

## **APPENDIX 1**

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

#### **Policy Context**

1. The current legislative framework for Armed Forces personnel is set out in the Armed Forces Act 2011.
2. The Armed Forces Covenant was created to support this legislation and to deliver a promise that those who serve or have served (and their families), should face no disadvantage in the provision of public services. All local authorities have pledged to uphold this.
3. In 2012, to support the Armed Forces Covenant, further legislation was introduced to ensure that members of the armed forces community are not disadvantaged in accessing social housing because of the requirements of military life.
4. These legislative changes included:
  - a duty to provide high priority for housing for seriously injured, ill or disabled service personnel.
  - regulations to protect qualification rights due to the need to move from base to base.
5. Following this, The Armed Forces Covenant Annual Report 2017 gave a further commitment to ensure divorced or separated spouses and civil partners of service personnel who are required to leave military accommodation are also not disadvantaged by local connection requirements when applying for social housing.

#### **Background**

6. This consultation has been progressing alongside 'The Strategy for our Veterans UK Government Consultation Paper' which ran until 21<sup>st</sup> February 2019. A copy of our response to this was provided to Cabinet on 19<sup>th</sup> February 2019.
7. Within the current consultation the Government is seeking views on extending and strengthening existing guidance to include:
  - Building on the existing statutory Armed Forces allocations guidance issued in 2012 and 2013.
  - Making it clear that local authorities are expected to disapply any local connection requirement in relation to divorced or separated spouses or civil partners of service personnel.
  - Setting out how Veterans suffering from mental ill health are given the appropriate level of housing priority by applying the 'medical and welfare' reasonable preferences category.
8. The consultation period ran from 9<sup>th</sup> January to 8<sup>th</sup> March 2019. This necessitated a response to the consultation being submitted in advance of Cabinet, however, Housing and Economy Portfolios were consulted on the draft response.

## **Gateshead Council's response**

9. There are 9 questions in the consultation; the response to be submitted on behalf of Gateshead is set out in the attached annex. The consultation is available on the Government's web site  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/769805/Social\\_housing\\_Armed\\_Forces\\_consultation.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/769805/Social_housing_Armed_Forces_consultation.pdf)
10. The response to the call for evidence has been compiled in consultation with officers from Development, Transportation and Public Protection; Council Housing Design and Technical; The Gateshead Housing Company; Democratic Services and Corporate Finance.

## **Implications of Recommended Option**

### **11. Resources:**

- a) **Financial Implications** – No financial implications directly arise from this response
  - b) **Human Resources Implications** – None.
  - c) **Property Implications** – None.
12. **Risk Management Implication** – No risks associated with the consultation.
  13. **Equality and Diversity Implications** – No equality and diversity implications
  14. **Crime and Disorder Implications** – No crime implications.
  15. **Health Implications** – No health implications.
  16. **Sustainability Implications** – No sustainability implications.
  17. **Human Rights Implications** - No human rights implications.
  18. **Area and Ward Implications** – The detail of this consultation would impact on all Ward Areas.

## Annex

**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?”*

Yes, we agree with the proposal. Civil partners and spouses often have to make hidden sacrifices when married or in a civil partnership to an individual serving in the Armed Forces. This can include moving around with a spouse or civil partner every time they receive a new posting. It can be difficult for spouses or civil partners to maintain a career or improve employment prospects when they must move so regularly or have increased family responsibilities when their partner or spouse is serving on tour. This can place them at a disadvantage with the rest of civilian society in terms of having a local connection or having the income to pursue non-social housing accommodation options. We would welcome statutory guidance to extend this further to divorced or separated spouses and would review our lettings policy accordingly.

Gateshead also has a policy which states that local connection is disregarded for partners of military personnel who are leaving MOD accommodation, following death of their partner in service, or where applicants are in the reservists and become ill or disabled due to their service.

There have also been cases where we have overridden the local connection requirement of dependants within Armed Forces families. For example, following an Armed Forces marital breakdown we assisted an 18-year-old dependent (who requested to be re-housed individually) within the household to receive additional priority and had the requirement for a local connection to be overridden. Although this consultation focuses on spouses and civil partners, we would recommend the government also includes older dependents for local connection exemption within any new statutory guidance.

**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”*

Yes, we agree with the proposal to provide additional statutory guidance to clarify the ‘medical and welfare’ reasonable preference category. Caution does however need to be applied when drafting the definition of this category. Existing guidance which states medical and welfare needs are ‘attributable to their service’ may be considered too narrowly. We would therefore recommend a broad interpretation of this to ensure it captures all those who should benefit from the category.

For example, there are a number of former members of the Armed Forces supported by our Armed Forces Outreach Service (see detail below) who suffer with poor mental health. This can be a result of the general transition into civilian life as opposed to being directly ‘attributable’ to time spent serving in the forces.

The requirement of the provision of supporting documentation from appropriate medical professionals could provide an evidence base to support the application of any new guidance.

Gateshead Council's Lettings Policy refers to medical need as 'degenerative illness or impairment, which may be physical, mental, learning or sensory'. Therefore, anyone suffering mental health is covered in the widest context, not just members of the armed forces or veterans. We would highlight the use of this broader definition as best practice.

**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 “*

Gateshead Council's Lettings Policy gives priority for housing to members of the Regular and Reserve Armed Forces, and Veterans who need to be rehoused.

In addition to this anyone applying for housing in Gateshead who refers to illness is also provided with our Medical Need Application Form. Once completed this information is assessed including consideration of how their current housing might be exacerbating the condition (be it mental or physical and whether they have been in the forces or otherwise) and whether this could be alleviated by a move to more suitable accommodation. Additional medical priority would therefore be awarded in line with this policy.

