



21 October 2025

Dear Applicant

Our Ref: FOI 950

Your request for information received on 25 September 2025 has been handled under the Freedom of Information Act 2000 (FOIA).

Request

I am seeking the following information in relation to the Northern Ireland Housing Executive's Housing Selection Scheme (as amended April 2025, including Rules 73–75, 74A, 74B and 23B):

1. Policy Succession outcomes

- The number of cases where Policy Succession was granted since 2 September 2024 (date of amendment to Rule 74/74A).*
- The number of cases where Policy Succession was refused in the same period.*

2. Very Exceptional Circumstances

- The criteria, guidance, or internal instructions used by NIHE staff to determine whether “very exceptional circumstances” apply under Rule 74.*
- Any templates, checklists, or assessment tools provided to staff for these decisions.*

3. Alternative Accommodation offers under Rule 74B

- The number of cases since 2 September 2024 where NIHE made the “one offer of suitable alternative accommodation” following a refusal of Policy Succession.*
- A breakdown of how far (average distance in miles, if held) these alternative offers were from the original tenancy.*

4. Permission to Occupy

- NIHE's current policy or guidance on granting Permission to Occupy pending a succession or policy succession decision.*

5. Intimidation – Saving Provision (Rule 23B, April 2025)

- The number of applicants awarded points under this provision since its introduction.*
- Any internal guidance, criteria, or circulars issued to staff on how to apply this rule.*

6. Article 8 ECHR assessments

- Copies of any NIHE templates, guidance, or internal policy documents used to conduct Article 8 proportionality assessments before seeking possession in*

succession-related cases.

Please provide the information for the period 2 September 2024 to present (or the latest date available).

Our response

1. Policy Succession outcomes

The number of cases where Policy Succession was granted since 2 September 2024 (date of amendment to Rule 74/74A).

The number of cases where Policy Succession was refused in the same period.

There have been 33 tenancies created with a tenancy reason of Succession Policy, recorded as commencing on or after 1st September 2024.

Succession refusals are not recorded in this format.

2. Very Exceptional Circumstances

The criteria, guidance, or internal instructions used by NIHE staff to determine whether “very exceptional circumstances” apply under Rule 74.

Any templates, checklists, or assessment tools provided to staff for these decisions.

There are no specified criteria for very exceptional circumstances. However, Chapter 8 of the Housing Selection Scheme Guidance Manual does contain some potential indicators of Very Exceptional Circumstances but this should not be taken as determinative or exhaustive. Please find enclosed the current guidance.

The succession request form is also included as part of the relevant extracts from Chapter 1 GHPGM.

3. Alternative Accommodation offers under Rule 74B

The number of cases since 2 September 2024 where NIHE made the “one offer of suitable alternative accommodation” following a refusal of Policy Succession.

A breakdown of how far (average distance in miles, if held) these alternative offers were from the original tenancy.

There have been < 5 recorded with the tenancy creation reason of Allocation of SAA (Suitable Alternative Accommodation) following refusal of Policy Succession.

NIHE do not hold the requested information.

4. *Permission to Occupy*

NIHE's current policy or guidance on granting Permission to Occupy pending a succession or policy succession decision.

Please find enclosed the relevant excerpts from Chapter 1 GHPGM.

5. *Intimidation – Saving Provision (Rule 23B, April 2025)*

The number of applicants awarded points under this provision since its introduction.

Any internal guidance, criteria, or circulars issued to staff on how to apply this rule.

There have been < 5 applicants awarded points under this provision since its introduction.

Please find enclosed the relevant excerpts from chapter 3 HSSGM and LSAN FRA 08/25.

6. *Article 8 ECHR assessments*

Copies of any NIHE templates, guidance, or internal policy documents used to conduct Article 8 proportionality assessments before seeking possession in succession-related cases.

NIHE do not hold the requested information.

Some staff names have been redacted in accordance with FOI Act Section 40(2) as this is considered to be personal Information of a third party and disclosure would contravene data protection principle (a) in Article 5 of the UK GDPR.

This concludes our response.

1.5 SUCCESSION REQUEST

Where an occupant of the deceased tenant's property (except a joint tenant) wishes to apply to succeed to the tenancy of the deceased tenant, the Patch Manager should initiate investigations into their relationship to the deceased tenant, residency at this tenancy and eligibility to succeed to the tenancy. The Patch Manager should carefully consider the legislative and specific policy requirements; and gather the necessary evidence gathered to support the decision. This should be done at the earliest opportunity by completing the Succession Request form (Appendix 6) Please refer to Chapter 8 of the Housing Selection Scheme Guidance Manual for further information on successions.

Where the investigation determines that there is no entitlement to a succession under statutory or policy criteria and the circumstances of the case are potentially of a very exceptional nature this may be referred to Housing Policy using the pro-forma (Appendix 8) to draft a brief for consideration by the Director of Housing Services (See Chapter 8 of the Housing Selection Scheme Guidance Manual)

The Local Office should complete a brief on the case (see Appendix 8) which should be approved and signed by the Assistant Area Manager/Area Manager and forwarded to the Housing Policy section with all the relevant files and information(via the Inbox: HousingPolicy@nihe.gov.uk). Housing Policy staff will then liaise with the Local Office and all relevant offices and draft a brief for consideration by the Director of Housing Services.

1.5.1 Investigations into a Succession Request (PLAN)

Throughout the investigation of a claim for the succession of a tenancy, all actions and decisions taken should be Proportionate, Legal, Auditable/Accountable and Necessary (PLAN). During the investigation staff should be mindful of how they are adhering to PLAN. Each claim must be examined on its own merits and the potential successor's individual circumstances.

Applying PLAN will ensure there is a structured approach for the Patch Manager to the investigation and interviews with the potential successor, and will help the Lettings Manager reach decisions with confidence. Please refer to Chapter 8 of the Housing Selection Scheme Manual for guidance on carrying out a full investigation and the rules regarding who can succeed to a tenancy.

Proportionate: Actions and decisions taken during the investigation with the potential successor should be balanced, in proportion with; and specific to, their individual circumstances. Part of establishing a proportionate investigation is to distinguish between the statutory and policy entitlement, evidence provided and the potential successor's vulnerabilities as well as their housing aspirations and needs. It is also important to remember that this will be a distressing time and staff should exercise sensitivity during the process of investigation.

Legal: Actions and decisions taken should be in accordance with our statutory duties and our policy requirements. Guidance on our legal and policy requirements can be accessed via the Housing Hub on Gateway

GENERAL HOUSING POLICY GUIDANCE MANUAL
CHAPTER 1 TENANCY ISSUES
REVIEWED June 2025

Note: When carrying out an initial interview with the potential successor and completing the succession application form, it is important that the Patch Manager provides advice and guidance on:

- GDPR and the relevant declarations/consent. If the potential successor refuses to sign the declarations regarding consent to share and receive information, then investigations may continue with the information available. Staff should annotate the form to indicate that the Potential Successor has declined to give his/her consent.
- liability for Housing (occupation and Rates) Costs during the investigation period (Permission to Occupy), with no influence or detriment to the decision, and help with these Housing (occupation and Rates) Costs
- any HB, Universal Credit implications and Social Sector Size Criteria mitigation
- all documentation needed dependent on the information provided (i.e. whether it is a statutory or policy succession) (refer to Chapter 8 of the Housing Selection Scheme Guidance Manual)
- the full process/timeline and what to expect if they are successful or unsuccessful
- whether the deceased tenant had a will or assets requiring Letters of Administration from Court.
- if they are unsuccessful the means of redress, i.e. the Review Process (see Chapter 10 General Housing Policy Guidance Manual)
- if necessary, Housing and Homeless advice can also be offered at this time.

Accountable/Auditable: The Patch Manager is responsible for the timely recording of relevant high quality and factual information that is relied upon to support the Lettings Manager's actions and decisions. The Patch Manager, in recording this information, should ensure that it is readily apparent to others as to the appropriateness of the recommendation. Similarly the Lettings Manager's should ensure that any action is reliable and accountable and how the decision was arrived at is clear and appropriate. All decisions must be taken in accordance with the delegated authority as set out in Standing Orders.

Necessary: Patch Manager's investigations and requests for evidence should only be carried out in the context of what is needed to inform the recommendation for a statutory or policy succession (or if they believe there are very exceptional circumstances) for the potential successor. Investigations should not be undertaken outside the scope of the potential successor's individual circumstances. Any decisions taken by the Lettings Manager should be based on the information provided about the potential successor and the individual circumstances provided of each specific claim.

