

Housing Rights



**We are Housing Rights.
We prevent homelessness.**

**Making the shift towards prevention - enabling transformation through legislative change.
A discussion paper to support homelessness prevention in Northern Ireland**

April 2026

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The photos used throughout this publication are photos of people with experience of homelessness who agreed to be photographed as part of a library of non-stigmatising photos of homelessness, produced by the Centre for Homelessness Impact (CHI).

All of those pictured are real people with real lived experience of homelessness, including people from Northern Ireland. The project aims to challenge the often negative presentation of homelessness and more information is available on the CHI website

www.homelessnessimpact.org

Context

1. This discussion paper is written to support progress on preventing homelessness in Northern Ireland.
2. It is not hyperbole to state that homelessness is at a crisis point, with devastating impacts on society and public (and third sector) services. According to the NI Audit Office report, public expenditure on crisis services, such as temporary accommodation, has increased from around £7.6 million in 2019 to almost £40 million in 2024.
3. Despite widespread acknowledgement that a shift to preventing homelessness is the right approach, the NI Executive is yet to take the necessary steps to prioritise resources and incentivise collaboration to enable it. Northern Ireland is now an outlier in the UK, with the other jurisdictions having delivered several waves of legal reform intended for this purpose.
4. This paper notes the significant contributions made by the NI Audit Office¹ and the NI Assembly Public Accounts Committee² to place a spotlight on the need for progress in this area. Building on these contributions, this paper aims to answer several additional questions. These are:

- 1. Why is a statutory duty to prevent homelessness necessary?**
- 2. How should the proposals for a statutory duty be developed and who should be involved?**
- 3. What does the evidence say about how to make the duty most effective?**
- 4. Beyond legislation – what are the issues which need to be addressed in implementation?**
- 5. What are the next steps?**

¹ <https://www.niauditoffice.gov.uk/publications/homelessness-northern-ireland-report>

² <https://www.niassembly.gov.uk/contentassets/2deddf73ff104cfe90a9a3ed119a4a27/public-accounts-committee---report-on-homelessness-in-northern-ireland.pdf>

Executive Summary

5. Housing Rights welcomes the NI Assembly Public Accounts Committee recommendation that the Department for Communities should bring forward proposals to introduce a statutory duty to prevent homelessness, within the next 12 months.
6. In our view, the most meaningful way to give effect to this recommendation is to adopt an inclusive, expert-led approach to developing these proposals that considers the legislation and its implementation. Putting a spotlight on the absence of legislation to empower the shift to prevention highlights an important area in which Northern Ireland is falling behind other jurisdictions. It also poses important questions about what such a duty would achieve, how it would support outcomes across government (not just in homelessness) and how change can be implemented in a way that is meaningful.
7. Housing Rights' frontline experience in homelessness prevention and our research into what has worked well (and what the lessons are) from similar work undertaken in other places, is compiled in this discussion paper. **This paper gives initial comments to inform the process for developing the proposals, the approach to the legislation itself and to its implementation.**

The paper makes several key points:

Developing the proposals:

8. The Department for Communities should adopt a transparent, inclusive, and expert-led approach to developing the proposals. This paper recognises that the Department for Communities has overall responsibility for developing legislative proposals for the Minister's review. The paper also recognises that it is best practice in developing policy to involve stakeholders and assess an appropriate evidence base. The recommendation is therefore that an expert-led approach would provide recommendations for the Department's review and consideration, rather than supplant government policy development.

9. There are pragmatic and strategic reasons for this; the Department is under significant resource pressure, and a more inclusive approach shares the load; there is expertise beyond the Department which the process would benefit from, and; homelessness prevention requires multiple stakeholders' involvement across different sectors – to ensure the proposals are sound, these stakeholders should be involved from the outset.

10. Housing Rights notes that the approach taken in Scotland and Wales to developing similar proposals involved a government-appointed expert group representing a range of expertise. In Scotland, for example, the Scottish Prevention Review Group (SPRG) was chaired by Professor Suzanne Fitzpatrick, with secretariat support from the charity Crisis. A range of other stakeholders from across government and beyond, including input from people with lived and frontline experience, were sought during the process, which began in November 2019 and reported to the Scottish Government in February 2021. The recommendations informed the Scottish Government's approach to the 'ask and act' duties recently introduced by the Scottish Parliament. More recently, a similar approach has been adopted in Wales, with the Wales Expert Review Panel adopting a similar approach to inform the Homelessness and Social Housing Allocation (Wales) Bill, which was awaiting Royal Assent at the end of March 2026.

11. There is not only precedent but much learning for a similar approach in Northern Ireland. Both processes were chaired by Professor Suzanne Fitzpatrick, both had secretariat support from Crisis and involved a range of stakeholders. Both sought meaningful input from those with lived and frontline experience of homelessness, and both examined issues thematically with formal terms of reference and reported within a one-year period. Critically, both sought the involvement of legal experts to shape draft legislation informed by the proposals to ensure that what was recommended could be given legal effect, with the Welsh process doing so concurrently rather than sequentially.

12. Housing Rights is willing to be involved in further discussions about a similar approach for Northern Ireland and, having had detailed discussions with those involved in the Welsh and Scottish processes, has offered to join and provide secretariat support for such a group if it were to be established.

Adopting the right legislation

13. The briefing includes a summary of the current legal landscape in Northern Ireland and the approaches taken in other jurisdictions to legislate for a similar purpose as that which has been recommended by the Public Accounts Committee. It concludes that the current legal landscape creates an unhealthy tension between the Department's strategic aim to prevent homelessness and its statutory duties, and advocates introducing new duties to address this. It also notes that in other jurisdictions there have now been several waves of reform, which provide a space for Northern Ireland to observe the merits of specific changes.

14. On reviewing the approach taken elsewhere, this briefing highlights several areas of learning, with the briefing concluding that no single approach taken elsewhere is likely to fit in Northern Ireland, though the Welsh approach shows the most promise.

15. Whilst the briefing does not definitively conclude on the right approach, instead advocating that this should be the role of a new Prevention Review Group to consider and recommend such proposals, it identifies key learnings which should inform the group's thinking. These include:

- It is assumed that this legislation will amend the existing homelessness legislation. Consideration will therefore need to be given to how the interaction of amendments with the existing elements, e.g. assessment of whether the period in which a body can act to prevent homelessness should mirror the period in which a person is threatened with homelessness (currently 28 days but may be extended to 56 days via Private Members Bill). In Scotland, public authorities are empowered to act

up to 6 months before to assist. In Wales, the incoming legislation will also increase the time period from 56 days to 6 months.

- Duties to prevent homelessness are most likely to be successful if they go beyond the unitary public authority with responsibility solely for housing. The English duty to refer has placed significant pressure on local authorities to meet housing need without promoting upstream prevention activity. The approach must equip and empower other bodies to act within their remit to prevent homelessness first or alongside the housing solution. Consideration should be given to whether the duties on other public bodies should also be included in their primary legislation for clarity (as was recommended but not implemented in Scotland). In Wales, this advice has been heeded.
- The best legislation should consider current barriers to prevention and act to address them. This may relate to data, resources, decision-making or collaboration. Learning from elsewhere also indicates the importance of thinking through how the legislation will be implemented in a way which is most meaningful. There is a need for engagement with other public bodies who have a role in preventing homelessness to understand and make explicit what role they will play (and how this aligns with their strategic objectives). Discussions about what implementation looks like should therefore take place alongside legislative development.
- The implementation of the legislation and the accountability mechanisms should be clear from the outset. Will there be statutory guidance? What will the accountability process be, and how can recourse be sought? Those involved in both the Welsh and Scottish processes indicate that the Welsh approach is more comprehensive, with the Scottish approach to introducing framework legislation leaving the effectiveness of the approach largely reliant on the strength of secondary legislation and statutory guidance.

Considering implementation

16. It is vital that the proposals are worked through to ensure they are robust and capable of generating the shift to prevention for which they are intended. The Children Services Co-operation Act (Northern Ireland) 2015 is an example of an approach which legislated for but has yet to achieve meaningful co-operation amongst public bodies in children's issues. The provisions contained in the Act were not sufficiently robust and there is no meaningful accountability mechanism.
17. In a homelessness context, the Centre for Homelessness Impact has studied the implementation of prevention measures in Great Britain and identified an implementation gap where legislation has been introduced without the corresponding systems, data and investment to ensure implementation. Housing Rights recommends that this is also considered by a new Prevention Review Group with a wide range of stakeholder views sought to inform the best approach.
18. Legislation and system change require strong leadership to drive transformation. There is already much positive work happening across government which connects preventing homelessness with other policy goals such as reducing recidivism. This work needs to be made more explicit and it will require leadership and culture change. Positive signals about the priority status that the NI Executive places on homelessness prevention should be made clear in the next Programme for Government. Naming preventing homelessness as a goal across government and linking it to reducing health inequalities, recidivism and poverty would outline a direction of travel which is supported by legislation.
19. Housing Rights recognises the significant resource concerns that many public authorities will have in relation to introducing a new statutory duty. As this briefing outlines, however, the resource demands of the current unsustainable demand for crisis homelessness services are likely to continue unabated unless we transform together.

