

# Consultation on Reforms to Social Housing Allocations

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# 1. Scope of the consultation

## **Topic of this consultation**

Safe and stable social housing is of enormous importance to millions of current tenants and to those who will rely on it for a home in the future. This government believes social tenants should have homes which they can be proud of and feel secure in and this is why we have introduced significant reforms to improve the quality and quantity of the country's social housing stock. Through the Social Housing (Regulation) Act 2023, we have strengthened the powers of the Regulator of Social Housing to hold poorly performing landlords to account and we have improved social housing residents' access to redress with new powers for the Housing Ombudsman. The £11.5 billion Affordable Homes Programme is delivering well over a hundred thousand affordable homes – and we will deliver tens of thousands of new homes specifically for social rent. The government is committed to ensuring this valuable but limited resource is allocated fairly.

This consultation seeks views on the following issues:

1. The introduction of a United Kingdom (UK) connection test, to ensure that it is those with the closest connection to the UK who are eligible for a social home;
2. Mandating the following tests: local connection test, income test, false statement test, and tests for anti-social behaviour and terrorism offences;
3. The introduction of a new ground for eviction for those who are convicted of terrorism offences, and implementation of a 'three strikes and you're out' policy for anti-social behaviour.

## **Scope of this consultation**

This consultation will inform secondary legislation that is proposed to be made under Part 6 of the Housing Act 1996. Under this, the Secretary of State may prescribe classes of persons who are eligible or ineligible for an allocation of social housing in England and may also prescribe qualification criteria that local housing authorities use to allocate social housing. The consultation will also inform a new eviction ground under the Housing Acts 1985 and 1988.

We are not proposing within this consultation to change the rules or guidance on reasonable and additional preference that local housing authorities follow to prioritise allocations.

The tests to determine who qualifies for social housing would be applied to new applicants and those currently on a waiting list. This means that those currently living in social housing will not be subject to these new tests. Existing tenants will however be subject to eviction where relevant.

The policy proposals set out in the consultation apply to the Social Rented Sector (SRS) in England. This includes 4 million households<sup>1</sup> and 1,606 registered providers of social housing, of which 221 are local authorities and 1,385 private registered providers (PRPs)<sup>2</sup>.

The consultation is open to all but is aimed primarily at local housing authorities to inform the implementation of the proposed new tests within existing social housing allocation policies. We also welcome views from housing associations, tenants of social housing and those on a local housing authority waiting list for whom this consultation will also be relevant.

## **Geographical scope**

These proposals relate to England only.

## **Impact assessment**

The purpose of the consultation is to seek views on the proposed changes to the social housing allocation system, and proposals relating to existing tenants. Any policy change brought forward as a result of the consultation will be subject to appropriate assessment.

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<sup>1</sup> <https://www.gov.uk/government/statistics/chapters-for-english-housing-survey-2022-to-2023-headline-report/chapter-1-profile-of-households-and-dwellings>

<sup>2</sup> <https://www.gov.uk/government/statistics/registered-provider-social-housing-stock-and-rents-in-england-2022-to-2023>

## 2. Basic Information

### **Body/bodies responsible for the consultation**

The Department for Levelling Up, Housing and Communities

### **Duration**

This consultation will last for 8 weeks from 30 January.

### **Enquiries**

For any enquiries about the consultation please contact:  
[socialhousingallocationsconsultation@levellingup.gov.uk](mailto:socialhousingallocationsconsultation@levellingup.gov.uk)

### **How to respond**

Responses should be made by completing an online survey at:  
<https://consult.levellingup.gov.uk/social-housing-allocations/social-housing-allocations-reform-consultation/>

If you wish to provide any further supporting information, you can email this to [socialhousingallocationsconsultation@levellingup.gov.uk](mailto:socialhousingallocationsconsultation@levellingup.gov.uk). If you are providing further supporting information in writing, please make it clear which questions you are responding to.

Written responses should be sent to:

Social Housing Allocations Team, third floor  
Department for Levelling Up, Housing and Communities  
2 Marsham Street  
London  
SW1P 4DF

When you reply, it would be useful if you confirm whether you are replying as an individual or submitting an official response on behalf of an organisation and include:

- your name,
- your position (if applicable),
- the name of organisation (if applicable),
- local authority area (where applicable),
- an email address, and
- a contact telephone number

If you are replying on behalf of a local housing authority, please can you indicate the current size of your social housing waiting list.

### 3. Ministerial Foreword



Social housing is a finite resource and in any compassionate society, it is incumbent upon the government of the day to ensure it is utilised in the most effective way to support those who truly need it and those who play by the rules. This is not least because those fortunate enough to get a social home benefit from paying below market rents and almost all will have the security of that social home for life.

We believe that social tenants should have homes of which they can be proud. For this reason, we have introduced significant reforms to improve the quality and quantity of the country's social housing stock. Through the Social Housing (Regulation) Act 2023, we have strengthened the powers of the Regulator of Social Housing to hold poorly performing and negligent landlords to account, and improved residents' ability to seek redress with new powers for the Housing Ombudsman. The £11.5 billion Affordable Homes Programme<sup>1</sup> is delivering well over a hundred thousand affordable homes – and we will deliver tens of thousands of new homes specifically for social rent.

Yet social housing is a finite resource. Over one million households are on the social housing waiting list and around a quarter-of-a-million new tenancies are agreed each year. It is therefore important that social housing is fairly allocated. The British public want to know that decent and hardworking people who have contributed to this country can secure a home in their local community. People already living in social homes want to know that anyone moving near them will be respectful of their neighbours. That is why this government is going to make sure that all applicants benefit from a system that rewards responsible behaviour and protects local households, while supporting the most vulnerable and those in priority need.

Local authorities face a number of difficult decisions when drawing up qualification tests. These include when to prioritise those newly arrived in the country or a local area over local families; and under which circumstances they should allocate a social home to a high-income household over a lower income one, or to grant social housing to those who commit anti-social behaviour.

It is the case that qualification tests vary between each local authority area: they can be tailored to meet local needs. These differences in how qualification tests are used and applied by local housing authorities can, however, sometimes result in confusion for social

housing applicants. The proposals in our consultation will seek to end this postcode lottery while still allowing local housing authorities flexibility on the ground.

The new set of tests on which we are seeking views cover a range of criteria, including whether applicants have United Kingdom connections or local connections or whether they meet a particular income threshold. We are also considering whether tenants who are convicted of terrorism offences, who have committed certain acts of antisocial behaviour or have knowingly made false statements in their applications should be disqualified from accessing social housing. These tests would apply to new tenants only.

We are also committed to a 'three strikes and you're out' expectation of social housing landlords, as set out in the Anti-Social Behaviour Action Plan published last year. This means that they will be expected to evict tenants whose behaviour is disruptive to neighbours and jeopardises community cohesion.

