**Review of the Assessment and Allocation Guidelines**

**Submission Template**

Closing Date for Submissions is ***5pm on the 1st of March 2024***

*Please note that there is no limit to the Words that can be included but you are requested not to have your answers too long.*

**Organisation Name:** Disability Federation of Ireland

**Address of Organisation:** Fumbally Court, Fumbally Lane, Dublin 8, D08 TXY8

**If applicable, please give detail of who your organisation represents or supports including the category of disability and age profile of the individuals you represent or support:**

The Disability Federation of Ireland (DFI) is a federation of over 120 member organisations working with people with disabilities to implement the UN CRPD and ensure their equal participation in society. DFI’s members cover the full spectrum of disability, including physical, sensory, neurological, intellectual, psychosocial/mental health and chronic/disabling conditions. They also span the full life cycle, including organisations providing services to children, adults and older persons.

DFI’s members include Approved Housing Bodies providing housing to disabled people, service providers that deliver independent living supports such as Personal Assistance Services and home support, and organisations that provide information and advocacy to their members in relation to housing.

**Comments on Guideline Standards as listed in Section 4 of the Consultation Paper:**

* *To be considered as having a housing need based on a disability, a completed HMD1 Form must accompany the application for Social Housing Support.*
* *If an applicant seeks to have an individual co-corresponded, then the LA must ensure that all correspondence is issued to both the applicant and the co-correspondent, in line with the individual’s wishes.*

It was noted by DFI members that more information is needed for Local Authorities and disability services around use of the HDM1 Form and co-correspondent form.

* *Local authorities shall, where appropriate, allow the use of the discretion clause under the Housing Assistance Payment (HAP) Scheme to facilitate disabled people to access the scheme. In addition, where appropriate the provision and level of rent supplement must be determined in a fair and equitable manner in line with the policies of the Department of Social Protection.*

More transparency in relation to the discretion clause is needed. The additional cost of disability should also be taken into account when determining disabled people’s access to the scheme, and the appropriate provision and level of rent supplement.

DFI member MS Ireland flagged serious concerns from their Regional Teams regarding the inflexibility of the HAP system, including incidents where people were advised to present as homeless to expediate allocation of housing solutions. We echo MS Ireland’s call for a holistic consideration of exceptional circumstances and the introduction of discretionary HAP allocation based on clear definitions of ‘fair and equitable.’

There are also issues regarding the use of HAP as a key social housing mechanism in recent years due to a lack of suitable accessible, adapted housing on the private rental market. This also causes issues when people with disabilities who receive HAP (and similar schemes such as Rent Supplement or the Rental Accommodation Scheme) are deemed to have their housing needs met, despite not being adequately or equitably catered for.

Given the issues regarding flexibility and lack of transparency regarding HAP, DFI feel this guideline standard should be a key message and should be strengthened to provide greater clarity on the use of the discretion clause, and access to the scheme.

* *Local authorities shall adhere to the Guiding Principles of the Assisted Design Making (Capacity) Act 2015 and any amendments. (The Guiding Principes are in Appendix 2 of this document for ease of reference).*

More training is needed on the Assisted-Decision Making Act and its implications (as noted in the Housing Strategy for Disabled People and implementation plan).

**Any additional standards you would like to forward for consideration.**

**Comments on existing Key Messages as listed in Section 5 of the Consultation Paper:**

1. *Local authorities shall take all practical steps to ensure that the application process is as easy as possible including providing documentation based on universal design principles of customer care,* *in written, digital, spoken and signed accessible formats.*

Expanding on how the system can be more user friendly in practice would be useful here.

We would recommend the added text in red be included in the first key message, to ensure that all forms of communication (not just written) are considered. Irish Sign Language is also often forgotten when considering accessible formats, so reference to this is important.

It would be useful to include a reference to the following NDA toolkit, which is a useful guide on universally designed and accessible communication: [Customer Communications Toolkit for Services to the Public — A Universal Design Approach](https://universaldesign.ie/uploads/publications/Customer-Communications-Toolkit-2023-PDF_Final.pdf) (2023)

1. If an individual has an interest in/ownership of a property that they cannot reasonably occupy the LA shall not consider the individual as being adequately housed.

This key message was welcomed and seen as important by DFI members. It was felt that the criteria here should be broadened to explicitly include relationships and separation- to encompass cases where the built environment is suitable for the person with a disability, but the couple wish to separate. In these situations, clarity on the eligibility criteria is essential to ensure equitable access to social housing support.