For example, someone who has been in the forces with Post Traumatic Stress Disorder could be living in a multi-storey flat that regularly has noise issues due to being in a central location, lots of traffic etc which means their housing situation impacts on their medical condition and may warrant a move.

Members of the Regular and Reserve Armed Forces are referred to Gateshead Council's ALMO, The Gateshead Housing Company's Armed Forces Outreach Service, where a full needs assessment is carried out. The Armed Forces Outreach Worker will support the application to gain priority and where appropriate additional priority through the submission of an exceptional circumstance request to support the application using the flexible provisions within the Lettings Policy.

Gateshead Council would welcome further guidance to ensure we are best meeting the needs of members of the Armed Forces and Veterans who have mental health issues, particularly when meeting the needs of those still serving.

**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 “*

The 'Leaving Forces' section of our Lettings Policy states that all housing applications for those serving and former members of the Armed Forces and their families will be backdated to the date they entered the forces. For longer serving members of the Armed Forces this can give them a particularly long waiting time which places them in an priority position when bidding for properties.

Our Lettings Policy states that on application Armed Forces personnel are initially placed in the 'Substantial Housing Need Category'. This then progresses to the higher band of need 'Urgent Housing Need' three months before the discharge date.

In addition, local connection is disregarded for ex-military personnel (who have left the military no more than 5 years ago) and partners of military personnel who are leaving MOD accommodation, following death of their partner in service, or where applicants are in the reservists and become ill or disabled due to their service.

The Gateshead Housing Company operates an award winning regional Armed Forces Outreach Service employing dedicated staff who are typically ex-service personnel themselves to provide a single point of contact to members of the Armed Forces Community and their family members. Working alongside homelessness services, the service supports members of the Armed Forces Community through the re-housing process and uses discretions and flexibility within the Lettings Policy to support where appropriate.

The service also links in with a wide range of external partners and stakeholders to provide advice and support on a variety of issues including housing advice, benefit advice, employment and education, access to funds to set up home or pay off debt and general support with transition into civilian life through a single point of contact.

It operates within 4 other local authority areas in the region, in partnership with those local authorities. In 2017/2018 the Armed Forces Outreach Service supported 449 members of the Armed Forces Community across the region which includes Gateshead, Newcastle upon Tyne, South Tyneside, Durham and Northumberland. The service has been recognised as best practice within the Armed Forces Community and is in prime position to fulfil the Government's aim of providing an improved housing support offer to members of the Armed Forces, Veterans and their families.

More recently, some of our partner authorities have mainstreamed their funding for this service however, some are reliant on funding from the Ministry of Defence, which is due to run out within the next financial year. With Council budgets also under increasing pressure, continued and additional grant funding would be beneficial nation-wide in delivering the Governments objectives in this area. Additional grant funding would not only provide the resources necessary to continue this work but also provide consistency in our approach.

**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?"*

Yes, it would be useful for organisations supporting members of the Armed Forces Community to have all the relevant accessible guidance in one document, as well as being accessible to members of the Armed Forces Community themselves.

**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? “*

Yes, that question is asked on our application form. The current question states ‘have you ever served with the armed forces and previously had a local connection with any of the partnering local authorities?’. This question is scheduled to be reviewed to ensure we also meet the needs of spouses and civil partners (including those divorced or separated).

With our Armed Forces Outreach Service in place, if the applicants answer yes, they are given the option to be referred to the Armed Forces Outreach Service for additional specialised support and guidance.

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

Yes, this would be supported. Needs can’t be identified effectively without asking the question, members of the Armed Forces Community are not necessarily forthcoming with this information, so the question needs to be directly asked. Local Authorities also need to be aware of the trends in demand from the local Armed Forces Community.

**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.**

Within Gateshead our Armed Forces Outreach Team have undertaken SSAFA training which covers dealing with client needs including: financial, housing, access to training, etc. and using the COBSEO Case Management System. The course also covers sign-posting to statutory and voluntary services including housing providers, veteran’s accommodation, mental health services and charities, victim support organisations, social care and safeguarding, employment and skills/training opportunities.

With a specialised service in place (the Armed Forces Outreach Service) all staff are made aware of the service so when they identify a member of the Armed Forces Community they can discuss with the client whether they would like to be referred to the service. As the service has specialist knowledge and expertise about supporting members of the Armed Forces Community and is staffed by veterans, applicants from serving or formed members of the service readily take up the offer to be referred to the service.

The service also provides advice and support to other staff within the Gateshead Housing Company, Gateshead Council and partner authorities across the region. Information and guidance is provided around their entitlement, their needs, issues they will be facing, as well as the services and options available to them.

**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?**

Yes, we would support this proposal. This is an area where there can be gaps in knowledge and a lack of understanding about the issues faced by members of the Armed Forces Community. It was upon this basis that Gateshead Council created a dedicated Armed Forces Outreach Service. The experiences of those who have served are experiences that others in civilian society have not experienced or understand. The lack of an effective response from a local authority can alienate former or serving personnel even further and can exasperate the difficulty of the transition into the civilian world particularly if key public services fail to respond and recognise the often, unique needs of serving or former members of the Armed Forces Community. If applicants don't receive the same understanding as other members of civilian society with needs, this goes against the principles of the Armed Forces Covenant.

Ongoing training for staff and managers would improve the understanding from employees of the needs of the Armed Forces Community and improve the response from the local authority and could identify gaps and consequently improve service provision.

As stated previously, continued grant funding to support this service is requested. It would also be beneficial if additional financial support were available to support a nation-wide awareness raising campaign that included a best practice training programme.