

Equality Commission for Northern Ireland

Consultation response: A Fundamental Review of Social Housing Allocations December 2017

1 Executive Summary

1.1 Proposal 1: Throughout the Process: An independent, tenure-neutral housing advice service for Northern Ireland

1.2 The Commission welcomes that the proposed housing advice service will be open to all - it is essential that good quality housing advice is available to everyone.

1.3 We recommend that all customers are made fully aware of the differences between renting a social home and renting in the private sector, particularly around security of tenure, rent levels and supports available. It is also essential that Information is accessible and meet the communication needs of the range of customers using the service. This information includes in relation to language and accessible formats.

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

1.4 The Commission seeks greater clarity and detail around the safeguards to accompany the proposed change in practice by the NIHE to meet its duty to homeless applicants on a tenure-neutral basis. We also recommend that definitions are provided for the words 'reasonable' and 'appropriate' in relation to whether accommodation is: '*reasonable for the household to occupy*'; and '*of the appropriate standard*'.

1.5 We recommend that the Department set out the reasons why any current power to meet its duty on a tenure-neutral basis has not been used to date, along with any implications for the advancement of equality of opportunity and good relations.

1.6 More generally, we recommends that the choices available to all customers should be clearly articulated. This includes, for example, ensuring that the range of options to meet the accommodation needs of Irish Travellers are explicitly communicated from the outset of the social housing application process.

Proposal 5: Application Stage: A greater choice of areas for all applicants for a social home.

Proposal 6: Greater Use of Mutual Exchange Service.

- 1.7 The Commission welcomes these proposals and is of the view that offering a greater choice of areas has the potential to better meet objective need.
- 1.8 The Commission also restates its recommendation for actions designed to incentivise and advance safe, shared housing and communities based on equality, dignity and respect. Aligned to draft PfG commitments (delivery plans for Indicators 8 and 48) we recommend that the Department set out how it intends to incentivise the uptake of shared housing and reduce residential segregation, and how any such processes might impact on the operation of the Housing Selection Scheme.

Proposal 7: Assessment Stage: Removal of intimidation points

- 1.9 The Commission recommends that appropriate weight is given *within* the housing selection scheme to take account of the impact of harassment, violence and / or hate crimes across the equality grounds.
- 1.10 We consider that whatever the mechanism for addressing homelessness as a result of intimidation, harassment, violence (or threat of same), it should give consideration to how it can address issues affecting people across the equality grounds, including domestic violence.
- 1.11 We also recommend that the Department considers how any security of tenure can be maintained after a move resulting from intimidation, harassment, violence or hate crime.

Proposal 9: The removal of interim accommodation points from the Selection Scheme

- 1.12 The Commission recommends that interim accommodation points are awarded to anyone who spends six months in temporary accommodation, whether provided by the NIHE or otherwise.

Proposal 10: Allocation Stage: The Selection Scheme should place applicants into bands based on similar levels of need to meet longstanding housing need more effectively

- 1.13 The Commission recommends, in line with our support for meeting objective need, that consideration is given to increasing the weight (number of points) allocated for 'time in housing need', *within* the points based system.

Proposal 11: Allocation Stage: The selection scheme should always align the number of bedrooms a household is assessed to need with the size criteria for eligible Housing Benefit customers.

- 1.14 While welcoming the desire to increase consistency and avoid confusion, the Commission considers that the number of bedrooms identified as appropriate under the housing selection scheme should be based on a professional assessment of housing need, and not simply on the size criteria associated with Housing Benefit.
- 1.15 We agree with the proposal that social landlords, in discussion with applicants, can decide whether flexibility is appropriate, so that households have choice in the size of home allocated and understand the potential impact on benefits.
- 1.16 We recommend that any implications arising from any differential assessment (housing selection scheme assessment vs housing benefit size criteria) are fully explained to the applicant.
- 1.17 Where an individual is offered accommodation which meets their housing selection scheme requirements, but exceeds the size criteria aligned to Housing Benefit, consideration should be given to permitting a refusal of that offer without it counting as a refusal of a 'reasonable offer'.

