

21 February 2025

**Our Ref: FOI 658**

## **Request**

We received your request on 27 January 2025 for the following information:

*I kindly request the following information, which I understand falls under the remit of public records and is not classified as personal data:*

*All internal criteria, guidance, and documentation relating to the assessment of housing applicants under the points-based system. This includes, but is not limited to:*

- a) Policies and procedures used in determining housing points allocations.*
- b) Any documents outlining flexibility or exceptions to the normal points-based criteria.*
- c) Guidance issued to staff or decision-makers for managing exceptional cases.*

*Please provide the information in electronic format (PDF, Excel, Word) and send it to my email address listed below.*

Your request has been handled under the Freedom of Information Act 2000 (FOIA).

## **Our response**

Chapter 3 of the Housing Selection Schem Guidance Manual deals with the awarding of points in housing needs assessments. I have attached this for your reference.

This concludes our response.

# Housing Selection Scheme Guidance Manual

## Chapter 3 Ranking of Applicants

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# CHAPTER 3 RANKING OF APPLICANTS

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## **3.0 RANKING OF APPLICANTS: RULES 15 – 45**

This Chapter outlines the procedures to be followed in carrying out the housing needs assessments of Applicants. Detailed procedures relating to carrying out Homelessness investigations are contained in the Housing Executive's Homelessness Handbook.

### **3.1 GENERAL**

All Applicants will be ranked on a Waiting List that is used by all the Participating Landlords, on a pointed basis (**Rule 15**).

Applicants will be able to accumulate points where appropriate from four sections of the Scheme namely:

- a) Intimidation
- b) Insecurity of Tenure
- c) Housing Conditions
- d) Health and Social Well Being Assessment

Where points are equal, the date on which the application is received will decide the order in which the Applicants are ranked and therefore offered accommodation (**Rule 16**).

### **3.2 EXCEPTION TO GENERAL RULE: RULE 17**

An exception to the above ranking / selection process occurs where the agreed housing option for a Complex Needs Applicant is Supported Housing.

Where the above option is agreed, the Applicant will be placed on a separate administrative, non-pointed list (**Rule 20**).

Allocations from the administrative list will be made on the basis of:

- a) The individual needs of the Applicant;
- b) The needs of other residents in accommodation for which the Applicant is being considered;

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- c) The interests of good housing management.

Where all such factors are equal, the date order of application will be used to determine the order in which Applicants are offered accommodation (**Rule 22**). Further details of the Complex Needs Process are to be found in Chapter 4.

### 3.3 INTIMIDATION: **RULE 23**

Intimidation points may only be awarded in either of the following circumstances:

- (a) To Applicants / Tenants who are owed the Full Duty (Full Duty Applicants (FDA) under the Housing (NI) Order, 1988 (Homelessness Legislation) and whose reason for being accepted as “homeless” is “Intimidation”.
- (b) To those Applicants / Tenants who, having been initially accepted as “homeless” for reasons other than “Intimidation”, are subsequently confirmed as being intimidated from their last settled address or are intimidated from their “crisis” accommodation. **Should either of these situations (outlined in (b)) apply, users should ensure that the established reason for being accepted as “homeless” is “Intimidation”.**

All Applicants / Tenants who present as homeless, or where it becomes apparent that they may be homeless / threatened with homelessness, **must** be referred immediately to the Housing Executive which has the statutory responsibility for homelessness assessments under the Housing (NI) Order, 1988.

**NOTE:** Housing Associations cannot award Intimidation points or FDA points.

#### 3.3.1 ASSESSMENT OF INTIMIDATION POINTS

During the Homelessness assessment by Housing Executive staff it may become apparent that the Applicant has become Homeless due to / or has suffered Intimidation. To award Intimidation points, detailed investigations will be necessary to establish if any of the following criteria apply:

- 1) The Applicant’s home has been destroyed or seriously damaged (by explosion, fire, or other means) as a result of terrorist, racial or sectarian attack, or because of an attack motivated by hostility because of an individual’s disability or sexual orientation; or as a result of an attack by a person who falls within the scope of the Housing Executive’s statutory powers to address neighbourhood nuisance or other similar forms of anti-social behaviour. **OR**

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- 2) The Applicant cannot reasonably be expected to live or to resume living in his / her home because if he / she were to do so there would, in the opinion of the Designated Officer, be a serious and imminent risk that the Applicant, or a member of the Applicant's household, would be killed or seriously injured as a result of terrorist, sectarian or racial attack, or because of an attack motivated by hostility because of an individual's disability or sexual orientation or as a result of an attack by a person who falls within the scope of the Housing Executive's statutory powers to address neighbourhood nuisance or other similar forms of anti-social behaviour.

The Housing Executive will attempt to investigate the circumstances of the case as thoroughly and as quickly as possible and, when required, place the Applicant and his / her household in temporary accommodation.

If it is established that Intimidation occurred and that the source of such intimidation was of a terrorist, sectarian or racial nature or because of the individual's disability or sexual orientation; or as a result of an attack by a person\* who falls within the scope of the Housing Executive's statutory powers to address neighbourhood nuisance or other similar forms of anti-social behaviour, the Applicant will be awarded Intimidation points in addition to all other relevant points.

\*NOTE: In this context a 'person' may be a named or unnamed individual or may be action by a community comprising named or unnamed individuals.

The Housing Executive's statutory powers to address neighbourhood nuisance and other similar forms of anti-social behaviour, namely possession proceedings for nuisance and annoyance, Injunctions and Anti-Social Behaviour Orders which are contained in the Housing (Northern Ireland) Order 2003 and the Anti-Social Behaviour (Northern Ireland) Order 2004. Guidance on these powers and the circumstances in which the Housing Executive is entitled to use them can be found in the Community Safety Manual.

### **ADMINISTRATIVE ISSUES**

The decision to award or to not award intimidation points at the initial decision making stage or where the FDA applicant subsequently applies for intimidation points from the crisis accommodation, rests with the Team Leader or higher graded officer within the Housing Executive. The Housing



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Advisor or Patch Manager is responsible for carrying out investigation of such cases and making recommendations.

**NOTE: Applicants who have been awarded Intimidation Points should also be awarded FDA and Primary Social Needs Factor (PSN) 1 points (in addition to any other Housing Need points) and keyed as follows: Intimidation “Y”, FDA “Y” and PSN Factor 1 “Y” in addition to any other Housing Need points.**

Tenants awarded the above points should also be awarded Management Transfer status (see Chapter 7.10).

Where Intimidation points are awarded, the “Established Reason” for Homelessness must be recorded on **HMS** Homeless details and one of the following sub-group reasons should be selected:

- Intimidation/ *Paramilitary*
- Intimidation/Sectarian
- Intimidation/Racial
- Intimidation/Sexual Orientation
- Intimidation/Disability
- Intimidation/ASB

#### 3.3.2 NUMBER OF POINTS

Applicants awarded Intimidation points will qualify for an additional 200 housing points. Applicants also qualify for a further 20 ‘Housing Points’ under **Primary Social Needs Factor 1 (only PSF1 should be selected in this type of case)** (see 3.21.3 below)

An Award of non-violent PSN 4 (distress related to recent trauma) can be considered if the circumstances are relevant.

#### 3.3.3 INTIMIDATION: ASSESSMENT PROCEDURES

The procedure to be adopted by Housing Executive staff during assessment is as follows:

##### (a) Interview the Applicant

Need to establish whether the applicant can remain at their property or requires temporary accommodation and gather all relevant details.

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### (b) Contact the Police

Verbal or written confirmation by the PSNI is the most likely source of confirmation. The NIHE should seek a written Report from the PSNI in all cases, however the status of the officer in the Police responsible for liaison with the Housing Executive on intimidation cases will vary from area to area. The PSNI Information Sharing Protocol Information Request Pro Forma should be completed as necessary seeking confirmation of any risks/threats that may exist (see Appendix 4d). These may be followed up verbally if required.

### (c) Base2

#### Procedures when contacting BASE2

Information to assist in the decision making process may be sourced from **BASE2**. **BASE2** provides a crisis intervention, clarification and support service for those who may be at risk of violence or exclusion from the community.

An information leaflet for staff on the role of **BASE2** is attached at Appendix 4c. Enquiries into cases where violence or intimidation is alleged need careful and sensitive handling and it is considered appropriate to obtain the Applicant's written consent.

**Applicant Consent** - It is important that the Housing Executive has obtained informed consent to contact **BASE2**. Before issuing the Information Request Pro-forma to **BASE2** staff must obtain specific consent from the applicant granting the Housing Executive permission to seek information. A consent form has been devised at Appendix4. The Applicant and Housing Executive Officer should both sign and date the form, whether consent is granted or refused. The Applicant should be given a copy of the form and the original retained on file (electronic or paper). **Only after this consent has been given by the applicant, can offices arrange to contact BASE2.** In the event the applicant does not provide consent the Housing Executive will not contact **BASE2**. Officers will use other available information, if any, to reach the relevant decisions.

**Information to Applicants** – The Applicant should be advised of the personal details which will be provided to **BASE2** in confidence, as detailed in the consent form. It is essential the applicant is advised that

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in granting consent he or she is permitting BASE2 to make community enquiries, which may ultimately include paramilitary sources, about his or her personal situation. **BASE2** will be requested not to make enquiries with the alleged perpetrator of Intimidation. Applicants should also be informed that BASE2 may contact them directly prior to making their enquiries.

When writing to Base 2 for confirmation of the threat claimed by the applicant Offices are reminded to use the correct Templates (see Appendix 4a)

To confirm the validity and timeliness of the documents received from Base 2

Offices are required to ensure that **all Reports** and associated correspondence are filed along with the email to which they have been attached. Additionally, offices should ensure that the response from **Base 2** is signed and dated and addresses all aspects of each question contained in our information request (this may involve receipt of a scanned document signed and dated by a **Base 2** representative).

All reports received by post (from all agencies statutory or otherwise) should be presented to the NIHE on headed paper, include the date of the report and the signature of the person who has compiled the report.

- (d) Information can be obtained from other sources e.g. in terms of racial intimidation, or intimidation on the basis of disability or sexual orientation, Welfare or Support groups may be able to provide reliable information. **In such circumstances Officers should obtain specific consent from the applicant before contacting the relevant agency.**

Other local office staff may also have information regarding complaints of nuisance and annoyance and anti-social behaviour.

- (e) Managers in the local office at level 6 or above, in accordance with Rule 23, continue to have discretion to accept Applicants as Intimidated on the basis of their own local knowledge.

#### (f) Re-housing

If a person is awarded Intimidation points because of the risk of attack, such an Applicant is not entitled to be offered any dwelling if the Landlord is of the opinion that there would also be a risk of attack, upon the Applicant and / or a member of the Applicant's household, if that

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dwelling were to be allocated to the Applicant. If such implications arise in the Applicant's areas of choice, the Executive local Office will advise him / her accordingly (See Restriction of Choice – Chapter 5.4).

#### 3.3.4 SCHEME FOR THE PURCHASE OF EVACUATED DWELLINGS (S.P.E.D.)

Staff should be aware that the Housing Executive operates a Scheme for the purchase of Evacuated Dwellings (SPED) to assist owner-occupiers who are forced to leave their dwellings because of threat or intimidation. Under the Scheme, the Housing Executive may acquire houses from owner-occupiers, where they, or any member of their households residing with them, have been threatened or intimidated. Applicants under the Scheme will be required to satisfy certain eligibility conditions.

Any such queries should be referred to staff in Land and Regeneration Services where further details of the Scheme can be explained and application arrangements can be made.

Staff should also be aware that the actual degree of intimidation should not be assessed by them prior to re-directing such queries as this will be assessed by the PSNI.

#### 3.3.5 EMERGENCY RE-HOUSING GRANT

Where an Applicant who was a Housing Executive, Housing Association, or Private Rented Sector tenant in Northern Ireland is re-housed in Northern Ireland following intimidation as defined under Rule 23 of the Housing Selection Scheme they may be entitled to an Emergency Grant.

Please note: This is a statutory payment and can only be made by the Housing Executive.

The Emergency Grant is payable to those meeting the following criteria:

- (i) Anyone who was a Housing Executive, Housing Association or Private Rented Sector tenant in Northern Ireland at the time of the intimidation incident; **and**
- (ii) Who applied to the Housing Executive or a registered housing association for housing as a consequence of the intimidation incident and, in relation to that application, was awarded Intimidation points; **and**
- (iii) Who, following the intimidation incident the applicant:
  - (a) was permanently re-housed as a tenant of the Housing Executive or a registered housing association in Northern Ireland; **or**

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(b) ceased to be an applicant for Housing Executive or registered housing association accommodation and became a tenant of other accommodation in Northern Ireland which the Housing Executive is satisfied is likely to remain available to the Applicant for a period of at least six months; or

(c) became an owner occupier in Northern Ireland.

#### **Administration of Emergency Grant**

If an Applicant requests more information on the Emergency Grant an explanatory leaflet (Appendix 3.1A) is available.

**Following the award of intimidation points the assessing officer must add an 'Entitlement' comment to the HMS homeless applicant 'notes' tab advising whether or not the applicant would be entitled to the Emergency Grant subject to them being permanently rehoused in Northern Ireland.**

**If an applicant meets the criteria set out in (i) and (ii) above they should also be issued with the entitlement letter at appendix 3.1.**

A copy of the letter may also be scanned and saved on HMS.

The letter (Appendix 3.1) advises applicants that when they are permanently rehoused by the Housing Executive or Housing Association the Housing Executive will determine if they are eligible for the Emergency Grant, and if eligible will process the payment.

The letter also advises applicants "If you are permanently rehoused in the Private Sector or purchase your own home **in Northern Ireland** you should notify the above Office in writing providing your new address." On receipt of this information, the office who awarded the intimidation points will update HMS accordingly i.e. key their forwarding address <sup>1</sup>; ensure appropriate comment is keyed onto homeless application on whether they are entitled to Emergency Grant; and cancel their application.

<sup>1</sup> It is important when staff are keying the applicants' forwarding address that the postcode is input into HMS as this will be used to identify the office responsible for processing the payment.

#### **HO22 Report**

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A weekly Report, HO22, will identify cases rehoused or cancelled and had Intimidation points awarded. The report will be published in the NIHE Office the Applicant has been recorded on HMS as being rehoused in. The Report will publish details of rehoused and cancelled cases for the previous week.

This Office will investigate if the person who has been rehoused is entitled to the Emergency Grant and make appropriate arrangements for the payment to be made.

In situations where there is no 'Entitlement' comment on HMS, the receiving office will have to verify with the awarding office via e-mail that the applicant is entitled to the Emergency Grant.

It should be noted that an Emergency Grant is a statutory payment and can only be made by the NIHE. It should be paid without the person having to formally apply for the grant, in circumstances where the Applicant is rehoused permanently in Northern Ireland, subject to them meeting the criteria.

The grant must be paid by means of the 'Payment to Customers' module on HMS by the receiving Housing Executive **Local** Office Details of the level of grant payable can be obtained from the list contained in the Payments to Tenants Manual.

Where rent arrears /legal costs/ recoverable repair\* charges exist and are owed to the Housing Executive, these should be offset against the grant and the balance, if any, paid to the Applicant.

\*Deductions can only be made in respect of recoverable repair charges where a decree is held or written agreement to do so has been obtained from the tenant / former tenant.

However, in exceptional circumstances an Area Manager can exercise discretion and waive claw back of arrears from a customer payment, for example, exceptional extenuating physical or mental health circumstances, borderline debt levels or financial hardship which may present a difficulty for NIHE in defending the position to recover arrears from a payment. For audit purposes the Area Managers decision to exercise discretion must be evidenced on the payment documentation. Please refer to the Payment to Tenants Operating Procedures and Controls for further details.

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### 3.3.6 DOMESTIC VIOLENCE

Domestic violence does not come within Rule 23 and therefore intimidation points are not applicable where it has been established that the Applicant is under threat as a result of domestic violence. Officers should continue to address the issue of domestic violence in accordance with the duties under statutory homelessness. The Designated Housing Executive/ Housing Association Officer should thoroughly investigate the particular circumstances of the cases and liaise with the relevant agencies/individuals in order to arrive at a decision.

It is acknowledged that in such instances the Police may not have been involved, however this will not prejudice the Applicant's case and the local Office/Housing Association will exercise discretion based on their investigations and the information available.

Where it is established that domestic violence has occurred, the applicant (including Housing Executive/Housing Association Transfer Applicants) should be awarded the relevant Social Needs Points (one of Primary Social Needs Factors 1,2 or 3 – see Health & Social Well Being) and should be referred for consideration under the homelessness legislation. Full Duty points may, as a result, be awarded in addition to any Social Needs Points.

## 3.4 INSECURITY OF TENURE: HOMELESSNESS / THREATENED HOMELESSNESS - FULL DUTY APPLICANT (F.D.A.): **RULE 24**)

### 3.4.1 INTRODUCTION

A Full Duty Applicant, (F.D.A.), is a person to whom the Housing Executive owes a duty under Article 10 (2) of the Housing (NI) Order, 1988.

Where the Housing Executive is satisfied that the Applicant is eligible for assistance, has a priority need and is not satisfied that he / she became homeless intentionally, it shall secure that accommodation becomes available for his / her occupation.

Full Duty Applicants will be awarded 70 F.D.A. points (by the Housing Executive only) and will also be entitled to points for Housing Conditions and Health and Social Well Being as applicable. For procedures to be adopted where a Full Duty Applicant has a "crisis" address outside the Housing Executive District of Origin see Administration, Chapter 10.7.3.

Applicants awarded F.D.A. points will not be eligible for "Other Homeless" points.

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Applicants may present directly to the Housing Executive for a homelessness assessment, or may be identified as being potentially homeless in the course of the Housing Executive carrying out a housing solution interview. Persons who may qualify as homeless under the provisions of the above Order may also be referred to the Housing Executive by other agencies including, for example, Housing Associations that have identified a potential homelessness case in the course of a transfer assessment. For the assessment of Housing Association transfers who are potentially Full Duty Applicants see Administration, Chapter 10.7.4.

#### 3.4.2 F.D.A. CRITERIA

An Applicant will qualify for F.D.A. points where the Housing Executive has investigated his /her circumstances and has determined that:

- 1) The Applicant is Homeless or Threatened with Homelessness and
- 2) The Applicant is eligible for housing assistance
  - Unacceptable Behaviour
  - Persons from abroad **and**
- 3) Is in Priority Need i.e.
  - has a dependent child or children residing or might reasonably be expected to reside with him / her; **or**
  - is homeless as a result of an emergency such as flood, fire or any other disaster; **or**
  - is vulnerable because of old age, mental illness, physical disability or other special reason; **or**
  - is pregnant; **or**
  - is a young person at risk of sexual or financial exploitation; **or**
  - is at risk of violence / violent pursuit (no dependent children) **and**
- 4) is eligible in accordance with Rule 9A of the Scheme (refer to chapter 2.2)
  - Is Unintentionally Homeless.

Further details on the rules relating to the homelessness investigation are available in the Housing Executive's Homelessness Handbook.

#### 3.4.3 CHANGES IN CIRCUMSTANCES

A policy of "no detriment" applies to **all** applicants who are awarded FDA points, unless **exceptional circumstances** apply.



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Where an **existing** Waiting List Applicant or transfer case subsequently presents as homeless / threatened with homelessness and is awarded F.D.A. points, his / her total points i.e. housing conditions, health and social wellbeing etc., *must not* be reduced, even if there is a subsequent change in circumstances e.g. less overcrowding at a “crisis” address, whether provided by the Housing Executive under its interim accommodation duty or obtained by the Applicant themselves.

Where an applicant **not** on the Waiting List presents as homeless and is awarded FDA points, his / her total points awarded under the initial assessment (Housing Conditions / Health and Social Well Being etc.) *must not* be reduced, even if there is a subsequent change of circumstances (as above).

However, where a change in circumstances results in a **higher** level of points under Housing Conditions / Health & Social Well Being, the Applicant must be awarded the higher points level, unless the Designated Officer has compelling evidence that the Applicant has deliberately worsened his / her own circumstances in order to gain extra points e.g. by illegally occupying a property belonging to a Participating Landlord.

**Exceptional circumstances** where points will be **increased** will be where:

- The Applicant subsequently becomes entitled to Intimidation points, either at his / her last settled address or “crisis” address.

**Exceptional Circumstances** where points will be **reduced** will be where:

- F.D.A. points are being withdrawn because the Executive’s duty to the Applicant, under the Housing (NI) Order, 1988, has been discharged. Intimidation points awarded in such cases will also be withdrawn.

**Full Duty Applicants must be reassessed after every change of circumstance.**

Where this involves a change of address, a new housing needs assessment should be undertaken. This can be done by home visit, telephone assessment or office interview, whichever suits the applicant.

Where the new address is outside the Housing Executive District of origin, local Housing Executive staff covering that particular area will normally carry out a visit if required and return details to the Housing Executive District of ownership for keying (see Administration Chapter 10.7). The assessment should be recorded and stored appropriately.

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For other changes in circumstances it is preferable to complete a re-assessment so that all changes in circumstances are investigated, reassessed as required and recorded appropriately. Where all the relevant facts are already known, however, it may be possible to amend the details without the need for a re-assessment.

