



Your Rights to Information and Consultation

A Leaflet for Tenants



Are you a tenant of a local authority or housing association in Scotland? If so, you should read this leaflet to find out about your rights to information and consultation.

The Housing (Scotland) Act 2001 creates a legal framework for tenants with a Scottish secure tenancy or short Scottish secure tenancy to take part in the way their housing is managed. This means that your landlord must:

- give you certain information;
- develop a tenant participation strategy and put it into practice;
- set up arrangements for tenant groups to register with them as registered tenant organisations and keep a register of these organisations which anyone can inspect; and
- consult you, and any registered tenant organisations (RTOs), on tenancy issues which affect you.

Read on to find out more about these rights and what they mean for you.

Information

What information can I get from my landlord?

Your landlord must give you a written tenancy agreement and information about their complaints procedure. Also, before your tenancy begins, your landlord must tell you about the right to buy and what it means for you.

If you ask, your landlord must also give you information about:

- setting rent and service charges;
- applying to the housing list and how houses are let;
- exchanging homes between tenants;
- transferring tenancies;
- repairs and maintenance;
- their tenant participation strategy; and
- arrangements for taking decisions about managing your home and the services they provide.

Consultation

What rights do I have to be consulted?

You (and any RTOs) have a right to be asked about what you think **before** your landlord makes any new housing management policies or changes existing policies that are likely to affect you a lot. For example, your landlord may ask you if you think that they should change their policy on repairs and maintenance and if so, how.

Your landlord will take into account what you and any RTOs think before making a final decision.

What should my landlord consult me on?

Your landlord must consult you (and any RTOs) when making or changing:

- policies on how they manage their houses and repairs and maintenance if the proposal is likely to affect you a lot;
- decisions about the information to give you on their standard of housing management and performance;
- performance standards or targets on housing repairs and maintenance; and
- their tenant participation strategy.

Your landlord may want to transfer houses to another landlord. Before they can do this, they have to discuss the proposals with the tenants of those houses. The tenants will be given a chance to vote for or against the transfer. The landlord will only be able to transfer those houses if the majority of the tenants who have voted have said yes to the transfer.

Will my landlord consult me on any rent increases?

Yes. If your landlord wants to increase your rent, they must consult you and take account of your views before making their decision.

If your landlord changes your rent or service charges, they must write and tell you about it at least four weeks before the increased rent or service charge applies.

If you were a secure tenant of a housing association before 30 September 2002, you will keep the right to have your rent set by your local rent officer until you move house.

How will I be consulted?

Your landlord could consult you in a number of different ways, for example public meetings, door-to-door surveys, individual letters and so on. Your landlord's **tenant participation strategy** should describe how your landlord will consult you (and any RTOs) and how your views will be taken into account.

The tenant participation strategy must also:

- describe how your landlord will keep you (and any RTOs) up to date on what is happening about any proposals that are being developed; and
- include an assessment of the resources needed to carry out the strategy and a statement of the resources that the landlord will give to put the strategy into practice and make it work. (Resources might be money but could also include access to offices, a photocopier, meeting space and so on.)

Your landlord must have produced a written tenant participation strategy by 31 March 2003. Your landlord will review the strategy regularly and you can have your say. Remember, if you ask, you can get a copy of the tenant participation strategy from your landlord.

What happens if my landlord does not consult me?

If your landlord does not consult you, you should complain through their complaints procedure. If you are still unhappy after going through your landlord's complaints procedure and you feel that you have suffered an injustice you may be able to complain to the Scottish Public Services Ombudsman at 23 Walker Street, Edinburgh EH3 7DX.

How well your landlord manages their houses will be checked by a government organisation called Communities Scotland.

Registered tenant organisations (RTOs)

What is an RTO?

Many tenants make their views known to their landlord through a tenants' group. Tenants' groups have a right to register with their landlord. The advantage of being registered as an RTO is that your landlord must consult the tenants' group on issues that will affect your members. If the tenants' group is not registered as an RTO, your landlord does not, by law, have to consult the tenants' group. However, some landlords may choose to do this. Members will still have the right as individuals to be consulted.

Your landlord must keep a register of RTOs and this must be open to the public for inspection at any time. This register should give contact details for any RTOs in and around the area where you live.

How does a tenants' group become an RTO?

The Scottish Executive has set down in legislation what a tenants' group must do to be registered as an RTO. For example, a tenants' group must have a written constitution which everyone can see, a committee and accounting records, and show how it will represent members' interests. The legislation also sets out how a group can be removed from the register.