Background

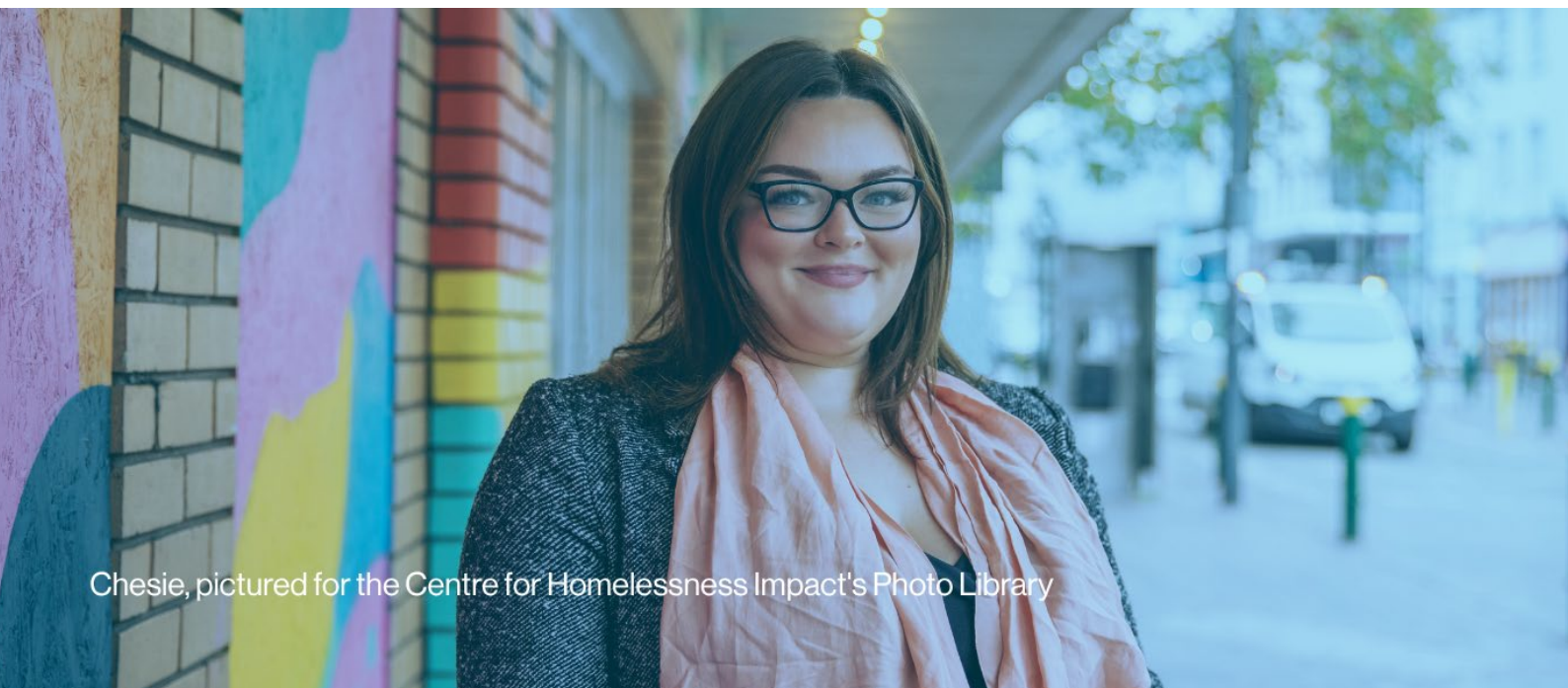
Housing Rights

20. Since 1964, our independent, specialist housing advice and advocacy services have been working tirelessly to keep people in their homes by helping them with their housing problems. Through our work, we seek to influence, innovate, and raise standards for everyone.

21. Our advice services are uniquely oriented towards **homelessness prevention**, as graphic 1 shows. Working at different stages of the homelessness prevention spectrum, our service range;

- delivers universal prevention for the public at large (e.g. our Helpline),
- early stage prevention for high-risk groups / those facing risky transitions (Housing Advice in Prisons),
- supports those in crisis (our core Advocacy service),
- provides emergency prevention (our Housing Possession Court Duty Scheme) and
- supports repeat prevention for those likely to experience repeat homelessness (e.g. our Beyond the Gate service).

22. Through our policy work, which is informed by our advice service experience, and our work with Experts by Experience (people with lived or living experience of homelessness and housing insecurity), we have long recognised the deficit in our homelessness legislation and have been advocating for a change since 2016.



Chesie, pictured for the Centre for Homelessness Impact's Photo Library

Graphic 1: The different stages of homelessness prevention in our work

The different stages of homelessness prevention in our work



Universal Prevention

Preventing or minimising homelessness across the population at large

- Housing Rights offers free online information, providing information and advice across all housing tenures. Funded by the NI Housing Executive and cited as best practice by the Joseph Rowntree Foundation.
- Housing Rights Helpline service provides advice and information to over 16,000 households per year. Landlord Adviceline provides advice on the law and compliance for private landlords.
- Practitioner service supports other agencies through advice, information and training so that everyone across Northern Ireland who seeks advice from other organisations gets the right information and support.

Upstream Prevention

Early stage prevention focussed on high risk groups and risky transitions

- Targeted prevention activities with bespoke services supporting young people (Housing Advice for Young People) and people leaving prison custody (Housing Advice in Prisons - a service which works jointly with the NIHE and NI Prisons Service).
- The HOME project, along with our pilot services in Jobs and Benefits Offices, supports people affected by domestic abuse and homelessness, global majority (ethnic minority) communities and private rented tenants.

Crisis Prevention

Preventing homelessness likely to occur within a foreseeable time period

- Our Advocacy and Representation service provides advocacy to around 1000 cases per year, including legal representation, to provide crisis prevention to help sustain tenancies and ensure someone does not lose their home.
- Our Housing Mediation Service, helps tenants and landlords resolve disputes, sustaining tenancies and avoiding court.

Emergency Prevention

Support for those at immediate risk of homelessness, especially rough sleeping

- The Housing Possession Court Duty Scheme (HPCDS), funded by the Department of Justice, through the Legal Services Agency, provides representation at court for those who are unrepresented and facing legal action from their landlord or lender.

Repeat Prevention

Prevention of repeat homelessness

- Beyond the Gate provides intensive short-term support to vulnerable people on release from prison and helps them connect with appropriate support services within the community. This service ensures they have a secure and safe accommodation through Housing Advice and Advocacy.

Introduction

23. At the end of 2025, the NI Assembly's Public Accounts Committee (PAC) carried out an inquiry into homelessness in Northern Ireland. In their final report, the Committee recommends that the Department for Communities work with the Northern Ireland Housing Executive (NIHE) to explore options for strengthening homelessness prevention through the introduction of a statutory duty on prevention³. The recommendation put the need for reform which is capable of driving transformation in homelessness prevention, into the spotlight once more.

24. This recommendation echoes long-standing calls from across the housing and homelessness sector in Northern Ireland. Separately, the Committee for Communities has also called for a review of homelessness legislation to ensure it encourages and enables homelessness prevention⁴. Further to this, legislative developments in other jurisdictions across the UK also pose questions about the need for reform in Northern Ireland.

25. The PAC recommendation requires that proposals be brought forward within 12 months. This paper seeks to support and positively influence the delivery of this work and efforts to prevent homelessness, more broadly. The paper is structured into three sections:

- The current position and the case for reform,
- The approach taken in other jurisdictions and the possible routes for legislation in Northern Ireland
- Considering how the proposals are developed and how the legislation is implemented

³ <https://www.niassembly.gov.uk/contentassets/2deddf73ff104cfe90a9a3ed119a4a27/public-accounts-committee---report-on-homelessness-in-northern-ireland.pdf>

⁴ [committee-for-communities-report-on-homelessness.pdf](#)

Section 1: Why is a statutory duty to prevent homelessness necessary?

The current position and the case for reform

26. To understand the need for a statutory duty to prevent homelessness, it is first necessary to understand the deficit in the current homelessness legislation in Northern Ireland and the impact this has on how decisions are made and resources are prioritised.

The legal landscape in Northern Ireland

Homelessness legislation in Northern Ireland

27. The Housing (Northern Ireland) Order 1988 is the primary piece of legislation dealing with homelessness in Northern Ireland.

The 1988 order sets out the:

- four tests a person must pass before they are legally homeless
- duties the Housing Executive has towards a person who asks for help with homelessness
- process for reviewing or appealing certain Housing Executive decisions about homelessness

28. The Housing Executive must ensure people have access to help and advice about homelessness and the prevention of homelessness. The Housing Executive has a further duty to provide help and advice to help a person find accommodation if they have either:

- no priority need, or
- priority need but are intentionally homeless

29. The Housing Executive must make inquiries into a person's circumstances if there is reason to believe the person is homeless or threatened with homelessness. The duties to make inquiries and to provide accommodation are not triggered if it is immediately clear that a person is ineligible for assistance.

30. The Housing Executive can ask for information or advice to help them make a decision on a homelessness application from:

- a health and social services board
- the Probation Board for Northern Ireland
- a registered housing association

These bodies must cooperate with the Housing Executive.

