



Northern Ireland
Assembly

Committee for Social Development

OFFICIAL REPORT (Hansard)

Housing (Amendment) Bill: Helm Housing
Association, Northern Ireland Federation of
Housing Associations

8 October 2015

NORTHERN IRELAND ASSEMBLY

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Members present for all or part of the proceedings:

Mr Alex Maskey (Chairperson)
Mr Fra McCann (Deputy Chairperson)
Mr Roy Beggs
Ms Paula Bradley
Mr Stewart Dickson
Mr Sammy Douglas
Mr Phil Flanagan

Witnesses:

Ms Sheila Taylor	Helm Housing Association
Mr Kieran Walsh	Helm Housing Association
Dr Jennifer Donald	Northern Ireland Federation of Housing Associations

The Chairperson (Mr Maskey): I welcome Jennifer, Kieran and Sheila. You are all very welcome, and we have obviously had the pleasure of working with you in the past. Thank you for participating in the evidence session and providing us with some important background information. You are here to help us work through some of the issues that are taxing members' minds. I know that you have been here for most of this morning's evidence sessions and have already heard some of the overlapping issues, so you might want to elaborate on a few remarks.

Dr Jennifer Donald (Northern Ireland Federation of Housing Associations): Thank you very much, Chair. I will begin if that is OK. We very much welcome and appreciate the opportunity to discuss the Housing (Amendment) Bill with the Committee. We have listened with interest to the contributions of colleagues from other organisations this morning. While the Bill is relatively short and focused, we do feel that several important clauses could potentially have a positive impact on the work of housing associations, particularly in relation to tackling antisocial behaviour. We are not legal experts by any stretch of the imagination, but I would say that, over the last couple of years, we at the Northern Ireland Federation of Housing Associations (NIFHA) have been increasingly seeking, on behalf of the sector, to support action on antisocial behaviour. It is an issue that crosses my desk increasingly. I know that it is a critical issue for housing associations, so we have been working on a number of policy solutions and practical tools, such as information-sharing agreements and mediation protocols, to support the work of our members.

I will make just a few general comments on behalf of the sector and then I will hand over to colleagues from Helm, who will have more detailed comments. We will be very happy to take questions from members.

I will just make a brief comment on clause 1. We are very supportive of the requirement for the Department of Finance and Personnel to disclose information relating to empty homes to both the Department for Social Development and the Housing Executive. As noted in our response to the call for evidence, the housing associations are key partners in delivering the empty homes strategy and action plan. We would welcome any mechanism that will help to identify owners of empty properties. On further consideration of the amendment, it may be helpful to extend this provision further and enable, if perhaps not require, DFP and the Housing Executive to disclose information directly to housing associations. This could streamline some of the processes around dealing with empty homes, tackling blight and regeneration, and allow housing associations to progress more quickly with positive interventions in communities.

Clause 2 is perhaps where we have more substantive comments. This is the most critical element for us of the Housing (Amendment) Bill because dealing with antisocial behaviour proactively and effectively is one of the biggest challenges facing social landlords in sustaining tenancies and creating communities where people want to live.

We have long stated that access to relevant information is one of the most important tools for housing associations in achieving successful outcomes when dealing with antisocial behaviour. I suppose that, here, I would stress that one of the ways in which we see this working is helping associations intervene early in situations where antisocial behaviour is occurring. This is not necessarily about seeking possession or dealing with enforcement aspects from antisocial behaviour, although associations of course do that, but is about being able to get involved early, work with the households involved and offer mediation and support. We also see this as a two-way process. We think that there are benefits for organisations such as the PSNI and councils in being able to receive information from housing associations as well as being able to share information with us.

In our initial response to the Committee's call for evidence, we suggested that this clause could be strengthened, moving from "allowing" persons to share information with housing associations to "requiring" them to. There are some existing provisions around information-sharing in previous pieces of housing legislation, but in our experience associations, in particular, struggle to gain access to relevant information. Unlike the Housing Executive, they are not statutory bodies and some authorities, such as the PSNI and local councils, have had concerns about their ability to share information with associations under their own legislation.