### 3.5 INSECURITY OF TENURE: OTHER HOMELESS: **RULE 24 PART 2**

#### 3.5.1 GENERAL

**Where there is reason to believe the customer is homeless or threatened with homelessness the customer must firstly be considered under the Housing (NI) Order 1988 for the award of Full Duty points by the Housing Executive.**

Where the Applicant is not considered to be a Full Duty Applicant, but is still homeless or threatened with homelessness, Designated Officers should consider awarding Other Homeless points for criteria as described below. A maximum of 50 Other Homeless Points can be awarded, even if more than one factor applies. An Applicant will, if applicable, only be awarded either Full Duty Applicant points or Other Homeless points, not both.

**Note: as a general rule there is no need to carry out a homelessness investigation for redevelopment cases, with the exception of those individuals who may be homeless for specific reasons and wish to move outside the redevelopment area.**

Designated Officers must make a decision on whether an Applicant is entitled to Other Homeless points and this decision must be recorded and stored appropriately along with any supporting documentary, verbal or other information needed to verify the Applicant's circumstances.

Where these points are awarded due to an Applicant being threatened with homelessness, Designated Officers should review such cases at the appropriate time i.e. the date the Applicant is expected to vacate the property, to confirm whether or not these points still apply.

**Note: For all the criteria entitling the Applicant to Other Homeless points, with the exception of i) where the Applicant is a young person leaving care, foster care or is owed a duty under the provisions of the Children's Order, and k) where the Applicant has to persistently change address in order to obtain shelter, two other conditions must also apply;**

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- i) No suitable alternative accommodation is currently available to the Applicant;

**and**

- ii) The Applicant could not reasonably be expected to seek suitable alternative accommodation.

For i) Designated Officers will need to consider the ready availability, at the time the assessment is being carried out, of accommodation in the wider general area encompassing the applicant's area(s) of choice and the suitability of any such alternative accommodation for the Applicant, by way of its size, type, features and condition.

For ii) Designated Officers will need to consider whether the Applicant is in a position to seek and to obtain such suitable alternative accommodation, at the time the assessment is being carried out, based on his / her financial and family circumstances.

**Note: In applying the above two tests Designated Officers should be mindful of the likely chances of anyone losing Tied Accommodation (category (d) 3.5.2) in the immediate future being in a position to take up alternative accommodation options even where such potential options are potentially available. This is particularly important given the discretion now afforded to a Team Leader to consider an allocation to an applicant losing Tied Accommodation providing the criteria detailed in Chapter 5.12 can be met.**

#### **3.5.2 DEFINITIONS OF OTHER HOMELESS CRITERIA**

Other Homeless points may be awarded where one of the following criteria applies:

- (a) Marital /civil partnership/ common law relationship breakdown, where there are no dependent children and the relationship has lasted more than one year.**

These points will be awarded where there are no dependent children and the Applicant's marriage /civil partnership/common law relationship has lasted one year or more and where both partners have been sharing the same property for one year or more.

These points will also apply where an applicant does not have "dependent" children, but does have overnight access to children from a previous relationship (see 3.11) for the interpretation of dependent children).

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Designated Officers must be satisfied that such applicants have not occupied other permanent accommodation (as per the Homeless criteria) since the marital /civil partnership/common law relationship breakdown.

Designated Officers should always verify the basis for the award of these points and record confirmation appropriately. In particular, Designated Officers may require proof that a “relationship” existed. Such evidence may be Court papers or other confirmation regarding the breakdown from solicitors, local clergy etc. Name changes on benefit payment books, building society or bank statements are considered appropriate sources of confirmation (For detailed proof of relationship breakdown see 3.11).

A range of legal circumstances that have a direct effect on housing will arise on breakdown of marital or civil partnerships or common-law relationships. As with all housing applications, cases involving such a breakdown should first be considered under the provisions of the homelessness legislation. This is especially the case where domestic violence is involved. In many cases Full Duty Applicant points are applicable under the homelessness legislation, but there may also be cases where the priority need or intentionality criteria are not fulfilled, in which case Other Homeless points may be applicable.

Other Homeless points may be awarded to one or both parties involved in the relationship breakdown, depending on their individual circumstances and having regard to the disposal of the accommodation previously occupied by the couple.

**(b) Eviction, where the Applicant or a member of the Applicant’s household, has held an unprotected tenancy continuously for not less than two years immediately prior to the eviction.**

Designated Officers should seek documentary evidence to show that legal proceedings for possession have commenced or that vacant possession is required, and award the above Other Homeless points if it is considered that such legal action, if continued, would be successful. An appropriately worded certificate from a solicitor, estate agent or landlord may be accepted as documentary evidence. Confirmation of this documentary evidence should be recorded either electronically or on file.

Unprotected tenancies are mainly furnished tenancies, tenancies of property built or converted for letting since the passing of the Housing

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Act (NI) 1956, or tenancies of property with an NAV above £140 where the landlord has obtained vacant possession since October 1978.

**NOTE: Points should not be awarded where the Applicant has contributed to his / her eviction by taking, or failing to take, an action or actions which have caused the landlord to seek repossession of the property.**

- (c) Financial hardship, where the Applicant or member of the Applicant's household, is forced to sell his / her property due to urgent and compelling reasons.** This information may already have been obtained during a housing solutions interview and should be recorded on HMS.

Where the Applicant is an owner-occupier and is claiming that he / she is being forced to sell his / her property, the application must be subjected to critical examination before being considered for housing accommodation. Where a person who has sold, or proposes to sell a property in which he / she resides, has resided, could reside, or could have resided, that person will, until the expiration of two years from the date of such sale, have points assessed as though he / she was residing in that property unless the Housing Executive is satisfied that:

- (i) The house is inadequate (whether by reason of size, condition, situation or otherwise) for the needs of the Applicant, **or**
- (ii) There were urgent and compelling reasons for the sale.

Enquiries must be made as to whether there is a loan against the dwelling, and whether any repayments are up to date. Where an owner-occupier is being forced to sell due to changing financial circumstances leading to inability to keep up mortgage payments, confirmation must be received from the Building Society or other lender that a reduction in repayments would not be approved in recognition of the borrower's changing circumstances. Where an owner-occupier is not accepted as having made a sincere effort to meet their commitments or considered the Building Society / Lender proposals put to them (in recognition of their changing circumstances) they may be considered to have deliberately worsened their own circumstances.

An owner- occupier who is forced to sell his/her property due to financial hardship and has become, or is about to become, homeless as a result, may be awarded Other Homeless points where Full Duty Applicant points

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are not applicable. In practice, urgent and compelling reasons for the sale have been most commonly found to be an inability to cover mortgage repayments. Each individual case must be assessed on its merits and all the relevant circumstances leading to the loss of accommodation must be taken into account. Documentation and verification should be recorded and stored on file appropriately. Applicants should be issued with standard letters and forms (see Appendix 3.2) which they should complete and return.

#### **30% Guideline**

When assessing financial hardship, the general guideline is that expenditure on housing costs should exceed 30% of gross income (in order to meet the 30% rule). In order to determine financial hardship the Designated Officer should use Appendix 3.2 for purposes of the calculation. The 30% figure is a guideline only, and Applicants not meeting it *may* still be considered as being in financial hardship.

Expenditure on housing for purposes of the calculation includes:

- Mortgage payments
- Endowment payments relating to endowment mortgages or other life insurance payments required as a condition of a mortgage rate
- Rates
- House building insurance (not contents insurance)
- Ground rent

A standard sum of **£500.00** per annum outlay should be used when calculating financial outlay on property maintenance.

An Applicant's Gross Income for purposes of the calculation includes:

- the Applicant's gross earnings
- the Applicant's partner's gross earnings
- any social security benefits in payment to either / both partners, with the exception of the disregarded benefits listed below
- income from savings and investments to either / both partners e.g. interest paid
- any other income

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Maintenance payments *to* former partners must be deducted when assessing the Applicant's gross income. Verification of such payments should be obtained and stored appropriately.

Maintenance payments *from* former partners *must* be included when assessing the Applicant's gross income.

State Benefits to be *disregarded* when assessing gross income include:

- Disability Living Allowance (Care and Mobility)
- Attendance Allowance
- War Disablement Pension
- War Widows Pension

Income Support: Where the Applicant is in receipt of Income Support or Job Seekers Allowance (Income- based) he/she will automatically be considered to be in financial hardship. This will also apply where an Applicant has other income e.g. wages from part- time work, which is topped up by any amount of Income Support.

Where a single Applicant is in receipt of Job Seekers Allowance (Contribution- based) he / she may also be considered to be in financial hardship. Should this Applicant have a partner, however, the combined incomes of both partners should be included in the financial hardship calculation (including the full amount of JSA (Contribution - based)).

The State Benefits to be disregarded mirror those which are disregarded for Housing Benefit purposes. As the names of the Benefits and the Housing Benefit Regulations are subject to change, it is suggested that confirmation on those benefits to be disregarded should be sought from the Housing Benefit Section in any Housing Executive office, where any doubt/confusion arises.

Where an Applicant claims that he/she is in financial hardship due to necessary repair/improvement works required/carried out, Designated Officers should investigate any grant uptake/availability when considering financial hardship. Should the Applicant be unwilling or unable to avail of Grant Aid for some compelling reason (e.g. the timescale involved in the Grants process), or should a contribution be required in addition to any grant payable, then he /she must be firstly

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considered under the homelessness legislation (unreasonable to continue to occupy/financial hardship) and secondly for the award of Other Homeless points.

Where an Applicant has been accepted as being in financial hardship, the Designated Officer must also be satisfied that there are urgent and compelling reasons for the sale of the property in order to award these points. When considering the reason for sale, Designated Officers should also take into account any assets which could be realised to alleviate the situation e.g. total savings, investments, additional property owned etc.

Where points are awarded under this category due to the Applicant being threatened with homelessness, the case should be monitored to ensure that the property is sold and vacated by the Applicant.

An Applicant awarded points (Full Duty or Other Homeless) under this category should also be awarded points under Other Social Need Factor 5 (current accommodation too expensive).

Supporting documentary, and / or other, information will be required from the Applicant.

- d) End of tied accommodation where the Applicant, or a member of his / her household, has been in employment, (other than temporary or fixed term employment), for a period of at least two years and the Applicant must leave that accommodation because of redundancy or retirement or the death of the tenant.**

Where an Applicant has vacated, or is to vacate (normally within one month), a tied house because of retirement, redundancy or the death of the tenant, Other Homeless points may be awarded provided the tenant's employment has lasted at least two years. The employment must have been permanent for these points to be applicable i.e. not temporary or Fixed Term. If the Applicant states he / she left employment because of ill health, redundancy or retirement, verification should be sought from the employer by the Applicant.

An Applicant who voluntarily leaves employment to better him / her in other employment should not be awarded Other Homeless points.

Where an Applicant states that he / she was dismissed from this employment he / she should not be awarded these points.



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Note: Designated Officers should also refer to Chapter 5 regarding **allocations** to those leaving tied accommodation.

- e) End of Service in Armed Forces, where the Applicant or member of the Applicant's household, is returning to civilian life or the widow(er)/civil partner of a recently deceased serviceman / woman who is no longer eligible for married/civil partnership or other service quarters.**

These points will apply where the Applicant, or a member of the Applicant's household, is a serving member of the Armed Forces and is due to be discharged and is currently living in service quarters. Similarly, these points will be applied where the widow(er)/civil partner of a service man / woman has been asked to leave married/civil partnership or other service quarters.

Verification is required to award these points and may include the Applicant's discharge papers, or statement from his Commanding Officer.

- f) Release from prison, where the Applicant has been released from prison.**

An Applicant will be eligible for points under this heading where they have been released from prison and the Designated Officer is satisfied that there are medical, social or security reasons which hinder the prisoner from returning to his / her former home or from seeking his / her own accommodation, but where Full Duty Applicant status is not applicable.

In arriving at his / her decision to award Other Homeless Points for release from prison, Designated Officers will normally consider any reports from the Probation Board. In the absence of such reports, however, any other available information may be considered.

- g) Leaving hospital.**

These points will apply where the Applicant is leaving hospital and his / her current accommodation is unsuitable for him / her to continue to occupy.

In addition to the award of "Other Homeless" Points, the Applicant should also be assessed from their permanent accommodation for Housing Conditions / Health and Social Well Being points.

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Where the Applicant does not have other permanent accommodation, he / she should be assessed from hospital for Housing Conditions / Health and Social Well Being points

#### **h) Leaving institutional care, where an Applicant is leaving care.**

It is envisaged that most Applicants who are leaving institutional care will be entitled to FDA points. However, in the exceptional cases where FDA points do not apply, Other Homeless points will be awarded where the Applicant is leaving long term care and is unable to occupy his / her previous or current accommodation.

In addition to the award of “Other Homeless” points, the Applicant should also be assessed from their permanent accommodation for Housing Conditions / Health and Social Well Being points.

Where the Applicant does not have other permanent accommodation, he / she should be assessed from the institutional care address for Housing Conditions / Health and Social Well Being points.

#### **i) Leaving care, foster care or in relation to whom a duty is owed under the provisions of the Children’s Order, where the Applicant is a young person in such circumstances.**

Other Homeless points are applicable in cases where the Applicant is a young person who is leaving care and has no accommodation. In some cases, the Applicant will have been found temporary accommodation by Social Services, or by a voluntary agency, prior to approaching one of the Participating Landlords to the Housing Selection Scheme. In such cases, Other Homeless points may be awarded providing the application is made within 6 months of leaving care. The points may be awarded in exceptional circumstances where more than 6 months has expired.

Where points are to be awarded for this category supporting information will be required from Social Services.

#### **j) A dwelling which has been served with a closing or demolition order or which has been acquired by a body with compulsory purchase powers, where the Applicant is residing in such accommodation.**

To qualify for these points the applicant must be living in:

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- i. a dwelling that has been vested by a public body (including a Government Department and the Housing Executive) as part of a redevelopment area (RDA); or
- ii. an individual unfit house that has to be closed or demolished; or
- iii. a caravan/mobile home under specific circumstances.
- iv. A property acquired by a body who has compulsory purchase powers. (For example where the property is purchased by agreement by that body).

### 1) COMPULSORY PURCHASE / VESTING

**Note:** *as a general rule there is no need to carry out a homelessness investigation for redevelopment cases, with the exception of those individuals who may be homeless for specific reasons and wish to move outside the redevelopment area.*

Once a property in a declared RDA has been vested by a public body such as a Government Department or the Housing Executive (which may also vest on behalf of housing associations), the legal occupiers i.e. all tenants and owner occupiers, are entitled to be rehoused in existing Housing Executive or housing association property, or in one of the new houses in the RDA.

Where the dwelling is the subject of a Vesting Order, applicants can only be awarded Other Homeless points after the dwelling comes into public ownership.

Every household in a RDA will be visited and a full housing assessment carried out. Such applicants are pointed according to their housing need and, in addition, awarded Management Transfer status. This status is awarded on the basis that the transfer is imperative to facilitate ongoing redevelopment. (See chapter 7.11 for allocations to management transfers)

**Note:** *applications from properties contained in a RDA which attract Lack of Amenities and Disrepair points will not require an unfitness referral.*

Where the dwelling is the subject of a Compulsory Purchase / Vesting Order, the Applicant will not normally be re-housed until the Order becomes operative. He / she, however, may be re-housed by, or vacate the dwelling, by arrangement with the Participating Landlord at any time after the publication of the Notice of Intention to Vest. The general guideline in all these cases is that the Applicants can be re-

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housed only after their present accommodation comes into public ownership and generally only when the Housing Executive (or housing association) requires vacant possession.

#### **Temporary re-housing from a Redevelopment Area**

Where a tenant in a Redevelopment Area chooses to temporarily re-houses him / herself in private sector housing, by arrangement with the Participating Landlord pending permanent re-housing, it is important that their new details are retained on the Waiting List. These cases should be maintained as a Management Transfer in order to ensure that there's is no detriment to the tenant and that an allocation may be made at the appropriate time. It will not be necessary, however, to complete a new Transfer Application. The designated officer should amend the existing application type to 'IM' and place appropriate notes on the relevant application tab explaining the actions. Should under occupation points been previously awarded, they will not be carried over. An IM transfer type is not linked to a property; however, there will be no detriment to the tenant as they would have been issued with a promissory letter of allocation to a new build in the redevelopment site. In addition to the award of Other Homeless points under this category, the original Management Transfer Action Date should be keyed.

#### **Secondary Households in RDAs and Individual Unfit Dwellings**

Where an application is received from a second family unit in a RDA / Individual Unfit property e.g. a married/civil partnership son or daughter, with / or without children and still living with the parents / tenants / owners, Other Homeless points may be awarded. Such second family units in these circumstances are not entitled to compensation payments. Where the application is from a property in a Redevelopment area, it will not be necessary to refer the property for an unfitness referral.

In considering the award of Other Homeless points to secondary households, care should be taken to prevent Applicants who have deliberately worsened their circumstances i.e. moved into the dwelling concerned after the vesting or unfitness procedure has commenced, from gaining unfair advantage. Each case should be considered on its own merits. (See Deliberate Worsening of Circumstances, paragraph 3.24).

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### Compensation

Where Applicants are being re-housed as a result of statutory action by another authority, it may be necessary to submit a claim to the appropriate body to recover any costs involved e.g. the purchase of suitable alternative accommodation. Particulars of any such expenditure should be submitted to the Housing Executive's Central Finance Division at regular intervals.

It is important to draw the Applicant's attention to the condition under which Home Loss and Disturbance Payments are made, particularly when the property is likely to become, or has become, the subject of statutory action. Applications for such payments must be advised that claims need to be made within the six-month period immediately after giving up occupation if their claim is to succeed. Designated Officers should refer to the Housing Executive's Tenant and Other Payment Manual for details of Home Loss and Disturbance policies and procedures.

When a Participating Landlord is requested by another public body to re-house persons affected by statutory action, an assurance should be obtained from the acquiring authority that the person concerned will not be disqualified from any entitlement to compensation payments because the statutory action has not been completed, if re-housed.

Where persons are being displaced as a result of statutory action by another authority, it is the responsibility of the acquiring authority to issue the appropriate forms and make the appropriate payments. All persons to be re-housed by a Participating Landlord under such circumstances should be informed accordingly.

*Where there are special circumstances, a Participating Landlord may agree to make the relevant payments and recoup the amount so paid from the acquiring authority.*

### **2) INDIVIDUAL UNFIT DWELLINGS SUBJECT TO A CLOSING OR DEMOLITION ORDER**

Where it has been agreed at a Clearing House that a property is unfit and a Closing Order or Demolition Order has been made and accepted, vacant possession is necessary to comply with the terms of statutory action. Points, if applicable, will only be awarded on expiry of appeal time (after the service of the Order, the owner of the property has the

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right to appeal to the County Court, provided this appeal is lodged within 21 days from the date of the service of the Order). Re-housing should not be undertaken prior to the Order becoming operative unless there are, in the opinion of the Designated Officer, very good reasons for earlier re-housing.

**Note:** *Other Homeless points awarded only when the Closing Order or Demolition Order has become operative.*

Participating Landlord's stock e.g. rural cottages, orlit dwellings etc. where, for example, there may be an outside W.C. may attract Lack of Amenities points but should not be referred for a fitness inspection.

### 3) APPLICANTS LIVING IN CARAVANS / MOBILE HOMES

A full housing needs assessment (including lack of amenities) must be carried out for all applicants who are applying from caravans / mobile homes.

In addition, where an Applicant has nowhere to park / reside in the caravan legally, he / she should be considered under the homelessness legislation, and if applicable awarded FDA points. Any relevant Lack of Amenities points should also be awarded and a referral made to EHO.

Where Full Duty Applicant status is not applicable and where the Designated Officer is satisfied that the caravan / mobile home is unfit for human habitation following confirmation from EHO, Other Homeless points (Category j) should be considered.

Caravans / mobile homes which attract Lack of Amenities points (with the exception of instances where these points are only being awarded due to the lack of an electricity supply) **must** be referred to the local Environmental Health Department or Employer Council (see section 3.11.4) provided the caravan / mobile home has been on substantially the same site, or enclosed within the same area, for a period of not less than one year. Other homeless points should only be awarded when confirmation is received from EHO that the caravan / mobile home is unfit.

**Note:** *Unfitness referrals should not be made for caravans / mobile homes on Housing Executive Travellers Halting Sites. Applicants living in caravans / mobile homes on Housing Executive halting sites should*

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*be considered under Circumstances Analogous category (m) if Full Duty Applicant Status is not applicable.*

### **k) Persistent change of address in order to obtain shelter.**

These points will apply where the Designated Officer is satisfied that the Applicant has persistently had to change address in order to obtain shelter.

Evidence to confirm these circumstances may be obtained from a variety of sources including housing benefit applications, confirmation by other statutory agencies (e.g. DSS) or based on the facts presented by the Applicant confirmed by interview or visit.

It is important to distinguish between those who are living “care of” a particular address and those who are treating an address as a “correspondence address” only, or are of “no fixed abode” (see para 3.21).

### **l) Applicants living in hostel accommodation, where an Applicant has been residing in such accommodation for a continuous period of more than six months.**

Points will be awarded where the Designated Officer is satisfied that the Applicant has been living continuously in hostel accommodation for six months or more. Relevant verification should be recorded and stored appropriately.

Where an Applicant has already been resident continuously in hostel accommodation for 6 months at the time of assessment these points can be awarded immediately. Otherwise, a Critical Date should be keyed on **HMS** to reflect the date on which 6 months continuous hostel occupation will have been completed, in order to review the case to determine if the points are applicable.

Normally such Applicants will lose these points upon leaving such accommodation. However, where the Applicant is transferred to “move-on” accommodation linked to the hostel, he / she should retain these points. Applicants in “FOYER” accommodation will also be eligible for the award of these points.