31. The Housing (Amendment) Act 2010 amended the 1988 Order to require the Housing Executive to publish a homeless strategy at least every five years. Section 6A(5) of the Housing (Northern Ireland) Order 1988 requires a prescribed list of bodies⁵ to, "*take the homelessness strategy into account in the exercise of their functions.*" Housing Rights has instructed legal opinion to test the interpretation of this duty to understand if it could be constructed as placing a duty on other public bodies to co-operate with the NIHE in relation to the objectives of the strategy (which include to prevent homelessness). Expert legal opinion has confirmed that such an interpretation is not sustainable. The opinion confirms several reasons for this view⁶. It is clear that this duty is limited and doesn't provide practical, enforceable assistance to people facing homelessness.

⁵ These bodies are listed as follows:

- a) The Housing Executive
- b) The Health and Social Care Regional Board
- c) Health and Social Care Trusts
- d) Education and library boards
- e) Registered housing associations
- f) District councils
- g) The Secretary of State (in relation to any function concerning NI prisons)
- h) The Probation Board for NI
- i) The Department of Education
- j) The Department for Education and Learning
- k) The Department for Health, Social Services and Public Safety
- l) The Department for Social Development⁵

⁶Legal opinion provided to Housing Rights, dated 18th March 2026.

32. In summary, beyond the provision of advice, there is no legal duty on the Housing Executive to prevent homelessness. There is also no corresponding duty on other relevant bodies to assist in this regard.

The case for reform

33. The limitations of the current legislation were captured succinctly in oral evidence to the PAC Inquiry into Homelessness. Mr Colum Boyle, who was at the time Permanent Secretary for the Department for Communities, stated:

“The choice between engaging in some extra money for prevention and putting in place some extra money to meet the statutory obligation to provide temporary accommodation is a no-brainer, I am sorry. We had to meet the demand right here, right now. I totally get the prevention thing: I have absolutely no issue with prevention, but it is not statutory, and our first obligation is to meet the statutory piece.”⁷

34. The tension between the legal requirements on the Department and NIHE and their strategic intention to prevent homelessness was observed in the Committee’s final Inquiry report, which concluded:

“Without a statutory duty, the Housing Executive has prioritised support services, as it has a legal duty to provide accommodation. The lack of statutory prevention duty also means that there has been no ring-fenced funding for homelessness prevention.”⁸

This legislative deficit creates financial pressure and does not incentivise the good practice or collaboration that we know are necessary.

Financial pressure

35. The Northern Ireland Audit Office (NIAO) 2025 Report on Homelessness concluded that dealing with homelessness, particularly temporary accommodation, **is creating unsustainable financial pressure for the NIHE.**

⁷ PAC Committee, Minutes of Evidence, Hansard, 13th November 2025. Accessible at: <https://data.niassembly.gov.uk/HansardXml/committee-37642.pdf>

⁸ PAC Committee, Final Inquiry report, paragraph 36, accessible at: [Public Accounts Committee - Report on Homelessness in Northern Ireland](#)

The report states:

“Annual NIHE gross expenditure on homelessness has increased by £26 million in three years and reached £75.3 million in 2023-24, consisting of £38.6 million in temporary accommodation costs, £31.2 million in Supporting People housing support services and £5.5 million in prevention and other costs. The majority of the increase in expenditure is due to increased spending on temporary accommodation.”⁹

36. The report further notes that in the absence of additional funding and a ring-fenced budget for prevention, **the NIHE has spent less than 10 per cent of its homelessness expenditure on prevention and early intervention**¹⁰.

Poor practice

37. The unsustainable pressure on the homelessness budget is not a new phenomenon in public services. The Chartered Institute of Public Finance and Accounting (CIPFA) has identified this growing trend as a threat to public service sustainability.

“Public sector organisations across the UK face growing demand for reactive services and increasing financial pressure. The widening gap between need and capacity is a threat to the sustainability of public services. The shift toward a more preventative approach, to increase the resilience of individuals and communities and reduce or delay the likelihood or severity of demand for reactive services, must be embedded at the heart of public service reform.”¹¹

38. Homelessness is a multidimensional and complex social issue that has impacts across the Programme for Government, including notably on health, justice and education. Evidence suggests that there is a range of prevention-related initiatives which work; these should be resourced and strengthened. **Reactive**

⁹ NIAO (March 2025), Homelessness in Northern Ireland, accessed at: [NI Audit Office Report - Homelessness in NI_1.pdf](#)

¹⁰ Ibid.

¹¹ CIPFA, November 2025, Understanding Preventive Investment, available at <https://www.cipfa.org/aboutcipfa/press-office/latest-press-releases/public-sector-preventative-spend-can-be-quantified>

measures, of the kind the NI system currently employs, incur high and recurring costs while delivering poor value for money and worse outcomes for individuals who are threatened with homelessness.

39. In addition, the governance arrangements which relate to interdepartmental work on homelessness have been critiqued by both the NIAO and the PAC, the latter of which recommended a review of the homelessness strategy structures.

Collaboration to prevent homelessness is possible, but not mainstreamed

40. The Covid-19 pandemic brought the need for joint working and statutory co-operation into sharp focus. It has also demonstrated that this approach leads to successful outcomes. After lockdown was introduced, the Public Health Agency, Health Trusts and the NIHE worked together to assist homeless people and prevent the spread of the virus. The Department for Communities, in co-operation with the NIHE, agreed a memorandum of understanding to house rough sleepers regardless of whether they were Full Duty Applicants. Homeless people, even those without recourse to public funds, were placed in hostels across Northern Ireland throughout lockdown. This approach has not been mainstreamed and is the exception, rather than the norm, perhaps owing to the emergency circumstances of the time.

41. The NIAO report into homelessness in 2025 concludes that there are only limited examples of effective collaboration.¹² The two cited are the Complex Lives project and the Housing Advice in Prisons project, which is run by Housing Rights and jointly funded by the NIHE and the NI Prison Service. The NIAO recommends:

¹² https://www.niauditoffice.gov.uk/files/niauditoffice/documents/2025-03/NI%20Audit%20Office%20Report%20-%20Homelessness%20in%20NI_1.pdf

“... that the Department and the NIHE should work with other departments represented on the Homelessness Strategy Steering Group to identify opportunities for meaningful and significant joint working on homelessness services and to target resources collaboratively. This should include engaging with the community and voluntary sector to review projects which are working effectively, identify best practice and lessons learned.”¹³

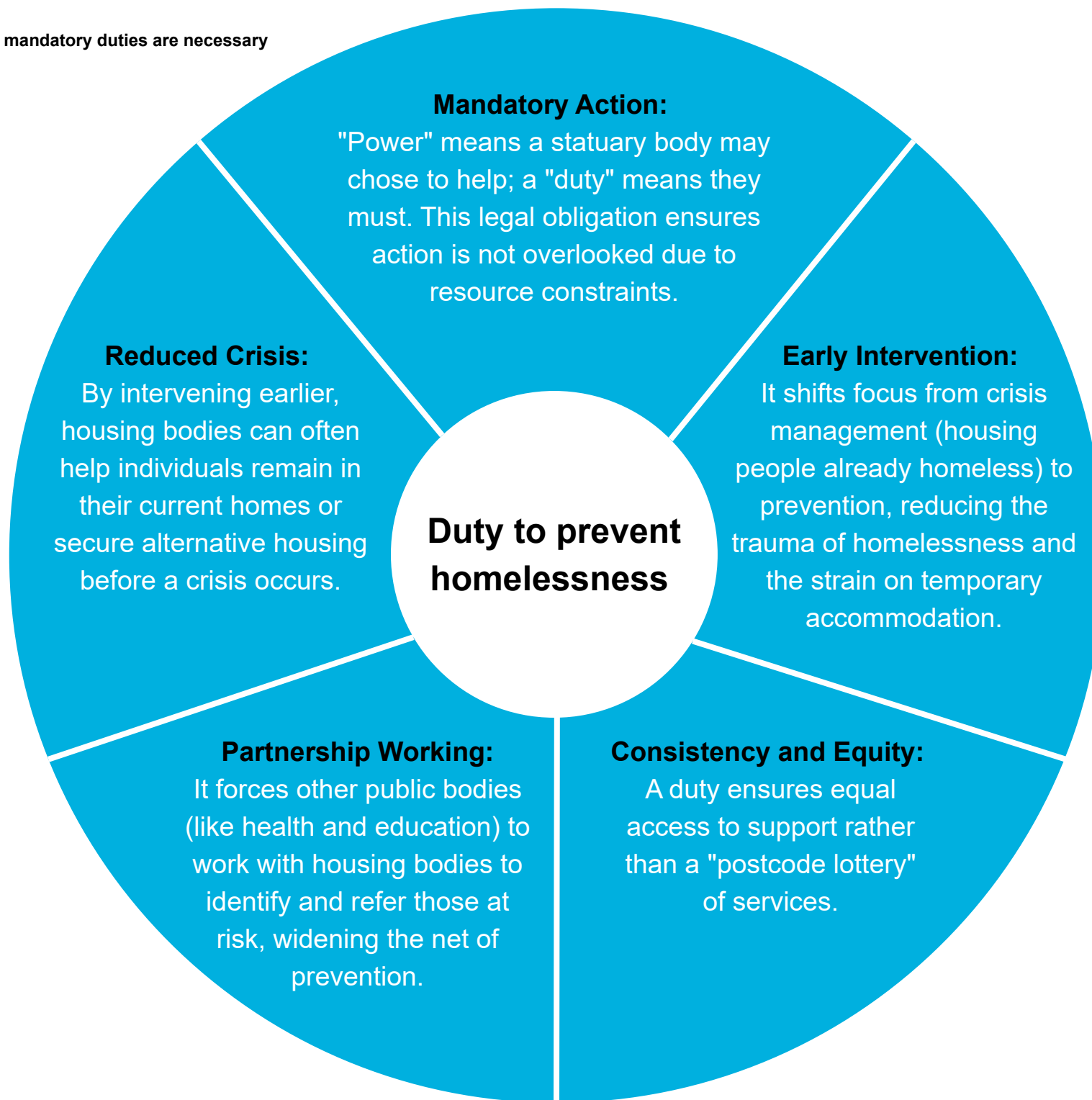
Failing people

42. As it stands, our legal architecture is failing to adequately protect people from homelessness in Northern Ireland. As of 2026, Simon Community estimates that **62,888 people are currently experiencing homelessness in Northern Ireland**, an increase from 59,518 the previous year. Exact figures on homelessness aren't regularly published. Indeed, one of the PAC recommendations is that the Department should make more meaningful, people-focused data on homelessness publicly available. This should include the number of individuals affected.