We are consulting so that the reforms can be informed by the specialist knowledge of the sector and the views of the wider public. Reforms based on the consultation responses will ensure that waiting lists are managed effectively and that more social housing is allocated to those with the closest connection to the UK and their local area, as well of course to the priority groups set out in statute.



## 4. Introduction: the current allocation system for social housing and proposals for change

### The current allocation system for social housing

Access to most social housing is managed by local housing authorities, which allocate their own properties and nominate households from their waiting list to a housing association (or other Private Registered Provider) property.

Local housing authorities set their own allocation policies, but these must comply with Part 6 of the Housing Act 1996 and associated regulations, and local housing authorities must have regard to statutory guidance.<sup>3</sup> Local housing authorities may only allocate social housing to people who are eligible and qualify. Where housing associations or other PRPs let directly, this is governed by the Regulator of Social Housing's Tenancy Standard.

There are three stages within the social housing allocation process:

1. **Eligibility** – first, a person must meet centrally defined eligibility criteria. Generally, a person is eligible if they are not subject to immigration control (for example, a British citizen or Commonwealth citizen with a right of abode) and are over 18 years of age. Primary legislation and regulations specify which classes of persons subject to immigration control are eligible. Persons subject to immigration control are only eligible if they have an immigration status with recourse to public funds, for example, a refugee or a person with indefinite leave to remain.
2. **Qualification** – second, a person must meet qualification tests. Since 2012, local housing authorities have set their own criteria, determining who qualifies for an allocation of social housing, for example, requiring that an individual has lived within the local authority area for a certain period of time. These tests vary between each local authority area.
3. **Priority** – third, a person must have sufficient priority for an allocation. Local housing authorities are required by law to devise schemes that give 'reasonable preference' to certain categories of applicant. This includes people who are homeless, people occupying insanitary or overcrowded housing, people with a need to move on medical or welfare grounds (including relating to a disability), and people who need to move to a particular area to avoid hardship to themselves or to others. 'Additional preference' may be given to people with 'reasonable preference' in urgent housing need and must be given to certain members of the armed forces community. Otherwise, local housing authorities have discretion over how they allocate social housing in their area. Statutory guidance (published in 2012) encourages local housing authorities to use this flexibility to give some priority to applicants in low paid work.

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<sup>3</sup> [Social housing allocations guidance - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

In 2010, the government abolished ‘open’ waiting lists which previously meant applicants could apply to go on any local housing authority’s list regardless of connection to an area. This encouraged long waiting lists and raised false expectations. Our changes have contributed to a 30% decrease in the number of households on waiting lists. In line with the Armed Forces Covenant, we changed the law to remove local connection requirements for certain members of the armed forces community who are in need and ensured those with urgent housing needs are always given ‘additional preference’ (high priority) for social housing. In 2015, the government introduced the ‘right to move’ to make it easier for tenants to move closer to work or to take up a job offer. Alongside these reforms we are increasing the supply of affordable housing through our £11.5 billion Affordable Homes Programme to deliver tens of thousands of affordable homes to rent or buy right across the country.

Social housing tenants deserve to live in decent homes, to be treated with fairness and respect and to have their problems quickly resolved. That is why we are taking strong action to improve the quality of social housing accommodation and the services that landlords provide to tenants, and to give tenants a strong voice. Since the publication of our Social Housing White Paper, we have also raised the bar dramatically on empowering tenants so that their voices are truly heard. We have strengthened the ability of the Housing Ombudsman to act, through new powers to identify problems that go beyond single cases and to publish Insight/Spotlight reports such as the recent Damp and Mould reports. The Social Housing (Regulation) Act, which received Royal Assent in July 2023, will additionally deliver transformative change across the sector, rebalancing the relationships between landlords and tenants, and ensuring landlords are held to account for their performance.

## **Overview of proposals**

The government is investing over £11.5bn<sup>4</sup> to build more social homes but demand currently outstrips availability. On 31 March 2023, there were 1.29 million households on local housing authority waiting lists for social housing;<sup>5</sup> and 267,000 households (almost half a million people) received a new social letting in 2021/2022.<sup>6</sup>

It is therefore essential that the government monitors and reviews how social homes are allocated and to whom so that social housing is allocated fairly and in a way in which the public expects.

The government intends to bring forward a series of reforms to ensure that the scarce resource of social housing is allocated to those with the closest connection to the UK and their local area; to those who have financial need of social housing; and to those who have not undermined their communities with anti-social behaviour or terrorism offences.

We are seeking views on the following proposals:

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<sup>4</sup> [Affordable Homes Programme 2021 to 2026 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/news/jenrick-unveils-huge-12-billion-boost-for-affordable-homes); [Jenrick unveils huge £12 billion boost for affordable homes - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/news/jenrick-unveils-huge-12-billion-boost-for-affordable-homes)

<sup>5</sup> <https://www.gov.uk/government/statistical-data-sets/live-tables-on-rents-lettings-and-tenancies>

<sup>6</sup> [Social housing lettings in England, tenants: April 2021 to March 2022 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/statistical-data-sets/social-housing-lettings-in-england-tenants)

1. **UK connection test** – where a person must demonstrate their connection to the UK before they can be allocated social housing. This can be achieved by (a) being a British citizen, Irish citizen, Commonwealth citizen with a right of abode, or EEA or Swiss citizen with equal treatment rights<sup>7</sup>; or (b) by being a lawful resident in the UK for 10 years (Section 5).
2. **Local connection test** – where a person must demonstrate a connection to a local area for at least two years before they can be allocated social housing. This will ensure greater consistency across the country and ensure more local people can access social housing in the area they call home, supporting people to put down roots and maintain links to family and community (Section 6).
3. **Income test** – setting thresholds for applicants and those on a waiting list to qualify for social housing. This will have no impact on existing tenants, but rather will ensure new tenancies are reserved for those who, at the point of signing for a new social home, would most struggle to afford private accommodation (Section 7).
4. **Anti-social behaviour test** – people who have unspent convictions for certain criminal anti-social behaviour, as well as certain civil sanctions, will be disqualified from social housing for a defined period (Section 8).
5. **Terrorism test** – terrorist offenders with unspent convictions will not qualify for social housing unless excluding them would increase the risk to public safety (Section 9).
6. **Grounds for eviction (anti-social behaviour and terrorist offences)** – implementing a ‘three strikes and you’re out’ policy for repeat offenders of anti-social behaviour, and creating a new ground for eviction for terrorist offences (Section 10).
7. **False statements disqualification** – mandating a period of disqualification for those who knowingly or recklessly make false statements when applying for social housing (Section 11).
8. **Social housing waiting list** – applying the new eligibility and qualification tests not only to new applicants but also to those currently on a social housing waiting list (Section 12).

Through this consultation we are seeking to gather views on the details of how each of the proposals may work, potential exemptions,<sup>8</sup> and data and information on how local housing authorities may apply similar schemes already.

