



Consultation response to Changes to the Housing Selection Scheme

Northern Ireland Housing Executive

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*Open to **all women and men** affected by domestic violence*

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1.0 Introduction

Women's Aid is the lead voluntary organisation in Northern Ireland addressing domestic violence and providing services for women and children. We recognise domestic violence as one form of violence against women. Women's Aid seeks to challenge attitudes and beliefs that perpetuate domestic violence and, through our work, promote healthy and non-abusive relationships.

2.0 Core work of Women's Aid

The core work of Women's Aid in Northern Ireland, including Women's Aid Federation Northern Ireland and the 10 local Women's Aid groups is:

- To provide refuge accommodation to women and their children suffering mental, physical or sexual abuse within the home.
- To run the 24 Hour Domestic Violence Helpline.
- To provide a range of support services to enable women who are leaving a violent situation to rebuild their lives and the lives of their children.
- To provide a range of support services to children and young people who have experienced domestic violence.
- To run preventative education programmes in schools and other settings.
- To educate and inform the public, media, police, courts, social services and other agencies of the impact and effects of domestic violence.
- To advise and support all relevant agencies in the development of domestic violence policies, protocols and service delivery.
- To work in partnership with all relevant agencies to ensure a joined up response to domestic violence.

Throughout this consultation response, the term "Women's Aid" is used to reflect the overall Women's Aid movement in Northern Ireland, which is made up of ten local Women's Aid groups and Women's Aid Federation. The ten local Women's Aid groups are all members of Women's Aid Federation Northern Ireland. Each Women's Aid group offers a range of specialist services to women, children and young people who have experienced domestic violence.

3.0 Women's Aid statistics (2011-2012)

- 12 refuges with 300 bed spaces, playrooms and facilities.
- 831 women and 586 children sought refuge.
- 15 resource centres for women seeking information and support; group work and training.
- 3,663 women and 4,152 children accessed the Floating Support service, and a further 1,909 women accessed other Women's Aid outreach services, enabling women to access support whilst remaining in their own homes and communities.
- Move-on houses for women and children leaving refuges.
- The 24 Hour Domestic Violence Helpline, open to all women and men affected by domestic violence, managed 43,949 calls.

4.0 Additional Women's Aid statistical data

- Since 1999, Women's Aid across Northern Ireland gave refuge to 15,545 women and 14,942 children and young people.
- During the last 17 years Women's Aid Federation Northern Ireland managed 326,809 calls to the 24 Hour Domestic Violence Helpline.

5.0 Statistics: Domestic violence & violence against women

- Domestic violence is a violation of Article 5 of the UN Universal Declaration of Human Rights – that “no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment”.
- The joint DOJ, DHSSPS Strategy “Tackling Violence at Home” estimates that the cost of domestic violence in Northern Ireland, including the potential loss of economic output, could amount to £180 million each year.
- UNICEF research released in 2006, showing per capita incidence, indicates that there are up to 32,000 children and young people living with domestic violence in Northern Ireland.
- Where the gender of the victim was known, 75% of adult victims of domestic crimes recorded by the PSNI in 2009/10 were female.¹
- Over 30% of all domestic violence starts during pregnancy.²

¹Findings from the PSNI Crime Statistics Report 2010/11 N.B. “Adult” defined as aged 18 and over

²Women's Aid Federation Northern Ireland

6.0 Domestic violence: Crime statistics (Source: PSNI Statistics 2011/12)

- Domestic Violence is a crime. PSNI statistics for 2011/12 indicate that there were more recorded crimes with a domestic motivation (10,387) than the combined total of all the following crimes (10,327) – all recorded sexual offences (1,836), shoplifting (6,201) and theft of a motor vehicle (2,290).
- PSNI Statistics for 11/12 indicate that they responded to a domestic incident every 21 minutes of every day of the year.
- The total of 10,387 crimes with a domestic motivation in 11/12 represents an average of approximately 1 domestic crime every 51 minutes in Northern Ireland.
- The number of all recorded offences of murder in Northern Ireland in 11/12 total 16. Those classed as having a domestic motivation total 3. Therefore, 19% of all murders in Northern Ireland in 11/12 had a domestic motivation.
- There were 553 rapes (including attempted Rapes) in Northern Ireland in the period 2011/12.

(Source: PSNI Statistics 2011/12)

- Official sources (NISOSMC) estimate that up to 80% of sex crimes are not reported.

7.0 Consultation response

- Women’s Aid Federation Northern Ireland welcomes the publication of the *Consultation on Changes to the Housing Selection Scheme*, and the opportunity to comment on it on behalf of our 10 local groups.

