

Minute

Education, Leisure and Housing Committee

Wednesday, 8 June 2022, 10:00.

Council Chamber, Council Offices, School Place, Kirkwall.



Present

Councillors Gwenda M Shearer, Graham A Bevan, Stephen G Clackson, Alexander G Cowie, James R Moar, John A R Scott, James W Stockan, Ivan A Taylor and Heather N Woodbridge.

Church Representatives

Reverend Susan Kirkbride and Reverend Fraser Macnaughton.

Teacher Representatives

Jo Hill and Mary Maley.

Present via remote link (Microsoft Teams)

Councillors Steven B Heddle and Rachael A King.

Councillor Mellissa-Louise Thomson, who had been invited for Item 6.

Church Representative

Marie Locke.

Clerk

- Sandra Craigie, Committees Officer.

In Attendance

- James Wylie, Corporate Director for Education, Leisure and Housing.
- Andrew Groundwater, Head of Human Resources and Organisational Development (for Items 1 to 4).
- Frances Troup, Head of Community Learning, Leisure and Housing.
- Garry Burton, Leisure and Culture Service Manager (for Items 1 to 5).
- David Brown, Services Manager (Resources) (for Items 1 to 7).
- Erik Knight, Service Manager (Strategic Finance).
- Morag Miller, Service Manager (Primary Education) (for Items 1 to 6).
- Jane Partridge, Service Manager (Secondary and Tertiary Education) (for Items 1 to 6).
- Sheila Tulloch, Solicitor.
- Nick Hewitt, Team Leader (Culture) (for Items 1 to 5).

In Attendance via remote link (Microsoft Teams)

- Hazel Flett, Senior Committees Officer.

Observing

- Edward Abbott-Halpin, Principal, Orkney College (for Items 1 to 6).
- Steve Arnold, Service Manager (Support for Learning and Inclusion) (for Items 1 to 6).
- Catherine Diamond, Service Manager (Early Learning and Childcare) (for Items 1 to 4).
- Kirsty Groundwater, Communications Team Leader.

Observing via remote link (Microsoft Teams)

- Kerry Spence, Service Manager (Community Learning, Development and Employability) (for Items 3 to 6).

Apology

- Councillor Jean E Stevenson.

Declarations of Interest

- No declarations of interest were intimated.

Chair

- Councillor Gwenda Shearer.

1. Appointment of Vice Chair

The Chair called for nominations for Vice Chair of the Education, Leisure and Housing Committee and, after a secret ballot, the result of which was as follows:

- Councillor John A R Scott – 5 votes.
- Councillor Jean E Stevenson – 7 votes.

The Committee resolved, in terms of delegated powers, that Councillor Jean E Stevenson be appointed Vice Chair of the Education, Leisure and Housing Committee.

2. Appointments to Sub-committees, Groups and Other Bodies

After consideration of a report by the Corporate Director for Strategy, Performance and Business Solutions, copies of which had been circulated, and after hearing a report from the Senior Committees Officer, the Committee:

Noted:

2.1. Council policy on appointments and/or nominations to external bodies, as outlined in section 6 of the report by the Corporate Director for Strategy, Performance and Business Solutions.

2.2. That appointments and/or nominations made to the bodies, listed in Appendix 1 to the report by the Corporate Director for Strategy, Performance and Business Solutions, would last until the Meeting of the Education, Leisure and Housing Committee to be held in June 2024.

The Committee resolved to make the undernoted appointments.

2.3. Orkney College Management Council Sub-committee

After a secret ballot to appoint three members of the Education, Leisure and Housing Committee to the Orkney College Management Council Sub-committee, the result of which was as follows:

- Councillor Graham A Bevan – 7 votes.
- Councillor Stephen G Clackson – 6 votes.
- Councillor Alexander G Cowie – 6 votes.
- Councillor John A R Scott – 4 votes.
- Councillor Ivan A Taylor – 4 votes.
- Councillor Heather N Woodbridge – 7 votes.

Councillors Graham A Bevan and Heather N Woodbridge were appointed.