1. *The personal circumstances of an individual including the requirement for personal supports as outlined in supporting documentation, may influence the size, design, and type of the required housing. Where there are, specific adaptations required to a property a report from an Occupational Therapist will be required at some stage of the process.*

DFI members welcomed the fact that the Occupational Therapist report would not be looked for at the time of application, as this has caused considerable delays for persons applying for housing in the past. Also, a person’s needs may change by the time they are allocated a property. However, ‘At some stage’ is too vague and can easily be missed/not provided. More clarity is needed on what stage the Occupational Therapist report will be required. This can turn into a lengthy process due to recent HSE recruitment embargoes, and staff retention issues across the health service.

Highlighted comma after ‘where there are’ is a typo.

1. *Local authorities shall introduce the recommended early notification system in conjunction with the HSE, following the piloting of such systems, which will allow the applicant to apply to obtain the supports that they require to live independently.*

This key message was recognised as a positive step forward, however queries were raised in relation to practical implementation and the need for clarity. DFI members queried how this key message will operate in practice, in the context of HSE budgetary constraints. It was noted that many HSE staff talk about lack of budget and that some have even suggested that people should not apply for housing due to lack of budget for PA services. It was felt that education and training would need to be provided to HSE staff.

DFI members also raised the feasibility of extending the scope of the early notification system beyond HSE services, to include Section 39 and Section 39 organisations, as these entities (who provide over 70% of disability organisations on behalf of the state) are well-positioned to advocate for the housing and support needs of those they support.

1. *Integration of housing and supports should occur at the earliest opportunity including training on assisted/supported/independent living prior to a move into the community. Ideally this should be provided prior to and during the early notification period.*

A piece of work with Approved Housing Bodies and service providers may be required on this, including signposting examples of good practice.

1. *If a person has a progressive condition such that their current housing will become inappropriate due to the worsening of the disability and/or their circumstances, they should be considered as having a housing need. This also applies to an adult still living at home with aging parents (Section 1.7 refers) and to a child/to families with a child with a progressive condition/disability.*

Presumably this would also apply to a child with a progressive condition/disability- this should be stated so that this is clear (see potential addition in red).

1. *Applications from* *people transitioning from a congregated setting or nursing home shall have their Basis of Need recorded as “current accommodation is an institution, emergency accommodation or a hostel” under the Social Housing Assessment Regulations 2011.*

There is a need to provide an updated definition of ‘a congregated setting’ to bring it into line with current UN CRPD/C/5 (2022) guidelines on what constitutes an institution. The current definition can exclude those living in mental health residential institutions, and those living in residential institutions with less than 10 people. The ’10 or more people’ definition from *Time to Move On from Congregated Settings* (2011) is not a definition referenced anywhere else. The definition should not be based on numbers alone, but rather based on choice and control, in line with the UN CRPD, for example: did the person choose their own tenancy? Do they have control over their own tenancy?

The terminology needs to be updated in line with the current UCRPD/C/5 (2022) guidelines on what constitutes an institution, which is not defined by its size, but by other features. UCRPD/C/5: guidelines on deinstitutionalisation (2022) define an institution by certain characteristics, but not by size. The Guidelines state that “parties should recognize that living independently and being included in the community refer to life settings outside ‘residential institutions of all kinds’, in accordance with article 19 of the Convention. Regardless of size, purpose or characteristics, or the duration of any placement or detention, an institution can never be regarded as compliant with the Convention.” Outcome 2.4 of the National Housing Strategy for Disabled People already reflects this - working towards ‘ending provision of residential care in institutional or congregated settings.’

1. *Where a person with a disability is transitioning from a congregated setting or nursing home to community-based living it is acknowledged that an individual’s understanding of their own desires and/or needs may change over time. In such circumstances, the LA shall facilitate a transfer to a new property where the service provider/or other party in consultation with the individual has sourced a more suitable property.*

Again, DFI members welcomed this key message but raised the need for practical clarity on the application of these provisions for effective implementation. This is important in the context of concerns regarding a lack of local, accessible housing and availability of personal assistance.

1. *Applications from people transitioning from a congregated setting or nursing home shall be considered by the local authority where the application is made irrespective of the location of the congregated setting or nursing home, where the applicant demonstrates that they have family, friend or formal supports in area of application (local connection).*

This should be broadened further to encompass the right for all disabled people to live in a community of their choice- not only those transferring from congregated settings or nursing homes. This broader point could also potentially be made in a separate key message.

