

Housing Rights

www.housingrights.org.uk

@HousingRightsNI

Briefing Paper

Reform of Intimidation Points

Briefing paper on reform of Intimidation Points and provision for victims of violence and those at risk/under threat of violence including victims of Domestic Violence with the NI Housing Selection Scheme

February 2024

1.0 INTRODUCTION

Housing Rights is Northern Ireland's leading independent provider of specialist housing advice. For almost 60 years we have been helping people to find and keep a home. We believe that prevention is better than cure, and work to prevent homelessness wherever possible.

Housing Rights' policy work is informed by the views and experience of the people who contact us for advice and aims to support the identification of evidence-based, user-informed solutions.

1.1 Intimidation points – the current system

Intimidation points are awarded as part of the Housing Selection Scheme, which determines an applicants' place on the social housing waiting list. Under the current system, an applicant will receive 200 intimidation points if:

- The applicants' home has been destroyed or seriously damaged (by explosion, fire or other means) OR the applicant cannot reasonably be expected to live, or to resume living in his/her home because, if they were to do so, there would in the opinion of the Designated Officer, be a serious and imminent risk that the applicant, or one or more of the applicants' household, would be killed or seriously injured.

It must then be established that the above is:

- As a result of a terrorist, racial or sectarian attack, or because of an attack motivated by hostility because of an individual's disability or sexual orientation, or as a result of an attack by a person who falls within the scope of the NIHE's statutory powers to address neighbourhood nuisance or other similar forms of anti-social behaviour.¹

1.2 Proposal to remove intimidation points

In the Department for Communities' (DfC) 2017 consultation on the Fundamental Review of Allocations,² the removal of intimidation points from the Housing Selection Scheme was proposed. People who have been made homeless through intimidation would instead only receive 20 Primary Social Needs (PSN) points, which recognise the trauma associated with violence or the fear of violence the applicant has experienced, and 70 points for Full Duty Applicant Status.

It is Housing Rights' view that the award of PSN points only, as proposed by the Department in 2017, is not sufficiently proportionate to the level of crisis experienced. In fact, the Housing Selection Scheme Guidance Manual³ already states that PSN points will automatically be awarded to someone with intimidation points, therefore, the 2017 proposal would result in a straightforward deduction of 200 points.

1.3 Decision to review intimidation points

Following consultation, then Minister for Communities Carál Ní Chuilín, in a statement to the Assembly in November 2020, announced she did not intend to proceed with the proposal to remove intimidation points.

¹ Housing Selection Scheme Rules, Rule 23

² [A Fundamental Review of Social Housing Allocations | Department for Communities \(communities-ni.gov.uk\)](#)

³ NIHE Housing Selection Scheme Manual 2021, page 8

“I do not intend to proceed with the proposal to remove intimidation points. People in danger in their own home need prioritisation under the selection scheme. The manner of that prioritisation needs to be tightly focussed on such people, including victims of domestic violence. But, consistent with this, the mechanisms for such prioritisation need to prevent abuse and provide robust verification. They need to ensure that the manner in which the scheme responds to cases of intimidation does not distort the list.”⁴

Rather than removing intimidation points through the Fundamental Review of Allocations, the Department decided instead to investigate how to:

- strengthen the verification process to ensure that those who are genuinely being intimidated receive the priority they deserve and to prevent abuse of the system; and
- address the current inconsistencies where other victims of trauma or violence, for example, victims of domestic abuse, do not currently receive intimidation points.⁵

2.0 OVERVIEW OF RECOMMENDATIONS

Housing Rights agrees with the Minister’s stated intent of November 2020 to not proceed with a blanket removal of intimidation points. We believe to do so would fail to provide adequate protection to those in crisis whose lives are under threat.

