



Setting up and Supporting Barnsley MBC Tenants' Jury

Good Practice Guide
December 2002



2

The Tenants' Jury as part of an Option Appraisal Process – Barnsley MBS, Tenants Jury

A Good Practice Guide

3

The Issues

Local authority landlords have always sought to provide resources to maintain the properties they own. Local authority housing finance must operate within government rules and guidance. In increasing numbers local authorities are looking at their landlord responsibilities and questioning how service standards can be maintained and improved and how the repair and improvement needs of properties will be met in years to come.

In the light of limited resources and the need to comply with government requirements such as: rent restructuring, resource accounting, best value and the decent homes standard many local authorities forecast that they will be met with insufficient funds to comply with their responsibilities and the rising needs and expectations of tenants. The Government are encouraging all councils to take a closer look at their housing stock, their own role as landlord, and how best to organise future services, repairs and improvements.

Social landlords must ensure that their business plans projects their income and expenditure over many years, and the landlord must identify and develop plans to resolve any gaps in resources. If the business plan identifies that there is a gap in the funding available for capital improvements an options appraisal exercise may be conducted to examine how the shortfall could be bridged.

Option Appraisals

The Options Appraisal starts with an assessment of how things are now. This is likely to include information about:-

- The condition of the housing stock
- The amount of money needed to repair and improve the housing, and to maintain it properly in future years
- The amount of money that is likely to be available to the Council from rents, government grants and bank loans
- The local supply and demand for rented housing of different type
- The extent to which the Council will or will not be in a position to meet the future needs and expectations of its tenants and housing applicants
- Options for action that may be open to the Council to tackle the investment and demand problems in particular.

Options appraisal exercises should provide tenants or tenant representatives with an opportunity to consider how the four main investment options would benefit and improve the repair and improvement needs of the properties and the needs of the housing service within their area.

The four options are:

- **Continued direct ownership by local authority** – the Council remain landlord and provide service and investment within government guidance
- **Arms Length Management Organisations** – the Council continue to own properties but management is provided by a new council owned company with additional approval to borrow investment funding
- **Private Finance Initiative** – the Council continue to own properties but long term contract agreed with a non council organisation to improve and maintain properties

- **Large Scale Voluntary Transfer** – Properties transfer from the Council to a Registered Social Landlord (Housing Association/Local Housing Company or Trust) permitting the new landlord to borrow investment funding

The four options contain a range of sub-options that tenants may wish to investigate such as tenant management, group structures and community based landlords. Local authorities may also wish to select a range of options, which complement the needs of specific neighbourhoods

All local authorities are different and the needs of the housing service and properties are different. It is therefore essential that options are looked at in the light of local circumstances and based on up to date and accurate information.

Note:

Government rules state that before local authorities are permitted to develop detailed stock transfer proposals they need to apply to the government for an approved place on what is termed the 'disposals list'. In order for the Government to give permission for local authorities to develop proposals in detail the Council will need to show:

- The level of support amongst tenants for the proposed transfer
- The level of support amongst councillors for the proposed transfer
- Whether the transfer will give greater tenant participation. The proposals have to show that tenants' opportunities to become involved in decision-making are at least the same as the opportunities that already exist to them as council tenants.

The Consultation Process

Consultation is a process of dialogue that leads to a decision. It can be a powerful tool for improving the quality and cost-effectiveness of services, and for ensuring that policy makers stay in touch with citizens.

Consulting communities is no easy task. This may be because:

- Landlords need to get a cross-section of people involved
- Views often differ, so interpreting the results can be tricky
- Consultation must be balanced with other factors that affect decisions, such as resources and statutory requirements.

Landlords are responding to the challenge by:

- Linking consultation to decisions that have to be made
- Taking a strategic approach to planning consultation programmes, often jointly with partners
- Involving all sections of the community
- Using a variety of consultation methods to encourage genuine participation and involvement
- Reporting the results, so that consultation can directly inform policies and decisions
- Letting those that have taken part in consultations know how their contribution has influenced policies and services.
- Using a variety of consultation techniques

This Guide focuses on the approach used by one landlord, Barnsley Metropolitan Borough Council, in involving tenants and stakeholders in the option appraisal process. The Innovation Into Action Grant Programme funded this approach. This Programme provides funds to projects, which aim to encourage new ways of getting council tenants involved in housing. Innovation Into Action Grant Programme is managed by the Chartered Institute of Housing and funded by the Office of the Deputy Prime Minister.