To find out more about how to form a registered tenant organisation, you should contact your landlord.

What happens if my landlord will not register our tenants' group?

If your landlord will not register your group, you should ask them why. If you agree with the landlord's view, you can ask your landlord to work with your group to help them become registered.

If you do not agree with your landlord, you can appeal. First of all, you must go through your landlord's appeal system. If you are still not

satisfied by the outcome of the appeal, you have the right to appeal formally to Scottish Ministers by writing to:

Regulation and Inspection
Communities Scotland
Thistle House
91 Haymarket Terrace
Edinburgh EH12 5HE.

You can also appeal to your landlord and Communities Scotland if, once registered, your landlord tries to remove your RTO from the register against the wishes of the RTO or if your RTO wants to be removed from the register, but your landlord will not let them.

We, the Scottish Executive, are paying a number of voluntary organisations to give free training to tenants on the Housing (Scotland) Act 2001, including the tenant participation parts of the Act. The names and addresses of these organisations are listed below.

- Chartered Institute of Housing (CIH),
6 Palmerston Place, Edinburgh EH12 5AA
(Phone: 0131 225 4544)
- Positive Action In Housing (PAIH),
98 West George Street, Glasgow G2 1PJ
(Phone: 0141 353 2220)
- Tenants' Information Service (TIS),
Suite 335, Baltic Chambers,
50 Wellington Street, Glasgow G2 6HJ
(Phone: 0141 248 1242)
- Tenant Participation Advisory Service (TPAS),
74-78 Saltmarket, Glasgow G1 5LD
(Phone: 0141 552 3633)
- TIGHRA, 64 Market Place, Inverurie,
Aberdeenshire AB51 3XN
(Phone: 01467 672 233)

Right to manage

What is the right to manage?

You and your neighbours can get together to form a tenant management co-operative and enter into an

agreement with your landlord to manage your own homes. If you are interested in doing this, you should contact your landlord.

More information

This leaflet is part of a series of leaflets we have produced for tenants about their new rights under the Scottish secure tenancy. Other leaflets in the series are shown below.

The Scottish Secure Tenancy. A Leaflet for Tenants
www.scotland.gov.uk/library5/housing/sstl-oo.asp

Right to Repair. Housing (Scotland) Act 2001
www.scotland.gov.uk/library5/housing/rtrl-oo.asp

Compensation for Improvement. Housing (Scotland) Act 2001
www.scotland.gov.uk/library5/housing/rcil-oo.asp

You can get these leaflets from your landlord or:

Scottish Executive
Housing 2/3, Area 1-H(S)
Victoria Quay
Edinburgh EH6 6QQ.

Phone: 0131 244 2105

Website: www.scotland.gov.uk

E-mail: housing.information@scotland.gsi.gov.uk

Other useful sources of information include the following.

SEDD Circular 7/2002 Housing (Scotland) Act 2001 – Guidance on tenant participation. This is available on the Scottish Executive website:

www.scotland.gov.uk/library5/housing/gotp-oo.asp

Tenants' Information Service (TIS) 'Preparing and Implementing your Tenant Participation Strategy: A Basic Guide for Tenants and Landlords'. You can get a copy of this from the TIS, Suite 335, Baltic Chambers, 50 Wellington Street, Glasgow G2 6HJ. (Phone: 0141 248 1242)

'Your Right to Buy Your Home'. You can get a copy of this from your landlord or from us at the address above.

Alternative formats and community language versions of this leaflet are available on request from the Scottish Executive, Housing 2:3, Area 1-H(S), Victoria Quay, Edinburgh EH6 6QQ Tel: 0131 244 2105. The leaflet can also be viewed on the Scottish Executive website at www.scotland.gov.uk

Tha cumaidhean atharraichte agus dreachan den bhileag seo ann an cànanan coimhearsnachd ri fhaighinn le iartas bho Riaghaltas na h-Alba, Taigheadas 2:3, Roinn 1-H(S), Cidhe Bhictoria, Dùn Èideann EH6 6QQ Fòn: 0131 244 2105. Faodar a' bhileag fhaicinn cuideachd air làrach-lìn Riaghaltas na h-Alba aig www.scotland.gov.uk

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如果需要本手冊的其他形式或語言版本，請向蘇格蘭行政院索取，位址是：Scottish Executive, Housing 2:3, Area 1-H (S), Victoria Quay, Edinburgh EH6 6QQ；電話：0131 244 2105。也可以到蘇格蘭行政院的網站上瀏覽本手冊：www.scotland.gov.uk

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