While we appreciate the rationale behind keeping this clause fairly open and non-prescriptive, we feel that it might be more effective if there were more detail. For example, when noting that:

"A person may disclose relevant information",

it may be helpful to name particular organisations that this would apply to, for example the PSNI and local councils; bodies that we are currently working closely with but would like to be able to work more closely with in the future.

We have been working with the PSNI since February 2014 to develop an information-sharing agreement between it and all housing associations. That has been a very constructive engagement and there is significant willingness from both parties to get something finalised and operational as soon as possible. However, the legal constraints on the PSNI around sharing information with associations have prevented greater progress being made to date. We feel that strengthening this clause could help to support that work. Greater clarity in the legislation would hopefully aid organisations such as the PSNI and others to share information with our members.

We also hope that the legislation would remove some of the difficulties that forums and partnerships established to discuss and deal with antisocial behaviour face when seeking to include housing associations. Those groups are usually comprised of statutory bodies. Housing associations are unable to fully engage with the work that they do. Quite often, individual associations will have to leave the room and are not able to be present when cases are being discussed that may actually relate to their tenants. I appreciate that that is not very helpful when you want to work in partnership to tackle issues of antisocial behaviour.

Housing associations are full partners in tackling antisocial behaviour within their schemes and communities in other parts of the UK and we would like to see a similar approach adopted here. We think that the naming of housing associations in this Bill is very helpful, as is the detail around "relevant information" and "relevant purpose". With some minor amendments around identifying key agencies as persons who "may disclose ... information", and strengthening the "may" to a "shall" or "is

required to", we are hopeful that this clause will significantly enhance housing associations' ability to intervene to prevent antisocial behaviour in the first instance and address it, should it occur.

We have no substantive comments on clause 3, so I will pass by that one and hand over to Kieran to go into a little more detail.

Mr Kieran Walsh (Helm Housing Association): Thanks Jenny. Let me set my credentials before the Committee. I attended Led Zeppelin in Knebworth in 1979 and the vision of Fra McCann sitting in the bath listening to that is one that will be with me for some time. *[Laughter.]*

Mr F McCann: Jerry Lee Lewis — *[Inaudible.]* — on sax. *[Laughter.]*

The Chairperson (Mr Maskey): Fra was just — *[Inaudible.]* — but anyway. *[Laughter.]*

Mr Walsh: Thank you for the opportunity. We are the only operational housing association here, and we thought it important to make our views known because this impacts on the day-to-day work that we do.

It has been a frustration in the communities in which we work that we are unable to join up our services and responsibilities to provide the peaceful and quiet enjoyment that tenants are entitled to have. We are frustrated from doing that because we do not have information-sharing protocols with some of the agencies that have information that will help us. This is not about this becoming a charter for us to start evicting people; it is about allowing us to have the information that will allow early intervention that will be to the benefit of the individuals and the wider community. That is what is missing at the minute.

I have been an operational housing professional for over 30 years. We have encountered each other, at times, in the Housing Executive and elsewhere. For the last 15 years or so, we have been calling for the changes that we hope this Bill will now enable. When similar legislation was introduced elsewhere in the UK, they were introducing anti-social behaviour orders, acceptable behaviour contracts etc. Those powers were extended to housing associations. It was determined, when the same legislation was brought into Northern Ireland, that that would not be the case because the Housing Executive had a regional authority remit and, therefore, it felt that those responsibilities would fall to it. However, since 1997, the housing associations have been the sole developers of new build, not because we do it better than the Housing Executive, but because we have been able to access public moneys. We allocate properties from the common waiting list to those in greatest need and that is our clear remit. As I said, the frustration has been that we have not been able to share information that the executive has access to with others to allow that early intervention.

Seven or eight years ago, I was part of a group working up in Colin neighbourhood, where we felt that we had developed such a localised agreement to benefit that particular community, and it was very successful. It was a template that we were looking to roll out elsewhere, including to the group that you, Chair, chaired in the lower Ormeau. There were some frustrations about whether the legalities of the PSNI and others were totally embedded in it because there were other provisions in data protection legislation etc that were impacting on it. All we were looking at doing was the setting up of working protocols that enabled us to share information, in good faith, on individuals to the benefit of those communities.

More recently, we were working in south Belfast with the police, the council, the Youth Justice Agency and others. With input from the council's legal people, the PSNI and others, we have now developed a pilot information-sharing protocol that has the safeguards that others who have presented to the Committee have highlighted. We have shared secure protected networks for the sharing of information that allows the police to be sure that this is not something that we are getting and sharing with others. In the short time that we have been a signatory to this, we have already seen significant assistance to us because we have been able to have information from the police about raids that they have done on drug houses etc that we are now able to use to seek action in relation to breach of tenancy and also have the police and council officers stand up as professional witnesses in court. We have seen other significant developments that have aided what we do with our communities in south Belfast. At the same time, in the last week, we as an organisation have had to deal with a stabbing in one of our schemes in north Belfast, someone collapsing from an overdose in one of the schemes in west Belfast and a serious fire, when 19 residents in east Belfast had to be relocated at the weekend. Because those protocols are not in place in those other areas, we are not able to share the same information that would allow us to take effective action against anybody who may have been involved

in each of those incidents. I hope that the Committee will see that we are a key player in trying to develop and sustain communities in Northern Ireland and that we are constrained by not having these powers. We support NIFHA in the call to be more specific about who is to disclose, rather than the vagueness that comes from referring to "a person", and I that you listen to our urgings that this is something that will benefit all communities. I am happy to take any questions.

The Chairperson (Mr Maskey): Thank you very much. I thank Jenny too.

Mr F McCann: I will be brief. In terms of the dialogue that has been going on between the PSNI, yourselves and whoever else to try to draw up guidelines, is there a possibility that it could be handed over or sent to the Department? It may already have been. I think that at this early stage of the Bill, the more we start to shape it, especially the information protocols, the better and stronger the Bill will be for you to play an equal role in how that is delivered.

Dr Donald: Certainly, we have had ongoing discussions with the Department around antisocial behaviour, particularly when they consulted on the Anti-social Behaviour Order, and we were very pleased that they took some of our concerns on board. We looked at information-sharing as the key tool to support housing associations, rather than some other legislative measures and powers. I am very happy to share any of the detail that we provided to the PSNI to help shape their understanding of what it is that we are looking for with the Department; there is no problem in doing that. I can forward that after this meeting.

Mr Walsh: The only thing that I would say is that this is a pilot that we have done; it is a test of what could work. I would be happy to share it with yourself and other members of the Committee, who had asked about some of the protocols around that. I would just need the permission of the other signatories before I could release the information, because it is only a pilot for evaluation, but subject to the PSNI, the councils and others being happy to do that, I am happy to share the document that we have used, as a template, and which has been signed by all of those signatories.

Mr F McCann: If that can be done, obviously as soon as possible —

Mr Walsh: I do not want to say yes, Fra, and then find out that somebody else's legal opinion is that this is only a test at this stage and therefore it would not be appropriate. So, with that proviso, I am happy to explore with others.

Mr F McCann: One of the other difficulties that we have all faced in our daily work is that people who may have been serious antisocial people in another part of the community get moved, and the housing association or the housing provider has not known about it. I think that that can speed this up and, certainly, a system has to be able to deal with these things.

Mr Beggs: Thank you for your presentation. I certainly would support your efforts to work with other agencies for the betterment of the community. Clearly, that is the right way to go. In terms of your comment about wanting to tighten up the legislation, can you give me a specific example?

