

Housing Selection Scheme

Preliminary Consultation Paper

**Housing Executive
The Regional Strategic Housing Authority
For Northern Ireland**

March 2011

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Introduction

The Housing Executive welcomes comments on the appropriateness of the proposals contained within this Preliminary Consultation Paper.

This preliminary consultation Paper provides an initial overview based on the information that is currently readily available. A significant amount of modelling work is required to more accurately determine the potential and combined impact of applying any such amendments to the Housing Selection Scheme. NIHE Research Unit is currently carrying out this analysis.

The consultation on the draft policy will run for a period of 14 weeks from 24 March 2011. Responses to the consultation can be made in writing, by post, fax or e-mail, before 5pm on 22 June 2011 and should be forwarded to:

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The consultation document has been sent to a variety of consultees and further copies of the consultation document can be downloaded from the Housing Executive's website at www.nihe.gov.uk.

Unless respondents indicate otherwise all responses will be published, however, you should note that under the Freedom of Information Act 2000, we will have to consider any request made to us under the Act for information relating to responses made to this consultation exercise.

If this document is not in a format that suits your needs, please contact us and we can discuss alternative arrangements.

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At the end of the preliminary consultation period the Housing Executive's Board and Department for Social Development will wish to fully consider the views of respondents before making any determination on the proposals. All views and proposals will be subject to an equality impact assessment.

When a decision has been reached NIHE will publish a final report including a summary of responses to the consultation on the proposals, detailing how the issues raised have been considered and, where appropriate, any action that will be taken as a result. Subsequently, the Housing Executive's Board and the Department will be asked to consider and approve necessary amendments to the Housing Selection Scheme.

NIHE
Department for Social Development

Executive Summary

The Housing (Northern Ireland) Order, 1981 provides the statutory framework for the Housing Executive's Selection Scheme and the basis on which social housing is allocated in Northern Ireland, whether owned and managed by the Housing Executive or any of the registered Housing Associations.

The Housing Selection Scheme is first and foremost a tool for assessing and ranking the need of individual households who apply for social housing in Northern Ireland. The Scheme provides for the award of points to applicants for housing need factors such as insecurity of tenure, housing conditions, and health/social well-being, with the overall accumulation of points determining the position and ranking of an applicant on the waiting list. A summary of general Waiting List trends is attached at Appendix 1.

The Housing Executive is satisfied that the evidence shows that applicants with greater cumulative need rank higher on the Waiting List. An internal analysis of Social Housing Need and Access undertaken in March 2008 concluded that the cumulative need approach remains the most sensitive and equitable approach to assessment of individual need and concluded that the Selection Scheme continues to fulfil the purpose for which it was designed.

The Housing Selection Scheme is a living document, and is amended from time to time. A full copy of the current rules can be found at on the Housing Executive's website www.nihe.gov.uk. The revised Scheme, introduced in November 2000, was developed by the Housing Executive in liaison with the Housing Association movement, Department for Social Development and Department of Health and Social Services. A comprehensive consultation exercise was carried out in relation to the new Scheme, which was designed to be fair and open, to give applicants greater freedom to choose the areas in which they prefer to live, and to ensure that housing matches their needs as closely as possible.

In the course of doing some specific research in 2005 to explore issues regarding local connection in allocation, the Housing Executive found evidence that the Scheme is generally considered to fulfil its function well. As part of a more specific project, spokespersons for the SDLP, DUP, Sinn Féin, Alliance Party and Ulster Unionist Party, as well as representatives of key agencies and organisations (Northern Ireland Federation of Housing Associations (NIFHA) Simon Community, Council for the Homeless, and Chartered Institute of Housing (CIH)) were asked for their general views on the operation of the Scheme. The majority agreed that it generally works well, although some indicated that changes would be helpful.

Against that background and in the context of the ongoing economic downturn and the increasing pressure on public spending, it is becoming more and more important for all of us involved in the delivery of social housing to ensure that scarce resources are directed to those in greatest housing need. In a constantly changing economic, demographic and social context, it is important that policies and procedures are subject to examination and discussion from time to time, to ensure that they take account of changing factors in the broader policy and practice environment. To this end, the Housing Executive recently carried out a review of how social housing applicants' needs are assessed and how that assessment is reflected in the allocation system.

Following analysis of all of the above, the Housing Executive is satisfied that the Housing Selection Scheme has worked well since its inception, assessing and ranking housing need on the basis of a robust, equitable, consistent and agreed set of indicators and is considered to fulfil its functions well in prioritising need.

It is considered, however, that four inter-connected issues within the Housing Selection Scheme would benefit from modernisation:

- The recognition given to intimidation
- The recognition given to homeless applicants in temporary accommodation;
- The recognition given to unsuitable accommodation circumstances
- Access to transfers for tenants with a history of antisocial behaviour.

This preliminary consultation paper sets out the main points and questions, and seeks to open up debate on these issues and identify recommendations for change, as well as attempting (where possible) to assess potential impacts. Further detailed modelling exercises and impact analyses will be necessary to determine the specifics of any amendments to the Scheme.

1. Intimidation - The Scope and Role of the Current Rule 23

Proposal

Views are sought on how instances of intimidation might be recognised under the Housing Selection Scheme, including consideration of the possible removal of Intimidation Points as currently included in the Scheme.

This will also require consideration of the Emergency Grant payable to those entitled to Intimidation Points under Article 29(A) of The Housing (Northern Ireland) Order 1988 and which is currently £754.

