know if any details change e.g., office bearers, boundary constitution or if the group becomes inactive during that three-year period.

3. Process for Registering a Tenants' Organisation

Groups wishing to become registered should complete an application form (see Appendix A). Application forms are available on our website at [\(link to be inserted\)](#) or from any member of staff.

When completed the form should be returned to:

Post: Tenant Participation Officer.

Email: housing@orkney.gov.uk

Once the application and all the necessary supporting information has been received the Council will respond to the application within 20 working days.

The Register of Tenants' Organisations is a public document that will be on display in the public area of our offices and on our website. An RTO may use our contact point for public display to protect their members' privacy, and we will pass on any communications we receive.

4. Criteria for Registration of Tenants' Organisations

To Register a tenants' and / or residents' group must meet all the following criteria through a publicly available written constitution that sets out:

- Its objectives and area of operation.
- How to become members of the organisation.
- The way the committee will operate.
- How the business of the organisation will be conducted.
- How decisions will be reached democratically (a statement should be provided setting out how the organisation plans to engage with its members and how it will represent their views).
- How funds will be managed and how any remaining funds will be distributed, if the group ends.
- Arrangements for member meetings (minimum of 2 open meetings per year, one of which can be an Annual General Meeting (AGM)).
- Arrangements for an AGM.

- How changes can be made to the constitution.
- Its commitments to equal opportunities.
- How the group can be dissolved.
- It is commitment to the promotion of the housing and housing related interests of the tenants of the Council.
- The group must have a committee that:
 - After the first year, is elected at an AGM.
 - Has at least 3 members.
 - Can co-opt others onto the committee during the year.
 - Has elected office bearers.
 - Holds meetings that are open to any member of the tenants' groups.
 - Can demonstrate that decisions are reached democratically.
 - Acts to promote equal opportunities.

The tenants' and residents' group must operate within an area, which includes housing stock owned and managed by the Council. If non-Council tenants are part of the group, it must seek to distinguish Council tenants' views from other members views on issues specifically relating to tenancy matters.

5. Removal from the Register

The Housing (Scotland) Act 2001 states that an RTO can be removed from the register in any of the following circumstances:

- The Tenants' Organisation no longer meets the registration criteria; or
- The Tenants' Organisation ceases to exist or does not operate; or
- Tenant' Organisation no longer wishes to be registered.

If the Council wishes to remove a group from the register they will only do so after attempts are made to discuss the reasons for removal with representatives from the group. Support will be offered where requested to assist the group to meet its registration criteria.

If a group wishes to be removed from the register, they must submit this in writing with their reasons. The Council will take appropriate steps to ensure the group's members agree with being removed from the Register and advise the group whether removal has been agreed.

Removal from the register will take place 28 days following written notification to the group from the Council that explains:

- The reason for removal.
- Timescale for removal.
- Information on the appeal process.

The Council will keep a record of any RTOs that are removed from the register for 5 years.

6. Process for Appeals

The Housing (Scotland) Act 2001 states that a tenants' organisation may appeal against a landlord's decision:

- Not to register the organisation; or
- Remove the organisation from the register; or
- Not to remove the organisation from the register.

The process for appeals is:

The RTO should write (or email) the Council explaining their reason for appeal. Letters should be sent to the Council for the attention of the Head of Community Learning, Leisure and Housing.

On receipt, the Head of Community Learning, Leisure and Housing will acknowledge the letter within three working days and then pass this onto the Education, Leisure and Housing Committee Chair.

Three members of the Education, Leisure and Housing Committee will consider and decide on the appeal within 20 working days and advise the outcome to the RTO.

If the appeal is successful, the Council will reinstate the group to the register and inform the RTO in writing.

The law provides for a right of appeal to Scottish Ministers. Such appeals should only be presented after the Council's own appeals procedures have been exhausted.

7. Groups That Do Not Want to Register

A group may not want to register with the Council. Where this is the case, individual group members, as individual tenants of the Council, will still have the right to be consulted. The Council, whenever appropriate and as a matter of good practice, consult with non-registered groups. Consultation with such a group would remain out with the statutory provisions of the Act.

The Council:

- Will ensure that all our tenants have opportunities to get involved in our engagement and consultation activities in a way that suits them.
- Recognises that a range of options needs to be available to enable involvement and we will promote options where possible.
- Values all forms of tenant participation equally and will ensure that support is available to encourage tenants to get involved.