43. Northern Ireland's existing legislation not only fails to support homeless prevention but also does not incentivise collaboration. The system often works against itself, to the detriment of both the wider programme for government aims and, most crucially, the outcomes of vulnerable individuals. Housing Rights see this first-hand in our advice work. Below are some case studies demonstrating the failure of responsible authorities to collaborate to prevent homelessness.

¹³ Ibid.

Graphic 2: Reasons why mandatory duties are necessary



Case Study 1

John, who was struggling with severe mental health issues, including psychotic tendencies, was evicted from sheltered housing and presented to the NIHE. The NIHE queried John's capacity and support needs, but the local Health Trust declined to become involved, stating the case was solely the NIHE's responsibility. No alternative accommodation was arranged for John prior to the eviction, meaning John was essentially made homeless.

Key Failures:

- No joint working despite overlapping statutory duties
- No pre-eviction planning for a vulnerable tenant
- Dispute over responsibility between agencies
- Missed opportunity for a simple multi-agency resolution



Case Study 2

Alex entered custody while a tenant of a Housing Association. An abandonment process was initiated the following day and continued during the four-week notice period. Alex remained in custody throughout and was therefore unable to respond. No contact was made with support services despite previous partnership working. Housing Rights' appeal was unsuccessful, and a homelessness application has now been made to Causeway Housing Solutions Support Team.

Key Failures:

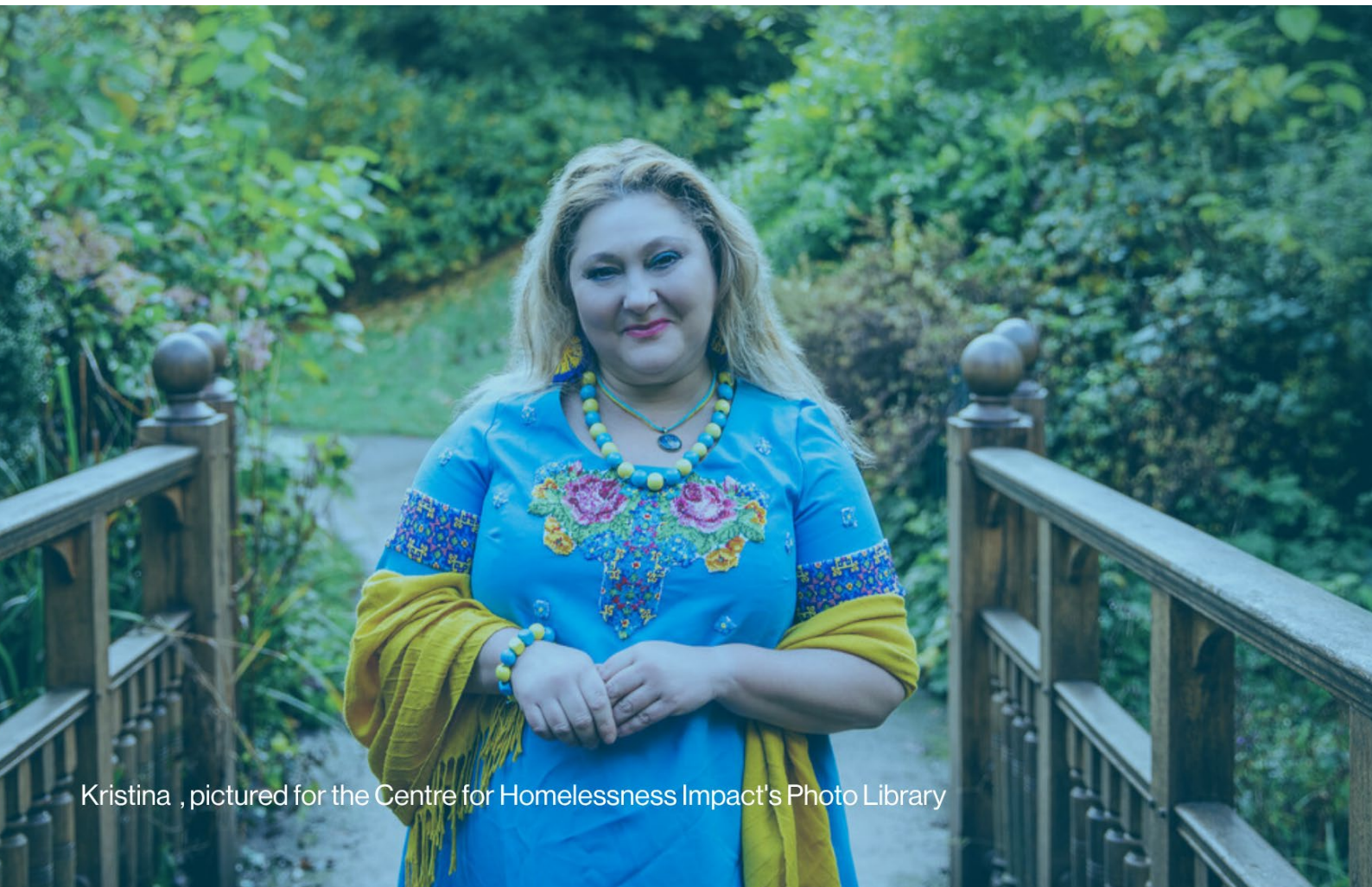
- Use of abandonment procedures despite known custody
- Failure to notify partner agencies
- Lack of consideration of the client's circumstances
- Risk of a negative decision on intentionality and eligibility grounds



Accountability

44. Often, public bodies are apprehensive about legal duties which *require* action, rather than *empower* action. Apprehension about new duties and the action required as a consequence is therefore understandable. To meaningfully enable a shift to prevention, however, mandatory duties are necessary for the reasons shown in Graphic 2. It is vital that relevant public authorities are engaged in the process for developing new legislation so that their responsibilities are clear and concerns are understood. To be most successful, the process must help promote strategic alignment between the public authorities so that preventing homelessness can also be seen to achieve the important policy goals other public bodies seek to achieve. However, in order for prevention efforts to be meaningful, there must be accountability.

45. A prevention duty, rather than just powers, is necessary to ensure consistent, proactive intervention for everyone at risk of homelessness, and to ensure the focus is on preventing crises rather than just managing them. Duties mandate that public authorities take "reasonable steps" and remove the discretion (or inaction) allowed by merely having the power to act.



Kristina , pictured for the Centre for Homelessness Impact's Photo Library

Section 2: How should the proposals for a statutory duty be developed and who should be involved?

Key considerations in developing the proposals for Northern Ireland

Developing the proposals – getting the process right

46. The Department for Communities has overall responsibility for developing legislative proposals for the Minister’s review. To do so, the Department should make best use of available evidence and work with key partners. This is evidenced in the NI Executive ‘Guide to Making Policy That Works’, which states:

“Very rarely, if ever, does a Department have all the means needed to make the intended changes. In fact, it is impossible to imagine that any strategy worthy of the name can be delivered without the participation of partners. To be effective, public policy needs to get partners involved.”¹⁴

47. In Scotland and Wales, the respective governments have initiated processes to support and make recommendations to assist them in their equivalent roles. Usefully, there is now an established precedent which the Department can adapt for use in Northern Ireland. This section outlines the processes followed in each jurisdiction and recommends adopting a similar process in Northern Ireland. It should be clear that these processes are to support rather than supplant government policy development.

¹⁴ April 2025, (NI Executive), *Guide to Making Policy That Works*, p.12 available at: [Making a Difference: The NICS guide to making policy that works](#)

48. As Table 1 summarises, there are a number of similarities with the approach taken in each jurisdiction. These include:

Table 1: Similarities in approaches taken by Expert Review Panels in Scotland and Wales

The establishment of a time-bound expert group which reported recommendations to the government within one year.
The appointment of an independent expert chair (in both cases the chair was Professor Suzanne Fitzpatrick).
The provision of secretariat support to the group by an independent third sector organisation with expertise across policy and legislation (in both cases this was Crisis).
The adoption of a clear Terms of Reference and Workplan, which involved structured meetings on thematic issues e.g. leaving prison etc.
The meaningful involvement of people with lived experience of poor housing and homelessness, and those with frontline experience of service delivery.
The involvement of civil servants from across departments and those external stakeholders with expertise.
Wide consultation carried out with relevant stakeholders and groups.
The publication of meeting minutes, the final report, and recommendations to the government.
The adoption by the government in full (as in Wales) or for the most part (as in Scotland) of the recommendations and the successful passage of these recommendations into law.

