

**Review of Assessment and Allocation Guidelines**

Consultation Paper and Submission Template

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# Background

The Assessment and Allocation Guidelines were first prepared by the Housing Agency (HA) in 2014 as a consequence of an action under the National Housing Strategy for People with a Disability 2011 to 2016 extended to 2021. The Guidelines were preceded by a protocol that was specifically aimed at people moving out of congregated settings. The Guidelines were issued by Circular to the local authorities.

In 2017 the Guidelines were reviewed. The process at that time was that a document was drafted and circulated for consultation and submissions were invited on the full document. Submissions were invited through the Housing Subgroup and Implementation Monitoring Group for the strategy and umbrella organisations of the stakeholders. There were 24 submissions received for that review.

The format of the document changed, and the review introduced 18 keys messages that were highlighted at the outset of the document with each being dealt with in more detail in the body of the document. A summary document was also prepared for Housing Practitioners to promote awareness and implementation.

The National Housing Strategy for Disabled People 2022 – 2027 (NHSDP) was published in January 2022 and the associated Implementation Plan was published in June 2023. A key outcome of the Strategy was to embed the Assessment and Allocation Guidelines in the operations of both the local authorities and the HSE. There are two actions under Outcome 2.5 in the Implementation Plan, one to cover the review of the guidelines and one to cover the embedding of the guidelines in the policies and procedures of the local authorities.

**Outcome 2.5** The Assessment and Allocation Guidelines are embedded in the policies and procedures of the local authorities and the HSE.

***Action 2.5.1***

A review is to be carried out of the Assessment and Allocation Guidelines.

* Lead: HA
* Other Partners: All stakeholders
* Timeline: Q1 2024
* KPI: Review conducted, and guidance document updated.

# What is the Review Process?

As set out in the National Housing Strategy for Disabled People and highlighted in Section 2 above the Housing Agency is the lead on *Action 2.5.1* with a timeframe for completion of the Assessment and Allocation Guidelines of Q1 2024. The Housing Agency has prepared this paper for consultation.

This paper is being circulated through various networks, including Disabled Persons Organisations/Disabled Persons Representative Organisations, Advocate Groups, Support Organisations, Umbrella Groups, relevant Government Departments, Local Authorities, HSE, Approved Housing Bodies, and Service Providers at a minimum. Some of this engagement will be done through the Housing and Disability Steering Groups.

***The purpose of the paper is to seek submissions from stakeholders on the treatment of the Key messages from 2017 and to seek proposals for new messages to be included in the draft for consideration.***

This paper proposes how the current messages are to be dealt with under the new Guidelines and highlights some new key messages that have been identified through the work of the Housing Agency and the National Implementation Steering Group for the National Housing Strategy for Disabled People 2022 – 2027.

The treatment of the 2017 Key Messages may include:

* Embedding some messages as standards practices in the Guidelines.
* Removing out of date messages or messages that have been overtaken by other policies.
* Updating some messages to ensure the appropriateness of language.

## 2.1 How to make a submission.

To make a submission please use the template form that is outlined in Section 5. There is a Word version of the document also attached.

To allow for a timely collation of the submissions it would be appreciated it where possible the format of your submissions is that set out in the template.

You must send your submission to the Housing Agency before the end of the 1st of March 2024.

While it is hoped that the revised Assessment and Allocation Guidelines will incorporate as many suggestions as possible from the submissions received, it is not always possible to include everything, this maybe because the suggestion may require legislation change or other fundamental changes that are not possible at this time.

However, every suggestion will be examined and if there any that cannot be included at this time, they will be retained for consideration again under the review of the National Housing Strategy for Disabled People 2022 – 2027 in Q4 of this year.

## 3.1 what to do with your Submission.

Submissions must be returned to the Housing Agency by email at disabilitystrategy@housingagency.ie no later than the **1st of March 2024**, however, early submissions will be greatly received as there is a very tight timeline for the drafting of the revised guidelines.

Please put ‘***Review of the Assessment and Allocation Guidelines’*** in the subject line of your email.

Written submissions can also be posted to The Housing Agency, at 53/54 Mount Street Upper, Dublin 2.

Oral or video submissions can be made by attaching the recording to an email and sending the email to disabilitystrategy@housingagency.ie. Please put ‘***Review of the Assessment and Allocation Guidelines’*** in the subject line of your email.

