

Cornwall Homechoice
Right to Move
(Appendix 8 Allocations Policy)

Current Document Status			
Version	1.00	Approving Committee	
Date	20.05.2015	Ratified by Council	19.05.2015
Responsible Officer	Joy Ashman	Review Date	
Process Links		Policy / Guidance links	
Procedure links		Training links	
Location			
Version History			
Date	Version	Author/Editor	Comments
20.05.2015	1.00	Joy Ashman	Approved in retrospect by H & E PAC 31.07.15

Appendix 8 – Right to Move Procedure Guidance & Preference Label

The Allocation of Housing (Qualification Criteria for Right to Move) (England) Regulations 2015 states that local authorities cannot decide that a person does not qualify for an allocation of accommodation on the grounds that the applicant does not have a local connection with the area if the applicant is a tenant of social housing and who needs to move to take up a job or live closer to employment or training (including apprenticeships).

A local connection requirement must not be applied to existing social tenants seeking to transfer from another local authority district in England who:

- have reasonable preference under s.166(3)(e) because of a need to move to the local authority's district to avoid hardship, and
- need to move because the tenant works in the district, or
- need to move to take up an offer of work

Cornwall Council must be satisfied that the tenant needs, rather than wishes, to move which may include:

- the distance and/or time taken to travel between work and home
- the availability and affordability of transport, taking into account level of earnings
- the nature of the work and whether similar opportunities are available closer to home
- other personal factors, such as medical conditions and child care, which would be affected if the tenant could not move
- the length of the work contract
- whether failure to move would result in the loss of an opportunity to improve their employment circumstances or prospects, for example, by taking up a better job, a promotion, or an apprenticeship

The above is not an exhaustive list and other local circumstances may be taken into consideration.

Work Qualification Definitions

The qualification regulations 2015 only apply if work is not short-term or marginal in nature, nor ancillary to work in another district. Voluntary work is also excluded.

The Secretary of State considers that the following are relevant considerations for exclusion and where possible Cornwall Council will adhere to the following set definitions:

Short-term Definition

- whether work is regular or intermittent
- period of employment and whether or not work was intended to be short-term or long-term at the outset
- A contract of employment that was intended to last for less than 12 months could be considered to be short-term

Marginal Definition

- the number of hours worked (employment of less than 16 hours a week could be considered to be marginal in nature)
- the level of earnings

However Cornwall Council may take into account that if;

- a tenant only works 15 hours a week, for example, it may not be determinative if they are able to demonstrate that the work is regular and the remuneration is substantial

Ancillary Definition

- If a person works occasionally in the local authority's district, even if the pattern of work is regular, but their main place of work is in a different local authority's district, the work is excluded from the regulations
- If the tenant is expected to return to work in the original local authority district. If a local authority has reason to believe this is the case, they should seek verification from the tenant's employer
- A person who seeks to move into a local authority to be closer to work in a neighbouring authority – for example, where the transport links are better in the first local authority's area – is also excluded from these regulations. However, there is nothing to prevent local authorities looking sympathetically on tenants seeking to move into their authority's district for this reason, if they choose to do so

Voluntary Work Definition

- Voluntary work means work where no payment is received or the only payment is in respect of any expenses reasonably incurred

Apprenticeship

- The term 'work' includes an apprenticeship. This is because an apprenticeship normally takes place under an apprenticeship agreement which is an employment contract (specifically a contract of service)

Verification and evidence

Cornwall Council will require proof that the work or job-offer is genuine and will seek appropriate documentary evidence, which could include:

- a contract of employment
- wage/salary slips covering a certain period of time, or bank statements (this is likely to be particularly relevant in the case of zero-hours contracts)
- tax and benefits information – e.g. proof that the applicant is in receipt of working tax credit (if eligible)
- a formal offer letter
- additionally, the employer may be contacted to verify the position

Cornwall Council may consider whether an applicant qualifies both at the time of the initial application and when considering making an allocation.

The Right to Move Code of Guidance says that a proportion of lets should be set aside for right to move applicants. In order to achieve this Cornwall Council will

apply a Right to Move Preference label to a set quota of 18 properties per year which it feels is appropriate for the proportion of properties that it expects to allocate each year to transferring tenants whilst meeting the recommendation of 1% set out in the Code of Guidance. However this will be reviewed and revised as appropriate based upon supply and demand through monitoring channels.

What does the label say?

Preference given to applicants who have been awarded the Right To Move under the Homechoice Policy.

Definition

To qualify the applicant, or member of their household must be an existing social tenant in another local authority area who need to move to Cornwall to take up a job, or currently work in Cornwall, where it would **cause hardship** if they didn't.

Quota

Right To Move Preference Label be applied to a minimum of 1% of all social housing (Registered Social Landlords and Council) lettings.

