



**An Roinn Tithíochta, Pleanála  
agus Rialtais Áitiúil**

Department of Housing, Planning  
and Local Government

## **NATIONAL GUIDELINES FOR THE ASSESSMENT AND ALLOCATION PROCESS FOR SOCIAL HOUSING PROVISION FOR PEOPLE WITH A DISABILITY**

**Updated, with effect from 17 October 2017.**

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## Definitions

*For the purposes of this document:*

**Advocate** means a person who acts on behalf of, or assists a person with a disability in their interactions with official bodies or community and voluntary organisations.

**Basis of Need** local authorities allocate housing based on an assessment of a household's housing need which only they (the local authorities) can undertake.

**CALF** means Capital Advance Leasing Facility which is a funding scheme within the Department of Housing, Planning and Local Government. The scheme assists housing associations to provide housing.

**CAS** means Capital Assistance Scheme which is a funding scheme within the Department of Housing, Planning and Local Government which assists provision of accommodation by housing associations for people with specific categories of housing need, where the housing association is an Approved Housing Body under Section 6 of the Housing (Miscellaneous Provision) Act 1992.

**Community Based Group Home** means a home where a small number of unrelated people in need of some level of care and/or support, live together in a property within a community.

**Congregated Settings** are defined in the *'Time to Move on from Congregated Settings Report'* as living arrangements, where ten or more people share a single living unit or where the living arrangements are campus-based. It should be noted that the report provides for no more than four people with a disability being housed together, this includes clustered housing arrangements.

**Differential Rent** means the rent payable by a tenant to a local authority or in certain cases a housing association. Differential rent is an income based rent payment.

**Disability** can mean one or more disabilities.

**Housing Associations** also known as approved housing bodies or voluntary housing associations are non-profit organisations whose purpose is the provision and management of housing for households who have a housing need. Provided they meet certain criteria, housing associations can apply for "approved status" from the Minister for Housing, Planning and Local Government under Section 6 of the Housing (Miscellaneous Provisions) Act 1992.

**HSE** means the Health Service Executive.

**Housing Authorities** provide and maintain social housing in their area. They assess the local need for housing and provide housing through the building, purchasing and the leasing of dwellings. They also provide loans for the repair and improvement of dwellings within their administrative area.

**Local Authorities** are multipurpose body responsible for delivering a broad range of services in relation to roads, traffic, planning, housing, economic and community development, environment, recreation and amenity services, fire services and maintaining the register of electors.

**National Housing Strategy for People with Disabilities** means the National Housing Strategy for People with Disabilities 2011 – 2016, affirmed in *Rebuilding Ireland* and extended to 2020, also referred to as the NHSPWD.

**National Implementation Framework** means the document that was prepared to drive the implementation of the National Housing Strategy for People with Disabilities 2011 – 2016 (extended to 2020).

**Payment and Availability Agreement** is an agreement signed by the housing association with the local authority stating that they will make the property available for social housing for a specific period, in exchange for a lease payment, linked to market rent from the local authority.

**Person Centred Plan** focuses on delivering support that is based on person centred models for people with disabilities. For individuals moving from congregated settings, the individual's Support Plan Summary should be directed and prepared by the individual with the appropriate support of their advocate and/or family and where appropriate with their service provider as part of the person centred plan.

**Priority Information Form** means the form that must accompany a social housing application form containing appropriate information where the individual wishes to be considered as having a priority housing need.

**Record of Qualified Households**, local authorities maintain records of people who are qualified for social housing support and who have not yet received it. This is more commonly known as the Waiting List and will be referred to as Waiting List in this document.

**Service Provider** means the organisation that is providing social and/or medical supports to the person with the disability.

**Strategy** means the National Housing Strategy for People with Disabilities 2011 – 2016 (extended to 2020) or NHSPWD.

**Transitioning** means moving from institutional care to more independent community based living under the Time to Move on from Congregated Settings Report.

## 1. Executive Summary

**The purpose of these national Guidelines is to assist in streamlining the management of the housing assessment and allocation processes for people with disabilities, including those currently living in the community and those transitioning to the community from residential care.**

The National Housing Strategy for People with a Disability (NHSPWD) and the associated National Implementation Framework, are joint publications by the Department of Housing, Planning and Local Government (formerly known as the Department of Environment, Community and Local Government) and the Department of Health. They set out the Government's broad framework for the delivery of housing for people with disabilities. They were developed as part of a coherent framework, in conjunction with the Government's mental health policy, *A Vision for Change* and the *Time to Move on from Congregated Settings Report*, to support people with disabilities to live in the community with maximum independence and choice.

The NHSPWD, affirmed in *Rebuilding Ireland* and extended to 2020, aims to mainstream access to independent living for adults with physical, mental, sensory and intellectual disabilities. The actions set out in the document will direct the efforts of housing authorities and the HSE to support people with a disability to live independently in their own homes, with, if applicable, accommodation designed and/or adapted as appropriate, rather than having to move into residential care settings.

The vision of the NHSPWD is ***to facilitate access, for people with disabilities, to the appropriate range of housing and related support services, delivered in an integrated and sustainable manner, which promotes equality of opportunity, individual choice and independent living.*** This should be achieved within the mainstream housing environment.

One of the key objectives of the NHSPWD is to provide mainstream access to the full choice of housing options, as appropriate, to people with a disability to allow them to obtain a sustainable tenancy and to support them in living as independently as possible.

The four categories of disability referred to in NHSPWD are:

- (a) sensory disability,
- (b) mental health disability<sup>1</sup>,

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<sup>1</sup> NDA guidance document to assist local authorities when dealing with an individual with mental health difficulties Social Housing and People with Mental Health Difficulties (2013): <http://nda.ie/Publications/Environment-Housing/Housing-Publications/Social-Housing-and-People-with-Mental-Health-Difficulties/>

- (c) physical disability and
- (d) intellectual disability, and/or autism <sup>2</sup>

The operational framework for delivery of the NHSPWD will require concerted implementation of a major change programme. This radical change is not the sole responsibility of one individual, group or statutory body but rather a collaborative responsibility shared between the person with a disability, the advocates who support them, a multiplicity of agencies, Government and society as a whole.

The National Guidelines for the Assessment and Allocation Process for Social Housing Provision for people with a Disability were issued by the Department of Housing, Planning and Local Government (DHPLG) in November 2014. In July 2016, the Housing Agency commenced a review of these guidelines. Following the review this document is being issued by the DHPLG in consultation with the Department of Health (DoH) and the Health Service Executive (HSE).

**Local authorities are responsible for the provision of housing services in accordance with the Housing Acts 1966 to 2014, while the provision of relevant health and personal social services is the responsibility of the HSE. It should be noted that interagency cooperation is required to deliver an inclusive housing solution for many individuals with a disability (Section 7).**

This guidance must be used in conjunction with the relevant regulations and Department guidelines as they will supplement existing local arrangements, as appropriate.

There are a number of **key messages** contained in this document that should be adhered to when assessing the specific housing needs of people with a disability. More details on each of the key messages is set out in the relevant sections of the document.

### **Key Messages**

- 1.** The local authority 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** (Section 3.7. refers).

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<sup>2</sup> NDA guidance for local authority housing officers on how to work with people with autism making an application for social housing or for a housing adaptation grant under the Programme for Autism Actions.



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 local authority 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 local authority **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 housing authority’s assessment of need (Section 3.1 and 4.3 refers).
4. A **full social housing support application form** must be submitted to the applicant’s local authority 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**<sup>3</sup>, the local authority must engage as appropriate with this individual or service provider (Section 3.2.) If an applicant seeks to have an individual co-corresponded, then the local authority must ensure that all correspondence is issued to both the applicant and the co-correspondent, in line with the individual’s wishes.
5. Local authorities shall accept and assess **joint applications for social housing support** from households that are not related or in a relationship (Section 3.3 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 local authority shall not consider the individual as being adequately housed (Section 3.4. refers).
7. 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.
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[2] (Section 4.3 and 4.4 refer). If there is a specific accommodation requirement arising from the applicant’s disability, then the applicant’s specific accommodation needs and

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<sup>3</sup> Capacity Legislation – The Assisted Decision-Making (Capacity) Act 2015

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 4.4.1. 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 local authority's 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. Local authorities 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 ageing parents (Section 3.5. refers).
13. The **Housing Assistance Payment (HAP)** has been rolled out to all local authorities. 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 (Section 6.3 refers).
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.

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#### **Individuals Transitioning from Congregated Settings:**

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 local authority 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<sup>4</sup>.

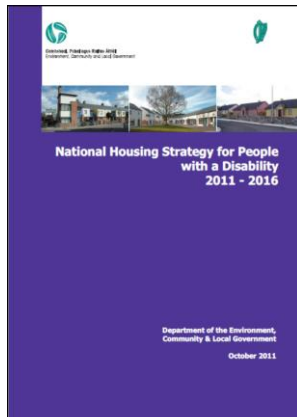
**18.** Local authorities will strategically **plan and deliver housing** for people with a disability having regard to those with disability as their Basis of Need and those classified as having specific accommodation requirements arising from their disability on their Record of Qualified Households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

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<sup>4</sup> <http://www.irishstatutebook.ie/eli/2011/si/84/made/en/pdf>

## 2. Policy Context

### 2.1. National Housing Strategy for People with a Disability (NHSPWD)



The NHSPWD is the Government strategy to address the housing needs of people with a disability over the period 2011 to 2016. Building on the Programme for Partnership Government commitment to meet the housing needs of people with a disability, the NHSPWD has been affirmed in *Rebuilding Ireland* (2016) and extended to 2020 to continue to deliver on its aims.

Implementation of the NHSPWD is also a key commitment under the Government's National Disability Inclusion Strategy (NDIS) published in July 2017.

The NHSPWD supports the NDIS's high level objectives that people with disabilities should be supported to live ordinary lives in ordinary places, participating in the life of the community. An easy to read version of the NHSPWD designed for people with intellectual disabilities is available.

### 2.2. Rebuilding Ireland 2016



The Department of Housing, Planning and Local Government launched its five-year action plan for housing and homelessness in July 2016. The overarching aim of this Action Plan is to ramp up delivery of housing from its current undersupply across all tenures to help individuals and families meet their housing needs, and to help those who are currently housed to remain in their homes or be provided with appropriate options of alternative accommodation, especially those families in emergency accommodation.

The plan has a number of specific actions relating to housing for people with a disability. These are: -

Action No	Description of action	Objective
2.17	We will increase the target of the Housing Adaptation Grant drawdown to 10,000 homes in 2017 (up from 8,000 in 2016) and will streamline the application process.	To support the continued independent occupancy of their own homes by older people and people with

disabilities.

- |      |   |   |
|------|---|---|
| 2.20 | We will work with the HSE and local authorities on all issues, including funding supports, for housing people who are transitioning from HSE accommodation and for clients of the mental health services living in community-based accommodation. | To support community-based living for people with disabilities.   |
| 2.21 | We will continue to support the DoH and HSE in the programme of transitioning people from congregated settings to community-based living through ring-fenced housing capital funding.   | To provide €10m in 2016 to support community-based living for people with disabilities in congregated settings, with further funding for 2017 and 2018. |
| 2.22 | We will extend the NHSPWD beyond its timeframe of 2016 to continue delivery on its aims.  | To support community-based living for people with disabilities  |

### **2.3. Report of the Working Group on Congregated Settings**



The Working Group on Congregated Settings chaired by Mr Pat Dolan, Local Health Manager, was set up in 2007 by the Health Service Executive (HSE) to develop a national plan for transferring approximately 4,000 people with disabilities from 72 facilities in over 20 counties to community based living.

The Working Group defined a Congregated Setting as a facility where 10 or more people reside in a single living unit or where living arrangements are campus based.

The Group's work culminated in the publishing of the '*Time to Move on from Congregated Settings – A Strategy for Community Inclusion*' report in June 2011, which makes a total of 31 recommendations to provoke action to deliver on Government Policy towards community based living for people with disabilities. The report recommended that people moving out of institutions should move to 'dispersed housing' apartments and houses of the same type and size as the majority of the population live in, scattered throughout residential neighbourhoods among the rest of the population with a maximum of four people with a disability sharing together. The report recommended the process of moving people from institutions to community

housing should take seven years, from 2012 to 2019. Progress has been slow due to the complex changes required to support people to move. Under the current Programme for Government, there is a commitment to reduce the number of residents by at least a third by 2021, which would bring the numbers remaining to less than 1,819.

The report recommended a change in approach, with services focussed on delivering person centred models of support for people with disabilities. For individuals moving from congregated settings, the individual's housing and support plan should be directed and prepared by the individual with the appropriate support of their advocate, family and service provider as part of the person centred plan (see Section 7.4.1.). The HSE has developed a number of resources to support service providers to develop person centred plans and plan for the transition of individuals to the community. Some of these are available on the HSE's dedicated "*Time To Move On*"<sup>5</sup> webpage.

#### **2.4. A Vision for Change**



It should be noted that people living in mental health service settings were not included in the report from the Congregated Settings Working Group. There are some recommendations about housing for people in mental health services settings in the policy set out in the *Vision for Change – Report of the Expert Group on Mental Health Policy*. This report recommends the development of a plan to bring about the closure of psychiatric hospitals.

The NHSPWD (Chapter 9) states that in developing such a strategy the complex housing needs of people with a mental health disability must be identified and addressed effectively to assist recovery. In the absence of such a strategy people with a mental health disability should be treated in the same manner as people with other disabilities and that their person centred plan should guide their housing options. *The Implementation Framework* for the NHSPWD incorporates specific actions for people with a mental health disability.

