

Consultation on reforms to Social Housing Allocations

This consultation seeks views on the following issues:

1. The introduction of a United Kingdom (UK) connection test, to ensure that it is those with the closest connection to the UK who are eligible for a social home;
2. Mandating the following tests: local connection test, income test, false statement test, and tests for anti-social behaviour and terrorism offences;
3. The introduction of a new ground for eviction for those who are convicted of terrorism offences, and implementation of a 'three strikes and you're out' policy for anti-social behaviour.

The tests to determine who qualifies for social housing would be applied to new applicants and those currently on a waiting list. This means that those currently living in social housing will not be subject to these new tests. Existing tenants will however be subject to eviction where relevant.

UK Connection test

1. What evidence does your local housing authority currently collect as proof of eligibility?

- Passport
- Visa letter
- Proof of access to benefits
- Home Office data on Visas
- Other

Wokingham Borough Council has a local connection test requiring a minimum of 5 years local connection to the Borough. There is not a separate test for a UK connection, however, a passport is required to be submitted as part of the application.

The documents required to be assessed for the local connection test are included in the relevant question within this consultation response.

2. Do you agree that an individual should have to demonstrate a connection to the UK for ten years before qualifying for social housing (if they do not meet the test otherwise or are exempt)?

- Yes
- No
- Don't know

Insufficient information has been provided on how this policy change would be implemented. In order to comment further on this proposal, more information is required on the specific implications of introducing a 10 year UK connection test.

This includes understanding how those that local authorities owe a homelessness duty to, but do not pass the UK connection test, will be accommodated. Currently, Wokingham Borough Council has a 5 year local connection test whereby applicants need to prove they have lived or worked in the Borough for at least 5 years. If a 10 year UK connection test was implemented then a number of applicants currently on our housing register would not be eligible for social housing. This is because they could meet the existing 5 year local connection test, but not the 10 year UK connection test. Data is not held regarding the number of applicants this would effect. However, there is a question as to where these applicants are housed if not eligible for social housing but identified as having a housing need. Therefore, without clarity on this issue, we are unable to comment on this proposal.

3. Do you think there should be any further exemptions to the UK connection test, for example for care leavers?

Yes

No

It is acknowledged that eligibility for meeting the 10 year UK connection test extends to:

- (a) that they are a British citizen, Irish citizen, Commonwealth citizen with a right of abode, or EEA or Swiss citizen with equal treatment rights;
- (b) that they have recourse to public funds and have been lawfully resident in the UK for a continuous period of ten years; or
- (c) that they have arrived in the UK on a safe and legal resettlement or relocation scheme (as specified below).

Additionally, we would want to ensure that care leavers and unaccompanied asylum seeking children care leavers would be exempt from this test. Without exempting these groups, local authorities will not be able to fulfil their duty as Corporate Parents as these residents would be ineligible for social housing. Furthermore, any applicant who is homeless and the Council has accepted the section 189B 'relief of homelessness' duty or the main section 193(2) housing duty under the Housing Act 1996 should be considered exempted or the process for how these applicants will be housed made clear as part of the new legislation.

In addition, we would suggest that exemptions for survivors of domestic abuse and key-workers are considered. Councils have a duty to house people who have experienced or are at risk of domestic abuse and this proposal would make it more challenging to house this group sensitively and in properties in suitable locations. Key-workers are vital to the local economy including the service and care industries as well as ensuring our town centres can thrive. Wokingham Council is proposing to remove the requirement for our 5 year local connection test for key-workers to enable more people to fulfil meaningful jobs that contribute to our economy. Therefore, we suggest that exemptions for these groups are considered in addition to the eligibility list proposed.

4. How long would it take your local housing authority to implement a new UK connection test at eligibility stage?

Select timeframe

- Less than 1 month
- 1-3 months
- 3-6 months
- More than 6 months
- More than 12 months

Don't know

5. Do you foresee any challenges delivering this change to eligibility in your local housing authority's social housing allocation system? Please detail why/why not.

Yes

No

Don't know

As detailed in the answer to question 2, Wokingham Council currently operate a 5 year local connection test. Some applicants who would qualify for social housing in Wokingham under the local test would become ineligible for social housing under the 10 year UK connection test. Since it is proposed that this test would be applied to applicants on the housing register, it will be a challenging and resource intensive exercise to re-assess all applicants against the new criteria.