49. The recommendations informed the Scottish Government's approach to the 'ask and act' duties recently introduced by the Scottish Parliament. More recently, a similar approach has been adopted in Wales, with the Wales Expert Review Panel undertaking a similar approach to inform the Homelessness and Social Housing Allocation (Wales) Bill, which was awaiting Royal Assent at the end of March 2026.

Housing Rights has a sound understanding of what type of support may be required to support this work. Such is our conviction about the importance of this process that, in the absence of Crisis in Northern Ireland, we have offered to provide this type of secretariat role.

Table 2: Comparison between the Scottish Prevention Review Group and the Wales Expert Review Panel.

Scottish Prevention Review Group		Wales Expert Review Panel
Chair	Professor Suzanne Fitzpatrick	Professor Suzanne Fitzpatrick
Membership	<ul style="list-style-type: none"> • Crisis (Secretariat) • Fife Council • East Ayrshire Council • Convention of Scottish Local Authorities (COSLA) • Association of Local Authority Chief Housing Officers (ALACHO) • Glasgow City Health and Social Care Partnership • Homeless Network Scotland • Chartered Institute of Housing (CIH) • Shelter Scotland • Scottish Federation of Housing Associations (SFHA) • University of Glasgow • Scottish Gov 	<ul style="list-style-type: none"> • Crisis (Secretariat) • Carmarthenshire Council • Conwy Council • Pembrokeshire Council • Shelter Cymru • Cymorth Cymru • Welsh Local Government Associations • Community Housing Cymru • Tai Pawb • Welsh Gov • Liz Davies KC, Legal Advice

Remit	Develop recommendations to the Scottish Government for a legal duty or duties on Scottish Local Authorities and wider public bodies to prevent homelessness. Provide advice on how to ensure the recommendations are successfully implemented in the context of wider reforms to homelessness provision in Scotland.	Develop recommendations to the Welsh Government on how existing homelessness and housing legislation could be improved, the role of wider organisations in helping to end homelessness, how the law could be improved for specific groups at heightened risk of homelessness, and regulation and enforcement.
Key principles	<ul style="list-style-type: none"> • Homelessness prevention as a shared public responsibility • Early intervention • Choice and equality • Tailored Support and Stability • Comparable outcomes • Co-Production with people with lived experience 	<ul style="list-style-type: none"> • Early Prevention • ‘No Wrong Door’ approach • Legal reform • Rapid rehousing • Trauma informed care • Evidence based • Co-Production with people with lived experience • Human Rights and Equality
Timeframe	Nov 2019 - Feb 2021	Aug 2022 – Aug 2023
Additional consultation / expertise sought	The Prevention Commission (a group of people with lived and frontline experience of homelessness) supported by the Homeless Network Scotland	<ul style="list-style-type: none"> • Frontline workers e.g. via Frontline Network Wales • People with lived experience (via Cymorth Cymru and Tai Pawb who engaged with people with protected characteristics)



Farag and Bahia, pictured for the Centre for Homelessness Impact's Photo Library

Identifying learning for adoption in Northern Ireland

50. There is not only precedent but much learning for a similar approach in Northern Ireland. Housing Rights has had detailed conversations to understand this learning with both Professor Fitzpatrick and with the team involved at Crisis. The types of learning include, for example, that both processes sought the involvement of legal experts to shape draft legislation informed by the proposals to ensure that what was recommended could be given legal effect. In the Welsh process, doing so as the proposals were developed, rather than afterwards, was a more effective approach as it forced the panel to test their proposals as they were being developed.

51. In both jurisdictions, around 12-15 meetings took place of each expert panel. In addition, wide consultation and engagement were prioritised. In Scotland, a Prevention Review Commission was established as a vehicle for engaging frontline and lived experience. In Wales, a more agile approach was adopted, which was similarly representative. Northern Ireland benefits from several well-established frontline (practitioner) and lived experience networks already operating in Northern Ireland via third sector organisations such as Homeless Connect and Housing Rights. This experience could be drawn upon to deliver this aspect of the engagement.



David, pictured for the Centre for Homelessness Impact's Photo Library

Section 3: What does the evidence say about how to make the duty most effective?

The approach taken in other jurisdictions and the possible routes for legislation in Northern Ireland

52. Elsewhere in the UK, statutory duties have been introduced to require the prevention of homelessness and to instruct public bodies to collaborate in efforts to achieve this goal. A comprehensive outline of the position across the UK is available in a research paper provided to the NI Assembly Communities Committee earlier this year¹⁵. For the purpose of this discussion paper, we have included a summary below, beginning with the most recent development in Wales. This is followed with a summary of other available learning and poses some key areas for consideration for Northern Ireland.

Wales

Initial reform – the Housing (Wales) Act 2014

53. In Wales, a number of waves of reform have been introduced, and more recently, existing laws have been strengthened to prevent homelessness.

54. The initial prevention duties were introduced in The Housing (Wales) Act 2014.¹⁶ which took effect in April 2015. This legislation placed duties relating to the prevention of homelessness, relief¹⁷ and a final duty to provide accommodation. The duty includes a requirement that authorities take reasonable steps to stop homelessness, including the provision of financial assistance to cover rent arrears, deposits and rent in advance.

¹⁵ Eleanor Murphy, “Homelessness: a comparison of legislative frameworks in Northern Ireland, England, Scotland and Wales,” NI Assembly Research Service, <https://www.niassembly.gov.uk/globalassets/documents/raise/publications/2022-2027/2025/communities/4325.pdf>

¹⁶ [Housing \(Wales\) Act 2014 | Law Wales](#)

¹⁷ A mandatory, 56-day legal obligation for local councils to take ‘reasonable steps’ to help any eligible homeless person secure reasonable accommodation.

55. Under this Act, addressing homelessness in Wales could be understood to take place within three stages:

- i. preventing homelessness (prevention);
- ii. relieving homelessness (relief); and
- iii. securing accommodation.

56. The first two stages are available to all, regardless of priority need, intentional homelessness or local connection. Within these stages, local authorities are required to take 'reasonable steps' to prevent or relieve homelessness when people are at risk of becoming homeless in the next 56 days or are actually homeless¹⁸.

Subsequent reform - the Homelessness and Social Housing Allocation (Wales) Bill

57. In October 2023, the Welsh Government moved to introduce further reform and published a white paper¹⁹ on ending homelessness, which included strengthening homelessness prevention provisions²⁰.

58. Most of the changes to strengthen homelessness prevention provision in Wales flowed from the recommendations of the Expert Review Panel²¹. In addition, the Welsh Government keeps its homelessness prevention efforts under constant review and is advised and assisted in this endeavour by the Ending

¹⁸ It should be noted that currently NIHE's statutory duty to provide accommodation to those who are homeless or threatened with homelessness only comes into effect when an individual is within 28 days of losing their home.

¹⁹ [White Paper on ending homelessness in Wales | GOV.WALES](#)

1. ²⁰ Changes proposed by the Welsh Government include:

- Create new duties on wider bodies, including local health boards, social services and registered social landlords, to identify people at risk of homelessness, refer them for support, take action to mitigate the risk of homelessness, and cooperate with local authorities
- Improve standards for temporary and settled accommodation
- Strengthen the rights of care-experienced people to homelessness assistance, in line with recommendations made by the Welsh Children, Young People and Education Committee

²¹ [ending-homelessness-in-wales-a-legislative-review.pdf](#)

Homelessness National Advisory Board, which includes stakeholders from the housing, poverty, local authority, and third sectors²².

59. This white paper has informed the Homelessness and Social Housing Allocation (Wales) Bill²³, which was unanimously passed by the Senedd in February 2026 and at the time of writing is awaiting Royal Assent.

60. This bill changes Wales's homelessness **system so that it is more focused on prevention** and responsive to the Welsh experience, which indicated that prevention activity had stagnated. The explanatory memorandum, which accompanies the bill, indicates the government's intention to achieve systemic transformation to enable more effective homelessness prevention, provide a more effective individualised service to those who are homeless or at risk of homelessness in Wales, and make better use of accommodation supply to those most in need. Key elements of the Bill include²⁴:

- Amending the definition of 'threatened with homelessness' and extending the prevention period from 56 days to six months.
- Strengthening the steps taken by local authorities to prevent homelessness.
- Abolishing the priority need and intentionality tests.
- Introducing a test for those who have engaged in 'deliberate manipulation' of the homelessness system to gain advantage when applying for social housing.
- Introducing a new duty on specified public authorities to "ask and act" in relation to persons in Wales.
- Placing new duties on local authorities to take reasonable steps to secure suitable accommodation is available for occupation for certain young people leaving care.

²² [Ending Homelessness National Advisory Board: update Autumn 2024 \[HTML\] | GOV.WALES](#)

²³ [Homelessness and Social Housing Allocation \(Wales\) Bill](#)

²⁴ Summary list taken from a more complete list, as provided in the Written Statement provided to the Senedd by the Minister in 2025. Accessed at [Written Statement: The Homelessness and Social Housing Allocation \(Wales\) Bill \(19 May 2025\) | GOV.WALES](#)

- Introducing a new duty for local authorities' co-operation arrangements to include a joint protocol between social services and local housing authorities.
- Requiring local housing authorities to make arrangements to promote co-operation between itself and certain other bodies through development of protocols and case co-ordination models.
- Broadening the definition of domestic abuse, bringing it into line with the Domestic Abuse Act 2021.
- Ensuring ongoing engagement with people with lived experience of homelessness.