Our aim is to understand what barriers there may be to the introduction of these proposals and how the government can support a quick and effective implementation. Subject to views

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<sup>7</sup> This means equal treatment rights in matters of housing under the Withdrawal Agreement, the EEA-EFTA Separation Agreement or the Swiss Citizens’ Rights Agreement.

<sup>8</sup> An example of an exempted group might be families with a child who has special educational needs whom we would not want to be disqualified from accessing social housing because of numerous noise complaints relating to a child’s medical condition which have resulted in an anti-social behaviour sanction.

in response to this consultation, we intend to make secondary legislation to implement changes to the eligibility and qualification tests in spring/summer 2024.

## 5. UK connection test

### Current system

Eligibility for social housing is set by the government and is uniform across England. Local housing authorities must consider applications from anyone who meets the following criteria:

- a British citizen who is living and settled in the UK, aged 18 or over;
- a citizen of another country with the right to remain in the UK with recourse to public funds; or
- specific foreign nationals granted eligibility by the Secretary of State, for example those who have fled conflict in Afghanistan or Ukraine.

### New test

The government intends to introduce a new UK connection test at the eligibility stage of the social housing allocation process. This is to ensure that social housing is given to those who have a close connection to the country. The proposed test would replace the existing eligibility rules.

To be eligible, the test would require that an applicant for social housing shows:

(a) that they are a British citizen, Irish citizen, Commonwealth citizen with a right of abode, or EEA or Swiss citizen with equal treatment rights;

(b) that they have recourse to public funds and have been lawfully resident in the UK for a continuous period of ten years; or

(c) that they have arrived in the UK on a safe and legal resettlement or relocation scheme (as specified below).

The new test would help to ensure that more social housing is allocated to British citizens and those who have a strong connection to the country.

We propose that one way to meet the UK connection test is that applicants must be lawfully resident in the UK for ten years. Current immigration rules provide that the time which most non-British citizens must be lawfully resident in the UK for before they can apply for settlement or become naturalised as a British citizen ranges from immediately to ten years. To ensure the test has the greatest effect, we propose to set the test at the upper limit of that range.

Local authorities play a vital role in supporting the resettlement of vulnerable people from abroad through the UK Resettlement Scheme and other routes. The Illegal Migration Act 2023 places a duty on the Home Office to consult local authorities on the development of a cap on the number of entrants to the UK arriving via safe and legal routes for humanitarian purposes. The government has been consulting local authorities to inform the level of the cap and understand the capacity of local authorities to accommodate and support vulnerable

and at-risk people coming to the UK via safe and legal routes.<sup>9</sup> This is with a view to the UK taking only as many refugees as local communities and public services can support.

The government is proposing that those who arrive as part of a safe and legal resettlement or relocation scheme will be exempt from the UK connection test. This includes the UK Resettlement Scheme, Afghan Relocations and Assistance Policy Scheme, Afghan Citizens Resettlement Scheme, and the Ukraine temporary visa schemes (the Ukraine Sponsorship Scheme (Homes for Ukraine), Ukraine Family Scheme and Ukraine Extension Scheme). The Secretary of State will have the power to make further exemptions if and when this is appropriate.

Those who are currently ineligible for social housing because they do not have recourse to public funds would remain ineligible, for example, those on student visas and illegal migrants. The Illegal Migration Act 2023 will ensure that any migrants who do not arrive via safe and legal routes will not, in general, be granted leave to remain in the UK. As such, this cohort will not be able to access social housing.

We welcome views as to whether any additional exemptions are necessary to ensure that the UK connection test is proportionate.

New applicants and those on a waiting list would need to satisfy the new test, or be part of an exempted group, before they are allocated social housing.

## Questions

### Current system

1. What evidence does your local housing authority currently collect as proof of eligibility?
  - a. Passport
  - b. Visa letter
  - c. Proof of access to benefits
  - d. Home Office data on visas
  - e. Other
    - i. Free text box
  - f. Don't know

### Future system

2. Do you agree that an individual should have to demonstrate a connection to the UK for ten years before qualifying for social housing (if they do not meet the test otherwise or are exempt)?
  - a. Yes

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<sup>9</sup> <https://www.gov.uk/government/news/government-consults-on-safe-and-legal-routes-for-refugees#:~:text=The%20cap%20will%20include%20the,and%20the%20Community%20Sponsorship%20Scheme>

- b. No, please detail length of test
    - i. Free text box
  - c. Don't know
3. Do you think there should be any further exemptions to the UK connection test, for example for care leavers?
- a. Yes
    - i. Free text to propose additional groups
  - b. No
    - i. Free text to explain why
4. How long would it take your local housing authority to implement a new UK connection test at eligibility stage?
- a. Drop down range: less than 1 month, 1-3 months, 3-6 months, more than 6 months, and more than 12 months
  - b. Don't know
5. Do you foresee any challenges delivering this change to eligibility in your local housing authority's social housing allocation system? Please detail why/why not.
- a. No
    - i. Free text box
  - b. Yes
    - i. Free text box
  - c. Don't know
6. Please indicate the number of new lettings in your local housing authority area (including households on the waiting list) that you believe would become ineligible by this policy. Please also indicate the size of your waiting list.
- a. Free text box
  - b. Don't know
  - c. My local housing authority does not hold a waiting list

## 6. Local connection test

### Current system

Local housing authorities have the freedom to introduce qualification tests for applicants. Some local housing authorities choose to implement a local connection or residence test as part of their qualification criteria. This requires applicants to have lived in the area or have a work or family connection to the area for a certain amount of time before they qualify for social housing in that area.

The table below sets out the number of local housing authorities that apply a local connection or residence test (where known).<sup>10</sup>

Type of test	Number of local housing authorities
Both local connection and residence test	116
Only a local connection test	115
Only a residence test	45
Neither local connection nor residence test	32
No reply	1
<b>Total</b>	<b>309</b>

### New test

The government intends to mandate a test for local connection at qualification stage to establish a minimum national level. We intend to require applicants to have a connection with the local housing authority area for at least two years before they can access social housing there. Local housing authorities will be able to set a longer period than two years, if desired, allowing for local needs.

Requiring that every social housing applicant must pass a local connection test will incentivise households to make sustained links to their communities, whether through work, family or residence, before they qualify for social housing. Setting a minimum national level will improve the consistency in how these tests are applied, helping to reduce the disparity between local areas during the social housing application process. The new system will no longer incentivise people to consider moving away from the area where they currently live, and the disruption this brings, to apply for social housing in an area without a local connection test.

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<sup>10</sup> 2022-23 Local Authority Housing Statistics data collection, <https://www.gov.uk/government/statistical-data-sets/local-authority-housing-statistics-data-returns-for-2022-to-2023>



The government intends to use a broader definition for local connection than residence, in order to capture employment and family associations as well. We propose using the same elements of local connection as in section 199 of the Housing Act 1996, but for the purposes of accessing social housing, households will need to demonstrate they have fulfilled at least one of the elements for two years. This definition would mean that a person has a local connection:

- a) because they are, or in the past were, normally resident there for a period of two years, and that residence is or was of their own choice;
- b) they are employed there and have been for a period of two years;
- c) because of family associations, and those family members have lived in the area for a period of two years; or
- d) because of special circumstances.

