



Miss P Goldschmidt
The Homelessness Division
Scottish Executive Development Dept
Area 1 H (South)
Victoria Quay
Edinburgh
EH6 6QQ

23rd February 2007

Dear Ms Goldschmidt,

Consultation Paper: Implementation of Section 11

Please find attached West Lothian Council's response to the above consultation paper in the format provided. Our response has focused on the key questions which are considered relevant to local authorities, and have excluded the guidance for landlords/creditors.

Section 1 - Regulations

Q1: Is the form and manner of notifications of proceedings to local authorities clear to you from the information contained in these regulations?

WLC Response: YES. However, there are some concerns regarding breaches of confidentiality when transferring personal information about individuals via the internet as an option, although it is acknowledged that this would increase the ability to respond timeously. Consideration should be given to requiring adequate security for the transferring of such data if notification is to be electronically.

Q2: Do you believe that the information outlined in the Notice of Proceedings in Form 1 is sufficient to ensure effective implementation of section 11?

WLC Response: NO. The information provided is extremely limited, and aligned with Section 21 of the guidance to Local Authorities (which identifies that care should be taken to minimise any possible alarm to the household) it will be difficult to do anything other than send a very broad introductory letter to the household asking them to make contact. As the Council is aware from experience, this is not often effective when dealing with very vulnerable households. Further detail on the household composition should be required, with any known areas of vulnerability outlined. The reason for the Notice of Proceedings should also be specified. This would allow the Council to take a more individualised approach to notifications and prioritise those which appeared to potentially require greater assistance.

Q3: Do you believe that the information outlined in the Calling-up Notice etc, in Form 2 is sufficient to ensure effective implementation of Section 11?

WLC Response: NO. As outlined in the response to Question 2 above.

Q4: Do you have any suggestions to make to Forms 1 and 2 in the regulations more "user friendly"?

WLC Response: NO

Q5: Do you have any general comments or suggestions on the form and manner of the notification to local authorities from landlords and creditors as outlined in the regulations set out in section 1?

WLC Response: It is recommended that briefing sessions/training should be made available to staff within local authorities and landlords/creditors to raise awareness of the respective responsibilities and ensure there is an understanding of the respective timescales associated with the identified proceedings and notices.

Section 2(i) – Statutory Guidance to Local Authorities

Q6: Are you clear from the guidance at which stage local authorities should expect to receive the notification of proceedings?

WLC Response: It appears fairly clear in the guidance, but experience will identify if further clarification is required.

Q7: Do you have any comments/suggestions in relation to local authorities ensuring landlords or creditors know where to send proceedings?

WLC Response: With the introduction of the regulation of private landlords, the vast majority of private and social landlords are likely to be known to the local authority. However we are not generally accustomed to dealing with a broad range of creditors. Many building societies/banks are national organisations and may deal with these forms of notification on a centralised basis, making communications difficult. Other credit organisations are also generally unknown to local authorities and unless there is some form of register of organisations operating on a locality basis, it is unclear how effective any notification approach will be.

Q8: Is it clear from the guidance which information local authorities should expect to receive from landlords and creditors?

WLC Response: YES

Q9: Is the guidance clear on what actions should be taken by local authorities when notification is received from landlords and creditors?

WLC Response: YES. However, there are clearly additional resourcing requirements on local authorities in terms of meeting these identified actions both in terms of staffing and temporary and permanent accommodation resources. It is unknown at this stage what this resource requirement is likely to be, but potentially if every household in mortgage or debt difficulties is referred to local authorities for assistance this could be substantial. Prevention activities are key, however there needs to practically be a range of appropriate advice/advocacy agencies or other housing options for potentially homeless households to access.

Q10: Do you have any comments about the data protection issues raised in the guidance?

WLC Response: Only with regard to the response made to Q1. It is our experience that local authorities are generally familiar with data protection processes in terms of the sharing and storing of information.

Q11: Do you have any general comments or suggestions you believe would strengthen the statutory guidance to local authorities set out in Section 2?

WLC Response: There does not appear to be any consequences for creditors who fail to comply with the requirements. Some clarification on this would be useful.

Equalities

Q16: Do you feel the proposals promote equality? If not, please give details of your concerns?

WLC Response: The proposals appear to give consideration to equality issues, however it may be worth monitoring any adverse impact on particular groups as part of the evaluation process.

Monitoring And Evaluation Of Implementation

Q17: Do you agree with local authorities being asked to monitor implementation in the first year and being asked to provide this information to the Scottish Executive?

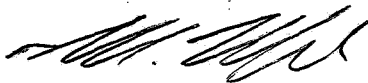
WLC Response: YES, this would be considered valuable information for local authorities to collect.

Q18: Do you have any other comments or suggestions about the monitoring and evaluation of Section 11?

WLC Response: To ensure a consistent approach to evaluation, it would be useful to agree a format for monitoring in advance of the implementation of Section 11. This would also ensure that local authorities can establish the appropriate information tracking mechanism as part of their implementation processes.

I trust this response is of assistance to you, and would be happy to discuss any further detail if required.

Yours sincerely



John Reid
Senior Manager Housing Strategy & Development