Hostel dwellers must also be assessed under Housing Conditions / Health and Social Well Being factors.

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- m) In circumstances analogous to those listed in sub-paragraphs a) to l) above and exceptional hardship would be caused by the withholding of this award of points.

Where the Applicant fails to satisfy the criteria for the award of Other Homeless points, such points may still be awarded if:

- (a) In the opinion of the Designated Officer, there is reasonable doubt that the Applicant became homeless intentionally; **and**
- (b) The withholding of the award of Other Homeless points would cause exceptional hardship.

Examples of applicants who should be considered for the award of Other Homeless (Circumstances Analogous) points:

- I. Applicants living in Participating Landlord's stock e.g. rural cottages, Orlit dwellings etc. where, for example, there may only be an outside w.c.
- II. Applicants living in caravans / mobile homes on a Housing Executive Travellers Halting site. **Additionally**, before these points can be awarded, caravans / mobile homes on Housing Executive Halting Sites must have been on substantially the same site, or enclosed within the same area, for a period of not less than one year.

### 3.6 INSECURITY OF TENURE: INTERIM ACCOMMODATION: RULE 24 PART 3

An award of 20 Interim Accommodation points should be made to any Applicant who has been awarded FDA status and, from the date on which the Housing Executive has had responsibility for providing temporary accommodation i.e. the Homeless Presentation date, they have spent a cumulative period in excess of 182 days in temporary accommodation. The cumulative period can allow for breaks in periods spent in temporary accommodation (different addresses of temporary accommodation etc.) and will include placements in 'Crash/Night Shelter' facilities where the Housing Executive had a duty to provide temporary accommodation.

These cases can be identified through the daily 'H005 Current Applicants with cumulative stay greater than 182 days' report. This report lists applicants who have been awarded Full Duty Applicant status and whose cumulative placements recorded on HMS has reached 182 days. The report is a mismatch



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report i.e. when an Applicant's Interim accommodation points have been keyed to HMS the case will no longer appear on the report.

**The points have to be manually keyed on HMS.**

#### **Self- referrals**

Where applicants have placed themselves in temporary accommodation (which is within the pool of temporary accommodation used by the Housing Executive in discharge of its homeless duties) and they subsequently present as homeless, their placement should be keyed on HMS from the date of the Homeless Presentation. If the applicant is subsequently awarded Full Duty Applicant status, this will allow the HOO5 Report to identify the case as being entitled to Interim Accommodation points if/when their cumulative period in temporary accommodation reaches 182 Days.

**If the Applicant's Full Duty status and F.D.A. points are removed, the Interim Accommodation Points should be deleted manually from HMS.**

### **3.7 RESTRICTED CASES: RULE 24A**

- (1) A Full Duty Applicant will not be entitled to points under Rule 23 Intimidation points or Insecurity of Tenure points under Rule 24 if the Housing Executive decides that the Applicant is homeless, threatened with homelessness, or has a priority need but would not have done so without having had regard to a member of the household who is a restricted person.
- (2) An Applicant, other than a Full Duty Applicant, will not be entitled to points under Rule 24 (Other Homeless points) if the Housing Executive decides that any of the requirements as set out in paragraph 2 of that Rule are met but would not have done so without regard to a member of the household who is a restricted person.

A restricted person is defined in Rule 1(8). This Rule came into operation on 2 March 2009.

A restricted case is one where an eligible Applicant who is not subject to immigration control, has a priority need which is based on a restricted person. The statutory duties owed to such restricted cases are limited. More detailed guidance on the application of this Rule is found in Chapter 2.7.

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### 3.8 HOUSING CONDITIONS

Within the Ranking of Applicants Section of the Selection Scheme, Housing Conditions covers Sharing, Overcrowding, Lack of Amenities and Disrepair, and Time in Housing Need. This section of Guidance relates to these factors along with the award of under- occupation points for Transfer Applicants.

### 3.9 SHARING

Within the Rules of the Scheme, Sharing is covered by Rules 25-27.

#### 3.9.1 ROOMS / FACILITIES: RULE 25

Sharing points will be awarded to those applicants who are obliged to share any or all four of the following rooms / facilities: kitchen, living room, toilet, or bath / shower, with any other person who will not be moving with them when re-housed, and providing that the Applicant does not have a “prior right” to the facilities listed.

Points should not be awarded for sharing an amenity that does not exist (see para.3.9.5).

A “prior right” in this instance means an *exclusive* or *equal* right to the facility. For example, where the Applicant is not the householder and is sharing another person’s accommodation i.e. does not have a prior right to the facilities, and then he / she will be eligible for sharing points. Similarly, where an Applicant has a prior right to, but has agreed to share his / her facilities with another person, then sharing points will not be awarded.

The general rule will be that Transfer cases will not attract Sharing points, as tenants have prior right to their facilities. However, there may be exceptions where a tenant occupies permanent, shared accommodation.

In cases of joint tenancy / joint ownership, both occupants have prior right / equal right to the facilities, and therefore sharing points will not apply.

#### 3.9.2 NUMBER OF POINTS: RULE 26

Applicants will be awarded Sharing points, where applicable, across three point’s bands depending on their age and circumstances. The point’s bands are as follows:

1. 10 points per room / facility where the Applicant (including those aged 16-18 years old) has dependent children (F),

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2. 5 points per room / facility where the Applicant is aged 18 years or more and has no dependent children **(A)**,
3. 5 points per room / facility where the Applicant is aged 16 - 18 years, has no dependent children, and is sharing accommodation outside the family home **(U)**.

**NOTE:** For the purposes of this assessment, a child is a dependent whilst Child Benefit is still in payment and can include children who are under 16 years of age, or who are under 19 years of age and in full time education or in a Government Training Scheme. In order for an Applicant to be classed as having a dependent(s), the Child Benefit must be paid to the Applicant and evidence of such should be requested / retained on file, if any doubt exists.

The following table clearly identifies the relevant point's bands applicable for each Application type:

	<b>Applicant of any age with dependent Children (F)</b>	<b>Applicant aged 18 and over without dependent children (A)</b>	<b>Applicant aged 16-18 years old without dependent children (U)</b>
<b>Kitchen</b>	10 Points	5 Points	5 Points
<b>Living Room</b>	10 Points	5 Points	5 Points
<b>WC</b>	10 Points	5 Points	5 Points
<b>Bathroom</b>	10 Points	5 Points	5 Points

**NOTE:** An Applicant aged 16-18 years old will only be entitled to sharing points if he / she are sharing accommodation *outside* the family home (see para.3.9.4 below).

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**NOTE – Relationship Breakdown:** Instances may arise where an applicant's relationship (which involved dependent children) has broken down. In such cases, a decision must be made as to which parent has the dependent children (see [Chapter 3.11 for full consideration of residence and dependence](#)).

Where the Applicant is **not** considered to have 'dependent' children (as defined in chapter 10.10), sharing points should be awarded under band **(A)** (or **(U)** if 16-18 year old applicant). Designated Officers should note that the children should **not** be taken into account in the overcrowding assessment. Such applicants should be considered for the award of OSN factor 4 where they have been awarded staying or weekend access to children and his/ her current accommodation is unsuitable to facilitate this access.

Alternatively, where the Applicant is considered to have dependent children, sharing points should be assessed depending on the individual circumstances of the case as follows:

- (a) Where the Designated Officer is satisfied that the dependent children are resident with the Applicant for the greater part of the week (i.e. 4 or more nights), sharing points should be awarded under band **(F)**. Note: where sharing points are awarded under band **(F)** the Applicant should also be awarded overcrowding points based on the children living with him / her (see 3.10.1) but points for living apart under Primary Social Need factor 7 should **not** be awarded (see 3.21.3 : PSN 7).
- (b) Where the Designated Officer is satisfied that the children are resident with the Applicant for 3 nights or less; or alternatively where dependent children, although reasonably expected to reside with the applicant, are actually unable to, or choose not to, then sharing points should be awarded under band **(A)** (or **(U)** if 16-18 year old applicant). Note: in such cases overcrowding points will **not** apply, but living apart points should be considered under PSN Factor 7 (see 3.21.3).

**NOTE:** A flowchart clarifying the award of sharing and overcrowding points in cases of relationship breakdown can be found at 3.11

**NOTE:** There are a number of court orders that may assist in determining whether an applicant has dependent children under the Homelessness legislation. Such court orders may include **Residence Orders** and **Contact Orders** and brief explanations of those most commonly encountered can be

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found at 3.11, Relationship Breakdown. Copies of any Orders produced as evidence should be retained and stored appropriately.

#### 3.9.3 HOSTEL DWELLERS, HOSPITAL IN-PATIENTS, APPLICANTS LEAVING INSTITUTIONAL CARE

Where an Applicant / Tenant is applying from hospital, hostel or institutional care, it is necessary to establish if he /she has permanent accommodation to return to, regardless of whether that accommodation is suitable. If he / she has permanent accommodation available to return to then he /she should be assessed for Housing Conditions / Health and Social Well Being points from that accommodation.

Where the Applicant has no permanent accommodation to return to then he / she must be assessed from the hostel, hospital or is institutional care. In cases where the Applicant has no separate, self-contained facilities, he / she should be awarded Sharing points for all 4 of the facilities listed (under the appropriate banding).

#### 3.9.4 SHARING POINTS FOR 16 – 18 YEAR OLDS: **RULE 27**

Where the criteria for awarding sharing points have been met and the Applicant is aged 16 – 18 years old, sharing points will only be awarded if he / she are sharing with someone outside the family.

The definition of “family” in this context is as described in Article 2(4) of the Housing (NI) Order 1981, and also reflective of subsequent amendments to that Order order, and is:

A husband / wife / civil partner / common law partner, son / daughter, son-in-law / daughter-in-law, father / mother, father-in-law / mother-in-law, and the equivalent step-relationships, and illegitimate and adopted children.

**NOTE:** A foster child will be entitled to sharing points if applying from the foster home. This is because they are not considered to be a member of the foster parent’s family, as the arrangement is of a temporary nature. Alternatively, adopted children would not be entitled to sharing points if applying from their adoptive parent’s home, as their arrangement is considered to be permanent.

#### 3.9.5 SHARING ACCOMMODATION WHICH IS IN DISREPAIR OR WHICH LACKS AMENITIES

Points should not be awarded for sharing an amenity that does not exist.

Where an Applicant is sharing accommodation that does not have a suitably located W.C. or a suitably located bath or shower, it is likely that such a

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property will be deemed unfit and the Applicant will subsequently be awarded Other Homeless points. Both “Sharing” and “Lack of Amenities and Disrepair” points may be awarded where the Applicant is sharing an inadequate amenity e.g. a sub-standard kitchen.

### 3.10 OVERCROWDING

Within the Rules of the Selection Scheme, Overcrowding is covered by Rules 28-30.

#### 3.10.1 OVERCROWDING POINTS: **RULE 28**

Overcrowding points will be awarded to an Applicant if his / her current accommodation does not meet the needs of the Applicant’s household, and all other persons residing in the dwelling, in respect of the number and size of available bedrooms.

#### **NOTE – Relationship Breakdown:**

- (a) Where the Applicant **is** considered to have ‘dependent’ children (as defined in 3.11), the children must be included when assessing overcrowding points only if they currently reside with the Applicant for the greater part of the week (i.e. 4 nights or more). Where the children do not currently reside with the Applicant, or reside with him / her for 3 nights or less, these points will not apply. Instead, points should be awarded for living apart under Primary Social Need Factor 7 (see 3.21.3).
- (b) Alternatively, where the Applicant is **not** considered to have ‘dependent’ children (as defined in 3.11), the children should **not** be included in the assessment of overcrowding points. Such applicants should be considered for the award of OSN Factor 4 (see 3.21.4) where they have been awarded staying or weekend access to children and his/ her current accommodation is unsuitable to facilitate this access.

**NOTE:** See 3.11 for full consideration of resident and dependent. A flowchart clarifying the award of sharing and overcrowding points in cases of relationship breakdown can be found at 3.11.

#### 3.10.2 BEDROOM REQUIREMENTS / DEFINITIONS: **RULE 29**

Rule 29 details the criteria which Designated Officers need to observe when determining whether an Applicant’s accommodation is suitable for his / her needs. Designated Officers will need to determine the size of available rooms in order to decide whether or not a room could be considered as a bedroom, as described in the Rules of the Scheme, or is

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reasonable for use as a bedroom for the Applicant's family or household members.

A room will not be considered suitable for use as a bedroom where it is less than 3.7 square metres (40sq. ft.).

Subject to the minimum size criteria being met, where a dwelling has 2 reception rooms, one of these will be considered as a bedroom *provided* there is ample space in the kitchen for the family to cook *and* dine. Any additional reception rooms will similarly be considered to be bedrooms and will be subject to the same size criteria.

Separate bedrooms are needed for:

1. The Applicant (and partner, if applicable) if over 18 years of age,
2. Couples, Single parents and all Adults over 18 years of age,
3. Persons of different generations e.g. mother / daughter, grandmother / granddaughter etc.
4. Members of different family units e.g. aunt / niece, cousins etc.

The sizes of bedrooms that will be considered adequate for meeting Applicants' needs are as follows:

- i. Bedroom: over 3.7 – less than 6.5 sq. m. (40 - 69sq. ft) is adequate for 1 child under 7 years old
- ii. Bedroom: over 6.5 – less than 9.3 sq. m. (70 - 99 sq. ft.) is adequate for any of the following:-

- 1 person of any age
- any 2 persons of the same gender under 18 years of age
- any 2 children under 7 years of age regardless of gender

Bedroom: over 9.3 sq. m. (100+ sq. ft.) is adequate for any of the following:-

- 1 person of any age
- 2 persons living as a couple

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- any 2 persons of the same gender under 18 years of age
- any 2 children under 7 years of age regardless of gender

**Unborn child should be considered in bedroom calculations see NOTE below.**

**Bedsits** should be considered as having no bedrooms for the purposes of the overcrowding assessment.

In addition to meeting certain size criteria, a room must also be capable of being used as a bedroom. The room's shape and the amount of available head room must be reasonable for the room to accommodate a bed (of relevant size), appropriate furniture e.g. wardrobe and chest of drawers, and there must be sufficient access space.

#### **NOTE –**

In schedule 3 of HSS Rules it states that '***other household compositions analogous to those above will be considered for equivalent accommodation***', and '***Depending on the particular needs of the Applicant's household a greater number of bedrooms may be required***' thus allowing flexibility on the bedroom assessment.

#### **Unborn Children:**

Where the applicant has provided proof that they are pregnant then the assessing officer should consider the unborn child in the bedroom calculations i.e. – Single person and pregnant: entitled to a 2 bed, a single person with 1 child under 7 and pregnant: entitled to a 2 bed, a couple with 2 children (under 18) and pregnant: entitled to a 3 bed etc.

HMS should be updated by amending the '2nd Entitled' to the appropriate number of bedrooms. Staff should continue with the normal practice of recording the information on the pregnancy tab/Folder on HMS which will enable the case to appear on the H009 Critical Date Report as 'Confinement'. The report should be actioned accordingly and the applicant contacted to assess the change in circumstances.

**It should also be noted that this should only be considered for bedroom entitlement assessment; at no point should the unborn child be considered with in the point's assessment.**



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### Additional Bedrooms:

When an applicant/transfer is being considered for an additional bedroom they should be advised about potential benefit implications. Although Welfare Supplementary Payments have been extended indefinitely, the range of welfare mitigation measures is subject to review in 2024/2025, therefore, staff in discussions with incoming/transferring tenants should advise them of the current position i.e.:

- (i) SSSC still applies in Northern Ireland but is currently fully mitigated.
- (ii) There is no end date set for mitigation payments.
- (iii) There is however, a review date of 2024/25 for the measures and it is not certain what the position will be after that.

This will allow customers to make as informed a choice as possible.

### NOTE - RELATIONSHIP BREAKDOWN:

(a) Where the Applicant does **not** have dependent children from a previous relationship (see 3.11), but has regular overnight staying access, he / she should only be considered for 1 additional bedroom, whatever the number of children.

(b) Alternatively, where the Applicant has dependent children from a previous relationship, the children must be included on **HMS** as part of the Applicant's household and must all be considered when determining the size of accommodation required.

**NOTE:** When determining the level of Overcrowding, the Designated Officer should consider the “best use” of the available bedrooms in a property and not necessarily the arrangements which exist within a household i.e. if an arrangement exists in a household whereby a single Applicant has the use of a double bedroom whilst a couple have use of a large single bedroom, a paper exercise should be carried out to “place” the members of the household in the appropriately sized rooms

### 3.10.3 HOSTEL DWELLERS, HOSPITAL IN-PATIENT, APPLICANTS LEAVING INSTITUTIONAL CARE

Where an Applicant / Tenant is applying from hospital, hostel or institutional care, it is necessary to establish if he /she has permanent

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accommodation to return to, regardless of whether that accommodation is suitable. If he / she has permanent accommodation available to return to then he /she should be assessed for Housing Conditions / Health and Social Well Being points from that accommodation.

Where the Applicant has no permanent accommodation to return to then he / she must be assessed from the hostel, hospital or is institutional care (i.e. dormitory style hostel / institution, hospital ward etc.).

Where an Applicant is being assessed from a hostel, hospital or is in Institutional Care **and** shares a bedroom or ward with 1 or more other people, he / she should be considered as being 1 bedroom short of requirements (without reference to the size of the room and the other occupants). Alternatively, if he / she have a separate bedroom or ward, the size etc. should be considered in determining the level of overcrowding.

#### 3.10.4 NUMBER OF POINTS: RULE 30

Where the Applicant's current accommodation does not meet the criteria set out in Rule 29, in the opinion of the Designated Officer, 10 points will be awarded for each bedroom short of the criteria. The number of bedrooms short of requirements is the number that should be recorded as part of the housing needs assessment i.e. not the number of points to be awarded.

There is no upper limit on the number of points that may be awarded for overcrowding.

#### 3.10.5 APPLICANTS LIVING APART DUE TO OVERCROWDING

Where families with dependent children are obliged to live apart due to overcrowding, Primary Social Needs points may be awarded under the Health and Social Well Being Section of the Scheme (see Health and Social Well Being Assessment, Primary Social Needs Factors - Rule 43, Subsection 7). These Applicants **must** also be considered under the Homeless Legislation.

Where an Applicant and partner (with no dependent children) are obliged to live apart due to overcrowding, Other Social Needs points may be awarded under the Health and Social Well Being Section of the Scheme (see Health and Social Well Being Assessment, Other Social Needs Factors – Rule 44, Subsection 9).

**NOTE:** In both scenarios identified above, the Applicant should be advised if it is apparent that higher points may be applicable if his / her partner

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also submitted an application for housing. If this advice is taken, the original Application should be cancelled and deleted from **HMS**.

#### **3.11 PROOF OF RELATIONSHIP BREAKDOWN**

Where an applicant has indicated that he / she has separated from their partner, the Designated Officer will require proof that the relationship breakdown is genuine. Listed below are guidelines that may be followed to confirm the relationship breakdown. These are equally applicable to married couples, civil partners, co-habiting couples or same sex couples.

1. Where a Decree Absolute, Decree Nisi of divorce or judicial separation or Dissolution Order is available, no further documentation is required as this is evidence that a marriage/civil partnership has broken down irretrievably. This is obviously only applicable to married couples or civil partners.
2. In the absence of any substantive evidence of a relationship breakdown, applicants should be asked if they are willing to provide a letter. The letter should be from one of the following who should be aware from their own professional involvement with the Applicant or their partner that the relationship has broken down and that it is not reasonably practicable for the couple to live together.
  - (a) Member of Clergy
  - (b) Doctor
  - (c) Police Officer
  - (d) Lawyer
  - (e) Teacher
  - (f) Social Worker
  - (g) Marriage Guidance Counsellor
  - (h) Women's Aid Official

The above list is not an exhaustive list. Where a letter by a person not named on the list is offered, the matter should be referred to Landlord Policy. Where the applicant is unwilling or unable to provide any of the above information, it may be necessary to interview both parties and Landlord Policy or Legal Services will advise in such circumstances.

##### **3.11.1 RELATIONSHIP BREAKDOWN COURT ORDERS: GENERAL**

Details / evidence of some Court Orders may be produced by applicants / tenants where they have been asked to prove that a relationship has broken down. In other instances he / she may be asked to provide evidence of the arrangements, made by the court, regarding the dependent children from a relationship that has broken down. The following is not an exhaustive list but merely recounts the more commonly used Orders: -

#### **Residence Order**

This sets out the arrangements about where a child will live and with whom.

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A Residence Order is similar to the old “Custody Order” but is more flexible as a wider range of circumstances can be accommodated. It can be made in favour of one or more persons, even if they do not live together. It automatically confers parental responsibility on the person with residence for the duration of the order. There is a facility to provide joint residence in favour of two or more people. The court order may specify the periods during which the child is to live in the different households concerned. While it is more usual that those who obtain a Residence Order are the parents of the child, this is not always the case and the legislation provides for it to be granted to other people e.g. grandparents.

As the Court usually wants one parent only to have responsibility for dependent children, a Residence Order will not normally be granted jointly to both parents. Where there is a joint Residence Order, however, advice should be sought from Legal services.

#### **Contact Order**

This sets out the arrangements for the children to visit or stay with the person named in the Order.

