

Hi Kevin and all,

I think that Vern has got it right as to the permutations of what we can do, what the councils can do, etc. I think that we can not lose sight that we wish to maintain the status quo as per the agreement that exists between the housing department of the council and each individual tenant of sheltered housing. I would NOT let the council think or contemplate that we will compromise one itty bitty iota!!

Now according to the pamphlet issued by the Scottish Government under its previous guise as Scottish Executive, the applicable act in 2001 stipulated that there would be full and frank consultation, that each tenant would be given sufficient time to consider all the options presented by the council's representatives and that any changes to the existing tenancy agreement must be done on a mutual basis, period. Full stop. Exclamation point!

Yes, I agree that each council will feel that it is their right and duty as well as what is expected of them to try to manipulate the tenants using whatever means available - fair or foul - to get their way, i.e., using, stalling tactics in the hope the tenants will simply get tired of all the hassle, try to put seemingly insurmountable obstacles to intimidate them, etc, etc, et al ad nauseum!

I think there are 4 avenues that are available individually or in combination - to wit:

1. Public Opinion (aka the power of the vote) & awareness
2. Legal (aka the courts),
3. Reasons Politic (as in games)
4. Agencies (aka Ombudsman, Communities Scotland, Care Commission and whatever other agencies that we can think of).

Let us not forget that it was purely public opinion that forced the political types to literally force the Ayrshire and Aran Health board to reverse its original decision in wanting to close and transfer Ayr Hospital's A&E department in Ayr to Crosshouse Hospital in Kilmarnock!!

Whatever the legal merits of our case in North Ayrshire, public opinion has made the politicians sit up and take notice - aside, that is, from the council & staff

Labour got clobbered in the last Scottish Election because of their stupidity and not so much because the Scottish population (suddenly) became enamoured with independence! I would surmise that Brian Donohoe and the rest of the Labour machine do not want to repeat their mistakes on such a highly emotive and contentious issue. Equally, the major Labour Politicos realise that if they do not stop this from getting out of hand, that with the knock-on effect, they might as well turn out the lights and close the door come the next election - even though local elections are several years away.

Communities Scotland are inspecting North Ayrshire's housing towards the end of the week. In as much sheltered housing by whatever you or the council want to call it is still council housing. I would surmise their interest in sheltered housing would be increased by submitting lists of faults in repairs, inadequate response times for SAMs, etc. And let us not forget that the Ombudsman's complaints investigators are correlating all the complaints being sent by the tenants and public.

So, yes, the legal action does have a nice ring to it but it takes time. For instance, to get the legal aid application approved, write to the council, wait for their response, respond back, etc, etc, etc. Give me a nicely controlled mob armed to the teeth any day <lol>

regards & take care

Richard

mail@shelteredhousinguk.com wrote:
Dear K Dyson

Well I am sure that you know the real background to this and its to do with Supporting People. They took over payments for the housing benefit portion of the wardens salary for people on benefits. They took over in 2003, but until now the money has been ring fenced, so they could continue. From about 2009 it will no longer be ring-fenced and the the local council can spend it on what they like, within reason. So Supporting People are telling landlords that they are not going to pay for site based wardens any more but the will pay for Floating Support, which they will put out to tender.

Approximately 80% of the Warden's salary is derived from people on benefits, in consequence the landlords are set to lose that part of their income (remember here that they will not necessarily get the contract to provide Floating Support). Enlightened landlords, Housing 21, is one of them has said' oh well we will continue to employ wardens and take it out of our profits'. Greedy landlords have said 'we will do away with Wardens'

That is not the end of the story either because 20% of the residents of Sheltered Housing do not receive benefits at all (known as self funding), so Supporting People pay nothing towards them. Their argument is purely with the landlord. They are paying for an agreed service and it is to be unilaterally taken away from them. That, I believe, is a breach of contract - pure and simple.

For the others, who are on benefits, they too have rights because they decided after due consideration that they would be better off in old age in Sheltered housing and they were led to believe that they would have a Warden. Had there have not have been a Warden then they may not have gone to live in Sheltered Housing at all. So, even for them promise has become a contract with the landlord.

The argument for tenants, in both of the above categories, is with the landlords. They have promised a service and they would not be the first organisation(s) in history who have had to trim their profits because of new government legislation. The fact that Supporting people will not pay them so much in future gives them no legal right to terminate a contract with their residents, even if they go to the wall as a result of it.

Its very complex and that is what is stopping a lot of people understanding it (especially the press). Graham Mole told me a long time ago. Although you have an emotive subject which should make the press. In reality, it is too complex for the average reader to follow and that does not sell newspapers. So you were indeed lucky to get the Scottish Sunday Express interested, lets hope that they stay interested and that other UK newspapers will read what they have said and decide to run a similar story too.

A solicitor is probably the best avenue to fight the local authority if political persuasion does not work. The thing to do is to find a solicitor (and they are few and far between) who is versed in 'social housing' and probably 'contract law' and accepts Legal Aid. A resident who has no assets is then put forward to apply for Legal Aid to fight the case (make sure he/she is a fit one - you do not want them to scupper the case by dying before it comes to Court)

Anyway, there are some plans of possible action for you
kind regards

Vern

On 31 Mar 2008, at 15:51, kdyson@cfpress.co.uk <<mailto:kdyson@cfpress.co.uk>> wrote:

It certainly seems that way.

Particularly in view of the fact that I am on two weeks and counting for some 10 questions to be answered about the whole affair.

They certainly aren't coming up smelling of roses.

Quoting "mail@shelteredhousinguk.com <<mailto:mail@shelteredhousinguk.com>>" <mail@shelteredhousinguk.com <<mailto:mail@shelteredhousinguk.com>>>:

Hi,

So what they have effectively told you is that even if they are to hold consultations they intend to go ahead with it anyway and , indeed, they have decided to already.

I would think that is political dynamite , as well as being a meal for the press

regards

Vern

On 31 Mar 2008, at 15:02, kdyson@cfpress.co.uk <<mailto:kdyson@cfpress.co.uk>> wrote:

It would appear that council have given up even pretending to lie properly.

On March 19, answering a simple question "Will the full system be in place on April 1?" I got the reply "Yes, the full system will be in place on April 1."

Today I asked the same question, double checking if the system will be in place.

Lo, what was the answer?

"The system begins to be implemented on April 1"

Absolute disgrace!

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