Orkney Islands Council Statutory consultation report: Lettings policy

Date: 21 January 2020.

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This document can be provided in different formats such as in larger print or audio-format and translated into various languages, whenever appropriate.

Section One: Background

1.1. Context

This report describes the consultation process that was implemented by Orkney Islands Council in relation to the proposed lettings policy (house letting policy). The lettings policy requires revision to take account of new statutory provisions concerning allocation law.

This consultation took place from early September until the 13 October 2019.

The consultation process follows statutory requirements to consult with tenants, housing applicants and other groups (see section two). These are referred to collectively as "applicants" or "respondents" throughout this report unless it is essential to refer to separate categories for purposes of clarification.

The consultation was carried out to ensure that the Council complies with statutory provisions, in particular to ensure that the views of applicants were considered before the lettings policy is approved by Committee.

This report has been produced electronically and is available from the following link:

https://www.orkney.gov.uk/Files/Housing/Housing%20Options/Housing%20Policy/SCR_Lettings_Review_Jan_2020.pdf

Paper copies of the report are available on request.

1.2. Structure and contents of the report

This report is divided into eight main sections that are explained below.

Section One is the introductory section.

Section Two explains in plain language the statutory and practice guidance framework relating to consultation requirements.

Section Three explains how the Council consulted with a broad range of applicants and other groups; this includes a summary of key statistical information relating to the consultation process.

Section Four explains the research methodology that was applied in drafting this report.

Section Five outlines the role of Committee as part of the lettings policy development process.

Section Six provides information about the consultation findings.

Section Seven explains how the Council has taken the Local Housing Strategy into account as part of the lettings policy consultation and development process.

Section Eight summarises the main conclusions arising from the consultation process and makes recommendations in respect of the lettings policy.

The appendices contain specific information about the consultation process, as well as a copy of the questionnaire we used to gather data during the consultation process.

Note: Orkney Islands Council is referred to generally as "we" or simply "the Council" throughout this report.

1.3. Production of the consultation report

In order to ensure accountability, the consultation involved two stages. Firstly, the consultation process was implemented by our staff and the data collected from applicants.

Secondly, an independent policy researcher, namely Doctor Stewart Montgomery, Montgomery Housing and Equality Services, provided an independent assessment in drafting this report, as well as making presentations at the consultation events.

1.4. Summary

The Council has met statutory provisions in respect of carrying out formal consultation with a range of persons in respect of the lettings policy. As well as meeting statutory provisions, the Council has also promoted its strategic commitments relating to tenant participation and consultation.

Section Two: Statutory framework and guidance

This section summarises, in plain language, our statutory duties in relation to allocation and consultation requirements. It is not intended as a precise statement of law. This is followed by a brief description of guidance that was taken into account.

2.1. Statutory duties

Statutory duties to consult with tenants are contained in housing law (see Appendix One).

For example, under the Housing (Scotland) Act 2001, we are required to consult with tenants on housing management policy changes that are likely to significantly impact on tenants. This can include the lettings policy.

More significantly, the Housing (Scotland) Act 1987 contains specific requirements regarding consultation requirements in respect of the lettings policy. These requirements are summarised below.

Firstly, we must consult with tenants and other people such as applicants for housing about our priorities when we let houses (lettings policy). This also covers our policies concerning tenant transfers and mutual exchanges.

Secondly, we must consult with the following persons before making (or altering) our lettings policy:

- Applicants on the housing list (including tenant applicants).
- Our tenants.

- Any registered tenant organisations.
- Such other persons (including organisations) as we think ought to be consulted.

Thirdly, we must prepare and publish a report about how we carried out the consultation, including the method adopted.

Finally, social landlords must take account of the Council's Local Housing Strategy when developing their lettings policies. This issue is explained in Section Seven.

2.2 Good practice guidance

Scottish Government guidance promotes consultation, not just with tenants, but with a wide range of other people and organisations. Consultation must also be tailored to each organisation's context.

For example, the Scottish Government, 2019, 3.2. stresses that:

"The approach taken will depend on each landlord's circumstances and the nature and the extent of the changes that need to be made." (Page twenty-four).

(**Source**: Scottish Government, 2019, Social Housing Allocations in Scotland: A practice guide, Edinburgh: Scottish Government).

The Scottish Social Housing Charter also sets an objective for social landlords to consult with their tenants and other persons. This is summarised as follows:

Objective Three: 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."

(**Source**: Scottish Government, 2017, Scottish Social Housing Charter, page six Edinburgh: Scottish Government).

2.3. Summary

We have complied fully with our statutory duties in respect of consultation regarding the lettings policy. Very importantly, we have considered this feedback before making recommendations relating to proposed amendments to the lettings policy. Section Three now explains the consultation process in detail.

Section Three: The consultation process

Our consultation process was comprehensive and involved two main elements to foster active consultation with applicants. This is explained by reference to the:

- Persons and/or groups whom we consulted.
- Our methods of consultation.

More information about the consultation meetings is provided in Appendix Three.

Note: A press release was also produced which outlined the general issues and the dates of the consultation. This ensured that information about the lettings policy consultation was made available throughout Orkney.

3.1. Persons and/or groups whom we consulted

We consulted with four specific groups as part of the consultation process. These groups included (in alphabetical order):

- Applicants for housing, including tenants applying for alternative housing.
- Orkney Islands Council tenants, including tenant and resident groups.
- Our staff.
- Other agencies.

Section Six provides further statistical information relating to the actual consultation process, as well as the research findings.

3.1.1. Applicants for housing, including tenants applying for alternative housing

We consulted with all applicants on our housing list, including Orkney Islands Council tenants who are on the housing list. The closing date for responses was set for the 13 October 2019.

This entailed sending out a total of one thousand six hundred and thirty-four letters and survey questionnaires.

3.1.2. Our staff

We consulted with staff on the proposed revisions to the lettings policy at a meeting held in Kirkwall Town Hall. At these events, we collated staff views and used staff comments to inform the policy revision process.

3.1.3. Other organisations

In line with good practice guidance, we also consulted with a broad range of Council Services and local organisations crossing the statutory and third sectors. These included the following:

- Environmental Health, Planning and Education Services.
- Orkney Health and Care.
- Orkney Housing Association Limited.
- Job Centre Plus.
- Orkney Citizen's Advice Bureau.
- NHS Orkney.

3.2. Our methods of consultation

In order to ensure comprehensive consultation, we implemented two main methods of consultation. These methods were:

- Consultation by post and/or electronically.
- Local meetings.

Each of these methods is now described below.

3.2.1. Consultation by post and/or electronically

We consulted with applicants through issuing a standard letter that was sent out with our consultation questionnaire (appendix two) and information leaflet (https://www.orkney.gov.uk/Files/Council/Consultations/2019/Lettings/Consultation_on_Changes_to_our_Lettings_Policy_Information_Leaflet_2019.pdf). This was sent to one thousand six hundred and thirty-four applicants (nine hundred and thirty-one existing tenants and seven hundred and one other applicants).

If applicants elected to respond electronically, they could do this by replying online, either to the Council's website or online.

3.2.2. Local meetings

Various meetings were arranged to discuss the lettings policy and policy proposals with applicants, our staff and staff from other organisations.

3.2.3. Meetings with applicants

Applicants were invited to attend one of the consultation events that took place in Kirkwall and Stromness respectively. These events were held in the evening at five thirty to encourage attendance. Both venues were accessible in line with our commitments to promoting equality and diversity.

3.3. Meetings for staff and other organisations

Two meetings were held at Kirkwall Town Hall to enable housing staff and other organisations to comment on the proposed lettings policy changes. Their responses are summarised in appendix three. Overall, they were supportive of the main proposals.

3.4. Equality issues

The Council's commitment to promoting equality matters was integrated throughout the consultation process. For example, we offered applicants the questionnaires in different formats such as in larger print to address their accessibility requirements.

3.5. Summary

The consultation process was tailored to our organisational scale and context. This included providing applicants with the opportunity to provide comments using various methods. We also consulted with housing staff and other organisations to ensure that relevant parties were given the opportunity to air their views. Before these issues are assessed in Section Six, a summary of the strengths and weaknesses of the consultation survey is given, as well as a summary of our Education, Leisure and Housing Committee's role in this process.

Section Four: Our research methodology

The consultation process involved the following elements:

- Methods of data collection.
- Assessing the lettings questionnaires.
- Production of the consultation report.
- Dissemination of the report.

Following explanation of these elements, the strengths and weaknesses of the consultation survey are described. There is also commentary about the ethical principles that underpinned the research.

