



# Health, Social Security and Housing Scrutiny Panel



## Social Housing Waiting Lists

Presented to the States on 25th August 2011

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## 1. EXECUTIVE SUMMARY

- 1.1 The Health, Social Security and Housing Scrutiny Panel has reviewed matters relating to waiting lists for social housing. There are approximately 6,200 units of social rented housing in Jersey, the providers of which can be divided into three groups: the Department of Housing (which manages three-quarters of the Island's social housing stock); the Housing Trusts (which manage the majority of the remainder); and the Parishes, some of which also provide a small amount of social housing.
- 1.2 Our review confirmed there are difficulties with the current system. As identified by the Whitehead Report in 2009, the current eligibility criteria are restrictive and some people are therefore unable to access social housing, regardless of the fact that they may be in financial need. As a result, the current system does not provide an accurate measure of housing need in the Island, without which questions such as how many homes are required become difficult to answer. Furthermore, as each provider can maintain its own application process and its own waiting list, duplication can occur.
- 1.3 These difficulties have been acknowledged by the Minister for Housing and we were advised that they would be addressed through the establishment of the Affordable Housing Gateway. We understand that the Gateway will effectively establish a single access point to social housing and thereby a single waiting list. It will be open to use by all social housing providers and the eligibility criteria will be wider than those which currently apply. The Gateway will in fact be an access point for all affordable housing (not simply social rented housing) and applicants will be prioritised on a band-based system – rather than the points-based system which the Department currently uses for its applicants. Finally, the Gateway will be subject to regulation.
- 1.4 Beyond those broad statements, however, details of how the Gateway will operate were not available during our review. As a result, while we have found nothing to suggest that the Minister should not continue his work to implement the Gateway, a full assessment of the Gateway will not be possible until those details become apparent. We have therefore made recommendations concerning matters which the Minister should take into account during his subsequent work, not least of which is that consultation with other providers should continue, given that it remains uncertain whether all providers will indeed avail themselves of the Gateway. Furthermore, the Minister must ensure that a mechanism by which the Gateway can be monitored in its initial stages is introduced.
- 1.5 Given that details of how the Gateway will operate remain to be determined, we have recommended that further review of this matter should be undertaken in due course by our successors on the Health, Social Security and Housing Scrutiny Panel.

## 2. INTRODUCTION

- 2.1 On 29th June 2011, the States approved the new Island Plan after some seven days of debate. Much of that debate centred on the provision of housing, confirming that there is perhaps no more significant an issue in Jersey. Indeed, the independent inspectors that had examined the Island Plan in its draft form underlined that fact when they stated that the Island faces a “*housing crisis*.”<sup>1</sup>
- 2.2 The debate included questions of how many homes should be built; where they should be built; and what type of housing they should incorporate. This Scrutiny Review has focussed on the subject of waiting lists for social housing, a narrower scope, but still of great significance for a number of reasons.
- 2.3 The waiting list systems currently operated by the Department of Housing and other providers incorporate the processes by which people apply for, and are allocated, social housing. The lists can be used as a measure of housing need or housing demand by showing how many people need to be housed. They can therefore assist with the determination of how much housing is required and of what type. Indeed, without a clear idea of the level of housing need, questions such as how many homes should be built become difficult to answer. It is therefore vital that we have a clear idea of who needs to be housed and, to that end, that we have an accurate and reliable waiting list system.
- 2.4 The subject of social housing was reviewed in 2009 by Professor Christine Whitehead of the Cambridge Centre for Housing and Planning Research. Her review looked at several matters including, for instance, the status of the Department of Housing and her report (*A Review of Social Housing in Jersey*, referred to here as the ‘Whitehead Report’) made findings of direct relevance to waiting lists. It was in part our awareness of these findings that led us to begin our own review. We sought to understand both how the current waiting list system operates and how Professor Whitehead’s findings had been (or would be) addressed. A copy of our Terms of Reference may be found in Appendix 2 to this report.
- 2.5 It was quickly confirmed to us that the current system is intended to be replaced by the ‘Affordable Housing Gateway.’ Implementation of the Gateway will form part of the Housing Transformation Programme which is being developed to address the matters raised by Professor Whitehead. These include a backlog of repairs to the Department of Housing’s social housing; a lack of capital funding for new housing; the increasing waiting list and the hidden demand for housing. The Programme therefore aims to establish a new housing organisation (which would lead to a radical alteration of the current Department); to

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<sup>1</sup> *Report to the Minister for Planning and Environment – The Revised (Draft) Jersey Island Plan 2011* (2011), C. Shepley and A. Langton, page 3

introduce a regulatory regime for affordable housing; and to make the affordable housing sector financially sustainable.

- 2.6 As part of the Programme – and subject to approval by the States – the Affordable Housing Gateway will become a single access point to ‘affordable housing’ (not only social housing) that will be used by all social landlords. Our focus therefore expanded to include an examination of the plans for the Gateway.
- 2.7 It has become apparent, however, that those plans have not been finalised and that the precise workings of the Gateway remain to be determined. Deputy A.K.F. Green MBE, the Minister for Housing, is currently working on the Housing Transformation Programme (for which there will be a White Paper) and the Gateway is one strand of that work. We understand that the White Paper will be published in September 2011, when further details of the Gateway will no doubt become apparent. This is later than was first envisaged. Indeed, when we began our review, the White Paper was expected in May / June 2011. Changes in the Executive’s timetable have therefore impacted upon our own work – not the first time that a Scrutiny Review has been affected in this way.
- 2.8 In the meantime, from a Scrutiny perspective it is difficult to come to any firm conclusions on a system for which the details remain to be determined. Nevertheless, we have in the course of our review gathered a fair amount of information. As a result, and with the imminent end of the current States Assembly in mind, we present this report in essence as an interim report on our work, with a strong recommendation that the next Health, Social Security and Housing Scrutiny Panel return to this matter when plans for the Gateway have been finalised.

### **3. KEY FINDINGS AND RECOMMENDATIONS**

#### **KEY FINDING**

- 3.1 There is a risk that the Affordable Housing Gateway will not meet one of its stated aims of establishing a single waiting list for all providers of social housing.

#### **RECOMMENDATION**

- 3.2 The Minister for Housing must continue consultation with the Parishes to ensure that the Parishes understand and accept the Affordable Housing Gateway.

#### **KEY FINDING**

- 3.3 The current eligibility criteria for social housing mask the true level of housing need in the Island.

#### **KEY FINDING**

- 3.4 The plans for the Affordable Housing Gateway mirror developments in the allocation of social housing that have occurred in the UK.

#### **RECOMMENDATION**

- 3.5 In his White Paper, the Minister for Housing must explain how the Affordable Housing Gateway compares to schemes in the UK. This must include some evaluation of alternatives already established in the UK.

#### **KEY FINDING**

- 3.6 There is currently no statutory basis for the provision and regulation of social housing in Jersey.

#### **RECOMMENDATION**

- 3.7 The Minister for Housing must ensure that the Affordable Housing Gateway is established within a statutory framework.

#### **RECOMMENDATION**

- 3.8 If the Housing Transformation Programme is pursued, consideration will need to be given to the terms and conditions of staff to be transferred from the Department of Housing.

#### **KEY FINDING**

- 3.9 It will not be possible to verify whether the Affordable Housing Gateway has achieved its aims for some time after its implementation.

**RECOMMENDATION**

3.10 Prior to implementation, the Minister for Housing must develop a mechanism by which the Affordable Housing Gateway can be monitored during its initial stages.

**RECOMMENDATION**

3.11 The subsequent Health, Social Security and Housing Scrutiny Panel should consider reviewing developed plans for the Affordable Housing Gateway, with particular attention to the following:

- a) The eligibility criteria which will apply to the Gateway;
- b) The experience of using the Gateway from the applicant's point of view; and
- c) Whether the Gateway provides an accurate indication of housing need in the Island.