After a further secret ballot between the next two candidates with an equal number of votes, the result of which was as follows:

- Councillor Stephen G Clackson – 6 votes.
- Councillor Alexander G Cowie – 6 votes.

As the secret ballot produced an equality of votes, in accordance with Standing Order 22.13.3, after the drawing of lots, Councillor Stephen G Clackson was appointed.

The Committee thereafter resolved, in terms of delegated powers, that the following members be appointed to serve on the Orkney College Management Council Sub-committee for the period to June 2024:

- Chair, Education, Leisure and Housing Committee.
- Vice Chair, Education, Leisure and Housing Committee.
- Councillor Graham A Bevan.
- Councillor Stephen G Clackson.
- Councillor Heather N Woodbridge.

2.4. St Magnus Cathedral Sub-committee

The Committee resolved, in terms of delegated powers, that the following members be appointed to serve on the St Magnus Cathedral Sub-committee for the period to June 2024:

- Convener.
- Chair, Education, Leisure and Housing Committee.
- Vice Chair, Education, Leisure and Housing Committee.

- Councillor Alexander G Cowie.
- Councillor Steven B Heddle.
- Councillor John A R Scott.
- Councillor Ivan A Taylor.

2.5. Early Learning and Childcare Short-Life Working Group

The Committee resolved, in terms of delegated powers, that, as the Council had adopted options to meet the short and long term needs for early learning and childcare on 30 June 2020, the Early Learning and Childcare Short-life Working Group be disestablished.

2.6. Education Quality and Standards Consultative Group

The Committee resolved, in terms of delegated powers, that the following members be appointed to serve on the Education Quality and Standards Consultative Group for the period to June 2024:

- Leader.
- Chair, Education, Leisure and Housing Committee.
- Vice Chair, Education, Leisure and Housing Committee.
- Councillor Stephen G Clackson.
- Councillor Alexander G Cowie.

2.7. Housing Strategies Consultative Group

The Committee resolved, in terms of delegated powers, that the following members be appointed to serve on the Housing Strategies Consultative Group for the period to June 2024:

- Chair, Education, Leisure and Housing Committee.
- Vice Chair, Education, Leisure and Housing Committee.
- Councillor Alexander G Cowie.
- Councillor James R Moar.
- Councillor John A R Scott.
- Councillor Ivan A Taylor.
- Councillor Heather N Woodbridge.

2.8. Orkney College Business Review Short-Life Working Group

The Committee noted:

2.8.1. That, on 16 February 2022, when considering actions being taken in regard to independent reviews as well as the UHI Branding and Positioning project, the Education Leisure and Housing Committee recommended:

- That a short-life working group, to conclude by the end of 2022, be established.
- Core membership of the short-life working group.
- That various stakeholders should be invited to participate in the work of the short life working group, as and when required.

- That the Corporate Director for Education, Leisure and Housing should report to the Education, Leisure and Housing Committee in early 2023, advising of the outcome of the detailed business review for Orkney College and presenting a business plan, at which time the short-life working group would be disestablished, as it would have discharged its remit.

The Committee resolved, in terms of delegated powers:

2.8.2. To confirm membership of the Orkney College Business Review Short-Life Working Group, as follows, noting that it may be disestablished prior to June 2024:

- Chair, Education, Leisure and Housing Committee.
- Vice Chair, Education, Leisure and Housing Committee.
- Chair, College Management Council Sub-committee.
- Vice Chair, College Management Council Sub-committee.
- Corporate Director for Education, Leisure and Housing/Head of Education.
- Service Manager (Secondary and Tertiary Education).
- Senior Human Resources Advisor.
- Representatives from Finance, Legal and Committee Services.
- Senior Management Team of Orkney College.
- Two Community/Business Representatives, College Management Council Sub-committee.
- HISA Representative, College Management Council Sub-committee.
- One Staff Representative, College Management Council Sub-committee.

2.9. Council House Build Programme Board

The Committee noted:

2.9.1. That, on 10 September 2014, the Education, Leisure and Housing Committee recommended a governance structure in respect of the House Build Programme, including the establishment of the Programme Board, with a remit to maintain strategic oversight of the Council House build programme and key project modification or variations where those fell within the overall realm of delegated authority.