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

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

Proposal 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

- 1.18 The Commission recommends that the Department assures itself that the proposals being suggested to better allow landlords to secure tenants for difficult to let properties give effect to the principle of objective need and make provision to ensure potential tenants can fully engage in the letting process.
- 1.19 The Commission recommends, in light of the reliance of choice based lettings on online advertising, that appropriate dissemination methods and safeguards are put in place to facilitate potential applicants, particularly older people, people with disabilities, those lacking sufficient English literacy, and those living in poverty, to fully engage in the letting process.

Proposal 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

- 1.20 We recommend that action should be taken to allocate adapted or purpose built wheelchair accommodation to meet objective needs. We emphasise the need for sensitivity where policy succession or assignment is to be refused. We however consider that the need to refuse policy succession would decrease were accessible housing standards to apply to all new builds.

Proposal 20: Specialised properties should be allocated by a separate process outside the Selection Scheme

- 1.21 The Commission has some concern that the consultation proposal to ring-fence specialised properties into a separate process could result in unnecessary and lengthy void times for (adapted) properties, where demand does not dovetail with supply. This is a particular concern given the pressures on social housing at this time.
- 1.22 We also note the wider range of options that the Chartered Institute of Housing (CIH) has previously set out¹ - including using adapted properties as temporary accommodation (for a household who does not need the adaptation); or encouraging mutual exchange or transfer etc. to free up and/or allocate adapted homes.
- 1.23 We therefore seek clarification from the Department as to how its current proposal ensures the most effective use of this stock.
- 1.24 Aligned to 2017 UNCRPD concluding observations, we recommend that the Social Housing Allocations Policy should facilitate disabled people, particularly those living with their parents who wish to obtain a home of their own, to live independently.

¹ CIH (2014) [How to make effective use of adapted properties](#)

2 Proposal 1: Throughout the Process: An independent, tenure-neutral housing advice service for Northern Ireland

- 2.1 The Commission welcomes that the proposed service will be open to all, including those whose immigration status prevents them from applying for a social home.
- 2.2 It is essential that good quality housing advice is available to everyone. We recommend that all customers are made fully aware of the differences between renting a social home and renting in the private sector, particularly around security of tenure, rent levels and supports available.
- 2.3 It is also essential that Information is accessible and meet the communication needs of the range of customers using the service. This information includes in relation to language and accessible formats.

Supporting Rationale

- 2.4 We note that the proposal seeks to offer ‘tailored advice to help individuals and households meet their specific housing need and find or keep suitable accommodation in any tenure’. This includes applying for a social home; looking for private rental sector accommodation; getting support to stay in current accommodation; consider co-ownership or full home ownership.
- 2.5 The potential implications arising from an inability to sustain tenancies include a rise in homelessness. In light of this, it is essential that the differences between private and social renting are made clear to all customers,
- 2.6 To facilitate individuals to make informed decisions, we recommend that all customers, particularly those dependent on benefits, are made fully aware of the differences between renting a social home and renting in the private sector – including regarding security of tenure, rent levels and supports available.
- 2.7 Advice should also make clear that Housing Benefit may not be sufficient to cover the costs of rent. For example, the cost of private renting is 50% more expensive than social housing^{2 3}.
- 2.8 With regards to ensuring the accessibility of information, the advice service needs to take account of the needs of and barriers experienced by certain Section 75 groups, including people with disabilities, older people and those from minority ethnic groups. For example, a particular need arises for single tenants aged under 35 in the private rented sector. They are entitled only to the shared room rate of Local Housing Allowance.

² Joseph Rowntree Foundation (Nov 2014) [What will the housing market look like in 2040?](#)

³ Private renting accounts for 17-20% of total housing in comparison to social rented sector, which makes up 15% of total housing. Northern Ireland Housing Executive, [Northern Ireland Housing Market: Review & Perspectives 2014-2017](#)

Research commissioned by the then Department for Social Development, while small scale, found that since the changes came into force around one in ten landlords no longer rented to under 35 year old single people⁴. They may therefore experience barriers to accessing private rented sector accommodation.

