

Stop the tenancy deposit rip off

A campaign has been launched to get tenancy deposits protected by housing legislation. According to the advice sector, many of the thousands of private tenants who have to pay a deposit to their landlords to secure a property are experiencing problems getting it back. It is estimated that £15m of rental deposit money is held by private landlords and agents in Northern Ireland. With hundreds of pounds being handed over to landlords, Housing Rights Service, adviceⁿⁱ and Citizens Advice are worried that there is currently no regulation of how deposits are held or returned.

Problems with getting deposits returned was one of many issues raised by advice agencies at the Community Housing Advice Project's Conference in May. One year on from the publication of the DSD/NIHE joint strategy document 'Renting Privately a Strategic Framework' the conference opened debate around the future of the private rented sector. Delegates highlighted the range of problems being experienced by clients, including the impact of housing benefit shortfalls, getting repairs carried out, lack of rent books, unfair tenancy terms and bad practices of some landlords. They also took the opportunity to question panel members who included representatives from the Department for Social Development, the Department of

the Environment (RoI), the Rent Office, Environmental Health, Housing Rights Service, the Landlords Association of NI and the Housing Executive. Amongst the issues debated was mandatory registration for all private landlords, the role of the sector in accommodating social housing waiting list applicants and the need for a disputes resolution body.

Housing Rights Service Panel Member Nicola McCrudden said *"If renting privately is to become a viable option, Government needs to tackle the practices of bad landlords who are giving the sector a poor image. The tenancy deposit rip off is just one example and it has gone on for too long. New housing legislation will provide the best opportunity to ensure that rental deposits are safely managed and not withheld unreasonably."*

The Housing Act 2004 in England and Wales already contains provisions requiring landlords to safeguard deposits with a tenancy deposit scheme. The new private tenancy legislation due out for consultation shortly in Northern Ireland will not contain similar provisions. However, it is hoped that Government will consider this proposal when it releases a housing policy document for consultation later this year which is likely to lead to a draft Housing Order in 2006.

Contents:

Editorial	2
What the Politicians Say	3
Court Report	4
• Landlords' Judicial Review	
• Homelessness Statistics	
Casework Corner	5
• Ombudsman awards ex-gratia payments	
• Intimidation Points	
The Debate	6-7
• Private Rented Sector	
News Features	8-9
• Future of New Build	
• Energy Performance Certificates	
Information Items	10-11
• 40th Anniversary event	
• Welcome to . . .	
• Leaving Care	
Focus on	12
• Energy Efficiency Programme	

editorial

Putting the 'house' in order

Housing Rights Review Advisory Group Members

Kevin Higgins

- Advice NI

Bill Manwaring

- Simon Community NI

Lucy Cochrane

- Citizens Advice

Sean O'Neill

- Gingerbread (NI)

Pat Austin

- Help the Aged

Maura McCallion

- Law Centre (NI)

Lucinda McMurrin

- NIFHA

Bridget Heggarty

- Disability Action

Kieran Walsh

- CIH (NI)

Sharon Geary

- Housing Rights
Service

Nicola McCrudden

- Housing Rights
Service (Editor)

Housing Rights Review is produced by Housing Rights Service, an independent organisation working to prevent homelessness and eradicate poor housing in Northern Ireland. If you would like to comment on the content of this issue, please contact Nicola McCrudden on 028 9024 5640 or email nicola@housingrights.org.uk. This issue can also be viewed at www.housingrights.org.uk

In October 2004, the Northern Ireland Affairs Committee's "Inquiry into Social Housing Provision" made a recommendation calling Government to "*develop a strong and inclusive regional housing strategy setting out a vision for housing in Northern Ireland*". The Committee cited the National Housing Strategy for Wales as an example. In its response, Government stated that it shared the Committee's view on the fundamental objective of housing strategy development and delivery. However, it did not commit to the development of a housing strategy and stated that "*in partnership with the NIHE and other key stakeholders, regional strategies have already been produced to address cross-cutting issues*." There are numerous strategies directly relating to and impacting on housing including: 'Renting Privately: a Strategic Framework', 'The Homelessness Strategy', 'A Fuel Poverty Strategy for NI', 'People and Places - Neighbourhood Renewal Strategy', 'The

Community Safety Strategy' as well as various area-based local housing strategies.

