



Department for  
Communities and  
Local Government

# Right to Move

## Equality Statement



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## Equality Statement

<b>1. Name of Directorate</b>
Housing Growth and Affordable Housing Directorate
<b>2. Please list all the policy streams in your business area.</b>
<p>Under the allocation legislation (part 6 of the Housing Act 1996) local authorities have the power to determine who qualifies for social housing in their district. The Secretary of State may regulate to prescribe that certain classes of persons are or are not qualifying persons, or that certain criteria cannot be taken into account in deciding who qualifies.</p> <p>Local authorities must ensure that certain categories of people are given 'reasonable preference' (priority) for social housing, including people who need to move to avoid hardship to themselves or others. Statutory guidance issued in 2012 recognises that the 'hardship' reasonable preference category would include people who need to move to take up a particular employment, education or training opportunity.</p> <p>Social tenants who wish to move to take up employment can often experience difficulties in finding a new social tenancy in another area. Where local authorities apply a residency test, they may be disqualified from the waiting list altogether; or they may compete for housing with other applicants who have more priority because they have a higher housing need and a local connection. To help this group and support the wider agenda on work incentives, the Autumn Statement in December 2013 included a commitment 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.</p> <p>In 2014, the Government consulted on proposals to deliver on this commitment by:</p> <ul style="list-style-type: none"> <li>(1) regulating to prevent local authorities using a residency test to disqualify social tenants who need to move to be closer to work or to take up work or training</li> <li>(2) strengthening and expanding statutory guidance to spell out in more detail the circumstances in which local authorities should apply the 'hardship' reasonable preference category to those moving for work or work related training</li> <li>(3) as an alternative to (2), regulating to create a new reasonable preference category in relation to existing social tenants who need to transfer for work related reasons</li> <li>(4) issuing statutory guidance to ensure local authorities set aside a proportion of lets (minimum of 1%) for tenants who need to move across local authority boundaries for work related reasons. Authorities would be required to publish the proportion in their allocation scheme, together with the rationale for the proportion set; and would be required to report locally on demand by and lettings to relevant households.</li> <li>(5) including in the statutory guidance an expectation for area-based choice based lettings schemes to provide for cross-boundary mobility between partner authorities</li> </ul> <p>The consultation ran from 10 September to 22 October 2014. The response was overwhelmingly supportive of the objective of the Right to Move proposals. Most local authority respondents said that they already encouraged employment or employment related mobility within their allocation policies, through the adoption of local policy</p>

priorities or by applying a local connection test which took account of employment as well as residence; and many were supporting tenant mobility more generally through existing mobility schemes. There was general support for ensuring that social tenants who need to move for work related reasons are given appropriate priority through guidance or regulation. There was less support for removing a residency requirement for this group and very little support for setting aside a quota of lets.

The response to consultation has been taken into account in finalising the policy. The main changes to the original proposals are that:

- we will introduce regulations to prevent local authorities applying a local connection, rather than a residency, test to tenants who need to move for work related reasons. This will ensure that local authorities do not take account of connections to the district other than residency (eg employment or family associations) when setting their qualification criteria. For these purposes, the regulations will provide that work must not be short term or marginal in nature, nor ancillary to work in another district. Voluntary work is also excluded.
- the policy will apply to those moving for work (including an apprenticeship) but will not apply to tenants moving for work related training, taking into account respondents' concerns about the temporary nature of training and the fact that it may not lead to work in the district
- we will issue strengthened statutory guidance in relation to the 'hardship' reasonable preference category to ensure tenants who need to move for work related reasons are given appropriate priority
- we will also consult further on the detail of a new reasonable preference category for the Right to Move when time allows

### **3. Identify any policy streams aimed at or impacting upon a Protected Group.**

The aim of the policy is to enable social tenants to move in order to improve their housing and economic circumstances. It is not aimed at any of the protected groups specifically. As it will apply only to people who are already living in social housing, it should not have a direct impact overall on the take up of social housing by any of the protected groups.

There may be a potential for the policy to impact indirectly on certain individuals or groups with a particular protected characteristic. However, we think that any potential impact is likely to be small, given the very limited number of social tenants who are likely to be affected, based on the numbers who currently move across local authority boundaries for work. In 2013/14 there were 282,898 general needs social housing lettings (at affordable and social rent). Of these, 119,690 (42%) were to existing social tenants. 9% (10,721) of lettings to existing social tenants involved a move across local authority boundaries. Of these cross boundary moves, 'to move nearer to work' was given as the main reason in 3% (280) of cases.

#### **Age**

Existing social tenants tend to be older than new tenants, or those moving within the social rented sector. In 2013/14, 28% of social tenants were over 65 yrs. In 2013/14, 92% of lettings to tenants new to social housing were to people aged between 18 and 59, and 86% of lettings to existing social tenants were to people aged between 18 and 59.