A Contact Order is similar to the old “Access Order” but focuses on allowing the child to visit or stay with the person (not necessarily a parent) named on the order. The emphasis is very much on the child’s interests and wishes, rather than on the parent’s rights. The court can attach conditions to it regarding matters such as duration, supervision etc. Where a child is in care of an authority, there is a statutory duty on the authority to allow the child to have contact with its parents, guardians etc. No limits / guidelines have been given as to what length a stay or visit should be as every case is considered individually on the needs of the child. It is important to note that the person having contact with a child does not necessarily have to be financially responsible for that child either by way of maintenance or any other way.

#### **Prohibited Steps Order**

This has the effect of restraining in some way the actions of a person in relation to the child.

#### **Specific Issue Orders**

These Orders can be made in conjunction with Residence or Contact Orders or on their own. This is where the Court has decided a particular question

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about the exercise of parental responsibility upon the application of one of the parents.

#### **Decree Nisi (on Divorce or Judicial Separation)**

This is the first step on divorce or judicial separation and is made by the Court when it is satisfied that the marriage has irretrievably broken down. This is not the final decree and the marriage has not formally ended until the issue of the Decree Absolute (see below).

#### **Conditional Dissolution Order**

This is the first step to the dissolution of a Civil Partnership– s172 of the 2004 Act and can be made by either civil partner on the ground that the civil partnership has broken down irretrievably.

#### **Decree Absolute (on Divorce or Judicial Separation)**

This is the final decree, made six weeks after the Decree Nisi once the Court is satisfied that all arrangements in respect of children are satisfactory. This is the formal end of the marriage.

#### **Final Dissolution Order**

This is the final dissolution of a civil partnership on the ground that the civil partnership has broken down irretrievably – s168 of the 2004 Act.

#### **Non-Molestation Order**

This is an Order which prohibits particular behaviour or molestation generally and can be made for a specified period or under further notice.

#### **Occupation Order**

This can be either "declaratory" where the rights of occupation to the home are declared or "regulatory" where the occupation of the home is regulated to provide protection for the applicant and/or any child. This is probably similar to the old exclusion order.

### **3.11.2 DEPENDENT CHILDREN WITHIN RELATIONSHIP BREAKDOWN**

For the purposes of the Selection scheme an applicant has dependent children either if he / she has **dependent** children **residing** with him / her or if such children might **reasonably be expected to reside** with him/her

#### **A Dependent**

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The first issue to be decided is whether or not the child is dependent. A dependent child is one who is under 16 years of age, or who is under 19 years and is in full time education or in a Government Training Scheme. However, all the facts need to be looked at to ascertain if there is any dependence on the applicant i.e. emotional, physical or financial. For instance, although parents may be separated and the children live with the mother, such children could be dependent on their father for childcare if the mother was working. In cases where parents live apart, a check should always be made as to whom child benefit is paid. If the child benefit is paid to the mother and the child resides with the mother, then the children would be deemed to be dependent on the mother for the purposes of the Selection Scheme.

However, while the children might be dependent on the father in terms of childcare, the father would only meet the Selection Scheme criteria if the children **reside** with him or might reasonably be expected to reside with him.

#### **B Resides**

Again, in the case of parents who live apart, the first enquiry to be made is to ascertain whether or not a Residence / Contact Order has been made. Each case must be considered fully based on its own facts.

Information should be sought from solicitors, social services, parents, grandparents etc. where necessary.

**NOTE:** Regular overnight staying access does **not** equate to residence. As a general rule, dependent children should be treated as residing with the person with whom they actually reside for the greater part of the week, and it is that parent who should be treated as having dependent children for the purposes of the Selection Scheme. If the children divide their time equally between two properties or if residence arrangements vary from week to week, a determination will have to be made as to whom the children are dependent on. For example who is Child Benefit paid to, is there a Residence Order in favour of one parent, the address on the child's medical card, what school the child attends etc.

#### **C Might reasonably be expected to reside**

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The Executive needs to ask about future intentions also, in order ascertain whether or not the child might reasonably be expected to reside with the applicant.

- **children in care**

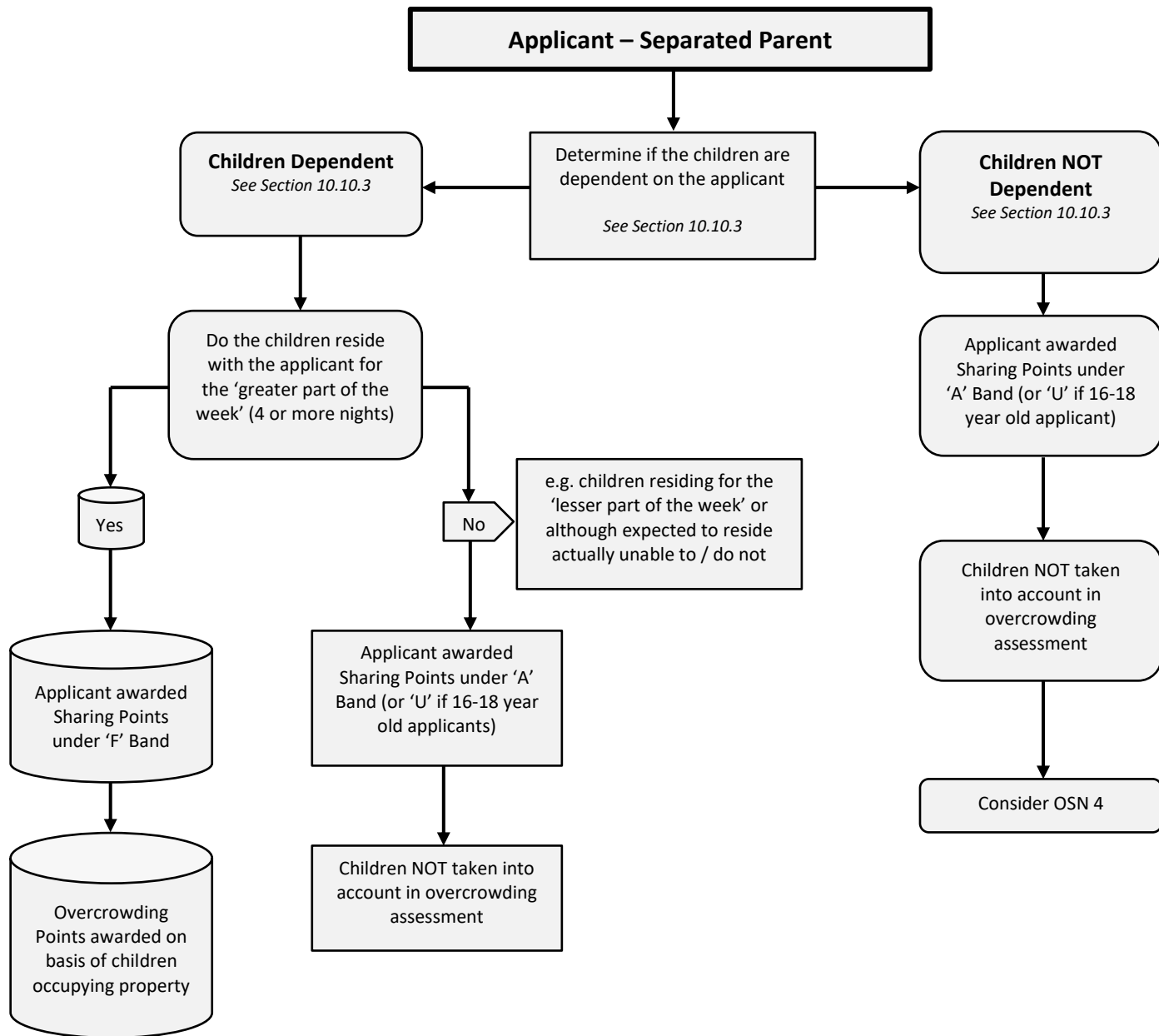
Where children are in care, information should be sought from Social Services as to their intentions i.e. is it their intention to work towards releasing the children within a reasonable period of time (e.g. 6 months) or that, by not accepting the applicant as a full duty applicant, this would hinder Social Services in their efforts to re-unite the family.

Note: Dependent children need not necessarily be children of the applicant but may be related in some other way (e.g. grandchildren) or be adopted or foster children.

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### 3.12 UNDER OCCUPATION POINTS (TRANSFERS ONLY)

These points may only be awarded to tenants seeking a transfer.

#### 3.12.1 GENERAL

Under Occupation points will be awarded to a tenant of a Participating Landlord (regardless of age) if his / her current accommodation **exceeds** the needs of the tenant's household, and all other persons residing in the dwelling, in respect of the number and size of available bedrooms. The criteria that Designated Officers need to observe when determining a tenant's needs will be the same as for overcrowding points as described above.

#### 3.12.2 NUMBER OF POINTS

Where the tenant's current accommodation exceeds the needs of his / her household as identified above, in the opinion of the Designated Officer, 10 points will be awarded for each bedroom in excess of the criteria. The number of bedrooms in excess of requirements is the number that should be recorded as part of the housing needs assessment i.e. not the number of points to be awarded. Under Occupation points entitlement will be automatically calculated and awarded by HMS, based on the number and size of the bedrooms recorded and the detail keyed within the People folder in the Transfer. It is important that the details keyed to the People folder on HMS are accurate. Designated Officers should check that the automatic Under Occupation points awarded by HMS reflect those expected on the Housing Solutions Form.

The maximum number of points that may be awarded for Under Occupation is 30 i.e. 3 bedrooms in excess of requirements.

**NOTE:** Some exceptional Transfer cases may arise whereby both Overcrowding **and** Under Occupation points could be applicable. If this situation arises, the Under Occupation points **only** should be awarded i.e. any entitlement to Overcrowding points should be disregarded. For example, a couple living in 2 bed accommodation where both bedrooms are between 40-99sq. ft. They have no *suitable size* bedrooms (as they need 1 bedroom those measures greater than 100 sq. ft.) and would therefore qualify for the award of 10 Overcrowding points. Similarly, it could be said that they have 1 bedroom in excess of requirements and therefore would qualify for 10 Under Occupation points. As Under Occupation points will automatically be calculated and applied by HMS, the Overcrowding points should not be applied/awarded/keyed.

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### 3.13 LACK OF AMENITIES AND DISREPAIR: **RULE 31**

#### 3.13.1 GENERAL: **RULE 31**

Lack of Amenities and Disrepair points will not normally be awarded to tenants of Participating Landlords who submit Transfer requests. Such individual properties with identified lack of amenities should instead be referred to the relevant landlord's Maintenance Section to rectify the defect, rather than award points.

However, exceptions may include properties that are contained within a Redevelopment Area, or individual rural cottages etc. which may be unfit (see 3.13.4).

#### 3.13.2 CRITERIA

Points will be awarded to an Applicant whose current accommodation, in the opinion of the Designated Officer:

**1) Is not free from serious disrepair.**

To qualify for points, the disrepair must be such as to be a risk to health and physical safety of the occupants of the house.

**2) Is not free from dampness which is prejudicial to the health of the occupants.**

To qualify for points, the dampness must be so extensive or pervasive as to be a threat to the health of the occupants. Temporary condensation and minor defects will not qualify.

**3) Does not have adequate provision for lighting, heating or ventilation.**

To qualify for points the natural or artificial light should be so bad as to not enable domestic work to be done in good weather conditions, or the ventilation is inadequate in so far as fresh air is not capable of circulating readily, or there is an inadequate fixed heating appliance in the main "living" room.

Points should be awarded if any of above criteria applies.

**4) Does not have an adequate supply of wholesome water.**

To qualify for points, the accommodation must not have an adequate piped supply (usually a mains supply) of wholesome water into the kitchen.

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- 5) Does not have adequate facilities for the preparation and cooking of food, including a sink with a satisfactory supply of hot and cold water.**

To qualify for points, the accommodation must lack minimum kitchen facilities i.e. an adequate work surface / surfaces for the preparation of food, a fixed and suitably located cooking appliance, and a sink fitted with satisfactory supplies of hot water and cold drinking water (normally piped from the mains). The dimensions and layout of the kitchen area should also be considered.

The hot water supply may be from a central source or from a plumbed-in unit water heater capable of maintaining a constant flow of hot water. The hot water system should be designed, installed and in a condition so as not to be prejudicial to safety.

The cooker location should be such that its use is not restricted in any way i.e. is not located behind a door etc.

Points should be awarded if the accommodation lacks any of above kitchen facilities.

- 6) Does not have a suitably located water-closet (W.C.) available for the exclusive use of its occupants.**

Consideration should be given to the W.C. in the property and points should be awarded where the conditions are unacceptable for any of the following reasons:

1. the w.c. should normally be located in a separate w.c. compartment inside the habitable part of the accommodation so as to be readily accessible and not prejudicial to health or capable of being reached under cover without entering the outside air;
2. the wash-hand basin (W.H.B.) should have a satisfactory supply of hot and cold water and should normally be located in, or near, the room containing the w.c. It is not acceptable that a kitchen sink is used as the W.H.B.;
3. the room containing the W.C. opens directly and immediately onto a space intended for the storage and preparation of food.

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- 7) Does not have a suitably located fixed bath or shower, with a satisfactory supply of hot and cold water for the exclusive use of its occupants.

Points should be awarded where there is no bath or shower, **or** where the facilities are not designed, installed and suitably located inside the habitable part of the Applicant's accommodation so as to be readily accessible. The bath or shower should also be fitted with satisfactory piped supplies of hot and cold water.

**NOTE:** These points refer to the *physical condition* of a property, and not the Applicant's ability / inability to use the facilities, due to Functional / Mobility problems.

- 8) Does not have an electricity supply, i.e. a mains electricity supply.

Points will be awarded where the property does not have a mains electricity supply.

**NOTE:** Where an Applicant is sharing a property that does not have a suitably located w.c. or a suitably located fixed bath or shower, it is likely that such a property will be deemed unfit and the Applicant will subsequently be awarded Other Homeless points. Both "Sharing" and "Lack of Amenities and Disrepair" points may be awarded where the Applicant is sharing an inadequate amenity e.g. a sub-standard kitchen.

#### 3.13.3 NUMBER OF POINTS

Ten points will be awarded for each of the above criteria that apply.

#### 3.13.4 UNFITNESS REFERRAL

Any property for which Lack of Amenities and Disrepair points are awarded should be referred by the Housing Executive to the appropriate Environmental Health Department (Employer Council) responsible for fitness inspections in an area (or other authorised officer) for an inspection, with the exception of the following:

1. Properties contained within a Redevelopment Area. Applicants living in these properties will be entitled to Other Homeless points (Factor j) under the Insecurity of Tenure Section of the Scheme.
2. Mobile homes / caravans on Housing Executive Traveller's Halting Sites. Applicants living in these properties may be entitled to Full Duty

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Applicant (F.D.A.) points or Other Homeless points (Factor m) under the Insecurity of Tenure Section of the Scheme.

3. Mobile homes / caravans which have not been on substantially the same site, or enclosed within the same area, for a period of not less than one year.
4. Participating Landlords stock e.g. rural cottages, orlits etc. Applicants living in these properties may be entitled to Other Homeless points (Factor m) under the Insecurity of Tenure Section of the Scheme.
5. Properties that have only been awarded Lack of Amenities and Disrepair points due to the lack of mains electricity supply.

Where confirmation has been received from the appropriate District Council or other authorised Officer that a property is unfit, it shall be referred to the Clearing House. The Environmental Health Officer or other authorised officer will provide the relevant **Local office with** information and a report prior to the Clearing House meeting.

For further details on the 'Unfitness procedure' staff should refer to the 'Individual fitness procedures' in accounts policy guidance.

#### 3.13.5 THE CLEARING HOUSE

The purpose of the Clearing House is to make a decision on the most satisfactory course of action for individual unfit properties with due account being taken of economic factors and where appropriate, socio-environmental factors.

Where it has been agreed at the Clearing House that a property is unfit and that a Closing Order or Demolition Order has been made and accepted, vacant possession is necessary to comply with the terms of statutory action. In such cases, the Applicant should also be considered for the award of Other Homeless points (see para.3.5.2.j).

Such points, if applicable, will only be awarded on expiry of appeal time (after the service of a Closing Order / Demolition Order, the owner of the property has the right of appeal to the County Court provided this appeal is lodged within 21 days from the date of the service of the Order).

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### 3.14 TIME IN HOUSING NEED: **RULE 32**

#### 3.14.1 GENERAL

An Applicant who has been awarded **any** Housing Need points **and** has been on the Waiting List for a period of 2 years will be entitled to Time in Housing Need points. An Applicant who has been on the list for 2 or more years, but who **has not** been awarded any Housing Need points, **will not** be entitled to Time in Housing Need points.

‘Time in Housing Need’ points are applicable to both Applications and Transfers.

#### 3.14.2 NUMBER OF POINTS

Following the initial 2 years on the Waiting list, Time in Housing Need points will be awarded annually to all relevant cases, at a rate of 2 points per year (see table), up to a maximum of 5 years (maximum of 10 points):

##### Time in Housing Need Points

Date	Points Applicable
Date of Application	0
1st Anniversary D.O.A.	0
2nd Anniversary D.O.A.	2
3rd Anniversary D.O.A.	4
4th Anniversary D.O.A.	6
5th Anniversary D.O.A.	8
6th Anniversary D.O.A.	10

**NOTE:** Time in Housing Need points will only be applied when other Housing Needs points have been awarded.

Where applicable, these points will only be awarded automatically by HMS from the 2nd anniversary of the Date of Application.

### 3.15 HEALTH AND SOCIAL WELL BEING ASSESSMENT

Within the Ranking of Applicants Section of the Selection Scheme, the Health and Social Well Being Assessment covers Functionality, Support / Care Needs, Social Needs and Complex Needs (**Rule 34**). For the purposes of this

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Assessment, "Applicant" may also relate to a member of the Applicant's household.

### 3.15.1 ABILITY TO FUNCTION WITHIN THE HOME: RULE 33

The Health / Social Well Being Assessment section of the Scheme measures the ability of an Applicant, or a member of the Applicant's household, to manage adequately in their existing home. The Assessment process is applicable to both Applicants and Transfer applicants. It allows consideration of the individual's functional abilities, support / care needs and social needs and how these are influenced by his / her current housing circumstances, including the condition, design and location of the existing accommodation.

### 3.15.2 DIFFERENTIATION BETWEEN APPLICANTS: RULE 35

The Assessment differentiates between Applicants by determining the extent to which the individual's functional ability, support needs or adverse social factors may be alleviated through re-housing. The level to which this is the case is reflected in the total number of points awarded under the Assessment.

## 3.16 HEALTH AND SOCIAL WELL BEING ASSESSMENT PROCESS

### 3.16.1 ACTION PRIOR TO ASSESSMENT

Health and Social Well Being assessments will be carried out by Designated Officers normally without need for referral to Health and Social Services staff. During the housing solutions interview or a housing needs assessment details of any possible Health and Social Well Being issues and details of any Key Workers, e.g. Social Workers, Occupational Therapists, Community Psychiatric Nurses etc., who are involved with the Applicant or members of the Applicant's household should be recorded.

Although it will normally not be necessary to contact Health and Social Services prior to assessing an Applicant there will, however, be times when it will be necessary to do so, for example where a request has been made by the Applicant or Key Worker.

### 3.16.2 ACTION FOLLOWING ASSESSMENT

Where it is apparent from responses to questions relating to Health and Social wellbeing during the housing solutions interview or housing needs assessments that the Applicant, or a member of the Applicant's household, has *significant* functional, support / care and / or social needs e.g. is being considered as a potential Complex Needs case (see Chapter 4 on Applicants with Complex Needs) and a named Key Worker has been

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identified, it may be necessary to contact Health and Social Services. By contacting the Key Worker the Designated Officer will be able to determine when the Applicant was last assessed by Health and Social Services and will also alert the Key Worker to the fact that a housing application has been made.

Where no Key Worker has been identified and the circumstances of the case are similar in other respects to that outlined above, it may be useful to check if the person is known to Health and Social Services and to obtain any relevant details of their needs and abilities. It would, however, be unusual for someone with such significant needs not to be known already to Health and Social Services. Where such a situation occurs the Assessing Officer will first need to investigate the Applicant's own opinion of his / her needs in detail.

Other cases may also arise where a Designated Officer considers it necessary to make contact with Health and Social Services personnel, as a result of the housing solutions interview or housing needs assessment, because he / she has been unable to carry out an accurate assessment on any of the matrices, e.g. where the Applicant suffers from dementia.

#### **3.17 FUNCTIONALITY: RULE 37**

The aim of the Functionality Assessment is to assess an Applicant's ability to manage within his / her existing accommodation, taking account of their level of independence / dependency on others.

##### **3.17.1 FUNCTIONALITY MATRIX**

All Applicants, and / or members of the Applicant's household, who have any measure of physical incapacity and whose current housing is affecting this, will be pointed on a Functionality Matrix (see Appendix 3.3). As a general rule, a matrix for children with functional difficulties can be completed from the age of 2 years plus as this is the age at which a child would normally be able to confidently walk etc. unaided.

The scores from any two matrices will be converted into points on the housing or transfer application. Where there are more than two persons in the Applicant's household with functionality needs then the two highest scoring matrices should be used for this purpose. The matrix that achieves the highest score will be treated as the first or main matrix for assessment purposes (see also Unsuitable Accommodation points, para.3.19).

There are 3 key elements to be considered within the Functionality Matrix:



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(i) **The Applicant's general mobility within their existing living accommodation:**

The Applicant is scored on their level of independence / dependency on others, based on whether he / she can walk unaided, uses a walking aid or uses a wheelchair in their accommodation.

