



Department for  
Communities and  
Local Government

# Right to Move: Technical consultation on a new Reasonable Preference category



© Crown copyright, 2015

*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/](http://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](mailto:psi@nationalarchives.gsi.gov.uk).

This document/publication is also available on our website at [www.gov.uk/dclg](http://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>

March 2015

ISBN: 978-1-4098-4574-4

# About this Consultation

## Scope of this consultation

<b>Topic of this consultation:</b>	Social housing allocations – Right to Move
<b>Scope of this consultation:</b>	This consultation invites comments on proposals to introduce a new Reasonable Preference category for the Right to Move England only
<b>Geographical scope:</b>	England only

## Basic Information

<b>To:</b>	Local authorities and other social landlords
<b>Responsibility for the Consultation:</b>	This consultation is being run by the Affordable Housing Management and Standards Division in the Department for Communities and Local Government.
<b>Duration:</b>	27 March to 8 May 2015
<b>Enquiries (including requests for the paper in an alternative format) to:</b>	For further information about this consultation please e-mail <a href="mailto:mobility@communities.gsi.gov.uk">mobility@communities.gsi.gov.uk</a>
<b>How to respond:</b>	Consultation responses should be submitted by email to: <a href="mailto:mobility@communities.gsi.gov.uk">mobility@communities.gsi.gov.uk</a>  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
<b>Additional ways to become involved:</b>	We are willing to engage with local authority landlords and other interested parties during the consultation process.
<b>After the consultation:</b>	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.

# Introduction

1. In the Autumn Statement 2013, 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. Following public consultation in 2014, we announced on 9 March 2015 that we would deliver the Right to Move by:

- introducing regulations to prevent local authorities applying a local connection test for social tenants who need to move for work related reasons
- issuing new statutory social housing allocations guidance to set out the Government's expectation that local authorities in England should:
  - apply the existing 'hardship' reasonable preference category to social tenants who need to move for work related reasons, and
  - set aside a proportion of lets to enable such tenants to move across local authority boundaries where necessary

2. At the same time we said that we were minded to regulate to create a new reasonable preference category to give effect to the Right to Move, when time allows. Before doing so, however, we indicated that we would consult further on the detail of how such a new reasonable preference category would work.

3. This short, technical consultation seeks to identify any potential practical issues, so that we can resolve these before implementing the new reasonable preference category.

## Getting the balance right

4. The response to the original Right to Move consultation recognised that a new reasonable preference category could offer a number of benefits: in particular, it would be transparent, easy for tenants to understand, ensure consistency and uniformity of approach, and facilitate reporting and monitoring by local authorities. However, there were some concerns that, by increasing the number of reasonable preference categories, it would dilute the focus on those with higher levels of need.

5. 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 maintained the protection provided by the statutory reasonable preference criteria which ensure that priority for social housing continues to be given to those in the greatest housing need.

6. We want to ensure that by creating a new reasonable preference category, social tenants who need to move for work are not prevented from doing so because they cannot find a suitable home. On the other hand, we recognise that this should not be at the expense of those in greater housing need, such as families living in properties that are too small for them and disabled people with access needs.

7. While local authorities must frame their allocation scheme so that people in all the reasonable preference categories are given overall priority over those who are not, they are not required to give equal weight to each of the reasonable preference categories.

Accordingly, it would be for each local authority to decide how much weight to give to the new category.

**8. Is this the right approach? That is to say, should local authorities continue to have flexibility to determine what level of priority to give to those in the new reasonable preference category, taking into account their particular housing and employment market, and the different levels of housing need in their district?**

**9. Or should the regulations specify the proportion of lettings to be given to tenants in the new reasonable preference category – perhaps specifying a minimum and maximum percentage?** This would be in line with the new statutory guidance on the hardship reasonable preference category which includes an expectation for local authorities to set aside at least 1% of their lets for social tenants who need to move across local authority boundaries for work related reasons.

**10. If we sought to incorporate a specific quota in the regulations, what would be a reasonable figure (or minimum and maximum figures)?**

**11. Are there other ways to ensure that an appropriate balance is struck between the new and existing reasonable preference categories?**

## **‘Hardship’ reasonable preference category**

**12.** The Government has made clear<sup>1</sup> that the existing ‘hardship’ reasonable preference category would include people who need to move to take up a particular employment, education or training opportunity. Accordingly, if we were to introduce a new reasonable preference category for transferring tenants who need to move for work, the existing hardship reasonable preference category would continue to apply to new applicants who need to move for work related reasons.

**13.** Some of those responding to the original consultation exercise were concerned that this would create a two-tier approach. While we recognise that creating a separate reasonable preference category would strengthen the requirement in relation to transferring tenants, we do not consider that this would prevent local authorities from continuing to give appropriate priority to waiting list applicants who need to move for work related reasons.

**14. Given earlier concerns about a potential two-tier approach, we are seeking clarification about the potential practical difficulties this might create for local authorities, social landlords or waiting list applicants; as well as suggestions for how these might be overcome.**

---

<sup>1</sup> Guidance for Local Housing Authorities in England on the Allocation of Accommodation (June 2012), paragraph 4.11

# Implementation

15. We are interested in finding out more about the practicalities of implementing a new reasonable preference category for the Right to Move.

16. A number of respondents to the original Right to Move consultation commented that introducing a new reasonable preference category – rather than relying on the existing ‘hardship’ category – would require fundamental changes to policies and procedures and supporting ICT, with associated costs for local authorities. We are aware, however, that many local authorities are already taking employment into account to a greater or lesser extent in their allocation scheme.

**17. Local authorities are invited to set out briefly the practical steps they would expect to take to implement the new reasonable preference category for the Right to Move and to estimate the extent of any associated costs that might be involved.**

## How to tell us your views

18. We would welcome your views on these proposals. Please send your comments to:

[mobility@communities.qsi.gov.uk](mailto:mobility@communities.qsi.gov.uk)

19. The closing date for responses is 8 May 2015.