We will maintain the existing exemptions from local connection tests for members and veterans of the UK armed forces and propose to add the following additional exemptions:

- Care leavers: in line with the commitment in the consultation response<sup>11</sup> to *Children's Social Care: Stable Homes, Built on Love (2023)* to remove the local connection test.
- Domestic abuse victims: we consulted on this issue in the *Local connection requirements for social housing for victims of domestic abuse (2022)*<sup>12</sup> and will publish the government response in due course.
- Those who have arrived or will arrive as part of the UK Resettlement Scheme, Afghan Relocations and Assistance Policy Scheme, Afghan Citizens Resettlement Scheme, and the Ukraine temporary visa schemes (the Ukraine Sponsorship Scheme (Homes for Ukraine), Ukraine Family Scheme and Ukraine Extension Scheme) to align with the exemption for the UK connection test. Such individuals may otherwise not be able to meet the local connection test anywhere in England because of their recent arrival in the country.

## Questions

### Existing systems

7. If you currently use a local connection test for social housing, what definition of residence do you currently use as the measure for local connection?
  - a. Section 199 of the Housing Act 1996
  - b. Proof of residence only
  - c. Other, please detail
    - i. Free text box
  - d. Not applicable, there is no existing local connection test

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<sup>11</sup> [Children's social care: stable homes, built on love - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/childrens-social-care-stable-homes-built-on-love)

<sup>12</sup> [Local connection requirements for social housing for victims of domestic abuse - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/local-connection-requirements-for-social-housing-for-victims-of-domestic-abuse)

8. If you currently use a local connection test for social housing, please indicate any groups that are currently exempted from the test:
- a. Care leavers
  - b. Those requiring specialist medical care
  - c. UK armed forces and veterans
  - d. Domestic abuse victims
  - e. Named resettlement or relocation schemes
  - f. Other
    - i. Free text box
  - g. Don't know
  - h. Not applicable, there is no existing local connection test

### **Future system**

9. Do you agree that an individual should have to demonstrate a local connection with an area for two years before qualifying for social housing (unless exempt)?
- a. Yes
  - b. No, please detail length of test
    - i. Free text box
  - c. Don't know
10. The government intends to use the same definition of local connection as in section 199 of the Housing Act 1996. This definition would mean that a person has a local connection:
- because they are, or in the past were, normally resident there, and that residence is or was of their own choice;
  - because they are employed there;
  - because of family associations; or
  - because of special circumstances.

Do you agree that definition should be used?

- a. Yes
- b. No, please indicate your preference otherwise.
  - i. Residency only
  - ii. Other, please detail
    - i. Free text box
- c. Don't know

### **Exemptions from test**

11. The government proposes to exempt care leavers from the local connection test for social housing up to the age of 25 to align with broader Corporate Parenting

Principles,<sup>13</sup> which sets out the responsibilities of local authorities towards children and young people in care. Do you agree?

- a. Yes
- b. No, please detail
  - i. Free text box
- c. Don't know

12. Do you think there should be any further exemptions to the local connection test?

- a. Yes
  - i. Free text to propose additional groups
- b. No
  - i. Free text to explain why

13. How long would it take your local housing authority to implement a new local connection test?

- a. The test is already in place
- b. Drop down range: less than 1 month, 1-3 months, 3-6 months, more than 6 months, more than 12 months
- c. Don't know

14. Noting the proposed exemptions, please indicate the number of new lettings in the local housing authority area that you believe would become ineligible by this policy.

- a. New lettings affected
  - i. Free text box
- b. Waiting list
  - i. Free text box
- c. Don't know

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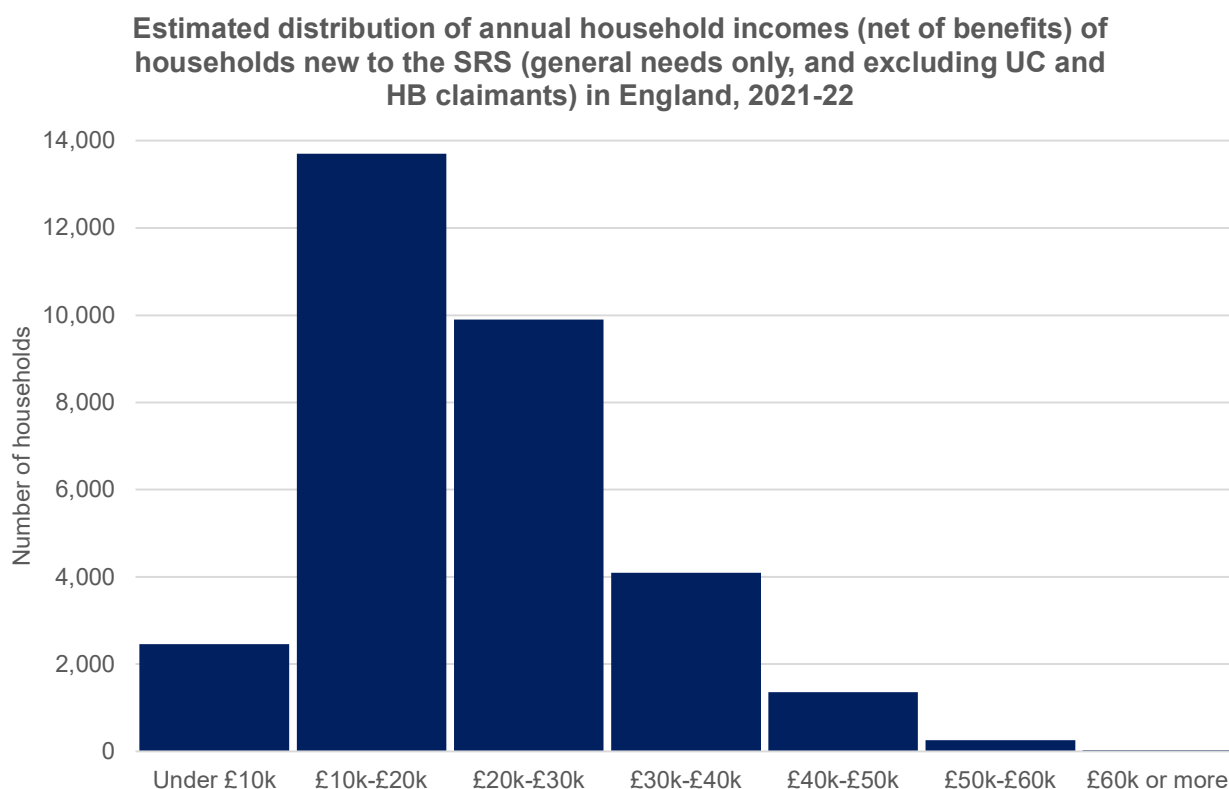
<sup>13</sup> [Applying corporate parenting principles to looked-after children and care leavers - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/policies/applying-corporate-parenting-principles-to-looked-after-children-and-care-leavers)

## 7. Income test

### Current system

Local housing authorities have the power to set income tests at the qualification stage. Some local housing authorities, noting the need to prioritise social housing for those who have greatest financial need of it, have taken the opportunity to introduce an income test. Income tests are not applied consistently across the country, and we recognise the need for a national requirement to ensure fairness and consistency.

