

Response to

Northern Ireland Housing Executive

Draft Homelessness Strategy 2011-16

August 2011

INTRODUCTION

Housing Rights Service welcomes the opportunity to respond to the Northern Ireland Housing Executive's (NIHE) proposals for a Homelessness Strategy 2011-2016. We support the vision and broad strategic aims as laid out in the document.

Before commenting on the detail of the proposals we would like to highlight some general issues.

Critical assumptions

The document does not consider the broader societal or economic context and there is no analysis of housing markets. Given the impact on Northern Ireland (NI) households of the current economic downturn, and Government's responses, we believe that more in-depth analysis is needed to assess future levels of homelessness and to help inform the strategy. Critical assumptions will need to be set out clearly within the final document.

As part of this process we recommend a review into the collation and use of homelessness statistics to ensure that robust and meaningful data is available including, for example, household composition and needs.

Delivery

The document states that each strategic objective will have a number of actions at local level and that success will be dependent on the extent to which collaboration can be achieved between statutory and voluntary sector partners. We suggest that the Housing Executive involves relevant partners at area level when developing local action plans and that this process also includes consultation with homelessness people.

It is stated that an Inter-agency regional forum will be formed to monitor progress. Housing Rights Service would like NIHE to clarify the relationship between this group and the Department for Social Development (DSD) sponsored 'Promoting Social Inclusion' group on homelessness.

Local context

The draft strategy provides an overview of homelessness policy and government responses. It refers to NIHE Corporate Plan. Housing Rights Service in its response to NIHE draft Corporate Plan highlighted the need for increased emphasis on homelessness and its prevention particularly given new legal requirements introduced by the Housing Amendment (NI) Act 2010 (2010 Act). We want to reemphasise that, given critical importance of this issue, we remain convinced that prevention of homelessness needs to be given higher priority at corporate level within NIHE.

Co-ordinated multi agency services

NIHE is not the only statutory provider of services to homeless people but it should be proactive in the co-ordination of these services. Health, social services, criminal justice, employment, training and education should all have an important role to play in preventing homelessness and assisting homeless people.

For example, social services should have procedures for identifying clients who are at risk of losing their homes because of mental ill health, drug or alcohol problems. They should also have agreed referral protocols in place with NIHE. The Homelessness Strategy should include mechanisms for ensuring equal access to assessments by homeless people through joint protocols between housing, health, probation, police and voluntary agencies.

The 2010 Act states that a number of Government Departments, statutory bodies and housing associations “shall take the homelessness strategy into account in the exercise of their functions...”¹ This is a crucial part of the legislation which reflects the uniqueness of the NI structure for the delivery of public services, unlike the local authority structure in Britain which lends itself to better co-ordination of plans and services. Therefore it is extremely important that there is clarity around how NIHE intends to proceed with this requirement. Housing Rights Service strongly believes that detail on how this will be achieved needs to form part of this document. In fact the 2010 Act allows for provision relating to specific action which NIHE expects from statutory bodies including the Regional Board or Health and Social Care Trusts.

COMMENTS ON STRATEGIC OBJECTIVES

Strategic Objective 1 – To place homelessness prevention at the forefront of service delivery

Housing Rights Service agrees with this approach. We do however feel that the primary preventative services need to include sustainment of the home where owner occupiers in debt are facing possession.

Assessment

We agree with the need to develop and extend access to holistic and robust assessment services. In addition, the needs assessment process must also be matched with service provision. Assessment is only part of the solution. Without having appropriate services in place the assessment in itself is not an effective response.

Advice and assistance

Government recognises that the provision of timely, quality advice can be a “very effective tool” to prevent homelessness and help people decide the best solution to meet their

¹ Article 6(A) 5

housing need.² The DSD Guidance on the recent legal duty to secure advice sets out in detail the proactive approach which NIHE should take. It includes the following:

- Publicising information on services available to people at risk of homelessness
- Ensuring equal accessibility in all parts of NI
- Considering appropriate ways of communicating/advising with young people aged 16-17
- Recognising the very significant differences between information, advice and practical assistance
- Liaising with other providers of homelessness advice to identify and address any overlaps and consider ways of ensuring that all such advice meets an agreed quality standard
- Identifying risk and trigger factors leading to homelessness and targeting advice services to meet anticipated need
- Extending Personal Housing Plans (PHPs) to any person likely to benefit from them.