4.1. Methods of data collection

Data was gathered mainly through completion of a semi-structured questionnaire that was issued to applicants.

4.1.1. Assessing the lettings questionnaires

We collated data responses centrally through a computer programme with detailed analysis being carried out manually. This was feasible as returned questionnaires were limited in number.

The questions included both quantitative and qualitative aspects to allow applicants to explain fully their views about revisions to the lettings policy.

The research technique thus involved the collation of primary data and analysis of this data using quantitative and qualitative methods.

4.1.2. Production of a full consultation report

The full report was completed by 9 November 2019 with a summary report being provided to Committee in October 2019 (Appendix Four).

4.1.3. Dissemination of the report

The report will be available to applicants and other interested parties through:

- Our website.
- By request from the council offices.

4.2. Strengths of the consultation survey

The research has various strengths, including:

- Comprehensiveness.
- Focus on key issues.
- Robust research methodology.
- Mainstreaming equality commitments.

- Independent assessment.

4.2.1. Comprehensiveness

The consultation process involved sending the questionnaire to all housing applicants as well as existing Council tenants. In addition, consultation took place with housing staff and other organisations. The process was, therefore, extremely comprehensive.

4.2.2. Focus on proposed changes

The survey focussed on proposed changes thus enabling applicants to consider all relevant points. Indeed, it is emphasised that the main lettings policy principles are largely unchanged with present proposals recommended to update the policy against law and guidance, as well as enhancing overall quality.

4.2.3. Robust research methodology

The research used a robust research methodology through using both quantitative and qualitative questions in the attempt to elicit the views of applicants.

4.2.4. Mainstreaming equality commitments

We offered the questionnaire to applicants in appropriate formats thus promoting our equality commitment. We also provided the information in web accessible format on our website. This includes being proactive to make reasonable adjustments in service delivery for disabled applicants. Support to applicants to assist them to complete the form was also available, as appropriate. Further, we sought applicants' views on the method of consultation, in particular to advise us of accessibility requirements.

4.2.5. Independent assessment

The research of the data collated was carried out by a policy and research consultant thus ensuring that research findings were produced independently. This is important as part of internal quality control and promoting public accountability.

4.3. Weaknesses of the consultation survey

The research survey has two main weaknesses, namely the collection method and the complexity of the issues under consultation.

4.3.1. The collection method

The data was collected mainly through postal questionnaires. This method of data collection tends to result in a low rate of return (Robertson, D. and McLaughlin, P. (1996) Looking into Research – A Practical Guide to Housing Research, Coventry: Chartered Institute of Housing). The return rate for responses to the survey is estimated to be in the range 2.2 per cent to 3.6 per cent (see note) thus supporting the above point.

Note: If it is assumed that there is overlap between respondents to the survey and those who attended the meetings, the response rate is estimated at 2.2. per cent of tenants and applicants. If it is assumed there is no overlap between respondents who attended the meetings and other respondents (respondents replying online for example), then the response rate is 3.6 per cent.

4.3.2. The complexity of the issues under consultation

The issues under consultation were complex as they related to allocation law and their impact on lettings policy and practice. This presents a possible barrier to effective consultation given that the majority of respondents are unlikely to have prior knowledge of these issues.

4.4. Ethical principles that underpinned the research

In carrying out the consultation, a prime consideration was to ensure that analysis of data ensured the confidentiality of applicants consulted.

In collating the questionnaires, for instance, applicants were informed that data would be processed in line with the Council's data protection policy.

Further, we sought applicants' consent before using their comments in this report. Any comments would also be anonymised to protect respondents' personal data. Twenty-five of the total number of thirty-five respondents (71.4 per cent) agreed to their comments being included in the report.

4.5. Summary

Applicants' views about the revised lettings policy were gathered mainly through the survey. The survey questionnaire included open and closed questions to enable quantitative and qualitative data to be collected. The research has specific strengths and weaknesses, for example, the limited number of responses. The research complies, though, with ethical research in respect of data protection law and equality law.

Section Five: Role of our Education, Leisure and Housing Committee and implementation issues

5.1. Role of the Education, Leisure and Housing Committee Section

The Council's Education, Leisure and Housing Committee has responsibility for directorate planning, performance management reporting and financial monitoring for various areas including those of Housing, Homelessness and Schoolcare Accommodation Services.

The role of our Committee therefore is to provide effective governance and assurance that we implement our statutory duties in respect of allocation law effectively. The review of the lettings policy has been necessitated due to changes to the Housing (Scotland) Act 1987 as amended by the Housing (Scotland) Act 2014 (see Appendix One).

5.2. The consultation process

Committee was involved in considering the consultation responses and actions to be taken as a result, thus maintaining its strategic role to ensure effective management of housing services. The consultation process itself included three main stages: development of consultation documentation, consultation and analysis of the consultation results. This report focusses on the last stage of the process.

5.3. Policy decision

This report is the vehicle by which recommendations are made to Committee regarding proposals to amend the existing lettings policy. Section Six summarises the main consultation findings that are, in turn, used to inform the recommendations in Section Eight. This will ensure that the findings of the consultation process are used to improve organisational services.

5.4. Summary

The role of Committee in approving the lettings policy is vital and integral to their strategic role in ensuring effective governance and assurance. Following their decision, the lettings policy will be implemented by a specified date."

Section Six: Consultation findings

Section Six summarises the key findings gathered during the consultation process concerning proposals to revise the lettings policy. In the concluding part of this section, information is provided about the individual consultation events and other responses.

Before providing the main findings, specific points are noted regarding data gathered during the consultation process.

6.1. Statistical information: general information

Section Six focusses on the thirty-five questionnaire responses that the Council received from applicants. In this Section, these are generally referred to as "respondents."

Other contributors to the consultation process were the twenty-three applicants who attended the two evening meetings. Tenants and applicants who attended these meetings, may - or may not have completed the survey.

As well as the housing staff consultation session, a total of seven other Services or agencies were represented at the meeting of the 18 September 2019.

Individual comments of respondents who agreed that we could use their comments are provided in relation to each question (see 6.2.). Names are not given in line with ethical principles to ensure data confidentiality.

6.2. Data gathered

Three points are noted in respect of the data that was gathered. The first point is that not all of the thirty-five respondents agreed to their responses being published; these

responses have not, therefore, been included. Of the thirty-five responses that we received, twenty-five (71.4 per cent) agreed to their comments being used.

The second point is that not all responses are included in the full report, for example, certain comments are repetitive or may not relate specially to the actual question. Appendix Five contains, though, a summary of responses for reference purposes.

Finally, specific respondents did not necessarily answer all qualitative questions and, as will be shown, there is a relatively high percentage of answers that fall within the "unsure" category.

To sum up: the analysis focusses on respondents' answers to a set number of policy proposals. We only used respondents' comments to elucidate points with their written consent. In line with our commitments to data protection and ethical research, these comments have been anonymised.

6.3. Presentation of the data

In presenting the data, the following method is used to enhance evaluative standards.

First, the rationale for each question is briefly described as this is relevant to the evaluation that is provided in relation to each of the responses given.

Secondly, comments from respondents are highlighted. Comments selected are those deemed to be relevant to the theme thus not all comments are included.

Thirdly, this is followed by a critical assessment of the feedback in relation to the policy proposal in question.

Note: This approach should assist readers to consider the conclusions and recommendations in Section Eight on an informed basis.

6.4. The analysis

The statistical data relating to each of the survey questions (referred to as issues) are now presented and analysed individually using the same headings. This ensures a coherent and comprehensive assessment.

The headings are derived from 6.1. and are as follows:

- Rationale.
- Responses.
- Critical assessment.

Note: Respondents were provided with an information sheet on the questions to assist them in answering the questions raised.

Issue One: Are you a tenant, a housing applicant, an agency or other interested party?

Table One: Status of respondent.

Status.	Number.	Percentage.
Tenant.	19.	54.30.
Applicant.	12.	34.30.
Agency.	None.	Not applicable.
Other interested party.	4.	11.40.
Total.	31.	100.00.

(Source: Orkney Islands Council's lettings consultation survey, 2019).

Rationale.

The rationale for this question was to identify the source of respondents. This enables us, in turn, to use this information to inform any future consultation initiatives, for example, using the patterns to understand areas to target to enhance levels of responses in line with our tenant participation strategy. For example, this will allow us to assess if respondents are many from Kirkwall and Stromness and to examine if barriers to consultation exist for more rural communities.

Responses.

The majority of respondents were existing Council tenants followed by applicants for housing.

Critical assessment.