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<sup>5</sup> [www.hse/timetomoveon](http://www.hse/timetomoveon)

## 2.5. What Constitutes a Designated Centre for People with Disabilities? <sup>6</sup>



The Health Information and Quality Authority has become legally responsible for the registration and inspection of residential services for children and adults with disabilities, including respite services. Services potentially coming under this remit include HSE run services and services provided by organisations funded under sections 38 or 39 of the Health Act 2004. This is a guidance document for providers of residential services for people with disabilities.

Service providers must carefully consider the contents of this guidance document in relation to each residential service that they operate to ensure that they are aware of their requirements to register all services falling within the definition of a Designated Centre.

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<sup>6</sup> *What Constitutes a Designated Centre for People with Disabilities?* This document was revised on 22<sup>nd</sup> June 2015. <https://www.hiqa.ie/sites/default/files/2017-01/What-constitutes-a-designated-centre.pdf>

### 3. Protocol for Assessing the Housing Needs of People with Disabilities

#### Key Messages addressed in Section 3

**Key Message 1.** The local authority 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.

**Key Message 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 local authority 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.

**Key Message 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 local authority 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 Council’s assessment of need.

**Key Message 4.** A full social housing support application form must be submitted to the applicant’s local authority for assessment purposes. This form can be completed with an 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 local authority must engage as appropriate with this individual or service provider. If an applicant seeks to have co-correspondence with their advocate the local authority must ensure that all correspondence is issued to both the applicant and the co-correspondent, in line with the individual’s wishes.

**Key Message 5.** 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.

**Key Message 6.** If an individual has an interest in/ownership of a property that they cannot reasonably occupy the local authority shall not consider the individual as being adequately housed.

**Key Message 7.** 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.



To ensure that people with a disability are afforded the same opportunities to access social housing supports as all others, there are fundamental issues that local authorities need to take into consideration when dealing with an application from an individual with a disability.

### **3.1. Support Needs**

As stated previously the LA are responsible for the provision of housing services, while the provision of relevant health and personal social services are the responsibility of the HSE.

All individuals can live independently with varying levels of support, both formal and informal. The provision of these supports is not within the remit of the local authority (LA). Whether these supports are in place at the time must not inhibit the assessment process. However, such supports are required to be in place prior to an individual being offered or taking up alternative accommodation to their current arrangements.

### **3.2. Advocate/third parties**

An individual's advocate (formal or informal) may play a role in ensuring that the application form and all associated documentation is completed and submitted to the local authority. The role of advocates is important within the application, assessment and allocation of social housing for people with a disability. It is extremely important that all stakeholders dealing with people applying for social housing support understand the role of the advocate, but it is equally important that the advocate understands their role within the process.

The written consent of the person with a disability to the sharing of information with a named advocate should be obtained. If this is not possible, the LA should record that the person has given oral consent personally or, in a form appropriate to their abilities or through an advocate in line with the Assisted-Decision Making (Capacity) Act 2015. Arrangements are being put in place for the establishment of a new office of the Decision Support Service (DSS) within the Mental Health Commission.

Where appropriate and where it is the wish of the applicant, permission should be given to co-correspond with the named advocate. Information on the local advocacy services should be made available to applicants by the LA. If an applicant requests that another individual should be included on the application as a co-correspondent with them, then the local authority must ensure that all correspondence is issued to both the applicant and the co-correspondent.

There are different types of advocates both formal and informal, included among these are:

1. Self-advocates,
2. Family advocates,
3. Informal advocacy from service provider,
4. Informal advocacy from outside of the service provider, or

5. Formal advocates such as National Advocacy Service, Inclusion Ireland, Irish Advocacy Network Ltd., SAGE and other disability specific services that provide formal advocacy services to their clients.

It is important that each of the stakeholders have staff who are appropriately trained to understand the needs of people with disabilities and how best to support them. There are a number of relevant training courses to ensure that staff are adequately trained.

### **3.3. Joint Applications**

Under Part 1 of the Housing (Miscellaneous Provisions) Act 2009 a household is defined as a person who lives alone or two or more persons who live together. Furthermore, Section 20(1) and 84(1) states that *'A reference in this section to a household shall be read as including a reference to two or more persons who, in the opinion of the housing authority concerned, have a reasonable requirement to live together'*.

LA's shall accept applications from households consisting of two or more individuals, who are known to each other but who are not related or in a relationship, where: -

- At least one individual has a verified disability,
- And/or where the application will allow individuals to live in a household of their choosing, and/or
- Where one or both applicants provide informal support to the other reducing the reliance on more formal supports.

It should be noted that the individuals are not required to be living together at the time of application. Furthermore, it should be noted that joint applicants are considered as a household and their eligibility must be viewed as a household.

### **3.4. Property and Other Assets**

Under the Social Housing Assessment Regulations 2011, to qualify for social housing support a long-term housing need must be established. This need may not be established if the applicant has a sole or joint interest in the family home or ownership of alternative accommodation that could reasonably be expected to meet their housing need, either by its occupation or by its sale to use the proceeds to secure alternative accommodation (purchase or rental).

The existence of assets is covered by the current Social Housing Assessment Regulations and property assets are only an issue if it is deemed that because of the asset an individual can provide housing for themselves.

In the case of separated couples the regulations do not operate to exclude the applicant from being eligible for social housing support where he/she owns accommodation that is occupied by his/her spouse. Where a couple has separated but the consequences for the family home have not been sorted out (in a formal

separation agreement or in legal proceedings) then the local authority may deem them eligible (provided they meet all the other eligibility and needs criteria).

It was recognised that this provision alone was not adequate to deal with all situations that may arise as a result of separation within a household; consequently, the Housing (Miscellaneous Provisions) Act 2014 inserts a new subsection (4A) into Section 20. Under this revision, where a household would otherwise qualify for social housing support, the housing authority may determine that the household qualifies for a tenancy under the Rental Accommodation Scheme or the Housing Assistance Payment; such determinations are reviewed at prescribed intervals until ownership of the family home is resolved in a formal settlement. This provision was enacted under Statutory Instrument No. 404 of 2014 and came into operation in September 2014; details were previously set out in Departmental housing circular 40/2014.

If an individual has an interest in or owns a property that they cannot reasonably occupy due to the unsuitable nature of the property or the property cannot be modified and it is felt that by the sale of this property, the person will be unable to meet their housing need then the LA shall not consider the individual as being adequately housed. (See Section 4.1 for further details on Alternative Accommodation).

In determining the unsuitable nature of the property, the LA shall consider both the physical and support needs of the individual as set out in supporting documentation including the report from the Occupational Therapist (OT).

Where an individual is unable to return to their property due to the fact their property cannot meet their housing need due to the nature of their disability, a LA should engage with the individual and advocate, if appropriate, to consider using the Improvement Works in Lieu Scheme or a Financial Contribution Scheme to facilitate a move to a more suitable property.

### **3.5. Future Need**

The NHSPWD allows for discretion, on a case by case basis by the LA, to provide that a person who is currently adequately accommodated could be assessed as having a housing need if there is a high probability that there will be a housing need arising in the future. **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.** It is not expected that such individuals will seek a priority but be allowed to apply for housing in a timely manner to prevent crisis situations into the future. This could also apply to an adult dependent still living at home with ageing parents.

Local authorities are requested to ensure that their Allocation Schemes allow for the allocation of accommodation to an individual where a housing need arises irrespective of the fact that their current place of residence whether private or social may have

been adapted for the individual previously.

### **3.6. Prioritisation**

Where an individual is in crisis e.g. sudden injury or death of an elderly parent that prevents them from returning home, the LA will examine the potential for the prioritisation of the individual's case for housing. This prioritisation will need to be considered in conjunction with the HSE or service provider to ensure that the appropriate supports will be made available.

The LA will fast track, where appropriate, the social housing assessment of the individual and work closely with the individual and any advocate to ensure that the individual's housing need is met to prevent, if possible, the individual from being referred to an institution or nursing home.

If the crisis arises because of a sudden onset of a disability and where the individual in crisis is a tenant of a LA, the LA will work with the individual and their advocate to ascertain the needs of the individual. The LA will consult with the appropriate personnel on the issue and make suggestion/recommendations regarding the accommodation provision which may include transfer to a property more suited to the person's needs or adaptation of the existing property.

### **3.7. Universal Design for Customer Service**

Universal Design of customer engagement is about ensuring that customer services are designed to meet the needs of all customers regardless of their age, size, ability or disability. Effective universal customer service results from organisations having clear policies and procedures. In addition to these policies and procedures each organisation should provide training for staff on the communication needs of their customers regardless of their age, size, ability or disability.

Strategic Aim 7 of the NHSPWD highlights the fact that the communication needs of people with a disability may differ and as a result all information should be provided in an accessible manner. The provision of easy read guides and other housing related documents by LA's will assist this process. It will also assist self-advocates, advocates and families to access information in a user-friendly manner.

An easy read guide for the completion of the social housing support application form is available on each LA website. In addition, a guide to Housing Options is available in easy read and plain English formats. LA's should ensure that information is made available in an accessible format where possible.

#### 4. Social Housing Support Application Process

##### Key Messages Addressed in Section 4 are:

**Key Message 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 local authority 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.

**Key Message 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 local authority 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 Council’s assessment of need.

**Key Message 4** A full social housing support application form must be submitted to the applicant’s local authority 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 local authority must engage as appropriate with this individual or service provider. If an applicant seeks to have an individual co-corresponded, then the local authority must ensure that all correspondence is issued to both the applicant and the co-correspondent, in line with the individual’s wishes.

**Key Message 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.

**Key Message 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

**Key Message 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. A report from an Occupational Therapist must be submitted.

To qualify for social housing support, an individual or household must;-

- Fulfil the eligibility requirements, and
- Be assessed as having a housing need.

#### **4.1. Eligibility for Social Housing**

Eligibility for social housing support is determined by four factors 1) income 2) availability of alternative suitable accommodation 3) rent arrears, and 4) right to reside.

**1)** The **household income** for a single person must not exceed €25,000, €30,000 or €35,000 a year, depending on what part of the country applicant(s) live in, net household income is the household income after taxes and social insurance (PRSI) have been taken off. The maximum income threshold specified may be increased by either or both: -

(a) 5% in respect of each additional household member aged 18 years or more, subject to a maximum increase of 10%,  
and/or

(b) 2.5% in respect of each household member aged less than 18 years, subject to a maximum increase of 10%.

For example:

The household income threshold for a couple is the single person allowance and 5% for the additional household member, based on (a) above giving a total of €26,250, €30,150 or €36,750.

The household income threshold for a couple and one child is the single person allowance and 5% for an individual adult based on (a) above and 2.5% for each child based on (b) above giving a total of €26,875, €32,250 or €37,625.

**2)** A household shall be **ineligible** for social housing support if they have **alternative accommodation** that they could reasonably be expected to use to meet their housing need, either by occupying it or by selling the accommodation and using the proceeds to secure accommodation suitable for the household's needs (See Section 3.4).

Article 22 of the Social Housing Assessment Regulations 2011 provides that a household with alternative accommodation that would meet its housing need is **ineligible** for social housing support.

In the case of separated couples, these regulations do not operate to exclude the applicant who owns accommodation that is occupied by his/her spouse. Where a couple has separated but the consequences for the family home have not been sorted out by means of a formal separation agreement or court order then the LA may deem them eligible (provided they meet all the other eligibility and needs criteria). However, such households are only eligible for certain types of social housing support; namely the Rental Accommodation Scheme (RAS) and the Housing Assistance Payment (HAP) in accordance with the *Housing (Miscellaneous Provisions) Act 2014 Section 20 (4A)*.

Where a formal separation agreement or court order is in place regarding the disposal or otherwise of the family home the local authority shall take the details of such agreement or court order into regard when considering eligibility.

**3) Rent Arrears** – A household will be ineligible for social housing support if, as a tenant of any housing authority, the household or a household member:

- was in arrears of rent for an accumulated 12-week period in the 3-year period immediately prior to the assessment, and
- the household has not entered into a rescheduling arrangement for the payment of such arrears, or having entered such an arrangement has not, in the opinion of that authority or housing association, substantially complied with the terms, unless such failure was outside the control of the household or household member.

**4)** Applicants must have a long term **right to reside** in the State (see Circular 41/2012<sup>7</sup> Access to Social Housing Support for Non-Irish Nationals for additional information).

#### **4.2. Documentation**

The application form for social housing support should be checked to ensure that it is completed correctly. If the application is not fully completed when submitted to the LA, the application will be returned to the applicant. The returned application must outline clearly the information that is required. Where permission for co-correspondence has been provided, the advocate should be copied on correspondence.

The following is the documentation that should be considered acceptable in the circumstances listed:

**4.2.1. Photographic ID** This is currently stipulated on the application form as current passport or driving licence. Where the applicants current address is a congregated setting, institution, hospital/nursing home, or community based group home the LA shall accept a passport sized photograph witnessed by a Commissioner of Oaths or a member of An Garda Síochana.

**4.2.2. Proof of Address** when the applicants current address is a congregated setting, institution, hospital/nursing home, or community based group home the LA shall accept a letter on headed paper from the current accommodation provider indicating that the individual resides at this address and the length the individual has resided there. Where an individual is living in the family home or other community setting, evidence that the person's address is their registered address used for their social welfare payment will suffice where no utility bills etc. are in the name of the applicant.