It also covers the form and content of advice:

- General information about homelessness
- Personal Housing Plans
- Advice on health and welfare issues
- Financial advice
- Advice on landlord/tenant matters and other legal disputes relating to housing
- Tenants rights and rights of occupation
- Harassment and illegal eviction
- Possession proceedings
- Rent levels
- Rent and mortgage arrears
- Grants for repairs and adaptations
- Housing implications of family breakdown
- Discharge from institution
- Access to the private rented sector
- Applying for social housing
- Housing options.

Given the importance placed on this area of work, which has been recognised in statute, we believe that it warrants more detail within the Homelessness Strategy. We suggest that the best way to proceed with this could be a detailed action plan focusing specifically on how NIHE will discharge its duty in line with Government Guidance. Part of this process will require scoping of existing advice provision and detail on how NIHE intends to assure quality standards in advice delivery.

² Homelessness: Duty to Secure the Provision of Advice, Housing (NI) Order 1988, issued by DSD January 2011

The draft strategy currently proposes to develop formal advice referral mechanisms and we agree that this is required. We also support the other 'next steps' identified in the document in relation to advice delivery.

Advice in prisons

Housing Rights Service is contracted to provide housing advice in prisons. A protocol for the delivery of the service has been agreed with key agencies. However, there are some prisoners who fall outside the scope of this protocol i.e. those who are supervised by the Public Protection Arrangements NI. Arrangements for the delivery of housing advice to this group of prisoners need to be developed by the relevant statutory agencies.

Additionally, the Housing Advice in Prisons service does not cover 16 and 17 year olds housed in the Youth Justice Agency facility at Woodlands. Consequently, we have concerns that there are gaps in services for this particularly vulnerable age group and strongly recommend the development of a protocol, in conjunction with relevant agencies, to address this.

Tenancy sustainment

In light of our earlier comments we recommend that this section is renamed 'Home Sustainment' to better reflect wider tenure issues.

We are unclear about the extent and reach of NIHE proposals for tenancy sustainment measures. The document does not indicate whether they extend beyond NIHE tenancies. We are of the opinion however that these services should apply across the housing tenures and, in particular, include housing association tenancies. For example, the management policies of social landlords should take into account tenants' needs for support. Early indicators such as rent arrears or neighbour nuisance should trigger action to assess support needs in advance of considering eviction proceedings. Effective pre tenancy support is also vital in ensuring that the accommodation allocated is suitable and that people are aware of their rights and responsibilities.

The strategy also refers to the provision of money advice aimed at preventing evictions. Housing Rights Service is currently working in this area through our Tenant Debt Advice Service (TDAS). We have formal Service Level Agreements with a number of social housing landlords, to provide independent debt advice to tenants with rent arrears. In addition, we are currently piloting this service with NIHE. There are a number of other money advice initiatives operating across NI and as such the strategy should be mindful of other providers (in addition to Citizens Advice).

In relation to the private rented sector, there is support for the development of a landlord/tenant dispute resolution service. We believe that this has the potential to have a very positive impact on sustaining private tenancies. We would encourage NIHE to help facilitate the development of this service.

Strategic objective 2 – To reduce the length of time households experience homelessness by improving access to affordable housing

One of the key objectives of the Homelessness Strategy, as set out in the 2010 Act, is secure that sufficient accommodation is and will be available for people who are (or may become homeless). An important aspect of this is the provision of temporary accommodation. In addition to those steps identified in the draft document, the final Strategy should also include:

- assessment of future accommodation need, supply and shortages; and
- plans for re-housing and resettlement support for residents into permanent housing whether independent or fully supported.

Temporary accommodation

Housing Rights Service agrees there is a need to strike the right balance between supported hostel accommodation and the use of private sector housing for lower or no support needs. We agree that a fundamental review of the temporary accommodation portfolio needs to be completed. Our understanding is that a review has been underway for some considerable time and that there are concerns that its findings could be out of date when published. Before the review is published it will be important that the review takes account of recent developments such as changes to Housing Benefit and their impact on the affordability and sustainability of temporary and permanent accommodation.

Permanent accommodation

Social housing

This section of the draft strategy makes no reference to social housing provision as a permanent housing solution for homeless people. This would appear to be a significant oversight. Given that this objective relates to “affordable housing”, detail on how the social rented sector can meet this need must be included in the final strategy document.