# What are the Guideline Standards

The revised Assessment and Allocation Guidelines will include the appropriate principles of the Assisted Decision-Making Act 2015 (including any amendments). These Guidelines should be read in conjunction with the Housing Practitioners Guide to the Assisted Decision- Making (Capacity) Act 2015. The ADM principles will be noted as standard practices within the guidelines. The Guidelines are also informed by the United Nations Convention on the Rights of People with a Disability (UNCRPD).

Several of the key messages in the 2017 guidelines have been taken on board by local authorities and are now part of their everyday processes. While it is no longer necessary to have these practices as key messages it is important that they are still highlighted to ensure that these practices are retained. As a result, these practices will be noted as standard practices within the guidelines.

These are:

* All disabled people are entitled to an assessment of housing need following the submission of an application for social housing support to their LA whether they are currently homeless, about to leave custody/treatment centre, living in the community, living with family, living in residential/institutional care or nursing homes. A person shall not be deemed adequately housed when their current address is a congregated setting, institution, hospital/nursing home, community-based group home, or when they, although an adult, remain in the family home due to their personal circumstances and/or support needs.
* All disabled people are entitled to an assessment of housing need following the submission of an application for social housing support to their LA whether the supports they require to live independently are in place or not at the time of the assessment.
* To be considered as having a housing need based on a disability, a completed HMD1 Form must accompany the application for Social Housing Support.
* If an applicant seeks to have an individual co-corresponded, then the LA must ensure that all correspondence is issued to both the applicant and the co-correspondent, in line with the individual’s wishes.
* Local authorities shall, where appropriate, allow the use of the discretion clause under the Housing Assistance Payment (HAP) Scheme to facilitate disabled people to access the scheme. In addition, where appropriate the provision and level of rent supplement must be determined in a fair and equitable manner in line with the policies of the Department of Social Protection.
* Local authorities shall adhere to the Guiding Principles of the Assisted Design Making (Capacity) Act 2015 and any amendments. (The Guiding Principes are in Appendix 2 of this document for ease of reference).

#  What are the new Key Messages?

The following are the initial draft key messages that are being put forward for consideration under the review of the Guidelines.

1. Local authorities shall take all practical steps to ensure that the application process is as easy as possible including providing documentation based on universal design principles of customer care.
2. Local authorities shall accept and assess joint applications for social housing support from households that are not related or in a relationship. Applicants need not be sharing at the time of application.
3. If an individual has an interest in/ownership of a property that they cannot reasonably occupy the LA shall not consider the individual as being adequately housed.
4. Local authorities shall in their Housing Allocation Schemes or Housing Allocation Policies allow for the allocation of accommodation to an individual where a housing need arises irrespective of any adaptations that were made to the individual’s current place of residence.
5. Where the basis of an applicant’s need arises due to a disability then the application shall have the appropriate Basis of Need (related to the disability) recorded on their assessment. This is in accordance with Regulation 23 (d) of the Housing Assessment Regulations 2011. If there is a specific accommodation requirement arising from the applicant’s disability, then the applicant’s specific accommodation needs and requirements will be classified, having reference to the fact that the applicant has a disability in accordance with Regulation 24(b)(iv) of the Housing Assessment Regulations 2011.
6. To be considered for a priority, where it exists, the change of housing must be recommended as being important to stabilising or improving the person’s condition. The need must be clearly set out in the HMD1 Form.
7. The personal circumstances of an individual including the requirement for personal supports as outlined in supporting documentation, may influence the size, design, and type of the required housing. Where there are, specific adaptations required to a property a report from an Occupational Therapist will be required at some stage of the process.
8. Suitability of a property at allocation or on foot of a transfer application will take all aspects of the individual or household circumstances as they relate to disability into consideration.
9. Local authorities shall introduce the recommended early notification system in conjunction with the HSE, following the piloting of such systems, which will allow the applicant to apply to obtain the supports that they require to live independently.
10. Integration of housing and supports should occur at the earliest opportunity including training on assisted/supported/independent living prior to a move into the community. Ideally this should be provided prior to and during the early notification period.
11. If a person has a progressive condition such that their current housing will become inappropriate due to the worsening of the disability and/or their circumstances, they should be considered as having a housing need.
12. Where a person with a disability is transitioning from a congregated setting or nursing home to community-based living it is acknowledged that an individual’s understanding of their own desires and/or needs may change over time. In such circumstances, the LA shall facilitate a transfer to a new property where the service provider/or other party in consultation with the individual has sourced a more suitable property.
13. Applications from people transitioning from a congregated setting or nursing home shall have their Basis of Need recorded as “current accommodation is an institution, emergency accommodation or a hostel” under the Social Housing Assessment Regulations 2011.
14. Applications from people transitioning from a congregated setting or nursing home shall be considered by the local authority where the application is made irrespective of the location of the congregated setting or nursing home, where the applicant demonstrates that they have family, friend or formal supports in area of application (local connection).
15. Recommendation 7 of the Report of the Working Group on Congregated Settings ‘Time to Move on from Congregated Settings – A Strategy for Community Inclusion’ highlights that the need for housing provision to be much ‘broader than a plan for accommodation; accommodation arrangements for housing must be part of a new model of support that integrates housing with supported living arrangements.’ Person-centred principles should guide the new model of support that will allow people with disabilities, whether from a congregated setting or institutional care setting, to live in dispersed housing, with tailored supports in the community.