England

61. In England, the Homelessness Reduction Act 2017²⁵ places a legal duty on local housing authorities to prevent homelessness for anyone likely to become homeless within 56 days. The act also places a duty on a number of named public bodies to refer users of their service, who have reason to believe they are homeless or threatened with becoming homeless within 56 days, to a local authority of the service users' choice.

62. The Homelessness Reduction Act introduced substantial changes to local authorities' homelessness duties under Part 7 of the Housing Act 1996 (as amended), which came into force on 3 April 2018. The main changes the Act introduced to local authorities' homelessness duties include:

- a strengthened duty to provide advisory services, particularly in relation to certain groups who are most vulnerable to homelessness
- an extension of the period during which an applicant is considered 'threatened with homelessness' from 28 to 56 days
- a new duty to assess all eligible applicants' cases (not just those unintentionally homeless and in priority need) and agree a personalised housing plan
- a new duty to prevent homelessness for all eligible applicants who are threatened with homelessness

²⁵ [Homelessness Reduction Act 2017](#)

- a new duty to relieve homelessness for all eligible applicants over a period of 56 days, during which time a local authority should take reasonable steps to help them find suitable accommodation (for a minimum period of six months). This duty stops short of requiring a local authority to provide accommodation for applicants not in priority need;
- and a new duty on certain public bodies to refer service users whom they think may be homeless or threatened with homelessness to a housing authority, subject to obtaining the person's consent. These legislative changes are similar to those introduced in Wales under the Housing (Wales) Act 2014.

63. In 2024, a Private Members' Bill was introduced in Westminster by Bob Blackman MP to make provision about the duties of public bodies to prevent homelessness. The Homelessness Prevention Bill would amend the period of threatened with homelessness from 56 days to 6 months and introduce additional duties on public authorities. The Bill passed the first and second reading, with the Committee stage to be scheduled. It unlikely to be progressed ahead of new legislative agenda being introduced and Westminster Parliament being prorogued. In December 2025, in England a new National Plan to End Homelessness was published. The policy contains a commitment to place new legal duties on public services to identify, act and collaborate to prevent and address homelessness.²⁶

Scotland

64. In Scotland, the Housing (Scotland) Bill, as introduced in March 2025, contains an, 'Ask and Act,' duty on social landlords and statutory bodies, such as health boards and the police, to ask about a person's housing situation and act to avoid them becoming homeless wherever possible. While the Housing (Scotland) Bill received Royal Assent on 6th November 2025, the 'ask and act' duty will be phased in over 2026-27 and a pilot fund has been established to support public sector bodies and third sector organisations to test out how the duties will work in practice.

²⁶ www.gov.uk/government/publications/a-national-plan-to-end-homelessness/a-national-plan-to-end-homelessness

65. In Scotland, local authorities have legal duties to support people who apply to them as homeless under the Housing (Scotland) Act 1987. These duties have been amended several times to strengthen the rights of people experiencing homelessness, most notably by legislation in 2003 and 2010.²⁷ Local authority homelessness duties are focused on providing support to people who are homeless or threatened with homelessness, i.e. could become homeless within two months. More recently, this was strengthened by the Housing (Scotland) Act 2025.

66. The Housing (Scotland) Act 2025.²⁸ deals with private rented accommodation and homelessness prevention. Key provisions of the Act include a framework for long-term rent controls, strengthened rights for tenants, enhanced duties to prevent and tackle homelessness and the introduction of 'Awaab's Law'²⁹ to address damp and mould in homes.

67. Part 5 of the Bill relates specifically to homelessness prevention.

Changes include:

- placing duties on relevant bodies, such as health boards or the police, to ask if an individual is homeless or at risk of homelessness, and requiring them to take action if they are - the aim being to make homelessness prevention a shared responsibility across the public sector
- requiring local authorities to act sooner to prevent homelessness by providing support to households threatened with homelessness up to 6 months before homelessness appears imminent rather than the current 2 months
- making social landlords put in place support for tenants if they are overdue on rent due to domestic abuse
- requiring social landlords to have a policy which sets out how they will support tenants who are at risk of homelessness due to domestic abuse.

²⁷ [Housing \(Scotland\) Act 1987](#)

²⁸ [Housing \(Scotland\) Bill as passed](#)

²⁹ <https://www.gov.scot/news/awaabs-law-to-come-to-scotland/>

Learning from elsewhere

The 'ideal' legal framework

68. Two leading experts in academia and in housing law, Professor Suzanne Fitzpatrick from Heriot-Watt University and barrister Liz Davies from Garden Court Chambers, analysed and produced a set of ten principles which should inform the ideal legal framework for homelessness. The assessment was summarised by Crisis in their 2018 publication 'Everybody In: How to End Homelessness in Great Britain'³⁰.
69. The principles (which are summarised in the table below, along with initial commentary about their applicability to Northern Ireland) are a useful overarching framework to help guide our thinking as we move towards developing a bespoke approach in Northern Ireland.

³⁰ <https://www.crisis.org.uk/ending-homelessness/homelessness-knowledge-hub/international-plans-to-end-homelessness/everybody-in-how-to-end-homelessness-in-great-britain-2018/>

Table 3: Table summarising the main principles in an ideal legal framework and their applicability to Northern Ireland.

Principle	Applicability to Northern Ireland
<p>Principle 1: Robust Prevention: For those who face the imminent threat of homelessness (within 56 days), a set of robust prevention duties should be in place.</p>	<p>Not currently in place in NI, although a Private Members Bill intends to extend the ‘threatened with homelessness’ period from 28 to 56 days.</p> <p>It should be noted that in Scotland and Wales, this period is now 6 months.</p>
<p>Principle 2: Universal, flexible relief: Where reasonable steps to prevent homelessness are unsuccessful, a complete statutory safety net providing access to suitable settled accommodation must extend across all homeless people (This means abolishing priority need)</p>	<p>Not currently in place in NI.</p> <p>Has been in place in Scotland since 2012 and will be introduced in Wales over a 10-year period. Not in place in England.</p>
<p>Principle 3(a) Priority access to social housing: statutorily homeless households should receive ‘reasonable preference’ in the allocation of social homes.</p>	<p>Not currently applicable.</p> <p>In Northern Ireland, it is not currently the practice to discharge homeless households into housing options other than social housing, although there is an intention to introduce this in the private rented sector.</p>
<p>Principle 3(b) Intentionality should be abolished in its current form. A new test should be introduced to ward</p>	<p>Not currently in place in NI.</p>

<p>off deliberate manipulation of the homelessness system. This would require local authorities to demonstrate that the applicant has foreseen that their actions would lead to their becoming homeless.</p>	<p>In Wales the intentionality test is to be abolished and replaced instead with a deliberate manipulation test, in the incoming legislation.</p> <p>In Scotland, the test is discretionary.</p>
<p>Principle 4: Local connection should cease to be a bar to assistance.</p>	<p>Not applicable in NI.</p>
<p>Principle 5: Protection for those who have exhausted homelessness entitlements.</p>	<p>Not applicable in NI.</p>
<p>Principle 6a: Local housing authorities should have a duty to provide housing support in relevant cases.</p>	<p>No current legal duty in NI. In England, Wales and Scotland there are explicit duties to assess support needs.</p>
<p>Principle 6b: Other public bodies should have robust duties to both prevent homelessness (Principle 1) and to cooperate with local housing authorities in relieving homelessness. Stronger duties on public authorities to prevent and alleviate homelessness are likely to be effective.</p>	<p>Not in place in NI.</p> <p>Duty on listed public authorities to take into account the homelessness strategy in the exercise of their functions under Art 6A of the 1988 Order.</p>
<p>Principle 7: Inspection and regulation: There should be robust but proportionate regulation, monitoring and inspection regime of how local authorities, other public bodies and social housing providers discharge their duties</p>	<p>Not in place in NI.</p>

<p>Principle 8: Reviews and appeals: There should be a more open system of individual reviews and appeals. This includes opportunity for applicants to access a review body independent from the local authority and the availability of good free or means tested legal advice which covers housing options, homelessness assistance.</p>	<p>Partially in place in NI.</p> <p>There is a review mechanism to challenge homelessness decisions to County Court.</p> <p>Specialist housing advice and assistance is available free of charge from Housing Rights.</p>
<p>Principle 9: Qualifications and professional standards: An ongoing emphasis on professional training and skills development among frontline homelessness officers should be in place as they work in a quasi-judicial capacity.</p>	<p>There are a range of training programmes offered to NIHE staff.</p> <p>The development and adoption of a Housing Advice Quality Standard which would operate across statutory and voluntary sectors, similar to those in place in e.g. Scotland, has been an objective of successive Homelessness Strategy Action Plans but has not yet come to fruition.</p>
<p>Principle 10: minimum safety net for migrants: at the very least minimum subsistence benefits and basic accommodation must be available to all regardless of immigration status.</p>	<p>Not in place in NI.</p>



Tina, pictured for the Centre for Homelessness Impact's Photo Library

Learning from experience:

Children's Services Co-operation Act

70. In 2016, many in the Homelessness sector, including Housing Rights were encouraged by the passage of the Children's Services Co-operation Act the previous year. The Act required the co-operation of public bodies in the promotion of better outcomes for children and young people. However, over a decade on, leading authorities in the children's sector have identified the deficiencies in this legislative approach in a briefing to the NI Assembly Communities Committee.

