



NORTHERN IRELAND HOUSING SELECTION SCHEME:

Investigating future provision for victims of violence and those at risk/under threat of violence including victims of domestic abuse

Final Report

**Northern Ireland Housing Selection Scheme:
*Investigating future provision for victims of
violence and those at risk/under threat of
violence including victims of domestic abuse***

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The content of this report does not necessarily reflect the official opinion of the Housing Executive. Responsibility for the information and views expressed lies with the authors.

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Glossary of Abbreviations

ARJ	Alternatives Restorative Justice
ASB	Anti-social behaviour
CBL	Choice Based Lettings
CRJ	Community Restorative Justice
CWL	Common Waiting List
CVOC	Commissioner Designate for Victims of Crime
DA/DV	Domestic abuse/Domestic violence
DASH	Domestic Abuse, Stalking and Harassment and Honour Based Violence Risk Identification and Assessment Management Model
DfC	Department for Communities
DSA	Data Sharing Agreement
EPPOC	Executive programme for tackling paramilitary activity and organised crime
EVAW	Ending Violence Against Women
FDA	Full Duty Applicant
FRA	Fundamental Review of Allocations
HCN	Housing Community Network
HSS	Housing Selection Scheme
IRIS	Identification and Referral to improve safety GP scheme
ISA	Information Sharing Agreement
ISP	Information Sharing Protocol
MARAC	Multi-Agency Risk Assessment Conference
NICCY	Northern Ireland Commissioner for Children & Young People
NIFHA	Northern Ireland Federation of Housing Associations
NIHE	Northern Ireland Housing Executive
NIHRC	Northern Ireland Human Rights Commission
OSN	Other Social Needs
PRS	Private rented sector
PSN	Primary Social Needs
PSNI	Police Service Northern Ireland
RSL	Registered Social Landlord

Executive Summary

This research study highlights the differences in social housing allocation policies and processes with reference to the treatment of violence, when compared to legislation, policy and practice in other UK jurisdictions.

In many cases domestic abuse/violence is prioritised or placed in the highest banding, albeit that this is often alongside other forms of violence. In contrast the situation in Northern Ireland sees intimidation (including a number of different types and motivations) receiving higher points than domestic abuse/violence and some other types of violence.

In the context of Proposal 7 of the Fundamental Review of Allocations, qualitative feedback from professionals working directly in the fields of housing and violence indicated support for the removal of intimidation points, with a desire to see other types of violence, including domestic abuse/violence receiving higher priority, and with a desire to see the differential between levels of points to be reduced. In contrast, a number of those organisations which made a written submission suggested that some level of intimidation points should be retained to ensure that those who are at this type of threat or risk to life should be protected in terms of their housing need.

This research study, commissioned by the Northern Ireland Housing Executive (NIHE) and undertaken independently by Fiona Boyle (Lead consultant) with specialised input from Dr. Kelly Henderson, investigated the topic of *future provision for victims of violence and those at risk/under threat of violence including victims of domestic abuse within the Northern Ireland Housing Selection Scheme (HSS)*.

The research emanated from Proposal 7 of the Fundamental Review of Allocations which proposed: **The removal of intimidation points from the Housing Selection Scheme (HSS).**

Following public consultation and the publication of the consultation outcome report on 20 proposals to improve the social housing allocation system, it was agreed to take forward 18 proposals, and that two, including Proposal 7 relating to intimidation points, would require further investigation. The purpose of this research was to examine how social housing providers in other jurisdictions identify, assess, verify and prioritise victims of violence and those at risk / under threat of violence, including victims of domestic violence / abuse, within their housing allocation schemes, and then to provide an independent evidence base for any further approach to this within the HSS in Northern Ireland. The research methods are outlined at Appendix 1.

Section 1 Introduction and background

This section outlines the background to and rationale for the research. The NIHE operates the HSS which provides a common waiting list representing a single gateway into social housing in Northern Ireland. The HSS consists of a set of rules which govern access, assessment and allocation to social housing; this is administered by the NIHE and adhered to by all participating social housing landlords. Eligible applicants apply, are assessed and then placed on a Common Waiting list (CWL).

The NI scheme is points-based; an award of points can be made under four categories including intimidation, insecurity of tenure, housing conditions and health/social well-being. Rule 23 notes the specific criteria for the award of intimidation points, including the types of violence which are covered. Intimidation points are the highest individual award of points within the HSS, and a person who has been assessed as meeting the criteria for an award of intimidation points receives 200 points together with any other points they are eligible for. Based on points, individuals with 200 intimidation points tend to be at the top of the social housing waiting list.

If violence is established as the reason for homelessness (those who have experienced violence or under the threat of violence or are in fear of violence and cannot return home), then applicants will receive the award of statutory homelessness (FDA) and the associated 70 points for homelessness. Individuals and households experiencing domestic abuse/ violence or other types of violence not covered in the intimidation points category, including as a result of human trafficking or as a result of coercive criminality, do not receive the 200 intimidation points. Other types of violence may receive points under Rule 43 - Primary Social Needs (PSNs); each factor is 20 points – maximum of 40 points.

Section 1 also notes that social housing plays an important role in the tenure breakdown of occupied households in Northern Ireland, with 10.8% (82,900) of households renting from the NIHE and 4.5% (34,500) renting from Housing Associations). Social housing waiting list figures point to high levels of applicants (44,426 in 2021/22), high levels of housing stress (31,407 in 2021/22), alongside decreasing levels of annual allocations and increases in waiting times for an offer of social housing. As such any housing assessment and allocation scheme becomes even more important when the resource – in the form of social housing – is limited and in short supply.

Section 2 Violence as a factor in housing need

This section examines violence as a factor in housing need, looking in particular at data and trends (NIHE, PPS, PSNI) for different types of violence including intimidation (covering all recognised in Rule 23¹) and domestic abuse/violence. This section also outlines the historical context of how and why intimidation became integrated as an indicator of housing need within the HSS, together with information on how intimidation is currently assessed, evidenced and verified, and the relevant procedures and data sharing arrangements.

NIHE data on the level of presentations and acceptances as Full Duty Applicants (FDAs) under the homelessness legislation, where intimidation is the main reason for homelessness indicates that intimidation: paramilitarism is the largest type of intimidation across the six recognised areas, both currently and historically. The overall number of cases awarded intimidation points has decreased steadily over the last seven years from 387 in 2016/17 to 212 in 2022/23. In contrast the number of cases accepted as FDA where the reason for homelessness was domestic violence increased in the same time period from 774 in 2016/17 to 1,061 in 2022/23. Terminology relating to domestic abuse/violence, recent changes in legislation, the MARAC system, the Sanctuary Scheme, as well as data published by the PSNI indicating a massive increase in the incidence of domestic abuse, were all considered in this section.

¹ Paramilitary, sectarian, hate crimes including offences aggravated by hostility towards a victim on the ground of race, sexual orientation, disability or religion, and intimidation as a result of an attack related to neighbourhood nuisance and other forms of anti-social behaviour.

Section 3 Treatment of violence in housing assessment and allocation policies – background to other jurisdictions

provided an overview of the relevant legislation, housing policy and practice in terms of the treatment of violence as housing need, within housing assessment and allocation policies in other jurisdictions². This section was provided by Neil Morland and Dr. Kelly Henderson. Whilst not directly comparable with Northern Ireland some key points on what type/nature of violence is covered in housing allocation in other jurisdictions included the following:

- Social housing allocation legislation has considerable commonality across the four nations e.g. in relation to eligibility with linkages to immigration law, but equally there is considerable divergence e.g. in terms of who should be prioritised for an allocation of social rented housing;
- There is considerably less direction or any statutory guidance for the NIHE, compared to other jurisdictions, in terms of preference or categories of need within a social housing allocation scheme;
- In the other jurisdictions, schemes include the concept of reasonable preference for those who are victims of violence (non-domestic abuse), thus giving a priority for the allocation of social rented housing. This is made clear through statutory guidance;
- Housing allocation law in England and Wales includes a further concept of additional preference, that is not featured in housing allocation law for Northern Ireland or Scotland. This allows local authorities to select persons, either by characteristic and/or experience, whom they wish to give priority for an allocation of social rented housing. This is made clear through statutory guidance;
- It is worth noting that the system in Northern Ireland encompasses the concepts of reasonable preference and additional preference within its prioritisation and pointing system;
- Housing need as a result of domestic violence or abuse is included in other jurisdictions, either within reasonable or additional preference, as outlined in statutory guidance, and linked to various pieces of legislation and policy, which have strengthened how domestic violence and coercive control are treated. Practice guidance in Scotland³ indicates that the landlord should consider giving a high level of priority to anyone who is experiencing domestic abuse, and that this represents a critical housing need. The practice guidance also recommends that landlords work in partnership with domestic abuse, voluntary organisations and others to develop an approach for their housing allocation scheme, which as noted in the guidance should also enable the victim to avoid approaching statutory homeless services if that is their choice;
- Whilst the wording of the statute and guidance in the areas outlined above is ‘should consider’ rather than ‘instruct’, this study noted that the prevailing expectation is that all local authorities will comply with the statutory guidance, and evidence confirms that almost every local authority makes use of this power.

In addition this section looked at legislation and policy in relation to evidence and verification, how unacceptable behaviour is dealt with.

² England, Scotland and Wales.

³ Social housing allocations in Scotland: a practice guide. Scottish Government. February 2019. See - <https://www.gov.scot/publications/social-housing-allocations-scotland-practice-guide/documents/>

Section 4 Comparative Analysis UK and RoI – treatment of violence in housing assessment and allocation policies

Section 4, covering Strand A of the research study, provides a comparative analysis of various elements of housing assessment and allocation policies amongst providers in England, Scotland, Wales and the Republic of Ireland. It was recognised that comparisons were difficult when the NI scheme is points based, whereas schemes in other jurisdictions are largely banding and priority systems. The key findings of this desk-based exercise were as follows:

- In Northern Ireland higher priority is given to housing need which meets the definition and threshold of violence related to intimidation (Rule 23), in comparison to domestic abuse/violence. As such there is no recognition that domestic abuse can include a ‘threat to life’ and that the risk might be greater than other forms of violence.
- In the other jurisdictions:
 - violence and domestic abuse/violence are largely found in the top band or priority area for allocation, albeit that this is generally alongside other types of violence;
 - in a small number of cases domestic abuse/violence is deemed to be higher priority than other types of violence (for exceptional cases – including MARAC cases), receiving what are referred to as gold or platinum passes;
 - that violence of all types is interconnected to levels of threat and potential harm, rather than specific types of violence;
 - Reference is made to the use of MARAC⁴ as an evidence base for domestic abuse/violence, as well as evidence and verification via police evidence for all types of violence. In addition, reference was made to a wide range of other organisations that could provide documented evidence and/or verification;
- Information on advice, assistance and support services for homeless applicants experiencing violence, including domestic abuse/violence was found to be variable across the other jurisdictions, with examples of good and poor practice highlighted.

Sections 5 - 9, covering Strand B of the research study, outlined qualitative research findings as follows:

Section 5: Classification of Violence:

- The majority of respondents interviewed supported Proposal 7 - the removal of intimidation points for the current categories awarded under Rule 23, noting that they agreed with the outcome of the public consultation. Some respondents suggested that a category for serious violence and risk to the individual should cover a wider number of types/motivations for violence; and that there should be a level playing field irrespective of why the violence has occurred, with more focus on the impact on housing need in terms of serious or imminent risk or threat to life;
- In contrast, a number of respondents providing a written submission suggested that intimidation (and the types of violence currently covered by this) should continue to attract a higher level of points (currently 200 points but with some potential to lower this), in line with its current

⁴ While the researcher is aware that an independent review of MARAC had been carried out, at the time of publication the outcome of this review was still to be confirmed.

definition under Rule 23. Their rationale was that these individuals/households would be at serious risk if this level of points/weighting was removed;

- The Lived Experience groups had different perspectives on how violence should be treated within the HSS, but all indicated that additional groups/types of violence should receive more recognition than currently provided for;
- Respondents suggested that any classification of violence should relate less (or not at all) to the motivation/source/causation of the violence, and more to the severity, impact and risk level
- All respondents (irrespective of type/research method) suggested that the wide differential in points, created by the 200 points for intimidation, should be reduced;
- Some respondents (irrespective of type/research method) suggested that domestic abuse/violence should be afforded higher priority; with some respondents extending this to other types of violence including as a result of human trafficking or coercive control;
- Some respondents suggested that some types of violence e.g. as a result of anti-social behaviour should not be afforded additional points in the HSS.

Section 6: Level of violence and risk

There was consensus on the following factors:

- That all of the types of violence discussed could potentially result in death or serious injury;
- That any 'threat to life' should be the predominant factor in any assessment of housing need, as there is a universal need to protect those who are genuinely at risk/in immediate danger from violence;
- That there should be no tangible differentiation between actual or threat of violence, and that the likelihood of any violence should be taken into account on the basis of information available;
- That the following should be taken into account via weighting and/or higher points:
 - (1) the actual or potential severity of the violence;
 - (2) the imminency of the actual or threat of violence;
 - (3) the actual or potential level of harm to the individual or household;
 - (4) the persistency of the violence
- That evidence and verification of any aspect outlined above is critical in the assessment of housing need in relation to violence;
- That the role of the Housing Advisor – including requisite skills and knowledge base – should be reviewed in relation to assessing housing need in the context of actual or threat of violence, and risk levels including risk of serious injury or threat to life;
- That there may currently be differing assessments or application of risk factors through systems such as the MARAC forms; and this can be dependent on who completes the forms;
- In terms of domestic abuse and violence, it is critical that coercive control or behaviour is understood and taken into account in any assessment of housing need;
- That it is important to factor in other wider considerations including whether the violence happened/is happening in the home, and whether there are children in the household who could also be at risk from violence or the impact of violence.

Section 7: Evidence and verification of violence

There was universal agreement of the need for a consistent and robust system for the provision of evidence and verification of actual/threats of violence, in relation to all groupings covered by Rule 23

of the HSS. Respondents also noted that it was the statutory duty of the NIHE to make enquiries and carry out investigations in relation to any application for social housing and/or homeless presentation, and the responsibility of the PSNI to provide evidence and/or verification of any risk identified.

A number of concerns were highlighted in relation to the current system relating to evidence and verification. Respondents noted that in some cases there may be difficulties in getting police reports, and combined with this, there was a recognised 'lack of information' in police reports. It was also recognised that whilst the PSNI may have information and data on their systems, this may not be available or released because of restrictions on its usage. The difficulties and challenges facing the PSNI were recognised, in terms of what information they can share, and consistency of practice across geographical areas.

In terms of any further evidence or verification requirements, should the current system of awarding points relating to intimidation or other types of violence be revised, respondents across all the groupings put forward the involvement of a more flexible approach including more external agencies ('trusted' or credible partners) with specific knowledge of the individual applicant and/or expertise in the type of violence. Respondents suggested that this should not be a prescriptive list but that the decision maker could look at a range of information and evidence. Other groups/agencies were mentioned in terms of providing evidence or verification; these included Homeless providers, Victim Support NI, NIACRO, Assist NI, Men's Advisory project, Social Services, health professionals/ Health & Social Care Trusts, Cara Friend, Queer NI, Migrant Centre, Law Centre NI, Youth Action NI etc. In contrast, some respondents suggested that the involvement of wider agencies for evidence and verification may not be the best approach.

In terms of evidence and verification of domestic abuse/violence, some respondents suggested the use of the MARAC system and risk forms. Drawbacks to this were highlighted including the fact that the domestic abuse/violence may not be reported at all, referral to MARAC is not universal for all applicants, reported experience of variable marking from MARAC assessments and the level of abuse may not meet the threshold or indeed may be minimised by applicants. It was suggested that the threshold for evidence for domestic abuse/violence should be lower and that the believe principle should be upheld.

Alternative models of practice around evidence and verification were highlighted, which could bring a different approach into this element of the HSS. These included the Hate Crime Advocacy service, the system for verification of a third child as a result of non-consensual sex in relation to the 2-child limit for Universal Credit (use of health and sexual care professionals to give evidence), the system used by Social Services to check the suitability of potential kinship foster carers (central referral unit and a single point of contact) and systems in relation to adult safeguarding.

Section 8: Support services for victims of violence

The following comments/suggestions were made:

Availability of support services from the NIHE for those in housing need, where violence is a factor, and the role of the Housing Advisor

- Consideration of how to further develop awareness and knowledge amongst Housing Advisors, including development of domestic abuse training, training for all staff and contractors in identifying signs of domestic abuse and other types/forms of violence and the impact on an individual's housing need, together with training to support a more trauma-informed approach.
- Further development of policies and practice in relation to onward signposting and referral, including to MARAC and other relevant agencies.
- Development of further information on support services, relating to violence and housing need, on the NIHE website.

Availability of support services from external agencies for those in housing need, where violence is a factor

- Consideration across Departments and statutory agencies of the need for support services, relating to housing need and an interconnection to violence, that are equally available and distributed for all victims of violence. Consideration around barriers to and accessibility factors including provision of information, awareness raising, provision to encourage reporting, provision for recording to ensure retelling of a story is not required.
- Consideration of the need for more specialised support and independent housing advice to support individuals navigating the complexities of violence-related cases, when applying to the NIHE.
- Consideration of how housing need is identified by external agencies, including the PSNI, and referred to the NIHE.

Need for more mediation

- Consideration of the need to review and extend mediation models including community mediation, and relating to wider types of violence.

Emergency grant

- Review of the availability (and necessity) of an emergency grant for individuals who meet the current threshold relating to intimidation.

Sanctuary scheme

- Consideration in line with the recommendations in the independent evaluation, to work with NIFHA in relation to the expansion of the scheme to Housing Association tenants and required sources of funding for this.

Public Health model of violence prevention and reduction

- A cross-government commitment and understanding of the public health model of prevention and reduction of violence.

Section 9: Comparative non-violent housing need

Relative prioritisation of housing need – violence versus non-violent reasons

There was universal consensus that housing need where there is assessed and evidenced violence as a factor, and in particular serious violence where there is a high level of harm and risk to life, should take priority over and above other non-violent housing need. The impact of the violence and the potential significant level of trauma and harm were viewed as the deciding factors.

Other housing need – what priority should it get?

There was considerable feedback that it is short-sighted not to consider other non-violent reasons for homelessness, at a higher level. Respondents suggested several areas in which applicants should

get higher priority or points than they currently do, e.g. applicants experiencing chronic overcrowding, applicants with complex mental health needs, applicants leaving prison and other institutions. Feedback also included the need to think about housing need in a wider sense, as the interconnections or movement between non-violent and violent reasons can often be blurred, and one can lead to the other.

Supply and demand

Respondents concluded that the discussion on prioritisation of housing need directly relates to the supply of social housing and current levels of demand.

Section 10: Comparative non-violent housing need

Based on the research findings, Section 10 outlines a range of options for future provision for victims of violence and those at risk/under threat of violence, in relation to the consideration of violence as a factor, within the HSS. The commitment to undertake modelling of the impact of any proposed alternative options to the current points system is noted. In addition, any options considered would need to be tested against other proposals in the FRA, for example including Proposal 10 in relation to a new banding system. These alternative approaches are provided for consideration by the FRA Project team, with a view to options being taken forward to the Minister for Communities, with particular reference to decision-making on Proposal 7 of the FRA.

NR	OPTION	Notes
1	Option – Do nothing	Maintain the status quo
2	Remove Rule 23 entirely	This was the suggestion in the 2017 FRA public consultation.
3	Keep Rule 23 as is but reduce points levels	This would retain intimidation points for the groups already under Rule 23 – ASB, paramilitary, sectarian, racial, disability, sexual orientation. This option would reduce the points level.
4	Amend Rule 23 to extend causation, keep at 200 points	This would extend the causation examples from current to then include – domestic abuse, human trafficking, coercive criminality. This option would retain points at 200 and retain the high bar/threshold of serious and imminent risk to life as in part 1 of Rule 23.
5	Amend Rule 23 to extend causation, reduce points from 200	This would extend the causation examples from current to then include – domestic abuse, human trafficking, coercive criminality. This option would reduce points from 200 and retain the high bar/threshold of serious and imminent risk to life as in part 1 of Rule 23.
6	Amend Rule 23 to completely remove 2nd part of it, plus reduce points levels	This would mean that Rule 23 would only include the first element – the threshold of ‘serious and imminent risk’ would be the sole qualifying criteria. This option would also reduce points from 200. Part 2 of Rule 23 would be removed in terms of causation factors. Whilst Option 6 is closely aligned to Option 5, the difference is that in Option 5 causation examples would be listed, whereas in Option 6 no specific causation examples would be referenced.
7	Replace Rule 23 – brand new criteria, for example for all high-risk victims of violence, abuse and trauma	In this option Rule 23 would be dissolved, therefore providing a clean break. The new rule would have a clear focus on points to be awarded, for example for high-risk victims of violence.

Section 1: Introduction and background

1.1 Introduction

This research study was commissioned by the NI Housing Executive (NIHE); the title of the research was: *Investigating future provision for victims of violence and those at risk/under threat of violence including victims of domestic abuse within the Northern Ireland Housing Selection Scheme (HSS).*

The Fundamental Review of Allocations (FRA) Project team managed the commissioning and fulfilment of the research process and outputs. The independent research team was led by Fiona Boyle (Principal consultant – Fiona Boyle Associates) with specialised input from Dr. Kelly Henderson (Addressing Domestic Abuse CIC⁵). In addition, input to policy and practice in the areas of housing assessment and allocations was provided by Melissa O'Neill (West Lancashire Borough Council)⁶ and Neil Morland (Neil Morland Co Housing Consultants).

1.2 Research purpose, aims and objectives

The research specification stated: *this research will assist policy makers by providing an independent evidence base to inform the development of future provision for victims of violence and those at risk / under threat of violence, including victims of domestic violence / abuse, and the assessment, verification and prioritisation of their housing need.*

The overarching aim of this independent research was to contextualise current provision in relation to victims of violence and those at risk / under threat of violence, including victims of domestic abuse, under the existing HSS in Northern Ireland with those in other UK, and ROI jurisdictions, and to engage with a wide range of respondents on the role of the HSS with meeting the needs of this target group. The focus of the study was to develop and inform options for evidence-based decision making for the future approach to the assessment, verification and prioritisation of housing need for victims of violence, and those at risk / under threat of violence, including victims of domestic violence / abuse in the Scheme. The research methodology is outlined in Appendix 1.

The research had three stages. Strand A comprised a desk-based in-depth assessment of the treatment of violence under the HSS in Northern Ireland, with a comparative analysis to legislation and policy in other UK and ROI jurisdictions, as well as a review of practice in terms of housing allocation policies, procedures and support provision in a sample of social landlords. This stage looked at classification, comparative recognition of housing need, verification and access to support services.

Strand B comprised qualitative data collection via stakeholder engagement, using a range of methods including interviews, focus groups and written submissions. This stage included three main groupings: Government stakeholders, wider stakeholder groups and those with lived experience. Strand C utilised findings from both Strands A and B, together with background information and statistics to produce suggested options in relation to the assessment of violence, including current

⁵ Dr. Kelly Henderson, Managing Director of the Addressing Domestic Abuse CIC (<https://addressingdomesticabuse.com/>) and co-founder of the Domestic Abuse Housing Alliance (DAHA).

⁶ As part of the Housing Diversity Network Programme – www.housingdiversitynetwork.co.uk/mentoring

groups within Rule 23, and further groups outwith the current award of intimidation points. The overall purpose of the research was to inform a range of options for consideration by the FRA Project Team to take forward to the Minister for Communities, with particular reference to decision-making in relation to Proposal 7 of the Fundamental Review of Allocations (see Section 1.3), and a proposed implementation approach in this area. It was recognised that further modelling⁷ and analysis of Waiting List data will be necessary to test scenarios in relation to the potential amendments and recommendations from this research study e.g. in the level and weighting of points in terms of the cumulative impact on the Waiting List of other changes being implemented under the FRA Project, i.e. new Banding system (see Section 1.3).

The research specification outlined the following aims for this research study:

- To conduct a comparative analysis of how housing authorities and organisations across all jurisdictions (United Kingdom (UK) and Republic of Ireland (ROI)) identify, assess, verify and prioritise victims of violence and those at risk / under threat of violence, including victims of domestic violence / abuse, within their housing allocation schemes;
- To investigate the role of the Housing Selection Scheme (HSS) within the wider social, political and strategic context in which it operates – to include views from a wide range of respondents with regard to future provisions within the HSS for victims of violence and those at risk / under threat of violence, including victims of domestic violence / abuse; and
- To identify options for future provision for victims of violence and those at risk / under threat of violence, within the HSS.

1.3 Rationale for the research study

The Fundamental Review of Social Housing Allocations was launched in 2013. Prior to this the NIHE had consulted on and suggested changes to the Department in 2011⁸. Research undertaken by the Universities of Ulster and Cambridge⁹ provided an independent analysis of the current HSS and system, best practice approaches, modelling of the impact of a number of the proposals and made recommendations for change.

In September 2017, the DfC embarked on a public consultation¹⁰ on 20 proposals to improve the social housing allocation system, with a view to progressing the review and to bring about long-awaited amendments to the HSS, which has remained relatively unchanged since its introduction in 2000 (see Section 1.4). A consultation outcome report was published in December 2020¹¹. From this, the Minister for Communities¹² decided that eighteen proposals would be taken forward and two proposals would need more investigation, relating to intimidation points (Proposal 7) and interim accommodation points (Proposal 9). On 3rd November 2020, the Minister for Communities¹³

⁷ Some modelling and analysis of the waiting list has already been undertaken by Economic Research and Evaluation, April 2021, highlighting the impact on points and ranking if intimidation points were removed.

www.nihe.gov.uk/getattachment/4afb2b9c-f9db-4ed5-8c9b-eb53d62c8ef1/FRA-report.pdf

⁸ NIHE (2011) Housing Selection Scheme: Preliminary Consultation Paper, NIHE, Belfast.

⁹ [Research to inform a fundamental review of social housing allocations policy \(communities-ni.gov.uk\)](http://Research to inform a fundamental review of social housing allocations policy (communities-ni.gov.uk))

¹⁰ [The Proposals for Change Consultation Document \(2017\).](http://The Proposals for Change Consultation Document (2017).)

¹¹ [Consultation Outcome Report- A Fundamental Review of Social Housing Allocations \(communities-ni.gov.uk\)](http://Consultation Outcome Report- A Fundamental Review of Social Housing Allocations (communities-ni.gov.uk))

¹² Deirdre Hargey MLA Minister for Communities

¹³ Carál Ní Chuilín MLA Minister for Communities

gave an Oral Statement to the NI Assembly on her plans to address the significant challenges facing housing (see paragraphs 26 to 30 in particular)¹⁴.

The FRA Implementation Project¹⁵ was established by the NIHE to deliver and implement the 18 agreed changes and to develop options for the remaining two proposals. As such Proposals 7 and 9 are considered longer-term proposals and are planned to be implemented in the final Stage of the Project.

The 20 proposals included in the FRA interconnect. At this point it is important to note Proposal 10 which reads as follows: *The Selection Scheme should place applicants into bands based on similar levels of need to meet longstanding housing need more effectively.* The rationale for the introduction of a Banding system in addition to the points based assessment, is that it will give more recognition to longstanding need and waiting times (See Page 75 of [DfC 2017 Consultation Document](#)¹⁶). The thresholds for the banding system will be particularly important and once the key decisions on Intimidation and Interim Accommodation are made, in response to Proposals 7 and 9, further modelling will be carried out to determine those thresholds. The weighting of points currently attached to persons falling within Rule 23 (intimidation points) ensures that that applicant's case has an absolute priority over all other cases except for other cases in the same category. Consideration must be given to the level and weighting of an alternative to the current intimidation points vis a vis other levels of Housing Need Factors and the cumulative impact in a new Banding System.

The focus for this research study is Proposal 7. Proposal 7, as outlined in the 2017 public consultation report is as follows: **The removal of intimidation points from the Selection Scheme**¹⁷ *This would not affect the urgent help for those experiencing intimidation. Where a person is in danger the NIHE would remove them from that danger and offer alternative accommodation on an emergency basis. This should recognise the housing need of intimidated households in a fairer and more proportionate way. Do you agree?*

Out of a total of 185 responses in the overall consultation, 158 (85%) responded to this proposal. Overall two-thirds of respondents (66%) agreed with the proposal to remove intimidation points from the Selection Scheme as outlined in Proposal 7; whilst 30% disagreed with the proposal and 4% said they did not mind. Support for this proposal was greater amongst members of the public, with 69% in agreement, compared to 60% of organisations. For those who disagreed, this was 38% of organisations, 25% of members of the public. For those who didn't mind one way or the other, this was 2% of organisations and 6% of the public.

A summary of respondent's views in the Consultation Outcome Report noted the following:

¹⁴ www.communities-ni.gov.uk/news/housing-statement-communities-minister-caral-ni-chuilin-3-november-2020

¹⁵ [The Housing Executive - Fundamental Review of Allocations \(nihe.gov.uk\)](http://The Housing Executive - Fundamental Review of Allocations (nihe.gov.uk))

¹⁶ [The Proposals for Change Consultation Document \(2017\)](#).

¹⁷ It should be noted that the proposal is to remove the 200 intimidation points. It is not proposed to remove the 70 FDA points or the 20 PSN points for violence. The DfC consultation document (2017) stated: *People who have been made homeless through intimidation should continue to receive Primary Social Needs points (20) to recognise the trauma associated with violence or the fear of violence the applicant has experienced, in addition to homelessness points (70). In this way they would be treated similarly to other applicants who may have experienced equally traumatic circumstances, for example the loss of their home because of fire, flood or other disaster and who are assisted, alongside all other existing applicants, through the homelessness legislation and the Selection Scheme.*

The majority of respondents agreed with the proposal to remove intimidation points from the Selection Scheme, with almost seven out of ten respondents supporting the proposal. Many respondents put forward a view that the proposal would ensure greater fairness, and remove the over-riding priority that those receiving intimidation points have over those in equally high housing need. This theme was highlighted by respondents who both agreed and disagreed with the proposal.

The importance of multi-agency working to address the underlying causes of intimidation was highlighted. A number of respondents noted a perception that intimidation points are abused at the moment and there was a need for greater transparency, clear processes and guidance moving forward. Some proposed an alternative system where intimidation points would still be awarded, but at a reduced level or with a weighting applied to reflect trauma. Others felt that points should be extended to award points for other traumatic circumstances. Concerns were also raised by respondents regarding the safety of victims and the wider community. A number of respondents stated that the emergency grant, often awarded alongside intimidation points, should be removed.¹⁸

Despite the majority in favour of Proposal 7, following the consultation exercise and prior to publishing its outcome, the Minister for Communities¹⁹ announced to the Assembly in November 2020 that Proposal 7 would not proceed as proposed and that alternatives should be investigated. In doing so the Minister stated the following:

"I do not intend to proceed with the proposal to remove intimidation points. People in danger in their own home need prioritisation under the selection scheme. The manner of that prioritisation needs to be tightly focused on such people, including victims of domestic violence. But, consistent with this, the mechanisms for such prioritisation need to prevent abuse and provide robust verification. They need to ensure that the manner in which the scheme responds to cases of intimidation does not distort the list."²⁰

The previous Minister for Communities²¹ also noted in the Foreword to the Consultation Outcome Report²²: "[Intimidation] points are still needed today to meet the specific needs of the most vulnerable in our society, including victims of violence or abuse...There must be robust verification of intimidation points: I want to make changes that will prevent any manipulation of the system for awarding these points."

This commentary therefore provides the backdrop against which this current research study has been commissioned, with a clear focus on examining how other jurisdictions treat violence as a housing need factor in their social housing allocation schemes, with a specific reference to looking at options to strengthen the verification process and to prevent any abuse of the system; and to address the current inconsistencies where other victims of trauma or violence, for example, victims of domestic abuse, do not currently receive a higher level of priority. The current threshold for intimidation points is high, with a decision in relation to the applicant's circumstances in terms of

¹⁸ [Consultation Outcome Report- A Fundamental Review of Social Housing Allocations \(communities-ni.gov.uk\)](#), pages 43 and 44.

¹⁹ Carál Ní Chuilín MLA Minister for Communities

²⁰ www.communities-ni.gov.uk/news/housing-statement-communities-minister-caral-ni-chuilin-3-november-2020

²¹ Deirdre Hargey MLA Minister for Communities

²² [Consultation Outcome Report](#) (DfC, December 2020)

serious and imminent risk of the individual (or household member) being killed or seriously injured.

Most recently the topic was raised as an oral question (AQO 32/22 – 27) in February 2024²³, where the Minister for Communities (Gordon Lyons, MLA) was asked about the Department’s plans to review the HSS, and in particular around the subject of 200 points for intimidation. The Minister’s response can be read by following the link in footnote 24.

1.4 Northern Ireland - Housing Selection Scheme and assessment of homelessness

The NIHE is a non-departmental public body, originally established by the Housing Executive Act (NI) 1971²⁴. Under the terms of the Act, the NIHE assumed the housing responsibilities of 65 separate authorities and is Northern Ireland’s single comprehensive regional housing authority. The NIHE has responsibility for the assessment of all social housing applicants and the allocation of its own social housing stock. Housing Associations allocate their own social housing stock, and assess the housing need of any of their tenants who want to move within the social housing stock²⁵. In addition, the NIHE has statutory responsibility for homelessness. This is in sharp contrast to the management and allocation of social housing and responsibility for homelessness in the other UK jurisdictions, which has been retained at a local authority or county council level (See Section 3).

The primary legislation, the Housing (NI) Order 1988, established the definitions and the duties surrounding homelessness (homeless/threatened with homelessness²⁶, priority need and intentionality), making enquiries, temporary accommodation and decision letters²⁷. The Housing (NI) Order 2003 amended the provisions of the 1988 Order, introducing changes to the definitions of homelessness and to the provisions regarding becoming homeless intentionally²⁸, and introduced the additional requirement on the NIHE to assess an applicant’s eligibility for housing assistance. The Order places a statutory duty on the NIHE to provide and to secure that accommodation becomes available for certain homeless households to occupy, dependent upon investigations and assessment of their circumstances.

²³ <https://aims.niassembly.gov.uk/officialreport/report.aspx?&eveDate=2024/02/20&docID=388360>

2pm onwards, AQO 32/22 – 27.

²⁴ Superseded by the Housing (NI) Order 1981. The NIHE is required by Article 22 of the Housing (NI) Order, 1981 to allocate dwellings in accordance with a scheme approved by the Department of Social Development for Northern Ireland. Similarly, every Registered Housing Association is required to allocate its accommodation on the basis of a scheme approved by the Department for Social Development. This is laid down by the Tenants’ Guarantee, which is issued by the Department using its powers under Article 11 of the Housing (NI) Order 1992.

²⁵ Registered housing associations first came into being in Northern Ireland in 1976. There are currently 20 associations, including the Northern Ireland Co-ownership Housing Association. See: [Registered housing associations | Department for Communities \(communities-ni.gov.uk\)](#)

²⁶ www.nihe.gov.uk/getattachment/8e3e6379-4126-4763-b55e-8dc0ab861e65/Homeless-Threatened-with-homelessness.pdf

²⁷ Information on the Housing (NI) Order 1988 and the Housing (NI) Order 2003 from the NIHE *Homelessness Guidance Manual*, December 2017, Chapter 1

²⁸ *A person becomes homeless intentionally if he or she deliberately does or fails to do anything in consequence of which he ceases to occupy accommodation, whether in Northern Ireland or elsewhere, which is available for his or her occupation and which it would have been reasonable for him or her to continue to occupy.*

In order to be “accepted” as statutorily homeless, a household must meet the four tests of:

- Eligibility
- Homelessness
- Priority Need
- Intentionality

Any household that meets these four tests will be accepted as a ‘Full Duty Applicant’ (FDA) and will be owed a full housing duty. The full housing duty includes ensuring that accommodation is made available for the household as well as the provision of temporary accommodation where necessary and assistance with the protection of the household’s belongings.

Under the legislation the following are deemed to have a priority need for accommodation:

- A pregnant woman or a person with whom a pregnant woman resides or might reasonably be expected to reside;
- A person with whom dependent children reside or might reasonably be expected to reside;
- A person who is vulnerable as a result of old age, mental illness or handicap or physical disability or other special reason, or with whom such a person resides or might reasonably be expected to reside;
- A person who is homeless or threatened with homelessness as a result of an emergency such as a flood, fire or other disaster;
- A person without dependent children, who satisfies the NIHE that he or she has been subject to violence and is at risk of violent pursuit or, if he or she returns home, is at risk of further violence;
- A young person who satisfies the NIHE that he or she is at risk of sexual or financial exploitation.

There have been no significant changes in the homelessness legislation in Northern Ireland to mirror the recent legislative changes in the other three jurisdictions²⁹. The legislation provides for the provision of advice only if the applicant is assessed as not being in priority need. (See Section 3)

In terms of social housing allocation, the NIHE operates the HSS (effective from November 2000) which provides a common waiting list representing a single gateway into social housing in Northern Ireland. The HSS consists of a set of rules³⁰ which govern access, assessment and allocation to social housing; this is administered by the NIHE and adhered to by all participating social housing landlords. Social housing is let on a permanent secure tenancy basis, whether owned and managed by the NIHE or any of the Housing Associations operating in Northern Ireland³¹. The HSS provides a ‘one stop shop’ for applicants and further promotes equitable treatment by using common criteria to assess the housing needs of all applicants.

²⁹ For example, the Homelessness Reduction Act 2017 significantly reformed England’s homelessness legislation by placing duties on local authorities to intervene at earlier stages to prevent homelessness in their areas. It also requires housing authorities to provide homelessness services to all those affected, not just those who have ‘priority need’. These include: (a) an enhanced prevention duty extending the period a household is threatened with homelessness from 28 days to 56 days, meaning that housing authorities are required to work with people to prevent homelessness at an earlier stage; and (b) a new duty for those who are already homeless so that housing authorities will support households for 56 days to relieve their homelessness by helping them to secure accommodation.

³⁰ HSS Rules www.nihe.gov.uk/getattachment/b997e1f4-969f-467b-9e91-03f77c1c6ae9/Housing-Selection-Scheme-Rules.pdf

³¹ Relevant legislation - to introductory tenancies (The Housing (NI) Order 2003 (Arts 6 & 7)) and Secure Tenancies (The Housing (NI) Order 1983 (Art 25))

It is worth noting at this point in the report that the HSS is a tool for ranking applicants in relative order of assessed priority need, in order to enable the allocation of what is currently a scarce resource in Northern Ireland; that is social housing. Section 2 provides further details on the level of applications and allocations (tables 1 and 2) and the level of social housing stock and new starts (tables 3 and 4). Given the prioritisation of FDA cases where there has been intimidation, and the limited supply of social housing, the end result is that many individuals and households with other significant housing needs have to wait lengthy periods of time for an offer of social housing.

As noted, the NIHE has statutory responsibility for a response to homelessness in terms of assessing homelessness and providing advice and assistance to any person who presents as homeless; in the case of this research study in response to a person/applicant becoming homeless as a result of alleged intimidation, and more widely in relation to a threat of or actual violence of different types. As such, where a person presents to the NIHE because of an attack, threat or fear of violence NIHE will offer temporary accommodation on an emergency basis in line with their statutory duties, thus removing the individual/household from danger/risk and providing them with a place of safety. The NIHE will then carry out a statutory homelessness assessment and investigate whether the criteria are met for the award of Primary Social Needs (PSN) points and/or intimidation points. As noted in the DfC consultation document³²: *the aim is to address the immediate personal safety of the applicant and then address the applicant's housing need via the Selection Scheme.*

The current HSS³³ was introduced on 1st November 2000 by the then Department of Social Development. Article 22 of the Housing (Northern Ireland) Order 1981 requires that the NIHE submits to the Department *a scheme making provision for determining the order in which prospective tenants or occupiers of the NIHE's houses are to be granted tenancies or licences of those houses.* Unlike other UK jurisdictions, there is no statutory guidance on allocations provided in Northern Ireland.³⁴

The HSS has been underpinned by the following principles (since the current scheme in 2000 and pre-dating that back to previous schemes):

- Greatest housing need: prioritisation of applicants and allocation of accommodation should be undertaken primarily on the basis of housing need;
- Fairness and equity: the NIHE should adhere to the principle of fairness and equity in the allocation of its accommodation;
- Access: the scheme should be operated on the basis of accessibility with minimal barriers to entry;
- Openness: the NIHE should provide clear information on the scheme and in particular how assessment and allocation is carried out;

³² [The Proposals for Change Consultation Document \(2017\).](#)

³³ [Housing Selection Scheme 2023 \(nihe.gov.uk\)](#)

³⁴ In Northern Ireland the legislation (Article 22 of the Housing (NI) Order 1981) simply requires that the NIHE shall submit to the DfC a scheme for the allocation of housing accommodation held by the NIHE to prospective tenants or occupiers. It does not provide the NIHE with any direction on the preference or categories of need within any legislative provisions or statutory guidance, unlike other jurisdictions. The NIHE therefore has a wide margin of appreciation to determine a Scheme, taking into account any special circumstances in Northern Ireland, which is then subsequently approved by the DfC. The NIHE has over the last number of decades afforded special treatment to emergency housing needs connected to the civil unrest in Northern Ireland. This has been in existence since the NIHE was established in 1971, and was subsequently widened to other victims of Hate Crime and other protected groups.

- Value for money: transfer and exchange mechanisms should ensure that rehousing opportunities are maximised and effective household/dwelling mix is achieved;
- Choice: People should have a reasonable freedom of choice of where they wish to live;
- Consistency: the selection scheme should be applied consistently to all applicants.

Research by the Universities of Ulster and Cambridge³⁵ reported *strong and continued support for these principles and, in particular, the overriding principle that social housing allocation should be based upon meeting housing need.*

The HSS provides a set of statutory rules, approved by the Department for Communities (DfC), which enables the NIHE and Housing Associations³⁶ (known as the participating landlords) to allocate their social housing stock (except for temporary housing). Eligible applicants³⁷ apply, are assessed (via a housing needs assessment) and then placed on a Common Waiting list (CWL).

A Housing Solutions and Support approach is taken to help the NIHE understand the individual or household's current circumstances and future housing aspirations. The published HSS Booklet states: *We will consider your living arrangements, financial situation, available social networks and any support needs, in order to help you sustain your current accommodation and help prevent you from becoming homeless. We will provide you with suitable options to meet both your immediate housing needs and to allow you to make informed choices regarding your permanent housing options. These may include social housing, home ownership, private rented accommodation*³⁸.

In the assessment process applicants for social housing, including those who have been assessed as statutory homeless and awarded FDA status are awarded points for a range of different circumstances, factors and criteria. These are outlined in summary below (taken from [Housing Selection Scheme 2023 \(nihe.gov.uk\)](https://nihe.gov.uk/housing-selection-scheme-2023) and in more detail in Appendix 2.

Rule 15 of the HSS states: *the housing selection process will rank applicants on a waiting list used by all participating landlords on a pointed basis, in descending order according to housing need. There will be four sections whereby applicants may be awarded points namely:*

1. Intimidation
2. Insecurity of Tenure
3. Housing Conditions
4. Health/Social Well Being Assessment

³⁵ [Research to inform a fundamental review of social housing allocations policy \(communities-ni.gov.uk\)](https://communities-ni.gov.uk/research-to-inform-a-fundamental-review-of-social-housing-allocation-policy)

³⁶ The HSS lists 18 participating Housing Associations – Abbeyfield & Wesley (NI) Ltd, Alpha Housing (NI) Ltd, Apex HA Ltd, Arbour Housing, Ark HA Ltd, Choice, Clanmil HA Ltd, Connswater Homes Ltd, Co Ownership, Covenanter Residential Association Ltd, Craigowen Housing Association Ltd, Grove HA, Habinteg Housing Association (Ulster) Ltd, Newington Housing Association, Rural HA Ltd, St Matthews HA Ltd, Triangle HA Ltd, Woodvale & Shankill Community HA Ltd.

³⁷ Applicants must be 18 years old when they apply. There are certain circumstances covering eligibility for those aged 16 – 18 years old. Other aspects affecting eligibility include people from abroad or a British or Irish national returning to live in the UK. Certain individuals are disqualified; these include those who have rent arrears, have abandoned a previous tenancy, have lived illegally in social housing in the past and/or who have been involved in anti-social behaviour.

³⁸ [Housing Selection Scheme 2023 \(nihe.gov.uk\)](https://nihe.gov.uk/housing-selection-scheme-2023)

Assessment

When you apply you will be assessed and awarded points according to your housing need. The level of points awarded will determine your position on the waiting list. You may qualify for the award of points under four categories - these are:-

1. Intimidation Points will be awarded under this category where:

1) Your home has been destroyed or seriously damaged (by explosion, fire, or other means).