Making it easier for tenants to move for work or an apprenticeship is likely to benefit people below retirement age. However, it will not directly disadvantage older people who may be able to move into the void which has been created by the transfer. It could

also act as an incentive to older people to move back into the workplace.

### **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<sup>1</sup>.

People with disabilities who need to move for work will benefit from the policy.

The exclusion of work that is 'marginal' could affect people with disabilities who may be more likely to work part-time. However, statutory guidance will ensure that work of 16 hours or more is not considered to be marginal. Any negative impact should therefore be small.

The policy will not directly disadvantage those who are disabled and who are unable to work as they may be able to move into the void created by the transfer.

### **Sex**

Women are slightly overrepresented among existing social tenants (55%)<sup>2</sup> and lettings to both new (59%) and existing tenants (62%).

This could benefit women who are more likely to be in low paid work, and for whom issues such as affordability of transport and access to child care may be particularly relevant.

The exclusion of work that is 'marginal' could disadvantage women who may be more likely to work part-time. However, statutory guidance will ensure that work of 16 hours or more is not considered to be marginal. Any negative impact should therefore be small.

Women who are unable to work, because of caring responsibilities, should not be directly disadvantaged, as they may be able to move into the void created by the transfer.

### **Race, Sexual Orientation, Pregnancy and Maternity, Religion or belief, Gender Reassignment**

We do not anticipate that any of these groups is likely to be disproportionately affected by the proposed changes.

## **4. Who has responsibility for developing these policies?**

Frances Walker, Affordable Housing Management Division

## **5. Are there any EU or other statutory regulations that need to be adhered to regarding equalities?**

Local authorities are subject to the public sector equality duty in s.149 of the Equality Act 2010.

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<sup>1</sup> EHS 2012/13. 2013/14 data not yet available.

<sup>2</sup> EHS 2012/13. 2013/14 data not yet available.

<p><b>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?</b></p>
<p>Continuous Recording of Lettings (CORE) 2013/14 (for information on lettings) English Housing Survey (EHS) 2012/13 and 2013/14 (for information on existing social tenants).</p>
<p><b>7. Have you discovered any of the following and as a consequence taken actions on identified equality issues?</b></p>
<p>There is no evidence to suggest that the proposed changes would have a substantial adverse equality impact on any of the protected groups. Please refer to comments in section 3.</p> <p>There will continue to be sufficient flexibility in the allocation legislation 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 allocation scheme.</p> <p>If there is any risk that the policy would lead to localised equality impacts, local authorities will need to have due regard to their own public equality duty and to make appropriate changes to their allocation policy to take these into account.</p>
<p><b>8. When your policies are finally implemented which groups are most likely to benefit?</b></p>
<p>Working age social tenants as they are more likely to be moving for work and younger tenants who are more likely to be moving for an apprenticeship.</p>
<p><b>9. In considering the above information have any gaps in data or equalities information been identified?</b></p>
<p>The Department does not collect relevant data in relation to religion, belief or gender identity.</p>
<p><b>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? Please try to limit your answer here to less than an A4 page.</b></p>
<p>Our assessment is that, while there may be some small, localised impacts for some individuals or groups with a particular protected characteristic, the policy will not have a substantial impact on discrimination overall.</p> <p>Statutory guidance issued in 2012 already sets out the Government's view that the 'hardship' reasonable preference category includes people who need to move to take up a particular employment, education or training opportunity. It also encourages local authorities more generally to give more priority to households in work or looking for work. Additional statutory guidance issued in December 2013 encouraging local authorities to apply a residency test to social housing includes an expectation that authorities will make appropriate exceptions to their residency test to allow for labour mobility. The response to consultation indicated that most local authorities already encourage employment or employment related mobility within their allocation policies to some degree.</p> <p>The extent of any potential impact will be largely determined by local circumstances, including: the existing allocation policies and priorities; the supply, demand, and need for social housing; as well as the availability of employment and apprenticeship opportunities. Should any potential significant impacts be identified, local authorities will</p>

need to have due regard to the public sector equality duty when making any changes to their allocation policy.

Existing social tenants and waiting list applicants who are in identified housing need will continue to be prioritised according to the current statutory reasonable preference categories. In addition, for existing social tenants seeking to move across local authority boundaries for reasons other than work, exercising the right to mutual exchange with other social tenants will remain an option. We expect tenants exercising the new Right to Move will remain a small minority. For these reasons, we consider that the overall impact of the proposals across the protected groups is likely to be largely neutral.

As the policy should lead to higher levels of employment and less deprivation within the social rented sector, we expect that it should be positive both in terms of fostering good relations and advancing equality of opportunity.

**This analysis was undertaken by (name)**

**Advice sought from (Name of equality Champion or other Colleagues)**

<b>Name/Title</b>	Frances Walker		
<b>Directorate/Unit</b>	AHMS division	<b>Lead contact</b>	Frances Walker
<b>Date</b>	11 March 2015		

**SCS Sign off** Jane Todorovic

**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.**