8. Complaints

Complaints by an RTO about the Council

The Council endeavours to provide a quality service, but if a group would like to make a complaint, they should follow the Council's complaint procedure which is on our website or available as a paper copy from any member of staff. Information

about the Council's Complaints Handling Procedure is available from:
<https://www.orkney.gov.uk/Council/C/complaints-procedure.htm>

Complaints about RTOs

Complaints should be made, in the first instance, to the RTO's committee. If the complaint is not resolved satisfactorily, the complainant can request the assistance of an independent party, as outlined in the RTO's constitution, re who will assist in trying to resolve the matter.

If a complaint is made about an RTO's failure to comply with the registration criteria, the Council will investigate this.

The RTO will be notified in writing that an investigation will be carried out. The investigation will take no longer than 20 working days (unless there are exceptional circumstance) and the findings will be shared with the Committee of the group.

9. Further Information and Support

The Council will assist tenants' and residents' groups that wish to become RTOs. The assistance may take the form of:

- Providing practical support, help with letters, leaflets and newsletters, and meeting arrangements.
- Providing a start-up grant and ongoing financial assistance to enable Committee members to enhance their skills and enable effective participation.
- Provide staff assistance in response to specific requests and on routine, constitutional and record keeping matters.

The Council will also work with any unregistered groups and support them in their work. Support to these groups could be staff time or practical assistance such as producing a newsletter etc.

If the Council is providing financial support to an RTO, it must have proper procedures to ensure that there is proper accountable for the control and use of funds e.g., annual audit, designated signatories etc. We will assist any RTO to maintain these proper procedures.

10. Data Protection and Freedom of Information

Under the terms of the Data Protection Act 2018 and the UK General Data Protection Regulation, the Council needs to provide information about how people's personal data will be stored and describe what it will be used for. The Data Controller is Orkney Islands Council.

Orkney Islands Council will hold the personal data that you provide only for the purposes of managing the Register of Tenants' Organisations. The Scottish Government will occasionally ask the Council to pass on information, from our Register of Tenant Organisations to them.

If the Council wishes to use this data for any other reason in the future, we will inform you and you may have the right to object.

Under the Freedom of Information (Scotland) Act people have a right to ask for recorded information held by the Council. Some information may be covered by the exemptions listed in the Act. If the Council does not provide you with the information you have requested, it must give full reasons for not doing so and you have the right to appeal to the Scottish Information Commissioner. If you would like to request information, please email foi@orkney.gov.uk or write to Freedom of Information, Orkney Islands Council, School Place, Kirkwall, KW15 1NY.

Under Data Protection law, you also have a right to ask the Council to provide any personal information we hold about you. Information about how the Council will process your information and your rights is available, including asking them to provide your information, is available here: <https://www.orkney.gov.uk/Online-Services/privacy.htm>

Appendix A – Application to become a Registered Tenants’ Organisation

Please read the policy and guidance before filling in this form.

1. Name of group.

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2. Contact details of group (You may ask to keep this confidential, as the Register is a publicly available document. You can also choose to register your group with the Council Office as a contact address).

Contact Name.		Position.	
Contact Address.		Telephone.	
Postcode.		Email.	

3. Do you have a written, publicly available constitution?

Yes. No.

Please enclose a copy of your constitution with your application. We cannot register a group without a recognised constitution. We can assist you to create and get a constitution agreed by your members, if you wish. If you do not have a constitution, and would like assistance to develop one, then please contact us and we will be happy to assist.

4. Does your organisation have a committee of at least three members who have been elected at your Annual General Meeting?

Yes. No.

Please provide a copy of the minutes of your initial public meeting or last AGM with the application form.

5. Please provide your Office Bearers’ contact details.

Name.	Position.	Address.

Name.	Position.	Address.

6. Is your organisation committed to representing the views of tenants in your area?

Yes. No.

Please tell us briefly how you will represent your members' views, e.g., the number of public meetings you will hold, newsletters you produce and how you publicise your AGM.

7. Checklist

Please ensure that you have included the following:

- Application form with all sections completed.
- A copy of your constitution.
- A copy of minutes from your last AGM.

8. Confirming Information

Please complete the section below to confirm that you are the person who has completed this application form on behalf of the Group, and that all the information about your Group is correct.

Contact Name.		Position.	
Contact Address.		Telephone.	
Postcode.		Email.	

Please return the completed application and relevant documents to:

Post:

Email: