



Northern Ireland
Assembly

**COMMITTEE FOR SOCIAL
DEVELOPMENT**

**OFFICIAL REPORT
(Hansard)**

Housing (Amendment) Bill

24 September 2009

NORTHERN IRELAND ASSEMBLY

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SOCIAL DEVELOPMENT**

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Members present for all or part of the proceedings:

Simon Hamilton
David Hilditch
Mickey Brady
Alex Easton
Jonathan Craig
Mary Bradley
Thomas Burns
Anna Lo
Caral Ní Chuilín

Witnesses:

Peter O'Neill)	
Sorcha McKenna)	Northern Ireland Human Rights Commission
Roisin Devlin)	
Pat Conway)	
Síle McLean)	Northern Ireland Association for the Care and Resettlement of
Barry McMullan)	Offenders
Evelyn Collins)	
Patrice Hardy)	Equality Commission NI

The Chairperson (Mr Hamilton):

I welcome Peter O’Neill, chief executive of the Northern Ireland Human Rights Commission (NIHRC), Sorcha McKenna, an investigations worker, and Roisin Devlin, also an investigations worker. Members each have a copy of the executive summary and recommendations from the recently published report from the Human Rights Commission, entitled ‘No Home from Home: Homelessness for People with No or Limited Access to Public Funds’, as well as the commission’s submission on the Housing (Amendment) Bill. I ask the witnesses to make a brief presentation to the Committee, after which members may wish to ask questions.

Mr Peter O’Neill (Northern Ireland Human Rights Commission):

Thank you, Chairman. I hope that we will not be subjected to the interrogation that you faced on ‘The Stephen Nolan Show’ earlier today. Be gentle with us.

The Chairperson:

I would not be so rude to a guest, although Mr Nolan might.

Mr P O’Neill:

I thank the Committee for extending the invitation for us to attend this evidence session. The Northern Ireland Human Rights Commission recently published the investigation report that you mentioned, entitled ‘No Home from Home’. The investigation came about in response to the commission’s concern about the vulnerability of certain categories of non-UK nationals to destitution. The report examined the issues facing homeless non-UK nationals in Northern Ireland and the complex mix of European Union and domestic immigration laws that means that homelessness assistance is not available to non-UK nationals in a number of situations.

The report also considers the policy and practice of agencies such as the Northern Ireland Housing Executive, the health and social care trusts and the Social Security Agency. Furthermore, ‘No Home from Home’ addresses the issues of domestic violence, racial intimidation, labour exploitation and asylum seeking. I am joined today by the co-authors of that report, commission investigators Roisin Devlin and Sorcha McKenna, who, on your invitation, are here to discuss possible amendments to the Housing (Amendment) Bill.

In light of our recent investigation, the focus today will be on strengthening the Bill to better protect some of the most vulnerable members of our society. To that end, my colleagues will

contain their evidence to the first five clauses of the Bill. I also draw your attention to the relevant recommendations from our recent investigation report. I will now hand over to Sorcha McKenna, who will take you through clauses 1 to 3. She will then be followed by Roisin Devlin, who will speak about clauses 4 and 5 and the relevant recommendations from our investigation report.

Ms Sorcha McKenna (Northern Ireland Human Rights Commission):

The commission welcomes the provision in clause 1 as a positive development, but recommends that the text be slightly amended. Rather than:

“The Executive may formulate and publish a homelessness strategy.”

It should be changed to read:

“The Executive shall formulate and publish a homelessness strategy.”

That would ensure that the language is consistent with the remainder of the clause and with the intention that the formulation of a homelessness strategy is a duty rather than a power.

Given the commission’s particular concerns in relation to homeless non-UK nationals, many of whom are ineligible for homelessness assistance, the remit of the strategy is particularly welcome, as it applies to persons in Northern Ireland without exclusions based on nationality or immigration status. The commission therefore recommends that the homelessness strategy should refer to all those at risk of homelessness or assessed as homeless in Northern Ireland.

Clause 2 relates to the duty of the Housing Executive to provide advice. The commission welcomes that as a positive measure. It requires the Northern Ireland Housing Executive to provide advice about homelessness and the prevention of homelessness free of charge to any person in Northern Ireland. That ensures that the Northern Ireland Housing Executive can adopt a more proactive role in relation to homelessness. The commission notes that the advice is provided free of charge to any person in Northern Ireland, which can therefore include all individuals, regardless of nationality or immigration status. Again, that is particularly welcome given the concern for homeless non-UK nationals, as reported in the commission’s most recent investigation. The commission therefore recommends that the advice provided by the Housing Executive, or by any other person acting on the Housing Executive’s behalf under proposed new article 6D(1), is set out in guidance that is subject to appropriate consultation and review.

Clause 3 deals with eligibility for housing assistance and requires the Housing Executive to

notify an individual of its decision and the reasons for its decision where the individual is found ineligible for housing assistance. The notice must be given in writing and applies to persons found ineligible due to their behaviour or their immigration status. The commission welcomes that provision and recommends that the notice be accompanied by written information on the applicant's right to request a review and the right of appeal to the County Court, rights for which are proposed in clause 5. Furthermore, the commission recommends that the written information should refer to sources of support; for example, the contact details for relevant units in the Housing Executive and for those external organisations funded by the Housing Executive to provide advice.

The commission's recent investigation found that there is a language barrier for some non-UK nationals living in Northern Ireland. Therefore, it recommends that the format and content of all correspondence should take account of the language needs of the applicant. For example, although it may not be possible to translate the reasons for a decision of ineligibility in every case, it may be feasible to include a standard statement in several languages or in the applicant's first language, if known. Such a statement would explain how to make contact with the Housing Executive for further information, translation or interpretation assistance or any other help.

Clause 3 also deals with the changing of the term "applicant" to "person" in proposed new article 7A(5). The commission is concerned that by amending "applicant" to "person", an individual might be refused housing assistance under article 7 of the Housing (Northern Ireland) Order 1988 before they have become an applicant; that is, before they have submitted a full homelessness application, which would allow a proper inquiry into their circumstances. Therefore, the commission requests further clarification on the reasons for that proposed amendment to article 7. Once such clarification is available, the commission can come back with further information.

Ms Roisin Devlin (Northern Ireland Human Rights Commission):

Clause 4 relates to the power of the Department to prescribe the form of advice and assistance that is given. The commission welcomes the Department having that power. During its investigation, the commission found that advice and assistance formed an important part of the Executive's duty to homeless persons and that that advice and assistance may be the only support that ineligible non-UK nationals receive from the Housing Executive. Therefore, it is crucial that the advice and assistance is appropriate and thorough and directs ineligible individuals to other

statutory bodies that may be able to offer support.

To strengthen the proposed amendment detailed in clause 4, the commission suggests that the wording could be changed from:

“advice and assistance of such type as may be prescribed by the Department”,

to:

“advice and assistance of such type as shall be prescribed by the Department”.

That would mean that there is a duty on the Department to prescribe the form of advice and assistance, rather than it simply having the power to do that.

The commission recommends that the form and content of the advice and assistance is stated in guidance and that either the Bill or, if more appropriate, the guidance, sets out the minimum standard of advice and assistance that the Housing Executive must provide. Drawing on its investigation findings, the commission is of the view that that is particularly important for applicants who are ineligible for homelessness assistance. For example, as a minimum, the Housing Executive should be required to refer ineligible applicants to the relevant health and social care trust so that they can be assessed as to whether they are entitled to assistance under the Health and Personal Social Services (Northern Ireland) Order 1972 or under the Children (Northern Ireland) Order 1995.

The commission recommends that the form of advice and assistance should be subject to appropriate consultation and review. We also emphasise the need for the format and content of any correspondence, including advice and assistance, to take account of the needs of the applicant with regard to language and understanding.

Clause 5 relates to reviews of decisions in relation to homelessness. The commission welcomes clause 5, which introduces a statutory right of review of the Housing Executive’s decisions and the right of appeal to the County Court on points of law. In the course of its investigation, the commission found that relatively few non-UK nationalists had requested a review or appealed homelessness decisions. Therefore, the commission recommends that information about, and mechanisms for, review and appeal are accessible, particularly for persons who may be experiencing language barriers.

I will now highlight some of the relevant recommendations from ‘No Home from Home’, the

commission's investigation report. Some of the recommendations are relevant for inclusion in the homelessness strategy or in guidance. Others require legislative change.

One recommendation is that the Government should amend homelessness legislation so that people who sleep on the street and are without any other means to access welfare, benefits or accommodation are given priority need within the meaning of the Housing (Northern Ireland) Order 2003. We believe that that is relevant to the Northern Ireland Assembly. We call for the development of a fund that can be accessed by relevant voluntary organisations that currently seek to help non-UK nationals by accommodating them or offering other support in circumstances in which they do not have access to public funds.

The development of the homelessness strategy and departmental guidance will be an important way to bring forward other recommendations from 'No Home from Home', including the recommendation that all Government agency staff should be familiar with when and how to refer a homeless non-UK national to the relevant health and social care trust for an assessment of his or her entitlement to assistance. Also, the Government agency should include in each letter a standard statement, translated into several languages, that explains the purpose and urgency of the letter and how to contact the Government agency for further information. In addition, Government agencies should assess the extent to which certain letters or parts thereof could be standardised and translated in advance.

The Government agencies should also develop, agree and effectively disseminate reliable inter-agency protocols. We have asked that those protocols identify any potential gaps in service provision and ensure that, in all circumstances, there is a referral route so that homeless non-UK nationals who are otherwise excluded from assistance can be assessed to establish whether any other form of support is available to them. Appropriate and formalised referral arrangements should be included and, in addition, the inter-agency protocols should outline the approach to be adopted during the daytime and after hours. Following on from that, the agency should produce an inter-agency guide for staff that outlines the options for assistance and referrals.

The main recommendation, as Committee members may be aware, is that, regardless of nationality or immigration status, no one should be allowed to fall into destitution. To realise that, we recommend that everyone should have access to appropriate emergency accommodation. We understand that immigration law is not in the Assembly's legislative remit. Therefore, that

recommendation is directed primarily at the Westminster Government. Nevertheless, the Northern Ireland Assembly has an important role in engaging with Westminster to bring about legislative change. The commission looks forward to working with the Northern Ireland Assembly and the Government in Westminster to bring forward all of its recommendations.

That concludes our evidence on the Housing (Amendment) Bill. We thank the Committee for the opportunity to contribute. We are happy to answer questions or provide further written clarification if required.

The Chairperson:

Thank you for that useful presentation. Last week, in our discussion on the homelessness strategy, we asked to whom the “all” in Northern Ireland referred. We intend to seek clarification on that from the Department.

For the Committee’s benefit, can you map out your view on whether the advice aspect of the homelessness strategy — if it does mean all people of all nationalities — should kick in fairly quickly and that other, resource-heavy issues, such as providing accommodation, should come in later, as resources allow? Or, as you highlighted, Roisin, could doing so potentially clash with immigration law? First and foremost, should advice be provided? Is it, at least, a first step in the right direction?

Ms Devlin:

We have said that the “all” in Northern Ireland should include everyone. Although immigration legislation imposes restrictions on who is entitled to homelessness assistance and welfare benefits, advice can be provided to individuals who are ineligible. Therefore, the extent to which people from abroad or those who are subject to immigration control are included in the strategy, or provided with advice and assistance, should not necessarily be affected.

Ms Ní Chuilín:

Thank you for your presentation. My question is about your comments on intentionality. Can you comment on the proposal from the Northern Ireland Association for the Care and Resettlement of Offenders in relation to changing the interpretation of intentionality to exempt ex-offenders?

Ms Devlin:

At this stage, we have not considered that in detail.

Ms McKenna:

We are giving evidence today on the outcomes of our findings, but we could go back and consider those aspects and provide a written submission. Would that be acceptable?

The Chairperson:

Yes; that would be fine.

Ms Lo:

You are very welcome. This is a very timely report. I and a lot of other MLAs have been approached by non-nationals who want help, and we find it very difficult when we know that they have no access to public funds. That is in relation not only to housing but other issues such as domestic violence. If an organisation such as Women's Aid has no access to public funds, it cannot take people in. I know that Women's Aid does take people in, but it does so using its own funds. That is a voluntary organisation stretching its limited resources to give non-nationals refuge.

I support your suggestion of a fund from the Executive. Although it is difficult to talk to any Department about funds, such a fund is very much needed. There are precedents, such as the children's fund, which is a pot of money that the voluntary sector can make use of. Organisations such as the Simon Community and Women's Aid could have access to a fund so that they can have some means of helping non-nationals. As a civilised society, we cannot simply tell those people coming to our doors that we cannot do anything for them. That is what a lot of people have to say to non-nationals, who have to sleep rough in the street and cannot get access to doctors. It is simply not right in a society where we value human rights. I welcome the report and thank NIHRC for it.

Mr Brady:

Thank you very much for your presentation. I am old enough to remember Peter O'Neill as a student.

Mr P O'Neill:

The years are passing by.

Ms Ní Chuilín:

But does he remember you, Mickey? *[Laughter.]*

The Chairperson:

I am not sure who comes out of that worse. *[Laughter.]*

Mr Brady:

One of the recommendations is that training should be provided. That is a huge gap in the system, which has been highlighted by the introduction of the employment and support allowance rapidly becoming a bit of a disaster. If staff of the Housing Executive, Social Security Agency and the social services are to receive human rights and anti-racism training, a co-ordinated approach should be taken. To do that would be a cost-saving exercise, and it would seem sensible. Is that something that could and should be done?

Ms McKenna:

That is one of the cross-cutting agency recommendations that we have made. One of the issues that was apparent to us as we conducted the investigation was that agencies were not necessarily speaking to each other on matters that were of some relevance — at different levels — to all of them. That is something that could be brought forward as a strategic approach. We are intending to follow up on that by meeting the agencies individually, in the first instance, and we may also proceed with a round-table discussion with the three agencies to discuss how those cross-cutting recommendations could be brought forward. A co-ordinated approach to training to achieve efficiency savings is something that we will certainly bear in mind.

Mr Hilditch:

Does the Commission have any estimate of the number of non-UK nationals seeking homelessness advice and support in Northern Ireland?

Ms Devlin:

That question is difficult to answer. It may be that the statistics are not available or homeless people may not be presenting to Government agencies. During the investigation, we had access

to case files, and voluntary organisations provided us with case studies, but we could only estimate that in any given year, the number of people is in the hundreds rather than the thousands. We have no firm figures.

Mr Hilditch:

Your proposals include changes to Housing Executive staff training. The Housing Executive is a big organisation. Has any research been done on how that would be implemented? I have had no problems with the Housing Executive branch in my constituency; its staff have been very helpful, so I do not wish to be too critical of Housing Executive staff. However, is there any indication of the cost of, or timescale for, such staff training?

Ms McKenna:

We will meet the agencies individually to devise an action plan for each recommendation. We are not prescriptive about how much should be spent on training or exactly how it should be conducted. Rather, we are concerned that training meets human rights standards and that the implications for people who are ineligible are understood. We will discuss with the agencies the details of how they can bring that forward.

The Chairperson:

In your submission, you raised the issue of intentionality. What sort of people will benefit most from the removal of that provision?

Ms Devlin:

In our submission, we referred to intentionality provisions in the Homelessness etc. (Scotland) Act 2003. We drew members' attention to those provisions because in May this year, the UN Committee on Economic, Social and Cultural Rights recognised them as one way to progressively realise the right to housing. We understand that it may not be appropriate for that issue to be addressed through the Housing (Amendment) Bill, but we wish to draw it to members' attention as a possible method for progressively realising the right to housing. Gradually removing the intentionality provisions would allow more people to access homelessness services, but how the right to housing might be implemented in Northern Ireland would have to be consulted on.

Ms Ní Chuilín:

While intentionality is being assessed, would you support the provision of emergency

accommodation?

Ms McKenna:

We have not made a specific recommendation to that effect but, when entitlement to housing is being assessed, there is a provision that the Housing Executive can provide temporary accommodation.

Ms Ní Chuilín:

There is a difference between can, may and shall.

Ms McKenna:

Yes, and that is partly why we want clarity in the guidance and why we want staff to be trained to recognise that it is a possibility and ensure that the matter is investigated further so that temporary accommodation is provided, rather than have people told offhand that it is not available.

The Chairperson:

Thank you for your evidence, time and submission. While you are here, in case there are any queries that members wish to raise, I will recap your evidence and distil it down as accurately as I can. You are suggesting extending homelessness support to all applicants; improving accessibility to advice and decision outcomes for non-UK nationals; setting out a minimum standard for advice and assistance; and removing the Housing Executive's requirement to determine whether applicants are intentionally homeless. You also mentioned developing an accommodation fund for non-UK nationals, developing relevant training and inter-agency protocols for Housing Executive staff, and avoiding destitution for non-UK nationals.

Providing that you are content with that summary, and if members do not have anything further to add at this stage, I will conclude this session. Thank you for your evidence.

Are members content that we ask the Committee Clerk to seek the Department's and the Housing Executive's views on the issues that have been raised? It will help us in our deliberations.

Members indicated assent.

The Chairperson:

We will now move to our second evidence session today on the Housing (Amendment) Bill. Joining us are representatives from the Northern Ireland Association for the Care and Resettlement of Offenders (NIACRO); Pat Conway, the director of services, Sile McLean, the services manager, and Barry McMullan, senior practitioner. You are all very welcome. As with previous evidence sessions, you may wish to outline some salient points in the submission that you have made, and members may then wish to ask questions.

Mr Pat Conway (Northern Ireland Association for the Care and Resettlement of Offenders):

I thank the Committee for giving us the opportunity to contribute to the Housing (Amendment) Bill. I will give a very brief overview of what NIACRO does. It is a non-governmental organisation that works to reduce crime and the impact of crime on people and communities. That means that our work is focused on making a unique contribution to the development of a society in which the needs and rights of everyone, including offenders, are respected equally. We work with children and young people who offend, with offenders and ex-prisoners and with prisoners' families and their children.

As a key voluntary organisation working in the criminal justice system, NIACRO believes that it has an important role to play in developing public policy through evaluating its work, contributing to consultations and regularly meeting senior policymakers to report on its experiences.

The Housing (Amendment) Bill should be seen in the context of NIACRO's framework for resettlement. NIACRO operates and constructs its services through what are called pathways within the criminal justice system. We argue that issues such as accommodation; finance; training and employment; health, physical as well as mental; intervention programmes to address behaviour such as addictions and violence, and welcoming social networks all have to be addressed if there is to be an effective resettlement process with individuals. If accommodation issues are not addressed, it is unlikely that the remaining pathways will be effective. That means that it is more likely that people will reoffend and return to the courts and the prison system.