Housing Rights believes the intimidation points system should be reformed to address issues including the following:

- **Under Rule 23, prioritisation should also be given to everyone whose lives are under threat or who are at risk of serious harm or injury in their own home, including victims of domestic abuse, victims of modern slavery and human trafficking. This is not an exhaustive list and consideration should be given to the prioritisation of everyone whose lives are under threat or at risk of serious harm or injury in their own home.**
- **Consideration should be given to renaming intimidation points and the creation of a new award for applications from people experiencing a trauma which poses risk to life or serious injury. Such an award could be named ‘trauma points.’**
- **In the event that intimidation points are reformed under PSN, consideration should be given to the creation of a new category incorporating the above, and increasing the maximum number of points which can be awarded to accurately reflect the vulnerabilities of in-need households. Serious consideration should be given to determining the number of points awarded and include consultation with people with experience of being under threat or at risk of serious harm or injury in their own home, and relevant advocacy organisations.**
- **The Northern Ireland Housing Executive should create and clearly communicate a robust, consistent and easily understandable verification process.**
- **Northern Ireland Housing Executive staff should undergo trauma-informed practice training with the objective of minimising the re-traumatisation of clients during the assessment process and remove barriers to accessibility, engagement and trust.**

⁴ Official Report (Hansard) Tuesday 3 November 2020 Volume 132, No 4

⁵ [Consultation Outcome Report - A Fundamental Review of Allocations](#)

- **The ‘No Detriment’ policy should remain in place for circumstances analogous to those in place under the current Intimidation Points system.⁶**
- **Any reform of intimidation points should nonetheless award people whose lives or safety are at risk enough points to ensure they are prioritised within the top band under Proposal 10 of the Fundamental Review of Allocations.**

3.0 WHAT NEEDS TO CHANGE

Case study one

Sophie is a young mum whose life and the life of her child has been placed in danger as a result of domestic violence. While pregnant, Sophie was raped in her home. The perpetrator was arrested but not convicted, and a non-molestation order was issued.

In the time since, the perpetrator has repeatedly breached the order by approaching Sophie’s home and making threats on her life and the life of her young child. Threats include the burning out of Sophie’s home. The perpetrator has been arrested several times at the home in breach of the non-molestation order.

Sophie has informed the relevant authorities. The PSNI and Northern Ireland Housing Executive are aware, and she has engaged with victim support and social workers. She has extensive evidence of threat and harassment.

Sophie contacted NIHE in the hope that she could be awarded Intimidation Points to enable her to move to a safe area with her child. NIHE informed her that because her case does not fall within the specific scope of Intimidation Points, they are unable to award any.

Sophie does not have enough points to be offered a home in a safe area, and is now left feeling hopeless, bereft of options and scared for her life and the life of her young child.

3.1 Groups excluded under the current system

Housing Rights firmly believes that prioritisation should be given to everyone whose lives are under threat or who are at risk of serious injury in their own home, including victims of domestic abuse, human trafficking and modern slavery. These groups are not covered by the current intimidation points system.

We recommend that this includes all victims of domestic abuse in line with the Domestic Abuse and Civil Proceedings Act (Northern Ireland) 2021.⁷ Further, we recommend extensive engagement is carried out with people with lived experience and rights-based women’s organisations.

Housing Rights also believes that other groups whose lives are under threat or who are at risk of serious injury in their own home should be included in the new system, including victims of human trafficking and victims of modern slavery. Housing Rights recommends that the Department draws upon the experiences of people with lived experience and organisations providing specialist support for such groups in designing the new system.

⁶ : The ‘No detriment’ policy has been custom and practice since the introduction of the current Scheme in November 2000. The policy protects statutory homeless applicants (FDAs) who do not currently lose any Housing Selection Scheme points awarded to them if their circumstance improve.