Similarly there is no reference to the assessment and allocation system for social housing. Given the review of the Housing Selection Scheme, its potential impact on client groups (e.g. older people and those with disabilities) and the Scheme’s overall relevance to homelessness, the final Strategy would need to consider allocations policy.

Private rented housing

The DSD’s private rented strategy places greater emphasis on use of the sector as a valid accommodation option for people in housing need. As part of this policy, Government has passed legislation for the introduction of a mandatory landlord register and statutory tenancy deposit schemes (likely to be operational from 2013). The Government approved schemes will hopefully lead to better consumer confidence in the sector with improved level

of compliance with standards. Whilst a disputes resolution service will be put in place for recovery of tenancy deposits, there will no legal requirement for an independent service to arbitrate over other disputes. NIHE should be taking a lead role in developing this type of service as part of the Homelessness Strategy.

Housing Rights Service will shortly be commissioning research into the suitability of the private rented sector as an accommodation solution for vulnerable and marginalised individuals. The research is due to be completed by March 12 and will help to inform how best to meet the accommodation needs of this client group.

Proposals under this section also refer to HMOs. The greater demand for shared accommodation, driven partly by the extension of the Shared Accommodation Rate to under 35s, could be hampered in certain council areas by planning restrictions on new HMOs. This would need further examination to ensure that shared housing needs can be met in all council areas.

Given the cuts in public expenditure and the welfare reform agenda we strongly recommend that included in the Homelessness Strategy is a risk assessment on housing supply, affordability and the likelihood of households to lose their home.

In addition to the proposals listed under 'next steps' within this section, Housing Rights Service would also like to see closer linkage with the DSD private rented sector strategy³ particularly how NIHE plans to use it as a resource to house homeless people and how physical/tenancy standards can be assured.

Sleeping rough

Housing Rights Service has nothing to substantially add to the proposed 'next steps'.

Strategic Objective 4 – To improve services to vulnerable homeless households

As a general point we believe that some vulnerable 'groups' have been overlooked in the draft; namely people with physical or mental disability, those with a personality disorder, older people and people leaving hospital.

Sex and violent offenders

Housing Rights Service welcomes NIHE commitment to assisting in the delivery of accommodation solutions for this group of offenders. As part of this process, we would request that any arrangements put in place clarify the relationship with existing advice service providers.

³ "Building Strong Foundations: A Strategy for the Private Rented Sector"

In addition to mechanisms for re-housing into the private rented sector we feel the strategy also needs to consider other accommodation options if this sector is not appropriate.

Migrant workers/persons from abroad

We recommend that NIHE consider whether the recent removal of restrictions on some A8 groups is likely to contribute to some increased demand for social housing.

Youth homelessness

Housing Rights Service agrees with the 'next steps' proposals. Nearly all homeless young people are likely to need some level of support to sustain a tenancy or other accommodation. It is essential that the shared priority for agencies providing accommodation and services for homeless young people is to prevent them from becoming homeless again. However, we remain extremely concerned that the 16 & 17 year olds joint protocol with the Health and Social Care Board/Trusts is not operational despite having been drafted and provisionally agreed some time ago. The lack of formal agreement in this area could lead to increased homelessness amongst this vulnerable age group and could in fact be open to legal challenge. We urge both statutory parties to make the formal implementation of this protocol an immediate priority. This must be included in the Homelessness Strategy.

SUMMARY

Housing Rights Service does not fundamentally disagree with the content and vision contained in the draft strategy. However, we believe that in addition to our comments on the draft strategy's detail, a number of broader amendments are needed to ensure a more outcome focused strategy. Our suggestions are as follows:

- An environmental audit with critical assumptions.
- A review of needs and audit of services to identify where needs are not being met to help inform the strategy.
- Identification of required advice & support services and resources needed to implement.
- Clear objectives with defined targets and timescales.
- A review into the collation and application of homelessness data, and whether this can be improved.
- Involvement of relevant partners and homeless people at area level to develop local action plans.
- Clarification regarding the relationship between the proposed inter-agency regional forum and the DSD sponsored 'Promoting Social Inclusion' group on homelessness.

- Commitment to the prevention of homelessness to be given higher priority at corporate level within NIHE.
- Detail on how NIHE intends to lead on the co-ordination of multi agency services to ensure that bodies take account of the strategy while exercising their functions.

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