Background

In order to attract the award of Intimidation Points there are, in broad terms, two requirements of the current Rule 23 (see Appendix 2):

1. that the Applicant's home must have been destroyed or seriously damaged; or
2. the Applicant's household must, in the relevant circumstances, be at a high risk of death or serious injury

An applicant who qualifies for Intimidation Points, pursuant to Rule 23 of the Housing selection Scheme will receive 200 points. Under the current rules of the Housing Selection Scheme, applicants who are found to be homeless having experienced intimidation, and who meet the threshold of risk if they were to continue to reside at the accommodation where the intimidation occurred, receive:

- 70 Homelessness Points (FDA);
- 200 Intimidation Points; and
- 20 Primary Social Needs Points in recognition of their experience of violence or the fear of violence.

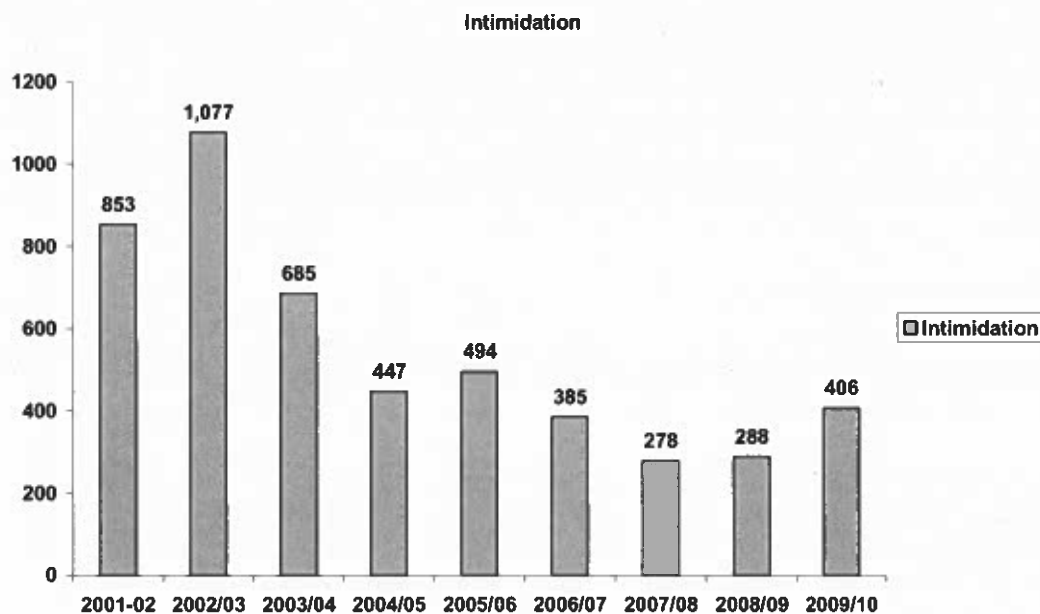
Applicants found to be homeless and at risk through intimidation are therefore awarded 290 points in addition to likely entitlement to housing need points under other elements of the Scheme, such as Housing Conditions and Health and Social Well Being. The weighting currently attached to persons in this category will ensure that that applicant's case has an absolute priority over all other cases, except for other cases in the same category. Such applicants will therefore rank highest on the waiting list for permanent rehousing ahead of others who may have significant housing need and been on the Waiting List longer.

Additionally individuals attracting these intimidation points are entitled to an Emergency Grant payment when rehoused, currently £754.

The level of priority associated with intimidation cases was determined at a time of high sectarian tension and considerable civil disturbance in Northern Ireland. The evolution of, and rationale for the award lies in the decision of the newly formed Housing Executive to award priority for allocations to those who lost their homes as a result of violence or by reason of intimidation connected to the Troubles. Over the years, however, the Rule has been extended in scope to include circumstances of intimidation relating to race, disability, sexual orientation and most recently, anti-social behaviour.

With increased political stability in Northern Ireland incidences of civil disturbance have reduced significantly over recent years. This is reflected in the number of cases awarded Full Duty Applicant (FDA) Status under homeless legislation on the grounds of intimidation.

The number of FDA acceptances due to intimidation each year since 2001-02 is shown in the graph below. With the exception of 2002-03 (when a serious paramilitary feud occurred), the number of intimidation cases has decreased steadily, despite several extensions to the scope of the rule. The increase in 2009/10 is attributable to the most recent extension of the Rule to include circumstances of intimidation relating to anti-social behaviour.



In view of the changed security and political situation in Northern Ireland, along with new and more robust approaches to dealing with anti-social behaviour, it may now be appropriate to review how intimidation cases are assessed under the Rules of the Selection Scheme. In undertaking such a review it is considered necessary to examine whether the current rule continues to be appropriate in its scope and extent, having regard to general housing policy considerations, the changing situation in Northern Ireland and

the increasing importance the Housing Executive is attaching to combating anti-social behaviour and the requirements of human rights legislation.

Although instances of the "historical" form of intimidation undoubtedly still arise, evidence would suggest that an increasing proportion of cases are of a community based nature involving neighbourhood disputes or instances of anti-social behaviour which may have escalated to a more serious level. In such cases there may be alternative options for mitigating or resolving the problem, thereby supporting and enabling the applicant to remain in or return to their home.

A range of community safety measures have been put in place by the Housing Executive and its partner organisations to help address anti-social behaviour, neighbour disputes, harassment and intimidation issues through discussion, support, mediation and, in some cases, legal action. Given the changes it is considered appropriate to review the circumstances whereby points are awarded for intimidation and the level of points concerned

There are, therefore, two issues regarding the recognition given to victims of intimidation in the Housing Selection Scheme, namely:

- The circumstances under which applicants may be awarded points for intimidation; and
- The level of points associated with cases of intimidation.