So with so many strategies, why is a Government Committee calling for a Northern Ireland Housing Strategy?

Undoubtedly all these strategies cover important public policy issues and significant progress has already been achieved in a number of areas. However, with many focusing on specific issues Government has been criticised for adopting a single stranded approach to housing policy and strategy development. After taking evidence from Government, the Housing Executive and the voluntary sector, the Committee reported that: "*Our greatest concern is that policies on many housing issues such as the house sales scheme, the co-ownership scheme, and the private rented sector have been developed in isolation with insufficient assessment of their overall impact on the general provision of housing...*"

The risk of this approach is the implementation of strategies which impact adversely on each other and ultimately fail to deliver original desired outcomes. That's not to say that we should scrap what currently exists. Instead, we should build upon the strategies that are already in place by identifying gaps and areas where tensions exist. Through a more co-ordinated and integrated approach, an overarching strategic framework for housing could easily be developed without having to start from scratch.

Central to this process, however, must be the involvement of key stakeholders, including those delivering 'front line' services. The establishment of an inter-agency forum would enable those affected by the strategy to have an opportunity to shape it.

We lack an overall vision for the future of housing in Northern Ireland. A comprehensive housing strategy would provide clearer direction, and by taking account of broader government strategies, would go a long way to promoting effective and joined-up policy implementation.

What our politicians have to say . . .

Patsy McGlone, SDLP

“The SDLP views housing as a fundamental human right and recognises the link between good quality, warm homes, good health, educational attainment and economic development.

The failure of some political parties to live up to their obligations under the Agreement is costing our community, stopping us tackling housing shortages, affordability and homelessness.

We are calling for a new overarching Housing Strategy, instead of the fragmented approach of recent years. We further want to see the Promoting Social Inclusion report on homelessness implemented and action to break the cycle leading to homelessness through comprehensive long-term social support addressing under-lying difficulties.”

Fra McCann, Sinn Féin

“Sinn Féin believes that access to affordable decent housing is a basic human right. But, unless there is a radical rethink about meeting the demand for social housing, there will continue to be increases in homelessness and increased pressure on Housing Executive waiting lists. Sinn Féin wants to see:

- A housing policy that increases the supply of affordable homes.
- A multi agency approach to tackling housing poverty and homelessness.
- The registration of all private landlords.
- A review of the Housing Selection Scheme which has condemned many to lengthy waits in hostels.
- Increased funding for the Supporting People initiative.”

Nigel Dodds, DUP

“Delivering suitable housing must be a fundamental priority for any Government and political parties. Clearly with home ownership at the levels which exist in Northern Ireland and the private sector very active, the role of Government will inevitably be a combination of creating the environment for the market to deliver and ensuring where it cannot people are provided for. This is an important but delicate balance to get right.

Public investment in housing is vital to delivering for those who are marginalised but the biggest issue to get right is to provide the best framework to ensure that direct intervention can be kept to those who are in most need.”

David McNarry, UUP

“Ulster Unionists believe that home ownership gives citizens a stake in their community and a tangible asset to build upon. We want to make homeownership more affordable and simpler. For those who can’t afford to buy a home we want to provide a safety net of decent social housing. The structure of the social housing service must be reviewed to secure the highest level of service for users by reducing duplication and inefficiency.

Responsibility for strategy and day-to-day management must be separated with the Minister of Social Development taking greater direct responsibility for a Housing Strategy and the Housing Executive focusing on being a regulatory body.”

Eileen Bell, Alliance

“Alliance believes that the promotion and maintenance of mixed housing should become an explicit objective of the NI Housing Executive. We believe that the Housing Executive and Roads Service should remove flags, murals and graffiti on their property.