8.0 Purpose and scope of the study

Making best use of housing stock

- Women’s Aid notes that the purpose of this consultation is to amend the Housing Selection Scheme in light of the proposed changes in the Welfare Reform Bill, particularly relating to size criteria for working age claimants living in social housing. While we appreciate Northern Ireland Housing Executive’s desire to ensure that they and their clients are prepared if and when these reforms come into effect, it remains the case that these reforms have not yet been approved. Many of the provisions could be amended by the Assembly, and so we believe it unwise to make concrete changes to the Scheme until the specifics of the reforms have been confirmed.
- We note that one of the aims of the size criteria is “making best use of social housing stock” (at page 5). However we are entirely unconvinced that the criteria as proposed will fulfil this aim in any way. While we appreciate the benefit of moving away from a system that “pays for any sized home regardless of household need” (page 5), we believe that the new sizing criteria will result in the needs of households being ignored altogether, and in no way reflect the realities of the family in the 21st century.
- There aren’t enough appropriate houses, in particular 1 and 2 bedroom houses, in Northern Ireland to facilitate the changes that are being proposed. It is therefore simply untrue that the proposed changes will fulfil the document’s aim to make best use of social housing stock, as the required stock of housing required to facilitate these changes simply does not exist. To ignore this and force the poorest in our society to pay for this with money that they don’t have is illogical and dangerous. It could result in destitution or homelessness for those who cannot find social housing with the right number of bedrooms and are therefore forced to incur the financial penalty of having a house with too many bedrooms.
- We note that there will be no distinction between regular size bedrooms and box rooms in the new rules. When combined with the above changes, we find this to be completely unworkable. Box rooms are often not sufficiently sized for a person to use as a bedroom, and many box rooms are not fit for purpose

as a bedroom and are thus used as a storage space. It is manifestly unfair to make no distinction between a box room and a regular bedroom, and either financially penalise a person for having an extra box room or force a person to use a box room as their bedroom space if it is not fit for that purpose.

- Box rooms are especially not suitable for people with disabilities / other special requirements, or able to accommodate 2 children in one room. This is especially the case if, for example, a child with a disability is forced to share a box room with their sibling.

Effect on victims of domestic violence

- The proposed changes could have a catastrophic effect on victims of domestic violence. It is an enormous step for a woman to leave an abusive partner and set up a new life alone. If children are involved, the decision is complicated further, as the inevitable poverty that many women find themselves in after leaving a partner will also affect those children. If a woman feels that leaving her violent partner will put her in a situation where she is unable to find affordable social housing of an appropriate size for herself and her children, this could deter her from leaving the relationship altogether.
- An immense amount of pressure may also be put on a woman to return to a house that has become under occupied because she and the children fled the house. It is well established that manipulation and control are inherent in abusive relationships, and that a perpetrator will use any situation to coerce or cajole a victim to return to that abusive situation. There is a danger that these rules may facilitate such control and manipulation of victims, by virtue of the fact that leaving a violent home may render it under occupied.
- Similar pressure may be put on a victim to stay in a relationship to avoid a child being without a stable place to stay in the home of each separated parent. In circumstances like this, perpetrators are likely to use the negative impact of separation on children as a means to keep a victim from leaving the abusive situation.

Separated parents

- Though the document states that housing benefit claimants will be assessed to establish how many bedrooms they “reasonably need” (at page 5), it is clear that the new criteria do not allow for a number of circumstances where it is not only reasonable but necessary that a family might need an extra room. For example, if a couple is separated and have equal custody of a child, it is reasonable that both parents should have a space for a child in their home in order for the child to have a stable living environment when living with each

parent. These changes indicate that, if you are impoverished, then your children do not have the right to equal, responsible co-parenting. This will be highly detrimental to separated families. It may also coerce those whose relationship has broken down to stay together 'for the sake of the children'. As already stated in the section above, this could be particularly dangerous in instances where domestic violence is present in a household. An abuser may use the detrimental effect of separation, and not being able to have a home with both parents, as a means to manipulate a victim into staying in the abusive relationship.

Foster families

- It is also reasonable and necessary that foster parents would need an extra bedroom for their foster child. To disallow this is to require that all foster parents own their own homes, and this is not only discriminatory but could potentially create a situation where foster parents may have to give up a foster child just because they lose a job or are placed in another circumstance where they have to avail of housing benefit. This situation goes against the right of a child, including foster children, to a stable home environment.

