



Investigation of the HAP scheme

Summary: Findings and Recommendations

An investigation by the Ombudsman into the administration of the Housing Assistance Payment scheme





Ombudsman

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The Housing Assistance Payment (HAP) scheme was first introduced in 2014. Now more than ten years later, HAP has become a fundamental component of the social housing support system. I acknowledge that it has been of significant assistance and operated well for many people. It provides vital support for people to access private rented accommodation.

However, my Office has received numerous complaints from members of the public who believed they had been disadvantaged by the current system. As part of our outreach, we engaged with voluntary groups operating in the housing, homeless and migrant sectors. These groups identified what they believed were shortcomings in the HAP system and put forward suggested improvements. Following our engagement with these groups and with the knowledge gained from complaints we received we decided to investigate the administration of the HAP scheme.

Our investigation involved extensive research, surveys and in-depth consultation with a broad range of stakeholders, and an analysis of anonymised data provided by the HAP Shared Services Centre. We found that many aspects of the scheme work well. However, we also found inconsistencies in the operation of the scheme between local authorities, inefficiencies in the system which can cause delays for applicants, and inequities between HAP tenants and social housing tenants.

I would like to thank our investigators for their work on this report and investigation. I would also like to thank those who participated and contributed to our findings and recommendations, including staff and officials at the Department of Housing, Local Government and Heritage, the local authorities who facilitated visits to their offices and those who participated in our survey, and all the organisations who offered contributions. Finally, I would like to offer my thanks to all those who participated in our housing workshop as discussions at this workshop were invaluable and significantly contributed to the initiation of this investigation.

The recommendations I have made to the Department of Housing, Local Government and Heritage on foot of this investigation, as set out in this report, are aimed at reducing the potential for delays and ensuring that HAP applicants are not disadvantaged compared to other recipients of social housing support. They are designed to bring positive changes to the lives of those who are seeking homes for themselves and their families, and encouraging the administration of the HAP system to be customer focused.

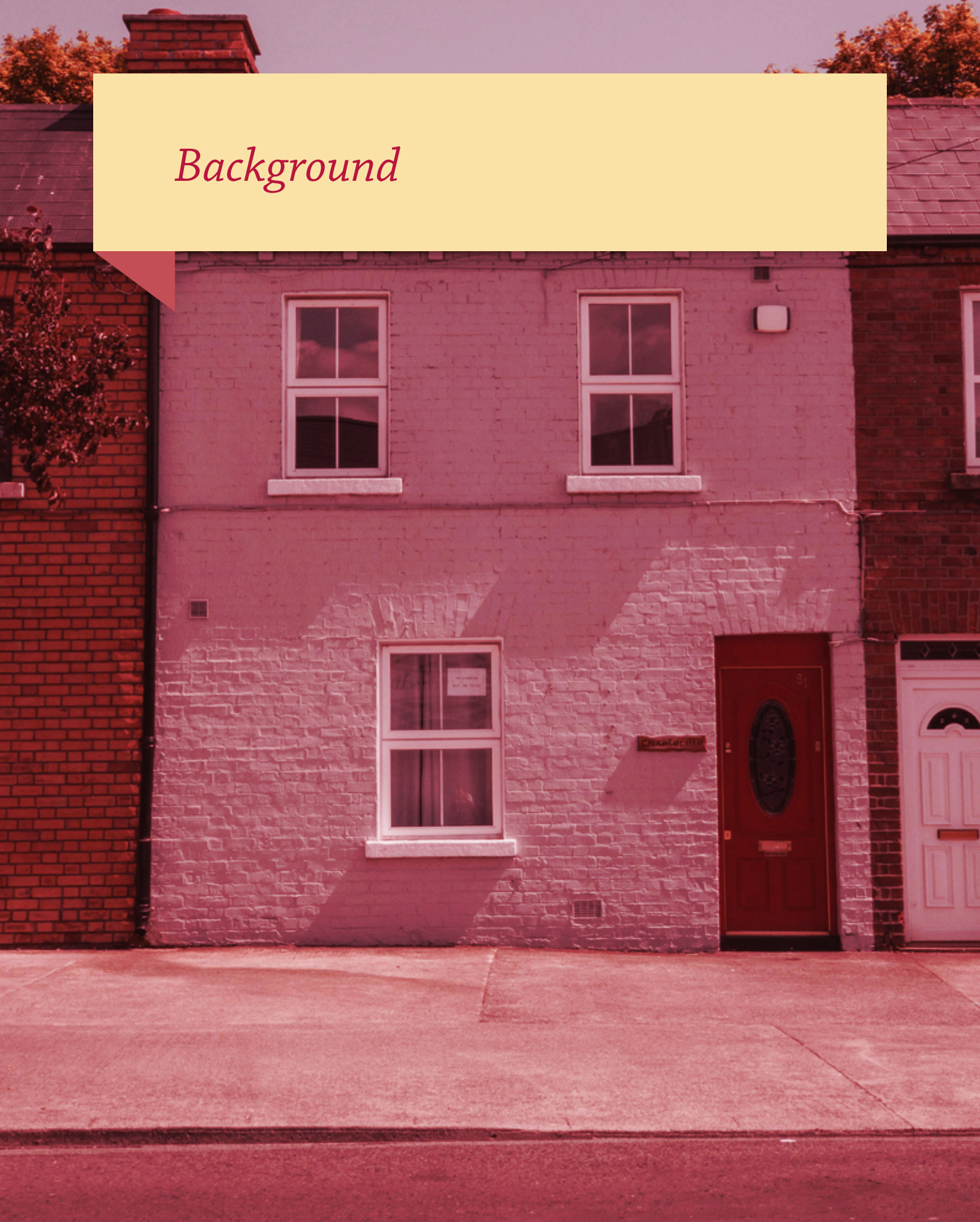
The full report of our investigation, containing our detailed analysis and research of the issues involved, together with our Findings and Recommendations, is available on our website - www.ombudsman.ie

