



Code of Guidance for Local Authorities on the Allocation of Accommodation and Homelessness

Royal British Legion response

About us

1. The Royal British Legion (RBL) was created as a unifying force for the military charity sector at the end of WWI, and still remains one of the UK's largest membership organisations. We are the largest welfare provider in the Armed Forces charity sector, providing financial, social and emotional support, information, advice, advocacy and comradeship to hundreds of thousands of Service personnel, veterans and their dependants every year. In 2014, we provided services and grants to over 450,000 Service personnel, veterans and dependants – more than ever before – and spent £1.4m every week on welfare support. For further information, please visit www.britishlegion.org.uk

General Comments

2. RBL welcomes the opportunity to respond to this consultation updating the Welsh Government's Code of Guidance for Local Authorities on the Allocation of Accommodation and Homelessness. Access to secure, affordable housing is a vital issue for members of the Armed Forces Community. The mobile nature of their work has historically put Service personnel at a disadvantage as they move frequently, often being stationed abroad with their families. This mobility means they can be disadvantaged by the design of housing allocation schemes and are unable to build up waiting time or local connection priority like their civilian peers.
3. The Legion regularly supports beneficiaries with some form of presenting housing need and is working with partners in Wales to ensure members of the Armed Forces community can receive tailored advice suitable to their needs. Through our partnership with Community Housing Cymru (CHC) we are working with housing associations and local authorities to encourage housing departments to record members of the armed forces community at the registration, application or sign up stage, to enable improved data to be collected around numbers and locations of Armed Forces Community in Wales. This is something that is being discussed at an all-Wales level and further work in this area is required.
4. The Legion is also working with CHC and housing associations to deliver presentations to housing staff about the potential needs of the Armed Forces community and how clients can be referred to the Legion for certain services. This complements the Legion's work around the Armed Forces Community Covenant in Wales where the Legion provides awareness-raising presentations to local authority

staff about the Armed Forces community and the work of the Legion. To date, 16 such sessions have been delivered with another three due before summer 2015.

5. In May 2011 the UK Government published the Armed Forces Covenant between the nation and all those who serve or have served in the UK Armed Forces. In relation to Housing, the Scope of the Covenant states:

“Those injured in Service should also have preferential access to appropriate housing schemes...Members of the Armed Forces Community should have the same access to social housing and other housing schemes as any other citizen, and not be disadvantaged in that respect by the requirement for mobility whilst in service.”

Following the publication of the Covenant, we warmly welcomed and supported the publication of the Welsh Government “Package of Support for the Armed Forces Community in Wales”, and subsequent updates to that document. The package of support sets out firm proposals to incorporate the principles of the covenant into Government policy and in our experience this document has been extremely helpful in outlining the initiatives and entitlements available to members of the Armed Forces community. Further promotion of this document to housing associations, local authorities, local health boards and other statutory providers would in our view be beneficial as it would help educate staff as to what provisions are already in place for members of the armed forces community and what they are entitled to.

6. In June 2013 the Legion welcomed the Welsh Government announcement of £2m investment to provide housing for members of the Armed Forces and the Legion, along with other partners, was part of a stakeholder group which has taken that forward.
7. The Royal British Legion have produced the “Community Covenants, What’s Next?” booklet for local authorities which calls for tangible changes to housing allocations policies to provide additional priority for the Armed Forces Community. We have been pleased to see this document supported by local authorities across Wales. We would welcome any measures the Welsh Government, in particular via housing officials, could take to promote this document’s further uptake and ensure that where flexibility in decision making is devolved to Local Authorities, they fulfil the Covenant’s pledges. The Minister for Public Services has promoted this document to all Armed Forces Champions in Wales, as did the previous Local Government Minister who helped launch the document in partnership with the WLGA in June 2014, and we were extremely grateful for that support.
8. Research carried out by the University of York Centre for Housing Policy in 2014 shows that between 2008/9 and 2012/13 there have been, an average of 30 households per year in Wales accepted as homeless, “priority need: vulnerable after leaving the Armed forces” representing between 0.4 and 0.6 per cent of all households accepted as homeless and in priority need.¹ Although this absolute

¹ University of York Centre for Housing Policy, *Meeting the Housing and Support Needs of Single Veterans in Great Britain*, 2014

number may be seen as low, this is a slightly higher percentage of priority need homeless households than was the case in England. Due to the rounding of the few datasets available, the research carried out by the University of York should be seen as an approximation but does underline the need for Welsh Government Guidance to offer a robust and clear iteration of the guiding principles of the Armed Forces Covenant.

9. Nationally in Wales and across the UK, RBL supports the recommendation in Lord Ashcroft's 'Veterans' Transition Review' for an MOD-commissioned, publicly available database detailing the ways in which every local authority's housing allocation scheme deals with Service personnel and veterans. There is far too much variation with regard to housing allocations, resulting in a postcode lottery between some areas in Wales and the UK and a lack of awareness amongst the Armed Forces community about what they may or may not be entitled to. Anecdotal feedback from our beneficiaries also suggests that some personnel in the sector are unaware of any particular initiatives designed to support the Armed Forces Community which can be a concern, especially given every local authority has signed an Armed Forces Community covenant.

