



Department for
Communities and
Local Government

Providing social housing for local people: statutory guidance on social housing allocations for local authorities in England

Equality statement

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Equality Statement

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| 1. Name of Directorate |
| Housing Growth and Affordable Housing Directorate |
| 2. Please list all the policy streams in your business area. |
| <p>The allocation of social housing by local authorities is governed by Part 6 of the Housing Act 1996 (the 1996 Act). The Localism Act 2011 amended the 1996 Act (from June 2012) to give local authorities power to determine who qualifies for social housing in their district. It also removed from the allocation rules transferring tenants who are not considered to have 'reasonable preference' (priority).</p> <p>Under the 1996 Act, the Secretary of State may issue statutory guidance to which local authorities must pay regard. Guidance was published in 2012 to assist authorities to take advantage of the Localism Act flexibilities. At the same time the Department made regulations which provide that local authorities:</p> <ul style="list-style-type: none"> • must not apply a local connection requirement to disqualify certain categories of Armed Forces personnel; and • must frame their allocation scheme to give 'additional preference' (high priority) to certain categories of Armed Forces personnel if they are in urgent housing need. |
| 3. Identify any policy streams aimed at or impacting upon a Protected Group. |
| <p>The Department has consulted on proposals to introduce additional statutory guidance to ensure local authorities give greater priority to applicants with a close association to their local area when deciding which households qualify for social housing; and are more open and transparent about who is applying for and being allocated social housing. The consultation ran from 14 October to 22 November 2013. The final guidance (issued on 31 December 2013) has been drafted – and this equality statement revised - in the light of responses to consultation.</p> <p><u>The policy and proposals for guidance:</u> Social housing is a scarce resource providing a number of benefits for tenants (below market rents, relative security, and for council tenants a right to buy). The Government believes that requiring tenants to demonstrate a degree of integration and connection to the district is the best way to ensure that sufficient affordable housing is made available for the less affluent members of the resident population, which in turn should help create and maintain successful, stable and prosperous local economies.</p> <p>The Government considers that a residency test is an appropriate way to demonstrate a close local association. It recognises that it would not be appropriate to apply a blanket residency rule and that there is a need for flexibility to take account of special circumstances and to protect the most vulnerable. It also recognises that people may have a connection to an area for other reasons, such as long term employment or close family living there. Accordingly the Department consulted on proposals for new guidance to encourage local authorities to:</p> <ul style="list-style-type: none"> • adopt a two year residency test • provide appropriate exceptions to take account of special circumstances • include other criteria to demonstrate a strong local association <p><u>Response to consultation:</u> Respondents were generally supportive of the proposal for</p> |

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| <p>local authorities to use their new allocation freedoms to meet the needs of local residents and communities. There was some variation but the majority of local authority respondents were in favour of a residency test, and several indicated they had already introduced one as part of their qualification criteria. There was overwhelming support for the proposal to include other qualification criteria to enable applicants to demonstrate a close local association; as well as the need to provide for exceptions to a residency test to take proper account of special circumstances.</p> <p><u>The new statutory guidance:</u> The Government has taken account of responses to consultation in drafting the final guidance. The main changes to the original proposals are to:</p> <ul style="list-style-type: none"> • recognise that, where a group of authorities operate a common allocation policy, they may wish to apply a broader residency test which applies to all partners' districts • remind local authorities they can go further to assist local people, for example, by prioritising rural dwellings for those with a close connection to the relevant parish <p>The Government will consult (in Spring 2014) on the introduction of a Right to Move for social tenants moving for work or training. The final guidance accordingly includes an expectation that authorities will make appropriate exceptions to their residency test to allow for labour mobility.</p> |
| <p>4. Who has responsibility for developing these policies?</p> |
| <p>Frances Walker, Head of Allocations Team.</p> |
| <p>5. Are there any EU or other statutory regulations that need to be adhered to regarding equalities?</p> |
| <p>Public bodies are subject to the public sector equality duty (s.149 of the Equality Act 2010).</p> |
| <p>6. The following summary will be analysed and used as evidence which you considered in demonstrating due regard to the Public Sector Equality Duty. Have you used information from any of the following sources when developing policies?</p> |
| <p>Continuous Recording of Lettings (CORE) 2012/13 (for information on lettings) English Housing Survey (EHS) 2011/12 (for information on existing social tenants) Census 2011 and Annual Population Survey 2012 (for information on the general population)</p> |
| <p>7. Have you discovered any of the following and as a consequence taken actions on identified equality issues?</p> |
| <p>General information on social housing lettings and cross-boundary moves In 2012/13 there were 260,530 general needs social housing lettings, of which 9% (23,864) involved a move across local authority boundaries. The characteristics of cross-boundary movers is very similar to all social lettings, except that they are more likely to be older.</p> <p>CORE records the reason the household left their last property. Proportionately more people moving across local authority boundaries gave the following reasons for moving, compared to those moving within the local authority district:</p> |

- to be nearer to family, friends or school - 12.9% compared to 2.5%
- to escape domestic violence – 5.4% compared to 2.6%.

