



Department for
Communities and
Local Government

Right to Move

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, complete the form at <http://forms.communities.gov.uk/> or write to us at:

Department for Communities and Local Government
Fry Building
2 Marsham Street
London
SW1P 4DF
Telephone: 030 3444 0000

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

September 2014

ISBN: 978-1-4098-4329-0

About this Consultation

Scope of this consultation

Topic of this consultation:	Social Housing – Right to Move
Scope of this consultation:	This consultation invites comments on the proposals to introduce a Right to Move for social tenants who need to move to take up a job or live closer to employment or training.
Geographical scope:	England only

Basic Information

To:	Local authorities and other social landlords
Responsibility for the Consultation:	This consultation is being run by the Affordable Housing Management and Standards Division in the Department for Communities and Local Government.
Duration:	10 September to 5pm on 22 October 2014
Enquiries (including requests for the paper in an alternative format) to:	For further information about this consultation please e-mail mobility@communities.gsi.gov.uk
How to respond:	Consultation responses should be submitted by email to: mobility@communities.gsi.gov.uk Or by post to: Affordable Housing Management and Standards Division Department for Communities and Local Government Floor 3 NWQ Fry Building 2 Marsham Street London SW1P 4DF
Additional ways to become involved:	We are willing to engage with local authority landlords and other interested parties during the consultation process.
After the consultation:	A summary of the responses to the consultation will be published on the

Department's website

**Compliance with the
Code of Practice:**

This consultation document and the consultation process have been planned to adhere to the Government Code of Practice on consultation. The period of consultation will be 6 weeks.

Chapter 1

Introduction

1. The ability to find a house that's right for us, in a place that we want to live, is something most of us take for granted. As our circumstances change, we naturally move around – for example, when we get a job in a different town or when our children grow up and we no longer need a family home. But when it comes to social housing, that doesn't always work. The system often isn't flexible enough. Too many people are allocated a home which is right for them at a particular time in their life, but then feel unable to move to keep up with their changing needs. That's frustrating for them, as it limits their ability to take up new opportunities: with wider implications for the labour market, the economy, and the size of the welfare bill. We want to make sure that the system is flexible, supporting people's aspirations and meeting their changing needs.
2. We've already made important steps in the right direction. We set up *HomeSwap Direct* which means tenants can search for a new home right around the country. Tenants have already carried out over 18 million searches, showing the scale of demand for greater flexibility.
3. We have made sure that councils have the freedom to make best use of their housing stock by taking social tenants who are not in housing need out of the allocation legislation, giving local authorities more flexibility to develop appropriate policies for transferring tenants.
4. We all recognise that long-term unemployment is damaging to individuals and communities; it affects mental and physical health, and holds back economic growth. We are taking every opportunity to help people into work and make sure that work pays. That is matched by a clear expectation that people take up the opportunities on offer. And no one should be prevented from doing so because they can't find suitable housing. Many responsible councils are already trying to help social housing tenants to find work – for example Westminster, Southend and Manchester take employment into account in their allocation policies. We want to give local authorities the tools they need to help residents make a better life for themselves.
5. In the past tenants may have felt trapped in their existing accommodation when they needed to move to take up a job. Without a clear expectation that councils should support those needing to move for work or training, and without a local connection to a new area, they may not have been able to find new housing meaning that the opportunity – often a life-changing one – may be lost.

6. In 2012-13 only 46% of social renters of working age were in employment; this compares with 87% of owner occupiers and 74% of private renters¹. That is why in the Autumn Statement last year we set out our intention to introduce a Right to Move for social tenants who need to move to take up a job or live closer to employment or training.
7. Building on the recent guidance 'Providing Homes for Local People' where we explained that we would introduce a Right to Move, this consultation seeks views on our proposals to:
 - introduce regulations to enable existing social tenants who need to move within England to take up work or training to do so
 - issue strengthened statutory guidance to make clear that the 'hardship' reasonable category relates to existing social tenants moving for work or training, or create a new reasonable preference category for those who need to move for job related reasons
 - use the guidance to ensure local authorities set aside a proportion of lets to enable existing social tenants to move across local authority boundaries within England for work related reasons
8. This consultation also:
 - seeks views on how local authorities and social landlords are using the flexibilities they already have to support tenants who want to move within and across local authority boundaries
 - sets out plans to support local authorities to test out new approaches to provide for greater mobility to reward working tenants and those who are otherwise making a positive contribution

¹ English Housing Survey 2012-13

Chapter 2

Qualification

9. The Localism Act has given local authorities the power to set their own rules determining who qualifies or does not qualify for social housing in their district. In December 2013 we issued statutory guidance² to encourage local authorities to use their new qualification flexibilities to apply a residency test for social housing.
10. This referred to the Government's intention to introduce a Right to Move for social tenants seeking to move to take up a job or be closer to work. It made clear that, in the meantime, we expect local authorities to ensure that their residency requirements enable social tenants to move across local authority boundaries for work related reasons, so as not to impede labour mobility.
11. **This consultation seeks views on formally incorporating this expectation within the Right to Move through regulations. This would remove the residency requirement for existing local authority or housing association tenants who are seeking to transfer from another local authority district in England and who need to move in order to be closer to their work, or to take up a job offer, apprenticeship, or work related training opportunity.**
12. We have already made a similar provision for certain members of the Armed Forces community by regulating to prevent local authorities from applying a local connection requirement to disqualify them. These Regulations give effect to the Government's commitment that those who serve in the regular and reserve Armed Forces are not disadvantaged in their access to social housing by the need to move from base to base.