We support the use and enforcement of Area Plans to increase the supply of social housing.

We have welcomed the doubling of the level at which house buyers pay stamp duty, to £120,000. We also support co-ownership schemes.

We are committed to break the cycle of homelessness, by creating linkages between employment, health and social services, among others.

We believe that the NIHE should have a statutory obligation to produce a homelessness strategy every five years.”

court report

Landlords win Judicial Review

In the last issue of Housing Rights Review we reported on the application by the Landlord's Association of Northern Ireland (LANI) to judicially review the Northern Ireland Housing Executive's Registration Scheme for Houses in Multiple Occupation (HMOs) (*as directed in Schedule 3 of the Housing (NI) Order 2003*).

The judicial review was heard in March before Mr Justice Girvan in the High Court against a backdrop of increasing concern about anti-social behaviour, especially in the Holylands area of South Belfast.

The key argument of LANI was that the Registration Scheme would require private landlords to act as a 'secondary police force' as the Special Control Provisions contained in the 2003 Order state that there is a responsibility on landlords to take "...such steps as are reasonably practicable to prevent the existence of the house or the behaviour of its residents from adversely affecting the amenity or character of the area...or to reduce any such adverse effect." LANI also argued that the imposition of a registration fee on private landlords was discriminatory as other landlords such as the Northern Ireland Housing Executive, Housing Associations, hostels and universities are exempt from registration.

Mr Justice Girvan ruled that the Registration Scheme was flawed and required redrafting to comply with the right to property and peaceful enjoyment of possessions as set out in Article 1 of Protocol 1 of the European Convention on Human Rights. Furthermore, the judge agreed that the imposition of registration fees only on private landlords was discriminatory.

Following the judgment, the Housing Executive is continuing to register HMO properties and collect registration fees. However, the Special Control Provisions are not being applied at present as the Housing Executive is in the process of rewriting these. The revised provisions will be issued for consultation. Furthermore, in light of this judgment, the Department for Social Development will have to review the legislation to determine which landlords should be exempt from paying registration fees. Consequently, landlords such as Housing Associations and universities may be liable to pay registration fees in the near future.

Latest Homelessness Figures

The Housing Executive recently released the homelessness figures for 2004/2005.

The figures show that in the last year 17,326 households in Northern Ireland presented to the Housing Executive as homeless. Out of this 8,470 households were awarded Full Duty Applicant status (a decrease of 124 on the previous year).

The biggest group of presenters was single males who made up 34% (5,928) of the total figure. This was closely followed by families at 33% (5,664).

The most common reason for homelessness continues to be sharing breakdown/family dispute which accounted for almost a quarter of the total households presenting.

The statistics also show that whilst some types of households saw a fall in the numbers presenting; others increased. The most significant increase was in Pensioner households which increased by 19% (290) on the previous year.

casework corner

Ex-gratia payment awarded to Housing Benefit claimants

Mr & Mrs Y are private rented sector tenants. Their Housing Benefit is paid directly to their landlord. In September 2003, Mrs Y became entitled to a Retirement Pension and the NIHE was informed immediately of this change in their circumstances.

In August 2004 the couple became aware that their landlord had not been receiving Housing Benefit payments. As a result, they had accrued arrears of over £1,000 and consequently their tenancy was at risk. When Mr Y contacted the NIHE he was told that his entitlement to Housing Benefit ceased in May 2004 because he was no longer entitled to Income Support and that they did not have to notify him that his Housing Benefit had ceased.

After speaking to a Housing Rights Service adviser, a letter was submitted to the NIHE advising them that under Regulation 77 of the Housing Benefit (General) Regulations (NI) 1997 the NIHE is required to issue notification of decisions. Furthermore, the adviser pointed out that failure to provide a written decision could amount to a breach of Article 6 of the European Convention on Human Rights (i.e. the right to appeal). A request was also made for the NIHE to make an ex-gratia payment to cover the arrears.

