

## SEEKING EMPLOYMENT OR AN APPRENTICESHIP IN GUERNSEY ALDERNEY RESIDENTS

The States of Guernsey's Housing Department is responsible for the controls on housing occupation in Guernsey through the administration of the Housing Control and Right to Work Laws.

This document seeks to provide a brief overview and guidance to Alderney students wishing to find employment or an apprenticeship in Guernsey. **Any potential applicant is advised to contact the Housing Control Section of the Housing Department in the first instance to discuss any potential application, using the contact details at the end of this document.**

### 1. The Housing (Control of Occupation) Law, 1994

The Housing Control Law divides Guernsey's housing into two tiers, known as the Local Market and the Open Market. The Law controls who can live in all Local Market accommodation.

A person seeking to take up residence in Guernsey generally requires a housing licence in order to occupy Local Market accommodation, unless the individual has residential qualifications.

Whilst Alderney forms part of the Bailiwick of Guernsey, the Housing Control Law applies only to the Island of Guernsey, therefore an individual's residence in Alderney gives them no rights to live in Local Market accommodation in Guernsey. Therefore, an Alderney resident wishing to take up residence in Guernsey for purposes of further education or employment would need to submit an application to the Department for a housing licence.

There are two distinct types of housing licences:

- (i) a non employment-related housing licence (those issued on the basis of a person's personal circumstances); and
- (ii) an employment-related housing licence (those issued in connection with a person's employment in Guernsey).

It is possible for a person to apply for one or other – or both – of these types of licence.

**The Housing Department operates some policies in respect of Alderney residents, and these are set out in sections 2, 3 & 4 below.**

Section 5 of this document provides information regarding employment-related housing licences; Section 6 provides information regarding Open Market Part A accommodation; and Section 7 briefly summarises the current situation in respect of the new population management regime in development in Guernsey.

### 2. Secondary education in Guernsey

The Education Department's document "The 11+ Process and Admission to Secondary Education", under the question "*My child attends St. Anne's in Alderney; can they go to the Grammar School or one of the Colleges?*", advises:

“Pupils attending St. Anne’s may sit the 11+ tests during Year 6 in the same way as all other Year 6 pupils in Guernsey schools. If your child is allocated a place at the Grammar School or one of the Colleges then they can live during term time with a host family”

The Housing Department has a policy where, if a child resident in Alderney is allocated a place at the Grammar School or one of the private Colleges, it will grant a housing licence to enable them to reside with a Guernsey family during this period of full-time secondary education.

It is important to note that time spent in the Island whilst in full time secondary education will not count towards a qualification period if the student’s and their family’s ordinary place of residence is not in Guernsey

### 3. Post-secondary education and employment in Guernsey

The Housing Department operates a policy whereby it would be prepared to issue a housing licence to any person who meets all of the following criteria:-

- a) whose parents are resident in Alderney; **and**
- b) whose parents were ordinarily resident in the Bailiwick during the person’s secondary education; **and**
- c) who is under the age of 26; **and**
- d) who is commencing tertiary education or employment in Guernsey; provided that:
  - (i) the person (or his/her parent) was born in the Bailiwick and the person has been ordinarily resident in the Bailiwick for any period of ten consecutive years; **or**
  - (ii) the person has been ordinarily resident in the Bailiwick for the last ten consecutive years.

**Definition of ordinary residence in the Island (section 71(3) of the Housing Control Law)**

*A person shall, for the purposes of this Law, be treated as being ordinarily resident in Guernsey during any period if and only if –*

- (a) he was living in Guernsey, and his home was in Guernsey, throughout that period; and*
- (b) he did not have a home elsewhere than in Guernsey at any time during that period; and*
- (c) he did not at any time during that period (except as a minor and as a member of the household of his parents or either of them) occupy a dwelling in Guernsey in contravention of any provision of the Law of 1948, the Law of 1967, the Law of 1969, the Law of 1975, the Law of 1982 or this Law.*

*Accommodation options available to individuals who meet the above criteria:*

There is a need to ensure that the limited supply of housing available within Guernsey is prioritised for those new households where the householder is a Qualified Resident. In light of this, the holders of housing licences are directed to appropriate accommodation.

The Department would be willing to grant a licence to enable an individual who meets the criteria set out above to reside on a board and lodgings basis initially i.e. approved lodgings in a hotel or guest house; living with a qualified resident or appropriate licence holder in private accommodation.

When an application is made for a licence, the Department will advise on the potential accommodation options open to the applicant in the future.

#### **4. Licences for training and apprenticeships**

The Department will also issue licences to persons whose parents are resident in Alderney on the following basis:-

- a) annual licences while an individual is temporarily resident for **professional training** – this type of licence is not automatically renewable on completion of training;
- b) temporary licences for block release courses at the College of Further Education in connection with **States Apprenticeship Schemes**; and
- c) short term licences on completion of **apprenticeships** for ‘works experience’.

As highlighted in Section 3 of this document, there are accommodation restrictions on where holders of such licences can reside. When an application is made for a licence, the Department will advise on the potential accommodation options open to the applicant.

#### **5. Application for employment-related housing licences**

The Department can also consider applications for employment-related housing licences, and in this regard, applications for licences based on employment in the Island are usually made by the employer. Please note the Department will only consider issuing employment-related housing licences where it is satisfied that an employer has recently advertised and tried to recruit locally and that no suitable locally qualified person was available to take up the employment.

#### **6. Occupying Open Market accommodation**

A person could occupy accommodation inscribed in Part A of the Open Market Housing Register for an indefinite period without the need to hold a licence. Occupation of such accommodation would enable the person to work in the Island under a Right to Work document for which separate application would need to be made to the Department. Details of such Open Market accommodation which is currently available for rent or purchase can be obtained from local Estate Agents or via adverts in the Guernsey Press.

#### **7. New Population Management Regime**

*Please note that the information below is reflective of the position in October 2013. Given that proposals for the new regime are still in the process of development, the information below is subject to change.*

In June 2013, the States of Deliberation debated proposals contained within the Policy Council’s Report ‘Managing the size and makeup of the Island’s population’ and agreed a series of specific recommendations relating to key components of a population management regime which it is intended will replace the Housing (Control of Occupation) (Guernsey) Laws.

During debate the States also noted the Policy Council’s intention to return to the States with further detailed recommendations during the development of the new population regime. It also agreed the existing Housing (Control of Occupation) (Guernsey) Law, 1994, will remain in force until such time as a new population management regime and related legislation is in place.

This means that there are no changes to the current way that the Law is being administered and the Department will continue to operate under the Housing (Control of Occupation) (Guernsey) Law, 1994, at the present time.

The transitional arrangements between those who are subject to the existing legislation and the new regime have not yet been determined by the States of Deliberation, therefore the Department cannot take a view presently as to any individual's status under the new regime.

**Any individual who would like further information; to discuss their position under the Housing Control Law; or has any general queries, is invited to contact the Housing Control Section. Its contact details are as follows:**

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