2.9 Any unlawful discrimination or prejudicial attitudes / stereotyping of, those with particular Section 75 characteristics should also be challenged.

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

3.1 The Commission seeks greater clarity and detail around the safeguards to accompany the proposed change in practice by the NIHE to meet its duty to homeless applicants on a tenure-neutral basis.

3.2 We recommend that definitions are provided for the words ‘reasonable’ and ‘appropriate’ in relation to whether accommodation is: *‘reasonable for the household to occupy’*; and *‘of the appropriate standard’*.

3.3 Further, while we understand that the power to meet its duty on a tenure-neutral basis may currently exist, the reasons for it not having been used to date are not clear. We recommend that the Department set out any reasons, along with any implications for the advancement of equality of opportunity and good relations.

3.4 More generally, the Commission recommends that the choices available to all customers should be clearly articulated. This includes, for example, ensuring that the range of options to meet the accommodation needs of Irish Travellers are explicitly communicated from the outset of the social housing application process.

Supporting Rationale

3.5 Proposal 4 would permit NIHE, where appropriate, to *‘meet its homelessness duty by securing suitable accommodation in the private rented sector, subject to certain safeguards.’* These safeguards include the accommodation being reasonable, of the appropriate standard and available for a reasonable period of time, e.g. a 12 month tenancy.

3.6 The Commission recognises the pressures on social housing provision, as evidenced by the waiting list⁵, and the growth of the private rented sector within Northern Ireland.

⁴ Centre for Regional Economic and Social Research, Sheffield Hallam University funded by the Department for Social Development (Mar 2014) [Monitoring the impact of recent measures affecting Housing Benefit and Local Housing Allowances in the private rented sector in Northern Ireland: Final Report](#)

⁵ 37,500 households, Consultation document foreword, page 7

- 3.7 We are concerned about the potential that differential management standards, regulation, security of tenure, rent levels, supports and / or property conditions across different tenures could lead to inequality in housing provision.
- 3.8 We also recognises that greater regulation of the private rented sector may be anticipated. However we understand that what this regulation will comprise and how it will operate remains unclear as, in the absence of a Minister, the outworking of the Review of the Role and Regulation of the Private Rented Sector is not finalised. We therefore seek greater clarity and detail around the safeguards to accompany the proposed change in practice by the Northern Ireland Housing Executive (NIHE).
- 3.9 Should this proposal advance, customers from across all equality categories should be made aware of the distinct differences between a social and private tenancy, particularly as regards security of tenure, rent levels and supports available. For those with particular needs, specific provision should be provided to meet those needs. We therefore reiterate our recommendations as set out in section 2 (advice service).

4 Proposal 5: Application Stage: A greater choice of areas for all applicants for a social home

- 4.1 The Commission welcomes this proposal and is of the view that offering a greater choice of areas has the potential to better meet objective need.
- 4.2 The Commission also restates its recommendation for actions designed to incentivise and advance safe, shared housing and communities based on equality, dignity and respect. Aligned to draft PfG commitments (delivery plans for Indicators 8 and 48) we recommend that the Department set out how it intends to incentivise the uptake of shared housing and reduce residential segregation, and how any such processes might impact on the operation of the Housing Selection Scheme.
- 4.3 Please note that this response also applies to proposal 6 “Greater Use of Mutual Exchange Service”.

Supporting Rationale

- 4.4 Where stock availability (supply) differs from housing needs and preferences (demand), longer waiting lists can ensue. In Northern Ireland, this has a particular impact on households with a Catholic religion household reference person. The Commission reiterates its recommendation that immediate and longer-term solutions are likely to be found in taking a range of steps to address both supply and demand factors. On the supply side, we have recommended action to consider for example, how appropriate stock can be made available to ensure that

objectively assessed housing need is more effectively met in areas of high demand. On the demand side, steps which might both widen areas of preference for those in housing need and sharing more generally could serve to expand housing markets to increase opportunities to both meet objectively assessed need and advance increased sharing.