OR 2) You cannot reasonably be expected to live or to resume living in your home because if you were to do so there would, in the opinion of the NIHE, be a serious and imminent risk that you, or a member of your household, would be killed or seriously injured.

The circumstances above must arise 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 NIHE's statutory powers to address neighbourhood nuisance or other similar forms of anti-social behaviour. Detailed investigations will be necessary to establish if any of the above criteria apply and to decide to award Intimidation points.

2. Insecurity of Tenure This refers to situations where applicants are homeless or threatened with homelessness. The level of points applicable may vary depending on the duty owed under legislation.

3. Housing Conditions Points awarded under this category reflect adverse housing circumstances both in terms of physical conditions and the degree of sharing/overcrowding being experienced.

4. Health/Social Well-being Assessment³⁹ A comprehensive range of health and social well-being circumstances are acknowledged under this category. These include an applicant's ability to function within their existing home as well as any social, support and care needs they may have.

Points awarded under any of these categories will be added together to determine your total points level and your subsequent position on the waiting list. You will be informed of your points total in writing. As a general rule each dwelling will be offered to the applicant with the highest points.... Where points are equal, the date on which the application is received will decide the order in which applicants are offered accommodation⁴⁰.

1.5 Intimidation as a reason for homelessness or application for social housing

For an applicant citing intimidation for their reason for homelessness and application for social housing, to qualify for an award of intimidation points (200 points), they must meet the very specific criteria outlined in Rule 23 of the HSS (see Appendix 3). The high level of priority associated with intimidation cases originates from the special treatment afforded by NIHE to emergency housing needs connected to the civil unrest in Northern Ireland and has been in existence for as long as NIHE has existed. Rule 23 reflects broader social policy considerations which were determined at a time of

³⁹ The HSS also notes that some applicants may have complex needs – this is defined as special circumstances which mean they require intensive care and support. This need may be met in a specialist housing scheme, where additional support or care services are provided or in general housing where a tailored support and care package has been arranged. Where a specialist scheme is considered appropriate, applicants will be placed on a separate, non-pointed waiting list. Where support and care can be provided within general housing, applicants may be awarded additional points under the Health and Social Well-Being category.

⁴⁰ Applicants are entitled to a maximum of two reasonable offers. If they refuse two reasonable offers they may not receive any further offers for a period of one year. Under the rules of the HSS an offer of accommodation is said to be reasonable if the property being offered is: • a suitable size for the applicant and their household (as outlined in the Rules of the Selection Scheme); • within the applicant's chosen areas of choice; • in a reasonable condition of repair, and; • suitable to meet the needs of the applicant and their household.

considerable sectarian tension and civil disturbance in Northern Ireland, giving a high level or absolute priority for housing allocations and special treatment to emergency housing needs connected with intimidation and violence arising out of the Troubles. The Rule has also been subject to a number of extensions relating to hate attacks linked to legislative provisions regarding Racial Intimidation, Hate Crime and serious Anti-Social Behaviour (ASB). The evolution of Rule 23 and the extensions are discussed in more detail in Section 2.

The FRA Project team provided the following summary in terms of the NIHE duties in relation to any presentation or application for social housing and/or homelessness under the heading of intimidation. It is noted that Rule 23 provides a high bar with which the criteria for these points need to be reached, in order for the award of the 200 points.

- The primary focus of the NIHE when engaging with an applicant who presents for advice and assistance following an alleged incident of intimidation which triggers a Rule 23 investigation is to gather all the relevant details and establish whether they can remain at their property or if they require temporary accommodation.
- Where a person is considered to be in serious and imminent risk of being killed or seriously injured and cannot reasonably be expected to remain in their property, the NIHE will offer alternative accommodation on an emergency basis.
- The aim is to address the immediate personal safety of the applicant under the Homelessness legislation, and then to address the applicant's housing need via the HSS, which includes an investigation into whether the applicant meets the criteria under Rule 23 of the HSS for the award of Intimidation Points.
- In seeking information on intimidation from other agencies, the NIHE is mindful of its duties as outlined in Housing (NI) Order 1988 (as amended). In light of this, the NIHE should note that their enquiries relate solely to confirmation to facilitate decision making as to whether an individual meets the criteria for statutory homelessness and intimidation points under the specific criteria of the homelessness legislation and/or Rule 23 of the HSS or not. NIHE staff do not therefore gather information regarding the particular person or organisation(s) who are believed or alleged to be responsible for attacks on a person's home or threats⁴¹.

Intimidation points are the highest individual award of points within the HSS, and a person who has been assessed as meeting the criteria for an award of intimidation points receives 200 points. In addition, they are awarded 70 statutory homelessness points and 20 points for violence, under the Primary Social Need points (Rule 43), in addition to all other points which may apply for other housing need circumstances. As a result, in terms of cumulative housing need and their position on the social housing waiting list, an applicant who meets the criteria for intimidation, will have at least 290 points and will have priority over all other applicants, except those who also have an award of intimidation points. In effect, such an applicant joins the top of the social housing waiting list for permanent rehousing, ahead of all others who may also have significant housing need (arising from the range of other factors, including other forms of violence) and may have been on the waiting list for significantly longer time periods.

⁴¹ Only in so far as it may help in assessing serious and imminent risk of death or serious injury.

This approach has produced an absolute or ‘super’ priority to victims of intimidation, which has been subject to differing viewpoints over the last number of years. This is referenced in Section 2. To be awarded the points, the individual/household cannot be expected to live or to resume living in their home, firstly if the home has been destroyed and secondly if they did so there would, in the opinion of the NIHE, be a serious and imminent risk that they would be killed or seriously injured as a result of an attack falling within the causation elements of Rule 23, outlined earlier.

It is also worth noting that the award of 70 homelessness points and/or the award of 20 points for violence is significant, when compared to other social housing applicants who do not fall into these categories or have these specific housing needs. The award of different levels of points was previously modelled to ensure that those most in need would receive the relevant position on the waiting list. Comparison to how housing need is assessed and dealt with in other jurisdictions is examined in Sections 3 and 4.

1.6 Other violence as a reason for homelessness or application for social housing

Given this research study is also looking at the award of points for other reasons relating to violence/threat of violence including domestic abuse/violence it is important to examine how these factors are acknowledged in the HSS, in addition to any inclusion within the intimidation points if the applicant falls into this category. Appendix 2 (HSS Points Schedule) references Primary Social Needs and Other Social Needs, both of which provide points for different circumstances which the applicant may have. These are outlined in full at Appendix 4, but for the purposes of this discussion we have highlighted the following below, which are relevant to violence, the threat of violence or any resultant harm or trauma from violence, as connected to housing need. It should be noted that an applicant can attain points for two factors under Rule 43 (each factor is 20 points – maximum of 40 points) and for four factors under Rule 44 (each factor is 10 points – maximum of 40 points).

Rule 43 Primary Social Needs

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

- 1. Where the Applicant or a member of the Applicant’s household is experiencing or has experienced violence or is at risk of violence including physical, sexual, emotional or domestic violence or child abuse.*
- 2. Where the Applicant or a member of the Applicant’s household is experiencing or has experienced harassment, including racial harassment and there is fear of actual violence (but the criteria for the award of Intimidation points (see paragraph 23) are not met).*
- 3. Where the Applicant or a member of the Applicant’s household, is experiencing or has experienced fear of actual violence for another reason and the Applicant is afraid to remain in his / her current accommodation.*
- 4. Where the Applicant, or a member of the Applicant’s household, is experiencing or has experienced distress / anxiety caused by recent trauma which has occurred in the Applicant’s current accommodation.*

Rule 44 Other Social Needs

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

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

Individuals and households experiencing domestic abuse/violence or other types of violence not covered in the intimidation points category, including as a result of human trafficking or as a result of coercive criminality, do not receive the 200 intimidation points. Housing points are awarded if the person is assessed as being statutory homeless (70 points – insecurity of tenure e.g. if living in a refuge) and for other factors under the health/social well-being assessment. This means that other than waiting time, this individual's initial housing assessment might result in the award of points in the range of 90 to 150, depending on what level of primary and other social needs they demonstrate. For the latter they may receive up to 40 points each for Primary Social Needs (PSNs) and Other Social Needs (OSNs). In terms of violence or the threat of violence this may include number 1 under PSN's (is experiencing or has experienced violence) or number 4 (experiencing or has experienced distress / anxiety caused by recent trauma in applicant's accommodation) and under OSN's number 1 (neighbour disputes), number 2 (experienced harassment), number 3 (burglary or vandalism) etc. It should be noted that PSN 1 to 3 are mutually exclusive; and an applicant can only be awarded one of these at any one time. In addition, an applicant would not be awarded OSN1 and PSN 1, 2 or 3 at any one time.

For the purposes of this research study (Strand A) a number of scenarios involving different types and levels of violence experienced by potential applicants to the HSS were developed by the NIHE, and allocated points in keeping with the Scheme Rules.. These are outlined at Appendix 5. These indicate that intimidation points are only available to those falling into the specific criteria for this category, and other victims of violence or threats of violence may be allocated some points based on Rules 43 and 44 outlined above. These scenarios were also used during the Lived Experience focus groups in Strand B of this study.

1.7 Social housing applications and allocations in Northern Ireland, including homelessness

Whilst it is clearly important to understand an individual's housing need (whether applying for social housing or presenting as homeless), and to recognise this within any housing assessment and allocation scheme, this becomes even more important when the resource – in the form of social housing – is limited and in short supply. This was emphasised in the research by Gray, P et al⁴², pointing to the need to have an allocations scheme and a mechanism for determining priorities between households, in order to allocate a scarce resource.

Social housing continues to play an important role in the tenure breakdown of occupied households in Northern Ireland. The 2021 Census⁴³ produced figures on the tenure of occupied households, with 15.3% of households falling into the social rented category; 10.8% (82,900) renting from the NIHE and 4.5% (34,500) renting from Housing Associations or Housing Trusts). With increasing mortgage interest rates and the cost of renting privately increasing, the demand for social housing has continued to grow over the last 20 years as demonstrated by Table 1.

Table 1: Social rented sector waiting lists and allocations 2002/03 to 2022/23

Year	Social housing waiting list at 31 st March		Allocations		
	Total applicants	Number of applicants in housing stress	Number of allocations to applicants	Number of allocations to HE/HA transfers	Total allocations
2002/03	26,248	13,042	8,766	3,384	12,150
2003/04	27,515	14,152	8,462	3,027	11,489
2004/05	29,608	15,527	7,603	2,607	10,210
2005/06	31,908	17,223	7,978	2,595	10,573
2006/07	36,182	19,703	7,772	2,416	10,188
2007/08	39,688	21,364	7,289	2,169	9,458
2008/09	38,923	20,481	8,132	2,440	10,572
2009/10	38,120	19,716	9,192	2,811	12,003
2010/11	39,891	20,967	8,074	2,586	10,660
2011/12 ⁴⁴	34,533	20,211	7,691	2,779	10,470
2012/13	41,356	22,414	8,144	3,064	11,208
2013/14	39,967	21,586	8,809	2,984	11,793
2014/15	39,338	22,097	8,129	2,763	10,892
2015/16	37,586	22,645	7,805	2,897	10,702
2016/17	37,611	23,694	7,672	2,768	10,440
2017/18	36,198	24,148	7,373	2,625	9,998
2018/19	37,859	26,387	7,696	2,748	10,444
2019/20	38,745	27,745	6,654	2,647	9,301
2020/21	43,971	30,288	5,844	2,434	8,278
2021/22	44,426	31,407	6,010	2,698	8,708
2022/23	45,105	32,633	5,796	2,422	8,218

Source: NIHE

Table 1 outlines the social housing waiting list figures; column one covers new applicants only, i.e. those with no existing NIHE or Housing Association tenancy and is the total cumulative applicants on

⁴² [Research to inform a fundamental review of social housing allocations policy \(communities-ni.gov.uk\)](https://communities-ni.gov.uk/research-to-inform-a-fundamental-review-of-social-housing-allocations-policy/)

⁴³ [Census 2021 main statistics for Northern Ireland phase 2 statistical bulletin housing \(people in households\) \(nisra.gov.uk\)](https://nisra.gov.uk/Census2021/main-statistics-for-Northern-Ireland-phase-2-statistical-bulletin-housing-(people-in-households)-)

⁴⁴ The waiting list figures for 2011 – 12 were extracted on 1st May 2012 due to the implementation of a new electronic Housing Management System. As a result, the number of waiting list applicants for 2011 – 12 are considered to be a significant undercount.

the waiting list. Housing stress (column two) refers to those applicants who have 30 or more points under the HSS. The total number of allocations (columns 3, 4 and 5) combines the number of properties allocated by the NIHE and Housing Associations to applicants on the social housing waiting list, who were not already social housing sector tenants and the total figure for tenants on the social housing waiting list who had applied for a transfer from an existing tenancy. Allocations figures are based on offers accepted in the period 1st April – 31st March. This data indicates the following:

- An increase in the total number of applicants on the social housing waiting list – from 26,248 in 2002/3 to 44,426 in 2021/22, an increase of 69% in a 20-year period;
- The number of applicants in housing stress has increased by 141% from 13,042 in 2002/3 to 31,407 in 2021/22;
- The total annual allocations has decreased from 12,150 in 2002/3 to 8,708 in 2021/22, a decrease of 28%;
- This can be further broken down into a 31% decrease in the number of allocations to new tenants and a 20% decrease in the number of transfers for current tenants.

Table 2: Number of applicants on the waiting list by Council Area 2016/17 to 2022/23

Local Government District	Year					
	2017 - 2018	2018 – 2019	2019 - 2020	2020 - 21	2021 - 22	2022 – 23
Antrim & Newtownabbey	2,562	2,599	2,657	2,958	2,932	3,119
Ards & North Down	3,060	2,792	2,770	3,128	3,229	3,257
Armagh City, Banbridge & Craigavon	2,937	3,065	3,220	4,038	3,721	3,712
Belfast	10,136	10,747	10,819	11,858	12,237	12,175
Causeway Coast & Glens	2,057	2,697	2,833	3,330	3,461	3,604
Derry City & Strabane	4,447	4,510	4,661	5,557	5,531	5,736
Fermanagh & Omagh	1,383	1,566	1,676	1,928	2,037	2,054
Lisburn & Castlereagh	2,146	2,141	2,230	2,441	2,462	2,392
Mid & East Antrim	2,581	2,528	2,663	2,806	2,809	2,959
Mid Ulster	1,723	1,925	1,907	2,161	2,158	2,212
Newry, Mourne & Down	3,166	3,289	3,309	3,766	3,849	3,885
TOTAL	36,198	37,859	38,745	43,971	44,426	45,105

Source: NIHE

Table 2 provides a breakdown of applicants on the social housing waiting list by Council area; this does not include transfer applicants. Similar to table 1 this confirms the increasing numbers on the waiting list (totals) and indicates the highest level of demand in Belfast and Derry City & Strabane. The number of households on the social housing waiting list results in long waiting times for social housing, with potential applicants considering whether there is any point in applying⁴⁵.

For applicant households on the waiting list as at 31st March 2023, the mean number of months on the waiting list is 46.7 months overall; and broken down to 35.9 months for those with less than 30 points and 50.8 months for those with 30 plus points, who are defined as being in housing stress. The median measurement⁴⁶ is also provided. For the same time period the median number of months

⁴⁵ [Social housing: Man told 'no point' in applying as demand surges - BBC News](#)

⁴⁶ The NIHE provides both the mean and median averages with looking at 'average waiting times' or 'average points'. The rationale for this is that the mean is the arithmetic average and as a statistic can often be unreliable, having been skewed by

on the waiting list is 31 months; broken down into 18 months for those on less than 30 points and 37 months for those on 30+ points. Taking this figure – of 31 months – as an average waiting time can be translated into the average household waiting for a period of 2 years and 7 months before they are made an offer of social housing. Those with lesser levels of assessed need (30 points and less) are waiting for an average of 3+ years.

Table 3: Social housing stock 2016/17 to 2022/23

Year	Housing Executive stock ⁴⁷			Housing Executive stock total	Housing Association stock ⁴⁸	Total
	Belfast Region	South Region	North Region			
2017/18	31,092	26,738	27,704	85,534	42,901	128,435
2018/19	30,987	26,584	27,591	85,162	44,599	129,761
2019/20	30,849	26,427	27,431	84,707	45,765	130,472
2020/21	30,734	26,327	27,293	84,354	48,036	132,390
2021/22	30,485	26,203	27,146	83,834	47,922	131,756
2022/23	30,343	26,019	26,890	83,252	48,476 ⁴⁹	131,728

Source: NIHE and DfC

Table 4: Social Housing Development programme – starts and completions of new build social housing stock 2017/18 to 2022/23

Year	Starts		Completions	
	Target	Overall	Target	Overall
2017/18	1,750	1,759	1,200	1,507
2018/19	1,850	1,786	1,450	1,681
2019/20	1,850	761	1,500	1,626
2020/21	1,850	2,403	1,200	1,304
2021/22	1,900	1,713	1,400	835
2022/23	1,950	1,956	1,400	1,449
TOTAL	11,150	10,378	8,150	8,402

Source: DfC

Tables 3 and 4 provide insight into the current and future levels of social housing stock. Even with the Social Housing Development programme (SHDG), the total number of applicants will continue to outweigh the number of allocations (including new applicants and transfers). Factors such as the waiting lists noted above (median average of 2 years and 7 months) plus, a fall-off on the number of tenancy terminations and restrictions on non-emergency repairs – all impact accessibility to social housing.

significant outliers i.e. applicants who have been on the waiting list for a number of years. This degree of skewing makes the arithmetic average (the mean) unreliable. Therefore, following expert advice on this matter the NIHE utilises the median (a measure of central tendency) as a more reliable indicator in relation to waiting lists.

⁴⁷ Data from [Housing statistics | Department for Communities \(communities-ni.gov.uk\)](https://communities-ni.gov.uk/housing-statistics)

⁴⁸ DfC do not hold the data on stock held by Housing Associations by the HE Regions. The RHA Overall Key Performance Report for 2022/23 is not yet published. Data on Housing Association stock levels is found at:

[RHA Overall Key Performance Reports | Department for Communities \(communities-ni.gov.uk\)](https://communities-ni.gov.uk/rha-overall-key-performance-reports)

⁴⁹ DfC have not yet completed the 2022/23 regulatory programme and this figure is based on figures provided by RHAs in their annual regulatory returns. Once completed the final figure will be published and available on the DfC website at: [RHA Overall Key Performance Reports | Department for Communities \(communities-ni.gov.uk\)](https://communities-ni.gov.uk/rha-overall-key-performance-reports)

Section 2: Violence as a factor in housing need

2.1 Violence as a factor in the assessment of housing need

Violence, including actual violence and the threat or risk of violence, may interconnect to an individual's or household's immediate and ongoing housing need. Violence as a factor in housing need is already considered within the housing assessment process (as outlined in Section 1), with recording and documentation of certain types of violence as stand-alone elements of housing need⁵⁰, i.e. intimidation (different categories) resulting in 200 housing points, in some cases, and more general references to violence in the PSNs and OSNs resulting in a maximum of 40 housing points for each⁵¹. Whilst this study originated in thinking about Proposal 7 of the FRA (the proposed removal of intimidation points), the research specification clearly pointed to a consideration of how violence as housing need is responded to more widely within the HSS.

As part of this study (Strand A and B), we listed the full range of types of violence that have been recorded or recognised within the HSS (1 – 8) and other types of violence noted as reasons for homelessness (9 & 10). These are as follows:

1. Attack related to anti-social behaviour
2. Paramilitary attack
3. Sectarian attack
4. Racial attack – linked to a hate crime
5. Attack motivated by an individual's religion
6. Attack motivated by an individual's disability
7. Attack motivated by an individual's sexual orientation
8. Domestic abuse/domestic violence
9. Attack motivated because a person has been involved in human trafficking
10. Attack as a result of coercive criminality (e.g. someone has been involved in a drugs gang against their will)

As outlined in Section 1 different types of violence are afforded different levels of points within the HSS. This Section now looks at the historical context of how violence has been treated in the HSS to date, as well as examining the incidence/level and nature of different categories of violence, and how these may lead to housing need and how they currently interact with the HSS. Violence is defined by the World Health Organisation as the “intentional use of physical force or power, threatened or actual, against oneself, another group, or against a group or community, that either results in or has a high likelihood of resulting in injury, death, psychological harm, maldevelopment, or deprivation.”⁵²

⁵⁰ As noted in Section 1, an assessment of homelessness and priority need (FDA status) is separate to the housing assessment; whereby there is an assessment of housing need for the purpose of prioritising need under the allocation of social housing. In order to be accepted as statutorily homeless, a household must meet the four tests of eligibility, homelessness, priority need and intentionality.

⁵¹ As noted in Section 1.6, PSN 1 to 3 are mutually exclusive; and an applicant can only be awarded one of these at any one time. In addition, PSN and OSN awards can be mutually exclusive, i.e. you would not award OSN 2 and PSN 2 at the same time.

⁵² WHO 2002, <https://www.who.int/publications/i/item/9241545615>

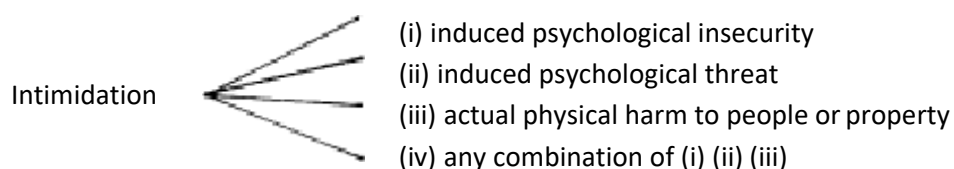
2.2 Intimidation in Northern Ireland – Background, context and statistics

Whilst the term ‘intimidation’ is in regular use and is familiar in a Northern Ireland setting, it is worth outlining some of the background and context relating to how and why intimidation became integrated as an indicator of housing need within the HSS. As noted in Section 1 the high level of priority associated with intimidation cases originates from the historical special treatment afforded by NIHE to emergency housing needs connected to the civil unrest in Northern Ireland. Rule 23 reflects broader social policy considerations which were determined at a time of considerable sectarian tension and civil disturbance in Northern Ireland, giving a high level or absolute priority for housing allocations and special treatment to emergency housing needs connected with intimidation and violence arising out of the Troubles. It is clear from wider and more recent commentary examining the level of homelessness/housing applications related to intimidation (see Tables 5 and 6) that intimidation points are now viewed as being ‘of their time’ and of a specific social policy response at a particular time in history and set of circumstances in Northern Ireland. Discussion on the need for intimidation points and relative priority and ranking has been ongoing since the scheme was introduced.

From the start of the Troubles, housing had been a contentious issue, already cited as one of or the main reason for the civil rights movement in Derry/Londonderry, with the contention that Catholic households were discriminated against in the allocation of social housing, which at that stage was undertaken administratively at Council level. The Westminster government’s report⁵³ into disturbances and unrest *identified the inadequacy of housing provision, unfair means of allocating new build homes, and mis-use of discretionary powers to ensure Unionist control of local government.*

Intimidation cases in relation to housing are generally referenced from the early 1970s onwards both in Belfast and Derry, and to a lesser extent in other regional towns. The emergence and incidence of housing intimidation in the early 1970s is well documented by John Darby in his 1974 report⁵⁴. Although historically dated it is worth highlighting the classification of intimidation and its impact on people, as outlined by Darby⁵⁵. In many respects the impact of intimidation at an individual and household level has not changed.

Classification of intimidation



Source: Intimidation in Housing by John Darby (1974)

⁵³ See Chapter 16, *Disturbances in Northern Ireland*, Report of the Commission appointed by the Governor of Northern Ireland. [CAIN: HMSO: Cameron Report - Disturbances in Northern Ireland \(1969\) \(ulster.ac.uk\)](#). Also [CAIN: Background Information on Northern Ireland Society - Housing \(ulster.ac.uk\)](#)

⁵⁴ [CAIN: Issues: Housing: Intimidation in Housing by John Darby \(1974\) \(ulster.ac.uk\)](#)

⁵⁵ Ibid.

Housing intimidation became a specific criminal offence under the Protection of the Person and Property Act (Northern Ireland) 1969⁵⁶. Intimidation, as defined under the Act is as follows:

A person shall be guilty of an offence under this section if he unlawfully causes, by force, threats or menaces, or in any way whatsoever, any other person—

- (a) to leave any place where that other person is for the time being resident or in occupation; or
- (b) to leave his employment; or
- (c) to terminate the service or employment of any person; or
- (d) to do or refrain from doing any act.

The Act sought to protect the person and property by penalising certain acts of intimidation and the making or possession or use of certain devices containing an inflammable liquid or substance, and to provide for the summary trial of certain offences under the Malicious Damage Act 1861 etc.

The emergence of housing intimidation and the resultant consequences for ensuring the provision of emergency housing, coincided to some extent with the establishment in May 1971 of the NIHE. This regional housing authority was intended to improve the delivery of housing functions, improve house conditions and meet housing need. Commentators note: *its creation was also an attempt to take housing decisions out of the political arena and place them in the hands of a more neutral professional organisation*⁵⁷.

Victims of intimidation have been prioritised for social housing allocation in the various Selection Schemes in operation since 1971. It is worth noting that the high level of priority associated with intimidation cases was determined at a time of considerable sectarian tensions and civil disturbance, as cited above. At various junctures mass intimidation of households of one community background from communities was a regular occurrence.⁵⁸

In reviewing the historical development of the application of intimidation within the HSS since the early 1970s it is important to reflect that the original version of the current Rule 23 was in direct response to terrorist/paramilitary and sectarian intimidation. The first HSS was introduced in 1974 and it contained a feature whereby top priority for housing allocation was afforded to those who had lost their homes as result of violence or due to intimidation as a result of violence or due to intimidation as a result of the Troubles. In doing so, the NIHE aimed to send out a signal to the public that the allocation of housing would not be controlled by those engaged in this violence.

This feature (following some revisions) still exists in Rule 23 as it currently stands. The rule has been subject to incremental expansion since November 2000 to other specially protected groups, such as victims of racial intimidation. In 2005 further widening occurred so that victims of attacks on the basis of disability or sexual orientation were included. This is traceable to the passage into law of the Criminal Justice (No 2) (Northern Ireland) Order 2004 which, in broad terms, provided for an increase in sentence for what are commonly known as ‘hate crimes’, i.e. offences aggravated by hostility

⁵⁶ [Protection of the Person and Property Act \(Northern Ireland\) 1969](#)

⁵⁷ [CAIN: Background Information on Northern Ireland Society - Housing \(ulster.ac.uk\)](#)

⁵⁸ References to high levels of intimidation and movement in what was referred to as mixed-religious zones - Oldpark, Suffolk, Rathcoole in Belfast and in flash-point areas in Derry/Londonderry, Lurgan, Portadown and Craigavon.

towards a victim on the ground of race, religion, sexual orientation or disability. Further extension occurred in 2007 with the amendment of Rule 23 to incorporate entitlement to intimidation points, if the intimidation was as a result of an attack by a person who was within the scope of the NIHE's statutory powers to address neighbourhood nuisance and other forms of anti-social behaviour. It is important to note the planned reform of the hate crime legislation.⁵⁹

Other related provision includes the emergency grant, introduced under Article 29A of the Housing (NI) Order 1988, whereby the NIHE may pay an emergency rehousing grant to eligible social or private-rented tenants who have been forced to relocate due to intimidation and are rehoused in Northern Ireland. The purpose of the grant is to cover expenses associated with setting up a new home, such as installation of appliances. The grant is currently paid at a rate of £754, although deductions may be made for rent arrears and recoverable charges. In 2022/23 a total of £78,416 (104 payments) was paid in emergency payments to HE tenants, and £20,292 (27 payments) to non-tenants, who had been awarded intimidation points and who were subsequently permanently rehoused in both the social and private sectors.

Section 1 outlined how intimidation is treated and what points are allocated for households meeting the criteria under this reason, under the current HSS. The verification of housing intimidation is an important linkage between a household being forced to leave/flee their home as a result of intimidation and their subsequent application for social housing and the process of being allocated a first or new social housing tenancy. In the early documented cases, since September 1972 the local RUC were required to confirm cases of intimidation. This was required by the newly formed NIHE, which at that time placed intimidated families on the Emergency Housing List.⁶⁰

The NIHE intimidation assessment procedures are set out in Chapter 3 of the HSS Guidance Manual (see Appendix 6). The procedure includes interviewing the applicant and gathering all relevant details to establish whether they can remain at their property or require temporary accommodation. Contact with the police is the next stage, to obtain verbal or written confirmation of any risks/threats that may exist. Finally, procedures are outlined in terms of contacting Base2 for clarification of risk of violence and/or exclusion from a community.

As noted in terms of threat verification NIHE policy and procedures require NIHE staff (the designated officer) to obtain a report from the PSNI (Police Service NI), as the agency with statutory responsibility for public protection in Northern Ireland⁶¹, in all cases. This may include a TM1 report (Threat message) and/or information under the 'threat to life' policy⁶². The latter provides PSNI with a standardised approach for police officers dealing with threats to life (TTL), where there is 'real and

⁵⁹ [The Equality Commission for NI has called for the expansion of hate crime protections to include age, gender, gender identity and intersex, as well as refer to sectarianism.](#) See: ECNI (2020) [Hate Crime in Northern Ireland: Policy Recommendations and Supporting Rationales](#), paras 4.314.108.

⁶⁰ Taken from Chapter 6: Community Case Studies - [CAIN: Issues: Housing: Intimidation in Housing by John Darby \(1974\) \(ulster.ac.uk\)](#)

⁶¹ The Police Service of Northern Ireland is the agency tasked with responsibility for public safety and protection in Northern Ireland. It is responsible for identifying the perpetrators of Intimidation who are dealt with through the Criminal Justice System.

⁶² [Threats to Life 20 January 2022 .pdf \(psni.police.uk\)](#)

immediate' danger to a person's life⁶³. Police officers must take all feasible operational steps if it is established that a real and immediate threat exists. This includes the issue of a Form TM1 and the provision of the 'Protect Yourself' booklet to the individual. A TTL is deemed to be one that could engage Article 2 of the European Convention on Human Rights. 'Real and immediate' is deemed to be a threat that is (a) objectively verified and (b) present and continuing⁶⁴. The 'threat to life' policy notes: *the threshold is a high one. In making this assessment police officers should consider all relevant sources of information and ensure that all decisions are justified and recorded.*

A recent report (2023)⁶⁵ noted that current issues around community trust in policing and the impact of ongoing paramilitary intimidation in communities has had an impact in reporting threats and accessing services. The report proposes a number of options to overcome these difficulties; these include reforming PSNI guidance on threats to life, extending coordination protocols to at-risk adults, formulating minimum standards for data collection, and establishing a centralised process for the threat management process.

In particular this research concluded:

- threats to life and the risk of other serious harm are safeguarding issues. Victims are often trapped within coercive personal or community environments, and often unable to access legal supports. Police alone are unlikely to be aware of the majority of threat-to-life cases;
- Whilst police officers receive PSNI guidance on how to deal with threat-to-life cases, this review found that the PSNI service instruction is not consistently implemented and that there are few opportunities for new or indeed seasoned officers to familiarise themselves with serious safeguarding issues such as threats-to-life, to understand their remit within the context of PSNI, to understand how to risk assess perceived threats, and/or to understand how to identify a set of activities that are consistently implemented;
- Whilst the PSNI collate threat-to-life data and have consistent records spanning the previous three years, this information is not readily available. Furthermore, there is currently no standardised system for the collation, sharing, and analysis of data between relevant statutory agencies;
- The review points to different approaches to protect and safeguard including the joint protocol (PSNI and HSC) intended to safeguard children and young people and legislation elsewhere in the UK such as the Serious Violence Duty (Home Office, 2019) in England and Wales (see Section 3 of this report).

A further relevant model was where Belfast City Council were provided with funding to support and implement multiagency arrangements (piloted within one small community in West Belfast) to address the associated issues attached to victims of paramilitary groups and those under threat

⁶³ Section 32(1) (a) of the Police (NI) Act 2000 sets out the general duty on police to protect life. Article 2 of the European Convention on Human Rights provides protection for the right to life. In its judgment in *Osman v the UK* (Judgment of ECHR 28 October 1998) the European Court held that the obligation to protect life arises where 'the authorities knew or ought to have known at the time of a real and immediate risk to the life of an identified individual or individuals from the criminal acts of a third party.'

⁶⁴ The leading case concerning a 'real and immediate' threat is *Office 'L'* (2006), UK House of Lords 36.

⁶⁵ www.endingtheharm.com/research-papers/reviewing-the-threat-to-life-process-in-northern-ireland/

throughout West Belfast. The evaluation report⁶⁶ critically reviewed this multi-agency approach led by Belfast City Council, and drawing on the resources of statutory agencies and complementing this with the practice wisdom and local knowledge of a community agency. The evaluation report noted that in most cases using this approach, threats were confirmed, and that by leveraging the combined resources of police, housing, council and community, sector organisations, threats can be communicated, threats can often be lifted, and a process of ‘stabilisation’ can take place. The evaluation report concluded that within this public health approach, stepped support is useful. They noted that as stabilisation is achieved, individuals often require thematic and therapeutic supports, for example to address mental health and substance use concerns, and that this should be provided in a planned and purposeful way via structures such as the family support hubs, the forthcoming city support hub and the youth diversion forum. In addition, the evaluation noted that this ‘panel’ approach adds significant value as information is shared, decisions are jointly taken, resources are pooled and accountability is increased.

The NIHE has an Information Sharing Protocol (ISP) with the PSNI which was put in place in 2004 following the introduction of legislation and powers in relation to Anti-Social Behaviour. The Protocol facilitates the sharing of information in relation to possession proceedings; injunctions / ASBOs; decisions on homelessness, including eligibility (unacceptable behaviour) and the award of points under the HSS, including intimidation points. The NIHE and PSNI are currently reviewing this Protocol with the aim of introducing a new Data Sharing Agreement (DSA)⁶⁷ to strengthen the arrangements for sharing information regarding alleged intimidation. The new DSA should facilitate the sharing/disclosure of personal, special category and criminal offence data, where appropriate between the Police Service of Northern Ireland and the NIHE. As with all DSA’s this will not impose a duty to disclose information, nor does it provide the power to demand disclosure in any particular case. Feedback from respondents in Strand B of this research discusses the current arrangements in relation to evidence and verification processes.

In addition, as noted earlier, whilst the PSNI are the statutory agency with responsibility for dealing specifically with intimidation, in the NIHE’s primary line of enquiry, information to assist in the decision-making process under Homelessness legislation and HSS Rule 23 may be sourced from other organisations. The only other organisation for which there is an information sharing agreement with the NIHE, to assist in decision making, is Base2. Base2 is a NIACRO Project which provides a crisis intervention, clarification and support service for those who may be at risk of violence or exclusion from the community. It is worth noting that officers may request a report from Base2, however, the NIHE does not request a report in every circumstance and it will only be following applicant consent to do so. The intimidation assessment procedures are outlined at Appendix 6.

⁶⁶ A Multi Agency Response for the Prevention of Paramilitary Violence and Criminal Exploitation: An evaluation of a pilot project in West Belfast March 2021, Dr Colm Walsh

<https://www.endingtheharm.com/wp-content/uploads/2022/07/Belfast-City-Council-March-2021.pdf>

⁶⁷ Once finalised and agreed by both parties, the new DSA will replace the Information Sharing Protocol (ISP) between the PSNI and the Housing Executive which was signed on 29th November 2004.

The NIHE's designated officer may also contact welfare or support groups, for example the Rainbow Project or STEM (Supporting Tenancies for Ethnic Minorities), in circumstances where they have provided additional information in support of the applicant. Also, on the NIHE local operational side (Patch officers), where they are investigating alleged intimidation of a tenant, they may make also obtain further information or local knowledge via a number of sources including the NIHE Anti-Social Behaviour Fora, Police and Community Safety Partnerships or via their Housing Community network. This theme – of evidence and verification – is examined in detail in Section 4, with feedback on how this is currently operating in other jurisdictions.

Tables 5 and 6 outline the level of presentations and acceptances as FDAs under the homelessness legislation, where intimidation is the main reason for homelessness. These indicate that intimidation: paramilitarism is the largest type of intimidation across the six recognised areas, both currently and historically. The overall number of cases awarded intimidation points has decreased steadily over the last seven years. However, an increase in the number of acceptances was recorded for 2022/23, mainly relating to paramilitary intimidation. This can be directly related to the ongoing paramilitary related feud in Ards & North Down⁶⁸, with the number of acceptances in this Council area increasing from 56 in 2021/22 to 111 in 2022/23. Tables 7 and 8 provide the breakdown of presentations and acceptances (intimidation) by Council area. In these tables numbers less than five are denoted as ≤5 to ensure no individual cases are recognisable.

The Economic Research and Evaluation noted⁶⁹: *applicants with intimidation points comprise a relatively small proportion of the CWL... from 2014-115 to 2018-19, an average of 567 persons presented as homeless on the grounds of intimidation, representing 3% of all those presenting (18,600 on average)*⁷⁰. This report noted that this translates into 1% of the total FDAs on the CWL.

Table 5: Homelessness - Full Duty Applicant (Intimidation) Presentations (by Intimidation type) 2016/17 to 2022/23

Reason	Intimidation- ASB	Intimidation- Disability	Intimidation- Paramilitary	Intimidation- Racial	Intimidation- Sectarian	Intimidation- Sexual Orientation	Total
2016/17	98	≤5	477	28	45	13	661
2017/18	61	≤5	425	19	42	10	558
2018/19	60	≤5	377	15	19	7	481
2019/20	51	≤5	246	18	14	6	335
2020/21	27	≤5	236	6	9	7	286
2021/22	17	≤5	142	≤5	14	≤5	180
2022/23	27	≤5	124	6	10	≤5	167

⁶⁸ [District Commander confirms arrests and charges in Ards and north Down | PSNI](#)

⁶⁹ www.nihe.gov.uk/getattachment/4afb2b9c-f9db-4ed5-8c9b-eb53d62c8ef1/FRA-report.pdf

⁷⁰ www.communities-ni.gov.uk/system/files/publications/communities/ni-housing-stats-18-19-full-copy.PDF

Table 6: Homelessness - Full Duty Applicant (Intimidation) Acceptances (by Intimidation type) 2016/17 to 2022/23

Reason	Intimidation- ASB	Intimidation- Disability	Intimidation- Paramilitary	Intimidation- Racial	Intimidation- Sectarian	Intimidation- Sexual Orientation	Total
2016/17	49	≤5	310	13	10	≤5	387
2017/18	31	≤5	286	10	25	≤5	355
2018/19	49	≤5	297	7	12	7	374
2019/20	13	≤5	212	13	11	6	255
2020/21	12	≤5	230	≤5	≤5	≤5	256
2021/22	9	≤5	149	≤5	6	≤5	171
2022/23 ⁷¹	10	≤5	194	≤5	6	≤5	212

Table 7: Homelessness - Full Duty Applicant (Intimidation) Presentations by Council area 2017/18 to 2022/23

Council Area	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23
Antrim & Newtownabbey	26	27	15	30	10	8
Ards & North Down	64	81	43	45	21	36
Armagh, Banbridge & Craigavon	19	19	19	≤5	6	≤5
Belfast	232	156	113	69	62	52
Causeway Coast & Glens	11	≤5	≤5	≤5	≤5	≤5
Derry & Strabane	76	73	41	42	32	20
Fermanagh & Omagh	6	≤5	6	≤5	≤5	≤5
Lisburn & Castlereagh	42	27	33	22	18	10
Mid & East Antrim	54	70	44	37	22	12
Mid Ulster	15	12	6	6	≤5	6
Newry, Mourne & Down	13	7	11	23	≤5	16
TOTAL	558	481	335	286	180	167

Table 8: Homelessness - Full Duty Applicant (Intimidation) Acceptances (by Council area 2017/18 to 2022/23

Council Area	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23
Antrim & Newtownabbey	24	34	18	41	12	6
Ards & North Down	70	75	54	69	57	111
Armagh, Banbridge & Craigavon	7	≤5	≤5	≤5	≤5	≤5
Belfast	119	98	61	58	52	44
Causeway Coast & Glens	≤5	≤5	≤5	≤5	≤5	≤5
Derry & Strabane	47	58	26	22	16	15
Fermanagh & Omagh	≤5	≤5	≤5	≤5	≤5	≤5
Lisburn & Castlereagh	26	16	24	10	15	9
Mid & East Antrim	49	72	51	36	13	14
Mid Ulster	≤5	≤5	6	≤5	≤5	6
Newry, Mourne & Down	≤5	≤5	8	12	≤5	≤5
TOTAL	355	374	255	256	171	212

Source for tables 5 - 8: NIHE

⁷¹ As a footnote the NIHE have noted that for the first time in 2022/23 the recorded number of acceptances outstripped the number of presentations, in that there were 167 recorded presentations but 212 recorded acceptances. In particular it is worth highlighting the figures in relation to intimidation – paramilitary where there were 124 presentations and 194 acceptances. This situation is in part due to the fact that a person may experience intimidation at any point in their homeless journey and that may not be the reason at the time they first present to the NIHE. If an applicant has already been accepted as homeless and is then subsequently accepted as being intimidated, then the homeless accepted reasons is changed, but the presentation reason and the accepted date of presentation remain the same.

2.3 Other forms of intimidation in Northern Ireland – Background context and statistics

An increasing proportion of intimidation cases are of threats or intimidation of a community-based nature involving alleged anti-social behaviour, alleged involvement in criminality or neighbourhood disputes which have escalated to a more serious level (this is partially covered in tables 5 and 6 above). This can be evidenced from discussion by the NI Affairs Committee on FRA Proposal 7⁷² together with recent media coverage of acts of intimidation, violence or anti-social behaviour on households for a number of reported or perceived reasons including on the basis of disability, race or hate crime and sexual orientation⁷³.

As already noted the scope of the term and the application of points for intimidation has been extended over the years since its introduction; this now includes intimidation – disability, intimidation – anti-social behaviour, intimidation – racial, intimidation – sexual orientation as outlined earlier in tables 5 and 6. This sub-section now provides some further background on the context and statistics relating to these wider forms of intimidation, which for the purposes of this study fall under the heading of hate crime.

The Public Prosecution Service⁷⁴ notes:

*Hate crime is a general term used to describe offences which are motivated by hostility or bias on the basis of race, religion (including sectarianism), sexual orientation, transgender or disability. There is no legal definition of hate crime but it is generally accepted as being ‘any incident which constitutes a criminal offence perceived by the victim, or any other person, to be motivated by prejudice or hate towards a person’s race, religion, sexual orientation or disability’.*⁷⁵

Hate crime normally falls into two types:

- *offences committed with a prejudice, hostile or hateful motivation towards the victim, or*
- *conduct which is intended to, or is likely to stir up hatred or arouse fear*

Hate crime covers a range of offending including, but not limited to, the following: verbal abuse, abuse via social media, assaults, harassment, intimidation, threats and/or criminal damage.

Intimidation is included as one potential element of hate crime. Whilst there is no specific offence of hate crime, the PSNI and PPS look to wider legislative authority for example including the Public Order (NI) Order 1987 and the Justice Act (NI) 2011.

In recording hate crime, the PSNI have adopted the definition for racially motivated crime recommended by the Stephen Lawrence Inquiry (1999)⁷⁶, namely: ‘Any crime, which is perceived to be racist by the victim or any other person’. The PSNI apply the principles of this definition to record all types of hate crime, including those relating to: racist incidents, homophobic incidents (sexual

⁷² NI Affairs Committee (23 November 2022) – Evidence on the effect of paramilitary activity and organised crime on society in Northern Ireland. [The effect of paramilitary activity and organised crime on society in Northern Ireland - Committees - UK Parliament](#)

⁷³ Newtownabbey: Polish couple devastated after gang attack home - BBC News

[Racism: More than 600 hate crimes reported to PSNI - BBC News](#)

[Disability hate crime: Record levels recorded in NI - BBC News](#)

⁷⁴ [Public Prosecution Service for Northern Ireland \(ppsni.gov.uk\)](#)

⁷⁵ [Hate Crime | Public Prosecution Service for Northern Ireland \(ppsni.gov.uk\)](#)

⁷⁶ [The Stephen Lawrence Inquiry - GOV.UK \(www.gov.uk\)](#)

orientation), sectarian incidents, faith / religious incidents (non-sectarian), disability incidents and transphobic incidents. There is no statutory category of 'sectarian' or 'transphobic', corresponding to the PSNI definition of hate crime.

For the PPS whilst there is no statutory definition of hate crime, the law does provide for a 'statutory aggravating feature'. This is applied if, in the view of a prosecutor, this aspect of a case can be proved to the evidential standard; that is, beyond reasonable doubt. If a Judge accepts that this aspect of the case is proven beyond reasonable doubt, he/she must increase the sentence imposed. The statutory aggravating feature is provided for by the Criminal Justice (No. 2) (Northern Ireland) Order 2004. The four statutory categories of aggravated offences, that are race, religion, sexual orientation and disability.