Tenant Consultation for Option Appraisal

One of the key aspects of the Government's vision for housing is "greater empowerment of tenants, to enable them to exercise choice and take more responsibility for their housing where they wish to do so". As part of the development of their housing strategy, local authorities are expected to carry out an option appraisal for the long-term future of their housing. Tenants should be properly consulted and involved in these strategies. Tenants' views should be fully taken into account in the development of any future option for their housing and Tenant Participation Compacts should recognise the need to involve tenants in decisions relating to housing investment and housing strategy.

Local authorities have a range of options to consider for future investment in their housing stock:*

- Continued direct management by the authority
- The Private Finance Initiative (PFI)
- Arms Length Management Organisations
- Stock transfer to registered social landlords

Tenants' views should play an essential part in helping local authorities consider the relative merits of each of these options.

By consulting and involving tenants from the very earliest opportunity in considering future options for their housing, local authorities can identify priority issues and concerns for tenants

Tenants' views can help the Council identify, early on in the process, whether there is likely to be significant objections or resistance from tenants to particular options, and what the reasons may be for their concern.

By involving tenants in deciding on the future option/s for their housing, local authorities are also able to enlist the help and support of tenants in taking the chosen option forward. This can help reduce the risk of 'No' votes if the Council intends to ballot tenants, and the consequent costs for the local authority.

The Tenants' Jury as part of an Option Appraisal Process

This Guide focuses on the 'Tenants Jury' approach to involving tenants in option appraisals. The Jury approach is an excellent tool for social landlords and residents to work together in partnership. It provides an opportunity for tenants to ask the landlord and other experts' questions about housing management, housing investment and models of social housing. The Guide also sets out good practice and highlights a successful case study: The Barnsley Tenants' Jury.

The Government encourage tenants to be involved when looking at options for the long term future of housing in their area the earliest moment: the Barnsley Jury is a good example of a few tenants having the opportunity early on to comprehensively examine and question this complex area.

Scope and Structure of this Guide

This Guide covers:

- The Tenants Jury Model
- The Approach – how it was formed and supported
- The role of the Council
- The role of the Independent Advisor/Facilitator
- The role of the Social Landlord
- Training
- Key issues and lessons learned
- Recommendations on good practice for successful and sustainable tenant consultation throughout the option appraisal process.



6

What is a 'Tenants Jury'?

- Tenants' Juries are a way of involving the public in decision-making and, for the commissioning body – for example, a local authority – it is a way to find out what residents think about an issue. The outcome can be used to decide priorities and appraise options.
- Tenants' Juries typically meet for three to four days and involve about ten to twenty-five members of the general public who are recruited to be broadly representative of their community.
- An independent moderator may lead and guide the jury through the tasks to make a set of decisions. Jurors are fully briefed on the issues by means of written evidence and information from witnesses. They scrutinise the evidence, cross-examine the witnesses, and deliberate on their decision in groups. Conclusions are summarised in a report and while jurors' recommendations are not binding, the commissioning body is expected to publicise the findings and respond to them within a set period of time.

Advantages of this approach

- It can be used for very complex subjects, especially those where most members of the public have pre-formed opinions
- A formalised setting ensures that participants can be made fully aware of all the issues
- It creates a dialogue between tenants and decision makers
- It is a good learning experience for councillors and officers
- It develops the jurors' confidence and knowledge
- It can involve people who may not normally get involved in traditional consultation structures
- It can provide more equitable and informed discussion forum between the landlord and jurors
- It encourages a sense of ownership, and reinforces the recommendation which the jurors' make
- An 'open book' approach helps develop trust and partnership between the landlord and the members of the jury.
- It is likely to stimulate longer term interest from jurors

Disadvantages of method

- The sample of jurors may be fairly small, and may not be representative of the whole population.
- It may be difficult to include all relevant interest groups and individuals in the jury.
- If issues are complex, they need to be fully investigated, and this, may be time-consuming and resource intensive.
- If the numbers of jurors', who are directly involved in the process, are limited, this may reduce wider public ownership of the results and may, in turn, alienate existing organisations.
- A jury may be vulnerable to self-selection
- A high level of time and commitment is required from participants

