



## **Children's Rights Impact Assessment (CRIA)**

<b>Title / Piece of work:</b>	Abolition of the Right to Buy and Associated Rights (Wales) Bill
<b>Department:</b>	Housing Policy
<b>Date:</b>	January 2017



### **Step 1. What's the piece of work and its objective(s)?**

The Abolition of the Right to Buy and Associated Rights (Wales) Bill has been developed to safeguard social housing stock for future generations to ensure it is available for people who need it and are unable to access accommodation through home ownership or the private rented sector.

The Right to Buy and the Right to Acquire, which were introduced by the Housing Acts 1985 and 1996 respectively, have been a feature of social housing for around thirty years. They emerged from Government policy to, amongst others things, increase home ownership. Subject to certain conditions and exceptions, the Right to Buy gives social housing tenants the right to buy the freehold or leasehold of their home.

Between 1 April 1981 and 31 March 2016, 136,000 Local Authority and 3,100 Registered Social Landlord homes were sold to the tenants under Right to Buy and Right to Acquire legislation. This is equivalent to 45% of the social housing stock in 1981. In recent years, the peak in 2003-04 saw nearly 7,000 social homes lost from the social housing stock in a single year.

More recently, economic and other factors such as tighter mortgage lending has resulted in

lower sales. In the most recent five year period for which data is available (March 2012-March 2016) an average of 248 homes have been lost each year from the social rented housing stock. In 2013-14 Right to Buy and Right to Acquire sales showed an increase for the first time since 2003-04 with 253 home purchases, up from 170 in 2012-13. This increase has continued with 286 sales in 2014-15 and 359 in 2015-16.

The previous Welsh Government and partners took action to increase the social housing stock. Between 2011-12 and 2015-16 a total of 11,508 additional affordable housing units were built in Wales. This exceeds the 10,000 target set for the last term by 15%. The current Government has a target of 20,000 more affordable homes this term. In addition, a total of 10,498 long-term empty homes were brought back into use over the term of the previous Government against a target of 5,000.

Recognising the impact of Right to Buy and Right to Acquire and the continuing pressure on social housing, in 2011 the Housing (Wales) Measure 2011 was introduced. This Measure allows a Local Authority to apply to the Welsh Government to suspend the Right to Buy and the Right to Acquire in its area. To date, three Local Authorities – Carmarthenshire, Swansea and, Isle of Anglesey – have successfully applied to suspend the Right to Buy.

The Welsh Government set out its intention to develop new primary legislation in its consultation paper “The future of Right to Buy and Right to Acquire – a White Paper for social housing” published on 22 January 2015 and closed on 16 April 2015. The results of the consultation exercise can be found on the Welsh Government website.

<https://consultations.gov.wales/sites/default/files/consultation-documents/150603-right-to-buy-consultation-summary-of-responses-en.pdf>

There were 94 responses to the Consultation with the majority of respondents being in favour of developing legislation to end the Right To Buy and the Right To Acquire. The proposal was supported by 63 per cent of the 83 respondents who clearly indicated a view on developing new primary legislation to end Right To Buy and the Right To Acquire.

In addition to the formal White Paper consultation, four discussion sessions were held between September 2015 and February 2016. One workshop was designed specifically to draw on the views of young people. The event involved 12 young people (aged 16-25) and was organised with support from Children in Wales. There was wholesale support for safeguarding the social housing stock for people who cannot afford to purchase or rent privately. The participants considered the investment in the social housing stock should be used to provide permanent housing for rent, not for acquisition at a discount by individuals.

Living in poor quality housing can be detrimental to children and young people's health and wellbeing. In particular, the physical quality of the home is key to a child's life chances and will affect their ability to study and thrive. By halting the reduction in social housing caused by the sale of Local Authority and Housing Association properties to tenants, it will enable us to help to provide an adequate stock of housing which will play an important role in prevent homelessness for future generations who are unable to access housing in the private housing markets. This will help protect vulnerable families and children.

## Step 2. Analysing the impact

Social housing is a vital part of the housing market. The lower rents help people, including families with children, to secure an affordable home. This is important where people are unable to take advantage of the housing markets to buy or rent a home.

By Abolishing the Right To Buy and the Right To Acquire in Wales, social housing will be safeguarded for future generations. Abolition will also give social landlords, particularly Local Authorities an incentive to build new social housing, safe in the knowledge that it will not be sold under the Right To Buy and the Right To Acquire after a short period of time.

Tackling the supply of social housing in this way will ensure that properties are made available to those in need, including families who are currently on waiting lists. The secure or assured tenancy agreements in social housing means there is security of tenure, usually lifetime subject to good tenancy, and having settled accommodation is recognised as supporting a child's health and educational development.

Data from the 2011 Census shows the percentage of lone parent families in social rented housing is around 23% whereas the average number of lone parent families across all tenures is around 11%. Safe-guarding social rented housing is likely to benefit families and children. The Joseph Rowntree Foundation sees social housing as a major contributor to tackling poverty as the targeting of social housing to those most in need is one of the most redistributive social policies and therefore helps those most in need.

## Step 3. How does your piece of work support and promote children's rights?

Article 24 – Taking reasonable steps to develop and maintaining social housing is one of the key ways in which housing policy can be used to tackle poverty. The benefits extend to both adults and children who are more likely to be provided with a clean environment and access to clean water.

Article 27 – Children have a right to a standard of living that is good enough to meet their physical and mental needs. The Government should help families who cannot afford this.

The allocation of social housing is targeted to support those most in need and the guidance provided by Welsh Government is used by Local Authorities to inform their allocation policies which are the subject of Equality Impact Assessments. If passed by the National Assembly, the proposal will protect social housing stock from further reduction. The provision of good quality accommodation, in the social rented sector, provides a safe, secure and warm environment for children. This is conducive to the promotion of good health for children, their welfare and their educational attainment.

Other articles are also relevant eg 3, 6, 9, 18, 20.

Housing and regeneration play a critical role in supporting young people and low income families to achieve better outcomes. Living in poor quality housing can be detrimental to children and young people's health and wellbeing, with effects lasting into adulthood. In particular, the physical quality of the home is key to children's life chances and will affect their ability to study and thrive. If we can improve the supply and quality of affordable housing, we not only help prevent homelessness, we make an important contribution to

reducing health and educational inequalities.

Families living in temporary accommodation and those who are homeless are less likely to access important support services. Homelessness can also have a significant negative impact on the children in these households affecting their development and educational attainment. Furthermore, having a settled and secure home is important for parents. Without this, they are less likely to secure training and long term employment opportunities, which in turn affect their income. They are therefore more at risk of living in poverty.

#### **Step 4. Advising the Minister and Ministerial decision**

This proposal is likely to assist children and particularly those amongst households most in housing need and suffering poverty.

The Joseph Rowntree Foundation stated that protecting social housing was one of the best ways housing policy can be used to tackle poverty, citing social housing as one of the most redistributive elements of the welfare state.

The Welsh Government set out its intention to develop new primary legislation in its consultation paper "The future of Right to Buy and Right to Acquire – a White Paper for social housing" published on 22 January 2015 and closed on 16 April 2015. The results of the consultation exercise can be found on the Welsh Government website.

The Rights of Children and Young Persons (Wales) Measure 2011 requires Ministers to give due regard to the United Nations Convention of the Rights of the Child and to promote its knowledge. This Children's Rights Impact Assessment has helped to inform the former Minister for Communities and Tackling Poverty and thence the Cabinet Secretary for Communities and Children with opportunities to champion the rights of children and young people to have an adequate standard of living.

#### **Step 5. Recording and communicating the outcome**

##### **Final version to be retained on i-share**

This Child Impact Assessment is stored on the Welsh Government's record management system (iShare).

## Step 6. Revisiting the piece of work as and when needed

To be kept under review throughout the development of legislation, and periodically as implementation begins from 2018 onwards..