This report outlines a summary of those issues and our Findings and Recommendations.

A handwritten signature in dark ink, appearing to read 'Ger Deering', written in a cursive style.

Ger Deering
Ombudsman
June 2025

Background



The Housing Assistance Payment (HAP) scheme is a form of social housing support that assists people to rent private rental accommodation. It is a national scheme administered by each of the 31 local authorities around the country. The scheme was launched in September 2014, having been legislated for under the Housing (Miscellaneous Provisions) Act 2014.

It was intended to be:

“an opportunity to improve standards and levels of compliance, to remove employment traps, and to create a more equal and fair social housing system where the rights and opportunities available to tenants in different forms of social housing are vastly improved.”

- Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O'Sullivan), 13 May 2014

It was also, notably, designed to replace rent supplement, is considered a short-term support.

HAP was rolled out in phases beginning in 2014 and has been operational nationally from 2017. Homeless HAP, which provides extra supports to households experiencing or at risk of homelessness, was first trialled in the Dublin Region in 2015 and by Cork City Council in 2017, before being rolled out to all local authority areas from January 2018. As the need for social housing support has increased over this period, and not been met by increased social housing supply, the HAP scheme has become a key component in the provision of social housing support.

How HAP works

HAP is a payment made directly to a landlord on behalf of a household that is deemed in need of social housing support and has been approved for housing assistance in respect of a particular property. HAP transactions for all local authorities are processed by the HAP Shared Services Centre in Limerick.

The maximum amount of HAP that can be paid, known as the ‘HAP cap’, varies depending on the size of the household and the local authority area involved. The HAP caps were set in secondary legislation when the scheme was rolled out nationally. Local authorities have since been given discretion to increase the HAP caps by up to 35% in certain circumstances. Due to significant increases in the cost of renting since the scheme began, in most cases HAP no longer covers the full cost of rent, even with the application of the discretionary increase. According to data provided to this Office by the HAP Shared Services Centre in May 2023, about two-thirds of households in the scheme must pay the difference between the HAP cap and the actual cost of rent for their property to their landlord, which is known as a ‘top-up’.

In addition, every household in HAP pays a “rent contribution” to the HAP Shared Services Centre, which is used to offset the cost of the scheme. This rent contribution is in general the same amount an equivalent household in standard social housing pays in rent to the local authority. This amount is calculated using the relevant local authority’s “Differential Rent Scheme”, which links rent to the income of the household. Although HAP is legislatively a form of social housing support, most HAP tenants pay both differential rent and additional rent to their private landlords, unlike their counterparts in standard social housing.

An aerial photograph of a residential neighborhood at sunset. The houses are illuminated by the warm, golden light of the setting sun, creating a warm and inviting atmosphere. The sky is a mix of soft pinks, oranges, and purples. In the background, there are some larger, more modern buildings and a green field. The overall scene is peaceful and scenic.