Type of consultation most suitable

- Suitable for technically complex one-off issues of major importance
- Has been used to look at specific questions such as selective demolition proposals and the future of public facilities

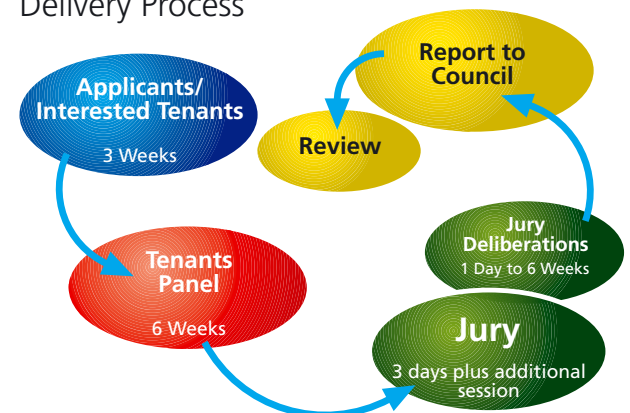
Relative costs

- The process can be expensive, because of the time commitment for officers, and the expenses needed to pay expert witnesses
- Payment of jurors is a decision to be made locally but expenses and subsistence should be effectively managed
- An experienced facilitator is also required

The Delivery Process

The diagram below displays the process of developing the jury and the kind of timescales which are involved.

Delivery Process



Case Study – Barnsley Tenants' Jury

In 2000, Barnsley Metropolitan District Council identified the tenants' jury approach as the main method they would use to enable interested tenants' to investigate housing investment options in the context of local circumstances and environment.

The Council applied for an Innovation into Action grant which is managed by the Chartered Institute of Housing.

The question posed by the Council for the jury to consider was:

“What should the Council do to ensure that it secures the investment needed, for the next 30 years, to manage, improve, repair and maintain its 25,000 properties to the satisfaction of existing and potential future tenants?”

The Council made a conscious decision to provide an 'open book' approach and step back from the process. The Council requested a suitably skilled independent organisation to develop proposals to set up and develop the jury.

Tenants were involved in considering proposals and selecting the independent tenants adviser, PEP (Priority Estates Project), in March 2001

Between April and October, a tenants' panel was formed, from which the jury was selected. The jury met in July with additional sittings in August and September

A report with recommendations was later provided to the Council in October 2001. The Council considered the recommendations of the report, and between October and February the Council worked with the tenants to develop an Arms Length Management Organisation bid.

Barnsley MBC's Arms Length Management Organisation bid gained the governments support, subject to the Council receiving Section 27 Approval to delegate its housing management functions, and the ALMO receiving a 2 star rating from the Housing Inspectorate.

The Council received Section 27 approval in November 2002 and therefore was able to delegate responsibilities to the Arms Length Management Organisation in December 2002.

The Council and ALMO Boards have developed priorities and targets to prepare for a housing management best value inspection, anticipated in summer 2003. The inspection will determine if resources will be available to improve the properties and for the ALMO to deliver the government's decent homes standard.



8

Appointing an Independent Adviser or Facilitator

The jury should have access to advice, training and support, to enable them to participate effectively in the process. Although the landlord may have the skills 'in-house' to support a jury it is advisable for resources to be made available for an independent organisation to provide this role. An independent organisation is less likely to be perceived as having a vested interest in the recommendations that the jury provide.

The independent adviser will guide the jury through a series of tasks in order to arrive at a decision. The role of the Council will be to identify a clear brief for the independent tenants' adviser. Tenants' should also be involved in considering submissions and should be part of the selection process.

Key Tasks of an independent adviser:

- Set up the jury and help promote the interests of stakeholders
- Encourage the jury to reflect the make-up of the community
- Ensure that all jurors receive the information they need to make an informed recommendation
- Enable jurors and the Tenants' Panel to provide feedback about their concerns and expectations
- Ensure jurors have clear criteria and benchmark standards, which will enable them to compare and...
- Ensure jurors call and question the most appropriate witnesses
- Provide expert independent advice and training to all potential jurors
- Provide an effective framework for communication between jurors and the Tenants' Panel which should ensure the accountability of the jury to the wider community
- Provide a clear and detailed report, on the process; recommendations of the jury and an action plan identifying any shortfalls.