Any review of the points awarded would be based on the overriding principle of ensuring that where a person is considered to be in serious and imminent danger they would be removed from that danger and offered alternative accommodation on an emergency basis.

Should a person who is experiencing intimidation wish to remain in their home or subsequently expresses a wish to return to their home, all reasonable steps will be taken to facilitate this while simultaneously addressing the underlying cause of the intimidation.

- Preventative measures can be used to ensure that a property from which a household applies for housing because of violence or the fear of violence is made safe for the applicant to continue to occupy, if they prefer to remain in their home. Examples of measures to address intimidation include the Hate Incidents Practical Action Scheme (HIPA Scheme), which is now available across Northern Ireland to support victims of hate incidents. This scheme provides personal and home protection measures if a home has been damaged or someone from the household has been a victim, where the motivation of the attack is racist, sexual, disability, sectarian or faith related. It is available to owner occupiers and tenants in privately rented and Housing Executive properties. A further example is the NIHE pilot Sanctuary Scheme which is targeted at NIHE tenants who are victims of domestic violence and which is due to be rolled out across all NIHE districts.
- In instances where such a property cannot be made safe for occupation immediately, the household experiencing intimidation would of course be provided with temporary accommodation in line with homelessness legislation.
- Having been placed in temporary accommodation, and therefore removed from the source of the threat at the address from which they applied, the household's circumstances would then be assessed for permanent accommodation in line with other homeless applicants.

While all such applicants have undoubtedly suffered a traumatic experience, causing them to apply to be rehoused, they would continue to receive Primary Social Needs (PSN) points to recognise the trauma associated with violence or the fear of violence experienced by the applicant, in addition to FDA points. In this way they would be treated similarly to other applicants who may have experienced equally traumatic circumstances, for example the loss of their home because of fire, flood or other disaster and who are assisted, alongside all other existing applicants, through the homelessness legislation and the Selection Scheme without the award of a points "boost" equivalent to Intimidation Points.

Any decision to remove Intimidation Points would require further analysis of those PSN factors 1 – 4 (Appendix 2) to determine if they continue to recognise the range of circumstances in which a person is forced to leave their home because of violence or serious risk of violence or lose their home because of an unforeseen disaster e.g. fire / flood.

It is important to emphasise that any redefinition of Intimidation or any change in the associated points award would not result in any such applicants being removed from the housing stress element of the Waiting List. The impact would be seen only in changes to the ranking of applicants on the waiting list. More importantly, the service to applicants would be improved through focusing on removal of the risk factors, rather than removal of intimidated households from their homes.

Consultation Questions:

Do you agree that based on a risk-removal approach to intimidation, and given the changing political situation in Northern Ireland, as well as the tools available to address serious disputes and harassment, intimidation cases should no longer attract absolute priority for rehousing through an additional award of 200 points under the Selection Scheme?

Do you believe that if the 200 Intimidation Points currently awarded under the Scheme were to be removed, the Primary Social Need factors (Appendix 2) adequately recognise and give due weight to the range of circumstances in which a person is forced to leave their home because of violence or serious risk of violence or lose their home because of an unforeseen disaster e.g. fire / flood?

2. Applicants Living in Unsuitable Accommodation

Proposal:

Views are sought on the merits of revising the existing criteria for the award of "Unsuitable Accommodation" points 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.

Consideration must also be given to the appropriate weight (points) to be attached to such circumstances under the Scheme. The current weight (10 points) accorded to such need may be insufficient to adequately rank such applicants for rehousing in more suitable accommodation and therefore may be contributing to the increased incidence of homelessness.

Background

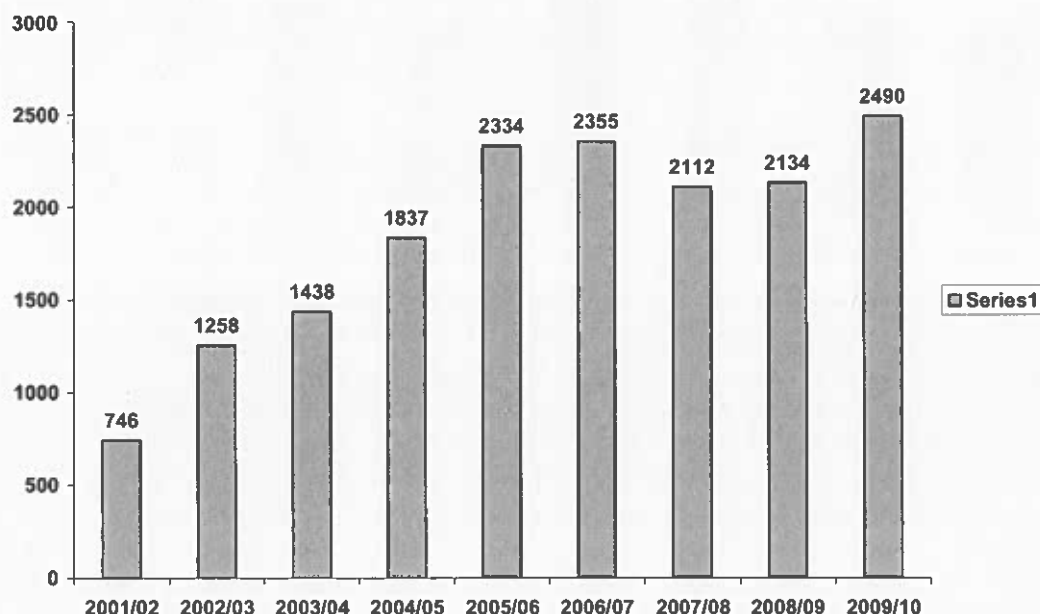
With the introduction of the Common Selection Scheme in 2000, the Housing Executive moved from a priority to a point-based system, with "full duty" homeless applicants integrated on the waiting list and ranked in accordance with their overall housing need.

