



army families federation
the voice of the Army community

Briefing

February 2017

Improving access to social housing for divorced military spouses

Statutory guidance exempts Service personnel within five years of discharge, bereaved spouses and injured Reservists from having to demonstrate a local connection when applying for social housing. This exemption does not extend to separated and divorced spouses. This group will have been equally disadvantaged by mobility. AFF would like housing allocation policies amended so that a local connection criterion is not applied to separated spouses during at least the initial move out of Service Family Accommodation (SFA).

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Background

Statutory guidance on social housing allocations states that local authorities in England¹ must not disqualify Service personnel within five years of discharge, bereaved spouses and injured Reservists because they do not have a local connection. The guidance highlights the mobility associated with the Armed Forces lifestyle, which is likely to disadvantage Service personnel and their families in relation to local connection requirements. However, the exemption does not extend to separated and divorced spouses.

The guidance references the Armed Forces Covenant, which is the nation's promise that those who serve in the Armed Forces, and their families, are treated fairly in return for the important contribution they make to the country. The aim of the guidance is to ensure that Service families get the priority for social housing they deserve. Unfortunately, some housing authorities do not consider separated spouses to be part of the Armed Forces community. This group will have been equally disadvantaged by mobility as they have supported and accompanied their Service partner and moved within the UK and overseas on assignment, thus preventing them from forming a local connection to any one place. Additionally, any children in the partnership will still have a serving parent.

The freedoms provided in the Localism Act² have enabled local authorities to adapt allocation priorities to meet local needs. AFF works extensively with both central and local government on behalf of Army families. The response we have received from central government on this matter indicates that no further central statutory guidance will be issued. Therefore, we are appealing directly to individual local authorities to utilise the decision making powers that localism has provided to support this vulnerable group. AFF would like allocation policies adapted so that separated spouses are not disadvantaged by the requirement for a local connection criterion for at least the initial move out of SFA.

Evidence

AFF continues to be contacted by spouses separating from their Service partner who have been disqualified from joining local authorities' housing registers due to a lack of local connection. We have evidence of over 15 English local authorities who have deemed spouses ineligible for social housing, sometimes due to a misunderstanding of Army life. One local authority wrote to a spouse,

"I believe that there is a distinction between a member of the Armed Forces and their spouse. The serving personnel has no option over their posting but their spouse does. As far as I am aware, the spouse is not compelled to take up the Army accommodation where their partner is posted to. They could remain in accommodation of their choosing."

This is simply not the case. The circumstances where spouses can retain their SFA when their partner is posted are extremely limited and relate to significant welfare, health or children's educational reasons. In a recent AFF survey on the future of military housing, 95% of 8,322 respondents serve accompanied because they want to live together as a family.³

¹ Allocation of accommodation: guidance for local housing authorities in England 2012

² Localism Act 2011

³ AFF Big Survey Report - the future of military housing 2016

Impact

Once a member of the Armed Forces officially records that they are separating from their spouse or civil partner, the spouse will be given 93 days to vacate SFA. This SFA can be located across the UK and in many overseas locations where the British Army is based. After 93 days, market rates are charged and these can be considerable depending on location. The spouse will be taken to court to be evicted, and will be liable for court costs and legal fees. If moving back from an overseas posting, spouses and their children can be housed by the Army Welfare Service in temporary accommodation at the Services Cotswold Centre in Wiltshire. Some spouses will be escaping domestic abuse.

Army families are resilient and resourceful, but this particular set of circumstances can make them very vulnerable. The mobility caused by the Army lifestyle should be recognised and mitigated against to put them on an equal footing with their civilian counterparts when applying for social housing.

Examples of best practice

AFF is delighted to work in partnership with local authorities in developing policies to remove disadvantage for the Armed Forces community through the principles of the Armed Forces Covenant. Cheshire West and Chester Council became the first local authority to amend their allocations policy to support divorced spouses:⁴

‘In accordance with the Armed Forces Covenant for Cheshire West and Chester, those who are serving or have served in the Armed Forces are not required to demonstrate a local connection. Furthermore, in November 2014, changes to the Allocations Policy were approved by the Council to include ex-spouses and civil partners of Armed Forces personnel within this group, who do not require local connection to apply.’

In 2016, South Kesteven District Council also adapted their allocations policy:

‘The divorced or separated ex-spouse of a member of HM Armed Forces, who is currently serving or going through resettlement, will be exempt from the local connection criteria for a period of six months following the divorce or separation.’

AFF View

AFF recognises the current demands placed on providers of social housing, especially in the current fiscal situation. However, we are concerned about the discrepancy in housing allocation policy, which currently leaves divorced and separated spouses of Service personnel, and crucially their children, vulnerable.

These spouses have been equally disadvantaged by the inability to establish a local connection due to the Armed Forces lifestyle. Ideally, AFF would like to see housing allocation policies amended so that a local connection criterion is not applied to Service spouses within five years of separation. This mirrors the provision for Service personnel. Recognising the aims of the Localism Act, we realise not all providers will be in a position to adopt this policy change. To uphold the principles of the Armed Forces Covenant, which has been signed by every local authority in Great Britain, we ask that policies, at the very least, address the local connection issue for a spouse’s immediate move out of SFA.

⁴ West Cheshire Homes Allocation Policy 2014