1.5.2 PTO Process and the HMS Workflow

Upon the notification of the death of a tenant and receipt of Succession Request, the Patch Manager should register the details on the HMS Succession Workflow (please refer to the HMS Keying Guide). All documents and correspondence should be scanned and uploaded to the Documents tab in the workflow when received and the case should be processed and notes updated on the Notes tab in the workflow throughout the investigation.

As previously mentioned Patch Managers should ensure that potential successors are advised of the occupation (PTO) charge during the face to face interview, which should occur at the earliest opportunity to expedite the investigations. Patch Managers should also sensitively enquire at

GENERAL HOUSING POLICY GUIDANCE MANUAL
CHAPTER 1 TENANCY ISSUES
REVIEWED June 2025

interview whether there is a will or any assets of the deceased tenant. This is to facilitate the process to end the deceased tenant's contractual tenancy after investigation if a negative decision is made by the Lettings Manager.

After the Succession request form is completed and the declarations signed at the initial interview with the potential successor a "Permission to Occupy" account should be created outside of the Succession workflow in Tenancy Management by the Patch Manager on HMS (following the steps in the HMS Keying guide) from the Monday following the death of the tenant. Should a Potential Successor decline to give their consent, staff should annotate the form accordingly.

Once created a temporary "payment" barcoded letter for Permission to Occupy accounts should be generated and sent to the potential successor along with the Notification of Liability of PTO charge (Appendix 5). Note: this is NOT for payment of rent and it should not therefore be referred to as a method of paying rent.

At the same time, the Patch Manager should notify IT Assist as well as the Business Systems Support team via email to suppress any further payment cards. (Please raise a Service Request via the IT Assist Portal for these requests and send an email confirming this request to

[REDACTED] and [REDACTED] in Business Systems Support. In the email/IT Assist Request, please use the title PTO Account and include the HMS reference number, Occupiers name and the property address.)

Patch Managers should create add a "PTO Succ App" UDC to the PTO account on the Tenancy tab with the valid from date being the Monday following the death of the tenant (and creation of the PTO account) and the valid to date left blank. This will assist in the timeliness of the Patch Manager's investigation, provide statistical analysis for the review of cases and management controls for the process, and facilitate a weekly report to manage the ongoing investigations of the succession request.

Patch Managers and Lettings Managers should refer to the HMS Keying Guide throughout for guidance on keying to the Succession HMS workflow and the creation and ending of the Permission to Occupy account. If applicable, they should notify the Housing Benefit Unit of the tenant's death and succession claim.

NB: There are a THREE instances where a PTO account would not be created without further consideration,

- Where the potential successor holds a Housing Executive tenancy in their own right
- Where the potential successor is a minor
(staff should refer to Chapter 8 of the Housing Selection Scheme Manual and refer to Housing Policy for advice on any specific cases)
- Where all the information to make a positive decision is received on the same day that the declarations are signed on the Succession Request form by the potential successor (for

GENERAL HOUSING POLICY GUIDANCE MANUAL
CHAPTER 1 TENANCY ISSUES
REVIEWED June 2025

example a spouse or civil partner who provides a marriage/civil partnership certificate and proof of residency at the property at the time of the tenant's death). In these cases the full Succession workflow (see HMS Keying Guide) should be completed by the Patch Manager and Lettings Manager as soon as possible and a PTO account would not be necessary.

NB: In instances where the deceased was a U&O resident a PTO account should NOT be opened

NB: The Customer Portal gives the customer the benefit of being able to view their occupation charge and arrear. Whilst the Portal refers to the customer as the 'Lead Tenant' this does not confer any tenancy rights or responsibilities to the occupant and this should be explained fully at interview at the same time as the permission to occupy and associated liability for the occupation charge is being explained.

Abatements

The Patch Manager should investigate to see if there are any abated rent attributes on the deceased tenant's rent account. If during investigations the Patch Manager determines that the potential successor or a member of the household who is to remain is not entitled to these abatements, i.e. if the potential successor or remaining member of the household is not the person(s) any disabled adaptations were carried out for then the Patch Manager should advise Finance of any necessary action needed to remove the abatements from the PTO account. Further advice can be sought from Income Collection Policy.

Debt Recovery Action for Current PTO Account

The Patch Manager will remain responsible for monitoring any arrears in regards to a current Permission to Occupy account and should action these promptly. There are a number of arrears action codes/recommendations against the account for Patch Managers to action on an ongoing basis. There are three stages of debt letters (different letters depending upon whether the potential successor is in receipt of benefits or not. These letters generate in HMS as part of the arrears recovery process. Sample letters have been attached (see Appendices 7 – 7.5).

Where a potential successor is in receipt of benefits and is in arrears the Patch Manager can apply for a UC Direct Payment or a Direct Payment from legacy benefits where applicable. Further information can be obtained from the Income Collection Policy unit.

Where a potential successor is not in receipt of benefits, the threshold for formal debt recovery action will be £400. This action will be through the small claims court. Before proceeding to the small claims court, the Patch Manager should discuss the case with their Team Leader.

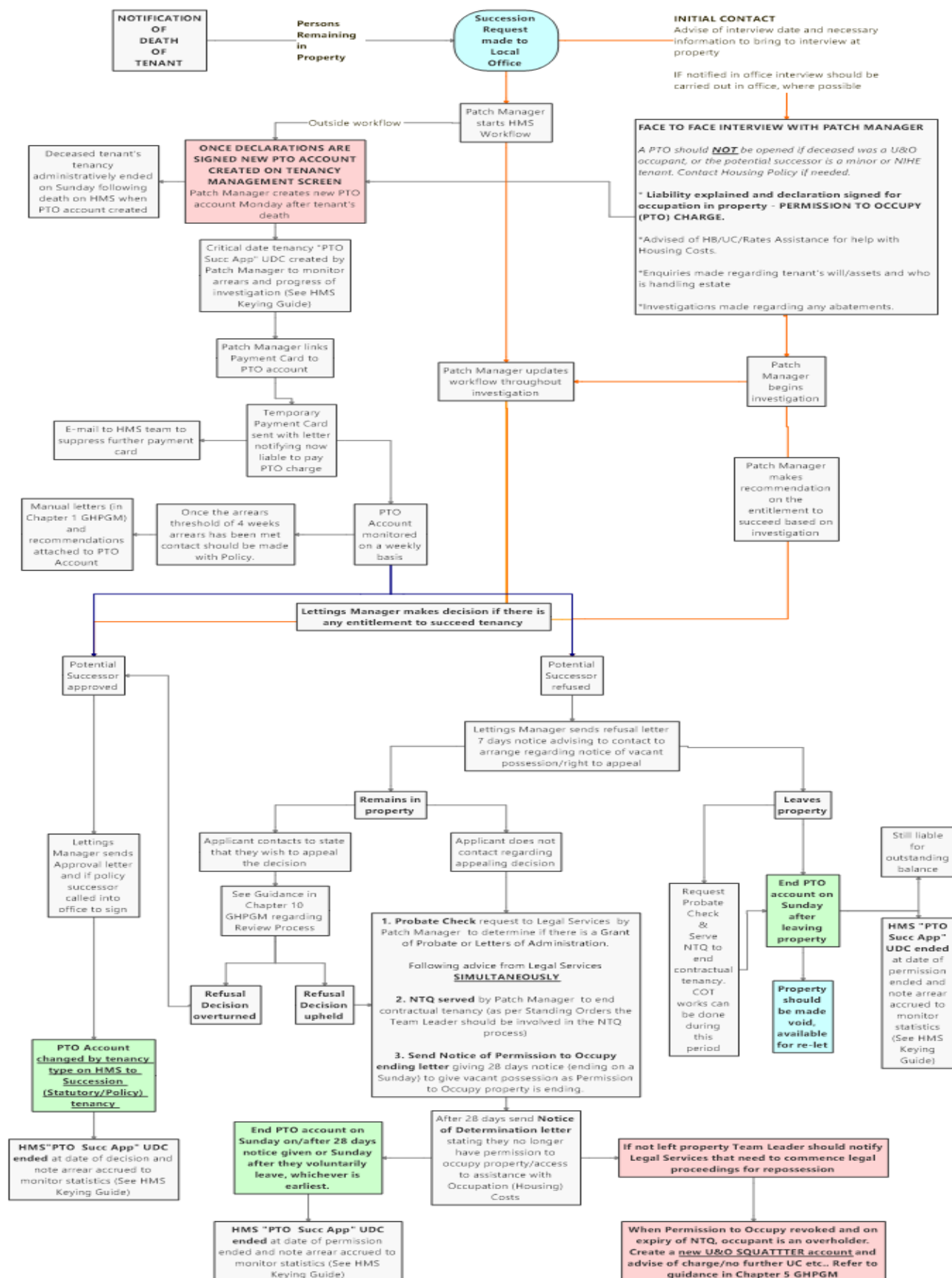
It should be noted that any other action in regards to recovery of the property cannot be taken on the basis of arrears for a Permission to Occupy Account. Further information on debt recovery issues with a Permission to Occupy account can be obtained from the Income Collection Policy unit.