- 4.5 The Department's proposal would allow applicants for social housing to choose as many or as few areas as they like in which to seek a home. The Commission considers that the housing advice service should clearly explain to applicants the availability of accommodation in areas and the implications of choices.
- 4.6 We note work such as that which the Northern Ireland Housing Executive (NIHE), with support from housing associations, has undertaken to further shared housing, and reiterate the importance of considering how sharing in housing can be encouraged and incentivised, mindful of the range of factors impacting on residential preferences and decisions.
- 4.7 We note and welcome that the delivery plan for Indicators 8 and 48 of the draft 2016-21 Programme for Government commits: *'to support more shared housing and reduce the extent and impact of residential segregation, we will develop a programme of financial incentives using money available through the Fresh Start agreement to incentivise the development of more mixed tenure, mixed use sites underpinned by a shared ethos.'*⁶
- 4.8 The Department should set out how any such processes might impact on the operation of the Housing Selection Scheme.

5 Proposal 7: Assessment Stage: Removal of intimidation points

- 5.1 We welcome that the general aim of these proposals is to ensure that the waiting list is a fairer and more accurate representation of households' current objective housing need.
- 5.2 The Commission recommends that appropriate weight is given within the housing selection scheme to take account of the impact of harassment, violence and / or hate crimes across the equality grounds.
- 5.3 We note that the consultation document raises⁷ a particular concern regarding domestic violence, and its current exclusion from intimidation point coverage. We consider that whatever the mechanism for addressing homelessness as a result of intimidation, harassment, violence (or threat of same), it should give consideration to how it can address issues effecting people across the equality grounds, including domestic violence.

⁶ downloaded on: 13 February 2017

⁷ At page 54

- 5.4 In this context we would particularly query the apparent situation (as per the examples in Section 7 of the consultation document) whereby 20 primary social needs points are awarded where violence is a factor, yet 40 points are seemingly awarded for a family sharing kitchen and living room and WC and bathroom.
- 5.5 We also recommend that the Department considers how any security of tenure can be maintained after a move resulting from intimidation, harassment, violence or hate crime.

Supporting Rationale

- 5.6 The Commission reiterates its recommendation that the overarching programme of work for government, and associated work by Departments, should include priority actions to challenge prejudicial attitudes, behaviour and hate crime - to ensure that public spaces, communities, workplaces and services are free from intimidation, harassment and or discrimination across the equality grounds.
- 5.7 We note the focus of the NIHE's efforts to address and eradicate hate crime motivated by someone's perceived ethnicity, sexual orientation, religion, political opinion, disability or gender identity. This has included working in partnership to see if a solution can be developed to support a tenant to sustain their tenancy; and ensuring that, where possible, perpetrators are dealt with through the NIHE's anti-social behaviour process.
- 5.8 The consultation document proposes that a person who is considered to be in serious or imminent danger would continue to be removed from that danger and offered alternative accommodation on an emergency basis. We also note that (20) 'primary social needs' points will continue to be awarded for harassment, violence, or the fear of, and/or distress arising from same in current accommodation, in addition to homelessness points (70). They would however no longer be awarded (200) 'intimidation' points.
- 5.9 We note the Department's view in the document that the proposed process is considered to be in line with other homeless applicants also in serious emergency housing need or who have experienced trauma associated with violence or the fear of violence.
- 5.10 We note the assertion in the consultation document that *"those in greatest objective housing need receive priority, by ensuring that personal safety matters do not override unsatisfactory housing circumstances"*. While supporting the focus on objective need, we recommend that the Department gives due regard to ensuring that appropriate weight is given in its proposals to the impact of harassment, violence and/or hate crimes across the equality grounds.
- 5.11 The Commission is cognisant of the devastating effect which hate crime can have upon victims and their families. In 2013, the NI Human Rights

Commission⁸ noted that ‘under reporting of hate crimes by victims was commonplace.’ With regards to homophobic incidents, Police Service of Northern Ireland statistics show increases in both ‘violence against the person’ offences and ‘criminal damage to a dwelling’ offences year on year across the period 2007/08 to 2013/14. In 2015, the Northern Ireland Policing Board noted that *‘the impact varies from victim to victim but it leaves many feeling permanently unsafe’*.⁹

5.12 The Department should assure itself that its final scheme demonstrates the appropriate regard¹⁰ to promoting equality of opportunity and good relations across the relevant equality categories. We recommend actions to address key inequalities in housing¹¹ in support of the advancement of equality of opportunity and good relations.

