

## **Local Decisions: A Fairer Future for Social Housing**

### **Response to Consultation from Association of Directors of Social Services**

#### **1. Introduction**

- 1.1 The Association welcomes this opportunity to comment on the far-reaching proposals set out in the consultation paper and in the recent Localism Bill. In line with the structure of the consultation document, this response deals with the questions in order, while including some general comments and consideration of the likely impact of the proposals from the Associations perspective. Clearly some of the questions are more appropriately to be answered by specific authorities and therefore we have not responded to all of the questions. We have concentrated to responding to the questions which we think are more relevant for the vulnerable client groups which our members serve.

#### **2. Consultation Questions**

- 2.1 **Question 1: As a landlord, do you anticipate making changes in light of the new tenancy flexibilities being proposed? If so, how would you expect to use these flexibilities? What sort of outcomes would you hope to achieve?**
- 2.1.1 As an association we would welcome the proposal for councils to introduce flexible tenancies and can see occasions when this could be advantageous. However we think it is very important that there are clear transparent criteria established as to when and where it is appropriate that these be used. In particular when dealing with vulnerable clients flexible tenancies could be used as part of an overall recovery/care package. However there will be other clients possibly the majority where use of flexible tenancies would be inappropriate e.g. older people.
- 2.1.2 Clearly, any flexibilities for local authorities are closely linked to the proposals for the Affordable Rent model for our partners and we will take account of the approach, or approaches, they adopt, as well as considering the impact of Housing Benefit changes and other factors influencing affordability. At this

stage, we are concerned that the Affordable Rent model is unproven. We are particularly concerned that it will not work for specialist and supported housing. Whilst there has been some indication that more traditional level of grant will be available for such housing it would be helpful if there could be a clear joint statement from DCLG and DOH on what (grant) support they see being available for supported housing.

2.1.3 We share the concern expressed by a number of local authorities and other agencies that the proposed changes will create a two-tier system that will persist for many years, with the potential for significant differences in approach between authorities. While it is recognised that localism is at the heart of these proposals, a number of unintended consequences could follow. While the consultation paper seeks to encourage mobility, tenants may be disinclined to move where there is a perception that one authority's policies are less favourable than another's. Similarly, any incentives to find or sustain employment could be countered by reluctance where income is a factor in retaining a tenancy. This problem could be of particular significance to vulnerable client groups.

**2.2 Question 3: As a local authority, how would you expect to develop and publish a local strategic policy on tenancies? What costs would you expect to incur?**

We would use this question as an opportunity to raise a more fundamental issue concerning the proposal for local authorities to have local strategic policy in tenancies, which we welcome. However there is a concern that RSL's are only required to have "regard to this policy when formulating their own tenancy strategies. This seems specifically a low level of conformity for RSL's. We would be concerned if any RSL policies or indeed local authority policies either directly or indirectly excluded specific vulnerable (and not always popular groups)

**2.3 Question 4: Which other persons or bodies should local authorities consult in drawing up their strategic tenancy policy?**

We think it is important that local authorities consult social Care colleagues when developing their strategies and ADASS would be keen in being able to assist in developing best practice models in respect of how tenancy strategies address the particular needs of vulnerable individuals and households.

**2.4 Question 7: Should we seek to prescribe more closely the content of landlord policies on tenancies? If so, in what respects?**

2.4.1 It is probably unnecessary to be prescriptive however good practice guidelines will we think be help and in addition would expect that any policies

would be periodically reviewed and also be subject to appropriate equality impact assessments..

**2.5 Question 8: What opportunities as a tenant would you expect to have to influence the landlord's policy?**

2.5.1 While this question is aimed at tenants, we would expect that, as a minimum, tenants of all social landlords would have the right to be consulted prior to the introduction of any policy, informed of progress in and the impact of implementation of the policy and a right to be consulted on any significant changes or during any periodic review. We would be keen to ensure that all landlords had specific steps in place to ensure that consultation included vulnerable groups, especially where there may be issues concerning individuals ability to partake in that consultation.

**2.6 Question 10: Should we require a longer minimum fixed term for some groups? If so, who should those groups be and what minimum fixed terms would be appropriate? What is the basis for proposing a minimum fixed term of that length? Should a distinction be drawn between tenancies on social and affordable rents? If so, what should this be?**

2.7 The following question proposes a different approach for older people and those with a long term illness or disability and, broadly speaking, these seem the obvious groups where a distinction could be drawn, although we would also wish to see explicit recognition of the needs of carers here. It might be argued that households with children could reasonably require a longer fixed term than, say, a single person or childless couple but this is likely to prove complicated in practice due to the need to take account of the ages of any children and future changes in household circumstances

**2.8 Question 11: Do you think that older people and those with a long term illness or disability should continue to be provided with a guarantee of a social home for life through the Tenancy Standard?**

2.8.1 Yes, although as noted above we would also like to see the needs of carers recognised and there would need to be clarity about what would be regarded as a long-term illness and who is regarded as an older person. In practice, we would expect that secure tenancies would be most appropriate. However whilst there are guarantees concerning the tenancy for life there are no guarantees concerning individuals being able to maintain a social rent for life. We think this may pose some specific difficulties with older people where in parts of the country there is a big differential between social rent and the new affordable rent and where it would be advantageous for the individual or family to move. It is accepted that the details and practical application of the 80% affordable rent proposals are still to be worked through and ADASS would be interested in being involved in any discussions on this.

**2.9 Question 12: Are there other types of household where we should always require landlords to guarantee a social home for life?**

2.9.1 If the definition given under question 11 includes all people who would be considered vulnerable under Fair access to Care Criteria then the answer is No.

**2.10 Question 13: Do you agree that we should require landlords to offer existing secure and assured tenants who move to another social rent property a lifetime tenancy in their new home?**

2.10.1 Yes, although it should be possible for a tenant to opt for an alternative tenure, even if it is unlikely that many would do so in practice. Our principal concern with regard to moves is the potential for significant rent differentials for vulnerable people as indicated in answer to previous question.

**2.11 Question 14: Do you agree that landlords should have the freedom to decide whether new secure and assured tenants should continue to receive a lifetime tenancy when they move?**

2.11.1 If the initial decision to offer a secure or assured tenancy is sound, it is difficult to see why it should alter if the tenant moves, especially since this is likely to discourage mobility in the sector. Given that many of these tenants are likely to fall into vulnerable category it should be requirement that any landlord is required to give clear explanation, in writing to the tenant as to why it is considered reasonable to make this change and how it is line with the published tenancy strategy of the landlord

### **3. General Comment.**

The consultation document almost exclusively talks and refers to the needs of the general population. Whilst there is some mention of the specific needs of older people and those with a disability or long term illness in terms of the use of flexible tenancies, the assumption must therefore be made that it is assumed that in all other respects there will be no other issues where the needs of these groups need to be explicitly referred to. In theory this is probably true, however evidence would suggest that when there is a lack of affordable housing or general pressure on resources that the more vulnerable lease able in the community are even more disadvantaged. It will therefore be important that as this new regime is implemented that Local Authorities and RSL's can clearly demonstrate that they are taking into account the needs of the more vulnerable groups. This will be especially important in the development of tenancy strategies, application of flexible tenancies and development of overall rent policies.

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