⁷ [Domestic Abuse and Civil Proceedings Act \(Northern Ireland\) 2021 \(legislation.gov.uk\)](https://legislation.gov.uk)

3.2 Verification process

Housing Rights acknowledges that the award, or withholding of an award, of intimidation points is one of the most significant decisions that can be made under the current Housing Selection Scheme, owing to the fact that the decision to grant an applicant, “intimidation points,” results in an applicant receiving 200 points for intimidation, 70 points for FDA status and 20 points for fear of violence. This can often lead to individuals moving to the top of the waiting list. Although Housing Rights recognises that the system can be open to abuse, we have seen the award of these points act as a lifeline to people we support, who are at risk of death or serious injury; a vital protection for them and their families. Housing Rights therefore believes it is important that this verification process strikes the correct balance between preventing abuse and ensuring that it does not act as a barrier to the provision of protection to those at genuine risk.

In Housing Rights’ experience, clients who are at genuine risk have sometimes been unable to access intimidation points as quickly as they need to because:

- The threat has not been confirmed by the PSNI. In many cases Housing Rights has seen that applicants will not/do not feel able to report the alleged threats to the PSNI. This has a potential disproportionate adverse impact on certain communities who may be afraid to contact, or who are traditionally distrustful of, the PSNI including the Catholic community or members of some ethnic minority groups.
- The victim continued to live in their home following the threat.
- The complaints procedure is very lengthy and can take a significant time for points to be awarded if the complaint is complicated by external circumstances such as the PSNI being unable to verify a threat or application of Rule 61, where the Landlord may restrict the area of choice of an Applicant who has been awarded Intimidation Points if the Designated Officer, on reasonable grounds, decides that the applicant or a member of his/her household may be at significant risk of an attack in any wider areas chosen by the Applicant.

It is Housing Rights’ experience that the verification of a threat is often weighted in favour of PSNI verification rather than Base 2 verification. It is also Housing Rights’ experience that often there are difficulties with PSNI verification due to barriers in obtaining information. Again, this has the potential to disproportionately adversely impact on certain communities who may be afraid to contact, or who are traditionally distrustful of, the PSNI. Housing Rights recommends that the Northern Ireland Housing Executive creates and clearly communicates a robust, consistent, and easy to understand verification process having due regard to the need to promote equality of opportunity among the nine protected groups under Section 75 of the Northern Ireland Act 1998.

The verification process should also be able to verify incidents or threats of domestic abuse. Due to the risk of retraumatisation, it is vital that the process for verification in such cases is developed in partnership with experts by experience and rights-based women’s organisations.

The process for the verification of threats or violence on the basis of disability or sexual orientation should also be developed in partnership with experts by experience and organisations advocating for the rights of people with a disability and the LGBTQ+ community.

Similarly, the process of verification of threats or violence on the basis of human trafficking or modern slavery, should be developed in line with the Human Trafficking and Exploitation (Criminal

Justice and Support for Victims) Act (Northern Ireland) 2015⁸ and in partnership with experts by experience and human rights organisations who advocate for such victims.

3.3 Trauma informed practice

Case study two

Ben, who lives with his mother Sarah, was six years old when he experienced racial intimidation. Racist symbols were painted outside their house and on the path where they walked to Ben's school. Sarah presented as homeless to the NIHE and was asked by her Housing Adviser if she felt their lives were at risk. She responded yes, but found this question difficult and overwhelming to answer in the direct aftermath of the intimidation. The racial threat was verified by the Police Service of Northern Ireland (PSNI) who verified the threat and confirmed they were at risk. Sarah was awarded 200 intimidation points.

She was offered temporary accommodation outside of the area in which she was living which she did not accept, as she could not face moving twice in quick succession and was overwhelmed by the situation.

She was offered a social home a few months later and moved there with Ben. Sarah was told that despite the fact that Ben was six years old, and that an upstairs flat was usually deemed inappropriate for children, they had been made aware that they would not be safe in a ground floor flat. Sarah was not given any information on how this conclusion was reached or who had been involved in determining where would and would not be safe for her son to live.