Consultation response

10. The Royal British Legion is a leading Armed Forces Charity, supporting both the serving and ex-Service Armed Forces community. Therefore we will be responding only to those areas in the consultation that we believe have specific relevance to our beneficiaries.
11. The previous published version of the Code of Guidance for Local Authorities on the Allocation of Accommodation and Homelessness which this consultation seeks to update contained repeated and welcome measures that aimed to meet the aims of the Armed forces covenant. We are pleased to see these retained throughout this version under consultation.
12. For example, we are pleased to see that "people needing accommodation as a result of leaving the Armed Forces and the loss of military accommodation" are retained in the guidance on who Local Authorities should consider offering additional preference to under paragraph 3.30. As outlined in in paragraph 5 of this response, this is firmly in keeping with the Scope of the Armed Forces Covenant. Similarly, we are pleased to note that local connection in housing allocation can still be obtained through virtue of serving, or having served, in a community.

Disabled and injured ex-Service Personnel

13. We welcome the continued inclusion of 3.26 in the Allocation Scheme:

"The Welsh Government believes that it is important that Service Personnel who have been seriously injured or disabled in action and who have an urgent need for

social housing should be given high priority within local authorities' allocation schemes in recognition of their service. The Welsh Government's commitment to this was established in "The Nation's Commitment: Cross-Government Support to our Armed Forces, their Families and Veterans" which was updated by the Armed Forces Covenant and the Welsh Government's response to the Covenant as set out in our "Package of Support for the Armed Forces Community in Wales".

However, despite unreferenced further explanation much further down the document in sections 3.148 - 3.150, we are concerned that under the section "Medical and welfare grounds including grounds relating to disability" paragraph 3.26 is uniquely weakened in its phraseology. Other provisions in this section outline a clear course of action for Local Authorities, with clear instruction. For example 3.25 includes the direction, "*Local Authorities will need to liaise* with Social Services, the Supporting People Team, Local Health Boards and other relevant agencies, to help ensure the allocation of appropriate accommodation."

14. As outlined earlier in the Code itself, "Local Authorities must have regard to any guidance issued", however without clear direction within the provision, the clarity of the legal implications of diverging from the Code is murky at best. With housing lists throughout Wales under pressure, it is vital that the Military Covenant's principles are seen in Local Authorities' housing allocation schemes. Therefore we recommend that the 3.26 is redrafted to read:

"Local Authorities should ensure that Service Personnel who have been seriously injured or disabled in action and who have an urgent need for social housing should be given high priority within allocation schemes in recognition of their service. The Welsh Government's commitment to this was established in "The Nation's Commitment: Cross-Government Support to our Armed Forces, their Families and Veterans" which was updated by the Armed Forces Covenant and the Welsh Government's response to the Covenant as set out in our "Package of Support for the Armed Forces Community in Wales".

This amendment will not only bring clarity to Local Authorities drawing up or revising Allocation schemes but will also bring reassurance to the injured and bereaved ex-Service community that their rights enshrined in the Military Covenant will form the basis of any decision

15. Furthermore, it is vital that injured veterans can secure adaptations to ensure their accommodation is suitable for their needs and therefore it remains important that Disabled Facilities Grants are processed in a timely fashion. We are aware of some local authorities in the UK who have given priority for DFG applications for injured ex-service personnel.

Financial assessments

16. Within the Code of Guidance for Local Authorities on the Allocation of Accommodation and Homelessness there are references to financial assessments of applicants. For example, in 3.146 when assessing eligibility for Do It Yourself

Homebuy where we note that “*any lump sums paid to eligible members of the armed forces as a result of illness or injury are to be disregarded when assessing eligibility and sustainability.*” The exclusion of compensation payments from financial assessments is central to RBL’s view of how authorities can meet both the letter and the spirit of the Military Covenant. However it’s important to make clear that military compensation payments extend beyond lump sum gratuities and for many are paid in ongoing instalments. For those injured in Service before 2005 and therefore receiving a War Pension, anyone with a 20% disablement level or higher doesn’t receive any compensation through a lump sum gratuity but instead receives an ongoing pensionable amount for life. Similarly, those with the most serious injury from Service post 2005 are eligible for the Armed Forces Compensation Scheme (AFCS) and receive a significant proportion of their compensation in a Guaranteed Income Payment.

17. It is a false distinction to separate lump sum payments from ongoing compensation payments when looking at disregarding compensation from means tests. Both are routinely disregarded throughout both Wales and England by Local Authorities in assessments for Council tax support and we are pleased to note that this principle will apply for means testing under Universal Credit. Leaving ongoing compensation payments in the financial assessments therefore would be contrary to this hugely positive trend. RBL firmly believes that unless Welsh Government guidance explicitly states that both forms of Compensation should be disregarded, this anomaly where injured veterans can end up treated differently depending on when they were injured and disadvantaged in comparison to civilians injured in the workplace, will continue.