2.9.2. That, on 24 November 2015, the Policy and Resources Committee recommended that a Capital Programme Advisory Board be established, to provide a forum for informal oversight and comment on matters concerning the capital programme.

2.9.3. The proposal that, as both the remit and membership of both Boards were virtually identical, the Council House Build Programme Board be disestablished, and the remit subsumed within that of the Capital Programme Advisory Board.

The Committee resolved, in terms of delegated powers:

2.9.4. That the Council House Build Programme be disestablished and its remit subsumed within that of the Capital Programme Advisory Board.

2.10. Orkney Childcare and Young People's Partnership

After a secret ballot to appoint one member of the Education, Leisure and Housing Committee to the Orkney Childcare and Young People's Partnership, the result of which was as follows:

- Councillor Graham A Bevan – 6 votes.
- Councillor John A R Scott – 5 votes.

The Committee resolved, in terms of delegated powers, that Councillor Graham A Bevan be appointed to represent the Education, Leisure and Housing Committee on the Orkney Childcare and Young People's Partnership for the period to June 2024.

2.11. Orkney Strategic Community Learning Group

The Committee resolved, in terms of delegated powers, that Councillor Gwenda M Shearer be appointed to serve on the Orkney Strategic Community Learning Group for the period to June 2024.

2.12. Physical Activity and Sports Strategy Review Group

The Committee resolved, in terms of delegated powers:

2.12.1. That the Physical Activity and Sports Strategy Review Group be retitled the Physical Activity and Wellbeing Group.

2.12.2. That Councillor John A R Scott be appointed to serve on the Physical Activity and Wellbeing Group for the period to June 2024.

2.13. Highlands and Islands Science Skills Academy

The Committee resolved, in terms of delegated powers:

2.13.1. That the Council should continue with an appointment to the Leadership Board of the Highlands and Islands Science Skills Academy.

2.13.2. That Councillor Stephen G Clackson be appointed as the Council's representative on the Highlands and Islands Science Skills Academy for the period to June 2024:

2.14. University of the Highlands and Islands Foundation

The Committee resolved, in terms of delegated powers:

2.14.1. That the Council should continue with an appointment to the University of the Highlands and Islands Foundation.

After a secret ballot to appoint one member of the Education, Leisure and Housing Committee to the University of the Highlands and Islands Foundation, the result of which was as follows:

- Councillor Stephen G Clackson – 7 votes.
- Councillor Heather N Woodbridge – 6 votes.

The Committee resolved, in terms of delegated powers:

2.14.2. That Councillor Stephen G Clackson be appointed as the Council's representative on the University of the Highlands and Islands Foundation for the period to June 2024.

3. Performance Monitoring

After consideration of report by the Corporate Director for Education, Leisure and Housing, copies of which had been circulated:

The Committee scrutinised:

3.1. The performance of Education, Leisure and Housing for the reporting period 1 October 2021 to 31 March 2022, as set out in sections 3 to 5 and Annexes 1 and 2 of the report by the Corporate Director for Education, Leisure and Housing, and obtained assurance.

The Committee resolved to **recommend to the Council**:

3.2. That the following service plan be amended as indicated and thereafter incorporated within the service plan list of actions:

- 01 – Planning and Improvement – Work with service managers to adopt a logic model that can add pace, build trust and create capacity (ABC) – target date extended to 31 March 2023.

4. Local Government Benchmarking Framework

After consideration of a report by the Corporate Director for Education, Leisure and Housing, copies of which had been circulated, the Committee:

Scrutinised the performance of the Education, Leisure and Housing service against the Local Government Benchmarking Framework Indicators for 2020/21, attached as Appendix 1 to the report by the Corporate Director for Education, Leisure and Housing, and obtained assurance.

Mary Maley left the meeting during discussion of this item and Reverend Susan Kirkbride left the meeting at this point.

