



Ministry of Housing,  
Communities &  
Local Government

# Improving access to social housing for members of the Armed Forces, Veterans, and their families

Consultation



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# Scope of the consultation

Topic of this consultation:	Social housing allocations: Improving access to social housing for members of the Armed Forces, Veterans, and their families.
Scope of this consultation:	This consultation invites comments on proposals for new statutory guidance for local authorities to improve access to social housing for members of the Armed Forces community.
Geographical scope:	These proposals relate to England only.
Impact Assessment:	Not Applicable.

## Basic Information

To:	This consultation is aimed primarily at local authorities, as well as members of the Armed Forces and Veterans, and their respective spouses and partners. Other social housing providers, social housing tenants and waiting list applicants, as well as voluntary and community organisations representing tenants and members of the Armed Forces, are also expected to have an interest.
Body/bodies responsible for the consultation:	This consultation is being run by the Social Housing Division in the Ministry of Housing, Communities and Local Government.
Duration:	This consultation will last for 8 weeks from 9 January 2019 to 8 March 2019.
Enquiries:	For further information about this consultation please e-mail <a href="mailto:AllocationGuidance@communities.gov.uk">AllocationGuidance@communities.gov.uk</a>
How to respond:	<p>This consultation can be responded to using the following survey link:  <a href="https://www.surveymonkey.co.uk/r/Improving_access_to_social_housing_for_members_of_the_Armed_Forces">https://www.surveymonkey.co.uk/r/Improving_access_to_social_housing_for_members_of_the_Armed_Forces</a></p> <p>or, written responses should be submitted by email to:  <a href="mailto:AllocationGuidance@communities.gov.uk">AllocationGuidance@communities.gov.uk</a></p> <p>Written responses should be sent to:            Social Housing Division            Ministry of Housing, Communities and Local Government            Floor 3 NW            Fry Building            2 Marsham Street            London            SW1P 4DF</p>

	<p>When you reply it would be useful if you confirm whether you are replying as an individual or submitting an official response on behalf of an organisation and include:</p> <ul style="list-style-type: none"><li>- your name</li><li>- your position (if applicable)</li><li>- the name of organisation (if applicable)</li><li>- an address (including post-code)</li><li>- an email address</li><li>- a contact telephone number</li></ul>
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## Introduction

1. The Armed Forces Covenant, created by virtue of the Armed Forces Act 2011, is a promise from the nation to those who serve in the Armed Forces, whether Regular or Reserve, and those who have served in the past, and their families. It commits that they should face no disadvantage compared to other citizens in the provision of public services. It also recognises that special consideration is appropriate in some cases, especially for those who have given the most such as the injured and bereaved.
2. Delivering on the Armed Forces Covenant, in 2012 we introduced protections to ensure that members of the Armed Forces community are not disadvantaged in accessing social housing because of the requirements of military life.
3. We changed the law so that seriously injured, ill or disabled Service personnel, and former members of the Armed Forces, with urgent housing needs are always given high priority for social housing. At the same time we introduced regulations to ensure that serving personnel and those who are recently discharged do not lose their qualification rights because of the necessity to move from base to base. Both these changes apply also to bereaved spouses and civil partners of Service personnel when they leave military accommodation and to members of the Reserve Forces who have been seriously injured or disabled in service.
4. In the Armed Forces Covenant Annual Report 2017 we gave a commitment to consult on new statutory guidance for local authorities to ensure that divorced and separated spouses and civil partners of Service personnel who are required to leave military accommodation are not disadvantaged by local connection requirements when applying for social housing.

### Context of consultation

5. This consultation sets out proposals for guidance to local authorities that would:
  - Bring together, update, and build on the existing statutory allocations guidance in relation to members of the Armed Forces issued in 2012<sup>1</sup> and 2013<sup>2</sup>.
  - Make clear that local authorities are expected to disapply any local connection requirement from divorced or separated spouses or civil partners of Service personnel who are required to move out of accommodation provided by the Ministry of Defence.
  - Set out how local authorities can ensure that members of the Armed Forces and Veterans suffering from mental ill health are given appropriate priority for social housing.

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<sup>1</sup> Allocation of accommodation: guidance for local housing authorities in England  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/5918/2171391.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/5918/2171391.pdf)

<sup>2</sup> Providing social housing for local people: statutory guidance on social housing allocations for local authorities in England  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/269035/131219\\_circular\\_for\\_p\\_df.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/269035/131219_circular_for_p_df.pdf)

- Set out how local authorities can identify applications from members of the Armed Forces and Veterans to ensure that they are considered appropriately.