5.13 While the consultation document proposes that a person considered to be in serious or imminent danger would be removed from that danger and offered alternative accommodation on an emergency basis, a further impact of this is that individuals in public housing would potentially lose security of tenure. This could in effect further punish the victim of a crime / alleged crime by placing them in a worse position than before the incident, and could result in individuals being deterred from reporting such incidents. We recommend that the Department considers how any security of tenure can be maintained after a move resulting from intimidation or hate crime.

6 Proposal 9: The removal of interim accommodation points from the Selection Scheme

6.1 The Commission recommends that interim accommodation points are awarded to anyone who spends six months in temporary accommodation, whether provided by the NIHE or otherwise.

Supporting Rationale

6.2 We note that the consultation document states that the 20 interim accommodation points were introduced to recognise *‘the additional stress associated with living in temporary accommodation.’* It further notes that *‘this approach is inequitable particularly for those who homeless households who arrange their own temporary accommodation.’* The document therefore proposes to remove the interim accommodation points, on the basis that housing need for this group of customers is

⁸ NIHRC (2013) Racist Hate Crime – Human rights and the criminal justice system, page 61

⁹ <http://www.equalityni.org/ECNI/media/ECNI/Publications/Delivering%20Equality/Housing-FullDraftPolicyPriorities.pdf> at para 4.23

¹⁰ Section 75 duties for Public Authorities - <http://www.equalityni.org/S75duties>

¹¹ ECNI (2017) [Statement on Key Inequalities in Housing and Communities](#). For example, Statistics show that the homes of minority ethnic people and migrant groups may be vulnerable to racial attacks. Available evidence also suggests that lesbian, gay and bisexual (LGB) people can feel harassed and unsafe in their own homes and neighbourhoods,

addressed through other proposals in the document (namely proposals 10, 1 and 5).

6.3 Given that the interim accommodation points are awarded to take account of the additional stress of living in temporary accommodation, it is suggested that they are awarded to everyone who spends six months in temporary accommodation, whether provided by the NIHE or otherwise.

6.4 The Commission notes the reasons for the allocation of the points as set out above, and while temporary accommodation may have improved, the additional points do serve to take account of the impact of the additional impact of living in temporary accommodation.

7 Proposal 10: Allocation Stage: The Selection Scheme should place applicants into bands based on similar levels of need to meet longstanding housing need more effectively

7.1 The Commission recommends, in line with our support for meeting objective need, that consideration is given to increasing the weight (number of points) allocated for 'time in housing need', *within* the points based system.

7.2 Such an approach, would retain the primacy of a focus on objectively assessed need, while also further factoring in any cumulative impact of 'time waiting (in need / current housing circumstances)' into the assessment of objective need.

7.3 The Commission notes that the screening states¹² that: '*This proposal requires further, more detailed consideration*'. We recommend that the Department give further consideration, including with specific reference to how best to promote equality of opportunity and good relations.

Supporting Rationale

7.4 We note that the consultation document sets out that:

- The objective measurement of need by points is recognised as a strength of the current Selection Scheme.
- Waiting time is given fairly low priority in the current Selection Scheme, with only two points per year (for a maximum of five years) awarded to applicants in housing need after they have spent two years on the waiting list.
- An applicant in high need who has waited a long time for a social home can be overtaken by new applicants who may only have a few more points.