Additionally, as we have a duty to house those who present as homeless and qualify as an eligible person under Part 6 of the Housing Act (1996). If, through applying the 10 year UK national test to existing applicants on the register, they then present to us with a homelessness duty, we will have a legal duty to house them. This will have to be through temporary accommodation of which the Council's stock is at capacity and having to spend significant resources on sourcing expensive private temporary and emergency accommodation.

Overall, there is concern that it will be challenging to identify those already on the housing register that will become ineligible. Whilst more information is required on how local authorities are expected to house those who become ineligible through this policy change but then present with a housing need.

6. Please indicate the number of new lettings in your local housing authority area (including households on the waiting list) that you believe would become ineligible by this policy. Please also indicate the size of your waiting list.

Number of new lettings impacted:

Data is not held on applicant's eligibility for a 10 year UK connection test

Size of waiting list:

1324 as of 22.02.2024.

Local connection test

Existing systems

7. If you currently use a local connection test for social housing, what definition of residence do you currently use as the measure for local connection?

- Section 199 of the Housing Act 1996
- Proof of residence only
- Other, please detail
- Not applicable, there is no local connection test

- Official photo identification for all household members, for example a passport or driving licence. In exceptional circumstances, the Council may accept a full birth certificate as proof of identity if no other form can be provided.
- Evidence of immigration status in the UK.
- Proof of regular forces service and/or discharge paperwork including service number, veterans ID card, discharge letter, evidence of any monetary settlement (where applicable), termination pay, and details of forces pension income and lump sum (if any) as applicable.
- Proof of current tenure.
- Proof of income and capital assets.
- Proof of residence and local connection e.g. council tax bills.
- Health and wellbeing documentation e.g. support plans. Any identified support or risks will be shared with providers at nomination.
- Any notice terminating a right to occupy e.g. notice seeking possession, notice to quit, certificate of cessation of right to occupy service quarters.

8. If you currently use a local connection test for social housing, please indicate any groups that are currently exempted from the test:

- Care Leavers
- Those requiring specialist medical care
- UK armed forces and veterans

- Domestic abuse victims
- Named 'resettlement' or relocation schemes
- Other

- 1) An applicant is homeless and the Council has accepted the section 189B 'relief of homelessness' duty or the main section 193(2) housing duty under the Housing Act 1996, and they are not intending to refer the applicant to another local authority under the homelessness local connection rules.
- 2) Applicants entitled to a reasonable preference
- 3) Where there are significant and special circumstances requiring a move into Wokingham Borough by the applicant or a member of their household.
- 4) Applicants who are leaving an institution such as a prison, secure unit, hospital, rehabilitation centre, refuge, hostel or supported accommodation scheme that is not in Wokingham Borough and the applicant was resident in Wokingham Borough for 3 out of the last 5 years immediately before they were accommodated in that institution and the Council has retained responsibility for the applicant under community care legislation.
- 5) The Council will consider any application from a gypsy or traveller household where the applicant may not meet the continuous period of residence rule because the period may have been broken by travelling.
- 6) Care Leavers below the age of 25 years who are, or were, owed a duty under section 23C of the Children Act 1989 by the Council and have been looked after in accommodation outside of Wokingham Borough. This will include care leavers who are still receiving after care support from Children's Service until they are 25, and some care leavers who are in full-time education who wish to move back to Wokingham Borough on completion of their education.
- 7) Applicants who satisfy the Allocation of Housing (Qualification Criteria for Armed Forces) (England) Regulations 2012.
- 8) Spouses and civil partners of serving members who are required to leave accommodation provided by the Ministry of Defence following a breakdown in their relationship with their service spouse or partner.
- 9) Applicants who satisfy the right to move criteria.

- Don't know
- Not applicable, there is no existing local connection test

Future system

9. Do you agree that an individual should have to demonstrate a local connection with an area for two years before qualifying for social housing (unless exempt)?

- Yes
- No, please detail length of test
- Don't know

10. The government intends to use the same definition of local connection as in section 199 of the Housing Act 1996. This definition would mean that a person has a local connection:

- because they are, or in the past were, normally resident there, and that residence is or was of their own choice;
- because they are employed there;
- because of family associations; or
- because of special circumstances.

Do you agree that definition should be used?

- Yes
- No, residency only
- No, other (please specify)
- Don't know

Exemptions from test

11. The government proposes to exempt care leavers from the local connection test for social housing up to the age of 25 to align with broader [Corporate Parenting Principles](#), which sets out the responsibilities of local authorities towards children and young people in care. Do you agree?