**4.2.3. Details of Disability** In order to assess an application while taking account of an individual's disability applicants must provide sufficient details of their disability. This may be in the form of a letter from a GP, OT report, service

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<sup>7</sup> <http://www.housing.gov.ie/sites/default/files/migrated-files/en/Publications/DevelopmentandHousing/Housing/FileDownload%2C29412%2Cen.pdf>

provider or Consultant/Specialist. The letter must document the nature and extent of the disability. If specific adaptations or features are required, then an OT report must also accompany the application (See 4.4). The submission of this documentation will allow the individuals Basis of Need to be classified as disability.

Priority will only be considered in cases where a change in housing will improve or stabilise the circumstances of the applicant, where the applicant's current housing conditions are affecting their disability. To be considered for a priority, a Priority Information Form must be submitted with the social housing application form (Section 4.4.1). This form must be completed in line with the local authority's Allocation Scheme.

#### **4.2.4. Other Issues of Note:**

- a) As set out in Key Message 3 all individuals have the right to apply for and be assessed for social housing support, irrespective of whether their support needs are met at the time of assessment. If an individual is moving from a congregated setting as part of the transitioning programme, then that individual should only apply to have their needs assessed once a property has been identified for them. However, it should be noted that an individual living in a congregated setting may apply at any time (separate to the Transitioning Programme) for social housing support. Should they wish their application to be considered as a priority, they will be required to complete and return a Priority Information Form (contained in Appendix 4 of this document) along with their application for social housing support.
- b) Under the Social Housing Assessment (Amendment) Regulations 2016, Articles 5 and 6 state that a household may apply for social housing support to one housing authority only (the "housing authority of application"), which authority shall be either: -
  - the housing authority for the functional area in which the household normally resides, or
  - the housing authority for the functional area with which the household has a local connection where the household does not normally reside in that functional area, or
  - the housing authority that agrees, at its discretion, to conduct a social housing assessment in respect of that household on receipt of an application from the household.
- c) Following receipt of all relevant documentation by the LA the application is validated as a correctly completed application. This application along with all documentation is referred for assessment. Housing applications once deemed complete, must be assessed within a 12-week period. The requirement for additional information from the applicant in relation to



their application may result in the 12-week period being extended, however the LA will complete the process as soon as is practicable

### **4.3. Assessment of Need**

For an individual or household to qualify for social housing support, the applicant must first be deemed eligible under the criteria listed in 4.1 above, and then deemed to have a housing need.

In determining whether an applicant has a housing need, the local authority must consider certain factors relating to the households current accommodation as set out in the Social Housing Assessment Regulations 2016 (S.I. 288 of 2016) such as: (*text in italics was amended in 2016*)

(a) whether it is an institution, emergency accommodation or a hostel;

*(aa) whether the household is homeless with the meaning of section 2 of the Housing Act 1988;*

(b) whether it is overcrowded within the meaning of section 63 of the Act of 1966;

(c) its fitness for human habitation, having regard to the matters set out in the Second Schedule to the Act of 1966;

(d) the extent to which it meets any accommodation requirement arising from the enduring physical, sensory, mental health or intellectual impairment of a household member;

*(dd) whether the accommodation is unsuitable for the household's adequate housing on exceptional medical or compassionate ground;*

(e) where it is shared with another household, whether the household that has applied for social housing support has a reasonable requirement for separate accommodation;

*(ee) whether it has been concluded, under the Mortgage Arrears Resolution Process set out in the Code of Conduct on Mortgage Arrears 2013 issued under section 117 of the Central Bank Act 1989 (S.I. No. 16 of 1989), that the mortgage on the accommodation is unsustainable for the mortgagee;*

*(eee) where the household, in the opinion of the housing authority, requires the payment of a supplement under section 198(3) of the Act of 2005 towards the amount payable by the household in respect of the household's current accommodation; and*

(f) whether the accommodation is unsuitable for the household's adequate housing in any other material respect, having regard to particular household circumstances.

It is important to note that people may have support needs to enable them to move to independent living on receipt of an offer of housing. These supports may not necessarily be in place at the point when a person is making a social housing support application. This should not affect the LA's assessment of need.

An individual should not be requested at the application stage of the process to demonstrate that they have the required supports in place as this is not relevant to the assessment of housing need. However, an individual should indicate what social supports they will require in order to live independently. The LA are not responsible for the provision of these supports as this is a matter for the HSE.

#### ***4.4. Specific Accommodation Requirements and Needs of Applicants***

Where an individual has specific needs and preferences that require additional consideration regarding the type of social housing accommodation that would be suitable to meet these needs, it is advised that these needs are determined as soon as possible, to ensure that there is a clear understanding of the needs of the individual to allow for strategic planning for the needs of the individual and to ensure that inappropriate accommodation is not offered to the applicant. In circumstances where an individual has more than one disability the LA should take cognisance of this when considering the appropriateness of the accommodation.

An examination of individual cases to ascertain suitable housing type and design including layout, wheelchair accessibility, facilities within the house including the need for assistive technology must be carried out at the assessment stage.

The examination should take the recommendation of the OT into consideration on the most suitable housing location, type and design for the individual taking into account their choice and circumstances as well as: -

- Access to services,
- Access to public transportation,
- Nature of the community,
- Access to gardens, and
- Any functional needs relating to the disability.

**Where a particular need has been identified for an individual due to their disability then this individual's application shall be held under a classification of disability in accordance with Section 24(b)(iv) of the Housing Assessment Regulations 2011.**

When deciding that an applicant's Basis of Need arises due to their disability, the LA shall identify if the primary disability is sensory, related to mental health, physical, intellectual and/or autism. 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. For example, the LA's records should set out if an adaptation or other specific design element is required to the property to meet the needs of the individual.

The maintenance of such records will help to inform the work of the Housing and Disability Steering Group (see Sections 7.2) in the implementation of a Strategic Plan (see Section 9) to meet the housing needs and related supports for people with disabilities and will also inform the LA's policies.

Given the lead in time for new build properties and projects, applicants requiring very specific and specialised design or housing type should be strategically addressed from the outset.

Where a property is being delivered under the Shared Accommodation Leasing Model for people with a disability (see Section 10.1.1.), the LA may determine a larger property suitable for the needs of the applicants taking into account the potential additional support requirements, including support workers or where accommodation of a suitable size is not available.

#### **4.4.1. Priority**

Section 22 (8) of the Housing Miscellaneous Provision Act 2009, allows a LA to provide in its Allocation Scheme for the fact that they can have regard to a report from a medical practitioner employed by the HSE in allocating dwellings where priority is claimed on grounds consisting of, or including, exceptional medical grounds. A LA may also disregard the priority provided under its Allocation Scheme in specified exceptional circumstances, including where a household is being allocated social housing support on exceptional medical grounds.

Currently the checklist for the social housing application form stipulate that a Consultant's letter is required from applicants with a medical condition or disability who are seeking to be considered as having a priority for social housing support based on medical condition or disability. In June 2011, the Department issued clarification which stated that a consultant's report is not always essential provided other adequate and specialist advice is submitted to the satisfaction of the housing authority, and explains how the **medical issue or disability impacts on the applicant's housing requirements**.

Priority should only be considered in cases where a change in housing will improve or stabilise the circumstances of the applicant, where the applicants housing conditions affect their disability. To be considered for a priority an applicant must complete and submit the Priority Information Form (contained in Appendix 4 of this document). This form must be completed and signed by a medical practitioner in line with the local authority's Allocation Scheme.

#### **4.5. Determining Local Connection**

An application for social housing can be made to one local authority only. An application can be made to the LA in which the applicant currently resides, or in an area that the applicant can demonstrate a local connection. An applicant does not need to meet both the normally resides and local connection criteria.

According to the Social Housing Assessment Regulations 2011 a local connection to an area can be claimed if:

- a. a household member has lived at any time for a continuous 5-year period in the area, or
- b. the place of employment of a household member is in the area, or is located within 15 kilometres of the area, or
- c. a household member is in full-time education in any university, college, school or other educational establishment in the area, or
- d. a household member with an enduring physical, sensory, mental health or intellectual impairment is attending a medical or residential establishment in the area that has facilities or services specifically related to such impairment, or
- e. a relative of a household member resides in the area and has resided there for a minimum period of 2 years.

#### **4.6. Notification of Applicant**

Where a household qualifies for social housing support, they are placed on the waiting list of the relevant LA, with the appropriate classification and with specific accommodation requirements detailed. The applicant will receive a Housing Reference Number once they have qualified.

The applicant and advocate, if appropriate, are notified that he/she has qualified for social housing support and has been placed on the Waiting List. The applicant is informed on whether a suitable property is available for them at this time. If a suitable property is not available, the LA will inform the applicant that they will be in touch when a property becomes available.

Information on alternative housing options such as the Housing Assistance Payment (HAP) or Rental Accommodation Scheme (RAS) shall be made available in an accessible format to the applicant. Should the applicant avail of social housing support through HAP or RAS their housing needs will be deemed as being met and they will no longer be on the local authority's Waiting List. However, if the applicant wishes to have access to other social housing supports, such as local authority housing or housing provided by a housing association, they can apply to the local authority for a transfer and are placed on the LA Transfer List.

If the applicant is deemed not to qualify for social housing support, the local authority will write to them and if appropriate, their appointed advocate, setting out the reasons why. Local authorities have internal complaints and appeals systems. If an applicant is not happy with the assessment process he/she may make a formal complaint to the LA

directly. If there is no satisfactory outcome the applicant can contact the Ombudsman within 2 months of the local authority's decision or action.

#### **4.7. Applications from Persons from Institutional Care/Congregated Setting**

The LA, HSE, housing association and service provider shall work closely together to deliver on the vision of the *A Time to Move on from Congregated Settings, The Vision for Change* and the NHSPWD to ensure that the housing need and housing choice of people moving from congregated setting is met.

The following points should be noted when dealing with such applications:

- a) Applications from individuals transitioning from a congregated setting as part of a facilitated move should not be submitted until the person centred planning for an individual has been completed and a property identified.
- b) Applications from people transitioning from congregated setting shall be managed by the LA under the housing need criteria of “whether the current accommodation is an institution, emergency accommodation or a hostel” under the Social Housing Assessment Regulations 2011.
- c) Where an individual presents to a LA seeking social housing support from a congregated setting facility or institutional care setting outside of the transitioning programme their application should be assessed in line with the standard protocols as set down in this document. The LA shall not deem the individual adequately housed based on the current address being an institution.
- d) It is expected that the application for social housing support will be submitted to the LA in which the congregated setting facility or institutional care setting is located. However, an applicant can apply for social housing support from any LA where they can provide a “local connection” (as defined in the Social Housing Assessment Regulations 2011) to the area. An applicant need only meet one of the “normally resides” or “local connection” criteria, not both. In addition, the LA has discretion to accept an application where neither of these requirements are met. (Article 5 (c) of the Social Housing Assessment Regulations 2011<sup>8</sup> refers).
- e) The Support Plan Summary<sup>9</sup> completed by the applicant and HSE/service provider must demonstrate that this is feasible, particularly in terms of the continuation of relevant support services (Appendix 5 of this document). A Support Plan Summary is required for individuals transitioning from congregated settings and mental health facilities to demonstrate the commitment to the individual by the service provider that the supports will be in place to allow the person to live a supported

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<sup>8</sup> <http://www.irishstatutebook.ie/eli/2011/si/84/made/en/pdf>

<sup>9</sup> A Summary Support Plan is completed based on the individuals will and preference set out in their Person Centred Plan (see Section 7.4.1) which is submitted to the LA as part of their social housing support application form.

self-directed life in their new home. The appropriate supports from the HSE/service provider must be put in place for the individual and any services already being provided by the State should be assessed, adapted and continued, if appropriate. A protocol will be put in place between the LA and the HSE/service provider to ensure that the appropriate supports are maintained for the individual. The Support Plan Summary should guide and inform this protocol. The protocols effectiveness shall be monitored through the subgroup of the local HDSG and all parties to the process must continue to engage with the individual for as long as is appropriate. Any reduction in support must be deemed appropriate by all parties and must not be funding driven.

- f) If priority is being sought, the Person Centred Plan must be agreed and a synopsis provided in the Priority Information Form to the local authority as part of the social housing support application.
- g) Where a housing association is identified as the housing provider for persons transitioning from congregated settings they shall be kept informed and liaison should include access to the Support Plan Summary so that the accommodation providers can plan accordingly.

## 5. Allocations Process

### Key Messages Addressed in Section 5

**Key Message 7** 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.

**Key Message 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.

**Key Message 11** Local authorities 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.

**Key Message 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 ageing parents.

When the applicant is being considered for a property (new or existing), the requirements as recommended by the appropriate person (Medical Referee, Social Worker or Occupational Therapist) must be taken into consideration and an inappropriate property should not be offered to the individual. However, it is acknowledged that properties that may currently be inappropriate could be made appropriate with adaptations. In determining the appropriate nature of a property, the LA should also take consideration of such issues such as accessibility of the property to public transport, services and community linkages.

As stated previously, it is recognised that an individual may have support needs to enable them to move to independent living on receipt of an offer of housing. These supports do not need to be in place at the point when a person is making a social housing application or during the assessment process. However, these supports must be in place at the time of the allocation of the property to ensure the individual can move into the property in a timely manner.

As a result, the use of an 'Offer Zone' is recommended. The LA shall contact the individual in writing when they enter the 'Offer Zone' stating that it is likely that the individual will be offered a property within the next 6 months and that they should apply/ensure that the supports that they require to live independently will be in place at that time. Confirmation of the availability of these supports to allow the individual to take up the

housing opportunity will be required prior to the offer being made and this requirement will be clearly communicated to the individual and their advocate, as appropriate.