¹² At page 5

- 7.5 We note the Department’s proposal to move to banded allocations, so that *“applicants who have waited a long time should be allocated homes before newer applicants with a broadly similar [but potentially lower] level of need”*. We also note the underpinning rationale that that *“to group applicants with similar levels of need (still measured objectively by points) [into bands] should allow greater weight to be given to the amount of time an applicant has been in housing need”*.
- 7.6 The Department’s current proposal would appear to elevate the priority given to waiting time in a manner which is seemingly outside, and potentially to the detriment of, allocation based on objectively assessed need.
- 7.7 For example, it might be arguable that there is a marked difference in need between a household with, for example, 30 points and a household with 69 points, and therefore grouping all households within this range and then prioritising allocations *solely* on length of time on the waiting list may be to the detriment of objective need.
- 7.8 We however note that *‘time in housing need’* is already currently considered an element of the assessment of object need and points (albeit minimal, 10 points maximum over time) can be awarded accordingly. We also note the Department’s concern in the consultation about the lack of ‘weight’ currently given to time in housing need.
- 7.9 Our support for the concept of objective need leads us to therefore query why, if the *weighting* currently allocated to ‘time in housing need’ is an issue, the consultation document does not propose simply increasing the weight (number of points) allocated for ‘time in housing need’. This may be appropriate, particularly if it can be demonstrated that time spent in housing need has a cumulative exacerbating impact the level of objective need.
- 8 Proposal 11: Allocation Stage: The selection scheme should always align the number of bedrooms a household is assessed to need with the size criteria for eligible Housing Benefit customers.**
- 8.1 While welcoming the desire to increase consistency and avoid confusion, the Commission considers that the number of bedrooms identified as appropriate under the housing selection scheme should be based on a professional assessment of housing need, and not simply on the size criteria associated with Housing Benefit.
- 8.2 We agree with the proposal that social landlords, in discussion with applicants, can decide whether flexibility is appropriate, so that households have choice in the size of home allocated and understand the potential impact on benefits.
- 8.3 We recommend that any implications arising from any differential assessment (housing selection scheme assessment vs housing benefit

size criteria) are fully explained to the applicant. Accordingly, we support the NIHE recommendation that *“Where a tenant is offered a home with an extra bedroom ... working age tenants in receipt of housing benefit should be advised before they accept any offer of accommodation that they will need to consider how they would meet any potential shortfall in rent if their Housing Benefit provides for fewer bedrooms than the number in their proposed home”*.

- 8.4 Where an individual is offered accommodation which meets their housing selection scheme requirements, but exceeds the size criteria aligned to Housing Benefit, consideration should be given to permitting a refusal of that offer without it counting as a refusal of a ‘reasonable offer’.

Supporting Rationale

- 8.5 We note from the consultation:

- That the *“Selection Scheme sets out the number of bedrooms a household needs, referred to as the Bedroom Standard. Currently this means that two children of different genders are expected to share a bedroom up to the age of 7 years, while children of any age of the same gender are expected to share a bedroom up to the age of 18 years”*;
- That *“Since 2012 all prospective tenants have been advised when accommodation is offered that they will need to consider how they would meet any potential shortfall in rent as a result of a Housing Benefit restriction”*;
- That the *“proposed changes will mean younger children of different genders will be expected to share a bedroom for longer, until age 10. On the other hand, it will be more generous for older children who will be assessed as requiring their own bedroom from age 16. This change would align the allocations policy with Housing Benefit regulations and ensure, so far as reasonably practical, that new allocations make best use of housing stock”*
- The Department’s view that their proposal should contribute to *“an improved system for the most vulnerable applicants”*, and that *“Aligning the bedroom requirements and the overcrowding rules, for the Selection Scheme with those of Housing Benefit or the Housing Cost element of Universal Credit should ensure a more consistent approach, avoid confusion for applicants and enable good housing management.”*

- 8.6 While we welcome the desire to increase consistency and avoid confusion, we consider that the number of bedrooms identified as appropriate under the housing selection scheme should be based on a professional assessment of objective housing need, and not simply on the size criteria associated with housing benefits.

8.7 The Department should assure itself that any final system demonstrates the appropriate regard¹³ to promoting equality of opportunity and good relations across the relevant Section 75 equality categories.

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

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

Proposal 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

9.1 This response covers consultation proposals 12, 13 and 14.

9.2 The Commission recommends that the Department assures itself that the proposals being suggested to better allow landlords to secure tenants for difficult to let properties give effect to the principle of objective need and make provision to ensure potential tenants can fully engage in the letting process.