The NIHE stated that the lack of notification was as a result of faults in their new computer system. They accepted that the client would have been unaware of the cessation of Housing Benefit payments but argued that the landlord would have been aware and that, therefore, the landlord should have contacted them.

Following this response the adviser lodged a complaint with Mr McIntyre, Chief Executive, NIHE. The adviser argued that the Housing Benefit Regulations placed a duty on the NIHE and not the landlord to issue notifications regarding changes in the payment of benefits.

Unsatisfied with the NIHE's response; the adviser lodged a complaint with the Ombudsman. As a result of the Ombudsman's investigations, the NIHE decided to make an ex-gratia payment to Mr and Mrs Y and also accepted that the clients were entitled to Housing Benefit for some of the period for which they were previously denied. Furthermore, Mr McIntyre stated that *"the service provided by the Housing Executive in the handling of Mr and Mrs Y's claim for Housing Benefit fell well below the standard he was entitled to expect."* The ex-gratia payment has enabled the clients to clear their arrears.

Whilst Housing Rights Service welcomes that the clients are no longer in arrears it is disappointing that the Ombudsman did not make a ruling on the NIHE's lack of notification of Housing Benefit decisions. The Ombudsman stated that he did not feel it was his role *"to make a determination or to issue a general ruling on the legal duty of a public body."*

It is essential that advisers should follow this procedure for any clients who may have similar circumstances to Mr & Mrs Y.

Changes to Intimidation Points

Following a recent change to the Housing Selection Scheme the groups of applicants who are eligible for 200 points for intimidation have been extended.

Applicants will now be entitled to 200 Intimidation points where:

- their home has been destroyed or seriously damaged, or
- there is a serious and imminent risk of the applicant or a member of their household being killed or seriously injured, as a result of,
- terrorist, racial or sectarian attack, **or an attack which is motivated by hostility because of an individual's disability or sexual orientation.**

the debate

Is regulation needed to improve the standards in the private rented sector?



One year on from the launch of the joint Government and Housing Executive (NIHE) strategy on the future of the private rented sector, 'Renting Privately: a Strategic Framework', the debate around regulation of the sector continues. Government appears to be reluctant to introduce mandatory registration for landlords, but is this a view shared by others? The Chartered Institute of Housing in NI and the University of Ulster share their opinions on the issue.

**Kieran Walsh, Director,
CIH (NI)**

The Private Rented Sector serves a key function in the Northern Ireland housing market and makes a significant contribution to meeting housing need and rising demand. It is often seen to offer access without bureaucratic impediment and flexibility in terms of length and nature of tenancy and can have a positive role in the development of mixed tenure and sustainable neighbourhoods. However, the sector is a confused collection of lettings with different and diverse rules, responsibilities and legislative duties attached to specific tenancies.

The primary objective must be to ensure an adequate supply of well managed and maintained, affordable private rented accommodation. This can best be achieved through proper regulation of the sector. A welcome start has been made through the introduction of mandatory licensing of Houses

in Multiple Occupation (HMO) but poor standards are not limited to such properties. Considering the size of the sector in Northern Ireland, there is an opportunity to establish a flexible legislative framework to extend licensing to all private rented properties.

Some social commentators dismiss the need for regulation claiming that this would discourage out of the sector existing landlords and potential investors, but I would argue that licensing, seen as a "kitemark of quality", could actually stimulate demand as investors prefer investing in industries that are professionally run and properly regulated. Regulation does not need to be unduly punitive and should be kept simple and cost effective and if it drives out landlords operating at acceptable low levels - good! Poor standards or management should not be acceptable in any tenure and private rented sector tenants should be protected from unscrupulous landlords.

The success of any licensing scheme depends on how useful it is perceived to be by landlords. If a licensing scheme is promoted as something positive and worthwhile and seen as an accreditation or kitemark of quality, the co-operation of landlords would be assured. Landlords who are providing good quality and well managed accommodation should be recognised and encouraged.