## 4. THE CURRENT WAITING LIST SYSTEM

4.1 The focus of our review was 'social housing'. We are aware that this term can have different definitions and it is therefore beneficial to establish what we mean when we use that term in this report. We asked the witnesses we met to define the term. Mr. M. Van Neste, the Chairman of the Jersey Homes Trust (JHT), for instance, advised us that, in his view:

*"Social housing is homes in which the States, Parishes or States-sponsored not-for-profit bodies are stakeholders, with the objective of providing affordable accommodation to persons in need. When I say a stakeholder, I do not think first-time buyer houses are social houses. I applaud the States intervening in the market to help make those homes affordable; we need more. But I think the distinction with social housing is that the States have some ownership or entire ownership."*<sup>2</sup>

4.2 The Minister for Housing, Deputy A.K.F. Green MBE, advised us that a definition of the term would be found in the White Paper but that, in the meantime, "*It is all housing not let or sold on the open market for residentially qualified occupation.*"<sup>3</sup> While these definitions include concepts such as part ownership, for the purposes of our review 'social housing' has meant 'social rented housing' and that is what should be understood in this report. In that sense, the main providers of social housing in Jersey can effectively be divided into three groups: the Department of Housing; the Housing Trusts; and the Parishes. A brief summary of the roles of those three groups and, thereby the current waiting list system, follows.

### Department of Housing

4.3 It was pointed out to us during our review that the Minister for Housing has no statutory obligation to provide social housing.<sup>4</sup> There is no 'Social Housing Law', for instance, which sets out the Minister's responsibilities. This is not the situation elsewhere. In the United Kingdom, for instance, we are aware of the *Housing Act 1996*, Part VI of which governs the "*allocation of housing accommodation.*" Local authorities are therefore required to administer their allocation schemes (and the waiting lists involved) in line with the Act. For example, Part VI sets out the general eligibility criteria which local authorities should apply

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<sup>2</sup> Mr M. Van Neste, Chairman – Jersey Homes Trust, Transcript of Public Hearing, page 5

<sup>3</sup> Deputy A.K.F. Green MBE, Minister for Housing, Transcript of Public Hearing, page 2

<sup>4</sup> Written Submission from Mr M. Dun, 9th June 2011

to applicants and it requires authorities to provide free and easy access to advice and information.<sup>5</sup> The provisions of Part VI are not mirrored in Jersey legislation.

- 4.4 Nevertheless, the Minister and his Department manage a social housing stock of some 4,500 properties<sup>6</sup> and there is a political imperative underlying the Minister's responsibilities. Priority 14 of the current Strategic Plan, for instance, requires the States to "*adequately house the population*"<sup>7</sup> while the Department's aim, as stated in its 2011 Business Plan, is "*to ensure that long-term, sustainable and affordable housing is provided to meet the needs of all residents.*"<sup>8</sup>
- 4.5 Access to the Department's stock of social housing is managed through its Allocations Policy, a copy of which is available on the Department's pages at [www.gov.je](http://www.gov.je). The policy is based upon seven principles (consistency; flexibility; openness; responsiveness; local co-operation; regular review; and right of appeal) and it describes who may become a tenant of the Department. The policy is set by the Minister but he has no direct involvement in its administration.<sup>9</sup>
- 4.6 To be eligible, applicants for social housing must be over 18 and residentially qualified. Beyond that, essentially only three categories of applicant are considered:

1. *People with medical, physical or mental disabilities, who need special types of housing, but who cannot afford such accommodation in the private sector.*
2. *Families with young children on relatively low incomes.*
3. *People aged 50 or over on relatively low incomes.*<sup>10</sup>

Further details are provided in the policy, for instance that there is a maximum income level of £40,000 per annum and that applicants must have been resident in the Island for six months before making their application. Certain other situations are also catered for, for example if the applicant is a family awaiting its first child. Applicants under the age of 25 may be housed under the policy. However, they face certain limitations in that they have to demonstrate that they live independently of their families and cannot be housed with them. The Minister himself expressed concern regarding how the needs of the under 25s could be met, intimating that the current system might not fully address those needs:

*"That is why I have been very cautious. I am very concerned, particularly for the groups that you have just described and, if I was to be entirely honest, I have*

<sup>5</sup> *Housing Act 1996, Part VI – Allocation of Housing Accommodation*

<sup>6</sup> Mr. I.K. Gallichan, Chief Officer – Department of Housing, Transcript of Public Hearing, page 3

<sup>7</sup> *States of Jersey Strategic Plan 2009 – 2014*

<sup>8</sup> *Housing Business Plan 2011, page 8*

<sup>9</sup> Deputy A.K.F. Green MBE, Minister for Housing, Transcript of Public Hearing, page 5

<sup>10</sup> *States of Jersey Housing Department Assessment and Allocations Policy Guidelines, Policy HD7, page 2*

*been even more concerned about the under 25s as some of the vulnerable people that we have there.”<sup>11</sup>*

- 4.7 A consequence of the Allocations Policy is that other categories of people are excluded from being housed. For example, a 40-year-old single person with no children and with no illness or disability is not eligible to be housed, regardless of that person’s need. A married couple on low income without children would similarly be ineligible. Low income alone does not make an applicant eligible to be housed. Notwithstanding that low income can by itself be an indication of need. Indeed, it is used to assess the effectiveness of the current system by looking at the number of tenants who receive Income Support. For example, when asked whether the current system housed those most in need, Mr. I.K. Gallichan, the Department’s Chief Officer advised us:

*“I think it is patchy insofar as if you look at our list, which is open to scrutiny in our allocations, then obviously, on the point system that we have got at the moment and the criteria that we set for people accessing our waiting list, we are housing those in greatest need. I think the evidence of that would be the number of people on Income Support in our stock.”<sup>12</sup>*

Nevertheless, people on low incomes remain ineligible unless they meet other criteria within the Department’s Allocations Policy. The Department’s waiting list is therefore not fully open and access to it is restricted to those who fall within the eligibility criteria.

- 4.8 Applicants are asked to complete an application form and they are then assessed by the Department against the policy (which includes a visit by departmental officers to the applicant). A points system is used to assess applicants: points are allocated for given situations, for instance homelessness is allocated 100 points whilst ‘moderate’ financial circumstances are allocated 30 points.<sup>13</sup> The greater the number of points, the higher the priority assigned to the applicant. However, it does not automatically follow that the applicant with the highest number of points will be housed first. The decision on allocating accommodation also takes into account the type of accommodation that has become available in order to ensure that there is a suitable match between the accommodation and the applicant. Furthermore, the Department is able to use a degree of discretion, if appropriate. Applicants are generally given one offer of accommodation; if they refuse that offer, their name may be removed from the waiting list.
- 4.9 As well as a waiting list for new applicants, the Department also operates a transfer list by which existing tenants can apply to move from their current accommodation to another unit of departmental social housing. Finally, the Department also facilitates a mutual exchange

<sup>11</sup> Deputy A.K.F. Green MBE, Minister for Housing, Transcript of Public Hearing, page 12

<sup>12</sup> Mr. I.K. Gallichan, Chief Officer – Department of Housing, Transcript of Public Hearing, page 23

<sup>13</sup> *States of Jersey Housing Department Assessment and Allocations Policy Guidelines*, page 5

scheme whereby two of its tenants can elect to swap their accommodation. Both schemes assist the Department in ensuring the best and most efficient use of its accommodation and tenants in finding the accommodation that best suits their needs.

- 4.10 The Department has been described as the ‘landlord of last resort’. Indeed, the Minister himself used that term in his discussions with us while the Department’s Chief Officer explained why the description was apt:

*“In view of our size and in terms of our stock and our set up as a Department, we offer services that perhaps some of the public trusts, for instance, are not able to provide at this stage. We work very closely with Health and Social Services, with our Supported Housing Group, where we pick up a number of Schedule One offenders, which is packages that are put together by States Departments to assist some quite complex and vulnerable cases. That is not mirrored across the sector as a whole yet. So in terms of, I would say, some of Jersey’s most vulnerable I would say, yes, we are the landlord of last resort because of our size; the kind of structures that we have in terms of the Department; and just the set up of our assisted living and Supported Housing Group, for instance.”<sup>14</sup>*

- 4.11 Following States approval of Paragraph (c) of *Housing Issues in Jersey* (P.89/2010), lodged by Deputy P.V.F. Le Claire, the Department of Housing uploads information on its waiting lists to [www.gov.je](http://www.gov.je) on a monthly basis. At the time of this report, the most recent information dated from 1st August 2011 which showed 471 applicants on the waiting list and 372 applicants on the transfer list.<sup>15</sup> It should be stressed that this does not mean 471 and 372 people were on the respective lists: an application may be from a household of more than one person. This point was made to us by Deputy Le Claire himself and, in his written submission to us, he estimated that the 461 ‘applicants’ on the waiting list as of 1st July 2011 represented at least 894 people.<sup>16</sup>

## Housing Trusts

- 4.12 At the time of Professor Whitehead’s report, there were 6,209 units of social rented housing in the Island. As already described, some 4,500 of those are provided by the Department of Housing. The majority of the remainder is provided by the Housing Trusts.
- 4.13 The Housing Trusts were incorporated to provide accommodation to persons in need. Their responsibilities are laid out in their respective constitutions. We are aware of five Trusts in the Island, of which the two largest are the Jersey Homes Trust (JHT); and Les Vaux

<sup>14</sup> Mr. I.K. Gallichan, Chief Officer – Department of Housing, Transcript of Public Hearing, page 4

<sup>15</sup> [www.gov.je](http://www.gov.je)

<sup>16</sup> Written submission from Deputy P.V.F. Le Claire, 16th June 2011

Housing Trust. They operate stocks of 741 units<sup>17</sup> and 327 units<sup>18</sup> respectively, some 80% of the Housing Trusts' total stock. The majority of information available to us related to these two Trusts although we also received a submission from the Christians Together in Jersey (CTJ) Housing Trust.