9.3 The Commission recommends, in light of the reliance of choice based lettings on online advertising, that appropriate dissemination methods and safeguards are put in place to facilitate potential applicants, particularly older people, people with disabilities, those lacking sufficient English literacy and those living in poverty, to fully engage in the letting process.

9.4 Information should be provided in formats and by methods accessible to the identified audience both in terms of language and dissemination channels. This also relates to internet accessibility in terms of the individual having access to an internet enabled device and internet connection, and being able to navigate the relevant information necessary to make an informed choice. It may therefore be necessary to consider alternative methods of making customers aware of available properties.

Supporting Rationale

9.5 In Northern Ireland, in 2012/13 61% of those in the 60-69 age brackets had access to the internet, but this dropped dramatically to 28% for those aged 70 and over. This contrasts with over 90% of the under 40s having access. These differences may be driven by, and contribute to, lesser familiarity with related technologies¹⁴.

¹³ Section 75 duties for Public Authorities - <http://www.equalityni.org/S75duties>

¹⁴ Age UK , [Introducing another World: older people and digital inclusion](#), page 5

- 9.6 2016 UK wide data from the Office for National Statistics¹⁵ found that there was lower usage of the internet by older people and people with disabilities than the general population. 71% of adults with disabilities had used the internet during the previous three months, compared to 87.9% of the general population. Internet usage decreased with age, with 38.7% of over 75s having recently used it, compared to 99.2% of 16-24 year olds. The age and disability status of respondents is not disaggregated at a regional level, but Northern Ireland has the lowest recent internet usage of all regions.
- 9.7 Research¹⁶ indicated that the majority of those without internet access were, in addition to the most socially deprived, older (over 55), and more likely to have disabilities or long term health issues. It also argued that the cost savings of online services for government led to additional costs to welfare clients and organisations; that assisted digital support was needed in the long term and to a greater extent than planned; and that support was also needed for the third sector to provide skills development and internet access

10 Proposal 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

- 10.1 We welcome and support that the Department *“aims to support social landlords to: maximise the efficient use of stock; ensure the best use of wheelchair standard housing stock; and balance the needs of tenants against the needs of applicants on the waiting list”*.
- 10.2 We recommend that action should be taken to allocate adapted or purpose built wheelchair accommodation to meet objective needs. We emphasise the need for sensitivity where policy succession or assignment is to be refused.
- 10.3 We however consider that the need to refuse policy succession would decrease were accessible housing standards to apply to all new builds.

Supporting Rationale

- 10.4 We note that, *“in respect of adapted accommodation, wheelchair users at present wait longer (approximately 3 months longer) than general needs applicants”* and the Department considers it *“important that social landlords have more discretion to make the best use of high demand or adapted stock”*.

¹⁵ ONS (2016) [Internet Users in the UK: 2016](#)

¹⁶ Yates et al (2015) [In Defence of Welfare 2 Digital by default: reinforcing exclusion through technology](#)

- 10.5 We note the recognition that “*expecting tenants to move out of adapted accommodation when it is no longer required is a sensitive and difficult issue*”.
- 10.6 We consider that the frequency of such decisions to withhold succession would decrease if accessible housing standards applied to all new builds, public and private. We reiterate our recommendation that accessible housing standards should apply to all new builds, including as a minimum, the extension of the Lifetime Homes Standard to all new builds across all tenures, to better facilitate individuals to secure a home and remain in it in the longer term.
- 10.7 We note recognition within draft PfG delivery plans of the need to increase the provision of accessible homes¹⁷. Over time, the universal application of accessible standards would also significantly reduce the need for formal care services and costly home adaptations in the future¹⁸.