The following chart shows the estimated distribution of household incomes for households new to the Social Rented Sector in 2021-22 (excluding supported housing allocations, and households claiming Universal Credit or housing benefit).<sup>14</sup> This shows that incomes for most (c. 80%) households new to the sector were below £30,000. Some households with comparatively higher incomes were also allocated social housing in 2021-22.



Source: *Social Housing Lettings 2021-22, DLUHC*

<sup>14</sup> This distribution has been estimated using data logs from social housing providers that covered just under half of all general needs lets to households new to the SRS who are not receiving housing-related benefits in 2021-22. It has been scaled up to account for lets where income was missing from the log. It has also been weighted to account for lets known to have occurred but where no log was submitted. This assumes that this subset of data is representative of all new general needs lets to households new to the SRS who are not receiving housing-related benefits in 2021-22.

## New test

The government intends to mandate an income test for applicants and those on a waiting list who have yet to be allocated a social home. This means that any household seeking a social home with an income above the maximum threshold will not qualify for social housing. This test will not apply to those already in social housing so, if tenants succeed in securing higher-paid employment *after* securing a social home, this will have no impact on their tenancy. This will ensure no one is penalised for improving their lot in life.

As part of this consultation, we are seeking views on where the income threshold should be set and whether this should vary at a regional level. We are looking at whether local housing authorities could continue to set their own lower thresholds based on local circumstances. These could reflect local incomes, local housing costs in the private rented sector or another value. The government will explore raising the threshold over time with reference to inflationary indices e.g. the Consumer Price Index.

Local housing authorities will be obliged to apply the income test to social housing applicants at the qualification stage as part of the income test. It will not be applied to existing tenants and there will be no change to rights, tenures, the length of tenancies, or rents of existing tenants.

We are proposing that a household in this context is defined as applicants named on the application, and any named applicants' spouse, civil partner or partner, where they will reside in the rental accommodation. Adult children would not be included unless they were a tenant. Where there are more than two incomes within the household, as defined, we would expect only the two highest incomes to be taken into account.

We propose defining income as gross taxable income. 'Taxable income' would include income from earnings, pensions, self-employment and investments and we will set out guidance on this. Non-taxable benefits would not count towards the calculation of income, including the Disability Living Allowance and Personal Independence Payment. We will engage with stakeholders beyond this consultation on the definition of income, including income assessment periods. We welcome views on how best to define household income.

We intend to publish guidance and would welcome views on how income data should be defined, collected and verified, and the role of any capital assets. This will include whether the data is collected at household or individual level; how a household is defined; what income is counted; and how self-declared income should be assessed and verified. We will work with local housing authorities to prepare this guidance.

Our intention is to make the following exemptions to the income test:

- those in receipt of Universal Credit, housing benefit or other legacy benefits (which are being replaced by Universal Credit), as their financial need is already demonstrated;
- those who need or are in supported housing, who have care or support needs; and
- members and veterans of the UK armed forces, who are treated as a separate case as they have served their country.

## Questions

### Current system

15. Does your local housing authority currently perform an income check for social housing applicants? If so, please provide more details on the test including: the definition of income; the income threshold for the test; whether capital assets are included in the assessment; the evidence collected to determine household income; income assessment periods; and any exemptions.
- a. Yes
    - i. Free text – the definition of income used
    - ii. Free text – the threshold used for income
    - iii. Free text – what capital assets are used as part of the assessment
    - iv. Free text – the evidence used to determine income
    - v. Free text – what income periods are used (e.g. financial years)
    - vi. Free text – what exemptions are applied
  - b. No
  - c. Don't know

### Future system

16. Should the same threshold for the income test for prospective tenants apply across England or should it vary?
- a. National threshold
  - b. A threshold for London and another for the rest of the country
  - c. Vary by locality – set by central government
  - d. Vary by locality – set by local housing authority
  - e. Reflect a different geography
    - i. Free text box
  - f. Don't know
17. Should income data be assessed at household or individual level? If household, whose income data should be assessed?
- a. Whoever is on the tenancy agreement
  - b. Lead tenant on the tenancy agreement
  - c. Household, everyone in the household
  - d. Household, the two highest earners in the household
  - e. Household, the single highest earner in the household
  - f. Household, other
    - i. Free text box
  - g. Individual
  - h. Other
    - i. Free text box
  - i. Don't know
18. Assuming household income is based on the two highest earners working full time, what should the income cap be set at?
- a. Less than £40,000
  - b. £40,000 – £49,999

- c. £50,000 – £59,999
- d. £60,000 – £69,999
- e. £70,000 or more
- f. Don't know

19. Should capital assets be included in the assessment? If yes, what type of capital assets should be included, and what threshold should be set? Capital assets could include savings in an interest-bearing savings account; savings in a non-interest-bearing current account; bonds, stocks and shares; property that the applicant does not live in; and land.

- a. Yes, please provide more details
  - i. Free text
- b. No
- c. Don't know

20. Do you agree that households where an individual is in receipt of Universal Credit, housing benefit or other legacy benefits (which are being replaced by Universal Credit); households who need or live in supported housing; and members and veterans of the UK armed forces should be exempt from an income test?

- a. Yes, all three groups should be exempt
- b. Yes, and there should be exemptions for other groups. Please detail these.
  - i. Free text box
- c. No, only some of these groups should be exempt. Please select all those that you think should be exempt.
  - i. Individuals in receipt of Universal Credit, housing benefit or other legacy benefits
  - ii. Households who need or live in supported housing
  - iii. Members or veterans of the UK armed forces
- d. No, only other groups should be exempt. Please detail these.
  - i. Free text box
- e. Don't know

21. How long would it take your local housing authority to implement a new income test for prospective tenants at qualification stage?

- a. This test is already in place
- b. Drop down range: less than 1 month, 1-3 months, 3-6 months, more than 6 months, more than 12 months
- c. Don't know

22. Do you think there are any circumstances where a minimum income threshold to determine who should be allocated a social home is appropriate, for example to incentivise being in work or to ensure that the household can afford the property? If yes, please detail:

- a. Yes
  - i. Free text box
- b. No
  - i. Free text box
- c. Don't know

## 8. Anti-social behaviour test

### Current system

Local housing authorities have the power to introduce additional qualification criteria for social housing applicants. Some choose to disqualify applicants based on their criminal convictions or evidence of them committing anti-social behaviour, but there is no common approach. The government believes that social housing should be allocated to those who have not undermined the safety of their community by engaging in anti-social behaviour.