Where the property is a new build property or where an incomplete property is available, the LA shall identify the potential tenant for the property and the tenant and their Occupational Therapist shall be engaged with at design stage and at other key-times throughout the build to ensure that the requirements of the individual are catered for. This assessment shall include, where feasible, the future needs of the individual if their disability is of a progressive nature.

If no supports are available within the 'Offer Zone' timeframe then the client returns to the LA when the supports are in place, their place on the Waiting List will not be affected. Where a housing association is providing the accommodation, they will have early liaison as to the needs of the tenant.

### ***5.1. Pre-Tenancy Training***

Appropriate pre-tenancy training shall be provided to the applicant in a user friendly accessible nature and at a time that is suitable for the individual's needs. The LA or housing association holds pre-tenancy meetings/training with individuals on their rights and responsibilities.

Where the individual wishes, this meeting/training may also be attended by their nominated advocate (formal or informal).

If the individual is engaged with the HSE or service provider, they will have a key role in ensuring that the individual is prepared for independent living and has the necessary personal and practical supports in place. This role shall include practical issues around living in the property including financial undertakings. Training and support shall form part of the Person Centred Plan with the individual. It is of extreme importance that the supports are put in place to ensure that the person can sustain the tenancy and the resulting independence.

### ***5.2. Nomination to Housing Associations***

Where an individual has indicated that they will consider housing from a housing association the LA nominates the potential tenants to the housing association when there is a vacant property.

The LA making the nomination should give all relevant documentation i.e. Occupational Therapist reports etc. to the housing association at the time of nomination to ensure that there is a full understanding of the needs of the individual. The LA should ensure that the applicants consent is obtained for data sharing. This will ensure that the individual with the disability does not have to provide separate reports to each organisation. The LA should require housing associations, as a matter of course, to forward plan to include any specific design requirements of people on the Waiting List in the same manner as the LA.



### **5.3. Property Adaptations**

If an appropriate property is located, then any adaptations recommended by the OT or other appropriately qualified person, must be carried out in consultation with the tenants and duly certified. The type of certification to be used in a LA should be discussed and agreed by the Housing and Disability Steering Groups (HDSG)<sup>10</sup> which consists of the LA Director of Housing Services, HSE representation i.e. Chief Officers of Community Health Organisation Areas (CHO Areas), representatives from each of the four disability sectors and from local housing associations.

### **5.4. Tenancy Agreement**

A tenancy agreement is a contract between the LA/housing association and the applicant. It sets out the roles and responsibilities of each party. The agreement is signed with the applicant (in line with any decision-making arrangements under the Assisted Decision Making (Capacity) Act 2015) once the property is available for occupancy.

The tenancy agreement should be user friendly and appropriate to the disability of the individual. The tenancy agreement will have been explained to the prospective tenant at the pre-tenancy training/meeting with the LA or housing association in a form that is appropriate to their individual needs.

If the tenancy is with a housing association the tenancy will be required to be registered with the Residential Tenancy Board (RTB). The services<sup>11</sup> of the RTB will be available to the housing association and the tenant. The RTB was established in 2004 to operate a national tenancy registration system and to resolve disputes between landlords and tenants. The board's dispute resolution service replaces the courts in relation to most landlord and tenant disputes. The RTB also provides policy advice to the Government on the private rented sector.

### **5.5. Tenancy Sustainment**

A LA/housing association and the providers of social supports and services to an individual have a responsibility to the individual to assist in any way possible to ensure that the tenancy is sustained. This is assisted by, but not limited to the pre-tenancy training as set out in paragraph 5.1. Support must be sustained as appropriate and should respond to the changing circumstances and needs of the individuals.

However, if there is a breach of the tenancy agreement the LA/housing association shall engage with the individual and the HSE/service provider/advocate to try to address the issue at an early stage. The engagement needs to ensure that there is support for the individual and if appropriate, ensure that the breach(s) does not continue and jeopardise the person's ability to sustain the tenancy.

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<sup>10</sup> Housing and Disability Steering Groups are interagency groups established in each local authority area to implement the NHSPWD at local level. See Section 7.1. for more information on HDSGs.

<sup>11</sup> More information on the services of the RTB can be found at [www.rtb.ie](http://www.rtb.ie)

The HSE must take a lead role in the support of individuals. The HDSG structure should be examined to ascertain how a formal engagement process that allows the LA to pass information regarding the wellbeing of an individual to the HSE for consideration can be facilitated.

### **5.6. Transfers**

Where a person with a disability is transitioning from a congregated setting to community based living by means of stepping down from a congregated setting facility to high supported independent living initially, and then on to more independent living as their capacity grows, and/or where the person transitioning understanding of their desires or needs change over time, the LA shall facilitate this transition.

This will be done by the applicant applying for a transfer. The new property will be sourced by the service provider in consultation with the individual and their advocate or other relevant person, in line with any decision-making arrangement, as appropriate. The LA will allocate the new property to the individual.

The transfer process can also be used where a tenant has acquired an illness or disability. The LA will engage with the individual and advocate, as appropriate, to ensure that the response is appropriate to the needs of the individuals. A LA will regularly consider, in consultation with the individual, a transfer before adapting an existing property.

## 6. Social Housing Options

### Key Messages addressed in Section 6

**Key Message 13** The Housing Assistance Payment (HAP) has been rolled out to all local authorities. 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.

It is understood and accepted that the security of tenure is equally important to all people with a disability be it sensory, mental health, physical, intellectual and/or autism. There are a number of housing options of which people with a disability may wish to avail. These are:

- 1) Social housing owned and provided by their local authority,
- 2) Social housing provided by a housing association
- 3) Housing provided under the Housing Assistance Payment (HAP),
- 4) Housing provided under the Rental Accommodation Scheme (RAS),
- 5) Housing provided under leasing - Social Housing Current Expenditure Programme (SHCEP) and
- 6) Home Adaptation Grants.

If other housing options are developed in the future, information should be made available in a user friendly and accessible manner, in order to allow people with a disability to avail of such opportunities.

A guide to housing options is available in a number of formats, to allow people to make an informed decision on the option that best suits their situation. The guide is available on the website of each LA.

In general, the above supports will require the applicant to apply to their LA for social housing support and this is done by the completion and submission of the standard social housing support application form. This form can be completed by the applicant or with the applicant by their nominated advocate. An easy read guide is available on each local authority's website and on the Housing Agency's website, [www.housingagency.ie](http://www.housingagency.ie).

### **6.1. Social Housing owned and provided by Local Authorities**

Local authorities are the largest landlord in the State. In order to be offered and allocated a property by a LA, an individual or household must firstly qualify for social housing support.

There are a number of criteria that need to be met in order to qualify for social housing support including income limits, being unable to provide housing from their own means and

being considered as being inadequately housed in their current accommodation (see section 4.1).

A tenant of a LA will pay an income related differential rent (see Section 10.4).

Local authorities obtain accommodation by building and purchasing properties.

## **6.2. Social Housing provided by Housing Associations**

Housing associations have become a major player in the provision of social housing support to people from all sections of the community. There are approximately 300+ active housing associations in the country of varying types and sizes. Housing associations provide over 32,000 homes across the country. The housing provision of housing associations differs in that some housing associations deal primarily with general housing provision, while others have a more specialised role.

Housing associations provide the following type of accommodation:

- General housing,
- Older persons accommodation,
- Housing for people with disabilities both independent living and shared accommodation, and
- Homeless accommodation.

To avail of housing association owned accommodation an individual/household must qualify for social housing support with the LA.

Housing associations provide accommodation through

- New build
- Purchases
- Leasing

In general, housing associations charge a differential rent (income related) in line with the Differential Rent Scheme set down by the LA where the property is based. In the case of properties funded under the Capital Assistance Scheme (CAS) an economic rent<sup>12</sup> is charged.

## **6.3. Housing Assistance Payment**

The Housing Assistance Payment (HAP) is a form of social housing support provided and administered by local authorities. The introduction of HAP means that LAs provide housing assistance for households to live in the private rented sector, who qualify for social housing support. Under the HAP Scheme an individual who has been qualified for social housing

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<sup>12</sup> Economic rent means that the housing association should set a rent which is fair, reasonable and justifiable to the tenant and takes into account the cost to the housing association of providing the accommodation.

support can source appropriate accommodation for themselves through the private sector. The LA will pay the rent to the landlord on behalf of the household. The rent payable is subject to caps based on the household type i.e. a single person household, a two-person household etc. and based on the LA.

When an individual is housed under HAP they are removed from the Waiting List as they are classed as having their housing need met. However, the household can be placed on a transfer list with credit for the time they spent on the Waiting List. HAP allows recipients to take up full-time employment, while still receiving the housing support. The rent contribution payable by the HAP recipient will be based on a differential rent scheme for their LA. This scheme links the rent contribution a household must pay to the household income and the ability to pay. So, if a recipient takes up employment and their income increases the only change will be that the rent payable by them to the LA may increase.

Households are expected to stay a minimum of two years in the accommodation sourced unless, for reasons acceptable to the LA, they have to move, such as employment, education or support needs. If the individual has to move from the property they can source another property under the Scheme. The individual/household do not require reassessment.

Under the scheme the LA has discretion to allow a 20% increase on the applicable rent caps. Local authorities shall apply this discretion where there is evidence that shows that an individual's needs result in them having particular requirements for the accommodation due to their disability.

Rent Supplement will still be available to individuals that require emergency income support in obtaining housing.<sup>13</sup>

#### **6.4. Rental Accommodation Scheme**

Under RAS the landlord signs a medium to long-term contract, usually 4 years. The household must be qualified for social housing support and have been placed on the Waiting List. RAS allows recipients to take up full-time employment, while still receiving housing support. The rent contribution payable by the recipient will be based on a differential rent scheme for their LA. In general, the LA sources the accommodation.

RAS involves a three-way relationship between:

- **Local Authority and Landlord:**  
The LA enters a contractual arrangement with the property owner to make the property available to RAS for an agreed term.
- **Landlord and Tenant:**

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[http://www.citizensinformation.ie/en/social\\_welfare/social\\_welfare\\_payments/supplementary\\_welfare\\_schemes/rent\\_supplement.html](http://www.citizensinformation.ie/en/social_welfare/social_welfare_payments/supplementary_welfare_schemes/rent_supplement.html)

The eligible RAS tenant, nominated by the LA, signs a residential tenancy agreement with the landlord. The landlord must register the tenancy with the Residential Tenancies Board (RTB) as this tenancy is guided by the Residential Tenancies Act 2004. The LA will require evidence of RTB registration from the landlord.

- **Local Authority and Tenant:**

The RAS tenant pays a differential rent to the LA and they will make payments to the landlord on the recipient's behalf. When the tenant takes up a RAS tenancy they are deemed to be in receipt of social housing support and their housing need is met.

In some cases, tenants of housing associations are eligible for a capped RAS payment linked to the economic rent to assist them in paying their rent.

### **6.5. Leasing**

There are two models of leasing: -

- Direct Lease Arrangements with private property owners involves a LA or housing association leasing properties from private property owners, for periods of 10 to 20 years, where the LA or the housing association takes on full landlord responsibilities.
- Availability arrangements with private property owners involves the LA entering agreements with property owners to make properties available to social housing applicants, where the property owner retains the landlord responsibilities. Typically, these agreements can be for periods of between one and ten years, but can be for longer. In some cases, where there is unlikely to be ongoing demand, the arrangement can be for the duration of the existing tenancy only.

For both arrangements, an individual must be assessed as having a long-term housing need and have been placed on the Waiting List.

### **6.6. Adaptation**

Home ownership is the largest category of households in the country. A home adaptation grant is available to home owners where changes need to be made to a home to make it suitable for a person with a physical, sensory, intellectual and/or autism or mental health difficulty to live in.

The grant can help to make changes and adaptations, for example, making the home wheelchair-accessible, extending it to create more space, adding a ground-floor bathroom/toilet or a stair-lift. In some cases, the provision of heating can be included, subject to the terms of the scheme and availability of funding.

## 7. Interagency Cooperation

### Key Messages addressed in Section 7

**Key Message 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.

**Key Message 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 local authority shall facilitate a transfer to a new property where the service provider in consultation with the individual has sourced a new more suitable property.

**Key Message 16** 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.

**Key Message 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.

Effective interagency cooperation is an essential mechanism in meeting and sustaining the housing needs of people with disabilities. All relevant stakeholders must work together at both national and local level to ensure that the person with the disability is placed at the centre of the process with individuals actively supported to live full, inclusive lives at the heart of the family, community and society whether the individual is transitioning from congregated setting or living in the community.