Our Investigation and Report

The Investigation

We commenced our investigation following a workshop we held on housing issues attended by NGOs, and consideration of complaints we received about HAP. We carried out extensive research into how the HAP scheme operates, which involved a survey of all local authorities and in-depth consultations with seven local authorities; the Dublin Regional Homeless Executive; HAP Shared Services; the Department of Housing, Local Government and Heritage; representative bodies and civil society organisations. We also considered the issues raised by HAP tenants and landlords who have contacted us. This qualitative research was supported by analysis of anonymised data provided by the HAP Shared Services Centre.

Structure of the Investigation Report

Our full investigation report - [the investigation of the HAP scheme](#) is broken up into seven chapters, which can be briefly synthesised as follows:

1. Background of HAP including the policy context, the legislative basis and how the process is co-ordinated and overseen.
2. Operation of HAP including the role of the local authorities and the HAP Shared Services Centre, HAP processes, and reviews and appeals.
3. The application process, the forms, the various proofs required and the validation of an application.
4. Homeless HAP and support for people in vulnerable situations including information on Place Finders and how HAP interacts with the Direct Provision/International Protection system.
5. Affordability of rent including differential rents and inequities across the local authorities.
6. The relationship between HAP and standard social housing in particular the social housing transfer system.
7. Issues arising in HAP tenancies, such as property standards, the landlord-tenant relationship, deposits and debt/arrears.

Four areas of findings emerged from our investigation:

1. **Administrative Inefficiencies** - Inefficiencies with the administrative processes around HAP;
2. **Inequities of HAP** - Inequities in HAP compared to other forms of social housing and inequities in how HAP is operated in different local authorities;
3. **Applicants in Vulnerable Situations** - Difficulties for applicants in vulnerable situations, such as homeless applicants; and
4. **Overarching Issues** - Cross-cutting issues, such as training and reviews/appeals of decisions related to HAP.

Administrative Inefficiencies

As the HAP scheme has grown significantly due to the shortage of social housing stock, it has given rise to issues which impact stakeholders including the local authorities and service users – prospective landlords, existing landlords, tenants and social housing applicants. This investigation revealed a number of administrative inefficiencies that can cause either difficulties, delays or both for all that are party to HAP. It must be noted that any delay in the application process can have serious implications for the applicant in particular. They could miss out on a particular property, in what has become an extremely competitive market, or if they do secure a property, they may have to borrow to pay the first month's rent (or longer).

Inequities of HAP

As HAP has grown in scale, so too have the impacts of the scheme on broader society. At the end of 2024, HAP was providing assistance to 53,742 households and, consequently, this means that the same number of rentals has been removed from the private rental sector. This has contributed to the sustained increase in the rate of rents, which in turn has made it more difficult to source properties for both HAP tenants and those renting independently outside of the HAP scheme. It has also led to inequity between different cohorts of social housing tenants, with the varied application of the scheme between local authority areas highlighting a number of underlying issues.

While the Housing (Miscellaneous Provisions) Act 2014 confirms that HAP is deemed 'an appropriate' form of social housing support, in reality, it is more akin to a rental assistance programme. Due to a sustained period of population and economic growth, HAP's importance in the broader housing system has grown. HAP is now fundamental to meeting the current social housing needs of the State.

In that regard, there are steps that can and should be taken which would make the scheme work better for those currently availing of it, and for those that have little or no chance to access the standard social housing model until the housing supply can be significantly increased.

Applicants in Vulnerable Situations

When a person is homeless, or at risk of becoming homeless, they may avail of a particular form of HAP known as Homeless HAP. Homeless HAP provides tenants with a deposit for a rental property and allows for up to two months' rent to be paid in advance to the landlord. In order to qualify for the payment, the local authority must be satisfied that the applicant is homeless, or at risk of homelessness, and requires the extra supports in order to secure a property. It is not a separate scheme to standard HAP, but rather an additional support that can be used.

There is also a HAP Place Finder role with the responsibility of coordinating Homeless HAP. This role can also provide additional support to Homeless HAP applicants by providing enhanced assistance, such as sourcing accommodation.

Due to the ongoing housing crisis, households who contact us are sometimes eligible for Homeless HAP, but are unable to locate a property due to high rental costs and low supply. This can lead to increased longer-term pressure on homeless supports such as emergency accommodation. Therefore, our investigation looked at how Homeless HAP and the Place Finder role was established, how the services are implemented and how they might be improved to meet the rising challenges caused by the ongoing housing crisis. From our engagement with stakeholders including NGOs, it is clear that people in vulnerable situations, including Travellers, people with disabilities, and people leaving international protection accommodation, can have additional difficulties when trying to source HAP accommodation.