GENERAL HOUSING POLICY GUIDANCE MANUAL

CHAPTER 1 TENANCY ISSUES

REVIEWED June 2025

1.5.3 Succession of Tenancy and Permission to Occupy (PTO) Process Decision Making



1.5.4 PTO Process

The investigation into a statutory or policy succession claim should be completed from succession request to decision in a timely manner along with a robust investigation into all the specific circumstances of the case.

1.5.5 Approving a Succession

If an application to succeed to a tenancy is approved, the Lettings Manager should notify the successor using the appropriate letter (depending on whether a Secure or Introductory Tenancy is being granted) in Appendix 8.1 or 8.1A of Chapter 8 of the Housing Selection Scheme Guidance Manual. The letter should be issued to the applicant who has a legal entitlement to succeed.

If a policy succession has been awarded the appropriate offer letter is found in Chapter 8 of the Housing Selection Scheme Guidance Manual should be used depending on whether a secure or introductory tenancy is being granted and the policy successor should be signed up as a secure or introductory tenancy (whichever is applicable)

On the HMS Succession Workflow the decision should be made and any letters scanned to the Documents tab in the workflow. This should then be ended by clicking to the next screen and clicking the “Complete” button and the new tenancy should then be amended via Tenancy Management on HMS. Please refer to the HMS Keying Guide.

The Permission to Occupy account should then be amended on HMS to the new introductory/secure succession tenancy from the Monday following the death of the previous tenant. This will retain the same HMS reference number and therefore should not impact on any ongoing UC claim. (Please see HMS Keying Guide on how to amend the tenancy type). Any arrears recovery should be actioned in accordance with current guidance as set out in Income Collection policy and guidance.

It is also essential that the “PTO Succ App” UDC on the Tenancy tab is populated with the end date on HMS when the decision to approve the succession was made and a note is added in the UDC that the succession was approved and of any outstanding arrears accrued during the period that there was an occupation charge (please refer to the HMS Keying Guide).

Where a person succeeds to a tenancy (because of a statutory right to succeed or because of circumstances that policy specifically allows) then new tenancy repairs will not be carried out. However, the normal health and safety checks should be carried out.

1.5.5.1 Approval of Succession when the Successor is a current Full Duty Applicant

If an application to succeed to a tenancy has been approved the Patch Manager should ascertain if the successor is a current Full Duty Applicant. Where the successor is a current Full Duty Applicant guidance should be followed depending on whether there has been a statutory (legal) succession or a succession on policy grounds. Full guidance can be found in Chapter 8 of the Housing Selection Scheme Guidance Manual.

Once awarded the full housing duty status (“FDA”), the duty may be discharged as follows:

“The Executive may perform any duty under Article 8 or 10 (duties to persons found to be homeless) to secure that accommodation becomes available for the occupation of a person—

- a) by making available suitable accommodation held by it, or
- b) by securing that he obtains suitable accommodation from some other person, or
- c) by giving him such advice and assistance as will secure that he obtains suitable accommodation from some other person.

Statutory (Legal) Successions

Where a person has been approved to succeed to a tenancy because of a statutory right to succeed the succession has occurred as a matter of law and is not considered an allocation of a tenancy so the Housing Executive cannot be said to have made accommodation available to the applicant.

In these circumstances the Patch Manager should endeavour to speak with the customer to determine what action should be taken in respect of their existing housing/homeless application. The customer may wish to withdraw their housing/homeless application if they feel their succession tenancy meets their housing need. At no time should any pressure be put on a customer to withdraw an application. If the customer does not wish to withdraw their application, they would then change to a Management Transfer applicant (if FDA has been awarded).

Staff should also refer to Appendices 15 and 16 of the Homelessness Policy Guidance Manual if the customer wishes to have their application withdrawn.

GENERAL HOUSING POLICY GUIDANCE MANUAL
CHAPTER 1 TENANCY ISSUES
REVIEWED June 2025

The Patch Manager should advise the customer to contact their Housing Solutions Advisor if they are satisfied that they now have available suitable accommodation and wish to withdraw their housing/homeless application.

Staff should note that if the successor wishes to retain their Homeless application and FDA status that this has no influence or detriment to the approval of the Succession tenancy. If the criteria set out in the relevant legislation¹ has been met then the tenancy vests as a matter of law.

Policy Successions

Where a person succeeds to a tenancy because of circumstances that policy specifically allows the succession is considered as an allocation of tenancy. If a customer has an active housing/homeless application, this would allow for closure of the application and the duty discharged through making available suitable accommodation.

The Patch Manager should liaise with Housing Solutions to ascertain if accommodation made available is suitable to the successor, this *may* include a further assessment of the customer's functionality points and ground floor need. If the Housing Advisor is content that the accommodation is suitable and discharges the duty the customer should be advised of their right to challenge through statutory review and appeal.

If it is determined that the accommodation is not suitable the customer can accept the policy succession, retain their FDA and remain on the Waiting List as a Management Transfer OR decide to accept the allocation of accommodation under policy succession rules and choose to withdraw their housing and homeless application. Full guidance can be found in Chapter 8 of the Housing Selection Scheme.

1.5.6 Refusing a Succession

If the succession is refused, the Lettings Manager should notify the individual giving notice to contact the office within 7 days to arrange vacant possession and that if they are dissatisfied to appeal the decision through the Review process (see the initial Refusal letter in Chapter 8 of the Housing Selection Scheme Guidance Manual, Appendix 8.12 or 8.12A)

Where it has been decided that the applicant does not have an entitlement to succeed to the tenancy, vacant possession has not been given and they have exhausted or chosen not to avail of the Review procedure, a probate check must be carried out. A NTQ must then be issued to legally end the deceased tenant's

¹ For secure tenancies in the Housing (NI) Order, 1983 or for introductory tenancies in the Housing (NI) Order 2003

GENERAL HOUSING POLICY GUIDANCE MANUAL
CHAPTER 1 TENANCY ISSUES
REVIEWED June 2025

contractual tenancy and revoking the Permission to Occupy status (see sections 1.5.10 and 1.5.11 below).

If possession proceedings have commenced and a Review request is received (even if this is outside the given 28 days) these proceedings should be suspended until a Review decision is made. Full guidance on the Review process can be found in Chapter 10 of the General Housing Policy Guidance Manual.

1.5.7 Notice to Quit (NTQ) and Probate Check (ending the deceased tenant's Contractual tenancy)

Before proceeding with a NTQ, the Patch Manager should liaise with their Team Leader and a Probate Check is required. Where the individual or next of kin provided information regarding a Will or assets of the deceased tenant, this information should be referred to Legal Services who will carry out a probate check to obtain details of the Grant of Probate or Letters of Administration for the deceased tenant.

Where Legal Services ascertain that there is no Grant of Probate or Letters of Administration the NTQ should be drafted and approved as outlined above, however the NTQ and letters should be served on the Probate Judge² and copied to the individual who is remaining in the property and has failed to give vacant possession. (See Appendix 3 – 3.2 for specimen copies of these letters used by Legal Services and sent by Patch Managers)

Where a probate check determines these are in place, the NTQ will be served on the Executor³ or the Administrator⁴ and copied to the applicant. The Patch Manager will draft the recommended letter and NTQ (Appendix 4 – 4.1 and 3.1) which the Team Leader should approve and sign. These must be approved by Legal Services before the Patch Manager serves them on the Executor or Administrator, as appropriate. Where there is no response from the Executor or Administrator, Legal Services should be contacted to issue further instructions.

1.5.8 Ending of Permission to Occupy

At the same time of the issue of the NTQ and associated letters to end the deceased tenant's contractual tenancy, following discussion with the Team Leader, the Patch Manager should also send the individual the Notice of Permission to Occupy Ending letter (see Appendix 9) giving 28 days' notice of the end of the permission to occupy these premises. Please note that the individual remains liable for a PTO charge

² If the deceased tenant has no assets and no will the NTQ and letters to be served on Probate Judge and copied to Applicant occupying the premises

³ If the deceased tenant has assets and a will there should be an Executor in place.

⁴ If the deceased tenant has assets but there is no will there may be an Administrator in place

GENERAL HOUSING POLICY GUIDANCE MANUAL
CHAPTER 1 TENANCY ISSUES
REVIEWED June 2025

throughout the 28 days' notice period. The Patch Manager should advise the individual that at the end of the 28 days' notice period that they will no longer be entitled to any further assistance from Universal Credit (the housing element), or Rates Rebate, where appropriate. Housing Benefit may continue to be paid in accordance with Housing Benefit legislation.

