



NIACRO Response to the Department for Communities Fundamental Review of Social Housing Allocations

21 December 2017



1. NIACRO is a voluntary organisation that has been working for almost 50 years to reduce crime and its impact on people and communities. Specifically, its contributions have been to:

- Support the resettlement of adults leaving prison and those on community supervision
- Build skills, confidence and employability of people both in prison and in the community
- Build the resilience of children, young people, families and adults who are displaying behaviour that would put them at risk of engaging with the criminal justice system, supporting positive lifestyle choices
- Influence service providers in the statutory, voluntary and community sector and building their capacity to provide appropriate support and bespoke training
- Contribute to public debate and influencing others with regards to criminal justice matters, at the highest level.

At the heart of NIACRO's work is a drive to reduce (re)offending within the understanding that integrated and flexible approaches towards desistance are most effective.

2. Preliminary Comments

2.1. NIACRO welcomes the opportunity to comment on the Department for Communities Fundamental Review of Social Housing Allocations.

2.2. NIACRO offers a number of services which directly relate to this consultation which include:

- **Assisting People and Communities (APAC)** is NIACRO's family of Floating Support services. Floating Support is a flexible, free service that provides housing related support. It aims to help people who are experiencing difficulties in maintaining their tenancy. APAC works to prevent people becoming homeless as a result of anti-social behaviour. As well as the main Floating Support service, APAC also works with communities experiencing anti-social behaviour in Banbridge in a project funded by the Banbridge Policing and Community Safety Partnership (PCSP). Base2, STEM and Welfare Advice are all part of the APAC family. APAC is funded by the Supporting People fund through the Northern Ireland Housing Executive.
- **Base2** is a crisis intervention project which offers clarification, support and mediation services to individuals and families at risk of violence or exclusion from their community. It is currently funded by the Northern



Ireland Housing Executive. The project works directly with people to support them to deal with conflict or difficulties they are experiencing within their local community or with paramilitary organisations. The project offers a verification and mediation service to assist individuals to remain within their homes or give practical support to safely relocate out of the area.

- **Supporting Tenants from Ethnic Minorities (STEM)** is a floating support service within NIACRO's APAC programme. STEM provides support and assistance to people whose tenancy may be at risk due to harassment or intimidation because of their ethnicity. STEM is funded by the Supporting People fund through the Northern Ireland Housing Executive. The project works to improve the social inclusion of people from ethnic minority backgrounds, removing barriers to integration and encouraging participation in society. It promotes positive community responses to dealing with incidents of intimidation and works alongside other organisations which seek to promote community integration.
- NIACRO provides a specialist **Welfare Advice** service to meet the particular needs of people in contact with the criminal justice system. The aim of the service is to provide accurate, up-to-date and relevant advice which will help people in prison and their families break the cycle of debt, benefit dependency, poverty and to help them move into employment. The Welfare Advice service is unique. It is the only service offering advice and support right across Northern Ireland to people in prison, their families, people who have been released from prison and adults in the community who have offended. We provide information, advice and representation on subjects like benefits, housing and debt.

3. NIACRO response to consultation questions

3.1. Question 1: An independent, tenure-neutral housing advice service for Northern Ireland.

People should receive high-quality, tailored, tenure-neutral advice in a way which respects their dignity and confidentiality.

Strongly Agree

3.1.i. NIACRO agrees that people should receive high-quality, tailored, tenure-neutral advice in a way which respects their dignity and confidentiality. We welcome the inclusion in the proposal that this service should be open to all those in housing need irrespective of immigration status and for those who may be deemed ineligible for social housing.

3.1.ii. NIACRO believes that Housing Solutions and Support Teams (HSST) should be rolled out across Northern Ireland to ensure housing applicants get a tailored tenure-neutral service. We believe that it is important to include other sectors in this process, particularly organisations working in the third sector, to increase the possibility of a housing solution for every applicant in housing need.

3.2. Question 2: An applicant who has been involved in unacceptable behaviour should not be eligible for social housing or Full Duty homelessness status unless there is reason to believe – at the time the application is considered – that the unacceptable behaviour is likely to cease.

There should be a focus on good housing management, sustainable tenancies and a deterrent against serious anti-social behaviour.