Published statistics⁷⁷ on cases involving hate crime indicate a steady increase in hate crime cases. Table 9 provides data on the breakdown of hate crime by type over the last five years. It should be noted that in these tables numbers less than five are denoted as ≤5 to ensure no individual cases are recognisable.

Table 9: Cases Involving Hate Crime - Files Received by Motivation Type, 2016/17 to 2022/23

Reason	Race	Sectarian	Homophobic	Transphobic	Faith/Religion	Disability	Multiple motivations	TOTAL
2017/18	129	83	38	≤5	41	14	27	335
2018/19	132	110	50	≤5	29	11	18	355
2019/20	118	91	54	7	36	8	20	334
2020/21	106	86	54	6	39	13	26	330
2021/22	119	91	58	11	27	19	19	344
2022/23	153	113	62	17	31	17	26	419

Source: PPS

Table 9 indicates that the total number of files involving hate crime remained relatively steady for the period 201/18 to 2021/22, with a significant increase in the last year (75 cases). Whilst there were increases in a number of areas, the biggest increases related to race and sectarian hate crimes.

2.4 Domestic abuse and violence in Northern Ireland – Background, context and statistics

The reasons for homelessness also demonstrated other reasons, which may be related to violence or threat of violence, which are separate from the discussion purely on intimidation, but are of central importance to this research study. The Terms of Reference specifically requested the Research team to focus on social housing allocation with reference to victims of domestic violence/abuse. As already noted, one of the key factors in the discussion on domestic violence/abuse viz a viz social housing assessment and allocation in Northern Ireland is that these factors do not attract the 200 points available for victims of intimidation. An applicant with this circumstance is entitled to 20 points under Health & Social Wellbeing – Primary Social Needs points, in the case *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*. They may also be entitled to further PSN or OSN points, connected to their experience of domestic abuse/violence. Responses in the FRA consultation suggested that there was a need to address the current inconsistencies where other victims of trauma or violence, for example, victims of domestic

⁷⁷ [Statistical Bulletin on Cases Involving Hate Crime 2022-23.pdf \(ppsni.gov.uk\)](#)

abuse, do not currently receive the same or similar recognition or priority as those that come under the existing Rule 23.

The link between domestic abuse/violence and homelessness and housing need is well documented. Tomas and Dittmar (1995)⁷⁸ and Baker, Cook and Norris (2003)⁷⁹ note that domestic violence is among the leading causes of housing instability, including homelessness for women and children and that safe and appropriate housing and the economic resources to maintain it are key concerns for women wanting to escape domestic abuse (Chung, Kennedy, O'Brien, and Wendt, 2000)⁸⁰. Research in several European countries shows that women are more likely than men to experience domestic violence and to report related loss of accommodation. (Baptista, 2010⁸¹; Mayock et al., 2016⁸²). Studies of women's experiences of domestic violence have consistently shown that a major reason why women stay in, or return to, violent relationships is lack of safe, affordable, independent accommodation (Morley, 2000⁸³; Aguirre, 1985⁸⁴; Horn, 1992⁸⁵; Shepard and Pence, 1988⁸⁶). Additionally, there is increasing evidence that women are experiencing long-term homelessness (Pleace et al., 2016⁸⁷) and that homeless women are vulnerable to multiple forms of gender-based violence, which can in turn create a cycle of homelessness and abuse (Bretherton & Mayock, 2021⁸⁸).

The European Union Agency for Fundamental Rights published the first European Union-wide survey on violence against women based on interviews with 42,000 randomly selected respondents aged 18 years and above in 28 EU Member States (European Union Agency for Fundamental Rights, 2014a⁸⁹). Results illustrated that one in three women (33%) had experienced physical and/or sexual violence since the age of 15 and that more than one in five women (22%) had experienced lifetime physical and/or sexual intimate partner violence.

Tables 10 and 11 outline the number of presenters and acceptances relating to the following other violence related reasons for homelessness/application for social housing. In 2020/21 and 2022/23

⁷⁸ Tomas, A., and Dittmar, H. (1995). The Experience of Homeless Women: An Exploration of Housing Histories and the Meaning of Home. *Housing Studies*, 10 (4), 493-515

⁷⁹ Baker, C., Cook, S. and Norris, F. (2003). Domestic Violence and Housing Problems - A Contextual Analysis of Women's Help-Seeking, Received Informal Support, and Formal System Response. *Violence Against Women*, 9 (7), 754-783

⁸⁰ Chung, D., Kennedy R., Obrien, B., and Wendt, S. (2000). Home Safe Home. The Link Between Family Violence and Women's Homelessness. Social Policy Research Group. Canberra: University of South Australia. Partnerships Against Domestic Violence.

⁸¹ Baptista, I. (2010) Women and homelessness. In: E. O'Sullivan, V. Busch-Geerstema, D. Quilgars & N. Pleace (Eds.) *Homelessness Research in Europe*. Brussels: FEANTSA. pp. 163-186.

⁸² Mayock, P., Bretherton, J. & Baptista, I. (2016) Women's Homelessness and Domestic Violence – (In)visible Interaction. In: P. Mayock & J. Bretherton (Eds.) *Women's Homelessness in Europe*. London: Palgrave Macmillan. pp. 127-154.

⁸³ Morley, R. (2000). Domestic Violence and Housing. In J. Hanmer and C. Itzin (Eds.). *Home Truths about Domestic Violence* (pp. 228-245). London: Routledge.

⁸⁴ Aguirre, B. E. (1985). Why Do they Return? Abused Wives in Shelters. *Social Work*, 30, 350-354

⁸⁵ Horn, P. (1992). Beating Back the Revolution: Domestic Violence's Economic Toll on Women. *Dollars & Sense*, 182, 12-22

⁸⁶ Shepard, M., and Pence, E. (ed). (1988). *Coordinating Community Responses to Domestic Violence: Lessons from Duluth and Beyond*. Sage Publications

⁸⁷ Pleace, N., Bretherton, J. & Mayock, P. (2016) Long-term and recurrent homelessness among women. In: P. Mayock, P. & J. Bretherton (Eds.) *Women's Homelessness in Europe*. London: Palgrave Macmillan. pp. 209-234.

⁸⁸ Bretherton, J. & Mayock, P. (2021) *Women's Homelessness: European Evidence Review*. Brussels: FEANTSA.

⁸⁹ European Union Agency for Fundamental Rights (2014a) *Violence against women: An EU-wide survey – Main Results Report*. Luxembourg: Publications Office of the European Union. Available at: https://fra.europa.eu/sites/default/files/fra_uploads/fra-2014-vaw-survey-main-results-apr14_en.pdf

the data for sexual abuse/violence was included within the figures for domestic violence. In addition, in these years there was no separation of Accommodation Not Reasonable (reason: violence) data.

- Domestic violence
- Sexual abuse/violence
- Neighbourhood harassment⁹⁰
- Accommodation not Reasonable: Violence⁹¹
- Bomb/fire damage (civil disturbance)⁹²

Table 10: Homelessness – Households presenting as homeless by reason 2016/17 to 2022/23

Year	Domestic violence	Sexual abuse/ violence	Neighbourhood harassment	Accommodation Not Reasonable (ANR) ⁹³	Bomb/fire damage (Civil disturbance)	Total additional violence reasons
2016/17	756	109	1,519	-	53	2,437
2017/18	810	107	1,494	-	44	2,455
2018/19	1,067	107	1,448	117	44	2,783
2019/20	1,055	92	1,415	155	46	2,763
2020/21	1,222	Not separate	1,639	Not separate	53	2,914
2021/22	1,035	75	1,435	168	45	2,758
2022/23	1,128	Not separate	1,221	Not separate	38	2,387

Source: NIHE

Table 11: Homelessness – Households accepted as FDA by reason 2016/17 to 2022/23

Year	Domestic violence	Sexual abuse/ violence	Neighbourhood harassment	Accommodation Not Reasonable (ANR) ⁹⁴	Bomb/fire damage (Civil disturbance)	Total additional violence reasons
2016/17	774	78	983	-	28	1,863
2017/18	812	92	952	-	27	1,883
2018/19	1,050	74	931	101	31	2,187
2019/20	1,009	79	899	124	27	2,138
2020/21	1,101	Not separate	1,067	Not separate	26	2,194
2021/22	947	59	830	150	22	2,008
2022/23	1,061	Not separate	653	Not separate	27	1,741

Source: NIHE

Tables 10 and 11 indicate that the total number of applications and confirmed FDA status with a reason of violence/threat of violence is considerably higher than the number for intimidation on its own (see tables 5 and 6). This is not unexpected given the very specific criteria including level of violence and risk levels. Looking solely at the figures for domestic violence shows the significantly higher numbers when compared to intimidation. It is worth noting again that the intention of the

⁹⁰ The HSS is concerned with assessing relative degrees of housing need. Neighbourhood harassment / anti-social behaviour may be reflected in Statutory Homelessness / an award of OSN, PSN and Intimidation Points. The distinction between statutory homelessness due to ASB / neighbourhood / harassment and intimidation due to ASB / neighbourhood harassment is the consideration around the severity of the harassment / behaviour and whether the decision maker is satisfied that the circumstances are such that there is a serious and imminent risk of death or serious injury. It should be noted that not all cases of neighbourhood harassment involve any level or interaction with violence.

⁹¹ Accommodation not reasonable (ANR) is one of 13 potential reasons for homelessness. ANR itself is then split into seven categories (from June 2018 drop-downs available): Physical health/disability, mental health, financial hardship, overcrowding, property unfitness, violence, other, ANR – broken into reasons.

⁹² Whilst this item is included in relation to civil disturbance it should be noted that fire damage may not be related to any level or interaction with violence.

⁹³ New breakdown categories for ANR were introduced midway through Q1 2018.

⁹⁴ New breakdown categories for ANR were introduced midway through Q1 2018.

HSS is as a ranking tool, to rank those with different housing needs in priority order for the purposes of allocating social housing.

According to the PPS, domestic abuse is *an incident or pattern of incidents of controlling, coercive, threatening, degrading and violent behaviour, including sexual violence, inflicted by a current or former partner or close family member. Domestic abuse can include:*

1. *Coercive control*
2. *Psychological/emotional abuse*
3. *Physical abuse*
4. *Sexual abuse*
5. *Economic and financial abuse*
6. *Online and technological abuse.*⁹⁵

Figures in relation to domestic abuse and violence⁹⁶ are published by the PSNI. The most recent statistical bulletin⁹⁷ noted that in the year 2022 – 2023:

- there were 32,875 domestic abuse incidents in Northern Ireland, a decrease of 311 (-0.9 per cent) on the previous 12 months. This is the second highest financial year figure recorded since the start of the data series in 2004/05;
- the number of domestic abuse crimes rose to 22,343, an increase of 679 (3.1 per cent) on the previous 12 months, and the highest financial year figure recorded since 2004/05;
- there were 17 domestic abuse incidents and 12 domestic abuse crimes per 1,000 population;
- there were increases in all major offence types, except for criminal damage, breaches of non-molestation orders, and the 'all other offences' classification;
- six of the eleven policing districts showed a decrease in the number of domestic abuse incidents while eight policing districts showed an increase in the number of domestic abuse crimes.

It is also worth reflecting on the statistics for the previous financial year (2021 – 2022) which may have been impacted by the Covid-19 pandemic and lock-down periods:

- there were 33,186 domestic abuse incidents in Northern Ireland, an increase of 2,026 (6.5 per cent) on the previous 12 months;
- the number of domestic abuse crimes rose to 22,142, an increase of 2,519 (12.8 per cent) on the previous 12 months and the highest 12-month period recorded since the data series began in 2004/05;
- there were 18 domestic abuse incidents and 12 domestic abuse crimes per 1,000 population;
- there were increases in all major offence types, except for criminal damage and breaches of non-molestation orders;
- Ten of the eleven policing districts showed an increase in both domestic abuse incidents and domestic abuse crimes.

⁹⁵ [Domestic Violence and Abuse | Public Prosecution Service for Northern Ireland \(ppsni.gov.uk\)](https://www.ppsni.gov.uk/domestic-violence-and-abuse)

⁹⁶ Domestic abuse covers all abuse on a partner, irrespective of their gender.

⁹⁷ [Domestic Abuse Incidents and Crime Recorded in Northern Ireland Monthly Update to 31st March 2023 \(psni.police.uk\)](https://www.psnipolice.uk/domestic-abuse-incidents-and-crime-recorded-in-northern-ireland-monthly-update-to-31st-march-2023)

A review of PSNI figures over the last five plus years points to a massive increase in the incidence of domestic abuse.⁹⁸ The Covid-19 pandemic period showed higher levels of recorded domestic abuse. Following the introduction in March 2020 of restrictions relating to the pandemic, most classifications within overall police recorded crime fell resulting in lower crime levels in 2020/21 compared with 2019/20. However, crimes with a domestic abuse motivation showed higher levels in 2020/21 compared with 2019/20, with the exception of theft (including burglary) and criminal damage. An increase in domestic abuse during the Covid-19 pandemic was also reported more widely⁹⁹.

As part of this discussion, it is also worth noting that the laws around domestic abuse have now changed. The Domestic Abuse and Civil Proceedings Act (Northern Ireland) 2021¹⁰⁰, which came into effect in February 2022, created a new, specific offence of domestic abuse offence in Northern Ireland. It offers greater protections to all victims who have suffering abuse, including those experiencing controlling or coercive behaviour in a domestic context.

Another key factors is the number of cases, who have experienced domestic abuse/domestic violence, whose situation is considered by the Multi-Agency Risk Assessment Conference (MARAC). The most recent figures, provided by the PSNI outline the number of cases discussed by MARAC (table 12).

Table 12: Total MARAC cases and number of repeat cases 2021 - 2023

Year	Number of cases discussed	Number of repeat cases discussed
2021/22	1,044	352
2022/23	1,432	503
2023/24 First 6 months	762	260

Source: PSNI

The route into MARAC is via referral from a number of statutory and other agencies including the PSNI¹⁰¹. The Domestic Abuse Risk Assessment (DASH) may be carried out by PSNI officers or other statutory agencies. DASH provides a risk checklist to help identify those who are at high risk of harm and whose cases should be referred to MARAC in order to manage their risk. The DASH form has 24 questions; the threshold for being deemed high risk is in theory 14, but victims with much lower overall scores may be referred to MARAC on the basis of professional concern and judgement. The NIHE also has a joint working protocol with the Women's Aid Federation (2015) and are part of the Information Sharing Agreement (ISA) relating to MARAC (Nov 2022). All partner agencies and representatives are involved in the MARAC and Domestic Violence and Abuse Disclosure Scheme

⁹⁸ Police Service of Northern Ireland, Domestic Abuse Statistics, Domestic Abuse Annual Trends 2004-05 to 2022-23, November 2023 available at www.psnipolice.uk/about-us/our-publications-and-reports/official-statistics/domestic-abuse-statistics.

⁹⁹ [Domestic violence in NI is epidemic | ScopeNI \(nicva.org\)](https://www.scopeNI.org.uk/news/domestic-violence-in-ni-is-epidemic)

¹⁰⁰ [Domestic Abuse and Civil Proceedings Act \(Northern Ireland\) 2021 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukni/2021/0001/2021-02-01/enacted)

¹⁰¹ All partner agencies and representatives involved in the MARAC and Domestic Violence and Abuse Disclosure scheme processes. This includes attendance at a MARAC meeting. This helps ensure that all members are aware of intelligence and information which falls within the remit of MARAC, and the sharing of personal information attributable to victims, alleged perpetrators and children of the family.

processes. This includes attendance at a MARAC meeting¹⁰². This helps ensure that all members are aware of intelligence and information which falls within the remit of MARAC, and the sharing of personal information attributable to victims, alleged perpetrators and children of the family. The researcher is aware that an independent review of MARAC had been carried out, at the time of publication the outcome of this review was still to be confirmed.

Under the homelessness assessment process outlined above, if the applicant is in emergency need of accommodation the NIHE has a duty to provide temporary accommodation. Table 13 outlines the services available for women at risk of domestic violence.

Table 13: Homelessness – Supported Accommodation Services – Women at risk of domestic violence

Regions	Accommodation Services		Floating Support Services		Total	
	Number of services	Number of units	Number of services	Number of units	Number of services	Number of units
Belfast Region	2	33	1	420	3	453
Northern Region	5	72	5	428	10	500
Southern Region	4	33	3	315	7	348
TOTAL	11	138	9	1,163	20	1,301

Source: NIHE – Homelessness Strategy Progress Report 2018/19

The NIHE also provides a Sanctuary Scheme offering support and various mechanisms to enable current tenants to remain in their own homes, when responding to issues of domestic abuse. The Sanctuary Scheme is a multi-agency, victim-centred initiative to enable households at risk of domestic abuse to remain safely in their own homes by installing a ‘sanctuary’ in the home, once the perpetrator has left. The overall aim of a Sanctuary Scheme is to enable households to remain in their home through the installation of enhanced security measures¹⁰³ and an inner room referred to as their ‘sanctuary’¹⁰⁴.

A Sanctuary Scheme was piloted for NIHE’s social housing tenants in 2017 in the Antrim/Ballymena area. Following a 2011 evaluation carried out jointly by the NIHE and the PSNI, the scheme was extended to NIHE tenants throughout Northern Ireland although in reality it has only been targeted at those tenants most at risk and has been led by MARAC. A recent evaluation of the NIHE Scheme¹⁰⁵ noted that in the 10-year period between 2011 and 2021, there were 132 service users of the Sanctuary Scheme in Northern Ireland¹⁰⁶. The available data indicated that the most common referrals are 4-tier referrals, which include installation of CCTV, a safe room and house alarm systems.

¹⁰² The Housing Advisor does not have any specific involvement with MARAC apart from potentially referring the applicant to Women’s Aid who would then refer them to MARAC.

¹⁰³ Sanctuary Schemes focus on enhancing security and safety equipment in the home including: reinforced exterior doors, extra door and window locks, reinforced double-glazed windows, laminated windows, window grilles, fire retardant letter boxes, Smoke detectors and fire safety equipment; window alarms, alarm systems that connect directly to the police or care control system, intercom systems and video entry systems.

¹⁰⁴ The NIHE Evaluation - [Sanctuary Scheme Review \(nihe.gov.uk\)](#) notes that this is created by securing a room, normally the main bedroom, by installing a reinforced Sanctuary door, and equipping it with a mobile telephone or an alarm and other safety equipment. The purpose of the Sanctuary Room is to provide a safe place from where victims can call and wait for the arrival of the police.

¹⁰⁵ [Sanctuary Scheme Review \(nihe.gov.uk\)](#)

¹⁰⁶ Based on available data, more than a quarter (30%) of those who have availed of the Sanctuary Scheme, have done so between January 2020 and June 2021 (39 of a total of 132).

The evaluation highlighted positive impacts on the health and well-being of service users, including reduction in mental health and anxiety issues. Other positive impacts were noted on public services, including a reduction in repeat incidents (leading to a reduction in call outs for emergency services); a reduction on repairs to social housing and a reduction in the number of people who are homeless due to domestic abuse. Some Policing and Community Safety Partnerships e.g. Ards & North Down, also deliver a similar home security scheme funded through the Department for Justice (DoJ).

In addition, the evaluation report included the following recommendations:

- NIHE may consider working with NIFHA to raise awareness in respect of how Sanctuary scheme works could be provided for those in need who are Housing Association tenants, this might include a review of other potential sources of funding and may require further liaison between other departments and agencies (such as Department for Communities, Department of Justice and Department of Health).
- NIHE should review their Sanctuary Scheme guidance manual to ensure that it is consistent with the Home Office Guidelines and the manual used by police forces across the UK to ensure that the full range of recommended safety and security measures are available in Northern Ireland.

The NIHE also intend to publish a Domestic Abuse Action Plan in Quarter 1 of 2024/25, and this incorporates the above recommendations¹⁰⁷.

2.5 Violence relating to other factors

Other types and sources of violence may be part of an applicant's housing need. These may include violence or a threat of violence as a result of having been the victim of human trafficking and as a victim of coercive criminality. The level of violence or attacks under these headings is less well documented. For the purposes of this study the following data is relevant, and was provided by various respondents in Strand B; interviews, focus groups and written submissions.

Theme	Data
Human trafficking	<p>Flourish NI¹⁰⁸ note that human trafficking is a form of modern slavery where a person is forced into a service against their will; this is usually forced work or forced prostitution. Control can be physical, financial and psychological. An extract from the IOM study¹⁰⁹ on human trafficking between Ireland and Northern Ireland indicates the incidence of human trafficking:</p> <p><i>Trafficking is much more prevalent than the data implies, remaining largely undetected with victims not being identified or referred for assistance. Official statistics do not provide an accurate picture of the extent of human trafficking on the island of Ireland. In Ireland, the most recent data available from the National Referral Mechanism (NRM) indicates that there were 42 victims identified in 2022. For Northern Ireland, the data shows a high number of individuals referred to the NRM in 2022 (547), with 75 people confirmed as victims in the same period.</i></p>

¹⁰⁷ Not published yet; was due to go to NIHE Tenants and Customer Services Committee in March 2024.

¹⁰⁸ <https://flourishni.org/>

¹⁰⁹ <https://unitedkingdom.iom.int/news/iom-releases-report-human-trafficking-between-northern-ireland-and-ireland>

Coercive criminality	Coercive control in relation to domestic abuse has been noted in the above discussion. A further element of potential violence or threat of violence can be linked to wider coercive criminality, whereby someone is involved in criminality e.g. in a drugs gang, against their will. In England and Wales, the term home takeover and cuckooing ¹¹⁰ also applies, with reference to interconnections to violence or intimidation from feuds, gangs, drug related or other community criminality.
Gender-based violence	The Domestic and Sexual Abuse strategy was consulted on in early 2023, and is due for publication in 2024. The work of EVAWG is important in looking at the incidence, nature and responses to gender-based violence. As part of this study, they pointed to Grevio ¹¹¹ and highlighted examples of country responses to gender-based violence in terms of housing. These included Portugal, where they have mainstreamed the issue of violence against women into universal support services. Portuguese Law No. 80/2014 introduced access to a property rental support scheme for victims of domestic violence – and offers preferential public housing to women who live in shelters ¹¹² and Belgium where victims of intimate partner violence priority access to public housing ¹¹³ . From a UK perspective ¹¹⁴ Homeless Link produced the ‘Gendered Lens Framework’ to support services in taking a gender informed approach.

¹¹⁰ Cuckooing is a term which is used to describe criminals who take advantage of a vulnerable person, using methods including threats of violence and abuse in order to take over their home and use it as a place to conduct criminal activity from. [The signs of ‘cuckooing’ explained – as vulnerable people are taken advantage of in their homes | Sacpa](#)

¹¹¹ www.coe.int/en/web/istanbul-convention/grevio

¹¹² GREVIO’s baseline evaluation report for Portugal, paragraph 127, Council of Europe, 2019c

¹¹³ GREVIO’s baseline evaluation report for Belgium, paragraph 118, Council of Europe, 2020b

¹¹⁴ <https://homeless.org.uk/knowledge-hub/the-gendered-lens-framework-for-homelessness-services/>

Section 3: Treatment of violence in housing assessment and allocation policies – background to other jurisdictions

3.1 Introduction

In this section we provide background information on the relevant legislation, housing policy and practice in terms of the treatment of violence as housing need, within housing assessment and allocation policies in other jurisdictions. This information has been provided by Neil Morland (Neil Morland Co Housing Consultants¹¹⁵); for sub-sections 3.2 – 3.4 and 3.6 – 3.7 and in terms of specific information relating to domestic abuse/violence, by Dr. Kelly Henderson (Addressing Domestic Abuse CIC¹¹⁶); for sub-section 3.5.¹¹⁷ It should be noted that this information was produced at a point in time, with completion of this report in April 2024.

The differential in approach between Northern Ireland and the other GB jurisdictions is important. As already noted in Section 1, in Northern Ireland the NIHE is the only entity that has the statutory responsibility for homelessness (the one Regional housing authority), in contrast to other UK jurisdictions where the responsibility lies with individual local authorities. As a social landlord the NIHE also operates the HSS to assess housing need and rank applicants in relative order of assessed priority need, in order to enable the allocation of social housing. In addition, all registered housing associations in Northern Ireland operate the HSS to assess the housing need for their tenants who want to move within the social housing sector (tenant transfers). If a housing association tenant is believed to be homeless then the housing association must refer them to the NIHE for investigation under the homelessness legislation and policy. In other jurisdictions the assessment for homelessness is separate to any application for social housing; the latter also often requires the individual to register with a social housing provider.

3.2 Social housing allocation in other jurisdictions

Social housing allocation, like all housing policy, is a devolved matter for the four jurisdictions – England, Wales, Scotland and Northern Ireland. Similarly, the Republic of Ireland has its own legislation, policies and practice in relation to social housing allocation.

¹¹⁵ www.neilmorland.co.uk

¹¹⁶ www.addressingdomesticabuse.com

¹¹⁷ **Disclaimers:** Any errors contained in this section are the responsibility of the providers - Neil Morland (Neil Morland Co Housing Consultants) and Dr. Kelly Henderson (Addressing Domestic Abuse CIC). The information in this section is accurate at the date of publication. The information in this document should not be considered as legal advice. No responsibility for any loss or damage incurred, by any person or organisation acting or refraining from action as a result of the information in this report, can be taken by the author.

The key legislation for each of the UK nations is outlined below:

England	Wales	Scotland	Northern Ireland
Housing Act 1985, section 106 Housing Act 1996, Part 6 Allocation of Housing accommodation, sections 159 – 174	Housing Act 1985, section 106 Housing (Wales) Act 1996, Part 6 Allocation of housing accommodation, sections 159 – 174	Housing (Scotland) Act 1987, Standards and performance in housing management, Sections 19 – 21 Housing (Scotland) Act 2001, Part 1 Homelessness and allocation of housing, Section 8 – 10	Housing (Northern Ireland) Order 1981, Article 22, 22A Housing (Northern Ireland) Orders 1988 and 2003

As such social housing allocation legislation has considerable commonality across the four nations e.g. in relation to eligibility with linkages to immigration law, but equally there is considerable divergence e.g. in terms of who should be prioritised for an allocation of social rented housing. The following table outlines some differences between the UK jurisdictions.

Table 14: Social housing allocation – Differences between UK jurisdictions

Nation	Housing allocation role/duties	Housing provision – social landlords	Allocation systems
England	Local authorities – regardless of whether or not they have transferred their housing stock or setup an arm’s length management organisation, with housing associations have very few legal responsibilities.	Registered providers	Banding systems Choice-based lettings Some Local Lettings and nomination policies
Wales		Registered social landlords	Banding systems Some Local Lettings and nomination policies
Scotland	Responsibility of all social landlords, regardless of them being a local authority or a housing association, with stock-transfer local authorities having no duties whatsoever.	Registered social landlords	Banding systems with choice-based lettings Small number of points-based systems
Northern Ireland	NIHE – single regional housing authority with responsibility for assessment of housing need. NIHE allocates own stock. Registered housing associations operate HSS to assess their tenants housing need if they want to move within the sector; also allocate their own housing stock.	Registered Housing Associations and NIHE	Points-based system

Source: Neil Morland Co Housing Consultants

As noted earlier in Section 1, in Northern Ireland the legislation (Article 22 of the Housing (NI) Order 1981) simply requires that the NIHE shall submit to the DfC a scheme for the allocation of housing

accommodation held by the NIHE to prospective tenants or occupiers. It does not provide the NIHE with any direction on the preference or categories of need within any legislative provisions or statutory guidance, unlike other jurisdictions. The NIHE therefore has a wide margin of appreciation to determine a Scheme, taking into account any special circumstances in Northern Ireland, which is then subsequently approved by the DfC as per Article 22 of the Housing (NI) Order 1981. As noted in Section 2, the NIHE has over the last number of decades afforded special treatment to emergency housing needs connected to the civil unrest in Northern Ireland. This has been in existence since the NIHE was established in 1971, and was subsequently widened to other victims of Hate Crime and other protected groups.

3.3 What priority is given to victims of violence (non-domestic) in other UK jurisdictions?

A key focus in Northern Ireland has been on violence relating to intimidation, which meets the criteria under Rule 23 (as outlined in Sections 1 and 2) which can attain 200 points, together with a wider focus on violence in general and including domestic abuse/violence through the allocation of 20 points specifically in PSN (Number 1) with further points if there is proof of trauma (PSNI Number 4), and with some reference within OSNs. In addition, those awarded statutory homeless status (FDA) as a result of violence or threats of violence are awarded 70 points.

The situation in the other UK jurisdictions rests on the concept of reasonable preference¹¹⁸ within housing allocation law, for those who are victims of violence (non-domestic abuse). The law in England and Wales¹¹⁹ and Scotland¹²⁰ describes circumstances where housing applicants must be given a priority for the allocation of social rented housing. Neil Morland notes: *the intended effect is to give some applicants a head-start over others, because of the urgency of their housing needs*. The following broad areas of reasonable preference are included for these jurisdictions. Whilst not specifically mentioning violence (this is outlined below in terms of statutory guidance), the factors included are specific enough to ensure people with prescribed needs or circumstances will be advantaged, but equally are broad enough to cover a range of circumstances.

In England and Wales, the following persons must be given a reasonable preference for an allocation of social rented housing:

- People who are homeless (within the legal meaning of the term);
- People owed a homelessness duty by a local authority;
- People occupying insanitary or overcrowded housing, or otherwise in unsatisfactory housing conditions;
- People who need to move on medical and welfare grounds (including grounds relating to disability);
- People who need to move due to a particular locality in the district of the authority, with failure to meet that need would cause hardship (to themselves or two others).

In Scotland, the following persons must be given a reasonable preference for an allocation of social rented housing:

¹¹⁸ This does not exist per se in the Northern Ireland scheme although there is scope for inclusion, as it is NIHE that sets the rules with DfC.

¹¹⁹ Housing Act 1996

¹²⁰ Housing (Scotland) Act 1987, Housing (Scotland) Act 2001.

- People who are homeless, or threatened with homelessness (within the legal meaning of the term), and have unmet housing needs;
- People who are living under unsatisfactory housing conditions and have unmet housing needs;
- Tenant of houses, which are held by a social landlord and the social landlord selecting its tenants considers to be under occupied.

As such victims of violence, where this affects their housing need, could legitimately be afforded a reasonable preference under a number of these factors. In England and Wales this could be because the violence has caused them to become homeless, or threatened with homelessness, or because they need to move due to hardship reasons. These factors carry across for Scotland.

Housing allocation law in England and Wales includes a further concept of additional preference, that is not featured in housing allocation law for Northern Ireland or Scotland. This allows local authorities to select persons, either by characteristic and/or experience, whom they wish to give priority for an allocation of social rented housing. These persons can be given the same degree of priority as those entitled to a reasonable preference.

Local authorities' power to afford additional preference to housing waiting list applicants, who are not entitled to the statutory reasonable preference, is intended to allow local authorities to prioritise applicants to whom they might wish to give an advantage when allocating, social rented housing. The power to afford additional preference is not limited to applicants who are threatened with or risk of violence. A typical example of how local authorities utilise their powers to afford additional preference, is that the overwhelming majority of them afford this to young people leaving care. In addition, most local authorities follow the advice set down in guidance to give additional preference to those who are homeless and require urgent rehousing as a result of violence or threat of violence and those who are homeless or require urgent housing as a result of domestic abuse.

This additional preference is made clear through statutory guidance¹²¹; for English local authorities¹²² this instructs them to give additional preference when allocating social rented housing, to those who are homeless and require urgent rehousing as a result of violence or threats of violence, including intimidated witnesses, and those escaping, serious, antisocial behaviour or domestic violence¹²³. Separate statutory guidance¹²⁴ directs local authorities to give additional preference within their housing allocation scheme to people who are homeless or require urgent rehousing, as a result of domestic abuse. This guidance notes the following:

¹²¹ The statute of guidance uses the terms should consider, however, given that the guidance, statutory and local authorities are obliged to follow it, and have to have good reason to depart from it, there is a prevailing expectation that all local authorities will comply with the instruction set down in the statutory guidance.

¹²² Allocation of accommodation: guidance for local authorities. Department for Levelling Up, Housing & Communities. June 2012 (last updated October 2023).

¹²³ Unlike armed forces personnel, for whom there is a statute requirement to afford them additional preference, there is no such requirement for victims of violence. Whilst the ability to afford additional preference is a discretionary power rather than the statutory requirement, almost every local authority makes use of this power.

¹²⁴ Improving access to social housing for victims of domestic abuse. Department for Levelling Up, Housing & Communities. November 2018 (last updated January 2022).

Allocations guidance goes further and makes it clear that authorities should consider giving additional preference within their allocation scheme to people who are homeless and require urgent rehousing as a result of domestic abuse.

It also notes at section 29: Paragraphs 19 and 20 above should ensure that those who need to move between local authority districts in order to escape domestic abuse are not disadvantaged by a residency or local connection test. It is also important that victims of domestic abuse who are provided with temporary protection in a refuge, or other form of temporary accommodation, are given appropriate priority under a local authority's allocation scheme, to enable them to move into more suitable settled accommodation, releasing valuable refuge spaces for others.

In summary, whilst the wording of the statute and guidance is 'should consider' rather than 'instruct', the prevailing expectation is that all local authorities will comply with the statutory guidance, and evidence confirms that almost every local authority makes use of this power. Statutory guidance¹²⁵ for Welsh local authorities instructs them to give additional preference within their housing allocation scheme to:

1. Victims of domestic or other abuse;
2. Victims of hate incidents;
3. Witnesses of crime, or victims of crime, who would be at risk of intimidation, amounting to violence or threats of violence, if they remained in the current homes.

Statutory guidance¹²⁶ for Scottish local authorities is silent on the matter of the degree, but that a priority that should be afforded to victims of violence. However, practice guidance recommend that victims of abuse or harassment, including antisocial behaviour, are given a high level of priority. The type of abuse and harassment that should be considered include:

1. Racial harassment;
2. Religious or sectarian harassment¹²⁷;
3. Homophobic harassment;
4. Transphobic harassment;
5. Harassment of autistic people and people with a learning of physical disability;
6. Sexual harassment.

The practice guidance notes that the Landlord should consider giving a high level of priority to anyone who is experiencing domestic abuse, and that this represents a critical housing need. The practice guidance also recommends that landlords work in partnership with domestic abuse, voluntary organisations and others to develop an approach for their housing allocation scheme. In relation to applicants who are needing to be rehoused due to harassment and antisocial behaviour, the practice guidance says that the landlord should consider awarding victims, sufficient priority to allow them to be re-housed quickly.

Law and statutory guidance across England, Wales and Scotland is silent in terms of the precise degree of priority awarded to those applicants who are threatened with violence, compared to

¹²⁵ Code of Guidance for local authorities on the allocation of accommodation and homelessness. Welsh Government. March 2016 (last updated November 2023).

¹²⁶ Social housing allocations in Scotland: a practice guide. Scottish Government. February 2019.

¹²⁷ Neil Morland notes that this is the only time that sectarian harassment is mentioned in any legislation or statutory guidance relating to social housing allocation, outside of Northern Ireland.

those who have experienced violence or are at risk of violence. However, as noted earlier the principle of urgency – that priority should be linked to rehousing quickly – is embedded in statutory guidance.

3.4 What needs to be assessed in terms of actual violence, threat of violence or risk of violence?

Neil Morland notes: *Decisions about who to allocate social housing to need to be based on the facts...* This includes the extent of violence, the harm being experienced and the degree of risk. Morland comments: *a person should seek to provide evidence from the most authoritative sources available to them. Organisations and professionals that have been actively involved with them, and have an informed view of their needs, are always the best sources of evidence.*

Housing allocation law puts the emphasis on the person applying for social housing to demonstrate their circumstances against any criteria set down in the housing allocation scheme. Morland notes: *once in possession of a person's evidence, the role of an employee assigned to administer housing allocation functions, is to assess the accuracy and relevance of the evidence, to determine whether or not a person should join¹²⁸¹²⁹ a housing allocation scheme, and if so the degree of priority they should be afforded.*

Verification is viewed as key to this process, given that a housing allocation administrator has expertise in housing policy and practice, but is not an expert in the myriad of circumstances that an applicant can present with. Morland emphasises the need for the housing administrator to approach the sources of evidence to gain their professional opinion, in order that they can then reach an objective and informed decision. Morland also notes: *A key principle of public law relevant to housing allocation decisions is the principle of an applicant being given the benefit of the doubt, when evidences are unclear or there is no evidence available. If an applicant asserts that they are a victim of violence or threatened with violence, but has no evidence to verify this assertion, the applicant must be given the benefit of the doubt. The legal position would be, what proof is that that a person is not being truthful/transparent about such an assertion?*

3.5 What priority is given to victims of domestic abuse and violence in other jurisdictions?

In this section we examine recent legislative and policy developments in Great Britain in relation to domestic abuse, and how this interconnects to the treatment of homelessness and social housing allocation.

England and Wales

¹²⁸ The Housing allocation administrator, when assessing an application to join the housing allocation scheme will need to confirm, firstly, whether an applicant is eligible for an allocation of social rented housing, and secondly, whether an applicant satisfies any qualification criteria to join a housing waiting list. Only when an applicant is both eligible and qualifies will they be able to join a housing waiting list and be considered for an allocation of social rented housing. This is referred to as the two-part composite test in England. Similar principles apply in Wales and to a large extent also in Scotland.

¹²⁹ It is worth noting that Northern Ireland also have criteria for ineligibility due to unacceptable behaviour and use the three-step test to assess same.

The Domestic Abuse Act¹³⁰, which came into force in 2021 further defined what is meant by domestic abuse, with further definitions of controlling behaviour and coercive behaviour. Domestic abuse is defined as: *Behaviour of a person (A) towards another person (B) is domestic abuse if A and B are each aged 16 or over and are personally connected to each other, and the behaviour is abusive.*

Behaviour is abusive if it consists of any of the following:

- *Physical or sexual abuse;*
- *Violent or threatening behaviour;*
- *Controlling or coercive behaviour'*
- *Economic abuse;*
- *Psychological, emotional or other abuse;*

And it does not matter whether the behaviour consists of a single incident or a course of conduct.

Controlling behaviour is defined as: a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independent, resistance and escape and regulating their everyday behaviour.

Coercive behaviour¹³¹ is defined as: an act or a pattern of acts or assaults, threats, humiliation and intimidation or other abuse that is used to harm, punish or frighten their victim.

Recent case-law has resulted in changes to how the law is interpreted. Section 177(1) of the Housing Act 1996 previously provided that, for the purposes of determining if someone has become homeless, it would not be reasonable for a person to continue to occupy accommodation if it is 'probable' this will lead to 'domestic violence or other violence' against them or another person who resides with them as part of their family or who might reasonably be expected to do so. In *Yemshaw v London Borough of Hounslow*¹³², Lady Hale ruled that 'domestic violence' in this particular context was not restricted to acts of physical violence or contact and could include threatening or intimidating behaviour or any other forms of abuse which might give rise to risk of harm. The term now amended is 'violence or domestic abuse'. Henderson notes: *in practical terms, these changes will almost inevitably broaden the circumstances in which local housing authorities will be required to accept homelessness applications from persons who have already experienced or who are at 'probable' risk of facing domestic abuse from any person to who they are 'personally connected'.* Further case-law (*Hussain v Waltham Forest LBC*¹³³) brings into play an extension to non-physical or psychological harm.

Priority need under the 1996 Housing Act, and associated guidance, means that local housing authorities must now carry out a purely factual assessment (rather than as previously was the case – an evaluative assessment of whether or not a person has become vulnerable as a consequence of their experiences). The factual assessment includes whether or not (i) the person has in fact experienced domestic abuse as defined by the Domestic Abuse Act 2021 (outlined above) and (ii) is

¹³⁰ The Domestic Abuse Act adopts the definition of relatives provided by Section 63 of the Family Law Act 1996. This is a wider definition that provided in housing law, and includes (amongst others) former spouses, in laws and 'step' relatives, first cousins, and certain persons who are cohabiting or have cohabited with each other.

¹³¹ This definition includes so called 'honour' based violence and female genital mutilation.

¹³² <https://www.supremecourt.uk/cases/uksc-2010-0060.html>

¹³³ <https://www.judiciary.uk/live-hearings/waltham-forest-london-borough-council-appellant-v-hussain-others-respondents/>

homeless as a result. As noted earlier specific statutory guidance¹³⁴ concerning the allocation of social rented housing to victims of domestic abuse in England and Wales, required additional preference to be given within housing allocation schemes to people who are homeless or require urgent rehousing, as a result of domestic abuse.

Overall, the Domestic Abuse Act 2021 amends Part 7 of the 1996 Act to strengthen the support available to victims of domestic abuse. The Act extends priority need to all eligible victims of domestic abuse who are homeless as a result of being a victim of domestic abuse. The 2021 Act brings in a new definition of domestic abuse which housing authorities must follow to assess whether an applicant is homeless as a result of being a victim of domestic abuse. Under Part 4 of the Domestic Abuse Act 2021 all councils are required to convene a Domestic Abuse Partnership Board, carry out a needs assessment, prepare and publish a relevant strategy from the assessment, commissioning support to victims of domestic abuse and their children within safe accommodation services in their area.

In addition, the following recent developments (relating to both housing allocation and domestic abuse law and guidance) may be of interest in the practical outworkings of this research study.

Relevant Law or Guidance	Details
Social Housing White Paper (2020)	This paper set out the intention to raise the standard of social housing, including references to safety and living free from the blight of crime and anti-social behaviour. The paper specifically mentioned the role of landlords in relation to supporting victims of domestic abuse (Section 136), and the statutory duty arising from the Domestic Abuse Bill (now Act) – that the Regulator of Social Housing should review and amend its regulatory standards to make it clear that landlords should have a policy setting out how they should tackle issues surrounding domestic abuse, working with other agencies as appropriate. (See Act below)
Social Housing Regulation Act (2023)	This Act gives the Regulator of Social Housing (RSH) the power to issue a Code of practice in relation to consumer standards. All providers must comply with the standards. It is anticipated that the new standards will be introduced in Spring 2024. The proposal around domestic abuse noted that registered providers must work co-operatively with other agencies tackling domestic abuse and enable tenants to access appropriate support and advice. The specific expectations from this are as follows: <ul style="list-style-type: none"> - That registered providers must have a policy for how they respond to cases of domestic abuse; - That registered providers must co-operate with appropriate local authority departments to support the local authority in meeting its duty to develop a strategy and commission services for victims of domestic abuse and their children within safe accommodation.

¹³⁴ Improving access to social housing for victims of domestic abuse. Department for Levelling Up, Housing & Communities. November 2018 (last updated January 2022).

Relevant Law or Guidance	Details
Serious Violence Duty (Within the Police Crime, Sentencing and Courts Act 2022)	The Serious Violence Duty came into force in 2023 and requires the following to work together to share information, analyse the situation locally and devise solutions, including publishing an annual strategy to prevent and reduce serious violence on a local basis. The organisations include local authorities, police, youth offending teams, integrated care system, probation and the fire service. Serious violence is relevant in the context of the Housing Act 1996. Section 177 provides that it is not reasonable for a person to continue to occupy accommodation if it is probable that this will lead to violence against them or another household member.

Scotland

In Scotland the Domestic Abuse (Protection) (Scotland) Act 2021 (Part 2) creates a new right for social landlords to terminate an abuser's interest in a Scottish secure tenancy, thus enabling them to remain the family home with the introduction of a new ground for recovery possession, where the tenant engages in domestic abuse. The abuser can be either the sole tenant or a joint tenant with the victims, and the intention is to allow the landlord to remove the abuser from the house with a view to entering into a sole tenancy with the victim.

The Act also introduces new forms of protection with police Scotland and the courts being given powers to protect those who are most at risk of domestic abuse, by issuing Domestic Abuse Protection Notices (DAPNs) and Domestic Abuse Protection Orders (DAPOs). Senior members of the police now have the power to issue a DAPN as a short-term, emergency protection where they have reasonable grounds to believe a partner or ex-partner has been abusive. Section 5 of the Act sets out an exhaustive list of prohibitions and requirements that may be imposed by a DAPN and these include stopping an abuser from entering the home of the person they have abused. The DAPN essentially buys victims of abuse time to consider their housing options and the new measures reduce the risk of victims of domestic abuse having to become homeless to escape their abuser.

3.6 Should specific characteristics relating to the individual, where there is the threat of or actual violence, have any impact on priority in the assessment for or allocation of social housing?