If vacant possession has not been given after 28 days of this letter the Notice of Determination (see Appendix 10) should be sent and if necessary if the applicant is in receipt of benefits to help with these occupation (housing) costs, the Patch Manager should advise the applicant to notify their work coach (UC) that the permission to occupy has ended. If they are in receipt of Housing Benefit they should notify their relevant Housing Benefit office of the change in their circumstances.

This will coincide with the 28 days' notice given in the NTQ and Legal Services should be contacted to further possession proceedings.

The PTO Account should be ended on the next Sunday through the Tenancy Management screen on HMS and the Succession workflow should have the decision keyed and all letters scanned to the Documents tab before the workflow is ended by clicking to the next screen and clicking the "Complete" button. Please refer to the HMS Keying Guide

It is also essential that the "PTO Succ App" UDC is populated with the end date (Valid To) on HMS when the NTQ expired and the PTO account was ended and a note is added in the UDC the date the Succession was refused, any means of redress taken and most importantly of any outstanding arrears accrued during the period that there was an occupation charge (please refer to the HMS Keying Guide).

Once the PTO account has ended the individual will still be liable for any arrears accrued during this period, where there was a permission to occupy.

1.5.9 If Vacant Possession is Given

If vacant possession is given at any stage the PTO account should be ended on the Sunday after the occupant has left the property, if this has not been ended previously. As above the "PTO Succ App" UDC on the Tenancy tab should also be ended with the "Valid To" date keyed on HMS when the PTO account ended, depending on when vacant possession was given. A note should also be added on the UDC detailing the date the Succession was refused, any means of redress taken and most importantly of the outstanding arrears accrued during the period that there was an occupation charge (please refer to the HMS Keying Guide). A Probate check should be carried out and a NTQ should be served to end the deceased tenant's contractual tenancy.

1.5.10 If Vacant Possession is Not Given

Vacant possession is required when permission to occupy the premises ends following the expiry of the NTQ. If vacant possession is not given the Patch Manager should discuss with their Team Leader to determine whether the occupation should be tolerated pending legal proceedings. If this is the agreed course of action, a Use and Occupation (Squatter) account should be created. Guidance can be found in Chapter 5 of the General Housing Policy Guidance Manual.

If the Patch Manager is aware that there are occupation (Housing) costs are still in payment they should contact the Welfare Benefit Unit if they were in receipt of Universal Credit or Rates Rebate to end this claim. If they are in receipt of Housing Benefit, this may continue but they should contact the relevant Housing Benefit office, as appropriate, to advise of a change in circumstances for their claim.

Any Universal Credit/Rates assistance payments made for periods following the expiry of the NTQ should be discussed with the Team Leader as they may be overpayments. Staff should not transfer payments received after the NTQ has expired and the Permission to Occupy ended from Universal Credit/Rates Assistance into a Use and Occupation account.

1.5.11 Debt Recovery for Former PTO Account

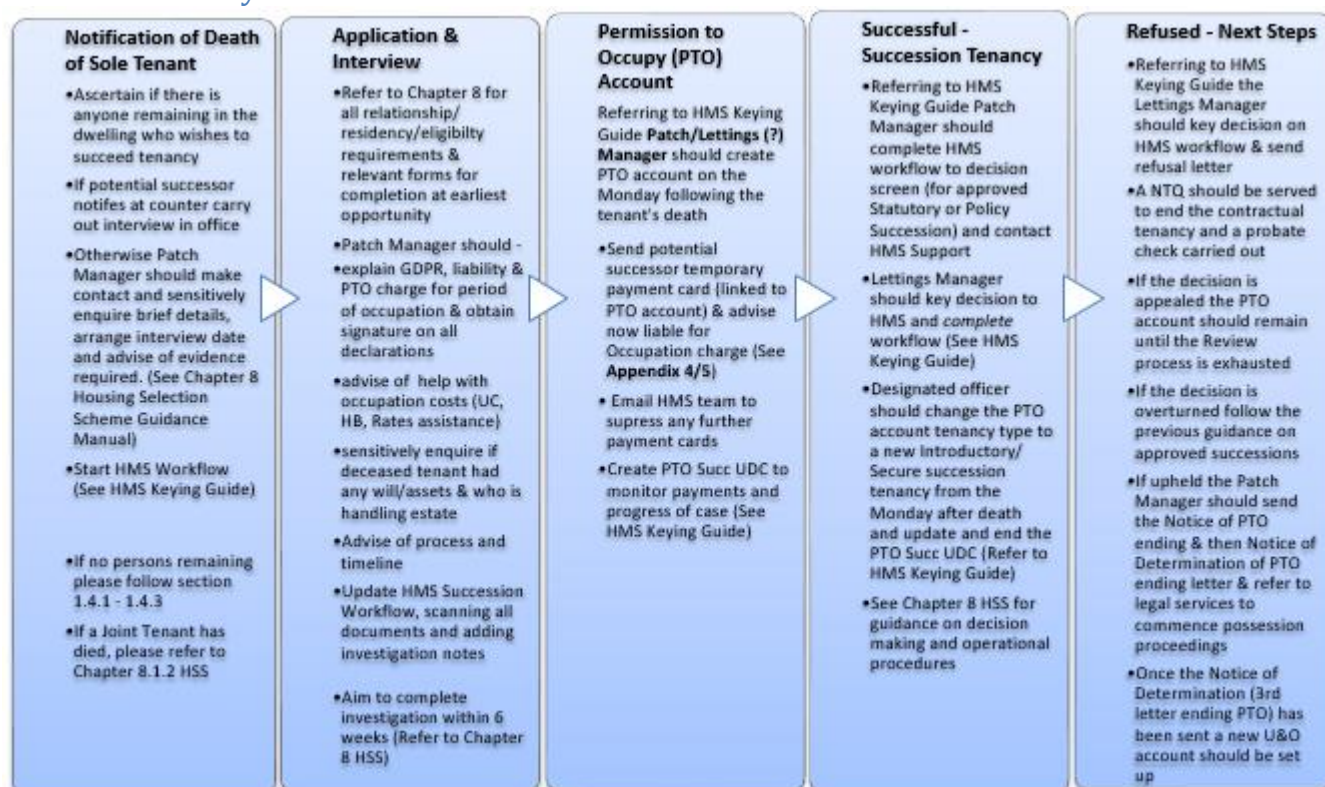
When permission for a PTO account has ended or where the potential successor has left the property, the account will become a former PTO account. At this stage, any arrears recovery action will be the responsibility of the income collection units.

GENERAL HOUSING POLICY GUIDANCE MANUAL

CHAPTER 1 TENANCY ISSUES

REVIEWED June 2025

1.5.12 Summary of Succession and PTO Process



Appendix 6 Succession Request Form

APPENDIX 6: SUCCESSION REQUEST FORM

This form refers to applications for the award of tenancy following the DEATH of a tenant. Please refer to guidance in Chapter 8 HSSGM when completing this form.

PART 1: INFORMATION IN RELATION TO THE REQUEST TO SUCCEED THE TENANCY

A). INFORMATION REGARDING EXISTING TENANCY

Address	
Name of deceased tenant	
Date of death	
Type of confirmation of death (to be provided at interview)	
Tenancy type (Introductory/ Secure)	
T/C date of existing tenancy	
Details of any previous successions (if any) <i>(HMS / House File can be checked prior to interview to confirm)</i>	
<u>At some stage during interview sensitively discuss if there are any potential assets*</u>	
<u>At some stage during interview sensitively discuss if there is a will*</u>	

**Information is not mandatory*

B). INFORMATION REGARDING POTENTIAL SUCCESSOR

Name		Tel No.*	
Relationship to Deceased Tenant		Email Address*	
D.O.B.		N.I.N.O.	

**Either telephone number or email address is mandatory as this is required for contact purposes. Please note where a third party is acting as a contact / advocate.*

ADDRESS HISTORY

CURRENT AND PREVIOUS ADDRESS(ES) POTENTIAL SUCCESSOR HAS LIVED				
Address	Date from	Date to	Tenure Type (please provide Landlords name/contact details if Private Rental)	Reason for Leaving

(You should establish the applicant's address, tenure type and reason for leaving the residence immediately prior to the succession address. This information is necessary to consider Rules 74 & 75 of the Housing Selection Scheme. You may also wish to establish any previous residence at the succession address. Where appropriate please include details of the private landlord or relevant Housing Association.)