## Qualification for social housing

6. The Localism Act 2011 made changes to the allocation legislation to give local authorities the power to set their own criteria determining which applicants do or do not qualify for an allocation of social housing.
7. Statutory guidance issued by this Department in 2013 ('the 2013 guidance') encourages local authorities to use the qualification flexibilities provided by the Localism Act 2011 to apply a residency test for social housing of at least two years. The guidance is aimed at ensuring that only people in need who have invested in, and demonstrated a commitment to, their local community can apply to their local authority for social housing.
8. We have already put in place protections through secondary legislation<sup>3</sup>, to ensure that certain members of the Armed Forces community are exempt from a local connection requirement, including a residency test. These include serving members of the Armed Forces and those who have recently been discharged, as well as Reservists who suffer from a serious illness, injury or disability as a result of their service. These provisions recognise the special nature of employment in the Armed Forces and the requirement to be mobile. The provisions also extend to bereaved spouses and civil partners of Service personnel following the death of their spouse or partner, recognising that they are likely to experience similar issues to former Service personnel and their families when leaving military accommodation.
9. We are aware that some local authorities also exempt from their local connection or residency requirements spouses and civil partners who are required to leave accommodation provided by the Ministry of Defence following a breakdown in their relationship with their Service spouse or partner. We support such an approach, recognising that local connection requirements can impact on the transition to civilian life for those who have themselves had to move frequently in support of their former Service spouse or partner. They may not be willing or able to settle in the district where their military spouse or partner is stationed, particularly if the estrangement has involved domestic abuse.
10. **We propose that the guidance should strongly encourage local authorities to exempt from local connection requirements divorced or separated spouses or civil partners of Service personnel who are required to move out of accommodation provided by the Ministry of Defence.**

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<sup>3</sup> The Allocation of Housing (Qualification Criteria for Armed Forces) (England) Regulations 2012 (SI 2012/1869): <http://www.legislation.gov.uk/ukSI/2012/1869/contents/made>

**Question 1: Do you agree with the proposal to use statutory guidance to strongly encourage the exemption from local connection requirements of divorced or separated spouses or civil partners of Service personnel who are required to move out of accommodation that has been provided by the Ministry of Defence?**

## Priority for social housing

11. The Government is clear that we expect social homes to go to people who genuinely need them. That is why provisions in the Localism Act 2011 have maintained the protection provided by the statutory reasonable preference criteria which ensure that overall priority for social housing is given to those in housing need. The statutory reasonable preference categories include, amongst others, people who need to move on medical or welfare grounds, including grounds relating to a disability.
12. The mental health and wellbeing of our Armed Forces, whether they are Regulars, Reservists or Veterans, is a priority for this Government. We want to ensure that serving and ex-members of the Armed Forces suffering from mental ill health are given appropriate priority for social housing where they need it.
13. The medical and welfare reasonable preference category includes people who need to move because of their disability or access needs. Statutory guidance issued by this Department in 2012 ('the 2012 guidance') already makes clear that this includes people who have a learning disability as well as those with a physical disability.
14. We believe there is a good case for treating in the same way, anyone who is suffering from mental ill health where this impinges on their housing situation, and indeed the 2012 guidance includes 'a mental illness or disorder' as one of the indicators of the medical and welfare reasonable preference category.
15. Changes were also made to the allocation legislation in 2012<sup>4</sup> to ensure that 'additional preference', that is to say high priority, is given to certain members of the Armed Forces community who come within the reasonable preference categories and have urgent housing needs. This includes those who have formerly served in the Regular Armed Forces, as well as serving members of the Regular and Reserve Armed Forces suffering from a serious injury, illness or disability which is attributable to their service.
16. We consider that an 'illness or disability' in relation to the additional preference requirements mentioned in paragraph 12 would include a relevant mental health condition.
17. **We therefore propose that the guidance makes clear the circumstances in which we would expect local authorities to apply the 'medical and welfare' reasonable preference category and the additional preference requirements**

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<sup>4</sup> The Housing Act 1996 (Additional Preference for Armed Forces) (England) Regulations 2012 (SI 2012/2989): <http://www.legislation.gov.uk/ukxi/2012/2989/contents/made>



to members of the Regular and Reserve Armed Forces, and Veterans, to ensure that those who are suffering from mental ill health are given appropriate priority for social housing.

**Question 2: Do you agree with the proposal to use statutory guidance to make clear the circumstances in which we would expect local authorities to apply the 'medical and welfare' reasonable preference category and the additional preference requirements to ensure members of the Armed Forces and Veterans suffering from mental ill health are given appropriate priority for social housing? Views are sought on the advantages and disadvantages of this proposal.**

**Question 3: Local authorities are invited to provide details of how their current allocation policies ensure that members of the Regular and Reserve Armed Forces, and Veterans, who are suffering from mental ill health are given appropriate priority.**

18. Our 2012 statutory allocations guidance strongly encourages local authorities to ensure that the needs of all serving or former Service personnel are taken into account when framing their allocation schemes and to be sympathetic to the needs of their family members. The guidance provides examples of how they can do this by:

- using the flexibility within the allocation legislation to set local priorities alongside the statutory reasonable preference categories
- using the power to determine priorities between applicants in the reasonable preference categories
- disregarding any lump sum received by a member of the Armed Forces as compensation for an injury or disability sustained on active service
- setting aside a proportion of properties for former members of the Armed Forces under a local lettings policy

19. We are interested in finding out how local authorities are currently supporting serving and former members of the Armed Forces and their families; how they are applying the guidance in paragraph 18 above; and whether they have developed their own policies for ensuring that members of the Armed Forces community are given appropriate priority.