Overarching Issues

It is always the case that general learnings can be taken from the continued delivery of a public service and improvements can be made to the way that service is delivered. The HAP scheme is no different and, in that regard, our investigation also sets out some more general recommendations around training, reviews and appeals, and also some views and considerations with regard to the overarching issues which will impact the scheme moving forward.

Administrative Inefficiencies

1. Applying for social housing support and HAP

Finding

A household approved for social housing support is immediately eligible for HAP. However both applications must be made separately. Our investigation revealed that there is a significant amount of duplication between the application processes for these two schemes, with much of the same documentation needed to apply for both. The only additional details requested for a HAP application are details specific to the landlord and the property. Given that a person approved for social housing support is eligible for HAP, there is an opportunity here for more synergy between the two processes.

Recommendation

The HAP application process should be streamlined to avoid repetition for the applicant, duplication of work by local authorities, and to help avoid potential delays. If a household applies for HAP on a particular property within a set period of time after being approved for social housing support (for example – within 6 months), the local authority in question should simply use the information provided on that person's social housing support application, avoiding the need for them to resubmit the same information.

2. Starting date for HAP

Finding

Delays in the validation of HAP applications by local authorities are having significant impacts on prospective tenants. The validation date of HAP applications is important because it is the date which dictates from when payment of HAP can commence. During the processing period for a HAP application, a tenant may have to pay rent to the landlord in order to retain the property. It follows that when an application is validated, the local authority in question may only pay HAP from that date onwards. This does not account for any rent paid to the landlord prior to the awarding of HAP. In short, a tenant could have to pay a number of months' rent unassisted due to the administrative delays by the local authority. This is unfair as, at this point in the application process, the tenant has already been deemed eligible for social housing supports.

Recommendation

Once a HAP application is approved, a person's entitlement to HAP should be considered to commence, or have commenced, from the date that the household is found eligible for social housing support. Where a household has been approved for social housing support and has yet to find a property, the validation date should be the starting date of their tenancy, and payments should be backdated to that point. Where a 'back-payment' to the tenant is required, a payment covering a maximum of three months should be made directly to the tenant or a credit should be applied to their differential rent account.

3. Landlords' proof of ownership

Finding

Our investigation revealed that there can be unnecessary delays verifying ownership of a property when a landlord submits Part B of the HAP application form to the local authority. A number of documents are accepted as proof of ownership, but there can be delays and often lengthy back and forth correspondence if the document submitted does not meet the requirements of the HAP Shared Services Centre (SSC). This can result in delays to the commencement of tenancies, increased risk of inability to secure properties, and delays to the payment of HAP itself. This was a prominent issue identified by local authorities we visited. It was also raised by landlords and NGOs working on housing issues.

The Housing (Miscellaneous Provisions) Act 2014 requires landlords to submit a tax clearance certificate, but that Act does not impose any pre-condition in relation to ownership of the property. However, the published guidance states that proof of ownership of the property will be required and Part B of the application form includes a declaration of ownership. It appears that the requirement of proof of ownership is intended to mitigate the risk that payment will be made to a person who is not entitled to receive it. The likelihood of this risk occurring is not clear and therefore, it is not apparent that the requirement of proof of ownership is a proportionate response to this risk.

Recommendation

The requirement to submit proof of ownership should be reviewed by the Department of Housing, Local Government and Heritage. In addition to considering whether the requirement is a necessary and proportionate measure, the review should establish the difficulties caused to landlords, tenants and local authorities and propose measures to address these difficulties.

4. Amendment process

Finding

Currently, local authorities must submit any amendments to HAP records or applications for approval by the HAP Shared Services Centre (SSC) before the amendment can be made. The process is overly complex, causes a disproportionate administrative burden for local authorities, and can lead to significant delays in setting up or modifying HAP tenancies.

In a single sample month taken during this investigation, the SSC processed 5,821 amendments. It is not clear what additional safeguard against fraud or error that the current amendment approval process provides. The amendment process was one of the key administrative issues identified by local authorities during our engagement.

Recommendation

Local authority staff should be able to edit/amend the details of HAP tenancies as needed, without requiring approval by the SSC. An appropriate audit trail facility should be in place to record any changes made and to provide necessary oversight.