Did you have any caring responsibilities for the deceased tenant or their dependants (if relevant)?	Dependants (of deceased tenant) Details	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
	Provision of Care for the Deceased Tenant Details	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

Are you currently on any Housing/Transfer applications? (Detail address applied/Ref Number etc.)	
--------------------------------------------------------------------------------------------------	--

Reason for Application			
Household details:			
Full Name	Relationship to Applicant	Date of Birth	Resident at the Deceased Tenant's address (From / To)
Is there a need for additional bedrooms (access to children; overnight care etc). If yes, please provide details including evidence provided / sought.			
Bedroom requirements?			
<p>Prior to the date of the Tenant's death who was living in the household?</p> <p>Residency details and evidence for all members of the household (this may include bedroom or sleeping arrangements prior to the tenant's death).</p>			

<p>Does the potential successor or their household have any special requirements/ support needs?</p> <p><i>(e.g. disability, ground floor need; need for additional bedroom; need for adaptations; need for a wheelchair-standard property any other support needs etc?)</i></p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>If applicable, provide further detail including evidence sought / provided:</p>
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------

PERSON CONTACTS

Is the Applicant/Potential Successor aged 18 years or over? Yes ☐ No ☐

If No, please provide

Details of Social Worker	
Details of any UNOCINI Referral	
Details of potential guarantor	

PERSONS FROM ABROAD

Is the Potential Successor a person from abroad? Yes ☐ No ☐

If yes, gather all relevant information from the applicant and ensure all investigations are complete before making any decision; for example:

- ID (Such as Passport/EU Identity Card)
- Immigration Status
- Economic Activity in the UK

For guidance, please refer to Chapter 2.7 of the Housing Selection Scheme Guidance Manual. All eligibility decisions must be made by a Team Leader or above.

UNACCEPTABLE BEHAVIOUR

Has the Potential Successor been involved in Unacceptable Behaviour which would potentially make them unsuitable to be a tenant? Yes ☐ No ☐

For guidance, please refer to Chapter 2.6 of the Housing Selection Scheme Guidance Manual. If ineligible, please discuss with Team Leader.

C). INFORMATION REGARDING THE PROPERTY

Property Type e.g. House, Bungalow, flat etc.	
No. of Bedrooms	
No. of bed spaces	
Is the property a single-storey or ground floor property (excluding flats) with no more than two bedrooms?	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>If applicable, provide further detail:</p>
Does the property have any major adaptations? (i.e. features which are substantially different from those of ordinary dwelling-houses and which are designed to make it suitable for occupation by a physically disabled person)	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>If applicable, you must provide further detail as follows:</p> <p>During the property visit:</p> <ul style="list-style-type: none"> - Note all major adaptations - Take pictures of all major adaptations as necessary - Establish (and seek evidence) whether any of the major adaptations are needed to meet the housing needs of the Potential Successor (or their Household (see people section)) <p>(where appropriate, liaise with maintenance officer; Regional Welfare Officer; Housing Support Officer etc.).</p>

YOUR RESPONSIBILITY

Housing Costs - Permission to Occupy charge

You will be liable to pay a Permission to Occupy charge from the Monday after the tenant's death and until a positive outcome to your application; or, the expiry of notice ending that permission; or, you voluntarily leave the property, whichever is the earliest date. We will issue a barcoded letter for these payments. Please note that this will not affect, in any way, the decision regarding the succession.

Important note

If you do not sign the declaration below you will still be liable but may not be entitled to assistance with Housing Benefit or Universal Credit.

Your weekly charge will be

£ _____

Help with housing costs

If you are on a low income, you may get help with paying your permission to occupy charges. Depending on where you live that may be Housing Benefit **or** Universal Credit and Rates Assistance.

If you are of working age (over 16 but below State Pension age) please consider **Social Sector Size Criteria** (SSSC) - also known as 'bedroom tax' - when considering succeeding to a Housing Executive property. Further information is available on the Housing Executive website and can be provided to you if required.

Housing Costs with Universal Credit

If you are applying for Universal Credit, please be aware that you will need to apply for rates assistance separately. As soon as the application for succession is made you should apply for Universal Credit with Housing Costs. The first payment should be made directly to the Housing Executive approximately 5 weeks after the date of your application.

If you are in receipt of Universal Credit without Housing Costs prior to the application for succession, you should notify your work coach that you are now applying for Housing Costs.

Currently Receiving or applying for Housing Benefit*
Currently Receiving or applying for Universal Credit*

****Information is not mandatory***

Housing Costs:

I understand that I am liable to pay a weekly charge of £ _____ while I am in occupation.

Signed _____	Date / /
--------------	--------------------------------

YOUR INFORMATION

What we do with your information

You have applied to the Housing Executive for the assessment of your application for a Succession of tenancy. The Housing Executive is providing these services to you as part of our statutory housing functions and legal obligations. Processing your personal information is necessary for us to perform public tasks based on those statutory functions and legal obligations.

More details are available on the Housing Executive website www.nihe.gov.uk/privacy_notice, or by contacting the Housing Executive directly.

The Housing Executive requires this information to assess and decide your application for a Succession of tenancy.

SHARING YOUR INFORMATION WITH OTHERS

To assess and decide your application, information you have provided may be shared with other Housing Executive departments, (e.g. the Tenancy Fraud Unit and Housing Benefit).

The Housing Executive may share any of the information provided for the above purpose with others where appropriate, including individuals (e.g. health professionals), agencies/bodies (statutory and non-statutory), registered housing associations, local councils, employers, landlords, and service providers.

CONSENT FOR THE HOUSING EXECUTIVE TO RECEIVE INFORMATION

I consent to the Housing Executive receiving information from others with whom it has shared my information, for the purpose of deciding my Succession application.*

Signed _____	Date / /
---------------------	------------------------

**Staff should note if the person has declined to provide consent.*

CONSENT FOR THE HOUSING EXECUTIVE TO REQUEST INFORMATION FROM HOUSING BENEFIT

The Housing Executive may request your address history, dates of occupation and household details from Housing Benefit solely for the purposes of assessing your application for a Succession of Tenancy.

I consent to the Housing Executive requesting this information*

Signed	Date / /
---------------	------------------------

**Staff should note if the person has declined to provide consent.*

WITHDRAWING CONSENT

You can withdraw your consent, to the Housing Executive receiving information from others, at any time by contacting any Housing Executive Officer by telephone, email or in writing.

If consent is not given, or is subsequently withdrawn, then the Housing Executive will not be able to access information from other parties to assist in the purpose outlined above. **If you do not provide consent to the Housing Executive receiving information from others, this will not affect the service you receive. The Housing Executive will still use the information available to them to make a decision in relation to your succession application.**

PART 2: PATCH MANAGER'S REPORT**Office Use ONLY**

Please Refer to Chapter 8 of Housing Selection Scheme Guidance Manual

Office		Person number	
Patch Manager		Case ID	
Date of Initial Contact (Keyed to HMS)	/ /	Date of Interview (Keyed to HMS)	/ /
Date advised of Tenant's Death	/ /		

INVESTIGATIONS: -**CHRONOLOGY OF INVESTIGATION AND CONTACTS MADE: -**

Please detail all investigations, interviews, telephone calls, information requested/received etc.

DATE INFORMATION REQUESTED/ RECEIVED	DETAILS/INFORMATION PROVIDED FOR CONSIDERATION (Continue on additional pages if necessary)

(Please attach extra sheet if needed)

Unacceptable Behaviour and Person from Abroad (Note this will only affect the application if it is a Policy Successions or awarded by the Director's discretion under Exceptional Circumstances)

Please detail all investigations into Applicant's eligibility

Following the completion of Person from Abroad Investigations is the Applicant/ Potential Successor eligible?

(All decisions regarding PFA eligibility must be made by a Team Leader or above.)

Yes ☐ No ☐

Following the completion of Unacceptable Behaviour investigations is the Applicant/Potential Successor eligible?

Yes ☐ No ☐

(If no, this decision must be made by a Team Leader)

TEAM LEADER/ NAME _____

TEAM LEADER SIGNATURE _____

DATE _____

ACCOUNT AT DATE OF INITIAL CONTACT _____

ACCOUNT AFTER INVESTIGATION _____

CONSIDERATION FOR ENTITLEMENT	
STATUTORY SUCCESSION (Refer to Chapter 8, Rule 73 of the HSS guidance)	
POLICY SUCCESSION (Refer to Chapter 8, Rule 74 and Rule 75 of the HSS guidance)	

PATCH MANAGER'S RECOMMENDATION`

PATCH MANAGER NAME

PATCH MANAGER SIGNATURE

DATE

PART 3: LETTINGS MANAGER / ASSISTANT AREA MANAGER (74B)

A). STATUTORY ENTITLEMENT CONSIDERATIONS AND RATIONALE (LETTINGS MANAGER)

(This section to be completed by Lettings Manager)

Considerations / Rationale:

(Please attach extra sheets if needed)

Is there a statutory entitlement to succeed the tenancy?