In terms of research, the rate of returns adheres to the traditional findings that postal surveys tend to elicit lower response rates. At present, we do not know the reasons for the response rate to the lettings survey (see below) and this is an issue for future consideration (see Section Eight).

It is noted that having a relatively low response rate is not, by itself, a negative outcome as there can be many reasons for non-responses. For example, reasons for non-responses include persons agreeing with the proposals, though choosing not to answer. Again, people might not respond as allocation law is extremely complex which could then affect someone's willingness to respond.

Issue Two: Do you think having smaller numbers of groups is clearer?

Table Two: Preferred number of housing groups.

Response.	Number.	Percentage.
Yes.	15.	42.86.
No.	4.	11.43.
Unsure.	16.	45.71.
Total.	35.	100.00.

(Source: Orkney Islands Council's lettings consultation survey, 2019).

Rationale.

The rationale within the proposed policy changes is to have a smaller number of groups which will align the policy to law and provide greater focus on different forms of housing need (as explained in the policy).

Further, this question was posed to ascertain if respondents felt that reducing the number of groups was beneficial in terms of clarity.

Responses.

Comments is support of the proposed change were:

- "It makes it easier and less confusing."
- "I am happy to follow the logic of the working group, looking into this."
- "I like the idea of smaller groups because it includes more in-depth data of applicants application."
- "Easier for the applicant or tenant to understand."

On the other hand, specific comments identified issues to be addressed as contained in the following comments:

- "(An) applicant may have more than a single (medical) condition."
- "There will be the same amount of people waiting on houses but in fewer groups."
- "Just now there is more groups with less people in each group."

Critical assessment.

The number of persons in support of the change is fifteen (or 42.8 per cent) with a minority of four persons not in support.

A sizeable number of respondents (sixteen) stated that they were unsure.

This could be for various reasons so no further comment is made at this stage.

The three critical comments are interesting. The first comment relates, for example, to what can be termed in housing policy as the categorisation problem. This can

arise as applications can be received from persons with more than one housing need and applications might be placed, therefore, into one or more groups.

The second and third comments refer to the fact that altering groups does not impact on numbers of applicants seeking housing.

It is noted that these issues are dealt with as part of procedures. For example, we ensure that applicants with more than one housing need receive due priority through the pass system.

And, although the lettings policy cannot eliminate housing shortage relative to demand, the new groups as proposed are aligned to law so that statutory needs groups receive reasonable preference in the letting process. By reducing the groups, then, the Council can ensure overall control of allocations more effectively, as well as enhancing performance management.

Issue Three: Should we abolish the plus points award to applicants and instead allow applicants to hold more than one priority pass?

Table Three: Pass system preferences.

Response.	Number.	Percentage.
Yes.	11.	31.43.
No.	8.	22.86.
Unsure.	16.	45.71.
Total.	35.	100.00.

(Source: Orkney Islands Council's lettings consultation survey, 2019).

Rationale.

The rationale within the proposed policy changes is to simplify the existing pass system, in particular to ensure that we give reasonable preference when selecting tenants to applicant groups covered in law. Further, the pass system must promote the lettings policy objective of addressing housing needs that are pertinent to Orkney.

Responses.

Comments in support of the proposed change were:

- "If it enables the Council to help people more effectively then it is a good idea."
- "This would be a simpler method for both the tenant and the housing department and hopefully involve less admin."

On the other hand, comments highlighted other issues as follows:

- "I don't understand this question."

- "Not too sure as I do not understand how your pass system and use of pluses works to people's advantage."
- "It should be transparent to all, will it not complicate things further if a person holds more than one priority pass."

Critical assessment

Eleven respondents (31.43 per cent) of respondents supported this change with eight respondents not supporting it (22.86 per cent). Most respondents were unsure, however, and the answers above shed light upon this matter. The pass system is a technical subject area and, without detailed information and professional knowledge, it is difficult to assess what response is appropriate.

The policy proposal is based, of course, on a professional assessment that takes account of actual housing trends and needs' assessments in Orkney.

On the other hand, the comments are very important as they indicate the need to ensure that information about the pass system is explained clearly and accessible to applicants. This is covered in Section Eight.

Issue Four: Do you agree with this approach to use targets to determine the spread of housing lets across all of our groups annually?

Table Four: Letting houses against targets.

Response.	Number.	Percentage.
Yes.	12.	34.29.
No.	10.	28.57.
Unsure.	13.	37.14.
Total.	35.	100.00.

(Source: Orkney Islands Council's lettings consultation survey, 2019).

Rationale.

The rationale for target setting is to ensure statutory compliance and to enable the Council to amend targets as housing needs evolve. Thus, targets can be amended to address patterns relating to homelessness, overcrowded housing and housing below the tolerable standard. These are forms of housing need that the Council must monitor and address in law (the Housing (Scotland) Act 1987 (as amended). Again, this approach allows the Council to use targets of lets to avoid re-housing only specific groups in local areas.

Note: Target setting takes account of applicant choice and preference, too, and so targets are not quotas of lets but shift on an ongoing basis. Targets are set in line with our internal letting plan.

Responses.

Comments is support of the proposed change were:

- "It seems a fairer method for all applicants and tenants."
- "Depends on circumstances of applicant and individual groups."
- "Everyone has a fairer chance."

On the other hand, comments that were not indicative of support, either wholly or in part, included:

- "Because often people deemed with a lesser need are ignored."
- "This could give an unfair advantage to a particular group over another."
- "As long as targets don't get in the way of housing people swiftly, in which case it would be counter-productive."
- "As long as this remains fair and transparent, and people don't feel the goal posts have been changed and they are at square one again. There would be nothing worse than thinking you are near the top of the list to find criteria change and you drop down the list."

Critical assessment.

Twelve respondents (34.29 per cent) of respondents supported this change with ten respondents not supporting it (28.57 per cent). Most respondents were unsure.

The comments above indicate, though, that answers are not sufficiently aligned to the rationale that underpins the question; and comments also need to separate target-setting from the issue of housing demand and supply.

For example, applicants with certain housing needs may receive less priority as housing law dictates. But no applicant is ignored under the target- based approach. Indeed, the target-based approach enables applicants out-with the reasonable preference groups to be considered for housing.

Again, lettings policy is, in effect, a rationing system to ensure that housing needs are assessed and applicants with more needs (as assessed) will be afforded priority.

Targets do not, as such, affect re-housing; this is due to housing shortage of housing in relation to demand (housing need and preference).

In view of these comments, it is essential that Council lettings information stresses the importance of targets in ensuring compliance with housing law and good practice.

Issue Five: Do you agree with giving tenants who under-occupy their homes extra priority to transfer to a more suitable property?

Table Five: Scottish secure tenants' transfers and under-occupation.

Response.	Number.	Percentage.
Yes.	26.	74.29.
No.	5.	14.29.
Unsure.	4.	11.42.
Total.	35.	100.00.

(Source: Orkney Islands Council's lettings consultation survey, 2019).

This is also shown graphically below.

Pie chart One: Transfer priority to tenants of social landlords living in under-occupied homes.
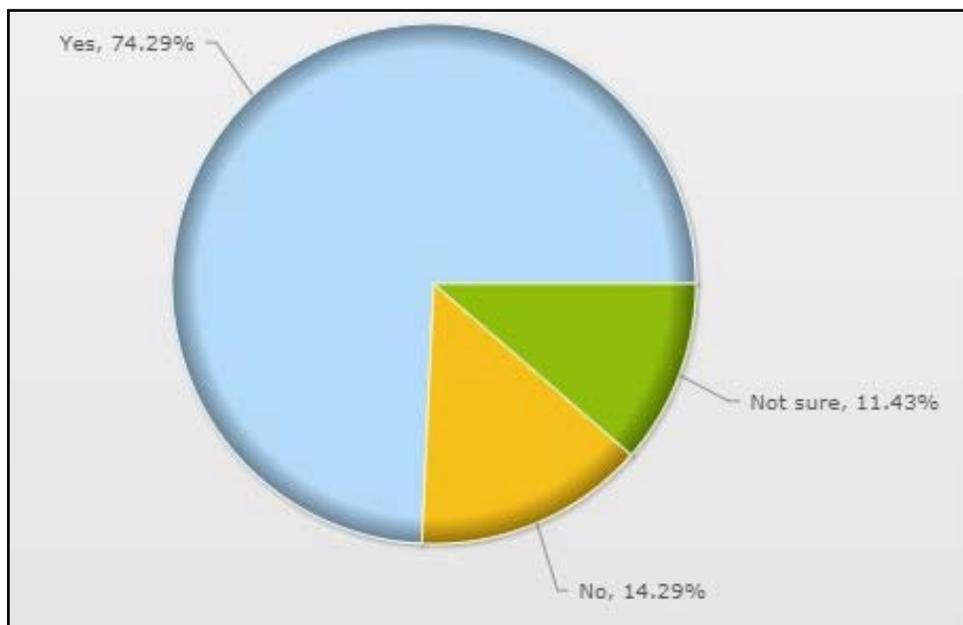
(Source: Orkney Islands Council's lettings consultation survey, 2019).