- 4.14 The JHT and Les Vaux Housing Trust both have their own eligibility criteria and allocations policies. The Trusts are required to be 'guided' by the Department's Allocations Policy. However, they are able to maintain a degree of flexibility and can therefore consider applications from households who fall outside the Department's eligibility criteria. Their own criteria are not as restrictive and a wider group of people may therefore be eligible for placement on the Trusts' waiting lists. However, as Mr. M. Van Neste, Chairman of the JHT, advised us, some applicants may not 'need' to be housed and may not therefore be given high priority:

*"We do not have restrictive criteria on our waiting list. Currently our waiting list is 614 applicants, but it has to be said that I would estimate (and it is only an estimation) that half of those would not be allocated housing, because of the need of the remainder and because there is not enough housing. In an ideal world we would be able to allocate to anyone that applied to us for housing, provided they satisfied a very wide criteria. But we are not in that situation."*<sup>19</sup>

- 4.15 Applicants to the Trusts are asked to complete an application form. However, unlike the Department, neither the JHT nor Les Vaux Housing Trust operates a points-based allocation system to assess applicants. This has at times led to the view that the allocation systems are arbitrary, and that the Trusts can choose whom they house, although this was refuted by the Chairman of the JHT. When the question was raised of whether the Trusts could effectively 'pick and choose', Mr. M. Van Neste, the Chairman, advised us:

*"We allocate solely on an assessment of the need of the applicant. I cannot speak for the other trusts. When I say that, I do not want to imply that necessarily their procedures are at fault. I do not know. I do not know how they allocate. All I can tell you is how we have consistently allocated over the years and, no, we do not even look at an applicant's ability to pay the rent. We assume they have that ability because we have a very good benefit system in the Island; so, theoretically, everybody should be able to afford the rent."*<sup>20</sup>

The Trusts engage management agents to administer the allocation of their accommodation and it is generally they who make the decisions as to whom accommodation should be allocated.

<sup>17</sup> Written submission from the Jersey Homes Trust, 6th April 2011

<sup>18</sup> Written submission from Les Vaux Housing Trust, 3rd May 2011

<sup>19</sup> Mr. M. Van Neste, Chairman – Jersey Homes Trust, Transcript of Public Hearing, page 4

<sup>20</sup> Ibid, page 8

- 4.16 The Minister for Housing has nomination rights to the Housing Trusts' accommodation. It is important to note at this point the difference between 'nomination' and 'allocation'. Essentially, the Minister's rights mean that his Department may nominate tenants for a certain proportion of the social housing managed by the Trusts from the Department's own waiting list. However, the Trusts retain final discretion over the allocation of their units: they are therefore not obliged to allocate accommodation to the Minister's nominee. They may in fact refuse although we were advised that, in practice, few nominations from the Minister are turned down.<sup>21</sup> The Minister has nomination rights to 50% of the Trusts' units (with that proportion rising to 80% on the Trusts' new developments).
- 4.17 Once an applicant has been nominated to (and accepted by) the Housing Trust, that applicant becomes the Trust's tenant and therefore their responsibility. It is generally not then feasible for them to return to the Department's stock of social housing (either by applying to the Department anew or by requesting placement on its transfer list). The Department's allocations policy states that:

*"Any applicant who is already housed by a social housing provider, i.e. a Housing Trust, will only be considered for States social housing under very exceptional circumstances."*

Nevertheless, Mr. M. Van Neste, Chairman of the JHT, confirmed that it was not impossible for the Trusts' tenants to be housed subsequently by the Department:

*"I have had assurances over the years with the chief officers that that is not the case; that if one of our tenants is inadequately housed they should be able to apply to Housing - just like anybody else in the Island, just like Housing's own tenants - who have 4,500 units, for accommodation that they need and that we may not be able to supply them. If you do not allow transfers back, you are prejudicing the rights of Jersey residents. So I have had agreement over and again with chief housing officers that transfers either way are permissible."<sup>22</sup>*

## **The Parishes**

- 4.18 Not all of the Parishes manage social housing stocks and those which do administer a relatively small number of units compared to the Department and the Housing Trusts. The Whitehead Report indicated that 142 of the 6,209 units of social housing were managed by Parishes.<sup>23</sup> Provision varies from Parish to Parish. From the responses we received, for instance, St Clement and St Brelade advised us that they provide no social housing. St

<sup>21</sup> Mr. M. Van Neste, Chairman – Jersey Homes Trust, Transcript of Public Hearing, page 8

<sup>22</sup> Ibid, page 10

<sup>23</sup> *A Review of Social Housing in Jersey* (July 2009), Cambridge Centre for Housing and Planning Research, page 16

Martin, on the other hand, maintains 29 units of social housing. Other Parishes, such as St Ouen and St Lawrence, advised us that they have no 'social housing', but they do have 'sheltered housing' (to house senior citizens).

4.19 The Department works with the Parishes, albeit more informally than with the Housing Trusts. The Minister does not have nomination rights to Parish housing as he does for the Housing Trusts, however, and the Parishes therefore have greater independence in the allocation of their units. The management of social housing in some Parishes, such as St John and St Martin is assigned to an incorporated Parish trust or association which administers the allocation of units and determines the eligibility of applicants according to specific terms of reference. Assessment criteria and processes can vary from Parish to Parish. The Connétable of St John, for instance, advised us that the units managed in his Parish by the Greenwood Housing Association were allocated on the basis of a points-based scheme that used factors such as Parish-connection, age and health.<sup>24</sup> Other Parishes do not appear to operate a points based scheme but, unsurprisingly, a connection to the Parish in question tends to form a significant part of the eligibility criteria for Parish accommodation. Nevertheless, we understand that the Parishes do liaise with each other regarding their accommodation in the event of unfilled units.

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<sup>24</sup> Written Submission from the Parish of St John, 5th June 2011

## 5. THE AFFORDABLE HOUSING GATEWAY

- 5.1 The current system therefore involves a number of different social housing providers. The providers correspond with each other, particularly in the case of the Department and the Housing Trusts. However, each provider essentially provides its own service, with the capacity to set its own criteria; manage its own allocations policy; and administer its own waiting list.
- 5.2 This system is due to be replaced by the Affordable Housing Gateway. Broadly speaking, the Gateway is intended to act as a single access point to affordable housing that will be used by all social housing providers. In essence, its introduction would therefore eliminate a system of multiple waiting lists and, in the Gateway, replace it with one common list.
- 5.3 A commitment to develop the Gateway was made in the *Strategic Plan 2009 – 2014*. Under Priority 14 (to “adequately house the population”), it is stated that the Minister for Housing will lead on the following:

*“Implement proposals for the regulation of all affordable housing providers including common waiting lists and allocation criteria and improve regulation relating to the wider rental market; and*

*Establish a ‘gateway’ for all affordable housing to ensure that existing and future stock is targeted to deliver maximum benefit.”<sup>25</sup>*

The Department’s current Allocations Policy acknowledges the development of the Gateway.