YES	<input type="checkbox"/>	<i>Complete the statutory succession providing details and signature below</i>
NO	<input type="checkbox"/>	<i>Go to Section B</i>

TYPE OF TENANCY (please tick which box is applicable)

Introductory Tenancy ☐ Secure Tenancy ☐

NOTE: Please ensure that the correct procedures are followed (See Chapter 8 of Housing Selection Scheme Manual.)

TENANCY COMMENCEMENT DATE: ____/____/____

LETTINGS MANAGER NAME: _____

LETTINGS MANAGER SIGNATURE: _____

DATE: _____

B). POLICY ENTITLEMENT CONSIDERATIONS AND RATIONALE

(This section to be completed by Lettings Manager)

Considerations / Rationale:

Are the criteria for Policy Succession met (Rule 75 or Rule 74 (i) (ii) or (iii) as applicable)?

YES, and 74B not engaged the property characteristics are required by the potential successor.	<input type="checkbox"/>	Award the tenancy providing details and signature below
YES, and 74B engaged - the property <u>characteristics are not required</u> by the potential successor	<input type="checkbox"/>	Go to Section C
NO – criteria for a policy succession <u>NOT</u> met	<input type="checkbox"/>	Go to Section E

TYPE OF TENANCY AWARDED (please tick which box is applicable)

Introductory Tenancy ☐ Secure Tenancy ☐

NOTE: Please ensure that the correct procedures are followed (See Chapter 8 of Housing Selection Scheme Manual.)

TENANCY COMMENCEMENT DATE: _____/_____/_____

LETTINGS MANAGER NAME: _____

LETTINGS MANAGER SIGNATURE: _____

DATE: _____

C). INVESTIGATION OF WAITING LIST NEED UNDER 74B

(This section to be completed by Lettings Manager)

(Only investigate if the property characteristics / no. of bedrooms are not required by the potential successor / their household)

PROPERTY FEATURE(S) [UNDER RULE 74B] NOT REQUIRED TO MEET THE HOUSING NEEDS OF THE POTENTIAL SUCCESSOR (AND/OR THEIR HOUSEHOLD) *[tick all that apply]:*

GF w/ no more than 2 bedrooms – ex. Flats ☐ Over-occupied by 2+ bedrooms ☐

Under-occupied by 2+ bedrooms ☐ Significant adaptations not required ☐

Wheelchair-standard not required ☐

DETAILS / RATIONALE (including evidence):

INVESTIGATION INTO WAITING LIST FOR THE FEATURES OF THE REQUESTED PROPERTY

DETAILS *(this should include reference to Housing Prospects data and/or discussions with Housing Support Officers & Regional Welfare Officers etc, as relevant. **Personal details of Waiting List Applicants should NOT be noted here**):*

ARE THERE ANY POTENTIALLY VERY EXCEPTIONAL CIRCUMSTANCES RELATING TO THE POTENTIAL SUCCESSOR OR THEIR HOUSEHOLD THAT WOULD WARRANT REFERRAL TO THE DIRECTOR OF HOUSING SERVICES?

(Note details here: (N.B. there needs to be very strong and compelling evidence that to withhold the tenancy where policy entitlement is met would have a disproportionate impact on the potential successor or their household)

(Please attach extra sheets if needed)

Is there evidence of need on the Waiting List for one or more of the features of the property?

NO	<input type="checkbox"/>	<i>Award the tenancy providing details and signature below</i>
YES	<input type="checkbox"/>	<i>Go to Section D – referral to the Assistant Area Manager for decision under 74B</i>

TYPE OF TENANCY AWARDED (please tick which box is applicable)

Introductory Tenancy ☐ Secure Tenancy ☐

NOTE: Please ensure that the correct procedures are followed (See Chapter 8 of Housing Selection Scheme Manual.)

TENANCY COMMENCEMENT DATE: ____/____/____

LETTINGS MANAGER NAME: _____

LETTINGS MANAGER SIGNATURE: _____

DATE: _____

D). REFERRAL TO THE ASSISTANT AREA MANAGER UNDER 74B

(This section is to be completed by Assistant Area Manager)

Date of referral to AAM: ____/____/____

Considerations / Rationale:

(Please attach extra sheets if needed)

ASSISTANT AREA MANAGER'S DECISION

POLICY SUCCESSION TO THE REQUESTED PROPERTY NOT GRANTED UNDER RULE 74B* ☐

**the potential successor will be entitled to one offer of suitable alternative accommodation.*

Case must be referred to the Lettings Manager to source the offer.

REFERRAL TO HOUSING POLICY FOR THE DIRECTOR'S CONSIDERATION** ☐

***Due to potentially Very Exceptional Circumstances of the potential successor. A brief for the Director of Housing Services should be prepared using Appendix 8 of Chapter 1 GHPGM and referred to Housing Policy.*

Date Decision Letter Sent to Potential Successor: _____

ASSISTANT AREA MANAGER'S NAME: _____

ASSISTANT AREA MANAGER'S SIGNATURE: _____

DATE: _____

LETTINGS MANAGER SIGNATURE: _____

DATE: _____

F). REFERRAL TO DIRECTOR OF HOUSING SERVICES FOR VERY EXCEPTIONAL CIRCUMSTANCES (LETTINGS MANAGER)

(This section is to be completed by Lettings Manager)

Complete Appendix 8 in Chapter 1 of the GHPGM and send to Housing Policy along with all relevant investigations, evidence provided/secured and any relevant documentation from the house file.

N.B. this should be discussed with and endorsed by the (Assistant) Area Manager before referral)

Consideration /Rationale:

(Please attach extra sheets if needed)

(NOTE: A BRIEF SHOULD BE PREPARED AND REFERRED TO HOUSING POLICY FOR DIRECTOR'S CONSIDERATION. SEE CHAPTER 8 OF THE HSS GUIDANCE MANUAL)

LETTINGS MANAGER NAME: _____

LETTINGS MANAGER SIGNATURE: _____

DATE: _____

Housing Selection Scheme Guidance Manual

Chapter 3 Ranking of Applicants

Updated April 2025

3.3 INTIMIDATION: **RULE 23 (this Rule is removed with effect from 1st April 2025)**

Rule 23 and Intimidation Points have been removed from the Scheme with effect from 1st April 2025. However, associated policies and procedures in relation to Intimidation will still apply to certain cases – see Section 3.3.1 Rule 23B Saving Provisions below.

3.3.1 **RULE 23B: SAVING PROVISION**

Following removal of Rule 23 from the Scheme, with effect from 1 April 2025 it will continue to apply in the following circumstances: -

- An Applicant awarded Intimidation points under Rule 23, prior to its removal from the Scheme*, will retain these points until they are rehoused, or they refuse two reasonable offers of accommodation, whichever is the earliest. For the avoidance of doubt, for Applicants who have already refused one reasonable offer before 1 April 2025 this will leave them with one remaining reasonable offer.
- Where an Applicant's circumstances are under consideration under Rule 23 prior to its removal from the Scheme*, it will be undertaken and completed in accordance with Rule 23 and the related policies and procedures. An applicant will be entitled to Intimidation Points where they are found to have met the relevant criteria in Rule 23 as if that rule had not been removed from the Scheme.

*The effective date of removal is 1st April 2025.

The Saving Provision provided in Rule 23B above, apply in the following circumstances:

- a) Applicants or Transfer Applicants awarded 200 points on or before 31st March 2025 under Rule 23 will retain these points until they are rehoused, or they refuse two reasonable offers of accommodation. **[Please Note: some Applicants / Transfer Applicants may only have one reasonable offer remaining].**
- b) Where an Applicant's / Transfer Applicants entitlement to points under Rule 23 was under active investigation on or before 31st March 2025 this investigation should be completed in line with the provisions of Rule 23. If the investigation concludes that the provisions of Rule 23 are met then the 200 Intimidation Points will be awarded. This includes:
 - Cases where the Rule 23 investigation commenced on or before the 31st March and remains ongoing after 31st March 2025;

Housing Selection Scheme Guidance Manual

Chapter 3 Ranking of Applicants

Updated April 2025

- Cases where Intimidation Points have been refused on or before 31st March 2025 and where that decision is subject to ongoing challenge through the complaints process;
- c) Where an Applicant or Transfer Applicant's circumstances were being actively investigated under Rule 23 **on or before 31st March 2025, AND** the case remains under investigation after 31st March 2025, **AND** they were subsequently not awarded Intimidation points upon the outcome of the investigation; these Applicants / Transfer Applicants will still be entitled to make a complaint regarding the decision to refuse Intimidation points under Rule 23.