Case Study – The role of Barnsley MBC in liaising with the independent advisor

Barnsley MBC was very keen to ensure the jury process followed a genuine 'open book' approach. The Council made available any document which the jury or Tenants Panel requested: seconding a part-time member of staff who obtained located requested documents, thereby ensuring excellent communication between the Council and the jury. The independent consultants, jury and panel also had access to various council staff, for example area managers and housing finance team members, and were able to discuss in detail issues relating to the Council's current housing service.

Establishing the Tenants' Panel Involving Everyone

The Barnsley Tenants Panel was set up to provide training and information to interested residents; it was from this group that the jury members would be drawn. The Tenants Panel was set up by the independent advisers who conducted a publicity campaign which involved focused mail shots, press releases, household leaflets, local radio interviews, public meetings, poster campaigns in public buildings and the use of a free phone helpline. An information pack was also available for any person who registered an interest.

While the jury involved only a limited number of people, the Tenants Panel provided an opportunity for a greater number of tenants to be involved and more informed about the options available to the Council. As the feeder body for the jury it was vital for the Tenants' Panel to reflect, insofar as possible, the wider tenant body. The independent adviser uses the housing needs survey, stock condition survey and housing management information and structures to understand the characteristics of the Barnsley MBC area.

Effective community involvement should ensure that everyone has the opportunity to participate, should they choose to. This means understanding and overcoming barriers, which may stop people getting involved, and identifying and using methods that engage hard to reach groups, for example those with disabilities, health problems, language difficulties, the elderly, young people etc (see below).

The Tenants' Panel was open to anyone from the community that wished to participate in exploring the future options for their housing, and to those who simply wished to listen to the discussions.

The Tenants' Panel was made up of interested people from a cross section of the community, attracted via a range of different methods including:

- Local radio interviews
- Focussed publicity in under represented areas, written in clear and easy to understand language
- Local meetings, in places where people already gather socially or for other activities
- Holding meetings at evenings and weekends, not just during the working day
- Personal letters to established tenants & residents' associations and community associations
- A help line was available during office hours, but with answer phone for out of hours messages

Good Practice – Support

Members of the Tenants' Panel, who choose not to participate in the jury, should be encouraged to continue their involvement as observers.

Good Practice – Support

People who take part in the jury and panel should not be out of pocket. Transport costs plus any reasonable expenses should be paid, including taxis, public transport, mileage, childcare costs, loss of earnings, stationary.

Case Study Note – Barnsley Tenants' Jury

A 24hr free phone helpline was made available for tenants to request an information pack and answer any questions they may have about the Jury. Outside normal office hours an answer phone was used.

The information pack contained the following information:

- What is PEP?
- What is the Barnsley Jury?
- What will the jury do?
- Who should I contact for more information?
- Meeting dates

The Role of the Tenants' Panel

The Tenants' Panel provides information to tenants who wished to find out more, participate in training, and ask questions.

The panel forms the group from which the jury members will come.

The Tenants' Panel allows members to recognise each others qualities and skills, undertake the same training sessions and participate in exercises which help the panel work together better (prior to the panel selecting the jurors).

The Tenants' Panel provides potential jurors with a better understanding of the needs of the housing service in general and the specific investment options available to local authority landlords.

10

Process of developing a 'Jury' Set up the Tenants' Panel (Training Group)



Train Tenants' Panel and select potential jurors



Jury sit and witnesses called



The jury will hold confidential deliberations



Jury reports its recommendations to the Council and final report presented to Council and Tenants' Panel



Training the Tenants' Panel

Training is an essential resource for the Tenants' Panel. Jurors will need to have an understanding in areas such as finance, local democracy, government policy and practice, and investment options.

A programme of events was agreed that would prepare potential jurors and provide them with sufficient skills to become effective jurors. The Tenants' Panel provided an opportunity to involve and inform more tenants about issues concerning tenants than would have been the case if the training had only been provided to jurors.

