

Number: WG48223



Welsh Government
Consultation response form

Consultation on the White Paper on Ending Homelessness in Wales

Date of issue: 10 October 2023

Action required: Responses by 16 January 2024

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Mae'r ddogfen hon ar gael yn Gymraeg hefyd / This document is also available in Welsh

Rydym yn croesawu gohebiaeth a galwadau ffôn yn Gymraeg / We welcome correspondence and telephone calls in Welsh

Overview

This White Paper sets out a range of proposals for changes to policy and the law, to end homelessness in Wales.

How to respond

Please respond by completing the online form or completing this questionnaire and sending it to HomelessnessLegislationReform@gov.wales

If you intend to respond in writing, please send completed forms to:

Homelessness Prevention Legislation Team

Welsh Government

Cathays Park

Cardiff

CF10 3NQ

When you reply, it would be useful if you confirm whether you are replying as an individual or submitting an official response on behalf of an organisation and include:

- your name
- your position (if applicable), and
- the name of organisation (if applicable).

Further information and related documents

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If you would prefer your response to remain anonymous, please tick here:

Reform of the existing core homelessness legislation

Question 1

Do you agree these proposals will lead to increased prevention and relief of homelessness?

Yes/no

Yes – the proposals should, if implemented correctly, result in ensuring greater prevention of homelessness through early identification and joint prevention working.

Question 2

What are your reasons for this?

There are significant resource implications in complying with the proposed legislation.

There is a need to ensure that the proposed changes do not result in unintended consequences, such as, homelessness duty being the only route to social housing.

The only way to substantially increase the prevention and relief of homelessness is to substantially increase the supply of homes and to ensure the necessary support for vulnerable people is available. The lack of availability of suitable housing 'supply' will be a barrier to rapid re-housing and relief of homelessness.

We agree with the intention to increase the housing options available to end the s75 duty – this will provide flexibility and options – however if the applicant can refuse such accommodation without ending the duty how will this work in practice?

Sufficient Housing Support Grant will need to be available to deliver the necessary changes to the support package. We would also ask the Welsh Government to consider that some people may need support for longer than 12 months to sustain their tenancy.

A duty to develop Personal Housing Plans and having regular communication with applicants should assist in preventing homelessness and ensuring that the applicant's needs and support are met – again ensuring that the capacity to deliver this is available is key to its success.

Question 3

Are there additional legislative proposals you think we should consider to improve the prevention and relief of homelessness?

Raising the Local Housing Allowance to improve access and sustainability in the Private Rented sector?

Question 4

Do you agree with our proposal to abolish the priority need test?

Yes/no

Yes – the homelessness duty shouldn't be based on your household composition type and/or vulnerability.

However – will need to ensure that sufficient lead in time is allowed for implementation.

Question 5

Do you agree with our proposal to abolish the Intentionality test?

Yes/no

No

In principle we can see the benefit of this, especially if the test is rarely used, but it may have the unintended consequences of removing a reason for people to engage and comply with contract holder responsibilities and other contractual obligations. No consequences for breach of tenancy/deterrent against poor behaviour?

We do note however that the White Paper states that there is currently variation in the interpretation and use of the intentionality test across Wales. Could this be addressed differently – through improved guidance and training?

If the test is abolished the Allocation Policies/Guidance will need to ensure that any suitability test or unacceptable behaviour test would ensure that where a person has behaved in such a way that has resulted in accommodation no longer being available that this is considered in the allocation process as a reduced priority.

Question 6

Do you agree with our proposal to keep the local connection test but add additional groups of people to the list of exemptions to allow for non-familial connections with communities and to better take account of the reasons why someone is unable to return to their home authority.

Yes – we support the retention of the local connection test. We feel that local connection is important to ensure sustainable communities and for people to be able to access support within their local area. Removal of the test would also result in an increase in demand in local authority areas and increased pressure on struggling resources.

We support the addition to exceptions to the test, such as people fleeing abuse, leaving care or needing other support/interventions within the local authority area for other safeguarding reasons. We would also support improved guidance and training on the application of the local connection test and to ensure that it is consistently applied throughout Wales.

Safeguarding the Welsh Language should also be a key factor in terms of keeping the local connection test. The Welsh Language is declining in certain areas, and allocation policies with local connection is an important element in terms of safeguarding the future of the language.

Question 7

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

The agencies who would be mandated to be involved in case conferences do not have the resources to carry out their present duties so without additional funding it is hard to see how this would work effectively in practice.

There is evidence that demonstrates the value for money that investing in housing and homelessness support services provides and that this investment results in savings to public services.

We support continuing investment in Social Housing Grant in Wales so that we can deliver new affordable homes to meet the increasing demand.

The role of the Welsh Public Service in preventing homelessness

Question 8

Do you agree with the proposals to apply a duty to identify, refer and co-operate on a set of relevant bodies in order to prevent homelessness?

Yes/no

Please give your reasons

Yes in principle but subject to funding capacity in those organisations. Adequate resource, capacity and skills are needed to deliver this duty. It is important that those identified and referred are supported early in the process as it is often very late in the day when supportive interventions are provided.

We agree that it is a vital role in preventing homelessness for relevant bodies to have a duty to refer and co-operate – working in true partnership to intervene as early as possible.

Improving partnership working between a variety of agencies appears to be key in order to support individuals with complex needs to be able sustain tenancies, adding to making homelessness rare, brief and unrepeatable. Likelihood these individuals are open to several public services. A duty to identify, refer and co-operate would help bring partners together.

Question 9

Do you agree with the proposed relevant bodies, to which the duties to identify, refer and co-operate would apply? Would you add or remove any services from the list?

We would agree with the list provided –

GP Surgery

Hospital

Job Centre Plus

Food Banks

Citizens Advice

Legal Advice Centre/Law Centre

Mental Health Services

Drug or Alcohol Services

Social Service - (from the applicants LA area and other authorities)

Probation Services/Prison

Police

Guidance needs to be provided on complying with the duty along with clear and agreed processes.

We also feel that the reforms (especially any new duties) should be funded appropriately.

We would also suggest the following services/agencies:

Local Health Boards including primary care.

Registered social landlords? (or duty to co-operate covered elsewhere?)

Organisations or bodies subject to the control of the UK Government

Department for Work & Pensions.

Youth Justice Services; vi. Probation.

Prisons and other criminal justice detention centres.

Courts and Tribunals Service.

Armed Forces – in relation to armed forces accommodation.

The Home Office when aware that an asylum seeker accommodated under the Immigration and Asylum Act 1999 has been granted refugee status and so will be threatened with homelessness within six months (and possibly much sooner);

We note the reasoning for not including private landlords under a duty to refer tenants at risk of homelessness – however do feel that further ongoing compulsory training and guidance should be developed through Rent Smart Wales to assist with the prevention of homelessness within the private rented sector and Letting Agents etc

Question 10

In your view have we struck the right balance between legislative requirements and operational practice, particularly in relation to health?

It is noted that housing and health (or other statutory partners/services) use different languages to describe similar scenarios. We would suggest consideration for providing education, awareness and training for key stakeholders to encourage productive partnerships.

Joined up approach is essential and improved communication between social housing providers and other relevant bodies/services. We agree that a person's needs should be assessed holistically and as early as possible.

We recognise the huge pressures on health services currently - whilst legislating will provide a duty for better partnership working, unsure how will this transpire in practice.

We note from the White paper that there is a lack of robust data on mental health problems and homelessness in Wales, and that statistics in England demonstrate that mental health is the most common support need for those who approach local authorities for homelessness assistance – will there be a requirement for providing this improved data on support needs from relevant bodies?

We support developing multi-disciplinary teams within LAs to respond to homelessness.

Question 11

What practical measures will need to be in place for the proposed duties to identify, refer and co-operate to work effectively? Please consider learning and development needs, resources, staffing, location and culture.

We are aware that in practice there is a very low level of partnership working on this topic - will there /should there be a requirement for formal 'agreements' to co-operate, identify and refer? (Comprehensive Agreements were developed in Gwynedd between the Local Authority and RSL partners to set out expectations in relation to roles and responsibilities in complying with Section 95 duty)

Will there be a requirement for Data Impact Assessments & agreed data sharing policies/agreements to be developed between partners? – templates provided?

May require a referral mechanism like safeguarding procedures to be in place. We would suggest a central point for all referrals and data sharing. The process needs to be as streamlined as possible and avoiding duplication for applicants and partners in the process where possible.

Increased funding and capacity for LA's to coordinate, monitor and report?
Capacity and funding issues likely to be current barriers.

We would welcome more information around the proposed duty to sustain tenancies, particularly on how needs are assessed and action/support monitored, the timeframe for any further support needs once support is terminated.

Question 12

In addition to the broad duties to identify, refer and co-operate, this chapter contains proposals to provide enhanced case co-ordination for those with multiple and complex needs. To what extent will the proposals assist in preventing homelessness amongst this group?

We are supportive of the proposals to provide enhanced case coordination for those with multiple and complex needs. It is recognised that the people who are presenting to homelessness services are doing so with increased needs and an appropriate level of support is required.

There is potential to successfully sustain complex needs tenancies with on-going coordination and sufficient support. Where would Contract Holder engagement and/or consent fall into this? From experience we know that individuals with complex needs can be more difficult to engage fully and support. As a social landlord we endeavour to do all we can to support our tenants to sustain their tenancy but recognise that increased resources, better partner involvement at an early stage, co-ordination and a multi-agency approach is required to ensure that we are able to prevent homelessness. As a sector we can learn lessons from existing models that work well (e.g. MAPPA) and other partnership arrangements that work.

We are supportive of requiring PHPs for complex cases.

Question 13

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

Having a robust and properly resourced process for implementation and getting the lead in time right for implementation of the legislation is essential as acknowledged in the White Paper. Lessons learnt from Renting Homes (Wales) 2016 implementation? Training, agreed forms/notices templates, standardised decision letters.

Amendments to Allocation legislation/documentation and guidance to comply need to be completed.

Housing associations along with other services will need to find additional budgets and resources in order to be able to deliver what's required of them.

Targeted proposals to prevent homelessness for those disproportionately affected

Question 14

Are there other groups of people, not captured within this section, which you believe to be disproportionately impacted by homelessness and in need of additional targeted activity to prevent and relieve this homelessness (please provide evidence to support your views)?

We are supportive of the groups already captured in this section as identified in the engagement and work completed in drafting the White Paper.

We would highlight the pressures and issues we have around funding and prioritising adaptation requests within our own housing stock and welcome further focus on grant funding for adaptations and increasing new build accessible homes to meet demand. Also, as acknowledged in the White Paper the need for Accessible Registers to improve the efficiency of allocation of accessible accommodation and identification and access to accessible homes across LA areas.

Question 15

What additional legislative or policy actions could be taken to prevent or relieve homelessness for the groups captured by this White Paper?

Welfare Reform Act 2012 in relation to the "bedroom tax" element. There is clearly a lack of 1-bedroom accommodation to support homelessness prevention in Wales. Bedroom tax does play a part in this as applicants cannot afford to pay the rent in full.

Question 16

Our proposals related to children, young people and care experience seek to improve and clarify links between homelessness legislation and the Social Services and Wellbeing Act. Significant policy development is required to assess the practicality of this. What, in your views are the benefits and challenges of our approach and what unintended consequences should we prepare to mitigate?

We would very much support the prioritisation of accommodation for children, young people and care experienced. The co-ordination within the local authority housing and social care teams seems to be missing due to budget pressures and we are not party to any conversations about how more homes could be developed for young people leaving care or those being moved to England due to the severe lack of care home capacity in Wales.

A joint up strategic approach to 'housing needs of children, young people and care experience' data and analysis is required. Housing Teams, Support services, Charities and Social Services teams appear to be working in silos.

Question 17

Do our proposals go far enough to ensure that 16 and 17 year olds who are homeless or at risk of homelessness receive joint support from social services and local housing authorities? What more could be done to strengthen practice and deliver the broader corporate parenting responsibilities?

No further points to add to this question

Question 18

Do you agree or disagree that the Renting Homes (Wales) Act 2016 should be amended to allow 16 and 17 year olds to be able to hold occupation contracts?

Disagree – we would not support further amendments to the RHWA to allow 16- & 17-year-olds to hold an occupation contract.

The Law of Property Act 1925 (Part 1(6)) states that individuals under 18 years cannot hold legal interests in land - A legal estate is not capable of subsisting or of being created in an undivided share in land or of being held by an infant – is there an intention to amend this legislation?

There is also a question over capability and safeguarding here whether 16 & 17 year olds are able to independently manage and sustain a tenancy. Could they inadvertently be at increased risk living alone and unsupported in general housing stock across the local authority area.

We would welcome an increase in supply of supported accommodation models. We feel that it is better to provide a licence which becomes an Occupation Contract once the licensee turns 18 years old.

Some under 18's may be 'looked after children', where LA has parenting responsibility.

Would a 16- or 17-year-old be able to afford to maintain a tenancy - their housing allowance would need adjusting to fully cover the rental payments.

Has Welsh Government requested data on how many 16 & 17 year old held a tenancy, with trustee/guarantor prior to RHWA implementation? Do these work in practice?

Question 19

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

No further points to add to this question

Access to accommodation

Question 20

To what extent do you agree or disagree with the short-term proposals to increase the suitability of accommodation? Are there additional immediate actions you believe should be taken for this purpose?

Agree with needing to ensure and agree suitability of accommodation in order to ensure sustainability, however current demand far outweighs supply of suitable accommodation. Could this inadvertently become a barrier for LA's.

Suggest that if a property reaches certain reasonable criteria re location and type that it is deemed suitable – considering the applicants needs and input at application/assessment stage and any change in circumstances? Appropriate range of housing solutions required to meet this demand and provide suitable choice.

Question 21

To what extent do you agree or disagree with the proposals around the allocation of social housing and management of housing waiting lists? What do you believe will be the consequences of these proposals?

Homelessness shouldn't be the only route to social housing - If we are housing only homeless people, that means we are not housing people who are in acute housing need and may themselves become homeless as a result. This proposal risks pushing people towards crisis, rather than working to prevent homelessness.

We know our homes and communities, as LAs know the applicants and their needs we feel that the proposed duty on RSLs in relation to referral from LAs would undermine the partnership agreements already in place.