A condition of obtaining a license should be that landlords sign up to an independent arbitration service for the purpose of facilitating speedy resolution of disputes as often tenants are reluctant to pursue matters against their landlord for fear of eviction. Taking action through the courts is time consuming and costly for all concerned.

While the introduction of compulsory licensing across the whole private rented sector would be problematic elsewhere in the UK, it is undoubtedly manageable in Northern Ireland. The mandatory HMO Licensing Scheme is a useful first step but this should be developed and phased-in across the whole sector. There is now clearly an opportunity to promote licensing to improve standards across the private rented sector to preserve the health and safety of those occupying privately rented property.

Paddy Gray and Ursula McAnulty, University of Ulster

The private rented sector is playing an increasingly important role in today's housing market, particularly for housing those with more complex housing needs. The shortage of social housing in some areas has increased demand for private rented accommodation, whilst others are attracted to the sector as conditions improve. There is a growing concern, however, that tenants who are guilty of anti-social behaviour are now ending up in the private rented sector.

Creating uniformity in management standards is vital and landlords must be encouraged and enabled to manage their property professionally. In recent years, there have been increasing numbers of new landlords entering the sector, who may not be aware of their responsibilities as a landlord. Many have only one property bought as part of a pension plan, or inherited from a relative. Awareness of the rights and responsibilities of landlords should be promoted as well as methods of aiding landlords to improve their management skills when dealing with tenants. Providing information and training sessions for landlords would encourage professional management.

We would call for mandatory licensing of landlords for all new

tenancies. Currently in Northern Ireland there is no way of knowing who is a landlord (unless their tenant is in receipt of Housing Benefit), and therefore no way of informing landlords of their rights and responsibilities. This database would, among other things, enable information to be targeted. It is important not to over regulate, however, as disinvestments in the sector could lead to an increase in homelessness as many "social housing" tenants are now dependent on the sector.

We would also call for accreditation of landlords. This could be based on a grading scheme such as the awarding of stars depending on the quality of accommodation and the standard of service. This would provide the tenant with a statement of what they can expect within each category. An accreditation scheme for tenants could also be introduced. This would list responsible tenants, and tenants could be assessed on issues such as payment of rent on time and behaving in a reasonable manner with their neighbours.

Landlords should be required to provide written tenancy agreements, which must cover certain issues. Many landlords do not provide written tenancy agreements, and as a result disputes arise over rights and responsibilities



An arbitration service, which deals with landlord – tenant disputes should be introduced. Many tenants and indeed landlords are reluctant/financially unable to pursue their grievances through the courts. Landlords would only be able to avail of this service if they are registered, although landlords (and tenants) should be legally required to attend if summonsed.

We believe that there should be some type of independent agency/forum established in N. Ireland, similar to the Private Residential Tenancies Board in southern Ireland, to oversee the licensing of landlords and an arbitration service.

UU is currently carrying out research into the private rented sector in Northern Ireland (commissioned by NIHE) which is due to be published in the autumn. It will provide a profile of the sector in terms of dwellings and tenant characteristics and explores attitudes of landlords and tenants to current issues and future intentions.

The future of the new build programme

In March this year the Department for Social Development (DSD) issued a consultation document containing proposals to transfer the management of the Social Housing Development Programme from the DSD to the Housing Executive (NIHE). Lucinda McMurrin of the NI Federation of Housing Associations (the Federation) summarises the Federation's views on the new proposals.

We believe the proposed reform would improve the situation, so the Federation and its members support the initiative and welcome the opportunity to work even more closely with the region's strategic housing authority. This support rests on the fundamental principle that the DSD will retain responsibility for regulating and inspecting **all** social housing providers, i.e. NIHE and registered housing associations.

The Federation sees two main advantages in the DSD's proposal:

- better value for the taxpayer, flowing from administrative savings and improved co-ordination between housing and related programmes
- a more effective system for producing social housing, by aligning the objectives of the NIHE and housing associations (HAs).

