

Response to the Housing Selection Scheme Preliminary Consultation Paper

Issued by the Northern Ireland Housing Executive

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INTRODUCTION

Housing Rights Service welcomes the opportunity to respond to the Housing Selection Scheme Preliminary Consultation Paper. Our overall experience of the Housing Selection Scheme is that it has worked quite well and that it generally has fulfilled its purpose of prioritising allocation on the basis of need. There have however been some negative issues experienced by some clients. We welcome the fact that this review will go some way to addressing these concerns. In particular, we would welcome a more equitable approach to the award of interim accommodation points given the prevalent use of single lets. However, we remain concerned that the most vulnerable who are sleeping rough or sleeping in cars will still not be entitled to an equivalent award points.

The following section discusses the questions raised in the document in more detail. Housing Rights Service comments are based on our experience of providing advice on a daily basis to clients about homelessness and the Housing Selection Scheme. During 2010-11 this combined total amounted to 9749 issues (representing 34% of the total amount of issues received that year).

1.0 INTIMIDATION – THE SCOPE AND ROLE OF THE CURRENT RULE 23

Q1 Do you agree that based on a risk-removal approach to intimidation, and given the changing political situation in Northern Ireland, as well as the tools available to address serious disputes and harassment, intimidation cases should no longer attract absolute priority for re-housing through an additional award of 200 points under the selection scheme?

Housing Rights Service agrees with this proposal and acknowledges the need to review the criteria for intimidation along with the level of points. In our experience, the vast majority of cases attracting an award of intimidation points are due to community based threats for alleged or actual anti social behaviour.

If intimidation points are removed, Housing Rights Service would like to see more thorough and effective use of the tools currently available to address anti social behaviour. We acknowledge that these have been strengthened by the Housing Amendment Act (2011) and we believe that if the current powers are applied proactively less households would feel the need to seek redress through re-housing.

Q2 Do you believe that if the 200 Intimidation Points currently awarded under the scheme were to be removed, the Primary Social Need factors adequately recognise and give due weight to the range of circumstances in which a person is forced to leave their home because of violence or serious risk of violence or lose their home because of an unforeseen disaster e.g. fire / flood?

Housing Rights Service does not feel that 'Primary Social Need' factors adequately recognise, or give due weight to, the circumstances in which a person is forced to leave their home because of violence or unforeseen disaster. We would support the re-weighting of points to sufficiently reflect the circumstances that would have previously attracted an award of 'Intimidation Points'. Consideration should also be given to cases of domestic violence within this re-weighted category.

Housing Rights Service also recommends a review of both 'Primary Social Needs' and 'Other Social Needs' factors. Under current rules these points are capped with a maximum award of 40 points under each category. We are unsure of the rationale for capping these points and would suggest the removal of this restriction. Housing Rights Service would be willing to contribute to such a review.

We also agree that a remodelling exercise is required to establish whether the proposed changes would adequately reflect the circumstances of someone who is forced to leave their accommodation as a result of intimidation.

2.0 APPLICANTS LIVING IN UNSUITABLE ACCOMMODATION

Q1 Do you agree that a range of circumstances relating to unsuitable accommodation should be given greater recognition through the Housing Selection Scheme, thereby reducing the need to seek redress through homelessness legislation?

Housing Rights Service recognises that there are applicants who are awarded Full Duty Applicant (FDA) status as a result of living in unsuitable accommodation, but who do not require emergency re-housing or other homelessness services. However, if the objective is to ensure that alternative remedies other than seeking redress through homelessness legislation are available then a comparable amount of points should be awarded through the Housing Selection Scheme i.e. 70 points for 'Unsuitable Accommodation'.

It is our understanding that a high number of elderly applicants who apply as homeless are accepted as FDA (10 % of homeless applicants are elderly and 80 % of are accepted as statutorily homeless). Reasons cited for this include situations where accommodation is inappropriate for needs because of deteriorating health and/or mobility needs. We therefore suggest that additional points under the functionality matrix should also be allowed.

If 'Unsuitable Accommodation' is to be recognised as a category under the Selection Scheme by an award of 70 points (comparable to FDA) it is worth noting that this could not in itself prevent an applicant from also applying as homeless under Housing (NI) Order 1988.¹ This potentially means that an applicant could get the award of points twice, unless these points were treated similar to award of 'Other Homeless' points or 'Statutory Homeless' points.

¹ Article 3 (3) of the Housing (NI) Order 1988

Whilst we acknowledge that not all homeless households require homelessness services, there are other benefits of being statutorily homeless including access to the Acquisition of Social Housing (ASH) Scheme. If older or disabled applicants were deterred from applying under the Housing (NI) Order 1988 they could inadvertently be excluded from being considered under ASH. We feel this issue requires further consideration by the Housing Executive.

3.0 HOMELESS APPLICANTS IN TEMPORARY ACCOMMODATION

Q1 Do you agree that additional Interim Accommodation points should be awarded after further periods spent in temporary accommodation?

Housing Rights Service agrees with this proposal.

Q2 Do you have any views on whether any such additional points should be awarded to?

- a) Statutory homeless applicants placed in temporary accommodation arranged by the Housing Executive only; or**
- b) Statutory homeless applicants who are either placed by the Housing Executive or make their own alternative temporary accommodation arrangements; or**
- c) All statutory homeless applicants?**

In the interest of a fair and equitable system and, to ensure that it is no more advantageous for Full Duty Applicants to move into hostel accommodation, we believe that these points should be awarded to all statutory homeless people regardless of their accommodation arrangements. This would recognise time spent by homeless households in all types of temporary accommodation.

4.0 TRANSFERS: ANTI SOCIAL BEHAVIOUR

Q1 Do you agree that transfer access criteria should be included in the Statutory Housing Selection Scheme?

Our understanding is that this is currently covered by the Housing Selection Scheme rule 7.2.4, which states that a tenant seeking a transfer;

"...should not be guilty of any other serious breach of the tenancy conditions".

However, we appreciate that clarity may needed to ensure consistency across legislation and policy. When implementing this it will be important to define 'involved in anti-social behaviour' which should also be consistent across legislation and policy.

Q2 Do you agree that the transfer access criteria should contain provisions to enable social landlords to refuse transfer requests in circumstances where the tenant has been involved in anti social behaviour?

Housing Rights Service feels that transfer access criteria should allow some management flexibility to allow for circumstances when it may be beneficial to transfer a tenant. For example, in cases of neighbour disputes which can arise because of lifestyle clashes and where there may be no clear perpetrator, it may be beneficial to allow one party to transfer to prevent a situation escalating.

5.0 EQUALITY IMPACT ASSESSMENT

Housing Rights Service would like to highlight a concern about households who may be adversely affected by proposed changes to 'Unsuitable Accommodation'. As almost half of those applicants who were accepted as homeless in 2009/10 involved

elderly households, any change is likely to disproportionately affect this client group.

Current Housing Executive policy provides that before an applicant can avail of the ASH Scheme they must have had FDA status for a significant period of time. Therefore, before for an applicant with a disability can benefit from the ASH Scheme they must be accepted as statutorily homeless. Our concern would be that those disabled and/or elderly applicants who opt for 'Unsuitable Accommodation' points would be excluded from accessing the ASH Scheme.

We therefore recommend that these proposals are thoroughly screened to determine the need for a full equality impact assessment.

CONCLUSION

Any subsequent changes to the Housing Selection Scheme will require remodelling of potential points allocation and waiting list place. Additionally, the Housing Executive would need to amend current guidance for staff and advisers to adequately reflect changes. With such significant changes to the Scheme, this would also warrant training for relevant Housing Executive staff.

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