The policy documents that will support this CRIA are:

- <http://gov.wales/consultations/housing-and-regeneration/future-of-right-to-buy/?lang=en>
- <http://gov.wales/about/cabinet/cabinetstatements/2015/righttobuyacquire/?lang=en>

### Budgets

**As a result of completing the CRIA, has there been any impact on budgets?**

It is important that where any changes are made to spending plans, including where additional allocations have been made, that this has been assessed and evidenced as part of the CRIA process.

**No**

Please give any details:

### Monitoring & Review

**Do we need to monitor / review the proposal?**

**Yes**

**If applicable: set the review date**

**To be decided in due course**

**See next page for a  
Summary List of the  
UNCRC articles**

# THE UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD

[www.uncrcletsgetitright.co.uk](http://www.uncrcletsgetitright.co.uk)

The United Nations Convention on the Rights of the Child is an international agreement that protects the human rights of the children under the age of 18. On 16 December 1991, the United Kingdom of Great Britain and Northern Ireland formally agreed to make sure that every child in the UK has all the rights as listed in the convention. The Welsh Government has shown its commitment to the convention by adopting it as the basis for policy making for children in Wales.

Altogether there are 54 articles in the convention. Articles 43-54 are about how adults and governments should work together to make sure all children are entitled to their rights. The information contained here is about articles 1-42 which set out how children should be treated.



Llywodraeth Cymru  
Welsh Government

[www.cymru.gov.uk](http://www.cymru.gov.uk)

## Article 1

Everyone under 18 years of age has all the rights in this Convention.

## Article 2

The Convention applies to everyone whatever their race, religion, abilities, whatever they think or say and whatever type of family they come from.

## Article 3

All organisations concerned with children should work towards what is best for each child.

## Article 4

Governments should make these rights available to children.

## Article 5

Governments should respect the rights and responsibilities of families to direct and guide their children so that, as they grow, they learn to use their rights properly.

## Article 6

All children have the right to life. Governments should ensure that children survive and develop healthily.

## Article 7

All children have the right to a legally registered name, the right to a nationality and the right to know and, as far as possible, to be cared for by their parents.

## Article 8

Governments should respect children's right to a name, a nationality and family ties.

## Article 9

Children should not be separated from their parents unless it is for their own good, for example if a parent is mistreating or neglecting a child. Children whose parents have separated have the right to stay in contact with both parents, unless this might hurt the child.

## Article 10

Families who live in different countries should be allowed to move between those countries so that parents and children can stay in contact or get back together as a family.

## Article 11

Governments should take steps to stop children being taken out of their own country illegally.

## Article 12

Children have the right to say what they think should happen, when adults are making

decisions that affect them, and to have their opinions taken into account.

## Article 13

Children have the right to get and to share information as long as the information is not damaging to them or to others.

## Article 14

Children have the right to think and believe what they want and to practise their religion, as long as they are not stopping other people from enjoying their rights. Parents should guide their children on these matters.

## Article 15

Children have the right to meet together and to join groups and organisations, as long as this does not stop other people from enjoying their rights.

## Article 16

Children have a right to privacy. The law should protect them from attacks against their way of life, their good name, their families and their homes.

## Article 17

Children have the right to reliable information from the mass media. Television, radio and newspapers should provide information that children can understand, and should not promote materials that could harm children.

## Article 18

Both parents share responsibility for bringing up their children, and should always consider what is best for each child. Governments should help parents by providing services to support them, especially if both parents work.

## Article 19

Governments should ensure that children are properly cared for, and protect them from violence, abuse and neglect by their parents or anyone else who looks after them.

## Article 20

Children who cannot be looked after by their own family must be looked after properly, by people who respect their religion, culture and language.

## Article 21

When children are adopted the first concern must be what is best for them. The same rules should apply whether the children are adopted in the country where they were born or taken to live in another country.

## Article 22

Children who come into a country as refugees should have the same rights as children born in that country.

## Article 23

Children who have any kind of disability should have special care and support so that they can lead full and independent lives.

## Article 24

Children have the right to good quality health care and to clean water, nutritious food and a clean environment so that they will stay healthy. Rich countries should help poorer countries achieve this.

## Article 25

Children who are looked after by their local authority rather than their parents should have their situation reviewed regularly.

## Article 26

The Government should provide extra money for the children of families in need.

## Article 27

Children have a right to a standard of living that is good enough to meet their physical and mental needs. The Government should help families who cannot afford to provide this.

## Article 28

Children have a right to an education. Discipline in schools should respect children's human dignity. Primary education should be free. Wealthy countries should help poorer countries achieve this.

## Article 29

Education should develop each child's personality and talents to the full. It should encourage children to respect their parents, and their own and other cultures.

## Article 30

Children have a right to learn and use the language and customs of their families, whether these are shared by the majority of people in the country or not.

## Article 31

All children have a right to relax and play, and to join in a wide range of activities.

## Article 32

The Government should protect children from work that is dangerous or might harm their health or their education.

## Article 33

The Government should provide ways of protecting children from dangerous drugs.

## Article 34

The Government should protect children from sexual abuse.

## Article 35

The Government should make sure that children are not abducted or sold.

## Article 36

Children should be protected from any activities that could harm their development.

## Article 37

Children who break the law should not be treated cruelly. They should not be put in prison with adults and should be able to keep in contact with their families.

## Article 38

Governments should not allow children under 15 to join the army. Children in war zones should receive special protection.

## Article 39

Children who have been neglected or abused should receive special help to restore their self respect.

## Article 40

Children who are accused of breaking the law should receive legal help. Prison sentences for children should only be used for the most serious offences.

## Article 41

If the laws of a particular country protect children better than the articles of the Convention, then those laws should stay.

## Article 42

The Government should make the Convention known to all parents and children.

For further information on the United Nations Convention on the Rights of the Child please visit: The Welsh Government's UNCRC Website: [www.uncrcletsgetitright.co.uk/](http://www.uncrcletsgetitright.co.uk/)

Cic - The National Information and Advice Service for Young People  
[www.ciconline.co.uk/news/](http://www.ciconline.co.uk/news/)

## Equality Impact Assessment (EIA) Template – Part 1

<b>Policy title and purpose (brief outline):</b>	<b>Abolition of the Right to Buy and Associated Rights (Wales) Bill</b>
<b>Department:</b>	<b>EPS – Housing Policy</b>
<b>Date:</b>	<b>January 2017</b>

### 1. Please provide a brief description of the policy/decision.

**For example what is the overall objective of the policy/decision, what are the stated aims (including who the intended beneficiaries are), a broad description of how this will be achieved, what the measure of success will be, and the time frame for achieving this?**

The Abolition of the Right to Buy and Associated Rights (Wales) Bill has been developed to safeguard social housing stock for future generations to ensure it is available for people who need it and are unable to access accommodation through home ownership or the private rented sector.

The Right to Buy and the Right to Acquire, which were introduced by the Housing Acts 1985 and 1996 respectively, have been a feature of social housing for around thirty years. They emerged from Government policy to, amongst others things, increase home ownership. Subject to certain conditions and exceptions, the Right to Buy gives social housing tenants the right to buy the freehold or leasehold of their home.

Between 1 April 1981 and 31 March 2016, 136,000 Local authority and 3,100 Registered Social Landlord homes were sold to the tenants under Right to Buy and Right to Acquire legislation. This is equivalent to 45% of the social housing stock in 1981. In recent years, the peak in 2003-04 saw nearly 7,000 social homes lost from

the social housing stock in a single year.

More recently, economic and other factors such as tighter mortgage lending have resulted in lower sales. In the most recent five year period for which data is available (March 2012-March 2016) an average of 248 homes have been lost each year from the social rented housing stock. In 2013-14 Right to Buy and Right to Acquire sales showed an increase for the first time since 2003-04 with 253 home purchases, up from 170 in 2012-13. This increase has continued with 286 sales in 2014-15 and 359 in 2015-16.