5. Good Faith tenancies

Finding

Under the legislation governing HAP, a local authority must be satisfied that the tenancy concerned is or would be in good faith – meaning it is or would be a genuine tenancy with rent payable regardless of the HAP scheme. The HAP website and HAP application form list several pieces of evidence that local authorities may consider when determining whether a tenancy is genuine, but local authorities ultimately have broad discretion in this regard. Our investigation has found that the way local authorities apply the guidance on supporting documents, does not always account for each case being different and nuanced, with the result that some genuine tenancies are unable to commence with HAP. In some cases, local authorities place undue weight on family relationships even where all other evidence suggests that the tenancy is legitimate. This has resulted in situations where HAP has been refused where all evidence suggests a tenancy is legitimate, and others where HAP has been approved where it should not have been.

Recommendation

The Department of Housing, Local Government and Heritage should issue guidance clarifying that the purpose of the good faith aspect of the legislation is to identify applications where the only purpose of setting up a tenancy is to avail of HAP. Guidance should permit local authorities to look at each tenancy on its own merits, guided by proofs that are relevant and attainable. The aim should be to strike the right balance between ensuring legitimate tenancies can proceed (including those where there is a family relationship), while at the same time excluding tenancies established solely to take advantage of a substantial State payment.

6. Inter-authority HAP

Finding

Inter-authority HAP is where a local authority (originating authority) approves a HAP application for a tenancy to rent in another local authority's geographic area (destination authority). There are a number of circulars that outline a standard protocol for the roles of each local authority in respect of inter-authority HAP. Under the current circulars, the role of the destination authority is to provide information to the originating authority in respect of rents in the area, and to carry out property inspections. However, the Department of Housing, Local Government and Heritage informed us that it was always intended that there would be scope for the destination authority to refuse an inter-authority HAP application in limited circumstances. This is not outlined in the circulars.

Recommendation

The guidance should be clarified to confirm that while acceptance of an inter-authority HAP application should be the default position, it can be refused by the receiving authority in limited circumstances. The Department of Housing, Local Government and Heritage should be told of refusals on a regular basis to ensure that any pattern of refusals or over-use of this function is identified.

7. Financial information available to HAP tenants

Finding

Applicants are not always given clear information about the rent contribution a tenant will pay the local authority in differential rent; the amount of HAP the local authority will pay towards rent; the potential availability of a discretionary increase to the HAP cap; or the shortfall that a tenant may have to pay directly to the landlord.

Recommendation

Clearer financial information on HAP should be provided to applicants when they have been approved for social housing support, when they apply for HAP, and at every stage thereafter. The information pack provided to applicants should include:

- Indicative figures for differential rent, based on the income of the household set out in the social housing application.
- Information on the HAP cap or caps that might be relevant based on household category listed in the social housing application.
- An explanation that there may be an increase available (up to 35% above the HAP cap), depending on the situation.
- An explanation that the household is liable for any excess rent above the HAP cap.
- Information on backdating of HAP payments and that, if HAP is backdated, the household will be liable for differential rent for the relevant backdating period.

This information should be presented in a simple and accessible format.

Inequities of HAP

8. HAP tenants in financial difficulty

Finding

According to data provided by the HAP Shared Services Centre in 2023, around 60% of HAP tenants also make additional payments directly to their landlords. HAP tenants, like their counterparts in standard social housing, pay differential rent. Unlike their counterparts, they do not have access to the same benefits. These benefits include access to hardship clauses and flexible, tailored arrears repayment plans, designed to help protect tenants in times of financial difficulty, and the ability to raise maintenance issues directly with the local authority or approved housing body.

Even though legislatively HAP tenants are considered to be socially housed, local authorities generally do not apply hardship clauses to HAP tenancies nor is there permanent access to equivalent repayment plans for arrears. This puts HAP tenants at risk of having their HAP payments suspended should they be unable to pay off arrears. This unfairness is compounded by the fact that they do not have the security of tenure that their counterparts in other forms of social housing have.

The cumulative effect of these inequities poses a risk, in some cases, of HAP tenants falling into a poverty trap. Although the Department of Housing, Local Government and Heritage has introduced a “landlord guarantee” to ensure continuity of payment of HAP in the event of a tenant falling into arrears, this does not address the aspects of the HAP scheme that contribute to a household’s financial difficulties in the first place.