### New test

The government intends to mandate a new qualification test that would disqualify social housing applicants who have unspent anti-social behaviour convictions or civil sanctions in the area that the anti-social behaviour was committed. This would require local housing authorities to check whether there is evidence of an applicant having been subject to specified anti-social behaviour sanctions.

The anti-social behaviour proposed for inclusion in this test aligns with behaviour that would lead to eviction under the absolute (mandatory) grounds for possession for secure tenancies<sup>15</sup> (see also the grounds for possession for assured tenancies<sup>16</sup>). The proposed sanctions for anti-social behaviour include both criminal and civil offences, as well as eviction, and are as follows:

- a) breaching a criminal behaviour order under section 30 of the Anti-social Behaviour, Crime and Policing Act 2014 or section 339 of the Sentencing Code (criminal conviction);
- b) breaching a noise abatement notice or court abatement order (criminal conviction);
- c) breaching a civil injunction under section 1 of the Anti-social Behaviour, Crime and Policing Act 2014 (civil order);
- d) previously having been a tenant of a dwelling-house that was subject to a closure order lasting over 48 hours (civil order);
- e) previously having been a tenant who was evicted for anti-social behaviour under an absolute ground for possession (section 84A of the Housing Act 1985/see also ground 7A in Schedule 2 to the Housing Act 1988) or a discretionary ground for possession (Housing Act 1985: nuisance, ground 2; riot, ground 2ZA; domestic violence, ground 2A; see also the Housing Act 1988: nuisance, ground 14; riot, ground 14ZA; domestic violence, ground 14A) (civil order).

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<sup>15</sup> [Housing Act 1985 \(legislation.gov.uk\)](https://legislation.gov.uk/ukpga/1985/68)

<sup>16</sup> [Housing Act 1988 \(legislation.gov.uk\)](https://legislation.gov.uk/ukpga/1988/14)



As set out in the Anti-Social Behaviour Action Plan,<sup>17</sup> social housing tenants must be protected from the insidious effect of anti-social behaviour on their daily lives and in their communities.

The government intends that where an applicant has received a relevant anti-social behaviour sanction, they are disqualified from social housing allocation from the local housing authority or authorities in England where the behaviour takes place. This disqualification would be for a set period after the anti-social behaviour conviction or sanction, or until the date on which their conviction (if they have one) is spent, whichever is sooner. This ensures the approach to spent convictions is in line with the Rehabilitation of Offenders Act 1974.

The government is considering a disqualification period between 1 and 5 years and proposes it should be longer for people who receive a criminal sanction compared to a civil sanction.

We are considering whether to exempt some groups from the anti-social behaviour test, including:

- those with a condition or disability that was a relevant contributing factor to the anti-social behaviour, for example, if a parent/carer receives numerous noise complaints as a consequence of a child's medical condition which results in an anti-social behaviour sanction;
- domestic abuse survivors, where the domestic abuse was a mitigating factor in the anti-social behaviour.

## Questions

### Existing systems

23. Does your local housing authority undertake any anti-social behaviour or other criminal behaviour tests for social housing applicants? If so, please detail what tests are conducted; what data sources are used to inform these test (e.g. Police National Computer checks or local data sharing); and any groups exempted from the test.

- a. Yes
  - i. Free text box – what tests are conducted?
  - ii. Free text box – what data or information sources are used to inform the tests?
  - iii. Free text box – are any groups exempted?
- b. No
- c. Don't know

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<sup>17</sup> [Anti-Social Behaviour Action Plan](#), Department of Levelling Up, Housing and Communities, 2023

## Future system

24. Do you agree that a conviction/sanction for anti-social behaviour should result in a disqualification period from accessing social housing? If yes, how long should someone be disqualified for?
- a. Yes
    - i. Drop down menu of options one year to five years
  - b. No, please detail
    - i. Free text box
  - c. Don't know
25. Should all members of a household be subject to a check for history of anti-social behaviour, rather than just the lead tenant?
- a. Yes
  - b. No, please detail
    - i. Free text box
  - c. Don't know
26. The government is considering whether exemptions to the anti-social behaviour test should be made for victims of domestic abuse; or those with a condition or disability that was a relevant contributing factor to the anti-social behaviour. Are there any additional groups that should be considered for an exemption from this test?
- a. Yes, please detail
    - i. Free text box
  - b. No
  - c. Don't know
27. Please indicate the number of new allocations in your local housing authority area that you believe would be affected by the anti-social behaviour test.
- a. Number affected by the anti-social behaviour test
    - i. free text box
  - b. Don't know

## 9. Terrorism test

Those who seek to undermine the safety and security of our country by committing acts of terrorism should not qualify for social housing, unless excluding them would increase the risk to public safety.

The government wishes to explore how those who have an unspent conviction for a terrorist offence, such as those under the Terrorism Acts 2000 and 2006, including for membership of a proscribed terrorist organisation, could be disqualified from social housing eligibility. An unspent conviction will remain on an offender's basic criminal record, and the most serious terrorist offences will never become spent.

### Questions

#### Existing systems

28. Does your local housing authority test for any terrorist offences for social housing applicants? If so, please detail what tests are conducted; what data sources are used to inform these tests; and any groups exempted from the tests.
- a. Yes
    - i. Free text box – what tests are conducted?
    - ii. Free text box – what data or information sources are used to inform the tests?
    - iii. Free text box – are any groups exempted?
  - b. No
  - c. Don't know

#### Future system

29. The government is proposing that an unspent conviction, including under the Terrorism Acts 2000 and 2006 (such as for membership of a proscribed terrorist organisation) should result in a permanent disqualification from accessing social housing, unless doing so would increase public safety risks. Do you agree with this proposal? If no, please explain.
- a. Yes
  - b. No
    - i. Free text box
  - c. Don't know
30. Please indicate the number of new allocations in the local housing authority area that you believe would be affected by the terrorism test.
- a. Number affected by the terrorism test
    - i. free text box
  - b. Don't know
31. Do you have views on how this proposal might be implemented most effectively?
- a. Free text box

## 10. Grounds for eviction (anti-social behaviour and terrorist offences)

Where individuals are already living in social housing, they should not be able to remain there if they undermine their local communities with anti-social behaviour or are convicted of terrorist offences. We expect social landlords to utilise existing powers to evict existing tenants on the grounds of anti-social behaviour and the Government is exploring the creation of a new power to evict those who are convicted of a terrorist offence.

