

HOUSING FOR PEOPLE LEAVING THE ARMED FORCES

Introduction

1. This circular updates and replaces the advice contained in Circular DD1/2005 dated 4 July 2005 on housing for people leaving the Armed Forces. It provides guidance for local authorities and Registered Social Landlords (RSLs) on meeting the housing needs of ex-Service personnel and their families in social housing and provides information about other available housing options and support. The information contained here will also be of use to housing advice providers.

Background

2. In July 2008 the Scottish Government published [Scotland's Veterans and Forces' Communities: meeting our commitment](#) as well as contributing to the UK Government's Command Paper, [The Nation's Commitment: Cross-Government Support to our Armed Forces, their Families and Veterans](#). These set out the Scottish Government's commitment to supporting the Armed Forces and their families and made a number of specific commitments in relation to housing. A key principle of the Command Paper is that the contribution of the Armed Forces is properly recognised and that no ex-Service personnel should face disadvantage on leaving the Forces, particularly in comparison with other citizens.

3. On average, over 24,000 people currently leave the Armed Forces each year. Although some Service personnel are home owners, the majority find that the mobility required by Service life makes it difficult for them to buy a home through normal commercial arrangements during the time they serve in the Armed Forces. Service careers also tend to be shorter than most civilian professions and thus many Service personnel are required to leave the Forces when their family responsibilities are greatest and their resources most stretched.

4. Some of those leaving the Forces are likely to apply for rented accommodation from a local authority or RSL while others will look to rent in the private sector, or may wish to buy their own home. It would be advantageous, both strategically and operationally, for local authorities and RSLs to strengthen the relationships they currently have with the Forces. In particular, there are likely to be mutual benefits from improving engagement with local bases, and with the various veterans' services around the country.

Social Housing

Dealing with general social housing applications from ex-Service personnel

5. Social landlords (i.e. local authorities and RSLs) should give applications from ex-Service personnel fair and sympathetic consideration but should not afford them priority over those with a similar level of housing need. While this basic principle is overriding, no residential qualifications should be imposed which put Service personnel and/or former spouses/civil partners who have to vacate Military provided accommodation at a disadvantage compared with other applicants; and those personnel returning after several years' absence to a locality in which they lived

before joining the Forces have a special claim to no less sympathetic consideration than any other application.

6. In addition, where local connection is used as part of an allocations policy, social landlords will want to ensure it does not disadvantage ex-Service personnel.

Applications in advance of discharge

7. Social landlords are obliged to accept all applications at the time they are made and in doing so should not refuse consideration simply because an applicant is well housed at the date of application or currently living outwith the area where the application is received.

8. The Ministry of Defence (MoD) recognises that local authorities and RSLs will need to be satisfied that entitlement to occupy Service accommodation will end on a certain date, in order to determine whether applicants who are service personnel and who are approaching their date of discharge may be homeless or threatened with homelessness. For this purpose, the MoD issues a Certificate of Cessation of Entitlement to Occupy Service Living Accommodation usually 6 months before discharge.

9. These certificates indicate the date on which entitlement to occupy service accommodation ends, and the Scottish Government considers that social landlords should not insist upon a court order for possession to establish that entitlement to occupy has ended. Local authorities should take advantage of the six-month period of notice of discharge to ensure that service personnel receive timely and comprehensive advice of the housing options available to them when they leave the Armed Forces. This approach is consistent with guidance issued to local authorities under section 11 of the Homelessness etc. (Scotland) Act 2003, and more generally with their duty under section 2 of the Housing (Scotland) Act 2001, to secure that advice and information about the prevention of homelessness is available free of charge.

10. RSLs should alert the local authority on receipt of housing applications from service personnel if it is not practicable for the receiving RSL to allocate accommodation immediately or in the near future. By alerting the local authority, the opportunities for preventing homelessness should be increased. Levels of communication between RSLs and local authorities may be improved in this regard by any shared involvement in a Common Housing Register.