5. Visual Artist and Craft Maker Awards Scheme

After consideration of a report by the Corporate Director for Education, Leisure and Housing, together with an Equality Impact Assessment, copies of which had been circulated, and after hearing a report from the Leisure and Culture Service Manager, the Committee:

Noted:

5.1. That the devolved Visual Artist and Craft Maker Awards Scheme had operated since 2014.

5.2. That the Scheme was reviewed both locally and nationally, most recently with Creative Scotland and regional partner, Highlands and Islands Enterprise, in February 2022.

5.3. That Creative Scotland had confirmed continuation of the Scheme in 2022/23, subject to continued partnership funding from Highlands and Islands Enterprise and the Council at levels of £5,000 per annum from Creative Scotland, £1,500 from Highlands and Islands Enterprise and £1,500 from the Council.

5.4. That, in 2020, Creative Scotland opted to amend the Scheme from a grant scheme to a capped bursary scheme, as a response to the COVID-19 pandemic, and to make the application less onerous and allow more artists to benefit from the fund, with the funding levels being capped at £500 for emergent or new visual artists and craft makers and £750 for more experienced visual artists and craft makers.

5.5. That, should the Council support a three year programme, in principle, and continuation of the Scheme, Highlands and Islands Enterprise had indicated it would continue to invest in the Scheme and provide an uplift to its annual contribution from £1,000 to £1,500.

5.6. That, in advance of the Council's budget setting processes for 2023/24 and 2024/25 being concluded, continuation of the Visual Arts and Craft Makers Awards Scheme beyond 2022/23 would be subject to an adequate service revenue budget being established.

The Committee resolved to **recommend to the Council:**

5.7. That the Council, through the Arts Development Service, should continue to manage the Visual Arts and Craft Makers Awards Scheme, with a maximum budget of £8,000 to disburse annually, for a period of three years, from 2022/23 to 2024/25, subject to:

- External funding being secured from Creative Scotland and Highlands and Islands Enterprise.
- Adequate service revenue budgets for 2023/24 and 2024/25 being established.

6. Education Scotland – Follow Up Inspection

Eday Community School and Nursery

After consideration of a report by the Corporate Director for Education, Leisure and Housing, copies of which had been circulated, and after hearing a report from the Service Manager (Primary Education), the Committee:

Noted:

6.1. That Her Majesty's Inspectorate of Education (HMIE) published an inspection report for Eday Primary and Nursery Class on 10 December 2019.

6.2. That, due to ongoing issues relating to the COVID-19 pandemic, HM Inspectors were not able to carry out a traditional follow through inspection visit.

6.3. That any school due a follow-through visit had been visited and the following areas considered:

- Supporting children, young people and families through COVID-19.
- Progress with recommendations from previous inspection.

6.4. That inspectors carried out a follow-through inspection visit to Eday Primary and Nursery Class in March 2022 and subsequently wrote to parents and carers on 24 May 2022, attached as Appendix 1 to the report by the Corporate Director for Education, Leisure and Housing, in order to share their positive feedback on the learning experiences for the children.

6.5. That, as a result of the follow-through inspection, referred to at paragraph 6.4 above, Education Scotland had asked the Council to provide a report, within 12 months, outlining how well the improvements to the school had been sustained.

Councillor Mellissa-Louise Thomson, who had been invited for this item, left the meeting at this point.

Jo Hill, Marie Locke and Reverend Fraser Macnaughton left the meeting at this point.

7. Energy Efficiency Standard for Social Housing

After consideration of a report by the Corporate Director for Education, Leisure and Housing, copies of which had been circulated, and after hearing a report from the Service Manager (Resources), the Committee:

Noted:

7.1. That progress towards meeting the Energy Efficiency Standard for Social Housing was inter-related to work to address the Scottish Housing Quality Standard.

7.2. That, from 1 January 2021, the previous energy efficiency elements of the Scottish Housing Quality Standard had been superseded by the second Energy Efficiency Standard for Social Housing (ESSH2).

7.3. That, for ESSH2, all social housing had to meet, or could be treated as meeting, Energy Performance Certificate Band B, or be as energy efficient as practically possible, by 31 December 2032 and within the limits of cost, technology and necessary consent.

7.4. That the Scottish Housing Regulator had requested that the Annual Return on the Charter indicators for 2021/22 should reflect the first ESSH milestone, namely the requirements to be met by 30 December 2020.