Neil Morland notes: *if a person is more likely to experience violence, due to race, religion, sexual orientation, disability, or any other protective characteristic, then it would be proportionate for a housing allocation scheme to afford such persons, to a greater degree of priority than other person who might experience violence.* The fact that the allocation of social housing is a matter of public law, brings all decisions relating to social housing applications within the orbit of the courts and the Equality and Human Rights Commissions.

3.7 Should the behaviour of the individual experiencing or at risk of violence have any impact on priority in the assessment for or allocation of social housing?

The interconnection between unacceptable behaviour¹³⁵¹³⁶ and eligibility for social housing is already clear. An individual who is experiencing or at risk of violence, due to their own criminal activity or involvement, may be made ineligible for an allocations of social housing due to their unacceptable behaviour. The test for this is detailed in Statutory Guidance provided by the Department¹³⁷. This applies in Northern Ireland (with caveats in terms of those applying as homeless) and Wales, where the schemes allow for ineligibility on these grounds; specifically in Wales the individual is given no preference. This was previously the case in England, but was removed from law in 2011. However, English local authorities are allowed to take account of any behaviour of a person which affects their suitability to be a tenant, when determining the degree of priority a person might be entitled to.

The Welsh Code of Guidance on housing allocations, provides detailed useful advice on how to reach a decision about whether or not an applicant's behaviour is unacceptable for the purposes of social housing allocations¹³⁸. The guidance sets out the key steps for determining whether an applicant's behaviour is unacceptable. Housing allocation administrators must answer the following questions to be able to reach a lawful decision:

- Is there enough evidence of an acceptable behaviour? Was it serious enough to entitled a local authority to obtain a possession order (or likely to obtain a possession order, had the person been a tenant at the time of the unacceptable behaviour)?
- Was the behaviour serious enough to render the applicant or a member of their household unsuitable to be a tenant?
- Is the behaviour unacceptable at the time of the application (or at the time of an offer of accommodation being made, if the unacceptable behaviour has occurred, subsequent to an application being made to join a housing allocation scheme)?

¹³⁵ Unacceptable behaviour can be defined as tenancy breaches and serious antisocial behaviour. In relation to tenancy breaches, these would be matters that would result in a social landlord being able to evict the tenant including matters such as rent arrears, tenancy fraud etc. In regards to serious antisocial behaviour, these are matters that again would be permissible for a social landlord to evict someone. These are defined in the Policing Crime Anti-social Behaviour Act 2005 and Anti-social Behaviour, Crime and Policing Act 2014.

¹³⁶ It is worth noting that the test for eligibility in the NI legislation (Art 22A of the Housing NI Order 1981 and Article 7A of the Housing (NI) Order 1988 and Departmental guidance centres on 'unacceptable behaviour' within the dwelling house or locality and is defined in relation to the specific circumstances within Grounds 2 and 3 of Schedule 3 of the Housing NI Order, 1983. The Department provide guidance to NIHE on the application of eligibility for Housing and homelessness.

¹³⁷ Northern Ireland has disqualification criteria (see HSS Rules 49-51) - a person can be disqualified from joining the Waiting List - however, if they are found to be statutorily homeless this status then overrides the disqualification. [Housing Selection Scheme Rules \(nihe.gov.uk\)](https://www.nihe.gov.uk/Housing-Selection-Scheme-Rules)

¹³⁸ It is worth noting that similar guidance applies for Northern Ireland.

Section 4: Quantitative Research findings: Comparative Analysis UK and RoI – treatment of violence in housing assessment and allocation policies

4.1 Introduction

In this part of the research study, we examined the housing assessment and allocation policies and procedures of 21 providers¹³⁹ (see Appendix 7), examining how they identify, assess, verify and prioritise victims of violence and those at risk / under threat of violence, including victims of domestic violence / abuse, within their housing allocation schemes. The research team noted difficulties in securing access to providers detailed allocation policies and procedures; much of the analysis is therefore based on assessment and allocation information available on providers' websites. More detailed allocation policies and procedures of a further three providers were assessed in more depth, to see how they treat and respond to violence as a factor in housing need (see 4.6 onwards). This part of the study was undertaken by Fiona Boyle and Dr. Kelly Henderson, with input from Melissa O'Neill, West Lancashire Borough Council. The summary at the end of this Section highlights the similarities and differences between Northern Ireland and the other jurisdictions examined.

A Framework for Assessment and Comparative Analysis (see Appendix 8) was led by the Research Team as a mechanism to assess and undertake a comparative analysis across the UK and RoI jurisdictions of housing policy and procedures focussed on housing assessment and allocation for social housing. This looked at the following areas:

1. **Classification:** what language is used within other housing allocation schemes to identify persons seeking assistance due to being threatened with violence, or, as a victim of violence, including victims of domestic violence/abuse?
2. **Comparative recognition of housing need** – are persons at risk of violence/victims of violence, including victims of domestic violence/abuse, given greater priority over other significant but non-violent related housing need?
3. **Verification** – how are threats of violence, and actual violence, including victims of domestic violence/abuse, evidenced and verified in other jurisdictions?
4. **Access to support services via housing and homelessness assistance** – what support services are provided for persons at risk of violence/victims of violence, including victims of domestic violence/abuse? Do they get support to remain in their home?

¹³⁹ The process of selection for these included the following factors:

- Inclusion of a number of relevant providers from a benchmarking list of peers (Appendix 10). This list is of providers of the nearest comparative size of social housing stock in Northern Ireland.
- Ensuring that all jurisdictions were covered – to include England, Scotland, Wales and the Republic of Ireland.
- Ensuring that the selection covered areas which were urban and rural, and in the case of the Republic of Ireland two councils which were in border areas adjacent to Northern Ireland, namely Louth County Council and Cavan County Council.

4.2 Review of the NI Housing Selection Scheme using the Framework for Assessment

This sub-section provides a review of the Northern Ireland HSS using the Framework for Assessment that was used with the other 21 providers. The Scheme details are available on the NIHE website¹⁴⁰ including the overall scheme details¹⁴¹ (scheme overview) and further details on the HSS Rules¹⁴².

Classification

In examining how violence or being under threat or at risk of violence is responded to it is important to look at the language, the inclusion of certain terms and how violence is classified within a housing allocation scheme. The HSS paperwork and rules make some references to violence but only one in relation to abuse, one to trauma and one reference to domestic violence. There are no references to coercive control. However, the Joint Working protocol between the NIHE and Women's Aid (2015) aims to: *promote and enhance the safety of those who have experienced domestic and/or sexual violence and abuse through increased awareness, collaborative working and effective and efficient referral.*

Violence as a factor in housing need is mentioned six times in the scheme rules and four times in terms of threat, risk or at risk because of violence. In contrast, there are 14 references to intimidation, however the wording used is 'terrorist intimidation' and sectarian intimidation, rather than paramilitary. There is also some reference to intimidation in terms of disability, race and sexual orientation, as well as anti-social behaviour. From this we can conclude, that based on language and classification in the overall HSS rules and documentation references to intimidation occur more frequently than other types of violence. As previously noted, violence then features within the PSNs and OSNs.

This is wholly in keeping in relation to the administration of Rule 23 of the scheme rules. The term 'intimidation' is explained as follows from the overall Scheme document: *Intimidation Points will be awarded under this category where: 1) Your home has been destroyed or seriously damaged (by explosion, fire, or other means). OR 2) You cannot reasonably be expected to live or to resume living in your home because if you were to do so there would, in the opinion of the NIHE, be a serious and imminent risk that you, or a member of your household, would be killed or seriously injured.*

The circumstances above must arise 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 NIHE's statutory powers to address neighbourhood nuisance or other similar forms of anti-social behaviour. Detailed investigations will be necessary to establish if any of the above criteria apply and to decide to award Intimidation points.

The Scheme documentation does not reference the police or other bodies e.g. MARAC in relation to the production of evidence (of housing need) or verification of the same. This is set out in Chapter 3 of the HSS Guidance Manual and covers NIHE policy and procedures in terms of threat verification.

¹⁴⁰ www.nihe.gov.uk/housing-help/apply-for-a-home/the-housing-selection-scheme

¹⁴¹ www.nihe.gov.uk/getattachment/d6360e96-a962-49dd-ac72-cfe24b9c3c52/housing-selection-scheme.pdf

¹⁴² www.nihe.gov.uk/getattachment/b997e1f4-969f-467b-9e91-03f77c1c6ae9/Housing-Selection-Scheme-Rules.pdf

Comparative recognition of housing need

The documentation for the NIHE scheme provides details of the nature of the scheme. The HSS Booklet¹⁴³ notes the following: *Staff will complete a Housing Solutions interview with you to look at all your housing options and choices, offer advice and assistance on any immediate housing issues and assess your housing need. Providing you are not deemed to be ineligible for housing assistance, you will be registered on the waiting list as quickly as possible.*

The Scheme is a point-based scheme, with points allocated for different factors and at different levels (see Appendix 2). The documentation states: *you will be assessed and awarded points according to your housing need. The level of points awarded will determine your position on the waiting list.* In essence the HSS assesses housing need across a number of factors, which allow for an accumulation of points reflecting the circumstances of the applicant and their household, thus prioritising those deemed to be in the most housing need, and producing a spectrum of relative housing need.

The level of intimidation points – 200 – outweighs any other award of points, and as a result it would be difficult for any household who does not have intimidation within their housing need, to achieve top points or rise up to the top of the housing waiting list. This should be considered in the context of the relatively small number of applicants who are awarded intimidation points; in 2022/23 there were a total of 212 acceptances as FDA where the reason for homelessness was intimidation (see table 6). The next level of points which is closest to the 200 is 70 points for homelessness.

Evidence and verification

Chapter 3 of the HSS Guidance Manual outlines the processes of evidence gathering and verification, as undertaken in the Housing Solutions approach (see Section 1).

Access to support services via housing and homelessness assistance

As noted above the Scheme overview indicates that advice and assistance provided by the NIHE will be based on the individual's circumstances and needs. The Scheme overview provides the following information on advice and information: *If you wish to seek advice on, or assistance with the completion of your application form, or if you need any information on the types of accommodation or landlords in your areas of choice or indeed any other matter relating to your housing application, you should contact any of the participating landlords listed on page 15.*¹⁴⁴

Reference is also made to advice and assistance being available during the Housing Solutions interview: *Staff will complete a Housing Solutions interview with you to look at all your housing options and choices, offer advice and assistance on any immediate housing issues and assess your housing need.*

Specific information is provided in the Scheme overview for those wishing to make a transfer. This is under the heading of Direct Exchanges: *You can also register to find a swap online at HomeSwapper. Co.uk The NIHE provides free access to this service for its tenants and most housing association*

¹⁴³ [Housing Selection Scheme 2023 \(nihe.gov.uk\)](https://www.nihe.gov.uk/housing-selection-scheme-2023)

¹⁴⁴ From: www.nihe.gov.uk/getattachment/d6360e96-a962-49dd-ac72-cfe24b9c3c52/housing-selection-scheme.pdf

This is a list of the names, addresses, phone numbers and email addresses of all the participating landlords in the Scheme.

tenants in Northern Ireland. If you have a secure tenancy and are interested in using this service, your landlord can support you to register for HomeSwapper and assist you with the online application.

Whilst there is no or limited information in the more detailed Scheme Rules on access to support services, the NIHE website¹⁴⁵ does provide information on homelessness. This can be accessed via the Homepage, by clicking on *Housing Help* – this then takes you to information specifically on homelessness including advice on homelessness, avoiding homelessness, eligibility and appealing a homeless decision. The advice and avoiding homelessness sections provide details and links to information on hostels (including links to NI Simon Community, Housing Rights and Council for the Homeless NI).

The NIHE website also provides useful phone numbers for those who are homeless or threatened with homelessness including during office hours, out of hours and local directories of services by Council area. There is no publication date on these, and the assumption is made by the Research Team that this would be regularly reviewed and updated by the NIHE. These Directories provide details of services relating to those experiencing domestic violence or abuse, including contact details for Women's Aid refuges, Nexus NI etc. The Directories are very comprehensive and cover a wide range of needs. Whilst these Directories provide details for those experiencing violence, including domestic violence, there are no direct links on the NIHE website to this topic. This means that for the individual in this situation, they have to search through a number of links to get to the Directories, where the relevant information is available.

4.3 Classification – Analysis of 21 providers

This sub-section provides analysis on what language and terminology is used within social housing Allocation schemes, in the sample of providers, to identify persons seeking assistance due to being threatened with violence, or, as a victim of violence, including victims of domestic violence/abuse. Table 1 (Appendix 9) provides an analysis of the 21 providers assessed by language found in their housing allocation policy and if available/accessible in their social housing application form (which incorporated references to homelessness).

This analysis highlights the following findings:

- A high proportion of housing allocation documentation features the terms police (17 out of 21), disability as per harassment or intimidation (17), violence (15), threat, risk or at risk (14), abuse (12), harassment (12), anti-social behaviour (12).
- Domestic abuse and domestic violence were used inter-changeably at times, with references in 10 of the sample.
- Other terms featured to a much lesser degree including coercive control (1), human trafficking (1), drugs/feuds, gangs or community-based crime (4) and trauma (4).

In the secondary scan of words and terms relating to violence and domestic violence/abuse, it was noted that some providers included a domestic abuse and housing policy on their website e.g. Royal Borough of Greenwich, therefore providing the applicant with more detail and clarification of terminology for this type of violence. In contrast, in other allocation policies e.g. the Republic of

¹⁴⁵ [The Housing Executive - Housing Help \(nihe.gov.uk\)](https://www.nihe.gov.uk/housing-help)

Ireland examples, there was no explanation of what the terms homeless and domestic violence cover.

The terms serious, imminent, low or high risk appeared in the majority of the 21 Allocation policies examined. For example, *serious or very urgent circumstances that they are facing* (Wheatley Homes Glasgow). The Research Team noted that the terms urgent and emergency need to move were very subjective and there was no set criteria at a national level as to what this means, resulting in descriptions that were fairly subjective.

4.4 Comparative recognition of housing need – Analysis of 21 providers

This sub-section provides an analysis of how housing need is dealt with by providers. In particular this sub-section looks at whether persons at risk of violence/ victims of violence, including victims of domestic violence/abuse, are given greater priority over other significant but non-violent related housing need. As would be expected in a sample of 21 providers there is a wide range of methods in their social housing allocation policies for recognising and assessing housing need, and fundamentally comparing different housing needs between households/applicants. This includes banding systems, points-based systems and other priority systems; some of which are associated or combined with choice-based letting schemes, local lettings policies and nomination agreements with other landlords or local authorities. The banding systems used by other jurisdictions place those in housing need into a band, with prioritisation within and between bands resulting in who gets an allocation of social housing.

An interconnected consideration when reviewing Proposal 7 of the FRA is the associated Proposal 10. As outlined earlier in Section 1.3, Proposal 10 will effectively introduce a banding system into Northern Ireland, within which there will be points levels. The bands will mean that applicants on similar levels of need will be in the same band.

As outlined earlier the system in Northern Ireland is purely points based. The NI system is comprehensive and provides a sensitive analysis of an applicant and their household's housing need to provide a cumulative award of points and rank applicants on the waiting list for their area of choice. The NI points-based system allows for accumulation of points from a number of housing need factors including intimidation, insecurity of tenure, housing conditions and health and social well-being factors.

Only three of the 21 providers assessed by the Research Team operated a points-based system; in one case this was just for two of their associated landlords, and in the other two cases (South Lanarkshire and Cavan) the approach was purely points-based.

Table 2 (Appendix 9) summarises the system used by each of the 21 providers. Analysis by jurisdiction provides some helpful insight into the comparative recognition of housing need. **The priority level afforded to violence and domestic abuse/violence is highlighted in bold.**

England

- All of the English sample use a banding system with priority between band levels but not within bands. These providers all use a combination of choice-based lettings schemes, Local Lettings policies and Nomination agreements with local authorities;
- Providers had a system of prioritising applicants. In nine of the 10 examples this related to banding. Weighting within these bands was not referenced, other than by date order;
- Whilst one provider mentioned points, none of the English examples used a pointing mechanism or system, to attribute specific numbers or levels of points to specific circumstances;
- Each provider includes different factors within each band. There is no differentiation within bands – inclusion in a band is absolute;
- **Where violence and domestic violence/domestic abuse are mentioned, they are in the top or second band; albeit that this is generally alongside other wider types of violence and some non-violent needs such as welfare needs or urgent medical needs;**
- Some providers also include a band for applicants who have been in breach of their tenancy in relation to finances or behaviour; and who are therefore penalised in their next housing application or request for a transfer.

Scotland

- Whilst there is evidence of use of a banding system, the Scottish sample has picked up usage of points-based systems e.g. South Lanarkshire;
- The South Lanarkshire example is of interest; whilst it does outline points, the system is relatively simplistic and not detailed in terms of lists of circumstances. In addition, points for certain circumstances e.g. overcrowding are capped. This ensures that the overall culmination of points does not steer out-of-hand or snowball as applicants add more and more points to their total. Furthermore, there is an example of points allocation to one area only, i.e. a one-off allocation of points to tied tenants means that they cannot be afforded other points for different circumstances.
- These providers all use a combination of choice-based lettings schemes, Local Lettings policies and Nomination agreements with local authorities;
- For the two providers using banding, the fact that there are no points allows for more flexibility, whereby applicants are placed into a band because they meet the wide criteria relating to a band;
- **In two examples (Wheatley Homes Glasgow and Edinburgh City Council) domestic abuse is in the top band for Wheatley (Band A) and the third band (Silver Priority) for Edinburgh.** In the former case the wording is wider referring to exceptional level of housing need, and requiring rehoused urgently, and in the latter case the other two bands are for very specific scenarios; discharge from hospital and mobility reasons.

Wales

- All of the providers use a banding system with priority between band levels, and references to Local Lettings policies and Nomination agreements with local authorities;
- There is variation in the complexity of the banding schemes, with some featuring a large number of bands and sub-groups within bands. There are no active references to the use of points or a pointing mechanism within the schemes;

- **In all three Welsh examples, violence and domestic violence are in the top band**, albeit that these bands also include references to factors such as community safety, violence together with other circumstances such as natural disaster, extraordinary medical needs etc.
- There are some interesting features including discretion by the Lettings Unit to place an applicant in the immediate priority category (Cardiff) and a reference to cascading (Powys).

Republic of Ireland

- The Republic of Ireland examples included one which was points-based (Cavan), one which was priority based (Louth) with the remaining three having clear bands within a priority system.
- A choice-based lettings approach was mentioned by Louth County Council;
- In terms of the three using banding (Wexford, Dublin and Limerick) these were number based, with the number of bands ranging from three (Dublin) to 11 (Wexford). The Dublin system provides for a very simplistic approach to allocations, without the intricate detail of different headings and sub-headings, thus allowing allocation to proceed without numerous sub-divisions within priority areas;
- One overarching comment is that **violence and domestic violence do not appear to be specifically mentioned by this sample of providers; however, the Research Team's assessment was that these circumstances would fit into one or more of the bands or points areas outlined.**

The following examples highlight different approaches to comparative housing need, including where violence and domestic abuse/violence sits within the allocations system. This demonstrates that:

- **Violence and domestic abuse/violence are largely found in the top band or priority area for allocation. This is generally alongside other violence related housing needs and some wider non-violent needs such as urgent medical needs;**
- **In a small number of cases domestic abuse/violence is deemed to be higher priority than other types of violence (for exceptional cases – including MARAC cases), receiving what are referred to as gold or platinum passes;**
- **That violence of all types is interconnected to levels of threat and potential harm, rather than specific types of violence;**
- **In some examples there is a level of delineation based on the severity of violence e.g. see Aster Group, Walsall Housing Group, Powys Council, Wexford County Council.**

Further information on the treatment of violence including domestic abuse/violence within housing allocation schemes is found at Table 3, Appendix 9.

4.5 Evidence and Verification – Analysis of 21 providers

This sub-section focuses on one of the research objectives, namely to examine how threats of violence, and actual violence, including victims of domestic violence / abuse, are evidenced and verified across the full sample of providers.

In terms of evidence a clear focus was on establishing what information and evidence is required by the provider from the applicant, and whether there was any differentiation in terms of the type, nature or severity of the violence. In terms of verification, the focus was on establishing how the evidence is verified, and whether this is done internally (by the provider) and/or externally by a

statutory (including the police) or voluntary organisation. Table 4 (Appendix 9) provides an overview of the occurrence of evidence and verification for the sample of 21 providers. This indicated that some level of evidence and verification was required by all of the 21 providers in the social housing application or transfer process. In the majority of cases this included for reasons relating to violence and/or domestic abuse/violence (16 cases).

Verification requirements and processes were mentioned by 10 social providers as follows: the Guinness Partnership, Bromford, Aster, London Borough of Hackney, Royal Borough of Greenwich, Cardiff Council, Wrexham Council, Wexford Council (all using verification wording) and Your Homes Newcastle (wording – checks) and Nottingham City Homes (wording – investigation).

In some cases, the requirements for evidence were very clear; in terms of violence and domestic abuse/violence there were clear references to MARAC and the police. In other cases, the wording was simply around evidence with no linkages to what type of information might be required. The Research Team assessed that this was a concerning factor, particularly in cases relating to domestic abuse/violence, when the applicant was already in a stressful situation. There was some limited reference in the Allocations policies (across all jurisdictions) to the type/nature or severity of the violence, and how that might affect the level or type of evidence required, through the use of wording such as serious or extreme. However, these were then not defined in any particular detail. As noted earlier it is important to emphasise that the research approach focussed on assessment and allocation information available on providers' websites (public facing information), due to difficulties in securing access to providers detailed allocation policies and procedures. It is recognised that further detail on aspects relating to evidence and verification may be included in policies, procedures and internal guidance for staff.

The evidence and verification requirements and processes for each of the 21 providers were analysed. Examples outlined at table 5 (Appendix 9) highlight different evidence requirements, thresholds of evidence and verification sources and processes for violence, and in particular domestic abuse and violence. Reference is made to the use of MARAC as an evidence base for domestic abuse/violence, as well as evidence and verification via police evidence for all types of violence.

4.6 In-depth assessment of how violence and domestic abuse/violence are treated – Case-studies

The allocation policies and procedures of a further three providers were assessed in more depth, to see how they treat and respond to violence as a factor in housing need. As part of this process these providers were asked to look at and review a number of scenarios (see Appendix 5), and the Research team spoke directly with the providers, covering the questions outlined below.

- One Vision Housing, Liverpool (OVH)
- West Lancashire Borough Council (WLBC)
- Berwickshire Housing

Question	Responses
What priority is given to victims of violence (non-domestic abuse)?	Providers noted that victims of violence are awarded the top band or priority, where risk to life and/or harm to the applicant is demonstrated. For OVH this was Band A for any case where risk to life is demonstrated and Band B for harassment, anti-social behaviour, hate crime, racial harassment etc. For WLBC this was also Band A – for victims of violence and harassment. For Berwickshire Housing this was a Platinum Pass – the highest level of priority for victims of violence.
What priority is given to victims of domestic violence?	Providers noted that victims of domestic violence would be awarded the top band, again where there is threat to life e.g. for OVH and WLBC this is Band A (if risk to life), and for Berwickshire Housing this was a Platinum Pass; the latter irrespective of whether there has been action violence or threats of violence.
Is there any delineation in priority for actual vs threatened violence or for severity or risk levels?	Providers responded that both elements (actual and threats) are included in the assessment and evidence would be required to support either actual, threatened or potential events. OVH noted that each case is assessed on its own merits. WLBC noted in relation to actual versus potential: <i>each case is assessed on its own merit, but both factors are considered equal when determining which band should be awarded.</i>
What evidence and verification is required for non-domestic abuse/violence?	<p>OVH said: <i>we would expect supporting evidence to be provided by the police, local authority or landlord ASB teams, support services and agencies. This must state that there is a risk to life and also if the applicant is required to be housed out of area.</i> In circumstances where it was a case of harassment, this provider would require evidence from the police, ASB support, medical information etc.</p> <p>WLBC referenced evidence from a range of sources including police reports. In relation to scenarios relating to disability, race and sexual orientation they noted: <i>a police report and crime reference number from the day of the attack.</i> In addition, they referred to direct referral from the police, hospital/medical reports from the date of the attack and treatment received would also be established types of evidence. Berwickshire Housing noted use of police and Social Work information. They said that there must be documented evidence to support any housing need relating to harassment¹⁴⁶ or serious ASB, and that this will normally be provided by a local authority, registered social landlord, health, social work or police. Respondents noted that it is the applicant's responsibility to provide the evidence from the above sources.</p>

¹⁴⁶ For this provider, harassment was defined as including: racial, religious/sectarian, homophobic, transphobic, people with disability (learning, physical or otherwise) and sexual.

Question	Responses
<p>What evidence and verification is required for domestic abuse/violence?</p>	<p>OVH noted the above evidence plus: <i>this could also include SWACA¹⁴⁷, MARAC, IDVA¹⁴⁸ or other women's supporting agencies</i>. This provider said: <i>to be able to award Band A we would require supporting documentation from the police or support agencies to demonstrate risk to life</i>. Cases which were under the MARAC scheme were referred to as 'Gold cases' in terms of banding.</p> <p>WLBC noted police reports, non-molestation and restraining orders as the most common type/level of evidence required. They noted: <i>MARAC meetings can take place in which the council may take a direct referral straight from the police relating to domestic abuse</i>. They referred to Social Services, Refuge or IDVA Support services. WLBC provided further information: <i>police reports and medical documents detailing nature of attacks, date and perpetrator. Documentation from IDVA and refuge support services would also support the application. However, if the case has been referred through to MARAC, this would usually be enough to support the application</i>.</p> <p>Berwickshire Housing pointed to using the DASH RIC to: <i>establish severity (of domestic abuse) and use progression judgement. If very low level but affecting mental health we would look at the health (Platinum) pass too</i>. They also noted use of police and social work reports. In terms of MARAC, they said: <i>we are active members of the MARAC in relation to domestic abuse and can get live referrals from any agency within that forum</i>. They noted working alongside various agencies, reference to those identified as high risk in the MARAC and: <i>we also go on our own assessment if we feel it warrants the Platinum pass</i>.</p> <p>Providers also recognised that whilst they ask for documentation and evidence, there may be individual circumstances e.g. controlling coercive behaviour, in which it may not be possible for an applicant to provide the relevant paperwork. OVH noted: <i>in line with legislation and guidance, the band can be awarded without sighting documents. This is dealt with on a case-by-case basis</i>. WLBC noted the use of non-challenging questions to determine what evidence an applicant may be able to provide. Berwickshire Housing referenced the 'belief principle' and that: <i>discussion with the applicant is all that is required</i>. In addition, WLBC highlighted that <i>Band A for violence and harassment can only be awarded by the Tenancy Services Manager or Senior Officer equivalent using their delegated authority, or via the Homelessness Advice and Prevention team when the applicant presents as homeless experiencing threats of violence and/or harassment</i>.</p>

¹⁴⁷ Sefton Women's and Children's Aid

¹⁴⁸ Independent Domestic Violence Advocates

Question	Responses
Experience of fraud or manipulation	<p>Respondents said they had not identified any or high levels of fraud or manipulation of the system, but there was recognition that this could be a possibility. One provider noted: <i>there have been no specific cases. However, applicants may enhance information regarding their housing need. These are generally picked up on assessment and are challenged or request for evidence is made.</i> Berwickshire Housing said there were a very small minority of cases where the applicant may be trying to manipulate the system, suggesting that this was related to such high demand for social housing.</p>

4.7 Access to support services via housing and homelessness assistance – Analysis of 21 providers

This sub-section examines what access there is to support services via housing and homelessness assistance, what support services are provided for persons at risk of violence / victims of violence, including victims of domestic violence / abuse, and if there is support to remain in their home. As with other areas/themes information was collected for the sample of 21 providers, and was from public facing information only e.g. provider's websites.

Table 6 (Appendix 9) reports on the frequency of occurrence in the sample of providers of the following:

- Information on advice and assistance for homeless applicants;
- Information on support from the provider for homeless or housing applicants who have experienced violence or the threat of violence of any kind;
- Information on advice, assistance and support from external agencies for homeless or housing applicants who have experienced violence or the threat of violence of any kind.

Analysis of the 21 providers indicates the following:

- The majority provide a good level of information covering the three areas examined;
- Information was available on the provider's website or a linked website. In many respects this makes sense, as an applicant may be less likely to read an Allocations policy in full and more likely to look for information on the landlord's website;
- The quality, range and depth of information available varied greatly. In some cases, it was relatively minimal and in other cases there was a broad variety of helpful and targeted information and opportunities for follow-up. Examples of the range of good to poor practice, as deemed by the Research Team are outlined below in tables 7 and 8 (Appendix 9).

4.8 Summary

The comparative analysis of providers (Section 4) highlights a number of similarities and differences in the treatment of violence in housing assessment and allocation policies, between Northern Ireland and other UK jurisdictions/Republic of Ireland. These are summarised below.

The NI points-based system is comprehensive and provides a sensitive analysis of an applicants and their household's housing need to provide a cumulative award of points and rank applicants on the waiting list for their area of choice. The NI points-based system allows for accumulation of points from a number of housing need factors including intimidation, insecurity of tenure, housing conditions and health and social well-being factors.

Only three of the 21 providers assessed by the Research Team operated a points-based system; in one case this was just for two of their associated landlords, and in the other two cases (South Lanarkshire and Cavan) the approach was purely points-based.

Whilst violence/risk of violence against victims of domestic abuse is recognised, through a points-based system within the Scheme rules, by the award of Primary Social Needs Factor 1 points (Rule 43(1)), higher priority is given in the NI HSS to housing need which meets the definition and threshold of violence related to intimidation (Rule 23). There is recognition that the award of intimidation points is a peculiarity in Northern Ireland.

In the other UK providers other violence and non-violent housing needs e.g. urgent medical needs, are in most cases in the top priority band. This includes domestic abuse/violence where there is threat to life, irrespective of whether there has been actual violence or threats of violence. In addition, this was often alongside all victims of violence where risk to life and/or harm to the applicant is demonstrated.

Overall:

- Violence including domestic abuse/violence are largely found in the top band or priority area for allocation as well as non-violent housing needs such as urgent medical needs;
- In a small number of cases domestic abuse/violence is deemed to be higher priority than other types of violence (for exceptional cases – including MARAC cases), receiving what are referred to as gold or platinum passes;
- That violence of all types is interconnected to levels of threat and potential harm, rather than specific types of violence;
- In some examples there is a level of delineation based on the severity of violence;
- In all of the 21 providers analysed, some level of evidence and verification was required. In the majority of cases this included for reasons relating to violence and/or domestic abuse/violence (16 cases). In the UK sample social housing allocation policies tended not to differentiate between the provision of evidence and verification, as two separate and stand-alone processes i.e. production of evidence and verification of evidence. Reference is made to the use of MARAC as an evidence base for domestic abuse/violence, as well as evidence and verification via police evidence for all types of violence. In addition, reference was made to a wide range of other organisations that could provide documented evidence and/or verification.

The Research team suggest that references about the process (evidence and verification) and who is involved (PSNI etc) should be included in the scheme overview and on the NIHE website for two key reasons. Firstly, to enable the applicant to understand that this will be part of the process; this would enable them to start to think about what information might be required, and in some cases at a much earlier stage when for example domestic abuse is ongoing, they may recognise that record-keeping and information will be critical for any subsequent housing application. Secondly, as it provides a better level of transparency around the housing allocation process, ensuring that all parties have the same knowledge and information at the outset, and know what standards and rules will be applied in each case.

Analysis of the 21 providers, on the basis of public facing information (websites and linked websites) indicates the following:

- The majority provide a good level of information covering the three areas examined;
- Information was more likely to be on the provider's website or a linked website. In many respects this makes sense, as an applicant may be less likely to read an Allocations policy in full and more likely to look for information on the landlord's website;
- The quality, range and depth of information available varied greatly. In some cases, it was relatively minimal and in other cases there was a broad variety of helpful and targeted information and opportunities for follow-up.

Section 5: Qualitative Research findings: Classification of violence

5.1 Introduction

In this part of Strand B, we asked respondents to think about the current HSS and how intimidation and violence are treated (see Sections 1 and 2), and then to examine a list of different types of violence and threats of violence, and to think about their relative priority in relation to housing need for the individual. This discussion was activity based for the interview and focus group respondents and for those with lived experience (Appendix 11).

Those providing a written submission were asked to consider the classification and relative priority of violence in a slightly different way. Firstly, they were asked for their views on the current award of intimidation points for particular categories of violence and secondly, they were asked if any types of violence should be afforded additional priority for those experiencing serious violence and/or risk to life (over and above the award of statutory homelessness and PSN points). In addition, they were asked whether there should be any amendments to the treatment of all types of violence and the relative prioritisation and weighting between different types of violence.

This section covers the following aims in the Research specification:

- To investigate the role of the Housing Selection Scheme (HSS) within the wider social, political and strategic context in which it operates – to include views from a wide range of respondents with regard to future provisions within the HSS for victims of violence and those at risk / under threat of violence, including victims of domestic violence / abuse; and
- To identify options for future provision for victims of violence and those at risk / under threat of violence, within the HSS.

It should be noted that the methodology was aimed at gathering and analysing stakeholder qualitative views. Further background information has been integrated within this section to provide context and in some cases to ‘fact check’ against opinions provided.

5.2 Interviews and focus groups with respondents – analysis

Classification of violence for the purposes of administering housing need

At the outset of this sub-section it is important to note that some respondents did highlight the different responses to the violence based housing need; firstly in terms of an immediate response by the NIHE and the provision of emergency/temporary accommodation as required and secondly then in terms of how the NIHE consider the violence/threat of violence as part of their wider assessment of housing need, for the purposes of placement on a housing waiting list and the allocation of social housing.

One respondent summed this up as follows:

From my perspective there's the housing need in terms of the moving and mitigating the immediate risk as a result of the attack. So that's part of your homelessness duty, and how you provide that emergency response. And then secondly, their housing need – which is the homelessness resulting from the attack, which should be reflected in the points awarded under the Selection scheme.

Another confirmed:

There is something to be said about separating out the housing priority from the appropriateness of the immediate response.

Analysis of the interviews and focus groups in Strand B indicated two broad groupings of how violence should be classified for the purposes of administering housing need in the HSS. Some respondents took the starting point of: *the public consultation did tell us that people wanted the intimidation points removed*, and this was their overwhelming feedback – that intimidation points should be fully removed from the scheme, along with Rule 23, and that any necessary classification or weighting in relation to the areas of violence currently covered by intimidation would be covered through the PSNs and OSNS, or in some cases via some type of alternative approach and weighting. They recognised that the potential severity of the impact of the violence would continue to be taken into account (see Section 6).

These respondents also pointed towards a changing landscape in terms of intimidation since the provisions were put in place noting that the level of sectarian or paramilitary intimidation has reduced significantly, alongside large increases in other types of violence and threats including domestic abuse and violence, and hate crime. Statistics on FDA (i) trend data and PSNI published statistics were provided in Section 2. One respondent noted: *it was really to address what was very clearly paramilitary intimidation, back when it was true paramilitary intimidation rather than criminal activity which is now more what it is.....*

On this theme, feedback on the current system, and in particular in relation to intimidation points centred around how this is perceived as manipulation, and unfair. One respondent referred to this as *gaming of the system*. Respondents raised anecdotal concerns that some individuals are getting multiple moves under intimidation points.

In addition, from a wider community planning perspective there was concern that this was not creating a good mixed community – leading to problems in the allocation of new housing estates.. This was a strong message from Housing Association respondents. One noted: *the reality of the current system – and the issues it can create – because you’ve taken the top 50 people on the list and put them into the one area – and the problems that come from that....* There was an equally strong message from statutory organisations involved in addressing the harm from paramilitary organisations. They noted: *This (intimidation points) is driving and has been shown to drive consequences which actually reinforce coercive control by both paramilitary and other groups. And I think paramilitarism has morphed since the time these were brought in...there’s a reinforcement of control here which needs to be addressed collectively.* This respondent cited examples of how the allocation of social housing within estates is effectively controlled by paramilitaries before someone moves in, referencing threats and intimidation against the person/household who have been allocated a house, before they even move in.

A high level of respondents noted that *violence is violence is violence*, and they suggested that the motivation of the violence should not be the important factor, and that instead the focus should be on the likely risk and also the potential impact on the victim. For example, a number of respondents said that all types of violence should be effectively treated in the same way and at the same level,

with the focus being on the severity or potential harm of the violence rather than its source. They noted, that in their opinion, the present system does not treat different types of violence equally and the impact on the individual is therefore not treated in an equal way – *there shouldn't be a hierarchy of attack...* One respondent commented: *if a person needs to move (because of violence) this should be the driving force rather than the sources or motive of the threat.* Those respondents with a community input to housing agreed with this approach. One noted: *basically, violence is violence; there is no priority order for violence.*

Respondents made the following comments on the theme of classifying all violence under the one category rather than separate categories based on the motivation or source of the violence:

They should all be the same. It's impact that separates, that is the impact on the person or household – can they remain in their current accommodation?

They should all be even. The motivation behind the attack is irrelevant, the impact is what counts.

I've just come at it from the perspective that this person has the housing need because there's been an attack, regardless of what the attack is and the motivation behind it – that you're not getting into whether that motivation is right or wrong, or the priority order. Basically, someone has a housing need because they've had a violent attack.

Another theme related to how the system is currently operationalised; with a focus on why certain groups get higher priority. One respondent suggested that equalising the source of violence would result in a system which is easier to manage: *it's easier in terms of operationalising it....so that you're not pitting people against each other, and then constantly dealing with queries and complaints; with being asked – why is one type of violence more important than another?*

Respondents noted that other forms of violence were just as intimidating and had potential for significant harm and loss of life, but were not being treated in the same way as those types of violence currently recognised and prioritised under Rule 23 (see Section 1.4 of this report and Rule 23 of the HSS). The overriding comment in thinking about the classification of violence was that this should relate less (or not at all) to the motivation/source of the violence, and more to the severity, impact and risk level (see Section 6).

For those who did not think all types of violence could be viewed on a completely level playing field, there were a whole variety of different combinations of prioritisation and points levels suggested. Reference was made to thinking about the impact or potential impact of the violence or threat, and the fact the person could no longer remain in their home. There were a relatively small number of respondents who felt that the current system of intimidation points, including the current causation and motivation categories, should be retained, albeit that there may be some merit in lowering the maximum level of points (200), with a view that this should be aligned to the overall award of points.

There was consensus across all respondents that whatever the system, and if it did include different points levels, there should not be as wide a differential in points as in the present system. In other words, the gap between lowest and highest points for violence related housing need should be much narrower. One respondent said: *it's not necessary to have such a big gap between intimidation*

points and everyone else – it means there are people sitting with 70 to 100 points, and then people with 200 to 300 points.

For respondents who suggested a different prioritisation or differentiation of points, the main reason for this was that some had, in their opinion, a greater risk to life and should therefore be given higher points, or points on a sliding scale from Priority 1 downwards. Examples of the most frequently suggested responses from this theoretical discussion on relative prioritisation of violence and housing need are outlined in the box below. These illustrate the relative priority and weighting different respondents placed on the different types/sources of violence, and how they classified or categorised them in priority levels. Other rationale was put forward for differing prioritisation or levels; for example, some respondents noted that they were thinking about factors relating to whether the individual had any causal factor in the violence, the potential severity of the violence and the actual/potential level of harm and risk to life. Overall, this demonstrates the wide-ranging disparity on how violence should be treated, and how any delineation on the basis of severity of violence, as a factor of housing need, could inevitably be inherently unfair.

Response 1

Priority 1 – Attack as a result of coercive criminality

Priority 2 – Paramilitary attack, sectarian attack, domestic abuse

Priority 3 – Racial attack, and attacks motivated by an individual's religion, disability, sexual orientation

Priority 4 – Attack related to anti-social behaviour or human trafficking

Response 2

Priority 1 – Paramilitary attack, sectarian attack, domestic abuse

Priority 2 – Attack related to human trafficking

Priority 3 – Attack as a result of coercive criminality and attack related to anti-social behaviour

Priority 4 – Racial attack, and attacks motivated by an individual's religion, disability, sexual orientation

Response 3

Priority 1 – Racial attack, and attack motivated by an individual’s sexual orientation, and domestic abuse

Priority 2 – Attack motivated by an individual’s disability

Priority 3 – Attack motivated by an individual’s religion

Paramilitary attack or sectarian attack

Attack as a result of coercive criminality, attack related to anti-social behaviour, attack related to human trafficking

Response 4

Priority 1 – Domestic abuse

Racial attack, and attacks motivated by an individual’s religion, disability, sexual orientation

Attack as a result of coercive criminality

Priority 2 – Paramilitary attack or sectarian attack

Priority 3 – Attack related to anti-social behaviour, attack related to human trafficking

Other respondents suggested that the current system *has been manipulated and abused* in relation to paramilitary and sectarian violence, and that as violence was picked up elsewhere within the HSS these items therefore do not require separate categories of points. Only a small number of respondents said they would retain paramilitary/sectarian violence in a top priority group/weighting or as a standalone category as currently formatted.

Views on whether any types of violence should be afforded additional priority

There was broad consensus that domestic abuse/violence should be afforded higher priority/points within the current provision in the HSS. Some respondents took this theme further by suggesting that paramilitary and sectarian should be lower down the points levels in comparison to domestic abuse/violence. One respondent noted: *I don’t see why domestic abuse/violence should be devalued in respect of the threat and the risk of violence to them.* Rationale for this included factors relating to violence which occurs within the home, and is persistent and cannot be escaped from, as well as the acknowledged hidden nature of domestic abuse¹⁴⁹.

Some respondents suggested that domestic abuse/violence should be prioritised in a different way. One respondent noted: *I don’t know how many times we have been challenged, for example, where somebody has come and presented under the heading of domestic violence, and somebody has*

¹⁴⁹ Referenced in Section 2.4, in relation to: [Domestic Abuse and Civil Proceedings Act \(Northern Ireland\) 2021 \(legislation.gov.uk\)](https://legislation.gov.uk)

presented and got their keys for a new house under the paramilitary threat – and they’ve moved less than a mile away...and the paramilitary threat now does not exist...And the person who has suffered really badly from domestic violence... may be going back into a very violent situation. Another respondent noted that they placed domestic abuse/violence right at the top of any allocation of points. They said: *I put this as the highest priority and the reason for that was people are at most risk, because it’s in the domestic setting, and there’s more chance of something happening to them, because the perpetrator is potentially in the home with them.*

There were differing viewpoints in relation to whether it would be best to bring other groups up to the 200 points level for intimidation points, or to equalise all to not having intimidation points, or to equalising to zero and then provide a boost of points for some. This is explored in more detail in Section 10. In short, respondents felt that the current level of gap, created by the 200 points, is too large, and that a differential of for example, 50 - 70 points, if there were to be an additional award for more serious violence, would be sufficient¹⁵⁰. Some respondents felt that if intimidation points were to be retained, that applicants citing domestic abuse/violence should get the same level of points as someone citing the categories recognised under Rule 23. They said: *the very fact that there is 200 intimidation points for paramilitary threat...I think then that domestic abuse victims should get the 200 points, because a threat is a threat – should it come from your partner, or a gang, or because of your sexual orientation. Everybody then should be on a level playing field and receive those 200 points.*

Some respondents raised questions around whether applicants who were involved in the causation of the violence e.g. in relation to anti-social behaviour, should be entitled to the same points allocation as other victims. This also included discussion on organised crime gangs and cross-references to intimidation points, and whether more should be done in terms of disqualification around eligibility and intentionality. One respondent said: *if they have made themselves intentionally homeless through their own behaviour – this should be part of the terms and conditions of their social housing tenancy. It’s the proper and right way to deal with it.* Reference was made to the Disqualification Register. This point will be examined in Section 10; and relates back to the comparative analysis with UK and RoI covered in Sections 3 and 4.

There was also cognisance that any changes in the HSS (what groups are included under violence, what priority is afforded to them), may be outside the Department’s scope.. One respondent commented: *the thing that worries me about the categorisation of priority is that with the equality legislation in Northern Ireland being quite properly protected and enshrined in all those characteristics – can we tinker with what is a legislative framework? So therefore, the motivation for the intimidation or the threat to life – I don’t think we could ever separate these out.*

A number of respondents suggested the removal of the term intimidation itself, and in particular paramilitary intimidation, pointing to comparators elsewhere in the UK under the heading of violent attacks/crime or criminal coercive control. One respondent said: *I find the whole term paramilitary in the housing context, outdated, and it should just be criminal gangs – because that’s what they are.* A further respondent noted: *who are the paramilitaries in reality? They are organised crime groups*

¹⁵⁰ [The Proposals for Change Consultation Document \(2017\)](#).

hiding in behind the banner of paramilitary groups. Before the ceasefire paramilitary groups had a 'cause' but now we have move on...but the majority of paramilitary groups we deal with – they have no cause. They line their own pockets – with drug dealing and controlling communities.

