

Accommodation for Staff

Summary

This policy sets out the process for the provision of rent-free accommodation where it is essential for employees to live in Council accommodation to carry out their duties. This is termed emolument accommodation.

Entitlement

Employees are entitled to rent-free Council accommodation when

- their job specifically requires them to live in or very close to their workplace to carry out their duties
- occupation of the accommodation provided is an essential requirement of their contract of employment

Terms and Conditions

Emolument rent-free accommodation is provided for the duration of the contract of employment including any period of leave, paid or unpaid.

Employees in emolument accommodation will have a "service" tenancy that is attached to the contract of employment. This means that such tenants will not have security of tenure, or the Right to Buy.

The Council does not provide accommodation for staff who are not required to live-in.

Emolument Accommodation has a pensionable value, and employees pay pension contributions on the current value, £4,108 (2018).

Employees do not have to pay tax or national insurance on this benefit.

Allowances for fuel and light are paid to some statutorily transferred Education staff under the ILEA code.

After the contract of employment has ended, and pending any rehousing offer, a "use and occupation charge" at the appropriate rate may be payable by the tenant.

If an employee fails to return to work for the required minimum 3 month period following a period of family leave, they may become liable to pay a "use and occupation charge" for any period of unpaid leave.

The advice of the Director of Legal Services should be sought before such a charge is levied because of the danger of creating a "secure tenancy".

Council Tax will not be reimbursed after the contract of employment has ended, although Housing Benefit and /or other benefits may be applicable dependent upon personal circumstances.

The amount of time an employee has spent in emolument accommodation will count towards both the qualifying period and the discount any applicant would receive on Right to Buy applications (assuming

they have been rehoused and become a secure tenant) or any of the Council's Home ownership schemes

Rehousing

When an employee with emolument accommodation leaves their job in the following circumstances,

- retirement after 5 year's service with Westminster
- early retirement on medical grounds
- redundancy
- resignation after 5 year's service (only in the case of employees already in post in a post with emolument accommodation prior to 13 November 1995)
- redeployment to a non-emolument post, (other than for disciplinary reasons,)
- transfer or promotion to a non-emolument post after 5 years' service, (only in the case of staff already in post in a post with emolument accommodation prior to 13 November 1995)

One reasonable offer of rehousing will be made, following consultation with the employee and their family and assessment of their needs. This may be in Westminster's own stock or by nomination to a Housing Association, or other landlord.

The offer will be based on the properties available and on the employee's own housing needs, assessed in accordance with the "Bedroom Standard for Permanent Rehousing " criteria approved by the Housing Committee for all Westminster applicants.

Ownership of any other property which could be occupied will be taken into account, and will normally result in rehousing not being offered unless hardship can be proven.

In all other circumstances not covered above, employees in emolument accommodation leaving or changing their employment will be required to vacate the emolument accommodation provided and will be assessed for rehousing in line with statutory requirements.

Employees who wish the Council to reconsider the offer of rehousing made to them will be able to use a similar procedure to the one available to housing applicants.

Where a reasonable offer of rehousing has been rejected by the employee, however, without reasonable cause, no further offers are guaranteed, and dependant on the priority of their circumstances, the normal process of vacating the property will commence, which may result in eviction

Re-housing costs

Where the obligation to re-house an ex-employee is over and above the Council's statutory requirement under the Housing Act Part 7 (assessed in line with Housing Department standard procedures) the notional extra cost will be recharged to the former employing Department. This figure will be revised on an annual basis by the Director of Housing as part of the Budget process, and will need to be taken into account by Departments as an additional cost in cases of redundancy or early retirement on health grounds or in the efficiency of the service.

Discretion

Where the accommodation needs of an employee in emolument accommodation changes during their employment (e.g. family size grows or decreases) a request for transfer to more suitable accommodation will be sympathetically considered and every effort will be made, where possible, to meet the needs of the employee.

There is no guarantee that a request for a transfer will be met, given the background where statutory and other high priority demand for housing outstrips supply.

Manager's Responsibilities

Managers must:

- decide which posts require emolument accommodation in accordance with the definition above
- review each post on an annual basis, and in particular, each time a designated post becomes vacant
- make sure that in the case of accommodation linked to service buildings, that their occupation does not prejudice the security of the building and does not prevent the possibility of future redevelopment

Employee's Responsibilities

Employees must:

- pay their own Council Tax for the emolument accommodation and reclaim the amount paid from the Council as expenses. Reimbursement is made via the Payroll and is a taxable benefit.

TUPE

Although each situation will be dealt with on its merits, the Council will in general continue to provide accommodation for employees in emolument accommodation who are transferred to an external contractor under TUPE. This will continue until the employee leaves the employment, or accepts a revised contract of employment with the external contractor with no provision for staff accommodation

Any extra cost involved in fulfilling the Council's obligation to make one rehousing offer to eligible ex-staff will be met by the former employing Department concerned.