A person being assessed on the matrix will be considered across one row only in this section, (1a, 1b or 1c), e.g. "uses walking aid".

(ii) **Internal factors within the Applicant's existing living accommodation:**

The Applicant is scored on their level of independence / dependency on others, based on the need to climb stairs within the accommodation e.g. to access the w.c. or bedroom, or where it is deemed as part of the assessment that the Applicant must climb the stairs for another genuine and pressing reason.

Points will also be awarded where difficulties exist for applicants with access to the w.c. or bedroom e.g. where there is a w.c. on the ground floor but the doorway is too narrow to be accessed by a wheelchair user.

An Applicant being assessed on the Functionality matrix will be considered across both rows (2 & 3) in this section.

(iii) **External factors at the Applicant's existing accommodation:**

The Applicant is scored on their level of independence / dependency on others, based on difficulties experienced in negotiating external steps in the accommodation that he / she must use, or in negotiating a steep approach to the accommodation.

An Applicant being assessed on the matrix will be considered across both rows (4 & 5) in this section.

A more detailed Functionality Matrix is available which provides more information on each Category as described above (see Appendix 3.4).

**NOTE:** The actual score(s) on the matrix (matrices) will be added to the Applicant's points total.

### 3.17.2 FUNCTIONALITY MATRIX ITEMS / DEFINITIONS

**Mobility within existing living accommodation - (one category only will be selected).**

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For the purposes of this section the term “living accommodation” refers to the part of a dwelling in which the Applicant could normally be expected to reside i.e. the internal / external stairs to an upper flat / maisonette will not be considered to be part of the “living accommodation” and should be considered as an External Factor when completing a Functionality Matrix.

#### **Line 1a Walks without aid:**

An Applicant who does not need to use a walking aid to function within their existing living accommodation.

#### **Line 1b uses a walking aid:**

An Applicant who needs to use some form of walking aid to function within their existing living accommodation, e.g. walking frame or walking stick.

#### **Line 1c Uses wheelchair:**

An Applicant who is wheelchair bound or who needs to use a wheelchair in order to move around within their existing living accommodation.

#### **Internal Factors - (select any that apply):**

##### **Line 2 Climbing existing stairs within the living accommodation (to access w.c.) or access to w.c.:**

This relates to the Applicant’s ability to climb the stairs in order to access the w.c. or, where the w.c. is on the same level as the main living area i.e. the Applicant does not need to climb stairs to reach the w.c., the Applicant’s ability to physically access the w.c. (e.g. a wheelchair user where there is physically no room to manoeuvre the wheelchair into or within a level access w.c.).

##### **Line 3 Climbing existing stairs within the living accommodation (to access bedroom) or access to bedroom:**

This relates to the Applicant’s ability to climb the stairs in order to access his / her bedroom or, where the bedroom is on the same level as the main living area i.e. the Applicant does not need to climb stairs to reach the bedroom, the Applicant’s ability to physically access the bedroom (e.g. a wheelchair user where there is physically no room to manoeuvre the wheelchair in a level access bedroom).

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Points will be awarded against lines 2 and / or 3 above where the Applicant, or a member of the Applicant's household, has difficulty accessing the w.c. or bedroom. The points will be awarded where the difficulty experienced is because the w.c. or bedroom are upstairs and the Applicant has difficulty managing the stairs, or where these facilities are not accessed by stairs and the Applicant experiences some other difficulty.

#### **External Factors - (select any that apply):**

##### **Line 4      Negotiating external steps:**

The Applicant must negotiate 2 or more external steps when going in or out of their existing living accommodation.

**NOTE:** For the purposes of this assessment, the internal / external flight of stairs to an upper flat or maisonette will also be considered to be external steps

##### **Line 5      Negotiating steep approach:**

The Applicant must negotiate a steep approach to their existing accommodation.

#### **Dependency Level - Definitions**

- (i) Independent (I)** - An Applicant who is able to function without any need for assistance. For example a wheelchair user who is able to manage in their accommodation without assistance from another person.
- (ii) Needs help / with difficulty (H)** - An Applicant whose ability to function is restricted to some degree. Examples of this include persons who need some level of supervision or assistance to walk to other rooms in the accommodation or to climb the stairs, or Applicants who find it difficult to carry out these sorts of activities due to some form of physical or other disability or frailty.
- (iii) Dependent on others (D)** - An Applicant who is completely dependent on others in order to function within the dwelling e.g. an Applicant who is dependent on others to lift them upstairs to their bedroom.

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**NOTE: An Applicant's dependency level may vary across the 5 matrix items.**

When scoring the matrix, Designated Officers should be aware that an Applicant might fall under different dependency headings for different elements of the matrix e.g. an Applicant using a wheelchair may be considered as "Independent" with respect to mobility / functionality (subject to their individual circumstances) within their home and as "Dependent on Others" when it comes to internal factors such as access to the bedroom. Similarly the availability and capability of the Applicant to use other aids will determine whether he / she falls within the category "Independent", "Needs Help" or "Dependent on Others". Using the previously mentioned example for instance, if the wheelchair user cited becomes able to access his / her bedroom by him / herself as a result of the installation of a vertical lift, then that Applicant will be considered to be "Independent" in respect of the Internal Factor – "climbing existing stairs, or access to bedroom".

#### **3.17.3 FUNCTIONALITY ASSESSMENT: GENERAL**

Designated Officers should also be conscious that an Applicant's functional ability might be impaired as a result of a mental health problem e.g. depression affecting the motivation to function within the accommodation, as well as more obvious physical disability or frailty.

In more serious cases, it may not be reasonable for the Applicant to continue to occupy their current accommodation and it may be necessary to initiate a homelessness investigation.

Details of any disabilities or serious illnesses which affect the Applicant's or members' of the Applicant's household's, functional abilities should be noted.

When a Functionality Assessment is to be carried out the Designated Officer should not normally contest the Applicant's view of his / her circumstances, other than where there is an obvious inaccuracy e.g. over the physical characteristics of the accommodation or the general mobility of the Applicant.

The Designated Officer should consider the possibility that a Functionality Assessment could be required as part of any housing application, even though no indication of this may have been given by the Applicant on his / her application. Accordingly, the Designated Officer should visit and take

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account of the design, layout and location of the Applicant's accommodation, medical equipment and aids, and of the Applicant's apparent functionality at all stages of the assessment.

Where the Applicant advises that he / she has difficulty or needs help to manage within the accommodation and its immediate vicinity, then the nature and extent of this should be recorded appropriately. Where an Applicant requires some help from another person or is dependent on others, details of who provides the help and what form the help takes should also be recorded appropriately.

**Applicants should never be requested to provide any medical evidence to support their application but, should such evidence be presented, it should be taken into account during the assessment. In order to comply with GDPR staff must not request, record or photograph information relating to prescribed medication. Asking for copies of or retaining this information is a breach of GDPR.**

All factors affecting the Applicant should be recorded on the matrix and keyed onto **HMS** The maximum score that can be reached on any one Functionality Matrix is 32.

When assessing an Applicant and using the matrix, Designated Officers should also give consideration as to whether a homelessness investigation should be initiated. In deciding whether a homeless case should be initiated because of the severity of the Applicant's functional ability, the Designated Officer should consider the Applicant's complete housing circumstances and how reasonable it would be for the Applicant to remain in his / her current accommodation. A homelessness investigation should be initiated where any such doubt exists.

### 3.18 GROUND FLOOR ACCOMMODATION

A distinction must be made between those applicants who have a *need*, and those who have a *preference*, for ground floor accommodation.

Applicants who indicate that they wish to be housed in ground floor accommodation should be asked for reasons for this. Where it is simply a matter of preference, the Applicant should be advised that their request for ground floor accommodation will be noted, and a comment should be recorded on **HMS**.

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The Applicant should also be advised that, as offers of accommodation are made on the basis of need, they will also be considered for non-ground floor accommodation. Where the Applicant wishes to be considered for ground floor accommodation only, then the Waiting List comment should also reflect this. In both instances the housing needs assessment will reflect that ground floor accommodation *is not required*.

Where the Applicant indicates that he / she has a requirement to be re-housed in ground floor accommodation, the reasons for this should be recorded appropriately on the file. A determination will then have to be made as to whether the Applicant should be recorded on the Waiting List as needing ground floor accommodation. A general guideline as to when an Applicant needs ground floor accommodation will be where he / she, or a member of their household, scores 6 or more points on the Functionality Matrix. Applicants awarded points for Unsuitable Accommodation should also be considered for ground floor accommodation.

Exceptionally there may be occasions where a genuine need for ground floor accommodation exists and the Applicant, or member of the Applicant's household, does not score 6 points or more on the Functionality Matrix. In such cases Designated Officers, having regard to the Applicant's particular circumstances and any available supporting information, will use their discretion in agreeing the need for ground floor accommodation.

Where an Applicant scores sufficient points on the Functionality Matrix to warrant ground floor accommodation, but indicates that he / she only has a preference for non-ground floor accommodation, he / she should be advised that any offers are made on the basis of need, and the housing needs assessment should reflect the type of accommodation required.

Exceptionally there may be occasions where Designated Officers consider that non ground floor accommodation, but with ground floor facilities (ground floor w.c./bathroom) is suitable. Designated Officers should use their discretion as to the "type of accommodation required" to be keyed, and a qualifying **Notepad** Comment must also be recorded on **HMS**.

#### 3.19 UNSUITABLE ACCOMMODATION POINTS: **RULE 38**

There are only 2 situations in which an Applicant will be awarded Unsuitable Accommodation points and they are as follows:

##### a) **SYSTEM GENERATED POINTS**

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An Applicant will be entitled to an award of Unsuitable Accommodation points where a second person in his / her household scores 6 or more points on the Functionality Matrix. In such cases, these points will be awarded automatically by **HMS** when the matrices are keyed.

#### **b) USER GENERATED POINTS**

An Applicant will be entitled to an award of Unsuitable Accommodation points where the Applicant, or a member of his / her household, has difficulty gaining access to the accommodation which is above ground floor level and is not served by a lift. In such cases it will be necessary for the Manual award of 'Unsuitable Accommodation' to be keyed on the circumstance table on HMS.

**Only Applicants living in accommodation which is above ground floor i.e. upper flat or maisonette, should have these points awarded on a manual basis.**

#### **3.19.1 NUMBER OF POINTS**

Ten points will be awarded where Unsuitable Accommodation points are applicable.

### **3.20 SUPPORT / CARE NEEDS: RULES 36 & 39**

#### **3.20.1 SUPPORT / CARE NEEDS ASSESSMENT**

If, in the opinion of the Designated Officer, an Applicant or a member of the Applicant's household, has support or care needs, his / her self-care and home management needs will be assessed using a Support / Care Needs Matrix (see Appendix 3.5). Applicants are requested to provide particulars of any such needs during the housing solutions interview or housing needs assessment. **A Support / Care Matrix should be completed in all cases where such needs have been identified, irrespective of the Applicant's choice of accommodation. This will enable Designated Officers to build up an overall picture of the Applicant's circumstances.**

The points scored from this assessment will only be added onto the Applicant's total point's score where the Applicant is specifically seeking re-housing in a Sheltered / Supported housing scheme (Rule 36). Where this is the only choice, it should be clearly indicated as a "Y" and keyed to **HMS**.

Where an Applicant is not seeking Sheltered / Supported housing only, or has a second preference which is not for Sheltered / Supported housing,

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then the points will not be awarded and it should be clearly indicated as an “N” and keyed to HMS.

**Although the points will not be added to the Applicant’s points total, the details contained on the completed Support / Care Matrix should always be keyed.**

Applicants requiring support / care will, by definition, be vulnerable and their support / care needs may vary widely from case to case. The Designated Officer’s approach to information gathering when carrying out the assessment will therefore need to take account of this. When assessing support / care needs the Designated Officer will need to determine the precise nature of the support / care required by the Applicant, and how and by whom this is delivered. Designated Officers will also need to be aware that there may be gaps in the information given by the Applicant because of certain conditions e.g. mental illness, addiction, dementia etc.

### 3.20.2 SUPPORT / CARE NEEDS MATRIX

Points are awarded on the matrix to Applicants who have self care needs and / or home management needs, based on the level of support that they require. These points will be awarded on the basis that the need exists, irrespective of whether or not the Applicant’s needs are currently being met by other individuals in his / her current accommodation.

Applicants requiring assistance with self-care and / or home management will be considered in one of two categories for each individual need identified. This will be either as needing help to complete the specified task, or as being incapable of managing the task and being fully reliant on another person to carry it out. Where no assistance is required in managing a task, nothing should be recorded on the matrix against that task.

**Although more than one person in the Applicant’s household may have self-care and / or home management needs, the scores for one matrix only will be added to the total points score. The highest scoring Support / Care matrix will be used for this purpose. Details of any other matrices will be retained and stored appropriately.**

### 3.20.3 SUPPORT / CARE NEEDS MATRIX: ITEMS / DEFINITIONS

#### a) SELF CARE NEEDS ASSESSMENT

This section of the Support / Care Needs matrix looks at how much assistance an Applicant needs to manage personal tasks.



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It is important to note that where a mechanical aid / device has been provided / installed that enables the Applicant to carry out the task **independently**, no points will be awarded under that category.

#### **Dress / Undress:**

1. **Needs Help (H):** Applicant can only partially dress / undress themselves e.g. they may need help tying laces, fastening buttons.
2. **Cannot Do (C):** Applicant is totally dependent on others to get dressed / undressed.

#### **Get in / out of bed:**

1. **Needs Help (H):** Applicant can get in / out of bed with some help from another person.
2. **Cannot Do (C):** Applicant is totally dependent on others to lift them in / out of bed.

#### **Get on / off toilet:**

1. **Needs Help (H):** Applicant able to get on / off the toilet with some help from another person.
2. **Cannot Do (C):** Applicant is totally dependent on others to lift them on / off the toilet.

#### **Get in / out of bath or shower:**

1. **Needs Help (H):** Applicant able to get in / out of the bath / shower with some help from another person.
2. **Cannot Do (C):** Applicant is totally dependent on others to get them in / out of the bath / shower.

#### **b) HOME MANAGEMENT NEEDS ASSESSMENT**

This section of the Support / Care Needs matrix looks at how much assistance an Applicant needs to carry out basic household tasks.

#### **Light fire / manage heating system:**

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1. **Needs Help (H):** Applicant needs some help from another person to manage / operate the heating system e.g. can set and light the fire, but cannot clear out / remove the ashes.
2. **Cannot Do (C):** Applicant is totally dependent on others to operate the heating system.

### Do heavy household duties:

1. **Needs Help (H):** Applicant can manage to carry out light household duties e.g. dusting, but needs help from another person to carry out heavier tasks e.g. vacuuming, window cleaning, bed making etc.
2. **Cannot Do (C):** Applicant is unable to carry out any heavy household tasks and is totally dependent on others to carry them out.

### Cook meals:

1. **Needs Help (H):** Applicant can participate in the planning and preparation of main meals but needs some help from another person to cook it.
2. **Cannot Do (C):** Applicant is totally dependent on another person to plan, prepare and cook their main meals.

### Make snacks:

1. **Needs Help (H):** Applicant can participate in the making of snacks e.g. cups of tea etc. but needs some help from another person.
2. **Cannot Do (C):** Applicant is totally dependent on another person to prepare and make him /her snacks.

### Do own shopping:

1. **Needs Help (H):** Applicant can participate in the shopping process but needs some help from another person to complete the task.
2. **Cannot Do (C):** Applicant is totally dependent on another person for their shopping.

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A more detailed Support / Care Needs Matrix is available which includes all the information above (see Appendix 3.6).

#### 3.20.4 SUPPORT / CARE NEEDS ASSESSMENT PROCEDURE

It will not be necessary to ask all Applicants questions about self-care or home management needs. It will only be necessary to do so when it has been indicated that such needs exist, or where it is evident arising from the housing solutions interview or housing needs assessment, that there is a need to pursue this matter further.

Where an Applicant indicates that he / she has support or care needs by answering the relevant questions during the assessment, it will be necessary to obtain some details of the nature and extent of these needs. Asking the Applicant “open” questions, in a sensitive manner, will assist the Designated Officer to determine the scale of the Applicant’s individual care needs and how these needs are currently being met. Where necessary, the Designated Officer should also vary the wording of the questions where he / she feels it may help the Applicant’s comprehension.

Questions should be put clearly so that there is no misunderstanding of what is being asked of the Applicant. However, because of the personal nature some of the questions and the vulnerability of the Applicants concerned, the questions should also be asked in a sympathetic manner. For instance it may be that an Applicant who was formerly able-bodied, and has now become disabled in some way, finds it difficult to accept that he / she has become dependent on others for help with what were previously simple tasks for them to perform. Conversely, other applicants may have an exaggerated view of their support / care needs.

Designated Officers will need to know who the carer or carers are, exactly what kind of care / support they provide, whether the Applicant needs the same level of care all the time or whether more support is needed at differing times and, if so, when and how regularly. Such details should be recorded and stored appropriately. Should no carer be available then the designated officer should discuss the potential for organising a referral to floating support services to be made available if they wish

All factors affecting the Applicant should be recorded onto the matrix and then keyed onto **HMS**, even if the Applicant is not specifically seeking Sheltered or Supported Housing. The maximum number of points that can be awarded on a Support / Care Matrix is 16 points for Home Management and 14 points for Self Care respectively.

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When assessing an Applicant using the Support / Care matrix, Designated Officers should also give consideration as to whether a homelessness investigation should be initiated. In deciding whether a homelessness investigation should be initiated because of the severity of the Applicant's support / care needs, the Designated Officer should consider the Applicant's complete housing circumstances and how reasonable it would be for the Applicant to remain in his / her current accommodation. A homelessness investigation should be initiated where any such doubt exists.

Following a Support / Care needs assessment, it may also be necessary to investigate any complex needs issues that may be evident, establish the most suitable housing option and a possible referral to the Area Housing Support officer. Staff should refer to Chapter 4 of the Housing Selection Scheme for Complex Needs Guidance.

### 3.21 SOCIAL NEEDS

The assessment of an Applicant's social needs is covered by **Rules 40 – 44**.

#### 3.21.1 GENERAL

Social and Environmental factors affecting the Applicant will be recognised by the award of points at an upper and lower level to reflect Primary Social Needs and Other Social Needs respectively (Rules 40 & 41).

An Applicant will be awarded 20 points for each Primary Social Need Factor and 10 points for each Other Social Needs Factor, for which they qualify.

Applicants **will not** be awarded points for *both* a Primary Social Needs Factor and the equivalent Other Social Needs Factor e.g. an Applicant who has been awarded Primary Social Needs points for harassment *will not* also be awarded Other Social Needs points for harassment.

#### 3.21.2 CAPPING OF POINTS: **RULE 42**

An Applicant may be awarded points for a combination of factors. These points, however, will be capped. Applicants may be awarded a maximum of two Primary Social Needs Factors and a maximum of four Other Social Needs Factors. However, all factors affecting the Applicant should be recorded appropriately and keyed, as **HMS** will automatically cap the award of points.

#### 3.21.3 PRIMARY SOCIAL NEEDS FACTORS (PSN): **RULE 43**

An Applicant will be awarded 20 points for each Primary Social Needs Factor that applies. The points for a maximum of 2 factors (i.e. maximum 40 points) will be added to an Applicant's total points score, but **all**

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relevant factors should be keyed to **HMS**. This will enable Designated Officers to build up an overall picture of the Applicant's circumstances.

Assessment of PSN points can be based on information received in writing or verbally from appropriate authorities and or organisations.

A record of any written reports should be recorded on the appropriate and relevant HMS 'Notepad' Tab.

Verbal Information received should be recorded on appropriate and relevant HMS 'Notepad' Tab and include the following;

1. The name and contact details of the person providing the information.
2. How the information was received i.e. through a meeting or telephone call.
3. All the relevant facts.

In all cases where Primary Social Needs points are being awarded, Designated Officers should consider the possibility that a homelessness investigation may be required if the individual circumstances of the case warrant such an investigation. If, however, an Applicant qualifies for any Primary Social Needs factors 1 – 7, **excluding PSN Factor 6**, he / she **must** be considered under the homelessness legislation. In relation to PSN 8 a Homeless assessment may be appropriate; see guidance below.

**Points must only be awarded for one of the first three Primary Social Needs factors.**

#### **PSN Factor 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.**

These points apply to violent circumstances which have occurred, or are occurring, in or around the Applicant's home. This may be physical, sexual, emotional or domestic in nature and includes physical assault, child abuse, terrorism, racism or sectarianism and other similar situations. In such cases it is not necessary for documentary evidence to be produced by the Applicant. Confirmation may be based on the facts presented by the

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Applicant, confirmed by interview or visit (if possible), or on the basis of a report from Social Services, the Police or a Care agency.

Subject to certain criteria, Applicants awarded points for this Primary Social Needs Factor **may** also be eligible for Intimidation points (see para.3.3).

All Applicants awarded points for this Primary Social Needs Factor **must** be referred to the Housing Executive for consideration under the homelessness legislation and for referral to temporary accommodation if required. Applicants claiming domestic violence should discuss the option of referrals to Women's Aid Refuges, or other such agencies, in particular with the designated officer.

#### **PSN Factor 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 Rule 23) are not met).**

This award should only be given where the harassment being experienced results in the Applicant fearing that actual violence will occur. Where the Applicant is claiming that he / she, or a member of the household, is experiencing harassment and is in fear of actual violence, then verification will be needed. Such evidence may be supplied from the Police or other statutory or voluntary bodies involved with, or representing, the Applicant.