5.3 Lived Experience Feedback – analysis

Overall respondents suggested that all types of threats and violence should be viewed equally. *I think they are all as bad as the other; if you put yourself in other people's shoes – you would feel just as threatened.* (Service User) *I just think that not one trumps the other, because they're all on a par with each other....because they are all putting the victim in this position through no fault of their own, where the victim has no control over what other people do to them.* (Provider) Respondents suggested that no-one should be elevated through higher levels of points, above other people experiencing significant violence.

Respondents also suggested that there were linkages between specific types of violence and threats. *I think that the paramilitary, sectarian, the individual being attacked because of religion, race, sexual orientation – I think they're all interlinked with each other in the one thing. But when you have domestic abuse and domestic violence, then attacks motivated because of individuals involved in human trafficking – they are interlinked with each other. And the criminal stuff is all interlinked with each other – anti-social behaviour and being a witness to a crime, and being threatened because of that – they are linked* (Provider)

There was variation in the feedback within the groups, and between different groups. Some concluded that violence is violence, whatever its source and motivation, therefore placing all items on an equal footing. Other focus groups suggested that domestic violence/abuse should be placed higher up in terms of priority and points. This was deemed to be the case because of the vulnerability of women¹⁵¹. One provider noted: *I personally think there should be a tiered system where women trump that every time, because they are much more vulnerable for the fact that they have their children – and they are often the people that have had to come out of the house.* (Provider) One service user noted: *I think domestic abuse and human trafficking would be top. The approach would be – get them out now or they are going to die.* (Service User)

Respondents in a number of the focus groups emphasised that individuals experiencing domestic abuse/violence are hidden victims. Reference was made to 18 women murdered as a result of domestic abuse/violence since March 2021. They noted concerns, in their view, that this is not fully understood by those administering the social housing allocation scheme, and that overall, it is difficult for an assessment of risk to be made in these circumstances. This was summed up by one service user, speaking about their own personal experience¹⁵²: *I feel women, and domestic violence and the seriousness of it – is not taken into account by any agencies, except for the likes of Women's Aid. You're not taken seriously, you don't feel you can tell anyone, even family dismiss it. And it's a very silent abuse. So, I think it's right up there – domestic violence at the top of the ranking.* I

¹⁵¹ Whilst recognising that violence against women and girls is well-documented, it was also referenced that there are male victims of violence (who may have child dependents), who may be equally vulnerable, and that all cases should be considered on their own merits.

¹⁵² It is acknowledged that this quote is based on one individual, and may not reflect other service users' experience of interaction with Housing Advisors.

personally think if you manage to get to a Women's Aid shelter, you have been through tremendous pain....and you are stuck there for a very long time. I think that human trafficking should also be up there. For me, they are the two (at the top). (Service User)

Respondents also suggested that, in their view, the current system is being manipulated or misused. *Religion, sectarian and paramilitary attacks, I put towards the bottom – I feel a lot of people play on it – I'm just being a realist. People living in a housing estate, say something happens – you get your mate to beat you up and throw you out of the van – I've heard of that in the past. (Service User)*

The respondents in the Homeless Connect Lived Experience group had similar views in how they thought violence should be classified under the HSS, with all respondents noting that some types of violence should get a higher priority than others. Overall respondents suggested that domestic abuse/violence, hate crimes (relating to race, disability or religion) and human trafficking should be prioritised in terms of assessment of housing need. One respondent said: *these are all really strong categories, and in my opinion above paramilitary attacks because these aren't happening as much nowadays. So, I think – especially people who are under domestic abuse – they are in greater danger. Because if somebody's under attack by their partner it can last for years. But a paramilitary attack – once it's given – it's over and done with. So I think it has stronger need for the intimidation points. (Service User)*

Respondents in the Flourish NI group suggested that more priority should be given to those experiencing racial attacks and hate crimes, citing what they or people they know had experienced, and the trauma and stress caused by this. One respondent said: *I picked those because there is a real risk to life and things like – people don't have control over their skin colour – you shouldn't be getting attacked for that. (Service User)*

5.4 Written submissions - analysis

As noted earlier those providing written submissions responded to questions on the themes of classification and relative priority of violence in terms of housing need. Analysis of responses is considered below.

Views on current award of intimidation points for particular categories of violence

A number of respondents in the written submissions indicated that they supported the retention of an award of intimidation points in some form, and furthermore were concerned about the potential removal of intimidation points. It is worth noting that these respondents, making a written submission, had already made these points about retention of intimidation points and concerns about potential removal, in the initial DfC public consultation in 2017¹⁵³. In reviewing the written submissions in this exercise, a repeated comment was: *We remain concerned about the proposal to remove intimidation points from the selection scheme.* Respondents said that they agreed with the then Minister in November 2020, that a blanket removal of intimidation points would be: *harsh for those who have suffered serious risk or harm to life.* One respondent noted: *we are concerned that the unilateral removal of the 200 points will result in genuine victims of threat or actual violence being further victimised.*

¹⁵³ [The Proposals for Change Consultation Document \(2017\).](#)

Respondents highlighted their rationale for this position. Firstly, there was a stance that *there is a need for intimidation measures to be in place that can help those most vulnerable to be moved elsewhere if their security is threatened...the main priority of the NIHE is to keep people safe and free from intimidation*. Another said: *we believe intimidation points need to be retained in order to protect those who are genuinely at risk...*¹⁵⁴

Secondly, a number of respondents felt that any discussion on intimidation points should not be taken alongside a discussion on the extension of priority for other victims of violence. One respondent summed this up: *It is unhelpful to conflate the removal of intimidation points with the separate issue of other victims of violence, including victims of domestic abuse*.

Thirdly, respondents queried why there was any discussion on removing intimidation points when the numbers are relatively small (question mark over what is driving the change), but the impact on these individuals, who are affected by intimidation, can be significant. There was general concern that the alleged or perceived level of abuse of intimidation points has not been verified. *While there is acceptance that intimidation points are being abused by some in order to bypass long housing waiting lists, the extent of the abuse of intimidation points has not been properly substantiated and therefore the extent of its impact is not fully understood*.

Whilst noting that intimidation points should, in their opinion, remain, a number of respondents also expressed concerns that the current system is flawed. One respondent noted this as follows: *the current scheme is flawed and open to abuse by those on the waiting list that 'know how to work the system' There is evidence of spikes in reports of intimidation incidents in the run up to allocation of new housing developments*. Another respondent suggested: *Paramilitary/organised crime gangs are known to work with their support base to fabricate incidents so points can falsely be awarded to them*. A further respondent commented: *there is considerable anecdotal evidence to suggest that unfortunately there are those in our community both willing and able to exploit this scheme....there is also considerable resentment that often people who are disruptive influences in local communities benefit from this award and are moved to alternative accommodation at the expense of more deserving cases*. Respondents also suggested that this situation was negatively impacting on public trust in the overall housing allocation system.

There were suggestions for a review of the system including what is covered by intimidation, including supporting an extension for other types of violence covering victims of domestic violence, broad treatment of violence and the level of current intimidation and other points.

A number of respondents suggested that the level of 200 points was too high, in relation to other types of housing need; and that the PSN points is not proportionate for other people experiencing violence. One respondent commented: *we believe that the award of 200 points needs to be reviewed as it gives an unfair advantage to the detriment of those who are homeless and who have spent a significant period on the waiting list*. Other suggestions included an incremental accrual system; one respondent noted: *a graduated system should be developed based on the level of threat*

¹⁵⁴ It should be noted that where a person is considered to be in serious and imminent risk the NIHE will offer alternative accommodation on an emergency basis.

or actual level of violence or damage. In addition, there were suggestions that certain circumstances and situations should be excluded from receipt of 200 intimidation points. This was noted by one respondent: *some claimants are threatened out of housing due to criminality, anti-social behaviour and drug dealing...do not believe that in instances such as these that points ought to be allocated.* Another respondent expressed a similar viewpoint: *we do not believe that those who are engaged in criminal or other anti-social behaviour should receive any additional support than that to which they are normally entitled to.* This point will be examined in Section 10; and relates back to the comparative analysis with UK and RoI covered in Sections 3 and 4.

Additional concerns were expressed in relation to the outworkings of the current system. A number of respondents pointed to the involvement of threats to life from armed or organised crime gangs, with associated difficulties in managing and verifying these threats.

Views on whether any types of violence should be afforded additional priority

Those providing a written response were also asked for their views on whether any other types of violence should be afforded additional priority, in terms of those experiencing serious violence and/or risk to life, over and above the current award of statutory homelessness and PSN points. Whilst there was broad and general support for retaining intimidation points for those experiencing intimidation (as currently defined), there was also a strong consensus of support that further types of violence, if there were serious and imminent threats to life, should be included in any award of intimidation or commensurate points.

A number of respondents in the written submissions proposed an extension of what is covered by the intimidation points, or to recognising serious violence and/or risk to life in a different way. Their comments should be considered in the wider context of the homelessness duties which already seek to remove individuals/households from any immediate threat of or actual violence, alongside the arrangements via the Joint Protocol with Women's Aid. Respondents commented generally: *there is a need to protect those facing serious and immediate threats of violence to themselves or their family and we suggest that priority is given to an individual experiencing any form of violence that makes their life unsafe.*

There was consensus that the current level of acknowledgement and associated points for domestic abuse/violence, which could be deemed to be risk to life, is inadequate. One respondent noted: *Current responses are inadequate for those suffering in a domestic violence situation given the significant challenges for victims.* Respondents made some suggestions around how this could be evidenced and verified (see Section 7). Reference was made to the definition of domestic abuse/violence within the Domestic Abuse and Civil Proceedings Act (NI) 2021¹⁵⁵, including coercion, and partner violence regardless of gender and intergenerational abuse.

In terms of the rationale for including domestic abuse/violence, respondents pointed firstly to the potential severity and risk of such violence: *the current award of intimidation points does not adequately meet the needs of all victims who have acute needs or are in immediate danger.*

¹⁵⁵ Referenced in Section 2.4, in relation to: [Domestic Abuse and Civil Proceedings Act \(Northern Ireland\) 2021 \(legislation.gov.uk\)](https://legislation.gov.uk)

Secondly, they noted the potential impact on children in the household: *I feel that domestic violence is not given enough weighting, and where children are at risk, the highest priority should be given.*

Specific reference was made to extending priority to situations where there is a risk that the individual could be killed or seriously injured in an attack from a partner, ex-partner or family member. One respondent noted: *there is a lack of recognition of the impact of domestic abuse and the serious threat that women and their children live under. We believe that women experiencing domestic abuse should be allocated the full 200 points under the criteria for intimidation points.*

In addition, it was suggested that there should be consideration of the need to include individuals who have experienced violence, who live here but were not born in Northern Ireland, including individuals with no recourse to public funds¹⁵⁶. One respondent noted: *there should not be a hierarchy of victims in relation to homeless provision as there currently is in Northern Ireland with different types of intimidation being weighted higher, which simply does not take into consideration the risk to life of those affected by domestic and sexual abuse.* Other types of serious violence were also noted¹⁵⁷, including hate crime and an extension of named categories to include all Section 75 groups, i.e. motivated based on protected status, and those who are victims of modern slavery and human trafficking.

The need for robust evidence and verification for any extension to additional groups/types of violence was emphasised, with respondents noting: *in the case of serious risk to life threats there is a need to investigate the legitimacy of the threat and the background to them.* The need for inclusion balanced with evidence/verification was summed up by one respondent: *we do acknowledge the complexities involved in such assessments and the judgments that will be required to determine merit for this priority/points.* This is covered in more detail in Section 7 on evidence and verification of violence.

Other items put forward in the written submissions in terms of the classification and relative prioritisation of violence, included how this will interconnect with Proposal 10 of the FRA (with the suggestion that the extended groupings should be placed within the top priority of any new system), the renaming of 'intimidation' points, and the creation of a new award (potentially within the PSNs) for applicants who have experienced a trauma which poses a risk to life or serious injury (trauma points).

5.5 Summary

The responses on the classification of violence and relative prioritisation of different types of violence within housing need had some recurring themes across the different respondent groupings and research methods. These are summarised overleaf.

¹⁵⁶ Fact check: 'Persons from abroad' with no recourse to public funds, including no access to benefits and services.

¹⁵⁷ Some respondents noted areas, some of which are already covered under the definition and interpretation of intimidation.

There were mixed views on the continuation of the current approach to particular types of violence under Rule 23 and the award of intimidation points. The different perspectives can be summarised as follows:

- The majority of respondents interviewed supported Proposal 7 - the removal of intimidation points for the current categories awarded under Rule 23, noting that they agreed with the outcome of the public consultation. Some respondents suggested that a category for serious violence and risk to the individual should cover a wider number of types/motivations for violence; and that there should be a level playing field irrespective of why the violence has occurred, with more focus on the impact on housing need in terms of serious or imminent risk or threat to life;
- In contrast, a number of respondents providing a written submission suggested that intimidation (and the types of violence currently covered by this) should continue to attract a higher level of points (currently 200 points but with some potential to lower this), in line with its current definition under Rule 23. Their rationale was that these individuals/households would be at serious risk if this allocation was removed;
- The Lived Experience groups had different perspectives on how violence should be treated within the HSS, but all indicated that additional groups/types of violence should, in their opinion, receive a relatively higher level of priority within their perception and understanding of how the current scheme works and for any future scheme;
- Respondents suggested that any classification of violence should relate less (or not at all) to the motivation/source of the violence, and more to the severity, impact and risk level (see Section 6).
- All respondents (irrespective of type/research method) suggested that the wide differential in points, created by the 200 points for intimidation, should be reduced;
- The majority of respondents (irrespective of type/research method) suggested that domestic abuse/violence should be afforded higher priority; with some respondents extending this to other types of violence including as a result of human trafficking or coercive control;
- Some respondents suggested that some types of violence e.g. as a result of anti-social behaviour should not be afforded additional points in the HSS;
- Across the feedback there was concern about how the current allocation of intimidation points is negatively impacting the allocation of newbuild social housing in some areas.

Overall, the different viewpoints produced the following range of suggestions:

- **Keep intimidation points** – with caveats including remove the term ‘intimidation’, extend the coverage to other types of violence (with different suggestions of what should be included), and/or reduce the level of points including having a sliding scale rather than a fixed amount;
- **Removal of intimidation points** – the removal of intimidation points, bringing all applicants onto an equal footing in relation to violence/risk of violence as a housing needs factor;
- **Scale other types of violence up to 200 points** – or a higher level than at present, to put more priority on their situation;
- **Scale all types of violence to zero points with a new mechanism to recognise serious impact/risk/threat to life** – and pick up any additional housing need in terms of severity, serious impact or risk levels through a different mechanism. This might include the PSNs or OSNs or a new category, e.g. for trauma.

These suggestions are covered in Section 10.

Section 6: Qualitative Research findings: Level of violence and risk

6.1 Introduction

In this part of Strand B, we asked respondents: *what do you think are the key factors in assessing violence or threat of violence of any kind?* We examined factors such as level of threat and risk to life, as well as wording such as imminent, severe, level of harm, and whether there should be any differential between actual and threatened violence. Respondents were also asked: *what, if any, are the pitfalls of a relative ranking of severity of violence?* This question was included in the written submissions in terms of whether respondents thought there should be any amendments to the relative prioritisation and weighting in terms of different severity or persistence of violence, including actual and threat of violence and potential level of harm.

This section covers the following aims in the Research specification:

- To investigate the role of the Housing Selection Scheme (HSS) within the wider social, political and strategic context in which it operates – to include views from a wide range of respondents with regard to future provisions within the HSS for victims of violence and those at risk / under threat of violence, including victims of domestic violence / abuse; and
- To identify options for future provision for victims of violence and those at risk / under threat of violence, within the HSS.

It should be noted that the methodology was aimed at gathering and analysing stakeholder qualitative views. Further background information has been integrated within this section to provide context and in some cases to ‘fact check’ against opinions provided.

6.2 Interviews and focus groups with respondents – analysis

Similar to findings in Section 5, respondents (Appendix 11) commented that any serious threat or risk to life, noted as part of the homelessness or housing need assessment, would result in the individual/household receiving an offer of emergency/temporary accommodation and taken out of danger.

Feedback from respondents provided consensus on the following factors in discussion on the level of violence and risk to an individual:

- That any ‘threat to life’ should be the predominant factor in any assessment of housing need;
- That the imminency of any risk should be taken into account as a top consideration;
- That there should be no tangible differentiation between actual or threat of violence, and that the likelihood of any violence should be factored in, on the basis of information available.

This was summed up by respondents in the following way:

You would consider the seriousness and imminent nature of the violence.

To me it's to do with the seriousness and immediacy of the risk. But not in the context of creating a separate priority. It would apply universally to all...categories (of violence).

There was agreement that one of the biggest challenges for those assessing housing need is

determining the likelihood of something happening. This was highlighted across all the types of violence listed; with one respondent noting that each of the categories could potentially result in death or serious injury. They commented: *I went down each of the categories and I can think of a headline of someone who has died under every one of those headings.*

The consideration that a threat of violence is as important as actual violence was highlighted by several respondents. One noted: *the risk of violence and the actual violence is the same...and should be treated the same regardless of who the perpetrator is. I could be threatened today but it could be actual in two hours time.* In addition, respondents commented that it is more difficult to define and determine risk for some types of violence e.g. domestic abuse/violence was referenced, and that this should be taken into consideration in any housing assessment. One respondent noted: *I think, particularly for domestic violence, that it would be very troubling if you were only looking at the actual violence. The threat is there and it snowballs and eventually it will lead to violence – I think threat should absolutely be there.*

Respondents emphasised a further important factor, which they suggested should be critical to the assessment process - the actual or likely impact on the individual or household.

There was recognition that for all of the factors outlined above there needs to be evidence and verification; that is – of the threat/actual violence, of the potential threat to life, of the likelihood of occurrence (see Section 7). This was summed up by one respondent: *it's about how to ensure that this is being done in a fair and consistent way, for people who are at acute risk of violence and how they are being prioritised.* Another respondent commented: *the evidence base is going to be the difficult bit...in terms of interpreting levels (of severity, risk, impact etc.) If someone puts a brick through your window – is that risk of death or serious injury?... this all goes back to how you define risk to life or serious injury.*

Respondents also noted a common theme that Housing Advisors need the requisite skills and knowledge base to assess whether the housing need, relating to actual or threat of violence, places the individual at significant or serious or imminent risk, and whether there could be risk of serious injury or threat to life. The role of the Housing Advisor in the housing assessment process is noted elsewhere in this report. It is important to note that Team Leaders (within the Housing Solutions team) are responsible for decisions on the award of intimidation points, rather than the Housing Advisors (who undertake the assessment and any gathering of evidence and verification).

6.3 Lived Experience Feedback – analysis

Service users in the four Lived Experience groups commented on what they felt was important in terms of the level or severity of violence, and its interconnection to housing need. Participants made points about the level or severity of violence and its potential risk to the victim. Overall, whilst acknowledging that historically paramilitary and sectarian violence¹⁵⁸ has included serious attacks and life-changing and life-ending consequences, respondents felt this could also be true of other types of violence, which do not currently qualify for intimidation points. Similar to the previous section they pointed to the level and severity of violence associated with domestic abuse/violence, and how this can escalate over time. Reference was also made to human trafficking and coercive criminality.

Service users in the Women's Aid Lived Experience group said they did not think it should be the case that we wait until violence has occurred or someone is injured, before something is done. They outlined their experiences of living under a threat from their partner – and how they had to leave the home. One service user said she lived under a threat (of violence) for nine years, eventually getting the courage to leave with her children. They talked about the fact that the threat (of violence) hangs over you all of the time, that it is persistent, and that the perpetrator repeats it constantly. Overall feedback from this group indicated that they felt threats of violence against women are not taken seriously enough for a number of reasons including that the female does not come forward due to fear, there are no witnesses and because the threat has not moved to actual violence. One provider noted: *And it's not being taken seriously either...when women are getting threatened that they are going to be killed – like 'I'm going to kill you, strangle you, or I'm going to stab you to death or I'll make sure I bury you where no-one will find you threats – they are not taken seriously, because it's not actually happened'*¹⁵⁹. *And it might be there in black and white in a text message or an email or put on social media, but it's still not the actual being carried out.* (Provider) Reference was made in this Lived Experience group to the timeline of domestic abuse¹⁶⁰ that points out that coercive control or behaviour is the biggest indicator of domestic homicide and not physical violence so that controlling behaviour needs to be understood as a real risk factor within any assessment of housing need¹⁶¹. Further background information on this point is noted by Monckton-Smith¹⁶².

¹⁵⁸ Fact check: Causation in Rule 23: The applicant's home has been destroyed or seriously damaged (by explosion, fire or other means) as a result of a terrorist, racial or sectarian attack, or because of an attack motivated by hostility because of an individual's disability or sexual orientation, or as a result of an attack by a person who falls within the scope of the NIHE's statutory powers to address neighbourhood nuisance or other similar forms of anti-social behaviour

¹⁵⁹ Fact check: The current system for the provision of evidence of violence covers situations of both actual violence and the threat of violence.

¹⁶⁰ <https://www.theguardian.com/society/2021/feb/21/jane-monckton-smith-in-control-domestic-abuse-murder-public-protection>
<https://www.glos.ac.uk/content/the-homicide-timeline/>

¹⁶¹ See Section 2.4 in relation to coercive control as part of the definition of domestic abuse/violence. Also, the Domestic Abuse and Civil Proceedings Act (Northern Ireland) 2021¹⁶¹, which came into effect in February 2022, created a new, specific offence of domestic abuse offence in Northern Ireland. It offers greater protections to all victims who have suffering abuse, including those experiencing controlling or coercive behaviour in a domestic context.
[Domestic Abuse and Civil Proceedings Act \(Northern Ireland\) 2021 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukni/2021/1/1/act)

¹⁶² 'The theoretical positions around the motivation to kill in IPF are important in constructing and organising a temporal sequence. I draw from Stark (2009) and Johnson's (2008) work which situates controlling patterns as driving domestic abuse, and any threats to that control as raising risk for homicide'. Monckton-Smith, Jane. (2020) 'Intimate Partner Femicide: using Foucauldian analysis to track an eight-stage relationship progression to homicide'. Violence Against Women, 26 (11). pp. 1267-1285.

In terms of the scale or severity of the violence, one respondent said: *I think it should matter in terms of treatment (how the individual is treated), but I don't think it should be taken any less seriously. In my own experience, it escalates over time, albeit a long time – like a drip and you are eroded away, and it gets worse and worse. So, I think it should be taken seriously. And then different treatment afterwards – you might be more damaged physically, but I think psychologically it is all on a par.* (Service user)

In addition, service users said that severity should not be the final deciding factor, because they noted that it can escalate very quickly between low or standard level to medium to severe risk very rapidly. Service users also noted that they felt it was difficult to do the MARAC assessment with certain people/authorities e.g. a police officer or over the phone. Respondents felt that in some cases those completing the MARAC did not fully understand domestic abuse/violence and the questions on the form.

So who is doing the assessment? How much training have they had? How much knowledge do they have around domestic violence? How many women have they spoken to with regards to what their experiences have been? Have they asked the questions in the right way? Have they done the form in the right way? It all massively impacts on and is dependent on the person who is doing the assessment of the severity....That woman has been assessing her own risks throughout that entire relationship – she is the expert sitting there, not the housing officer, not the police officer, not the Women's Aid worker....that woman sitting there knows the risks. She knows how at risk she is – ask her. (Provider)

Service users in the Homeless Connect Lived Experience group said it should not matter if it is actual violence or a threat; they noted that a threat (even if there is no physical violence) *can seriously affect someone's mental health...if you are under constant threat and fear of someone or something, that every time you leave your home or are in your home – you feel feared – it can mess with your head badly.... You are looking over your shoulder everywhere you go.* Another respondent said: *you see a threat – that can put a person in a really bad depression, which can lead to suicide.* A further respondent said: *There is a difference (between a threat and actual violence) but the effect is the same – you are still in fear. And every person has a right to not be living in fear.* Service users in the Hydebank Wood Lived Experience group noted a similar view in relation to actual versus threat of violence, noting: *a threat, it's worse – the threat is on you and it leads to anxiety and you can't sleep, and: a threat of violence should be enough.* In discussing the severity of violence, these respondents said that they could not therefore understand why other types of violence, were not treated at as high a level as those receiving intimidation points. Similar to the Women's Aid group they noted, that in their opinion, more women are killed each year as a result of domestic abuse/violence compared to the number of people killed as a result of a paramilitary or sectarian threat.

Service users in the Flourish NI Lived Experience group also pointed to ongoing threats of violence, and the impact on them, versus actual experience of violence.

<https://eprints.glos.ac.uk/6896/1/6896%20MoncktonSmith%20%282019%29%20Intimate%20Partner%20Femicide%20using%20Foucauldian.....pdf>

Participants in the Lived Experience groups did not come up with specific methods to measure or assess risk or severity of violence, suggesting that each case should be looked at in terms of its own situation and circumstances, and that it is difficult to place different types or motivations of violence into separate risk categories, as this is wholly determined by the actions of the perpetrator rather than the type of violence. This was summed up in the following service user comment: *yes, the threat of violence is serious. Because it doesn't mean that one day you will be punched and then left alone – let's say – if someone is threatening you – saying – I'm going to kill you, I'm going to cut your throat...but that time they do the action – it might be the end of my life. So, I couldn't differentiate someone being attacked or being threatened to be attacked.* (Service User)

6.4 Written submissions - analysis

Responses to the written submissions highlighted a number of factors in terms of the actual or potential severity of violence and how it interconnects to risk and impact, and most importantly how that cross-references to housing need. These are summarised below:

- There is a need to *protect those who are genuinely at risk*;
- That violence – as a factor in housing need – should be weighted and prioritised against the level of threat (see Section 7 in terms of how this can be evidenced and verified);
- Weighting and/or higher points should in some way reflect a range of factors including:
 - o The actual or potential severity of the violence
 - o The immediacy of the actual or threat of violence
 - o The actual or potential level of harm to the individual or household
 - o The persistency of the violence

These views can be summarised by the following quotes from the written submissions:

We believe that it is right and proper that extra points should be allocated for violence-related cases, and indeed, where there is a risk to life or serious threat or injury, the seriousness of such circumstances needs to be recognised.

We need to redefine the points system. Relative prioritisation and weighting between different types of violence should be considered in terms of different severity or persistence of violence, including actual and threat of violence, and potential level of harm.

Who committed the crime...should not be the barometer...but the severity of the crimes, the negative impact/trauma experienced by victims and the frequency of crimes when repeated. WE believe there needs to be additional priority for those experiencing serious violence or risk to life cover.

Make recommendations for different threshold levels, defining measures for the frequency and persistency of threats of violence...

Feedback included specific reference to violence occurring within the home and/or by those affected by domestic or sexual abuse. Reference was also made to the need to ensure that relative priority was afforded to situations where children are within the household, and are at risk from violence or the impact of violence.

Overall respondents to the written submission emphasised that factors relating to the danger of death or serious injury should be prioritised. In addition, the principle of urgency or imminency was highlighted throughout the discussion; *people who are genuinely experiencing violence should be treated with the urgency required to mitigate the risk to that person.*

6.5 Summary

The responses on levels of violence and risk for victims of violence in relation to their housing need had some recurring themes across the different respondent groupings and research methods. These are summarised below.

Throughout the feedback from different types of stakeholder and through different research methods there was consensus on the following factors:

- That all of the types of violence discussed could potentially result in death or serious injury;
- That any 'threat to life' should be the predominant factor in any assessment of housing need, as there is a universal need to protect those who are genuinely at risk/in immediate danger from violence;
- That there should be no tangible differentiation between actual or threat of violence, and that the likelihood of any violence should be taken into account on the basis of information available;
- That the following should be taken into account via weighting and/or higher points:
 - (1) the actual or potential severity of the violence;
 - (2) the imminency of the actual or threat of violence;
 - (3) the actual or potential level of harm to the individual or household;
 - (4) the persistency of the violence
- That evidence and verification of any aspect outlined above is critical in the assessment of housing need in relation to violence;
- That the role of the Housing Advisor – including requisite skills and knowledge base – should be reviewed in relation to assessing housing need in the context of actual or threat of violence, and risk levels including risk of serious injury or threat to life;
- That there may currently be differing assessments or application of risk factors through systems such as the MARAC forms; and this can be dependent on who completes the forms;
- In terms of domestic abuse and violence, it is critical that coercive control or behaviour is understood and taken into account in any assessment of housing need;
- That it is important to factor in other wider considerations including whether the violence happened/is happening in the home, and whether there are children in the household who could also be at risk from violence or the impact of violence.

Section 7: Qualitative Research findings: Evidence and verification of violence

7.1 Introduction

In this part of Strand B, we asked interview and focus group respondents: *what types of evidence (if any) should applicants provide in terms of (a) confirmation of the threat or actual violence and (b) level of risk, and should this vary in relation to the type of violence and the assessed severity or level of risk.* In addition, we asked: *who should be involved in verifying this evidence and should this vary in relation to the type of violence and the assessed severity or level of risk.*

During this discussion respondents looked at how the HSS works at present in terms of evidence and verification, with reference to intimidation, and thought about what might be necessary if any changes were made to the classification of what constitutes violence/serious violence and how this would be evidenced and verified. Respondents to the written submissions were asked if they thought there should be any amendments to the current provision of evidence and verification systems, in particular in terms of different levels and thresholds of evidence, suggested frameworks and the inclusion or reference to different agencies.

7.2 Context

The current system for evidence and verification, as it relates to intimidation, was covered in Section 2.2 and in Sections 3 and 4 in relation to how this operates in other jurisdictions. For ease of reference some of this information is provided here.

All threats or actual intimidation must be evidenced and verified, in order to assess if the applicant meets the criteria outlined in Rule 23. The NIHE intimidation assessment procedures are set out in Chapter 3 of the HSS Guidance Manual (see Appendix 6). The procedure includes the Housing Advisor (designated officer) interviewing the applicant and gathering all relevant details to establish whether they can remain at their property or require temporary accommodation. Contact with the police is the next stage, to obtain verbal or written confirmation of any risks/threats that may exist. Other sources of information can be sourced by contacting Base2 or other funded groups including ARJ and CRJ Ireland for clarification of risk of violence and/or exclusion from a community.

Again, as outlined in Section 2.2 in terms of threat verification, NIHE policy and procedures require NIHE staff (the designated officer) to obtain a report from the PSNI (Police Service NI), as the agency with statutory responsibility for public protection in Northern Ireland, in all cases.

The NIHE has an Information Sharing Protocol (ISP) with the PSNI (2004); this facilitates the sharing of information in relation to possession proceedings; injunctions / ASBOs; decisions on homelessness, including eligibility (unacceptable behaviour) and the award of points under the HSS, including intimidation points. The NIHE and PSNI are currently reviewing this Protocol with the aim of introducing a new Data Sharing Agreement (DSA) to strengthen the arrangements for sharing information regarding alleged intimidation. The new DSA should facilitate the sharing/disclosure of personal, special category and criminal offence data, where appropriate between the Police Service of Northern Ireland and the NIHE. It is also worth noting, although not directly relevant to the

award of intimidation points, that the NIHE has a joint working protocol with the Women's Aid Federation (2015) and are part of the Information Sharing Agreement (ISA) relating to MARAC (2022). In addition, the NIHE have a data sharing agreement with Base2.

7.3 Interviews and focus groups with respondents – analysis

Respondents noted the statutory duty on the NIHE to make enquiries and carry out investigations in relation to any application for social housing and/or homeless presentation, but that, in their opinion, it was the clear responsibility of the PSNI to assess the risk. This was summed up by one respondent: *PSNI is obviously the required one...staff must contact PSNI in all circumstances. They can, in addition to that, contact Base 2 or other relevant organisations that they may think will assist in providing information in relation to the threat.*

A number of concerns were highlighted in relation to the current system relating to evidence and verification. Respondents noted that in some cases there may be difficulties in getting police reports, and combined with this, there was a recognised 'lack of information' in police reports. It was also recognised that whilst the PSNI may have information and data on their systems, this may not be available or released because of restrictions on its usage. The difficulties and challenges facing the PSNI were recognised, in terms of what information they can share, and consistency of practice across geographical areas.

In the light of these concerns, respondents suggested that it was very timely that the current ISP is being reviewed, with a move towards introducing a new DSA to strengthen the arrangements for sharing information regarding alleged intimidation. There was consensus that this needs to be prioritised.

In addition, verification via Base 2 was noted as an additional mechanism by which to confirm whether a paramilitary threat is real or otherwise.

The value of this process was questioned by other respondents. One respondent noted: *And then, they won't tell you exactly what's happening; because they can't, because to do that, in their view would compromise the protection of the source of the information or where they got the intelligence or assessment. There has to be a better way....how do we get to a system of regardless of who's in front of us – we can understand the threat, risk and harm is for individuals.* Other respondents indicated concerns about the normalisation of going back to the paramilitaries to ask if they have issued a threat, and that as Northern Ireland moves on into post-conflict, this system should not be perpetuated. Some respondents suggested that this approach, in itself is: *giving rise to all these different types of coercive control. I think it would be worthwhile considering what it looks like without Base 2.*

Based on the previous discussion around a potential extension of either intimidation points for other types of violence, including domestic abuse/violence and/or a recalibrating of how points are awarded, respondents made suggestions around how these additional types of violence could or should be evidenced and verified. One respondent noted: *At the moment it's police evidence and Base 2. The latter are very specific to sectarian or paramilitary intimidation...so you would need*

other groups for other types of violence that represent people, in terms of widening out on the evidence.

In terms of domestic abuse/violence some respondents suggested the use of the MARAC system/MARAC risk forms as a mechanism to provide both evidence and verification of significant risk and level of threat of violence or actual violence. One respondent noted: *The domestic abuse one is always the one that I see – just because.... traditionally staff would have been looking for something tangible, like a non-molestation order and we were very careful to say.... women in these situations were thinking that they had to go and get these type of things as evidence. Now they very much take it on the basis of the information that is provided by the applicant. It's very difficult to see, in those situations, what would be the verification, other than what we already do/the way we work – and wouldn't present a greater risk to the individuals affected by that type of threat.* Section 4 covered examples in England where the social landlord engages with a much broader range of organisations to build up the picture around domestic abuse/violence, including reference to MARAC.

Other respondents disagreed with the suggestion of using MARAC. This was summed up by one respondent: *In my opinion MARAC should absolutely not be a mechanism for confirming domestic abuse regardless of any increase in points allocated to victims. Not all victims are referred to MARAC, not all give consent and more importantly a high percentage of victims down play the level of abuse they are subjected to.* Other respondents noted other concerns on the use of MARAC including low levels of reporting with individuals making their own arrangements or staying in the home, the fact that domestic abuse/violence is often hidden or 'underground' and the likelihood is that no-one can confirm it, delays in the MARAC system which could slow down production of evidence etc. Respondents referred to the number of times/length of time before someone reports domestic abuse/violence.¹⁶³

In the case of domestic abuse/violence it was also suggested that the threshold for evidence should be lower and that the believe approach should be predominate and that in the absence of concrete evidence there should be an approach of erring on the side of caution; in particular being cognisant of the difficulty in evidencing or verifying coercive control. One respondent noted: *I think there is a difference between evidence and verification because a woman providing that testimony of what's happened to her, that background to her circumstances that have led her to come to us – is the evidence...so it's that bit about how much do you seek to verify what that first-hand account is telling you in terms of her experience? That's the distinction. Because we still need to provide support to the assessment – that it is based on housing need.*

Reference was made to the option of including more agencies in the evidence and verification processes for different types of violence/threat and a more flexible approach, both in relation to certain groupings already covered by Rule 23, and in terms of if there was an extension to include domestic abuse/violence within Rule 23 or an amended rule. Respondents suggested that this should not be a prescriptive list but that the decision maker could look at a range of information and

¹⁶³ Fact check: On average high-risk victims live with domestic abuse for 2.3 years and medium risk victims for 3 years before getting help. SafeLives. (2022). Insights Outreach dataset 2021-2022. SafeLives: Bristol.

evidence. This was supported by a number of respondents. One said: *Particular equality groups have barriers to reporting – language barriers, disabilities where they are not understood, fear of the police, lacking in confidence or trust to approach the police...and for example in terms of sexual orientation, lack of trust that their information will be safe.* Respondents referred to having ‘trusted’ or credible partners who could be asked for evidence or to verify.

Some concerns were raised that this could lead to a situation of ‘working the system’; in particular if the threshold for evidence reduced and/or more agencies were involved. Comments included: *the more agencies involved you run the risk of something falling between the stools* and in using a ‘middle person’ there is more *danger of that information leaking.*

However, respondents also acknowledged that if there was a levelling of points, this could intrinsically lead to a reduction in the need for higher levels of evidence and verification and this would reduce any opportunity for manipulation. This was summed up by one respondent: *If you take the premium (intimidation points) out of it – it will iron a lot of this out. It will take the manipulation out of the system.... but if you take that premium anywhere else – then that will start being the item to chase.*

Alternative models of practice around evidence and verification were highlighted, which could bring a different approach into this element of the HSS. These included the Hate Crime Advocacy service, the system for verification of a third child as a result of non-consensual sex in relation to the 2-child limit for Universal Credit (use of health and sexual care professionals to give evidence), the system used by Social Services to check the suitability of potential kinship foster carers (central referral unit and a single point of contact) and systems in relation to adult safeguarding.

7.4 Lived Experience Feedback – analysis

The level of knowledge of how violence is currently evidenced and verified amongst lived experience participants was relatively limited; and where there was knowledge this was linked to their own personal experience, and what evidence and verification they thought should be in place.

Respondents in the Women’s Aid Lived Experience group suggested that being in a Women’s refuge and/or interaction with women’s support services should be sufficient evidence relating to the occurrence or threat of violence and risk levels. *I think being in a Women’s shelter in the first place says it all. (should be sufficient evidence) To walk away – you are terrified and you have nothing – surely that should be enough. (Service user)*

The use of the ‘believe’ principle was suggested as a threshold for accepting that violence had occurred (or threat of violence) and a level of risk associated with the applicant. One respondent noted: *I think belief is a big thing because it takes such courage to open up about it. If you haven’t been believed over...the courage even to voice it to yourself, so to be dismissed. You already feel not much of a human being by the time you get there. I can see how women don’t leave or go back, if they weren’t believed. It’s hard going there – to the shelter. You can see why people would give up and go back to the perpetrator. (Service user)*

However, respondents pointed to the fact that individuals, in this situation, very often do not contact the police (no police report) and may not want to go via their GP or other health services which could provide evidence. One respondent said: *The sad part of my story is that I was terrified of going to the police. I was told – he’s very much part of the paramilitary thing, his family are involved. I’ve been told that if he is even lifted for questioning, I’m going to be at risk of my life again...so I’m living on edge. If he does get lifted. So, I had it from all angles. I felt very vulnerable. It’s not just him after me...it’s a whole gang.* (Service user)

Overall respondents in the Women’s Aid Lived Experience group suggested that Women’s Aid, as an organisation, should be trusted to evidence and verify a risk or threat of violence, similar to Base 2 and the restorative organisations (ARJ and CRJ). *If they have reached all of our criteria for coming into the refuge, we should be trusted as an organisation, that we wouldn’t be abusing the system – they have reached that criteria.* (Provider)

Participants in this group made reference to the MARAC assessment process, and that this could also be used as evidence and verification of the individual experiencing domestic abuse/violence. Respondents did however note potential drawbacks in this; namely that violence can escalate very rapidly and may not be currently sitting at what is deemed high risk by MARAC¹⁶⁴, with participants indicating that they had completed the MARAC form on several occasions with different marks.

In addition, respondents suggested that there is inconsistency in terms of what evidence is asked for by different Housing Advisors, as illustrated by the following quote. *It’s down to human judgement in terms of who you’re dealing with in the housing...you can hit it lucky or bad. There should be more of a tight criteria – it shouldn’t be a case that some understand domestic violence better than others.* (Provider)

Respondents in the Homeless Connect Lived Experience group gave feedback on evidence and verification. In terms of the assessment process with the NIHE, respondents felt that it was very much just a tick box exercise. One respondent felt like saying to the Housing Advisor – *do you want to hear my actual story? I feel they just say – that’s all I can do.*

This group also noted that despite being told they would have one consistent Housing Advisor this had not been the situation in their case. Some respondents said they had had multiple Housing Advisors which kept changing; one respondent indicated four separate Housing Advisors and noted that they now had no-one for the last 5 months.

Respondents noted the following types of evidence that should be taken into account in evidencing violence and risk of violence:

- Basic evidence about the applicant – name, address, background and situation
- Police reports and record number – on the actual violence or the threat of violence
- Health reports – about the applicant’s health as a result of violence or as a result of the threat
- Other reports – from Social Services and Key Workers

¹⁶⁴ 14 points and above – see Section 2.

One respondent said *your mental state should be taken into consideration. Because you can tell when somebody's actually in a desperate state. I went through violence but thankfully it wasn't extreme, but there was coercion. I worked my whole life but whenever I was in that relationship for 10 years I wasn't allowed to work, I wasn't allowed to go out, I wasn't allowed to have friends...so you could show a work history like pay slips up until the relationship started.* (Service user)

There was also feedback on believing the person telling the story/giving the information – *you can tell when someone's being genuine and when someone is acting.* (Service user)

Respondents said they were constantly asked to reshare and repeat their stories; one respondent said he had four Housing Advisors and each time had to retell his information. They noted that this can be extremely retraumatizing, and asked for this to be considered as part of the assessment of housing need.

Respondents currently within prison suggested that the current system may present difficulties for those who have not or do not want to go to the PSNI in relation to violence or a threat; different reasons for this included the individual's current or past interaction with the Criminal Justice system, fear of not being believed, fear of there being other reprisals or threats if they did go to the PSNI. This grouping felt that if a verification approach continued (for intimidation points), that this should be widened out to other organisations and agencies, working with those at risk of violence. One participant noted: *Support organisations in prison should be able to verify – NIACRO, Prison support officers, Women's Aid...if they see it first hand, if they had more clout. They could evidence and verify what was discussed.* (Service user)

Respondents in the Flourish NI Lived Experience group who had experienced violence or threats of violence as a result of human trafficking made similar comments about the source and level of evidence and verification, and also reiterated points relating to trust in sharing a story with those in authority. One respondent said: *if you are new into the country – and asking can we trust people?* (Service User) A case-worker noted: *I think anyone who has a history of trauma there may be a fear of reporting anything to the authorities or approaching the authorities – and that might put them off considering any of this, and especially somebody new in the country and still getting used to how things work and if they can trust certain people.* (Provider) This group also raised the separate point of language difficulties and access to translation services, and how this was vital if someone was to report violence.

7.5 Written submissions - analysis

Where respondents commented on evidence and verification, they all noted the need for robust verification systems, in particular with reference to intimidation points. The rationale for this was: *to ensure they are allocated appropriately to those at genuine risk and to prevent others on the social housing waiting list – including those with points for FDA status being unfairly disadvantaged.* Concern was noted that in some cases the evidence and verification process may be acting as a barrier to *the provision of protection to those at genuine risk.*

In terms of evidence (of intimidation) respondents noted that there is a need to ensure that *all types of violence need to be taken seriously at the point of reporting.* A concern was noted in relation to

evidence that *the onus of proof is often placed on the victim to make statements which only further put them at risk.*

Respondents noted the need to verify the legitimacy of threats of all types of intimidation. They made the following general suggestions about the evidence verification process:

- That the process should be consistent and robust, with accurate recording of the type, level and nature of the actual or threat of violence, covering all groups that are currently covered by Rule 23;
- That the process should be clearly communicated and easily understandable, with regular updates to applicants on the status of their case;
- That the process should be victim-centric and should be done as quickly as possible to ensure no further distress to the victim;
- That the 'whole story' of violence should be examined and not just one-off incidents (recording of repeat threats/violence), so that the full impact on the victim can be fully assessed;
- That the process should be trauma-informed (to avoid or minimise retraumatisation), of zero financial cost to the applicant, and that own language engagement should be available to ensure equality of access.

In terms of the actual process of verification, respondents noted that the 'metrics' need to be further reviewed and agreed, and that ideally any threats of intimidation should be *verified by PSNI, community links and other credible sources.*

Some concerns were raised about the current process of verification. One respondent commented on Base 2 as follows: *the main organisation for investigating paramilitary involvement in crimes tied to victim's properties and responsible for providing justification for full NIHE intimidation points to be awarded to victims in social housing – is extremely difficult to get hold of and are often unresponsive after multiple attempts at contact.* A further respondent noted concern: *...perceived that there is an unspoken bias of local restorative justice institution toward perpetrators since they often know them on a personal basis and are less familiar with victims that may have recently moved into or are not perceived to be part of the traditionally embedded community.*

Based on previous comments, suggesting an extension of either intimidation points for other types of violence, including domestic abuse/violence and/or a recalibrating of how points are awarded, respondents made suggestions around how these additional types of violence could/should be evidenced and verified. Respondents noted that given the risk of traumatisation: *it is vital that the process for verification in such cases is developed in partnership with experts by experience and rights-based women's organisations.*

A number of respondents suggested that the MARAC system could be utilised for actual or threats of violence relating to domestic abuse/violence¹⁶⁵.