Proportionately fewer households moved across local authority boundaries due to overcrowding (11.4% compared to 15.6%). All other reasons for moving showed smaller proportional differences between the two groups.

Impacts in relation to race and nationality

The percentage of lettings where the ethnic origin of the Housing Reference Person was white was 82.1% in 2012/13, down from 84.5% in 2007/8. The percentage of lettings where the ethnic origin of the Household Reference Person was black or black British rose slightly over the same period, from 7.0% to 8.7%; this group is also slightly more likely to be represented in cross boundary moves (10.7%). Lettings to other ethnic groups remain broadly the same. The ethnic profile of current social tenants is similar: 85% were white, 7% black/black British, 3% Asian/British Asian, and 5% classed as 'other'.

A few consultation responses referred to the gypsy and traveller community. Lettings to those identifying themselves as a gypsy or Irish traveller whose last tenure was a mobile home or caravan were less than 0.01%. Given the very small numbers involved, we expect the new guidance to have no significant impact. However, to meet the concerns of consultees, we have ensured that the final guidance draws local authorities' attention to their duties under s.225 of the Housing Act 2004 (assessing the accommodation needs of gypsies and travellers).

The number of lettings where the Household Reference Person was a non-UK national was 8.4% in 2012/13 (9.1% of lets to new social tenants and 6.1% to existing tenants), rising from 5.5% in 2007/8 (6.5% existing, 3.7% new). Of those, 4.6% were European Economic Area¹ (EEA) nationals and 3.8% non-EEA nationals. This compares to the general population where 13.3% were non-UK nationals (source: Annual Population Survey 2012).

The nationality of those moving across local authority boundaries is very similar to all social lets: 92.1% to UK nationals; 4.1% to EEA nationals; and 3.8% to non-EEA nationals. The profile of current social tenants is also similar: in 2011/12 93% were British or Irish Nationals.

How the guidance affects lettings to different ethnic groups and nationalities will depend on how authorities respond to the guidance, as well as the supply, demand and need for social housing in each area: for instance, impacts are likely to vary between larger, urban areas where there is likely to be a more ethnically diverse population, and small, rural communities.

There are likely to be some impacts in relation to recently arrived migrants unless they fall within the exceptions which local authorities adopt to take account of special circumstances. Otherwise, impacts in relation to race and ethnicity are likely to be highly area specific and for local authorities to consider and mitigate, in relation to their equality duties.

¹ Czech Republic; Estonia; Hungary; Latvia; Lithuania; Poland; Slovakia; Slovenia; Bulgaria; Romania; Austria; Belgium; Cyprus; Denmark; Finland; France; Germany; Greece; Ireland; Italy; Luxembourg; Malta; Netherlands; Portugal; Spain; Sweden; Iceland; Lichtenstein; Norway; Switzerland.

Gender

Women are slightly overrepresented in social lettings compared to the general population: in 59% of general needs lettings where gender was reported, the Housing Reference Person was female (in 2012/13), compared to 41% of lettings to males. Cross boundary movers show a similar female to male ratio. Women are also slightly over-represented among current social tenants (55%).

There may be some impacts of applying a residency test, depending on the reason why tenants move and the detail of local authorities' policies. Including an exception to a residency requirement for people escaping from violence (highlighted in the guidance), for example, is more likely to benefit women. Where people moved across local authority boundaries, domestic violence was given as the main reason for moving in 5.6% of cases.

Women may be more likely to move to be closer to family to provide care or support – and thus be able to demonstrate a local connection through family association; whereas they may be less likely to move for employment related reasons. Moving nearer to family/friends/school was given as the main reason for moving, for cross-boundary movers, in 13.2% of lettings; moving nearer to work was cited as the main reason for cross-boundary moves in only 2.0% of cases.

Impacts are likely to be slight, and localised, and we do not expect there to be significant impacts nationally.

Disability

People with disabilities are disproportionately represented in social housing: 20% of social tenants are registered disabled, compared to 4% of private renters and 7% of owner occupiers.

CORE reports the need for some form of adaptation in relation to a disability in 28.3% of general needs social lettings. For cross- boundary lets the number was slightly lower at 23.8%. Moving from a property considered unsuitable due to ill health/disability was given as the main reason for a cross-boundary move in 5.9% of lettings; and moving to independent accommodation in a further 13.0%. CORE does not record broader definitions of disability.