Rationale.

The rationale for giving extra priority (reasonable preference) to tenants of social landlords who want to transfer to alleviate under-occupation is statutory in nature as this is now part of allocation law.

This approach is also linked to the revised lettings policy objectives that emphasise making best use of our housing stock. And transferring tenants from under-occupied housing to enable alleviation of overcrowding and, in turn, meeting the needs of families is clearly in accordance with this policy principle.

Responses.

Comments is support of the proposed change were:

- "Yes, but only if they want to."
- "It sounds a good idea, as long as people do not feel forced to leave their family home."
- "More chance for those who need that size of property."
- "Makes a lot of sense and is fairer and helpful to two parties."
- "Yes, I agree with this policy, particularly for the housing of large families."

On the other hand, one comment that is not indicative of support was:

- "(Somebody) who had no place would game the system by taking large, unpopular place merely as a means of enhancing their prospects of finding a more popular location."

Critical assessment.

Twenty-six respondents (74.29 per cent) supported the policy change with five respondents (14.29 per cent) not in agreement. Four respondents (11.42 per cent were unsure).

Clearly, the majority of respondents support this policy that is, in any case, a legal requirement.

The comments above can be addressed as follows. Firstly, applicants will only be offered a transfer if they choose to leave their homes.

Secondly, an applicant would not, in general, receive housing if it was under-occupied as we let houses based on our occupancy standard.

Issue Six: Do you agree with the approach to provide greater levels of choice?

Table Six: Applicants and greater choice.

Response.	Number.	Percentage.
Yes.	21.	60.
No.	5.	14.29.
Unsure.	9.	25.71.
Total.	35.	

(Source: Orkney Islands Council's lettings consultation survey, 2019).

Rationale.

The rationale for incorporating choice within the lettings policy – and related procedures – is based on allocation guidance. This approach does not require to be a choice-based lettings system. In short, lettings can be based on choice without requiring applicants to "bid" for housing (see section below).

Responses.

Comments in support of the proposed change were:

- "Absolutely; traditionally people facing homelessness have been stigmatised and the ethos is that 'beggars can't be choosers', which is completely barbaric. Homelessness can happen to anyone for any number of reasons, it doesn't make them any less of a human being or their needs any less important than anyone else. Throwing a person or family into a property which is not suitable to their circumstances, family size or location will have long term lasting damaging effects. Being made homeless is a traumatic experience in itself; these poor people need a helping hand to get themselves back up again."
- "Saves wasted time because it is a more simplified system."
- "That way tenant be more satisfied of area/amenities, etc to suit needs."
- "I agree with applicants being able to specify the areas in which they wish to be housed."

On the other hand, comments that indicated issues for further consideration were:

- "Need a bit more in depth information to make decision."
- "You may not know which type of housing you need, you may end up needing disabled, etc … how can you tell in advance."

Critical assessment.

Twenty-one respondents (60 per cent) supported the policy change with five respondents (14.29 per cent) not in agreement. Nine respondents (25.71 per cent) were unsure.

The majority of respondents support this policy principle to embed choice within the lettings process.

The comments are interesting and concern two issues that should be addressed as part of lettings practice.

Firstly, it is essential that clear and detailed questions are posed when lettings information is gathered so that housing staff can advise applicants of their options so that they can make informed choices.

Secondly, applicants' housing needs change on a continual basis and information on preferences are subject to regular updating too. To ensure quality lettings practice, it is necessary to allow applicants the option of completing as many areas as they want, in particular if they are unsure about their preferences for specific areas in Orkney.

Issue Seven: Do you agree this removes the need for a choice-based lettings system?

Table Seven: Retaining choice but without a bidding system.

Response.	Number.	Percentage.
Yes.	9.	25.71.
No.	7.	20.00.
Unsure.	19.	54.29.
Total.	35.	100.00.

(Source: Orkney Islands Council's lettings consultation survey, 2019).

Rationale.

The rationale for this approach is to remove all of the potential barriers relating to choice-based lettings that uses a bidding system and requires applicants to apply for housing. This policy principle is linked to a comprehensive assessment of the advantages and disadvantages of different types of letting systems.

The Council's lettings system ensures, for example, that the Council manages access to housing based on meeting housing needs covered in law and good practice; it is not dependent, then, on people with such needs having to apply individually through a bidding process.

Further, the system avoids barriers that might disadvantage applicants who either fail to apply for various reasons. In the Council system, if an applicant qualifies for an offer of housing and has expressed their preference, then an offer is made, as appropriate.

The Council's letting system, if the policy proposal is adopted, will thus enable it to meet statutory requirements, good practice guidance, whilst retaining choice at the heart of letting practice.

It will achieve this by making choice part of the actual letting application system thus allowing Council staff to identify applicant choices and/or preferences when they apply for housing; and thus saving applicants the need to apply for housing directly.

Responses.

Responses to this question were extremely varied, including comments in support as well as those in disagreement.

One comment in support of a letting system based on choice concerned the fact that:

- "It would still be of benefit for housing staff to know what areas people are interested in and why. This information would allow them to contact prospective tenants should a property not be allocated due to lack of applicants. It would also show what areas have a demand."

- "A choice based letting system is important as it considers the person behind the application instead of stuffing them in a property without any due concern for their needs just to cover a policy."

Other comments that were received included:

- "Don't understand the question."
- "People able to bid on a property would give you an idea of the numbers needing homes at a glance weekly."

Critical assessment.

Nine respondents (25.7 per cent) supported the policy change with seven respondents (29 per cent) not in agreement. Sixteen respondents (54.29 per cent) were unsure.

This question is complex and it is necessary to understand that an letting system can be based on choice supported by categories (as per the policy proposal) without requiring applicants to bid for housing. This might explain comments such as the one above when the applicant states candidly that she/he cannot understand the question. Likewise, the Council does not require to have applicants bidding each week to know numbers of applicants needing housing as this is assessed as part of its robust needs assessment process (the letting plan).

It is tentatively suggested, then, that once these points are clarified that the Council policy, as proposed, will operate in the interests of applicants. Indeed, this was the unanimous perspective of persons who attended the consultation events at which the presentation was given (see below and Appendix Three).

Issue Eight: Do you agree that we should have a separate and comprehensive suspension policy?

Table Eight: Suspension policy and applicants' preferences.

Response.	Number.	Percentage.
Yes.	18.	51.43.
No.	3.	8.57.
Unsure.	14.	40.00.
Total.	35.	100.00.

(Source: Orkney Islands Council's letting consultation survey, 2019).

Rationale.

The rationale for this approach is to ensure that we apply suspensions in line with statutory provisions and guidance. The effect of this is that suspensions would only be applied after we have carried out detailed checks in relation to each application. These checks cover a diverse range of issues, in particular an applicant's adherence

to tenancy obligations. Our suspension procedure will also take into accounts relevant to Orkney.

Note: Applications cannot be suspended from the housing list, but only from offers.

Responses.

Comments in support of the proposed change were:

- "If no effort has been made to repay the current debt, no offer should be made to that applicant until the debt is cleared."
- "Not everybody is law abiding and respects property."

On the other hand, comments supportive of applicant interests stressed issues relating to social inclusion and support. Examples of these comments include:

- "There shouldn't be a suspension policy as it is a punitive process which does not help people to find, what they need the most to get out of financial ruin; a place of stability so that they can find the mind space to sort out any arrears. They can't do that if their most basic needs are not being met. Punishing people who have already been through a hard time is counter-productive and completely unnecessary. It is far better and progressive to allow people who have arrears to be housed (non-discriminatory approach) and then provide them with the help and support they need to sort out the arrears and other issues in their lives."
- "I believe that preventing people move for just one month's rent arrears is just not fair. We are living in a society where poverty is increasing almost daily and may suddenly become far worse in the next few months. It is not the role of the council to further penalise a family who may be in financial difficulty not of their own making, none of us know when we might have a serious illness or lose our job. Policies at this time should be flexible to be responsive to the needs of families and individuals."