An example is where there has been harassment or persecution suffered by the Applicant and he / she is afraid of actual violence occurring and where, for example, the Police confirm the harassment and the Applicant's fears, but do not feel that there is a likelihood of actual violence taking place.

Points will only be awarded for this Primary Social Needs Factor in cases where the Applicant's circumstances are such that they do not warrant the award of Intimidation points (see para.3.3).

Applicants who are awarded points for this Primary Social Needs Factor must also be referred to the Housing Executive for investigation under the homelessness legislation.

#### **PSN Factor 3**

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**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.**

These points may be awarded where the Applicant or a member of the Applicant's household, is experiencing or has experienced fear of violence (which may not have been preceded by any instances of harassment) and where the Applicant is afraid to remain in his / her current accommodation.

Verification is required for the award of these points. For example this award may be made where there is / has been a perceived threat of actual violence against the Applicant because of his / her religion, race, sexual orientation, medical condition or other reasons and there are recorded incidents or other evidence to indicate the perception of the threat is legitimate. .

This category will include Applicants who will have moved or will need to move quickly because of their fear of actual violence occurring. The absence of any readily available confirmation from the Police, Victim Support and any other statutory or voluntary bodies should not influence the need to offer temporary accommodation or the award of Primary Social Needs points.

Points will only be awarded for this Primary Social Needs Factor in cases where the Applicant's circumstances are such that they do not warrant the award of Intimidation points (para.3.3).

Applicants who are awarded points for this Primary Social Needs Factor **must** also be referred to the Housing Executive for investigation under the homelessness legislation.

### **PSN Factor 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.**

This award may apply to an Applicant or a member of the Applicant's household who is experiencing or has experienced distress / anxiety due a recent traumatic event, within the last 6 months (or 12 months exceptionally). The event will normally have been of a violent nature e.g.

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the Applicant has witnessed a murder or suicide, or has witnessed or been the victim of a rape, sexual assault or physical assault causing serious injury in his / her current accommodation or the immediate surroundings, and where re-housing is likely to alleviate the associated distress / anxiety.

Applicants who are awarded points for this Primary Social Needs Factor **must** also be referred to the Housing Executive for investigation under the homelessness legislation.

#### **PSN Factor 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.**

In this case, verification is required from Social Services to confirm that re-housing will prevent the Applicant or a member of the Applicant's household going into care.

Applicants who are awarded points for this Primary Social Needs Factor **must** also be referred to the Housing Executive for investigation under the homelessness legislation.

#### **PSN Factor 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.**

In this case, verification is required from Social Services to confirm that re-housing is required to enable the Applicant or a member of the Applicant's household to become, or continue to be, a foster parent.

#### **PSN Factor 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.**

Where an Applicant with dependent children (see 3.11) is forced to live apart because of overcrowding or just cause i.e. family quarrels (where the situation has / had reached an intolerable level to the point that there is / was a complete breakdown in communications or an unrealistic set of



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conditions placed on the Applicant), Designated Officers may award the above level of Primary Social Factor points. These points will not apply, however, where the applicant has children that are not dependent on them i.e. the arrangement is one of access only.

Such points must not be awarded where the separation is deliberate and designed to gain the additional point's award.

It is recommended that visits should be completed in all cases where PSN Factor 7 points are being considered which will allow the Designated Officer to verify any information provided by the applicant in respect of the family's circumstances and to satisfy themselves that the family is living apart. In any cases where a visit is not carried out; good reason for this should be recorded. In determining whether the points under PSN Factor 7 should be awarded, information gathered following any visits and any further supporting evidence, e.g. from a Health Visitor, Support Worker or Social Services should also be taken into consideration.

#### **Application of 'no detriment' policy**

An Applicant should not be awarded points for mutually exclusive circumstances simultaneously on their assessment (i.e. points for a child living in overcrowded conditions with the applicant and PSN 7 points for the same child not being able to share/having to live apart).

The policy of 'no detriment' will apply to those Applicants with Full Duty applicant status (staff should refer to Chapter 3.4.3 for further guidance). Following an award of PSN Factor 7 points, the applicant's circumstances should be updated and assessed according to the facts presented. *It is important to note that the applicant's total points should not decrease.*

#### **Example A:**

Applicant 'A' is a single parent with 1 child, who has been awarded FDA status along with 10 overcrowding and 40 sharing points (under band F) in their current accommodation as they are staying with a single relative in their two bedroom property. Due to overcrowding and tensions in the accommodation, the child has to leave to stay with A's other relative. The Advisor conducts a visit and obtains supporting information from social services which verifies same. In this scenario, 'A' will be awarded 20 points

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under PSN 7, however due to a change in the overcrowding in the current accommodation, 'A' is no longer entitled to 10 overcrowding points. Furthermore, 'A's sharing points would potentially decrease from 40 points to 20 points as 'A' is now entitled to sharing points under band A, rather than band F. Accordingly, based on the change of circumstances, 'A' would have a potential decrease of 30 points in sharing and overcrowding, and an increase of 20 points for PSN Factor 7. Given that this would result in an overall reduction in total points, the sharing and overcrowding points should remain as is, PSN Factor 7 should **not** be keyed, and a note on the case should be recorded to reflect this. 'A's points cannot decrease due to the 'no detriment' policy, therefore, in this example, the total points would remain the same.

#### **Example B:**

Applicant 'B' is a couple with 3 children who have been awarded FDA status along with overcrowding and sharing points in their current accommodation. The family receive 20 points for overcrowding and 40 points for family sharing. They have a three bedroom entitlement and are sharing a single friend's two bedroom property. One of their children goes to stay with a grandparent. Without this child they have a two bedroom need. Following the applicable checks and receipt of supporting information, this information is verified. 'B' would still be entitled to family sharing points, however overcrowding points would have to be reassessed and will reduce by 10 points. PSN Factor 7 points would be applicable in this case with an award of 20 points, therefore their total points would increase by 10 points reflective of their current circumstances. In this scenario 10 of the overcrowding points should be removed and the 20 points for PSN Factor 7 awarded and notes detailing this placed in the system. This example illustrates that under the 'no detriment' policy overall points award cannot decrease but may increase.

#### **Example C:**

Applicant 'C' is a family unit with 4 children who apply from their own two bedroom accommodation. They are awarded FDA status and are assessed as having a four bedroom need as one of the children cannot share a bedroom. Their current accommodation is assessed as being 2 bedrooms less than their requirements, therefore 20 overcrowding points have been awarded at their initial assessment. In this instance, no sharing points are

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applicable as they are residing in their own accommodation. One child from the household moves out to share elsewhere in order to ease overcrowding, leaving the parents, two children who can share a bedroom and one child who cannot. Supporting information is obtained to verify this change in circumstances. In 'C's case, PSN Factor 7 may be considered but the overcrowding points should be reduced by 10 if the decision is made to award PSN Factor 7 points. Therefore the total points would increase by 10 points, rather than 20 points, which would be the case if PSN Factor 7 was awarded without a reduction in the overcrowding award. Notes detailing this must be placed in the system. As above, this example illustrates that under the 'no detriment' policy overall points award cannot decrease but may increase.

#### **Example D**

The same principles should be applied to any cases where PSN 7 is awarded before the applicant subsequently moves into shared accommodation. For example, applicant "D" is a single mother with 4 dependent children residing with her in her 2 bedroom accommodation and 1 dependent child ("E") residing with a relative. They are awarded FDA status and assessed as having a four bedroom need, including the absent child, and a three bedroom need without the absent child. No sharing points are applicable but following all necessary investigations 10 overcrowding points and 20 PSN 7 points have been awarded. Applicant "D" is then forced by circumstances and through no fault of their own to move in a sharing situation with the single relative who already had one of her dependent children living with them. This reunites the entire family in the relative's two bedroom property. When (re)assessed the family are now entitled to 40 sharing points alongside 30 points for overcrowding in their new accommodation. 10 of these overcrowding points include being a bedroom short for child (E). However as the family are all back living together the 20 PSN points for children living apart would no longer be applicable if assessed purely on their current circumstances. However, the policy of no detriment still applies. As a consequence then no overcrowding points should be awarded in respect of child (E) only rather, the 20 PSN 7 points should be retained on the application and a note keyed on to the system to this effect. Overcrowding points will however be awarded for all other family members i.e. 20 points.

Applicants who are awarded points for this Primary Social Needs Factor

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**must** also be referred to the Housing Executive for investigation under the homelessness legislation.

#### **PSN Factor 8**

**In circumstances analogous to those listed at 1) to 7) above.**

An award of Primary Social Needs Factor points may be made where the Applicant has a similar urgent social need not covered in the above list. The Designated Officer will make the award of such points in this category, in addition to any other points.

As with other Primary Social Needs Factors, supporting evidence and the reasons for the award of points should be clearly stated and recorded appropriately as part of the housing needs assessment.

Where these points are awarded, Designated Officers may consider that a homelessness investigation is required, depending on the circumstances pertaining to each individual case.

#### **3.21.4 OTHER SOCIAL NEEDS FACTORS (OSN): RULE 44**

An Applicant will be awarded 10 points for each Other Social Needs Factor that applies. The points for a maximum of 4 factors (i.e. maximum 40 points) will be added to an Applicant's total points score, but **all** relevant factors should be keyed to **HMS**. This will enable Designated Officers to build up an overall picture of the Applicant's circumstances.

Applicants **will not** be awarded points for both a Primary Social Needs Factor and the equivalent Other Social Needs Factor e.g. an Applicant who has been awarded Primary Social Needs points for harassment **will not** also be awarded Other Social Needs points for harassment.

The reasons for the award of these points should be based on the facts presented by the Applicant, confirmed by interview or visit, and recorded as part of the record of housing needs assessment.

Other Social Needs Factors 11 - 14 are area-based factors i.e. Designated Officers must consider individually whether these points apply to the Applicant's , area(s) of choice with reasons recorded as part of housing needs assessment. Please note: OSN 17 can be either area based or ordinary depending on which OSN Factor it is analogous to.

Other Social Needs points will be awarded in the following circumstances: -

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#### **OSN Factor 1**

**Where the Applicant or a member of the Applicant's household, is experiencing or has experienced neighbour disputes and re-housing is likely to resolve the situation.**

Points will be awarded for the above category in situations where there is an unresolved, long running neighbour dispute and where, in the opinion of the Designated Officer, re-housing is likely to result in a solution to the dispute. If there is any harassment, fear or risk of violence, or actual instance of violence, the Applicant should first be considered for the relevant Primary Social Needs Factor, and a homelessness investigation should be initiated where applicable.

Designated Officers should refer to records of such neighbour disputes and any other local knowledge.

#### **OSN Factor 2**

**Where the Applicant, or a member of the Applicant's household, is experiencing or has experienced harassment but there appears to be no fear of actual violence.**

Such points may be awarded where the Applicant, or a member of the Applicant's household, is being harassed on a continual basis but there does not appear to be any threat or fear of violence which would warrant the award of points as a Primary Social Needs Factor. Situations where this award of points may be considered are where the Applicant is being subjected to verbal abuse or bogus calls, or where an elderly or vulnerable person is suffering persecution by youths.

No verification is required for points to be awarded in this category but Designated Officers may refer to local knowledge, complaints and any other transfer or housing applications from neighbours etc.

#### **OSN Factor 3**

**Where the Applicant or a member of the Applicant's household, is experiencing or has experienced burglary or vandalism and there is an inability to cope at his / her current accommodation.**

Points may be awarded where the Applicant is or has been subject to crime or vandalism at his / her current accommodation or in immediate

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vicinity, and where the Applicant feels unable to continue to cope at this address as a result. Designated Officers should take into account the area in which the Applicant is living and his / her ability to deal with any such incidents.

Police confirmation or other reasonable evidence of the burglary or vandalism will be required.

#### **OSN Factor 4**

**Where the Applicant, or a member of the Applicant's household, has been awarded staying or weekend access to dependent children and his / her current accommodation is unsuitable to facilitate this access.**

These points will **not** apply to applicants in priority need due to having dependent children (3.11) but only to those with staying or weekend access to children from a previous relationship.

For those applicants in priority need due to having dependent children, PSN Factor 7 (see 3.21.3) will apply where the family is living apart.

Supporting Evidence is required to confirm the agreed access to children from a previous relationship e.g. copies of the relevant Court papers or confirmation of such arrangements from the Applicant's solicitor. Where arrangements for access have been agreed between the concerned parties without recourse to the legal process, points may be awarded where there is other reasonable supporting evidence e.g. written statements from both parties (see 3.11).

#### **OSN Factor 5**

**Where the Applicant's current accommodation is too expensive.**

These points will be awarded where the Applicant can show that he / she is unable to meet the housing / heating costs of his / her current accommodation i.e. rental payments, mortgage payments, Housing Executive district heating costs or housing association fixed heating and hot water charges.

These points will not be awarded, however, where the Applicant is having difficulty meeting the maintenance upkeep of the accommodation - this is considered under OSN Factor 6.

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For Private Sector tenants, these points may be awarded where, for example, the eligible rent used for assessing the Applicant's Housing Benefit entitlement fails to meet the full rental charge, thus rendering the Applicant unable to pay their rent and rates and resulting in arrears accruing. The award does not apply where full Housing Benefit is not received due to non-dependant charges, or where a tenant advises they had checked the NIHE website for the LHA amount and was aware that there would be a shortfall in Housing Benefit, prior to tenancy commencement.

For Owner-Occupiers, these points may be awarded where, for example, the Applicant is in Financial Hardship. Where such an Applicant is being forced to sell their home, they should also be considered for Insecurity of Tenure /Other Homeless points (see Chapter 3.5.2 (b)).

For Public Sector tenants, these points may be awarded where, for example, a tenant is unable to meet the heating / hot water charges or district heating charges, and arrears are accruing.

In all cases the Designated Officer must be satisfied that the Applicant cannot meet the relevant costs and that arrears may accrue. Examples of evidence required to support an award of points may include proof of arrears of rent / mortgage arrears accruing due to the Housing Benefit level in payment, district heating charges / arrears etc.

#### **OSN Factor 6**

**Where the Applicant and member(s) of the Applicant's household are unable to maintain their current accommodation.**

These points may apply where, in the opinion of the Designated Officer, the Applicant's current accommodation (including the curtilage / garden) is either too expensive or too difficult or too large to maintain to a reasonable standard of repair.

Points may be awarded, for example, where the Applicant is elderly or disabled or frail, the accommodation occupied is much larger than is required, and the Applicant is on a low income such as social security benefits, (including Housing Benefit), retirement pension etc. Points may also be awarded where a property is falling into disrepair i.e. qualifies for any Lack of Amenities points, and the Applicant is unable to afford to maintain it.

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These points will not apply to Housing Executive or housing association tenants, where maintenance is normally the responsibility of the landlord, except in exceptional circumstances. Such circumstances may arise where, for example, the garden (which is the responsibility of the tenant) is too large to maintain and the tenant is elderly / disabled / frail and on a low income, and there are no other household members who can afford / carry out the necessary work.

### **OSN Factor 7**

**Where a member of the household, who will not be moving with the Applicant, has a medical condition which is exacerbated by having the Applicant(s) in his / her home.**

These points may be awarded where, in the opinion of the Designated Officer, the Applicant is living with another person who wishes to remain in the accommodation, but who has a serious or terminal illness which is being aggravated by the Applicant continuing to live there.

These points should not be awarded to any Transfer cases as vacant possession of the property will be required if an offer of alternative accommodation is accepted.

### **OSN Factor 8**

**Where the Applicant, or a member of the Applicant's household, has experienced recent bereavement in his / her current accommodation and requests re-housing and the same is likely to be beneficial.**

This award of points may be awarded where the Applicant has suffered stress associated with a recent bereavement (within the last six months) and there is a strong association of the bereavement with the current accommodation. In addition, it must be the opinion of the Designated Officer that re-housing is likely to help the Applicant come to terms with the bereavement. For example, the death of a household member who had been nursed at home following a long-term illness.

There is no requirement for formal verification of the bereavement. Points may be awarded on the basis of local knowledge and any other information available.

### **OSN Factor 9**



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**Where the Applicant is unable to reside with his / her partner for reasons beyond their control and there are no dependent children.**

Where the Applicant is forced to live apart from his / her partner because of overcrowding or other just cause, e.g. family quarrels, Designated Officers may award the above level of Other Social Factor points. Such points must not be awarded where the separation is deliberate and designed to gain the additional point's award. Designated Officers should consider carrying out home visits to both addresses to satisfy themselves that the Applicant is living apart from his / her partner.

### **OSN Factor 10**

**Where the Applicant or a member of the Applicant's household is socially isolated in their current accommodation and re-housing would be of clear benefit to him / her.**

Points may be awarded where, in the opinion of the Designated Officer, the Applicant is living in social isolation, e.g. is unable to regularly get out of his / her current accommodation because of its location (and there is no suitable transport available), or there is a genuine inability to leave the accommodation for some other reason. These points will also apply where the Applicant is isolated due to a terminal illness or a serious long term illness which has forced him / her to remain in the current accommodation and where they are unable to communicate / mix with others. Elderly or vulnerable Applicants suffering loneliness due to extreme isolation may also be awarded points in this category.

Designated Officers should take into consideration the following factors: access to and frequency of transport; proximity to amenities; need to be near services; any disabilities or vulnerability.

In all cases where points are awarded for this factor it must be clear that re-housing would help alleviate the Applicant's social isolation.

### **OSN Factor 11**

**Where the Applicant needs to move to take up a new job or a full time course of study and he / she does not reside within reasonable travelling distance.**

Note: This is a preference- based OSN Factor.

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These points will be awarded where the Applicant has changed his / her employment, or is taking up employment or a full time course of study, and does not reside within reasonable travelling distance from his / her new place of work or education. As a general rule, such Applicants must reside 20 or more miles from their place of work or education to qualify. Exceptionally, where the travelling distance is less than 20 miles, these points will apply where the Applicant can demonstrate that he / she is experiencing excessive travelling difficulties e.g. where the Applicant is obliged to use public transport which is unable to deliver him / her at their destination on time or which it would be unreasonable to expect the Applicant to use.

For the purposes of this assessment, a full time course of study is defined as being one of 16 hours (or more) per week duration, which lasts for 52 weeks or more.

In addition, the “distance from work” rule (20 + miles) will be waived where the Applicant’s conditions of employment, or nature of occupation, require him / her to live close to his place of work. Applicants who provide some special or much needed service to the community that necessitates them living in the relevant area will normally also qualify under this provision.

Verification of his/her employment or course of study is required along with the distances involved and the travelling difficulties experienced. This verification can be taken verbally or in writing from the new employer or place of study. Where verbal verification is obtained, all the relevant detail should be recorded on the appropriate and relevant notes tab in HMS.

#### **OSN Factor 12**

##### **Where the Applicant needs to live in area to receive or give support.**

Note: This is a preference - based OSN Factor.

Points will be awarded where the Applicant can demonstrate that there is a need for him / her to move to *another* area in order to provide support to, or receive support from, another person e.g. moving closer to a frail or elderly person in order to provide support.

Designated Officers will need to consider various factors when deciding whether or not a move is required e.g. the nature of the support, who is best placed and willing to provide it, the physical distance that the

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Applicant would have to travel, and the corresponding level of difficulty that would be experienced by the Applicant if a move closer was not made.

Designated Officers will need to verify with the second party involved that support is given / received, or will be, once a move has occurred.

Applicants moving within the same locality should not be awarded these points, as this OSN is there to recognise an unmet housing need.

#### **OSN Factor 13**

**Where the Applicant needs re-housing to be near to family for the provision of child-care to assist employment.**

Note: This is a preference - based OSN Factor.

Points may be awarded to Applicants who wish to move closer to family so that the Applicant may actively seek work or take up an offer of employment.

Designated Officers will need to verify with the second party involved that arrangements for child-care are, or will be, put in place. Confirmation that the Applicant will be taking up employment, or acceptable proof that he / she is actively looking for work, will also be required. This verification / proof can be obtained either verbally or in writing. Where verbal confirmation is obtained, the relevant details should be recorded in the notes tab on HMS.

#### **OSN Factor 14**

**Where the Applicant needs to move to be near hospital, day centre, specialised unit of education or other essential facilities which would be of clear benefit to the Applicant or a member of the Applicant's household.**

Note: This is a preference - based OSN Factor.

Where the Applicant wishes to move closer to a particular facility, points will only be awarded where a need for such a move can be identified and where there would be a clear benefit to the Applicant. Designated Officers should consider a range of factors when determining if a genuine need exists e.g. the distance from the Applicant's current home, his / her age and disabilities (if any), the difficulties that he / she is experiencing in

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travelling to the facility concerned and the frequency and duration of appointments.

Evidence (verbal or written) to confirm that the Applicant *needs* to be closer to the facility will be required e.g. a recommendation from Health and Social Services. Verification should be recorded and stored appropriately.

#### **OSN Factor 15**

**Where alternative accommodation is recommended by Social Services to meet the specific needs of the Applicant or a member of the Applicant's household because:**

- a) an extra room is needed for specialist medical equipment, or**
- b) an additional room is needed to accommodate a live-in carer, or**
- c) the Applicant's current accommodation is particularly unsuitable.**

When considering awarding points in this category, a recommendation from Social Services **will** be required. This recommendation can be taken either verbally or in writing and all relevant information should be recorded in the notes tab on HMS. In the case of c) above, this relates to the particular location of the property in relation to its immediate surroundings and is not necessarily related to the associated CLA. For example where social services advises that the specific location of the property next to a busy road is particularly unsuitable for a member of the household. Factors concerning the layout of the accommodation will be considered when completing the Functionality Matrix. 4.5. (In any circumstances where a verbal confirmation is accepted, it is important that details of the date and officer receiving the information, is recorded).