The delivery on the vision of the NHSPWD along with the Report of the Congregated Settings Working Group *A Time to Move on from Congregated Settings* and a *Vision for Change* poses significant challenges to all stakeholders, including the person with the disability, their families, disability service providers, the HSE, various Government Departments, statutory bodies, and representative organisations. **The implementation of these policies will require a concerted major change programme. This radical change is not the sole responsibility of one individual, group or statutory body but rather a collaborative responsibility shared between the person with a disability, their family, people who support them, a multiplicity of agencies, Government and society as a whole.**

### **7.1. Housing Subgroup (chaired by the Housing Agency)**

The role of the Housing Subgroup is to support uniform implementation at local level of the recommendations of the NHSPWD. The Sub-group will:

1. Support the effective implementation of the NHSPWD.
2. Facilitate a uniformity of approach in the implementation of housing policy for people with a disability at local level.
3. Agree and implement a prioritised work programme to progress housing-related priority actions listed in the National Implementation Framework.
4. Develop and provide guidance to housing authorities on issues relating to housing for people with a disability, document and share good practice and clarify the role of the various stakeholders.
5. Progress the housing actions set out in the NHSPWD Implementation Framework which underpins the Government's Mental Health Policy' 'A Vision for Change' and the report of the Working Group on Congregated Settings, 'A Strategy for Community Inclusion – Time to Move on from Congregated Settings'. The subgroup will report and liaise, as appropriate, with the Congregated Settings National Implementation Project Team in relation to the housing elements of 'A Strategy for Community Inclusion – Time to Move on from Congregated Settings'.
6. Liaise and work with the Implementation Monitoring Group (IMG) in relation to the development of an annual progress report on the implementation of the NHSPWD and related matters including funding matters and provision of advice and guidance.

### **7.2. Housing and Disability Steering Groups (HDSG)**

In accordance with the NHSPWD, Housing and Disability Steering Groups (HDSG) have been established in each county/city council area. The purpose of the group, *inter alia*, is to support and enhance any current local interagency structures that exist in the area. Appendix 6 outlines the Terms of Reference for the HDSG. The group will facilitate better coordination and delivery of housing and related support services for people with disabilities, and the role of the group includes:

- Monitoring of the agreed interagency protocols<sup>14</sup>,
- Strategic planning for the short, medium and long-term housing need of people with disabilities in their administrative area through:
  - a review of the specifics of current housing need of people with disabilities on the Waiting List including those making an application from the community and those transitioning from a congregated setting;
  - a review of current local provision for each disability sector, including how current mainstream housing solutions are addressing the needs of people with disabilities;and

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<sup>14</sup> Protocols are contained in Appendix 1 – 3 and are an update of the protocols contained in the NHSPWD



- the determination of actions and time bound targets to inform the disability sections of future Housing Services Plans for each authority.
- Overseeing the implementation of the NHSPWD including the HSE led congregated setting Transition Programme.
- Ensuring that the success of the programme is monitored through feedback from people with disabilities themselves.
- Monitoring the provision of training for local authority staff to ensure they are equipped to implement the NHSPWD.

Each HDSG is chaired by the Director of Services for Housing within the Local Authority and has the following membership:

- Chief Officers of CHO Areas (HSE), representatives of the HSE at this level for both Disability Service and the Mental Health Service.
- Representative of each of the disability sectors namely sensory disabilities, mental health disabilities, physical disabilities, intellectual and/or autism disabilities,
- Representatives from local housing associations to include, where possible, at least one such body that provides housing for people with disabilities.

The representatives from the disability sector shall be connected with an umbrella group or similar type of organisation if possible. The representatives are not representing their own organisation but a disability sector and the membership of an umbrella group will allow for two-way information flow on an on-going basis. It is expected that the steering group will meet quarterly at a minimum. An option open to the group is the establishment of short-term working groups that will have a single focus to drive specific identified actions.

Some HDSGs have added additional membership to assist in the implementation of the NHSPWD, these include: -

- Representatives from other relevant departments within the LA such as Architects, Welfare Officers and Allocation Section staff.

The type and nature of the cooperation may differ depending on the nature of the person's disability, their personal circumstances and their current living arrangements.

However, the vision is committed to ensuring a person centred approach to the provision and sustainment of viable housing options for people with disabilities. To achieve this, the two stakeholders that must work most closely together with the person with the disability at local level are the housing authorities and the HSE. Where there is both an accommodation and support element to meeting the need, there is a requirement for the establishment of a robust interagency framework around the individual's application to ensure that each body is committed to collaborative working and is fully clear regarding their roles and responsibilities throughout the process.

A suite of national protocols has been developed by the Department of Housing, Planning and Local Government (DHPLG) and the Department of Health (DoH) which provide for improved coordination between housing authorities and the HSE in relation to the delivery of services for people with disabilities. The LA and the HSE will work closely with the housing associations in this regard.

HDSG should review these protocols periodically to ensure that they are being implemented effectively at local level and, where appropriate, develop further protocols to ensure effective interagency working to address the housing and related support needs of people with disabilities living in the community and transitioning from institutional care.

The protocol at Appendix 1 governs arrangements for cooperation by the HSE with LA in relation to the development and co-ordination of the services provided by LA for people with disabilities.

The protocol at Appendix 2 sets out arrangements for coordination, between the housing authorities and the HSE, in relation to the provision of on-going revenue funding for health service related support costs, by the HSE, where necessary, for social housing projects provided by housing associations for people with a disability. The DHPLG provides funding for the development of these projects through the capital funding schemes or through revenue based funding for the provision of accommodation, e.g. involving leasing type arrangements.

**The provision of revenue funding for on-going health service related support costs is a matter for the HSE.**

The protocol at Appendix 3 governs the liaison arrangements between housing authorities and the HSE in relation to the coordination of housing services provided for people with a mental health disability. This protocol sets out arrangements for cooperation and coordination between housing authorities and the HSE in addressing the housing and related support needs that arise as a result of a mental health disability.

### ***7.3. Interagency Cooperation for People with Mental Health Issues***

As set out in a number of places in these guidelines, LA's are responsible for the provision of housing services, while the provision of health and personal social services is the responsibility of the HSE.

It should be noted that not all mental health issues are affected by housing or that housing affects all mental health issues. The documentation submitted (as outlined at Section 4.2) by an individual as part of their application must be clear. It should document how and why the housing sought can assist the individual circumstances and how and why their existing housing situation affects the individual's current circumstances.

LA's and Mental Health Services must work in a collaborative manner to ensure housing is provided for people with mental health issues who have been assessed and are found to be eligible and that once the tenancy has been established that the individual is supported to maintain it.

It is vital that this link continues throughout the tenancy to ensure any issues which may arise can be dealt with quickly and in an effective manner.

For people with mental health issues, the following should be taken into consideration when determining the suitability of a property:

- Location Preference
- Supports
- Family and/or other natural supports
- Property Requirements/Adaptations<sup>15</sup>

A Support Plan Summary for an individual with mental health issues is of utmost importance. The plan should be used to ascertain the housing needs of an individual and their preferences. The Support Plan Summary is between an individual and the HSE/service provider and is not submitted to the LA. Documentation submitted to the LA as part of the social housing support application form must clearly indicate if the individual has specific requirement to meet their needs. If priority is being sought, then the Priority Information Form must be completed and submitted with the social housing application form signed in accordance with the LA's Allocation Policy.

#### *Support Contact List*

An "In Case of Emergency" contact list provided by the applicant should be used where early warning signs or difficulties begin to surface, to ensure speedy intervention to support the individual. The provision of such a listing by an individual will act as a de facto protocol between the parties.

#### **7.4. Interagency Cooperation for People Transitioning from Congregating Setting<sup>16</sup>**

It is proposed that people living in congregating settings will move to dispersed forms of housing in ordinary communities, provided mainly by housing associations and on occasion, if appropriate, from the housing authorities own stock. Individuals transitioning will have the same entitlement to mainstream community health and social services as any other person, such as GP services, home help, public health nursing services, access

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<sup>15</sup> Design for Mental Health – Housing Design Guidelines to promote independent living and mental health recovery.

<sup>16</sup> The National Disability Authority's annual conference 2016 (Ordinary Homes, Ordinary Places) focused on supporting people with disabilities and preparing communities for this transition. <http://nda.ie/Policy-and-research/Conference-reports/NDA-Annual-Conferences/NDA-Conference-2016-Ordinary-Homes-Ordinary-Places.html>

to primary care teams, access to specialised services and hospital services based on an individual's assessment. Individuals transitioning, as part of their person-centred plan, will have the supports they need to live independently while being supported to be part of their local community.

#### **7.4.1. Person Centred Plans**

Person Centred Plans (PCPs) are completed by the service provider with the individual who is planning a transition. PCPs support and enable a person to make informed choices about how they want to live their life, now and in the future. They support the person to identify their dreams, wishes and goals and what is required to make these possible. The PCP process requires that the supports available are responsive to the person and focus on the outcomes they want to achieve. An individual's PCP deals with all aspects of their future transition. The plans include the housing needs and choices of the individual, and are developed before a person presents to the LA for assessment of need. The PCPs will help to inform this process.

A Support Plan Summary<sup>17</sup> is completed based on the individual's will and preference set out in their PCP and submitted to the LA as part of their social housing support application form. A Support Plan Summary is required for individual's transitioning from congregated settings and mental health facilities, to demonstrate the commitment to the individual by the service provider (which may be the HSE) that the supports will be in place to allow the person to live a supported self-directed life in their new home.

PCPs are reviewed on a continual basis by service providers to ensure that they reflect the current needs, will and preference of the individual. It is important that if there are substantial changes to the person's support needs, that may affect the nature and/or sustainability of the tenancy that, following agreement with the individual and their advocate, if appropriate, that the service provider engages with the LA. With the consent of the individual, there must be ongoing information sharing between the parties including the housing provider i.e. LA or housing association to ensure that, as an individual's needs change, the services/housing option cater for this. The person with the disability must be central to this ongoing process and must have a meaningful voice.

The completion and ongoing review of the local Strategic Plans, completed by each LA along with the annual Summary Social Housing Assessment (SSHA) will help to underpin the planning and delivery of appropriate housing for people with a disability.

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<sup>17</sup> A Summary Support Plan is completed based on the individuals will and preference set out in their Person Centred Plan which is submitted to the LA as part of their social housing support application form.

The Housing and Disability Steering Groups (HDSG) are an important forum in the continual review of the Strategic Plans and the monitoring of the targets set within the plans.

#### **7.4.2. Stakeholders to the process**

There are many stakeholders to the transitioning process, each with vital roles and responsibilities to ensure that the process is a seamless one for the individual transitioning. The success of the transitioning process is wholly dependent on all stakeholders working together in a collaborative manner to ensure the best outcomes for people with disabilities. The stakeholders to the process are: -

- The individual transitioning and their family or other such supports, depending on the capacity and wishes of the individual,
- Service providers,
- Health Service Executive,
- Department of Health,
- Department of Housing, Planning and Local Government,
- Housing Authorities,
- Housing associations/Irish Council for Social Housing, and
- Other relevant agencies and departments which can support people with disabilities to partake of education and employment opportunities, etc.

Each stakeholder has responsibilities that must be adhered to in order to ensure that the supports required by the individuals transitioning to their new homes are in place during the process and continue when they have moved into their new home.

Responsibilities and requirements from each stakeholder are as follows:

##### *The individual transitioning*

The individual transitioning should be appropriately supported to articulate where and how they wish to live. This should be decided directly by the individual as appropriate or with the assistance of an advocate, in line with the wishes of the individual, or through any decision-making arrangement made under the Assisted Decision-Making Capacity Act 2015. There may be a role for an Assisted Decision Maker or a Co-Decision Maker in this process in order to ensure that the individual's will and preferences are given effect **(See Section 8)**.

##### *Service Provider*

In many cases the service provider will be the first point of contact for an individual that is preparing to move out of their current accommodation to a more community based environment where they can be supported to live a self-directed life. It is important that the service provider provides the support that is required by the individual. This support may take many forms.

The service provider must:

- Support the individual in the preparation of their Support Plan Summary.

- Support the individual in identifying their future housing needs.
- Identify the supports required to enable an individual to live the life they choose and identify how these supports will be delivered in the Support Plan Summary.
- Support the individual in completing their social housing support application form.
- Where appropriate, liaise with other stakeholders on behalf of the individual.
- Provide the appropriate support as agreed in the Support Plan Summary to enable the individual to live in their new home.
- Continually review with each person their support requirements and ensure that these are adjusted to the changing needs of the individual as required.

The service provider should recognise that the person may well have needs that go beyond the scope of services currently available. The Support Plan Summary should not be limited to the services currently available from that service provider.

#### Health Service Executive (HSE)

The HSE may have a dual role in the lives of people living in a congregated setting. In some cases, the HSE is the direct service provider to an individual and will act as outlined above where this is the case.

In addition, the HSE is the current funding agency of all the congregated settings in the provision of block grants to approved service providers for the support of residents. The HSE in its role as funding agent is also one of the main drivers of the deinstitutionalisation of residents from congregated settings.

The HSE as funding agent must:

- Continue to take a lead role in the implementation of policy to support people to transition from congregated settings into the community by
  - Providing information on the plan for the transitioning of individuals from specific congregated settings to community based living,
  - Providing data on the people that are ready to move towards community living.
  - Working as part of the HDSGs to identify and address the housing support needs of those transitioning from congregated settings and ensuring that the delivery of care supports is co-ordinated with the provision of housing.

#### Department of Health (DoH)

The DoH mission is to improve the health and well-being of people in Ireland in a manner that promotes better health for everyone, fair access, responsive and appropriate support delivery and high performance.

In relation to services for people with a disability, the Department's role is to provide the policy, funding and legislative framework to enable the ongoing strategic

development, monitoring and evaluation of the performance of health and social services to support people with a disability to live in the community. This includes working with other Government Departments, the HSE and relevant agencies to enhance people's health and well-being, social inclusion and enjoyment of their rights and entitlements.

In the context of advancing cross-departmental housing issues the Department of Health oversees, supports and monitors the HSE's implementation of various recommendations, key measures and actions. These include the '*National Implementation Framework of the Value for Money and Policy Review of the Disability Services Programme*', [2013] and the implementation of the HSE's report '*Time to Move on from Congregated Settings - A Strategy for Community Inclusion*', [2011].