We are focussed on building balanced and sustainable communities and believe that it is better to place someone in the right home, which may not always be the quickest allocation to the next available property in a certain location – other factors need considering. RSL cannot unreasonably refuse a referral... except in specified circumstances" - is there provision that suitable support is in place a requirement, or only "access to support".

We also feel that a sustainable allocation requires both suitable accommodation and any support required, for as long as it is needed. As stated previously the capacity and resources required need to be in place to successfully deliver this legislation.

We would welcome detail on what will constitute an 'unreasonable refusal' and 'specified circumstances' - will a lack of suitable supply be considered a reason? RSLs need to be involved in guidance that will be developed and agreed reasonable refusal list developed with the sector.

We feel that we need to have flexibility for internal managed moves/transfers, and this is part of the sector's commitment to limit evictions into homelessness and is also important for people/tenants whose circumstances have changed. Clear and agreed reasons for any direct lets should be reported within any datasets.

We are concerned that changes to allocation policies/priority criteria (and additional preference) in favour of homeless duty applicants would result in the inability of social housing tenants to move through the allocation system if their current home was to become unsuitable, for example due to over-occupying, underoccupancy or a change in needs.

We are in favour of the use of Common Housing Registers and common allocations policies across all local authorities in Wales. We are part of SARTH and Gwynedd Common Housing Partnerships in North Wales and this is a clear and transparent way to achieve allocations to statutory homeless applicants whilst also giving reasonable preference within the agreed allocation policies to other households in housing need. This route is also better for the customer journey as it is simpler and fairer and more efficient. These registers also provide one place for housing needs data and available stock etc.

We are concerned in the proposal for LAs to have the powers to remove people not in housing need from the waiting list and what practical impact this would have? Our experience with our CHR partnerships (on Tai Teg Affordable Homes Register – only applicant with a housing need are registered) is that only people with a 'housing need' are generally allocated housing – will an updated legal definition of 'housing need' be provided to address this?

Local Letting Policies and Section 106 properties enables (& requirement of planning conditions in S106) social housing landlords to allocate particular properties to people of a particular description – whether or not they fall within the reasonable preference categories – has this been considered? There will remain some allocations to identified properties that are for particular applicants as required to comply with Section 106 agreements on new developments and/or Local Letting Policies where these are in place.

Question 22

To what extent do you agree or disagree with the proposal for additional housing options for discharge of the main homelessness duty? What do you foresee as the possible consequences (intended or unintended) of this proposal?

Additional Housing Options for discharge - supported accommodation is likely to be temporary, if homelessness duty has been discharged following a placement to supported housing scheme, these individuals still do not have access to suitable long-term accommodation. This appears to go against WG's aim of making homeless rare, brief and unrepeatable?

We would welcome further guidance on suitable housing options for discharge of duty – with the appropriate level of support if required.

Question 23

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals in relation to access to housing. Are there any costs and benefits we have not accounted for?

No further response to this question

Implementation

Question 24

To what extent do you think the proposals outlined above will support the implementation and enforcement of the proposed reforms?

No further response to this question

Question 25

What other levers/functions/mechanisms could be used to hold local housing authorities and other public bodies accountable for their role in achieving homelessness prevention?

No further response to this question

Question 26

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

Budgets are tight across the housing sector – Welsh Government will need to further consider the cost and resources required to fully implement this legislation. We must learn from the recent implementation of Renting Homes (Wales) Act 2016 and the unanticipated costs.

Question 27

What, in your opinion, would be the likely effects of the proposed reforms in this White Paper on the Welsh language? We are particularly interested in any likely effects on opportunities to use the Welsh language and on not treating the Welsh language less favourably than English.

- Do you think that there are opportunities to promote any positive effects?
- Do you think that there are opportunities to mitigate any adverse effects?

The Welsh Language could be adversely affected if the Local Connection test was abolished. The Welsh Language is declining in certain areas, and allocation policies with local connection is an important element in terms of safeguarding the future of the language.

Question 28

We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

No further points to add to this question

Organisation (if applicable):

Adra

Number: WG48223



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Reform of the existing core homelessness legislation

Question 1

Do you agree these proposals will lead to increased prevention and relief of homelessness?

Yes/no

Yes

Question 2

What are your reasons for this?

Taking a prevention and early intervention approach to homelessness is crucial. Therefore, increasing the time to six months (from 56 days), where individuals and families who are threatened with homelessness can receive support, should enable them to receive a person-centred and tailored intervention in a timely manner, rather than at crisis point. Providing people with stable housing will improve an individual's health outcomes, increase their chances of employment, and reduce the strain on public resources. Ultimately, improving the overall wellbeing of individuals, families and communities.

The requirement for a Personal Housing Plan (PHP) for each homelessness applicant would enable an individual's housing and support needs to be assessed, with clearly defined steps for both the local housing authority and the applicant to take to prevent homelessness. A PHP would offer a person-centred approach, tailoring a support package to an individual's specific needs. Additional training and guidance would be required to support the introduction of PHPs.

The Expert Review Panel will be crucial throughout the development of any new case management system(s). Their first-hand knowledge will provide insights into the complex challenges faced, offering a perspective that may be overlooked by those without direct experience, therefore ensuring that person-centred systems are developed.

It is crucial that this legislation is not viewed in isolation though or seen as the solution to preventing homelessness. Homelessness can result from a combination of factors, including economic challenges, lack of affordable housing, mental health problems, substance use, family breakdown, abuse, and wider systemic issues. Therefore, addressing homelessness requires a comprehensive, whole-system approach that brings together the public, private and third sector to work collectively. Suitable housing is key determinant of health and wellbeing, ensuring everyone has the opportunity to benefit from high quality appropriate housing required a systematic approach that is informed by the needs of the population, long-term and recognises everyone's role in how this is designed and implemented. This is very much the approach that has been laid out in the 'Consultation on the White Paper on Ending Homelessness in Wales'. This White Paper would further strength the Well-being of Future Generations (Wales) Act to ensure that we work more efficiently and joined up, and ultimately prevent problems from occurring in the first place.

Question 3

Are there additional legislative proposals you think we should consider to improve the prevention and relief of homelessness?

The health board does not have any strong views on further legislative proposals but does recognise the proposed legislation will need to be used in combination with a range of other pieces of legislation and strategies to tackle a complex problem such as homelessness.

Question 4

Do you agree with our proposal to abolish the priority need test?

Yes/no

Yes

Question 5

Do you agree with our proposal to abolish the Intentionality test?

Yes/no

Yes

Question 6

Do you agree with our proposal to keep the local connection test but add additional groups of people to the list of exemptions to allow for non-familial connections with communities and to better take account of the reasons why someone is unable to return to their home authority.

Yes

Short to medium term it should remain to support the introduction of the wider reforms, then a review of this test should be made.

Question 7

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

The Health Board has not identified any unaccounted for costs and benefits.

The role of the Welsh Public Service in preventing homelessness

Question 8

Do you agree with the proposals to apply a duty to identify, refer and co-operate on a set of relevant bodies in order to prevent homelessness? Yes/no

Please give your reasons

Yes

Access to long term and good quality housing are the building blocks of good health. People who are homeless die on average 30 years earlier compared to the general population, and experience poorer physical and mental health conditions. These differences are unfair, and preventable. Tackling and preventing homelessness requires a whole-system approach, involving key stakeholders across public, private and third sector.

We believe that opportunities for prevention and early intervention should be built into existing pathways across health, education, criminal justice and social care services through a 'no wrong door' approach. People at risk of being homeless, and those who are homeless should be routinely identified and referred to local authority housing and social care teams for advice and support.

The Health Board agrees with the need for a more collaborative, person-centred and trauma informed approach. There is no one-size fits all way to tackling homelessness, and each person will have a very different set of needs, and will require different levels of support. A duty to 'identify and refer' will result in a consistent, system-wide approach to preventing homelessness for people who are most at risk.

Question 9

Do you agree with the proposed relevant bodies, to which the duties to identify, refer and co-operate would apply? Would you add or remove any services from the list?

Yes, the Health Board agrees with the list of devolved and non-devolved bodies proposed in the paper. Third sector organisations play a vital role in supporting some of the most vulnerable groups in society and are often the first point of call in a crisis. Consideration should be given to the role of third sector organisations in identifying and referring people to housing support as well.

Question 10

In your view have we struck the right balance between legislative requirements and operational practice, particularly in relation to health?

The White Paper acknowledges the vital role of wider public services have in preventing and alleviating homelessness. A duty to cooperate will ensure system-wide buy-in, leading to increased opportunities to identify and refer individuals most at risk.

The White Paper recognises the operational difficulties in enacting the duty for some functions of health, such as emergency departments. Due to the nature of some health care roles, enacting the duty to identify and refer may not be possible. It is crucial that this is recognised and that professionals are not made to feel at risk should they fail to enact their duty to prevent homelessness due to the competing demands of their role. It does need to be recognised that for many health professionals they have a primary role which is to offer individual health care, a service which often experiences unlimited demand from the public. Combined with the increasing expectations of health professionals to Make Every Contact Count we need to ensure any additional duties are made as practical as possible through:

- Shared electronic health and social care records that enable the health professional to understand the patient's history and reduce the need for patients to continuously re-tell their story.
- Electronic risk assessment tools within patient records to support professionals to have a supportive, non-stigmatising, non-judgemental conversation with a patient about their housing needs
- Electronic referral systems that enable health professionals to share with the patients consent the information that has been gathered electronically with homelessness services without the need to re-input this information into a separate system

This approach alongside appropriate training to ensure that all patient facing staff understand the risk factors for homelessness, and are aware of the process to identify and refer should ensure that the duty is systematically applied.

Question 11

What practical measures will need to be in place for the proposed duties to identify, refer and co-operate to work effectively? Please consider learning and development needs, resources, staffing, location and culture.

Electronic data systems:

In order to ensure the additional duty on health professionals to identify and refer those who are at risk of homelessness there needs to be significant improvements in the patient record system. This includes:

- Ensuring all patient records are electronic
- Developing an integrated health and social care record to enable health and social care professionals to understand individuals wider needs
- Ensuring risk assessments are built into the patient record to ensure health and social care professional are asking the right questions
- Ensuring electronic systems have the ability to make onward referrals to other relevant partners without the need to re-input the data into a separate system

Profiling need:

Linked to the priority above there is also a need to be able to extract appropriate data out of patient records to enable the health board to work in partnership with strategic housing leads to profile the housing needs of patients. This should include demographics data (age, gender, and ethnicity) as well as physical and mental health needs. Understanding the housing needs of the population is a crucial aspect of homelessness prevention. Currently these decisions are being made without the required data on the types of housing (including support) and the geographical location of need as well as the future demographic profile of the population and how this will change over the next five, 10 or 20 years.

Education and training:

The Health Board supports the proposal of a national learning and development campaign and online learning for public services and the public in general (it is crucial that patients understand why we are asking these questions). Campaigns and education should aim to reduce the stigma associated with homelessness and emphasise a 'no wrong door' approach to accessing early help and support.

Consideration should be given to the accessibility of information/guidance provided to people who are at risk of, or are homeless as part of the duty to identify and refer process. Information should be available in accessible formats and co-produced where possible to improve understanding and reduce fear and anxiety associated with the referral process.

Partnership working:

Consideration should be given to the creation of a 'Multi-Disciplinary Team (MDT) Housing Prevention Coordinator' post in each local authority area to lead on the 'co-operate' function of the legislation. The post would work across the system to bridge the gap between public services to improve communication and develop and maintain pathways between authorities.

All of the above should also be prioritised for implementation in the specialities where we know patients are at greatest risk of homelessness such as Mental Health services and substance misuses services. These are two services where no electronic patient record exists, prioritising these specialities could achieve significant benefits in terms of both health and social care needs as well as improvements in patient safety and quality.

Question 12

In addition to the broad duties to identify, refer and co-operate, this chapter contains proposals to provide enhanced case co-ordination for those with multiple and complex needs. To what extent will the proposals assist in preventing homelessness amongst this group?

With appropriate investment, a compulsory case-coordination approach, involving multi-disciplinary partners would enable stakeholders to work more collaboratively to prevent homelessness. By taking a more up-stream and joined up approach, the proposals outlined in this paper should prevent homelessness amongst this group. A robust evaluation framework should be considered to monitor the number of people being referred and the outcomes of people accessing early help and support.

Question 13

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

The Health Board has not identified any unaccounted for costs and benefits.

Targeted proposals to prevent homelessness for those disproportionately affected**Question 14**

Are there other groups of people, not captured within this section, which you believe to be disproportionately impacted by homelessness and in need of additional targeted activity to prevent and relieve this homelessness (please provide evidence to support your views)?

People leaving approved premises; a recent Health Needs Assessment of people living in approved premises in Wales found that accommodation within the community was a key health and social care need for this population, with many people having stays in approved premises extended due to a lack of suitable accommodation and on occasion it was reported that residents in approved premises are released from an approved premises to be street homeless which often leads to relapse, offending behaviour and recall to prison. A copy of the health needs assessment is available from Betsi Cadwaladr University Health Board Public Health Team if required.

Question 15

What additional legislative or policy actions could be taken to prevent or relieve homelessness for the groups captured by this White Paper?

Homelessness is a complex issue and the needs of these groups are also complex. To ensure that homelessness is prevent across many of these groups there needs to be an integration of priorities and strategies across areas such as Mental Health, Substance Misuse and Domestic Abuse. A stronger focus is needed on prevention across these priority areas with targeted action to increase protective factors within the early years and reduce risk factors.

Homelessness within these groups could also be prevented through better strategic planning. Improvements are needed in how we assess the housing needs of our population and then effectively plan to meet the needs identified. There needs to be a range of housing available to meet the needs of these groups and this will vary according to geographical location and the nature of the housing in terms of both design and support provided alongside the housing. We should also be designing housing in a way that is futureproofed to meet the needs of an ageing population and to minimise and impact of future cost of living crises through sustainable and energy efficient design.

Health data is crucial to this needs assessment but until housing is incorporated into all health assessments and electronic records that enable the extraction of data to inform need are consistently implemented across the NHS in Wales but particularly within Mental Health and Substance Misuse services the ability to plan according to health need will remain a challenge.