The previous Welsh Government and partners took action to increase the social housing stock. Between 2011-12 and 2015-16 a total of 11,508 additional affordable housing units were built in Wales. This exceeds the 10,000 target set for the last term by 15%. The current Government has a target of 20,000 more affordable homes this term. In addition, a total of 10,498 long-term empty homes were brought back into use over the term of the previous Government against a target of 5,000.

Recognising the impact of Right to Buy and Right to Acquire and the continuing pressure on social housing, in 2011 the Housing (Wales) Measure 2011 was introduced. This Measure allows a Local authority to apply to the Welsh Government to suspend the Right to Buy and the Right to Acquire in its area. To date, three local authorities – Carmarthenshire, Swansea and, Isle of Anglesey – have successfully applied to suspend the Right to Buy.

In drafting the Bill, consideration has been given to the Welsh Ministers' duty under section 149 of the Equality Act 2010 to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation as well as to advance equality of opportunity and foster good relations between people who share characteristics and those who do not.

An Equality Impact Assessment indicates the legislation will, if passed by the National Assembly, safeguard social housing. It is therefore expected to benefit women and Black and Minority Ethnic communities. The 2011 Census showed 54% of households in social housing have a female head of household, which is above the average across all tenures (41%). In the social rented sector, the proportion of heads of household who are from a Black and Minority Ethnic community was slightly higher, at 4%, than the average of 3% across all tenures.

Due regard has been given to the principle there should be equality of opportunity for all people and to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. There are not considered to be any negative implications for people with protected characteristics. Given the role social housing plays in society and in helping vulnerable people and those who, for a variety of reasons, are unable to take advantage of housing markets, the proposals are considered to be positive in terms of equality.

**2. We have a legal duty to engage with people with protected characteristics under the Equality Act 2010 (please refer to Annex A of the EIA guidance) identified as being relevant to the policy.**

**What steps have you taken to engage with stakeholders, both internally and externally?**

The Welsh Government set out its intention to develop new primary legislation in its consultation paper 'The Future of Right to Buy and Right to Acquire – a White Paper for Social Housing' published on 22 January 2015 and closed on 16 April 2015.

The outcome of the consultation can be found in the report here:

<https://consultations.gov.wales/sites/default/files/consultation-documents/150603right-to-buy-consultation-summary-of-responses-en.pdf>

In addition to the formal consultation via the White Paper, four discussion sessions were held between September 2015 and February 2016 with stakeholders to obtain their views as part of the process to develop the draft Bill.

The sessions were intended to obtain stakeholders' views as part of the process of developing the draft Bill with representatives invited to comment on the planned contents of the Bill and matters relating to its implementation should it be introduced by the new Government following the 2016 Assembly elections. Participants included Local authorities, Registered Social Landlords, organisations from the Third Sector as well as representatives of organisations representing tenants, minority groups and young people. Stakeholders included Tai Pawb, which is an organisation which promoting equality in housing.

**3. Your decisions must be based on robust evidence. What evidence base have you used? Please list the source of this evidence e.g. National Survey for Wales. Do you consider the evidence to be strong, satisfactory or weak and are there any gaps in evidence?**

As at 31 March 2013, there were an estimated 1.4 million homes in Wales, of which around 223,000 are social housing (16 per cent). Social housing is one element of "affordable" housing and describes homes rented at levels set with regard to national guidelines and benchmarks. They are provided by Local authorities and by Housing Associations.

Since 2000-01, the total number of homes in Wales has increased by 9 per cent. However, in the same period, the number of social rented homes has fallen by 8 per cent. Some people cannot afford a home from the housing market, whether renting from the private sector or buying their own. They are dependent on social

housing or some form of subsidised provision.

Social housing sales in Wales have reduced from their peak in the 1980s. Between 1 April 1981 and 31 March 2016, some 136,000 Local authority and 3,100 Housing Association homes were sold to tenants under the Right to Buy and Right to Acquire schemes. This is equivalent to 45% of the social housing stock in 1981. In recent years, the most significant peak in 2003-04 saw nearly 7,000 social homes lost from the social housing stock in a single year. At 31 March 2015, social sector dwellings accounted for 16 per cent of all dwellings compared with 19 per cent in 2000-01.

In more recent years, economic and other factors such as tighter mortgage lending have resulted in lower sales. In the most recent five year period for which data is available (March 2012 – March 2016), an average of 248 homes has been lost each year from the social rented stock. In 2013-14, Right to Buy and Right to Acquire sales showed an increase for the first time since 2003-04 with 253 homes purchased, up from 170 in 2012-13. This increase has continued with 286 statutory sales from Right to Buy and Right to Acquire in 2014-15 and 359 in 2015-16.

*It is important to note any opportunities you have identified that could advance or promote equality.*

### Impact

Please complete the next section to show how this policy / decision / practice could have an impact (positive or negative) on the protected groups under the Equality Act 2010 (refer to the EIA guidance document for more information).

Lack of evidence is not a reason for *not* progressing to carrying out an EIA. Please highlight any gaps in evidence that you have identified and explain how/if you intend to fill these gaps.

**4.1 Do you think this policy / decision / practice will have a positive or negative impact on people because of their age?**

Age	Positive	Negative	None / Negligible	Reasons for your decision (including evidence) / How might it impact?
Younger people  (Children and young people, up to 18)	√			Living in poor quality housing can be detrimental to children and young people's health and wellbeing. In particular, the physical quality of the home is key to a child's life chances and will affect their ability to study and thrive. Protecting social housing plays an important role in helping to prevent homelessness for future generations who are unable to access housing in the private housing markets. This will help protect vulnerable

				families and children reliant on social housing.
People 18-50			√	<p>The policy is likely to impact positively on people age 18-50 where they are on low income, economically inactive, unemployed/workless, and /or are unable to work due to ill health.</p> <p>The proposed legislation has the potential to have a positive effect as social housing provides a safe and secure tenure for those people who, for a variety of reasons, are unable to take advantage of the private sector housing markets.</p>
Older people (50+)			√	<p>For older people who are on low incomes, economically inactive and / or unable to work due to ill health the policy has the potential to have a positive effect as social housing provides a safe and secure tenure for those people who, for a variety of reasons, are unable to take advantage of the private sector housing markets.</p>

## 4.2 Because they are disabled?

Impairment	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
Visual impairment			√	<p>For disabled people who have an additional vulnerability such as children and young people, older people, people on low income, economically inactive, Unemployed/workless and people who are unable to work due to ill health, the policy has the potential to have a positive effect as social housing provides a safe and secure tenure for those people who, for a variety of reasons, are unable to take advantage of the private sector housing markets.</p> <p>Protecting social housing stock, which is well maintained and high standard of accommodation, can bring health benefits, both physical and mental</p>
Hearing impairment			√	As above

Physically disabled			√	As above
Learning disability			√	As above
Mental health problem	√			<p>Effective support for people with mental health problems helps to ensure their independence and social inclusion. A stable situation in respect of an individual's home or accommodation is therefore important as otherwise it can lead to, or worsen, social exclusion and risky behaviour. Mental health problems and mental illness can cause significant problems, some of which can lead to someone losing their home or accommodation.</p> <p>Protecting social housing stock, which is well maintained and high standard of accommodation, can bring health benefits, both physical and mental</p>
Other impairments issues			√	The policy will have no negative impact on people with other impairment issues. For vulnerable people with other impairments, the policy has the potential



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**Equality**  
in Wales



				to have a positive effect as social housing provides a safe and secure tenure for those people who, for a variety of reasons, are unable to take advantage of the private sector housing markets.
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#### 4.3 Because of their gender (man or woman)?