- 5.4 Implementation of the Gateway is one strand of the Housing Transformation Programme that is currently being pursued by Deputy A.K.F. Green MBE, the Minister for Housing, and which, if adopted by the States, would reform the Department of Housing. The Programme is intended to address significant issues surrounding the provision and maintenance of States social housing which have formed the subject of much debate in recent years (and which were covered in the Whitehead Report). The Programme will be subject to public consultation through a White Paper (currently expected in September 2011). We anticipate, however, that the White Paper will see the Minister propose a restructuring in which the Department of Housing would lose its landlord function and by which its 4,500 units of social housing would be managed differently; potentially by an arms-length organisation that would be better placed to manage the Department’s property portfolio. The White Paper will also cover the Affordable Housing Gateway. Further details on how the Gateway would operate will therefore become apparent when the White Paper is published. Nevertheless, we were

<sup>25</sup> *States of Jersey Strategic Plan 2009 – 2014*, page 30



able to ascertain why plans for the Gateway have been developed and, generally speaking, how it is envisaged that the Gateway will operate.

### The need for change

5.5 The Gateway is intended to address a number of reported problems that have been identified with the current waiting list system. These problems include inefficiency (because there are several providers operating their own systems); lack of certainty for applicants about waiting times; and, for the Department particularly, narrow eligibility criteria which both deny some people from applying and which make it difficult to ascertain the true level of housing need in the Island. Professor Whitehead highlighted these problems in her report, stating for example:

*“The current eligibility criteria are extremely constraining. They inherently mean that the majority of tenants are vulnerable (and often segregated) and are likely to remain as life-long tenants. They also mean that many households in need of adequate standard housing are excluded from the sector. This is reflected in the apparent very large excess of households over dwellings in Jersey which implies large numbers of households living in shared or non-self-contained accommodation, although in reality this apparent excess may simply reflect the current definition of ‘lodging houses.’*

*A second issue is eligibility with respect to income. Were the income constraint to be raised another group of poor households who might be better accommodated than in the private rented sector would become eligible for social housing.*

*A more fundamental issue is whether social housing should be available to a wider range of lower income households with no additional vulnerabilities. Where low income households are likely to be in long-term housing need the case for social housing provision can be strong (as in the Netherlands, Scandinavia, and to a lesser extent the UK). In the Jersey context however, any such change would involve a significant shift away from current policy.”<sup>26</sup>*

Her report also highlighted the lack of a level playing field between social housing providers and underlined the lack of a specific regulatory framework for the social housing sector.

5.6 The Minister and his Department appear to be fully aware of Professor Whitehead's findings and have built them into their work on the Gateway. In one of its own submissions to us, the Department advised us of the following ‘disadvantages’ with the current waiting list system:

<sup>26</sup> *A Review of Social Housing in Jersey*, page 25

- a) *Applicants might be registered on more than one list, leading to possible double counting in measuring the need for social housing.*
- b) *Each landlord operated different eligibility and housing need criteria, making the extent of need, and demand, for social housing difficult to assess.*
- c) *Applicants registered on one list may not be aware of the existence of other lists and the wider opportunities for rehousing.*
- d) *Existing social housing tenants needing a transfer were only able to access lettings from their existing landlord, and had restricted access to suitable vacancies occurring in other landlords' stock.*
- e) *Waiting lists were primarily focussed on the need for rented property, with separate applications for assisted house purchase schemes, potentially leading to the misallocation of support for house purchase.*
- f) *A further weakness in current practice identified during subsequent work within the Housing Transformation Programme is the use of 'points' to measure housing need and hence the relative priority for rehousing between applicants. Housing 'points' schemes can have the disadvantages of being overly complex; giving little weight to the length of time in housing need; being unclear for applicants; and in extreme cases encouraging applicants to "chase" additional needs (points)."<sup>27</sup>*

5.7 In terms of point a) regarding duplication, recent work by the Department had shown that 91 of the 503 applicants on the JHT's waiting list also appeared on its own list. In relation to Les Vaux Housing Trust and the CTJ Housing Trust (which operate a combined list), this work showed that 23 of the 64 applicants on that combined list also appeared on the Department's list.<sup>28</sup>

5.8 The difficulties with the current system (particularly in relation to point b) were acknowledged by the JHT and Les Vaux Housing Trust. Les Vaux Housing Trust, for instance, advised us that the current criteria probably needed to be broadened<sup>29</sup> whilst Mr. M. Van Neste, Chairman of the JHT, stated that "*if your criteria are too strict you are masking need.*"<sup>30</sup>

5.9 The problem identified in point d) reflects the situation we described in Paragraph 4.17 in that tenants are the responsibility of their landlord. In the case of departmental nominations to the Housing Trusts, this means that nominated applicants become the Trusts'

<sup>27</sup> Written Submission from the Department of Housing, 4th July 2011

<sup>28</sup> Information provided by the Department of Housing

<sup>29</sup> Mr. C. Marsh, Les Vaux Housing Trust Managing Agent, Transcript of Public Hearing, page 15

<sup>30</sup> Mr. M. Van Neste, Chairman – Jersey Homes Trust, Transcript of Public Hearing, page 16

responsibility and cannot return to the Department's stock (even through the transfer list operated by the Department).

- 5.10 The problem of a lack of clarity for applicants was confirmed in the written submissions we received from people who had experienced the current waiting list system first-hand. One person, for example, informed us that they had been on the Department's waiting list for 13 months but were now expecting to wait another 18 months – even though they had, upon application, been advised of a waiting time of some 12 months. Their frustration had been compounded by other families seemingly being housed even though they had not been waiting for as long.<sup>31</sup> Another person also advised us that they had initially been informed of a waiting time of 8 to 10 months but that this had subsequently been increased to 12 months.<sup>32</sup> A third person similarly spoke of the distress that could be caused when expected waiting times changed and suggested there should be clear communication to applicants and that information should be readily available to reduce the risk of misunderstanding or false expectations.<sup>33</sup> These comments supported the Department's own statements that the current system could be opaque and difficult to understand from the applicant's perspective.

### **The new system**

- 5.11 The Gateway is intended to address these problems by introducing a system with more accessibility, more transparency, less duplication and which determines with more clarity the level of housing need in the Island. As we have explained, the details of how it will do that will not become apparent until at least the publication of the Minister's White Paper. Nevertheless, we have been able to establish a general picture of how the Gateway is proposed to work and there are a number of matters which we believe it is important to underline (and which could be used to structure subsequent scrutiny of this subject).

### The Gateway will not merely be a waiting list for social housing

- 5.12 As its name suggests, the Gateway will be applied to affordable housing and not simply social housing. To that end, the Department advised us that it could incorporate "*States rental, Trust rental, supported housing, home ownership schemes, Parish-led housing schemes and key worker accommodation.*"<sup>34</sup>
- 5.13 This development has already been reflected in the Department's application form (a copy of which we have included as Appendix 1). It is already styled as the 'Affordable Housing

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<sup>31</sup> Written Submission, 7th June 2011

<sup>32</sup> Written Submission, 9th June 2011

<sup>33</sup> Written Submission, 9th June 2011

<sup>34</sup> Information from the Department of Housing

Gateway Application' and, in its first section, the form asks the applicant to indicate whether they are seeking rental or purchased accommodation.<sup>35</sup> There is of course an important question to address of what 'affordable housing' means. The Department advised us that establishing a definition of 'affordable' was a strand of its work on the Housing Transformation Programme<sup>36</sup> and the Department's definition should therefore become apparent in due course.

The Gateway will be open to use by all social housing providers

5.14 At present, the Department, the Housing Trusts and the Parishes manage their own waiting lists. The Gateway is intended to provide a common waiting list. It would therefore not merely be used for the Department's stock of social housing, but also that of the Housing Trusts and, ideally, the Parishes. This would, it is intended, remove the possibility of any duplication as described in Paragraph 5.7 and also reduce the overall administrative burden. It would also allow a full system of transfers and mutual exchanges to be implemented: tenants would be able to transfer from a unit managed by one provider (e.g. the Department) to a unit managed by a different provider (e.g. a Housing Trust). This is rare within the current system where transfers are generally only feasible between units managed by the same provider.

5.15 The Department advised us that one of the risks in developing the Gateway would be the lack of engagement on the part of the Housing Trusts and the Parishes.<sup>37</sup> In that regard, the Department advised us that it had been in consultation with the Trusts, a fact confirmed by Mr. M. Van Neste and Mr. K. Hewitt, Chairmen of the JHT and Les Vaux Housing Trust respectively.<sup>38</sup> There had been regular contact between the Minister and Chairmen and the Trusts had begun to share information with the Department. Indeed, the Trusts appeared to welcome the development of the Gateway.