#### **OSN Factor 16**

**Where the Applicant's household contains a child less than 10 years of age and they are living in accommodation above ground floor level.**

Points will be awarded to the Applicant where his / her household contains a child of 10 years old or less and the accommodation occupied is above the ground floor.

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A Critical Date should be keyed on **HMS** to reflect the 10th birthday of the youngest child in the Applicant's household and points awarded under this factor should be removed when this date is reached (unless FDA points have been awarded).

#### **OSN Factor 17**

OSN 17 points are awarded where an applicant's circumstances are similar to but do not exactly meet the criteria for the award of OSN points 1-16. As such OSN 17 can be analogous to either an Ordinary or Area Based OSN.

When considering or awarding these points the designated officer must indicate on the Housing Solutions Form (HSF) and HMS notepad which factor these points are analogous to.

Supporting evidence should be obtained to justify the award of these points.

Please ensure that an applicant who has already been awarded points for an OSN factor are not awarded points analogous to the same OSN.

OSN 17 remains an Area Based question on the Circumstance Table in HMS. Therefore, where OSN 17 is being awarded analogous to an Ordinary OSN factor (1-10, 15 or 16) all CLAs listed on the application 'Choices' tab must be keyed against the question for OSN 17 on HMS. These areas will need to be updated each time an applicant changes their areas of choice.

Where OSN 17 is being awarded analogous to an Area Based OSN factor (11-14) only CLAs where the designated officer is satisfied that the points apply should be keyed.

The award of such points in this category must be made by the Designated Officer and the reasons for the award, and any suitable documentary evidence, should be held on file.

## **3.22 COMPLEX NEEDS POINTS: RULE 45**

### **3.22.1 GENERAL**

Where an Applicant, or a member of the Applicant's household, has been identified as having complex needs, a multi-disciplinary care assessment has been carried out and their housing need could be met within general needs accommodation, the Applicant will be made an award of Complex Needs points and ranked as a pointed Applicant on the Waiting List used by all Participating Landlords.

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### 3.22.2 NUMBER OF POINTS

Complex Needs points will only be awarded to Applicants as a result of an instruction from the relevant Housing Executive designated officer. An Applicant who meets the criteria will be awarded 20 points.

The policies and procedures to be used when dealing with potential Complex Needs cases are identified in Chapter 4, Applicants with Complex Needs.

### 3.23 “CARE OF” / “CORRESPONDENCE” / “NO FIXED ABODE”

It is important to distinguish between Applicants who are living “care of” a particular address and those who are treating an address as a “correspondence address” only.

Those who are living “care of” (i.e. actually staying in the accommodation) should have Housing Conditions / Health and Social Well Being Assessment carried out at that particular accommodation.

Those who are using a “correspondence address” or are of “no fixed abode” (i.e. not living at particular accommodation) and moving between several properties will not be entitled to Housing Condition factors (sharing, overcrowding etc.). They may, however, be entitled to certain factors in the Health and Social Well Being (H&SWB) section. Aspects of the H&SWB that relate to the particular accommodation, however, would not be awarded e.g. Functionality, Unsuitable Accommodation and many of the Social Needs Factors that are linked to the accommodation.

Applicants from “correspondence addresses” or of “no fixed abode,” who persistently change address in order to obtain shelter, should firstly be considered under the Housing (NI) Order, 1988 for the award of Full Duty Applicant points. Where Full Duty Applicant points are not applicable, but the Applicant is still homeless or threatened with homelessness, Designated Officers should consider the award of Other Homeless points under Rule 24.2 k).

### 3.24 DELIBERATE WORSENING OF CIRCUMSTANCES: **RULE 18**

Designated Officers must be satisfied, on the basis of any information or local knowledge they may have, that the Applicant has deliberately worsened their circumstances in order to improve their position on the Waiting List. Any additional points resulting from this action may be withheld for a period of **two** years from the date of registration or, if a later date, the date this action took place.

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When a decision is taken to apply this Rule, it should be maintained in the circumstances table in HMS and a note to this effect should be included in the Note Pad facility and stored appropriately.

Quite clearly, where the Rule is not applied then the application must receive full consideration in the normal way.

#### **3.24.1 EXAMPLES OF WHERE DELIBERATE WORSENING OF CIRCUMSTANCES MAY OCCUR:**

##### **a) Overcrowded properties**

Where the Landlord has reduced overcrowding in a dwelling, it is necessary for the Landlord to impose restrictions to prevent these overcrowded dwellings being used as a means of obtaining extra housing need points to the detriment of other applicants on the Waiting List. The Landlord may in such cases, or in other instances where applicants deliberately worsen their circumstances, defer for a period of up to two years the advantage of any additional points which might otherwise have been granted because of the change in circumstances.

##### **b) Deliberate Occupation of Statutory Unfit Dwelling**

Where the Landlord has re-housed an Applicant from a vested or unfit property, it is necessary for the Landlord to impose restrictions to prevent these unfit dwellings being used as a means of obtaining extra housing needs points to the detriment of other applicants on the Waiting List.

Where an Applicant has occupied an unfit dwelling, the deferment for two years of any additional points granted will commence from the date of application or the date of occupation (where the application was received from another address) whichever is the later date.

##### **c) Applications from Caravan / Mobile Home Dwellers**

Where an application has been received from an Applicant living in a caravan / mobile home, this will have to be carefully investigated before the assessment of their housing need is finalised and any offer of accommodation is made. Where an Applicant, without good reason, has deliberately worsened their circumstances by moving into a caravan / mobile home, then additional points to which they may be entitled may be deferred for two years.

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#### d) Tenancies in Holiday Resorts

Where an Applicant has taken up the tenancy of a dwelling in a holiday resort, which has to be vacated when the summer season arrives, the Applicant will have their points assessed as though they were still living in their previous accommodation and will not be treated as a Full Duty Applicant case from this address, unless there are exceptional circumstances.

#### e) Owner Occupiers

An Applicant who has sold, or proposes to sell a house in which he resides, has resided, could reside, or could have resided, will, until the expiration of two years from the date of such sale, have points assessed as though he was residing in such house, unless the Landlord is satisfied that:

- (a) such house is inadequate (whether by reason of size, condition, situation or otherwise) for the needs of the Applicant, or
- (b) there were urgent and compelling reasons for such sale. See para.3.5.2, criteria c).

#### f) Family Quarrels

When a couple, who are Applicants on the Waiting List and who have been sharing accommodation, move into alternative accommodation because of family quarrels, they should **not** be treated as having deliberately worsened their circumstances, if additional points are gained as a result.

### 3.25 ILLEGAL OCCUPANTS

This section of guidance explains how Designated Officers should apply the Rules of the Housing Selection Scheme to person's illegally occupying accommodation belonging to one of the Participating Landlords.

#### 3.25.1 ILLEGAL OCCUPANTS: HOUSING NEEDS ASSESSMENT

Persons who are illegally occupying accommodation belonging to one of the Participating Landlords should always be assessed by the Housing Executive under the Homeless Legislation.

The procedures to be used when assessing and awarding points to an illegal occupant will depend on whether or not a previous request for re-housing has been processed, the type of re-housing request i.e. Application



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or Transfer, and whether or not the Applicant has been / is accepted as a Full Duty Applicant (FDA). These procedures are as follows;

#### 3.25.2 WHERE A PREVIOUS RE-HOUSING REQUEST HAS BEEN PROCESSED

##### 1. **Where FDA and Housing Need points have been awarded.**

FDA points will still be applicable for all cases where they have previously been awarded. However, the Housing Needs points should be re-assessed at the illegally occupied address and:

- a) if the Housing Needs points are lower, the points applicable from the previous, legally occupied address should apply,
- b) if the Housing Needs points are higher, the points applicable from the previous, legally occupied address should apply.

In effect, the “no detriment” policy applies for illegal occupants who have been accepted as Full Duty Applicants; however, a “no benefit” policy also applies whereby they do not gain from their illegal occupancy.

##### 2. **Where Housing Need points have been awarded due to a negative Homeless decision.**

Where only Housing Needs points have previously been awarded, i.e. the Applicant has been assessed, but not accepted, as a Full Duty Applicant, the points should be re-assessed at the illegally occupied address and **the lower of the 2 points awards should be applied.**

##### 3. **Where Housing Need points only have been awarded as no Homeless assessment has been carried out.**

Where Housing Needs points have previously been awarded but no Homeless assessment has been carried out, a Homeless case should be initiated immediately by the Housing Executive. The Housing Needs points applicable will be the same as identified as in 1 above.

**NOTE:** Where a previous request for re-housing was as a tenant of a Participating Landlord i.e. a Transfer case, then the Transfer should be cancelled and the case re-keyed as an Applicant, using the address being illegally occupied.

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### 3.25.3 WHERE NO PREVIOUS RE-HOUSING REQUEST HAS BEEN PROCESSED

Where no previous request for re-housing has been processed by a Participating Landlord, the illegal occupant should be referred immediately to the Housing Executive for assessment under the Homeless Legislation (the illegal occupation address will not be considered as the last settled address for the purposes of this assessment). Where applicable, Insecurity of Tenure points should be awarded i.e. Intimidation, FDA points etc.

The illegal occupant should have his / her entitlement to Housing Needs points assessed from the illegally occupied property.

**NOTE:** Where no previous request for re-housing has been received prior to the illegal occupancy, all such cases should be registered and assessed as Applicants, regardless of their tenure immediately prior to occupation i.e. Housing Executive / Housing Association tenants etc.

### 3.26 APPLICANTS INTENDING TO MARRY/FORM A CIVIL PARTNERSHIP

An application may be accepted and registered from one or both of the couple intending to marry/form a civil partnership and be registered and assessed in the normal manner. The date of marriage/civil partnership, if known, should be keyed on **HMS** as a Critical Date.

The application should be treated as an application from a single person. Upon being notified of the date of marriage/civil partnership, the Applicant should be re-visited and assessed for housing. If, prior to the date of marriage/civil partnership, the single Applicant has sufficient points for an allocation, an offer of accommodation should be made in the normal manner. Applications from persons intending to marry/form a civil partnership should be registered whether or not the intended date of marriage/civil partnership is within the next six months.

### 3.27 APPLICATIONS FROM PRISONERS

Where a person makes an application from Prison, the following procedure should be adopted:

- (a) Subject to the applicant being eligible, the designated officer should accept the application with nil points. . As nil points are awarded at this stage, a visit to the Prison is not essential;
- (b) Enter a critical date (application UDC) 'Release from Prison'. The date entered should be 4 weeks prior to release date. When the critical date is reached the designated officer should consider any representations from Probation Board and the Prison Liaison Officer in Housing Rights Service.

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- (c) Upon release, visit the Applicant at his / her new address and carry out a housing needs assessment and point accordingly;

Applications for accommodation may be accepted from prisoners who are participating in the pre-release scheme for life sentence prisoners. They must have entered or be about to enter (i.e. within one month) Phase 3 of the scheme when they will 'live out' more or less permanently, reporting to the prison at regular intervals only

Ex-Offenders will be dealt with as normal applicants. However, where the Probation Board take the view that the Applicant cannot return to the parental / marital / family home for security or other reasons, the Designated Officer should consider the Applicant under the Homelessness legislation and, if this is not applicable, the Applicant should be considered for the award of Other Homeless points (see para. 3.5.2 (f)).

### 3.28 DEFERRAL PROCESS

3.28.1 There are currently two methods of deferring a housing application registered on the Waiting List.

- A) Automatic Deferral
- B) Manual Deferral

#### **Please note:**

Cases will not appear on HMS matching lists while they are deferred.

#### 3.28.2 Automatic deferrals

HMS will automatically defer any applications that have received and declined two reasonable offers within the rules of the HSS. The deferral period will last for one year. See chapter 5.8 for further information.

#### 3.28.3 Manual deferrals

An applicant may request that their case be deferred for a particular period of time. Each request should be assessed on its own merit and the decision should meet the following criteria: reasonable, proportionate and necessary. In addition it may become apparent, at any stage of the process that the customer may benefit from a deferral. With their consent their application can be deferred for an agreed period of time.

#### **Managing Manual Deferrals:**

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A manual deferral should be reviewed on a regular basis and therefore the deferral date agreed should generally be for no more than 6 months. After a review and subject to agreement, a further deferral may be applied.

The applicant (or a person appointed by the applicant to act on their behalf) must confirm that they have consented to the deferral and agree a date for the deferral to be lifted or reviewed. The paragraphs below detail the requirements involved. An Applicant should be asked to sign a statement approving deferral when the designated officer has established through an interview in person with the Applicant that they are not tenancy ready despite being able to physically take up a tenancy.

The statement they sign, should record the following;

- the rationale behind the decision;
- the agreed date of deferral and
- The applicant may withdraw their consent to the deferral at any stage and request that the deferral be removed.

**Note:**

**The original should be retained on an appropriate file and a copy given to the applicant.**

**A consent form is included at appendix 5 for staff to use.**

When an Applicant is unable to take up a tenancy, for example being in Prison or in hospital, they are not required to sign any documentation subject to the Designated Officer being satisfied they have agreed to same.

While normally an applicant should sign the required approval form, there may be some occasions when an applicant is unable to sign but they have agreed to the deferral.

Where either of the above occurs a letter should be sent to the applicant confirming the deferral. A copy of the letter should be retained, either scanned or on file The Designated Officer is responsible for keeping a precise record on HMS/File as appropriate.

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A copy of the letter should be retained; either scanned or on file and the designated officer is responsible for keeping a precise record as appropriate.

A copy of a letter is attached in appendix 5A.

#### 3.28.4 **Manual Deferral Administration**

The following administrative procedures should be followed when a Manual deferral is requested with full customer agreement:

Modify status from 'Active' to 'Deferred' and select code 40 – App's Consent. The start date should be amended to the appropriate date. The deferral date is the date the deferral is to end and it is a mandatory field.

- A) A deferred case must have ALL the relevant detail and reasoning for the deferral entered onto the applicants notes page on HMS.
- B) The deferrals should be monitored through the appropriate crystal reports:

**H009a Manually Deferred Applications: Identifies deferred cases and the date of deferral. For case management purposes.**

**H006 Un-deferred Applications: Identifies cases where the deferral has expired. Cases should be checked to ensure that cases are relevant, up to date and points/addresses are accurate.**

**Please note:** The un-deferred applicants will only appear on the H006 report for 1 day.

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**APPENDIX 3.1 Emergency Grant**

Name/address

Date: \_\_\_\_\_

Dear Mr. / Mrs./ Ms \_\_\_\_\_

**Re: Emergency Grant**

Following your award of Intimidation Points under the Common Housing Selection Scheme, you may be entitled to an Emergency Grant paid by the Housing Executive provided you were a Housing Executive, Housing Association or private tenant in Northern Ireland at the time the intimidation occurred.

This Grant (currently £754) is payable **if:**  
You are permanently re-housed in Northern Ireland.

When you are permanently rehoused in Northern Ireland by the Housing Executive or a Housing Association the Housing Executive will determine if you are eligible for the Emergency Grant, and if you are eligible will process the payment for you.

If you are permanently rehoused in the Private Sector in Northern Ireland, as a private tenant or an owner occupier, you should notify the Housing Executive of this in writing providing your new address and postcode. This will cancel your housing application and remove you from the Waiting List for Social Housing. It will also allow the NIHE to investigate if you are entitled to be paid the Emergency Grant without the need to claim subject to you being eligible.

You should be aware that should you have any outstanding Housing Executive debts, these will be deducted from any payment to you.

Yours sincerely

\_\_\_\_\_  
Assistant Area Manager

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#### **APPENDIX 3.1A**

#### **NORTHERN IRELAND HOUSING SCHEME FOR EMERGENCY GRANT**

##### **Emergency Grant**

The Housing Executive may be able to help you with the costs of setting up your new home if you have been forced to leave your house because of an act of violence, threats to commit such acts or other intimidation and you are unable or unwilling to return to your accommodation as a result. The grant is intended to contribute towards the costs associated with 'forced movement'.

##### **Who is eligible for the Emergency Grant?**

You may be eligible for an Emergency Grant if you were the tenant of the Northern Ireland Housing Executive, a registered housing association or a private tenant in Northern Ireland at the time of the intimidation incident. In addition you will need to have applied to the Housing Executive or a registered housing association for housing as a consequence of the intimidation incident and, in relation to that application, be awarded intimidation points under the Rules of the Housing Selection Scheme.

In order to qualify for the payment of the Emergency Grant, following the intimidation incident you must also have:

- a)      Been permanently re-housed in Northern Ireland

##### **Claiming the Grant**

When you are awarded intimidation points you will be issued with a letter by the Housing Executive District Office advising that you may be entitled to an Emergency Grant.

##### **Conditions Attached to the Grant**

You should be aware that should you have any outstanding Housing Executive debts, these will be deducted from any payment due to you.

Where, subsequent to the payment of the Emergency Grant, the Housing Executive has found that an applicant has given incorrect information or withheld information in relation to the award of intimidation points, then he/she shall be required to repay to the Housing Executive all of the Emergency Grant.

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For further information on this scheme please contact your local Housing Executive Office.



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**APPENDIX 3.2: APPLICATION FOR HOUSING**

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---

Date:

Your ref:

Our ref:

Dear,

**RE: APPLICATION FOR HOUSING**

Please find enclosed Owner-Occupier forms that must be completed in order that your application for re-housing can be given detailed consideration.

Please read the guidance notes carefully before fully completing both forms.

**It is imperative that verifying evidence of Income and Outgoings on the property is provided.**

Yours sincerely,

---

Insert Relevant Officer

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NOTES – OWNER OCCUPIERS / FORMER OWNER OCCUPIERS

PLEASE READ CAREFULLY BEFORE COMPLETING THIS FORM

### Notes:

Where an Applicant for housing is / was an owner-occupier who states that he / she is / was forced to sell his / her property, the application must be further investigated.

Where an Applicant has sold or proposes to sell a house, that Applicant will, until the expiration of 2 years from the date of such a sale, have points assessed as though he/she was resident in such a house unless the Executive is satisfied that:

- (a) Such a house is / was inadequate (whether by reason of size, condition, situation or otherwise) for the needs of the Applicant or:
- (b) There are / were urgent and compelling reasons for such a sale

Where applicants who are owner occupiers are compelled to sell for reasons such as a change in financial circumstances which makes it impossible or extremely difficult for them to keep up the mortgage payments, and who would be unable to obtain alternative accommodation if they sold their existing house, confirmation must be received from the Building Society or other lender that a reduction in payments would not be approved in recognition of the borrowers' changing circumstances.

**Reasons for the sale - Please give the exact reasons for the sale.**

**Outlay on the property – Details of all financial transactions must be accompanied by verifying evidence. For example:**

- a. Letter from the Building Society confirming monthly payments / arrears outstanding.
- b. Current Rate Demand Notice.
- c. Building Insurance.
- d. Any Insurance Policy attached to repayment of mortgage e.g. Endowment policy.
- e. Ground Rent.
- f. Outlay on any necessary repairs carried out on the property while in occupation.

**Employment and Income** – evidence of income must be enclosed e.g.

Pay slips / letter from Employer / most recent accounts (if self – employed)

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Copy of Giro / Payment Book for any Benefits received

Evidence of Savings and Investments

Other income e.g. Maintenance payments received

**Other Outgoings** – e.g. Maintenance Payments to former partners

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HOUSING APPLICATION

#### OWNER-OCCUPIERS OR FORMER OWNER-OCCUPIERS

APPLICANT DETAILS	
REF. NO:	
NAME OF APPLICANT:	
PRESENT ADDRESS:	
FORMER ADDRESS:	

MORTGAGE DETAILS			
DATE OF PURCHASE:			
PURCHASE PRICE:		£	
NAME OF MORTGAGE LENDER:			
AMOUNT OF MORTGAGE APPROVED		£	
TYPE OF MORTGAGE:			
MORTGAGE ARREARS	£	AT (date)	
ARREARS AGREEMENT DETAILS (if any)			

REASONS FOR SALE

OUTLAY ON THE PROPERTY		
ALL DOCUMENTARY EVIDENCE MUST BE PRESENTED		
CURRENT MORTGAGE REPAYMENT	£	PER
CURRENT RATES	£	PER
GROUND RENT	£	PER
BUILDINGS INSURANCE	£	PER

OTHER INSURANCE PREMIUMS ATTACHED TO MORTGAGE E.g. Endowments, Mortgage protection, ISAs	£	PER
--	---	-----

PROPERTY MAINTENANCE	£ 500.00 PER ANNUM
----------------------	--------------------

OUTLAY ON ANY NECESSARY MAJOR REPAIRS OR IMPROVEMENTS CARRIED OUT DURING THE PERIOD OF OWNERSHIP	£
--	---

GENERAL DESCRIPTION OF THE REPAIRS OR IMPROVEMENT WORKS
---

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OTHER EXPENSES (E.g. maintenance paid to former partners)	
£	PER
DETAILS:	

GROSS INCOME DETAILS	
GROSS SALARY	£ PER
PARTNER'S GROSS SALARY	£ PER
WORKING FAMILY TAX CREDIT	£ PER
CHILD BENEFIT	£ PER
OTHER BENEFITS	£ PER
(Indicate type of income)	
OTHER INCOME	£ PER
DETAILS (E.g. Maintenance received)	
INCOME FROM SAVINGS & INVESTMENTS	£

**FOR OFFICE USE ONLY:-**

TOTAL HOUSING COSTS £\_\_\_\_\_ PER \_\_\_\_\_

TOTAL GROSS INCOME £\_\_\_\_\_ PER \_\_\_\_\_

COSTS = \_\_\_\_\_ % INC

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### APPENDIX 3.3 Functionality Matrix

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

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, Unsuitable Accommodation points will be awarded automatically by the HMS.