### Anti-social behaviour

Anti-social behaviour makes people feel unsafe in their local areas. Often repetitive and oppressive, anti-social behaviour leaves victims and communities feeling powerless, spoiling their enjoyment of local spaces and removing their peace of mind in their own homes and neighbourhoods. A survey in 2022 found that over one in four social housing residents had been affected by anti-social behaviour in the past year.<sup>18</sup>

We expect landlords to work with victims and perpetrators to help address anti-social behaviour and prevent it reoccurring. The Regulator of Social Housing's existing consumer standards, and new draft standards, require registered providers to work with relevant partners to deter and tackle anti-social behaviour in the neighbourhoods where they provide social housing.

We understand, however, that this is not always possible, and the government has therefore committed in the Anti-social Behaviour Action Plan<sup>19</sup> to "speeding up the process of removing anti-social behaviour perpetrators from their communities by exploring a 'three strikes and you're out' eviction expectation for all social landlords, meaning three proven instances of anti-social behaviour followed by three warnings from your landlord. After three proven instances of anti-social behaviour (and three warnings from the landlord), the government thinks it is right that perpetrators face eviction. We want to work with the sector to achieve this.

There are existing absolute<sup>20</sup> and discretionary<sup>21</sup> grounds for eviction for anti-social behaviour in the Housing Acts 1985 and 1988. The 'three strikes' eviction expectation would not stop social landlords pursuing eviction before a tenant has received three strikes; the absolute ground for possession is for severe anti-social behaviour sanctions, in which case it would not be appropriate for a landlord to wait for three strikes. It instead sets an expectation that less severe but repeated anti-social behaviour should lead to eviction under the discretionary grounds.

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<sup>18</sup> Department for Levelling Up, Housing and Communities. [Social Housing Quality Programme Resident: Residents Survey Report executive summary](#) 2022

<sup>19</sup> [Anti-Social Behaviour Action Plan](#), Department of Levelling Up, Housing and Communities, 2023

<sup>20</sup> Section 84A of the [Housing Act 1985 \(legislation.gov.uk\)](#)[Housing Act 1985 \(legislation.gov.uk\)](#); see also ground 7A in Schedule 2 to the Housing Act 1988: [Housing Act 1988 \(legislation.gov.uk\)](#)[Housing Act 1988 \(legislation.gov.uk\)](#)

<sup>21</sup> [Housing Act 1985 \(legislation.gov.uk\)](#)[Housing Act 1985 \(legislation.gov.uk\)](#): nuisance, ground 2; riot, ground 2ZA; see also the [Housing Act 1988 \(legislation.gov.uk\)](#)[Housing Act 1988 \(legislation.gov.uk\)](#): nuisance, ground 14; riot, ground 14ZA;

To reflect this, we propose that the definition of a 'strike' aligns with the anti-social behaviour sanctions listed in the Home Office's *Anti-social behaviour powers: Statutory guidance for frontline professionals*<sup>22</sup> which includes criminal behaviour orders, civil injunctions, closure notices/orders, community protection notices, dispersal powers and public space protection orders. We believe this definition of a 'strike' is proportionate, as more severe sanctions, such as breaches or where closure orders have extended beyond 48 hours, could lead to eviction after a single event as is set out in the absolute ground for possession. Three 'strikes' of the other sanctions outlined in the statutory guidance should be the maximum number a tenant can receive before a landlord should pursue the discretionary ground for possession.

## Convictions for offences under the Terrorism Acts 2000 and 2006

It is currently not possible to evict a social tenant because they have been convicted of a terrorist offence under the Terrorism Acts 2000 or 2006 or an offence with a terrorist connection (though there is an existing discretionary ground<sup>23</sup> which refers to a conviction for an indictable offence committed in, or in the locality of, a dwelling-house). The government wants to explore using legislation to amend existing grounds for eviction, or, if necessary, add a new ground for eviction for those who are convicted of a terrorist offence, unless removing the accommodation would increase public safety risks. This could involve, for example, amending the list of serious offences contained within section 84A of the Housing Act 1985 to ensure that terrorism offences are specifically listed as a mandatory eviction offence. Our intent is to only include in this policy those with unspent convictions (in line with the Rehabilitation of Offenders Act 1974). Offenders convicted of broader offences, such as violent crime, where there is a terrorist connection are also being considered as part of this proposal.

## Questions

32. The government has committed to exploring a 'three strikes and you're out' eviction expectation for all social landlords, meaning three proven instances of anti-social behaviour, accompanied by three warnings from a landlord, would result in eviction. How should a 'strike' be defined?
- a. The powers listed in the Home Office's *Anti-Social Behaviour powers: Statutory guidance for frontline professionals*, which includes criminal behaviour orders, civil injunctions, closure notices/orders, community protection notices, dispersal powers and public space protection orders
  - b. It should be left to local housing authorities to decide
  - c. Other
    - i. Free text box
  - d. Don't know

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<sup>22</sup> [Anti-social behaviour powers: statutory guidance for frontline professionals](#)

<sup>23</sup> Ground 2 in Schedule 2 to the Housing Act 1985 (and ground 14 in Schedule 2 to the Housing Act 1988).

33. Do you believe that a new ground for eviction should be introduced to ensure that those with unspent convictions for terrorism offences should be evicted from social housing, unless doing so would increase public safety risk?
- a. Yes
    - i. Free text box – how is this best implemented?
  - b. No
    - i. Free text box

## 11. Fraudulent declaration test

As part of the new qualification tests, we intend to mandate a test that would disqualify any person who knowingly or recklessly makes a false declaration on their application form from social housing for a set period.

We are considering whether this should also apply to any qualification tests set by local housing authorities in addition to the mandatory qualification tests proposed. As an example, should an applicant fail to declare that they had committed a relevant anti-social behaviour offence (that was not spent at the time of application), and they were then found to have a conviction, they would be disqualified from an allocation of social housing.

We are considering the appropriate length of the disqualification period (in addition to any period required by the failed test).

### Question

34. Do you agree that those who provide fraudulent information in social housing applications should be prevented from qualifying for a set period, in addition to any disqualification period that would have applied had they not made a false declaration? If yes, how long should this period be?
- a. Yes, they should not qualify England-wide
    - i. How long should the disqualification be: range of one to five years
  - b. Yes, they should not qualify in the area they applied to
    - i. How long should the disqualification be: range of one to five years
  - c. No, they should qualify
  - d. Don't know

## 12. Applicants on a waiting list

We believe that the proposed new eligibility and qualification tests should be applied consistently to all those who are seeking social housing. For this reason, we intend to require local housing authorities to apply the proposed tests both to new applicants and those who are currently on a waiting list.

To inform the development of any new systems and streamline with existing processes, we need to understand how the proposed tests could be built into existing systems; how waiting lists are currently managed; and whether eligibility and/or qualification tests are currently considered at the point of a social home being allocated (not just at the application stage).

Guidance will be issued to local housing authorities setting out the evidence considered suitable to meet each test, noting the need to minimise costs and administrative burden. In relation to the anti-social behaviour and terrorism tests, we will recommend that local housing authorities should rely on an applicant's self-declaration at the application stage. Any formal criminal records check should only be undertaken at the point of allocating a social home.