5.16 Les Vaux Housing Trust, for example, believed the Gateway would make the application process easier and quicker:

*"Allocation-wise, it will be much quicker and much easier; if there is a central department assessing people it is much fairer. This one individual [applicant] does not have to go round four different housing trusts and States housing providing the same information, the same banks, the same confirmation of incomes, all these different people. If there is one waiting list, I know that I get a 3-bedroom house coming in in two weeks' time. I can look at that one*

<sup>35</sup> Affordable Housing Gateway Application Form

<sup>36</sup> Information from the Department of Housing

<sup>37</sup> Written Submission from the Department of Housing, 4th July 2011

<sup>38</sup> Mr. K. Hewitt, Chairman – Les Vaux Housing Trust, Transcript of Public Hearing, page 16

*waiting list, pick some names on that waiting list, interview them and offer them a property. I did not have to go to the Housing Department asking for nominations. A week later, I get two names, then contact them, they do not want them and I have to go back. If we can speed this process up, it is better for the tenants and it is better for the Housing Trust in trying and reduce voids and arrears.”<sup>39</sup>*

5.17 The CTJ Trust was similarly supportive:

*“CTJ believe that a central list is the way forward as this will give a better indication as to the demand and need for Housing and what size property i.e. one bedrooms or family homes are most needed. As long as the criteria is wide enough to accept all those in need and the Trust still has some flexibility a central list will cut down on general administration of keeping a separate list and time / voids in asking and waiting for nominations from the Housing Department. We would also hope that bad tenants i.e. people that have been evicted for rent arrears from one Trust or from the Housing Department could be tracked and more information is freely available.”<sup>40</sup>*

The JHT was also generally supportive although the Chairman advised us of his view that the Trusts should retain final discretion over the allocation of their accommodation.<sup>41</sup>

5.18 Consultation with the Parishes appears to be less developed, however. None of the Parishes which responded to us considered that the Gateway would have any impact on them and, indeed, some Parishes advised us that they had not had any dealings to date with the development of the Gateway. Some expressed the view that they would wish to retain responsibility for their own systems. We understand that further consultation with the Parishes is planned by the Department<sup>42</sup> although we were also advised that the involvement of the Parishes was not vital to implementation of the Gateway, given the relatively small number of social housing units which they manage.

5.19 At the time of our report, it was therefore not clear that all social housing providers would avail themselves of the Gateway. If the Parishes (or indeed any other social housing providers) do not take part in the Gateway, this would effectively lead to the maintenance of at least two separate waiting list systems. This would not be in keeping with the aims of the Gateway to provide a common waiting list and the Strategic Plan commitments which we described in Paragraph 5.3.

<sup>39</sup> Mr. C. Marsh, Les Vaux Housing Trust Management Agent, Transcript of Public Hearing, page 12  
<sup>40</sup> Written Submission from the Christians Together in Jersey Housing Trust, 21st June 2011  
<sup>41</sup> Chairman – Jersey Homes Trust, Transcript of Public Hearing, page 15  
<sup>42</sup> Written Submission from the Department of Housing, 4th July 2011

**KEY FINDING**

**5.20 There is a risk that the Affordable Housing Gateway will not meet one of its stated aims of establishing a single waiting list for all providers of social housing.**

**RECOMMENDATION**

**5.21 The Minister for Housing must continue consultation with the Parishes to ensure that the Parishes understand and accept the Affordable Housing Gateway.**

5.22 Beyond the current social housing providers, we also understand that the Gateway could in theory be opened up to a wider range of landlords. The Department advised us to that effect, indicating a benefit of the Gateway would be:

*“Presenting an opportunity for private landlords to utilise the pool of applicants for new tenants.”<sup>43</sup>*

It must be stressed that the involvement of private landlords in the provision of social housing would be a new concept. We understand that, at present, the involvement of private landlords merely remains a possibility for later consideration. However, some serious thought and consultation will be required about how private landlords could be incorporated and what the implications of that might be.

The Gateway will nominate tenants for accommodation and not allocate accommodation

5.23 As previously described, the JHT was generally supportive of the Affordable Housing Gateway although Mr. M. Van Neste, the Chairman, advised us that the Gateway should not become an ‘allocator’:

*“I see great possibilities for the Gateway, so long as it is not there as an allocator. I think the trusts have got to have some freedom in their own allocation procedures. If it is a nominator, just like the Housing Department is, it would not matter if all our tenants in the future came from that process. So it would be 100 per cent nomination process rather than 80 per cent or 50 per cent and we could work perfectly well with that, but we would still need to have some control over our own allocation.”<sup>44</sup>*

5.24 The Department confirmed to us that this was likely to be the case and that the Gateway would indeed merely ‘nominate’ applicants for accommodation and not ‘allocate’ accommodation to them. We were advised that:

*“The development of the Gateway is very much work in progress and this level of detail has yet to be developed. However, it is ultimately expected that social housing landlords will have direct access to the Gateway waiting list and be able*

<sup>43</sup> Written Submission from the Department of Housing, 4th July 2011

<sup>44</sup> Mr. M. Van Neste, Chairman – Jersey Homes Trust, Transcript of Public Hearing, page 15

*to allocate their empty units to those who meet the property criteria and are in the greatest housing need.*<sup>45</sup>

This would appear to address the concerns of the Trusts. Housing providers would therefore retain the final say over the allocation of their units.

- 5.25 We understand that automatic allocation of the next available unit to the applicant 'at the top of the list' would not be desirable as there might not be a suitable match: the applicant 'at the top' might have particular medical requirements, for example, which would not be met by the accommodation that has become available. Nevertheless, there is the question of why the Gateway should not allocate accommodation to applicants and whether its status merely as a 'nominator' could effectively allow landlords to bypass the eligibility criteria. For example, could a landlord consider an applicant's past inability to pay rent and reject the application as a result – thereby disregarding the applicant's actual housing need? This would be undesirable. In order for the Gateway to address housing need in the Island (including need which is currently unmet), there must be no possibility of landlords being able to take such an arbitrary approach. In that regard, the Department advised us that the allocations made by landlords using the Gateway would be subject to regulation.

The Gateway's eligibility criteria will be wider than those which currently apply to the Department's Allocations Policy

- 5.26 As we described in Paragraph 4.6, essentially only three categories of applicant are currently eligible to be housed by the Department. As we have also seen, the narrowness of these criteria have been criticised in that they prevent other people from being housed (even though they might be in need) and mean that the Department's waiting list cannot be used as a true measure of housing need in the Island. Without that accurate measure, strategic decisions about housing supply are difficult to make with any certainty.
- 5.27 Crucially, the specifics of the eligibility criteria remain to be determined by the Department. We understand, however, that the intention is to allow greater access to the Gateway than there is currently to the Department's waiting list. This certainly appeared to be the expectation or hope of the Housing Trusts. Les Vaux Housing Trust, for example, expressed the hope that more people would be brought in to the Gateway than could currently access social housing.<sup>46</sup> Mr. M. Van Neste, Chairman of the JHT, expressed similar views, stating for instance that:

<sup>45</sup> Written Submission from the Department of Housing, 4th July 2011

<sup>46</sup> Mr. C. Marsh, Les Vaux Housing Trust Management Agent, Transcript of Public Hearing, page 9

*“I think we should be able to help young, childless couples achieve decent, affordable accommodation; otherwise their only choice is to live with their parents or leave the Island. It is not good enough.”<sup>47</sup>*

5.28 As we described in Paragraph 4.7, the Department’s current Allocations Policy effectively limits who is eligible to be housed. While the Housing Trusts are able to display more discretion in their allocations, the reality is that certain applicants will never be housed, regardless of their need. This restrictive aspect of the current system was identified by Professor Whitehead and has been acknowledged by the Department but it is worth underlining. It shows that the eligibility criteria for the Gateway must be wider than those which currently apply. It therefore follows that (once the Gateway is introduced) the waiting list will grow. Provided the eligibility criteria are wider, more people will be able to apply for social housing than under the current system. This is to be expected, however, if the Gateway is truly to meet housing need in the Island, and particularly need which is not currently met. A longer waiting list will also have implications for other matters which lay outside the remit of our review, such as how many homes will need to be delivered.