Gender	Positive	Negative	None / Negligible	Reason for your decision (including evidence)/ How might it impact?
Male			√	The proposed legislation is neutral on grounds of gender. Data from the 2011 Census shows the percentage of lone parent families in social rented housing is around 23% whereas the average number of lone parent families across all tenures is around 11%. Safe-guarding social rented housing is likely to benefit single families (either male or female) and children.
Female			√	The proposed legislation is neutral on grounds of gender but is likely to impact positively on women. Data from the 2011 Census shows the percentage of lone parent families in social rented housing is around 23% whereas the average number of lone parent families across all tenures is around 11%. Safe-guarding social rented housing is likely to benefit single families (either male or female) and children.

#### 4.4 Because they are transgender?

Transgender	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
			√	The policy is neutral on grounds of transgender but is expected to have a positive impact on people who, for various reasons, may be vulnerable

#### 4.5 Because of their marriage or civil partnership?

Marriage and Civil Partnership	Positive	Negative	None / Negligible	Reason for your decision (including evidence)/ How might it impact?
Marriage			√	The policy is neutral on grounds of marital status.
Civil Partnership			√	The policy is neutral in terms of people in civil partnerships.

#### 4.6 Because of their pregnancy or maternity?

Pregnancy and Maternity	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?

Pregnancy			√	The policy is neutral in respect of pregnant woman. However, some vulnerable pregnant women are likely to benefit from the policy of safeguarding social housing stock.
Maternity (the period after birth)	√			The policy has no negative impact on parents with young children. Social housing provided an affordable home for many people, which can have significant positive benefits on households with children

#### 4.7 Because of their race?

Race	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
Ethnic minority people e.g. Asian, Black,			√	The policy is neutral on grounds of race. Social housing contributes to tackling inequalities in society
National Origin (e.g. Welsh, English)			√	The policy is neutral on grounds of national origin.
Asylum Seeker and Refugees			√	The policy has no negative impact on asylum seekers and refugees.

Gypsies and Travellers			√	The policy has no negative impact on Gypsies and Travellers.
Migrants			√	The policy has no negative impact on migrants.
Others			√	The policy has no negative impact on other groups.

#### 4.8 Because of their religion and belief or non-belief?

Religion and belief or non – belief	Positive	Negative	None / Negligible	Reason for your decision (including evidence)/ How might it impact?
Different religious groups including Muslims, Jews, Christians, Sikhs, Buddhists, Hindus, Others (please specify)			√	The policy has no negative impact on different religious groups.
Belief e.g. Humanists			√	The policy has no negative impact on humanists.
Non-belief			√	The policy has no negative impact on non-believers.

#### 4.9 Because of their sexual orientation?

Sexual Orientation	Positive	Negative	None / Negligible	Reason for your decision (including evidence)/ How might it impact?
Gay men			√	The policy has no negative impact on gay men.
Lesbians			√	The policy has no negative impact on lesbians.
Bi-sexual			√	The policy has no negative impact on bi-sexual individuals.

#### 4.10 Do you think that this policy will have a positive or negative impact on people's human rights? *Please refer to point 1.4 of the EIA Annex A - Guidance for further information about Human Rights.*

Human Rights	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
Human Rights including Human Rights Act and UN Conventions			√	Any potential impact of the policy on people's human rights is mitigated by the provisions within the proposed legislation.
<p>The abolition of the Right to Buy and associated Rights potentially engages the European Convention on Human Rights In order to give tenants further time to exercise their rights if they wish to do so, a period of one year is proposed to allow tenants further time to take advice after Royal Assent. The intention of introducing the legislation was made public in the White Paper (2015) and was also included in the Government's manifesto. It has also featured public in the business of the National Assembly for Wales in in press and media articles. The Welsh Government considers this additional period strikes the necessary fair balance between the rights</p>				

of the tenant and the wider public interest in safeguarding a stock of social housing available for rent by people on modest incomes who require affordable accommodation. If the Bill is passed by the National Assembly, there are provisions to ensure tenants are fully informed about abolition and its effect.

***If you have identified any impacts (other than negligible ones), positive or negative, on any group with protected characteristics, please complete Part 2.***

***Only if there are no or negligible positive or negative impacts should you go straight to part 2 and sign off the EIA.***

Monitoring, evaluating and reviewing

**How will you monitor the impact and effectiveness of the policy?**

List details of any follow-up work that will be undertaken in relation to the policy (e.g. consultations, specific monitoring etc).

If passed by the National Assembly for Wales, the impact of the legislation would be monitored. This would include the period between enactment and coming into force as well as in subsequent years. A variety of measures would be used, including existing national statistics. The Welsh Government collects data on the number and type of dwellings and sales of social housing.

The results of all impact assessments where the impact is significant will be published on the Welsh Government's website.

This and other salient Impact Assessments will be published upon introduction of the Bill.

## Health Impact Assessment Screening Record Sheet

<b>Title / Piece of work:</b>	Abolition of the Right to Buy and Associated Rights (Wales) Bill
<b>Department:</b>	Housing Policy
<b>Date:</b>	January 2017

### Title of the programme, policy or project

#### **Abolition of the Right to Buy and Associated Rights (Wales) Bill**

The Abolition of the Right to Buy and Associated Rights (Wales) Bill has been developed to safeguard social housing stock for future generations to ensure it is available for people who need it and are unable to access accommodation through home ownership or the private rented sector.

### Description (including key themes and objectives)

The Abolition of the Right to Buy and Associated Rights (Wales) Bill has been developed to safeguard social housing stock for future generations. If passed by the National Assembly, it will ensure social housing is available for people who are unable to meet their housing needs by taking advantage of home ownership or the private rented sector.

The Right to Buy and the Right to Acquire, which were introduced by the Housing Acts 1985 and 1996 respectively, have been a feature of social housing for around thirty years. They emerged from Government policy to, amongst others things, increase home ownership. Subject to certain conditions and exceptions, the Right to Buy gives social housing tenants the Right to Buy the freehold or leasehold of their home.

Between 1 April 1981 and 31 March 2016, 136,000 Local Authority and 3,100 Registered Social Landlord homes were sold to the tenants under Right to Buy and Right to Acquire legislation. This is equivalent to 45% of the social housing stock in 1981. In recent years, the peak of which was in 2003-04, as many as 7,000 social homes have been lost from the social housing stock in a single year.

More recently, economic and other factors such as tighter mortgage lending have resulted in lower sales. In the most recent five year period for which data is available (March 2012-March 2016), an average of 248 homes have been lost each year from the social rented housing stock. In 2013-14, Right to Buy and Right to Acquire sales showed an increase for the first time since 2003-04 with 253 home purchased, up

from 170 in 2012-13. This increase has continued with 286 sales in 2014-15 and 359 in 2015-16.

The previous Welsh Government and its partners took action to increase the social housing stock. Between 2011-12 and 2015-16, a total of 11,508 additional affordable housing units were built. This exceeds the 10,000 target set for the last term by 15%. The current Government has a target of 20,000 more affordable homes this term. In addition, a total of 10,498 long-term empty homes were brought back into use over the term of the previous Government against a target of 5,000.

Recognising the impact of Right to Buy and Right to Acquire and the continuing pressure on social housing, in 2011, the Housing (Wales) Measure 2011 was introduced. This Measure allows a local authority to apply to the Welsh Ministers to suspend the Right to Buy and the Right to Acquire in its area. To date, three local authorities – Carmarthenshire, Swansea and, Isle of Anglesey – have successfully applied to suspend the Right to Buy.

The Welsh Government set out its intention to develop new primary legislation in its consultation paper 'The Future of Right to Buy and Right to Acquire – a White Paper for social housing' published on 22 January 2015 and closed on 16 April 2015. There were 94 responses to the Consultation with the majority of respondents being in favour of developing legislation to end the Right to Buy and Right to Acquire.