We welcome the homelessness strategy and duty of the Housing Executive to provide information. As our evidence states, we also agree with the identified Departments being given

responsibility for taking the strategy into account when undertaking their functions. However, we would like to see the Prison Service added to the list, and we also believe that each Department should publish how it intends to meet the aims of the strategy in its planning, and account for outcomes through its reporting mechanisms.

Part of the work carried out with prisoners, in particular, requires a protocol, which is discussed in our evidence. A protocol between the Housing Executive and the Prison Service exists, but we would like it to be featured in the Bill, and that a review of its operational success take place annually. I will hand over to Síle McLean, who is responsible for NIACRO's resettlement projects.

Ms Síle McLean (Northern Ireland Association for the Care and Resettlement of Offenders):

NIACRO gives advice to more than 900 prisoners every year. It is particularly difficult for people who have been through the prison system and who find that they are not entitled to be housed by the Housing Executive to access accommodation, even in hostels. I emphasise that accommodation underpins any resettlement or social integration work. Therefore, when there are accommodation difficulties, none of the other work that needs to be done can be effective. That is important to note.

We are particularly concerned about the vulnerability of women in the criminal justice system. Through the draft women-offenders' strategy, we recommend that the criminal justice sector recognises women's range of accommodation needs. We are concerned about women who cannot get bail because of the lack of entitlement to access publicly-funded accommodation. Therefore, people get caught up in the criminal justice system because they cannot get suitable accommodation during their bail period.

Of critical concern to us are 16 year olds and 17 year olds, who are not catered for under the homelessness legislation. The group falls under the remit of health and social services and the Children (Northern Ireland) Order 1995, which gives health and social services trusts responsibility for accommodating young people in particular circumstances. In practice, we have found that that presents difficulties when young people have been engaged in offending behaviour and may have come under threat in the community. Whilst we recognise the rights and responsibilities of parents, extreme difficulties can be placed on families when they are, perhaps,

expected to move from an area because of those difficulties and because of the absence of an alternative strategy from health and social care trusts to address the behaviours of those young people who, during that period, are beyond their parents' control.

We are also concerned about people with mental-health difficulties, who are, as I am sure the Committee will recognise, disproportionately represented amongst the offending population. The criminal justice sector has highlighted a need as regards people with personality disorders and less-serious mental-health difficulties. Suitable accommodation, such as support units where delivery of mental-health services has primacy, would be an investment in resettlement, recovery and public protection. That needs to be taken on board.

We also want to raise the issue of intimidation. NIACRO, through its Base 2 project, deals with in excess of 900 referrals of people every year who present as homeless due to intimidation. Our investigations demonstrate that only one third of that number is actually at physical risk in the community. Nonetheless, those people are homeless. Often, they will get a response from the Housing Executive. However, others are considered ineligible because of their offending behaviour. For them, accessing suitable accommodation becomes very difficult. We recognise that, occasionally, a conviction can be related directly to a tenancy; when a house has been used in an offence. Those are different circumstances.

We also want to mention our concern about families who are victims of intimidation in an area. Although, under homelessness legislation, they may be entitled to be classed as a priority; where one parent is working, they would have to pay for what can be quite expensive hostel accommodation, causing unnecessary hardship in the circumstances. That is something that needs to be addressed. Fundamentally, our argument is that excluding people from accommodation is not a solution to offending behaviour. I will ask Barry to conclude.

Mr Barry McMullan (Northern Ireland Association for the Care and Resettlement of Offenders):

I will begin by saying that we are broadly supportive of the strategy, as it works to alleviate homelessness and the causes of homelessness. I will make a few suggestions about how the strategy could be tweaked a bit.

Under the 2006 Housing Executive guidance, it follows that if an individual approaches the

Housing Executive and applies for accommodation 12 months after committing an offence, the Housing Executive would regard the offence as being spent when assessing or determining eligibility criteria and intentionality. However, if the offence was related to behaviour that would enable the Housing Executive to obtain a possession order under grounds 2 and 3 of schedule 3, which relate to article 29 of the Housing (Northern Ireland) Order 1983, it may still regard the individual as intentionally homeless and ineligible for assistance.

NIACRO would like the eligibility criteria, as well as considering the time that has elapsed since the offence occurred, to take account of other factors that may be pertinent, such as how the offender has addressed their past offending behaviour; have they completed anger management courses, alcohol management courses, or have they overcome addictions? The criteria should also include factors in relation to the risk in the community. If the individual is engaged with NIACRO, for example, or with the Probation Board under a specific supervision order, the risk should be lower.

There is a range of floating support schemes in the community, like Extern, and NIACRO also offers a floating support service, which helps the offender address the issues that led them to offend and to fall out with their neighbours in the first place. As well as helping the person deal with personal issues, the schemes also help to mediate with the community in which they live.

Another issue that I would like to draw the Committee's attention to relates specifically to clause 5 of the Bill, which provides for the insertion of articles 11A(3) and 11C(2) into the Housing (Northern Ireland) Order 1983. Both articles deal with the timeframes for requesting a review and the right of appeal to a County Court. We recommend that the period be increased to one calendar month in each instance, as is the case in social security law and housing benefit law. That would give the applicant time to access assistance and guidance with a review or an appeal. As members are probably well aware, the advice sector is under a lot of pressure at the moment. Trying to get an appointment at a citizens advice bureau office, for example, can be very difficult. If the timeframes were extended to one calendar month, that would allow for greater access to professional assistance and guidance.

Finally, NIACRO would like rent guarantee schemes to be referenced in the Bill. They are very important but are few on the ground and are hard to access. We suggest that the homelessness strategy considers resourcing rent deposit or rent guarantee schemes to allow access

to the private-rented sector by those who are homeless and who cannot access, or are excluded from, the social-rented housing sector.

The Chairperson:

Thank you very much. I do not want to steal anyone's thunder on intentionality, however, the suggestion is that public policy is increasing the risk of offenders who have been released from prison reoffending is frightening. You are saying that that is happening or could happen, but do you have any estimates of the numbers of former prisoners who reoffend after being homeless in such circumstances and the category that those offenders belong to? Do you have any statistical evidence on that?

Ms McLean:

We do not have statistical evidence as such. However, we do have anecdotal evidence and we are providing services to people who have not been able to access accommodation. Our perspective is that the risk to the public and the risk of reoffending would be significantly reduced were suitable accommodation provided for these people.