#### **KEY FINDING**

**5.29 The current eligibility criteria for social housing mask the true level of housing need in the Island.**

Applicants to the Gateway will be prioritised on a band-based system rather than a points-based system

5.30 While the eligibility criteria remain to be determined, it is apparent, however, that applicants will be assessed on a different basis than that used under the Department’s Allocations Policy. The points-based system of prioritisation that we described in Paragraph 4.7 will most likely be replaced with a band-based system. The Department explained this to us in the following terms:

- *“Applicants are allocated to one of a number of housing needs bands according to their relative degree of housing need*
- *Within each band, applicants are ranked in date order of their allocation to that band*
- *Individual landlords may set any appropriate property specific criteria for vacancies as they occur*
- *Appropriate vacancies are then offered to the applicant in the highest band who has waited the longest time for rehousing and who meets any property specific criteria.”<sup>48</sup>*

<sup>47</sup> Mr. M. Van Neste, Chairman – Jersey Homes Trust, Transcript of Public Hearing, page 16



We were advised that a key difference between this system and the current points-based system is that applicants should be afforded a clearer idea of their waiting time. Under the current system, an applicant could always in theory be ‘pushed down’ the list by another, new applicant with a higher points score; hence waiting times could be difficult to estimate and could be liable to change. Under the banding system, however, applicants could be sure that any new applicants (unless placed within a higher band) would not supplant them and take priority. This should therefore allow for better and more accurate estimates of waiting times.

- 5.31 With a banding system, the Department is heading towards a system that has already been implemented in some parts of the UK. Indeed, much of the terminology surrounding the Gateway resembles that we have seen in our research on housing provision in Wales, as shown in the *Code of Guidance for Local Authorities on Allocation of Accommodation and Homelessness* (issued by the Welsh Assembly Government) which we have considered. In that regard, it would be beneficial for the Minister to foster a full understanding of the relevant UK systems and to ensure that information (on both the benefits and potential pitfalls of those systems) is communicated.

#### KEY FINDING

- 5.32 The plans for the Affordable Housing Gateway mirror developments in the allocation of social housing that have occurred in the UK.**

#### RECOMMENDATION

- 5.33 In his White Paper, the Minister for Housing must explain how the Affordable Housing Gateway compares to schemes in the UK. This must include some evaluation of alternatives already established in the UK.**

#### The Gateway will be subject to regulation

- 5.34 The Housing Transformation Programme, if pursued and adopted, will see the implementation of a regulatory regime for the social housing sector. Such a regime does not currently exist. Part of the regulation would cover the operation of the Gateway. For instance, the Department advised us:

*“One of the keys areas of proposed regulation will be adherence to the Gateway Allocations Policy and it is proposed that an individual landlord’s allocations will be reviewed annually by the Regulator for compliance.”<sup>49</sup>*

<sup>48</sup>

Written Submission from the Department of Housing, 4th July 2011

<sup>49</sup>

Ibid

5.35 All the Trusts from which we heard supported the introduction of a regulatory regime albeit that it should in their view be small and not too intrusive. Mr. M. Van Neste, Chairman of the JHT, advised us, for instance:

*“Personally, I would like to see an individual appointed to carry out this role. I do not see that he needs, particularly, an office and staff and all the associated costs. I would have thought perhaps a retired civil servant, say like a retired States treasurer or even a retired chief housing officer - someone of that calibre - could take on the role, maybe as a part-time role. I would have thought, given that background, that he could carry out the duties of a regulator so long as the regulation process that is set up is not too bureaucratic. That is the way I would like to see it. I would hate to see something imposed that was costly and bureaucratic because, after all, my trustees do this without remuneration and then to be regulated by a department that has salaried individuals would go against the grain a bit. I have been reassured by what the Minister for Housing has said about the nature of the regulation that is being considered.”<sup>50</sup>*

Similar comments were expressed by Les Vaux Housing Trust and the CTJ Housing Trust.

5.36 The Trusts’ desire for a less invasive and burdensome regulatory system tallies with the Department’s own intentions. The Department advised us of its intention that the regulator would not be large and that it could potentially amount to half a post with a cost of £40,000 to £50,000 per annum (which would be paid through the licence fees levied on social housing providers).

5.37 The desire to avoid a costly and bureaucratic regulatory system may be laudable and the Department’s initial estimates of the resource requirements do suggest a light touch is to be introduced. The overriding rationale for the regulator, however, must be that it ensures a transparent and fair system is implemented by which the Gateway will deliver the aim of meeting housing need. The rationale should not be to keep costs to a level where there is a risk that the regulator could be rendered ineffective.

5.38 We understand that the Trusts’ willingness to participate is predicated on the notion that the provision and regulation of States social housing is to be separated. Under the Housing Transformation Programme, it is likely that the provision of housing would no longer be undertaken by a States Department in the current sense and that the responsibility would be placed elsewhere. Other aspects, such as management of the Gateway would need to remain within the States, however. Whichever body took over responsibility for providing and managing the current States stock would also be subject to regulation.

<sup>50</sup> Mr. M. Van Neste, Chairman – Jersey Homes Trust, Transcript of Public Hearing, page 19

5.39 The introduction of a regulatory regime will no doubt require the introduction of new legislation in Jersey. As we noted in Chapter 4, one difference between the current position in Jersey and that found in the UK is the lack of a statutory framework for the provision and regulation of social housing. There is no Jersey equivalent of the UK's *Housing Act 1996*. The introduction of such a framework is to be welcomed as it will provide a more appropriate basis for the allocations and waiting lists systems. Legislation would provide the certainty and compulsion for a transparent, fair and consistent system to be developed. This does not mean the relevant aspects of the Housing Act need to be reproduced verbatim, but a legislative equivalent in Jersey would be appropriate.

#### **KEY FINDING**

**5.40 There is currently no statutory basis for the provision and regulation of social housing in Jersey.**

#### **RECOMMENDATION**

**5.41 The Minister for Housing must ensure that the Affordable Housing Gateway is established within a statutory framework.**

#### **Further Work**

5.42 Beyond the broad statements we have outlined above, further work is required before a complete picture of the Gateway can be seen and understood. Full implementation of the Gateway will come with the development of the Housing Transformation Programme. Nevertheless, certain aspects have been introduced or will be introduced in due course. Indeed, we were advised by the Department of its hope that the Gateway would be implemented on 1st January 2012. To that end, as we have already noted, an application form for the Gateway has been introduced. Furthermore, the Department advised us that:

*“In the short term, the Housing Department will open up the waiting list to include Housing Trust applicants and transferees. In return, the Trusts will offer 100% nomination rights to the Gateway.”<sup>51</sup>*

The Department will otherwise continue working on a variety of matters: identifying clear definitions of ‘social housing’ and ‘affordable housing’; separating the Gateway Needs Assessment function from the landlord allocation process; developing the eligibility criteria; finding an appropriate IT system; and determining the resource implications.

5.43 With regard to the resource requirements, the Department has stated that they will be somewhat dependent on which landlords are involved (and on whether a Strategic Housing Authority is introduced). It is reportedly likely that the small number of staff already

<sup>51</sup> Written Submission from the Department of Housing, 4th July 2011

performing the Gateway function in the Department (i.e. who manage the current Allocations Policy and waiting list) will need to be retained. In the Department's view, it may therefore be possible that existing manpower resources would be sufficient to support the Gateway.<sup>52</sup> A new IT system will also be required, with a browser portal based system most likely to be necessary, but again this had not been identified at the time of our review.

- 5.44 The Housing Transformation Programme, if pursued, is likely to lead to a radically changed Department of Housing. Some of the Department's current responsibilities, for instance its landlord functions, would be given to another (newly created) body such as an arms-length organisation. It is anticipated that the Gateway would remain with the Department, hence why the current staff would need to be retained. Until plans for the Transformation Programme are finalised, however, it will not be clear which areas will be retained by the Department and which will transfer to the new organisation. This naturally has implications for the staff involved and the Minister will therefore need to be mindful of how transfer to the new organisation would affect the terms and conditions of the staff involved.
- 5.45 Even once the Gateway has been introduced, it is apparent that further developments could occur beyond what we have already described. One example has been given that the Gateway could be expanded to include private landlords as well as social landlords. Experience of what has occurred in the UK shows what else might become feasible in time with the Gateway and a band-based system of prioritisation. There would be the possibility, for example, of introducing a choice-based scheme or at least introducing more choice than currently exists. Under such schemes, applicants can be invited to 'bid' for vacant units and therefore take a more active role in determining their accommodation.