Question 16

Our proposals related to children, young people and care experience seek to improve and clarify links between homelessness legislation and the Social Services and Wellbeing Act. Significant policy development is required to assess the practicality of this. What, in your views are the benefits and challenges of our approach and what unintended consequences should we prepare to mitigate?

As a health board we do not have any strong views on this proposal but recognise that collaborative working across homelessness services and social services is crucial to ensuring that children and young people and particularly those with experience of the care system receive the best possible opportunity to flourish. Optimising their experience of the wider determinants of health, particularly housing is a crucial factor in determining this.

Question 17

Do our proposals go far enough to ensure that 16 and 17 year olds who are homeless or at risk of homelessness receive joint support from social services and local housing authorities? What more could be done to strengthen practice and deliver the broader corporate parenting responsibilities?

The use of trusted adult roles could offer an opportunity to ensure that both parties are delivering the required joint support. Having multi-professional teams can also ensure that there is greater understanding of each professions roles and responsibilities.

Corporate parenting responsibilities could also be considered as part of the roles of Anchor Institutes. Implementing policies that increase opportunities for improved outcomes can act as a protective factor for preventing homelessness. This could include Anchor Institutes committing to a range of programmes including:

- Using land owned by Anchor Institutes to build suitable housing and supported accommodation for this population
- Developing mentoring programmes that require the organisations senior leaders to offer support and guidance to a young person with a particular focus on education and employment
- Creating work experience and volunteering opportunities that prioritise children and young people who are homeless, at risk of homelessness or care leavers to enhance their skills, experience and employability as well as offering them insight into career pathways available locally

Question 18

Do you agree or disagree that the Renting Homes (Wales) Act 2016 should be amended to allow 16 and 17 year olds to be able to hold occupation contracts?

The health board supports the amendment but with a note of caution. These children should always be provided to independent advice prior to signing a contract to ensure landlords are not exploiting them. A range of additional safeguards may be required to ensure that this option is only used in exceptional circumstances and for those that are homeless or at risk of homelessness it is likely that additional support beyond housing is required to ensure repeated homelessness doesn't occur.

Question 19

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

The Health Board has not identified any unaccounted for costs and benefits.

Access to accommodation

Question 20

To what extent do you agree or disagree with the short-term proposals to increase the suitability of accommodation? Are there additional immediate actions you believe should be taken for this purpose?

The health board agrees with the short-term proposals to increase the suitability of accommodation, we would like to see the follow proposals as being a priority for implementation:

- Ensuring accommodation with cat 1 hazards is always unsuitable
- Prohibiting use of shared sleeping space
- Accommodation to be safe and fit to live in
- Ensuring placement in overcrowded accommodation is never suitable at the point of discharge of the main housing duty
- Applying the same standards across privately owned and local housing authority/registered social landlord owned or managed non-self-contained accommodation
- Prohibiting the use of unsupported temporary accommodation for young people

We have also identified the following as potential immediate actions that could support this:

- Assess the status of accommodation to identify areas that need prompt improvements, considering safety, accessibility and overall comfort
- Gather feedback from the people who previously occupied accommodation as this will help identify areas that require immediate attention
- Prioritise safety improvements to ensure that safety standards are met
- Create deadlines for immediate repairs needed
- Involve individuals and families in identifying improvements needed

Question 21

To what extent do you agree or disagree with the proposals around the allocation of social housing and management of housing waiting lists? What do you believe will be the consequences of these proposals?

Although we are in agreement with the proposal that Registered Social Landlords cannot reasonably refuse a referral from a Local Authority within a specified timeframe except in specified circumstances, we do recognise that statutory requirements could make it challenging to take account of local complexity particularly in relation to community tensions, the potential need for additional support for the individual and/or family and whether this is available. Anti-social behaviour and counties lines gangs are just two key examples of complexity that may require additional consideration that legislation may not take into account and could create issues with community cohesion.

We agree with the proposal to establish common housing registers and common housing policies and feel this approach will help ensure housing allocations is much more transparent for all stakeholders.

We recognise that providing local authorities with the power to remove people with no housing need from the waiting list will release resource within homelessness services that is currently being used to manage lists of people that in reality will never be eligible for social housing. But we also recognise that defining housing need may be extremely challenging. Often need is strongly linked to affordability particularly during a cost of living crisis and increasing rents within the private rental market, therefore advising someone they don't have a need for social housing may be particularly challenging.

We agree that providing additional preference to people experiencing homelessness is a good thing recognising that a focus on preventing homelessness should mean this isn't required long-term. It should be recognised that there is a risk this policy could create a bottleneck within the system though.

Question 22

To what extent do you agree or disagree with the proposal for additional housing options for discharge of the main homelessness duty? What do you foresee as the possible consequences (intended or unintended) of this proposal?

As a health board we agree with the proposal of additional options for discharge of the main homelessness duty as this may increase the availability and accessibility of social housing and the capacity to support a higher number of those in urgent need. However, it is crucial that the following is taken into account:

- The safeguarding of vulnerable groups such as domestic abuse survivors and those with substance misuse problems to ensure the additional options do not place them at increased risk (such as returning to a property where the perpetrator lives nearby)

Considerations should be given to reviewing and evaluating these changes to establish any unintended consequences.

Question 23

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals in relation to access to housing. Are there any costs and benefits we have not accounted for?

The Health Board has not identified any unaccounted for costs and benefits.

Implementation

Question 24

To what extent do you think the proposals outlined above will support the implementation and enforcement of the proposed reforms?

As a health board we recognise that homelessness is a complex area. Crucial to the implementation of this legislation will be cooperation and partnership working across the system. The creation of shared priorities own across the system would help support this implementation. Improvements in data systems to enable the system to have a clear understanding of the problem and whether improvements have been achieved is also a crucial step to ensuring that additional scrutiny is introduced when needed.

The suggestion to utilising existing structures to scrutinise the implementation of the legislation is reasonable but this could be further strengthened through the role of the Public Service Boards as there is a risk that Local Authorities are held solely accountable for the issue of homelessness when although they may be the lead agency they do need to be supported by partners through:

- The supply of data to enable the profiling of population need in relation to housing
- Specialist advice in relation to those populations with protected characteristics
- Pooled resources

Question 25

What other levers/functions/mechanisms could be used to hold local housing authorities and other public bodies accountable for their role in achieving homelessness prevention?

Encouraging public and third sector organisation to commit to shared priorities across key areas such as housing, education and employment and creating a shared responsibilities for key performance indicators associated with these priorities would improve the collective action to tackle homelessness alongside other wider determinants of health. The current structure of regional organisations working alongside local authorities can make it challenging to create a cohesive approach to 'wicked issues'. The Public Services Boards can support with this but again the local authority footprint of these boards alongside the regional organisations creates a system where partners become overwhelmed by the number of priorities and continue to focus on organisational priorities rather than working towards a small number of shared priorities that would benefit from the collective action of Anchor Institutes.

Question 26

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

The Health Board has not identified any unaccounted for costs and benefits.

Question 27

What, in your opinion, would be the likely effects of the proposed reforms in this White Paper on the Welsh language? We are particularly interested in any likely effects on opportunities to use the Welsh language and on not treating the Welsh language less favourably than English.

- Do you think that there are opportunities to promote any positive effects?
- Do you think that there are opportunities to mitigate any adverse effects?

It is crucial that all Welsh speakers at risk of homelessness have the opportunity to receive support to prevent homelessness in the language of their choice. This includes referrals, assessments, homelessness prevention support and PHPs. Ensuring that a Welsh speaker can access and receive services in the language of their choice ensures that we reduce the risk of incorrectly assessing the situation and putting in place appropriate support.

Question 28

We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

Organisation (if applicable):

Betsi Cadwaladr University Health Board

Number: WG48223



Welsh Government
Consultation response form

Consultation on the White Paper on Ending Homelessness in Wales

Date of issue: 10 October 2023

Action required: Responses by 16 January 2024

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Mae'r ddogfen hon ar gael yn Gymraeg hefyd / This document is also available in Welsh

Rydym yn croesawu gohebiaeth a galwadau ffôn yn Gymraeg / We welcome correspondence and telephone calls in Welsh

Overview

This White Paper sets out a range of proposals for changes to policy and the law, to end homelessness in Wales.

How to respond

Please respond by completing the online form or completing this questionnaire and sending it to HomelessnessLegislationReform@gov.wales

If you intend to respond in writing, please send completed forms to:

Homelessness Prevention Legislation Team

Welsh Government

Cathays Park

Cardiff

CF10 3NQ

When you reply, it would be useful if you confirm whether you are replying as an individual or submitting an official response on behalf of an organisation and include:

- your name
- your position (if applicable), and
- the name of organisation (if applicable).

Further information and related documents

Large print, Braille and alternative language versions of this document are available on request.

Data Protection

The Welsh Government will be data controller for any personal data you provide as part of your response to the consultation. Welsh Ministers have statutory powers they will rely on to process this personal data which will enable them to make informed decisions about how they exercise their public functions. Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about or planning future consultations. Where the Welsh Government undertakes further analysis of consultation responses then this work may be commissioned to be carried out by an accredited third party (e.g., a research organisation or a consultancy company). Any such work will only be undertaken under contract. Welsh Government's standard terms and conditions for such contracts set out strict requirements for the processing and safekeeping of personal data.

In order to show that the consultation was carried out properly, the Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. If you do not want your name or address published, please tell us this in writing when you send your response. We will then redact them before publishing.

You should also be aware of our responsibilities under Freedom of Information legislation.

If your details are published as part of the consultation response then these published reports will be retained indefinitely. Any of your data held otherwise by Welsh Government will be kept for no more than 3 years.

Confidentiality

Responses to consultations may be made public on the internet or in a report.

If you would prefer your response to remain anonymous, please tick here:

Reform of the existing core homelessness legislation

Question 1

Do you agree these proposals will lead to increased prevention and relief of homelessness?

Yes/no

Yes

Question 2

What are your reasons for this?

Extending the prevention duty to when a person is likely to become homeless within 6 months will allow for more engagement prior to homelessness and therefore help to prevent crises. It will allow for more time to intervene, provide mediation, and find alternative solutions including settled accommodation and hopefully prevent homelessness before it happens. This would avoid the need for temporary accommodation in these cases. However, this relies on people approaching the LA during this period and seeking help rather than waiting until becoming homeless. More communication is needed to make people aware of the help available to them at the prevention stage and the importance of approaching early. It will also require

the provision of other relevant services to assist people when they approach and intervene to prevent homelessness. This will place additional demands on other services and require additional resources. Extending the prevention duty will also increase the demand on homelessness services within local authorities and therefore require additional resource to service this demand. This will need to be factored into any financial impact assessment.

The duty to draw up a PHP for all applicants would not change our current practice. However, we think that the proposed review period for PHPs of 8 weeks is too strict and unachievable within existing resources. A more flexible approach to reviewing PHPs would be more appropriate with reviews taking place as and when required by the applicant and the nature and needs of the case.

We agree with including an applicant's views on their needs in a PHP however this needs to be balanced with managing expectations and understanding that we cannot meet all requirements within existing resources. Much investment and development would be needed to make this a reality.

A right to request a review of the reasonable steps taken as outlined on a PHP would make sense if PHPs were to become a statutory requirement. However, we do not agree that there should be an indefinite right to request a review of the suitability of accommodation. This would be unworkable in practice and have implications for allocations of accommodation and contracts. We propose a limit be placed on the timeframe in which a person might review the suitability of accommodation.

The proposal to provide support to retain accommodation for up to 12 months would require significant additional resource and we agree should be based on a robust needs assessment. Currently, where we identify that a person has additional support needs, we provide support either via our own in-house services or via support delivered by a third sector partner. The provision of this support is based on a needs assessment and on making the best use of our resources of HSG funded services. We anticipate that delivering this service for all applicants would require a 5-fold increase to our current provision.

The proposal to narrow the test for unreasonably failing to co-operate might have the unintended consequence of permitting unacceptable behaviour. This may take the form of refusing to comply with assistance through reasonable steps such as viewing suitable accommodation options etc. WE think there needs to be consequences for such behaviour and therefore suggest some modification to this proposal.

Question 3

Are there additional legislative proposals you think we should consider to improve the prevention and relief of homelessness?

There are lots of legislative proposals already included within this white Paper.

We think that some changes e.g., changes to local connection could be brought about by secondary legislation. There is also a need to sequence the introduction of any primary legislation to allow local authorities to plan and prepare and have sufficient resources in place.

Question 4

Do you agree with our proposal to abolish the priority need test?

Yes/no

Yes, we agree with the proposal in the White Paper to abolish the priority need test, as a local authority we are effectively working this way already. We have seen that it has reduced the amount of caseworker time spent on assessing priority need and allowed us to focus on other elements of casework. However, we think there are specific groups who might need an immediate response and additional priority for help e.g., those experiencing domestic abuse, those who are street homeless etc. as there is a risk that the removal of priority need will effectively prioritise no one.

Question 5

Do you agree with our proposal to abolish the Intentionality test?

Yes/no

No, we strongly disagree with the proposal to abolish the intentionality test. Although we apply the intentionality test very infrequently this test acts as a deterrent and helps to maintain public and political confidence in the homelessness system.

Deliberate actions require consequences particularly when managing a scarce resource. We have experience of households deliberately relinquishing or threatening to relinquish accommodation to access the homelessness system and the help it provides. The mechanism of applying the intentionality test allows us to manage this behaviour and work with households in a different way to help them to access alternative accommodation. Removing the intentionality test will remove any deterrent to surrendering accommodation or even paying rent and place additional, unnecessary strain on the homelessness system putting people, particularly households with children at risk. Retaining the test allows us to mitigate this behaviour.

We think there is a need to prepare households and future generations to take personal responsibility for their actions. Removing the intentionality test will create dependency on the state and remove personal responsibility for people's decisions.

Question 6

Do you agree with our proposal to keep the local connection test but add additional groups of people to the list of exemptions to allow for non-familial connections with communities and to better take account of the reasons why someone is unable to return to their home authority.

We appreciate the proposal to keep the local connection test and not to do away with it. We can see the logic of the modifications to the test but would need to understand the detail of these changes to special circumstances to be certain of our agreement with them.