Disagree

3.2.i. NIACRO would welcome clarity around the definition of both ‘unacceptable behaviour’ and ‘anti-social behaviour’. Certainty around such terms would provide a more stable basis for decisions made based on the proposal outlined above.

3.2.ii. NIACRO believes that such a decision must be based on evidence that anti-social behaviour (ASB) that may have occurred in previous tenancies is connected to the applicant. The quality of this evidence produced should be robust and based on facts and information that is capable of legal standing and not merely founded in community information.

3.2.iii. We feel that a greater understanding is required regarding ASB, looking at the causes relating to such behaviour. Often ASB is a symptom of other complex issues which include but are not limited to: mental ill health; family breakdown; and addiction issues. To marginalise a person who is involved in ASB does little to solve these complex issues and can often exacerbate their situation, creating further problems such as rough sleeping or sofa surfing.

3.2.iv. NIACRO is concerned that presence of a criminal record can be misinterpreted as evidence of ASB in the housing application process. Notwithstanding this, there must be robust mechanisms in place within the new arrangements to ensure that confidentiality and information sharing is managed appropriately and sensitively with respect to an applicant’s criminal record.

3.2.v. Furthermore, NIACRO would welcome in the inclusion of information of support offered and provided e.g. floating support, when an applicant is deemed ineligible for housing support.



3.3. Question 3: NIHE may treat a person as ineligible for Full Duty homelessness status on the basis of their unacceptable behaviour at any time before allocating that person a social home.

This proposal should also ensure good housing management and aim to reduce nuisance to tenants; striking a better balance between excluding people from the waiting list and prioritising vulnerable groups.

Disagree

3.3.i. NIACRO is concerned with the proposal that the NIHE may treat a person as ineligible for Full Duty homelessness status on the basis of their unacceptable behaviour at any time before allocating that person a social home. We feel that there is the potential for individuals to be treated unequally depending on their circumstances, for example, someone placed in hostel accommodation is more closely monitored than someone who is sofa surfing.

3.3.ii. We believe that strong wraparound support, such as that provided by floating support services should be offered to all clients entering temporary arrangements, including those in non-hostel accommodation. Temporary accommodation by its very nature, particularly due to the lack of security, increases the stress and pressure that someone may encounter when compared to that of a secure tenancy. As a result, some of the complex behaviours that clients may be dealing with for example, mental ill health; family breakdown; and/or addiction issues may be judged as unacceptable in such instances.

3.4. Question 4: NIHE can meet their duty to homeless applicants on a tenure-neutral basis, provided that the accommodation meets certain conditions.

This proposal should ensure a greater range of ways in which the NIHE can meet its duty to homeless applicants and increase the options for meeting applicants' housing need.

Don't mind

3.4.i. NIACRO is concerned that the lack of appropriate social housing, does not meet the current housing demand (in particular, single occupancy accommodation). This has become more significant since the introduction of the social sector size criteria in February 2017. Whilst this is currently being mitigated by the Supplementary Payments Fund, this will end March 2020. We are concerned that need may not be appropriately met with the current housing stock. Given the current situation, we believe that the increased use of the private sector is necessary, providing such accommodation is fit for purpose.

3.4.ii. NIACRO believes that this proposal does not however, tackle the most prominent issue with regard to housing need which is rental cost. Currently, market value does not equate to social housing costs. This is particularly critical if a person's financial or welfare situation changes. Private landlords are often not as responsive to these changes as they are simply not aware of the complexity of the needs of applicants or the potential support available.

3.5. Question 5: A greater choice of areas for all applicants for a social home.

All applicants should be able to choose as many (or as few) housing areas as they wish to maximise the likelihood of receiving an offer of a home they can accept.

Agree

3.5.i. NIACRO agrees with this proposal on the basis that a greater choice of areas will increase the likelihood of an applicant being offered a home. It is important that this proposal ensures that the applicant is made aware of issues within that particular area which may not be apparent prior to living there. To do this, a person-centred housing advice service should advise applicants of what accommodation is available in each area and assist them to choose as many suitable areas where they would be prepared to live. Whilst there may be more administration associated with potentially offering more area choices for applicants, this should also result in less administration caused by offer refusals.

