



Department for
Communities and
Local Government

Providing social housing for local people

Statutory guidance on social housing
allocations for local authorities in England

Summary of responses to Consultation

© Crown copyright, 2014

Copyright in the typographical arrangement rests with the Crown.

You may re-use this information (not including logos) free of charge in any format or medium, under the terms of the Open Government Licence. To view this licence, www.nationalarchives.gov.uk/doc/open-government-licence/ or write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or email: psi@nationalarchives.gsi.gov.uk.

This document/publication is also available on our website at www.gov.uk/dclg

If you have any enquiries regarding this document/publication, email contactus@communities.gov.uk or write to us at:

Department for Communities and Local Government
Eland House
Bressenden Place
London
SW1E 5DU
Telephone: 030 3444 0000

For all our latest news and updates follow us on Twitter: <https://twitter.com/CommunitiesUK>

April 2014

ISBN: 978-1-4098-4194-4

1. Introduction

1. On 31 December 2013, following consultation, the Department published *Providing social housing for local people: Statutory guidance on social housing allocations for local authorities in England*. The guidance assists local authorities to use their qualification powers in the Localism Act 2011 to ensure social housing is better targeted to meet the needs of long standing local residents, or those with well established local associations.

2. In drafting the guidance, we have sought to take on board suggestions and comments made by those who responded to the consultation paper, wherever possible. In particular, the guidance:

- recognises that, where a group of local authorities operates a common allocation policy, they may wish to apply a broader – partner-wide – residency test, to provide for greater labour mobility
- advises authorities that they may go further to assist local people, for example by prioritising rural dwelling for those with a parish connection
- reminds authorities of the need to have regard to their duties under the Equality Act 2010 and other relevant legislation

3. This document summarises the response to the consultation paper.

2. The consultation process

4. The Government published consultation proposals for the new draft statutory guidance in October 2013. The consultation process closed on 22 November 2013.

5. Over 140 responses were received. The majority were from local authorities and Arms Length Management Organisations. Responses were also received from Private Registered Providers of social housing, local authority and landlord representative bodies, voluntary and community organisations, other interested organisations and members of the public.

6. Not all respondents replied to each of the proposals in the document and some expressed equivocal views. Whilst therefore we have given a broad sense of support or opposition in relation to the proposals in the consultation document, it is not possible to provide precise numbers.

3. Responses to consultation proposals

Summary

7. Respondents were generally supportive of the proposal that local authorities should make full use of their new allocation freedoms to meet the needs of local residents and communities; and most were in favour of a residency test. The vast majority were also in favour of local authorities adopting other criteria alongside a residency test to ensure those with a strong association to the local area are not disadvantaged, and agreed that local authorities should provide for appropriate exceptions to a residency test to meet special circumstances. There was overwhelming agreement that local authorities should be more open about who is applying for and being allocated social housing in their local area.

Responses to individual proposals

Consultation proposal: local authorities should use their new allocation freedoms to meet the needs of local residents and communities. The guidance should strongly encourage all local authorities to adopt a two year residency test as part of their qualification criteria.

8. Respondents were generally supportive of the proposal that local authorities should make full use of their new allocation freedoms to meet the needs of local residents and communities.

9. The majority of those who expressed a view – and in particular local authority respondents – were in favour of a residency test. Advantages included that it would ensure that social housing is used to support and strengthen local communities and make it easier to manage unrealistic expectations. A number of local authorities said they had already introduced such a requirement as part of their qualification criteria.

10. While the majority of responses were positive, there were some concerns that a residency test could restrict access to social housing for some vulnerable groups, make it more difficult to fill hard to let stock, or undermine local authority partnerships. These concerns are addressed in the final guidance.

11. An issue raised by some local authorities was the inconsistency between the proposed two year residency period and the local connection test for homelessness. As authorities can now bring the homelessness duty to an end with a private rented sector offer, we consider they have sufficient flexibility to meet the case of those who have not lived in the area long enough to qualify for social housing.

12. A few respondents queried the potential for a residency test to indirectly discriminate against certain groups of applicants, such as gypsies and travellers. The final guidance makes clear that local authorities should consider providing for appropriate exceptions to the residency requirement, to take account of special circumstances. It also reminds local authorities of the need to have regard to equalities and other relevant legislation when framing their local residency criteria.