Reasonable preference

13. The Government has made clear that we expect social homes to go to people who genuinely need and deserve them. That is why the Localism Act has maintained the protection provided by the statutory reasonable preference criteria which ensure that overall priority for social housing continues to be given to those in housing need. The statutory reasonable preference categories include, among others, people who need to move to avoid hardship to themselves or others.
14. We are aware that some local authorities' allocation scheme priorities already take account of financial hardship that could be resolved through moving to alternative accommodation, including the costs associated with travelling long distances to work. We consider that such an approach is entirely appropriate, and that it would

² Providing social housing for local people: Statutory guidance on social housing allocations for local authorities in England

be in line with our existing statutory guidance on social housing allocations³ which recognises that the 'hardship' reasonable preference category would include people who need to move to take up a particular employment, education or training opportunity. We want to see all local authorities adopt such an approach.

15. **Accordingly, we propose to strengthen and expand our statutory guidance to spell out in more detail the circumstances in which we would expect local authorities to apply the 'hardship' reasonable preference category to those moving for work or work related training.**
16. **An alternative would be to regulate to create a new reasonable preference category for transferring tenants who need to move for work related reasons.**
17. **Views are sought on the advantages and disadvantages of the two approaches.**
18. We would like to better understand what information local authorities already use, or would envisage requiring, to assess whether someone needs to move for work related reasons, with a view to standardising this across authorities through the statutory guidance. This needs to be proportionate. We want to avoid fraud but do not want the information requests to be over-bureaucratic and so stifle this important new right. We would also like to understand what, if any steps, local authorities take where there is evidence that tenants have deliberately misled the authority about their employment status; or what sanctions they apply, if any, where tenants, having moved, fail to take up a job offer or leave their employment.
19. **Local authorities are invited to provide evidence about how they satisfy themselves that the employment, job offer or training opportunity is genuine, and the employment is not of a purely temporary nature; as well as how they assess whether a person needs to move for work.**

Setting aside a proportion of lets

20. Housing Moves is the Mayor of London's housing mobility scheme that allows tenants of London boroughs or housing associations to move from their existing borough to a different part of London. It is run by the Greater London Authority and the majority of London boroughs and housing associations are participating. Boroughs participate on a voluntary basis and contribute 5% of their relets to be made available for cross-boundary moves throughout the capital. The scheme is run by the Greater London Authority who provides the ICT necessary for the scheme to operate.
21. We would like to see all local authorities adopt a similar approach for tenants moving into their area to be closer to work or to take up a job opportunity.
Accordingly, we propose that the new statutory guidance will ensure local

³ Guidance for Local Housing Authorities in England on the Allocation of Accommodation (June 2012)

authorities set aside a proportion of lets for tenants who need to move across local authority boundaries in England for job related reasons.

22. The guidance would set a minimum expectation of 1% of lettings. Local authorities would be free to set a higher proportion and to revise the level when appropriate. If authorities wished to set a quota lower than 1%, they would need to explain publicly why they had chosen to do so. There would also be an expectation for local authorities to publish the quota as part of their allocation scheme, together with their rationale for adopting this figure, and to report locally on demand and lettings. Local authorities will need to explain how they are helping those who need to move for work without compromising their ability to meet housing need or increasing void times. Local authorities will remain responsible for ensuring housing is allocated efficiently across all qualifying applicants, in particular to those in hardship. The proportion of lets set aside will need to be locally appropriate to balance the needs of those in hardship with the need to support those moving for work.
23. We think it is important that local authorities are open and accountable, to their own tenants as well as tenants seeking to move into the area for work related reasons. **Accordingly, views are sought on making it a requirement for local authorities to publish information on the demand and lettings in relation to the right to move quota.** This requirement could be introduced as a revision to the Local Government Transparency Code 2014.
24. It would be for local authorities to determine how the proportion of lets is made available rather than Government creating a centrally prescribed bureaucracy to manage the process.
25. We are aware that many local authorities participate in area-based choice based lettings schemes which bring together a number of partner authorities and social landlords. We think these schemes provide an excellent opportunity for tenants to move between the partner authorities, in much the same way as the Greater London Authority's scheme. **We therefore propose that the new guidance should also include an expectation for these schemes to provide for cross boundary movement for tenants moving for work related reasons.**
26. These options can be implemented quickly, allowing tenants to benefit as soon as possible from the opportunity that the right to move can bring.

Local Transfers

27. The Localism Act has taken transferring social tenants not in housing need out of the allocation legislation. This means that local authorities have more flexibility to deal with tenants seeking to transfer without the risk of challenge by applicants with greater housing needs. And yet, relatively few local authorities have seized the opportunity provided by these new flexibilities, whether to support their own tenants who want to move for work, or otherwise to encourage positive behaviour.
28. **Accordingly, we would like to use this consultation exercise to find out what barriers local authorities and housing associations currently encounter in**

helping working tenants to move, either within or outside the local authority area; what local authorities and housing associations are already doing to address these barriers; and what more could be done to remove them.

29. **We are also interested in finding out how local authorities or housing associations are using a 'community contribution' to help existing tenants – including working tenants – who want to move within their local authority area.**
30. We propose to support a small number of local authorities and their partner housing associations to test out approaches which make use of the new and existing allocation flexibilities to increase mobility within the social rented sector to reward positive behaviour and to make better use of the stock. This might mean rewarding tenants in work or otherwise contributing to the community, or tenants with a good tenancy record. Or it might mean supporting older tenants who are prepared to move to free up larger family sized accommodation or households willing to move from adapted properties which are no longer needed.
31. A small amount of financial support would be available, and a key objective would be to develop approaches which could be easily adopted more widely. We will provide more details of this scheme and how to participate later this year.

How to tell us your views

32. We would welcome your views on these proposals to introduce a right to move. Please send your comments to:

mobility@communities.gsi.gov.uk
33. The closing date for responses is 22 October 2014.