3.6. Question 6: Greater use of a mutual exchange service.

Existing social tenants looking for a transfer should ordinarily also be considered for a mutual exchange service.

Agree

3.6.i. NIACRO broadly agrees with this proposal, however, we have concerns that the proposal advises that people under intimidation would not be advised to use such a service. NIACRO is keen to ensure that those who are under intimidation are included in this potential option, as exclusion would lead to further distress for the applicant who may be left with no alternative housing options.

3.7. Question 7: The removal of intimidation points from the Selection Scheme

This would not affect the urgent help for those experiencing intimidation. Where a person is in danger the NIHE would remove them from that danger and offer alternative accommodation on an emergency basis.

This should recognise the housing need of intimidated households in a fairer and more proportionate way.

Disagree

3.7.i. NIACRO believes that there needs to be a focus on the context of over 2000 cases of paramilitary or hate crime referrals to the NIHE in the last 5 years. Furthermore, PSNI statistics show that paramilitary style attacks have doubled in the last year.¹ Through Fresh Start and Early Intervention Transformation Project (EITP) initiatives, there is recognition that additional support is required to address paramilitary intimidation and to support communities to challenge it. NIACRO's Base 2 project has been an integral part of the NIHE assessment of threat and eligibility for Full Duty Applicant status. As well as this, the NIACRO APAC STEM project supports the victims of racial hate crime who are at risk of exclusion from the community.

3.7.ii. When reflecting on the statistics regarding intimidation, 77% of those granted intimidation points were due to paramilitary threat.² NIACRO observes that there are distinct differences with intimidation cases when compared to other forms of homelessness. This proposal supports the view that intimidation cases should be on parity with other reasons for homelessness referring to 'similar traumatic circumstances'. A significant difference however, is that with other reasons for homelessness, the risk ends when the client moves from their existing accommodation. In cases where intimidation due to paramilitary threat is present, the risk does not necessarily cease when the individual is moved. Often the risk can follow them through temporary accommodation and to follow on accommodation. A recent NIACRO service user was intimidated out of the area that they were living, spent three months providing their own temporary accommodation (as hostels were not appropriate in this case) and within three days of moving into new accommodation, their property was subsequently paint bombed.

3.7.iii. The Ulster University Report (2013) evidences that 28% of respondents felt that priority should be given to those who are intimidated.³ This would suggest that there is no significant call by applicants for these wider changes.

3.7.iv. Reintegration programs evidence that re-offending can be reduced by up to 30% by the provision of appropriate accommodation, and therefore NIACRO

¹ Police Service of Northern Ireland, *Police Recorded Security Situation Statistics Annual Report* covering the period 1st April 2016 – 31st March 2017.

² Department for Communities (2017) *A Fundamental Review of Social Housing Allocations Consultation on Proposals*, p51.

³ Gray,P, Keenan, M., & McAnulty, U. (University of Ulster) Clarke, A., Monk, S., & Tang, C. (University of Cambridge) (2013) *Research to inform a fundamental review of social housing allocations policy Final Report: Conclusions and Recommendations*.

are concerned that the three examples provided in the consultation showed the individual under threat under the new proposals would have taken longer to be rehoused, thus decreasing the possibility for successful integration.

3.7.v. One of our key concerns is that the proposals mentioned could result in victims of intimidation potentially facing longer periods in temporary accommodation, as well as having reduced opportunities to be rehoused. This could result in some clients choosing not to leave their current accommodation and face the consequences of the threat made against them. We have witnessed recent examples where individuals chose to remain following a threat, which resulted in physical injury and significant property damage.

3.7.vi. NIACRO would welcome a review to the equality of the award of intimidation points based on the level of risk as opposed to based on whether it was paramilitary related or not. NIACRO has advocated that victims of domestic violence should be treated in parity of other forms of intimidation and continue to support this view. In the proposal there was mention of potentially allocating 40 points for intimidation. This would help provide additional support recognising the unique features of intimidation cases, namely that the trauma can follow the client out of their accommodation and into future accommodation.

3.7.vii. NIACRO recognises that there are tenants who are victimised and forced out of their homes to move away from communities they have invested in through no fault of their own other than their ethnicity, nationality, religion or perceived political allegiance. The proposals put in place must continue to acknowledge these circumstances and offer appropriate recognition in terms of the number of points awarded.