We already provide exemptions to some of the additional groups proposed e.g., those at risk of domestic abuse or threats of violence and agree with the addition of veterans and care leavers to this group.

We are less persuaded with regards to the addition of an exemption for prison leavers who require a move to a new area as part of their rehabilitation or to assist in meeting restrictions. We think this proposal could be taken advantage of. There is very little political appetite for receiving prison leavers who do not have a local connection to Carmarthenshire. This would put additional strain on other related services and require further support services to meet the additional demand. A process already exists through MAPPA for those who need to be relocated due to specific circumstances and we believe this is sufficient.

If a local connection exemption was to be extended to prison leavers a more formalised reciprocal arrangement process would be required to manage applications and ensure that no local authority was at detriment.

Question 7

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

We appreciate that this initial RIA is an early consideration and feel it difficult to comment without knowing further detail on any actual changes.

The cost of making support provision a statutory obligation would have a significant impact on resources and other services. There would also be implications for HSG Funded services and the allocation of Housing Support Grant funds. It's use as a fund for non-statutory support provisions might need to be reconsidered.

The proposals would place further additional burdens on the local authority for example, to manage the extension of the prevention period to 6 months, the regular reviewing of support plans, the widening scope for reviewing decisions and cost to administer this.

Provision would need to be made within the homelessness service to meet these additional burdens and any new legislative requirements.

The role of the Welsh Public Service in preventing homelessness

Question 8

Do you agree with the proposals to apply a duty to identify, refer and co-operate on a set of relevant bodies in order to prevent homelessness?

Yes/no

Please give your reasons

Yes

There is anecdotal evidence from England of the success of a similar duty within the Homelessness Reduction Act. Further research to understand the effectiveness of this duty and learn from its introduction would be useful in shaping such a duty in Wales.

Where public bodies work together on cases, we have seen successful outcomes.

Such a duty shares accountability between partners, requiring action and allowing for early identification and intervention to prevent homelessness occurring and needs increasing. It is in the interest of all public bodies to co-operate with such a duty.

Question 9

Do you agree with the proposed relevant bodies, to which the duties to identify, refer and co-operate would apply? Would you add or remove any services from the list?

Yes, we believe the proposed list is the right one.

Question 10

In your view have we struck the right balance between legislative requirements and operational practice, particularly in relation to health?

We believe there is a good balance between legislative requirement and operational practice. There is a question over how Welsh Government might ensure compliance particularly regarding those public bodies that sit outside of its jurisdiction. Public bodies have conflicting priorities that might impact on compliance.

The assessment thresholds are different for different services so referrals processes may not always work in practice. There will need to be strong guidance in relation to how this should be carried out.

Question 11

What practical measures will need to be in place for the proposed duties to identify, refer and co-operate to work effectively? Please consider learning and development needs, resources, staffing, location and culture.

Governance structures – local service boards, shared strategies, shared aims etc

Joint funding arrangements – commissioning of jointly funded projects

Communication structures – joint panels, agreed protocols and processes etc.

Joint training for staff teams to understand one another's ways of working and legal duties.

Requires cultural change to effect benefits.

Shared KPIs to evidence success.

Question 12

In addition to the broad duties to identify, refer and co-operate, this chapter contains proposals to provide enhanced case co-ordination for those with multiple and complex needs. To what extent will the proposals assist in preventing homelessness amongst this group?

Evidence from the provision of multi-disciplinary teams shows that this way of working provides increased success in preventing and relieving homelessness.

There is a need to identify people at risk of homelessness to step in prior to crises to prevent homelessness and stop circumstances getting worse.

For an MDT to be successful there is a need for leadership of sufficient seniority to make decisions and compel joint working. Also, for complex needs co-ordinators to ensure joint working of identified cases.

Services to meet a range of needs should be part of the team, including health, mental health, social care, criminal justice, and substance misuse services along with housing services.

Question 13

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

We appreciate that this initial RIA is an early consideration and feel it difficult to comment without knowing further detail on any actual changes.

Resource implications of case co-ordination and complex needs co-ordinators should be considered.

The additional time required to oversee such joint working should also be considered.

Targeted proposals to prevent homelessness for those disproportionately affected

Question 14

Are there other groups of people, not captured within this section, which you believe to be disproportionately impacted by homelessness and in need of additional targeted activity to prevent and relieve this homelessness (please provide evidence to support your views)?

No

Question 15

What additional legislative or policy actions could be taken to prevent or relieve homelessness for the groups captured by this White Paper?

Early identification and notification of a threat of homelessness and the duty to refer will help to prevent or relieve homelessness for many of the groups mentioned in the White Paper.

The development and co-operation with Pathways and panels will also improve outcomes for homeless applicants.

A policy requirement for the provision of specific accommodation settings to meet the needs of specific groups will also help in assisting these groups to resolve their homelessness. These requirements need to be pragmatic and targeted to ensure the right help reaches the right people. We do not agree with the proposal to legislate for temporary supported accommodation to be provided for all people under 25 years. We believe this is too blunt a tool to assist young people and a more nuanced approach is required to deliver the best accommodation and support options for all people.

Question 16

Our proposals related to children, young people and care experience seek to improve and clarify links between homelessness legislation and the Social Services and Wellbeing Act. Significant policy development is required to assess the practicality of this. What, in your views are the benefits and challenges of our approach and what unintended consequences should we prepare to mitigate?

The benefits of this approach would be a more seamless service for this age group, promoting a no wrong door approach to service provision and the service experienced by those young people. More targeted and responsive support when those young people will need this the most at usually very challenging times in their lives.

Clear roles and responsibilities would help in assisting these groups. Many of these already exist as outlined in the “Southwark Judgement”. Support from senior staff to deliver these ways of working at a local level would be needed to ensure that momentum is retained and the spirit of working together is seen as a priority in partnership working and contained within written processes and procedures.

Resource implications often mean that this doesn’t work well in practice and ring-fenced funding to assist this cohort would be beneficial.

The opportunity to share good practice across Wales and beyond would help in developing the right relationships and processes locally to achieve the best outcomes for this cohort.

Clear differentiation between nominating children and young people is essential to avoid unintended consequences of limiting the rights of homeless children under the Social Services and Wellbeing Act and ensuring they receive all the help and support they are entitled to.

Question 17

Do our proposals go far enough to ensure that 16- and 17-year-olds who are homeless or at risk of homelessness receive joint support from social services and local housing authorities? What more could be done to strengthen practice and deliver the broader corporate parenting responsibilities?

Clarification in guidance that under the Social Services and Well-Being Act 2014, s22 (3), that a young person aged 16 or 17 being homeless or threatened with homelessness is not “in the child’s best interests”, and therefore an assessment should be carried out even if the young person, their parent or guardian says that they do not wish to have one.

Clarification that Children’s Services should seek to accommodate 16- and 17-year-olds who are homeless in suitable accommodation for young people, such as foster care or supported lodgings, rather than the accommodation options generally available to homelessness services. This may need to be done before the full assessment is carried, to avoid harm coming to the child in an inappropriate placement.

Statutory guidance to ensure a multi-agency approach and joint assessment between Children’s Service and Homelessness Services is carried out and the child is fully cognisant of all their rights under each legislation before making an informed decision. The renaming of such an assessment from “Joint Housing Assessment” might be beneficial to reinforce the shared responsibility of each service in this assessment.

Question 18

Do you agree or disagree that the Renting Homes (Wales) Act 2016 should be amended to allow 16- and 17-year-olds to be able to hold occupation contracts?

Disagree

Children's Services primarily has the responsibility for assessing children in need. The best place for children is with a family and if this is not appropriate a suitable supported placement should be provided.

Providing occupation contracts to children will only serve to set them up to fail. Children should not be expected to carry the responsibility for such a contract but should be cared for in supported settings where they can thrive and develop into adults capable of sustaining their own homes. Where a child needs to and is capable of managing their own home there are already mechanisms available to allow this to happen. If the RHWA is amended to allow this to happen we believe strict caveats should be applied to its use and should be part of a multi-agency assessment framework.

Question 19

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

We are not aware of any.

Access to accommodation

Question 20

To what extent do you agree or disagree with the short-term proposals to increase the suitability of accommodation? Are there additional immediate actions you believe should be taken for this purpose?

This is a sound proposal in principle. However, developing alternatives to B&B and improving the suitability of temporary accommodation will require a lead in time to source suitable alternative accommodation options. The provision of resource such as the NOLO grant is necessary to ensure we have sufficient high-quality temporary accommodation to meet the need.

We do not support the idea that all under 25s require supported temporary accommodation. We believe this is too blunt a tool to assist young people and a more nuanced approach is required to deliver the best accommodation and support options for all people. However, we do support the proposal that 16- and 17-year-olds should never be accommodated in adult focussed unsupported temporary accommodation. This builds on our response to the questions in section 3 and does not support the proposal to extent accommodation contracts to children.

We support the formalisation of "homeless at home" and would welcome strengthened guidance around what this means and how this should be applied. We believe a homeless at home duty could be used to our advantage to better manage our temporary accommodation provision.

Clear guidance around this would give local authorities confidence that they are acting within the spirit of the legislation.

Question 21

To what extent do you agree or disagree with the proposals around the allocation of social housing and management of housing waiting lists? What do you believe will be the consequences of these proposals?

On the face of it removing those not in housing need from the housing register is attractive. However, the assessment of this and the management of such information will be resource intensive and may not account for those who present at a very early stage of a risk of homelessness. Access to the register at an early stage may afford people greater preference due to time on register further down the line. It would also allow people with no housing need to bid on low demand properties. However, on balance, we agree with the proposal to give local authorities this power.

We do not agree with the proposal to afford those with a statutory homeless duty additional preference over other priority groups as this may have the perverse incentive of increasing homelessness presentations through contrivance. We believe that the current additional preference categories are sufficient to prefer those who need accommodation the most.

We support the strengthening of the responsibilities of registered social landlords as social housing providers in taking referrals from local authorities unless there are specified circumstances and playing their full part as partners in the common housing register.

We have recently modified our common housing register to afford all homeless households (s66,73 and 75) additional preference on our register along with other priority groups. Early indications tell us that this has allowed us to allocate social housing to those in greatest housing need and manage our register more effectively. We understand the apprehension that this might increase homelessness applications, but we have not experienced this to date.

We understand the rationale for introducing a “deliberate manipulation” test and see the benefit in this in deterring people from making themselves homeless to access social housing. We see this as a shift of the “intentionality test” from a homelessness duty to a housing allocation. However, this will limit the housing options of those who we have a duty to but have engaged in deliberate manipulation.

Any allocation of social housing relies on the available supply, and we are very mindful of the need to dramatically increase the supply of social housing as a pre-requisite to the implementation of these proposals.

Question 22

To what extent do you agree or disagree with the proposal for additional housing options for discharge of the main homelessness duty? What do you foresee as the possible consequences (intended or unintended) of this proposal?

We agree with most of these additional options through which the main duty can be ended. They will allow for greater flexibility and better outcomes for people.

However, we think that there should be clarity as to the type of supported accommodation which can be used in these circumstances. Some supported accommodation is not by definition long term and is used as a form of temporary accommodation for those who need it. A move into this type of accommodation should not be likely to last at least 12 months and would have consequences for move on and “bed-blocking” if a duty was ended here. In the same way supported lodgings should not be considered a long-term option and ending a homelessness duty in these circumstances would have consequences for a person’s preference on a housing register and longer term move on. If supported lodgings and supported accommodation were classed as settled accommodation for this purpose, clear guidance would be required as to what should happen when the time came for someone to leave this accommodation and what their homelessness status might be.

Question 23

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals in relation to access to housing. Are there any costs and benefits we have not accounted for?

There are administrative costs associated with managing and delivering a housing register and social housing allocation policy. Making changes to such a scheme would require additional one off and ongoing additional resource.

Implementation

Question 24

To what extent do you think the proposals outlined above will support the implementation and enforcement of the proposed reforms?

We agree with the Welsh Government’s view that additional regulatory arrangements on local housing authorities are not justified by cost or additional administrative burden. We believe that greater scrutiny can be achieved through better monitoring and interpreting of data and improved collaboration between partners including peer to peer support.

We support the further regulation of Registered Social Landlords in delivering their function as social housing providers.

RSLs play a vital role in helping to end homelessness and the ability to monitor this performance and encourage their commitment is welcome.

If the Welsh Government is to “call in” data, there needs to be a recognised data set to which all local authorities (and other partners) subscribe to from which such data is called. During the Covid pandemic data sets were requested that bore little resemblance to the data collected by local authorities and many reports had to be manually produced to satisfy these requests. Having an established set of information from which reports can be requested will reduce the administrative burden and allow for more timely reporting of information to satisfy such requests.

Question 25

What other levers/functions/mechanisms could be used to hold local housing authorities and other public bodies accountable for their role in achieving homelessness prevention?

We think that the current Local/regional scrutiny and governance arrangements are sufficient to hold local authorities and other public bodies to account and these can be used to achieve this.

Such mechanisms as local councils, cabinet and scrutiny committees, local and regional Partnership/Service Boards, RSL Boards and Common Housing Register governance structures are well placed to monitor successful homelessness prevention.

Question 26

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

We appreciate that this initial RIA is an early consideration and feel it difficult to comment without knowing further detail on any actual changes.

Question 27

What, in your opinion, would be the likely effects of the proposed reforms in this White Paper on the Welsh language? We are particularly interested in any likely effects on opportunities to use the Welsh language and on not treating the Welsh language less favourably than English.

- Do you think that there are opportunities to promote any positive effects?
- Do you think that there are opportunities to mitigate any adverse effects?

We believe that steps should be taken to maintain the strength of the Welsh language particularly in rural areas. Bespoke local lettings allocations policies could enable Welsh speaker to remain in their localities and preserve the language.

Question 28

We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

Whilst we agree with the intent and ambition of this White Paper, we also believe it needs to be realistic and pragmatic.

The proposals will increase demand for homelessness, and other services and put significant additional burden on resources. Resources need to be clarified and confirmed over a sustained period of time prior to any implementation of proposals. Welsh Government may want to consider a staged approach to implementation to allow for resource planning and implementation.