Mr Walsh: Clause 2 states that, "a person may". We are suggesting that it should specify what a person is. We should actually name, the way they do in the English legislation, the public bodies that are signatories to this. So, we should say that it is the Police Service, Probation Board, the Housing Executive, rather than, "a person may". The vagueness of that is such that it allows it to be read as, "a person may not", whereas we need to actually then make this more proactive by saying, "Here are the organisations that would have a responsibility to share information about antisocial behaviour with the key players, which are the associations." So, rather than hide behind the vagueness that there is with that, let us be open about what we are trying to achieve here.

I have listened with interest to the submissions from some of my other colleagues. We have not had as many concerns as they have raised about particular clauses, such as clause 2(8) etc because a lot of the other issues, such as nuisance, are already dealt with by the secure tenancies that we use for tenants. We are professional housing officers, and we deal with those cases day and daily. It might allow early interventions with floating support providers and social services to help people. This is not about trying to use the legislation to get people before the courts and to start evicting people, but it at least allows us to share information in a professional way with other professionals who are trying to do exactly the same thing.

Mr Beggs: In your experience, does that earlier information and intervention reduce the likelihood of eviction?

Mr Walsh: Absolutely. I gave the example of the incident in south Belfast. The police had warrants eight times in the last 18 months for a property where there were allegations of drug dealing from the flat. If we had known about that the first time, it would have allowed us to put actions in place to try to deal with it. That community was becoming more and more frustrated because it believed that that was happening on the property. We had no evidence to support that, and we were impotent when trying to take effective action. On the first time that that happened, if the police had been able to engage with us on what they believed was a serious incident that could lead to an indictable offence and could be in breach of our tenancy, we could have intervened at that stage. That is the frustration in communities, because tenants who report things to the associations do not believe that we are timely in the action that we are taking. Their expectation is that we will get those people out tomorrow. Now that is — *[Inaudible.]* — but the fact is that we are seen to have acquiesced in allowing those things to continue because we have been powerless to do anything else.

Mr Beggs: What sort of things could you have done at that earlier stage?

Mr Walsh: We could have got floating support in. We could have then investigated whether or not there had been a breach of tenancy. We could have served a notice seeking possession. If it was an introductory tenancy and this was the first year of it, we could have served a notice to terminate. We do not need to have the same power to do that. We could have taken action during those first 12 months instead of allowing the situation, which we were powerless to prevent, to continue.

Dr Donald: A number of associations are putting in place measures like tenancy support officers, who can come in and do the hands-on work with tenants who perhaps need that additional support to help them to address issues that are deemed to involve antisocial behaviour but that, with a little additional support and guidance, could be easily addressed. We have also worked to put in place a service level agreement across the sector so that individual housing associations can use the services of Northern Ireland Alternatives or Community Restorative Justice to act as mediators in situations where there are difficulties and to help work with the groups involved to make them understand the behaviours and why they need to be addressed. There is a range of practical tools, and, if you are aware of the issue, an association could get in very early.

Mr Walsh: I would like to add two others to that. We get all our tenants to sign a good neighbourhood agreement. That is not just about the legal and/or tenant relationship that is part of the secure tenancy, but we get them to recognise that the things that they do could impact on the wider community. We have also introduced an annual visit to every one of our tenants. Sheila and her team ensure that we call at the door of every tenant, because a lot of the work that we do is demand-led. It is responsive to a complaint from a tenant. We want to show that we are interested in their welfare. That has allowed us to identify whether or not people are coping and has also allowed us to identify a number of people who are clearly not because of some of the issues that were raised earlier such as nuisance within the property and hoarding etc. We have been able to get early intervention on some of that, and we have been able to get social services involved in some of the serious cases that, if we were sitting and waiting for somebody to lift the phone, we would otherwise not have been aware of. Many of the people were vulnerable and unable and maybe did not even want to raise those issues. We have turned it on its head and been more proactive, and that allows us to intervene in that way.