3.7.viii. NIACRO is concerned around the wording within the consultation which infers that if ‘those people who have personal safety issues’ were not included in this element of the selection process then more of those in need would be rehoused. NIACRO would argue that this is creating a ‘them and us’ scenario which is not wholly accurate or helpful to assist those who are in housing need due to intimidation.

3.7.ix. When looking at the impact of hate crime, we believe that there needs to be recognition that the current figure of 7.5% is low because the definition for awarding the points states that a person must be ‘at risk of death or serious injury’. This definition does not encompass the unique impact of hate crime upon individuals and communities where lesser incidents of threat have much greater impact on the victim

3.8. Question 8: Points should reflect current circumstances for all applicants.



This should make the scheme fairer and more transparent to applicants as they know they will be assessed on their current circumstances. It should also maintain a focus on prioritising current housing needs.

Don't Mind

3.8.i. NIACRO welcomes that Primary Social Needs points for situations such as violence, abuse, harassment and hate crime are not included in this proposal. We note however, that there are some circumstances that this may be appropriate, such as when a person goes into prison, where their points are currently ring-fenced. NIACRO would welcome further information on how this would be managed in practice, as there this may have the potential to discourage clients from making particular changes due to potential removal of points.

3.9. Question 9: The removal of Interim Accommodation points from the Selection Scheme

This proposal aims to:

- **Provide more equal treatment of applicants in similar circumstances;**
- **Ensure a more accurate waiting list that reflects current housing circumstances; and**
- **Ensure those in greatest need receive priority.**

Agree

3.9.i. The NIHE's Homelessness Strategy (2017-2022) states their commitment to the development of a Temporary Accommodation Provision Strategy. It further acknowledges the stress associated with temporary accommodation. Rather than remove the additional points on the grounds of equity, NIACRO would suggest that the additional 20 points discussed should be made available to everyone in temporary accommodation. The NIHE Continuous Tenant Omnibus Survey also recognised the additional needs of those in temporary accommodation.⁴ Through our experience in Base 2, we have seen previous cases where the additional 20 points have made a difference in securing permanent accommodation. NIACRO would recommend that every applicant on the waiting list would be awarded 10 points each 6 months that they are on the waiting list.

3.10. Question 10: The Selection Scheme should place applicants into bands based on similar levels of need to meet longstanding housing need more effectively

⁴ Northern Ireland Housing Executive (2016) *Continuous Tenant Omnibus Survey – Main Report*.



Applicants should be assessed and points awarded, just as they are in the Selection Scheme at present. The points should then be used to place applicants in bands, alongside others with similar levels of need.

Don't mind

3.10.i. NIACRO has some concerns around the proposed banding system. There is the potential that this does not award priority based on need alone and perhaps those who have not been in Northern Ireland for a prolonged period. NIACRO would recommend that every applicant on the waiting list would be awarded 10 points each 6 months that they are on the waiting list.

3.11. Question 11: The Selection Scheme Rules should always align the number of bedrooms a household is assessed to need with the size criteria for eligible Housing Benefit customers.

Aligning the Selection Scheme with Housing Benefit should ensure a consistent approach, avoid confusion for applicants and enable good housing management.

Agree

3.11.i. NIACRO is broadly supportive of this proposal, however this must be managed on choice i.e. if a client clearly states and demonstrates that they can afford this and it is not likely that this will change then potential offers could be made. This is particularly significant in areas where one bed and two bed accommodation is not available. As mentioned in our response to Question 4, this will require a better provision of size appropriate accommodation as there is still a distinct lack of single occupancy accommodation across Northern Ireland.

3.12. Question 12: For difficult-to-let properties: Social landlords should be able to make multiple offers to as many applicants as they think necessary.

The number of applicants contacted should be the number the landlord thinks is most likely to secure an allocation.

Don't Mind

3.12.i. NIACRO understands the difficulty in relation to difficult-to-let properties. We note however, that there needs to be further scoping into why the property is difficult to let in the first instance. If this is due to a community issue then this needs tackled. Fundamentally, if this is due to 'good condition' as quoted then the landlord must take responsibilities not to let this until it is appropriate

3.13. Question 13: For difficult-to-let properties: Social landlords should be able to use choice-based letting.



Landlords must ensure that enough support is given to applicants to enable them to express an interest.