Applications from seriously injured ex-Service personnel

11. In some instances service personnel may leave the Forces due to injury or disability and require access to adapted social housing. Those leaving under medical discharge may normally remain in Service families' accommodation for 3 months after discharge. Social landlords should be ready to give special consideration to housing applications in these circumstances.

12. The Scottish Government anticipates that seriously injured ex-Service personnel will be assessed as having significant level of housing need and will therefore receive a high level of priority in the allocation of adapted social housing.

13. Applications from seriously injured personnel should be assessed as quickly as possible to minimise delays in allocating and arranging suitable adapted accommodation. It would also be beneficial for local authorities and RSLs to liaise with other relevant housing and service providers, including veterans' services, to ensure all aspects of the applicants' needs are considered and appropriate support as well as housing is provided. This cooperation will be particularly important where limited adapted accommodation is available.

Other special cases

14. Social landlords should also give special consideration to the applications of ex-Service personnel and their families who leave the Forces because of other exceptional circumstances. This could include applications from individuals whose spouse/civil partner is killed in action or dies before the date of discharge. Such people have limited opportunity to act on the resettlement advice about housing, although the MoD gives sympathetic treatment to them by allowing widows/widowers/civil partners of former Service personnel to remain in service accommodation as an entitlement for a 2 year period after the death of the spouse/civil partner to enable them to determine their longer term housing requirements. Retention of service accommodation may be extended beyond the 2 year period at the discretion of Service Units and Welfare Agencies as long as there is no pressing Service requirement for the property. However, families may wish to move on to permanent accommodation before this and entitlement to remain in Service accommodation for a period of time should not disadvantage them in seeking re-housing in the social sector.

Applications from ex-Service personnel under the homelessness legislation

15. Social landlords should in all cases ensure that they discharge the statutory responsibilities placed on them by Part II of the Housing (Scotland) Act 1987, as amended by the Housing (Scotland) Act 2001 and the Homelessness etc. (Scotland) Act 2003. In particular, they should bear in mind that section 28 of the 1987 Act requires an authority to take action to deal with an application whenever it has reason to believe that a person who has asked for help to obtain housing is homeless or threatened with homelessness: this duty exists regardless of the precise nature of the approach made by the individual to the local authority and the particular department approached. By intervening at the earliest opportunity there should be improved scope to discuss a range of potential housing options, including for example private renting and home ownership. However, even if options are limited due to particular household circumstances, early discussion with housing advice services is likely to prove helpful to households and may help to avert housing crisis. Local authorities should ensure that information on housing options and advice services, including how to access them, is made widely available and in a range of formats.

16. Some of the amendments to the 1987 Act made by the more recent legislation are particularly relevant to ex-Service personnel. Section 1 of the Homelessness etc. (Scotland) Act 2003 expands the categories of people with priority need to include, among others, anyone who is vulnerable as a result of leaving the Armed Forces. Apart from this specific reason, there may be other factors which indicate that an ex-Service person is in priority need. Careful consideration should be given to assessing

the potential vulnerability of any applicant with a service background, as veterans or formerly active service personnel may suffer from post traumatic stress disorders, not always immediately apparent at the date of discharge. This may be particularly relevant in cases of former service personnel who having maintained a period of stable resettlement immediately after leaving the Armed Forces, experience difficulties in sustaining accommodation at a later stage. Other groups which are given priority need status by the legislation include those with dependent children and those who are vulnerable as a result of old age. A complete list of categories that are eligible for priority need can be found in the *Scottish Code of Guidance on Homelessness* (<http://www.scotland.gov.uk/Publications/2005/05/31133334/33366>).

17. Section 3 of the Housing (Scotland) Act 2001 amends the 1987 Act with the result that people who are assessed as having priority need for any of the given reasons, and being unintentionally homeless, such as Service personnel on leaving the Services, are entitled to permanent accommodation. People who are not assessed as being in priority need are entitled to temporary accommodation, and access to advice and assistance.

18. The requirements of Part II of the Housing (Scotland) Act 1987 as amended by the 2001 and 2003 Acts apply to ex-Service personnel in the same way as to other applicants, with one current exception which is explained in paragraph 19 below. Applications under the Act from ex-Service personnel should therefore be considered in the normal way and in accordance with the Homelessness Code of Guidance.