- Yes
- No, please explain why
- Don't know

12. Do you think there should be any further exemptions to the local connection test?

- Yes, please propose additional groups

As per our response to question 8 of this consultation we would expect to see these same exemptions that our Allocations Policy already permits to continue to be exempted through any national policy change.

- No, please explain why

13. How long would it take your local housing authority to implement a new local connection test?

- The test is already in place
- Less than 1 month

- 1-3 months
- 3-6 months
- More than 6 months
- More than 12 months

14. Noting the proposed exemptions, please indicate the number of new lettings in the local housing authority area that you believe would become ineligible by this policy.

Number of new lettings impacted:

N/A as the introduction of a 2 year local connection test would have no impact on new lettings given we already have a 5 year local connection test in place.

Size of waiting list:

1324 as of 22.02.2024.

Income test

Current system

15. Does your local housing authority currently perform an income check for social housing applicants? If so, please provide more details on the test including: the definition of income; the income threshold for the test; whether capital assets are included in the assessment; the evidence collected to determine household income; income assessment periods; and any exemptions.

- Yes
- No, please detail length of test
- Don't know

If so, please provide more details on the test including: the definition of income; the income threshold for the test; what capital assets are included in the assessment; the evidence collected to determine household income; income assessment periods; and any exemptions

Wokingham Council has an income cap of £30,000 for key-workers which rises with CPI each year from 2022. There is also an income assessment which, if met, will place applicants in Band 5 of our housing register with a reduced preference due to them being assessed as having sufficient financial resources. This income test assessed on household income is as below:

- Studio/one bedroom need – income of £40,000 per annum or more, capital of £16,000 or more.
- Two bedroom need and above – income of £60,000 per annum or more, capital of £16,000 or more.

Applicants with total annual incomes or capital above these thresholds are deemed to have sufficient financial resources to pay a market rent or buy a home in the borough. Applicants who are likely to inherit within the next six months will be placed into Band 5 until sufficient evidence has been provided to confirm the inheritance due does not exceed the above thresholds. 'Sufficient financial resources' includes any assets or investments even if they are not immediately available to the applicant, such as any residential or non-residential property that they own or part own anywhere in the UK or abroad. Any lump sum received as compensation for an injury or disability will be disregarded, for example by a member of the regular forces.

Applicants may be considered as an exception if:

- a) They own or part own a freehold or long leasehold interest in accommodation;
- b) They are over state pension age or have a substantial disability; and their current home is not suitable for their specific needs and cannot be adapted
- c) They have insufficient financial resources to buy accommodation that meets their particular housing needs in the private market despite owning a property or having income or savings above the 'sufficient resources' thresholds set out in this policy.

16. Should the same threshold for the income test apply across England or should it vary?

- National threshold
- A threshold for London and another for the rest of the country
- Vary by locality - set by central government
- Vary by locality - set by local housing authority
- Reflect a different geography (please specify)
- Don't know

17. Should income data be assessed at household or individual level? If household, whose income data should be assessed?

- Whoever is on the tenancy agreement
- Lead tenant on the tenancy agreement
- Household, everyone in the household
- Household, the two highest earners in the household
- Household, the single highest earner in the household
- Household, other
- Individual
- Other
- Don't know

18. Assuming household income is based on the two highest earners working full time, what should the income cap be set at?

- Less than £40,000
- £40,000 - £49,999
- £50,000 - £59,999
- £60,000 - £69,999
- £70,000 - or more
- Don't know

19. Should capital assets be included in the assessment? If yes, what type of capital assets should be included, and what threshold should be set? Capital assets could include savings in an interest-bearing savings account; savings in a non-interest-bearing current account; bonds, stocks and shares; property that the applicant does not live in; and land.

- Yes, please provide more details
- No
- Don't know

As per our answer to question 15, our Allocations Policy already details requirements for eligibility for social housing based on capital assets. This has been detailed below for reference:

Studio/one bedroom need – income of £40,000 per annum or more, capital of £16,000 or more.

- Two bedroom need and above – income of £60,000 per annum or more, capital of £16,000 or more.

Sufficient financial resources' includes any assets or investments even if they are not immediately available to the applicant, such as any residential or non-residential property that they own or part own anywhere in the UK or abroad.

20. Do you agree that households where an individual is in receipt of Universal Credit, housing benefit or other legacy benefits (which are being replaced by Universal Credit); households who need or live in supported housing; and members and veterans of the UK armed forces should be exempt from an income test?