Other comments again alluded to the complexity of this question as reflected in the following statements:

- "Too deep a question. I don't know the issues."
- "Do not understand how it works at present but the idea a person can find information clearly about their rights, etc may be of great help as people often panic when they got in arrears."
- "Don't understand the question."

Critical assessment.

Eighteen respondents (51.43 per cent) supported the policy change with three respondents (8.57 per cent) not in agreement. Fourteen respondents (40 per cent) were unsure.

Although our suspension policy does not have to be based on the statutory provisions – and it is not – we must have a policy to comply with Scottish

Government guidance and this must also take account of statutory provisions, as appropriate. Thus, it is not possible for the Council simply not to have a policy.

But the central idea of both comments above is that the Council must promote social inclusion and support applicants to establish sustainable tenancies, as opposed to implementing a more "deterrent style" of management.

And this approach is, indeed, crucial to the Council's suspension policy and practice to ensure that the rights of individuals are paramount.

For example, offers are only withheld if there is a relevant ground and it is reasonable in all circumstances to suspend offers.

Again, the Council has established internal appeal procedures so that cases are reviewed on an ongoing basis and applicants are advised of their rights before suspensions are applied.

Issue Nine: Do you agree with our list of proposed identification for applicants?

Table Nine: Checks on housing applications.

Response.	Number.	Percentage.
Yes.	25.	71.43.
No.	3.	8.57.
Unsure.	7.	20.00.
Total.	35.	100.00.

(Source: Orkney Islands Council's letting consultation survey, 2019).

Rationale.

The rationale for checks is, in line with letting good practice, to ensure that application details are accurate and comprehensive. We process any data received in line with data protection law and guidance. This approach is also beneficial in preventing identify fraud.

Responses.

Comments in support of the proposed change were:

- "Easier system for all concerned."
- "Stops identity fraud on all levels."
- "I agree that identification should be a requirement for applicants and understand other councils make this requirement."

One comment expressed a contrary view as follows:

- "I think you ought to imaginatively consider what other possibilities might be acceptable other than the ones you have listed."

Critical assessment.

Twenty-five respondents (71.43 per cent) supported the policy change with three respondents (8.57 per cent) not in agreement. Fourteen respondents (40 per cent) were unsure.

There is clear majority support for having a specified checklist, although comments indicated that this checklist could be enhanced and/or modified. See Section Eight that addresses this point.

Summary.

The consultation survey has provided a wide range of comments in relation to the proposals to revise the present letting policy. Although these comments reflect different perspectives, most comments indicate support for the proposed policy changes. For example, in four of the eight Tables, over fifty per cent of respondents select "yes" to proposed changes (Tables five, six, eight and nine). Again, there is no table in which respondents selecting "no" is higher than those choosing "yes" to the changes. Responses noted as "unsure" are fairly frequent (in all tables) with relatively high responses in tables two, three, seven and eight (that is, those showing forty per cent or higher returns). But analysis has suggested that this might attributed to lack of knowledge of legal and technical issues. Another issue that could affect response rates relates to the accessibility and clarity of the consultation process; this is covered below as a separate sub-section.

Evaluation of the consultation process.

Issue Ten: Did you find the methods used for the consultation to be useful (public meeting, offer of private discussion, survey available in paper copy and online)

Table Ten: Respondents' perceptions of consultation methods.

Response.	Number.	Percentage.
Yes.	23.	65.71.
No.	7.	20.00.
Unsure.	5.	14.29.
Total.	35.	100.00.

(Source: Orkney Islands Council's letting consultation survey, 2019).

Rationale.

The rationale for this question was to identify how effectively the Council is promoting its equality and diversity commitments regarding consultation processes. This is an example of positive action, as well as illustrating mainstreaming of equality matters into actual practice. It is stressed that both elements promote the public sector equality duty in line with the Council's equality and diversity strategy.

Responses.

Comments regarding the standards of the consultation process, including methods used and the documentation itself were as follows:

- "This questionnaire and the consultation on changes document are intelligently and thoughtfully created."
- "Online survey good as unable to attend meetings."

A number of other issues were raised to improve consultation processes such as:

- "Face to face every time, not via new technology."
- "Skype/video conferencing would have been better."
- "This is again main isle planned and based consultation. I have completed the online form because you are not visiting the outer isles as part of the consultation. A key objective of the Council is to have sustainable communities but for this to occur then this must be by deed as well as words. The timing of the consultations prevents isles residents taking part in events unless they are willing to stay overnight. Perhaps isles residents would like to discuss this together, have a chat, a cup of tea and some food?"
- "An online chat facility might be handy. Also, you would be able to ask follow up questions and discover additional concerns."

Critical assessment.

Twenty-three respondents (65.71 per cent) were satisfied with the methods used. Seven respondents (20 per cent) noted that they did not find the methods useful, that is, meaning accessibility issues could be enhanced. Five respondents (14.29 per cent) stated that they were unsure.

This is an important issue that requires more detailed scrutiny and is, therefore, included as a recommendation in Section Eight. There are specific accessibility issues that arise in an island context and must be considered carefully as part of communications and equality planning. This is an issue for all Council services to address.

Issue Eleven: Did you find the consultation form easy to complete?

Table Eleven: Respondents' perceptions about the consultation form.

Response.	Number.	Percentage
Yes.	23.	65.71.
No.	5.	14.29.
Unsure.	7.	20.00.
Total.	35.	100.00.

(Source: Orkney Islands Council's letting consultation survey, 2019).

This is illustrated in the pie chart below.

Pie chart 2: Respondents' perceptions about the consultation form.
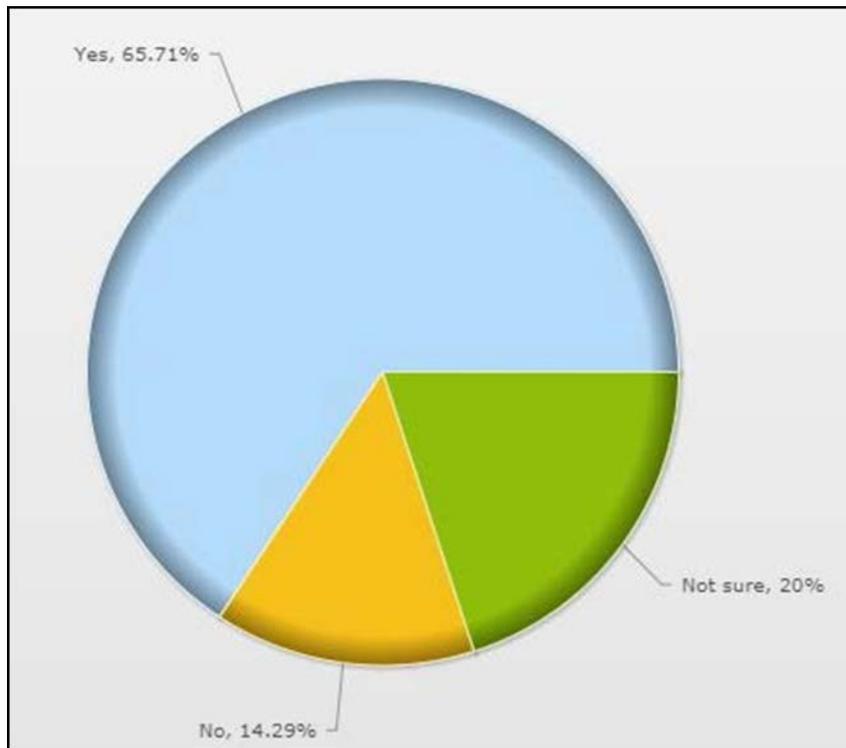
(Source: Orkney Islands Council's letting consultation survey, 2019).

Rationale.

The rationale for this question was to seek feedback on the accessibility standards of the consultation form. Information received, including critical feedback, can then be used to improve existing tenant participation consultation arrangements. This is integral to the Council's duty to promote continuous improvement.

Responses.

Comments regarding how to improve consultation documentation are noted as follows:

- "It would be easier to have the relevant proposed changes on the questions page to be clear what the question is regarding. An explanatory piece from the council about why the proposals are being made would also be beneficial."
- "Face to face."
- "I personally would have liked to discuss the proposed policy face-to-face/video conferencing as the person was not there when I phoned up. I think that there are many other things not mentioned that should be raised but aren't on these forms."
- "What about actually taking the time to speak to people directly. At this rate we might as well not have any local councils but just simply skype someone in Edinburgh. Unless you are simply doing a consultation because you are legally obliged to do so and have no intention to take on feedback."

- "But didn't know what a lot of the housing dept jargon was."

Critical assessment.