Mr Conway:

There are published rates of recidivism around the prison service. The number of people who go back into prison is quite high. I would need to check it, but it is around 40% to 50% of the population of adult offenders. The figure is lower than the GB rate for reasons to do with family connections and the closeness of society here. However, the figure for Hydebank Wood prison is significantly higher; it is above 65%. If those statistics are extrapolated, it can be said that the rate of recidivism is quite high; the Prison Service itself would say that it is unacceptably high.

The Chairperson:

I appreciate the point, and I understand it. The argument is sensible and logical. I can see how, in many circumstances, it may be a negative factor for many individuals who come out of prison and want to rebuild their lives. However, there may be other factors in the reoffending rate, and, if the Committee were to make the argument, it would be useful for us to have more than anecdotal evidence. We need to have something more watertight to suggest that this is happening and that it is a primary or significant factor in reoffending. Although I understand the point being made, the argument would be stronger with that evidence.

Mr Conway:

We could research those figures fairly quickly and get back to you.

The Chairperson:

That would be useful. It would help the argument that you are making.

Mr Craig:

I want to explore the point about intentionality further. We need the figures that you mentioned, because it is an understatement to say that this is a political hot potato. What brings you to the conclusion that somebody coming out of prison should automatically be entitled to go on to the housing list and receive points for being homeless? Let us face it; there are thousands of people who never broke the law and cannot get on to the list. What brings you to the conclusion that ex-offenders should get a leg-up over people who did not break the law?

Mr Conway:

There are several responses to that. First, we believe that everybody has the right to be housed. Secondly, a judge does not sentence somebody to prison and add homelessness to the punishment. Thirdly, there is a cost to society if homelessness and resettlement, in their broadest terms, are not addressed. If we assume that the devolution of criminal justice, particularly prisons, will go ahead, that cost will become much more apparent to Assembly Members. Perhaps that will sharpen the focus on the purpose of prison and its effect, particularly when it comes to recidivism and the implementation of resettlement programmes. For those reasons, we argue that homelessness is at the core of resettlement — and I talked about the pathways previously. If an individual's housing issues are not addressed, it is unlikely that he or she will stop reoffending. It is likely that they will continue to reoffend and end up back in prison, which has a cost for society in general.

Mr Craig:

It is one thing to say that, but we need some evidence to back it up. I do not dispute what you are saying about the cost of reoffending, but we, as politicians, need some evidence of that. However, your argument is logical.

Mr Conway:

It is an argument that is accepted by the Home Office. The problem is that not much research has

been carried over to this jurisdiction, probably because of its size and the fact that other matters have dominated the political landscape. We can obtain Home Office-based research that supports the logic of our proposal.

Mr Brady:

Thank you for your presentation. My point follows on from a question that I asked following the previous presentation. I am aware of the great work that Barry McMullan has done and continues to do in giving people information, etc. The difficulty is that when people leave prison they are faced with the system. Regardless of how much information and advice they receive, they still face that situation.

I found it interesting that you said that people who contact support services within 72 hours of leaving prison are more likely to reintegrate into society, and so forth. I wonder whether there has been contact with the statutory agencies to improve the level of advice and support services that should be in place. You can advise people, but when they become involved with the statutory agencies, they are, in a sense, out of your hands. The improvement of advice and support would, therefore, be a sensible approach. If it means that people would not reoffend and that they would better reintegrate into society, it is worth that extra investment, because it would lead to savings in the long term.

Mr Conway:

We are not arguing for extra investment per se. The Human Rights Commission references the cross-cutting element and the importance of joined-up departmental action. If that were to happen, our argument is that a reduction in the rates of offending and recidivism would be more likely. In our experience, a joined-up way of operationalising policy is still found wanting and varies in extent.

As soon as the term “offender” is used, everyone thinks of criminal justice. As that is currently the responsibility of the NIO and, in future, will be the responsibility of the Ministry of justice, the perception remains that it is their problem. Undoubtedly, improvements have been made in the past 10 to 15 years, and there is now greater acceptance. We applaud the Housing Executive, for example, for having addressed the issue head-on. It is sympathetic to our work and, indeed, funds some of it. Other Departments must be more involved to effect the entire resettlement project. Otherwise, you may expect the rate of crime and offending to remain fairly

constant.

Mr Brady:

People who come out of prison will go to different parts of the North. When the gate closes behind them, are they left to their own devices? Obviously, a support and advice service is available inside the prison. However, when people leave prison, they could be going anywhere; back into their own communities. Before someone leaves prison, is there much contact between the prison advice services and those in the area into which the person is likely to go?

Ms McLean:

Our advice service that operates in the prison continues post-release. However, we recognise that the resettlement support that is required is very much under-resourced. Organisations such as ours are committed to those bridging services. However, we often find difficulty in maintaining and sustaining the necessary resources.

Mr Brady:

I will conclude by saying that I believe that local social security offices, for example, are under-resourced anyway. If they had more staff, they could more easily deal with any extra pressure because there will not be huge numbers of people leaving prison at one time. It is a general problem. Housing Executive offices are under-resourced and under pressure. That situation prevails across the board. It should be looked at in the round. It does not just apply to people who have left prison; it applies to claimants as well.

Ms Ní Chuilín:

I am sure that you listened to the other presentations. One of the key themes that emerged from them was the need for an inter-agency protocol. I understand from your comments that you would support such a protocol, particularly in order to try to take a more holistic approach to services for people who want to access housing, regardless of who they are.

Do you believe that when the Bill is implemented, groups such as NIACRO should have a statutory right to be consulted? I understand your point with regard to evidence. However, we need to see evidence in order for us to make a case. We cannot secure resources on logic alone. I know that you are aware of that.

In your comments about mental health, you mentioned personality disorders and the need for specialised units. That could be dealt with by a couple of different Departments. Very few diagnoses of personality disorders are made in prisons, particularly in Hydebank Wood. It fits in with the Bamford review's recommendations. I suggest that when that evidence is obtained, you forward it to relevant Departments. My main question is whether you believe that you should be involved in consultation on inter-agency protocols as a statutory right, rather than that being a matter for Departments to decide.

Mr Conway:

Of course, we would like to be consulted at every stage on any new services or legislation that is proposed. The Prison Service has signed off a set of protocols for PBNI, NIACRO and the Housing Executive. They are a tight and comprehensive set of protocols. I am not sure whether the Committee is aware of them. I have a copy here.