Recommendation

We understand that the Department of Housing, Local Government and Heritage is working to create a more equitable national rent framework which is an opportunity to recognise the unique implications for HAP tenants of differential rent schemes and we support the direction of travel in this area.

In the short term, the Department should re-emphasise to local authorities that, as per its own national guidance on differential rents and as HAP tenants are considered to be socially housed, they should have access to hardship clauses. The application of such clauses to HAP tenants in financial difficulty should be actioned as a matter of urgency. Furthermore, differential rent could be reduced on a more long-term basis where a household is paying a top-up payment to the landlord due to the shortfall between HAP and the actual rent. The Department should revise the operation of HAP with regard to falling into arrears on differential rents.

9. HAP tenants and deposits

Finding

In comparison to social housing tenants, HAP tenants are unfairly impacted by having to source significant deposits for tenancies. Rent costs are increasing and with them, deposits. In addition, HAP is paid in arrears and landlords usually request rent in advance. There is recognition by all parties to this scheme that the issue of deposits needs to be addressed. We note that Homeless HAP provides deposits for prospective tenants and in some circumstances the Department of Social Protection can provide assistance to standard HAP tenants but these supports do not go far enough. Furthermore, the approved HAP business case recognised that there was a requirement to protect the deposits of HAP tenants. It was envisaged that the deposit retention scheme set out in the Residential Tenancies Act 2015 would provide this protection. However, as the relevant sections from the Act have not been commenced, this protection is not in place and it leaves HAP tenants vulnerable to the loss of their deposit, or to having to take a case to the Residential Tenancies Board to seek its return.

Recommendation

The Department of Housing, Local Government and Heritage should strengthen supports for tenants who need assistance to secure deposits. At a minimum, local authorities should signpost the possible availability of a deposit from the Department of Social Protection. In addition, the Department of Housing, Local Government and Heritage should take steps to protect the deposits of HAP tenants who are entitled to have them returned but may have them unfairly withheld. This could include commencement of the relevant sections of the Residential Tenancies Act 2015.

10. Discretionary increases to the HAP caps

Finding

To address the large increase in the cost of rent since 2014, local authorities have discretion to increase the HAP caps by up to 35% on a case by case basis (or up to 50% for tenants receiving Homeless HAP in Dublin). In the course of our investigation we have found that there is a wide variance in both the actual percentage increase and the criteria considered by local authorities in applying their discretion.

Recommendation

As per circular 31/2016, the Department of Housing, Local Government and Heritage should re-instruct local authorities that discretionary increases should be focused on alleviating the burden of payments made directly to landlords by tenants, being mindful of those in vulnerable financial circumstances.

11. HAP caps and increasing market rents

Finding

As the cost of rent continues to rise, the availability of rental properties which come within the current HAP limits is declining. The original intention of the HAP scheme was that HAP would cover the full cost of a household's rent to a maximum limit with the household paying a differential rent to the local authority.

Recommendation

The Department of Housing, Local Government and Heritage should review the effectiveness of discretionary increases to the HAP caps. In the first instance, any changes to the rates of HAP, should be considered by adjusting the HAP caps, rather than changes to the rates of discretion available. This will reduce inconsistencies between local authorities in the application of discretionary increases. Caps should also be revised on a regular basis to reflect the rental market.

12. Accommodation standards

Finding

Under the legislation governing the HAP scheme, a rental property that is the subject of a prohibition order is not eligible for HAP. Due to this, HAP tenants may be reluctant to report poor conditions and substandard accommodation to local authorities for fear that HAP could be stopped. Local authorities also expressed concerns in the course of this investigation that stopping HAP due to minimum standards not being met may result in households being made homeless. In other cases, some HAP staff felt that the issue of standards was a private matter between the landlord and the tenant. At the same time, HAP tenants may also avoid reporting poor conditions to the local authority in case their doing so might be notified to the landlord.

Recommendation

Tenants in the HAP scheme should not be reluctant to report substandard accommodation. Local authorities must ensure that tenants are aware that they can report issues, and that the report will not be linked back to the tenant given that local authorities are required to carry out inspections of rental properties in any case. Tenants should also be made aware of local authorities' powers to issue an improvement notice (as opposed to a prohibition notice), which does not affect the payment of HAP.