7.5. The level of progress towards meeting the first ESSH milestone, as detailed in sections 4 and 5 of the report by the Corporate Director for Education, Leisure and Housing.

8. Homelessness in Orkney

After consideration of a report by the Corporate Director for Education, Leisure and Housing, copies of which had been circulated, and after hearing a report from the Head of Community Learning, Leisure and Housing, the Committee:

Noted:

8.1. The statistical and performance information in relation to homelessness in Orkney for 2021/22, attached as Appendix 1 to the report by the Corporate Director for Education, Leisure and Housing, which indicated the following:

- The number of homeless presentations for 2021/22 had decreased by 3% from 2020/21.
- The reasons for homelessness remained broadly comparable to previous years, although an increase was evident in respect of relationship breakdown whether non-violent or abusive.
- Homeless presentations for the period 1 April to 9 May 2022 had seen a significant increase from the same period in the previous year.
- Homelessness remained a significant issue in Orkney and that lets to homeless households remained substantial relative to overall lets.

The Committee scrutinised:

8.2. The performance information, detailed in Appendix 1 of the report by the Corporate Director for Education, Leisure and Housing, and obtained assurance that the Council's response to homelessness was operating satisfactorily.

9. Harassment Policy

After consideration of a report by the Corporate Director for Education, Leisure and Housing, together with an Equality Impact Assessment, copies of which had been circulated, and after hearing a report from the Head of Community Learning, Leisure and Housing, the Committee:

Noted:

9.1. The requirement to develop a specific policy on harassment for use by Housing Services, given the significant requirements in relation to equalities within delivery of the Council's housing services.

9.2. That the policy on harassment related closely to that on equalities and also the policy on anti-social behaviour more generally.

9.3. That the policy on harassment was accompanied by detailed staff procedures to ensure that staff had a means of addressing harassment whenever it occurred.

The Committee resolved to **recommend to the Council:**

9.4. That the Harassment Policy, attached as Appendix 1 to this Minute, be approved.

10. Mid-Market Rent – Template Allocations Policy

After consideration of a report by the Corporate Director for Education, Leisure and Housing, together with an Equality Impact Assessment, copies of which had been circulated, and after hearing a report from the Head of Community Learning, Leisure and Housing, the Committee:

Noted:

10.1. That Priority 4 of Our People Our Plan stated “we will stimulate economic recovery by accelerating the council's social housing new build programme”, with the desired outcome as follows:

- “We want to create confidence for construction sector by accelerating investment in social housing projects that provide energy efficient, sustainable new homes for the people of Orkney whilst stimulating economic recovery”.

10.2. That the first priority of the Local Housing Strategy was to “ensure an adequate supply of houses”, which included actions intended to ensure the provision of mid-market rent, defined as “properties available to rent at a level between social and market rent levels – usually targeted at those on modest incomes who cannot afford home ownership”.

10.3. That, through the Local Housing Strategy, the Council was working with the Scottish Government to deliver mid-market rental properties in the Orkney area, anticipated, over a period of time, to consist of a mixture of properties developed by the Council and properties within the ownership of private developers.

10.4. That the first mid-market rental properties in Orkney would be 11 properties currently under development by two local companies, who were expected to retain ownership of the properties and let them directly.

10.5. That the Council aimed to deliver an initial small programme of eight mid-market rental properties, included in the Strategic Housing Investment Plan, with delivery through a design and build contract.

10.6. That the Strategic Housing Investment Plan included a further eight mid-market rental properties on mainland Orkney.

10.7. That the provision of additional Council mid-market rental properties, including potential investment from the Strategic Reserve Fund, would be the subject of a report to Council in due course.

10.8. That, as the Scottish Government would provide funding towards the cost of mid-market rental properties, the properties must be let within certain criteria, with rental levels in line with local housing allowance rates for the area.

10.9. That, as public money was involved in the funding of mid-market rental properties, the allocation of the properties and rental levels were expected to meet certain criteria acceptable to the Scottish Government including income ranges and starting salary as detailed in sections 8.2 and 8.3 of the report by the Corporate Director for Education, Leisure and Housing.