Our concern is that the implementation of the protocols and trying to ensure that there is seamless transition from prison into the community will be only good intentions. That is why the initial 72 hours are so important. Essentially, if we ensure that an individual were plugged into all services and has received all the elements of the pathways that I have described earlier, it is more likely that his or her offending behaviour will be reduced. That is the key issue: ultimately, what people should be concerned about is the reduction of offending behaviour.

The Chairperson:

I will summarise the evidence, and members can seek clarity or express any views that they may have. You are suggesting that there should be a requirement for the Housing Executive to put in place connecting services across the board for ex-offenders; a requirement for the homelessness strategy to set out clear lines of responsibility, particularly for those aged 16 to 17, and to provide better accommodation options for women and the mentally ill; the increasing of appeal timescales for appeals relating to homelessness decisions and evictions from introductory tenancies; the removal of the requirement for the Housing Executive to investigate whether an applicant is intentionally homeless; consideration of other factors by the Housing Executive in respect of spent convictions; and a rent-guarantee scheme.

Mr Conway:

We also recommend that the Prison Service should be included in the list under proposed new

article 6A(5).

Ms Lo:

Did you mention women?

The Chairperson:

Yes; I would not leave women out. *[Laughter.]*

Thank you for your evidence. Do members agree that we should seek the Department's view on that evidence?

Members indicated assent.

The Chairperson:

We will move on to our final evidence session, with the Equality Commission for Northern Ireland. Before us are Evelyn Collins and Patrice Hardy. It is the first occasion that the Equality Commission has been before the Committee and you are both very welcome. Included in the Committee papers are a note from the Committee Clerk and a submission from the Equality Commission. I invite you to make a brief presentation, after which members may ask questions.

Ms Evelyn Collins (Equality Commission NI):

Thank you very much. We welcome the opportunity to present our evidence to the Committee, particularly as it is our first time here. I apologise on behalf of our chief commissioner, Bob Collins. He was looking forward to being here today; however, after struggling with a bad bug for the last few days, he finally succumbed and is at home in bed.

The Chairperson:

He is excused on this occasion.

Ms Collins:

I hope that we will have another occasion to come back and talk to the Committee about the Housing (Amendment) Bill and other issues. I am pleased to say that I am joined by Patrice Hardy, our director of policy. You all know the commission's role. It is an independent public body established under the Northern Ireland Act 1998, with specific powers and duties under the range of anti-discrimination legislation that exists here and for the good relations and equality

duties under section 75 of the Northern Ireland Act 1998 and the disability duties under the Disability Discrimination (Northern Ireland) Order 2006.

Our brief response to the Committee stated that we welcome many of the changes proposed in the Housing (Amendment) Bill. We recognise that it is designed to enhance the existing legal framework in a number of areas, including homelessness.

Our letter to the Committee sets out what we see as some of the key issues relating to housing generally. The Equality Commission published a statement on key inequalities at the end of 2007, setting out its view that housing is a basic human need that provides the foundation for family and community life and highlighting the fact that there are pockets of deprivation in Northern Ireland in which people experience severe housing need, homelessness and poor housing. That document recognised that it was important that policymakers consider the impact of housing policy and practice on equality. That publication, and our letter to the Committee, noted the statistics showing an increase in the number of people presenting as homeless, including older people, and particular issues with single men in respect of homelessness.

The substantive part of our submission to the Committee commented only on two clauses. The Equality Commission welcomes clause 1, the requirement for the Northern Ireland Housing Executive to formulate and publish a homelessness strategy every five years. We recommend that, in addition to those bodies explicitly mentioned in the Bill as being required to assist the Housing Executive in doing that work — the Regional Agency for Public Health and Social Well-being and the Regional Health and Social Care Board — it would be of benefit to have explicit reference in the Bill to all local councils, both existing and proposed, and all Departments, not only those explicitly included in the list of bodies that have to take account of the homelessness strategy.

You are aware that local councils will be required to lead a community planning process and that statutory agencies will be required to work with them on such plans. Working to address homelessness in local areas may well be part of that process. We see merit in the Committee considering the possibility of explicitly mentioning all local councils and all Departments.

Given the cross-cutting nature of some of the issues that will need to be considered in respect of homelessness and the existence of other Government strategies — such as Lifetime

Opportunities, for example, which is aimed at the promotion of equality of opportunity and good relations, and others aimed at tackling social exclusion — the Equality Commission believes that it would be beneficial if the Bill were explicit about the importance of a cross-cutting approach to dealing with those issues and the need to ensure that such an approach is taken.

We also recommend that the Bill be amended to explicitly mention Travellers on a number of grounds. First, there should be a requirement on authorities to provide culturally sensitive accommodation to Travellers who are presenting as homeless. Secondly, the strategy that the Housing Executive draws up should explicitly address homelessness in the Travelling community.

In our letter we drew the Committee's attention to the fact that, in June this year, the Equality Commission published a report outlining minimum standards for Traveller accommodation. That report looked generally at issues such as analysis of the law on international standards, current policies on Traveller accommodation provision and analysis of current provision, and it also looked at wider issues in relation to good relations and racism. We wanted to draw that to the Committee's attention as part of the general information that is available about issues relating to housing, accommodation and homelessness, and we wanted to make some explicit reference to Travellers in relation to clause 1.

We also commented on clause 10, which deals with antisocial behaviour. We welcome the provision in the Bill to ensure that the Housing Executive consults on and prepares a code of practice on the issue. We thought that the Committee should give consideration to ensuring that that does not just cover the Housing Executive and its properties but that all social landlords should have a consistency of approach to dealing with antisocial behaviour in Northern Ireland. We thought that it was important to bring that to your attention and to recommend that the Bill should explicitly place a statutory requirement on the Housing Executive to fully consult all those working in the area when developing, amending and publishing its policies and procedures on antisocial behaviour.

We also made a recommendation that, when it comes to the implementation of the provisions, the Housing Executive should be screening and conducting its work in that area in line with its equality scheme commitments.

That is a summary of our letter to the Committee. We have also had some recent discussions with the Department about its work on its equality impact assessment. It might be useful for Patrice to outline that for you, and we will then be happy to answer any questions that you may have.