Mental health

18. In line with 3.151, we agree that the issue of mental health remains a key issue for a significant minority of the Armed Forces community and the Legion is a key partner in the Veterans NHS Wales pathway. This service, funded by Welsh Government, provides veterans’ therapists in each Local health Board and offers evidence-based treatment for clients, who are able to self refer or access the service via referral from a GP, charity or family member. It would be hugely positive if this service was promoted to staff within housing associations and local authorities as this could enhance the service provided to tenants who may be Ex-Service personnel.

Partnership working

19. The Guidance document under consultation continues to highlight those who “*have spent time in care, in hospital, in prison or in the armed forces*” as at risk of homelessness and we’re pleased to see that under section 5.63 the Welsh Government is calling on Local Authorities to set out action plans for “*people leaving the regular armed forces of the Crown. Liaison with the Joint Services Housing Liaison Office and the Veterans Service will enable appropriate referrals and applications from leavers who are at risk of homelessness.*” The RBL can provide advice and support to veterans who may be homeless once critical housing need has been addressed. We believe that the Guidance should therefore go further in asking Local Authorities to not just liaise with “*Joint Services Housing Liaison Office and the Veterans Service*” but also with appropriate third sector or external providers of

support. The Community Covenant scheme, has also provided local authorities with a stronger link to the armed forces in Wales via 160 (Wales) brigade, and local authorities can work with the MOD to ensure they are provided with more information about the numbers of people leaving the forces at any one time, who may be looking to settle within their area. This will improve the information local authorities are able to access and therefore allow them to plan services more effectively.

Data collection

20. Fundamental to any strategic planning to meet the needs of the ex-Service community is data collection. RBL wish to take this opportunity to highlight the importance of Local Health Boards sharing data between the NHS and Local Authorities. Local homelessness and housing planning can be informed by local NHS datasets drawn from local health services routinely recording whether an NHS patient has previously served in the armed forces. The current Read code/SNoMed CT Code “Served in Armed Forces” is in place yet evidence suggests that it isn’t being routinely and uniformly used to identify veterans accessing health care. Without this code being used across the board we don’t believe the NHS in Wales and local authority partners will be able to effectively commission services for the armed forces community.
21. It is telling that 5.34, which states, *“It will also be important to identify numbers and causes of repeat presenters and vulnerable groups (e.g. ex-prisoners, persons leaving the armed forces etc.), as well as identifying any trends/ issues in the reasons given for presenting as homeless”* is unchanged from the 2012 guidance yet data on ex-Service homeless households remains scarce. More uniform and proactive steps need to be put in place to capture this information. RBL would welcome the opportunity to work with key partners in the Welsh Government to ensure that this data is systematically captured.

Other comments

22. We are pleased to see the updating from the 2012 guidance in 12.54 from 28 days to 56 days before discharge so that it now reads, *“While people leaving the armed forces will be eligible for the duty to secure accommodation should they be homeless or threatened with homeless, Local Authorities still have a duty to work with applicants up to 56 days before their discharge and/or homelessness in order to fulfil the duty to prevent homelessness”*. Early intervention is key to helping reduce the incidence of homelessness as a result of leaving Service. As stated earlier, engagement with 160 (Wales) Brigade in Brecon will be beneficial in improving planning in this area.
23. As with other inclusions outlined above, Paragraphs 12.57 – 12.59, *“Veterans”*, are a welcome addition to the Code of Guidance. The veteran community has specific needs that differ both to the serving armed forces and to their civilian counterparts. However this section appears to be only partially completed in this consultations draft. Paragraph 12.59 references further guidance on working with Veterans, yet it is unclear to what this relates. RBL would welcome the opportunity to work with the

Welsh Government to be consulted on or work in partnership on the production of Veteran specific strategies on homelessness prevention and support.

24. Although currently not covered in the Code of Guidance, RBL is aware that local housing allocation guidance regularly include time limits on allocation policies for armed forces leavers. For example Caerphilly Borough Council recently consulted on draft guidance that contained, "*member in the Armed Forces or who [were] serving in the Armed Forces at any time in the five years preceding their application for housing and has previously lived in the county borough*" in the residential criteria. Whilst we recognise the rationale to time limit the application for housing, we believe that references to time limits in allocation policies represent an arbitrary constraint that can leave veterans disadvantaged. Armed forces leavers can be unsure at the point of transition back to civilian life where in the country might be most suitable for them in regards to various factors including family life, employment opportunities or housing. As families and individuals can sometimes make a few moves and change circumstances in the first years after leaving the Armed Forces, there may be multiple contributing factors to a delay before an application for housing is submitted. National Guidance provides an opportunity to remove time limits or as a minimum include discretion where there is justifiable reason.

25. There is much positive work taking place in Wales with regard to the housing needs of the Armed Forces and veterans in the third sector, such as that involving First Choice Housing and Alabere, and the Legion continues to work in partnership on such initiatives, to ensure the housing needs of the Armed Forces community are met.

For further information or clarifications, please contact Andy Pike, Policy Adviser, Royal British Legion on 0203 207 2124 or apike@britishlegion.org.uk or Peter Evans, Wales Public Affairs Manager, Royal British Legion on 0333011 4382 or pevans@britishlegion.org.uk

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