19. Local authorities with large Services establishments in their areas should work with these establishments at a strategic level to ensure that potential problems with regard to housing for ex-Services personnel are avoided by addressing the issues at an early stage. Specific measures to prevent problems of homelessness for personnel leaving the Services should be included in the Local Housing Strategy and also be included into planning arrangements for future build programmes for social housings. Opportunities may also arise to utilise vacant MOD property as temporary accommodation for ex-Service personnel. Further information on this is available from the MOD's Defence Estates – Housing Management Project (HEMP) team. They can be contacted by calling 01748 875094. Such an opportunity could assist in reducing demand on the overall supply of local temporary accommodation available. However, ex-Service personnel assessed as unintentionally homeless and in priority need seeking permanent or even alternative temporary accommodation should not be disadvantaged or assumed to be suitably housed.

Homelessness and local connection

20. Section 27(2) of the 1987 Act contains a special provision for ex-Service personnel, namely that an applicant does not have a "local connection" in a particular area simply because the individual (or someone in his or her household) has served in the Forces in that area. A local connection may exist for other reasons, e.g. because of family links or because an ex-Service person has found civilian employment in the area but, for the purposes of establishing a local connection, service in the Armed Forces does not qualify as "employment" and residence while in the Forces does not count as "normal residence". Where no local connection exists with any other authority, the duty to find housing rests with the authority to which the application was made.

21. In the case of Service partners who remain in Service accommodation after their marriages/civil partnerships have broken up and their partners have been posted abroad, social landlords should be ready to treat sympathetically the re-housing needs of homeless applicants even where no local connection exists and not simply place responsibility with the local authority where the Service house is situated.

22. The Scottish Government is considering removing the current exemptions relating to local connection so that employment and residence through the Armed Forces is equivalent to that of civilians for the purpose of creating a local connection. Any specific legislative proposal will be subject to further consultation. In the meantime, local authorities are encouraged to treat sympathetically applications from ex-Service personnel who have been based in their area.

Registered Social Landlord measures

23. Section 5 of the Housing (Scotland) Act 2001 allows local authorities to make referrals to RSLs. This mechanism should be considered and used to help find accommodation with RSLs for ex-Service personnel who are homeless. Arrangements agreed within local authorities and RSLs should be in place to facilitate this.

24. Local authorities should work with all housing providers in their areas to maximise and simplify access to housing. To do this all local providers should consider the full range of options to maximise access including:

- Common Housing Registers;
- Common allocation policies;
- Section 5 protocols;
- Good housing options;
- Nomination agreements.

When developing and using any of these approaches, local partners should always consider the needs of ex-Service personnel.

25. Arrangements have also been made so that where MoD has properties which are no longer needed, RSLs may be given the opportunity to buy or lease these at a reduced price and in return make available a proportion for sale/lease to families nominated by MoD. These purchases will be subject to the availability of funding and to agreement being reached between MoD and relevant housing associations, including where appropriate other local social landlords, about valuation and nomination arrangements. These measures should help to relieve some of the pressure on RSLs to house ex-Service personnel. MOD's Defence Estates – Land Management Services have responsibility for MOD properties that are no longer needed and can be contacted on 01480 52151 extension 6047.

26. Landlords are not required to offset section 5 referrals against nomination quotas – section 5 homeless referrals are distinct from nomination arrangements and while councils and RSLs can agree to offset them against nomination quotas, the

achievement of a quota will never constitute a “good cause” for an RSL’s refusal of a section 5 referral.

Other housing options and assistance

27. Local authorities, RSLs and other housing advice providers will also find it helpful to be aware of other housing options and assistance available to ex-Service personnel and their families.

Low-cost Home Ownership

28. The Scottish Government provides funding to help people on low to moderate incomes to own their own home through **the Low-cost Initiative for First Time Buyers (LIFT)**.