*RECOMMENDATION 7 (8.1) A new model of community‐based support*

*The provision of accommodation for people moving from congregated settings to their local community must be broader than a plan for accommodation; accommodation arrangements for housing must be part of a new model of support that integrates housing with supported living arrangements.   The new model of support should be based on the principles of person‐ centeredness; it should enable people with disabilities to live in dispersed housing, with supports tailored to their individual need.*

1. There are outcomes of actions in the National Housing Strategy for Disabled People 2022 – 2027 that will also need to be contained in the new Guidelines. The Housing Agency will include these as part of the final document for consideration.

# Submission Template

The Submission template is provided as a separate document on the email sent to you or your organisation. You are requested where possible to use the template if providing a written submission. If you are providing an oral or video submission it would be appreciate if you could be guided by the questions in the template and to indicate what question you are making comment on.

The items to be include in the template are as follows:

* Name and address of the Organisation making the submission.
* Details of who the organisation represents or supports.
* Comments on Guideline Standards.
* Any additional standards you would like to put forward for consideration.
* Comments on existing Key Messages.
* Any new Key Messages you would like to put forward for consideration.
* Any other issues that you feel need to be considered for inclusion.

# Appendix 1 - Key Messages 2017

The 18 key messages from the Assessment and Allocation Guidelines 2017 were as follow:

**1.** The LA shall take all practical steps to ensure that the process of applying for, being assessed for, and being allocated a home is as easy as possible for a person with a disability including providing documentation based on universal design principles of customer care.

**2.** All people with disabilities are entitled to an assessment of housing need following the submission of an application for social housing support to their LA whether they are currently homeless, about to leave custody/treatment centre, living in the community, living with family, living in residential/institutional care or nursing homes.

**3**. All people with disabilities are entitled to an assessment of housing need following the submission of an application for social housing support to their LA whether the supports they require to live independently are in place or not at the time of the assessment. While it is noted that an individual may have personal support needs to enable them to move to independent living or shared accommodation, these supports do not need to be in place at the point when a person is making a social housing support application – this circumstance should not affect the LA’s assessment of need (Section 1.4 refers).

**4.** A full social housing support application form must be submitted to the applicant’s LA for assessment purposes. This form can be completed by an applicant with their advocate. If a person with a disability has agreed/requested in writing, verbally or another appropriate method (depending on their disability), that an individual or service provider act in the capacity as advocate for the applicant the LA must engage as appropriate with this individual or service provider (Section 2.2.) If an applicant seeks to have an individual co-corresponded, then the LA must ensure that all correspondence is issued to both the applicant and the co-correspondent, in line with the individual’s wishes.

**5.** LAs shall accept and assess joint applications for social housing support from households that are not related or in a relationship (Section 1.5 refers). Applicants need not be sharing at the time of application.

**6.** If an individual has an interest in/ownership of a property that they cannot reasonably occupy the LA shall not consider the individual as being adequately housed (Section 1.10 refers).

**7.** LA’s shall in their Housing Allocation Schemes or Housing Allocation Policies allow for the allocation of accommodation to an individual where a housing need arises irrespective of any adaptations that were made to the individual’s current place of residence.

**8**. Where the basis of an applicant’s need arises due to a disability then the application shall have the appropriate Basis of Need (related to the disability) recorded on their assessment. This is in accordance with Regulation 23 (d) of the Housing Assessment Regulations 2011. If there is a specific accommodation requirement arising from the applicant’s disability, then the applicant’s specific accommodation needs and requirements will be classified, having reference to the fact that the applicant has a disability in accordance with Regulation 24(b)(iv) of the Housing Assessment Regulations 2011.