Medical necessity & disability

- It is furthermore reasonable and medically advisable in many instances that people who are recovering from serious illness may need to reside in a separate bedroom. To disallow a couple from having a room for this medical purpose, especially where recovery is a long-term process, not only flies in the face of necessity but may also go against explicit medical advice, and force a person to act to keep their heads above water financially instead of in the interest of their health.
- Finally, we find the rules relating to disabled adults, children and their families to be disgraceful. It is very common for people with certain disabilities to need a separate bedroom to accommodate their condition, particularly if they require any additional medical equipment to assist them in day-to-day life. The changes as they stand do not accommodate disabled adults and children in any way, or reflect the reality of life with a disability. The changes will in fact be actively detrimental to the lives of adults and children with disabilities in Northern Ireland.
- Women's Aid would also draw attention to footnote 3 page 6, and the fact that a decision of the Court of Appeal states that children with a disability must have a bedroom of their own in some cases. We would question why the Housing Benefit policy has been made in contravention to this ruling and would suggest that as the policy is unlawful that it should be changed.

Statistical data

- Bearing in mind the potentially devastating consequences of these changes, and the likelihood that it will lead to unmanageable debt, destitution, continued domestic violence and homelessness, Women's Aid is horrified by the statistics at page 12. The document projects that one in four households, or 32,500 tenants of working age (not counting their children), living in social housing in Northern Ireland will be deemed to be under occupying under the new rules and may be forced into a position of accruing debt or leaving their communities because of rule changes. These changes and their potentially devastating effects are nothing short of social cleansing and punishing the poor for being poor.

9.0 Key Proposals

- Women's Aid is extremely concerned that there is no mention of any kind of transition period to facilitate the proposed changes within the document. Indeed, the document assumes that all changes will be implemented in full in April 2013 with no grace period or any means to help those who find themselves in suddenly under-occupied houses to find appropriate housing without incurring financial penalties or hardship. Women's Aid is strongly opposed to any such sweeping changes being implemented without any kind of plan for facilitating a supported transition for those who may be affected.
- No one should bear the brunt of being placed in a situation that is not of their own making. If such changes are to come into effect, Women's Aid strongly recommends that no person whose house is re-categorised as under occupied should have to pay any extra money if they are in the process of actively finding new appropriate accommodation. It should be accepted that the one in four tenants who stand to be affected by these changes are not at fault for their new situation, and should not be made to accrue debt on account of the situation they are placed in.
- It is also a matter of concern that those on partial housing benefit will be disproportionately penalised for under occupying a house, by having the reduction of their benefit calculated using the cost of the rent instead of the amount of their benefit. It is unjust to calculate this reduction based on rent that tenants are paying out of their own pocket, as this amounts to a much larger percentage reduction of the benefits compared to those on full benefits. The provision may put those on partial housing benefit at greater risk of poverty and debt. We would urge that reduction in housing benefit is

calculated by taking a percentage of the housing benefit itself, to match the percentage reduction of those on full benefit and to reduce the financial hardship caused by the reduction.

10.0 Consultation Question 1: Do you agree with the recommendation that the Age Criteria for Children sharing bedrooms should be amended as outlined in line with the proposed amendments to Housing Benefit Regulations?

- Women's Aid does not agree with the recommendation to amend the age criteria, either in the Housing Benefit Regulations or in the Housing Selection Scheme. The age of a child does not necessarily reflect that child's needs or stage of development. Raising the age of sharing mixed-sex siblings does not account for the onset of puberty, menstruation, medical or behavioural issues, or other circumstances in which it might be inappropriate for 10 year olds to share bedrooms.
- In cases where a child has lived in a domestic violence situation, they may have been affected in a number of ways, and this may impact upon whether it is appropriate for them to share a room. It is well-established that a child who has lived with domestic violence, regardless of whether or not the abuse was actually directed at them, can suffer trauma, trouble sleeping, bed-wetting, and other physical and psychological problems. In such cases it may be detrimental for children to share a space.
- We do, however, support the lowering of the age at which same-sex children get their own rooms to 16.

11.0 Consultation Question 2: Do you agree with the proposal to retain flexibility to make allocations to applicants who do not meet the minimum bedroom requirements for difficult-to-let areas or properties?

- Given that this document explicitly recognises that it may benefit housing management to allocate a property with more bedrooms than required, we agree that flexibility should be retained here.
- However, if flexibility is to be granted to landlords in recognition of these circumstances, it should also be granted to the tenants suffering financial hardship who are being asked to take up a house that has more bedrooms than required. It is illogical that a tenant would be penalised financially in such circumstances, particularly when such tenants are by definition living in poverty and in need of social housing in the first place, and therefore in no

position to pay more money that they don't have for the house they are being offered.