The outcome of the current arrangements is that a significant number of applicants living in quite unsuitable circumstances are nevertheless entitled to a relatively low level of points under the Scheme. While at the same time, they are processed through homelessness legislation, in spite of the fact that they do not require any other homeless services and are not required to leave their current accommodation.

Due to the fact that housing and homelessness assessment and services are closely integrated through the Housing Selection Scheme, there is a tendency for recourse to homelessness legislation in a range of circumstances that could be adequately and more appropriately recognised with a suitable points award through the Housing Selection Scheme itself.

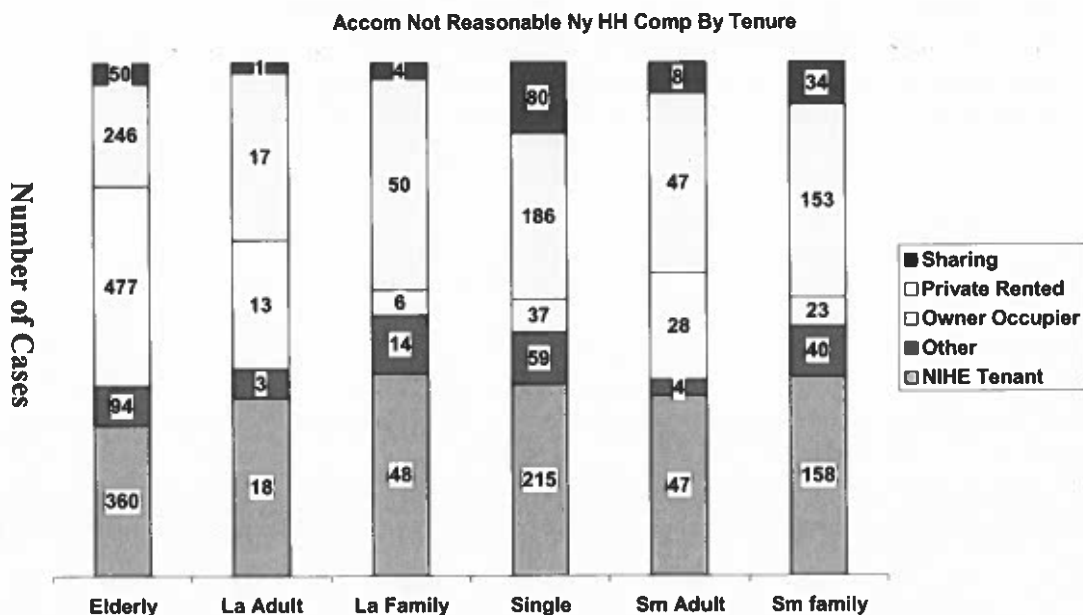
The graph below shows that the number of housing applicants being processed through the homelessness route on the grounds that the accommodation from which they have applied is deemed unreasonable for them to continue to occupy, has increased considerably since 2001/02.

***Homeless Acceptances, 'Accommodation not Reasonable',
2001/02 – 2009/10***



An analysis of Waiting List and Homelessness trends have shown that a sizeable number of elderly owner occupiers and tenants are living in housing need circumstances which are not readily recognised under the Scheme, which means that for many the only route to rehousing is through the homelessness legislation process.

Of around 2,500 homelessness acceptances under the 'Accommodation not Reasonable' category in 2009/10, almost half (49%) involved elderly households, 21% were families and 23% single households.

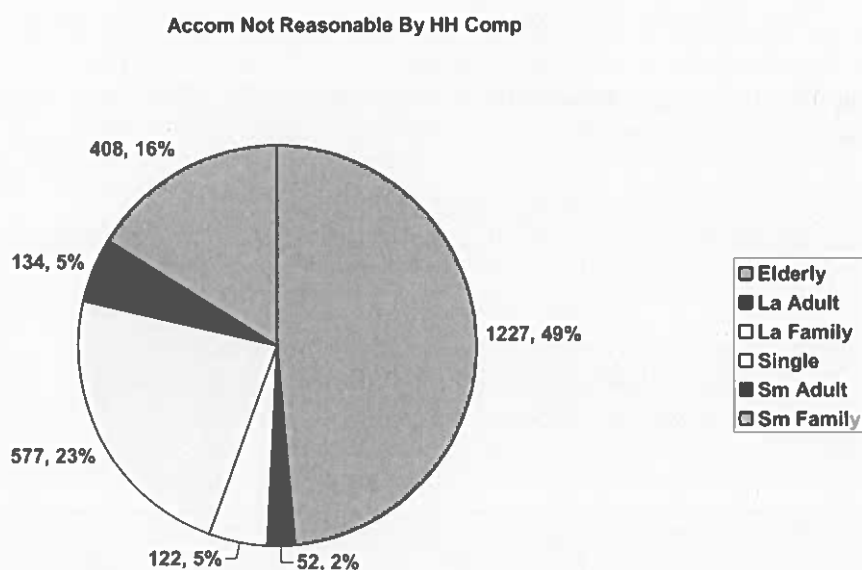


The chart above shows that the tenure of homeless applicants accepted under this category varied considerably between household groups. 39% of elderly households who were accepted as homeless because it was considered unreasonable for them to remain in their accommodation were owner occupiers, while 29% were Housing Executive tenants and 20% had applied from private rented accommodation. Of the 584 owner occupiers who were accepted as homeless under this category, 81% were elderly households.