However, the development management functions to be delegated to the NIHE need to be more precisely defined and agreed. Furthermore, certain safeguards must be incorporated to ensure that:

- the transfer does not disrupt delivery of the Development Programme dualities of interest are avoided/controlled
- the budget for association development is ring-fenced and any efficiency gains are captured and re-invested in social housing development
- HAs are not subjected to double regulation or additional bureaucracy
- a clear strategy for social housing development is agreed
- no association is arbitrarily barred from

contributing to the Development Programme

- the NIHE encourages associations to bring unmet needs to the Executive's attention and propose practical solutions
- there is a right of appeal for individual HAs if dissatisfied with particular Programme management decisions
- there is a partnership role for the Federation,

to agree practical implementation arrangements

- a joint evaluation on the results of the reform after two or three years.

Finally, the Federation takes the view that the key criterion for judging the proposal should be whether, within the public expenditure available, it is likely to produce better outcomes for people in housing need.

David Hanson has been appointed as Minister of State with responsibilities for the Department for Social Development, the Department for Culture, Arts and Leisure, Political Development and Criminal Justice. Mr Hanson has been MP for Delyn since 1992. He was Parliamentary Private Secretary to the Prime Minister from 2001, having been Parliamentary Under Secretary of State for Wales and Junior Government Whip from 1998 to 1999. Before entering Parliament he was National Director of Re-Solv, Regional Manager for the Spastics Society (Scope) and Retail manager for the Co-op Society.



Energy Performance Certificates on the way

Last November, the Department for Social Development (DSD) issued a consultation document on how best to implement EU Directive 2002/91/EC of the European Parliament and of the Council on the Energy Performance of Buildings. The Directive aims to help reduce harmful emissions from buildings that are damaging to the environment and health, reduce energy consumption and, consequently, reduce fuel bills. Article 7 of this Directive **requires** anyone wishing to sell or let a residential dwelling to obtain an Energy Performance Certificate, a copy of which must then be provided to any prospective buyers or tenants. It is likely that the Energy Performance Certificate for Dwellings Regulations (NI) 2006 will be effective from April 2006.

Certificates will give a dwelling an energy performance rating of A-G, similar to that already applied to white goods such as fridges and washing machines. The certificate will also include suggested improvements which may be made to the dwelling to increase energy efficiency; although there is nothing to compel an owner or landlord to implement these suggestions.

A certificate will be issued by a qualified independent expert. Once issued, it will be valid for a period of 10 years, after which it will need to be renewed if the

dwelling is being sold or re-let. If the dwelling changes during the period of the certificate and, as a consequence, the energy rating is affected, e.g. a new boiler is installed a new certificate will not be required. It is hoped that owners or landlords would acquire a new certificate to demonstrate the improvements to their property. The DSD has indicated that the estimated cost of a certificate will be £100.

The owner of a dwelling will need to acquire a certificate before offering it for sale and it will be regarded as a part of the documents of sale. Landlords of both private and social rented tenancies will also have to produce a certificate every time a new tenant occupies the property. All tenants residing in a House in Multiple Occupation should receive a copy of the certificate, although only one certificate is needed for the whole dwelling.

The Regulations only apply to dwellings and do not impact on hostels or similar residences. It is anticipated that this will be dealt with under separate legislation, but it is likely that a hostel provider will only need to acquire one certificate for the whole hostel which should be shown to each resident.

Furthermore, the DSD proposes to require private landlords to provide written tenancy

agreements to tenants. A copy of the energy performance certificate will form part of any tenancy agreement. This requirement will be enforced by local councils. Landlords will only be required to provide a certificate when a new tenant occupies their property or the tenancy is renewed. Since legislation regarding tenancy agreements is due to be in place in late 2006, and the Directive must be implemented in January 2006, it is proposed that free standing regulations be made under the European Communities Act 1972.

In conclusion, whilst it is welcoming to see measures being taken to promote energy efficiency, it remains to be seen whether this Directive will act as an incentive for landlords to improve the energy performance of their properties and whether any financial impact will be felt by tenants.