¹⁶⁵ While the researcher is aware that an independent review of MARAC had been carried out, at the time of publication the outcome of this review was still to be confirmed.

The multidisciplinary members of the MARAC arrangements might be the best choice of participants to bring together in a Task and Finish group to make recommendations for different threshold levels, defining measures for the frequency and persistency of threats of violence, then the frequency and persistency of actual violence.

We believe a suitable benchmark is where a person reaches the threshold for a MARAC assessment and referral....one solution would be to treat MARAC priority applicants as non-pointed and place them in the top position of the waiting list for a suitable area...in such as system, a MARAC approved priority applicant would have to get an additional award of enough points to come to the top of the waiting list in a suitable area to ensure that they are housed as quickly as possible.

In addition, there were suggestions that the role of providing evidence and verification should be expanded to include additional agencies and credible or 'bona fide' sources, and that a multi-agency approach and partnership working would be vital in verifying the type and level of actual or threat of violence or risk. Comments included:

These assessments demand a thorough verification process. This could be achieved through the inclusion of various agencies to ensure a transparent approach to cater to the diverse nature of circumstances.

Robust verification systems should be employed to aid transparency of the process and could include NIHE, PSNI, DoJ, Base 2, Probation, GP services, health professionals specialised in trauma. The verification process should include relevant partners such as PSNI, DoJ, women's organisations such as Women's Aid and other relevant stakeholders.

Other groups/agencies were mentioned in terms of providing evidence or verification; these included Homeless providers, Victim Support NI, NIACRO, Assist NI, Men's Advisory project, Social Services, health professionals/ Health & Social Care Trusts, Cara Friend, Queer NI, Migrant Centre, Law Centre NI, Youth Action NI etc.

In contrast, some respondents suggested that the involvement of wider agencies for evidence and verification may not be the best approach. One respondent said: *unsure whether the voluntary sector should be included in the verification process as normally we are advocating for individuals in housing need and also submit appeals to the NIHE regarding housing decisions.* Another noted: *Weighting in terms of different persistence and severity, threats and actual violence is very subjective and would require professional policing information and advice.*

Whilst suggesting all these other agencies who could be involved in the evidence and verification processes, some respondents noted: *there will be victims who present as homeless who have not engaged with any support agencies before...*

7.6 Summary

The responses on evidence and verification requirements for victims of violence in relation to their housing need had some recurring themes across the different respondent groupings and research methods. These are summarised below.

There was universal agreement of the need for a consistent and robust system for the provision of evidence and verification of actual/threats of violence, in relation to all groupings covered by Rule 23 of the HSS. Respondents also noted that it was the statutory duty of the NIHE to make enquiries and carry out investigations in relation to any application for social housing and/or homeless presentation, and the responsibility of the PSNI to provide evidence and/or verification of any risk identified.

The level of knowledge of how violence is currently evidenced and verified amongst lived experience participants was relatively limited; and where there was knowledge this was linked to their own personal experience. This experience had also resulted in what respondents felt was variable information/evidence requirements from different Housing Advisors. This suggests that there is a need for clear communication of all evidence and verification requirements and processes in a format which is understandable, to all potential and actual applicants, taking into account different communication needs and own language engagement to ensure equality of access. In addition, the need to minimise any resharing or repeating of information was highlighted, with consideration given to how this potentially retraumatises the applicant. The need for the process to be victim-centric, trauma-informed and done in a timely way was noted.

Those with lived experience also highlighted that applicants may not want to go to the PSNI in relation to violence or a threat; this was in relation to the full range of types of violence discussed. This therefore leads to a potential lack of recorded evidence with the PSNI.

Concerns were noted about the current system including the lack of available or conclusive timely and relevant information from the PSNI/in police reports, and that the system did not always look at the 'whole story' focussing more generally on one-off incidents. In addition, issues relating to verification from external agencies (for intimidation) were noted; there was concern that this was perpetuating a reliance of paramilitary involvement in this area of housing, and that usage of this form of verification was variable. The groups involved in providing verification strongly advocated that manipulation of the system was not occurring.

There was consensus that it was very timely that the current ISP is being reviewed; with feedback that the production of a new DSA to strengthen the arrangements should be taken forward as a priority item.

In terms of any further evidence or verification requirements, should the current system of awarding points relating to intimidation or other types of violence be revised, respondents across all the respondent groupings put forward the involvement of a more flexible approach including more external agencies ('trusted' or credible partners) with specific knowledge of the individual applicant and/or expertise in the type of violence. Respondents suggested that this should not be a prescriptive list but that the decision maker could look at a range of information and evidence.

Other groups/agencies were mentioned in terms of providing evidence or verification; these included Homeless providers, Victim Support NI, NIACRO, Assist NI, Men's Advisory project, Social Services, health professionals/ Health & Social Care Trusts, Cara Friend, Queer NI, Migrant Centre, Law Centre NI, Youth Action NI etc. In contrast, some respondents suggested that the involvement of wider agencies for evidence and verification may not be the best approach.

In terms of evidence and verification of domestic abuse/violence, some respondents suggested the use of the MARAC system and risk forms. Drawbacks to this were highlighted including the fact that the domestic abuse/violence may not be reported at all, referral to MARAC is not universal for all applicants, experience of variable marks from MARAC assessments and the level of abuse may not meet the threshold or indeed may be minimised by applicants. It was suggested that the threshold for evidence for domestic abuse/violence should be lower and that the believe principle should be upheld.

Alternative models of practice around evidence and verification were highlighted, which could bring a different approach into this element of the HSS. These included the Hate Crime Advocacy service, the system for verification of a third child as a result of non-consensual sex in relation to the 2-child limit for Universal Credit (use of health and sexual care professionals to give evidence), the system used by Social Services to check the suitability of potential kinship foster carers (central referral unit and a single point of contact) and systems in relation to adult safeguarding.

Section 8: Qualitative Research findings: Support Services for victims of violence

8.1 Introduction

This section examines qualitative feedback from respondents on the theme of availability, suitability and access to support services for those with housing need who have been or are victims of violence or threats of violence, and who are homeless and applying for social housing. It examines feedback from respondents and those with lived experience (Appendix 11). Section 4 examined what types of support are available in other jurisdictions, via housing and homelessness assistance, for the target group of victims of violence, and highlighted good practice in terms of signposting to support services (See Appendix 9, table 7).

The report on Human rights and the management of threats to life¹⁶⁶ noted the importance of support for victims of violence, and in particular where there was a threat to life. They noted: *the timely support to victims can have a profound impact and where agencies are coordinated in such support, risks can be materially reduced. Conversely, illustrates what can happen to victims of threat-to-life when individual vulnerabilities (e.g., addictions, mental health issues and transient accommodation) are compounded by a lack of understanding of the process and a lack of practical support.*

This section covers the following question in the Research specification, with a view to identifying options for future provision within the HSS:

Access to support services via housing and homelessness assistance – what support services are provided for persons at risk of violence/victims of violence, including victims of domestic violence/abuse? Do they get support to remain in their home?

It should be noted that the methodology was aimed at gathering and analysing stakeholder qualitative views. Further background information has been integrated within this section to provide context and in some cases to ‘fact check’ against opinions provided.

8.2 Interviews and focus groups with respondents - analysis

Respondents in the interviews and focus groups (Appendix 11) were asked: *do you think there are sufficient support services for persons at risk of violence/victims of violence, including victims of domestic violence?* Further probes included asking if there was sufficient support for individuals to remain in their home (in the case of victims of domestic violence), and whether there was adequate support for applicants experiencing different threats and types of violence, both from the NIHE and external agencies.

Availability of support services from the NIHE for those in housing need, where violence is a factor

Respondents acknowledged the information provided through Housing Solutions, and Housing Advisors in particular, for social housing applicants in relation to the availability of support services for those in housing need, where violence has been a factor. However, respondents also expressed

¹⁶⁶ www.endingtheharm.com/research-papers/reviewing-the-threat-to-life-process-in-northern-ireland/

the opinion that there was a lack of knowledge, at some levels, of what support services there are, and what is available in their local area.

One respondent highlighted the need for awareness and knowledge amongst those delivering frontline services including Housing Advisors, including identifying and understanding signs of violence or threats of violence, including domestic violence. They said: *our staff need trained in that – spotting the signs, picking up on those subtle signals*. This was highlighted as a theme not just at the point of applying for social housing, but also in relation to current tenants, and knowledge amongst Housing Executive and Housing Association personnel of the availability of support services for those experiencing any form of violence.

Respondents suggested that the NIHE should review their practice in relation to referring or signposting people to appropriate services based on the type of housing need and connected violence. One respondent said: *the NIHE should work to ensure that they have a partnership for all types of violence with some organisation that covers that area. Some organisations may cover two or three of them – for advice, assistance and support from those agencies*. Another respondent took this further by suggesting that the NIHE should have Service Level Agreements with a range of advice/support agencies¹⁶⁷, and block purchase services. They noted: *there needs to be a contracted arrangement, so when the NIHE needs them – it's available*. In addition, respondents suggested that more detailed information on support for those in housing need who have experienced violence, should be made available on the NIHE website, including links to other support agencies.

Under this theme there were wider comments about the need for/support from Floating Support services and mental health support for those experiencing violence of any type. Respondents noted pressures on current provision in terms of availability, accessibility and duration of provision.

The role of the Housing Advisor in providing support

Respondents noted concerns about the role of the Housing Advisor in providing support to those who are victims of violence. Wider points were made about the process and timescales of being assessed; one respondent said: *they're just not getting assessed... applicants are not hearing for a couple of months*. Others commented on the lack of consistency of service when Housing Advisors left their role or were off work.

Respondents commented on the role of Housing Advisors, noting: *need to have trained personnel to deal with these types of situation... you can't take away from having frontline Housing Advisors who can spot things like domestic abuse and violence. Staff need to be provided with trauma-informed training. You actually need to be quite skilled to deal with these traumatic situations*.

¹⁶⁷ Fact check: The NIHE has a joint working protocol with the Women's Aid Federation (2015) and are part of the Information Sharing Agreement (ISA) relating to MARAC (Nov 2022). NIHE provide core funding to Women's Aid.

Availability of support services from external providers for those in housing need, where violence is a factor

Reference was made to a range of advice/information agencies, those providing mediation and support, and providers of temporary accommodation. Repeated references were made to Housing Rights, Victim Support NI, the Hate Crime Advocacy Agency, Women's Aid and the Men's Advisory project. There were diverging viewpoints on whether there was sufficient availability of advice, assistance or support for housing applicants who have experienced a threat of or actual violence, apart from in relation to intimidation, where respondents referenced the various groups involved (Base 2, CRJ, AJR and Tides¹⁶⁸) offering mediation options and other support. There was a general consensus that support services may not be equally available or distributed for all victims of violence.

There were positive comments about the type and nature of support available for those who have experienced domestic abuse/violence; in particular for women with some question marks over the universal availability of such services for men, same-sex or transgender clients. One respondent summarised this as follows: *In this area we have seen leaps and bounds in terms of advocacy support – so we now have Assist NI, we have the Domestic Abuse strategy, we've got the Violence Against Women & Girls strategy. So, all of that – the DoJ and NI Executive have those strategies – and out of that we have a support mechanism. So, we have the Sexual Offences Legal Advisors, Assist NI which provides support to domestic abuse victims and sexual abuse victims, you've got Victim Support NI, you have Women's Aid. I think we're working hard in this area in terms of victims...*

An overarching concern related to funding for external agencies and consequently its availability; this was summed up by one respondent: *a lot of the problem is funding. And referrals can be made but there are waiting lists and criteria to jump through as well.* Another respondent reiterated this by noting that demand for services is extremely high, and that: *even buying in additional and specialist support is difficult.*

Respondents suggested that many such services were Belfast centric with limited availability at local or regional level. This was noted by one respondent: *I think there's good services. But you don't have universal coverage – I think that's the issue....in terms of geographical coverage and in terms of type of support. But there's definitely good services out there in terms of dealing with those who have specific vulnerabilities.*

A final recurring theme in this area was that whilst the threat or actual violence might be reported or outlined as part of the housing application and assessment, that it was clearly not the NIHE's sole responsibility to respond to victims of violence, irrespective of whether this impacted their housing need. One respondent noted that very often the first identification of violence, including domestic violence, is by front-line police officers, and that they can use their 'toolbox' of information to advise and signpost, but that that is dependent on police officers having a thorough knowledge of the broad range of services available. Some respondents said they lacked knowledge themselves in terms of what is available in this area, noting that it would be useful to map customer journeys with a specific

¹⁶⁸ Tides, <https://www.tidestraining.org/>

focus on support services for those experiencing violence, with reference to critical intervention points.

A number of respondents suggested that more needs to be done for certain groupings, thinking of the customer profile, and noting that in their view, more support would be needed for individuals falling into the following categories: older, disabled, minority ethnic groupings particularly with language barriers, neuro-divergent women, rural areas, travellers etc. This respondent said: *The question here is not whether services are equally available across different areas – it's more about the pathways to provision – are these effective for everyone? And are there groups that aren't getting any assistance? This may be because of accessibility – physically, language, confidence, simply knowing about a service.*

Need for more mediation

Respondents noted the need for targeted, well-developed and professional mediation services (not in cases of domestic abuse), suggesting that more cases (where there is intimidation, harassment, neighbour dispute and other types of threats) could be resolved through mediation¹⁶⁹. There were mixed views on some of the current providers of mediation; comments were made about the need to review and extend mediation models including community mediation, with a clear focus on intimidation cases, but also expanding beyond that specific focus. One respondent commented: *if that could help a threat to be lifted, or lift the need for someone to have to move.*

Those providing mediation as part of their support services were positive about the work they have undertaken over the last number of decades. One respondent commented: *The mediation aspect is always our 'go to' anyway, our first port of call in these situations. How do we mediate, how do we prevent, how do we provide a restorative intervention? If we weren't doing this – the figures, for people who would be at risk, who would be physically harmed, property harmed, relationship breakdown – I don't know how to quantify the unquantifiable...The fact that we're still here 25 years later, and this is what we get funded to do. There has to be a level of mediation. But the other side of the story – this process of interventions continuously makes a difference.*

Reference was made to violence from criminal gangs and organised crime and its impact on a person's housing situation, with reservations about the part mediation could play in these situations. One respondent said: *the threshold for mediation is – are both parties willing, and it has to be voluntary, and are both parties willing to enter into a discussion to get to an agreed solution? And I'm not sure that works in these situations.*

Support to stay in own home – the Sanctuary Scheme¹⁷⁰ - in cases of domestic abuse/violence

Overall, there was positive feedback about the Sanctuary Scheme, including comments that it provides an option for an individual, who does not want to leave their house, area, social support networks and children's schools, to remain in the home safely. There were suggestions that this should be extended in terms of tenure (beyond NIHE tenants to Housing Association and private

¹⁶⁹ Fact check: A number of organisations are funded from the NIHE's Community Safety budget to provide mediation and community support, including Base2, ARJ and CRJ Ireland.

¹⁷⁰ Fact check: See section 2.4 for further information on the Sanctuary scheme. Also see Appendix 13 for information on Sanctuary schemes in England.

rented sector tenants), geographical area and the security options available (which are currently more limited than in England and Wales). This was summed up by one respondent: *the extension of the Sanctuary Scheme... A key ask of us was to work with the Department to extend it to other tenures. The model works very well – it's just how you would scale it up.* Respondents referenced the independent evaluation of the Sanctuary Scheme¹⁷¹, and that recommendations from this would be included in the development of the Domestic Abuse Action plan¹⁷².

Other external respondents noted that the Sanctuary Scheme would not cover some situations and levels of risk. One respondent noted: *What about coercive control? "You will open this door or I'll kill you". So, the best Sanctuary Scheme in the world will not address that issue.* However, others were more positive about its usefulness: *I know women who are alive because of the Sanctuary Scheme.* An external stakeholder noted: *Sometimes the safest thing to do is to stay...and I think research and our partner agencies would agree (with this). At times the safest place is to stay and to have that protection in place.... because of the nuances of domestic abuse and control within a home and how that works, and the ties in terms of children and education and work and employment – or the financial ties. And it is a difficult process for a victim to engage in a criminal justice investigation and go to court, get the Order – and sometimes they're not in a position to do that, right now. So, it's not effective for everyone – the Sanctuary Scheme – but it's right for some people.*

Emergency rehousing grant

The emergency grant¹⁷³ for those fleeing their homes because of intimidation attracted comments. The main comment related to whether other individuals experiencing violence for other reasons should also be entitled to this grant, or alternatively whether it should be available at all, given the current and potential impact of any extension on the NIHE's budget. One respondent said: *if it's for any reason and they have to leave their home, they should be entitled to this grant...there has to be a level playing field for all...it should be everybody gets it or nobody gets it.*

Public Health model of violence prevention and reduction

A number of respondents in the discussion on support services referenced the current and increasing levels and types of violence in society and suggested that whilst these can interconnect to a person's immediate and long-term housing situation, that more should be done before it reaches a housing crisis. Comments were made on the three-tier public health model of violence prevention/reduction, and that there should be more focus on the primary and secondary interventions¹⁷⁴. One respondent summed this up: *the public health model treats violence as a virus. So, if you don't interrupt violence it will spread.* The suggestion was that increasingly the NIHE is having to act at the

¹⁷¹ www.nihe.gov.uk/getattachment/c368da23-c386-4175-aa76-9122081fea6c/Sanctuary-Scheme-Review.pdf

¹⁷² Not published as yet. Due to go to NIHE Tenants and Customer Services Committee in March 2024.

¹⁷³ Fact check: The emergency rehousing grant was introduced under Article 29A of the Housing (NI) Order 1988. The grant is awarded to eligible social or private-rented tenants who have been forced to relocate due to intimidation and are rehoused in Northern Ireland. The purpose of the grant is to cover expenses associated with setting up a new home, such as installation of appliances. The grant is currently paid at a rate of £754. In 2022/23 a total of 104 payments were made to HE tenants, 27 payments) to non-tenants, who had been awarded intimidation points and who were subsequently permanently rehoused in both the social and private sectors.

¹⁷⁴ References were made to the WHO: Social-Ecological Model: A Framework for Violence Prevention www.cdc.gov/violenceprevention/pdf/sem_framework-a.pdf

Also: Bellis, Mark & Hardcastle, Katie & Hughes, Karen & Wood, Sara & Nurse, Joanna. (2017). Preventing Violence, Promoting Peace - A Policy Toolkit for Preventing Interpersonal, Collective and Extremist Violence.

tertiary level in responding to violence connected to housing need, but that more should be done to prevent it happening in the first place.

This theme was expanded by another respondent, who pointed to the need for an early intervention model or a one-stop shop¹⁷⁵ providing collective interventions from statutory and voluntary sectors to deal with presenting issues from the outset. Reference was made to such models in Leeds and Wigan¹⁷⁶. This was summed up by one respondent: *you need that housing advisor in a wider trauma-informed practice with a network of people, feeding in, rather like a hub. So that they're not making all of those decisions (around violence) based on their own knowledge, and support can be provided*. This respondent also highlighted comparable schemes where individuals, for example experiencing domestic abuse, can ask for support. The 'Ask for ANI' domestic abuse codeword¹⁷⁷, used in pharmacies, was noted.

Under this theme respondents also noted, that irrespective of what support is provided to victims of violence in relation to their housing need by either the NIHE or other agencies, that this can be difficult for the service user, related to their ability to navigate systems and services. One respondent said that the landscape was confused, noting: *there's a lot of noise and you don't know where to go or what direction to go to for any clarity...you find that people are going from one place to another and having to repeat (their story) – it's a very confusing landscape*. This cross-referenced to the theme of service users having to provide their information on multiple occasions. One respondent noted: *having to repeatedly tell your story in say three different systems...and traumatization as part of that process*.

8.3 Lived Experience Feedback – analysis

Those with lived experience had two overarching comments about the availability and nature of support services for victims of violence. The majority felt they had themselves received good levels of support from independent organisations; in the main these were the organisations that were hosting the lived experience focus groups, i.e. Women's Aid, Homeless Connect, Flourish NI and services within the prison estate, e.g. Housing Rights, Start 360 etc. Respondents were able to name a number of organisations where they had sought and received support in relation to their housing need and violence/threat of violence. Participants were very positive about the support they had received. One Flourish NI service user noted: *Flourish help you to build up again. When I came here first the Human Trafficking Unit was helping me, but when I think about Flourish and I think about my life now, if I hadn't known Flourish, I may not be here now. When I came here at first I was struggling with mental stability because of my life. I didn't feel safe anywhere*. (Service User)

In contrast, some respondents reported a lack of sufficient support services for persons at risk of violence or victims of violence, based on their own experience. Participants said they had no-one to turn to and a real feeling that they had no support. Respondents indicated lack of knowledge of

¹⁷⁵ Reference was made to the Foyle Family Justice Centre (FFJC) managed by Foyle Women's Aid – a one-stop shop, with onsite and offsite agencies and programmes for individuals and families experiencing domestic abuse – see: [Foyle Family Justice Centre](#)

¹⁷⁶ Wigan model: [A Citizen-Led Approach To Health And Care: Lessons From The Wigan Deal | The King's Fund](#) ([kingsfund.org.uk](#)).

¹⁷⁷ [DSA helpline and Ask for ANI](#)

who/where to seek support, difficulties in coming forward from specific types of situations e.g. living in a setting where there is domestic abuse/violence, lack of confidence to report violence, difficulties in telling and retelling their story and the trauma of doing this. One participant noted: *I'm sick of saying the same thing over and over, and not getting anywhere – so what's the point?* (Service User) The trauma experienced by service users was acknowledged by case-workers, and the need to empower the individual to apply for social housing and to support them in that journey. One case-worker said: *it's not just a language barrier. It's the situation our clients have been in (human trafficking). It takes a long time for them to claim their power back – with caseworkers empowering them to do so, that takes time.* (Provider)

In terms of domestic abuse/violence reference was made to good practice, where Women's Aid has workers in hospital or GP practices (IRIS project), police stations and prison, to help identify victims of domestic abuse/violence. Discussion on the Sanctuary Scheme included the suggestion from participants that it should be expanded to other tenures (currently only for NIHE tenants), and that the range of supports could also be expanded. There were mixed views on whether providing a Sanctuary Scheme was a good thing. One respondent said: *That's horrible, that's worse. That's basically telling the person - this is your life, you deserve this, stay here...there's no other option.* (Service User)

8.4 Written submissions - analysis

The theme of support services was not included as a question within the request for written submissions. However, a number of respondents did include the following references, which are relevant to this discussion on the availability and suitability of support services to enable those in housing need, where violence is a factor, to access the necessary support.

The role of the Housing Advisor in providing support

The role of the Housing Advisor in interacting with the applicant was highlighted as a key element in the assessment process. Organisations providing a written response called for the development of a trauma-informed approach and relevant training¹⁷⁸. One respondent referenced lived experience work they had completed, where clients had highlighted how they had felt scared with no support staff available in hotel/B&B emergency accommodation. This respondent said that it was *key that all housing officers within NIHE, Housing Associations etc. are given core training in Trauma Informed Practice*.¹⁷⁹ In addition, a repeated theme within this was the need to ensure that those working directly with the applicant had the necessary knowledge and training with which to provide support, or signpost or refer an applicant on to other relevant services.

The role of other organisations in providing support

There was a recurring theme around the NIHE providing ongoing support throughout a homeless and/or a social housing application, and the associated assessments, if violence was the main reason for their application; and the role of other organisations in providing such support. These comments

¹⁷⁸ Fact check: All NIHE staff including Housing Advisors receive training in Safeguarding training, and Equality, Diversity and Inclusion Awareness Training which includes Equality concepts and Section 75 of the Northern Ireland Act 1998, anti-discrimination law and aspects of service delivery, including disability with regard to customers, Human Rights and its relevance to housing.

¹⁷⁹ [Trauma Informed Practice \(TIP\) Online Training Brochure \(safeguardingni.org\)](https://safeguardingni.org/trauma-informed-practice-tip-online-training-brochure)

should be read in conjunction with the acknowledged agreement that NIHE undertake considerable and varied partnership working across the statutory and voluntary/community sector, and there are already various protocols and funding arrangements in place to ensure that support is provided.

A range of statutory and voluntary sector organisations were noted as providing generic victim support, as well as for defined groups of victims, and with specific emphasis on housing need. One respondent summed this up: *NIHE should work in collaboration with others throughout the process to ensure relationship-based practice and ongoing support for people who experience intimidation or serious threat to their safety and security. This should include experts by lived experience and organisations with relevant expertise and capacity to provide additional services and support.*

Another respondent listed a range of organisations providing support to victims of violence - *Women's Aid, Cara Friend, Queer NI, PSNI, Migrant Centre, Law Centre NI, Youth Action NI, Victim Support. This is by no means exhaustive.* A further respondent referred to the work of Hate Crime Advocacy Service in providing valuable specialist support and information to victims of hate crime; including through the work of hate crime advocates across organisations that provide support to individuals from across a range of equality categories. Respondents suggested that there should be more specialised support and independent housing advice to support individuals navigating the complexities of violence-related cases.

In one written submission, the Domestic Abuse Housing Alliance¹⁸⁰ (DAHA) who work with local authorities and housing associations in GB to improve the housing sector's response to domestic abuse was referenced. This provided the example of an established set of standards and an accreditation process and the provision of specialist training. In addition, DAHA have developed a toolkit¹⁸¹ for housing providers in GB that provides guidance on addressing the needs of victims of domestic abuse/violence and "spotting the signs", including the key signs of domestic abuse/violence that housing providers should be aware of including;

- Antisocial behaviour – Domestic abuse is commonly labelled by housing providers as antisocial behaviour but is often an indicator of domestic abuse/violence;
- Rent arrears – Residents experiencing domestic abuse/violence are 7 times more likely to be in rent arrears of more than £1000;
- Repairs – There tends to be high levels of property damage in homes where there is domestic abuse/violence.

This example highlights further options which could be developed in Northern Ireland as part of a wider support mechanism for those experiencing violence within their housing need or housing situation.

Barriers to and lack of available/accessible support

A lack of available and/or accessible support services, for victims of violence, and in particular in relation to their housing need was noted for certain geographical area including rural areas and for particular groups, including those with no recourse to public funds. One respondent commented: *In*

¹⁸⁰ [DAHA - Domestic Abuse Housing Alliance \(dahalliance.org.uk\)](http://dahalliance.org.uk)

¹⁸¹ [13 -wha-daha.pdf \(dahalliance.org.uk\)](http://dahalliance.org.uk)

rural communities some victims of intimidation may not be confident in approaching the Housing Executive, PSNI or other support agencies and may not know their rights, especially migrant workers and their families who do not speak English as a first language. There are additional challenges in rural communities accessing advice and support for people intimidated from their homes. This is a further barrier to accessing homelessness services for people in rural communities. A loss of some services, particularly relating to home and personal safety were also noted; one respondent highlighted a localised scheme providing home safety equipment including door and window locks, security cameras etc. which would shortly be ending due to lack of funding.

Wider household – need for support

A number of respondents referenced the need to think about the support needs of family members and in particular children, including support and help for early interventions to prevent a young person finding themselves without a home. The debate over the Domestic Abuse and Civil Proceedings Act (NI) 2001 (DACP) was noted; with one respondent indicating that they had *raised concern during the deliberations on the DACP that it did not include provisions regarding resourcing, commissioning of or access to support and other services and was mindful that this should be effectively addressed, including through Guidance and related policies and through cross-Departmental working.* Other organisations commented on the Istanbul Convention¹⁸², and in particular its emphasis on support for victims and survivors, as well as CEDAW¹⁸³ and General Recommendation 35¹⁸⁴ which emphasises that adequate, gender sensitive services to support victims are a basic requirement for all signed up States.

Under-reporting – linkages to support

Under-reporting of particular types of violence including domestic abuse/violence and hate crime was also noted; with the inference made that without support many individuals will not come forward and will not report the violence or threat of violence.

¹⁸² The Istanbul Convention – Action against violence against women and domestic violence.

<https://www.coe.int/en/web/istanbul-convention>

¹⁸³ The Committee on the Elimination of Discrimination against Women.

¹⁸⁴ [CEDAW Committee \(67th session, 2017 \) General Recommendation 35 on gender based violence against women](#)

8.5 Summary

The responses on support services for victims of violence in relation to their housing need had some recurring themes across the different respondent groupings and research methods. These are summarised below.

Availability of support services from the NIHE for those in housing need, where violence is a factor, and the role of the Housing Advisor

- Consideration of how to further develop awareness and knowledge amongst Housing Advisors, including development of domestic abuse training¹⁸⁵, training for all staff and contractors in identifying signs of domestic abuse¹⁸⁶ and other types/forms of violence and the impact on an individual's housing need, together with training to support a more trauma-informed approach.
- Further development of policies and practice in relation to onward signposting and referral, including to MARAC and other relevant agencies.
- Development of further information on support services, relating to violence and housing need, on the NIHE website.

Availability of support services from external agencies for those in housing need, where violence is a factor

- Consideration across Departments and statutory agencies of the need for support services, relating to housing need and an interconnection to violence, that are equally available and distributed for all victims of violence. Consideration around barriers to and accessibility factors including provision of information, awareness raising, provision to encourage reporting, provision for recording to ensure retelling of a story is not required.
- Consideration of the need for more specialised support and independent housing advice to support individuals navigating the complexities of violence-related cases, when applying to the NIHE.
- Consideration of how housing need is identified by external agencies, including the PSNI , and referred to the NIHE.

Need for more mediation

- Consideration of the need to review and extend mediation models including community mediation, and relating to wider types of violence.

Emergency grant

- Review of the availability (and necessity) of an emergency grant for individuals who meet the current threshold relating to intimidation.

¹⁸⁵ In line with the recommendation in the evaluation of the Sanctuary Scheme: *NIHE should consider implementing a domestic abuse policy. Such a policy will include the requirement for domestic abuse training to be delivered to customer facing staff, enabling the provision of a customer focussed response for those clients citing domestic abuse or violence in a housing context. This may include training in the completion of the Domestic Abuse, Stalking & Honour Based Violence (DASH) risk checklist and escalation of appropriate cases to MARAC.* www.nihe.gov.uk/getattachment/c368da23-c386-4175-aa76-9122081fea6c/Sanctuary-Scheme-Review.pdf

¹⁸⁶ In line with recommendations in the evaluation of the Sanctuary Scheme. www.nihe.gov.uk/getattachment/c368da23-c386-4175-aa76-9122081fea6c/Sanctuary-Scheme-Review.pdf

Sanctuary scheme

- Consideration in line with the recommendations in the independent evaluation¹⁸⁷, to work with NIFHA in relation to the expansion of the scheme to Housing Association tenants and required sources of funding for this.

Public Health model of violence prevention and reduction

- A cross-government commitment and understanding of the public health model of prevention and reduction of violence.

¹⁸⁷ www.nihe.gov.uk/getattachment/c368da23-c386-4175-aa76-9122081fea6c/Sanctuary-Scheme-Review.pdf

Section 9: Qualitative Research findings: Comparative non-violent housing need

9.1 Introduction

In this part of Strand B, we asked respondents: *How do you think violence (as a reason for homelessness) sits alongside other reasons for homelessness? Should people at risk of violence/victims of violence, including victims of domestic violence/abuse, be given greater priority over other significant but non-violent related housing need?* To aid the discussion we provided examples of both violent and non-violent housing need, including intimidation, domestic abuse, fire/flood/other emergency, neighbourhood harassment and release from hospital, prison, other institution.

For those providing a written submission we asked: *how do you think violence should sit alongside other reasons for homelessness or reasons why people apply for social housing?*

This section covers the following question in the Research specification, with a view to identifying options for future provision within the HSS:

Comparative recognition of housing need – are persons at risk of violence/victims of violence, including victims of domestic violence/abuse, given greater priority over other significant but non-violent related housing need?

It should be noted that the methodology was aimed at gathering and analysing stakeholder qualitative views. Further background information has been integrated within this section to provide context and in some cases to ‘fact check’ against opinions provided.

9.2 Interviews and focus groups with respondents – analysis

The majority of respondents concluded that violence, related to housing need, was the greatest priority within the HSS, when compared to non-violent housing need. Comments included the following:

I don't think they (other non-violent housing need) should be elevated above it (violent housing need).

I think you're going to have to look at violence as having priority over non-violence.

The level of threat and risk is ongoing (when referencing intimidation). For other reasons, like fire and flood, by then the incident has happened.

The impact of the violence was seen as a key deciding factor in why this circumstance of housing need would get a higher level of priority. One respondent said: *In release from hospital, or fire or flood – yes, there is a level of trauma, but it doesn't necessarily have a cyclical effect. Whereas violence is often related to relationships which continue on in a person's life.* Another commented: *And it's about safety as well. When you are homeless because of violence, there are other protective*

issues that need to be taken into account...which are very different to what needs done in terms of homelessness as a result of leaving hospital or fire or floods...which are more temporary type needs. Violence as part of housing need was seen as a factor that the individual/household had no choice in, was ongoing and could be a threat to life and/or cause ongoing significant trauma and harm. One respondent said: *the applicant has been pushed into this category because something is being perpetrated by someone else. Whilst disasters and floods are also outside their control, they are not coming from the actions of another person. Similarly, some of the other reasons for homelessness – relationship breakdown, moving to Northern Ireland – some of that is in your control, because you’ve made that decision to do that. So, I think that’s an important caveat – who’s perpetrating it and what’s beyond your control?* Another respondent put this slightly differently by saying: *other reasons for homelessness are perhaps resolvable.*

A number of respondents developed a different viewpoint in thinking about how non-violent housing need should sit within the HSS and in relation to violent housing need, indicating concern that other reasons for homelessness or applying for social housing should not be overlooked, in the face of only focussing on or awarding highest points to violence-related housing need. One respondent said: *We are very short-sighted if we think that this sort of acute violence is the only thing that we need to look at. There’s got to be a balance there.* Concern was voiced that there had been too much emphasis in the HSS on intimidation, and insufficient focus on other housing needs, and that this was skewing the social make up of new housing developments. In one focus group, respondents suggested that other factors such as discharge from hospital, psychiatric units and prison, should be afforded a higher priority than currently given. Respondents also gave examples of households where there is chronic overcrowding and for applicants with complex mental health needs, and how because of the current focus on intimidation, in their view, these non-violent housing needs are not prioritised. Respondents verbalised that the current debate about intimidation points highlights a lack of focus on the totality of people’s housing needs, rather than one narrow area.

The weighing up housing need, looking at whether violence was a factor or not, led some respondents to suggest that the scales had gone too far in the direction of violence in comparison to other serious or significant needs. One respondent summed this up: *I think there are households with really complex needs that are appearing far too far down the list – and that’s where the frustrations come from, because it doesn’t seem fair. Somehow the system hasn’t ended up as fair as it was meant to be.* Respondents suggested that this could be partially corrected if the level of intimidation points was reduced significantly so that those with different housing need would still have some chance of an allocation.

Another respondent said in discussing those affected by fire, flood or bomb damage: *they potentially would have absolutely nothing – just the clothes they are standing up in. So, if you are looking at people who have had to leave emergency situations, they are in as much needs as somebody in a domestic abuse setting or experiencing a hate crime. So, they would need to sit up there with them.* A number of respondents therefore suggested that there were some circumstances of non-violent housing need that should be prioritised over violence e.g. house fire.

Overall respondents recognised that within the scarce resource of social housing, and the level of demand on the housing waiting list and in housing stress, that assessments and allocation of points

had to be done in a way that would ensure the least harm to the greatest number of people. Violence was deemed as being the greatest potential or risk to cause harm.

9.3 Lived Experience Feedback – analysis

Whilst supporting the principle that violence should get greater priority than non-violent housing need, those with lived experience gave examples from their own housing and homelessness journeys and circumstances, where their non-violent housing need meant they did not receive a high priority. One former homeless service user said that he had been burnt out of his home/house fire, but that he had not received a level of points in line with the intimidation points. Another respondent said he had ended up on the streets, as he was assessed as being intentionally homeless. All of these respondents verbalized that their housing need had still been very real in their lives, and had ongoing impact on their mental health. Respondents in the lived experience group in HMP Hydebank suggested that vulnerable people coming out of prison should be afforded higher points, otherwise, from their perspective, they are just being placed back into a vulnerable setting.

Those with lived experience also highlighted that there is a fine line between different reasons for homelessness, with some tipping into violence because of other factors e.g. relationship breakdown, addictions, and that it was important to assess the individual's full housing needs and think ahead in terms of whether violence could result from their current situation.

9.4 Written submissions - analysis

Those providing a written submission commented on the relative priority between housing need where there was violence or a threat of violence, against situations where no violence was involved. There was universal consensus that violence/threat of violence should be given higher priority in any assessment of housing need, in comparison to non-violent related reasons for homelessness.

Some respondents put this succinctly: *violence should be given priority over other reasons for social housing.* This opinion was developed further by several respondents, including: *We believe that it is right and proper that extra points should be allocated for violence-related cases, and indeed where there is a risk to life or serious threat or injury, the seriousness of such circumstances needs to be recognised. It is our view that that a balanced approach is necessary to avoid distorting the entire waiting list. Striking this balance is crucial to victims of violence for the harm they have endured.*

I feel people at risk of violence, particularly domestic violence, should be treated as the highest priority.

People present as homeless and/or apply for social housing for numerous reasons and whilst these are important, people who are genuinely experiencing violence should be treated with the urgency required to mitigate the risk to that person.

9.5 Summary

The responses on prioritisation of housing need, looking specifically at how violence in general (as a reason for homelessness) compares or sits alongside other non-violent related reasons for homelessness in the assessments of housing need and allocation of points. There were recurring themes across the different respondent groupings and research methods; these are summarised below.

Relative prioritisation of housing need – violence versus non-violent reasons

There was universal consensus that housing need where there is assessed and evidenced violence as a factor, and in particular serious violence where there is a high level of harm and risk to life, should take priority over and above other non-violent housing need. The impact of the violence and the potential significant level of trauma and harm were viewed as the deciding factors.

Other housing need – what priority should it get?

There was considerable feedback that it is short-sighted not to consider other non-violent reasons for homelessness, at a higher level. Respondents suggested several areas in which applicants should get higher priority or points than they currently do, e.g. applicants experiencing chronic overcrowding, applicants with complex mental health needs, applicants leaving prison and other institutions. Feedback also included the need to think about housing need a wider sense, as the interconnections or movement between non-violent and violent reasons can often be blurred, and one can lead to the other.

Supply and demand

Respondents concluded that the discussion on prioritisation of housing need directly relates to the supply of social housing and current levels of demand.

Section 10: Conclusions and Recommendations: Suggested options – consideration of violence as a factor for housing need

10.1 Introduction

This research sought to ask some fundamental questions about the current system of social housing allocation in relation to the award of intimidation points, including what this currently covers, and also investigating future provision for victims of violence and those at risk/under threat of violence including victims of domestic abuse.

Whilst this study originated in thinking about Proposal 7 of the FRA (the removal of intimidation points from the HSS), the research specification clearly pointed to a consideration of how violence as housing need may be responded to more widely within the Scheme. The research specification stated: *this research will assist policy makers by providing an independent evidence base to inform the development of future provision for victims of violence and those at risk / under threat of violence, including victims of domestic violence / abuse, and the assessment, verification and prioritisation of their housing need.*

The study had a clear focus on examining how other jurisdictions treat violence as a housing need factor in their social housing allocation schemes, with a specific reference to looking at options to strengthen the verification process and to prevent any abuse of the system; and to address the current inconsistencies where other victims of trauma or violence, for example, victims of domestic abuse, do not currently receive intimidation points.

10.2 Research Methods (See Appendix 1)

The study was commissioned by the NIHE and managed by the FRA Project team. The independent research team was led by Fiona Boyle (Principal consultant – Fiona Boyle Associates) with specialised input from Dr. Kelly Henderson (Addressing Domestic Abuse CIC). In addition, input to policy and practice in the areas of housing assessment and allocations was provided by Melissa O'Neill (West Lancashire Borough Council) and Neil Morland (Neil Morland Co Housing Consultants).

Strand A of the study was largely desk-based and included an in-depth assessment of the treatment of violence under the HSS in Northern Ireland, with a comparative analysis to legislation and policy in other UK and RoI jurisdictions, as well as a review of practice in terms of housing allocation policies, procedures and support provision in a sample of social landlords. Using a Framework devised for this study, the Research team looked at the following:

- Classification – including language
- Comparative recognition of housing need – including relative prioritisation levels
- Verification – how threats or actual violence against the target group are verified
- Access to support services via housing and homelessness assistance for victims of violence

Strand B comprised qualitative data collection via stakeholder engagement, using a range of methods including interviews, focus groups and written submissions. This stage included three main groupings: Government stakeholders, wider stakeholder groups and those with lived experience.

Strand C utilised findings from both Strands A and B, together with background information and

statistics to produce suggested options in relation to the assessment of violence, including current groups within Rule 23, and further groups outwith the current award of intimidation points. These options are outlined in Section 10.

10.3 Background (See Sections 1 and 2)

The background to the study was important and is summarised below.

- Whilst it is clearly vital to understand an individual's housing need (whether applying for social housing or presenting as homeless), and to recognise this within any housing assessment and allocation scheme, this becomes even more important when the resource – in the form of social housing – is limited and in short supply;
- The pointing system in the HSS recognises intimidation in Rule 23, with an award of 200 points. More general references to violence is in the PSNs and OSNs ;
- The inclusion and award of intimidation points for victims of intimidation has been integrated as an indicator of housing need within the HSS since the establishment of the NIHE in 1971. The origins of this were in direct response to terrorist/paramilitary and sectarian intimidation;
- There has been incremental expansion to Rule 23 since November 2000 to other protected groups including intimidation on the basis of race, religion, disability, sexual orientation (hate crimes) and for those where an attack is within the NIHE's statutory powers to address neighbourhood nuisance and other forms of anti-social behaviour;
- The overall number of cases awarded intimidation points has decreased steadily over the last seven years; the largest type of intimidation recorded in the homeless figures relates to paramilitary intimidation. In addition, whilst there has been an overall downward trend in acceptances for intimidation, an increase was recorded for 2022/23, although this was largely related to one Council area (Ards & North Down);
- Putting this into the context of the overall management of the CWL, intimidation cases represent just a small proportion of overall presentations and acceptances with FDA status (less than 1%);
- Published statistics (PPS) on cases involving hate crime indicate a steady increase in hate crime cases. The biggest increases related to race and sectarian hate crimes. This is turn is then represented in NIHE figures for presentations and acceptances under these types of intimidation;
- As noted earlier domestic abuse/violence is recorded by the NIHE within the reasons for homelessness. However, it does not fall within the remit of Rule 23, and as such victims of domestic abuse, do not currently receive the same or similar recognition or priority as those that come under the existing Rule 23 or attract the 200 points available for victims of intimidation. PSN and/or OSN points may be relevant;
- NIHE statistics show that the total number of applications and confirmed FDA status with a reason of violence/threat of violence¹⁸⁸ is considerably higher than the number of intimidation applications/acceptances;
- Figures on domestic abuse and violence show considerable increases in incidents and numbers since data was first recorded in 2004/05. A review of PSNI figures over the last five plus years points to a massive increase in the incidence of domestic abuse. In addition, the number of cases referred to MARAC by all agencies has increased in the last three years.

¹⁸⁸ Including domestic violence, sexual abuse/violence, neighbourhood harassment, ANR, civil disturbance.