It is important to remember that some tenants can be put off by the idea of 'training'. Every effort should be made to create an environment that is supportive, participative and enjoyable to take part in.

Creating the right environment for training will depend on the skills and experience of the trainer, but also on the methods and techniques used to develop the jury's knowledge and skills.

Good Practice – Training Topics and Methods

- Jargon Busting
- Options for Housing Investment, e.g. Stock Transfer, Private Finance Initiative
- Housing Finance, Rents, Rent Targets, Subsidy Trends
- How the local authority manages its properties
- Tenants' aspirations and needs
- Suggest a set of ground rules for jury, code of conduct, confidentiality etc.
- Selection of jurors

Methods

- Quiz type events to test and develop the jury's understanding
- District tours, to ensure members were aware of the diverse nature of the borough and the housing stock
- Study visits to other areas, which have selected one of the options to see how it works in practice
- Guest speakers

Case Study Note – Barnsley Tenants' Jury

A two-day tour of the district took place, which allowed tenant panel members to visit all housing areas within the whole Borough and receive information from housing staff.

The district tour helped the panel understand the diverse nature of the local authorities' housing stock and differing needs of tenants and neighbourhoods. A building expert from PEP, (the independent adviser) accompanied the panel and a report with photographs was provided to the Council as supporting material.

The route of the tour was devised by PEP based on detailed area profiles provided by the Council. The intention was to see a variety of house types and circumstances, both well maintained and poorly maintained.

The report from the district tour formed part of the evidence that the jury considered.

Good Practice – Information**The Local Authority role**

The local authority seconded a part-time post for 6 months to ensure the Tenants' Panel and jury received the documents they requested and to ensure good communication.

Barnsley MBC undertook an 'open book' approach enabling the Tenants' Panel and the jury to request any council document they thought necessary.

The role of the independent adviser (ITA)

The role of the ITA was to advise and help tenants prioritise the information they requested and to ensure the information was presented in an appropriate and accessible format such as in a summarised or the full document or as a quiz.

Where summaries were used the full text was always available for those who wished to look at the detail. The jury had over 90 documents available to them.

Terms of Reference

It is important to have a clear working brief, agreed with tenants' representatives, setting out the aims and objectives of the tenants' panel and jury in their Terms of Reference.

The main responsibilities of the Tenants' Panel were:

- To investigate options open to local authority landlords for the management and maintenance of properties
- To agree the selection process and person specification for tenant jurors
- To support the work of the jury as a sounding board for the tenants' jury
- To assist in the selection of appropriate witnesses
- To monitor the independent adviser/facilitator's performance, and to ensure through regular communication acceptable standards of work and good working practice.

The Tenants' Panel will have no political bias. Members have the right to express their own views as individuals as long as the Code of Conduct is respected.

Terms of Reference – Good Practice Example of Barnsley MBC Tenants' Jury Terms of Reference

Aim: To consider options for the management, maintenance and improvement of Barnsley Council's housing stock and their benefits for existing and future tenants.

Objectives:

The objectives of the Tenants' Panel shall be:

- To investigate options open to local authority landlords for the management and maintenance of properties
- To agree the selection process and person specification for tenant jurors
- To support the work of the jury and act as a sounding board for the tenants jury
- To assist in the selection of appropriate witnesses
- Monitor PEP's (the Tenants Advisor) performance and ensure through regular communication acceptable standards of work and a good working relationship

- The Tenants Panel will have no political bias. Members have the right to express their own views as individuals as long as the Code of Conduct is respected.

Code of Conduct

The aim of the Code is to ensure the work of the Tenants' Panel and jury is handled in a business like way. A Code of Conduct will help make the best use of people's time. It will allow people to tackle concerns that are the most important in an effective and efficient manner. The Code will apply to anyone who attends meetings and events as part of the Tenants' Panel and jury.

Code of Conduct – Good Practice Checklist

- Tenants Panel meetings and events
- Differences of Opinion
- Respecting each other
- Confidentiality
- Court Sitings
- Jury Deliberations
- Conflict
- Press Spokesperson
- Equal Opportunities
- Breaking the Code of Conduct



Establishing the 'Tenants' Jury

After a few weeks of initial training and once the Tenants' Panel is considered as being as close to reflecting the social mix of the community as is practical, the task of selecting the jury can begin.