It is accepted that inspections and standards in private rental accommodation are a broader issue beyond the scope of this investigation. However, given that significant State funding is involved, there should be a renewed focus on bringing landlords in the HAP scheme into compliance where improvement notices are issued following an inspection. Where there are significant health and safety concerns about a property in the HAP scheme, or the local authority determines HAP cannot be paid due to a prohibition notice or prohibition notice proceedings, the local authority should reprioritise the tenant in accordance with its allocation scheme.

13. Relationship between HAP and standard social housing

Finding

Under current housing legislation, HAP is defined as a form of social housing support. This means that on entering HAP, a household is considered to be socially housed and is therefore removed from the social housing list. However, a large majority of households in HAP tenancies aim to secure long-term, standard social housing. These households have already expressed that aim, and been found eligible, through their social housing assessment. When the legislation introducing HAP was being debated by the Oireachtas, members were anxious that households in the HAP scheme should not lose the opportunity to access standard social housing or lose any time built up on the housing list. In response to this, the 'HAP transfer list' was devised and formalised through Ministerial Direction. HAP tenants who want to remain eligible for allocation of standard social housing, and to retain and continue to build waiting time towards this, must opt in to the transfer list within two weeks of HAP approval.

However, our investigation has found that there is in general a lack of transparency about how the HAP transfer system operates and what impact moving to the transfer list will have on a household's chances of securing standard social housing.

At the same time, HAP tenants arguably have an unfair advantage over households who do not take HAP and stay on the main waiting list. Households in social housing (including HAP) are not reassessed for eligibility – only their income is reassessed periodically to determine the differential rent they should pay. This means that, unlike households coming off the main housing list, HAP tenants do not have their eligibility for social housing reassessed at the point of being allocated standard social housing as they are simply transferring between different forms of social housing.

Recommendation

The legislation defining HAP tenants as socially housed currently prevents their inclusion on the main housing list. In this regard, we note the recommendations of the Housing Commission in its 2024 report. These propose that the legislation be amended to remove provisions that define HAP as social housing support and that households supported by HAP be included on the social housing waiting list without any negative affect on their priority, which we support.

In the interim, the Department of Housing, Local Government and Heritage should consider the policy intention of the Ministerial Direction in relation to transfers to more permanent forms of social housing, and the availability of data to inform it if, operationally, this directive is being administered in a manner that is equitable across the country. Pending this review, the transfer list and main housing list should operationally be treated as one list, with each household retaining the relative priority it would enjoy on a single list. Inclusion on the list should be on an opt-out rather than opt-in basis, essentially meaning HAP households automatically retain their status as awaiting standard social housing. This would avoid any inadvertent loss of a household's status in the social housing allocation system, and reduce the administrative burden of extra paperwork for both local authorities and the households concerned.

Households accepting HAP support should also be given clear information about how the transfer list operates, the distinction between it and the main housing list, and the impact receiving HAP would have on a social housing application generally.

Applicants in Vulnerable Situations

14. 'Place Finders'

Finding

The role of the Place Finder is to provide supports to homeless applicants to access the HAP scheme. Place Finders are an important support for homeless applicants and in particular for applicants who are homeless and are in vulnerable situations. Not every local authority has a Place Finder role authorised and filled. There are also inconsistencies in the level of support provided by Place Finders from local authority to local authority, with some providing assistance with paperwork and others taking a more pro-active role in identifying suitable accommodation.

The communication and operation of the Place Finder Network has been inconsistent, with some Place Finders not being members of their regional group, and unaware of the national network's ongoing role. As the Place Finder role is limited to supporting those who are homeless or at risk of homelessness, people in other vulnerable situations who face additional difficulties in securing suitable accommodation in the private rental market, cannot access the valuable supports a Place Finder can provide.

Recommendation

To help ensure a consistent level of support for all applicants in vulnerable situations across the country, Department of Housing, Local Government and Heritage should actively encourage all local authorities to apply for sanction for a Place Finder role in their area. The role of the Place Finder service should be standardised to ensure a consistent and high standard of support across the local authorities. A best practice manual should be maintained and updated in consultation with Place Finders.

The Housing Agency, as secretariat of the national Place Finder Network, should be informed of new Place Finders by local authorities. The Housing Agency should provide information on the network to these new members of staff and inform them of the regional networks, including contacts. The Department should consider how best to ensure that the type of supports provided by a Place Finder might also be made available to all applicants in vulnerable situations.

15. Support for applicants in vulnerable situations

Finding

Many people in vulnerable situations, who should be protected by a social housing system, are particularly disadvantaged through HAP because of additional difficulties they encounter in securing suitable accommodation in the private rental market; for example, people with disabilities who may have difficulty finding properties suitable to their needs, or minority ethnic groups such as Travellers who may, because of issues of discrimination, have difficulty sourcing a property.