Where the outcome of such a complaint results in a decision that the criteria under Rule 23 has been met, the Applicant / Transfer Applicant will be awarded 200 Intimidation Points.

PLEASE NOTE: Guidance sections in relation to the assessment of Intimidation Points are retained for ongoing investigations of those cases that fall within Rule 23B Saving Provision as per section 3.3.1 above only.

3.3.2 INTIMIDATION POINTS: (RETAINED FOR CASES THAT COME UNDER RULE 23B SAVING PROVISION – SEE SECTION 3.3.1 ABOVE)

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

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

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

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

Housing Selection Scheme Guidance Manual

Chapter 3 Ranking of Applicants

Updated April 2025

3.3.3 ASSESSMENT OF INTIMIDATION POINTS (RETAINED FOR CASES THAT COME UNDER RULE 23B SAVING PROVISION – SEE SECTION 3.3.1 ABOVE ONLY)

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

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

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

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

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

The Housing Executive's statutory powers to address neighbourhood nuisance and other similar forms of anti-social behaviour, namely possession proceedings for

Housing Selection Scheme Guidance Manual

Chapter 3 Ranking of Applicants

Updated April 2025

nuisance and annoyance, Injunctions and Anti-Social Behaviour Orders which are contained in the Housing (Northern Ireland) Order 2003 and the Anti-Social Behaviour (Northern Ireland) Order 2004. Guidance on these powers and the circumstances in which the Housing Executive is entitled to use them can be found in the Community Safety Manual.

ADMINISTRATIVE ISSUES

The decision to award or to not award intimidation points, rests with the Team Leader or higher graded officer within the Housing Executive. The Housing Advisor or Patch Manager is responsible for carrying out investigation of such cases.

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

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

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

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

3.3.4NUMBER OF POINTS

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

3.3.5 INTIMIDATION: ASSESSMENT PROCEDURES

Housing Selection Scheme Guidance Manual

Chapter 3 Ranking of Applicants

Updated April 2025

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

(a) Contact with 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 Housing Executive on intimidation cases will vary from area to area. The PSNI Information Sharing Protocol Information Request Pro Forma should be completed as necessary seeking confirmation of any risks/threats that may exist (see Appendix 4d). These may be followed up verbally if required.

(c) Base2

Procedures when contacting BASE2

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

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

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

Housing Selection Scheme Guidance Manual

Chapter 3 Ranking of Applicants

Updated April 2025

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.

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

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

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

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

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

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

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

(f) Re-housing

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

Housing Selection Scheme Guidance Manual

Chapter 3 Ranking of Applicants

Updated April 2025

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).

3.3.8 DOMESTIC VIOLENCE

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

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

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

Housing Selection Scheme Guidance Manual

Chapter 8 Changes of Tenancy: Succession, Assignment and Joint Tenancies Reviewed July 2025

8.2.1 Succession: Exceptional circumstances for cases to be referred to Director of Housing Services (or Housing Association Equivalent)

Where succession is not considered possible under statutory (legal) or policy criteria and the circumstances of the case are potentially of a very exceptional nature, the designated officer, at any stage in the process, whether prior to making an initial decision or as part of the consideration of a request for a Review of the decision, exercise their discretion and decide to refer the case to the Director of Housing Services (or HA equivalent) for consideration as to whether a tenancy could be awarded to the potential successor.

When considering a referral to the Director of Housing Services (or HA equivalent) some examples of very exceptional circumstances are as follows (***this list is not exhaustive and each case should be considered on its own merits in the context of the specific circumstances of the case***):

- The potential successor's circumstances fall just outside/ narrowly miss the criteria for Statutory (Legal) / Policy Succession, e.g. does not meet the definition for member of the family or does not meet the 12 months residency criteria; and
- In these circumstances a combination of additional factors can also be considered, e.g.: (N.B: This list is not intended to be exhaustive)
 - The potential successor has high housing need / vulnerabilities;
 - The potential successor has lengthy connection with the tenancy, e.g. family home;
 - The property is in an area of low demand.

Housing Executive staff should complete a brief on the case and forward to the Housing Policy team in the first instance (via the Inbox: HousingPolicy@nihe.gov.uk). Further guidance on this issue and a template to capture all relevant information to include in the brief can be found in Chapter 1 of the General Housing Policy Guidance Manual. A Senior Manager in the Area Office should be apprised of such cases and involved in any decision to exercise discretion to refer the case to Housing Policy. Staff should also note that referrals for the Director's consideration can be made at any stage, including following submission of a Review request. Staff should contact the Housing Policy Team for further guidance, if required. On the outcome of the Director of Housing's decision staff should refer to:

- 8.3.10 (Exceptional Successions when approved by the Director) (**staff should note that this tenancy will not infer new statutory (legal) rights and should be keyed under Tenancy Reason as a succession tenancy**); or
- Appendix 8.4A (Refusal of Applications for Succession) as appropriate.

Housing Selection Scheme Guidance Manual
Chapter 8 Changes of Tenancy: Succession, Assignment and Joint
Tenancies Reviewed July 2025

PLEASE NOTE: CASES MUST NOT BE SENT STRAIGHT TO THE DIRECTOR OF HOUSING SERVICES

Landlord Services Advice Note – LSAN (FRA) No. 08/25

Title: The removal of Rule 23 / Intimidation points from the Housing Selection Scheme and associated changes to Homelessness Policies & Procedures

Department: Fundamental Review of Allocations Implementation Project/ Homelessness Policy

Responsible Officer: [REDACTED]

Should you have any queries with the information contained within this document please contact:

FRAProject@nihe.gov.uk
(for matters relation to FRA Changes)

Or

homelessnesspolicy@nihe.gov.uk
(for matters relating to homelessness)

Quoting reference: LSAN FRA 08/25

Background: The purpose of this Advice Note is to provide information and guidance for staff in relation to the removal of Housing Selection Scheme (the Scheme) Rule 23 (Intimidation points) arising from the Fundamental Review of Allocations (FRA).

What is required: Staff should note the changes to policies and procedures and apply them when carrying out duties in relation to the assessment of housing needs (under the Scheme) and Homelessness.

Who is responsible: All Housing Services staff involved in the administration of the Scheme and all Housing Services Staff involved in the assessment of Homelessness.

Please read the information contained within this advice note carefully and in full. Should you have any queries please discuss in the first instance with your line manager. Any additional queries should be directed to the inbox as detailed above.

LSAN Issued Date:	Issued 31.03.2025
Effective from Date:	01.04.2025
Approved By:	Caroline Connor & Brian O’Kane

Linked Policy Documents:

[Chapter 3 of the HSSGM](#)

[Chapter 5 of the HSSGM](#)

[Chapter 12 of the HSSGM](#)

[Chapter 1 of GHPGM](#)

[Chapter 3 Homelessness Manual](#)

[Housing Solutions Handbook](#)

Landlord Services Advice Note – LSAN (FRA) No. 08/25

To: All NIHE Staff involved in the Administration of the Housing Selection Scheme and Homelessness Regional Managers, Area Managers, Assistant Area Managers, Team Leaders, Lettings Managers, Housing Advisors, Patch Managers, Landlord Services Trainers.

Plus Normal Distribution

Subject: Removal of Rule 23 (Intimidation points) from the Housing Selection Scheme and associated Homelessness Policies & Procedures

1.0 Introduction

- 1.1 The purpose of this advice note is to provide information and guidance for staff in relation to the removal of Rule 23 / Intimidation points from the Housing Selection Scheme (the Scheme) which takes effect from 1st April 2025. This includes changes to Homelessness Guidance Manuals regarding homelessness presenting and established reasons codes impacted by the removal of Rule 23.
- 1.2 **An online session will be provided week commencing 7th April 2025 to walk staff through the information and guidance provided in this LSAN. Further information and invites to follow.**
- 1.3 Changes to the Scheme result from the implementation of the Fundamental Review of Allocations (FRA) Proposal 7. Rule 15, Rule 24A and Schedule 4 have been also amended to reflect the removal of Rule 23 ([see Chapter 12 HSSGM](#)).
- 1.4 This note should be read in conjunction with the previous [LSAN \(FRA\) No. 05/25a](#), which details the transitional arrangements which have been put in place with the addition of Rule 23B Saving Provision (see box below).