#### Department of Housing, Planning and Local Government (DHPLG)

The Department's role is to provide the policy, funding and legislative framework to enable the delivery of a range of housing options and solutions and to work with other Government Departments, LA's, HSE and relevant agencies in supporting people with a disability to access and maintain appropriate housing suited to their changing needs within sustainable communities.

The NHSPWD is a joint publication by the DHPLG and DoH. DHPLG supports the HSE led programme concerning those who will be transitioning from institutional care in the coming years. The strategy also underpins DHPLG's role in developing and implementing housing policy for people with a disability, living in the community.

#### Local Authorities (LA)

The LA recognises that while it has a key role in facilitating the transitioning of people from congregated setting, it has an overarching role in the provision of social housing supports for all eligible persons with a disability, including people currently living independently in the community, or with families or in other arrangements.

Section 3 of this document outlines the various housing supports that may be available to people with a disability through the LA.

For people transitioning from congregated settings, the role of the LA will include:

- The facilitation of the transition by assessing the person for social housing support based on these guidelines in conjunction with current policies.
- In the case where the leasing model is being used to provide the accommodation for an individual, the signing of a Payment and Availability Agreement with the housing association and acting as the conduit for the funding under the agreement.
- Agreement of the suitability of a property based on the standard of the property under the Social Housing Current Expenditure Programme (SHCEP).
- The administration of the Capital Assistance Scheme (CAS).

- In some cases, acting as the housing provider if suitable accommodation is available within their existing stock and this accommodation becomes available at an appropriate time. If this is the case, then the LA will be the landlord for the individual(s). This will be in accordance with the LA's Allocation Scheme.

All county and city councils have now established a HDSG, the role of which is addressed in more detail in (outlined in Section 7.2) Their role encompasses all people with a disability.

### Housing Associations

Housing associations will be the main housing providers under the initiatives set out in the NHSPWD whether it is through the leasing or purchase models. As a result, in many instances, the housing association will become the landlord to the individual(s) transitioning and will have the normal responsibilities that are attributed to this role.

Other roles include:

- Providing representation on national and local groups to assist in the delivery of the NHSPWD,
- Accepting nominations from relevant LA,
- Liaising with the service providers in relation to service level agreements,
- Sharing information as appropriate with other stakeholders,
- Ensuring necessary adaptations are carried out to ensure suitability of properties,
- Providing pre-tenancy training to individuals in co-operation with the relevant service provider.

### Advocates

The National Advocacy Service or other groups or individuals that provide advocacy services may, in line with the individual's will and preferences, have a role in supporting the individual to decide and communicate their housing needs and preferences.

### Support Plan Summary

A Support Plan Summary is required for people transitioning from congregated settings. The plan should be used to ascertain the housing needs of an individual and their preferences. The Support Plan Summary is between an individual and the HSE/service provider. The **Priority Information Form** must be completed and submitted with the social housing application form signed in accordance with the LA's Allocation Scheme if the individual is seeking priority.

### Decision Making Arrangements

Decision making arrangements is governed by the Assisted Decision-Making (Capacity) Act 2015. The act seeks to provide new arrangements for a range of capacity related situations. It provides a statutory framework for individuals to make legally-binding agreements to be assisted and supported in making decisions about their welfare and their property and affairs. This assistance and support is particularly required where the person lacks, or may lack, the capacity to make the decision unaided.



The Assisted Decision-Making (Capacity) Act 2015 was enacted on 30 December 2015. The Minister for Justice and Equality will, in consultation with the Minister for Health, review the functioning of the Act before 2021. Assisted Decision Making is dealt with in more detail in Section 8 of this guidance document.

## **8. Assisted Decision-Making (Capacity) Act 2015**

The purpose of the Assisted Decision-Making (Capacity) Act 2015 is to reform the Irish capacity legislation which has been in place since the 19th century. It repeals the Marriage of Lunatics Act 1811 and the Lunacy Regulation (Ireland) Act 1871. The current wards of court system is phased out and the Act establishes a modern statutory framework that supports decision-making by adults who have difficulty in making decisions without help and enables them to retain the greatest amount of autonomy possible.

The Act provides for a presumption of capacity unless the contrary is demonstrated. The Act provides guiding principles that will preserve the independence and dignity of people with capacity difficulties.

The guiding principles are:

- Presumption of capacity to make decisions unless the contrary is demonstrated,
- No intervention shall be made unless it is necessary,
- A person will only be treated as unable to make a decision when all practicable steps have been taken to help the person to make a decision and have been unsuccessful,
- Any act or decision made must be done in a way that is least restrictive of the person's rights and freedoms,
- Any act or decision made must give effect to the person's will and preference as far as can be reasonably ascertainable,
- The person must be encouraged and facilitated to participate as fully as possible in the decision,
- Unless inappropriate to do so, the decision-maker must consider the views of any person named by the person who lacks capacity, or any supporter appointed under the Act, before making the decision.

The Act brings about a change from the current all or nothing status approach to capacity, to a flexible and functional approach. The Act recognises that capacity can fluctuate in certain cases.

### **Capacity**

A person lacks the capacity to make a decision if he or she is unable -

- a) to understand the information relevant to the decision (includes reasonably foreseeable consequences of each of the available choices at the time the decision is made, or failing to make the decision),
- b) to retain that information long enough to make a voluntary choice,
- c) to use or weigh that information as part of the process of making the decision, or
- d) to communicate his or her decision (whether by talking, writing, using sign language, assistive technology, or any other means) or, if the implementation of the decision requires the act of a third party, to communicate by any means with that third party.

It is important to note that a person does **not** lack capacity if he or she:

- a) is able to understand an explanation of it given to him or her in a way that is appropriate to his or her circumstances (whether using clear language, visual aids or any other means)
- b) is able to retain the information relevant to a decision for a short period only, or
- c) lacks capacity in respect of a decision on a particular matter at a particular time, or lacks capacity on certain matters but not others.

### ***8.1. Decision Making Options***

The Act provides for a continuum of decision-making support options to respond to the range of support needs that people may have in relation to decision-making capacity. The decision-making support options are:

- Decision-making assistance agreement
- Co-decision-making agreement
- Decision-making representation order (court)
- Enduring powers of attorney
- Advance healthcare directive
- Decision-making order (court)

### ***8.2. Who will implement the Act?***

- The Decision Support Service will be set up within the Mental Health Commission to support decision-making by and for adults with capacity difficulties. The Director of the Decision Support Service will be responsible for registering agreements, supervising decision-making supporters, dealing with complaints and investigations against decision-making supporters, developing codes of practice and promoting public awareness of the decision-making support options available under the Act.
- Circuit and High Court with specialised judges will be responsible for granting orders, making declarations of capacity, reviewing appointments and dealing with disputes.

### ***8.3. Housing Related Decisions***

There are four types of decision-making supports to respond to the range of housing related decisions support needs of individuals:

- **Assisted Decision-making** – an individual may appoint a decision-making assistant through a formal decision-making assistance agreement to assist them in making a housing related decision. The specific functions of the decision-making assistant will be set out in the agreement but can include; obtaining relevant information, explaining that relevant information, assisting the appointer to express a decision and ensuring that a decision is implemented. A decision-making assistant cannot make the decision for the appointer.

- **Co-decision making** – an individual can appoint a co-decision maker through a formal co-decision-making agreement to make housing related decisions jointly with him or her. The specific functions of the co-decision-maker will be set out in the agreement.
- **Decision Making Representative** – an individual who is unable to make housing related decisions even with the help of a decision-making assistant or co-decision-maker can have a decision-making representative appointed on his or her behalf by the Circuit Court. The specific functions of the decision-making representative will be set out in the decision-making representation.
- **Enduring power of attorney** – an individual with capacity can create an enduring power of attorney appointing an attorney to make housing related decisions on his or her behalf when he or she no longer has the capacity to make such decisions. The specific functions of the attorney will be set out in the instrument creating the enduring power of attorney.

Who makes the decision?	When?	What kind of decision?
Relevant Person (with or without support of assistant)	Person has capacity to make that decision	Any decision – about personal welfare <sup>18</sup> or financial issues <sup>19</sup>
Relevant Person and Co-Decision-Maker	Person doesn't have capacity on their own to make the decision and has chosen co-decision maker	Decisions specified in the agreement. The person is deemed not to have capacity to make the decisions specified in the co-decision-making agreement. Otherwise the relevant person is presumed to have capacity to make the decision unless otherwise proven.
Person who has an enduring Power of Attorney	Person lacks capacity and power is in effect	Decisions specified in the agreement. The person is deemed not to have capacity to make the decisions specified in the co-decision-making agreement.
Designated healthcare representative	At a time when the relevant person lacks capacity	ONLY decisions within their remit under the advance directive.
Circuit or High Court	Person doesn't have capacity on their own, and it is urgent or expedient	Circuit court unless organ donation, or end of life then High Court.

#### **8.4. Items to Remember**

It is important to remember that:

- Capacity is decision and time specific – previously being assessed as lacking capacity to make a particular decision does not mean the person will never have capacity to make that particular decision;

<sup>18</sup> Personal welfare has a broad definition under Section 2 of the Act and it explicitly includes, though not exclusively, 'accommodation'

<sup>19</sup> 'property and affairs' has its own distinct definition under the Act, in section 2, and it explicitly includes "making an application for housing, social welfare or other benefits or otherwise protecting or advancing the interests of the relevant person in relation to those matters;"

- If a person is found to lack decision-making capacity in one matter, this will not necessarily mean that he or she also lacks capacity in another matter;
- A person shall not be considered as unable to make a decision unless all practicable steps have been taken, without success, to help him or her to do so;
- Presumption of capacity always applies, and if actions comply with the Act (and case law), no sanctions can be applied;
- People moving from congregated settings to the community should, as part of this process, be supported to explore tenancy options and may, with support, be able to sign valid tenancy agreements;
- If the individual becomes the tenant, rather than the housing association/service provider, tenants' rights and responsibilities follow.

### ***8.5. Codes of Practice***

The NDA are drawing up a suite of non-medical Codes of Practice related to the Assisted Decision-Making Capacity Act 2015. While there is no specific code for LA personnel per se, the code on Supporting and Assessing Capacity will be relevant for LA's.

The document will show:-

- How to support an official making a decision (e.g. on a housing option);
- What to do if the official has concerns about the person's capacity to make a decision (e.g. enter into a tenancy);
- How the official should approach it;
- How they should conduct an assessment of capacity, and,

If it is concluded that the person lacks capacity to make the decision, the Code will indicate what should be done next.

## 9. Housing Need Strategic Plans

### Key Message addressed in Section 9

**Key Message 18.** Local authorities 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.

Under the NHSPWD, each LA is required to develop a Strategic Plan for each of the categories of disability to cover a five-year period. It was agreed by the HDSGs in each county and city council that one strategic plan would be developed that would cover the four categories of disabilities which are:

- (a) sensory disability
- (b) mental health issues
- (c) physical disability
- (d) intellectual and/or autism

The Strategic Plans are not just about identifying and planning for the current housing needs as set out on a Waiting List. The plans include an estimate of the likely emerging need over the life of the plan (5 years from 2016). These plans should be viewed realistically; they are based on best estimates and past trends and are a snapshot in time and will continue to evolve. The plans will be reviewed and updated annually in conjunction with the annual Summary of Social Housing Assessments (SSHA).

An important aspect of the plan is that it sets out how each LA plans to meet the need in the local area from those making an application from the community and those who are transitioning from a congregated setting.

The challenges in meeting the targets set out in each of the plans for the delivery of appropriate housing for people with a disability should not be underestimated. It is important that these challenges are monitored and that the HDSG works to overcome identified challenges.

The Strategic Plans along with the annual SSHA will support and facilitate longer term strategic planning. These plans will form an integral part of LA planning and will promote and support the delivery of accommodation for people with disabilities using all available and appropriate housing supply mechanisms.

## 10. Funding Arrangements

Funding for the provision of social housing is a matter for the Department of Housing, Planning and Local Government. Funding for support services for people with a disability is a matter for the Department of Health and the HSE.

There are currently two funding streams/mechanisms available to support social housing providers to source appropriate housing. These are:

- Capital Assistance Scheme (CAS)
- Social Housing Current Expenditure Programme (SHCEP)

The main routes under SHCEP are:

- Private market leasing (local authority or housing association)
- Housing Assistance Payment (HAP)
- Rental Accommodation Scheme (RAS) and RAS Type Arrangements
- Acquisition and construction using Payment and Availability Agreements (P&A) and State loan funding called CALF (housing association).

LA's should explore innovative ways of providing housing for people with a disability as part of the ongoing role of the Housing and Disability Steering Groups in order to deliver on the targets set out in their Strategic Plan.

### **10.1. Funding Framework for People Transitioning from Congregated Setting**

Implementation of the 2011 HSE Report, *Time to Move on from Congregated Settings* is supported by DHPLG through the NHSPWD. As noted previously, the Strategy is a joint publication with the Department of Health, and supports Government deinstitutionalisation policy, which falls within the remit of the Department of Health. The HSE has responsibility for implementation. The Programme for Partnership Government (2015) seeks to reduce the number of people with disabilities living in congregated settings from 2,725 (2015) by at least one third by 2021: that had further reduced to 2,600 at the end of December 2016.

There are significant financial implications arising in relation to the deinstitutionalisation aspects of the NHSPWD. Funding has been made available by DHPLG under the Capital Assistance Scheme (CAS) to assist the Department of Health and the HSE in accelerating the transition programme. This is additional to capital funding which is being provided separately by the Department of Health to facilitate the HSE to acquire and refurbish properties for individuals transitioning from priority institutions identified by the HSE.