12.0 Consultation Question 3: Do you agree with the proposal to continue to make allocations to certain applicants of one bedroom more than their minimum requirements to facilitate access to children?

- The consultation document states that “the Housing Executive recognises the need for a parent(s) to facilitate access arrangements to children who do not permanently reside with them” (page 9). In spite of this long-recognised need, the new Housing Benefit size restrictions will not accommodate such children.
- Women’s Aid agrees with the proposal to continue to make housing allocations to facilitate access to children, but again we find it appalling that this access will not also be facilitated by Housing Benefit Regulations. In spite of such flexibility being offered by the Housing Executive, the sad truth is that many people on Housing Benefits will not be able to afford to take on the extra room, and this will impact detrimentally on their ability to offer their child a stable living environment. Such a provision punishes the children of separated parents, and removes one means of retaining stability in an otherwise difficult situation for them. Women’s Aid believes that it is unfair and contrary to the rights of the child to discriminate in this way against the children of separated parents who happen to be in financial difficulty.

13.0 Consultation Question 4: Do you agree with the proposal to retain the flexibility to make allocations one bedroom in excess of an applicant’s minimum bedroom requirements for good housing management reasons as outlined?

- We agree that such flexibility should be retained. However we also strongly urge that housing benefit should cover extra bedrooms in instances where tenants are forced to take up under-occupied houses because appropriate housing does not exist.
- It is nonsensical that someone taking up social housing would have to pay for an extra room that they don't need just because there are no houses with the right number of bedrooms to offer them. This policy is arbitrary and unfair, will serve to put unnecessary strain on those trying to dig their way out of poverty, and will lead to society’s poorest people being forced into greater debt and homelessness.

14.0 Consultation Question 5: Do you agree that Rule 29 should be amended to bring the age criteria for sharing bedrooms in line with the proposed Housing Benefit size restriction?

- As previously stated at 10.0, we do not agree with many of the changes to age restrictions, and therefore we do not believe that such amendments should be made in the definition of what constitutes overcrowding, with the exception of houses in which two children where one is 16 – 18 years old share a bedroom.

15.0 Consultation Question 6: Do you agree with the proposal that a tenant who is awarded a policy succession or policy assignment and is under-occupying their property should be advised of the potential impact on a housing benefit application and will be asked to make a financial declaration of responsibility for any shortfall in rent?

- Women’s Aid believes that it will be useful to give tenants as much advance notice about changes to the benefits system as possible to ensure that the poorest in society are not adversely affected by the proposed changes. While we would again point out that the proposed changes have not yet been passed, we appreciate that it is prudent to advise people currently seeking social housing not to take a house that they may have to move out of in April 2013. We also acknowledge that the Housing Executive has already been effectively communicating the proposed changes with the women who use our services, and has been helping to ensure that victims of domestic violence are not taking up social housing that may result in them being in arrears a year down the line.
- We do not, however, agree that relationship breakdown, children leaving the home, or the death of a family member should have an immediate effect on those living in a suddenly or unexpectedly under-occupied house. For victims of domestic violence, such economic consequences could deter or prevent a victim from leaving an abusive partner. For those whose family member has passed away, such economic sanctions are callous and inhumane.
- We would also submit that people have the right to adequate housing under both article 25 of the Universal Declaration on Human Rights and Article 11(1) of the International Covenant on Economic, Social and Cultural Rights. This right does not just extend to people who own their own homes but to everyone. The proposed amendment to rules on succession and assignment may infringe the rights of those who are left in an under-occupied family home following the death of a family member. In addition to the inhumane nature and potential human rights infringements of these changes, Women’s Aid is of the view that the aforementioned changes will serve to undermine family stability, and therefore social cohesion in general.

16.0 Consultation Question 7: Do you agree with the proposal that the Housing Selection Scheme should relax the current transfer: applicant allocations ratio and include an additional priority Management Transfer category to address the needs of tenants who are under occupying and are seeking to move to a smaller more affordable home?

- Women's Aid believes that it is crucial that changes to housing benefits and housing allocation do not trap tenants in a financially difficult situation that is not of their own making. Therefore we agree that the outlined changes should be made to the transfer : applicant allocations ratio and include an additional priority Management Transfer category to address the needs of tenants who are under occupying and seeking to move to a smaller more affordable home.

17.0 Consultation Question 8: Do you agree with the proposal that the criteria for access to the transfer list and the discretion to withhold consent to a request for a Mutual Exchange should be amended in circumstances where the tenant is under occupying and impacted by the size restriction and seeks to move to smaller accommodation?