13. While most respondents agreed that two years was reasonable, there was some support for longer or shorter periods. It should be noted that the final guidance recommends that a reasonable residency period would be a *minimum* of 2 years.

Consultation proposal: the guidance should encourage local authorities to adopt other qualification criteria alongside a residency test to ensure those with a strong association to the local area are not disadvantaged.

14. The vast majority of those who replied directly to this proposal were supportive. A large number of local authorities indicated that they had already included – or proposed to include – other qualification criteria alongside a residency test. In line with the proposed guidance, family association and employment were the most commonly cited criteria. Some commented that it was important that there was a relevant connection between the applicant and family member, such as the need to move to assume caring responsibilities.

15. Some respondents, while generally recognising the merits of including additional criteria to demonstrate a strong association, were of the view that this should be locally determined and the guidance not over prescriptive.

16. A small number of local authority respondents indicated that they would not wish to include additional qualification criteria alongside a residency requirement. There were concerns that this would add to the pressure on already long waiting lists, be unfair to local residents, and render qualification policies more complex and less transparent.

Consultation proposal: the guidance should remind local authorities of the need to provide for appropriate exceptions

17. Nearly all of those who expressed a view agreed that local authorities should provide for appropriate exceptions to the residency test to meet special circumstances. A very small number of respondents suggested this should be mandatory.

18. Many of those local authorities that said they already apply a residency test as part of their qualification criteria confirmed that they also provide for specific exceptions to the requirement, or include discretion to dis-apply the requirement in appropriate circumstances.

19. A number of respondents suggested other examples of circumstances for which specific exceptions should be made, including:

- People moving to give or receive care
- People moving to access, or move on from, specialist care
- All existing social tenants moving within social housing
- People moving to escape harassment, victims and witnesses of crime

20. A small minority of respondents considered that the guidance should stress the importance of participating in mobility schemes to enable people to move between local authority districts.

21. Some respondents, while generally supporting the need to provide for exceptions, considered that the guidance was too prescriptive. Instead they considered that it should

be for local authorities to determine exceptions appropriate for their local area; or that the guidance should set out general principles, rather than providing specific examples.

22. Not all respondents were in favour of providing for specific exceptions, considering that managing needs through exceptions would add to complexity and lack transparency. There was also some concern that providing an exception for homeless households could act as a perverse incentive.

Armed Forces Community

23. The Government has already put in place protections through secondary legislation which mean that members of the regular Armed Forces, their bereaved spouses and civil partners, and seriously injured reservists, must not be subject to disqualification on residency grounds. The consultation document proposed the new guidance should make clear that the Government expects local authorities to also consider the wider needs of the Armed Forces community, and to be sympathetic to changing family circumstances.

24. Very few of those responding to the consultation expressed a view on this proposal. Where they did, some took the view that the existing protections were sufficient to meet the needs of the wider Armed Forces community.

25. A few respondents recognised this as an issue, however, and – in the case of local authorities – either had or would consider whether to change their allocation policy to meet the needs of the wider military community.

Consultation proposal: local authorities should have a clear policy about the collection and publication of waiting list and lettings information.

26. Those who responded to this proposal were overwhelmingly supportive of the principle that local authorities should be more open and transparent about who is applying for and being allocated social housing in their local area. It was considered that this would help the local community to better understand who is accessing social housing, and demonstrate that the local allocation policy is fair – and is being complied with.

27. A few local authority respondents were concerned about potential additional costs, for example arising from the need to change their ICT to support the collection and publication of data. One respondent, on the other hand, suggested it might save some of the resource they currently devote to answering Freedom of Information requests on the topic.

28. Other comments included:

- In small (rural) districts where few lettings are made, even anonymised information could enable applicants to be identified
- Information on waiting times should not be published (as it was likely to frustrate applicants)

- CORE¹ data should be published at the local level (rather than requiring landlords to set up a separate system)

¹ DCLG collects and publishes data annually on lettings by local authorities and Private Registered Providers through the Continuous Recording of lettings (CORE).