Funding to provide personal supports to everyone with a disability is an issue for the HSE and service provider. In line with the recommendation in the congregated settings working group report, *Time to Move on from Congregated Settings*, the number of tenants (i.e. people with a disability) sharing a property should be no more than four people (excluding a live-in support worker). Under Circular 45 of 2015 *'In developing CAS proposals for people with disabilities, housing associations and service providers will be*



required to demonstrate that they have engaged with the relevant local authority and their local HSE Social Care Disability Office, in line with this Guidance. In this regard, applicants will be required to provide certification, as follows:

*'I certify that in preparing this application for CAS funding I have consulted with:*

*the relevant local authority (insert local authority, name and contact details of official) on (give date(s).....); and the local HSE Social Care Disability Manager/Representative (insert name and contact details) on (give date(s).....)*

*and both parties at (i) and (ii) above have confirmed that they are supportive of this application proceeding to the next stage for consideration and that this application is in line with the Guidance.'*

Such certification must accompany all proposals submitted to LA's. When LA's are submitting CAS applications to the Department, they should confirm that the applications have been duly certified by the appropriate bodies, to enable them to be considered for funding.'

Supplementary direction was issued by the HSE to staff advising that certification should only be issued if the project is in line with the transitioning programme and that it has been demonstrated that the supports can be put in place to allow for the transition of individuals to proceed.

#### **10.1.1. Multiple Occupancy**

Where there is more than one person from a congregated setting moving into a property, a shared accommodation model may be used where approval for a lease will be based on a room rate. There should be no more than four people with a disability sharing any individual property, in line with the recommendations of the *Time to Move on from Congregated Settings* and Circular 45/2015 Guidelines. However, each individual will be provided with a tenancy agreement for the area of the property that the tenant has exclusive access to, i.e. this will be their bedroom in most cases. The remainder of the house will be classed as a common area within the dwelling and will be referred to as such in the tenancy agreement. The maintenance and management arrangements of these spaces will be set out in the tenancy agreement.

Using this shared accommodation model, with a Payment and Availability Agreement, the lease payment in respect of a property will be calculated using a room rate. For example, for a 3-bed property with a market rent of €800, the lease payment likely to be approved would be as follows: -

Market Rent	€800
P&A Payment @ 80% of market rent	€640
Room Rate	€213

The main purpose for this shared accommodation model is to allow the vacancy periods that apply under the leasing scheme to apply in respect of a room vacancy, as opposed to applying to the whole property. In the above example, where there is a vacancy of longer than 3 months in one of the rooms, rather than ceasing payment to the housing association in respect of the total lease payment for the property, it will cease only in respect of the vacant room. Notwithstanding this, where the total vacancy of rooms in a property exceeds 50%, DHPLG may cease payment in respect of the whole property.

Where an additional room in the property may be required for a live-in care/support worker for the person(s) transitioning from a congregated setting, or where there is no alternative accommodation available of a suitable size, in appropriate circumstances an assessment of the P&A payment will be made in respect of 'reckonable rooms' (i.e. the number of rooms occupied by the tenants disregarding 1 room in the property). The requirement for the additional room or other reason for such accommodation should be set out in each proposal submitted for approval.

For example, in the case where it has been necessary to source a 3-bedroom house for two people transitioning from a congregated setting, the payment to the housing association will be calculated as follows –

Market Rent (3-bed property)	€800
P&A Payment @ 80% of market rent	€640
Room Rate (based on 2 reckonable rooms)	€320

In line with the recommendations in the *Time to Move on from Congregated Settings* and Circular 45/2015 the number of tenants (i.e. people with a disability) sharing a property should be no more than four people (excluding a live-in support worker).

### **10.2. Vacancy periods**

The vacancy periods allowed remain the same as those normally applicable under the Social Leasing Initiative. P&A payments will continue to be paid for a vacancy period of up to three months, or for a further month, if the local authority fails to nominate a tenant within the one-month nomination period.

Where there is multiple occupancy under the transitioning programme the vacancy periods will be at tenancy level (room level). This is a relatively new feature particular to those transitioning from congregated settings which will require particular monitoring arrangements. The housing association retains the risk for vacancies beyond the normal period as set out.

### **10.3. Adaptations**

The funding of adaptations will be a matter for the housing association or the owner of the property. If a housing association is purchasing a property which requires adaptation for use by people with disabilities they may incorporate the costs of these adaptations in the overall cost of acquiring the property, which may qualify for CALF loan funding. The

percentage of CALF loan payable will be calculated using the full amount, i.e. purchase price plus adaptations costs.

#### **10.4. Differential Rent**

The tenants will pay a differential rent based on the relevant local authority differential rent scheme. The rent is payable to the local authority or the Approved Housing Body, as appropriate. The rent is affordable and is income based. If an individual or household's income increases, then the rent will increase and if the income decreases, then the rent will decrease.

In the case of shared accommodation the payment of this rent will entitle the tenants to the exclusive use of their personal space in the property and shared use of the common areas. In the case of properties funded under the Capital Assistance Scheme (CAS) an economic rent<sup>20</sup> is charged.

#### **10.5. HIQA**

Section 2.5 documents the existence of guidance for service providers on what constitutes a designated centre and the requirements to register the service in a property with HIQA. A designated centre may require additional works/adaptations above that of the Private Rented Sector due to the nature of the services being provided.

#### **10.6. Building Standards/Planning Issues**

Housing associations will be responsible to ensure that all building standards, fire safety requirements and planning requirements have been adhered to by the owner of the property prior to its lease or purchase.

Any works that are required to the property due to the occupant's disability must also meet the building standards.

Where work must be carried out to the property prior to occupancy the housing association must ensure that the appropriate planning permissions, etc. are obtained.

#### **10.7. Management Agreements**

Where appropriate and in particular for individuals transitioning from congregated settings it is expected that a service level agreement will be put in place between the housing association and the service provider to ensure that there is certainty for all stakeholders. The housing association must assure the individual and the service provider that they will maintain the property in line with their obligations, and the service provider must satisfy the housing association that they will provide an on-going service to the individual to maintain their independent living.

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<sup>20</sup> Economic rent means that the housing association should set a rent which is fair, reasonable and justifiable to the tenant and takes into account the cost to the housing association of providing the accommodation.

## **APPENDICES**

## ***Appendix 1 – Individual Assessment of Need Protocol<sup>21</sup>***

Protocol to govern arrangements for cooperation by the HSE with local authorities in relation to the development and coordination of the services provided by local authorities for persons with disabilities, who have been identified by the HSE under the Assessment of Need process consistent with Section 8 of the Disability Act 2005, and made known to the local authorities under the provisions of Section 12 of the Disability Act, 2005.

The HSE Guidance Note No. 37 dated 30<sup>th</sup> May 2012 states that all children born after 1st June 2002 are eligible to apply for an assessment under the Disability Act 2005, regardless of their age at the time of application.

- Where a person has been assessed under Section 8 of the Disability Act 2005, which commenced on 1 June 2007, and has been identified as likely to require housing support, a Liaison Officer, established under Section 11 of the Disability Act 2005, shall refer the person to the Director of Services of the Housing Section of the relevant local authority, for the purpose of facilitating the determination of any housing service to which the local authority considers the person to be entitled.
- An Assessment Officer, established under Section 8 of the Disability Act 2005, may refer a person with a disability to the Director of Services of the Housing Section of the relevant local authority, if she or he deems it appropriate that the person, who has been identified as likely to require housing support, is made known to the local authority as early as possible following the completion of the assessment under Section 8 of the Disability Act 2005. In such instances, the Assessment Officer shall notify the appropriate Liaison Officer that a referral to the local authority has taken place.
- The Director of Services of the Housing Section may designate an appropriate official for the purpose of engaging / liaising with an Assessment Officer or a Liaison Officer.
- Under Section 12 of the Disability Act 2005, the HSE shall, with the consent of the individual or, if appropriate, a specified person, provide all relevant information in relation to the housing element of the assessment report, produced under Section 9 of the Disability Act 2005, to the relevant local authority for the purpose of assisting the person with a disability in accessing the appropriate housing services provided by the local authority.
- The Director of Services of the Housing Section, or an official designated by the

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<sup>21</sup> Agreed under the National Housing Strategy for People with a Disability 2011 – 2016 as reaffirmed and extended by Rebuilding Ireland to 2020.

Director for such purpose, shall engage with the person with a disability who has been identified as likely to require housing support under Part 2 of the Disability Act 2005, or, if appropriate, with the Liaison Officer responsible for the arrangement of the service provision, or with a specified person, for the purpose of facilitating or coordinating the provision of any services that the local authority considers the individual to be entitled to.

- The relevant local authority shall provide all appropriate information regarding the full range of housing support options available to the person with the disability who has been assessed under Part 2 of the Disability Act 2005, or if appropriate, to a specified person, or to the Liaison Officer responsible for the arrangement of the service provision.
- Where a person with a disability, as defined under Section 2 of the Disability Act 2005, presents to a local authority for an assessment of housing need and that person has not been assessed for a health or educational need under Part 2 of the Disability Act 2005, the local authority will advise the person, or if appropriate, a specified person, that they may have a right to assessment in accordance with the provisions of the Act, and will, where requested, refer the person to the appropriate Assessment Officer in the HSE.

## **Appendix 2 – Support Costs Protocol<sup>22</sup>**

Protocol Governing Revenue Funding for Health Service Related Support Costs for projects provided by housing associations for People with a Disability.

1. This Protocol sets out arrangements for coordination, between the local authorities and the HSE, in relation to the provision of ongoing revenue funding for health service related support costs, by the HSE, where necessary, for social housing projects provided by housing associations for people with a disability. The Department of Housing, Planning and Local Government provides funding for the development of these projects through the capital funding schemes or through revenue based funding for the provision of accommodation, e.g. involving leasing type arrangements. The provision of revenue funding for ongoing health service related support costs is a matter for the HSE.
2. A housing association proposing to provide accommodation for people with a disability to be funded under the Department of Housing, Planning and Local Government capital funding schemes shall consult with the relevant local authority, who will undertake a preliminary appraisal to ensure that the proposed project meets identified local need and is cost effective and fit-for-purpose. Where a housing association wishes to provide a social housing project through a leasing type arrangement, it must initially submit a proposal to the Department of Housing, Planning and Local Government who will carry out an initial assessment and will then forward the proposal to the relevant local authority.
3. The housing association must also, as part of the pre-planning stage of the project, consult with the HSE. Following agreement between the HSE and the housing association in the context of need, and where ongoing revenue funding for health service related support costs has been identified, the housing association must obtain written approval in principle from the HSE for ongoing revenue funding for the provision of such health service related support costs. The Department of Housing, Planning and Local Government funding for the provision of accommodation will not be considered unless written confirmation of HSE support for the application and confirmation that the project is approved in principle, by the HSE, for ongoing revenue funding for health service related support costs is provided.
4. Confirmation of the approval in principle for ongoing revenue funding for health service related support costs by the HSE shall be authorised by the relevant Chief Officers of CHO Areas, in consultation with the Assistant National Director where the HSE consider that the proposed project is aligned

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<sup>22</sup> Agreed under the National Housing Strategy for People with a Disability 2011 – 2016 as reaffirmed and extended by Rebuilding Ireland to 2020.

with area priorities, as outlined in the National Disability Strategy and the National and Local Service/Business Plans.

5. The HSE shall endeavour to authorise approval in principle within 3 months following receipt of all relevant information pertaining to the project as outlined in Appendix 1. Written approval should be forwarded to the housing association, by the HSE, as soon as is practicable thereafter.
6. The period of consideration by the HSE shall not commence until all relevant information, as outlined in Appendix 1, is received by the HSE.
7. The Director of Services of the housing section may designate an appropriate official for the purpose of liaising with the HSE in relation to the ongoing revenue funding for health service related support costs element of the proposed project.
8. Where applications for funding for the provision of accommodation for projects are received by local authorities from housing associations for which ongoing revenue funding for health service related supports costs has been identified, but which do not include written confirmation of approval in principle for ongoing revenue funding for health service related support costs from the HSE, the local authority will notify:
  - (a) the HSE Chief Officers that an application for funding under the capital funding schemes or through revenue based funding for the provision of accommodation, e.g. involving leasing type arrangements, has been received from a housing association and that the need for ongoing revenue funding for health service related support costs has been identified; and
  - (b) the housing association that the HSE has been notified of the application for funding; and that, prior to consideration of the request for funding, written confirmation of HSE support for the application and confirmation that the project is approved in principle by the HSE for ongoing revenue funding for health service related support costs, is necessary, where such costs have been identified by the housing association
9. In the case of projects to be undertaken through revenue based funding for the provision of accommodation, e.g. leasing type arrangements, written confirmation of approval in principle by the HSE for ongoing revenue funding for health service related support costs should be included in the proposal submitted to the Department of Housing, Planning and Local Government, by the housing association. (Proposals in respect of people moving from congregated settings are submitted to the Department via the Housing Agency).



10. This protocol applies to social housing projects provided by housing associations for people with a disability. A review of this protocol has been undertaken by the Department of the Housing, Planning and Local Government and the Department of Health.