**Any new Key Messages you would like to forward for consideration.**

The consultation document notes that outcomes and actions from the National Housing Strategy for Disabled People 2022-2027 will be included in the final document. Some of the key outcomes and actions from the implementation plan that DFI feel should be captured in the key messages are (paraphrased):

* Local Authorities and the HSE, supported by the Housing and Disability Steering Groups, shall outline clear steps on how disabled people can apply for housing and support service, with standardised templates in accessible formats. Information must be easily accessible on Local Authority, HSE and Approved Housing Body websites.
* Local Authorities must provide annual updates in accessible formats to applicants regarding their status on the housing waiting list.
* Both Local Authorities and HSE must put in place central points of contact for disabled people within Local Authorities and Regional Health Areas/Integrated Healthcare Areas (note: CHOs is stated in implementation plan but as the Regional Health Areas are rolling out this year, updated language should be used, in consultation with Department of Health (DoH), Department of Children, Equality, Disability, Integration and Youth (DCEDIY) and HSE)
* Local Authorities must record the actual housing need of new applicants with a disability basis of need in a consistent way, review the housing waiting list to determine and record the needs of those already on the list and use this data to strategically plan for needs in the area.
* Local Authorities and HSE will share information and collect data to allow for more strategic planning for delivery of housing with related supports (Housing Agency to develop data sharing protocols and Department of Housing, Local Government and Heritage to provide clarity on information that can be shared between organisations from social housing application forms to support this)
* People transitioning from congregated settings or nursing homes can be placed on the transfer list outside of the current transfer rules if the move is requested due to a change in their will and preference.
* Local Authorities shall be positively open to offering transfers to disabled people where current accommodation, including location, is no longer appropriate.
* Local Authorities and the HSE will adopt a person-centred approach, in line with UN CRPD principles, to housing and related support services for disabled people.
* The HSE should regularly review levels of need and work with disabled people to identify accommodation solutions at an early stage. Support packages will be reviewed as needed.
* The HSE and Local Authorities will review applications to ensure both housing and support needs are being met. This will include scheduled review meetings to allow for robust housing delivery planning. (DCEDIY, DHLGH and DoH to develop a joint protocol to support this).
* To ensure Capital Assistance Scheme (CAS) funding is approved, the HSE will examine how funding for care and support packages can be pre-approved.
* Co-ordination at a local level between housing authorities and the HSE will take place when individuals are being supported to transfer from unsuitable nursing home placements to the community.

Key messages should also be put in place in relation to the following areas:

* Disabled people can apply for housing in advance of requiring housing if they will do in the future- and should be advised to think about their future housing requirements. This gives the Local Authority time to plan for their specific housing needs.

There is a huge gap here and greater awareness among disabled people is needed. See for example the Irish Wheelchair Association’s Think Ahead, Think Housing campaign- [www.iwa.ie/thinkhousing](http://www.iwa.ie/thinkhousing))

* A key message should be put in place in relation to the need for a **discretionary piece to address severity of housing need** (e.g. deteriorating condition, crisis situations, individual circumstances) – the primary concern should not be about time on the waiting list in these cases. The discretion clause of the Housing Assistance Payment is highlighted in the guideline standards, however similar discretion is needed more broadly in relation to allocation of housing and access to a range of housing related schemes. For example, discretion should be applied for those over the means threshold where there is a severity of need particularly in relation to housing adaptations.
* A key message should be put in place in relation to choice based lettings. Currently, choice based lettings can disadvantage people who are not digitally literate or who may have cognitive or mental health issues, who may not be able to register and/or regularly check available properties. Furthermore, there is a risk that if someone chooses a property which may not be suitable for their future needs and later withdraws, they could be removed from the housing list for a year. In order to prevent potential issues with this system, a key message should be put in place on choice based lettings (CBL) incorporating the following points:
* Local Authorities should provide disability specific support to ensure a person’s needs will be met in relation to housing provision.
* That housing applicants are asked about any accessible needs they may have and supported to join the correct housing list.
* That checks or cross referencing are in place for those who are on both the accessible housing list and the CBL system.
* If someone with accessible housing needs chooses unsuitable accommodation on the CBL they can be supported to ensure the property will be adapted to meet their needs
* If the property selected via CBL cannot, due to location or design, meet the future needs then a person can be supported to retract their offer without facing a longer waiting time.

**Any other issues that you feel need to be considered for inclusion.**

There are some wider areas to be considered to inform further policy development in relation to assessment and allocation processes, outlined below.