Agree

3.13.i. NIACRO supports this idea in principle however, we would like to see further evidence to see if all applicants would use this system and if there are support requirements which need to be put in place to ensure all applicants have fair access to the scheme.

3.14. Question 14: For difficult-to-let properties: Social landlords should be able to go direct to multiple offers if they have evidence that a property will be difficult to let.

Such evidence would mainly come from previous similar properties being difficult to let.

Agree

3.14.i. NIACRO believes that the proposal should take into consideration that some who have been on the housing list for an extended period may have vulnerabilities which do not necessarily translate into the Housing Selection Scheme. In these cases applicants may feel pressured into taking accommodation that is not suitable or up to standard in order to 'get a roof over their head', for example someone who may refuse hostel accommodation because they have a dog. NIACRO is concerned that they will choose a property and shortly into the tenancy agreement realise that it may not have been the correct choice for them. At this point, transfer is very difficult. There should be arrangements in any introductory period that the tenant can change their mind based on a list of identified factors.

3.15. Question 15: An applicant may receive two reasonable offers of accommodation.

This proposal reduces the number of offers of accommodation from 3 to 2.

If the two offers are refused, no further offers will be made for one year after the date of the last refusal.

Disagree

3.15.i. NIACRO believes that there is no value in this changing the current number of offers – in fact, NIACRO would welcome greater flexibility in what constitutes a reasonable offer.

3.16. Question 16: Social landlords may withdraw an offer of accommodation in specified circumstances.

This change is required to deal with a very specific, limited number of circumstances.

Disagree

3.16.i. NIACRO disagrees with this proposal believing that the offer should only be withdrawn if for legal reasons, an applicant should not be offered the property. We would have particular concerns for those in hostel accommodation who may for example, break a curfew or alcohol rule that would not be applied in their own accommodation, which could then deem them as an offer that should be withdrawn. NIACRO would welcome further information on what the specified circumstances would be in these cases.

3.17. Question 17: Social landlords may withhold consent for a policy succession or assignment to a general needs social home in limited circumstances where there is evidence an applicant needs it

There should be a focus on good housing management and better use of public resources by enabling social landlords to make more effective use of general needs stock.

Agree

3.11. Question 18: Social landlords may withhold consent for a policy succession or assignment of adapted accommodation or purpose built wheelchair standard accommodation where there is evidence an applicant needs it.

This proposal should ensure that the most effective use is made of existing adapted stock, and that waiting times for applicants requiring adapted accommodation are reduced.

Agree

3.19. Question 19: Updating the Selection Scheme to bring it in line with developments in Public Protection Arrangements Northern Ireland.

The NIHE requested this change to bring the Selection Scheme in line with recent developments in legislation to enable social landlords to make restrictions to applicants (or a member of their household) that have been convicted or charged with a violent offence.

Disagree



3.19.i. NIACRO support and utilise the current Public Protection Arrangements Northern Ireland (PPANI) protocols through our provision of reintegration programmes for those who have offended. In 2015, our Base 2 project produced a paper entitled: '*Community Responses to Sexual Offending*' which highlighted the specific issues facing individuals with sexual offences being accommodated within the community. NIACRO believes that PPANI protocols should provide the safety mechanism to protect the community, but also control information regarding offences to protect the client. Gathering of information as proposed could become a risk to that security. NIACRO have concerns that the storage of an individual's criminal record may be readily accessed and believe assessment of risk should remain within PPANI and not with social housing providers.

3.20. Question 20: Specialised properties should be allocated by a separate process outside the Selection Scheme.

Specialised accommodation should go to those who need it most. A review should be established to put a more effective allocation process in place for applicants needing specialised property such as sheltered dwellings / wheelchair standard accommodation.

Agree

3.20.i. NIACRO is in broad agreement with this proposal; however, we feel that further investment is needed in this area. NIACRO is also of the view that community based floating support should also be provided on a par with such services. In particular, there is a need to invest in specialised accommodation available at several locations throughout Northern Ireland.

4. Conclusion

4.1. NIACRO welcomes the opportunity from the Department for Communities to respond to this consultation and looks forward to engaging with the Department in the future on similar issues.

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