Twenty-three respondents (65.71 per cent) were satisfied with the methods used. Five respondents (14.29 per cent) noted that they did not find the methods useful, that is, meaning accessibility issues could be enhanced. Seven respondents (20 per cent) stated that they were unsure.

All comments above are positive and should be used to inform the development of Council consultation strategy. Three key issues can be identified as follows: firstly, there is a need to explain thoroughly why questions are being asked and the context of the questions. This is what the rationale sections are doing in this consultation report.

Secondly, there is a need to identify people's preferred consultation methods and to consider how to develop methods of communication accordingly. This also entails having access to a comprehensive data base of individuals' equality data profiles. This point is also addressed in Section Eight.

Finally, housing is an extremely complex field in which law and guidance are paramount. As such, technical jargon is often used that might not be accessible to persons consulted. Again, this is an issue for further consideration.

Summary.

The consultation process has received positive feedback regarding various aspects of the consultation process. Specific ways of enhancing consultation processes were also recommended and this matter is addressed in the Section Eight. The final part of Section Six describes general feedback and summarises feedback from the consultation events and other responses.

Other feedback.

This section describes feedback received from respondents as part of the survey, as well as the feedback from the consultation events and other responses.

General feedback from respondents.

A range of general comments were provided. These focused on practical housing issues that are integral to day to day housing service matters. These should be actioned by housing staff, as appropriate.

Feedback from the consultation events.

Feedback regarding the policy proposals was positive and Council staff, tenants and other applicants supported the changes as being beneficial. Other organisations with which we consulted were also supportive of policy proposals. These organisations included:

- Council Services including Planning, Environmental Health and Education Services.

- Orkney Health and Care.
- Orkney Housing Association Ltd.
- Orkney Citizen's Advice Bureau.
- Job Centre Plus.

Finally, NHS Orkney submitted a consultation response in which specific recommendations should be considered, for example, clarifying examples under specific groups, engagement proposals with other groups, explaining how different housing types are let including accessible housing for disabled people.

Three other issues recommended were to review how applicants can make accessibility improvements while waiting for other housing, to define specific terms used and to review the occupancy standard in relation to children. As these involve procedural matters, then these will be considered by the Head of Housing, Homelessness and Schoolcare Accommodation Services.

Summary.

Section Six has provided comprehensive feedback relating to the formal letting consultation process. This survey has demonstrated broad agreement with the proposed changes to Orkney Islands Council's letting policy. A range of ancillary issues have also been identified that are addressed in Section Eight. First, though, comment is made on how the revised policy promotes the Council's Local Housing Strategy.

Section Seven: Local Housing Strategy

Our Local Housing Strategy encapsulates commitments to addressing statutory provisions such as lettings and homelessness, as well as mainstreaming equality matters into our services.

The strategy must also ensure that actual housing and homelessness services are delivered in line with statutory and non-statutory guidance.

This is also relevant to the development of the letting policy that is implemented by our strategic housing partner, namely Orkney Housing Association Limited.

This applies as the latter must take our Local Housing Strategy into account when it is developing its own lettings policy.

This is critical, too, to ensure that the Association's lettings practices complement the strategic work for which the Council is responsible. For example, by assisting the Council to address homelessness and other identified housing needs.

7.1. Summary

Our proposals to revise the lettings policy support the diverse range of issues that are incorporated within our Local Housing Strategy. This includes key housing issues such as prevention of homelessness and addressing housing needs covered in allocation law. Finally, in line with our duties under the Equality Act 2010 (and other

equality law), we promote equality and diversity objectives through our lettings services.

Section 8: Conclusion and recommendations

The consultation process has been extremely informative, although it must be acknowledged that the number of completed survey forms returned was limited.

The main conclusion that can be drawn is that most respondents appear to be satisfied with the specified policy proposals. This is to be welcomed as the policy is based on law, regulatory standards, statutory guidance and good practice guidance.

Very importantly, respondents showed awareness of the range of social issues that underpin lettings practice and urged caution in relation to practices such as suspensions of offers. This has, in fact, been incorporated into our suspension policy and procedures that is based on law and good practice.

There is evidence that the consultation process sought to promote equality and diversity issues. This supports the Council's commitments to promote equality objectives in line with equality and housing law (for instance, the Equality Act 2010 and the Housing (Scotland)Act 2010, section 39).

The consultation survey has, though, indicated a range of consultation related issues that require to be addressed in the interests of ensuring that consultation processes are more accessible and comprehensive. These are covered in the recommendations below.

8.1. Recommendations

Five recommendations are made to Council for approval in relation to lettings policy and ancillary issues in terms of consultation.

8.1.1. Recommendation 1: Lettings policy proposals

The lettings policy proposals should be approved in their entirety and implemented as soon as possible. This will require consideration of the proposals by our Education, Leisure and Housing Committee.

Staff procedures should also be amended, as required, to reflect the new policy and this should be done through the Council's existing lettings action plan.

These procedures should integrate the checks to be carried out at application stage taking account of the concerns raised as part of the consultation process.

8.1.2. Recommendation 2: Enhancing consultation procedures

Ensure that more specific information is gathered at the application stage in terms of consultation methods preferred by applicants and consider how present methods might be developed to address individuals' needs and/or preferences. This should be linked to the Council's communication strategy.

This issue is to be addressed as part of tenant participation strategy.

8.1.3. Recommendation 3: Enhancing information

Ensure that more comprehensive information is provided to all applicants in their lettings information pack, including information about the suspension policy.

8.1.4. Recommendation 4: Dissemination of information

Disseminate information to applicants and tenants about the consultation report through a specialist newsletter; and use this opportunity to ascertain why applicants did not respond to the survey. This is important to identify possible barriers and to use this information to support future consultation activities, as well as informing our tenant participation strategy.

8.1.5. Recommendation 5: Equality information

Develop consultation issues to include consideration of the new Scottish Housing Regulator framework in respect of gathering equality data. This process requires more detailed information about individuals' equality profiles and these are critical for effective consultation.

Appendices

Appendix 1: Statutory duties and consultation.

Appendix 2: Information Leaflet and Questionnaire.

Appendix 3: Summary of meetings.

Appendix 4: Committee report.

Appendix 1: Legal duties on consultation

Our legal duties in relation to consultation on lettings policy derive from two main sources, namely consultation requirements under the Housing (Scotland) Act 1987 (as amended) and the Housing (Scotland) Act 2001. The relevant legal sections are now given below for reference purposes.

Appendix 2: Consultation documentation

In carrying out the consultation, we used a detailed questionnaire. This questionnaire included a number of closed and open questions. This has enabled us to produce a report that can summarise both quantitative and qualitative information.

 A letter and information leaflet were also issued to accompany the questionnaire.

This was done to clarify for applicants the nature and reasons for the lettings consultation process and, thereby, to attempt to stimulate returns.

This Appendix contains copies of these documents.

Education, Leisure and Housing.

Executive Director Wilfred Weir.

Council Offices, Kirkwall, Orkney, KW15 1NY.

Telephone: 01856873535.

Website: https://www.orkney.gov.uk/.

Email: housing@orkney.gov.uk.

If telephoning or calling please ask for Housing Services.

02 September 2019.

Address details.

Dear (Name).

Consultation on our revised Lettings Policy.

We are currently revising our Lettings Policy, and as part of this process we must gather your views as a tenant or applicant.

We are holding two events where you will be provided with more information on our proposals and you will also be asked to complete a survey that will be used to gather your views in order for them to be considered before finalising the revised policy. Your views are important to us and we are keen to ensure you are able to contribute your views.

The two events are detailed below. At each of these meetings some refreshments will be provided. The dates are as follows:

Tuesday 17 September 2019 from 17:30 in the St. Magnus Centre in Kirkwall.

Wednesday 18 September 2019 from 17:30 in the Warehouse Building in Stromness.

If you would like to attend one of the sessions please return the acceptance slip enclosed by Wednesday 11 September 2019 at 17:00.

If you are unable to attend either of these events, the information will also be available from our website. If preferred, we can arrange to send out the survey to you on request. If you feel more information is required to enable you to complete

the survey we can have a discussion either by phone or in person at an arranged time.

After the consultation is completed, we will send you a copy of our report about the consultation process.

We will do this through the following methods:

Our newsletter.

Our website.

The consultation period will run for 4 weeks with a closure date of Sunday 13 October 2019.

To discuss further or request a copy of the survey you can contact us on 01856873535. We look forward to receiving your views.

Yours sincerely.

Ria Leslie.

Tenant Participation Officer.

Orkney Islands Council House letting policy (or allocation policy).

This survey should be read in conjunction with our information leaflet called "Consultation on Changes to our Lettings Policy".