### Questions

35. Does your local housing authority re-check applicants at the point of allocation to ensure that the eligibility and qualification tests are still met?
- Yes
  - No
  - Don't know
36. How often does your local housing authority check whether your waiting list is accurate (e.g. by checking whether those on a waiting list are still in the area and still require social housing)?
- Once a year
  - Between one and two years
  - More than two years
  - We do not re-check interest until the point of allocation
  - Don't know
  - Not applicable (we do not hold a waiting list)
37. Do you check whether applicants to social housing or those on your local housing authority waiting list have (a) applied to another local housing authority, (b) are on a different local housing authority's waiting list, or (c) have been allocated housing by another local housing authority? If yes, please explain what checks are made, how frequently are made and any action that is taken.
- Yes
    - Free text box
  - No
    - Don't know



38. Should there be a limit on how many local housing authorities an applicant can apply to? If yes, please indicate the limit.
- a. Yes
    - i. Range of 1 to 10
  - b. No
  - c. Don't know

## 13. Public Sector Equality Duty

The government must have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out its activities. We are seeking your views on the impact of these proposals to inform our Public Sector Equality Duty assessment of these policies on new and existing social housing tenants.

39. Do you expect that any of the policies affecting social housing applicants would have a particular impact on those with a particular protected characteristic? If so, please give further detail on the relevant policy and its impact.
- a. Yes
    - i. Free text box
  - b. No
  - c. Don't know
40. Do you expect that any of the policies affecting social housing tenants would have a particular impact on those with a particular protected characteristic? If so, please give further detail on the relevant policy and its impact.
- a. Yes
    - i. Free text box
  - b. No
  - c. Don't know

## About this consultation

This consultation document and consultation process have been planned to adhere to the Consultation Principles issued by the Cabinet Office.

Representative groups are asked to give a summary of the people and organisations they represent, and where relevant who else they have consulted in reaching their conclusions when they respond.

Information provided in response to this consultation may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Environmental Information Regulations 2004 and UK data protection legislation. In certain circumstances this may therefore include personal data when required by law.

If you want the information that you provide to be treated as confidential, please be aware that, as a public authority, the Department is bound by the information access regimes and may therefore be obliged to disclose all or some of the information you provide. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Department for Levelling Up, Housing and Communities will at all times process your personal data in accordance with UK data protection legislation and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties. A full privacy notice is included below.

Individual responses will not be acknowledged unless specifically requested.

Your opinions are valuable to us. Thank you for taking the time to read this document and respond.

Are you satisfied that this consultation has followed the Consultation Principles? If not or you have any other observations about how we can improve the process please contact us via the [complaints procedure](#).

# Personal data

The following is to explain your rights and give you the information you are entitled to under UK data protection legislation.

Note that this section only refers to personal data (your name, contact details and any other information that relates to you or another identified or identifiable individual personally) not the content otherwise of your response to the consultation.

## 1. The identity of the data controller and contact details of our Data Protection Officer

The Department for Levelling Up, Housing and Communities (DLUHC) is the data controller. The Data Protection Officer can be contacted at [dataprotection@levellingup.gov.uk](mailto:dataprotection@levellingup.gov.uk) or by writing to the following address: Data Protection Officer, Department for Levelling Up, Housing and Communities, Fry Building, 2 Marsham Street, London SW1P 4DF.

## 2. Why we are collecting your personal data

Your personal data is being collected as an essential part of the consultation process, so that we can contact you regarding your response and for statistical purposes. We may also use it to contact you about related matters.

We will collect your IP address if you complete a consultation online. We may use this to ensure that each person only completes a survey once. We will not use this data for any other purpose.

### Sensitive types of personal data

Please do not share special category personal data or criminal offence data if we have not asked for this unless absolutely necessary for the purposes of your consultation response. By 'special category personal data', we mean information about a living individual's:

- race
- ethnic origin
- political opinions
- religious or philosophical beliefs
- trade union membership
- genetics
- biometrics
- health (including disability-related information)
- sex life; or
- sexual orientation.

By 'criminal offence data', we mean information relating to a living individual's criminal convictions or offences or related security measures.

## 3. Our legal basis for processing your personal data

The collection of your personal data is lawful under article 6(1)(e) of the UK General Data Protection Regulation as it is necessary for the performance by DLUHC of a task in the public interest/in the exercise of official authority vested in the data controller. Section 8(d) of the Data Protection Act 2018 states that this will include processing of personal data that is necessary for the exercise of a function of the Crown, a Minister of the Crown or a government department i.e. in this case a consultation.

Where necessary for the purposes of this consultation, our lawful basis for the processing of any special category personal data or 'criminal offence' data (terms explained under 'Sensitive Types of Data') which you submit in response to this consultation is as follows. The relevant lawful basis for the processing of special category personal data is Article 9(2)(g) UK GDPR ('substantial public interest'), and Schedule 1 paragraph 6 of the Data Protection Act 2018 ('statutory etc and government purposes'). The relevant lawful basis in relation to personal data relating to criminal convictions and offences data is likewise provided by Schedule 1 paragraph 6 of the Data Protection Act 2018.

#### **4. With whom we will be sharing your personal data**

DLUHC may appoint a 'data processor', acting on behalf of the Department and under our instruction, to help analyse the responses to this consultation. Where we do we will ensure that the processing of your personal data remains in strict accordance with the requirements of the data protection legislation.

#### **5. For how long we will keep your personal data, or criteria used to determine the retention period**

Your personal data will be held for two years from the closure of the consultation, unless we identify that its continued retention is unnecessary before that point.

#### **6. Your rights, e.g. access, rectification, restriction, objection**

The data we are collecting is your personal data, and you have considerable say over what happens to it. You have the right:

- a. to see what data we have about you
- b. to ask us to stop using your data, but keep it on record
- c. to ask to have your data corrected if it is incorrect or incomplete
- d. to object to our use of your personal data in certain circumstances
- e. to lodge a complaint with the independent Information Commissioner (ICO) if you think we are not handling your data fairly or in accordance with the law. You can contact the ICO at <https://ico.org.uk/>, or telephone 0303 123 1113.

Please contact us at the following address if you wish to exercise the rights listed above, except the right to lodge a complaint with the ICO: [dataprotection@levellingup.gov.uk](mailto:dataprotection@levellingup.gov.uk) or Knowledge and Information Access Team, Department for Levelling Up, Housing and Communities, Fry Building, 2 Marsham Street, London SW1P 4DF.

#### **7. Your personal data will not be sent overseas.**

#### **8. Your personal data will not be used for any automated decision making.**

**9. Your personal data will be stored in a secure government IT system.**

*We use a third-party system, Citizen Space, to collect consultation responses. In the first instance your personal data will be stored on their secure UK-based server. Your personal data will be transferred to our secure government IT system as soon as possible, and it will be stored there for two years before it is deleted.*