Jury members can be selected according to an agreed person specification, which identifies the characteristics and qualities required by members of the jury. The brief was developed and approved by the Tenants' Panel.

The criteria can be agreed to ensure that the jury's membership was representative and accountable.

Person Specification Checklist – Good Practice

- Age
- Sex
- Length of Tenure
- Employment Status
- Geographical Location
- Property Type
- Commitment to the Tenants' Jury and Panel
- Ability to contribute to discussions and decisions made by the jury
- Ability to attend regular meetings
- Willingness to be jointly accountable to the Tenants' Panel
- Willingness to abide by the rules, set out in the Code of Conduct
- Willingness to declare any conflict of interest relating to serving as a juror.

Case Study: Establishing the Barnsley Tenants' Jury

- Encourage insofar as possible, membership to reflect wider tenants body
- Tenants sit on jury as individuals not as representatives
- Larger 'Tenants' Panel' encouraged a pool of keen individuals from which the jury would be drawn
- The Panel provides a role for those who do not sit on jury (training, observing)
- Payment of panel/jurors limited to expenses, loss of earnings, childcare costs, etc
- Comfortable accommodation and training rooms
- Provide people with the tools to do the job

Example: The Barnsley Jury – who were they?

- The jury consisted of fourteen (14) members
- All of the jury were tenants of Barnsley MBC
- The jury had eight women (57%) and six men (43%) members
- The jurors came from all eight housing management areas
- The jurors came from eight different local authority wards
- Four of the jurors were employed (one part-time), five were retired, one currently seeking work, and four carers.
- One juror lived in a bungalow, twelve lived in houses and one lived in tied sheltered accommodation
- One juror was a tenant and an employee of Barnsley MBC Housing Department
- Three jurors were also members of the Barnsley Federation of Tenants and Residents.

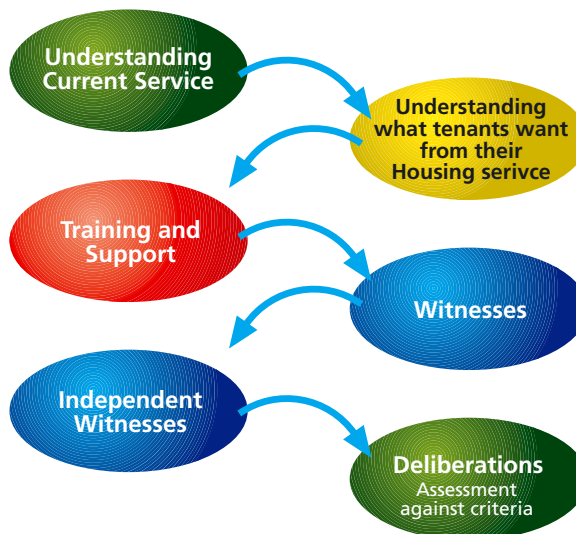
Collecting the Evidence

Understanding the local housing circumstances and conditions is essential.

Conducting an option appraisal is not only a question of access to documents but also the process of retrieving relevant information. Information may be located in different parts of the housing service or council.

The diagram below shows the importance of building understanding based on local circumstances.

Collecting Evidence



Case Study – Barnsley

The Council made available a member of staff on a part-time basis to provide information to the independent tenants' advisor to be shared with the panel and jury.

The jury had access to over 80 documents ranging from the Council's most recent stock condition survey, housing investment strategy and area profile information to decent homes guidance, a map of the borough identifying stock location as well as ministerial speeches. Summary documents were produced by PEP to support jurors.

Programme of Events

The jury programme was devised to enable as many experiences and views to be shared with the jury as possible during a focused three day sitting. The witnesses were grouped into panels around a number of key themes. The themes were:

- Challenges facing the local authority
- Organisations which had expressed a view on the options or certain options
- Organisations with experience of the options
- Government rules and the pressures of encouraging change
- Local authority finance / independent financial advice
- Independent legal advice
- Soap box slots

Witnesses were called to give evidence on a specific date and at a specific time. All witnesses received a number of written questions and background information in advance, and the jury asked supplementary questions during the second part of each session.

