



The #FDAnoDelay campaign seeks to ensure that people who find themselves homeless and living in temporary accommodation, are recognised as in 'priority need' of housing and awarded Full Duty Applicant (FDA) Status (See Appendix 1).

Risks of increased vulnerability while living for long periods in hostels are well documented (See Appendix 2). A survey of 100 homeless hostel residents in 2018 by the group Homeless Not Voiceless found that 74% said that living in a hostel poorly impacted their mental health. #FDAnoDelay's proposal would end unnecessary long-term stays in temporary hostel accommodation resulting from flawed housing needs assessments.

Our Proposal:

Over the past year #FDAnoDelay has been supporting 20 people in hostel accommodation, initially turned down for FDA status, to secure reviews of their housing needs assessment. As a result, 17 have already been awarded FDA status.

People are falling through the cracks due to inaccurate and inefficient NIHE assessment processes.

#FDAnoDelay is proposing the temporary allocation of FDA points to prevent 'drift' in the system; to keep homeless hostel residents at the top of the priority need list when assessing and processing applications for housing. If a person in a homeless hostel has not received an assessment for FDA status within one week of residence, #FDAnoDelay proposes that the resident would automatically be awarded FDA points – up and until the time that a full assessment for FDA status can be completed. The resident should, as is their right, be provided with support to gather documentation needed for a full assessment (e.g. GP letters).

NIHE Response:

Clarke Bailie, NIHE CEO responded to #FDAnoDelay on 9th August 2019, and to the five councils supporting the campaign stating that the NIHE *'are prohibited from taking a blanket approach to awarding Full Duty Applicant status to residents living in a homeless hostel'*.

#FDAnoDelay does not propose taking a 'blanket approach'; we are proposing that people should receive comprehensive assessments, but when these are not implemented within a reasonable time frame, a critical safety net is provided for people in positions of vulnerability. The Housing (Northern Ireland) Order 1988 (Section 5 (3a)) provides the NIHE (through the Department for Communities) with the powers to "specify further descriptions of persons as having a priority need for accommodation." (see Appendix 3) Furthermore, case law in England and Northern Ireland has set a precedent for assessing vulnerability appropriately. (See Appendix 4)

We are asking that the NIHE use these powers to implement #FDAnoDelay.

#FDAnoDelay is currently supported by five councils: Armagh, Banbridge and Craigavon, Belfast City, Derry City and Strabane, and Mid-Ulster and Causeway Coast and Glens.

APPENDIX 1

Legislation and Assessment

The #FDAnoDelayCampaign is profoundly informed by the homelessness legislation. The Housing (NI) Order 1988.

The #FDAnoDelay campaign criticises the assessment process for homeless people residing in homeless hostels to see if they pass the homelessness 'tests' :

1. *Homeless/threatened with homelessness;*
2. *Eligible for assistance;*
3. *In priority need; and*
4. *Unintentionally homeless.*

Our survey results and case studies demonstrate homeless lives being ignored and housing rights are not being protected, promoted or upheld

APPENDIX 2

Homelessness, Hostel and Vulnerability

A recent study by the Museum of Homelessness¹ found that a person affected by homelessness is **dying every 19 hours**. Of the data that could be recovered over **30%** of these deaths occurred while the person was living in **emergency temporary accommodation**.

In the course of case study interviews the Homeless Link report The Future Hostel (2018)² describes key themes concerning the needs and circumstances of residents accessing hostel accommodation and services:

Experiences of trauma – common among hostel residents, particularly those presenting with complex needs.

Systematic exclusion – residents typically could face acute and systematic exclusion from other services, barriers such as addictions, arrears, restrictive criteria and institutional discrimination and stereotyping.

Increasing need – homelessness is not the single issue. Residents circumstances often contain multiple stressors and complex needs : fleeing domestic violence, leaving the care system, substance addiction, offending, low literacy/numeracy, poor self care, disabilities, isolation from support networks and pressing mental health concerns and needs.

The Crisis report into mental health and single homelessness (2009)³ found that:

- the prevalence of common mental health problems is over **twice as high** and of psychosis 4-15 times as high amongst the homeless population compared to the general population.
- Serious **mental illness is often accompanied by alcohol and/or substance misuse problems**. Most studies suggest that around 10-20% of the homeless population would fulfil the criteria for dual diagnosis.