Ms Patrice Hardy (Equality Commission for Northern Ireland):

As Evelyn has noted, this final point is not in our written submission. In preparing our written submission and reviewing documentation, it came to the Commission's attention that the Department had screened out the Bill and that, therefore, it would not necessarily have been required to undertake an equality impact assessment (EQIA). However, the Department decided to go ahead with an equality impact assessment. Although the Commission has not provided written feedback, we feel that it is important to draw to the Committee's attention that the EQIA report, as it stands, would not comply with the guidelines that the Equality Commission sets out for undertaking an equality impact assessment. We had meetings recently with Department officials to discuss those issues and communicated with them that we would be raising the matter today and would be sending a letter to the Department and continuing to work with it — with the good working relationship that we have — to move forward.

The Chairperson:

I will begin by picking up on that final point. What is the position of an equality impact assessment that does not meet the required standard, if, at the first stage, it was screened out by the Department? The Department deemed that an assessment was not appropriate, went ahead and carried one out, but did so to an insufficient standard. Can you give us your view on that?

Ms Hardy:

The first point to make is that the Commission has not seen the screening document. As a result of the meeting, we have asked for a copy of that document, which will hopefully be forwarded to us. It is important for us to say that we are not commenting on the decision that has been taken. Having said that, if the Department had decided to undertake an EQIA but not to publish or to undertake it in line with its equality scheme commitments to do so in accordance with the Equality Commission guidance, that possibly misleads stakeholders and the Committee about the extent to which an EQIA has been done. That is perhaps an issue for internal consideration.

The Chairperson:

I appreciate that. It is certainly interesting.

Ms Ní Chuilín:

Thank you for your comments. My point is loosely related to the Housing (Amendment) Bill. In relation to the strategic guidelines on housing, Department officials told the Committee that it is moving ring-fencing for need. If that is successful and is based on a full EQIA, it will certainly help the matter of homelessness. How will the Department, robustly though an EQIA, substantiate the guidelines outlined in the Housing (Amendment) Bill and any other pieces of guidance or support that will help people who are on the housing waiting list and are particularly vulnerable to becoming homeless? Is the Commission aware of that?

Ms Hardy:

I am not aware of the policy decision that you referred to. Certainly, one of the Department's commitments is that the Equality Commission should be informed of screening decisions. I cannot provide an answer on whether we have been informed of that particular one; we could come back to the Committee on that.

Ms Collins:

As Patrice said, staff had a meeting late last week with Department officials and there will be continuing discussion on the work that the Department is doing on its section 75 duties. We can raise that matter with them if it has not already been raised with us.

Ms Lo:

Thank you for coming; you are very welcome. I endorse your call to include all the local councils in the homelessness strategy; that is important. You highlighted the need for the consideration of the needs of Travellers in that strategy, and that is particularly important given that local councils are going to have a lot more say in matters such as planning. However, I am not sure about your rationale in calling for all Departments to be involved in the strategy. When the promoting social inclusion working group considered the need for a homeless strategy, I do not think that its proposal was that that should cross all Departments. There are other strategies dealing with matters such as children and poverty that are cross-departmental. Can you explain a bit more about that?

Ms Collins:

It was for the avoidance of doubt, because there are so many cross-cutting strategies, including one on racial equality. Given that Travellers have protection under the Race Relations (Northern Ireland) Order 1997, we thought that there was merit in our suggestion.

Ms Lo:

I support that.

Ms Collins:

Also, given that there is discussion about the number of Departments that there should be, it was thought that if the Bill explicitly referred to all Departments, there would be no need to change the legislation as Departments change. It is a suggestion for the Committee to consider.

Mr Craig:

I am not often intrigued by the Equality Commission and what it has said, but I am certainly intrigued this time.

The Chairperson:

We will take a note of the date and time.

Mr Craig:

You said that the Equality Commission wants the legislation to require authorities to provide “culturally sensitive accommodation” for Traveller households. You have really got me intrigued. What exactly do you mean by “culturally sensitive accommodation”? By “authorities”, do you mean the Housing Executive or the new local councils? I am particularly intrigued by the phrase “culturally sensitive”. I would not like to think that the Equality Commission is saying that we should provide something different for any group in Northern Ireland. Perhaps I am just taking it up wrong. It looks as if you are asking us to treat Travellers differently from others.

Ms Hardy:

That is an extract from the report that Evelyn mentioned earlier, which outlined the minimum standards for Traveller accommodation. The phrase “culturally sensitive” makes reference to a way of life. It means that bricks-and-mortar accommodation should not necessarily be provided

to Travellers. Whatever accommodation is provided should be appropriate and should have the appropriate services. The phrase “culturally sensitive” refers to Travellers having a way of life that may be transient and to the fact that it may not be appropriate to provide them with the type of accommodation that the settled community would be provided with.

Ms Collins:

Our letter highlights article 35 of the Race Relations (Northern Ireland) Order 1997, which allows for special needs to be addressed in respect of specific racial groups where appropriate in the provision of services, or, in particular, in relation to welfare. There is legislative coverage, and our recommendation is aimed at ensuring that the Bill complies with other legislation.

Mr Craig:

So the type of accommodation must suit the cultural group? That is interesting.

Ms Collins:

As Patrice said, it is about recognising that many Travellers have a nomadic way of life, so simply replicating what is there for everybody else may not be appropriate. I am happy to provide Committee members with a copy of the Equality Commission’s report, which considers the international provisions and standards for groups that are recognised as having different needs.

Mr Craig:

It would certainly do no harm to have that report. What are your views on who should implement that policy?

Ms Collins:

Our recommendation is that, when developing its homelessness strategy, the Housing Executive should ensure that that covers the needs of all groups, including Travellers, who are specifically referred to as having protection under article 35 of the Race Relations (Northern Ireland) Order 1997.

Mr Craig:

Therefore, you would be happy enough for that authority to stay with the Housing Executive.

Mr Easton:

I seek clarification on my colleague's point. Are you saying that, if someone in the Travelling community is homeless, they should be provided with a caravan with wheels in which they can run around the country? Is that what you are saying?

Ms Collins:

It is not as explicit as that. The Commission's recommendation is that the development of a homelessness strategy should take into account the fact that Travellers have different needs that potentially have to be addressed. Our recommendation is that that should be part of the strategy, not that there should be one particular type of provision or another.

Mr Easton:

But it could mean that.

Ms Collins:

Yes.