Sarah tried to access her £700 intimidation grant but was told by NIHE that it was being withheld as she was in £150 arrears for rent. Sarah had not been made aware of this, and was waiting for her deposit to be returned from her private landlord. The withholding of her grant meant that in the meantime she was sleeping with her son on a mattress on the ground as she needed access to the grant in order to buy furniture. She was eventually able to access the grant but felt embarrassed by the lack of dignity she experienced in the process.

Trauma informed practice aims to increase practitioners' awareness of how trauma can negatively impact on individuals and communities, and their ability to feel safe or develop trusting relationships with services and their staff.

As demonstrated in the above case study, expert by experience Sarah, recommended that housing advisors should take a trauma informed approach to supporting people seeking an award of intimidation points, explaining how overwhelming it was to be asked whether she felt she and her son's lives were at risk in the immediate aftermath of their threat.

In order to ensure the verification process does not prevent people who are at imminent risk of death or serious injury from accessing intimidation points **Housing Rights recommends that:**

- **all Northern Ireland Housing Executive staff who are in contact with the public and specifically those in housing need undertake trauma informed training to minimise risk of retraumatising vulnerable people**

⁸ [Human Trafficking and Exploitation \(Criminal Justice and Support for Victims\) Act \(Northern Ireland\) 2015 \(legislation.gov.uk\)](https://legislation.gov.uk)

- **the verification process is comprehensively reviewed using a trauma informed lens to ensure that the process does not unintentionally retraumatise victims of violence or the threat of violence**

Housing Rights believes that avoiding or minimising the risk of retraumatisation will remove barriers to accessibility, engagement and trust and ultimately lead to better outcomes for at-risk households.

Housing Rights is currently developing an immersive experience and training programme for frontline housing advisors to raise empathy and awareness about domestic abuse and homelessness.

Part 1 of the training will be a short virtual reality film about what it is like to seek help when you are experiencing domestic abuse and homelessness. The film will be followed by a facilitated discussion to give trainees a chance to reflect on what they have seen and how it might influence their work.

Part 2 will comprise of two accompanying training modules on:

- identifying the signs of domestic abuse and how to signpost to support
- identifying housing options for women with experience of domestic abuse

The VR film and accompanying modules are being developed with, and based on the experiences of, women who have firsthand experience of domestic abuse and homelessness.

- **Housing Rights recommends that NIHE frontline staff who are working with people who are applying for intimidation points/who have experienced violence or a threat of violence, are provided with trauma informed training (including the above-mentioned example which will be available from August 2024)**

3.4 Allocation of housing

Housing Rights acknowledges that the current intimidation points policy is open to exploitation and is in need of reform. However, we have seen the award of these points act as a lifeline to the people we support who are at risk of death or a serious injury. It is Housing Rights' view that the award of PSN points in its current form is not proportionate to the level of crisis experienced. Indeed, it devalues the vulnerabilities of in-need households in a literal sense.

To recognise the level of crisis experienced by legitimate victims of threat or intimidation, **Housing Rights recommends:**

- **that consideration is given to the creation of a new award for applications experiencing a trauma which poses risk to life or serious injury. For example, such an award could be named, 'trauma points.' This award would have a maximum point allocation which is proportionate to the level of crisis experienced, but less than the 200 currently awarded, or;**
- **if intimidation points are reformed under PSN, consideration should be given to the creation of a new category incorporating all victims of intimidation, threat or violence, and increasing the maximum number of points which can be awarded to accurately reflect the vulnerabilities of in-need households. Serious consideration should be given to determine the number of points awarded and include consultation with people with lived experience and relevant advocacy organisations**

This approach, adopted alongside an improved verification process, would allow the NIHE to prioritise the most vulnerable households, and award points based on need which are a proportionate reflection of the level of trauma experienced.

Any reform of intimidation points must ensure the prioritisation of people in imminent danger of death or serious injury as its policy intent.