More details about the outcome of the consultation can be found in the report here: <https://consultations.gov.wales/sites/default/files/consultation-documents/150603-right-to-buy-consultation-summary-of-responses-en.pdf>

### **Nature of Evidence considered/to be used (including baseline data, technical and qualitative research, expert and community knowledge)**

According to the Joseph Rowntree Foundation the number of people in “housing cost-induced poverty” – those who are not poor before housing costs are taken into account and are poor once housing costs are considered - has increased over the past two decades. Low rents, such as those for council and housing association homes, make an important contribution to reducing “housing cost-induced poverty” and material deprivation amongst social tenants. As social housing is highly targeted on people with low incomes, the Foundation concludes it to be the most “pro-poor” and redistributive aspect of the entire welfare state. It therefore recommends that if housing policy is to be used to reduce poverty, traditional social housing should be maintained and developed.

The Health Impact Assessment of the Proposed Wales Agent and Landlord Licensing Scheme suggests that the self-reported health of adults who are private renters is poorer than in other tenures. They experience poorer mental health and wellbeing, are more likely to suffer from life-limiting health problems or disabilities, to smoke and to visit the dentist or optician less often than adults in other tenures. Private renting adults in the 45-64 age group experienced these poorer health

factors at a rate higher than other age groups.

Children in the private rented sector are more likely to suffer mental health problems than in other sectors. The rate of hazards presenting health and safety risks to occupiers in the private rented sector was higher than in any other sector when measured in 2008, and the cost of remedying these hazards was £2,500 per dwelling, more than in any other sector of tenure. The levels of general disrepair in the private rented sector are also higher and more costly to fix than in other sectors.

<http://www.wales.nhs.uk/sites3/news.cfm?orgid=522&contentid=31525>

The physical features of housing can also impact on mental health as families try to cope with the stress of living in cold, damp conditions.

Mental illness is commonplace, one in six adults experience a problem or diagnosable mental health issue at any given time. Effective care and support for people with mental health problems helps to ensure their independence and social inclusion. A stable situation in respect of an individual's home or accommodation is important as otherwise it can lead to, or worsen, social exclusion and risky behaviour. Mental health problems and mental illness can cause significant problems, some of which can lead to losing a place to live.

The prevalence of mental health problems among the population – from relative minor to serious – is increasing. There is growing recognition of this increase, and of the need to help people so that problems, if they occur, can be prevented from becoming more complex and more costly in terms of treatment and impact. There is good evidence that poor quality housing and housing-related problems can all cause mental health problems or, for some people, make existing problems worse.

Among the studies undertaken into the subject, the Wales Audit Office follow-up report, of November 2010, reviewing implementation of the Mental Health National Service Framework, found instances of services and support being provided over and above that covered by the Framework and being delivered by social landlords. Since publication, progress has been made with joint working between housing, health and social services, particularly in, for example, the Aneurin Bevan and Cwm Taf Local Health Board areas. A study into Housing for Adults with Mental Health Problems was commissioned by the Welsh Government in 2014 and identified several examples of good practice in joint working between housing, health and social services.

Social housing provides security of tenure, the lack of which can have an adverse health impact. Children in families who have to move frequently are at particular risk of poor outcomes. Studies highlighting the experience of families in temporary accommodation report a range of health problems such as depression, eczema and asthma. A study, published in October 2013, by NatCen Social Research for Shelter supported that premise in identifying 'bad housing' being more common within the private rented sector. Those living in bad housing are disproportionately at greater risk of poorer general health, low mental wellbeing and respiratory problems including asthma and breathlessness. Retention of the social housing stock should ensure a well maintained and high standard of accommodation, through measures

such as the Welsh Housing Quality Standard, with the implication or health benefits, both physical and mental, being more assured.

The main aim of the proposal to end the Right to Buy policy is to safe-guard and protect social housing stock for those whose housing needs cannot be met by the commercial housing market. For this reason the proposal is likely to benefit some of the groups with protected characteristics who are over-represented in the social housing sector.

In summary there are likely to be positive health impacts to ending the *Right to Buy* and the *Right to Acquire*. A secure, affordable, home has significant benefits for people's mental and physical health, well-being and quality of life more generally. Welsh Government research, undertaken in 2015, estimates that across eight local authorities, around 12.5 per cent of properties sold under *Right to Buy* and *Right to Acquire* since 1997 have transferred into the private rented sector and the occupants were in receipt of Housing Benefit over the five years from 2010-11 to 2014-15. This can place extra costs on households in terms of rent when compared to someone who is in social housing and therefore extra pressure on household income.

Private rented properties are generally recognised to often be in a poorer physical condition and to have less efficient heating and energy conservation measures than social housing. Poor housing conditions can have a negative effect on health outcomes particularly for children.

## Key population groups affected by the programme, policy or project.

Using the list of **vulnerable and disadvantaged groups** (appendix 1) included assess which groups amongst the general population will potentially be affected by the proposal

## Screening

Using the **Determinants of health and well-being checklist** (appendix 2) included consider:

- How (in what way either positively or negatively)
- To what extent (significant/moderate/minimal impact)

These groups within the population and the general population itself may be affected by the proposal or that the proposal may have implications for – and summarise it for each section on the screening sheet below.

Any missed opportunities for enhancing the proposal can be listed under the positive (+) column. Any missed detrimental impacts on health and wellbeing can be listed under the negative (-) column. If there are no likely impacts or they are minimal then move to the next section.

Ask the question: How does this proposal impact upon these determinants, for example, physical activity or diet (within Lifestyles section) in a positive or negative way? Or not at all?

The proposal is only likely to impact lifestyles at this stage. This will be considered as the legislation is developed

Lifestyles		Vulnerable Groups/distribution
<b>(Positive) +</b>	<b>(Negative) –</b>	
There are likely to be positive health impacts. They include the fact that health and safety are likely to be more positive where the social housing stock is retained by local authorities and housing associations and not transferred into the private rented sector. Research in Scotland concluded that up to one third of properties sold as Right to		<p>Children and young people Older People People on low income Economically inactive Unemployed/workless People who are unable to work due to ill health</p> <p>The 2011 Census showed that 20% of residents in social housing reported that their day to day</p>

Buy properties will end up after 10 years in the private rented sector. Private rented properties are recognised to be in a poorer physical condition and to have less efficient heating and energy conservation measures than social housing.		activities were limited a lot due to long term health problems or disability. This compares with 11% across all tenures.
<b>Social and community influences on health</b>		<b>Vulnerable Groups/distribution</b>
<p><b>(Positive) +</b></p> <p>Providing secure, affordable, homes is a key factor in tackling poverty. The number of new affordable homes delivered by this Government's programme will exceed the numbers lost through <i>Right to Buy</i> but the net increase will be slightly lower because of <i>Right to Buy</i> sales.</p> <p>The proposal to protect social housing stock helps people who are unable to access homes through the housing market (ownership or private renting). This includes vulnerable people and thus some of the most disadvantaged members of society.</p> <p>Social housing has a vital role in not only meeting general housing needs but also the needs of people moving through support settings and institutional care. Some groups require the advantages of social housing more than others. It is not just lower rents but</p>	<p><b>(Negative) -</b></p>	<p>Children and young people Older People People on low income Economically inactive Unemployed/workless People who are unable to work due to ill health</p> <p>About 28% of heads of household in social housing were aged 65 or over.</p> <p>There are also more single parent families in social housing. The 2011 census showed that 23% of households in social housing were lone parents compared with 11% across all tenures.</p>