We are aware that the proposals are intended to be aspirational but feel it necessary to state that in their current form are unaffordable within existing resources and therefore currently unworkable.

We would welcome the opportunity to be involved in detailed work to understand the financial impacts of these proposals and in discussions relating to the sequencing of any legislation to mitigate such impacts and ensure effective implementation.

Organisation (if applicable):

Carmarthenshire County Council

Number: WG48223



Welsh Government
Consultation response form

Consultation on the White Paper on Ending Homelessness in Wales

Date of issue: 10 October 2023

Action required: Responses by 16 January 2024

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Mae'r ddogfen hon ar gael yn Gymraeg hefyd / This document is also available in Welsh

Rydym yn croesawu gohebiaeth a galwadau ffôn yn Gymraeg / We welcome correspondence and telephone calls in Welsh

Overview

This White Paper sets out a range of proposals for changes to policy and the law, to end homelessness in Wales.

How to respond

Please respond by completing the online form or completing this questionnaire and sending it to HomelessnessLegislationReform@gov.wales

If you intend to respond in writing, please send completed forms to:

Homelessness Prevention Legislation Team

Welsh Government

Cathays Park

Cardiff

CF10 3NQ

When you reply, it would be useful if you confirm whether you are replying as an individual or submitting an official response on behalf of an organisation and include:

- your name
- your position (if applicable), and
- the name of organisation (if applicable).

Further information and related documents

Large print, Braille and alternative language versions of this document are available on request.

Data Protection

The Welsh Government will be data controller for any personal data you provide as part of your response to the consultation. Welsh Ministers have statutory powers they will rely on to process this personal data which will enable them to make informed decisions about how they exercise their public functions. Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about or planning future consultations. Where the Welsh Government undertakes further analysis of consultation responses then this work may be commissioned to be carried out by an accredited third party (e.g., a research organisation or a consultancy company). Any such work will only be undertaken under contract. Welsh Government's standard terms and conditions for such contracts set out strict requirements for the processing and safekeeping of personal data.

In order to show that the consultation was carried out properly, the Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. If you do not want your name or address published, please tell us this in writing when you send your response. We will then redact them before publishing.

You should also be aware of our responsibilities under Freedom of Information legislation.

If your details are published as part of the consultation response then these published reports will be retained indefinitely. Any of your data held otherwise by Welsh Government will be kept for no more than 3 years.

Confidentiality

Responses to consultations may be made public on the internet or in a report.

If you would prefer your response to remain anonymous, please tick here:

Reform of the existing core homelessness legislation

Question 1

Do you agree these proposals will lead to increased prevention and relief of homelessness?

Yes/no

End Youth Homelessness Cymru are a coalition working towards the goal of ending youth homelessness by 2027. Our membership is made up of numerous organisations from a range of sectors and disciplines that represents the breadth of experience and areas of a specialism required to end youth homelessness. Through our members, we believe we have a rounded understanding of the systems that so often fail to prevent young people from becoming homeless. The four key tenants to our work are; research, operating as a backbone organisation to help coordinate efforts to prevent and tackle youth homelessness, sharing best practice, and most importantly, the amplification of youth voice. You will see all tenants of our work throughout our response.

To help us formulate our response, and ensure that we are truly representing the voices of the young people of Wales, we held two focus groups with young people from across Wales and had over twenty survey responses to ensure that we amplified the voices of young people with lived experience.

We welcome the opportunity to respond to the Welsh Government's White Paper, and agree with the broad thrust and focus of the proposals. And we do agree that the majority of proposals will, if implemented successfully, will lead to an increase in the prevention and relief of homelessness.

In particular, it is promising to see an explicit focus on the following areas:

Alignment with key principles - aligning the government's key working principles, which aim to make homelessness rare, brief, and unrepeated with legislative reforms.

Trauma-informed and person centred - recognising the impact of trauma on young people and focusing on meeting their specific needs, strengths and preferences. We see this is a positive step towards young people, marginalised communities and vulnerable individuals reduce their risk of homelessness.

Rapid Rehousing - this aligns with the key principles, and aligns with both the Welsh Government's goal of making homelessness brief and with the 'recovery' prevention typology from EYHC's roadmap.

Prevention responsibility across the public service: EYHC have long argued that youth homelessness needs to be seen as far more than just a housing issue, and this brings that into legislation, indicating a multi-agency commitment to identifying and addressing homelessness at the earliest possible stage.

Targeted actions for Vulnerable groups: As our numerous pieces of research and our Roadmap to ending youth homelessness have shown, we know that there are groups of young people that are at a higher propensity to facing homelessness, as outlined in our 'targeted prevention' section. We welcome Welsh Government's appreciation that this propensity exists; and that particular measures must be in place to prevent homelessness.

Improvement of temporary accommodation: EYHC was formed on the basis of the inappropriateness of some temporary accommodation that was being used for young people, especially 16-17 year olds, so we welcome this focus.

Easier access and communication: Our recent research 'Impossible to navigate' has shown just how inaccessible support currently can be for young people across Wales, EYHC welcomes the commitment to simplifying the homelessness system in Wales, making it easier to navigate for both young people and practitioners working within the system.

We do however have a number of broad thoughts in regards to the white paper as a whole that we thought were noteworthy and are expanded upon in specific responses below;

We believe that the view of prevention adopted throughout the White Paper is too narrow in focus, and in effect much of what is discussed in regards to prevention still

occurs at the point of crisis intervention. Through our research and engagement with young people, we know how traumatising coming into contact with the homelessness system is. Far more needs to be done upstream to prevent as many young people even being threatened with homelessness and we believe far more can be done in this space.

With this in mind, and in line with the intentions of the Wellbeing of Future Generations Act (2015), we believe that the real prevention of homelessness begins in childhood and early adolescence, and therefore we disagree with not including education in the proposed duty to identify, refer, and cooperate in the strongest possible terms.

Although we fully support the aspirational nature of the White Paper, from conversations with young people and practitioners we feel compelled to reiterate the seriousness of the current situation.

We know that support staff are in a constant state of fire-fighting and crisis management, without the required resources to meet the demand, and the main theme from the workshops and surveys with young people was a complete lack of faith in the system, and understandable disengagement from services wherever possible. We therefore see a massive disconnect between the aspirations of the White Paper and the realities of the current situation.

Furthermore, and in line with the well documented HousingMatters campaign, fronted by Cymorth Cymru (2023), we know just how stretched current services are, and the potential realities of failing to uplift HSG for the coming budget. The full implementation of all of these proposals will come with a significant financial implication, which has to be appreciated by Welsh Government, and the adequate levels of funding have to be forthcoming.

Finally, we believe that across a number of Acts and Welsh Government Frameworks such as Southwark (2009), The Wellbeing of Future Generations Act (2015), The Housing Act (Wales) (2014), The Social Services and WellBeing Act (2014), The Care Leavers and Accommodation and Support Framework in Wales (2016, relaunched 2023), there is a significant implementation gap from the policy in theory to how these have been translated to changes in practice. Above all else, the primary focus of the Welsh Government has to be the successful, coordinated and universal implementation of these proposals to tackle the long-held existence of a postcode lottery in Wales in regards to service provision and support for young people.

Question 2

What are your reasons for this?

EYHC are strongly in favour of moving towards a prevention approach to tackling homelessness, and we welcome the proposals that move us towards this model in the White Paper. However, in our view, the model of prevention set out in the White Paper is too short-term, and does not do enough to prevent young people from becoming threatened with homelessness.

EYHC's Roadmap to Ending Youth Homelessness (2021) sets out five key stages of prevention, which are accompanied by examples of best practice within these stages:

- 1. Universal Prevention:** The Universal prevention of youth homelessness means preventing or minimising homelessness risks across the population at large. These are the broad, society-wide approaches to preventing issues that undermine young people's ability to access and maintain secure, stable and sustainable accommodation. This therefore looks at poverty reduction, the provision of sufficient affordable housing for young people, responding to adverse childhood experiences and tackling the links between discrimination and youth homelessness.

2. Targeted Prevention: Targeted prevention is upstream prevention focused on high-risk groups of young people for whom research has shown are at a higher risk of facing homelessness, such as young people who are care experienced, young people who are LGBTQ+ or young people who are neurodivergent. Similarly, this also includes young people who are going through risky transitions, commonly from child and adolescence services to adult services. To achieve targeted prevention we need to accept that some young people are at a higher risk of facing homelessness and target our preventative services accordingly, so that they reach those most vulnerable to youth homelessness at the earliest possible point.

3. Crisis Prevention: Crisis Prevention refers to the prevention of youth homelessness likely to occur within 56 days, in line with Welsh legislation (Housing Act (Wales) 2014) which empowers local authorities to intervene when a household alerts them to the fact that they are threatened with homelessness. Family breakdown is a key cause of young people presenting as homeless at this stage. Effective crisis prevention includes co-located youth specific services, family mediation and ending evictions into homelessness for young people.

4. Emergency Prevention: Emergency prevention involves providing emergency support for those young people at immediate risk of facing homelessness, especially those at immediate risk of rough sleeping. Emergency prevention includes ending the use of inappropriate emergency and temporary accommodation, an increase in community hosting options, and the further rollout and advertisement of the Youth Homelessness Helpline.

5. Recovery Prevention: Recovery prevention in this context refers to the prevention of repeat youth homelessness, including sofa surfing and rough sleeping, through the provision of sustainable housing and appropriate support. When applied to the Welsh Government's goal to ensure that homelessness is rare, brief, and unrepeatable; recovery prevention is intended to enable the achievement of that non-recurrence. Successful recovery prevention requires the expansion of Housing First for Youth Schemes, the implementation of Rapid Rehousing (in a way that includes youth-specific and psychologically informed accommodation), and to consider the introduction of direct cash transfers and personalised budgets.

The proposals put forward in the White Paper, for example increasing the prevention duty to from fifty-six days to six months, whilst certainly a positive and welcome move, is not a truly preventative model in our view, because if someone is going to become homeless in six months then their situation has already reached a crisis point. Even where homelessness is ultimately prevented, being threatened with homelessness is a stressful and traumatising experience that has significant wellbeing, psychological, and health implications for young people.

The White Paper therefore does not go far enough in our view to prevent people from becoming threatened with homelessness, and more work needs to be done in the Universal and Targeted stages of prevention if homelessness in Wales is to become rare, brief, and unrepeatable. This culture of prevention should be led and cultivated by the Welsh Government, with an emphasis on preventing people across the population at large from ever becoming threatened with homelessness, rather than waiting until their situation reaches crisis point to intervene and prevent homelessness.

We would therefore challenge the language used in the white paper, and the continued use of 'prevention' to define this part of the proposed Act. We need a paradigm shift to achieve the required focus and shift to prevention to achieve an end to youth homelessness, and the language we use is a massively important component of this. To continue to use the term 'prevention' for what is, in effect, an extended 'crisis intervention' once someone is already threatened with homelessness is, in our view, mistaken. 'Crisis prevention' would therefore be more appropriate.

We need an increased focus on earlier identification and shifting services upstream, engaging with young people at the earliest possible point to resolve issues that may potentially later manifest themselves as homelessness.

We would therefore advocate for more policy proposals that look to intervene and prevent homelessness at an earlier stage, as expanded on below in question 3. This requires additional legislative proposals related to security of tenure, the provision and accessibility of affordable housing, poverty reduction, and measures to tackle discrimination.

While we wholly welcome and support the new duty to identify and refer, as expanded on later, we feel that there is potential for this policy to be strengthened in relation to universal and targeted prevention, with an emphasis on a proactive, rather than reactive, approach to identifying risk factors associated with youth homelessness. Models such as Upstream Cymru are one such example of effective preventative intervention, and we feel that the Welsh Government should explore more prevention-focused models such as this within education settings and wider public sector bodies, that embody the Universal and Targeted prevention sections of EYHC's Roadmap (2021). When such models are identified, the Welsh Government should disseminate these models as examples of best practice, and where appropriate place them on legislative footing.

Question 3

Are there additional legislative proposals you think we should consider to improve the prevention and relief of homelessness?

Yes; as mentioned in our response to questions 1 & 2, we believe there is more work to be done in Universal & Targeted stages of prevention to stop people from becoming threatened with homelessness in the first place.

With regards to Universal Prevention, there is scope to legislate for better protections for young people in the Private Rented Sector (PRS). The most recent Welsh Government (2019) data shows that around a third (32%) of households threatened with homelessness in the year 2018-19 were in that situation due to loss of rented or tied accommodation. Welsh Government data does not capture the specific challenges that young people face in the PRS, but according to Generation Rent (n.d.), 46% of under 35s in the UK rent from a private landlord, and UK-wide data suggests that a disproportionate number of under-30-year-olds are spending more than 30% of their earnings on rent (Aggerholm & Smith, 2022).

Furthermore, anecdotal evidence from our conversations with young people suggest that issues in the PRS are a common pathway into homelessness for young people. Young people often struggle to find housing in the private rented sector because Local Housing Allowance (LHA) is failing to cover the cost of the majority of rents in Wales – research from the Bevan foundation (2023) highlights the “severe” shortage of rental properties for low-income households in Wales, with only 1.2% of the rental market available at LHA rates. LHA rates can further disadvantage young people due to their reduced entitlement to housing benefit. Young people are generally only entitled to the ‘shared accommodation rate’. This is lower than the rate for a one-bedroom property but it applies even if there is no shared accommodation in the area. The evidence suggests young people are more likely to have to share accommodation and have issues with privacy, lack of independence, and personal safety.

In the context of the housing crisis, the lack of suitable and affordable properties available to young people in the PRS, their reduced entitlement to LHA, and the lack of legal protection from landlord exploitation, we believe there is plenty of scope to legislate to address these issues as a Universal Prevention tool. While the amended Renting Homes (Wales) Act 2016 legislates to provide more protection for tenants, particularly from no-fault evictions, there is evidence to suggest that, in practice, there is little in place to protect tenants from becoming homeless as a result of illegal eviction. In 2023, High Court proceedings found that Cardiff Council had not investigated a single illegal eviction for at least ten years, calling it a “systemic failure” (Public Law Project 2023; Wilks, 2023). Although we welcome the legislative changes to provide these protections, it is essential that, going forward, the Welsh Government work to make sure that legislative changes are fully implemented and enforced. We recommend that legislation is put in place that explicitly protects young people against exploitation and discrimination from private landlords, letting agents, as well as RSLs and LAs.