Rule 23B (Saving Provision)

Following removal of Rule 23 from the Scheme, with effect from 1 April 2025 it will continue to apply in the following circumstances: -

- An Applicant awarded Intimidation points under Rule 23, prior to its removal from the Scheme*, will retain these points until they are rehoused, or they refuse two reasonable offers of accommodation, whichever is the earliest. For the avoidance of doubt for Applicants who have already refused one reasonable offer before 1 April 2025 this will leave them with one remaining reasonable offer.
- Where consideration of an Applicant's circumstances has commenced under Rule 23 prior to its removal from the Scheme*, it will be undertaken and completed in accordance with Rule 23 and the related policies and procedures. An applicant will be entitled to Intimidation points where they are found to have met the relevant criteria in Rule 23 as if that rule had not been removed.

**The effective date of removal is 1st April 2025.*

2.0 Changes to Staff Guidance Manuals

- 2.1 Staff guidance has been updated to reflect changes to the Housing Selection Scheme Rules and Homelessness policies and procedures and are available on the [Housing Hub](#).

Amendments have been made to the following:

- Housing Selection Scheme Guidance Manual - Chapters 3, 5 and 12
- General Housing Policy Guidance Manual – Chapter 1
- Housing Solutions Handbook
- Homelessness Guidance Manual – Chapter 3

The Housing Solutions Form (online) has been amended and is also available on the Housing Hub under Useful Forms.

Amendments have also been made to the wording of the HMS 'Final Offer Letter' to highlight that Intimidation points are included in those removed following refusal or non-response to a final offer. Additional text has been included (in bold) as follows:

*If you are a person owed the Full Housing Duty under the homelessness legislation, refusal or non-response to this offer will result in that duty having come to an end and the removal of all related points awarded to you by virtue of that duty coming to an end (**this includes the removal of Intimidation points where applicable**).*

- 2.2 The transitional arrangements / saving provision (Rule 23B) mean that associated policies and procedures in relation to Rule 23 – the Investigation and award of Intimidation Points may still apply in certain cases. Please refer to [Section 3.3.1 of HSS Guidance Manual](#) and [LSAN FRA 05/25a](#) for further guidance.
- 2.3 It is important to note that referrals to the PSNI and Base 2 in relation to Rule 23 investigations may still be necessary where investigations continue beyond 1st April 2025 only for cases that fall within the saving provision (Rule 23B).
- 2.4 The Emergency Grant will remain payable to eligible Applicants who meet the criteria following re-housing. Further work on this will continue and staff will be updated in due course.
- 2.5 Staff should note that [Rule 61](#) restriction of choice related to Rule 23, will continue to apply to those on the Waiting List with Intimidation points. Careful consideration should always be given to whether it would be appropriate to apply Rule 61 i.e. where the Designated Officer, on reasonable grounds, decides that the Applicant or a member of their household may be at significant risk of attack in any wider areas chosen by the

Applicant (staff should refer to Chapter 5.5 of the HSSGM). This Rule has a built-in obsolescence as it will be of no effect when there are no longer Applicants with Intimidation points on the Waiting List.

3.0 HMS Keying, Reports and ongoing monitoring of cases

- 3.1 There are no changes being made to the Circumstance Table which means that the system will still allow Intimidation points to be keyed. From 1st April 2025 these points should only be keyed for applications that fall within the Saving Provision (Rule 23B). **Note: any new housing applications and or homeless presentations from the 1st April 2025 should not be investigated under Rule 23 and Intimidation points should not be awarded / keyed.**
- 3.2 Please note, with the removal of Rule 23 and the addition of Rule 23B Saving Provision, the decision to award Intimidation points continues to rest with the Team Leader or above within the Housing Executive.
- 3.3 As points may still be keyed after 1st April 2025, the H006b report that establishes where there has been a mismatch in keying between homeless reason codes 03 and the keying of associated points (PSN1, Intimidation, FDA) will remain in place and should be actioned appropriately (see the [Housing / Homeless Reports and Dashboards Manual](#)).
- 3.4 Following the removal of Rule 23, it is essential that staff continue to monitor cases where Applicants (including Transfer Applicants) have already been awarded Intimidation points under Rule 23. These cases should be reviewed on a continuous basis until they are either rehoused or they refuse two reasonable offers of accommodation. [Please Note: some Applicants / Transfer Applicants may only have one reasonable offer remaining].
- 3.5 **Staff should continue to follow the guidance in [LSAN FRA 05/25a](#) and should continue to update ‘Spreadsheet 2’ and submit weekly returns until further advised. Each Area should nominate someone to collate the returns from across their different offices and submit a completed Spreadsheet 2 via email to the FRA Project Team inbox (FRAProject@nihe.gov.uk) by 2pm every Friday. We greatly appreciate your time in providing these returns and thank you for your continued efforts to monitor cases.**
- 3.6 If there are any cases that cannot be contacted, or where the circumstances are complex, please contact the FRAProject@nihe.gov.uk or Housing.Policy@nihe.gov.uk for assistance.

4.0 Changes to Homelessness Guidance Manual and Homelessness Reason Codes

- 4.1 As a result of changes to the Housing Selection Scheme following the implementation of FRA Proposal 7 and the removal of Rule 23 and Intimidation points from the Scheme, Chapter 3 of the Homelessness Guidance Manual has been updated to reflect the changes and include additional guidance. Staff should adhere to and implement the changes as set out in this guidance.

This amended chapter is now available on the Housing Hub page on Huddle. To access the page.

Huddle

- > "I want to" and select "Use a System"
- > "Team Sites"
- > "Housing"
- > "Housing Guidance & Manuals"
- > "Homelessness Manual"

- 4.2 Homelessness Guidance Manual Chapter 3.5.3 has been updated to reflect the changes. Homelessness Reason codes Intimidation – Paramilitary / Sectarian / Racial / Sexual Orientation / Disability / ASB, **should not be used** as a presenting or established Homelessness Reason effective from 1st April 2025, except for the cases which have been outlined under the Savings Provisions in Rule 23b of the Housing Selection Scheme.

Please refer to Section 3.3.1 of HSS Guidance Manual and LSAN FRA 05/25a for further guidance.

- 4.3 Chapter 3.5.11 of the Homelessness Guidance Manual has been updated as Homeless Reason 08F – Accommodation Not Reasonable (Violence) will be removed from HMS effective from 1st April 2025 and will no longer be available for use. Designated officers should be aware that any cases which have been opened as believed Accommodation Not Reasonable (Violence) may be established (if applicable), under any other relevant homelessness reason, for example, Violence/Risk of Violence, Neighbourhood Harassment or any other applicable homelessness reason dependent on the circumstances of the case.
- 4.4 Chapter 3.5 of the Homelessness Guidance Manual has been updated to reflect the addition of a new Homelessness Reason, 'Violence/Risk of Violence' and associated guidance provided. Please note that the guidance clearly outlines that this code should not be used for any cases of domestic abuse or sexual abuse.
- 4.5 Chapter 3.5 has also been updated to reflect the addition of a new Homelessness Reason – 'Hate Incident' with subcategories Sectarian/ Racial/ Sexual Orientation/ Disability/ Gender Identity. Designated officers should familiarise themselves with new guidance which is outlined at 3.5.22 of the Homelessness Guidance Manuals and

contact Homelessness Policy if they have any queries.

- 4.6 It is important that staff contact Homelessness Policy if they require any additional guidance in respect of the changes to Chapter 3 of the Homelessness Guidance Manual and Homelessness Reasons. Please contact homelessnesspolicy@nihe.gov.uk for assistance.

5.0 Comms with customers and changes to NIHE website and booklets

- 5.1 Staff should note that changes have been made to the NIHE website and to customer-facing content to reflect the removal of Rule 23. This includes:
- [How We Allocate Accommodation](#) (booklet)
 - [Applying for Social Housing in Northern Ireland](#) (booklet)
 - [How we assess your application](#) (webpage)
 - [The points system](#) (webpage)
 - [Housing Selection Scheme Rules \(PDF\)](#)
 - [The NI Direct webpage](#) (webpage)

6.0 Further Information

- 6.1 If you require any further information in relation to this LSAN please contact the FRA Project Team at FRAProject@nihe.gov.uk for matters relating the FRA changes or the Homelessness Policy Team at homelessnesspolicy@nihe.gov.uk for matters relating to homelessness.

Approved by Caroline Connor
Assistant Director, Housing Services

Approved by Brian O’Kane,
Assistant Director, Central Policy & Business Excellence

PLEASE BRING THE CONTENTS OF THIS CIRCULAR TO THE ATTENTION OF ALL RELEVANT STAFF AFTER WHICH IT SHOULD BE PROPERLY INDEXED AND FILED.