3.5 Issues arising after award of intimidation points

Case study three

Rebecca was awarded intimidation points after several months of process. She was relieved when she received these points as she believed she would be swiftly allocated a house in a safe area, away from the violence she had been subjected to.

Unfortunately, she had to wait two years after being allocated intimidation points until she was rehoused in a safe area. While she was waiting she was subjected to further intimidation including petrol bombs, smashed windows and was held forcibly on the ground. She found it humiliating and said it was hard to keep her head high. She also said that her mental health was seriously damaged over the course of the two year wait.

“Nobody told me what was going on or who they were talking to – main thing that would make a difference would be being kept informed. Living in fear is a horrible way to live.”

While Housing Rights has experienced numerous instances where the award of Intimidation Points has acted as a lifeline, we have also experience instances where households have continued to experience issues even after the award of points.

This includes the ongoing impact of mental health issues arising from the traumatic experience of their life or safety being endangered, a lack of contact from patch managers, experiencing stigma attached to those who are awarded intimidation points and feeling of not being sufficiently informed. The following recommendations have come from experts by experience with experience of the intimidation points process:

- **recognition should be given to the ongoing mental health impacts** of experiencing intimidation, with victims given access to free counselling services both in the immediate aftermath and also in the future, given that it often takes a significant period of time for trauma to be processed. A trauma informed approach as suggested above would assist with this
- **patch managers should check in with tenants** in the months following rehousing and sign post to follow up support where needed
- **intimidation grants should be administered immediately** so that people can access basic essentials without delay
- **stigma regarding intimidation points needs to be addressed.** Often there can be misconceptions from neighbours and social landlords that intimidation points have been awarded due to a paramilitary threat as a result of a drug debt for example, or that victims must have done, ‘something to deserve it,’ and are seen as troublemakers

- **people should be given more information regarding how decisions are made** as to where they are rehoused, and they should be more involved in the process rather than decisions being made on their behalf, without being made aware of who is being involved in the discussions

The NIHE should consider working in partnership with organisations who have expertise in the provision of support services to address these issues and support clients who are engaging with the intimidation points process or have been awarded points.

As case study three also demonstrates, the applicant received intimidation points, but still had to wait two years to be housed in a safe area. In Housing Rights experience, it is often the case that where someone has been awarded intimidation points, there is an unreasonably lengthy time period between the award of the points and rehousing. To be clear, if an applicant is awarded intimidation points (200 points), they will also have been awarded full duty applicant points (70 points) and primary social needs points (40 points). This means that, *at minimum*, an applicant who has been awarded intimidation points will have 310 points on the Housing Selection Scheme. This should, in theory be enough to place them at the top or very close to the top of the waiting list in their area of choice. This should mean that an offer is made to the applicant within a relatively short amount of time.

It is Housing Rights experience, however, that while two years as demonstrated in the case study may be an extreme example, often people who have received intimidation points are waiting up to eight months to a year to be given a reasonable offer.

Housing Rights would query the Northern Ireland Housing Executive on these waiting times, as it appears incongruent with a process that is meant to prioritise those whose lives are in danger.

3.6 Involvement of experts by experience

Housing Rights believes it is crucial that experts by experience, who have experienced homelessness and/or violence or a threat of violence in their home, are involved throughout the process of reforming intimidation points. Their insights and expertise will be crucial in ensuring that a reformed system provides people with adequate protection and follow up support. This should include involvement in decisions regarding:

- the circumstances under which intimidation points (or equivalent) are awarded;
- how many points (or equivalent) are awarded;
- how the award is verified; and
- what follow up support is provided after the award

Housing Rights welcomes the involvement of experts by experience in research being carried out by Fiona Boyle Associates regarding provision for victims of violence in the Housing Selection Scheme. Housing Rights would welcome any further opportunities to continue to support NIHE to involve experts by experience in this work.