**Disability related assessment processes**

Disabled people in Ireland are assessed multiple times in relation to different needs- housing, health and social care, education, social protection etc. The current approach to assessing the needs and level of disability of an individual in Ireland is disjointed. There is duplication of assessments of need at local level and yet the necessary data on housing is missing. One joint, standardised assessment with a holistic approach and scheduled reviews should be able to capture the medical, housing and education needs of people with disabilities regardless of age. All of the current assessments are being carried out by qualified professionals. The freeing up of resources used in assessments could be redirected to provision of supports. This would also help to align housing and health support provision. A ‘one stop shop’ where disabled people can apply for multiple forms of support- for example for both personal assistance and housing- from one website would be of great benefit.

Assessment of need should start early - people should be assessed automatically at 18, so that the state can plan for their future housing needs proactively and avoid the current situation where housing needs become clear only at a time of crisis when, for example, a family carer can no longer support their disabled family member. Data on housing categories of need could be captured in overall assessments on health and social care needs/independent living across the life course, at early intervention stage, school leavers, adults and older adults aged 66+.

**Issues with Assessment Processes on the Ground**

DFI and CIB’s social policy report [*The Right Home: the Housing Needs of People with Disabilities*](https://www.disability-federation.ie/assets/files/pdf/the_right_home_the_housing_needs_of_people_with_disabilities.pdf)(2022) contained the following findings in relation to assessment and allocation processes:

* Integrated needs assessment should be at the core of an appropriate housing response for disabled people. However, this falls short in practice.
* People with disabilities are faced with a system that is complex and difficult to navigate both in terms of establishing their eligibility for social housing support and in moving through the assessment process.
* There is a major difficulty with the current housing needs assessment system in that people who receive Housing Assistance Payment (HAP), Rent Supplement or who avail of the Rental Accommodation Scheme are deemed to have their housing needs met, as are people on transfer housing lists – it is clear that the housing needs of many people with disabilities and people experiencing mental health difficulties are not adequately or equitably catered for by such provisions.
* In practice, many disabled people cannot avail of HAP, one of the key social housing mechanisms in recent years, as suitable accessible/adapted housing is not available on the private rental market.
* There is evidence from NGOs that some Local Authorities may be more stringent than others in how they apply eligibility criteria and in how they assess applicants with certain categories of disability or current living arrangements.

To address these issues, the report recommended the following:

* Better streamlining and standardisation of processes across the areas of housing, health and social protection
* Transparency regarding eligibility criteria
* Inter-agency coordination
* Advocacy support
* Inclusive person-centred assessment of need
* More disability awareness training for all public services staff engaging with people with disabilities and people with mental health difficulties.
* All future national assessments of housing needs by Local Authorities should explicitly address the housing requirements of those living longterm in residential centres, those inappropriately placed in nursing homes, those living with ageing parents and those who wish to live separately from their parents.

**Other issues:**

* **Cost of Disability:** The government’s *Cost of Disability in Ireland* report by Indecon shows significant additional costs across a range of areas, between €10,379 – €14,673 annually for disabled people (adjusted for 19.3% inflation since 2021 as per CPI). This should be factored into account across all housing policy, including when assessing disabled people’s eligibility to access social housing and related supported. Thresholds and mean tests should be adjusted to reflect the additional cost of disability.
* **Communication:** DFI members commented that some of the key guidelines and standard messages are not well understood on the ground and that a promotional/communication campaign is needed to make people with disabilities aware of their rights and entitlements.
* **Step down accommodation:** Step down accommodation/transitional housing could be factored into new builds (under the capital programme) to temporarily support people leaving nursing homes/rehab setting, on the condition that supports would be available from the HSE.
* **Health Regions:** As the new Health Regions move towards a new population-based resource allocation (PBRA), towards more aligned acute and community services and greater integration of supports within communities, it is possible that better data and interagency partnerships may support housing and independent living for disabled people.
* **Housing Refusals:** The number of refusals of accepting a housing offer a person can make (3) is the same for people with disabilities as others on the social housing waiting lists. This is problematic as housing can be inappropriate due to not meeting people’s disability related needs. More flexibility is needed in terms of the number of housing offers, as well as ensuring engagement with people and co-correspondents earlier to prevent inappropriate offers.
* **Disability Friendly Homes Programme:** DFI members felt that some of the issues regarding coordination of services and information provision to people with disabilities in relation to housing could be addressed by emulating the successful implementation of the Healthy Age Friendly Homes Programme. This programme ensures specific staff allocated to Older People and supporting them around their housing needs are embedded in all local authorities. It was felt that the success of this programme offers much to address the complex needs of people with disabilities in addressing their housing needs. It is to be acknowledged that an aspect of the programme has been adapted to disability already with the introduction of the Disability Friendly Housing Technical Advisors, but the adaption of a full programme with resources and funding put in place (including funding these as standalone roles) would be hugely beneficial.