Although the consultation has ended, readers may find it useful to obtain a copy of the document from www.dsdni.gov.uk/epc_final.pdf. The DSD will shortly be issuing updated guidance on this topic.

Changing Times . . . Changing Lives

Housing Rights Service recently marked its 40th Anniversary with the launch of a commemorative booklet and an event at the Ormeau Baths Gallery in Belfast, hosted by Paul Clark from UTV.

The event looked at the history and development of Housing Rights Service against the backdrop of housing, social and political developments in Northern Ireland. The audience enjoyed conversations between Paul Clark, and former Managers, Colm McNicholl and Joan McCrum, a former Chair, Brian Holmes and a client who shared his experiences of living with the threat of homelessness.

Through extracts from the commemorative booklet and accompanying images, the audience was given an overview of the history of the organisation from its beginnings as Belfast Housing Aid, assisting victims of the Troubles, to becoming a leading provider of specialist advice, training and information services and a key influencer of housing policy.

Copies of the free commemorative booklet are available from Sharon Geary on 028 9026 7917 or email sharon@housingrights.org.uk.



Welcome to...

Since the last issue of Housing Rights Review there have been some new members of staff and some who have changed jobs. We would like to welcome Linda Watson who has taken up the post of Housing Adviser and Loretta Morton who is the new Advice Line Support Worker. Both Linda and Loretta have previously worked in Suffolk & Andersonstown CAB. We also recruited Caroline McFadden as a Receptionist/Administration Assistant. Caroline previously worked for the Belfast Telegraph. In addition, Marcella Cassidy joined us on a 20 week work placement as Receptionist / Administration Assistant. As mentioned, some staff also changed jobs. Jonathan Lamb is now a Housing Advice Development Worker with the Community Housing Advice Project replacing Cathy Hobson who is now a Housing Adviser with Housing Rights Service, specialising in housing debt.



Housing Rights Service - Runner up in the Website Category of the SCOPE Communications Awards for the site www.housingadviceNI.org

Adele Pound & Feargal O'Kane, haNI team

Leaving Care and Accommodation

Nicola McCrudden, Housing Rights Service Policy Co-ordinator, looks at the new arrangements for young people.



The Children (Leaving Care) Act (NI) 2002 (the Act) comes into effect on 1 September 2005. It amends the Children (NI) Order 1995 to place new and enhanced duties on Health & Social Services Trusts (Trust/s) to assess and meet the care and support needs of certain young people until they are at least 21 years old. The Act has two main aims: to ensure that young people should not leave care until they are ready; and to improve the assessment, preparation and planning for leaving care.

Social services will have a duty towards 'eligible' and 'relevant' and 'former relevant' children (see definition box).

The Act contains new duties to assess and meet young people's individual needs, provide personal advisers and develop pathway planning for young people up to the age of 21 (or beyond if continuing in education). It also contains provisions removing entitlement to certain means tested benefits for 16 & 17 year olds, including Housing Benefit, and making Trusts responsible for providing financial support (including the

cost of accommodation).

The Children (Leaving Care) Regulations (NI) 2005, which accompany the Act, set out in detail the matters which Trusts must take into account when assessing the needs of those preparing to leave care and those who have left care. They stipulate that 'Pathway Plans' must be recorded in writing and cover a number of areas, including accommodation options.

From 1 September 2005, the Act requires that 16 & 17 year old 'relevant children' are provided with, or maintained in, suitable accommodation unless the Trust 'is satisfied that their welfare does not require it'. To be suitable the accommodation must be reasonably practicable for the needs of the young person and the Trust must be satisfied as to the 'character' and 'suitability' of the landlord. According to the 'Leaving and After Care Regulations and Guidance (Volume 8)' as a general rule it would not be appropriate for 16 & 17 year olds to live independently and to carry out the responsibility of sustaining their own tenancy without levels of

high support, nor would B&B's be appropriate except as an emergency measure.