**9.** To be considered for a priority, where it exists, the change of housing must be recommended as being important to stabilising or improving the person’s condition (Section 2.4 refers). The Priority Information Form must be submitted with the social housing support application form. The form must be completed and signed by a medical practitioner in line with the applicant’s LA Allocation Policy.

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

**11**. LA’s should introduce an ‘Offer Zone’, during which period it is reasonably expected that they will be offered a property within a 6-month period which will allow the applicant to apply to obtain the supports that they require to live independently.

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

**13.** The Housing Assistance Payment (HAP) has been rolled out to all LA’s. Local authorities shall, where appropriate, allow the use of the discretion clause to facilitate people with a disability to access the scheme. In addition, where appropriate the provision and level of rent supplement must be determined in a fair and equitable manner in line with the policies of the Department of Social Protection.

**14**. People with a disability shall not be deemed adequately housed when their current address is a congregated setting, institution, hospital/nursing home, community-based group home, or when they, although an adult, remain in the family home due to their personal circumstances and/or support needs.

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

**16**. Recommendation 7 of the Report of the Working Group on Congregated Settings ‘Time to Move on from Congregated Settings – A Strategy for Community Inclusion’ is that person-centred principles should guide the new support model that will allow people with disabilities, whether from a congregated setting or institutional care setting, to live in dispersed housing with tailored supports in the community.

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

**18.** LA’s will strategically plan and deliver housing for people with a disability having regard to those with disability as their Basis of Need and those classified as having specific accommodation requirements arising from their disability on their Record of Qualified Households (Waiting List) in line with the target set in their local Strategic Plan for People with a Disability

# Appendix 2 - Guiding Principles of the Assisted Decision-Making Act 2015

The nine guiding principles of the Act are:

1. **Presume capacity:** Presume the relevant person has capacity to make a decision on the issue in question at the time the decision needs to be made.
2. **Support the relevant person to make decisions**: Support the relevant person as much as possible to make their own decision on the issue in question before considering them unable to make this decision at the time the decision needs to be made.
3. **Unwise decisions:** The fact that a decision appears unwise does not mean the person lacks the capacity to make it.
4. **Do not intervene unless necessary:** Only intervene in respect of a relevant person where it is necessary to do so, having regard to the individual circumstances of the relevant person.
5. **Minimal intervention**: Any intervention in respect of a relevant person must:
	* take an approach that minimises restrictions of the person’s rights and freedom of action,
	* have due regard for dignity, bodily integrity, privacy, autonomy and control over financial affairs and property,
	* be proportionate to the significance and urgency of the matter on which a decision is to be made, and
	* be as limited in duration as practicable having regard to the individual circumstances of the relevant person.
6. **Give effect to will and preferences:** In making an intervention in respect of the relevant person, the intervener**[[1]](#footnote-2)** (see footnote) must, as far as practicable and ascertainable:
	* permit, encourage and facilitate the relevant person to participate, or to improve his or her ability to participate, as fully as possible in the intervention,
	* give effect to the past and present will and preferences of the relevant person,
	* take into account the beliefs and values of the relevant person (especially those in writing) and any other factors which the relevant person would be likely to consider if they were able to do so,
	* consider the views of any person named by the relevant person as someone to be consulted on this or a similar issue, and any decision supporter for the relevant person,
	* act in good faith and for the benefit of the relevant person, and
	* consider all other circumstances of which they are aware, and which would be reasonably regarded as relevant.
7. **Consider the views of others:** In making an intervention in respect of the relevant person, the intervener may consider the views of any person engaged in caring for, or with a bona fide interest in the welfare of the relevant person, or healthcare professionals.
8. **Consider the urgency of the intervention:** Before making an intervention in respect of the relevant person, consideration should be given to the likelihood of the relevant person regaining capacity to make a decision on the issue in question, and the urgency of making the intervention prior to such time as the relevant person may regain capacity.
9. **Use of information**: In making an intervention in respect of the relevant person, the intervener must only obtain information that is reasonably required to make a decision on the issue in question; only use this information for the purposes of making that decision; and take reasonable steps to ensure that this information is kept secure from unauthorised access, use or disclosure and is safely disposed of when the intervener believes it is no longer required.

1. Please note that a housing practitioner is not an Intervener. See the Appendix 1 glossary for the definition. [↑](#footnote-ref-2)