**Information required for revenue funding for health service related support costs in housing projects provided by housing associations for people with disabilities**

<b>Name of housing association:</b>	
Contact Name: Position:  Contact Details: Address:	
<b>Proposed location of housing project:</b>  (a) Health Service Executive (HSE) area (b) Local authority area	
<b>Description of project:</b> - definition & objectives of the service  - Housing association to highlight why it should be the one to provide services in the area	
<b>Service and housing need:</b> - why the service is necessary  - the rationale behind the project and evidence that a service and housing need exists for the service/development in its	
<b>Proximity to similar services:</b>  - say where the nearest like service is and if there are other service providers in the catchment area/HSE region	
Details of how the housing project is aligned with the HSE Service Plan and local authority priorities/Social & Affordable Action Plans	

Proposed number of housing units and numbers of people who would benefit from the development	
Type of disability being catered for e.g. physical, sensory & profile:  <ul style="list-style-type: none"> <li>- Age and gender</li> <li>- Origin of tenants i.e. from residential care / living at home</li> </ul>	
Type of care/support services to be provided to tenants e.g. day care	
Total estimated care & support costs in housing project:  <ul style="list-style-type: none"> <li>- attach breakdown of costs, i.e. staffing, services, overheads</li> <li>- separate housing costs  (management and maintenance) from all other care services i.e. for housing there will be a rent, then a service charge</li> <li>- the financial agreement/service level agreement that both parties would be bound by</li> </ul>	
Indicative date of commencement of new services & indication of when the revenue costs will fall due	
<b>Estimated Staffing levels:</b> <ul style="list-style-type: none"> <li>- number, grade and salary for staffing &amp; management of service, any clinical supports required, out of hours on call service etc.</li> </ul>	
Proposed Standards/ Service Evaluation mechanism	
Total estimated revenue funding sought from HSE by housing association.	

### ***Appendix 3 – Individual Assessment of Need Protocol – Mental Health<sup>23</sup>***

**Protocol to govern liaison arrangements between local authorities and the HSE in relation to the coordination of housing services provided for people with a mental health difficulty.**

1. This protocol sets out arrangements for cooperation and coordination between local authorities and the HSE in addressing the housing and related support needs that arise as a result of mental health difficulties.
2. Local authorities are responsible, in accordance with the Housing (Miscellaneous Provisions) Act, 2009, for the provision of housing services, while the provision of relevant health and personal social services is the responsibility of the HSE.
3. For the purposes of this protocol, it is recognised that:
  - (a) Specific housing needs may arise as a result of a mental health issue for which intervention and treatment may be ongoing, or from a single or isolated episodic event, which, although not requiring constant intervention, has a severe and continuing impact on a person's ability to access and maintain housing that is appropriate and conducive to recovery;
  - (b) In order to address such needs successfully, the provision of appropriate housing services must be accompanied by the provision of relevant health and personal social services, as appropriate, in accordance with individual care/support plans.
4. Where a person with a mental health difficulty, who is availing of mental health services, is identified as likely to require housing services, their key worker shall inform them, and an advocate of their choice, if applicable, of the mechanisms available to liaise with the relevant local authority for the purpose of facilitating the determination of any housing services that the local authority considers the person to be eligible for, in the event that they are in need of such services. Following agreement and with the consent of the person with the difficulty, and, if applicable, their advocate, the key worker may refer the person with a mental health difficulty to the relevant local authority for such purpose.
5. The relevant housing authority may designate, with the agreement of the person with the disability, an appropriate official for the purpose of engaging / liaising with the key worker in the HSE. This official, as designated, shall be the liaison officer for both the key worker in the HSE and the person with a mental health difficulty and their advocate, if applicable.
6. For the purpose of assisting the person with a mental health difficulty in accessing the appropriate housing services provided by the local authority, the HSE shall, with the consent of the person with the mental health difficulty and, if applicable,

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<sup>23</sup> Agreed under the National Housing Strategy for People with a Disability 2011 – 2016 as reaffirmed and extended by Rebuilding Ireland to 2020.

their advocate, provide to the local authority all relevant information, including medical evidence outlining the impact that the person's difficulty has on their housing need. The HSE will participate in the housing assessment to the extent that this can facilitate finding the most appropriate housing service for the individual.

7. The local authority shall engage with the person who has been identified by the HSE as having a mental health difficulty, or, if appropriate, with the HSE case manager responsible for the arrangement of the service provision, or with an advocate of the person's choice, if appropriate, for the purpose of facilitating or coordinating the provision of any housing services that the local authority considers the individual to be eligible for, and in need of.
8. The relevant housing authority shall provide all appropriate information regarding the full range of relevant housing services available to the person with a mental health difficulty who has been considered to have a need for housing support, and if applicable, to their advocate, or to the HSE.
9. Where a person presenting to a local authority, for the purpose of availing of any relevant housing services, informs the local authority that they have a mental health difficulty, and
  - (a) there is no medical evidence available to support the person's housing application, or
  - (b) it is determined that the person is not in receipt of any relevant HSE health and personal social services;

The local authority will advise the person, and if applicable, their advocate, that supports are available from the HSE and will, where requested and, following consent, refer the person to the appropriate contact point in the HSE.

10. The local authority will inform the person of the reasons for the need to provide medical evidence of their condition to support their housing application, i.e. in order to assess their housing application, determine appropriate prioritisation for the provision of housing services and to ensure that offers of support are, in so far as is possible, appropriate to the specific needs of the person. It should be clearly outlined that the provision of suitable housing services will be subject to availability and the operation of the relevant local authority's Allocations Scheme.
11. In all cases, it is desirable that written consent regarding the exchange of information is obtained from the person with a mental health difficulty. However, where the person with a mental health difficulty gives verbal consent only, this should be recorded in writing. Consent may also be accepted from a designated advocate in line with the wishes of the person with a mental health difficulty. The requirements of data protection legislation will be fully complied with in relation to the provision and use of personal information.
12. In order to assist in the sustainment of tenancies, the HSE shall, with the consent of the person with a mental health difficulty, inform the relevant local authority

where the person is being hospitalised as a result of their difficulty and will be absent from their dwelling.

13. This protocol shall be subject to review in line with the extension of Part 2 of the Disability Act, 2005 to all age groups.



**Appendix 4 – Priority Information Form**

**Priority Information Form**

**For inclusion with your Social Housing Support Application Form.**

Priority will only be considered in cases where a change in housing will improve or stabilise your circumstances. This is only if it relates to the applicants housing conditions and the accommodation is deemed unsuitable due to disability or medical condition.

Applications must be supported by a report/letter which must be on official headed paper containing valid contact details from a third party, medical professional who has firsthand knowledge of your situation, where necessary, accompanied by a report from an Occupational Therapist.

**Note to Professionals:** Supporting documentation from a medical professional must give details of the nature of the condition (medical diagnosis), the severity of the condition and how a change of housing will greatly improve the applicant’s circumstances.

**NAME:** \_\_\_\_\_

**ADDRESS:** \_\_\_\_\_

\_\_\_\_\_

<p><b>QUESTION 1:</b></p> <p><b>WHAT ARE YOUR SPECIFIC HOUSING NEEDS? INCLUDE ANY SPECIAL REQUIREMENTS: PLEASE NOTE IF ADAPTATIONS ARE REQUIRED TO THE PROPERTY YOU MUST SUBMIT AN OCCUPATIONAL THERAPIST REPORT</b></p> <p>_____</p> <p>_____</p> <p>_____</p> <p><b>WHAT BENEFITS WOULD THESE MAKE TO YOUR HOUSING CIRCUMSTANCES?</b></p> <p>_____</p> <p>_____</p>
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**QUESTION 2:**

**WHAT SUPPORTS ARE REQUIRED TO ENSURE A SUSTAINABLE TENANCY?**

i.e. to allow you to live independently in the proposed property

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**ARE THESE SUPPORTS IN PLACE AT PRESENT?**

es  YES

NO

**IF YES, PLEASE PROVIDE DETAILS OF CONTACT PERSON:**

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I would like \_\_\_\_\_ [insert name] \* to be copied on all correspondence in relation to my housing application and in the future, in relation to my housing needs.

\*Contact Address and Phone Number:

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**Applicant Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**To be considered for a priority this form is required to be filled out in full to ensure an assessment of social housing need can be carried out.**





**Appendix 5 – Support Plan Summary**

**Support Plan Summary**

The purpose of this document is to give a brief overview to the Local Authority of the Support Plan/Package that is in place for you the named individual to support you to live independently.

Please note that this form must be signed by your Service Provider and submitted to the Local Authority with your application for Social Housing Support.

Name: \_\_\_\_\_

Current Address: \_\_\_\_\_

\_\_\_\_\_

Service Provider: \_\_\_\_\_

Key Worker: \_\_\_\_\_

Nature of Disability: \_\_\_\_\_

Details of Support Package: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Signed \_\_\_\_\_ Signed \_\_\_\_\_

**Applicant**

**On Behalf of the Service Provider**

NOTE: Full relevant details of the Support Plan will be contained in the Service Level Agreement that will be prepared and signed between the Service Provider and the Approved Housing Body prior to the completion of the allocation. The Approved Housing Body (AHB) will be required to confirm in writing to the Local Authority that this Service Level Agreement (SLA) is in place.

Office Use Only: Confirmation of the signing of the SLA received from the AHB.

## **Appendix 6 – Terms of Reference for the Housing and Disability Steering Group**

### **TERMS OF REFERENCE FOR HOUSING AND DISABILITY STEERING GROUP**

A Housing and Disability Steering Group will be established in \*\*\*\*\* Council Administrative Area.

The purpose of the group is to assist in the delivery of the NHSPWD.

#### **Membership**

The membership of the steering group will be: -

- Local Authority Director of Housing Services (Chair)
- HSE Representative - Operations Manager
- Representative from each of the four disability sectors operational in the local area
- Representatives from a local housing association at manager level

Representatives should be at a senior level and should be competent in representing the needs of the various disability groups.

The Housing Agency will assist in the establishment of the steering group in line with **Priority Action 2.1** of the *Implementation Framework*.

The **term of the membership** of the steering group will be 12 months and the membership will be reviewed at the end of this period.

The **criteria for the selection of the membership** shall be as follows:

HSE Representative – this individual shall be nominated at national level. The request for the nomination will be sent by the Housing Agency to the HSE representatives on the NHSPWD Housing Subgroup. In some areas, it has been suggested that there should be two representatives from the HSE, this is an issue for the steering groups to address but nominations shall be sought at national level.

Disability Sector Representatives – these individuals should be identified through their specific work in the area. Where there is a congregated setting for any of the four sectors in the area then there should be a representative on the group from this facility. Where there is more than one facility in an area it would be most appropriate to have the representative from the largest facility on the steering group to ensure that all aspects of the challenges ahead are highlighted and catered for.

Local Housing Associations Representative – representation should be sought from the local housing associations by consensus, however where deemed appropriate by the local housing associations this nomination could be made by the Irish Council for Social Housing from the local bodies or selected by the local authority. It is recommended that between two or three housing associations representatives should be on the committee, with this representation being made up from a mix of large, small and specialised bodies.

### Additional Representation

In addition to the above representation can be sought at the discretion of the steering group from relevant bodies for the steering group/working groups to contribute to specific issues in an advisory capacity from time to time and for a defined period.

#### **1. Role**

The role of the steering group will include:

- Overseeing the local implementation of the NHSPWD, including the provision of housing of people with disabilities transitioning from institutional care as well as inputting to the development of the NHSPWD;
- Developing, monitoring and reviewing of local interagency protocols, as appropriate;
- Developing plans to meet the housing needs and related supports for people with disabilities;
- Working with all agencies in the provision of services to people with disabilities including employment, education and training;
- Acting as a forum for the exchange of information;
- Ensuring that the success of the programme is monitored through feedback from people with disabilities themselves.
- Ensuring that local authority staff are appropriately trained to implement the NHSPWD.

#### **2. Actions**

The steering group will be required to carry out a number of actions as a matter of importance once established, to ensure the implementation of the interim protocol and National Guidelines for Housing Assessment and Allocation for people with disabilities including those transitioning from institutional settings;

- To identify a number of pilot units for people transferring from institutional care to the community.
- To identify the cohort of people in congregated setting for the pilot project that will transition from institutional care to community settings
- To collate and report on the number of people with disabilities on the Waiting List. The information in the report should include the numbers, nature of disability, whether physical adaptation of properties or other specific design features will be required, identify suitable options for housing need.

The information below will be required to assist in the development of a plan for housing provision in the area. Therefore, the following are longer-term actions: -

- To compile a register of adapted properties suitable for people with a disability.
- To review and report on individuals that have been provided with social housing supports or income supports in order to meet their housing needs such as rent supplement etc.

- To review and report on individuals with a disability already in social housing in the local authority area to include the categories of disability and the numbers and the nature of non-housing related supports being delivered which assist in supporting tenancies.
- To identify additional people that may present for or require social housing supports in the future including those already residing in the community and those likely to transition from institutional care
- To develop and implement feedback processes to assess the success of the implementation based on feedback from tenants
- To identify and implement appropriate training programmes for local authority staff, and measure the effectiveness of this training

### **3. Working Groups**

The steering group may be required to establish a number of working groups in order to progress the actions required as appropriate. How the actions are progressed is an issue for the steering group to determine.

### **4. Meetings**

The steering group will meet a minimum of four times a year. The initial meeting needs to focus on setting up the group and ensuring that all parties understand the role that they have on the group.

A second meeting needs to focus on the assignment of responsibility to the relevant agencies for the longer-term actions outlined in 3 above and needs to take place no later than six weeks from the initial meeting.

The Housing Agency will provide support and guidance where possible to the HDSG for their initial meeting.