We also recommend that private and social landlords, as well as letting agents, are included in the duty to identify and refer in cases where young people are threatened with homelessness as a result of eviction or failure to find alternative accommodation at the end of their occupation contract. All young people deserve access to safe, appropriate, and affordable housing, so we fully support Tai Pawb's campaign on the right to adequate housing and believe that, if implemented effectively, this legislative right would protect young people from living in unsuitable or unsafe housing and prevent them from becoming homeless.

Similarly, we would add a desire to see appropriate legislative steps taken to strengthen the Welsh government's wider equality agenda. We welcome commitments such as the LGBT+ action plan (2023), the anti-racist action plan (2023) and the current commitment of the Welsh government to enter the UNCRDP (with specific reference to articles 7 and 28) into Welsh law. All three of these recognise the importance of housing and homelessness prevention for these groups. Indeed, our own research in Impossible to Navigate (EYHC, 2023), Out on the Streets (EHYC, 2019), and Llamau's work on trans youth homelessness in Wales (Llamau, 2024 Forthcoming), and other partners' work within the sector on ethnic minority homeless (Price, 2021) make clear the need for action in these areas. There is also wider evidence of the current impact of the cost of living crisis and poverty on these groups found in the Bevan Foundation Snapshot of Poverty series (Bevan Foundation, 2023). We would like to see the Welsh Government bring forward legislation where necessary to meet these commitments.

We would also like to see Welsh government take action in relation to the benefits system to help prevent homelessness and eradicate poverty in Wales. The Bevan Foundation series of the Welsh benefits system (Bevan Foundation, 2020) suggests a number of reforms which the Welsh government could implement to combat poverty in Wales. We agree that these reforms could play a role in preventing homelessness. We also support the continuation and improvement of the young person's job guarantee in Wales and believe that the Welsh government should give consideration to how this policy can be used more effectively as a tool to prevent youth homelessness.

Furthermore, we would like to see further research undertaken into the Universal Basic Income trial. Anecdotally, we have heard of the benefits of this programme, and if this is found to have been an effective policy in preventing homelessness for care experienced young people, then we would like to see this enshrined in legislation to ensure that it is available for all care experienced young people moving forward.

We would also like to see the Welsh government make greater use of its contracting powers, and to make use of powers, it does have to ensure as widespread a rollout as possible of higher wages within Wales.

This may involve support of the real living wage or some other appropriate wage level. However, we also firmly believe that there should be no discrimination on the basis of age in this area. We therefore ask that the Welsh government, where possible, continues its policy of not discriminating based on age and lobbies the UK government to amend current legislation to end the legal discrimination around wages. We would also ask that the Welsh government lobby to end discrimination in the benefits system. We would like to see the end of discrimination in the local housing allowance and universal credit as a priority. Living costs are not lower for young people, there is no reason that this practice should continue.

Question 4

Do you agree with our proposal to abolish the priority need test?

Yes/no

In theory, EYHC agrees with the proposal to remove priority need, and agrees with a lot of the current problems in regards to the application of priority need as laid out in the white paper such as inconsistent implementation, the high threshold for vulnerability, and the nature of gate-keeping that is embodied in essence by priority need. The practice of priority need does not align with the vision of looking to create a Wales that is fair and just, nor a housing system that claims to be person-centred and psychologically informed, either for the person accessing the service nor the front-line worker determining priority need decisions.

If as a society, we have not afforded equality of opportunity to those individuals who find themselves having to make a homelessness application throughout their lives, it is impossible to judge their eligibility for assistance at that one point in time in a way that is equitable. If we have failed as a society, in our preventative approach, we cannot morally justify denying people access to the safety that a temporary accommodation placement should ensure because they do not fulfil arbitrary rulings that are inconsistently applied by practitioners.

Furthermore, it can be argued that the existence of such an arbitrary ruling, but a ruling of such importance in regards to accessing services, can foster a logic of competition across the shared mind-set of those looking to access services, when we know the nervous systems of young people will already be operating at a higher level. This logic of competition was embodied by one survey respondent who, when asked who deserves priority need status answered: "people with real intentions to better themselves and lifestyle deserve it better than someone young that has other options", getting to the heart of this sense of competition between people accessing services.

The young people we spoke to were acutely aware of how limited resources currently are. And, within the culture of a system that determines who does and doesn't 'deserve' support, it can create the perverse incentive of encouraging young people to make themselves more vulnerable in order to 'game' the system and ensure that they are viewed as being in 'priority need'.

Given such a culture, and the current context of the housing crisis, it is unsurprising that the majority of the young people we spoke with did not support abolishing priority need. One of the main takeaways from our survey, and in particular the focus groups, was an all-consuming lack of faith in the system. And in regards to priority need, a lack of faith that the system would be able to accommodate the increased demands on the service. As such, young people, and in particular those who were care experienced, were very reluctant to give up something that potentially gave them a slight foot-up in the effective competition for places with other people accessing the services. As one care experienced young person stated, "care experienced young people need priority need, we are spat out by social services as soon as we hit 18".

In the survey we distributed amongst young people, when asked "do you think it's a good idea to get rid of the priority need test?", 66% of respondents answered no, 25% answered yes, and 8% were unsure. We also hosted two focus groups where a significant number of the young people who took part were care experienced, and they were especially hesitant to support this proposal as they had an understanding that the priority need test had helped them to get housing support and they feared that, without it, they would not have been offered that help. Furthermore, 50% of survey respondents agreed that all young people under 25 should be given priority need, while 58% agreed that all young people with care-experience should be afforded priority need status.

We do have a number of reservations therefore about the removal that we feel have to be addressed before such a decision can be implemented; to prevent young people inadvertently being even further from being able to access the support and access to services that they require at a time of crisis.

Given the realities of society, young people are not on an even-footing with their older peers. They are penalised by a punitive welfare system because of their age, and therefore have a smaller entitlement to the housing element of Universal Credit, they are often working minimum wage jobs for less money, or are working jobs that are 'zero-hours' and they are routinely discriminated against by landlords when looking to access the PRS because of their age. And many more examples of young people's disadvantages could be listed.

Given such a situation, it does make it difficult to advocate for the abolishment of priority need in the short-term, as this is currently one of the only parts of the system that can potentially work in their favour.

As such, during the 'lead-in' time as outlined in the white paper, at EYHC we would advocate that all young people, 25 and under, are immediately deemed to be in priority need. And the full application of the removal of priority need is implemented once we've tackled the current housing crisis to allow the system, holistically, to be ready to face the increase in demand. We believe acting in this way provides some form of equity to young people, in a system that does not currently come close to providing this, and also will bring us closer to the Welsh Government's own goal of ending youth homelessness by 2027, as all young people, regardless of their situation, will be accommodated and supported at their point in crises, which is currently not the case.

Question 5

Do you agree with our proposal to abolish the Intentionality test?

Yes/no

EYHC agrees with the proposal to abolish the intentionality test within Welsh Homelessness legislation.

EYHC sees the intentionality test as an unnecessary barrier to accessing services for young people threatened with homelessness in Wales. As we have stated elsewhere in this response, to reach a stage where the intentionality test is required already represents a wider systemic failure in the prevention-based approach advocated for by the homelessness and housing sector and supported by the Welsh Government. It also of course has a very human cost for the young person who is threatened with homelessness.

Furthermore, the test is already seldom used in practice. As noted in the white paper, only 93 individuals who presented as homeless with priority need were deemed as intentionally homeless in 22/23. As such, intentionality is not an effective tool for caseload management, as has been argued with the other tests, and does not offer a particular advantage to any one group that is more susceptible to homelessness. Conversely, given the low number of outcomes, we see the risk of someone having the test improperly applied and deemed as intentionally homeless when their case is, in fact, far more complicated as unacceptable. We therefore feel abolition of intentionality to mitigate this risk outweighs any other factor.

When asked about this issue, young people gave a mixed response. As with the priority need question above, many young people see attaining support within the system as it currently is as competitive and are understandably reluctant to give up anything that would jeopardise their chances of being housed.

We also have concerns about specific groups when it comes to intentionality. In our recent research, *Impossible To Navigate - Youth Homelessness Through The Lens Of Neurodiversity* (EYHC, 2023), we found that neurodivergent people are often misunderstood by homeless practitioners, and homelessness professionals admit they often struggle to work with disabled and neurodivergent young people. This stems from a lack of accessibility within the homelessness system, which is not designed with neurodivergence in mind. There is also an issue posed where there is currently a lack of provision and exceptionally long waiting lists for an official diagnosis. We envisage a situation where the understanding and judgement of the individual practitioner and the lack of an official diagnosis may be the line between being intentionally homeless or not. As such, intentionality is another area where a neurodivergent young person may be disadvantaged by the system and fall through the cracks into homelessness.

We equally see similar issues for Young LGBTQ+ people. In our previous report, *Out On The Streets – LGBTQ+ Youth Homelessness In Wales* (EHYC, 2019), young people detailed negative experiences with practitioners, which made them reluctant to share details of their private lives. There was also a lack of understanding of their lived experience, which they felt impacted how they were treated within services. It may also require a young person at a formative time in their life to “out” themselves to a stranger in order not to be considered intentionally homeless. Again, this creates a point where the test would act as an unfair and unnecessary barrier to services.

As one practitioner told us in *Impossible to Navigate*; “The service is only as good as the weakest link in the chain”, intentionality is an unnecessary weak link.

Question 6

Do you agree with our proposal to keep the local connection test but add additional groups of people to the list of exemptions to allow for non-familial connections with communities and to better take account of the reasons why someone is unable to return to their home authority.

From an aspirational point of view, EYHC would like to support the abolition of the local connection test. We would like to see a situation where young people threatened with homelessness do not have their life chances limited by the location in which they happen to find themselves. We envisage an ideal scenario in which they are able to locate a new area and improve their opportunities but take their support with them. However, we do acknowledge the realities of the current system. This includes the need for local authorities to use the local connection test to manage their caseload given the current housing and homelessness crisis in Wales.

Therefore, we ask that all young people who are threatened with homelessness are exempt from the local connection test. We spoke to a number of young people who highlighted reasons they felt people would wish to move areas. Some would be covered by these proposals, such as “fleeing abuse”. However, some made reference to fleeing a “toxic environment” or “fleeing bullying”, which would lead them to move away from their home authority. It is unclear if a young person is fleeing a home authority would be owed a duty under the local connection test if they were fleeing a “toxic environment” or “fleeing bullying”. We therefore see too much ambiguity in the wording of the proposals and would rather see a blanket provision for those under 25 to remove this ambiguity.

Other young people made reference to “fleeing homophobia” as a reason for wanting to leave an area. We recognise that the “special circumstances” category includes members of the LGBTQ+ community and welcome this recognition. We particularly welcome the recognition of the importance of “found families” and wider support networks of LGBTQ+ people. However, our Out on the Streets (2019) research highlights many of the issues that young Queer people face when looking to access homeless services. We saw many reports of staff who were ill-prepared to meet the needs of the LGBTQ+ community. We also again feel that the issue of a young person being forced to “out” themselves in order to receive support, during a formative stage of their life, is a further unnecessary barrier to support and opens them up to discrimination. It must be recognised that given the rise in LGBTQ+ hate crimes (Stonewall, 2023), LGBTQ+ Young people are at an ever-increasing risk of discrimination. Research continues to show that LGBTQ+ people are overrepresented in the homeless population and face discrimination when looking to access housing. We therefore feel that only including LGBTQ+ young people in the “special circumstances” category is insufficient. We feel removing the local connection test for all young people under 25 would combat this. We would also argue that LGBTQ+ people should have the test removed more generally. This is in recognition of the particular risk of discrimination and propensity for homelessness amongst this community. We see the local connection test as another barrier to support for LGBTQ+ homeless young people.

For similar reasons, we support the removal of the local connection test for disabled people generally and disabled young people in particular. As our report on neurodivergence and youth homelessness Impossible to Navigate (EHYC, 2023) highlights, disabled/neurodivergent young people face a range of barriers and discrimination when accessing homelessness services. Access to support services and to friends and support networks were often cited factors young people told us would make them inclined to move to a new area. This was also recognised by the white paper as a reason that someone may look to move.

Given the high barrier and long waiting lists that currently exist for diagnosis, we fear many neurodivergent young people would be unable to move to a new area where they may have a support network or may be able to access services if the local connection test is applied to them. We also know that some areas have stronger neurodivergent communities, such as Cardiff, where there are neurodivergent-run and owned businesses and community spaces, which may act as a draw factor for young disabled people. We fear this may not be considered as “particular support” under the definition within the proposed local connection test reforms. Our research also shows factors as simple as good public transport are a barrier to accessing services and may, therefore, be enough of a pull factor to lead a neurodivergent young person to present as homeless in an area where they are not owed a duty. We again reiterate that access to services and support was a major barrier identified by neurodivergent young people and again do not feel the special circumstances provision is sufficient to meet the needs of this group and, therefore, we propose that all young people under the age of 25 be exempt from the local connection test. We would also support the abolition of the local connection test for disabled people more broadly to ensure support does not end at an arbitrary point.

Young people we spoke to also added factors such as “friends”, “education”, “being closer to a partner”, “child care”, “support”, and simply “a new start” or “opportunity” as a reason they might look to move to a new area. One neurodivergent young person we spoke to, for example, became homeless after having to drop out of university due to mental health issues. Despite having made a home in Swansea, where they studied, they were not considered to have a local connection when threatened with homelessness. This deprived them of further educational opportunities, established friendship and support networks, and work opportunities. As our research shows, neurodivergent young people struggle to build these kinds of networks, find stable work, and achieve academically due to systemic issues. The local connection test, as proposed, may not apply to this person.

Therefore, we would argue that removing the local connection test for under-25s is the correct step to take. It is also worth noting that these factors, such as opportunities and support networks, do and will continue to act as pull factors regardless of the local connection test. This is acknowledged by the white paper, and we feel it is of particular relevance to young people.

We feel that the chance to improve their life chances, strengthen their networks and look for support will continue to be a draw for young people regardless of whether or not they are owed a duty by the local authority and therefore, all under 25s should be exempt from the local connection test.