10.10. That any Council investment in mid-market rental properties would require approval in accordance with the Council’s Financial Regulations, including following the Capital Project Appraisal process, to ensure the affordability of any scheme entered into.

10.11. That acceptance of Scottish Government funding might limit the rent setting levels for mid-market rental properties and in turn impact affordability for those properties.

10.12. That allocation of mid-market rental properties would be undertaken by the relevant companies and tenancies awarded would be private residential tenancies.

10.13. That any Council provision of mid-market rental properties would require to be let through a private body, through a tendered contract, as the Council was not permitted to enter into private sector tenancies.

The Committee resolved to **recommend to the Council:**

10.14. That the template allocations policy to inform mid-market rental allocations within Orkney, attached as Appendix 2 to this Minute, be approved.

11. Conclusion of Meeting

At 14:36 the Chair declared the meeting concluded.

Signed: Gwenda M Shearer.



Harassment Policy

April 2022

Version Control

Document Reference.	Rev.	Issue Date.	Reason for Issue.	Reviewer.	Sign.
HD POL 136.	Draft.	08/04/22.	New Policy.	Head of Community Learning, Leisure and Housing.	

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This document can be made available in various formats such as larger print, audio format and Braille. It can also be made available in other languages, as appropriate.

Section 1: Harassment Policy in Context

1.1. Rationale for our Harassment Policy and Procedure

We have developed this harassment policy to meet relevant legal provisions, as well as promoting good practice standards.

This policy and procedure is a sub-policy within our equality policy, but is also closely linked to our anti-social behaviour policy.

The anti-social behaviour policy, for example, explains how we address different forms of anti-social behaviour; while our harassment policy and procedure relates specifically to discrimination and harassment issues. In practice, the remedies used to address discrimination and harassment will be drawn mainly from the anti-social behaviour policy.

Finally, harassment is a form of discrimination so the term “harassment” is used to denote harassment and unlawful discrimination. The harassment procedures explain how we address different forms of discrimination.

This document has been produced by Housing Services and is intended to ensure that we:

“act in a manner which encourages equal opportunities and in particular the observance of the requirements of the law for the time being related to equal opportunities” (Housing (Scotland) Act 2010, Section 39).

We also use this document 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”

(Scottish Social Housing Charter, 2017).

1.2. Summary

Our harassment policy is the framework of principles that we use to address different forms of harassment. This document is closely linked to other key Council policies.

Section 2: Key Harassment Policy Objectives

2.1. Policy Objectives

Our eight harassment objectives include:

- Meeting relevant legal and regulatory standards relating to harassment and/or discrimination in housing services;
- Taking account of good practice guidance when developing our harassment policy and procedure;
- Applying remedies drawn from other organisational strategies, policies and procedures to address harassment effectively;
- Providing clear information to persons experiencing harassment regarding their options, including referring them to other agencies, as appropriate;
- Monitoring all incidents of harassment relating to housing services through a range of performance indicators;
- Providing staff training to promote effective implementation of the harassment policy and procedure;
- Offering tenants and other customers advice and information about our internal appeal system or complaint system; and
- Reviewing our harassment policy every five years or sooner, as required, for example, because of legal changes or new guidance.

Note: The term “harassment” includes reference to relevant forms of unlawful discrimination, as covered within internal procedures.

2.2. Summary

This section has described our harassment policy standards. These standards are the framework that we use when addressing incidents of harassment. They form the basis upon which we have developed our harassment procedures.

Section 3: Law, Regulation and Guidance Framework

3.1. Background

A comprehensive legal and regulatory framework exists to address incidents of harassment (see note). The law is supported, in practice, by a wide range of guidance.

Note: This section is a plain language summary of key legal provisions and is not intended as a definitive statement of law.

Two main Acts that we use to address harassment are:

- The Equality Act 2010.
- The Protection from Harassment Act 1997.

Each Act is now briefly described.

Note: Other laws apply to specific forms of harassment, for example, the Crime and Disorder Act 1998 amended the Criminal Law (Consolidation) (Scotland) Act 1995 in relation to the offence of racially aggravated harassment.