Section One: Background.

Consultation form: Please note that this consultation form is available in other formats, on request, such as in larger print.

Guidance on completing the survey.

We are holding two public meetings to discuss potential changes to our Lettings Policy. This along with an information leaflet we have produced called "Revisions to our Lettings Policy" will provide background information to assist with completing this survey.

The survey should be completed in conjunction with our information leaflet called "Consultation on Changes to our Lettings Policy".

Each question is shown in bold.

Please circle yes, no or not sure to the questions asked.

You may also give reasons for your answer. Although this is optional, this gives us more specific information.

Following this consultation, we must produce a formal consultation report that will be made available on our website, or in other formats, as appropriate.

We might want to use quotes from your responses in the formal consultation report, as appropriate. This will improve the interest and quality of the report.

Any comments that we use would be anonymised as in: "One respondent stated that …".

If you agree to us quoting any comments you provide in your response, please sign the statement below.

I agree that Orkney Islands Council can use anonymised comments in the formal report, as appropriate.

Signature of respondent:

Date:

Data protection statement: All personal information that you provide is processed in line with the General Data Protection Regulation (GDPR) and data protection law. We implement law through our data protection policies and procedures, including our policy on data retention.

Note: Please return your response to us by Sunday 13 October 2019.

Consultation on changes to our lettings policy – Information leaflet.

Why we are Consulting.

A change in the legislation which covers our lettings practice has recently been introduced.

This means that we are required to:

- Undertake a review of our Lettings Policy in accordance with the changes to the law.
- To ensure that our Lettings processes remain reflective of legislation.
- Undertake a consultation accordingly.
- Publish a report on the outcome of that consultation.

In addition to the above, there are parts of our Lettings Policy which would benefit from a review so that it reflects local needs.

We will undertake a consultation for a four-week term and then report the outcome to our committee for consideration.

Following this, changes will be made to our Lettings Policy and these changes will be considered by our elected Members before they can be introduced.

The Council's Lettings Policy.

The Council has a Lettings Policy which determines how we allocate our Council houses in general.

Council properties that have been designated as follows are subject to different arrangements for letting:

- Sheltered housing.
- Extra care housing.
- Amenity housing.
- Housing designed or adapted for disabled people.
- Supported accommodation for disabled people.

The Council has just under nine hundred Council properties and in order to allocate these, it must give reasonable preference to certain housing groups. These groups are:

- People who are homeless or threatened with homelessness.
- People living in unsatisfactory housing.
- Tenants of social landlords who under-occupy their homes.

Note: In the first two cases, the applicant must have unmet housing needs that cannot be met through other options.

We currently use what is called a "group system". This means that applicants in housing need are categorised into various groups. Then properties are allocated to those in the highest level of housing need and date of application.

Our Housing Groups.

We currently have thirteen separate housing groups (further information is available from our Lettings Policy (https://www.orkney.gov.uk/Files/Housing/Housing%20Options/Housing%20Policy/Lettings_Policy.pdf). These are:

- Emergency.
- Homelessness.
- Medical Assessments.
- Statutory Overcrowding.
- Under Occupation.
- Unsatisfactory Housing.
- Unsatisfactory Living Arrangements.
- Specific Need to be in a Community.
- Service Tenancies/ Tied Accommodation.
- Relationship Breakdown.
- Insecurity of Tenure.
- Corporate Parenting.
- Emergent Households.

We are proposing simplifying this list as follows:

- Housing for Particular Needs.
- People who are affected by homelessness.
- Local needs.
  - Examples to be included in this group would be Specific Need to be in a Community, Service Tenancies/ Tied Accommodation and Emergent Households.
  - Urgent local needs to include Emergency.
- Transfers.
  - Examples to be included in this group would be Under-occupancy.
- Unsatisfactory housing.

- o Examples to be included in this group would be Medical Assessments, Overcrowding (both statutory and non-statutory), Unsatisfactory Housing (including housing below the tolerable standard), Unsatisfactory Living Arrangements and Insecurity of Tenure.
- Social needs.
  - o Examples to be included in this group would be Relationship Breakdown and Corporate Parenting.
- Other.

The Priority Pass System.

The Council currently lets its houses through a system of priority passes. We award priority passes on the basis of housing need. Therefore, someone who has a higher level of housing need, under the legislation, is awarded a higher level of priority pass.

Priority passes are in the following order:

- Platinum.
- Gold Plus.
- Gold.
- Silver Plus.
- Silver.
- Bronze Plus.
- Bronze.

And thereafter by date order of receipt of the Housing Application.

The priority passes which include the word "plus" apply to people who have housing need from more than one of the groups.

We currently do not use targets. Instead we let a vacant property to the person on the housing list who has a need for that size of house, in the relevant area and has the highest level of priority pass and has held that pass for the longest time.

We would propose to keep the priority pass system.

We are however, proposing certain changes. These include:

- Setting targets to be assigned to each housing group on an annual basis.
- Removing the priority passes which include the word "plus" and instead giving a priority pass for more than one group.

This may be done by the setting of targets. This means that a target will be set for each group and therefore a number of lets will be made each year to a range of groups. Properties may be let to people from the overcrowded group for instance or to those affected by homelessness.

The housing groups deemed to reflect housing needs recognised in law can then receive a larger target of lets.

This method is also beneficial as it allows the Council to shift targets in line with changes in demand.

This happens as housing needs continually change as applicants either leave the housing list or join the list.

Choice in Letting Council Houses.

You may remember that we recently undertook a consultation on introducing a choice-based lettings system. This is the process by which properties becoming available for re-let would be advertised and applicants would bid for properties they are interested in.

To date this hasn't been progressed due to various changes being introduced nationally. In particular, this included a requirement for all Councils to endeavour to rehouse homeless applicants much more quickly than previously. This would mean that there would be fewer properties available for other groups and led to us reconsidering how we would approach this. There would also be difficulties in ensuring that people who are vulnerable for various reasons and less able to bid, were able to equally access housing.

The Scottish Government has issued allocation guidance and we will promote this by providing applicants with more information about our housing and its location.

To promote this, we will encourage applicants to specify more precisely the areas in which they want to be re-housed. This will then allow us to link any offers to their stated preferences.

We would propose that we expand the level of choice available to applicants by allowing them to indicate particular streets or areas that they would be interested in living in and excluding others. Currently someone can only choose areas by choosing the whole town. For instance Kirkwall has properties in seventy seven different streets, twenty five in Stromness, though we may group some of these together to simplify this while still extending choice.

This change would mean that it would take longer to complete the housing application initially and staff may need to spend more time with an applicant while they complete the form. However, it would mean that they do not have to bid for individual houses and therefore the Council would not need to advertise houses.

Transfers.

Allocation law requires us to give reasonable preference to tenants of Scottish secure landlords who are under-occupying their homes.

We propose to do this in our lettings policy by giving tenants who under-occupy their homes additional priority to free up a larger property for a family in need.

Suspension of Offers.

The law allows us to suspend offers to applicants in specific circumstances. For example, if a tenant is in rent arrears over one month and has not made an arrangement to repay the debt.

Currently we refer to suspensions within our Lettings Policy.

We would propose to have a separate organisational suspension policy instead. This ensures that suspensions are covered comprehensively. It also ensures that applicants can find information clearly about the law and their appeal rights, as appropriate.

Introduction of identification.

We are considering introducing a requirement for applicants to provide evidence of who they are.

This would require an applicant to produce two pieces of identification such as:

- Photographic identification if held (passport or driving licence).
- Birth, marriage certificate.
- National Insurance Card.
- UK residence permit or equivalent.
- Electricity bill etc.
- Other standard documents to prove residence.

Collection of Your Responses.

We are holding two consultation events. These are on:

- Tuesday 17 September 2019 from 17:30 in the St. Magnus Centre in Kirkwall.
- Wednesday 18 September 2019 from 17:30 in the Warehouse Building in Stromness.

It is available electronically from:

https://www.smartsurvey.co.uk/s/lettings-consultation/

In addition a survey form is available in paper copy to be returned to:

Housing Services.

Orkney Islands Council.

Council Offices.

School Place.

Kirkwall.

KW15 1NY

Thank you for taking the time to give us your views.

Section Two: Survey questions.

Are you:

A tenant.

An applicant.

An agency.

Another interested party.

Policy issue one: Our housing groups.

Our information leaflet gives additional information on our existing groups and the proposed groups.

Question one: Do you think the proposed, smaller number of groups is clearer?

Yes.

No.

Not sure.

Please explain why.

Policy issue two: Our pass system and use of pluses.