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### APPENDIX 3.4 Functionality Matrix

Item	Mobility within existing accomodation		Independent	Needs help / with difficulty	Dependent on Others
			Able to function without need of assistance. Includes cases where person uses an artificial aid in order to carry out the required function.	Needs some physical assistance in order to adequately manage the task or needs to be supervised in the home while carrying out the task.	Persons totally reliant on others to assist them to carry out the task.
			<b>Score</b>	<b>Score</b>	<b>Score</b>
1a	Walks without aid	No walking aids required	<b>0</b>	<b>2</b>	<b>4</b>
1b	Uses walking aid	Person needs and uses a walking aid within the home.	<b>2</b>	<b>4</b>	<b>8</b>
1c	Uses wheelchair	Person is wheelchair bound or needs to use a wheelchair within the home.	<b>2</b>	<b>4</b>	<b>8</b>
	<b><u>Internal factors</u></b>				
2	Climbing existing stairs or access to w/c	Person must climb stairs in order to access w/c or has a problem accessing the w/c if it is on the ground floor.	<b>0</b>	<b>6</b>	<b>8</b>
3	Climbing existing stairs or access to bedroom	Person must climb stairs in order to access his / her bedroom or has a problem accessing the bedroom if it is on the ground floor.	<b>0</b>	<b>6</b>	<b>8</b>
	<b><u>External factors</u></b>				
4	Negotiating external steps	Person must negotiate external steps when going into or out of his / her home.	<b>0</b>	<b>2</b>	<b>4</b>
5	Negotiating steep approach	Person must negotiate a steep approach when going into or out of his / her home.	<b>0</b>	<b>2</b>	<b>4</b>
	<b><u>Total Score</u></b>				

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**APPENDIX 3.5 Support / Care Needs Matrix**

<b>Self Care Needs</b>	<b>Needs Help</b>	<b>Cannot Do</b>
Dress / Undress	1	3
Get in / out of bed	2	4
Get on / off toilet	2	5
Get in / out of bath or shower	1	2
<b>Total Score</b>		
<b>Home Management Needs</b>		
Light fire/manage heating system	2	4
Do heavy household duties	1	2
Cook meals	1	3
Make snacks	2	4
Do own shopping	1	3
<b>Total Score</b>		

**NOTE:**

The actual score on the matrix as outlined above will be included in the total points score only in cases where the Applicant is seeking sheltered / supported housing.



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### APPENDIX 3.6 Support / Care Matrix

**N.B. - Points will only be awarded where:** there is no aid available or in place for the Applicant or, where the aid is available and in place and the Applicant is no longer able to manage despite this. If an Applicant can manage the particular task with the assistance of a mechanical aid and has use of the aid then he / she will be considered to be independent and will not be awarded points on the Support / Care Matrix.

Self Care Needs	Needs Help		Cannot Do	
	e.g.	Score	e.g.	Score
Dress / Undress	can only partially dress / undress e.g. may need help with laces, buttons etc.	<b>1</b>	depends on others completely to get dressed / undressed	<b>3</b>
Get in / out of Bed	able to get in / out of bed with some help from another person (e.g. no mechanical aid in place)	<b>2</b>	depends on others to hoist or lift in / out of bed	<b>4</b>
Get on / off toilet	able to get on and off the w.c. with some help from another person (e.g. no mechanical aid in place)	<b>2</b>	depends on others to lift on / off toilet	<b>5</b>
Get in / out of bath or shower	able to get into and out of the bath or shower with some help from another person (e.g. no mechanical aid in place)	<b>1</b>	depends on others for to hoist or lift in / out of bath or for access to the shower	<b>2</b>
Total Score				

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Home Management Needs	Needs Help		Cannot Do	
Light fire / manage heating system	needs some help to manage heating system e.g. can set and light fire but cannot clean out / remove ashes.	<b>2</b>	cannot manage / needs another person to operate heating system	<b>4</b>
Do heavy household duties	can manage light household duties, e.g. dusting but needs some help with heavier household duties e.g. vacuuming, window cleaning, bed making etc.	<b>1</b>	unable to any household duties / reliant on others to do them	<b>2</b>
Cook meals	can participate in the planning and preparation of main meals but requires some help from another person	<b>1</b>	dependent on others to plan and prepare main meals	<b>3</b>
Make snacks	can participate in the making of snacks, (e.g. cups of tea, biscuits), but requires some help from another person	<b>2</b>	dependent on others to make snacks	<b>4</b>
Do own shopping	needs someone to come along to help on shopping trips	<b>1</b>	dependent on others to do shopping	<b>3</b>
Total Score				

### NOTE:

The actual score on the matrix as outlined above will be included in the total points score only in cases where the Applicant is seeking sheltered / supported housing.

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#### APPENDIX 4 -CONSENT TO CONTACT BASE2

OFFICES SHOULD ENSURE THE CONSENT FORM IS PLACED ON TO THEIR OWN CORPORATE AND DIVISIONAL HEADED PAPER

---

>>Insert Applicant's Name<<

>>Insert Applicant's Address<<

---

Date:

Ref:

Dear Sir/Madam

#### **Re: Consent to contact BASE2**

The Housing Executive has a statutory duty to investigate all aspects of your homeless circumstances and we believe it may be appropriate to contact the voluntary organisation BASE2, in order to seek further information about your circumstances, based on what you have told us about your situation.

#### **Who is BASE2?**

NIACRO's BASE2 project has been in operation since 1990, providing crisis intervention, clarification and support service for individuals and families who may be at risk of violence or exclusion in the community. The services offered include: verification of threat, conflict mediation, advice and support, assistance with re-location out of the areas of threat (if necessary) and making referrals to other NIACRO services (where appropriate)

#### **What do we now require?**

Your written consent is required before we contact BASE2. In the event you do not provide consent, we will not contact BASE2 and we will continue to use any other information available to us, to reach our decision.

#### **What details will be provided to BASE2?**

Our request will contain the following information relating to the Applicant: name, date of birth, former address (where applicant was residing at time of alleged intimidation) and contact telephone number (where available).

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### **What does the consent allow BASE2 to do?**

BASE2 will endeavour to contact you to discuss your circumstances. Your consent then permits BASE2 to make community enquiries about your personal situation which may ultimately include paramilitary sources.

### **How can you contact BASE2 or visit their offices?**

Details are available on the back of this letter.

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### APPLICANT CONSENT

Please read and delete as appropriate.

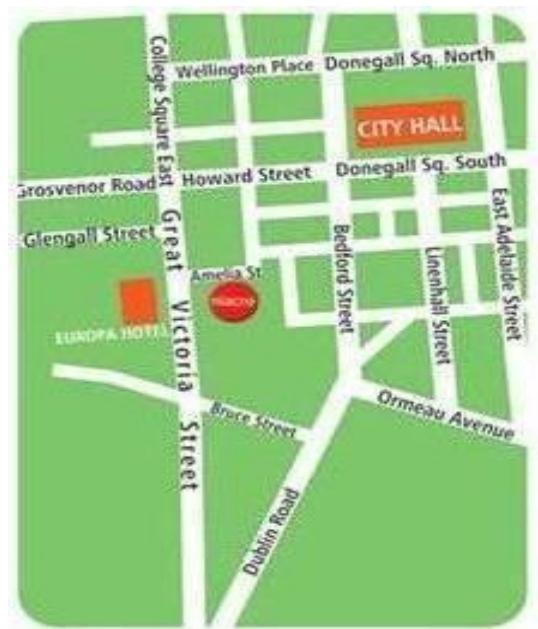
I the undersigned do consent /do not consent to allow the Housing Executive to contact BASE2 for the purpose of making enquiries in relation to my application for housing / homeless assistance.

Signed (Applicant)\_\_\_\_\_Date\_\_\_\_\_

Signed (Housing Staff)\_\_\_\_\_Date\_\_\_\_\_

**THE ORIGINAL OF THIS LETTER WILL BE RETAINED BY THE NIHE AND A COPY PROVIDE TO THE APPLICANT**

**You can contact the Base2 project by phoning 028 90 320157 by calling into Amelia House, 4 Amelia St., Belfast (street opposite the Europa Hotel) or visit their web site on: <http://www.niacro.co.uk/about-niacro>**



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**APPENDIX 4A - NIHE/BASE2 INFORMATION REQUEST**

**NIHE / BASE 2 INFORMATION REQUEST**

**Base 2**  
**2-4 Amelia Street**  
**BELFAST**  
**BT2 7GS**  
[Base2@niacro.co.uk](mailto:Base2@niacro.co.uk)

Date:

Our Ref:

Dear [REDACTED]

**Re: Request for confidential report to assist the NIHE**

The Housing Executive currently holds on file a signed consent from the applicant detailed below to seek relevant information to assist the Housing Executive with certain housing related decisions. In this regard, I would be grateful if you would release the information using the attached BASE2 / NIHE Confidential Information Request Response template. I would ask that you address all of the following matters:

1. Has a threat been issued against the person and if so, what are the details and context, the nature and source of the threat and the date which the threat was issued;  
**If Yes**
2. Is the Applicant or a member of their household at serious and imminent risk of being killed or seriously injured if he/she were to live/resume living in his/her home? **and**
3. Is there any information as to what areas, if any, where the person would be at risk if they were to live / resume living there?  
**Or**
4. Alternatively, please advise if you have established that no threat exists or that you are unable to confirm that a threat has been issued against that person.

This report which you provide will be considered together with all other available information which the Housing Executive considers relevant. It should be noted that the Housing Executive at all times remains the decision maker.

• <b>Name</b>	<b>&gt;&gt;MANDATORY INSERT&lt;&lt;</b>
• <b>Former Address</b>	<b>&gt;&gt;MANDATORY INSERT&lt;&lt;</b>
• <b>D.O.B.</b>	<b>&gt;&gt;MANDATORY INSERT&lt;&lt;</b>
• <b>Telephone/Mobile No</b>	<b>&gt;&gt;MANDATORY INSERT OTHERWISE PLEASE STATE NOT-KNOWN&lt;&lt;</b>

I look forward to hearing from you and an early response by return e-mail would be greatly appreciated.

Yours sincerely

**[Insert name]**  
**[Insert name of Office]**

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## APPENDIX 4b BASE2/NIHE CONFIDENTIAL INFORMATION REQUEST RESPONSE

### BASE 2 / NIHE - *CONFIDENTIAL* INFORMATION REQUEST RESPONSE

Name	<b>*MANDATORY INSERT*</b>
Former Address	<b>*MANDATORY INSERT*</b>
D.O.B	<b>*MANDATORY INSERT*</b>
Telephone No	<b>&gt;&gt;MANDATORY INSERT OTHERWISE PLEASE STATE NOT-KNOWN&lt;&lt;</b>

The above named person has given their written consent to the Housing Executive for BASE2 to provide relevant information:

1. In relation to whether or not a threat has been issued:

- the details and context >
- the nature (motivation) of the threat >
- the source of the threat >
- the date(s) the threat was issued >

**OR**

Alternatively, please advise if you have established that no threat exists or that you are unable to confirm that a threat has been issued against that person.

2. If a threat is confirmed, is the Applicant or a member of the Applicant's household at serious and imminent risk of being killed or seriously injured if he/she were to live/resume living in his/her home?

3. Details of areas, if any, in which the applicant would be at risk if he / she were to live / resume living there.

Signed \_\_\_\_\_ Date\_\_\_\_\_

Full Name: \_\_\_\_\_

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### **APPENDIX 4c Housing Executive Staff Information Leaflet on BASE2**

#### **HOUSING EXECUTIVE STAFF INFORMATION LEAFLET ON BASE2**

1. NIACRO's BASE2 project has been in operation since 1990 and now has 25 years' experience of dealing with 'threat' situations. The project was established as a response to paramilitary punishments and the crisis situation people can experience when they believe they are at risk in the community. Although there have been changes in the political situation and in the experience of communities here since the formal end of the conflict, the need for the project has continued and this is evidenced by the number of referrals it continues to receive.

The aim of the project is:-

"To provide a crisis intervention, clarification and support service for individuals and families who may be at risk of violence or exclusion from the community".

2. How does BASE2 operate?

The project consists of two staff posts and operates from NIACRO's main office in 4 Amelia Street, Belfast. Referrals come from a range of sources – statutory agencies; self-referrals; and over half are directly from the Housing Executive. Project staff need to know basic details (name, dob, former address<sup>1</sup> and contact number) of the person being referred;

3. BASE2 has a wide number of contacts across communities in Northern Ireland whom it may wish to use for the purposes of establishing the existence of a threat. These are people who are actively involved in local communities. They can provide local information about difficulties and tensions and are committed to supporting the work of BASE2 and to finding a peaceful resolution to difficult situations faced by those communities in which they live. BASE2 may also engage directly with both loyalist and nationalist paramilitary groups in order to establish if a threat exists. BASE2 are happy to discuss this aspect of their work with the Applicant in greater detail.
4. The Housing Executive will first obtain written consent from the Applicant before making a referral to BASE2. Once the referral has been received BASE2 will endeavour to contact the Applicant directly for interview. This includes: by telephone or face to

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<sup>1</sup> Where the applicant resided at the time of the alleged intimidation incident



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face. In some situations it may not be possible to make contact by telephone or meet face to face, with the person under threat, for reasons such as: no contact number has been provided or the person under threat is in custody or lives in a rural area. In those circumstances, the project relies on information from those making the referral.

5. BASE 2 will contact a source in the relevant community and see if they can assist. It may take some time and contact with several people, before a clearer picture emerges, particularly where the threat is coming from “the community” and the source of the threat is not easily identified. BASE2 will seek to provide the Housing Executive with information concerning whether or not there is a serious and imminent risk that the Applicant or a member of their household would be killed or seriously injured if they were to live/resume living in their home. A person may be frightened because they have had a dispute with someone whom they perceive has associations with a paramilitary group – but they may not be in actual danger. On average, it takes between 4 and 5 days for BASE2 to provide information to the Housing Executive.
6. There are many reasons why people can be threatened. There may be cases when BASE2 are unable to confirm or deny that the “alleged” behaviour or threat did take place.
7. The following gives an indication of the alleged reasons for threats being made:-

Neighbourhood disputes	24%
Anti-Social Behaviour	23%
Drugs	20%
*Other	33%

\*includes racial, sectarian, sexual orientation and other reasons.

BASE2’s annual reports are available on the following link:  
<http://www.niacro.co.uk/publications/cat/4/>

8. Once the nature and severity of the threat has been clarified, BASE2 will explore, as far as possible, the circumstances under which the person could remain unharmed in the community. There may be an opportunity to identify supports or offer some positive intervention to alleviate the situation. This indeed may be offered by groups in the community who are working to tackle problems of offending and anti-social behaviour, such as the Community Restorative Justice schemes – which are active in many, if not most areas of Belfast.

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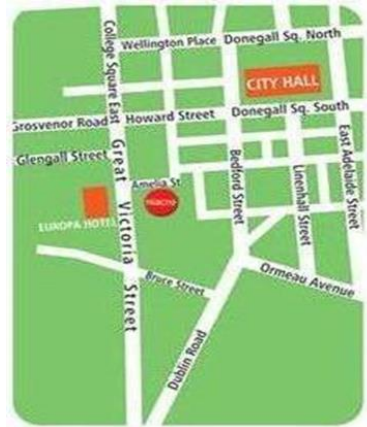
9. NIACRO is also able to offer intervention – initially through BASE2 – but also providing links and referral to other NIACRO projects which may be appropriate longer term. This offer of intervention is a very important aspect of the service offered by BASE2 and highly relevant in exploring the options available to the person concerned as well as determining where they will be safe.
10. The number of referrals to BASE2 has continued to be around 1000 per annum over the past number of years. The percentage of those referrals which are verified as “no threat exists” is around 30%.
11. BASE2 recognises the importance and timeliness of improving communication with the Housing Executive in a way which best assists staff make decisions about housing and homelessness. It accepts referrals from the NIHE in writing and by email using an agreed proforma.
12. BASE2 will respond to requests for information by addressing the following matters in a report to the Housing Executive:-
  - a. Has a threat been issued against the person and if so, what are: the details and context, the nature and source of the threat and the date which the threat was issued; **if yes**
  - b. Is the Applicant or a member of their household at serious and imminent risk of being killed or seriously injured if he/she were to live/resume living in his/her home **and**
  - c. Is there any information as to what areas, if any, would the person be at risk if they were to reside there.
13. Alternatively, BASE2 may confirm that no threat exists or may not be able to provide any relevant information to confirm any or all of the above matters.
14. The Housing Executive at all times remains the decision maker for the purposes of exercising its statutory housing functions which include decisions under the homeless legislation and allocations under the Housing Selection Scheme. It will consider the information provided by BASE2 together with any other relevant information received in reaching these decisions.

***You can contact the project by phoning 028 90320157. BASE2 are located at Amelia House, 4 Amelia St, Belfast (street opposite the Europa Hotel).***

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#### APPENDIX 4d NIHE Protocol Letter

*OFFICES SHOULD ENSURE THE PSNI INFORMATION SHARING PROTOCOL LETTER IS PLACED ON TO THEIR OWN CORPORATE AND DIVISIONAL HEADED PAPER*

---

DATE:

REF:

Dear Sir/Madam,

IN CONJUNCTION WITH THE PSNI AND NIHE SHARING OF INFORMATION AGREEMENT 1  
JANUARY 2005

**Name:**

**Last known address:**

**Previous address:**

**DOB:**

In order to assist with the homeless investigation on the above named person, I would be obliged if you could provide the information at is requested on the following pro forma.

The Executive has to consider whether or not it has a duty to secure accommodation for the person in question and your assistance would be greatly appreciated in this instance.

Yours faithfully,

---

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**APPENDIX 4 d (1) INFORMATION REQUEST PRO FORMA**

**INFORMATION REQUEST PRO FORMA**

**PART A: COMPLETE IN ALL CASES**

Requesting Officer ..... Position .....

Organisation ..... Date .....

Address .....

.....

..... Postcode .....

Tel/Fax .....

E-mail .....

---

**Subject:**

Name ..... Date of Birth .....

Address .....

.....

..... Post Code .....

Previous Address .....

.....

.....

**Reason for Requesting Information:**

Please complete details in relevant section(s) below

(i) The NIHE are gathering evidence with a view to taking possession proceedings against a tenant / tenants under Section 28 and 29 of the Housing (NI) Order 1983.

.....

.....

.....

.....

(ii) The NIHE are gathering evidence with a view to seeking an injunction or repossession under Article 26 of the Housing (NI) Order 2003.

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.....

(iii) The NIHE are considering an applicant’s eligibility for (i) homelessness assistance under Article 7(A) of the Housing (NI) Order 1988 or (ii) housing accommodation under Article 22(A) of the Housing (NI) Order 1981.

.....  
.....  
.....  
.....  
.....

(iv)The NIHE are considering an applicant’s Homelessness priority need under Article 7 of the Housing (NI) Order 1988.

.....  
.....  
.....  
.....

(v) Other information (specify Act and Section)

.....  
.....  
.....

PART B

**Information requested: Delete where necessary**

(i) Relevant convictions .....Yes / No

(ii) Details of relevant contact with Police .....Yes / No

(iii) Details of relevant complaints / reports of incidents .....Yes / No

(iv) Confirmation of relevant threats .....Yes / No

(See Protocol Paragraph 2.2 ‘Note’ for a description of *relevant*).

(v) Details of the following reports to the NIHE .....Yes / No

Please list details of incidents below for PSNI confirmation:

DATE	TIME	INCIDENT DETAILS
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.....  
.....  
.....  
.....  
.....  
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.....

(iv) Any other relevant information

.....  
.....  
.....  
.....  
.....  
.....  
.....

(Continuation sheet attached Yes / No

DECLARATION: I am a designated officer as described in the information sharing protocol between the Police Service of Northern Ireland and the Northern Ireland Housing Executive. The information requested above is given for the reasons stated. I will not use or disclose the information for any other purposes.

Name..... Position .....

Date ..... Signature .....





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**APPENDIX 5A**

**Housing**  
**Executive**

«TenFullNam»  
«Addr1»  
«Addr2»  
«Addr3»  
«Addr4»  
«Postcode»

«SectAddr2»  
«SectAddr3»  
«SectAddr4»  
«SectPcode»  
Phone: 03448 920 900

Date:

Dear «TenNam»

**RE: Application Deferral**

This is to inform you that, following discussions with yourself / your appointed representative, that consent has been given to defer your housing application until the agreed date. I would also advise that while your application is deferred no offers of accommodation will be made to you. This deferral will be automatically lifted on the agreed date. I would also advise that you can remove your consent to this deferral at any stage and that the deferral will be lifted. Please see below for the details:

Name:		Application Number:	
Date:			
Please detail the rationale behind the reason for the deferral:			
Date deferred to:			

Yours sincerely,

Designated Officer