29. LIFT covers a broad range of support for first-time buyers, including:

- **The New Supply Shared Equity Scheme** to allow first time buyers to buy a new build property;
- **The Open Market Shared Equity Pilot** to allow first time buyers to buy an entry-level property on the open market;
- **Rural Home Ownership Grants (RHOGs)**, which contribute to the costs of acquiring, building or renovating a home for people in rural areas who could not otherwise afford to buy;
- **shared ownership** where households buy part-ownership of a property and make an occupancy payment to a registered social landlord on the remaining portion; and
- **GRO grants for owner occupation**, which are grants to private developers to build affordable houses for sale.

30. In particular, ex-Service personnel may wish to buy a shared equity property. All veterans who meet the eligibility criteria (in most cases, they should be a first time buyer on a low to moderate income) are eligible to apply for the shared equity schemes. However, those who have left the Forces within the past twelve months (along with existing members of the Armed Forces) get priority access to both the New Supply and Open Market schemes.

31. In addition, for ex-Service personnel who have been seriously injured, the Registered Social Landlords managing the shared equity schemes can offer additional flexibility to make it easier for people with disabilities to buy (for example by allowing them to purchase a bigger property than they would normally be entitled to or reducing the minimum stake they need to purchase) and to ensure that a property meets their individual requirements.

32. More information on both shared equity schemes is available on the Scottish Government website at: <http://www.scotland.gov.uk>.

Financial Assistance for Adaptations for Homeowners and Tenants in Private Accommodation

33. From April 2009, regulations under the Housing (Scotland) Act 2006 give local authorities additional duties to provide financial assistance to homeowners and those in private rented accommodation, including ex-Service personnel, to carry out adaptations arising from a disability. These duties will form part of the overall assistance provided to homeowners and private tenants under each council's "Scheme of Assistance" for owners and private tenants wanting to repair, improve or adapt their homes.

34. Local authorities are obliged by section 72 of the 2006 Act to prepare and make publicly available a statement of the circumstances in which they will offer assistance. For assistance with adaptations, this will largely be a statement of the council's legal duties, but in addition there will be some areas where councils have discretion (for example to provide funding beyond the minimum grant limits) and the circumstances in which this discretion will be exercised should be set out in the statement.

35. From April 2009, local authorities will have a duty under section 73(1) (b) of the 2006 Act, similar to that in the 1987 Act, to provide grant for the provision of "standard amenities" for a disabled person: this refers to bathroom and toilet facilities. Regulations under the Act introduce a number of new duties intended to create a simpler and fairer system of financial assistance with adaptations. As is the case under existing provisions on mandatory grant, the new duties apply where needs have been assessed, the council has deemed it a priority for the needs to be met, and adaptation is agreed as the best way to meet the needs.

36. The main changes are as follows:

- The scope of mandatory grant will be extended to include all structural adaptations except for the provision of house extensions to provide additional living accommodation (adaptations not covered by mandatory grant may be grant-assisted by the authority at its discretion)
- For work not covered by mandatory grant, local authorities will have a duty to ensure that the applicant receives proper advice on the options open to them for funding the work
- The nationally prescribed test of resources for assessing grant entitlement is to be abolished. For work subject to mandatory grant, automatic minimum grant of 80% of the works cost, or 100% for people in receipt of certain income replacement benefits, will be awarded. Local authorities have the power to award more than 80% (for households not statutorily entitled to 100%) in circumstances outlined in their section 72 statements of assistance.

37. It should be noted that where the sole purpose of providing a house extension is to provide bathroom or toilet facilities, then – as is already the case – the work will continue to attract mandatory grant.

38. The Act prohibits local authorities from setting upper expense limits on the cost of adaptation works eligible for financial assistance. Ministers have powers to set

limits but have no plans to set any such limits for adaptations, as the intention is for local authorities to take account of the full cost of the work when considering what financial assistance will be offered.

39. The Scottish Government is currently exploring the options for setting up a National Lending Unit, which would make affordable lending options available to owners prioritised by the local authority for such assistance. It is intended that where a disabled household faces a significant shortfall – due for example to mandatory grant not covering the cost of house extensions – the availability of affordable lending options may provide some households with a viable way of funding the work.