- Yes, all three groups should be exempt
- Yes, and there should be exemptions for other groups. Please detail these.
- No, only some of these groups should be exempt.
- No, only other groups should be exempt
- Don't know

If yes and there should be exemptions for other groups, please detail these.

If only some groups should be exempt, please select all those you think should be exempt.

- Individuals in receipt of Universal Credit, housing benefit or other legacy benefits
- Households who need or live in supported housing
- Members or veterans of the UK armed forces

21. How long would it take your local housing authority to implement a new income test at qualification stage?

- This test is already in place
- Less than 1 month
- 1-3 months
- 3-6 months

- More than 6 months
- More than 12 months
- Don't know

22. Do you think there are any circumstances where a minimum income threshold to determine who should be allocated a social home is appropriate, for example to incentivise being in work? If yes, please detail:

- Yes, please provide more details
- No
- Don't know

Wokingham Council does not feel that sufficient information has been provided to make a judgement on this statement. Currently, we do not employ a minimum threshold to determine who should be allocated a social home. However, we would wish to see more detail on the government's proposals before commenting on this policy change.

Anti-social behaviour test

23. Does your local housing authority undertake any anti-social behaviour or other criminal behaviour tests for social housing applicants? If so, please detail what tests are conducted; what data sources are used to inform these test (e.g. Police National Computer checks or local data sharing); and any groups exempted from the test.

- Yes
- No
- Don't know

The test that is currently undertaken is a risk assessment that the Housing Needs team discusses with the applicant whereby they are given the opportunity to declare whether they have any unspent convictions, of which ASB is included. We do not currently have any specific groups that are exempted from the test. However, through our Exceptional Circumstances Panel there may be occasions when it is deemed the best course of action for the resident and the Council to exempt the resident from the above qualification.

Additionally, spent convictions are not required to be disclosed and will not be taken into account in assessing that person's eligibility to join the register. The assessment will instead reflect whether there is evidence of any current or past behaviour, regardless of whether a person has been convicted of an offence in the past for that behaviour. The Council will take no account of spent convictions but may have regard to the behaviour which comprised the offence.

24. Do you agree that a conviction/sanction for anti-social behaviour should result in a disqualification period from accessing social housing? If yes, how long should someone be disqualified for?

- Yes
- No
- Don't know

If yes, how long should someone be disqualified for?

If no, please explain your answer:

Whilst we are inclined to disagree with this proposed, we do not feel that adequate information on the repercussions of implementing this policy change has been revealed and therefore cannot commit to a position on this point.

More information is requested on what local authorities are expected to accommodate residents that are disqualified from social housing due to three instances of ASB as they will be ineligible for social housing but will still require housing under homelessness duties.

Additionally, more information is requested on what constitutes an instance of ASB as this will make a significant difference to who would be disqualified from social housing. This is particularly relevant for those in supported living placements and whether special consideration should be applied in these instances.

25. Should all members of a household be subject to a check for history of anti-social behaviour, rather than just the lead tenant?

- Yes
- No
- Don't know

If no, explain why.

26. The government is considering whether exemptions to the anti-social behaviour test should be made for victims of domestic abuse; or those with a condition or disability that was a relevant contributing factor to the anti-social behaviour. Are there any additional groups that should be considered for an exemption from this test?

- Yes
- No
- Don't know

If yes, please detail these.

More information is requested from government around this policy change as detailed in our answer to question 24. Specifically, guidance is requested on what would be deemed as anti-social behaviour in the new legislation under the 'three strikes' rule. Without this information it is difficult to provide a judgement on whether any additional exemptions should be considered.

27. Please indicate the number of new allocations in your local housing authority area that you believe would be affected by the anti-social behaviour test.

Number affected by the anti-social behaviour test:

N/A as this data-set is not currently recorded. Therefore, it is not possible to state the number of new lettings affected by anti-social behaviour.

Don't know

Terrorism test

28. Does your local housing authority test for any terrorist offences for social housing applicants? If so, please detail what tests are conducted; what data sources are used to inform these tests; and any groups exempted from the tests.

Yes

No

Don't know

If yes, please detail what tests are conducted; what data sources are used to inform these tests; and any groups exempted from the tests.

29. The government is proposing that an unspent conviction, including under the Terrorism Acts 2000 and 2006 (such as for membership of a proscribed terrorist organisation) should result in a permanent disqualification from accessing social housing, unless doing so would increase public safety risks. Do you agree with this proposal? If no, please explain.