Recommendation

Applicants for Homeless HAP are eligible for a rental deposit and to have the first two months' rent paid to the landlord in advance. In Dublin, they can avail of an increase of up to 50% over the applicable HAP cap. The Department of Housing, Local Government and Heritage should give consideration to whether additional measures should be available to other groups in vulnerable situations.

Overarching Issues

16. Training

Finding

Local authority staff have indicated that more training and refresher sessions would be desirable. Some local authority staff did not have a clear understanding of the role of the HAP Practitioners Forum or how its membership operates.

The application and documentation of Section 43 cases (the rates of HAP payable in respect of households to which the standard HAP caps do not apply) is not fully understood around the country.

The Ombudsman acknowledges and welcomes the fact that specific training is already underway with regard to the use of some HAP systems and that the HAP Shared Services Centre has already added content to its online knowledge database, for use by local authority staff.

Recommendation

In keeping with the work underway in this area, training on the HAP scheme (on both policies/procedures and the IT systems involved) should be offered on a regular basis, either online or in regional sessions. This would enable new staff to receive training within a reasonable period after beginning in the role, and provide a refresher for existing staff. Sessions could be offered online in a suitable online training environment, or held in person on a regional basis. This training should also provide information on the composition and work of the HAP Practitioners' Forum and Committee.

17. Review/Appeal process

Finding

Review or appeal procedures for decisions in the HAP scheme differ between local authorities and are often not clearly signposted. This can leave applicants or tenants unaware of the options available to query a decision, or even that they are permitted to do so. Based on our experience of handling complaints about HAP, it appears that reviews or appeals are often carried out by a more senior staff member of the same team or section that made the original decision. Given the small size of many HAP teams, it may be challenging to avoid the appearance of bias or to provide reassurances around the independence of the reviews or appeals being conducted. We note that section 48 of the Housing (Miscellaneous Provisions) Act 2014, which sets out the framework for HAP, provides for a comprehensive internal review mechanism. This section has not been commenced.

Recommendation

HAP applicants and tenants should be made aware at each decision point that they have a right to query the decision through the formal complaint process within the local authority. This process should be in line with the strong guidance set out in the Ombudsman's Model Complaint Handling Procedure. This procedure has been developed specifically for use by local authorities and is aimed at standardising and improving their complaints handling processes and refers to scenarios such as allegations of bias. The procedure is currently with the Local Government Management Agency for review.

18. Interpretation of circulars

Finding

Initially, the Department of Housing, Local Government and Heritage issued circulars to provide guidance on the implementation of HAP. Changes to the scheme as it has evolved and grown continue to be guided by new circulars on issues such as inter-authority HAP or discretionary increases to the HAP caps. While these circulars are issued by the Department with the intention of standardising processes across the country, ultimately local authorities interpret such guidelines or policies differently resulting in wide variations in the implementation of HAP between authority areas. In some cases, local authorities appear to have deviated significantly from circulars. There is no mechanism to ensure that local authorities are adhering to and implementing circulars as intended.

Recommendation

Although they lack the force of statute and regulations, circulars set out the manner in which the relevant Department has determined legislation should be interpreted and implemented. Local authorities must not deviate from the provisions of circulars, either intentionally or through misinterpretation. The Department should engage with local authorities regularly to ensure that the scheme is being administered as intended and in a fair and consistent manner. Given ongoing revisions to the scheme, the Department should consolidate existing circulars into one comprehensive, living document, to be updated on an ongoing basis and hosted on the existing Housing Manual website, an online resource for housing practitioners operated by the Housing Agency.

19. HAP administration review group

Finding

Administrative issues, such as the ones identified across this report, arise from time to time which cause delays in processing applications and payments.

Recommendation

Due to the number of administrative inefficiencies identified in this investigation, the Department of Housing, Local Government and Heritage should establish a HAP administration review group as a sub-group of the HAP Oversight Group, in order to identify practical solutions to administrative issues as they arise. The Ombudsman acknowledges that a HAP Processes Committee is already in place and suggests that this Committee is given the responsibility of reviewing and addressing the administrative issues highlighted in this report.

The full report of our investigation, containing our detailed analysis and research of the issues involved, together with our Findings and Recommendations, is available on our website www.ombudsman.ie



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