Where people with disabilities choose to move cross local authority boundaries, it is likely that a significant proportion will be moving to obtain care and support from their family and may accordingly be able to demonstrate a local connection through family association. Disabled people may also be able to move into the void which has been created by a cross-boundary mover, as overall disabled people will continue to be given priority for social housing by means of the statutory reasonable preference categories which prioritise social housing for:

- people who need to move on medical or welfare grounds, including grounds relating to a disability, and
- people who need to move to avoid hardship to themselves or others

Age

Social lettings were made to a larger proportion of households where the Housing Reference Person is between 20 and 44 years, and a smaller proportion of those aged

60 years or over, compared to the general population. However, cross boundary social lettings are slightly more likely to be to older households (45-59 age group and above) and correspondingly less likely to those in the youngest (under 29) age groups, compared to all reported social lettings.

Whether there are any impacts, and their extent, will depend on the reason people move and the detail of individual authorities' policies. Providing an exception to a residency test for people who can demonstrate a family association could benefit older people if the reason they move is to obtain care and support from their family. Where local authorities take account of employment in the district, this may benefit those below pension age who are more likely work.

Impacts are likely to be slight, and localised, and we do not expect there to be significant impacts nationally.

Gender reassignment, marriage/civil partnership, pregnancy/maternity, religion/belief, sexual orientation

There are similar proportions of households with a pregnant woman in those moving across local authority boundaries (3.9%) and social lettings generally (4.4%). People in a same sex relationship are very slightly overrepresented in social lettings (2.0%) compared to the general population (0.8%), although there is no difference in the proportions for those crossing local authority boundaries (2.0%).

We do not anticipate that any of these groups is likely to be disproportionately or negatively affected by changes to local authority allocation policies as a result of the new guidance. However, there is sufficient flexibility in the policy to ensure that, should any negative impacts be identified at the local level, local authorities have the discretion to take this into account in the way they frame their local policy. The guidance also makes clear that authorities should retain discretion to deal with individual cases where there are exceptional circumstances.

8. When your policies are finally implemented which groups are most likely to benefit?

The policy should have benefits for the wider community by ensuring a fair distribution of a scarce, subsidised resource. However, as the purpose of the guidance is to prioritise social housing for local communities, it is not anticipated that any of the protected groups will benefit disproportionately at a national level.

9. In considering the above information have any gaps in data or equalities information been identified?

The Department does not collect relevant data in relation to religion, belief or gender identity.

10. Overall, can you make an assessment of the potential of this policy; programme/service to have a substantial equalities impact on discrimination, fostering good relations or advancing equality of opportunity?

Residency and local connection already feature in the way social housing is allocated. Authorities have had the power to take local connection into account in determining priorities between applicants since 2003. Nearly half of local authorities responding to an informal survey carried out by DCLG in 2012 indicated that they had or proposed to introduce a residency or local connection test as part of their qualification criteria. Residence periods of two, three, and five years were cited.

There may be some adverse local impacts for some individuals or groups with a particular protected characteristic, depending on the detail of the local residency and association criteria, local circumstances, and local needs and priorities. However, these are likely to be balanced by small positive impacts for individuals or groups with other protected characteristics. While the guidance may lead to localised equality impacts, local authorities will need to have due regard to the public sector equality duty when making any changes.

As social housing will continue to be prioritised on the basis of housing need (according to the statutory reasonable preference categories), and homelessness assistance will continue to provide a safety net for the most vulnerable, the overall impact across the protected groups, at the national level, is likely to be largely neutral. In addition, for existing social tenants seeking to move across local authority boundaries, exercising the right to mutual exchange with other social tenants will remain an option.

The policy is likely to be broadly positive in terms of fostering good relations. Social housing is allocated by local authorities according to locally determined allocation policies. Ensuring that it is also prioritised for local people who have invested in their local community is likely to be seen by most communities as a fair and appropriate means of distributing this resource. Ensuring local authorities are more open and transparent about who is applying for and being allocated social housing should help tackle perceptions of unfairness which in turn should lead to improved community relations.

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|-------------------------|----------------|-------------|------------|
| Name | Frances Walker | | |
| Directorate/Unit | Housing | | |
| SCS Sign off | Jane Todorovic | Date | 14.01.2014 |

I have read the available evidence and I am satisfied that this demonstrates compliance, where relevant, with Section 149 of the Equality Act and that due regard has been made to the need to: eliminate unlawful discrimination; advance equality of opportunity; and foster good relations.