#### **RECOMMENDATION**

**5.46 If the Housing Transformation Programme is pursued, consideration will need to be given to the terms and conditions of staff to be transferred from the Department of Housing.**

- 5.47 Even once implementation of the Affordable Housing Gateway is possible, its success (or otherwise) will not become apparent for some time. For example, it will not be possible to determine how waiting times have been affected (and whether applicants are given an accurate estimate of their waiting time) until some months have passed. Only then will it become feasible to compare anticipated and actual waiting times. This could be problematic. The intention is that the Gateway should provide an accurate measure of housing need. This in turn will allow for better decisions to be made on questions such as how many homes should be provided. Until the Gateway's success can be assessed, it will therefore be difficult to determine the answers to such questions with any degree of

<sup>52</sup> Written Submission from the Department of Housing, 4th July 2011

certainty. It would be beneficial for a monitoring mechanism to be introduced from the outset to allow all concerned (the Minister, States Members, applicants and the general public) an understanding of whether the Gateway is working.

**KEY FINDING**

**5.48 It will not be possible to verify whether the Affordable Housing Gateway has achieved its aims for some time after its implementation.**

**RECOMMENDATION**

**5.49 Prior to implementation, the Minister for Housing must develop a mechanism by which the Affordable Housing Gateway can be monitored during its initial stages.**

## 6. CONCLUSION


- 6.1 Further work on the Affordable Housing Gateway is required by the Minister for Housing and his Department before we will see exactly what will replace the current waiting list system. We therefore look forward to the publication of the Minister's White Paper and the results of the consultation that will follow.
- 6.2 It is hard to argue that a system should not be introduced which, on paper, is more efficient; cuts out duplication and eases administration; provides transparency and clarity to tenants and applicants; and establishes the accurate measure of housing need that we require to make strategic and fundamental decisions about housing provision. In that regard, we have found nothing to suggest that the Minister should not continue with his work to implement the Gateway. The real question is whether the Gateway will deliver in reality.
- 6.3 Nevertheless, from our review there do appear to us matters which the Minister should take into consideration during his subsequent work. Furthermore, it is our view that this subject should receive further examination in due course. As the Minister's White Paper will not be published until September 2011, and given the imminent end of the current States, there will not be time for us to continue the examination ourselves. We trust, however, that this report may serve as a basis on which our successors on the Health, Social Security and Housing Scrutiny Panel can work.
- 6.4 In relation to the Minister, our recommendations stem from four conclusions which arise from the information we have received. First, that the Gateway will not provide a common waiting list if all providers are not involved; at present, it is apparent that the Parishes have not been as involved in its development as the Housing Trusts. Secondly, that it may be some time before it is possible to judge whether the Gateway has provided greater clarity regarding waiting times (given the waiting time can amount to 12 months). Thirdly, that the Gateway as a system appears to resemble fairly closely schemes that have been introduced in the UK. And, finally, that Jersey differs from the UK in that there is no current legislative framework for the provision and regulation of social housing.
- 6.5 In relation to the next Health, Social Security and Housing Scrutiny Panel, that Panel will choose its own reviews and agree its own Terms of Reference. We would recommend that it continue to review this matter, however, and we have highlighted some areas which we believe it should include within that work. Not least of which, we believe that it should consider the eligibility criteria that will apply to the Gateway due to the impact those criteria have on accessibility. To that Panel, we therefore recommend as follows:

6.6 The subsequent Health, Social Security and Housing Scrutiny Panel should consider reviewing developed plans for the Affordable Housing Gateway, with particular attention to the following:

- a) The eligibility criteria which will apply to the Gateway;
- b) The experience of using the Gateway from the applicant's point of view; and
- c) Whether the Gateway provides an accurate indication of housing need in the Island.

## 7. APPENDIX 1 – AFFORDABLE HOUSING GATEWAY APPLICATION FORM

FOR OFFICIAL USE ONLY	
Ref:	1 <sup>st</sup> 2 <sup>nd</sup> 3 <sup>rd</sup> Application?
Date:	Registered By:



### AFFORDABLE HOUSING GATEWAY APPLICATION

#### Data Protection Law Fair Processing Statement

We need the items of your personal data requested in this form in order to process your application for “affordable housing”. Where relevant to your application, your personal details will be verified with the Population Office, your current landlord, your employer, the Social Security Department, Income Tax Department, your Parish authority, your GP or other medical agencies as part of this application process. In administering your application, we may share this information with the Social Security Department, Income Tax Department, Population Office, Parish authorities and Housing Trusts. Your information will not be disclosed to any other party, or used for any other purpose, without your prior consent. Statistical data from the Gateway will be used to inform the Planning & Environment Department on future demand.

#### Section 1 – What form of affordable housing are you seeking (please tick preference)

<b>RENTAL</b>  <input type="checkbox"/>	<b>PURCHASE</b>  <input type="checkbox"/>
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#### Section 2 – Applicants Details

Surname	First Names	Maiden Name	Title	Date of Birth	Marital Status
(1)					
(2)					

**Present Address :-**

<b>Telephone Number (Home):</b>	<b>(Work):</b>
<b>(Mobile):</b>	<b>Email Address:</b>

**How do you occupy your current address (please tick) :** Tenant  Owner Occupier  Other

If other, please give further details.....



If you are a tenant, are you the tenant of another affordable housing provider?

Yes - Housing Trust  Parish  Other

If a Housing Trust, please tell us which Trust.....

**Section 3 – Family Details – Details of ALL PERSONS for whom accommodation is required.**

Surname	First Name	Relationship to Applicant	Date of Birth	Gross Weekly Income	School/Earning/Unemployed/Retired

**Section 4 – Financial Details –** We will make routine credit checks including petty debts court judgments. Information obtained through these checks may be used to manage any prospective tenancy or sale of property through the Jersey Homebuy Scheme.

**Income Details**

Please state below your GROSS weekly income. Please note that confirmation must be provided, this is explained further in the attached notes.

Applicant: £

Spouse/Partner: £

**Savings and Investments**

Please state the total value of all savings and investments in sole and/or joint names. Please note that confirmation must be provided, this is explained further in the attached notes.

Applicant: £

Spouse/Partner: £

**Income Support** – is your household in receipt of Income Support from the Social Security Department?

**NO**       **YES**  If YES, how much do you receive?

£.....per week / month

**Guarantor Requirement**

If you are applying for social rented accommodation you will be required to provide an independent guarantor (other than your spouse or partner).

**Property Details**

Have you or any person living with you ever owned land, property or business in Jersey or elsewhere?

**YES**       **NO**

**If YES, please give details of address, field number etc. Confirmation of ownership/sale proceeds**

<b>will be required as explained in the attached notes.</b>	
<b>Section 5 – Housing Qualification Details</b>	
<p><b>Have your residential qualifications already been approved by the Population Office?</b></p> <p>If YES, please quote your reference number:..... YES <input type="checkbox"/> NO <input type="checkbox"/></p> <p><input type="checkbox"/></p>	
<p><b>Please note that is you have not previously had your residential qualifications confirmed you should contact the Population Office on 448905 to avoid any unnecessary delays in processing your affordable housing application!</b></p>	
<b>DECLARATION</b>	
<p>I/We hereby declare that the information given in this application is, to the best of my/our knowledge and belief, accurate. I/we authorize the Housing Department to make any necessary enquiries in order to verify the information provided. I understand that in order to process my application, the Housing Department may share my/our personal data with the Social Security Department, Income Tax Department, Population Office, Housing Trusts, Law Officers Dept and /or Parish authorities.</p> <p>I/We understand that giving false information or failing to notify any changes in my/our financial or family circumstances, which could affect my/our application, may render me/us liable to prosecution or cause my/our application to be cancelled or an offer of affordable accommodation withdrawn.</p>	
Signature (1):	Date:
Signature (2):	Date:
<p><b>If applying to purchase a property as a First Time Buyer you must also sign the following declaration:-</b></p> <p>In signing this form I also confirm that I/we do not own, nor have we ever owned, property in Jersey or anywhere else. I am a/We are First Time Buyer(s).</p> <p>(please see definition of a First Time Buyer on the rear of the notes page)</p>	
Signature (1):	Date:
Signature (2):	Date:
<b>FOR OFFICIAL USE ONLY – POPULATION OFFICE</b>	
<b>QUALIFIED UNDER REGULATION:</b>	
<b>Applicant (1)</b>	<b>PIN</b> <input type="text"/>
<b>Applicant (2)</b>	<b>PIN</b> <input type="text"/>
<b>FIRST TIME BUYER CHECK:</b>	
<b>SIGNED OFF BY:</b>	<b>DATE:</b>
<b>FOR OFFICIAL USE ONLY – HOUSING DEPARTMENT</b>	
<b>APPLICATION DATE:</b>	<input type="text"/>