“it was acknowledged that it is difficult, if not impossible, to draw a clear line from the Act to the examples of co-operation that are being reported or evidenced”³¹

71. Many in the children's sector had advocated for a stronger piece of legislation with greater accountability mechanisms for non-compliance, clearer requirements for monitoring and reporting, and a mandatory duty to pool resources.

Other examples beyond housing:

72. Legal research conducted on behalf of Housing Rights indicates that duties between public authorities are largely limited to consultation, engagement and continued constructive conversation, and do not require an agreed solution. These types of duties are most found in legislation regarding the environment, public planning and the Care Act³².

73. It is, therefore, helpful that there has been a more novel approach to person centred co-operation to prevent homelessness in Scotland and Wales and the learning from and limitations of both approaches should be considered seriously in Northern Ireland.

³¹ See briefing by the Children's Law Centre for the Communities Committee on the Children Services Cooperation Act, March 2026, available to download at <https://childrenslawcentre.org.uk/consultation-responses/>

³² Private research carried out on behalf of Housing Rights via PILS, received April 2025.

Weaknesses in other homelessness legislation

74. In England, there has been concern expressed about the resource pressure created by the 'duty to refer'. Despite good intentions to promote earlier intervention, the approach taken in England has shifted the pressure from one part of the system to another, with other bodies referring those at risk of homelessness to the local authority. This referral, without a duty to take meaningful action to prevent has meant that for some the duty is seen as a tick box exercise and has led to a backlog in resource demands for local authorities. In both Scotland and Wales, recent developments have sought to address this weakness by **including specific duties on public authorities themselves, recognising that homelessness is not just a housing problem.**
75. In all three other UK jurisdictions, the various waves of reform have considered the prevention duty, as more than a standalone requirement. They have considered any other amendments which are necessary to give the best effect to the prevention duty. For example, the latest wave of reform in Wales extends the period a person is threatened with homelessness from 56 days to 6 months (mirroring Scotland and now being proposed in England). The Welsh reform is partly in response to feedback from local authorities who requested more time to work with those who are threatened with homelessness³³. The 'ideal legal framework' has been the basis of many of the developments.
76. The legislative structure is also important. Whilst the approach in Scotland is much more developed than the English approach, the Scottish Government chose not to take on board all the recommendation from the Scottish Prevention Review Group. This meant that the duties on those bodies outside housing were not also included in their own primary legislation, thereby weakening the clarity and strength of the approach. Those involved in the Welsh approach indicate that the more comprehensive approach to the legislation undertaken in Wales, is a superior approach than the framework legislation enacted in Scotland. It will be for a Prevention Review Group in Northern Ireland to consider the best approach.

³³ Explanatory Memorandum, paragraph 18 [pri-ld17178-em-en.pdf](#)

77. In each jurisdiction, the focus of the legislation is to provide person-centred services. There has been comparatively less consideration given to how to ensure public authorities work together to prevent homelessness through policy. **There is an opportunity for Northern Ireland to lead the way by considering duties that would require public authorities to work together to prevent homelessness in individual cases, and to do so further upstream, through their policy decisions.** Housing Rights has outlined some initial considerations for this below.

Key considerations for legislation in Northern Ireland

78. This paper is written with the assumption that the duty would be inserted to further amend the primary homelessness legislation, i.e. Housing (Northern Ireland) Order 1988.

79. On the basis that the Prevention Duty would amend existing homelessness legislation, several considerations arise that should be addressed by a new Prevention Review Group. These include:

Should the statutory duty to prevent homelessness place a duty on the NIHE or on the NIHE and other relevant statutory bodies?

80. All of the evidence from elsewhere – even those countries which do not have a legislative duty- indicates the importance of interagency collaboration³⁴. The lesson from England, however, is that placing a duty on other bodies to refer only, will create undue pressure on the body with primary responsibility to prevent homelessness.

81. In placing a duty on other bodies to also act in this regard, it is critical that the governing legislation is explicit in the duty owed.

³⁴ Please see Section 7 of the Evaluation of the NIHE Homelessness Strategy, (Boyle and Pleace) April 2022 accessible at: <https://share.google/w1XQr6Pl9nedeMta>

Housing Rights frequently works with clients who have become homeless due to issues with managing and sustaining a new tenancy. Through work including our ‘Beyond the Gate’ project, Housing Rights works with individuals in need of housing support, and aims to increase their capacity to sustain their homes by coordinating wrap-around, individualised tenancy support services for these clients. The provision of this support, similar in theme to the ‘Housing First’ model, is a recognition that homelessness is very often more than merely a “housing problem”, and is often linked to more complex issues relating to personal support needs and capacities.

Case study 3: Molly

Molly was a Housing Rights’ client who worked with our Beyond the Gate team in a prison in Northern Ireland. Molly had Asperger’s, epilepsy, and had an extensive history of self-harm. Before being discharged from prison, there was a huge concern over who would take responsibility for Molly. The NIHE required input from the Trust to assess Molly’s needs and their own statutory duty. Unfortunately, Molly was passed from team to team, at one point being asked to leave a secure ward as they were unable to manage her self-harming. Without an assessment, Molly was unable to access housing that suited her needs. Molly was returned to custody over and over again due to living in unsuitable accommodation.



Case study 4: David

David owned his own home and had four children. David’s lender obtained a Possession Order because he was in mortgage arrears. When informed that an eviction date had been set by the EJO, David presented as homeless to the NIHE. As the eviction date wasn’t yet within 28 days, David was restricted from getting access to the temporary accommodation for him and his family. The fact that the EJO were unable to disclose the eviction date by law, added to his stress. Luckily for David, Housing Rights was able to stop the eviction by applying for a Stay at court.



At what stage should the duty be triggered and for whom?

82. It is reasonable to assume that the duty to prevent homelessness would apply to designated public authorities in their work with people who are considered homeless or likely to become homeless. This means that any new duty would interact with the existing four legal hurdles for homelessness; eligibility, homelessness, intentionality and priority need. In other jurisdictions where the same approach has been taken, this has led to several other amendments to give best effect to the prevention duty. These include:

- Extending the timeframe for those who are threatened with homelessness: In Northern Ireland, as the case study below from our services shows, the current 28-day limit impedes the ability of authorities to take action until homelessness is imminent.

83. As noted in the sections above, to give public authorities more time to prevent homelessness, this period has been extended to 6 months in Scotland. The incoming legislation in Wales will extend this period to 6 months from 56 days, and the same extension is proposed in England in a recent Private Members' Bill. Adoption of this timeframe should also be considered in Northern Ireland.

84. In both Scotland and Wales, the priority need test has also been removed. In Wales, the intentionality test has also been removed and replaced with a stricter test to determine whether someone is deliberately manipulating the system. In Scotland, the intentionality test is discretionary. In Northern Ireland, consideration should be given to the impact on the effectiveness of the duty if a similar approach is not taken. As in Wales, which initially phased out priority need before abolishing it entirely in the forthcoming legislation, there may be an argument for phasing out one or both tests to widen the scope for homelessness prevention.

Moving the duty further upstream into decision-making

85. The 1988 Order (as amended) requires designated public bodies to “take into account” the homeless strategy in the exercise of their functions. In our view, this duty provides the named public authorities with a high level of discretion to consider the strategy in the exercise of their functions, but does not compel the

authorities to act in a certain way. Housing Rights commissioned expert legal opinion to provide a more definitive view and the opinion confirmed that our interpretation was correct. Even if the duty was relied upon, the legislation does not define *how* the authorities should take the strategy into account. While noting the intentions behind the insertion of this duty in the Housing Amendment Act 2010.³⁵, there are no specific or enforceable obligations to ensure such cooperation between the named public authorities for the purposes outlined in the Homelessness Strategy. Saving a future amendment to the duty and/or more definitive objectives included in a future homelessness strategy, there is therefore currently no enforceable requirement for public authorities to work together to prevent homelessness.

86. Whilst there has been much progress, in legislative terms, to require public authorities to work together to prevent homelessness for individuals, there has been comparatively little to ensure that decisions in policy, practice and resource allocation also prioritise cooperation in homelessness prevention. In Northern Ireland for example, decisions are made by many public bodies do not often consider the implications for people at risk of homelessness. Prison sentencing guidelines for example, do not fully take account of Universal Credit Temporary Absence rules which makes it more difficult to support people to sustain their accommodation in certain circumstances.

87. Joined up policy making which prioritised homelessness prevention has the potential to strengthen co-operation and improve outcomes across a number of public policy areas. By requiring policy makers to consider the implications on efforts to prevent homelessness and consider how they may mitigate against any potential implications for homelessness, preventative efforts could be strengthened at the furthest point upstream.