Yes

No

Don't know

Whilst we are inclined to agree on this point, we do not feel that there is sufficient information on this proposal to make a judgement on whether to support this proposed policy change. More information is required on how the government expect local authorities to accommodate those who have unspent convictions, as under these proposals they will be permanently disqualified from accessing social housing. More information is also required on the definition of 'public safety risks' and what situations this would be expected to be applied.

30. Please indicate the number of new allocations in the local housing authority area that you believe would be affected by the terrorism test.

Number affected by the anti-social behaviour test:

N/A as this data-set is not currently recorded. Therefore, it is not possible to state the number of new lettings affected by introducing a terrorism test.

Don't know

31. Do you have views on how this proposal might be implemented most effectively?

More information is requested prior to making any recommendation on how this change may be implemented. The most significant point that feeds into each of the proposed changes is that more guidance is required on what local authorities are expected to do when applicants are disqualified from social housing but still have a legal duty to be housed under Part 6 of the Housing Act (1996).

6. Grounds for eviction (anti-social behaviour and terrorist offences)

32. The government has committed to exploring a 'three strikes and you're out' eviction expectation for all social landlords, meaning three proven instances of anti-social behaviour, accompanied by three warnings from a landlord, would result in eviction. How should a 'strike' be defined?

- The powers listed in the Home Office’s Anti-Social Behaviour powers: Statutory guidance for frontline professionals, which includes criminal behaviour orders, civil injunctions, closure notices/orders, community protection notices, dispersal powers and public space protection orders
- It should be left to local housing authorities to decide
- Other
- Don’t know

If other, please specify.

More info on how it sits with existing legislation. What takes precedence?

33. Do you believe that a new ground for eviction should be introduced to ensure that those with unspent convictions for terrorism offences be evicted from social housing, unless doing so would increase public safety risk?

- Yes
- No

If yes, how is this best implemented?

This answer is caveated by the need for more information on how local authorities are expected to house residents with unspent convictions for terrorism offences and what would be classed as ‘increasing public safety risk’.

Additionally, more information on what the government expects local authorities to do in the event that there is a statutory duty to house affected residents is requested.

If no, please explain why

7. Fraudulent declaration test

34. Do you agree that those who provide fraudulent information in social housing applications should be prevented from qualifying for a set period, in addition to any disqualification period that would have applied had they not made a false declaration? If yes, how long should this period be?

- Yes, they should not qualify England-wide
- Yes, they should not qualify in the area they applied to
- No, they should not qualify
- Don't know

If yes, how long should the disqualification be?

- 1 year
- 2 years
- 3 years
- 4 years
- 5 years

8. Applicants on a waiting list

35. Does your local housing authority re-check applicants at the point of allocation to ensure that the eligibility and qualification tests are still met?

- Yes
- No
- Don't know

36. How often does your local housing authority check whether your waiting list is accurate (e.g. by checking whether those on a waiting list are still in the area and still require social housing)?

- Once a year
- Between one and two years
- More than two years
- We do not re-check interest until the point of allocation

- Don't know
- Not applicable (we do not hold a waiting list)

37. Do you check whether applicants to social housing or those on your local housing authority waiting list have (a) applied to another local housing authority, (b) are on a different local housing authority's waiting list, or (c) have been allocated housing by another local housing authority? If yes, please explain what checks are made, how frequently are made and any action that is taken.

- Yes
- No
- Don't know

If yes, please explain what checks are made, how frequently they are made and any action that is taken.

38. Should there be a limit on how many local housing authorities an applicant can apply to? If yes, please indicate the limit.

- Yes
- No
- Don't know

If yes, please indicate a limit (1-10):

9. Public Sector Equality Duty

39. Do you expect that any of the policies affecting social housing applicants would have a particular impact on those with a particular protected characteristic? If so, please give further detail on the relevant policy and its impact.

- Yes

No

Don't know

If so, please give further detail on the relevant policy and its impact.

We request that as part of the government's assessment of these policy changes, a full and robust equalities and impacts assessment is carried out. We would be happy to provide further comment once more information on these proposals, and how they affect particular protected characteristics, has been provided.

40. Do you expect that any of the policies affecting social housing tenants would have a particular impact on those with a particular protected characteristic? If so, please give further detail on the relevant policy and its impact.

Yes

No

Don't know

As per our response to question 39, we request that as part of the government's assessment of these policy changes, a full and robust equalities and impacts assessment is carried out. We would be happy to provide further comment once more information on these proposals, and how they affect particular protected characteristics, has been provided.