<p>the ability to have repairs dealt with quickly, customer service centres and access to support should they require it, and the security of tenure to enable the development of vibrant sustainable communities.</p> <p>As a result of the <i>Right to Buy</i> and <i>Right to Acquire</i>, people on waiting lists often have to wait longer for properties to become available and existing tenants who want to move to a home more suited to their needs can encounter difficulty because of a lack of available homes of the right type. The difficulties can be worse in rural areas where due to limited supply there may be relatively few dwellings owned by social landlords which are available for rent by local people on modest incomes.</p>		
Environmental conditions affecting health		Vulnerable Groups/distribution
<p><b>(Positive) +</b></p> <p>A prospective Health Impact Assessment of Part 1 of the Housing (Wales) Bill, which related to improving the private rented sector. indicated dwellings in the private rented sector are less likely to be fitted with a smoke alarm and casualty rates as a result of fire are higher in this sector than in other sectors. Carbon monoxide poisoning is 50% more likely in this</p>	<p><b>(Negative) -</b></p>	<p>Children and young people Older People People on low income Economically inactive Unemployed/workless People who are unable to work due to ill health</p>

sector than others. The Assessment also suggested there is a growing body of evidence which demonstrates that poor indoor air quality, lead, dampness, infestation, extreme temperatures, overcrowding, poor lighting and asbestos impact upon physical health.		
<b>Economic conditions affecting health</b>		<b>Vulnerable Groups/distribution</b>
<p><b>(Positive) +</b></p> <p>Social housing is important for those people who are unable to take advantage of housing markets to buy or rent their home. It provides safe, secure and affordable homes of good quality, which are positive to health and well being ([physical and mental]). A stable home is also a prerequisite for labour market participation and, given that employment is a key health determinant, the proposal is positive for health and well being.</p> <p>Protecting social housing for those most in need who are vulnerable and whose needs cannot be met by the housing market will have a positive affect on tackling poverty. Children will benefit as will BME communities whose numbers are higher in the social rented sector than across all tenures.</p>	<p><b>(Negative) -</b></p>	<p>Children and young people</p> <p>Older People</p> <p>People on low income</p> <p>Economically inactive</p> <p>Unemployed/workless</p> <p>People who are unable to work due to ill health</p>

<b>Access and quality of services</b>		<b>Vulnerable Groups/distribution</b>
<b>(Positive) +</b>  The IPP Report, For Future Living innovative Approaches to Joining Up Housing and Health, 2014, although relating to England, suggests poor housing costs the NHS at least £1.3 billion a year due to hazards in the home and medical problems associated with fuel poverty and energy efficiency. Repair and maintenance services and easy access to them are a feature of social housing.	<b>(Negative) -</b>	Children and young people Older People People on low income Economically inactive Unemployed/workless People who are unable to work due to ill health
<b>Macro-economic, environmental and sustainability factors</b>		<b>Vulnerable Groups/distribution</b>
<b>(Positive) +</b>	<b>(Negative) -</b>	No significant impacts identified

## Recommendations

Are the impacts that have been identified above enough to warrant a more comprehensive health impact assessment?

**No**

If no, what are the reasons for not conducting an assessment?

The overall aim of the proposals is to protect social housing for those who are most in need. The links between poor housing and poor health are now well-established.

Should any significant changes be made to the proposal, this screening record will be re-visited.

Do any additional actions need to be taken as a result of this HIA process?

**No**

If yes, please outline (list recommendations and/or mitigation/enhancement here)

N/A

If a further HIA is required, outline the next steps (E.g. Date and time of scoping meeting)

N/A

Have there or will there be other impact assessments conducted? i.e. Equality Impact Assessment, Environmental Impact Assessment. Or will it form part of one?

**If yes, please outline**

A range of impact assessments have been undertaken and published.

- Equality and Human Rights Impact Assessment
- Children's Rights Impact Assessment
- Welsh Language Impact Assessment
- Rural Impact Assessment
- Social, economic, environmental and cultural well-being

## APPENDIX 1 - Vulnerable/Disadvantaged Groups Checklist

(Please note that this list is a guide and is not exhaustive)

The target groups identified as vulnerable or disadvantaged will depend on the characteristics of the local population and the nature of the proposal itself. The most disadvantaged and/or vulnerable groups are those which will exhibit a number of characteristics, for example, children living in poverty. This list is therefore just a guide and it may be appropriate to focus on groups that have multiple disadvantages.

### *Age related groups\**

- Children and young people
- Older people

### *Income related groups*

- People on low income
- Economically inactive
- Unemployed/workless
- People who are unable to work due to ill health

### *Groups who suffer discrimination or other social disadvantage*

- People with physical or learning disabilities/difficulties
- Refugee groups
- People seeking asylum
- Travellers
- Single parent families
- Lesbian and gay and transgender people
- Black and minority ethnic groups\*\*
- Religious groups\*\*

### *Geographical groups*

- People living in areas known to exhibit poor economic and/or health indicators
- People living in isolated/over-populated areas
- People unable to access services and facilities

The impact on the general adult population should also be assessed. In addition, it may be appropriate to assess the impact separately on men and women.

\* Could specify age range or target different age groups for special consideration.

\*\* May need to specify.

## **APPENDIX 2 – Health and Well-Being Determinants Checklist**

(This list is a guide and is not exhaustive)

### **1. Lifestyles**

Diet

Physical activity

Use of alcohol, cigarettes, non-prescribed drugs

Sexual activity

Other risk-taking activity

### **2. Social and community influences on health**

Family organisation and roles

Citizen power and influence

Social support and social networks

Neighbourliness

Sense of belonging

Local pride

Divisions in community

Social isolation

Peer pressure

Community identity

Cultural and spiritual ethos

Racism

Other social exclusion

### **3. Living/ environmental conditions affecting health**

Built environment

Neighbourhood design

Housing

Indoor environment

Noise

Air and water quality

Attractiveness of area

Green space

Community safety

Smell/odour

Waste disposal

Road hazards

Injury hazards

Quality and safety of play areas

### **4. Economic conditions affecting health**

Unemployment

Income

Economic inactivity

Type of employment

Workplace conditions

### **5. Access and quality of services**

Medical services

Other caring services  
Careers advice  
Shops and commercial services  
Public amenities  
Transport including parking  
Education and training  
Information technology

6. Macro-economic, environmental and sustainability factors  
Government policies  
Gross Domestic Product  
Economic development  
Biological diversity  
Climate

## Rural Impact Assessment Proofing Tool

<b>Policy title and purpose (brief outline):</b>	<b>Abolition of the Right to Buy and Associated Rights (Wales) Bill</b>
<b>Department:</b>	<b>EPS – Housing Policy</b>
<b>Date:</b>	<b>January 2017</b>

Questions	Comments
<b>Q1. Stakeholders</b> What contact have you had with rural stakeholders? Please briefly describe any events targeted at rural stakeholders.	<p>A consultation on “The Future of Right to Buy and Right to Acquire” was published on 22 January 2015 and was circulated to:</p> <p>Chief Executives of Local Authorities in Wales.            Local Authority Heads of Housing in Wales.            Registered Social Landlords in Wales.            Local Authority Councillors.            All Community Councils in Wales.            National Park Authorities.            National Resource Wales.            Country Land and Business Association Wales.</p> <p>In addition to the formal consultation, four stakeholder discussion sessions were held across Wales between September 2015 – February 2016.</p>
<b>Q2. Access</b> Will access be an issue for rural people? (Rural people may have to travel long distances to access services). No	<b>N/A</b>
<b>Q3. Needs of Rural People</b> Has the policy taken account of rural needs, e.g. older population, lack of affordable housing, language requirements? Yes	<p>The Abolition of the Right to Buy and Associated Rights (Wales) Bill has been developed to safeguard social housing stock for future generations to ensure it is available for people who need it and are unable to access accommodation through home ownership or the private rented sector.</p> <p>The Bill will, if passed, assist in tackling poverty across</p>