Question 7

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

The role of the Welsh Public Service in preventing homelessness

Question 8

Do you agree with the proposals to apply a duty to identify, refer and co-operate on a set of relevant bodies in order to prevent homelessness?

Yes/no

Please give your reasons

Yes, we fully agree with the proposals to apply a duty to identify, refer, and cooperate on relevant bodies.

All of our previous research, *Out On the Streets* (2019), *Don't Let Me Fall Through the Cracks* (2020), *EYHC's Roadmap to Ending Youth Homelessness* (2021), *A Better Way Home* (2022), and *Impossible to Navigate* (2023) discuss the need for better multi-agency working, so we are pleased to see that steps are being taken to imbed this approach in legislation.

When a young person comes into contact with homelessness services, it can often be a highly traumatic time in their life. Equally, the young person is likely to have experienced past trauma. A lack of multi-agency working can exacerbate the trauma faced by young people and make them more susceptible to homelessness. The quote below is taken from our road map to ending youth homelessness (EYHC, 2021: 65);

"It's confusing because your foster carer and social worker tries to take you out of environments that are risk fuelled and are damaging to your health, physically and mentally. What's annoying, you've gone through trauma, you've seen parents take drugs, you've been affected by drugs yourself. It's counterproductive to put you back in the environment that they took you out of. You are supposed to be doing a job, taking us out of environments that are a risk to us. You know that there has been trauma and flashbacks, anxiety, panic attacks; to put them back into that environment... well, social services might just as well not exist. It seems pointless that they've been with you for ten, twelve years of your life then you become homeless and you're back in the same spot you were in, in the first place."

This highlights the issues a young person may face when transitioning from youth social services to adult homeless services. The suggestion is that with proper duties to refer and cooperate in place, they would not have been in such a damaging position. Indeed, had the proper steps been taken, this young person may not have been re-traumatised and, therefore, more receptive to support. Similarly, while speaking to young people whilst shaping our response, we spoke to a young person who had previously encountered the youth justice system:

Upon release from the secure estate, aged 18, they had secured accommodation with the support of their local housing authority. However, this accommodation was removed when the RSL discovered they had a conviction, which was seen as high risk by the RSL, leaving the young person vulnerable to homelessness upon release from the youth justice system. Had there been a proper duty in place to identify, refer, and cooperate between social services, the LHA, the RSL, mental health services, to which the person was known, and the youth justice system, then such an incident may have been avoided.

These stories represent just a few of numerous incidents where homelessness and its negative consequences could have been avoided had this duty been in place.

These cases reiterate that preventing homelessness is not within the responsibility or capability of any single public service within Wales but is rather it is a “wicked” problem (Rittel and Webber, 1973), and a job for all services. Our Roadmap to Ending Youth Homelessness (2021) acknowledges the multiple routes into homelessness but also the multiple points of contact a young person may have with public services where an intervention could be made. This spans multiple services, including but not limited to those outlined in the white paper. Not only should this approach involve a duty to inform the LHA of a belief that someone is at risk, but also a duty to cooperate to ensure homelessness does not occur. By doing so, services will act both as a watchdog against homelessness and as a tool where cooperation can ensure that homelessness is prevented, leading to its rarity. As acknowledged in impossible to navigate (EYHC, 2023, p.80, *“The service is only as good as the weakest link in the chain”*). By placing a shared responsibility to act across all services, it will be possible to strengthen this chain.

Question 9

Do you agree with the proposed relevant bodies, to which the duties to identify, refer and co-operate would apply? Would you add or remove any services from the list?

While EHYC agrees with the proposed bodies, we feel it does not go far enough. We strongly feel that for this proposal to achieve its stated aims as it relates to the prevention of homelessness, especially for young people, it must include both the education sector and the private rented sector from the outset. To be clear, when we say education, this must include primary, secondary, further, Higher education, and Youth Work services for it to be effective. We believe failure to do so would leave chasms which young people could fall through into homelessness. This is the weakest link in the proposed chain as we see it. We therefore disagree with the current exclusion of education in the strongest possible terms.

When asked, 100% of young people, excluding those who don't know, believed that Schools should be included in the duty to refer. One young person said;

“Schools see the most of young people, and would be able to help homelessness to be identified easily”.

Another young person added; “In order to prevent homelessness, you need to educate young people about what homelessness is”

We agree with the views expressed by these young people fully. As the data in the white paper notes, 77% of teachers in schools in England know of a young person who was homeless or in poor-quality housing. There are in excess of 26,000 teachers (Welsh Government, 2022) in local authority-maintained schools in Wales, without consideration for other forms of schools and further and higher education settings. This creates an entire profession which comes into frequent contact with our young people who would be prepared to respond to a young person who faces homelessness and have the correct information on where to refer the young person to help prevent homelessness. We also know that education may be one of the few settings where a young person may have a trusted adult whom they feel they can approach.

Not placing a duty to identify, refer, and cooperate on schools, colleges, universities, and other education settings not only does a disservice to our young people but also leaves education professionals without the tools to respond. Simply because the Welsh Government chooses not to place a duty on schools does not mean young people will not come forward to teachers or lecturers with concerns relating to homelessness. Including them in this duty will simply make it a clearer process to respond and aid in making homelessness rare, brief, and non-repeating rather than allowing for a weak link in the prevention system.

We would further add that while the Welsh government workload review for teachers, was the stated reason within the White Paper for the current exclusion, we see the failure to include teachers as misguided as it relates to this. Youth homelessness is already impacting on teachers' workloads in a negative way. By including teachers in this duty they will be better placed to support young people, reducing rates of youth homelessness, and reducing the time already spent dealing with issues related to youth homelessness, even if this is not immediately apparent.

In addition to this firm belief, we see the Upstream Cymru model as the ideal starting point for homeless prevention. Figures from 2014 show that over 50% of people who experience homelessness had their first experience under the age of 21, with the median age being just 22 (Mackie, 2014). The aim of the Upstream Cymru model is to reduce these numbers by screening between school years 7 and 11 for homelessness to identify those most at risk and act early to prevent homelessness. The screening allows schools and other services to work together to address concerns and prevent homelessness. The model is highly successful, with a similar scheme in Australia reducing incidents of youth homelessness by over 40% (EYHC, 2021). The value in terms of health benefits, saving for services, outcomes for individuals, and long-term benefits to the well-being of individuals and through their contribution to society is immeasurable.

However, we do know this kind of prevention is a way to achieve those benefits. To us, not only should education be included in this duty to identify, refer, and cooperate, but it should also form a core branch of targeted prevention.

We feel that adding the duty to the education setting will both aid in prevention, and we also feel it can aid in contributing to a culture change within the education setting. Evidence from our Impossible to Navigate (EYHC, 2023) report highlights the education system as having negatively impacted many disabled neurodivergent young people. To help prevent youth homelessness, schools, colleges, and universities must see changes to make them more accessible while preventing bullying and reducing stigma. This includes ensuring that education professionals are better trained and equipped to support neurodivergent young people.

Similarly, our report Out on the Streets (EYHC, 2019), highlighted the necessity of improving the education setting. We are glad to see the changes to the RSE curriculum in Wales to make it more inclusive of the LGBTQ+ community. We also welcome commitments around housing and education in the LGBTQ+ action plan. However, we feel it necessary to reiterate evidence from this report. LGBTQ+ homeless experienced young people experience homophobic bullying, which schools have not effectively dealt with; “[The teachers] were the worst of them all. They were worse than the kids” (EYHC, 2019: 29). Again, this shows the need for a cultural change that the duties outlined above could contribute to.

We also feel that the current duty of the private rented sector and landlords are insufficient. We understand the current provision as part of Renting Homes (Wales) Act (2014) and the eviction process does provide for some support around homelessness prevention. However, we feel this does not go far enough, given the lack of enforcement of the duties within the renting home Wales act and the number of young people who find themselves homeless. In England, around 9% of young people who become homeless did so after eviction from a private or social rented accommodation (CenterPoint, 2023). 32% of people threatened with homelessness in Wales in 2018/19 were in the PRS. We therefore feel that the role of the PRS in prevention must be strengthened. The Welsh government should look to place a duty on the landlord or letting agent to refer at as early a point as possible, such as when a tenant enters rent arrears for the first time, when the first complaint is made, or when the first hazard emerges which may render the property uninhabitable. We equally feel that the Welsh government should investigate the feasibility of applying some duty on providers of temporary accommodation such as B&Bs, hotels, and short term lets such as Airbnbs where there may be hidden homelessness.

Question 10

In your view have we struck the right balance between legislative requirements and operational practice, particularly in relation to health?

At EYHC, we fully support and welcome any legislative changes that require local authorities and public sector bodies to collaborate and take a multi-agency approach to young people with complex needs who are experiencing or at risk of experiencing homelessness. However, we do have concerns around how these proposals will be implemented in practice. In our view, the proposals do not provide enough measures to ensure that LAs and other named public bodies are meeting their legal duties. We welcome the introduction of new Learning & Development campaigns and the sharing of good practice but, currently, there are not sufficient mechanisms in place to provide a platform for LAs to communicate internally or externally (for example with other LAs or named bodies that do not fall under LA provision like health boards or CMHTs). We would like to see more robust procedures in place for internal and external communication and the sharing of best practice.

If actioned effectively, these proposals could help young people get help sooner and limit the bureaucratic processes they have to endure, which was a problem discussed by many neurodivergent young people in our Impossible to Navigate report (2023). We feel that the proposal for a referral under the new duty to identify, refer, and cooperate to act as a homelessness assistance application will effectively mitigate some of the stress that young people (particularly neurodivergent young people) have to endure when they encounter the overly formal and bureaucratic application process, at a time when they are likely to be operating with a heightened nervous system that doesn't allow them to fully process the information with which they are presented.

As we have discussed elsewhere in this response, we feel that the White Paper's model of prevention is too short-term and would still allow young people to reach a point of crisis before they are owed a duty by their LA. Therefore, we are pleased to see that the Welsh Government are promoting a quick response for this new duty rather than waiting for a prescribed timeframe like fifty-six days or six months. However, if this quick action is not a statutory requirement for named public sector bodies, then we are concerned that, in practice, the referral will not be made at the earliest stage which would leave young people who are vulnerable to homelessness more likely to reach a point of crisis before they receive any support. While we recognise that this would be difficult to enforce as part of a statutory duty, we feel that effective and robust oversight procedures from Welsh Government, or from an independent regulatory body, could mitigate this issue.

Homelessness prevention requires a flexible and holistic approach, so we fully support the new power for Ministers to add to the list of named bodies as the landscape of the issue is likely to change and develop over coming years and legislation should allow space to adapt as time progresses.

We support the Expert Review Panel's recommendation to include private landlords in the duty to identify, refer, and cooperate, and we are disappointed that this recommendation was not carried forward in the White Paper. In our view, the ongoing review of Rent Smart Wales and policy development of adequate housing and fair rents should be considered a part of Homelessness prevention policy rather than as a separate issue. Although it is promoted as best practice for private landlords and letting agents to signpost where tenants are threatened with homelessness, our informal conversations with young people suggests that this rarely happens effectively in practice. In 2024, we are undertaking research on the private rented sector as a pathway into homelessness for young people in order to fill the gap in evidence around this issue. We feel that private landlords and letting agents should be considered as part of the duty to identify, refer, and cooperate in instances where a tenant will be made homeless as a result of eviction or failure to find suitable accommodation at the end of their occupation. In not including the Panel's recommendation in this regard, we feel that this legislation has missed an opportunity to prevent youth homelessness.

Another Panel recommendation that we were disappointed to see hasn't been carried forward is the introduction of a new duty on LHAs to establish and lead a Joint Homelessness Board. Although we are pleased to see the Welsh Government acknowledge that people experiencing homelessness are not a homogeneous group and that not everyone will require a multi-agency approach, we know from evidence presented by Cymorth Cymru (2023) that 94% of HSG service providers have seen an increase in the complexity of their cases, suggesting that there is a large portion of the population who will require multi-agency involvement in their case. We see the introduction of a statutory Joint Homelessness Board, led by the LHA, as being an effective means of ensuring that the proposals around case coordination and collaboration are translated effectively into practice.

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Question 11

What practical measures will need to be in place for the proposed duties to identify, refer and co-operate to work effectively? Please consider learning and development needs, resources, staffing, location and culture.

There are a number of practical measures we feel can be put in place to ensure that the duty to identify, refer, and cooperate is implemented effectively. As mentioned elsewhere in this response, there needs to be clear leadership, guidance, and enforcement from Welsh Government in order to ensure that legislation translates to practice, as there are clear examples of where good legislation has not been implemented in practice. For example, the Southwark ruling of 2009 is explicit that 16-17 year olds presenting to homeless services are the responsibility of CYPS/Social Services rather than housing; however, as is referred to in the white paper, it is evident that, in practice, 16-17 year olds are still being “bounced between services” with neither department willing to take responsibility, almost fifteen years after the landmark ruling. To address this, there should be clear and effective oversight from Welsh Government of Local Authority housing and social services teams, as well as other relevant public sector bodies, in order to ensure that they are fulfilling their legislative duties.

With regards to culture, a number of young people we’ve spoken to as part of our work to inform this response, as well as in our previous pieces of research, have told us of problems they’ve had with the culture amongst social workers and housing professionals when attempting to access services. In a focus group that took place in December 2023 as part of our work on this white paper consultation, a neurodivergent and care-experienced young person in Flintshire told us how they had encountered many “horrible social workers who didn’t understand [them]” as a teenager in the care system; while another care-experienced young person who took part in our neurodiversity research spoke of foster carers treating them “like a job” (EYHC, 2023: 56-7).

Welsh Government must work to address and change the culture of ‘passing the buck’, especially in relation to 16-17 year olds, which is evidently still prevalent in housing and social services teams, despite the landmark Southwark ruling. This is achievable through effective leadership, guidance, and training. In the aforementioned focus group, the young people told us how they felt that the “horrible” public sector professionals they’d encountered would benefit from having to “experience what we go through”, in order to give them a better understanding of the unique challenges that young people with care- and homelessness-experience face. This is something that EYHC work to offer in our Simulation training – a powerful, immersive training session that replicates the experience of being a young person attempting to navigate the homelessness services. We would like to see the Welsh Government support an increase in immersive Simulation training as part of the work to address the culture problems that young people tell us exist amongst many public sector professionals and frontline workers.