<b>REGISTRATION DATE:</b>		
<b>HOUSING LAW CHECK:</b>		
<b>CANCEL</b>		<b>ACCEPTED</b>
<b>POINTS</b>		<b>CATEGORY</b>
<b>SIGNED OFF BY:</b>		<b>DATE:</b>

**Application Notes – Please read this carefully before submitting your application form!**

**RENTAL APPLICATION**

Are you applying for Social Rented Accommodation with the States, Housing Trusts or Parish? If YES, you must supply the following documentation with your application.

<b>DOCUMENT</b>	<b>ENCLOSED (tick)</b>
Copy of Birth Certificates for ALL household members.	
Copy of Marriage Certificate as appropriate.	
Salary Slip/letter from employer confirming current salary – or if self employed your last 3 years of year-end business accounts.	
Last 3 months bank statements for ALL accounts held by you and your spouse/partner and any recent investment statements.	
Last THREE years Income Tax Assessments.	
Income Support entitlement – please enclose evidence of your Income Support entitlement.	
If you have previously owned or inherited property, or currently own property either in Jersey or elsewhere, purchase and/or sale details must be enclosed.	
Medical Information – if you have a medical condition that should be taken into account when considering your housing needs, please provide confirmation from your GP or Hospital Consultant/Specialist.	

**PURCHASE APPLICATION**

Are you applying to purchase a First Time Buyer property through the Jersey Homebuy Scheme? If YES, you must supply the following documentation with your application.

<b>DOCUMENT</b>	<b>ENCLOSED (tick)</b>
Copy of Birth Certificates for ALL household members.	
Copy of Marriage Certificate as appropriate.	
Last THREE years Income Tax Assessments.	
Salary Slip/letter from employer confirming current salary.	

Mortgage Advice – if you have already sought mortgage advice please provide confirmation of your maximum borrowing ability.	
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**Please return your application form and supporting documentation to:- Housing Department, PO Box 587, Jubilee Wharf, 24 Esplanade, St Helier, Jersey JE4 8XT.**

Once your application has been received and registered, you will be contacted within 7 working days to arrange an appointment to discuss your requirements and for advice to be given in regards to which form of housing you may be eligible for. You will also be advised of the timescales within which an offer is likely to be made.

A “First Time Buyer” is:-

- (i) any person who:-
  - (a) does not own and has not previously owned, whether as sole owner or jointly or in common with any other person or persons
    - any immovable property;
    - either in his name or as beneficial owner, shares in any company, ownership of which confers the right to occupy residential accommodation; and\*
  - (b) is neither married to, or buying as co-owner with, any person who does not fall within (a) above.
- (ii) any person who has been approved by the Authority as being a person who would be in need of assistance in order to acquire property and to whom consent should therefore be granted to acquire or to occupy the residential accommodation as the case may be, notwithstanding the fact that he does not fall within paragraph (i) above; any refusal by the Authority to approve a person as being in need of assistance in order to acquire or occupy property to be subject to review by the Minister for Planning and Environment (or any person or body to whom the functions of that Minister may be transferred hereafter).

**\* PLEASE NOTE THAT FOR THE PURPOSE OF JERSEY HOMEBUY, AN APPLICANT WHO HAS OWNED SHARE TRANSFER PROPERTY IS NOT EXCLUDED FROM THE SCHEME.**

## **8. APPENDIX 2 – PANEL MEMBERSHIP AND TERMS OF REFERENCE**

8.1 At the time of this report's presentation, the Health, Social Security and Housing Scrutiny Panel comprised the following members:

- Deputy G.P.Southern, Chairman
- Connétable D.W. Mezbourian, Vice-Chairman
- Connétable S.A. Yates
- Deputy D.J. de Sousa

Deputy de Sousa was unable to attend meetings in relation to the Review and therefore did not take part in drafting the report.

8.2 The Panel approved the following Terms of Reference for the purpose of the Review:

1. To consider the powers and responsibilities of the Minister for Housing in relation to waiting lists for social housing
2. To examine the liaison between the Department of Housing; the Parishes; and Housing Trusts
3. To consider what developments, if any, there have been in relation to waiting lists following the publication of the 'Whitehead Report' in October 2009, with particular attention to the following:
  - a) The level of need for social housing in Jersey
  - b) The criteria used to structure and order waiting lists for social housing
  - c) The administration of waiting lists
4. To consider how current and planned administration of waiting lists addresses Priority 14 of the Strategic Plan 2009 – 2014 that the Island's population should be adequately housed
5. To examine any further issues relating to the topic that may arise in the course of the Scrutiny Review and which the Panel considers relevant.

## 9. APPENDIX 3 – EVIDENCE CONSIDERED

### Documents

1. *Housing Act 1996*, Part VI – Allocation of Housing Accommodation
2. *States of Jersey Strategic Plan 2009 – 2014*
3. *A Review of Social Housing in Jersey* (July 2009), Cambridge Centre for Housing and Planning Research – Department of Land Economy – University of Cambridge
4. *States of Jersey Housing Department Assessment and Allocations Policy Guidelines* (Policy HD7) (August 2010 re-draft)
5. Housing waiting list (1st August 2011)
6. Information on the Application and Allocation Processes (including the Application Form), Provided by the Department of Housing
7. Housing Needs Statistics, Provided by the Department of Housing
8. Les Vaux Housing Trust Eligibility Criteria and Application Form
9. Jersey Homes Trust Eligibility Criteria and Application Form
10. *Code of Guidance for Local Authorities on Allocation of Accommodation and Homelessness*, Welsh Assembly Government

### Written Submissions

The Panel advertised for written submissions through a call for evidence that appeared in the Jersey Evening Post on 6th and 9th June 2011. The Panel received three written submissions (one on 7th June and two on 9th June 2011) which contained information on the personal circumstances of the individual concerned. For those reasons, those submissions are not listed amongst the following which were received by the Panel:

- |    |  |                |
|----|--|----------------|
| 1. | Mr. M. Van Neste, Chairman – Jersey Homes Trust  | 6th April 2011 |
| 2. | Mr. K. Hewitt, Chairman – Les Vaux Housing Trust | 3rd May 2011   |
| 3. | Parish of Grouville                              | 2nd June 2011  |
| 4. | Parish of St. John                               | 5th June 2011  |
| 5. | Parish of St. Ouen                               | 6th June 2011  |
| 6. | Mr. M. Dun                                       | 9th June 2011  |
| 7. | Parish of St. Brelade                            | 9th June 2011  |

- |     |   |                |
|-----|---|----------------|
| 8.  | Parish of St. Clement                             | 10th June 2011 |
| 9.  | Deputy P.V.F. Le Claire                           | 16th June 2011 |
| 10. | Christians Together in Jersey (CTJ) Housing Trust | 21st June 2011 |
| 11. | Parish of St Lawrence                             | 27th June 2011 |
| 12. | Parish of St Martin                               | 17th July 2011 |

In addition, written material and advice was received from the Minister for Housing and his Department.

### **Public Hearings**

#### 10th May 2011

1. Deputy A.K.F. Green MBE, Minister for Housing  
Connétable G.F. Butcher, Assistant Minister for Housing  
Mr. I.K. Gallichan, Chief Officer – Department of Housing  
Mr. M. Porter, Director of Operations – Department of Housing
2. Mr. M. Van Neste, Chairman – Jersey Homes Trust
3. Mr. K. Hewitt, Chairman – Les Vaux Housing Trust  
Mr. C. Marsh, Managing Agent – Voisin Hunter