It is suggested that the housing circumstances faced by many such elderly applicants, as well as other households in similar circumstances, can be appropriately addressed through the Housing Selection Scheme points criteria, rather than through homelessness legislation. This would avoid the situation where applicants living in accommodation which is particularly unsuitable for their needs find themselves labelled as "homeless" when their intention was simply to apply for alternative accommodation. This stigma can be of particular concern to elderly applicants, but by no means exclusively so.

The purpose of the Housing Selection Scheme is to reflect housing need, taking sensitive account of a comprehensive range of factors. Many seek social housing because their accommodation has become difficult to maintain or manage, or inappropriate to their needs because of deteriorating health / mobility problems, but very few avail of other homelessness services (e.g. temporary accommodation).

Number of acceptances accommodation not reasonable by household group, by previous tenure (2009/10)



There is currently provision within the Scheme, under Rule 38, for an award of Unsuitable Accommodation points to recognise the needs of applicants living in unsuitable circumstances (see Appendix 2). Analysis shows that these points are currently awarded to only 4% of applicants on the Waiting List. The narrowly defined criteria for the award of this housing need factor and the current weight accorded to such need (10 points) may be insufficient to adequately take account of what may be quite unsatisfactory living arrangements.

To address this, it is suggested that applicants living in accommodation arrangements considered unsuitable for them to continue to occupy, but choosing to remain there until permanently rehoused, would instead receive points-related recognition through the Housing Selection Scheme to reflect their housing need.

That is not to say that some applicants would not still find themselves in a position where they could no longer possibly occupy their current accommodation. The homelessness legislation would continue to be invoked in these circumstances.

Intended Benefits

The result of this approach would be to enhance the Housing Selection Scheme criteria for the award of Unsuitable Accommodation Points to a more sensitive degree by recognising additional "trigger" circumstances and by attaching greater weight through the award of additional points, with the associated benefits for applicants of:

- earlier recognition of unreasonable circumstances, affording an opportunity to effectively plan for an appropriate solution and explore options;
- avoiding the situation where applicants find themselves labelled as 'homeless' when their intention was simply to apply for alternative accommodation; this can be of particular concern to elderly households.

Consultation Question:

Do you agree that a range of circumstances relating to unsuitable accommodation should be given greater recognition through the Housing Selection Scheme, thereby reducing the need to seek redress through homelessness legislation?

3. Homeless Applicants in Temporary Accommodation

Proposal:

It is suggested that additional Interim Accommodation Points should be awarded incrementally to recognise time spent in temporary accommodation by those applicants who are owed the full statutory housing duty under the homelessness legislation (Full Duty Applicants; FDAs).

Further analysis is necessary to consider whether the pool of applicants eligible for these points should continue to be those FDAs placed in temporary accommodation arranged by the Housing Executive only; or extended to include those FDAs who have made their own private temporary accommodation (crisis) arrangements; or alternatively, to all FDAs regardless of their living arrangements pending permanent rehousing.

The weighting and sequencing of any such additional points will be subject to analysis and modelling to assess potential impact on the position and ranking of these and all other applicants in housing need on the Waiting List.

Background

The Housing Executive constantly monitors the impact of the Housing Selection Scheme on all applicants' re-housing outcomes, including homeless applicants, to ensure that it gives adequate weighting to housing need factors.

As part of the Housing Executive's Homelessness Strategy, there has been a move away from the use of shared facilities in providing temporary accommodation and homeless households are increasingly offered self-contained temporary accommodation in the private rented sector which is more appropriate to their needs. The most significant change has been the decreased use of B&BS and private shared accommodation. In 2002/03 there were over 1200 placements in this type of accommodation (34% of total placements) compared to 179 in 2009/10 (5%). Placements to private self contained accommodation have increased from 17% in 2002/03 to 48% in 2009/10. The use of supported hostel accommodation has remained static and accounts for approximately 34% of placements.

As a consequence of the use of more appropriate temporary accommodation solutions, however, homeless households placed in temporary accommodation are often no longer eligible for sharing or overcrowding points, which can mean that they spend longer in temporary accommodation waiting to be permanently rehoused.

While year on year temporary accommodation placements decreased between 2002/03 and 2007/08, the last two years have shown an increase.

Table 1: Temporary Accommodation Placements Made by NIHE in Response to Homelessness 2002 - 2010

Year	NIHE Hostels	Voluntary Sector Hostels	Private Single Lets	HMO / BB / Hotels	Total Placements
2002/03	439	1367	605	1253	3664
2003/04*	571	1572	632	977	3752
2004/05	510	1315	673	767	3265
2005/06	548	1478	852	632	3510
2006/07	462	1202	977	499	3140
2007/08	369	953	1019	373	2714
2008/09	400	1055	1401	298	3154
2009/10	422	1129	1565	179	3296

* 11 Months, TAABBS introduced (Temporary Accommodation Accounting Bed Bureau)

From 2003 the average length of stay in temporary accommodation for applicants placed in either Housing Executive hostels or the private sector has steadily increased to around 40 weeks in 2009/10 (see Table 2). Likewise the voluntary hostel sector has seen a considerable increase in the length of stay, rising from 27 weeks in 2003 to a peak of 62 weeks in 2007 and dropping down to 40 weeks in 2009 which is compatible with the other sectors.

Table 2: Average Length of Stay in Temporary accommodation from 2003/04 to 2009/10 (weeks)

Accommodation Type	2003/04	2004/05	2005/06	2006/07	2007/08	2008/09	2009/10
NIHE Hostel	24	34	21	40	43	47	37
Voluntary Hostel	27	37	34	50	62	52	40
Private rented Sector	28	38	40	42	40	40	42

These are average figures and applicants in several areas of high demand actually experience very lengthy waiting times. Table 3 shows that 173 FDAs have been placed in temporary accommodation for more than 4 years. 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.