3.2. The Equality Act 2010

3.2.1. Harassment

The Equality Act 2010 makes harassment relating to a protected characteristic unlawful except in relation to pregnancy and maternity and marriage and civil partnership.

One form of harassment occurs if there has been some form of unwanted conduct that has the purpose or effect of:

- Violating someone's dignity; or
- Creating an intimidating, hostile, degrading, humiliating or offensive environment for someone.

The law does not provide a definitive list of actions that represent unwanted conduct or could violate someone's dignity and/or create an offensive environment.

The other two forms of harassment defined in the Equality Act 2010 include sexual harassment and less favourable treatment because of a person's reaction to harassment.

3.2.2. Unlawful Discrimination

The Equality Act 2010 explains various forms of unlawful discrimination in relation to the protected characteristics. These are covered in our internal procedures, including methods of addressing discrimination.

3.3. The Protection from Harassment Act 1997

The Protection from Harassment Act 1997 protects individuals from harassment in general. Harassment refers to conduct that causes someone alarm and distress. Conduct includes speech and such conduct must occur on at least two occasions.

For example, harassment could occur if a tenant continuously plays loud music with the express intention of causing distress to their neighbour.

3.4. Summary

Harassment is defined in law and the term covers a range of behaviours. Our policies and procedures take account of all relevant law, as well as related good practice guidance.

Section 4: Implementing our Harassment Policy

4.1. Addressing Harassment Comprehensively

As noted above, the harassment policy is linked to other organisational policies and practices.

For example, in the case of allocations, if a tenant were to harass other tenants, this could be addressed through taking different types of action such as:

- Breach of tenancy actions (judicial action); or
- Suspending offers of transfer applications (management action).

Examples of services through which we mainstream actions to address harassment include (in alphabetical order):

- Allocations.
- Antisocial behaviour.
- Equality and diversity.
- Estate management.

We consider issues comprehensively when assessing incidents of harassment. This includes involving people affected by harassment in our decision-making process, as appropriate.

We also make people aware of options to address harassment thus supporting them to make informed decisions.

Following our assessment, we consider appropriate remedies to address incidents of harassment. As in the examples, these might include management remedies and judicial remedies (that is, remedies involving court or legal action).

Management remedies include warnings, mediation and sanctions such as withholding offers of housing to applicants who harass other people.

Judicial remedies include a diverse range of actions such as applying for court orders to stop someone acting in a certain way, or taking steps to end tenancies, if appropriate.

4.2. Summary

Our harassment policy promotes our commitments to social justice and contributes to developing a sustainable community that is free from harassment.

Section 5: Staff Training

5.1. Types of Training

Our training programme includes the following issues:

- Law and good practice guidance on harassment.
- Harassment policy and procedure.
- Inter-agency working practices.
- Consciousness raising, for example, to make employees aware of the nature and various forms of harassment.
- Providing housing options to complainants.
- Monitoring harassment.

5.2. Summary

We have developed harassment training programmes that are linked to the roles of our staff. A key part of training is to enable staff to recognise harassment, as well as understanding ways in which harassment can be addressed.

Section 6: Partnership Working

6.1.

We work with a wide range of local agencies in Orkney to address harassment.

This is very important as other organisations have differing statutory duties and powers to address different types of harassment.

Working together is also important as this allows a holistic approach to be taken, as well as pooling of resources.

Examples of partner organisations with which we might work are:

- Advice and support agencies for example Orkney Citizen's Advice Bureau.
- Equality organisations.
- Other Council Services and statutory services, for example Orkney Health and Care.
- Police Scotland.

6.2. Summary

Our policy promotes partnership working to promote a holistic approach to addressing harassment incidents. This ensures that a more comprehensive range of management and/or judicial remedies can be considered so that harassment incidents can be dealt with appropriately.

Section 7: Performance Management

Performance management is an essential part of effective governance. We monitor the implementation of this policy through a range of performance indicators that include quantitative and qualitative measures.