10.4 Strand A Findings (See Sections 3 and 4)

The comparative review of relevant legislation, housing policy and practice (housing assessment and housing allocation policies), in relation to the treatment of violence as housing need in other jurisdictions highlighted the following:

- Social housing allocation, like all housing policy, is a devolved matter for the four jurisdictions – England, Wales, Scotland and Northern Ireland. Similarly, the Republic of Ireland has its own legislation, policies and practice in relation to social housing allocation;
- The differential in approach between Northern Ireland and the other UK jurisdictions is important. In Northern Ireland the NIHE is the only entity that has the statutory responsibility for homelessness (the one Regional housing authority), in contrast to other UK jurisdictions where the responsibility lies with individual local authorities. As a social landlord the NIHE also operates the HSS to assess housing need. In addition, all registered housing associations in Northern Ireland operate the HSS to assess the housing need for their tenants who want to move within the social housing sector (tenant transfers). If a housing association tenant is believed to be homeless then the housing association must refer them to the NIHE for investigation under the homelessness legislation and policy. In other jurisdictions the assessment for homelessness is separate to any application for social housing; the latter also often requires the individual to register with a social housing provider;
- A further noted difference is that in Northern Ireland, whilst the NIHE submits details of their housing allocation scheme to the DfC for approval, the Department in turn does not provide any direction or guidance on the preference or categories of need within that scheme¹⁸⁹. This contrasts with the other jurisdictions where considerable Government guidance is provided.
- Whilst there is much commonality across the UK jurisdictions, there is also considerable divergence in terms of who should be prioritised for an allocation of social housing. In addition, practice varies; for example, Northern Ireland has a purely points-based allocation system, whereas other jurisdictions have an array of different systems including banding, choice-based lettings, local lettings and nomination policies;
- Whilst the NI HSS outlines what constitutes intimidation and other types of non-domestic violence, the schemes in other UK jurisdictions rest on the concept of reasonable preference for victims of violence (non-domestic abuse). The law and the guidance in England, Wales and Scotland describes circumstances where housing applicants must be given a priority for the allocation of social rented housing, providing some applicants with a head-start over others because of the urgency of their housing needs. The statutory guidance outlines the range of circumstances covered by reasonable preference; this could be because the violence has caused them to become homeless, or threatened with homelessness, or because they need to move due to hardship reasons;
- Housing allocation law in England and Wales includes a further concept of additional preference, that is not featured in housing allocation law for Northern Ireland or Scotland. This allows local authorities to select persons, either by characteristic and/or experience, whom they wish to give priority for an allocation of social rented housing. These persons can be given the same degree of priority as those entitled to a reasonable preference.
- The statutory guidance for English local authorities instructs them to give additional preference

¹⁸⁹ There are only two specific areas which the DfC provides NIHE with guidance – Anti-social behaviour and Persons from Abroad

when allocating social rented housing, to those who are homeless and require urgent rehousing as a result of violence or threats of violence, including intimidated witnesses, and those escaping, serious, antisocial behaviour or domestic violence¹⁹⁰. Separate statutory guidance¹⁹¹ directs local authorities to give additional preference within their housing allocation scheme to people who are homeless or require urgent rehousing, as a result of domestic abuse.

- The statutory guidance for Welsh local authorities instructs them to give additional preference within their housing allocation scheme to victims of domestic or other abuse, victims of hate incidents and witnesses of crime, or victims of crime, who would be at risk of intimidation, amounting to violence or threats of violence, if they remained in the current homes;
- Statutory guidance¹⁹² for Scottish local authorities is silent on the matter of the degree, but that priority should be afforded to victims of violence. However, practice guidance recommend that victims of abuse or harassment, including antisocial behaviour, are given a high level of priority. This includes racial harassment, religious or sectarian harassment, homophobic harassment, transphobic harassment, harassment of autistic people and people with a learning of physical disability and sexual harassment. The practice guidance also notes that the Landlord should consider giving a high level of priority to anyone who is experiencing domestic abuse, and that this represents a critical housing need. The practice guidance also recommends that landlords work in partnership with domestic abuse, voluntary organisations and others to develop an approach for their housing allocation scheme, which as noted in the guidance should also enable the victim to avoid approaching statutory homeless services if that is their choice;
- Law and statutory guidance across England, Wales and Scotland is silent in terms of the precise degree of priority awarded to those applicants who are threatened with violence, compared to those who have experienced violence or are at risk of violence. However, as noted earlier the principle of urgency – that priority should be linked to rehousing quickly – is embedded in statutory guidance;
- Taking all of the above into account (legislation, policy and guidance) the situation in the other UK jurisdictions points to housing allocation systems which include reference to violence, including actual and threat/risk of violence. As such decisions about who to allocate social housing to are based on an assessment of housing need, including violence – this includes the extent of the violence, the harm being experienced and the degree of risk;
- Verification is an important part of the process in housing assessment in the other UK jurisdictions for all types of housing need; the overarching key principle in public law of an applicant being given the benefit of the doubt is important in this approach;
- The review of law, policy and practice in other jurisdictions points to the interconnection between domestic abuse law and housing law; with the resultant case-law in England and Wales that it would not be reasonable for a person to occupy accommodation if there is a probability that it will lead to domestic violence or other violence. Priority need under the 1996 Housing Act, and associated guidance, means that local housing authorities must now carry out a purely factual assessment (rather than as previously was the case - an evaluative assessment of

¹⁹⁰ Unlike armed forces personnel, for whom there is a statue requirement to afford them additional preference, there is no such requirement for victims of violence. Whilst the ability to afford additional preference is a discretionary power rather than the statutory requirement, almost every local authority makes use of this power.

¹⁹¹ Improving access to social housing for victims of domestic abuse. Department for Levelling Up, Housing & Communities. November 2018 (last updated January 2022).

¹⁹² Social housing allocations in Scotland: a practice guide. Scottish Government. February 2019.

whether or not a person has become vulnerable as a consequence of their experiences). The factual assessment includes whether or not (i) the person has in fact experienced domestic abuse as defined by the Domestic Abuse Act 2021 and (ii) is homeless as a result. As noted earlier specific statutory guidance¹⁹³ concerning the allocation of social rented housing to victims of domestic abuse in England and Wales, required additional preference to be given within housing allocation schemes to people who are homeless or require urgent rehousing, as a result of domestic abuse. The Domestic Abuse Act 2021 amends Part 7 of the 1996 Act to strengthen the support available to victims of domestic abuse, extending priority need to all eligible victims of domestic abuse who are homeless as a result of being a victim of domestic abuse. This approach is in contrast to the situation in Northern Ireland. However, in Northern Ireland domestic abuse/violence comes under the homelessness assessment and is recognised as a reason for homelessness, and is afforded 70 FDA points if the statutory duty is owed;

- Further proposals and developments in other UK jurisdictions raise this issue further. These include the Social Housing Regulation Act (2023) in terms of consumer standards and how this will impact on domestic abuse services;
- Further protection is available in Scotland under the Domestic Abuse (Protection) (Scotland) Act 2021 (Part 2) which creates a new right for social landlords to terminate an abuser's interest in a Scottish secure tenancy, thus enabling the applicant to remain in the family home with the introduction of a new ground for recovery possession, where the tenant engages in domestic abuse¹⁹⁴;
- In England and Wales, the interconnection between unacceptable behaviour and eligibility for social housing is clear. An individual who is experiencing or at risk of violence, due to their own criminal activity or involvement, could be disqualified from joining a housing allocation scheme on the grounds that their behaviour is unacceptable. This applies in Northern Ireland (with caveats in terms of those applying as homeless)¹⁹⁵;
- The Domestic Abuse and Civil Proceedings Act (NI) 2021 is important when considering the inclusion of coercive control in cases of domestic abuse/violence.

The comparative analysis of providers (Section 4) highlighted a number of similarities and differences in the treatment of violence in housing assessment and allocation policies, between Northern Ireland and other UK jurisdictions/Republic of Ireland, as follows:

- Through classification and the points-based system within the scheme rules, higher priority is given in the NI HSS to housing need which meets the definition and threshold of violence related to intimidation (Rule 23), in comparison to domestic abuse/violence. As such there is no recognition that domestic abuse can include a 'threat to life' and that the risk might be greater than other forms of violence;
- In the other UK jurisdictions:
 - Violence and domestic abuse/violence are largely found in the top band or priority area for allocation, albeit that this is frequently alongside other types of violence;

¹⁹³ Improving access to social housing for victims of domestic abuse. Department for Levelling Up, Housing & Communities. November 2018 (last updated January 2022).

¹⁹⁴ It is important to note that NI legislation also provides for this scenario - Ground 2 A of schedule 3 under Art 29 of the 1983 Order) - <https://www.legislation.gov.uk/nisi/1983/1118/schedule/3>

¹⁹⁵ Northern Ireland has disqualification criteria (see HSS Rules 49-51) - a person can be disqualified from joining the Waiting List - however, if they are found to be statutorily homeless this status then overrides the disqualification. [Housing Selection Scheme Rules \(nihe.gov.uk\)](https://www.nihe.gov.uk/Housing-Selection-Scheme-Rules)

- In a small number of cases domestic abuse/violence is deemed to be higher priority than other types of violence (for exceptional cases – including MARAC cases), receiving what are referred to as gold or platinum passes;
- That violence of all types is interconnected to levels of threat and potential harm, rather than specific types of violence;
- In some examples there is a level of delineation based on the severity of violence
- The NI HSS (Guidance Manual) outlines the processes of evidence and verification. In all of the 21 providers analysed, some level of evidence and verification was required. In the majority of cases this included for reasons relating to violence and/or domestic abuse/violence (16 cases);
- In the UK sample, social housing allocation policies tended not to differentiate between the provision of evidence and verification, as two separate and stand-alone processes i.e. production of evidence and verification of evidence;
- Reference was made in other jurisdictions to the use of MARAC as an evidence base for domestic abuse/violence, as well as evidence and verification via police evidence for all types of violence. In addition, reference was made to a wide range of other organisations that could provide documented evidence and/or verification;
- Looking at the provision of information, analysis of the 21 providers indicated that the majority provide a good level of information covering the following:
 - Information on advice and assistance for homeless applicants;
 - Information on support from the provider for homeless or housing applicants who have experienced violence or the threat of violence of any kind;
 - Information on advice, assistance and support from external agencies for homeless or housing applicants who have experienced violence or the threat of violence of any kind.
- Information was largely on provider's websites or a linked website. The quality, range and depth of information available varied greatly. In some cases, it was relatively minimal and in other cases there was a broad variety of helpful and targeted information and opportunities for follow-up;
- The Research Team suggests that some elements of information on the NIHE website need updated e.g. link to Homeless Connect, and that similar to other UK jurisdictions, there should be linkages on the main NIHE website for those seeking housing advice and assistance under a number of headings including domestic abuse/violence.

10.5 Strand B Findings (See Sections 5 – 9)

The stakeholder engagement, investigated the role of the HSS within the wider context of intimidation, violence and threats of violence in Northern Ireland, including domestic abuse/domestic violence, and looking specifically at how violence is classified including levels of risk, evidence and verification systems, support services for victims of violence in a housing context and how non-violent housing need is treated in a comparative sense to housing need where violence is a key factor. Strand B highlighted the following:

Classification of violence

- There were mixed views on the continuation of the current approach to particular types of violence under Rule 23 and the award of intimidation points as follows:
 - The majority of respondents interviewed supported Proposal 7 - the removal of intimidation points for the current categories awarded under Rule 23, noting that they

agreed with the outcome of the public consultation. Some respondents suggested that a category for serious violence and risk to the individual should cover a wider number of types/motivations for violence; and that there should be a level playing field irrespective of why the violence has occurred, with more focus on the impact on housing need in terms of serious or imminent risk or threat to life;

- A number of respondents providing a written submission suggested that intimidation (and the types of violence currently covered by this) should continue to attract a higher level of points (currently 200 points but with some potential to lower this), in line with its current definition under Rule 23. Their rationale was that these individuals/households would be at serious risk if this level of points/weighting was removed;
- However, they did express concern that the current system is flawed, that the level of 200 points for intimidation is too high, and that the level of acknowledge/priority for domestic abuse/violence is inadequate with suggestions that Rule 23 should be extended for other types of violence including domestic abuse;
- The Lived Experience groups had different perspectives on how violence should be treated within the HSS, but all indicated that additional groups/types of violence should receive more recognition than currently provided for;
- Respondents suggested that any classification of violence should relate less (or not at all) to the motivation/source/causation of the violence, and more to the severity, impact and risk level;
- All respondents (irrespective of type/research method) suggested that the wide differential in points, created by the 200 points for intimidation, should be reduced;
- All respondents (irrespective of type/research method) suggested that domestic abuse/violence should be afforded higher priority; with some respondents extending this to other types of violence including as a result of human trafficking or coercive control;
- Some respondents suggested that some types of violence e.g. as a result of anti-social behaviour should not be afforded additional points in the HSS. This also included discussion on organised crime gangs and cross-references to intimidation points, and whether more should be done in terms of disqualification around eligibility and intentionality. In particular reference was made to individuals threatened out of housing due to criminality and anti-social behaviour;
- Across the feedback there was concern about how the current allocation of intimidation points is negatively impacting the allocation of newbuild social housing in some areas.

Level of violence and risk

There was acknowledgement across all stakeholder and research methods that:

- That all of the types of violence discussed could potentially result in death or serious injury;
- That any 'threat to life' should be the predominant factor in any assessment of housing need, as there is a universal need to protect those who are genuinely at risk/in immediate danger from violence;
- That there should be no tangible differentiation between actual or threat of violence, and that the likelihood of any violence should be taken into account on the basis of information available;
- That the following should be taken into account via weighting and/or higher points:
 - the actual or potential severity of the violence;
 - the imminency of the actual or threat of violence;
 - the actual or potential level of harm to the individual or household;

- the persistency of the violence.
- That evidence and verification of any aspect outlined above is critical in the assessment of housing need in relation to violence;
- That the role of the Housing Advisor – including requisite skills and knowledge base – should be reviewed in relation to assessing housing need in the context of actual or threat of violence, and risk levels including risk of serious injury or threat to life;
- That there may currently be differing assessments or application of risk factors through systems such as the MARAC forms; and this can be dependent on who completes the forms;
- In terms of domestic abuse and violence, it is critical that coercive control or behaviour is understood and taken into account in any assessment of housing need;
- That it is important to factor in other wider considerations including whether the violence happened/is happening in the home, and whether there are children in the household who could also be at risk from violence or the impact of violence.

Evidence and verification of violence

- There was universal agreement of the need for a consistent and robust system for the provision of evidence and verification of actual/threats of violence, in relation to all groupings covered by Rule 23 of the HSS;
- Respondents noted that it was the statutory duty of the NIHE to make enquiries and carry out investigations in relation to any application for social housing and/or homeless presentation, and the responsibility of the PSNI to provide evidence and/or verification of any risk identified;
- There is a need for clear communication of all evidence and verification requirements and processes in a format which is understandable, to all potential and actual applicants, taking into account different communication needs and own language engagement to ensure equality of access;
- In addition, the need to minimise any resharing or repeating of information was highlighted, with consideration given to how this potentially retraumatises the applicant. The need for the process to be victim-centric, trauma-informed and done in a timely way was noted;
- A number of concerns were highlighted in relation to the current system relating to evidence and verification. Respondents noted that in some cases there may be difficulties in getting police reports, and combined with this, there was a recognised 'lack of information' in police reports. It was also recognised that whilst the PSNI may have information and data on their systems, this may not be available or released because of restrictions on its usage. The difficulties and challenges facing the PSNI were recognised, in terms of what information they can share, and consistency of practice across geographical areas.
- There was consensus that it was very timely that the current ISP is being reviewed; with feedback that the production of a new DSA to strengthen the arrangements should be taken forward as a priority item;
- In terms of any further evidence or verification requirements, should the current system of awarding points relating to intimidation or other types of violence be revised, respondents suggested the involvement of a more flexible approach including more external agencies ('trusted' or credible partners) with specific knowledge of the individual applicant and/or expertise in the type of violence. Respondents suggested that this should not be a prescriptive list but that the decision maker could look at a range of information and evidence;

- Other groups/agencies were mentioned in terms of providing evidence or verification; these included Homeless providers, Victim Support NI, NIACRO, Assist NI, Men's Advisory project, Social Services, health professionals/ Health & Social Care Trusts, Cara Friend, Queer NI, Migrant Centre, Law Centre NI, Youth Action NI etc;
- In contrast, some respondents suggested that the involvement of wider agencies for evidence and verification may not be the best approach;
- In terms of evidence and verification of domestic abuse/violence, some respondents suggested the use of the MARAC system and risk forms. Drawbacks to this were highlighted including the fact that the domestic abuse/violence may not be reported at all, referral to MARAC is not universal for all applicants, experience of variable marks from MARAC assessments and the level of abuse may not meet the threshold or indeed may be minimised by applicants. It was suggested that the threshold for evidence for domestic abuse/violence should be lower and that the believe principle should be upheld;
- Alternative models of practice around evidence and verification were highlighted, which could bring a different approach into this element of the HSS. These included the Hate Crime Advocacy service, the system for verification of a third child as a result of non-consensual sex in relation to the 2-child limit for Universal Credit (use of health and sexual care professionals to give evidence), the system used by Social Services to check the suitability of potential kinship foster carers (central referral unit and a single point of contact) and systems in relation to adult safeguarding.

Support services for victims of violence

Discussion on support services for victims of violence produced the following conclusions and suggestions:

- ***Availability of support services from the NIHE for those in housing need, where violence is a factor, and the role of the Housing Advisor***
 - Consideration of how to further develop awareness and knowledge amongst Housing Advisors, including development of domestic abuse training, training for all staff and contractors in identifying signs of domestic abuse and other types/forms of violence and the impact on an individual's housing need, together with training to support a more trauma-informed approach;
 - Further development of policies and practice in relation to onward signposting and referral, including to MARAC and other relevant agencies;
 - Development of further information on support services, relating to violence and housing need, on the NIHE website.
- ***Availability of support services from external agencies for those in housing need, where violence is a factor***
 - Consideration across Departments and statutory agencies of the need for support services, relating to housing need and an interconnection to violence, that are equally available and distributed for all victims of violence. Consideration around barriers to and accessibility factors including provision of information, awareness raising, provision to encourage reporting, provision for recording to ensure retelling of a story is not required;
 - Consideration of the need for more specialised support and independent housing advice to support individuals navigating the complexities of violence-related cases, when applying to the NIHE;

- Consideration of how housing need is identified by external agencies, including the PSNI , and referred to the NIHE.
- ***Need for more mediation***
 - Consideration of the need to review and extend mediation models including community mediation, and relating to wider types of violence.
- ***Emergency grant***
 - Review of the availability (and necessity) of an emergency grant for individuals who meet the current threshold relating to intimidation.
- ***Sanctuary scheme***
 - Consideration in line with the recommendations in the independent evaluation, to work with NIFHA in relation to the expansion of the scheme to Housing Association tenants and required sources of funding for this.
- ***Public Health model of violence prevention and reduction***
 - A cross-government commitment and understanding of the public health model of prevention and reduction of violence.

Comparative non-violent housing need

- There was universal consensus that housing need where there is assessed and evidenced violence as a factor, and in particular serious violence where there is a high level of harm and risk to life, should take priority over and above other non-violent housing need. The impact of the violence and the potential significant level of trauma and harm were viewed as the deciding factors;
- However, there was considerable feedback that it is short-sighted not to consider other non-violent reasons for homelessness, at a higher level. Respondents suggested several areas in which applicants should get higher priority than they currently do. Feedback also included the need to think about housing need a wider sense, as the interconnections or movement between non-violent and violent reasons can often be blurred, and one can lead to the other.

10.6 Strand C Findings (See Sections 5 – 10)

The aim of Strand C was to identify options for future provision for victims of violence and those at risk/under threat of violence, within the HSS. The options outlined below have been developed and devised, based on the Strand B findings outlined in Sections 5 to 10 of this report, and taking into account the differing legislative backdrop and policy framework in other UK jurisdictions outlined in Sections 3 and 4 for Strand A. Particular attention has been paid to the treatment of domestic abuse/violence, and related statutory guidance in other jurisdictions, in thinking about alternative approaches in Northern Ireland. The suggested options seek to provide alternative mechanisms to the consideration of violence as a factor in housing need.

As noted throughout this report, the current position in terms of how violence is recognised within the HSS scheme relates directly to the award of FDA, and PSN/OSN points. Motivation is only relevant in Rule 23;

As a result, some types of violence (those defined under Rule 23) can achieve what can be considered 200 points for intimidation. In contrast, other types of violence, including domestic

abuse/violence, are not eligible for the 200 points although they may attract some points under PSN and/or OSN.

Whilst those responding by written submissions argued for the retention of Rule 23, the overwhelming feedback from this study was that there is no longer the need to have such a high differential between different types of violence, and that violence should be considered on a more even playing field, alongside factors relating to its severity or potential impact rather than its motivation or source, and that rather than talking about the removal of intimidation points, a better position would be to talk about treating those with violence as a factor within their housing need on a more equal footing.

Table 15 below outlines all possible options for the reformatting of the system for assessing and allocating housing points, in relation to violence. It is noted that there is a commitment to undertake modelling of the impact of any proposed alternative options to the current points system in relation to the treatment of violence in housing need. In addition, any options considered would need to be tested against other proposals in the FRA, for example including Proposal 10 in relation to a new banding system. These alternative approaches are provided for consideration by the FRA Project team, with a view to options being taken forward to the Minister for Communities, with particular reference to decision-making on Proposal 7 of the FRA. The research also highlighted the need to consider removing the term 'intimidation'.

Final comments

The high level of priority associated with intimidation cases originates from the special treatment afforded by NIHE to emergency housing needs connected to the civil unrest in Northern Ireland and has been in existence for as long as NIHE has existed. Rule 23 reflects broader social policy considerations which were determined at a time of considerable sectarian tension and civil disturbance in Northern Ireland, giving a high level or absolute priority for housing allocations and special treatment to emergency housing needs connected with intimidation and violence arising out of the Troubles. The Rule has also been subject to a number of extensions relating to hate attacks linked to legislative provisions regarding Racial Intimidation, Hate Crime and serious Anti-Social Behaviour (ASB).

The need to retain intimidation points in their current format must in some way take into account the current political situation, and key changes since the approach was introduced. In addition, the overall number of cases awarded intimidation points has decreased steadily over the last seven years, albeit that the biggest type of intimidation across the six recognised areas relates to paramilitary (terrorist) intimidation. Recent data has shown that this can be skewed by specific paramilitary related situations e.g. the feud in Ards and North Down which produced over half of the FDA acceptances citing intimidation (paramilitary) across Northern Ireland in 2022/23.

Strand A of this research provided an insight into how violence is treated in the social housing assessment and allocation schemes in the GB jurisdictions. Whilst acknowledging that intimidation as a separate or defined category does not exist in these schemes, this element of the research did point to the fact that violence, and in many cases serious violence, does attract the highest level of priority, albeit that this is largely in a wider band rather than a specific individual category. In

addition, domestic abuse/violence is often found in the highest band, and in most cases alongside other types of violence.

The need to take into account the impact of Proposal 10 of the FRA has been noted; this will effectively introduce a banding system into Northern Ireland, within which there will be points levels. The bands will mean that applicants on similar levels of need will be in the same band. The weighting of points currently attached to persons falling within Rule 23 (intimidation points) ensures that that applicant's case has an absolute priority over all other cases except for other cases in the same category. Consideration must be given to the level and weighting of an alternative to the current intimidation points vis a vis other levels of Housing Need Factors and the cumulative impact in a new Banding System.

Strand B of this research, where the views of stakeholders and those with lived experience were taken into account, pointed to the complexity of the discussion, and ultimately the need to respond to the current approach where one specific type of violence related to housing need, receives a significantly higher level of points and prioritisation than other types of violence which are serious and can have significant impact.

The HSS is a tool for ranking applicants in relative order of assessed priority need, in order to enable the allocation of what is currently a scarce resource in Northern Ireland; that is social housing. Stakeholder feedback in Strand B acknowledged this; noting that doing nothing was not an option, and consideration should be given to different options for ranking and prioritising social housing applicants, in relation to the acknowledgement of violence within their housing need. The options suggested are outlined below in Table 15.

Table 15: Options for reformatting of HSS in relation to treatment of violence

Title	Description	Research evidence	Notes
Option 1 Do nothing	Maintain the status quo	<p>Analysis from Strand A indicates that no other jurisdiction separates out intimidation as a separate category.</p> <p>Analysis from Strand B indicates that some respondents (mainly in the written responses) would advocate retention of the current system. However, the majority of stakeholders suggested that maintaining the status quo would not be in the best interests of applicants for social housing. They suggested that the intimidation points needed to be in place to protect the most vulnerable applicants. However, there was cognisance that the number of applicants (where intimidation is the reason for homelessness) is relatively low (see table 6) and that any discussion on the award of points needs to include discussion on other types and causation of violence related to housing need.</p>	<p>The 'do nothing' option is usually included in any option appraisal. However, from the consultation responses, and then follow-up by subsequent Ministers, 'do nothing' is not deemed to be a viable option.</p> <p>Advantages of this would include minimal changes to systems, policies and procedures. Disadvantages could include a perception that other types of violence have not been adequately taken into account.</p>

Title	Description	Research evidence	Notes
Option 2 Remove Rule 23 entirely	This was the suggestion in the 2017 FRA public consultation.	<p>Again analysis from Strand A points to a more nuanced position where violence and threat of violence is looked at in other jurisdictions as a whole, rather than identifying specific types of violence such as intimidation. Strand A also highlighted that the other UK jurisdictions have a more developed policy/practice approach in relation to how domestic violence is treated in terms of presenting housing need. However, caution should be applied in making a direct read across from GB as there is no specific legislative criteria in Northern Ireland to support the framing of an Allocation scheme, there is no Code of Guidance or regulations/directives on this from the DfC.</p> <p>The majority of respondents interviewed in Strand B supported Proposal 7 - the removal of Rule 23. A number of respondents providing a written submission supported the continuation of Rule 23; their rationale was that these individuals/ households would be at serious risk if this allocation was removed. However, they did express concern that the current system is flawed, that the level of 200 points for intimidation is too high, and that the level of acknowledgement/ priority for other types of violence is lesser. (See options 3 – 6). Respondents noted that other forms of violence were just as intimidating and had potential for significant harm and loss of life, but were not being treated in the same way as those types of violence currently recognised and prioritised under Rule 23.</p>	<p>This option (removal without replacement) would see all victims of violence (FDAs) receiving 90 points as a minimum (via homelessness and PSN 1). As noted, the Minister did not support this option at the time (2017); however there was majority support for the removal of intimidation points in the 2017 DfC consultation from 66% of respondents (69% support from members of the public). The advantage of this approach would be to create a new baseline relating to housing need where violence is involved.</p> <p>Even with the removal of Rule 23 and the award of intimidation points in specific circumstances, the award of statutory homeless points, PSNs, OSNs and other need factors under the HSS would continue to facilitate the ranking of applicants, where violence has been a factor in housing need, in a fair and equitable way, and enable selection for an allocation of social housing.</p>

Title	Description	Research evidence	Notes
Option 3 Keep Rule 23 as is but reduce points levels	<p>This would retain intimidation points for the groups already under Rule 23 – 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 NIHE’s statutory powers to address neighbourhood nuisance or other similar forms of anti-social behaviour</p> <p>This option would reduce the points level.</p>	<p>Analysis of the approach in other UK jurisdictions highlighted the use of banding, with prioritisation within and between bands. Violence, including domestic violence, was most frequently found in the highest band, albeit that this is often alongside other forms of violence.</p> <p>Feedback in Strand B, as noted above (Option 2), was largely in favour of the removal of Rule 23. Some respondents in the written submissions however highlighted a need to continue to retain intimidation points for those subject to intimidation. Their rationale was that these individuals/households would be at serious risk if this allocation was removed.</p> <p>Respondents provided suggestions about the level of points appropriate for Rule 23 if it was retained in any form. Stakeholders suggested that a differential of 50 – 70 points would be more appropriate rather than 200.</p>	<p>This option would have the advantage of reducing the points differential between those applying for social housing with housing need relating to intimidation, and those applying because of other violence related reasons.</p> <p>This option does not however, do the following which the research has pointed towards:</p> <ul style="list-style-type: none"> - widening out the types of violence included; - specifically recognise other serious violence such as domestic abuse/violence.

Title	Description	Research evidence	Notes
Option 4 Amend Rule 23 to extend causation, keep at 200 points	<p>This would extend the causation examples from current to then include – domestic abuse, human trafficking, coercive criminality. This option would retain points at 200.</p> <p>This option would retain the high bar/threshold of serious and imminent risk to life as in part 1 of Rule 23.</p>	<p>Analysis in Strand A pointed to a number of cases in which domestic violence was in the highest banding (albeit that this is generally alongside other forms of violence), and in a small number of cases received additional priority (for exceptional cases – including MARAC cases). Reference was also made in the analysis of other providers to human trafficking and coercive criminality.</p> <p>Feedback in Strand B, in particular from those with lived experience, pointed to the human impact of other types of violence on housing need.</p> <p>In contrast some respondents felt this approach (widening causation) could be subject to exploitation/abuse by certain groups e.g. criminal gangs, paramilitary groups threatening people in order to access social housing .</p>	<p>This option would have the advantage of extending the causation examples to include violence related to domestic abuse, human trafficking and coercive criminality. This option would retain the points level at 200. In effect this would mean that victims of wider types of violence would be entitled to the same level of priority and points as intimidation points if the risk to them is serious and imminent or someone in the household would be killed or seriously injured. The wording of Rule 23 (ii) could be extended to read: <i>or as a result of actual or potential violence relating to domestic abuse, human trafficking or coercive criminality.</i></p> <p>The main disadvantages relate to the retention of certain groups/individuals receiving much higher levels of points than others with comparative housing need, and the fact that this approach would be untenable in terms of social housing supply. The size of the cohort could increase significantly given the level of applications and acceptances where domestic violence is the reason for homelessness (see tables 10 and 11), together with all other forms of violence or threat of violence. This would ultimately have a significant impact on the housing waiting list, and would counter Communities Minister Carál Ní Chuilín comments (2020) that there was a need to ensure that the manner in which the HSS responds to cases of intimidation does not distort the list.</p> <p>In addition, there would be operational challenges in assessing the evidence and verification processes for this approach. At present the evidential threshold for domestic violence is relatively low; this approach would require a much higher level of evidence and verification which could create difficulties at the assessment process, not least in terms of retraumatising victims.</p>

Title	Description	Research evidence	Notes
Option 5 Amend Rule 23 to extend causation, reduce points from 200	<p>This would extend the causation examples from current to then include – domestic abuse, human trafficking, coercive criminality. This option would reduce points from 200.</p> <p>This option would retain the high bar/threshold of serious and imminent risk to life as in part 1 of Rule 23.</p>	<p>This option would mirror the option outlined above, with the same research evidence.</p> <p>In addition, some respondents suggested an extension of Rule 23, but with a move towards a lesser award of points. As noted above in Option 3, stakeholders suggested that a differential of 50 – 70 points would be more appropriate rather than 200.</p>	<p>This option would be in line with the above option (in terms of the wording), but the level of points allocated under Rule 23 would be reduced. The exact level of points would be subject to wider consideration by the FRA team and DfC.</p> <p>Overall this approach would mitigate against the disadvantage noted above in terms of a wide differential of points, by reducing the level of points available.</p> <p>The reduction in the points level would go some way to mitigate against the challenges outlined above in Option 4 in relation to social housing supply, and the operational practicalities around evidence and verification.</p>

Title	Description	Research evidence	Notes
Option 6 Amend Rule 23 to completely remove causation plus reduce points levels.	<p>This would mean that Rule 23 would only include the first element – the threshold of ‘serious and imminent risk’ would be the sole qualifying criteria. This option would also reduce points from 200.</p> <p>Part 2 of Rule 23 would be removed in terms of causation factors. Whilst Option 6 is closely aligned to Option 5 the difference is that in Option 5 causation examples would be listed, whereas in Option 6 no specific causation examples would be referenced.</p>	<p>Strand A analysis noted how serious and imminent risk is responded to in social housing allocation in the other UK jurisdictions (see Section 3). Reference is made to reasonable preference and additional preference, and to those who require urgent rehousing as a result of violence or threats of violence.</p> <p>Strand B respondents emphasised the importance of the impact of violence, rather than the causation of violence being the primary focus.</p>	<p>The potential advantage of this option would be that causation is not the primary consideration; the key focus is on the threshold of ‘serious and imminent risk’. This may result in administrative benefits, and take away an external focus on those applying for different reasons.</p> <p>The potential disadvantage may be around the ability of all applicants to provide proof/evidence of ‘serious and imminent risk’ and the required verification processes.</p>

Title	Description	Research evidence	Notes
Option 7 Replace Rule 23 – brand new criteria, for example for all high-risk victims of violence, abuse and trauma	<p>In this option Rule 23 would be dissolved, therefore providing a clean break. The new rule would have a clear focus on points to be awarded, for example for high-risk victims of violence.</p>	<p>Strand A highlighted that Northern Ireland is the only jurisdiction/RHP that incorporates this type of approach (Rule 23) into its social housing allocation system. Sections 1 – 3 noted that much of the development of this Rule was historical and the reasons for its continuation, linked to the original rationale, are less evident. Table 6 indicates the lower levels of applications under the heading of intimidation.</p> <p>Strand B pointed to strong support to move away from the rationale for and continuation of Rule 23; with stakeholders pointing to the need to treat all applicants with violence related housing need in the same way, with causation of violence not being the key factor, and rather themes relating to severity and impact being of higher relevance.</p>	<p>This option would make the break with the historical inclusion of ‘intimidation’ points in the HSS. It would enable a redrafting of all of the wording around elements 1 and 2 of the current rule, and would enable the inclusion of some of the learning from other jurisdictions. This option would enable thinking around, for example, new criteria for all high-risk victims of violence, abuse and trauma. The research highlighted options around including a new category for trauma and/or the inclusion of violence at all levels within the PSNs or OSNs, rather than in a separate category.</p> <p>This approach could also include the examples outlined in this research – including where domestic abuse/violence has a lower threshold of evidence and verification (applicant is believed as a fundamental principle) and the examples where domestic abuse/violence gets a top band or a ‘platinum pass’. This would mean that domestic abuse/violence in particular could sit above the other types of violence in terms of evidence thresholds and verification. However, this would produce a potentially wide criteria which may be difficult to define, and open to abuse and challenge. Any expansion would require careful consideration.</p>

Appendix 1 Research Methodology

The research methodology was in three strands as outlined below. To facilitate the management of the research contract a Research Advisory Group (RAG) was established at the outset of the contract period (August 2023 – March 2024). The RAG membership is as follows:

FRA Project Team	Fiona Neilan – FRA Project Manager (Chair)
FRA Project Team	Sarah McCloy – FRA Deputy Project Manager/Contract Manager
FRA Project Team	Michael McAuley – FRA Policy Officer
DfC	Ciara Lynch – Social Housing Policy Team
DfC	Ronan Murphy – Social Housing Policy Team
NIHE	Richard Tanswell – Head of Homelessness policy
NIHE	Ursula McAnulty – Head of Research
NIHE	Eileen Thompson – Area Manager – North Down & Ards
NIHE	John Kane – Housing Policy Manager
NIHE	Julie Alexander – Head of Housing Policy & Tenancy Management
Research team	Fiona Boyle – Lead Researcher - Fiona Boyle Associates
Research team	Dr. Kelly Henderson – Research Collaborator - Addressing Domestic Abuse CIC

Strand A: In-depth examination and comparative analysis of housing allocation policies, procedures and support provision in place for target group

Strand A comprises the selection of 21 housing organisations and local authorities in England, Scotland, Wales and the Republic of Ireland, in order to review their housing allocation policies, procedures and support provision for the target group¹⁹⁶. A further three providers were examined in more detail.

The NIHE client provided suggestions for similar/comparable areas to Northern Ireland in terms of housing demand and supply, from benchmarking with their housing peer group (Appendix 10). The list was agreed with the RAG at the outset of Strand A (Appendix 7).

The research consultants develop a Framework for Assessment (Appendix 8) with multiple variables, to enable examination and comparison of the following areas:

- Classification – including language
- Comparative recognition of housing need – including relative prioritisation levels
- Verification – how threats or actual violence against the target group are verified
- Access to support services via housing and homelessness assistance for victims of violence

Strand A also included a full quantitative analysis of the number of households affected by violence/domestic abuse in Northern Ireland (as cited in their application), and a desk-top review of how the current HSS recognises these factors.

Strand B: Qualitative data collection via stakeholder engagement

Strand B involved qualitative interviews and focus groups with a range of key respondents to examine what role the HSS should have within the wider context of intimidation, violence and threats of violence in Northern Ireland, including domestic abuse/domestic violence (See Appendix 11: Strand B participants – Interviews and Focus groups). The overall focus of the stakeholder engagement was on options for moving away from the current system of weighting and verification towards other options

¹⁹⁶ The target group are victims of violence and those at risk/under threat of violence including victims of domestic abuse.

which create a more level playing field for all victims of violence and those threatened with violence including those who experience domestic abuse/violence, and verification systems for all applicants in such circumstances.

This stage covered three main groupings as required by the Research specification, as follows. Research tools and scenarios (see Appendix 5) were developed for Strand B

Government stakeholders: relevant NIHE staff (policy and operational sections) and senior Housing Association (HA) professionals, DfC, and other relevant Departments/agencies (DoJ, PSNI, Criminal Justice Inspection NI, NI Executive Office etc.) to provide a cross-sectoral approach. See Appendix 11.

Wider stakeholder groups: relevant advocacy and community groups were asked to participate in interviews and small group discussions; see Appendix 11. In addition, to ensure wide input of views a list of relevant respondents was developed in conjunction with the RAG, and groups/individuals were invited to make a written submission. See Appendix 12 for respondents.

Current Waiting List Applicants: following discussion at the first RAG meeting it was agreed that rather than individual interviews which might be focussed solely on the individual's situation, that a more appropriate methodology would be using co-production techniques with Lived Experience Groups. A total of four focus groups; see Appendix 11.

Strand C: Analysis and production of final report

This strand utilised findings from both Strands A and B, together with a literature review and contextual/background piece on the factors relating to the allocation of social housing viz a viz the additional needs of the target group. In particular this strand enabled the exploration, conclusions and recommendations around the options for future provision within the HSS for the target group, with particular reference to assessment, verification and prioritisation of their housing need, and how different options would work operationally.

Appendix 2 Housing Selection Scheme - Points Schedule

Section	Category	Sub-categories		Points
Section 1	Intimidation			200
Section 2	Insecurity of tenure	Homeless/Threatened with Homelessness -Full Duty Applicant (FDA)		70
		Other Homeless		50
		Interim accommodation		20
Section 3	Housing Conditions	Sharing – An applicant with dependent children	Sharing kitchen	10
			Sharing living room	10
			Sharing toilet	10
			Sharing bath/shower	10
		An applicant aged 18 years and over without dependent children	Sharing kitchen	5
			Sharing living room	5
			Sharing toilet	5
			Sharing bath/shower	5
		An applicant aged 16 -18 years without dependent children	Sharing kitchen	5
			Sharing living room	5
			Sharing toilet	5
			Sharing bath/shower	5
		Overcrowding	Each bedroom short of criteria	10
		Lack of amenities and disrepair	The applicant’s current accommodation is not free from serious disrepair.	10
			The applicant’s current accommodation is not free from dampness which is prejudicial to the health of the occupants.	10
			The applicant’s current accommodation is not free from dampness which is prejudicial to the health of the occupants.	10
			The applicant’s current accommodation does not have adequate provision for lighting, heating and ventilation.	10
			The applicant’s current accommodation does not have an adequate supply of wholesome water.	10
Section 3/Cont.	Housing Conditions /Cont.		Lack of amenities and disrepair/Cont.	The applicant’s current accommodation does not have satisfactory facilities for the

			preparation and cooking of food, including a sink with a satisfactory supply of hot and cold water.	
			The applicant's current accommodation does not have a suitably located water closet (w.c.) for the exclusive use of the occupants.	10
			The applicant's current accommodation does not have, for the exclusive use of the occupants a suitably located fixed bath or shower, each of which is provided with a satisfactory supply of hot and cold water.	10
			The applicant's current accommodation does not have an electricity supply.	10
		Time in Housing Need	(Only awarded to applicants with points on the Waiting List. 2 points per year (for a maximum of five years) after two years on the Waiting List)	Max 10
Section 4	Health & Social Well Being	Functional Matrix		Max 32
		Unsuitable accommodation		10
		Support/Care Needs Matrix ¹⁹⁷	Home Management	Max 16
			Self-care	Max 14
		Each Primary Social Needs Factor - capped at 2 factors i.e. 2x 20 points		20
		Each Other Social Needs Factor - capped at 4 factors i.e. 4x10 points		10
		Complex Needs (General Needs Housing)		20
		Under occupation (Transfer Applications only) 10 points per room in excess		Max 30

¹⁹⁷ Only applicable to those applying for Sheltered/Supported Housing

Appendix 3 Housing Selection Scheme - Rule 23 - Intimidation

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

1. The applicant's home has been destroyed or seriously damaged (by explosion, fire or other means) as a result of a terrorist, racial or sectarian attack, or because of an attack motivated by hostility because of an individual's disability or sexual orientation, or as a result of an attack by a person who falls within the scope of the NIHE's statutory powers to address neighbourhood nuisance or other similar forms of anti-social behaviour; or
2. The applicant cannot reasonably be expected to live, or to resume living in his/ her home, because, if he or she were to do so, there would, in the opinion of the Designated Officer, be a serious and imminent risk that the applicant, or one or more of the applicant's household, would be killed or seriously injured as a result of terrorist, racial or sectarian attack, or an attack which is motivated by hostility because of an individual's disability or sexual orientation, or as a result of an attack by a person who falls within the scope of the NIHE's statutory powers to address neighbourhood nuisance or other similar forms of anti-social behaviour.

Appendix 4 Primary Social Needs and Other Social Needs

Rule 43 Primary Social Needs

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

1. Where the applicant or a member of the applicant's household is experiencing or has experienced violence or is at risk of violence including physical, sexual, emotional or domestic violence ¹⁹⁸ or child abuse.
2. Where the applicant or a member of the applicant's household is experiencing or has experienced harassment, including racial harassment and there is fear of actual violence (but the criteria for the award of Intimidation points (see paragraph 23) are not met).
3. Where the applicant or a member of the applicant's household, is experiencing or has experienced fear of actual violence for another reason and the applicant is afraid to remain in his / her current accommodation.
4. Where the applicant, or a member of the applicant's household, is experiencing or has experienced distress / anxiety caused by recent trauma which has occurred in the applicant's current accommodation.
5. Where, in the opinion of Social Services, there is a need for re-housing, to prevent the applicant or a member(s) of the applicant's household going into care.
6. Where Social Services recommend that the applicant or a member of the applicant's household, move to larger or more suitable accommodation to enable him / her to become or continue to be a foster parent.
7. Where families with dependent children are living apart because of overcrowding or tension in previous accommodation, or where living together would result in children living in unsuitable accommodation.
8. In circumstances analogous to those listed in sub-paragraphs 1) to 7) above.

Rule 44 Other Social Needs

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

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

¹⁹⁸ Note this was the wording of Rule 43 when the Report was undertaken. However, a technical amendment is proposed to the Rule to change 'violence' to 'abuse'

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.
5. Where the applicant's current accommodation is too expensive.
6. Where the applicant and member(s) of the applicant's household, are unable to maintain their current accommodation.
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.
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.
9. Where the applicant is unable to reside with his / her partner for reasons beyond their control and there are no dependent children.
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.
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.
12. Where the applicant needs to live in area to receive or give support.
13. Where the applicant needs re-housing to be near to family for the provision of child-care to assist employment.
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.
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.
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.
17. In circumstances analogous to those listed in sub-paragraphs 1) to 16) above.

Appendix 5 Housing Scenarios

These scenarios are concerned with the treatment of violence and domestic abuse in housing allocation schemes. They are designed to try and examine the following factors:

1. What priority is given to victims of violence (non-domestic abuse)?
2. Is there any delineation in priority for actual vs threatened violence and/or in turn for the severity of (potential) violence and level of harm experienced or future risk?
3. What evidence (of violence, of threat, of potential severity/level of harm) is required?
4. How is the evidence asked for or obtained by the social landlord? (Probe any differential between domestic and non-domestic violence)
5. What verification is required and from whom? Is there any stair-casing of verification (that is does a more serious risk bring a higher priority and in turn a more robust or different verification process)?
6. In the above questions (1 – 5) is the situation or response any different if the violence/threat of violence is related to either domestic abuse or domestic violence?
7. Do any of the aggravating factors in the threat of/actual violence (race, religion, sexual orientation, disability) have any impact upon the priority afforded to an individual?
8. Does the behaviour of the individual experiencing or at risk of violence have any impact? Perhaps most specifically does the scheme treat someone at risk because of their own criminal activity or involvement any differently?
9. Is any of the above (response to violence of any type within their housing allocation policy) dependent on whether the applicant is (a) an existing tenant of the social landlord or (b) an external applicant?

These scenarios were developed and 'pointed' by the NIHE using the HSS Guidance, Rules and Points Schedule and by the NIHE. The text **in red** indicates the points that would be allocated under the HSS.

Domestic Abuse Scenarios

1. **Woman with no dependents presents reporting a period of emotional abuse including gas-lighting, isolating from friends and derogatory remarks but no physical or any (apparent) fear of physical violence. This would likely attract 70 homeless points and 20 PSN points factor 1 under HSS. Likely total = 90 points.**

What priority would this person received under your allocation scheme?

What verification of the circumstances would be required and from whom?