The Social Bite in Edinburgh report on Temporary Accommodation surmises hostel living at **worst functioning as ‘negatively enabling’ environments, fuelling addiction and exacerbating vulnerabilities**. The report highlights that the **congregate nature of hostels** and the social challenges associated with this were a problem for many, with impacts ranging from feeling awkward or ill at ease, to feeling in danger or exposed to forms of behaviour (e.g. criminal activity and substance misuse)...In combination, these issues could have **profoundly negative impacts on individuals’ mental health**.⁴

¹ <https://museumofhomelessness.org/2019/08/14/shocking-new-statistics-the-dying-homeless-project/>

² [https://www.homeless.org.uk/sites/default/files/site-attachments/The%20Future%20Hostel June%202018.pdf](https://www.homeless.org.uk/sites/default/files/site-attachments/The%20Future%20Hostel%20June%202018.pdf)

³ [https://www.crisis.org.uk/media/20611/crisis mental ill health 2009.pdf](https://www.crisis.org.uk/media/20611/crisis_mental_ill_health_2009.pdf)

⁴ [https://social-bite.co.uk/wp-content/uploads/2018/11/SB TempAccommReport FinalReport.pdf](https://social-bite.co.uk/wp-content/uploads/2018/11/SB_TempAccommReport_FinalReport.pdf)

APPENDIX 3

The Housing (Northern Ireland) Order 1988

Section 5 – (Emphasis our own)

*Priority need for accommodation*F2

5.— (1) *The following have a priority need for accommodation—*

(a) *a pregnant woman or a person with whom a pregnant woman resides or might reasonably be expected to reside;*

(b) *a person with whom dependent children reside or might reasonably be expected to reside;*

(c) *a person who is vulnerable as a result of old age, mental illness or handicap or physical disability or other special reason, or with whom such a person resides or might reasonably be expected to reside;*

(d) *a person who is homeless or threatened with homelessness as a result of an emergency such as a food, fire or other disaster;*

(e) *a person without dependent children who satisfies the Executive that he has been subject to violence and is at risk of violent pursuit or, if he returns home, is at risk of further violence;*

(f) *a young person who satisfies the Executive that he is at risk of sexual or financial exploitation.*

(2) *In paragraph (1)(f) “young person” means a person who is over compulsory school age (within the meaning of Article 46 of the Education and Libraries (Northern Ireland) Order 1986*F1*) and has not attained the age of 21 years.*

(3) *The Department may by order made subject to affirmative resolution—*

(a) specify further descriptions of persons as having a priority need for accommodation, and

(b) amend or revoke any part of paragraph (1) or (2).

APPENDIX 4

Case Law on Vulnerability

There are two English cases where a judge ruled in favour of a homeless applicant concerning their vulnerable status:

- **R v Camden LBC, Ex parte Pereira [1998] 31 HLR 317_** and
- Hotak and others (Appellants) v London Borough of Southwark and another (Respondents) [2015] UKSC 30

And a key Northern Irish case:

- **R v Waveney D.C ex parte Bowers (1983)**

In these cases key questions were asked about how we determine vulnerability and what criteria is or isn't fairly applied *"To determine whether or not someone is vulnerable, is it necessary to compare the applicant to some other group of people; and if so, who?"*

The Northern Ireland case focussed on the 'other special reason' an applicant could be deemed vulnerable the court held where:

"...there is a lesser ability to fend for oneself, in a housing context, so that injury or detriment would result when an ordinary homeless person would be able to cope without harmful effects..."

The English cases determined that, when assessing priority need, the local authority must ask themselves whether the applicant; *"when homeless [will be] less able to fend for himself than an **ordinary homeless person** so that injury or detriment to him will result where a less vulnerable man would be able to cope without harmful effects."*

The court noted that it could fairly be said that anyone who is homeless is vulnerable, as such the homeless legislation must contemplate homeless people who would be more vulnerable than many others in the same position. The court emphasised that **vulnerability is a relative concept and has to be assessed comparatively.**

The court viewed that **"an ordinary homeless person" could have a variety of interpretations**, and ultimately could lead to an assessment based on a notional homeless person according to a particular authority's experience:

"It does not seem probable that Parliament intended vulnerability to be judged by reference to what a housing officer thought to be the situation of an ordinary actual homeless person. Such an assessment would be more likely to lead to arbitrary and unpredictable outcomes than if one takes the ordinary person if rendered homeless, and considers how the applicant would fare as against him." (para 56)

The court found the proper comparator is **"with an ordinary person if made homeless, not with an ordinary actual homeless person."**