Question two: Should we abolish the plus points award to applicants and instead allow applicants to hold more than one priority pass?

Yes.

No.

Not sure.

Please explain why.

[ ]

Policy issue three: Using target for letting houses.

Question three: Do you agree with this approach to use targets to determine the spread of housing lets across all of our groups annually?

Yes.

No.

Not sure.

Please explain why.

[ ]

Policy issue four: Tenants in under-occupied houses (houses which are too large for their needs).

Question four: Do you agree with giving tenants who under-occupy their homes extra priority to transfer to a more suitable property? In doing so this would free up a larger property for a family in need. (This applies only to Scottish social landlords).

Yes.

No.

Not sure.

Please explain why.

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Policy issue five: The role of applicant choice and/ or preference.

Question five: Do you agree with the approach outlined in our information leaflet to provide greater levels of choice?

Yes.

No.

Not sure.

Please explain why.

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[blank text box]
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Question six: Do you agree this removes the need for a choice based lettings system?

Yes.

No.

Not sure.

Please explain why.

```
[blank text box]
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Policy issue six: Suspension of offers.

Question 7: Do you agree that we should have a separate and comprehensive suspension policy?

Yes.

No.

Not sure.

Please explain why.

Policy issue seven: Application checks.

Question eight: Do you agree with our list of proposed identification for applicants?

Yes.

No.

Not sure.

Please explain why.

Policy Issue eight: Consultation format.

You are requested to provide the information below. This will enable us to consult with you in formats that address your needs.

Question 9: Did you find the methods used for the consultation to be useful (public meeting, offer of private discussion, survey available in paper copy and online).

Yes.

No.

Not sure.

If no, please tell us how you would like to be consulted with in the future?

Offer of meeting by virtual means such as offer of meeting by virtual means such as skype/video conferencing, question and answer session on social media or live chat through the Council website, etc.

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Did you find the consultation form easy to complete?

Yes.

No.

Not sure.

If no, please tell us how you would like to be consulted with in the future?

Personal meetings; in larger print; other formats such as in Braille, offer of meeting by virtual means such as skype/video conferencing, question and answer session on social media or live chat through the Council website, etc.

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Policy issue ten; Any general comments.

Please use the space below to provide any other comments about lettings policy and practice that you think we should consider when revising our lettings policy.

Please give your views.

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Thank you for taking time to complete this consultation form. Your feedback on our consultation methods will also be welcomed.

If you wish to discuss your responses further, please provide your contact details.

Name.

Address.

Phone No.

Email Address.

Time suitable to contact you.

How do you want us to contact you (phone, email, letter).

Orkney Islands Council House letting policy (or allocation policy).

This survey should be read in conjunction with our information leaflet called "Consultation on Changes to our Lettings Policy".

Section One: Background.

Consultation form: Please note that this consultation form is available in other formats, on request, such as in larger print.

Guidance on completing the survey.

We are holding two public meetings to discuss potential changes to our Lettings Policy. This along with an information leaflet we have produced called "Revisions to our Lettings Policy" will provide background information to assist with completing this survey.

The survey should be completed in conjunction with our information leaflet called "Consultation on Changes to our Lettings Policy".

Each question is shown in bold.

Please circle yes, no or not sure to the questions asked.

You may also give reasons for your answer. Although this is optional, this gives us more specific information.

Following this consultation, we must produce a formal consultation report that will be made available on our website, or in other formats, as appropriate.

We might want to use quotes from your responses in the formal consultation report, as appropriate. This will improve the interest and quality of the report.

Any comments that we use would be anonymised as in: "One respondent stated that …".

If you agree to us quoting any comments you provide in your response, please sign the statement below.

I agree that Orkney Islands Council can use anonymised comments in the formal report, as appropriate.

Signature of respondent:

Date:

Data protection statement: All personal information that you provide is processed in line with the General Data Protection Regulation (GDPR) and data protection law. We implement law through our data protection policies and procedures, including our policy on data retention.

Note: Please return your response to us by Sunday 13 October 2019.

Section Two: Survey questions.

Are you:

A tenant.

An applicant.

An agency.

Another interested party.

Policy issue one: Our housing groups.

Our information leaflet gives additional information on our existing groups and the proposed groups.

Question one: Do you think the proposed, smaller number of groups is clearer?

Yes.

No.

Not sure.

Please explain why.

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Policy issue two: Our pass system and use of pluses.

Question two: Should we abolish the plus points award to applicants and instead allow applicants to hold more than one priority pass?

Yes.

No.

Not sure.

Please explain why.

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Policy issue three: Using target for letting houses.

Question three: Do you agree with this approach to use targets to determine the spread of housing lets across all of our groups annually?

Yes.

No.

Not sure.

Please explain why.

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Policy issue four: Tenants in under-occupied houses (houses which are too large for their needs).

Question four: Do you agree with giving tenants who under-occupy their homes extra priority to transfer to a more suitable property? In doing so this would free up a larger property for a family in need. (This applies only to Scottish social landlords).

Yes.

No.

Not sure.

Please explain why.

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Policy issue five: The role of applicant choice and/ or preference.

Question five: Do you agree with the approach outlined in our information leaflet to provide greater levels of choice?

Yes.

No.

Not sure.

Please explain why.

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[blank text box]
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Question six: Do you agree this removes the need for a choice-based lettings system?

Yes.

No.

Not sure.

Please explain why.

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[blank text box]
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Policy issue six: Suspension of offers.

Question 7: Do you agree that we should have a separate and comprehensive suspension policy?

Yes.

No.

Not sure.

Please explain why.

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[blank text box]
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Policy issue seven: Application checks.

Question eight: Do you agree with our list of proposed identification for applicants?

Yes.

No.

Not sure.

Please explain why.

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Policy Issue eight: Consultation format.

You are requested to provide the information below. This will enable us to consult with you in formats that address your needs.

Question 9: Did you find the methods used for the consultation to be useful (public meeting, offer of private discussion, survey available in paper copy and online).

Yes.

No.

Not sure.

If no, please tell us how you would like to be consulted with in the future?

Offer of meeting by virtual means such as offer of meeting by virtual means such as skype/video conferencing, question and answer session on social media or live chat through the Council website, etc.

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Did you find the consultation form easy to complete?

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No.

Not sure.

If no, please tell us how you would like to be consulted with in the future?

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Please use the space below to provide any other comments about lettings policy and practice that you think we should consider when revising our lettings policy.

Please give your views.

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Thank you for taking time to complete this consultation form. Your feedback on our consultation methods will also be welcomed.

If you wish to discuss your responses further, please provide your contact details.

Name.

Address.

Phone No.

Email Address.

Time suitable to contact you.

How do you want us to contact you (phone, email, letter).

Appendix 3: Summary of meetings

This section provides a summary of the four meetings that were held as part of the consultation process. The minutes are retained within housing services are available, on request. Personal data is processed in line with the Council's data protection policy.

Staff meeting on 17 September 2019 in the Town Hall, Kirkwall.

The presentation by Doctor Stewart Montgomery engendered a diverse range of practical questions. These were addressed by the presenter and Frances Troup, Head of Housing, Homelessness and Schoolcare Accommodation Services. There appeared to be general support for the proposals and staff also welcomed the opportunity to discuss the specific procedural issues that were flagged by staff at the meeting.

Other organisations meeting on 18 September 2019 in the Town Hall, Kirkwall.

The presentation by Doctor Stewart Montgomery explained the various policy proposals and the rationale for the changes which is to comply with revised allocation law and guidance. There was general discussion throughout with lively discussion regarding policy issues. It was recognised, in general, that housing organisations must develop lettings policies to reflect their context of operations. Overall, there appeared to be general support for the policy proposals.

Meeting of applicants and tenants in Kirkwall on 17 September in Kirkwall.

General discussion followed Doctor Montgomery's presentation relating to the policy proposals and this engendered lively debate. There appeared to be general agreement with the proposals. Tenants welcomed the opportunity to consider the policy proposals and to be made aware of the reasons why changes were required.

Meeting of applicants and tenants on 18 September 2019 in Stromness.

There was general discussion about the proposals to revise the lettings policy following Doctor Montgomery's presentation. Frances Troup, Head of Housing, Homelessness and Schoolcare Accommodation Services, answered a range of questions. There was support for the proposals, although specific issues were noted – from the tenants' perspectives – as being complex.

Appendix 4: Summary Committee report

Available from: https://www.orkney.gov.uk/Files/Committees-and-Agendas/Education/ELH2019/ELH13-11-2019/I19__Lettings_Policy_Review.pdf