³⁵ When introducing the Bill, the Minister for Social Development said:

“The whole purpose of the homelessness strategy, which I launched on 7 July 2007, was to ensure that we had buy-in, not only of my own Department and the Housing Executive, but of all other Departments, such as Health, Education and Employment and Learning. In fact, a multi-disciplinary committee was established as a result of that. The kernel and central pivot of that was inclusion; we must include everyone, get the views of everyone and provide comfort and solace to those most vulnerable in society. The Bill requires key Departments and public bodies to take the strategy into account in the exercise of their functions. That therefore becomes a statutory requirement.” NIA Deb, 23 June 2009, vol 42, p.180.

88. It is possible, however, to create legal duties which require decision makers to take into account how they can better prevent homelessness in their decision-making. Whilst often imperfect in practice, the model of equality screening / Equality Impact Assessments is the mechanism through which public authorities must demonstrate that they have considered how to better promote equality amongst certain groups in accordance with their obligations under Section 75 of the Northern Ireland Act 1998. Often the risk factors facing people at risk of homelessness are not considered fully, as homelessness, or socio-economic status, is not a protected ground. As a first step it may be worth considering if an equivalent approach to homelessness prevention screening could be built upon.



Gareth, pictured for the Centre for Homelessness Impact's Photo Library

Section 4: Beyond legislation – what are the issues which need to be addressed in implementation?

The implementation gap

89. It is important that we are also mindful of what the Centre for Homelessness Impact (CHI) calls the '*implementation gap*', which they describe as a recurring disconnect between legislative or policy changes and the preparedness and capacity of leaders and staff in local areas of other parts of the homelessness system to enact the intended changes. CHI note that often the '*underlying policy intent is sound and informed by evidence, but the necessary investment and support to ensure local areas have the systems and capacity to implement it effectively are significantly underestimated.*'³⁶
90. The CHI sets out several recommendations to overcome this in '*A Smarter Approach to Homelessness*'³⁷. These include that prevention is a key part of, but not the only part of, the solution. We must continue to progress work to improve the supply of social housing, continue to support services which work to alleviate homelessness and work to improve standards across all tenures.
91. Limited long-term funding is currently available for homelessness prevention activities. Whilst the Communities Minister's support for the Homeless Prevention Fund has been welcomed by the homelessness sector, the lack of a statutory duty on prevention means that there is no long-term guarantee for this scheme and for meaningful resourcing of prevention efforts over time.
92. Current data systems also present significant challenges to effectively identifying people who are at risk of homelessness and the targeting of resources to support prevention. Gaps remain in data collection, and collaboration with the NIHE to

³⁶ [A-smarter-approach-to-homelessness.pdf](#)

³⁷ CHI (2025) A Smarter Approach to Homelessness available at : [A-smarter-approach-to-homelessness.pdf](#)

modernise data collection must be considered a key priority to bridge the implementation gap. Investment will be necessary to ensure predictive tools which can identify at-risk individuals, areas, or groups are operational and fit for purpose.

93. Housing Rights recognises the significant efforts being made across sectors to progress each of these areas. It is our view however, that without a legal duty, these efforts will continue to be limited by resources, dependent upon good relationships and collaboration among parties and not capable of driving the required systemic change.

Investing in Prevention

94. **Strategically, there is a need to recognise the value of homeless prevention as an investment that leads to better outcomes in a future crisis.** As noted by the Chartered Institute for Public Finance and Accounting, when budgets are tight, there is intense pressure to meet immediate need, but this approach squeezes out preventative investment, which would enable a more secure and sustainable footing to be reached³⁸. **This accelerates the next crisis**, which in turn requires another short-term fix.

95. Upscaling homelessness prevention would ensure better outcomes, including financial savings, across multiple departments. In the context of an ageing population an increasing demand on an unprepared private rented sector, as well as the need for decarbonisation and supporting a 'Just Transition', **it is essential that homelessness prevention is considered a true investment in our future.** Preventing homelessness will lead to tangible improvements in the lives our citizens, reduced costs, greater cross-departmental working, reduced future demand and a greater emphasis on long-term financial planning.

³⁸ CIPFA, November 2025, Understanding Preventative Investment, available at <https://www.cipfa.org/aboutcipfa/press-office/latest-press-releases/public-sector-preventative-spend-can-be-quantified>

Addressing concerns about resources

Invest to save

96. Independent research commissioned by Housing Rights in 2015, with support from the Department and the NIHE, found that the average cost of a person being homeless in Northern Ireland was around £15,000 per annum. This research is currently being updated with a publication date of early September, but we anticipate this cost to have increased significantly. While the human cost of homelessness should be decision-makers' chief concern, the economic rationale for investing in prevention is also clear: every successful prevention case is a boost to the public purse. An argument which is even more striking when one considers that under the draft 3-year budget proposals proposed by the Department for Finance, the total resource spend per person (at around £9,000 per year) is estimated to be considerably less than even the 2015 projected saving.

97. It is true that an investment in homelessness prevention will come with a cost. But it will undoubtedly create long term savings, and crucially it has the potential to shape a new pattern of public spending which better reflects the government's overarching strategic priorities. As is noted in the independent evaluation of the NIHE Homelessness Strategy 2017-2022:

“There has been a marked change in the pattern of homelessness in England as a result of the legislation. As in Wales, the number of lone adult households who can be assisted under the homelessness legislation has increased significantly. The 2022 Homelessness Monitor supported by Crisis notes that, in England:

The number of households deemed unintentionally homeless and in priority need at the Main Duty decision stage totalled 39,210 in 2020/21, around the same as the year prior, but a substantial reduction on the 57,000 households owed Main Duty in the year prior to the Homelessness Reduction Act coming into force. This reflects that a much higher

proportion of those seeking help are assisted at an early stage under prevention or relief duties.”³⁹

Integrate prevention into the ‘Business as Usual’

98. In a major study, the Chartered Institute of Public Finance and Accountancy (CIPFA) and the Health Foundation, working closely with local authorities in England, have developed a toolkit to map, measure and protect prevention spending for public authorities.⁴⁰ The project recognises that there is a need for a twin track approach with investment in acute services and long term prevention initiatives. In recognition of the resource constraints however, CIPFA also encourage prevention to be mainstreamed within government departments.

99. Housing Rights argues that the introduction of a legal duty would help move us towards this position because policymakers would be required to consider how their decision-making could better support prevention efforts.

100. A simple example of where this integration takes place in practice can be found beyond the homelessness context, for example, in fire safety. The Fire Safety Regulations (Northern Ireland) 2010 mandate compliance with fire safety practice and have meant that fire safety prevention is now integrated into Business As Usual and has been effectively embedded into systems, decision-making, and leadership.

³⁹ Evaluation of the Homelessness Strategy for Northern Ireland 2017 - 2022 (Fiona Boyle & Nicholas Pleace) Pg 103. <https://www.nihe.gov.uk/getattachment/f8808560-25d0-4f49-a2d6-e32e888aced8/evaluation-of-the-homelessness-strategy-for-Northern-Ireland.pdf>

⁴⁰ <https://www.cipfa.org/services/integrating-care/investing-in-prevention>

Case study 5

Fire safety:

Integrating fire safety into "business as usual" (BAU) means moving away from viewing it as a one-off task and instead embedding preventative measures into daily, weekly, and monthly operational routines. This approach protects lives, reduces operational downtime, and ensures legal compliance without disrupting productivity. For example:

- Weekly fire alarm tests
- Preventive Maintenance: including scheduling regular inspections of electrical equipment (PAT testing), fixed wiring (at least every five years), and fire suppression systems (sprinklers/extinguishers).



Leading and supporting change

101. For a statutory duty to be effective, it must be capable of delivering change on the ground. This will require system and culture change since it will affect how decisions are made and resources are allocated. It is therefore welcome that preventing homelessness is included in the current Programme for Government.

To maximise this effectiveness, it should be a clear priority in the next Programme for Government, and the importance of this objective linked to the strategic aims of reducing health inequalities, reducing recidivism and improving wellbeing, should be made explicit across the NI Executive.

102. For those delivering the change, policy makers and practitioners alike, there will need to be clarity about their functions through statutory guidance and a programme of training and support. Equally, for people at risk of homelessness and those supporting them, there needs to be access to clear and independent quality advice and appropriate redress. This issue was specifically recommended by the Welsh Expert Review Panel, which highlighted its importance in their final report.

Section 5: What are the next steps?

103. The Department for Communities is required to respond to the PAC report recommendations by 24th April 2026. Whilst we recognise the urgency of developing proposals to introduce a duty to prevent homelessness, we believe the necessary time should be taken to ensure the proposals are robust. In other jurisdictions, once a review group has been established this work has been completed within one year.
104. Housing Rights recommends that the Department build on the evidence from similar waves of reform across the UK and establish an expert advisory group with representation across the statutory and non-statutory housing and homelessness sectors. The group should be independently chaired.
105. Given the similarity of many of the issues across the UK, it is our recommendation that Professor Suzanne Fitzpatrick is approached for this position. Considering the Northern Ireland specific legislation, it is further recommended that Northern Ireland specific legal counsel is also appointed.
106. The group's remit should be to bring forward recommendations so that the Department can develop proposals for the Minister. The advisory group should have a robust terms of reference, a specific workplan and should engage meaningfully with people with lived and frontline experience of homelessness.
107. **Housing Rights recognises the support required to effectively operate this group, and would be willing and able to provide the secretariat function. Our unique position as experts in homeless prevention and specialist housing advice and legal information, coupled with our 60-year track record of independent advice provision across all tenure types, means that we are strategically well placed to deliver in this role.**

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