The panel developed 115 open questions for the 19 witnesses. A juror chaired each jury session and three jurors had the chair during the weekend.

Each session followed the following format:

- Each witness was asked questions for 15 minutes (questions sent to witness in advance)
- Once all witnesses on the panel had the 15 minutes of questions, the Chair will asked for supplementary questions
- Jurors were welcome to ask questions of any panel member or to the panel in general. This meant that some witnesses were invited to respond more than others
- Observers were not permitted to quiz witnesses while the hearing was being held
- Witnesses were encouraged to provide written responses and supporting information

Identifying the Witnesses

The type and range of witnesses who are invited to give evidence to the jury is very important. The witnesses can often be completely impartial and not directly involved in the Options Appraisal process in any particular authority area.

The independent adviser will initially select the witnesses to be invited. The Tenants' Panel will make the final selection of the witnesses which will be invited to appear before the jury.

Case Study: The Barnsley Jury witnesses

The jury called 19 witnesses to the three-day hearing and a further 4 witnesses, including three Members of Parliament for that area, all attended separate sittings during the following month at the request of the jury.

Witnesses called by the jury

Barnsley MBC – The challenges facing the Council's housing service

Executive Director Barnsley MBC

Assistant Director of Housing Barnsley MBC

Head of Development Barnsley MBC

Housing Finance/Finance Barnsley MBC

Leader of the Council

Organisations and individuals who can contribute to the debate on the options

Unison

TAROE (Tenants and Residents Organisation of England)

Defend Council Housing Campaign

Shelter (written information)

Confederation of Co-operative Housing (written information)

Executive member with Financial portfolio

Organisations which have experience of the options

Manchester City Council

Pennine Housing 2000

Derby City Council

Sunderland Housing

HACAS/Chapman Hendy

Royal Bank of Scotland

Government rules and pressures which encourage change

Non treasury expert / academic Bristol University

Government Offices for the Regions/Office of the

Deputy Prime Minister (ODPM)

Community Housing Task Force

Housing Corporation (written information)

Treasury/ODPM subsidy expert (written information)

The witnesses continued.....

BMBC Housing Finance/Finance
Independent Financial Advisor
Head of Development Barnsley MBC
Housing Finance/Finance Barnsley MBC

Independent Legal Advisor
Organisations and individuals who were unable to attend the jury but attended additional sittings
UCATT
Member of Parliament Barnsley Central
Member of Parliament Barnsley West and Penistone
Member of Parliament Barnsley East and Mexborough

The jury called 19 witnesses to the three-day hearing and a further 4 witnesses, including three Members of Parliament for that area, all attended separate sittings during the following month at the request of the jury.

Compiling the Evidence

All of the evidence which the jury has received during the process all needs to be considered in order for the jury to make its recommendations.

The jury can meet on several occasions in order to deliberate and formulate its recommendations.

Case Study – the Barnsley jury deliberations

The jury based its recommendation on the evidence it received throughout their work including:

- 23 witnesses
- District tour
- PEP training
- Individual experiences and knowledge

The jury met on three separate occasions to deliberate, once after hearing all witness statements, a second time once a draft report had been compiled and finally once a revised draft report had been prepared and additional witnesses had been heard. The jury deliberated their findings in confidence. The independent adviser, PEP and observers were not privy to initial Jury deliberations. When refining the recommendations PEP and later observers were privy to discussions.)

Scrutinising the Recommendations

Once the jury has deliberated and produced draft recommendations it may be valuable for the Council to pose its own questions regarding the draft recommendations.

Case Study – Barnsley

Prior to the final report being produced senior council officers were invited to ask questions of the jury about the report. Questions were aimed at ensuring that the report did not contain recommendations that might have been contradictory or factually incorrect. In addition, it gave the jurors the opportunity to discuss the officers' views prior to the presenting of the recommendations to the Elected Members.

An audit trail needs to be established to allow the authenticity or source of evidence to be verified.

Barnsley Tenants' Jury

Good Practice Note – Audit Trail

All documents and training materials plus the audiotapes of witness statements accompanied the jury's report and recommendations. The jury deliberations themselves remained confidential.