40. Where an adaptation to an ex-Service person's home might be needed because of a disability, they should first contact the social work services section of their local authority, as it is their responsibility to assess their needs.

41. Local authorities, RSLs and other housing advice providers will want to highlight this support to disabled ex-Service personnel who approach them and require adapted housing. Further information on this assistance is provided in *Implementing the Housing (Scotland) Act 2006: Statutory Guidance for Local Authorities – Work to Meet the Needs of Disabled People*, which was issued to local authorities on 29 January 2009. This guidance will also be available on the Scottish Government website.

Other Sources of Advice and Housing Support

42. The **Soldiers' Sailors' and Airmen's Families Association, Forces Help**, provides advice through its Housing Advisory Service (SSAFA FH HAS). This advises on housing options for ex-Service personnel. The SSAFA FH HAS can be contacted on 0207 463 9287, via their website <http://www.ssafa.org.uk/> or through one of their local branches. SSAFA Forces Help also provides a confidential support line on 0800 731 4880.

43. **Poppy Scotland** supports veterans and their dependants in Scotland and provides direct financial assistance to individuals in need and funding for advice services for the veterans' community. Poppy Scotland funds an Advice Helpline offering expertise on benefits, debt and money management as well as housing and employment matters. Veterans Advice Helpline number is 0845 231 0300 or you can visit their website <http://www.poppyscotland.org.uk>.

44. **Haig Homes Housing Assistance for Ex-Service People** provides rental homes for ex-Service people and their families across the UK. Haig Homes can be contacted by calling 0208 685 5777 or via their website <http://www.haighomes.org.uk>

45. **Scottish Veterans Residences (SVR)** supports independent living for ex-Service men and women and their spouses of all ages. The charity operates in close association with Scottish Veterans' Housing Association Ltd which owns and manages the two main residences of Whitefoord House located in Edinburgh and Rosendael situated in Broughty Ferry, Dundee. SVR can be contacted by calling tel: 0131 556 0091, by e-mail at info@svronline.org or via their website: www.svronline.org

46. **Service Personnel and Veterans Agency (SPVA)** was launched by the MOD to improve personnel, pensions, welfare and support services to members of the Armed Forces and veterans. The SPVA can be contacted by calling their free veterans helpline on 0800 169 2277, by e-mail at veterans.help@spva.gsi.gov.uk or via their website <http://www.veterans-uk.info/>.

Ministry of Defence measures

47. Although the MoD has no responsibility for meeting social housing need, it has developed measures which are designed to increase housing opportunities for Service personnel and it offers timely advice to Service personnel on a variety of alternative ways in which it is possible to secure accommodation.

These include:

- sympathetic treatment for those leaving the Services who face immediate housing need: they will be allowed to stay in their service accommodation for a short period provided it is not required for serving personnel;
- the sale or lease of surplus MoD properties to RSLs at a discount in exchange for nominations specifically for ex-Service personnel over the next few years (as described in paragraph 25 above);
- the Joint Service Housing Advice Office, which is available to offer comprehensive guidance and assistance on options available to Service personnel in housing difficulty. The MoD is grateful to the many local authorities which responded to its request for information in this respect and;
- in Scotland, liaising on a regular basis with the Scottish Government Housing and Regeneration Directorate and Scottish Housing Regulator.
- Enable Service personnel to gain a foot on the housing ladder through access of the Long Service Advance of Pay, which is a loan of up to £8.5k, which is available after approximately 4 years service.

Conclusion

48. The Scottish Government is committed to supporting the men and women who leave the Armed Forces and settle in Scotland and to ensuring public services consider their needs and respond to them appropriately.

49. In common with its predecessor, this circular does not suggest that ex-Service personnel should take priority over others who are in housing need. However, this circular re-emphasises that because of the position in which ex-Service personnel may find themselves due to circumstances beyond their control – without roots in a particular area; leaving the Forces because of injury or disability; or at a time when their family commitments are heavy and with the prospect of a drop in income – their housing needs should be considered sympathetically.