Mr Easton:

Is what you are suggesting not open to wide abuse in that community? Someone who is living in a caravan with too many people in it could say that they are homeless. Every Traveller who is living in a caravan with one person too many could claim for a caravan. It is open to huge abuse and, to my mind, what you are suggesting is crazy.

Ms Collins:

It is a matter for the Committee to consider how it wants to make recommendations on the Bill. We have no evidence that such a recommendation would lead to abuse. Our recommendation is that it should be considered as a part of the strategy in the context of the data that was available from the Department for Social Development. In its equality impact assessment, it was clear that some Irish Travellers are presenting as homeless; the numbers are specified in the EQIA. However, we have no evidence to suggest that such a proposal would be open to abuse.

Mr Brady:

Thank you for your presentation. As someone who has worked closely with Traveller families in the past and who continues to do so, I think that the main abuse in the past has been the lack of

provision of sites and so on for them. When sites were provided, the conditions were absolutely dreadful. Having said that, in our area, the vast majority of Travellers are now settled in the community and are more than happy. Occasionally, families do come into communities, but in answer to the question about caravans, that is no longer an issue in our area. Some issues remain around halting sites, and perhaps that is what you meant by “culturally sensitive”. There are a few Travellers who still want to travel. In our area that is not the case; they have settled throughout, in both rural and urban areas. Is my interpretation of what you meant correct?

Ms Collins:

The recommendation comes from the report that looked at Traveller accommodation and addressing Traveller’s overall accommodation needs, not particularly in relation to homelessness. Clearly, there is some very good provision in Northern Ireland now. However, there are issues around the under-supply of appropriate provision; temporary sites being used on a permanent basis, de facto, if not by design; and planning and delays in some areas. The report that was produced canvasses all of those issues. You are right.

Mr Brady:

We no longer have any sites in our area, whereas previously we had one. It was closed down and is in the process of being sold for development. That is not an issue for us, but it may be in other areas to a greater extent. I am not sure about that.

Mr Craig:

I want to come back on a point, because I feel that there is a contradiction. The Minister is very fond of her shared future strategy. I cannot get into my head how this fits with a shared future strategy, the whole idea of which is to integrate different communities into one housing area. How does providing culturally sensitive accommodation fit in with the shared future strategy?

Ms Collins:

I go back to my point that there is legislative provision for particular needs to be addressed. A shared future in respect of accommodation is part of the overall departmental strategy, but I do not see that as necessarily excluding the consideration of specific and culturally appropriate accommodation for Travellers.

Mr Craig:

Yes, but if you are providing something that is specific to someone's needs, how do you integrate that into overall society, as seems to have been achieved in Mickey's area? It sounds as though it is a contradiction.

Ms Ní Chuilín:

It is done for disability groups and other groups with special needs.

Mr Craig:

It is about modifying existing housing to suit people's needs. It is not about providing them with something completely different.

The Chairperson:

Let us refocus here, members.

Mrs M Bradley:

I live in an area in which we have had Travellers for a number of years. I remember the time when councils were responsible for the housing of those Travellers, and sites were built in Derry. I think that the first site for Travellers in Northern Ireland was opened in Derry. People are still living at that site, in built accommodation. Previously, it comprised small units which gave people a cooking area, a toilet and a wash area. They also had space for their caravans. There were no problems.

We must remember that one size does not fit all. I do not see that as a problem for the Minister's shared future strategy. The Travellers who live in my area, which is the Shantallow in Derry, are part of the communities; as are their children. We now have on-site built housing as well — a housing scheme that the Minister opened some months ago in Shantallow — and it is absolutely marvellous for the Traveller families. It is a good thing to have them move into houses. It takes time for them to make their minds up to do so, because, as noted in their name, they are people who want to travel. However, a lot of them have taken the opportunity to live in homes, and their children — thank God — can get to school and everything else. It is fantastic. They do live with the community as well. You have to make the effort to get people settled and it takes time, but the effort has been worth it.

You referred to councils, but I do not think that you mean for councils to take the full responsibility for Travellers again.

Ms E Collins:

No, it was a general recommendation regarding the list that is included in the Bill about whom the Executive should consult; it should consult councils.

Mrs M Bradley:

Travellers have benefited greatly from the Housing Executive taking over their situation from councils.

Ms E Collins:

Our recommendation in relation to that is not solely about Travellers; it is about looking at —

Mrs M Bradley:

It is difficult for councillors who do not have Travellers in their areas to understand them. You need to have such people in your area, and we have had them in Derry for years and —

Mr Craig:

We have them as well.

Mrs M Bradley:

We have no complaints about them.

Ms Lo:

A shared future is an aspiration that we should all work towards, but it does not mean forcing people together. We have not done that: 98% of our public housing is still on one side or the other. It is unfair to use the argument that Travellers need to assimilate themselves to be with the wider community. It is up to people. Their nomadic way of life is their cultural norm; we have to respect that and not force them into settled communities.

Mrs M Bradley:

Yes, that is right; you have to work with them and coax them along.

The Chairperson:

While you are still here, I will recap on your evidence and ask Members whether they want to express any further views, though we have heard one, in particular, quite a lot. You are calling for a statutory requirement for councils and all Government Departments to take account of the homelessness strategy; for suitable accommodation for Travellers; for the Department to consult on a code of practice for antisocial behaviour policies for all social landlords, and for the Housing Executive to consult on the production of the homelessness strategy. I think that that is a fair summary.

On the issue of antisocial behaviour policies, has the Equality Commission looked at the Housing Executive's antisocial behaviour policy, or that of any of the registered housing associations?

Ms Collins:

Not personally, and not recently, but the Equality Commission is aware of what the Housing Executive is doing in the area. Our comments in this context were in relation to the provisions in the Bill, and the need to make something explicit in the Bill.

The Chairperson:

Does any member wish to make any further comment on that evidence? Evelyn and Patrice, thank you very much.

Ms Collins:

Thank you very much; I am glad that we have started a discussion. I enjoyed it, and hope that you will invite us back at another appropriate opportunity when considering things.

The Chairperson:

Are members content to agree that we seek the Department's views on the evidence that has been raised?

Members indicated assent.

The Chairperson:

Perhaps we should seek clarity on the situation with regard to the equality impact assessment,

including perhaps seeking the screening document, and explicitly asking if the strategic guideline consultation complies with the Equality Commission's own guidelines on equality impact assessments. Do members agree?

Members indicated assent.