What are the benefits of a jury approach

- The depth of knowledge and understanding of jurors can be very high
- Value is added to the process by allowing questions to be asked of witnesses rather than simply listening to what they want to say
- Stimulates long term interest
- Sense of tenant ownership in the outcome is reinforced
- Jurors' confidence is developed.
- Involves tenants who would not usually participate in the tenant involvement process
- Ensures an 'open book' process
- Provides a vehicle for more equitable and informed discussions between the Council and tenants
- Provides the Council with the confidence to make changes to the way in which the service is delivered
- What could be done differently?
- Encourages greater member involvement
- Consider engaging staff on a similar exercise

Some issues to consider:

Representation

- Jurors do not act as representatives but rather individual citizens complete with their own views, experience and expectations. It is therefore essential that jurors have a range of experience in relation to the housing service – type of property, time as a tenant, age, gender, ethnicity, area, etc
- The publicity and promotion of the jury is vital to encourage interest amongst tenants especially those not already acting as representatives
- Information should be easily accessible to interested tenants
- Front line staff need to be engaged in helping promote the jury

Developing an informed jury

- The jury approach assumes people are not already aware of the options or their potential impact. It assumes people will use their own experience and judgement to make a decision. It is essential that the jurors gain an understanding of the options and current housing service prior to calling witnesses.
- Six to eight training events are likely to be needed in order to cover the basic

knowledge, which jury members require.

- Using a variety of styles may benefit learning. Quizzes, study visits and guest speakers will provide relief from presentations
- Encouraging group working is vital as peer support amongst the jurors will be one of the most valuable assets to the process
- Training sessions need to steer individuals away from dominating discussions. The jury must encourage debate and the exchange of ideas.
- Good Administration including swift reimbursement of expenses is important

Trust and confidence in their advisers

- The jury must have confidence and trust in the advice they are being receiving from their independent adviser
- Consideration should be given from the outset of how the tenant body can have confidence in the advice and training provided.

Trust and Confidence in the Council and key staff

- An 'open book' approach will help develop confidence and trust in the Council's evidence
- Resources need to be available to ensure an effective means of managing communication and the high demands for information
- Consideration must be given not just to the information provided but also to the style in which it is presented and who presents the information
- Members and officers should be briefed on all the options

Witnesses

- There is a risk that evidence leads to an entrenchment of jurors' views. The witnesses called must reflect as evenly as possible the range of options.
- There are benefits for calling a blend of witnesses including civil servants, independent experts with no vested interest in any option, senior professionals, pressure groups, unions, etc.
- Provide an opportunity for jurors to look at their own district, borough or city during the process. Arrange meetings with local staff and residents to inform the tour.
- Jurors' seeing for themselves the impact of the options is helpful. Consider study trips



Timescale

- The jury process may result in time delays for a number of reasons, for instance: difficulties in ensuring the Tenants' Panel is of a sufficient size, government announcements, the availability of key witnesses, the desire to call additional witnesses, the availability of all jurors for key dates
- Council committee/executive diaries and officer deadlines
- Government timescales including bidding round

The impact of empowerment

- Option appraisals raise issues that can provide passionate debate. Those responsible for supporting the jury need to consider how they will ensure the jury 'stay focussed', achieve its aim and provide a recommendation
- The jury process can be very empowering for jurors. Jurors should be encouraged to provide peer support and lead wherever practical, for example by acting as the Chair, leading on deliberations and giving final report approval
- Some thought needs to be given to what happens to jury members after they have delivered their verdict. Is there an opportunity to ensure the ownership of the future options remains with tenants? Are tenant involvement structures able to benefit from the skills and knowledge of jurors?

Useful Contacts

- Berneslai Homes (Arms Length Management Organisation), Barnsley MBC, Steve Jagger, Head for Development, Springfield House, Springfield Street, Barnsley, South Yorkshire, 01226 770770
- Barnsley Federation of Tenants & Residents Associations, 01226 201854
- Chris Brown PEP, Tenants Independent Advisor 0161 877 3223 chris.b@pep.org
- Community Housing Task Force, Office of the Deputy Prime Minister, 020 7944 4168
- Chartered institute of Housing, Innovation into Practice Grants
www.innovationintoaction.org