	<p>Wales, including rural areas, by providing a stock of social housing for people who are unable to access housing provided by the private housing markets.</p> <p>There are nine recognised rural authorities in Wales. These are the Isle of Anglesey, Gwynedd, Powys, Ceredigion, Monmouthshire, Carmarthenshire, Denbighshire, Conwy and Pembrokeshire. This is over a third of the 22 Welsh local authorities.</p> <p>The three National Park Authorities are located within the rural local areas of Powys, Gwynedd and Pembrokeshire. They are the Brecon Beacons National Park, Snowdonia and Pembrokeshire Coast. On average, between a quarter and a third of all Right to Buy sales are within rural authorities.</p> <p>Housing Associations and the developers have argued that it is more complex and more expensive to build new homes in the National Parks and in rural areas where planning can be complex to obtain.</p> <p>House prices can be higher in rural areas due to limitations on supply, but wages can often be lower than in more urban areas. Also local people sometimes face competition with people wishing to buy a second home. This can be a problem in North and West Wales. This means social housing, which provides an affordable home, and protecting it, is important. Safe-guarding the existing stock will benefit rural areas.</p> <p>The proposed legislation will seek to</p>
<p><b>Q4 (a) Impact on Services</b> Will the policy lead to the creation of new services (positive impacts) or the closure of existing services (negative impacts)?</p> <p>No</p>	N/A
<p><b>Q4 (b)</b> How do you plan to overcome or mitigate any negative impacts?</p>	N/A
<p><b>Q5. Rural Places-Land</b> Does your policy require the purchase or use of land? Have you considered rural dimensions such as land value, availability or</p>	N/A

restrictive designation?  No	
<b>Q6. Terrain</b> Will your policy work in areas of difficult terrain, e.g. narrow roads, steep mountains?	N/A
<b>Q7. Rural Business</b> Is your policy relevant to SMEs or Micro Businesses? Yes	Maintaining a stock of affordable housing for use by local people can help to rural businesses in being able to recruit in the local area.
<b>Q8. Access to Support</b> Does your policy expect business to be able to access support? (This may be in the form of advice, training, finance etc.) No	N/A
<b>Q9. Infrastructure</b> Does your policy depend on infrastructure such as good road/rail connections or fast broadband speeds? No	N/A
<b>Q10. Other Issues</b> Did any other issues come up as a result of the engagement with stakeholders mentioned in Q1 or any other consultation? No	N/A

### **Objectives**

The proofing tool aims to help you consider rural realities and needs as part of the policy-making process. Now that you have completed the questionnaire, what are your main objectives to make your policy relevant and practical in a rural setting?

**Please list up to five objectives:**

1	To halt the reduction in social housing caused by the sale of Local Authority and Housing Association properties under the Right To Buy and the Right To Acquire, safeguarding a stock of rural housing for local people who cannot meet their housing needs via the private (rental and home ownership) markets.
2	Abolition will give social landlords – particularly Local Authorities - an

	incentive to invest in building new social housing in rural areas, safe in the knowledge that it will not be sold under Right To Buy and the Right To Acquire after a relatively short period of time.
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## Impact Assessment - The social, economic, environmental and cultural well-being of Wales

<b>Policy title and purpose (brief outline):</b>	<b>Abolition of the Right to Buy and Associated Rights (Wales) Bill</b>
<b>Department:</b>	<b>EPS – Housing Policy</b>
<b>Date:</b>	<b>January 2017</b>

### Background

The Abolition of the Right to Buy and Associated Rights (Wales) Bill has been developed to safeguard social housing stock for future generations. If passed by the National assembly, it will ensure social housing is available for people who are unable to meet their housing needs by taking advantage of home ownership or the private rented sector.

The Right to Buy and the Right to Acquire, which were introduced by the Housing Acts 1985 and 1996 respectively, have been a feature of social housing for around thirty years. They emerged from Government policy to, amongst others things, increase home ownership. Subject to certain conditions and exceptions, the Right to Buy gives social housing tenants the right to buy the freehold or leasehold of their home.

Between 1 April 1981 and 31 March 2016, 136,000 Local Authority and 3,100 Registered Social Landlord homes were sold to the tenants under *Right to Buy* and *Right to Acquire* legislation. This is equivalent to 45% of the social housing stock in 1981. In recent years, the peak of which was in 2003-04, as many as 7,000 social homes have been lost from the social housing stock in a single year.

More recently, economic and other factors such as tighter mortgage lending have resulted in lower sales. In the most recent five year period for which data is available (March 2012-March 2016), an average of 248 homes have been lost each year from the social rented housing stock. In 2013-14, *Right to Buy* and *Right to Acquire* sales showed an increase for the first time since 2003-04 with 253 home purchased, up from 170 in 2012-13. This increase has continued with 286 sales in 2014-15 and 359 in 2015-16.

The previous Welsh Government and its partners took action to increase the social housing stock. Between 2011-12 and 2015-16, a total of 11,508 additional affordable housing units were built. This exceeds the 10,000 target set for the last term by 15%. The current Government has a target of 20,000 more affordable homes this term. In addition, a total of 10,498 long-term empty homes were brought

back into use over the term of the previous Government against a target of 5,000.

Recognising the impact of *Right to Buy* and *Right to Acquire* and the continuing pressure on social housing, in 2011, the Housing (Wales) Measure 2011 was introduced. This Measure allows a Local Authority to apply to the Welsh Ministers to suspend the *Right to Buy* and *the Right to Acquire* in its area. To date, three local authorities – Carmarthenshire, Swansea and, Isle of Anglesey – have successfully applied to suspend the *Right to Buy*.

Protecting the social housing stock to ensure the housing needs of future generations is met, is firmly aligned with the principle of sustainable development in the Well-being of Future Generations (Wales) Act. The Bill will ensure that the social housing stock remains accessible and affordable for people in housing need both now and in the future.

### **Policy Intent**

Protecting the essential social rented stock from further reduction is based on the sustainable development principle of aiming to ensure the present needs are best met without compromising the ability of future generations to meet their accommodation needs. The removal of rights of relative few people eligible to purchase their homes via the *Right to Buy* is balanced against the commitment to improve the well-being of the majority, including many vulnerable people, who otherwise would be unable to afford a home.

Social housing is a vital component of the overall housing system, providing an essential option for people who are unable to acquire a home for purchase or rent via the private housing market. These include the disadvantaged and vulnerable people, low income households and others who for a variety of reasons cannot afford to buy a home.

The intention behind the proposals in the Bill is to protect the supply of social housing from further erosion when a high level of demand is being experienced at the same time as a supply shortage. The proposal is in line with evidence from the Joseph Rowntree Foundation, which is described in more detail below. The proposal reflects the positive use of social housing policy to tackle poverty. Safeguarding the social housing stock will help ensure as many people as possible have access to a home they can afford. A safe and affordable home provides an anchor for stable family life. It is also the foundation for labour market participation, which helps to tackle 'worklessness', improves skills and reduces the number of young people who are not in education, employment or training. The standard of our social housing stock helps to ensure conditions are conducive to children's development which contributes to increasing educational attainment. Good standards of accommodation are also a key health determinant and a factor in reducing health inequalities.

Concerns have been expressed in some parts of Wales about the difficulty for some people in Welsh speaking communities to afford a home locally due to high house prices. It is suggested this is to the detriment of the Welsh language. Social housing provides affordable homes for local people in their communities and is particularly

important in rural areas. Over and above building more affordable homes, protecting existing social housing in local communities assists the availability of affordable housing. Some Welsh speaking communities in North Wales for instance are working with their rural housing enabler to develop more affordable housing. Preserving affordable and social housing in Welsh-speaking areas and combining this with a robust approach to local connection is an important way of helping rural Welsh speaking communities to continue to exist and thrive.

There are likely to be positive health impacts to ending the *Right to Buy* and the *Right to Acquire*. A secure, affordable, home has significant benefits for people's health, well-being and quality of life more generally. Private rented properties are recognised to often be in a poorer physical condition and to have less efficient heating and energy conservation measures than social housing. Poor housing can have a negative effect on health outcomes particularly for children.