7.1. Our Monitoring System

7.1.1. Quantitative Measures

We monitor incidents of harassment by:

- Nature of incident, that is the type of harassment, including if related to the protected characteristics.
- Location of the harassment; and
- Person affected (employee, tenant or other customer).

We also monitor types of actions taken to address incidents of harassment:

- Management actions; or
- judicial or legal actions.

Finally, we monitor outcomes of all actions we take to address harassment incidents.

7.1.2. Qualitative Measures

We monitor the quality of advice and information that we provide to tenants and other customers affected by harassment.

7.2. Summary

We monitor how effectively our harassment policy is implemented through a range of quantitative and qualitative measures. This information is used to improve our services.

Section 8: Appeals or Complaints

8.1. Appeals

We advise tenants and other customers of other advice agencies that can provide independent legal advice on individuals' rights in relation to harassment and discrimination law. For example, in cases of discrimination, an individual can raise an action through the sheriff court (services) and employment tribunals (employment matters). It is also noted that the Equality and Human Rights Commission has enforcement powers as set out in the Equality Act 2010.

8.2. Complaints

A complaint is quite distinct from an appeal against a decision.

We define a complaint as:

“An expression of dissatisfaction by one or more members of the public about the local authority's action or lack of action, or about the standard of service provided by or on behalf of the local authority”.

Section 9: Consultation and Review of Policy

9.1. Consultation on our Harassment Policy

Consultation is part of our tenant participation strategy and we use a wide range of consultation methods to reflect the needs of people in our community. These methods also take into account of accessibility requirements of disabled people.

9.2. Review of Harassment Policy

We review our harassment policy every five years or sooner, as appropriate. For instance, we may review our harassment policy because of changes to law, or monitoring / reporting reveals that a change is required sooner.

9.3. Summary

We consult with tenants and other people when developing our harassment policy in line with our tenant participation policy. We review policy, as required, and plan reviews in a structured and comprehensive manner to ensure full and proper consultation.



Mid Market Rent Policy

April 2022

Version Control

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HDPOL138.	Draft.	28/04/2022.	New.	Head of Community Learning, Leisure and Housing.

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This document can be made available on request in a range of formats and languages.

1. Introduction

This document is a template allocations policy for mid market rent allocations within Orkney.

Applications will be assessed against a 'letting criteria' for mid market rent properties. If the criteria are met the property is offered to the first successful applicant. If the number of applicants exceeds availability, and all meet the qualifying criteria, priority would be on a first-come first-served basis.

2. Letting Criteria

Applicants for a mid market rent property should meet the following qualifying criteria, these are:

1. The applicant(s) do not own or have their name on the title of another property except in exceptional circumstances / with express permission from the Council's Housing Service.
2. The applicant(s) gross annual household income should be between £20,000 and £60,000, unless stated otherwise in a property advert because:
 - The local authority are targeting a specific client group, for example blue light services.
 - Due to the property type a lower rent is charged and therefore a lower income threshold would be appropriate.
3. The applicant(s) have provided evidence that they can afford to take up and sustain the tenancy.

Where there is an inability to fill a property, a discussion should be held with the Council to see whether an allocation could be made through their waiting list to someone who could otherwise meet the above criteria.

3. Assessing Affordability

In assessing an applicant's affordability, you should look at the information provided in, and supporting, their application. This should determine whether an applicant can afford to pay the rent and other costs associated with a tenancy on an ongoing basis. By way of illustration that assessment should consider, although this is not an exhaustive list:

- If the applicant is employed, or has a firm offer of employment, or another regular income.
- If bank statements show evidence of returned or missed payments, unauthorised overdraft usage, high-levels of gambling, debt management programmes, or use of short-term 'pay-day loans' or high interest lending.
- Monthly rent exceeds 35% of household gross monthly income.

It may also be necessary to carry out a credit check for the affordability assessment.

Guarantors should not routinely be accepted. However, you may consider a guarantor where other criteria are met, for example, a young person in their first tenancy who meets all other criteria.

4. Other reasons for refusing an application

An application may be refused on the basis of references provided. For example, where an existing tenancy has not been conducted satisfactorily.

5. Monitoring and Review

This document will be reviewed after one year of operation.