Table 3: Length of time FDAs placed in Temporary Accommodation (As at February 2011)

Time in Temp. Accom.	No. of Applicants
< 6 Months	278
6 – 12 Months	327
>1 and < 2 Years	361
> 2 and < 3 Years	192
>3 and < 4 Years	106
> 4 Years	173
Total Applicants Placed	1437

Currently, additional recognition and weighting (20 points) is given to FDAs who have been residing for six months in accommodation provided by the Housing Executive in discharge of its interim duty under the Housing (Northern Ireland) Order 1988 (Rule 24(3) – see Appendix 2) . The award of interim accommodation points aims to ensure that the most vulnerable homeless applicants – those who have been brought through the homelessness legislation and who have subsequently been placed in temporary accommodation – have their acute need recognised through the award of additional Housing Selection Scheme points.

The above statistical evidence would suggest, however, that the current weight applied to this housing need factor is having a marginal impact on the length of time such applicants await permanent rehousing. There is a view that an additional incremental award of points in recognition of additional time spent in temporary accommodation would help to give such applicants a realistic hope of being housed within a reasonable period of time. Further analysis is required to identify the level of points needed and the sequencing to achieve this objective.

Changing the arrangements for the award of Interim Accommodation Points in terms of the level of points awarded would not impact on the scale of the Housing Stress Waiting List, but would have some effect on relative ranking within it.

Introducing a further boost of points for time statutory homeless applicants spend waiting in temporary accommodation must be balanced with the overall weight given to insecurity of tenure factors (homelessness) within the Scheme. Other categories of housing need: overcrowding; sharing; insanitary conditions; or Health and Social Well Being conditions, either singularly or cumulatively, need to be balanced against a fair and equitable system of assessing housing need to the extent that it is no more or less advantageous for statutory homeless applicants to move into temporary accommodation.

Furthermore, homeless applicants placed in temporary accommodation by the Housing Executive do not represent the total homeless population and it is evident that more homeless households are now either homeless at home (that is, where households are accepted as owed the main statutory homeless duty but find themselves able to remain in their existing accommodation for the immediate future), or have made their own temporary accommodation arrangements, for example private sector accommodation or sharing with family and friends (together accounting for over 60%).

Any proposal to give increased weight to the existing pool of FDA applicants to address this issue should therefore be examined in totality as the fundamental issue is the length of time that people who are accepted as homeless await permanent rehousing. The extension of interim accommodation points to include households who have arranged their own temporary accommodation would mean that more applicants would be entitled to points, currently awarded only in cases where accommodation has been arranged by the Housing Executive.

Intended Benefits

This proposal aims to contribute to the delivery of the Housing Executive's Homelessness Strategy in its commitment to providing a robust move-on strategy for applicants in temporary accommodation and to reduce the waiting time for permanent rehousing of FDAs.

The extent of the impact of the proposal is clearly dependent upon whether any additional points continue to be awarded only to those FDAs placed in temporary accommodation by the Housing Executive; or whether it is widened out to include those who have made their own temporary accommodation arrangements; or to all FDAs.

Consultation Questions

Do you agree that additional Interim Accommodation points should be awarded after further periods spent in temporary accommodation?

Do you have any views on whether any such additional points should be awarded to:

- a) Statutory homeless applicants placed in temporary accommodation arranged by the Housing Executive only; or**
- b) Statutory homeless applicants who are either placed by the Housing Executive or make their own alternative temporary accommodation arrangements; or**
- c) All statutory homeless applicants?**

4. Transfers: Anti-Social Behaviour

Proposal

Views are sought on the merits of amending the Rules of the Scheme to specify eligibility criteria for a transfer within social housing.

It is suggested that the rules of the Housing Selection Scheme should be amended to provide the Housing Executive and registered social landlords with discretion to refuse transfer applications from tenants who are involved in anti social behaviour

Background

Access criteria for transfers are currently detailed in policy guidance associated with the Scheme. The transfer access policy criteria currently stipulate that a tenant applying for a transfer should not be guilty of any serious breach of tenancy conditions in addition to those relating to the state and condition of the property. This allows the Housing Executive and registered Housing Associations to refuse a transfer application on the basis of unacceptable behaviour which constitutes a serious breach of tenancy.

Transfers are an important tool in facilitating landlords in making best use of housing stock, for example, in matching tenants with accommodation most appropriate to their needs, facilitating clearance in redevelopment areas etc. Nevertheless, in each instance where a vacant property is used to meet such need, an allocation has taken place, similar to an allocation being made available to an applicant under the rules of the Housing Selection Scheme. As such, the policy for determining when and how allocations are made to tenants seeking a transfer should be contained within the overall Selection Scheme. The aim would be to limit the spread of anti social behaviour by giving social landlords more control over the movements of individuals with a history of ASB and to ensure a consistent approach across policies.

There is a need to ensure that policies which place restrictions on entitlements of people guilty of anti-social behaviour are consistent, whether for access to secure tenancies; allocations of housing or homelessness assistance; applications for house sales; assignment by way of exchange; or entitlement to a transfer of social housing.

Consultation Question:

Do you agree that transfer access criteria should be included in the Statutory Housing Selection Scheme?

Do you agree that the transfer access criteria should contain provisions to enable social landlords to refuse transfer requests in circumstances where the tenant has been involved in anti social behaviour?