**Question 4: Local authorities are invited to provide details of how they are using their existing powers under the allocation legislation to support serving and former members of the Armed Forces and their families.**

## Consolidating guidance on the Armed Forces

20. This consultation provides the opportunity to produce a single standalone piece of guidance on allocating social housing for the Armed Forces community, updating and building on existing advice in the 2012 and 2013 statutory guidance. This would support greater awareness of the particular circumstances of the Armed Forces community amongst housing staff, promote a consistent approach across local authorities to the way they consider applications from members of the Armed Forces community, and ensure their housing needs are considered appropriately.

- 21. We propose that the new guidance brings together all existing guidance on the allocation of social housing to the Armed Forces community.**

**Question 5: Do you agree with the proposal to bring together in one standalone document guidance on the allocation of social housing to the Armed Forces community?**

## Other considerations

22. Identifying an applicant as a serving or former member of the Armed Forces or another member of the Armed Forces community at the start of the process is key to dealing with the application effectively. This might mean taking relatively simple measures, such as including an appropriate question in the application form, or as part of any initial interview. Specialist training for staff and managers to help them identify members of the Armed Forces and understand their specific needs and circumstances should also support an improved application process and ensure those who have contributed through their service are treated appropriately and given the priority they deserve.

- 23. We propose that the guidance encourages local authorities to include a question on their housing application form which asks the applicant if they are a member of the Armed Forces, have ever served in the Armed Forces or are another member of the Armed Forces community; and to ensure that staff and managers are provided with appropriate training.**

**Question 6: Do you currently include a question on your application form that asks whether the applicant is a current member of the Armed Forces, a Veteran or another member of the Armed Forces community?**

**Question 7: Would you support the proposal to use statutory guidance to encourage local authorities to include such a question?**

**Question 8: Local authorities are invited to provide details of how they are training their housing staff to deal with applications from serving or former members of the Armed Forces or other members of the Armed Forces community.**

**Question 9: Would you support the proposal to use statutory guidance to encourage local authorities to provide appropriate training for staff and managers to deal with applications from serving or former members of the Armed Forces or other members of the Armed Forces community?**

## About this consultation

24. This consultation document and consultation process have been planned to adhere to the Consultation Principles issued by the Cabinet Office.
25. Representative groups are asked to give a summary of the people and organisations they represent, and where relevant who else they have consulted in reaching their conclusions when they respond.
26. Information provided in response to this consultation, including personal data, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 2018 (DPA), the EU General Data Protection Regulation, and the Environmental Information Regulations 2004.
27. If you want the information that you provide to be treated as confidential, please be aware that, as a public authority, the Department is bound by the Freedom of Information Act and may therefore be obliged to disclose all or some of the information you provide. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.
28. The Ministry of Housing, Communities and Local Government will process your personal data in accordance with the law and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties. A full privacy notice is included at Annex A.
29. Individual responses will not be acknowledged unless specifically requested.
30. Your opinions are valuable to us. Thank you for taking the time to read this document and respond.
31. Are you satisfied that this consultation has followed the Consultation Principles? If not or you have any other observations about how we can improve the process please contact us via the [complaints procedure](#).

# Annex A

## Personal data

The following is to explain your rights and give you the information you are be entitled to under the Data Protection Act 2018.

Note that this section only refers to your personal data (your name address and anything that could be used to identify you personally) not the content of your response to the consultation.

### **1. The identity of the data controller and contact details of our Data Protection Officer**

The Ministry of Housing, Communities and Local Government (MHCLG) is the data controller. The Data Protection Officer can be contacted at [dataprotection@communities.gov.uk](mailto:dataprotection@communities.gov.uk)

### **2. Why we are collecting your personal data**

Your personal data is being collected as an essential part of the consultation process, so that we can contact you regarding your response and for statistical purposes. We may also use it to contact you about related matters.

### **3. Our legal basis for processing your personal data**

The Data Protection Act 2018 states that, as a government department, MHCLG may process personal data as necessary for the effective performance of a task carried out in the public interest. i.e. a consultation.

### **4. For how long we will keep your personal data, or criteria used to determine the retention period.**

Your personal data will be held for two years from the closure of the consultation.

### **5. Your rights, e.g. access, rectification, erasure**

The data we are collecting is your personal data, and you have considerable say over what happens to it. You have the right:

- a. to see what data we have about you
- b. to ask us to stop using your data, but keep it on record
- c. to ask to have all or some of your data deleted or corrected
- d. to lodge a complaint with the independent Information Commissioner (ICO) if you think we are not handling your data fairly or in accordance with the law. You can contact the ICO at <https://ico.org.uk/>, or telephone 0303 123 1113.

### **6. Your personal data will not be sent overseas**

The Data you provide directly will be stored by Survey Monkey on their servers in the United States. We have taken all necessary precautions to ensure that your rights in terms of data protection will not be compromised by this.

### **7. Your personal data will not be used for any automated decision making.**

**8. Your personal data will be stored in a secure government IT system. If you submit information to this consultation using Survey Monkey, it will be moved to our internal systems at a date following the consultation publication date.**