3.7 Interaction with Proposal 8 of the Fundamental Review of Allocations

3.7 Interaction with Proposal 8 of the Fundamental Review of Allocations

Proposal eight of the Fundamental Review of Allocations proposes that points should reflect the current circumstances of all applicants.⁹ This is effectively a removal of the, 'No Detriment,' policy except in certain circumstances.

A discussion paper circulated by the NIHE in May 2023 laid out the circumstances in which Proposal eight would and would not apply.

A selection of the categories under which the 'No Detriment,' policy would remain were:

- experienced violence/at risk of violence including physical, sexual, emotional or domestic violence or child abuse
- harassment, including racial harassment and there is a fear of actual violence
- fear of actual violence for another reason
- distress/anxiety related to recent trauma
- **it is Housing Rights' expectation that given the analogous nature of these circumstances to intimidation points, that the 'No Detriment' policy would remain for any reform or replacement of intimidation points**

3.8 Interaction with proposal 10 of the Fundamental Review of Allocations

Proposal 10 of the Fundamental Review of Allocations states that the Housing Selection Scheme should place applicants into bands based on similar levels of need to meet longstanding housing need more effectively.¹⁰

Housing Rights is of the opinion that for people experiencing circumstances similar to what now constitutes intimidation points, victims of domestic abuse and victims of human trafficking to be sufficiently prioritised, they would have to be placed within the top band of need in any new banding system.

- **Housing Rights recommends that any reform of intimidation points should nonetheless award people whose lives or safety are at risk enough points to ensure they are prioritised within the top band under Proposal 10 of the Fundamental Review of Allocations**

3.9 Interaction with the current crisis of temporary accommodation

The current crisis in temporary accommodation with record numbers¹¹ of placements placing stock levels under severe pressure is well known. With pressure on stock at unprecedented levels, comes with it the possibility that people experiencing risks to their life or safety as a result of intimidation or violence, suitable temporary accommodation may be unavailable.

Therefore, it is important that any reform of intimidation points recognises the importance of getting an individual and/or their family to safety and prioritises them accordingly.

4.0 Conclusion

Any reform of intimidation points must ensure the prioritisation of people in imminent danger of death or serious injury as its policy intent.

⁹ [Consultation Outcome Report- A Fundamental Review of Social Housing Allocations \(communities-ni.gov.uk\)](https://www.communities-ni.gov.uk/consultation-outcome-report-a-fundamental-review-of-social-housing-allocations)

¹⁰ *ibid*

¹¹ [ni-homelessness-bulletin-jan-jun-2023-tables.ods \(live.com\)](https://www.ni-homelessness-bulletin-jan-jun-2023-tables.ods)

Housing Rights, through our advice and advocacy services, has witnessed the awarding of intimidation points as a lifeline to many households who would otherwise have been in significant danger. The importance and the value of the support afforded by the award of these points in allowing a person or family to live in safety, without constant fear and threat and protected from the traumatic experiences of their past cannot be overstated.

The right to life is guaranteed under Article 2 of the European Convention on Human Rights. It follows that the State has an obligation to protect those whose lives are in imminent danger. The Housing Selection Scheme can meet that obligation through ensuring the prioritisation of people whose lives or safety are in imminent danger by providing a robust and accurate verification process and prioritising them in a proportionate manner which recognises and reflects that danger.

The current intimidation points system is flawed, both in its narrow scope and its vulnerability to exploitation. Reform is necessary, but reform must still recognise and meaningfully respond to legitimate danger. The pathway to this goal is narrow, but Housing Rights believes it can be achieved through robust verification and by acknowledging and including all vulnerable victims. This should include categories of victims such as those outlined above who cannot currently access intimidation points. Their safety must be the priority. The success of this reform is vital. Housing Rights is committed to ongoing engagement with all interested parties and organisations to ensure the reform of intimidation points is thoroughly researched, designed and implemented to serve vulnerable households and people who are in legitimate and imminent danger.

Housing Rights

www.housingrights.org.uk

@HousingRightsNI

when everyone has a **home**