11 Proposal 20: Specialised properties should be allocated by a separate process outside the Selection Scheme

- 11.1 The Commission has some concern that the consultation proposal to ring-fence specialised properties into a separate process could result in unnecessary and lengthy void times for (adapted) properties, where demand does not dovetail with supply. This is a particular concern given the pressures on social housing at this time.
- 11.2 We also note the wider range of options that the Chartered Institute of Housing (CIH) have previously set out¹⁹ - including using adapted properties as temporary accommodation (for a household who does not need the adaptation); or encouraging mutual exchange or transfer etc. to free up and/or allocate adapted homes.
- 11.3 We therefore seek clarification from the Department as to how their current proposal ensures the most effective use of this stock.
- 11.4 Aligned to 2017 UNCRPD recommendations, we recommend that the Social Housing Allocations Policy should facilitate disabled people, particularly those living with their parents who wish to obtain a home of their own, to live independently.

Supporting Rationale

- 11.5 We support the Department’s stated intent that specialised accommodation should go to those who need it most. We note the Department’s view that “*most new social homes are built to Lifetime Homes standards, which... do not match the enhanced wheelchair*

¹⁷ NI Executive (2017) [PfG Delivery Plan indicators 8 and 48](#)

¹⁸ Wallace, A. (2015) [Housing and Communities Inequalities in Northern Ireland](#) at page 141

¹⁹ CIH (2014) [How to make effective use of adapted properties](#)

accessibility housing needs, for an increasing percentage of the population”.

- 11.6 We reiterate our recommendation that all new homes should be built to accessible standards that will better reflect the current and future needs of the population. This would allow a greater number of individuals to secure a home and remain in it for longer. We note recognition within draft PfG delivery plans of the need to increase the provision of accessible homes²⁰ and the need for cross-cutting actions, including improving independent living and the provision of suitable homes for people with disabilities.
- 11.7 With regards to the Department’s proposal 20, we note that *“no change is proposed to [the allocation of] ‘Lifetime Homes’, ground floor or level access accommodation: unless accommodation is specifically designed or adapted for specialist or wheelchair use, it should be allocated via the Selection Scheme”.*
- 11.8 We agree with the views²¹ of the Chartered Institute of Housing (CIH) that removing adaptations to convert a property back to general needs (if suitable tenants cannot be found) would be a costly and considerable waste of a scarce resource.
- 11.9 We recommend that the Department assures itself that its final scheme demonstrates the appropriate regard²² to promoting equality of opportunity and good relations across the relevant equality categories.
- 11.10 The Commission welcomes the focus by the Department on the barriers which young people with disabilities may face when trying to secure a home of their own. Research carried for the Commission has highlighted²³ barriers to independent living which younger people with disabilities living in the family home may face.
- 11.11 The 2017 UN Committee on the Rights of Persons with Disabilities concluding observations²⁴ stated that the UK should: *‘Provide adequate and sufficient and earmarked funding to ..., the devolved governments ... to be able to provide resources allowing persons with disabilities to live independently and be included in the community and to exercise their right to choose their place of residence and where, and with whom to live.’*

²⁰ NI Executive (2017) [PfG Delivery Plan indicators 8 and 48](#)

²¹ CIH (2014) [How to make effective use of adapted properties](#)

²² Section 75 duties for Public Authorities - <http://www.equalityni.org/S75duties>

²³ Wallace (2015) Inequalities in Housing and Communities, at page 142

²⁴ UNCRPD (2017) [Concluding Observations](#)

12 Section 75 and Equality Impact

- 12.1 The Commission found the Section 75 Policy Screening Form helpful in that it provided a brief description of the policy, what the policy is aiming to achieve and, the proposals by which it hopes to achieve these aims. The section on available evidence in the screening form was also helpful in referencing the data used to inform the screening decision across the Section 75 groups.
- 12.2 The Commission also found the section of the screening form on the needs, experiences and priorities across the Section 75 groups to be helpful particularly where it referred to stakeholder views.
- 12.3 In relation to the screening question on the likely impact of the proposals the Commission notes the commentary is generally positive but the level of impact has been assessed as none.
- 12.4 The Commission welcomes the screening decision to submit the policy to full EQIA on the basis that housing allocation is an area of major social policy.
- 12.5 In relation to the EQIA document it would have been helpful to include a summary of the evidence used in the assessment of the impacts across each of the proposals. While this can largely be identified in the screening form and the research reports that inform it, it requires a great deal of referencing across documents. This would be helpful in any future EQIAs.