There is no duty for Trusts to provide accommodation to a care leaver once s/he reaches 18, unless s/he is in full time higher or residential further education. In this case, the Trust must provide accommodation during the vacations or pay the young person enough for him/herself, if at the time accommodation is not available.

According to the Guidance, the pathway planning process envisages a multi-agency assessment approach and will involve the Housing Executive in joint assessments when planning for the accommodation needs of individual young people. The development of suitable accommodation will also require the establishment of formal

partnerships with housing providers. It states the importance of having protocols in place between the Trusts and the Housing Executive to ensure that housing and social services each fulfil their roles in meeting the needs of young people. Additionally, multi-needs accommodation strategies should be developed in partnership with housing providers to meet the housing needs of care leavers.

Unlike in Britain, the homelessness legislation in Northern Ireland has not been amended to take account of these new duties. As such, young care leavers will not be afforded automatic priority need for accommodation by the Housing Executive.

The legislation and guidance is available from www.dhsspsni.gov.uk and www.opsi.gov.uk

Definition box

Eligible children are those young people still in care aged 16 & 17 who have been looked after for (a total of) at least 13 weeks from the age of 14.

Relevant children are young people aged 16 or 17 who have already left care and were looked after for (a total of) at least 13 weeks from the age of 14 and have been looked after at some time while 16 or 17.

Former relevant children are young people aged 18-21 who have been eligible and/or relevant children.

focus on

Help the Aged's Energy Efficiency Programme

Pat Austin, SeniorLine Service Manager with Help the Aged, provides an overview of their new programme.



Energy
Saving
Trust

Help the Aged has been successful in securing over £83,000 over a two year period from the Energy Savings Trust Innovation Programme for Energy Efficiency Programme. This programme will be crucial in helping to identify those in fuel poverty and to promote the benefits of energy efficiency measures.

The Housing Executive's 2001 Household Condition Survey estimates that 203,262 households in Northern Ireland are in, or at risk of, fuel poverty. Given that the income of a pensioner household is estimated to be only one third of that of households in work, fuel poverty adversely affects older people. Figures indicate that 50% of fuel poor households are aged 60 or more and 22% are aged over 75.

This programme aims to overcome some of the hurdles that older people face when trying to make their homes energy efficient and will also help identify and promote energy efficiency awareness.

The Programme will employ an Energy Advisor who will be mainly responsible for the following areas:

- Identifying 58 households (home owners or privately rented) who currently fall outside the eligibility criteria for energy efficiency schemes and enable them to avail of a grant of approximately £3,000 to energy proof their home
- Working within the energy market to act as a catalyst to unite and promote available energy efficiency

schemes and the benefits of these schemes, through an Outreach Strategy and Help the Aged's SeniorLine Service

- Providing clients with benefit checks to ensure that they are maximising their full entitlement to benefits alongside helping them get onto the schemes which will help alleviate fuel poverty.

Remember 1 in 4 older people are still living in poverty and 1 in 3 older people are still not claiming means tested benefits. With the looming introduction of Water Charges it is particularly important to reach out to those facing the choice between heating, eating or water! The role of the Energy Advisor will be crucial in reaching out to people to

encourage benefit take-up.

This is a new and innovative role for Help the Aged and has called for close working relationships with a range of partners, namely the Housing Executive, the Health Promotion Agency, Northern Ireland Electricity, Department for Social Development and the Eaga Partnership who, alongside ourselves, will form a steering group to oversee the project. This project will help us continue to strive to alleviate poverty and improve older people's health and well being.

If you would like more information on the Programme or you know of someone who could benefit from it please contact Help the Aged on 0808 808 7575.

| housing rights service |

Middleton Buildings, 4th Floor,
10-12 High Street, Belfast, BT1 2BA
t: 028 9024 5640 f: 028 9031 2200
e: hrs@housingrights.org.uk www.housingrights.org.uk

The views expressed in Housing Rights Review do not necessarily reflect the views of Housing Rights Service or its members unless otherwise stated