- Women's Aid agrees with this proposal in the interests of good housing management and mitigating the negative impact of the changes on such tenants.

18.0 Consultation Question 9: Do you agree with the proposal to enable tenant exchange across the UK?

- We agree with the proposal to enable tenant exchange in the interests of facilitating the transition to appropriate housing for tenants affected by the new rules.

19.0 Consultation Question 10: Do you agree with the proposal to remove the existing 12 month residence requirement for the creation of joint tenancies?

- Women's Aid agrees with the proposal to remove the existing 12 month residence requirement for the creation of joint tenancies in order to create a system which can cope with the harsh aspects of the proposed under occupancy rules. We would however urge that any change to the current arrangement must be sensitive to families where domestic violence is present, to ensure that abusers cannot use immediate eligibility for joint tenancy as a means of manipulating victims.

20.0 Consultation Question 11: Do you agree that the local lettings policies should be reviewed in light of the impending size restriction?

- No we do not agree. Local lettings policies have been developed with community need in mind. They go beyond a utilitarian numbers game, and ensure that the needs and circumstances of individuals and entire communities are taken into consideration (such as the elderly not having many stairs to climb etc.). They exist to promote social cohesion and functioning, healthy communities.
- It is our view that, if the Housing Benefit amendments do not sit with these policies, then it is the Housing Benefit amendments that must change to ensure that they do not destroy communities and social cohesion. We regard the incompatibility of the Housing Benefits changes with local lettings policies as clear evidence that the proposed changes do not have regard for societal cohesion or the maintenance of healthy communities. If these changes are likely to destroy or further break down communities, we believe that it is the duty of the government not to implement them as they are.

21.0 Consultation Question 12: Don you have any information to help inform the screening process? Are there any particular equality issues that you feel should be taken into account in the screening (or equality impact assessment)?

- People who will be adversely affected by this policy include women, the disabled, and children.
- These changes will have an adverse impact on victims of domestic violence, who often must leave their partner and take a step into poverty in order to escape their situation. This policy actively discourages and penalises family breakdown, and for victims of domestic violence this is a threat to their wellbeing and safety.
- The policy also has an adverse impact on children, who will suffer the impact of their parents' debt and poverty, and who may be effectively disenfranchised from their right to have two parents by the removal of living space for them in both parents' houses. Children may also suffer from the upheaval of moving to appropriate-sized accommodation that is not in their area. If no such accommodation exists in the area, the family will have to move elsewhere and hence give up the network of family support that often exists in the vicinity of a family's home. The knock-on effects of this include loss of free childcare in the form of parents / grandparents / friends, and the upheaval of children from their current school and consequent detrimental impact on their education and socialisation. This is contrary to government commitments under its own children's strategy.

- The policy will have an adverse impact on people with disabilities, as no consideration is made for the logistical requirements of people with certain disabilities in terms of space in the home.
- The policy may also have an adverse impact on single mothers. As evidence shows, women tend to fulfil the role of main carer within the household, and are more likely to spend their money on their children instead of on themselves. It follows therefore that single mothers with sole responsibility for the wellbeing of their child(ren) would be more likely to agree to sign a financial undertaking if they believed that it was in the interests of ensuring that their children had a roof over their heads and were able to stay in school, hence putting themselves in a dangerous position with regards to debt if they are not able to keep up with payments.

22.0 Consultation Question 13: Do you have any evidence to suggest that the proposals within this paper would create any adverse differential impact on rural areas?

- The document itself contains evidence that the proposals will create adverse impact on those in rural areas when it states “It is probable that relocation households to smaller housing will be harder in rural areas because of the housing stock and the distances involved” (at page 18). This is entirely accurate – there is a lack of suitable housing stock in rural areas, especially properties with smaller numbers of bedrooms. Any proposals to penalise tenants in rural social housing for failing to move into smaller houses that don’t exist will naturally have an immense adverse impact on those living in rural areas.

23.0 Further comments

- Women’s Aid notes that, while this document and the Housing Benefit changes focus on under occupying, they do not pay sufficient attention to the problem of over occupied houses. The proposed changes will also create houses that are deemed to be over occupied, yet no provision has been made to accommodate the moving of people from over occupied houses into one of an appropriate size. Women’s Aid recommends that, in addition to re-weighting the housing allocation criteria to facilitate those who are in under occupied houses, similar consideration is given to re-housing those in over occupied houses.

24.0 Contact details

For further information about this response please contact:

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Text SUPPORT to 07797805839

*Open to **all women and men** affected by domestic violence*