If the woman was also fearful of physical violence would the priority change?

If the woman also had dependent children would this priority change?

2. **Woman presents and reports numerous incidents of physical abuse (no significant or serious physical injury sustained but has been punched on several occasions which have left a mark). Police have attended property on a small number of occasions and perpetrator arrested on one occasion but no charges brought. This would likely attract 70 homeless points and 20 PSN points factor 1 under HSS. Total = 90pts.**

What priority would this person received under your allocation scheme, is this any different from 1?

What verification of the circumstances would be required and from whom?

If the woman also had dependent children would this priority change?

3. **Woman presents having been the victim of serious physical assaults and had been hospitalised on two occasions. Police aware and have classified victim as high risk and case has been referred to MARAC. Victim does not want to press any charges. This would likely attract 70 homeless points and 20 PSN points factor 1 under HSS. There is also a possibility it would attract an additional 20 points under PSN factor 4. Distress relating to recent trauma however there are a number of criteria which must be satisfied here:** *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. 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. All criteria must be met. So likely total without PSN 4 = 90 points.

With PSN4 110 points.

What priority would this person received under your allocation scheme?

Is this priority any different from 1 and 2?

What verification of the circumstances would be required and from whom?

Which is most influential in scheme terms, the violence experienced or the potential future risk (if either).

If the woman also had dependent children would this priority change?

Disability; Race; and, Sexual Orientation Scenarios

4. **A man reports problems in neighbourhood where he feels uncomfortable and perceives himself to have been a victim of verbal abuse on a number of occasions because he has a curvature of the spine. No physical violence had taken place. This case may attract homeless points depending on the impact the verbal abuse is having on the victim but this is not guaranteed. The question would be given the abuse and the impact it had on the victim is it reasonable for him to continue to occupy his home? If FDA awarded = 70 points. Then would be 10 Other social needs points for Harassment with no fear of violence. Likely points level 10 points if found not homeless 80 points if FDA awarded.**

What priority would this person received under your allocation scheme?

What verification of the circumstances would be required and from whom?

If disability was not perceived or established as a factor in this would the priority be any different?

Are there any other circumstances in this case which would increase the priority he would receive as a result of this abuse?

5. **A man reports that an individual within his neighbourhood has threatened him whilst using a racial slur following a disagreement there was a low level amount of physical violence (pushing and shoving). The man is fearful that he may be subject to more serious violence from the individual in the future. This would likely attract 70 homeless points and 20 PSN points factor 1 under HSS. Likely total = 90 points**

What priority would this person received under your allocation scheme?

What verification of the circumstances would be required and from whom?

If the threat was a specific threat to kill would this make any difference? Would any judgment on the likelihood of this threat being carried out be made and would this influence the priority the individual received?

If race was not a perceived factor in this case would the priority the individual receives be any different?

Are there any other circumstances in this case which would increase the priority he would receive as a result of this abuse?

6. **A young man has been the victim of a serious assault by someone else living in his locality he believes on the basis of his sexuality. He was knocked unconscious and received hospital treatment for several broken bones he lost part of his nose in the attack. This would likely attract 70 homeless points and 20 PSN points factor 1 under HSS so long as the attack was relatable in some way to his accommodation and reasonableness of continuing to occupy. Unlikely to attract PSN 4 but it could be considered. Likely points Level – 90 points**

What priority would this person receive under your allocation scheme?

Is this priority any different from 1 and 2?

What verification of the circumstances would be required and from whom?

If sexuality was not perceived or established to be a factor in this scenario would the priority received by any different?

Are there any other circumstances in this case which would increase the priority he would receive as a result of this abuse?

Other Scenarios

7. An individual's home is attacked via graffiti and egg throwing on the basis of his Jewish religion. No physical violence has occurred.

This case may attract homeless points depending on the impact the abuse was having on the victim but this is not guaranteed. The question would be given the abuse and the impact it had on the victim is it reasonable for him to continue to occupy his home? If FDA awarded = 70 points. Then would be 10 Other social needs points for Harassment with no fear of violence. If however, the applicant had a genuine fear that violence may occur then could be considered for PSN 2 Harassment with a fear of violence = 20 points.

Likely points level – 80 points.

What priority would this person receive under your allocation scheme?

What verification of the circumstances would be required and from whom?

If the individual was also fearful of physical violence would the priority change?

Are there any other circumstances in this case which would increase the priority he would receive as a result of this abuse?

8. A man presents for rehousing. He advises that he has run up a drugs debt with a criminal gang who are now threatening him with violence but no violence has yet occurred.

If violence threat connected to home and verified Homeless 70 points, one of the PSNs will also be awarded most likely PSN1. So 90 points. If threat was from a paramilitary gang and serious and imminent risk of being killed or seriously injured then 200 intimidation points could be considered. So 90 points or 290 points.

What priority would this person received under your allocation scheme?

What verification of the circumstances would be required and from whom?

Does any evaluation on the possible level and likelihood of violence influence the priority the individual would attract?

9. A man presents for rehousing. He advises he was a member of a gang caught up in a feud and was seriously physically attacked and stabbed requiring 10 days in hospital. He is fearful of further attack in and around his home.

If verified Homeless 70 points, one of the PSNs will also be awarded most likely PSN1. So 90 points. PSN 4 could also be considered. If threat was from a paramilitary gang (NOT SOLELY CRIMINAL) and serious and imminent risk of being killed or seriously injured then 200 intimidation points could be considered. So 90 points or 290 points or possible 110 or 310.

What priority would this person received under your allocation scheme?

How does this differ from 1 and 2?

What verification of the circumstances would be required and from whom?

Which is most influential in scheme terms, the violence experienced or the potential future risk (if either).

10. A young mother presents advising she has been threatened with being burnt out by a criminal gang she has reported to police and is due to testify against them.

If verified Homeless 70 points, one of the PSNs will also be awarded most likely PSN1. So 90 points. If threat was from a paramilitary (NOT SOLELY CRIMINAL) gang and serious and imminent risk of being killed or seriously injured then 200 intimidation points could be considered. So 90 points or 290 points

What priority would this person received under your allocation scheme?

How does this differ from 1, 2 and 3?

What verification of the circumstances would be required and from whom? Would this include an assessment the level of risk or harm the individual is likely to be exposed to?

Appendix 6 HSS Guidance – Chapter 3.3.3 Intimidation: Assessment Procedures

The procedure to be adopted by NIHE 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.

(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 NIHE 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. 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. 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 HE 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 NIHE permission to seek information. The applicant and NIHE 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 NIHE 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 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.

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 **Base2** 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 **Base2** representative).

All reports received by post (from all agencies statutory or otherwise) should be presented to the HE 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 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).

Appendix 7 List of Local Authorities/Councils and Registered Social Landlords – Strand A

Region	Number	Social Landlords
England	1	Birmingham City Council
	2	Sheffield City Council
	3	The Guinness Partnership
	4	Bromford Group
	5	Aster Group
	6	Nottingham City Homes
	7	Your Homes Newcastle
	8	London Borough of Hackney
	9	Walsall Housing Group
	10	Royal Borough of Greenwich
Scotland	11	Wheatley Homes Glasgow
	12	City of Edinburgh Council
	13	South Lanarkshire Council
Wales	14	Cardiff Council
	15	Wrexham Council
	16	Powys Council
Republic of Ireland	17	Cavan County Council
	18	Wexford County Council
	19	Dublin City Council
	20	Limerick City & County Council
	21	Louth County Council

Appendix 8 Framework for assessment and comparative analysis – Strand A

Note: The parts in **red below** indicate the areas the Research Team searched for in the available documentation and what we hoped to obtain from each individual assessment.

Background and context

Name of landlord	
Level of social housing stock	
Jurisdiction	
Background	
Contact Details	
Statutory/legislative framework	

Overview – policies and procedures – availability of written material

Social housing – allocation policy	Available on website: Yes/No	Available direct from landlord: Yes/No	
Social housing – allocation practice/procedures – including application form	Available on website: Yes/No	Available direct from landlord: Yes/No	Available via a shared portal: Yes/No
Homelessness policies and practice	Available on website: Yes/No	Available direct from landlord: Yes/No	
Links to items noted above	To include weblinks and policy documents.		

Classification: Use of language and terminology – Initial scan¹⁹⁹

Word or term	Noted in social housing allocation policy		Noted in social housing application form/allocation practice		Noted in homelessness policies and practice	
	Yes/No?	Number	Yes/No?	Number	Yes/No?	Number
Violence						
Abuse						
Trauma						
Threat/Risk/At Risk						
Domestic violence						
Domestic abuse						
Coercive control						
Intimidation						
Harassment						
Paramilitary						
Sectarian						
Drugs, feuds, gangs or community based ²⁰⁰						
Hate Crime						
Police						
Vulnerable						
Disability						
ASB – Anti-social behaviour						
Race/Racial						
Sexual orientation						
Points						
Weighting						
Banding						
Priority						

¹⁹⁹ Initial analysis of whether certain words appear or do not appear in various documents or wording.

²⁰⁰ May also include – criminality and organised crime – violence or threat of violence as a result of this.

Word or term	Noted in social housing allocation policy		Noted in social housing application form/allocation practice		Noted in homelessness policies and practice	
	Yes/No?	Number	Yes/No?	Number	Yes/No?	Number
Transfer						
Witness Protection						
Human trafficking						
Home takeovers						
Serious						
Imminent						
Low risk						
High risk						

Classification: Use of language and terminology – Secondary scan

Note: Within this area, please note any differentiation between tenants (applying for a management transfer) or applicants (applying for a tenancy)

Are the terms clear and easy to understand? Are terms defined and explained? Is this provided in easy-to-understand format and without unnecessary jargon?

Qualitative scan of how any words and terms are used – are they used to include or exclude the applicant? Does the language used infer any suggestion of blame?

**If the term violence or violent behaviour is included in any of the policies or procedures, is there any recognition or delineation in terms of the level or severity of the violence? Yes/No. If so – please specify how this is noted or described e.g. as per Rule 23 in Northern Ireland is there recognition of someone being killed or seriously injured?

Any items which have more incidence or higher weighting/priority?

*** If the words serious, imminent, low-risk or high-risk appear – provide details of the context of this – what are they describing?

Combination of any of the terms e.g. they need to co-exist?

Are there options for follow-up or further explanation of this information – web links, helplines etc.

Comparative recognition of housing need: Weighting and pointing mechanisms

Note: Within this area, please note any differentiation between tenants (applying for a management transfer) or applicants (applying for a tenancy)

Is there a pointing or weighting or banding system to prioritise persons at risk of violence/victims of violence, including victims of domestic violence/abuse, over other significant but non-violent related housing need?	Yes/No/Partially
How is it operated?	Clear in application form/administered by staff – when application is submitted
How are points or priority assessed? How is inclusion in a band/banding done?	Clear information on points, prioritisation and banding – and what documentation is needed
How are points or priority allocated? Or banding awarded?	Clear information on level of points and what they are for, and how they are allocated?
What is the relative weighting/prioritisation within the system?	Is this clear? Is this documented in the information/ Note any list of points, priority and weighting that is provided?
What are the 'top' points, priority or weight allocated to?	Note what comes out at the top?

Verification of threats of violence and actual violence: evidence and verification processes

How are threats of violence and actual violence, including victims of domestic violence/abuse evidenced?	Clear information on what information and evidence the applicant has to provide to the social landlord? Is the evidence required/route to provide evidence different depending on the type/nature or severity of the violence?
How are threats of violence and actual violence, including victims of domestic violence/abuse verified?	Clear information on how the assessment and allocation of points is verified – internal or external? Statutory or voluntary organisation? Mandatory or optional verification? One organisation or range of organisations? Clarification re involvement of relevant police authority?

Access to support services via housing and homelessness assistance: Policies and procedures for support and examples of provision

Note: Within this area, please note any differentiation between tenants (applying for a management transfer) or applicants (applying for a tenancy)

What form of advice and assistance is provided for homeless applicants by the social landlord?	Outline wording and examples of advice and assistance provided – what it covers
What form of <u>support</u> is provided for homeless or housing applicants who have experienced violence or the threat of violence of any kind by the social landlord?	Outline wording and examples of support provided – what it covers, how it is obtained or accessed, if there are eligibility criteria – available to all or certain groups? <u>Include support which is provided/funded by (a) the RSL and (b) other statutory or voluntary/community sector organisations. Note: in some cases, the funding may be mixed sources or funding sources may not be apparent.</u>
What form of advice, assistance and support is provided by external agencies in relation to housing or homeless applicants who have experienced violence or the threat of violence of any kind? (this information being referenced in the social landlord's policy and practice)	Outline wording and how the applicant accesses advice, assistance and support from external agencies, including how referrals are made/to whom. Outline the nature and range of external agencies.

In this part of the Framework we are interested to explore any of the following (this is not an exhaustive list):

- Verbal and written information from the social landlord – in various formats including face-to-face via a housing advisor, leaflets and online;
- Support from the social landlord for any of the following: e.g. support with application, support to move immediately because of a threat, support to remain or return to own home, ongoing support in cases of threats;
- Support from a range of statutory and voluntary sector organisations, which the social landlord refers to or signpost to via their policy and practice – e.g. support with application, support to move immediately because of a threat, support to remain or return to own home, ongoing support in cases of threats;
- Support in the form of mediation and community intervention and support;
- Home safety devices including alarms and schemes such as the Sanctuary Scheme²⁰¹.

²⁰¹ [Sanctuary schemes for households at risk of domestic violence: guide for agencies - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/sanctuary-schemes-for-households-at-risk-of-domestic-violence)

Appendix 9: Raw data from Section 4: Comparative Analysis UK and RoI – treatment of violence in housing assessment and allocation policies

Table 1: Occurrence of word/terms in social housing allocation documentation (full sample)

Word/Term	Occurrence – number of providers using word/term		
	Social housing allocation policy	Social housing application form ²⁰²	Other paperwork ²⁰³
Violence	15	-	-
Abuse	12	1	1
Trauma	4	-	1
Threat/Risk/At risk (related to violence)	14	1	1
Domestic violence	7	-	-
Domestic abuse	10	1	1
Coercive control	1	-	-
Intimidation	8	-	-
Harassment	12	1	1
Paramilitary	-	-	-
Sectarian	-	-	-
Drugs, feuds, gangs or community based ²⁰⁴	4	-	-
Hate crime	5	-	-
Police or An Garda Síochána ²⁰⁵	17	6	1
Vulnerable (related to violence)	12	-	1
Disability (related to violence)	17	6	1
Anti-social behaviour (related to violence)	12	6	-
Race/Racial (related to violence)	8	-	1
Sexual orientation (related to violence)	7	-	1
Witness Protection/Witness Mobility	12	-	1
Human trafficking	1	-	-
Home takeovers/cuckooing	-	-	-
Total number of providers	21	21	21

²⁰² Only accessible in some cases; in most cases need to register online as an applicant to see their application form.

²⁰³ Including other points or schedules.

²⁰⁴ May also include – criminality and organised crime – violence or threat of violence as a result of this.

²⁰⁵ An Garda Síochána – police force in the Republic of Ireland - [Home - Garda](#)

Table 2: Providers – Type of housing allocation scheme (full sample)

Jurisdiction	Provider	Nature of housing allocation scheme
England	Birmingham City Council	Banding system – with priority attributed to each band level but not within bands In all cases – combination of choice-based lettings schemes, Local Lettings policies and Nomination agreements with local authorities
	Sheffield City Council	
	Your Homes Newcastle	
	Nottingham City Homes	
	Royal Borough of Greenwich	
	London Borough of Hackney	
	Aster Group	
	The Guinness Partnership	
	Walsall Housing Group	
	Bromford Group	
Scotland	Wheatley Homes Glasgow	Banding system with choice-based lettings
	City of Edinburgh Council	Largely banding – with 2 landlords – points-based
	South Lanarkshire Council	Local Lettings – with points-based system, including cap on maximum points, and stand-alone points for some circumstances
Wales	Cardiff Council	Banding system – with priority attributed to each band level but not within bands Some Local Lettings policies and Nomination agreements with local authorities
	Wrexham Council	
	Powys Council	
Republic of Ireland	Cavan County Council	Points-based and priority system
	Wexford County Council	Banding and priority system
	Dublin City Council	Banding and priority system
	Limerick City & County Council	Banding and priority system
	Louth County Council	Priority based system and choice-based lettings

Table 3: Providers – Treatment of violence including domestic abuse/violence within banding/pointing

Provider	Treatment of violence including domestic abuse/violence within banding/pointing
Birmingham City Council	<p>This Council operates a choice-based lettings scheme and a Local Lettings plan²⁰⁶. Applicants are accepted onto the housing register if they have a housing need. Applications are placed into one of four Priority Bands. Band A includes those with a very urgent need to move, including those with a threat of abuse, violence or harassment including victims of domestic abuse, racial harassment and victims of hate crime due to age, disability, gender reassignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief, sex, sexual orientation. Witnesses of crime or victims of crime are also included in Band A.</p>

²⁰⁶ Section 167 (2E) Housing Act 1996 allows housing authorities to allocate accommodation to people of a particular description by means of Local Lettings Plans.

Provider	Treatment of violence including domestic abuse/violence within banding/pointing
Sheffield City Council	This Council also operates a choice-based lettings scheme and a Local Lettings policy. This Council has five Priority Bands . These are labelled as A – Critical, B – Urgent, C – Extra Consideration, D – Waiting time and E – Reduced Preference. Priorities covered by Band A include health (where a person's health may be at risk and returning to the property would put them at risk), welfare, hardship and support (example given of flooding and home not habitable) and safeguarding cases where an urgent move is required. Domestic abuse is not specifically mentioned but may be included. Band B covers factors such as significant health conditions, and welfare, support and hardship needs. The latter includes wording around applicants who have suffered violence or threats of violence, or severe mental trauma from extreme harassment; also, overcrowding and unsatisfactory living conditions. Band E may include those who have caused unacceptable behaviour, and the Council may decide not to make them an offer of accommodation.
Your Homes Newcastle	This provider manages the Choice Based Lettings policy on behalf of Newcastle City Council and its partner providers through the Housing Options Service. They use a four-part banding system from Band A to Band D. Band A includes those with immediate and exceptional need or at risk of serious harm, and outlines situations and circumstances relating to violence, domestic violence, harassment and intimidation. MARAC is referenced. Band B also has provision for those experiencing violence of different types and also homelessness. The wording includes: <i>you are experiencing domestic violence or abuse including controlling, coercive or threatening behaviour, you are experiencing harassment amounting to violence or threats of violence, you are homeless and the Council has a legal duty to house you.</i>
Nottingham City Homes	This provider has a banding scheme with four bands from A to D. Band A includes 16 categories, one of which is severe harassment, domestic abuse or threats of violence.
Royal Borough of Greenwich	This is a Choice based lettings scheme called 'Greenwich Homes' with a banding system with Bands A, B1, B2 and C. Band B1 includes applicants with reasonable preference that the Council must prioritise for housing including homeless and those with medical or welfare grounds, households with a need to move to avoid domestic abuse, those who need to move to avoid racial, faith, homophobic or disability harassment and emergency transfers to move to avoid serious risk.
Aster Group	The Aster Group operates a choice-based lettings scheme via a number of local authorities. In this study we reviewed this in relation to Devon Home Choice. This scheme assesses need via a banding system with bands A to E. Band A, for emergency housing need, includes for an applicant who needs to move due to threat of serious domestic abuse or other violence, or serious harassment. Band B also references high housing need, and includes statutorily homeless households, which includes people fleeing domestic abuse who are living in refuges. This band also includes victims of anti-social behaviour.

Provider	Treatment of violence including domestic abuse/violence within banding/pointing
Walsall Housing Group (WHG)	<p>The WHG has a banding system with four levels; the top two bands make reference to domestic abuse and violence. These are outlined as follows:</p> <p>Gold Band – Urgent need to move due to reasonable preference. Exceptional need to move includes applicants who need to move due to domestic abuse, extreme violence or extreme harassment.</p> <p>Silver Band – Need to move due to reasonable preference/recognisable need. This includes homeless people (including where there may be violence/domestic abuse) and those with hardship, welfare and exceptional needs.</p> <p>In this scheme it is interesting that the Head of Housing can override the scheme to cater for any exceptional circumstances.</p>
Wheatley Homes Glasgow	<p>This provider uses a Housing Options approach to assessing housing need, and place households into appropriate bands; a choice-based lettings approach is also used. There are nine bands for different circumstances. Violence may be included in Band A (Strategic), under the wording relating to exceptional level of housing need, and requiring rehoused urgently. Domestic abuse is specifically mentioned under Band A. Further reference to those affected by violence etc. would also come under Band B for those homeless applicants.</p>
South Lanarkshire Council	<p>This Council utilised a pointing system for housing allocation and transfers, and works through Local Lettings plans. Those falling into the waiting list are allocated points as follows:</p> <p>Medical need – 120 points</p> <p>Insecurity of tenure – 60 points</p> <p>Tied tenants – 150 points (tied tenants do not qualify for points under any other category)</p> <p>Overcrowding – 40 points for each extra bedroom required (up to max 160 points)</p> <p>Care and support – 60 points</p> <p>Under-occupancy – 10 points for each extra bedroom not required (up to max 40 points)</p> <p>The system does not provide any input for the prioritisation of persons at risk of violence/victims of violence, including victims of domestic violence/abuse. Points of interest from this approach are (a) the capping of overall points for certain circumstances e.g. overcrowding and (b) the allocation of points for one area, i.e. tied tenants means that they cannot be afforded other points for different circumstances.</p>

Provider	Treatment of violence including domestic abuse/violence within banding/pointing
Cardiff Council	This Council uses a priority scheme to assess housing need, and places applicants in different headings with further bands within these. Assessment of this scheme suggests that those experiencing violence or domestic abuse would fall into the immediate priority category (the top priority) or an additional area (exceptional circumstances) where immediate rehousing is instigated.
Powys Council	This Council operates a Common Housing Register (with 7 Housing Associations) and a Common Allocations Scheme, with five housing need bands outlined below. The bands are referred to as priority bands, <i>depending on the type and urgency of ...housing needs and requirements</i> . Priority Band 1 is for exceptional circumstances including community safety, violence, domestic abuse etc. together with other circumstances such as natural disaster, extraordinary medical needs etc.
Cavan County Council	This Council operates a points-based priority system for housing allocation. The Research Team's assessment is that violence, including domestic abuse/violence could fall into the category of compassionate grounds or family circumstances, or under the heading of homelessness (depending on the reasons included). This scheme is interesting in that it is points-based and it sets a maximum cap on the total number of points any applicant can accumulate (total maximum points – 77 points).
Wexford County Council	This Council operates a priority-based banding system, with 11 bands. The Research Team's assessment of this scheme suggests that violence, including domestic abuse/violence would fall into Priority Band 1 – where there is <i>a serious and immediate risk to their health and safety by their continued occupation thereof</i> and that Band 3 would also be a potential under the heading of homelessness.
Dublin City Council	This Council operates a priority allocation system with three Bands. The Research Team's assessment of this scheme is that those experiencing violence, including domestic abuse/violence, would fall into the category of welfare grounds (in Band 1), although these specific terms are not highlighted.
Limerick City & County Council	This Council operates a priority system for housing allocation, with nine priority areas. The Research Team's assessment of this scheme is that those experiencing violence, including domestic abuse/violence, would fall into Priority 2 (under homelessness) or Priority 4 (under compassionate grounds). In addition, this Council has a further caveat: <i>the Housing Authority may disregard the order of priority</i> for various circumstances including emergency grounds. Again, there is the option that this may include violence or domestic abuse grounds.

Table 4: Evidence²⁰⁷ and Verification²⁰⁸

Access to different types of support	Number of providers
Reference to evidence/information required for assessment of social housing application ²⁰⁹	21
Reference to evidence required for threats of violence and actual violence, including victims of domestic violence/abuse	16
Explicit reference to verification required for threats of violence and actual violence, including victims of domestic violence/abuse	10
Total number of providers	21

Table 5: Providers – References to evidence and verification

Provider	References to evidence and verification
Birmingham City Council	<p>The Allocations policy for this Council outline the evidence requirements for witnesses of crime, or victims of crime, who would be at risk of intimidation amounting to violence or threats of violence if they remained in their current homes, and for those under threat to life, extreme violence, or extreme harassment. The policy notes that for applicants who are suffering extreme violence or harassment there needs to be strong police evidence that an urgent move is required to protect the life of an applicant or a member of their household and that the applicant demonstrate to the satisfaction of Birmingham City Council that it is not safe for the them to remain in their home.</p> <p>The Allocation policy also says the following: <i>Investigations as part of Homeless due to domestic abuse might involve clarifications on risk from other parties.</i></p> <p><i>Evidence of MARAC for Band A - that is the person must have been identified as high risk at a local MARAC in the last 3 months and those have been provided temporary protection in a refuge or other form of temporary accommodation, who are homeless or owed any homelessness duty and/or have been identified as high-risk victims of domestic abuse at a local MARAC within the last 3 months.</i></p>
Bromford Group	<p>This provider has clear information on the need for evidence for those applying under the headings of domestic abuse or harassment. Their policy states: <i>Applicants where there is evidence of a significant and ongoing risk of serious violence, domestic abuse and/or harassment, they are resident in a refuge or other safe temporary accommodation, and they cannot return to their home.</i> There is reference to the use of information from the police and verification of this information.</p>

²⁰⁷ This was taken to cover the specific wording of 'evidence', and also wording such as information required or the assessment process which inferred that evidence had been required.

²⁰⁸ As well as the specific wording of 'verification' this was taken to include wording such as checks and investigation which inferred that verification would be required.

²⁰⁹ This covers all circumstances including evidence of medical needs etc.

Provider	References to evidence and verification
Nottingham City Homes	This provider refers to a full investigation in relation to applicants who are experiencing serious harassment, domestic abuse or other threats of violence, where there is a serious risk of harm to a member of the household, if they were to stay in their current accommodation.
Aster Group	<p>The Research Team looked at the policy provided by Devon Homes. This provides the following indicator of what information is required: <i>Any application to be placed in the Emergency housing need band A must normally be submitted by an agency and not the applicant themselves. For example, if an applicant wants to move due to threat of serious domestic abuse or other violence, the police or an appropriate agency must contact a Devon local authority with evidence to support the request for an urgent move.</i></p> <p>Interestingly this approach takes the active initiative from the applicant and places it with other agencies, i.e. to make the application, provide the evidence and verify the evidence. This example also provided information in relation to potential applicants coming from outside the area.</p> <p>This is a good example of differentiation in terms of the type of information and evidence required for different types of cases. The Allocations policy states that: <i>Cases that are due to health and/or wellbeing needs will be determined by a local authority manager or senior officer or a multi-agency health and wellbeing panel.</i> In contrast for domestic abuse/violence cases: <i>The Police or another appropriate agency will usually provide supporting evidence that the risk exists.</i> In addition, there is reference to MARAC information. The policy states that an initial assessment will identify what referrals or investigations are required before any decisions are reached.</p>
Your Homes Newcastle (YHN)	<p>This provider talks about an assessment process whereby the applicant has been assessed as requiring emergency housing, and breaks this down by type of circumstance. For example, for those requiring emergency rehousing for very urgent medical reasons, there is a requirement to provide information to support their need and this will then be assessed by the Health and Welfare Team. For those at risk of immediate and serious harm due domestic violence or abuse unless rehoused, the Allocations policy states: <i>This priority will usually only be awarded to victims of domestic violence and abuse where MARAC (Multi Agency Risk Assessment Criteria) have identified a high level of risk and where a move has been recommended, however an award can be made outside of MARAC in exceptional circumstances. This priority banding award will be assessed and awarded by YHN's Safeguarding Team.</i></p> <p>This Allocations policy also expands the range and type of circumstances in which violence/threat of violence occurs, citing intimidation, serious anti-social behaviour, harassment relating to protected characteristics as under the Equality Act 2010. Again, it notes that these priority banding awards will be assessed by the YHN Safeguarding team but without detail on the type or source of evidence required. In all cases it notes that: <i>Verification is through the Safeguarding Team...which checks all situations via MARAC and the police.</i></p>

Provider	References to evidence and verification
London Borough of Hackney	<p>This provider outlines a good level of detail in terms of a range of type of circumstances, including references to violence/threat of violence, that may constitute inclusion on the housing register as a social priority. These include: <i>Violent incidents where there is reason to believe the incident might be repeated e.g. rape, violence or harassment as a result of race, ethnicity, sexuality or disability, gang violence where moving would end or minimize the danger, sexual abuse of or attacks on children and moving would end the danger, witnesses or potential witnesses where actual violence or threats of actual violence have been made supported by Police intelligence, Domestic violence where moving would end or minimize the danger.</i></p> <p>The Council then provides details on the process of producing and verifying evidence in relation to these circumstances, citing internal and external agencies: <i>Reasonable enquiries will be made to assess the severity of the threat or risk and to ensure that a move will eliminate or minimise the future risk to life. The final decision will be made by the appropriate designated officer and will be informed by information and evidence he or she receives from the police, local neighbourhood offices and other professional/advisory agencies as appropriate.</i></p>
Walsall Housing Group (WHG)	<p>This provider references the production of evidence and a separate verification process, noting: <i>Extreme violence or harassment will be verified by the Police and/or other agencies as necessary. This is for households who, on police advice, must be moved immediately due to serious threats to one or more members of the household, or whose continuing occupation would pose a threat to the community.</i></p>
Royal Borough of Greenwich	<p>This Council provides detailed information on the process to obtain evidence including references to a <i>home visit to verify their circumstances</i> and a Case Review panel for applicants with exceptional urgent needs. This is chaired by an Allocations Manager. They note that all Case Review panel decisions are based on written information and evidence provided. In addition, reference is made to MARAC/police information, for households who specifically need to move to avoid domestic abuse.</p>
Wheatley Homes Glasgow	<p>Supporting evidence is mentioned in relation to cases where there is exceptional housing need. Although not explicitly stated the Research Team have taken the view that this might include violence or threats of violence. In these cases, the Allocations policy notes: <i>each case will be looked at on its own merit and we will look for recent supporting evidence.</i></p> <p>In addition, evidence/verification is mentioned in relation to transfer applications from current tenants. The wording in the Allocations policy is as follows: <i>Extreme and very urgent circumstances requiring supporting evidence from Police Scotland or another recognised agency, including Social Work. Authorised by Managing Director or equivalent staff member. This includes Domestic Abuse.</i></p> <p>Supporting evidence is noted in relation to domestic abuse (management transfer) and also for cases deemed to be exceptional housing need - <i>each case will be looked at on its own merit and we will look for recent supporting evidence.</i> However, in both sets of wording it does not specify the exact nature of the evidence or verification required.</p>

Provider	References to evidence and verification
City of Edinburgh Council	This Council outlines what evidence is required for their different priority groups. For example, for Gold priority in circumstances when an applicant's home no longer meets their needs due to mobility issues, and the home cannot be adapted, applicants must include information on the application form and this is then referred to the Home Accessibility Referral Team. Evidence from a specialist consultant or an Occupational Therapy assessment is required before a decision can be made. Elsewhere references to evidence are more generic. There is a nod to evidence which might be required (but without being specific) - <i>My/our doctor, hospital consultant, health visitor, social worker, Police or any other relevant person can be contacted if more information is needed for my/our housing application.</i> This is in the application form wording.
South Lanarkshire Council	In this case information on the homelessness application and homelessness interview is outlined on the Council website, with an indication that evidence on various circumstances will be required. The Council website also notes that the Housing Officer may require documentary evidence – and that they require permission to seek this and to share it with any of the relevant registered social landlords. In addition, the Allocations policy refers to how medical points should be evidenced.
Cardiff Council	It is not completely clear from the Allocations Policy how any threats/actual violence will be evidenced although there are references to different organisations who may be involved, and then the provision of an information sharing protocol. This states: <i>The protocol ensures that information is shared between partners safely and securely. This and other protocols, where applicable, will be used by the Council to verify any aspect of the application to ensure that it fulfils all statutory requirements.</i> The Cardiff Housing website provides a list of general information that is required from any applicant for their housing application.
Powys Council	<p>This Council provides very detailed information on evidence and verification in its Allocations policy. This notes that the following evidence is required: <i>To join Priority Band One, applicants will need to demonstrate specific, defined and evidenced housing needs that can be resolved only by a move to a different home.</i></p> <p>Reference is made to management transfers because of: <i>a social problem that if left unresolved will pose a serious threat to the health and safety of the applicant, their current neighbours or the local community</i> and also for: <i>Urgent social reasons which constitute a real and present threat or harm to life, evidenced by the Police or other criminal justice system agency.</i></p> <p>The term 'crime' also featured heavily in this Allocations policy (5 times) and police were mentioned 10 times in relation to interventions, information and evidence gathering. The Housing Allocation policy refers to evidence in a number of places as follows: <i>Special Circumstances Evidence and information relating directly to the special circumstances and housing needs... Letter from solicitor/police/other organization relating to the housing needs of the applicant.</i></p>

Table 7: Examples of good practice – information provision on advice, assistance and support

Type of good practice	Provider	Example
Multiple information sources	City of Edinburgh Council	This is a model of good practice as the information on advice, assistance and support, and links to these are embedded in a range of different places including the Allocations policy, the housing application form and the Council website.
Range and detail of information provided and its visibility and accessibility on their website	Birmingham City Council	This includes an out of hours helpline, details of services, section on domestic abuse and support, linkages to a Domestic Abuse Homelessness Hub, and a comprehensive list of external support organisations
	Sheffield City Council	This includes advice, assistance and support on housing and homelessness, including access to safe places and housing advice. Also links to the Sheffield Domestic Abuse Co-ordination Team (DACT)
Inclusion of information on homelessness prevention	Nottingham City Homes	This example includes a Homeless prevention advice page, including information for prison leavers, victims of domestic abuse and rough sleepers.
Inclusion of information on support to remain	South Lanarkshire Council	This website references support to complete the application process, and support to remain in their own home if desired plus support to find accommodation in other sectors/tenures.
Inclusion of information on different housing options	Wrexham Council	The website provides information on other housing options including mutual exchanges (transfers) via HomeSwapper and affordable home ownership via the Tai Teg website (Tai Teg Hafan)
Information in different languages	London Borough of Hackney	This example contains information in different languages on housing and domestic abuse - Domestic abuse support Hackney Council
Easy read information on domestic abuse	London Borough of Hackney	This example includes a very clear and easy to read slides/pdf document, providing information on general information on housing and domestic abuse - Domestic abuse - support for Hackney residents.pdf - Google Drive .
Use of videos	Bromford	This website does have information on domestic abuse and a short video aimed at how to respond to and support someone who you believe may be a victim of domestic abuse, albeit there is no direct linkage made to homelessness. The video can be viewed at: https://www.bromford.co.uk/help-and-advice/domestic-abuse/

Type of good practice	Provider	Example
Range of external agencies highlighted	Wheatley Homes Glasgow	The website for this provider is a good example of the provision of information on external agencies. Links are clear from the Home page - under two headings – Domestic abuse is under My Home/My Safety and homelessness is under Find a Home/Homelessness Advice. The pages on domestic abuse provide a definition, a list of places to seek help, weblinks to Police Scotland, Scottish Women’s Aid, Abused Men in Scotland, FearFree, Respect, Hemat Gryffe, Dogs Trust Freedom project and Assist and a link to their Domestic abuse policy at Wheatley-Group-Domestic-Abuse-Policy-2022.pdf
	Cardiff Council	This example provides very comprehensive information on relevant external agencies. For homelessness this includes – the Wallich Rough Sleepers Intervention Team, the Salvation Army Bus project and the Huggard Day Centre, and for domestic abuse it includes Rise Cardiff, the Dyn project, New Pathways and the Live Fear Free helpline.
	Powys Council	This is another good example of the range and depth of information on external agencies including - Dyfed Powys Police, Montgomeryshire Family Crisis Centre, Calan DVS, Hafan Cymru, Ask me, Welsh Women’s Aid, Polish Domestic Violence Helpline etc. for domestic abuse.
Wider information on homelessness policy	Cavan County Council (and other RoI councils)	These websites provide wider strategic information on homelessness policy and strategy. The Cavan Council website provides the Homelessness Strategic Plan North East Region (2021-23) - Strategic Plan Proposal (cavancoco.ie)

Table 8: Examples of poor practice – information provision on advice, assistance and support

Type of poor practice	Example
Lack of linkage between website for overall provider and the local authority to which the applicant is applying – this is generally under Choice-based Lettings	In this example there is a potential breakdown in information because the applicant may be looking at the provider's website; the applicant may then look at the website where they are applying. In this case we looked at one of the options under choice-based lettings. They do not have any information on homelessness or domestic abuse/violence on their website. The overarching website did provide some information on homelessness in terms of their Housing First scheme, but this was not relevant to provider.
Poor linkages on the provider website	In this example the Research Team found there was very poor/limited information on homelessness in terms of advice and assistance for homeless applicants. In addition, it was difficult to find any linked information on domestic abuse or violence. Like a number of other provider websites there was a lack of linkage between the information on homelessness and the information on domestic violence.
Out of date information	In these examples, a search of the landlord website did produce a short paragraph on domestic abuse with a link to their landlord policy; unfortunately, in both cases the link takes you to an 'Error 404 page not found'. This highlights the need to keep everything fully updated and tested on websites.
Lack of information on external agencies	This website mentions links to external agencies where appropriate and then only provides a small number of links including Focus Ireland Services and Substance Misuse Outreach services. This no information or links in relation to violence including domestic abuse/violence.
No information on domestic abuse	A search of the websites for these Councils did not produce any information when looking for domestic abuse or domestic violence, or when searching by Women's Aid or refuge.

Appendix 10 2021 / 2022 Benchmarking Exercise - Peer Group Details

Landlord	Stock	Landlord	Stock
Wheatley Group	59152	Nottingham City Homes	25773
Birmingham City Council	56456	Karbon Homes	25475
Leeds City Council	54352	Your Homes Newcastle	25078
Guinness Partnership (The)	53005	South Lanarkshire Council	25012
Home Group	43345	Hull City Council	23305
Wheatley Homes Glasgow	38546	Your Housing Group	22474
Sheffield City Council	38155	LB of Hackney	21749
Torus Group	36702	Kirklees Neighbourhood Housing	21745
Bromford Group	35195	ForHousing	21561
Together Housing Association	34957	Kirklees MBC	21554
Thirteen Group	32047	Dudley Metropolitan Borough Council	21397
Wakefield & District Housing (WDH)	29310	WHG	20219
Stonewater Group	27000	Royal Borough of Greenwich	20114
Bristol City Council	26833	Wolverhampton Homes	20070
Aster Group	26453	Rotherham MBC	20049
Onward Homes	26072	St Leger Homes of Doncaster	20000
Abri Homes	25972	City of Edinburgh Council	19486

Appendix 11 Strand B respondents – Interviews and Focus groups

Group/Organisation	Participants
NIHE – Area Managers	Mark Alexander - Causeway Claire Crainey - South Down Eileen Thompson & Owen Brady - Ards & North Down Eddie Doherty & Caroline Quigley - West Roy Mc Clean - Mid & East Antrim Gerard Flynn - Belfast Margaret Marley - Belfast Des Marley - Lisburn/Castlereagh
NIHE	Grainia Long – CEO Jennifer Hawthorne - Director of Housing Services
NIHE	Caroline Connor - Assistant Director of Housing Services
NIHE	Margaret Gilbride – Homelessness Policy Helen Walsh – Homelessness Policy
Housing Associations	Loma Wilson – Radius Davina Whiteside – Clanmil Charlie Temple – Choice
CHF Sub Group	Siobhan McDermott Bernie McConnell Renee Crawford Patricia Bray
SAG Group, housing professionals	Nicola McCrudden – Homeless Connect Justin Cartwright – CIH (NI) Kerry Logan – Housing Rights Tracey Ellis – NIFHA Clara Robison – NIFHA
Women’s Aid	Sharon Burnett – Causeway & Mid Ulster Kelly Andrews – Belfast & Lisburn
EPPOC	Adele Brown
PSNI	Senior Police Officers
Equality Commission	Chris Jenkins and Kathryn Barr
End Violence Against Women (EVAW)	Claire Archbold, Geraldine Fee, Ken Bishop, Ryan Somerville, Naomi Sosa
Alternatives Restorative Justice (ARJ)	Debbie Hamill
Base 2 (NIACRO)	Jeff Maxwell

Lived Experience Focus Groups

Belfast & Lisburn Women's Aid	Six female participants. Three staff members participated.
Homeless Connect	Six participants – four men, two women. One staff member participated.
Hydebank Wood	Three female participants. Two staff members participated.
Flourish NI	Six participants – five women, one man). Four staff members participated.

Appendix 12 Written submissions received

Organisation	Name
West Belfast Partnership Board	Terry Quinn
Advice NI	Kerry Higgins
Sinn Fein	Ciara Ferguson, MLA
First Housing Aid & Support Services	Eileen Best
Women's Platform	Jonna Monaghan
Alliance Party	Kellie Armstrong, MLA
Victim Support NI	Jolena Flett
Shelter NI	Tony McQuillan
Housing Policy Panel Supporting Communities	Siobhan O'Neill
CVOCNI	Patricia Stewart
Mid Ulster District Council	Dominic Molloy, Chair
Rural Residents' Forum – Rural Community Network	Aidan Campbell
STEP – South Tyrone Empowerment Programme	Deirdre McAliskey
NICCY	Rachel Woods
NI Housing Council	Chair and members
NIPSA	Sheena McDaid
Women's Aid Federation NI	Sonya McMullen
DUP	Diane Forsythe, MLA

Note: Three other organisations also provided a written submission; they are not included in this list. They had also participated in the interviews and focus groups and are included in the list of respondents at Appendix 11. To avoid double-counting of viewpoints their views were analysed and included in the analysis of interviews and focus groups with stakeholders.

Appendix 13 Sanctuary Schemes in the UK²¹⁰

What is a Sanctuary Scheme? – A Sanctuary Scheme is an initiative which aims to offer support to those under threat of domestic violence to remain in their own homes safely. This usually requires a multi-agency approach to ensure the victim receives appropriate targeted advice and guidance. Guidance for agencies looking to develop a Sanctuary Scheme can be found on the GOV.UK website titled "Sanctuary Schemes for Households at Risk of Domestic Violence."²¹¹

West Lancashire Borough Council's Sanctuary Scheme

In West Lancashire, the Sanctuary Scheme is a collaboration between the Council and the national charity, Safe Partnerships. Victims who access the Sanctuary Scheme in West Lancashire also receive support from the Liberty Centre, West Lancashire's Victim Support Service. The Sanctuary Scheme in West Lancashire is free to apply for, however, there are some criteria the applicant must meet:

- The applicant must be eligible for assistance (i.e., have access to public funds);
- The applicant must be a victim or survivor of domestic abuse;
- The applicant must wish to remain in their home;
- The applicant must live within the West Lancashire Borough;
- The applicant must have the right to occupy the property;
- The applicant may be at risk of homelessness if the sanctuary is not provided.

The Sanctuary Scheme is available to council tenants, housing association tenants, private sector tenants and owner occupiers. Victims who reside with family on a permanent basis can also be considered for the scheme. If the applicant does not own the property they live in, they will need to request permission before any alterations can be carried out under the scheme. The scheme is not available if the perpetrator is still living at the address.

Upon acceptance onto the scheme, an appointment will be arranged for a security installer to visit the victim's home and assess the property to determine what security measures can be fitted to the property, these measures will be fitted on the same day. Security measures can include door chains, additional door locks, window locks and personal safety alarms. In some extreme cases, where possible, the scheme can even turn a room inside the property into a safe room, so the victim has a safe place to retreat to and wait for emergency services to attend.

Southwark Council's Sanctuary Scheme

The Sanctuary Scheme offered in Southwark is a collaboration between Southwark Council, the Metropolitan Police, the Fire and Rescue Service and the major Registered Social Landlords in the area. Any individual threatened with homelessness because of domestic violence in Southwark is eligible to apply for the scheme, however, they must meet the below criteria:

- The applicant must live in Southwark;
- The applicant must not have already been accepted as homeless by Southwark Council;
- The applicant must have been assessed as being very high risk by a Police Domestic Violence Officer;
- The applicant must not be living with the perpetrator.

²¹⁰ Information provided by Melissa O'Neill, (West Lancashire Borough Council).

²¹¹ <https://assets.publishing.service.gov.uk/media/5a7909d2e5274a3864fd5e36/1697793.pdf>

If you are accepted onto the Sanctuary Scheme at Southwark Council, a Police Crime Prevention Officer will attend your property to assess which safety measures are required, these can include extra locks and bolts, stronger doors, security lighting, spy holes, door chains, alarm systems, and in extreme cases and where possible, a fortified safe room for victims to retreat to and wait for emergency services to attend. The Fire and Rescue Service will also attend to complete a Fire Safety survey.