# Welsh Language Impact Assessment

Title / Piece of work:	Abolition of the Right to Buy and Associated Rights (Wales) Bill
Department:	Housing Policy
Date:	January 2017
WLIA Reference Number:	16/12/01

<b>Programme/Project Type</b> <input type="checkbox"/> Policy <input checked="" type="checkbox"/> Legislation <input type="checkbox"/> Grant <input type="checkbox"/> Business change <input type="checkbox"/> Infrastructure <input type="checkbox"/> Construction, Capital <input type="checkbox"/> ICT <input type="checkbox"/> Other (Please specify below) <input type="checkbox"/> Project or programme <input type="checkbox"/> Research, evaluation <input type="checkbox"/> Services <input type="checkbox"/> Contracts, tenders					
<b>Costs: How much is the projected whole life cost for the programme/project?</b> If below £25k, then a full WLIA is not always required (see guidance).					
Under £25k	£25k - £49k	£50 - £249K	£250K - £1m	Over £1m	
X <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>Of the above, please provide details if there are any identified costs directly associated with the Welsh language?</b>					
<b>How long is the programme/project expected to run?</b>					
Up to 1 yr	Up to 2yrs	Up to 5yrs	Up to 10yrs	More than 10 yrs	Unknown
<input type="checkbox"/>	X <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Key milestone dates for the programme/ project:</b>					
Abolition of the Right to Buy and Associated Rights (Wales) Bill					

<b>STAGE 1: PLANNING</b>
<p><b>What are the aims and objectives of the policy?</b> <b>What are the desired outcomes/ what constitutes ‘success’?</b></p>
<p>The Abolition of the Right to Buy and Associated Rights (Wales) Bill has been developed to safeguard social housing stock for future generations to ensure it is available for people who need it and are unable to access accommodation through home ownership or the private rented sector.</p> <p>Over the past thirty years the Right to Buy and Right to Acquire have enabled many tenants in social housing to buy their homes at a discounted price. Whilst this has increased home ownership, it has reduced the size of the social housing stock available for rent by people in housing need.</p> <p>The intention of the Bill is to protect the stock of social housing from further reduction. The Welsh Government recognises that social housing is a vital component of the overall housing system, providing safe, secure and affordable homes for people who are unable to take advantage of the housing markets to buy or rent their home.</p> <p>The proposal to protect the social housing stock is firmly aligned with the principle of sustainable development in the Well-being of Future Generations (Wales) Act. The Bill will ensure that the social housing stock remains accessible and affordable for people in housing need both now and in the future.</p>
<p><b>What policy options have been considered?</b> <b>and</b> <b>What impacts will there be if the policy is <i>not</i> implemented?</b></p>
<p>The policy options are described in full in the Explanatory Memorandum which has been published alongside the Bill. If this policy is not implemented i.e. if the Bill is not passed by the National Assembly for Wales, and in the Local Authority areas in which where the <i>Right to Buy</i> and <i>Right to Acquire</i> have not been suspended some social rented properties will continue to be sold off each year, thus rendering them unavailable in the long-term of help meet people’s housing needs.</p>
<p><b>Does the programme demonstrate a clear link with the Welsh Government’s strategy for the Welsh language - <i>laith fyw: iaith byw</i>?</b></p>
<p>Under the heading “Communities”, <i>laith fyw: iaith byw</i> notes that “The particular challenges in each area will differ but are likely to include issues such as the availability of social housing....The language renewal task must go hand in hand with the work of improving the social and economic infrastructure of these areas to help ensure...more affordable housing become[s] available, so that people can remain in their communities.” If passed by the National Assembly, the proposed legislation will protect the social housing stock in all parts of Wales.</p>
<p><b>What are the impacts/ effects (both positive and/or adverse) on the Welsh language you</b></p>

<p><b>have identified at the initial planning stage</b> i.e. Welsh speakers, Welsh language communities, Welsh medium education, Welsh learners, services available in Welsh?</p> <p>Concerns have been expressed in some parts of Wales about the difficulty for some people in Welsh speaking communities to afford a home locally due to high house prices. It is suggested this is to the detriment of the Welsh language. Social housing provides affordable homes for local people in their communities and is particularly important in rural areas. Over and above building more affordable homes, protecting existing social housing in local communities assists the availability of affordable housing. Some Welsh speaking communities in North Wales for instance are working with their rural housing enabler to develop more affordable housing. Preserving affordable and social housing in Welsh-speaking areas and combining this with a robust approach to local connection is an important way of helping rural Welsh speaking communities to continue to exist and thrive.</p>
<p><b>Who are the stakeholders? Are the needs of Welsh speakers and learners addressed? To what extent are Welsh language interest groups likely to respond positively to the proposals?</b></p> <p>Tenants of local authority and housing association social housing as well as the local authorities and housing associations themselves.</p>
<p><b>Where an assessment was not completed, or no impacts were identified, please provide a full account for record keeping purposes?</b> (This could be used in the Welsh Language Tribunal in future)</p> <p>N/A</p>
<p><b>What actions/ further work has been identified at the initial planning stage?</b> e.g. data requirements, need for peer review, external engagement with Welsh speaking groups, identify stakeholders or consultation list, need to contact Welsh Language Unit for advice)?</p> <p>N/A</p>
<p><b>STAGE 2: IDENTIFYING AND ASSESSING IMPACTS</b></p>
<p><b><u>Impact Assessment Summary</u></b> Summarise the detailed impact assessment carried out together with the scores assigned.</p>
<p><b>Positive effects/ impacts:</b></p> <p>N/A</p>
<p><b>Adverse effects/ impacts:</b></p>

No negative impacts expected.	
<b>Opportunities to promote the Welsh language e.g. status, use of Welsh language services, use of Welsh in everyday life, Welsh at work increased?</b>	
N/A	
<b>Evidence/ data used including demographic profile when considering the effects/ impacts:</b>	
N/A	
<b>What is the overall anticipated likely impact on the Welsh language if this policy is taken forward based on the impact assessment/ risk assessment?</b>	Positive: <input checked="" type="checkbox"/> Adverse: <input type="checkbox"/> Neutral: <input type="checkbox"/> Unknown: <input type="checkbox"/>
<b>Decision following IA</b>	1. No major change <input type="checkbox"/> X 2. Adjust the policy to improve impacts <input type="checkbox"/> 3. Continue the policy with mitigation measures <input type="checkbox"/> 4. Stop and remove the policy <input type="checkbox"/>
<b>If answered 2,3, or 4 above – then answer the following:</b> How will you address these impacts in order to improve the outcomes for the Welsh language? Details of mitigation measures/ action points/ alternative options to reduce adverse impacts and increase positive outcomes:	
If engaging or consulting, what are your plans? What questions do you wish to ask stakeholders about the Welsh Language Impact Assessment and Welsh language related issues?	
N/A	
<b>STAGE 3: POST CONSULTATION AND PREPARING FOR PUBLICATION, MONITORING AND EVALUATION</b>	
<b>Following consultation, what changes have you made to address any Welsh language issues that were raised?</b>	
N/A.	
<b>How will you monitor the ongoing effects during the implementation of the policy?</b>	
N/A	
<b>Please outline how you will continue to capture effects/ impacts in future monitoring and</b>	

<b>evaluation?</b>
N/A
<b>Any other comments – ongoing results of evaluations, emerging impacts</b>
None

#### 4. Declaration

<b>Policy lead:</b>  <i><b>*Please delete as appropriate:</b></i>  <b>The policy * does not have an impact upon the Welsh language. Where there were identified adverse impacts or missed opportunities, the appropriate amendments and actions have been put in place.</b>
Department: Housing Policy
Date (s): 22 Nov 2016
Planned Review Dates:  To be kept under review throughout the development of legislation, and periodically as implementation begins from 2018 onwards.