The Chairperson (Mr Maskey): That type of practice is well needed and excellent. We have all dealt with cases over the years, and sometimes it borders on antisocial behaviour. You may have a vulnerable person or a person who is clearly not well, in lay jargon, and whose home has become badly run down due to a mixture of hoarding and not clearing out rubbish, which leads to rats. That then becomes a nuisance and effectively becomes antisocial. I have seen examples in the past where there has not been that kind of structured management and engagement on an ongoing basis, and you are saying, "How was this property able to get to this stage? It has been like this for years. The heat has not been turned on and the person is really vulnerable". When we, as local reps, went into the house to help, we could not physically get up the stairs for the rubbish that came from an upstairs flat. It went right down to the front door, and you literally could not get up the steps. How did that guy end up having to live in those conditions? Clearly, it was not a normal scenario.

Mr Walsh: We are asking why those people are not getting in contact. Why are they keeping their head down?

The Chairperson (Mr Maskey): It is about early intervention. As you said, the sharing of information is not just about the ultimate sanction of repossessing the property; it is about making the appropriate intervention to resolve problems.

Ms P Bradley: Just on that point, we also have people in our community who are extremely vulnerable and are being used. We all know of various houses in our communities where vulnerable people live, and they are being used by others in the community to enact antisocial behaviour, whether that is drug dealing or whatever. Those vulnerable adults are unaware of that, so there are issues around that as well in the sharing of information. You talk about social services, floating support and sharing that information to protect those tenants who are being abused by the community.

Mr Walsh: Absolutely.

Ms Sheila Taylor (Helm Housing Association): We have a dedicated team of housing officers who, as Kieran said, do annual visits, but it is all about tenancy sustainment. We have to do that and make sure that we getting the floating support in at an early stage if people require it, and to work with other agencies to sustain that.

Mr F McCann: I have just one point. There is a crucial element missing in this. We talked about hoarders earlier and their impact. Most people in a community would know people like that, and many would try to get assistance and help for such people. It makes it more essential that, when an allocation is done and the person is vulnerable, the housing provider has an obligation to ensure that other agencies can put in place a wrap-around package to ensure that people are safe. If that is done at an early stage, it will cut out most of the difficulties that may come after.

Ms P Bradley: We all know of people in our communities who slip through the net and are not being referred by a doctor or whoever to social services or whatever; they are the ones who are really vulnerable.

Mr Walsh: We try our best to deal with that. With every new tenant, we arrange for a visit within four weeks of them moving in. That allows our team to go out and see how they are settling in and whether they have furniture and also to take a view of whether they need that wraparound package, so that we do not allow a situation to develop when neighbours start complaining about somebody not coping. We are trying to be proactive and visit all new tenants within four weeks. Sheila's team will also visit within a year. We are trying to ensure that we get across the door to identify those who are vulnerable and put in place the wraparound package that was talked about.

Dr Donald: There is a growing awareness of some of the issues that are out there in the community and the people who need support. As Kieran said, housing officers are doing those visits or putting those protocols in place. There is now a lot more emphasis on training housing officers to spot the signs of people who have difficulties or who have issues such as hoarding, so that they can recognise those behaviours and move in quickly to provide the necessary support.

The Chairperson (Mr Maskey): No other members have indicated that they wish to speak, so we can conclude this evidence session, unless you want to add anything to what you have already said.

Thank you for making your submission and for addressing those very important issues from your practical experience over a long number of years of professional working. We look forward to continuing to engage with you. Without pre-empting the Committee's deliberation on this, you are knocking at an open door with regard to including housing associations in the information to tackle antisocial behaviour. We all welcome that, and I imagine that you will get full support for that. Thank you for your help this morning.

Mr Walsh: Thank you very much.

The Chairperson (Mr Maskey): I should have said earlier that Cameron Watt was due to be here, but he apologised for the fact that he was unable to attend.