5. Equality Responsibilities

The Housing Executive's Equality Scheme sets out our approach to assessing the equality impacts of our policies and procedures through Equality Impact Assessment. Any proposed amendments to the Scheme will be subject to a full Equality Impact Assessment and will inform how the policy is developed.

Section 75 of the Northern Ireland Act 1998 requires the Housing Executive, in carrying out its functions, to have due regard to the need to promote equality of opportunity between nine categories of persons as follows:

- between persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation;
- between men and women generally;
- between persons with a disability and persons without; and
- between persons with dependants and persons without.

Without prejudice to the obligations set out above, the Housing Executive is also required, in carrying out its functions relating to Northern Ireland, to have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group.

Rural Proofing

The Housing Executive considers that the impact of the proposals contained in this document would be felt mainly in urban areas. There does not appear to be any potential for an adverse differential impact on rural areas.

We would welcome your views on these findings and any evidence of adverse differential impacts arising from any of the proposals within this document.

Consultation Question

Do you have any evidence to suggest that the proposals within this document would create an adverse differential equality impact on any of the nine equality categories under section 75 of the Northern Ireland Act 1998?

6. Summary of Consultation Questions

1. Intimidation - The Scope and Role of the Current Rule 23

Do you agree that based on a risk-removal approach to intimidation, and given the changing political situation in Northern Ireland, as well as the tools available to address serious disputes and harassment, intimidation cases should no longer attract absolute priority for re-housing through an additional award of 200 points under the Selection Scheme?

Do you believe that if the 200 Intimidation Points currently awarded under the Scheme were to be removed, the Primary Social Need factors (Appendix 2) adequately recognise and give due weight to the range of circumstances in which a person is forced to leave their home because of violence or serious risk of violence or lose their home because of an unforeseen disaster e.g. fire / flood?

2. Applicants Living in Unsuitable Accommodation

Do you agree that a range of circumstances relating to unsuitable accommodation should be given greater recognition through the Housing Selection Scheme, thereby reducing the need to seek redress through homelessness legislation?

3. Homeless Applicants in Temporary Accommodation

Do you agree that additional Interim Accommodation points should be awarded after further periods spent in temporary accommodation?

Do you have any views on whether any such additional points should be awarded to:

- a) Statutory homeless applicants placed in temporary accommodation arranged by the Housing Executive only; or
- b) Statutory homeless applicants who are either placed by the Housing Executive or make their own alternative temporary accommodation arrangements; or
- c) All statutory homeless applicants?

4. Access Criteria for Transfers

Do you agree that transfer access criteria should be included in the Statutory Housing Selection Scheme?

Do you agree that the transfer access criteria should contain provisions to enable social landlords to refuse transfer requests in circumstances where the tenant has been involved in anti social behaviour?

5. Equality Responsibilities

Do you have any evidence to suggest that the proposals within this document would create an adverse differential equality impact on any of the nine equality categories under section 75 of the Northern Ireland Act 1998?

Appendix 1 - Waiting List Statistics

Annual Total – Northern Ireland Waiting List

Year	2006	2007	2008	2009	2010
Total	31908	36182	39675	38923	38120

Annual Total by Stress* – Northern Ireland Waiting List

Year	2006	2007	2008	2009	2010
Total	17223	19703	21361	20481	19716

Annual Length of Time on the Waiting List by Year

	<6Mths	6Mths & <1Yr	1Yr & <2Yrs	2Yrs & <3Yrs	3Yrs & <4Yrs	4 Yrs or more	Grand Total
2006	7546	7569	7125	3227	1888	4553	31908
2007	10001	8349	7459	3508	1998	4867	36182
2008	8398	9164	9869	4344	2416	5484	39675
2009	8232	7918	8855	5639	2559	5720	38923
2010	9571	7337	7032	4760	3162	6258	38120

Total Annual Allocations

	2005/06	2006/07	2007/08	2008/09	2009/10
To stress*	7242	6896	6618	7287	8181
To non stress	1093	876	671	845	1011
Total	8335	7772	7289	8132	9192

Annual Allocations by NIHE

	2005/06	2006/07	2007/08	2008/09	2009/10
To Stress*	5419	4934	4529	5134	5713
To non stress	760	513	296	437	609
Total	6179	5447	4825	5571	6322

Annual Allocations by Housing Associations

	2005/06	2006/07	2007/08	2008/09	2009/10
To Stress*	1823	1962	2089	2153	2468
To non stress	333	363	375	408	402
Total	2156	2325	2464	2561	2870

Allocations - Time on Waiting List by Year

	<6mths	6mths & <1yr	1yr & <2yrs	2yrs & <3yrs	3yrs & <4yrs	4yrs or more	Grand Total
2004/05	3850	1805	1315	413	258	288	7929
2005/06	5484	1093	936	380	174	268	8335
2006/07	3005	1977	1612	534	264	380	7772
2007/08	4142	1116	1015	451	236	329	7289
2008/09	2263	1930	2078	912	397	552	8132
2009/10	3156	1954	1867	1037	526	652	9192

* **Stress** - Housing Stress encompasses all applicants on the Waiting List (excluding transfer applicants) who have accrued 30 points or more under the Housing Selection Scheme.

Appendix 2 - Extract of Relevant Rules from the Housing Selection Scheme

Note: The full set of Housing Selection Scheme Rules can be found on the NIHE website at

http://www.nihe.gov.uk/housing_selection_scheme_rules.pdf

Rule 23 Intimidation Points

An Applicant will be entitled to Intimidation points (see Schedule 4) if any of the following criteria apply in respect of the application:

- (1) The Applicant's home has been destroyed or seriously damaged (by explosion, fire or other means) 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.
- (2) The Applicant cannot reasonably be expected to live, or to resume living in his/her home, because, if he or she 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 Applicant's household, would be killed or seriously injured as a result of terrorist, racial or sectarian attack, or an attack which is motivated by hostility because of an individual's disability or sexual orientation.

