

Response to the Housing Selection Scheme preliminary consultation document produced by the Northern Ireland Housing Executive

The Participation and Practice of Rights (PPR) organisation provides tools and support to marginalised groups actively asserting their right to participate in economic and social decisions which affect their lives. Currently PPR works with groups in relation to mental health, the right to play, regeneration and housing. It is with particular reference to housing and our work with the Seven Towers Residents' Group in the New Lodge area of North Belfast that we wish to make the following points in relation to aspects of the Housing Selection Scheme consultation.

1. Applicants living in unsuitable accommodation:

1.1. Inappropriate weighting of points for those in unsuitable accommodation

PPR agree that the current weight (10 points) accorded to recognise the needs of applicants who because of the nature and range of their cumulative need, are living in circumstances which are unsuitable for their needs is insufficient. We are however concerned that the narrow criteria currently used to define unsuitable accommodation may not capture the extent of the problem and that only 4% of applicants are awarded these points.

Consequently, any decision to increase the weighting of points afforded to those living in unsuitable accommodation without first reviewing the criteria used in decisions made about unsuitable accommodation would not sufficiently deal with the problem.

1.2. Unsuitable accommodation defined too narrowly

PPR maintains that any review of the unsuitability of accommodation must look not only to the accommodation but to the affect on the tenant's health and wellbeing. The Health and Housing Standard Rating System (HHSRS)¹ adopted by the Office of the Deputy Prime Minister is a good example of how this change in focus could work in practice.

The HHSRS is a means of identifying defects in dwellings, and of evaluating the potential impact of any defects on the health and safety of occupants, visitors, neighbours and passers-by, particularly vulnerable people. The HHSRS provides a means of rating the seriousness of any hazard, so that it is possible to differentiate between minor hazards and those where there is an imminent threat of major harm or even death. Altogether 29 health and safety hazards which could lead to harm are assessed, covering physiological requirements, psychological requirements, protection against infection, and

¹ For further on the HHSRS please see Office of the Deputy Prime Minister: HHSRS Operating Guidance <http://www.communities.gov.uk/publications/housing/hhsrsoperatingguidance>

protection against accidents. By adopting the lessons learned from the HHSRS into the current system of reviewing the suitability of accommodation, a more robust Housing Selection Scheme could be progressed which would meet the needs of all applicants, especially the most vulnerable.

1.3. The need for a thorough equality analysis using section 75 tools

It is as a result of both the weighting of and narrowness of the definition of unsuitable accommodation in the current Housing Selection Scheme that the only option for many applicants facing this problem has been to declare themselves homeless. Of the 2,490 applicants accepted as homeless in 2009/2010 where the reason cited was 'accommodation not reasonable', almost half involved elderly households and over one fifth were families. Given this, PPR find that there is a clear need for comprehensive equality screening of this policy and if necessary a full EQIA. It is insufficient to presume that a simple review of the policy will generate positive benefits for section 75 groups such as age and those with dependents. Those who have been adversely affected by the current policy have been identified and there is a clear legal duty arising from section 75(1) of the Northern Ireland Act to promote equality of opportunity for these groups.

2. Homeless applicants in temporary accommodation:

2.1. The need for an incremental awarding of points

PPR agree that additional Interim Accommodation points should be awarded after further periods spent in temporary accommodation. The current system of awarding points only after an applicant has been in temporary accommodation six months has resulted in those applicants living in temporary accommodation for seven months and those living there for four years, being awarded the same number of points. It is clear that an incremental awarding of points proportional to time spent on the waiting list would capture housing need more accurately.

2.2. The need to involve those living in temporary accommodation in any changes

Moreover, it is imperative that any such review must involve those applicants who are currently in this position. If there is to be a change in the points system it must be appropriately communicated not only to the staff processing homelessness applications but also to those on the waiting list to ensure that their rights are protected. Raquel Rolnik, United Nations Special Rapporteur on the Right to Adequate Housing recently stated in relation to housing policy in Northern Ireland that;
"Participation is an essential component of an effective and integrated housing system and an activity that should be present in the design, implementation and monitoring of housing policy."²

2.3. Choice

On this theme, PPR wish to register their concern at comments made in relation to the high number of applicants who have been in temporary accommodation for more than four years and potential causes for this occurrence. The Preliminary Consultation Paper makes the following assessment;
"This is at least partly due to applicants' preferences in terms of their expressed areas of choice and a reflection of wider housing and demographic trends, including reducing social housing stock availability."

It is important to note that expressed areas of choice are a result of numerous crucial factors such as family ties, support networks, places of school and employment. Any attribution of length of time spent in homeless accommodation being equated, even partly, to an applicant's 'choice' belies a misunderstanding of the realities of homelessness in which there is not a great deal of choice at all.

² Ms Rolnik's comments were made in the "Recommendations from the International Panel" publication which followed the Seven Towers Residents' Group's Right to Housing: A People's Inquiry event in June 2010 and is available to download at <http://www.pprproject.org/sites/default/files/Recomendations%20from%20Int%20Panel%20April%202011%20Ccmprsed%20file.pdf>

Furthermore, although no information relating to 'demographic trends' is presented in support of this statement, PPR are acutely aware of high waiting lists in certain areas, such as North Belfast, West Belfast and Derry. These areas consistently rate highly in terms of housing need particularly with reference to religious inequality and social deprivation. Where incidents of applicants waiting longer periods of time are found to disproportionately occur in certain areas over others, there is an onus to assess which factors contribute to this occurrence and take measures to address the inequality. It is insufficient to write the problem off as being down to personal choice or demographic trends.

2.4. The need for a thorough equality analysis using section 75 tools

As has been noted in relation to proposals related to applicants living in unsuitable accommodation, PPR feel strongly that full equality screening and if necessary a full EQIA should be produced on proposals relating to applicants in temporary accommodation. We are further concerned that, unlike the analysis of applicants in unsuitable accommodation, the analysis of the issue of temporary accommodation does not include a breakdown of the age, gender, or number of applicants with dependents (amongst other section 75) categories which would greatly assist in determining potential avenues for improving the current proposals. This is particularly disappointing given that the vast majority of temporary NIHE accommodation is organised on the basis of gender, families etc which means that this data is available.

PPR would ask that disaggregated information on the basis of gender, age and those with dependents and those without is supplied so that we can give further study to the issue.

Transfers: Anti Social Behaviour

PPR support moves to bring local policy closer to standards set in International Human Rights law, our work with the Seven Towers Residents Group has highlighted the problems associated with antisocial behaviour and any moves to ensure that all tenants "have the right to live somewhere in security, peace and dignity"³ should be welcomed.

2.5. Consistent definition of Anti Social Behaviour required

However, the need for a consistent definition of antisocial behaviour to be produced must also be highlighted. It must also be stated that should the NIHE and private landlords be afforded the right to refuse transfer applications on the basis of unacceptable behaviour which constitutes a serious breach of tenancy, there must be a fair system whereby the tenant involved can make a complaint and seek redress in the form of an appeal. Such a system must be open, accessible and transparent and adequate support must be given to enable the tenant to participate. The NIHE must recognise the inherent danger of creating further homelessness by allowing landlords to refuse tenancy and as such allow for appropriate safeguards to be put in place.

PPR would also highlight that a more appropriate remedy may be to strengthen the current courses of action pursued in cases of antisocial behaviour so that all other remedies have been exhausted before a situation develops which could result in homelessness.

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³ United Nations Committee on Economic, Social and Cultural Rights General Comment 4 paragraph 7