Rule 24(3) Interim Accommodation Points

These points will be awarded to a Full Duty Applicant who has been residing for six months in accommodation provided to him / her in discharge of the Housing Executive's interim duty under the Housing (N.I.) Order, 1988. These points will be in addition to Homeless / Threatened with Homelessness-Full Duty Applicant Points (see Schedule 4).

Rule 38 Unsuitable Accommodation

This award of points will be made in addition to Functionality Points (see Schedule 4) where:

- (1) a second person in the Applicant's household scores above a threshold of points (as specified in Schedule 1) on the Functional Matrix; or
- (2) the Applicant or a member of his / her household has difficulty gaining access to his / her accommodation which is above ground floor level and is not served by a lift.

Schedule 1

Functionality Matrix

	Mobility within existing accommodation	Independent	Needs help/with difficulty	Dependent on Others
1a	walks without aid	0	2	4
1b	uses walking aid	2	4	8
1c	uses wheelchair	2	4	8
	Internal factors			
2	climbing existing stairs or access to w/c	0	6	8
3	climbing existing stairs or access to bedroom	0	6	8
	External factors			
4	Negotiating external steps	0	2	4
5	Negotiating steep approach	0	2	4
	Total Score			

Notes:

1. The actual score on the matrix, as outlined above, will be included in the total points score.
2. Where a second person in the Applicant's household scores 6 or more on the above matrix, an award of Unsuitable Accommodation points will be made (see Schedule 4).

Rule 43 Primary Social Needs Factors

Primary Social Needs points (see Schedule 4) will be awarded in the following circumstances:

- (1) Where the Applicant or a member of the Applicant's household is experiencing or has experienced violence or is at risk of violence including physical, sexual, emotional or domestic violence or child abuse.
- (2) Where the Applicant or a member of the Applicant's household is experiencing or has experienced harassment, including racial harassment and there is fear of actual violence (but the criteria for the award of Intimidation points (see paragraph 23) are not met).
- (3) Where the Applicant or a member of the Applicant's household, is experiencing or has experienced fear of actual violence for another reason and the Applicant is afraid to remain in his / her current accommodation.
- (4) Where the Applicant, or a member of the Applicant's household, is experiencing or has experienced distress / anxiety caused by recent trauma which has occurred in the Applicant's current accommodation.
- (5) Where, in the opinion of Social Services, there is a need for re-housing, to prevent the Applicant or a member(s) of the Applicant's household going into care.
- (6) Where Social Services recommend that the Applicant or a member of the Applicant's household, move to larger or more suitable accommodation to enable him / her to become or continue to be a foster parent.
- (7) Where families with dependent children are living apart because of overcrowding or tension in previous accommodation, or where living together would result in children living in unsuitable accommodation.
- (8) In circumstances analogous to those listed in sub-paragraphs (1) to (7) above.

Schedule 4 - Housing Selection Scheme Points Schedule

	Points
Section 1 Intimidation	200
Section 2 Insecurity of Tenure	
Homeless / Threatened with Homelessness-Full Duty Applicant (FDA)	70
Other Homeless	50
Interim Accommodation	20
Section 3 Housing Conditions	
Sharing	
1) An Applicant with dependent children	
Sharing kitchen	10
Sharing Living Room	10
Sharing Toilet	10
Sharing Bath / Shower	10
2) An Applicant aged 18 years and over without dependent children	5
Sharing kitchen	5
Sharing Living Room	5
Sharing Toilet	5
Sharing Bath / Shower	
3) An Applicant aged 16 -18 years without dependent children	
Sharing Kitchen	5
Sharing Living Room	5
Sharing Toilet	5
Sharing Bath / Shower	5
Overcrowding	
Each bedroom short of criteria	10
Lack of Amenities and Disrepair	
1) The Applicant's current accommodation is not free from serious disrepair.	10
2) The Applicant's current accommodation is not free from dampness which is prejudicial to the health of the occupants.	10
3) The Applicant's current accommodation does not have adequate provision for lighting, heating and ventilation.	10
4) The Applicant's current accommodation does not have an adequate supply of wholesome water.	10

- | | |
|---|----|
| 5) The Applicant's current accommodation does not have satisfactory facilities for the preparation and cooking of food, including a sink with a satisfactory supply of hot and cold water. | 10 |
| 6) The Applicant's current accommodation does not have a suitably located water closet (w.c.) for the exclusive use of the occupants. | 10 |
| 7) The Applicant's current accommodation does not have, for the exclusive use of the occupants a suitably located fixed bath or shower, each of which is provided with a satisfactory supply of hot and cold water. | 10 |
| 8) The Applicant's current accommodation does not have an electricity supply. | 10 |

Time in Housing Need

(Only awarded to Applicants with points on the Waiting List.
2 points per year (for a maximum of five years) after two years on the Waiting List) Max 10

Section 4	Health and Social Well Being	
	Functional Matrix	Max 32
	Unsuitable Accommodation	10
	Support / Care Needs Matrix (only applicable to those applying for Sheltered / Supported Housing)	
	Home Management	Max 16
	Self Care	Max 14
	Each Primary Social Needs Factor	20
	(capped at 2 factors i.e. 2x 20 points)	
	Each Other Social Needs Factor	10
	(capped at 4 factors i.e. 4x10 points)	
	Complex Needs	
	(General Needs Housing)	20

Notes:

1. Points will be awarded on a cumulative basis unless otherwise stated