Furthermore, in order to ensure effective implementation of these new legislative proposals, it is absolutely paramount that Welsh Government address the short-term crisis that the housing and homelessness sector is currently facing, as none of these proposals will be possible to implement without first addressing the immediate issues around funding, resources, and supply.

Cymorth Cymru's (2023) recent Housing Matters campaign provides damning evidence of this crisis. While the sector reports seeing a huge increase in the demand for their HSG services (81%) and the complexity of cases (94%) (Cymorth Cymru, 2023: 5), HSG funding has faced a real-terms cut of £24 million since 2011-12 (ibid: 4), with 75% of providers running their services at a deficit (ibid: 7). Therefore, in order to end homelessness and effectively implement these policies, it is essential that Welsh Government increase HSG funding in the 2024/25 budget in order to alleviate the immediate strain on homelessness services which are currently "on the brink of collapse" (ibid: 5).

As it stands, even if every named public sector body fulfil their duty to identify and refer, its impact will be significantly lessened by the fact that current services do not have the capacity to house and support the young people at risk of homelessness.

Furthermore, Welsh Government's data collection and distribution needs to be improved in order to ensure that we have a clear picture of the scale of the homelessness problem in Wales, so that we can adjust services and supply in order to meet the demand. Across this response are references to the most up-to-date data publicly available, a lot of which comes from 2018/2019. We cannot coherently work to tackle and prevent youth homelessness when our gauge of the problem is so far out of date. Similarly, in regards to the duty to identify, refer, and cooperate, a significant piece of work will need to be undertaken in regards to implementing systems for sharing relevant information securely and efficiently among agencies while respecting privacy and data protection regulations.

There are also a number of practical issues with regard to location that will need to be addressed, particularly for neurodivergent young people and young people who live in rural areas. In light of the findings of our recent Impossible to Navigate report, we would like to see Welsh Government and Local Authorities allocate funding and resources to make their physical spaces of support more accessible for neurodivergent young people.

Another crucial issue highlighted in the Housing Matters campaign is around staff pay, recruitment, and retention: with 29% of staff in HSG funded services working below the upcoming minimum wage as of April 2023 (Cymorth Cymru, 2023: 9), service providers had to increase staff pay; however, 91% reported that their HSG funding had not been increased enough to cover this necessary increase in wages (ibid). Despite this increase, many frontline staff reported struggling to pay their rent and bills, using foodbanks, and even being at risk of homelessness despite working full-time in services that are designed to relieve homelessness (ibid). Understandably, this has a significant impact on the recruitment and retention of staff, many of whom end up "leaving careers they love because they can no longer make ends meet" (ibid). This increased turnover in staff also has a negative impact on the young people, particularly neurodivergent young people, who access HSG services.

In our recent report, Impossible to Navigate, young people we spoke to told us how they found the high levels of staff turnover and the lack of consistency in the support they received to be a significant cause of distress (EYHC, 2023: 70), especially where handover was weak and they had to retell their traumatic backgrounds over and over to different staff members and agencies who were evidently not communicating effectively with each other. Therefore, we welcome any legislative changes that emphasise collaboration and multi-agency working, particularly in relation to young people who are neurodivergent, disabled, LGBTQ+, and/or care-experienced, but this approach cannot and will not be fully realised without an increase in HSG funding and effective oversight from Welsh Government.

Question 12

In addition to the broad duties to identify, refer and co-operate, this chapter contains proposals to provide enhanced case co-ordination for those with multiple and complex needs. To what extent will the proposals assist in preventing homelessness amongst this group?

At EYHC we welcome the proposal to establish a compulsory case co-ordination approach for individuals, acknowledging that the most vulnerable individuals often require multi-agency support, as homelessness is far more than just a housing problem. In regards to the broader duties to identify, refer and cooperate, the young people we spoke to supported this proposal wholeheartedly, and listed the police, hospitals, the general public, mental health services, the emergency services and social work as services they felt should be involved.

Similarly, a young person in our recent Impossible to Navigate (2023) research told us about their frustration about a lack of a coordination between services, in regards to a lack of communication:

“For example, on Wednesday I went to an appointment with my mental health doctor, and he basically upped my medication and he spoke to me about loads of things, and I just sort of sat there and was just like, ‘Yeah, yeah, yeah, yeah, yeah’. And then I was like, I don’t have a clue what you just said to me. And then I come away from that and everyone’s like, ‘Well, what happened?’ And I’m like, I have no idea. And they’re like, ‘But why, you were there?’ And it’s like, yeah, I was there, but I couldn’t tell you what happened. And then they’re very much like, ‘What do you expect us to do?’ sort of thing. And I’m like, well, I don’t know. Like you guys should know this thing. Like, I shouldn’t have to say... They should all be working together. They should already know. And like here, for example, I had a housing meeting and we all turned up at different times and... it’s just like, well, do you guys not communicate?”

As is referenced in the white paper, people who are, or at risk of, experiencing homelessness are not a homogenous group, and therefore we believe that the threshold for a compulsory case co-ordination approach should be lowered to two or more complex needs, as was initially proposed in the Crisis Expert Review Panel.

For some individuals with two or more complex needs, the coordination of a multi-agency plan may be a relatively swift process if the clear main lead-need for the individual is identified. But given the lack of the aforementioned homogeneity of this group, there may be individuals for whom a lead-need is more difficult to identify and if their underlying issues are not resolved at the earliest possible point, may re-present with their complex needs now being deemed to have reached three or more. In the spirit of early-intervention and prevention, it surely makes more sense to afford as many individuals as possible this approach to pro-actively work to resolve and prevent homelessness at the earliest possible point, rather than potentially allow an individual's situation to deteriorate further before hitting a potentially arbitrary and inconsistently applied threshold of 'three or more complex needs'.

In regards to youth homelessness, if appropriate, we see schools as a key agency that need to be involved in any multi-agency approach as we know the importance of reintegration into education, employment or training for broader preventative opportunities.

Furthermore, and in taking inspiration from one of our recommendations from our 'Don't Let Me Fall Through the Cracks' (2020) report, these multi-agency case coordination meetings should also serve as a learning opportunity for all relevant partners to ask themselves key questions, such as what happened and how the young person managed to slip through the net. Providing an opportunity for mapping of current services and provision to identify opportunities for earlier prevention that may have been missed, to help prevent future cases from occurring, where an individual's homelessness was not prevented at an earlier point.

In regards to the implementation of this proposal, we support the Crisis expert's review panel of Joint Homelessness Boards, to coordinate the implementation of this recommendation. Having a clear lead for multi-agency working is key, as it's very easy for such an approach to become diluted or directionless without a clear, nominated lead for such an approach. Similarly, a lack of coordination can result in increased tensions between services, especially when the funding for such an approach needs to be discussed. This was exemplified through the below quote from a stakeholder in our Impossible to Navigate (2023: 80) research:

“It’s, you know, everyone saying this person should pay for it, housing should pay for it, but actually it needs to be an integrated approach because as housing ... they present to us and we have to house them somewhere but the housing that we’re offering isn’t appropriate, it isn’t adequate and they’re still going out and offending. They’re still calling the crisis team, they’re still using drugs because we haven’t got it right and we just need a more joined up approach to working really and it’s really basic but it isn’t, it’s an unbelievable amount of work to get social care to buy in, and the police, probation to buy in and mental health teams to buy in. It’s just, it’s just so hard. And I thought, you know, it’s above my pay scale”.

Question 13

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

Targeted proposals to prevent homelessness for those disproportionately affected

Question 14

Are there other groups of people, not captured within this section, which you believe to be disproportionately impacted by homelessness and in need of additional targeted activity to prevent and relieve this homelessness (please provide evidence to support your views)?

As we have referenced throughout this response, End Youth Homeless Cymru have published our Roadmap to Ending Youth Homelessness (2021). The Roadmap takes a 5 stage approach to prevention with a focus on Universal, Targeted, Crisis, Emergency, and Recovery prevention. We believe this should form the central tenant of all Welsh Government homelessness legislation.

Additionally, we would like to see more done to support certain groups of young people threatened with homelessness. As we have repeated throughout this response, Our Out on the Streets (EHYC, 2019), Impossible to Navigate (EYHC 2023), and Don’t Let Me Fall Through the Cracks (EHYC, 2021) reports all highlight the plight of groups that are overrepresented within the homeless population.

In terms of disabled young people threatened with homelessness, we strongly encourage that a review of the accessibility of services is undertaken and additional resources and training are made available to practitioners to ensure that disabled and neurodivergent young people are provided with suitable services.

As our research shows, services currently do not meet the needs of disabled young people, do not take a psychologically informed approach, and are contributing negatively to their overall well-being while also leaving them at high risk of homelessness. Our Impossible to Navigate (2023) report addresses the specific needs of disabled young people whose impairment falls under the neurodivergence umbrella; however, even in this research, young people pointed to difficulties accessing services due to a physical impairment.

We are also concerned over reports in the press (Hoskin, 2023) that Young people were being left effectively homeless and unable to access the available housing stock due to local government policy prohibiting young people from being provided with certain accessible properties. This, to us, is wholly unacceptable as it represents an entirely preventable route into homelessness. We would also support ACORN's recommendation (2023: 3) that landlords should be required to make reasonable adjustments to their property to accommodate disabled tenants. It is, of course, important to consider the impact of existing category-one hazards on disabled people, particularly in properties where access needs are not met.

Furthermore, we are aware anecdotally of the over-representation of Asylum seeking young people and children in regards to facing or being threatened with homelessness. We would compel the Welsh Government to commission further research into the distinct pathways into and experiences of homelessness for this group of young people, to ensure that current services are set up to support this group in a way that is culturally competent. We are currently working with Llamau on developing a best practice guide in regards to supporting Asylum seeking young children that will be forthcoming later on in 2024.

Question 15

What additional legislative or policy actions could be taken to prevent or relieve homelessness for the groups captured by this White Paper?

Our primary goal at EYHC is the prevention of youth homelessness; based on the well-researched and well-documented distinct pathways into and experiences of the homelessness system for young people compared to their older peers. We work to remove the possibility of being threatened with homelessness from the life experiences of as many of the young people of Wales as is possible. We are therefore pleased to see children, young people and care experienced young people identified by Welsh Government as one of the groups disproportionately affected by homelessness. However, in regards to additional legislative or policy actions that could be taken to prevent or relieve homelessness for this group, we believe that far more can be done.

As has been aforementioned, in regards to a preventative approach, we believe that the focus of the white paper is too narrow. Although the extension of the definition of threatened with homelessness from 56 days to 6 months is undeniably a welcome change, this still falls within the remit of crisis prevention. We know the stress and trauma that is induced by being threatened with homelessness, and its implications upon young people's wellbeing and psychological and physical health. We believe therefore that more work needs to be done in the 'universal' and 'targeted' stages of prevention, as laid out in our Roadmap to Ending Youth Homelessness (2021), if Welsh Government are to achieve both of their respective goals of making homelessness 'Rare, Brief and Unrepeated' whilst also ending youth homelessness by 2027.

Whilst the framing of this question is so-open ended and broad it could compel a far longer written piece, detailing each aspect of what more could be done to prevent and relieve youth homelessness at both a societal and systems level we would like to focus on one area we think requires more attention.

At EYHC, we advocate for a distinct youth homelessness strategy and action plan, and believe that this would form a crucial aspect of the Welsh Government's preventative strategy. This would complement the broader Welsh Government High Level Action Plan 2021-2026 but would remain distinct, reflecting the need to treat youth homelessness as a different phenomenon, with different preventative measures that are required compared to broader homelessness. We can see such an approach across the world, with both Ireland and Canada having adopted specific youth homelessness strategies. If Welsh Government were to adopt such an approach, it would both provide the clarity of focus for tackling youth homelessness, ensuring that every part of the 'system' has their preventative role well defined, whilst also embedding the required culture shift to ensure that youth homelessness is seen as both distinct and also 'everybody's business'.

The overall goal of the Irish strategy 'Housing for All, Youth Homelessness Strategy, 2023-2025' (Department of Housing, Local Government and Heritage, 2022) is laid out below:

This Strategy focuses on young people aged 18-24 who are experiencing, or are at risk of experiencing, homelessness. At the same time, it acknowledges that the causes of homelessness often begin years before the person turns 18, as well as examining causes and making recommendations in that context. It is recognised that the causes of youth homelessness, as well as the experiences of young people in the emergency accommodation system, are distinct from those of the rest of the homeless population. It is also recognised that supporting young people at risk of becoming homeless through strategic interventions can help prevent a cycle of longer-term homelessness.

Across all official documentation in Wales, be they strategies or action plans, we have not come close to such a clear appreciation for the distinction of youth homelessness and therefore the commitment to distinct approaches to effectively tackle the problem. We currently do not even have a working definition for youth homelessness. Instead, we continue to reference action taking targeted at young people within the broader homelessness system. At EYHC we believe this lack of detailed and articulated appreciation of the distinctiveness of youth homelessness continues to be a major drawback in our attempts to prevent and tackle youth homelessness.

We believe that our Roadmap for Ending Youth Homelessness provides the basis for such a strategy, from which the Welsh Government could work. Our 5 prevention typologies, Universal, Targeted, Crisis, Emergency and Recovery certainly have significant overlap with the Welsh Government's broad priorities of making homelessness rare, brief and non-recurrent in regards to policy decisions and guidance.

In regards to Policy Action therefore, to accompany our Roadmap we continue to work on our Best Practice Guides which detail different schemes, projects and approaches that have been implemented in Wales or abroad that have proven to be effective in either preventing or relieving homelessness for young people, that we believe should be implemented on a far larger scale, either through legislation or encouraged via guidance by the Welsh Government. These guides cover:

Housing First for Youth - Housing First for Youth is a model of housing and support likely to be effective when delivered to young people, aged between 16 and 25, who have experienced or are experiencing multiple complex issues (for example, trauma, mental health issues and/ or substance use issues) and are homeless or at risk of homelessness.

Upstream Cymru - Upstream Cymru is a collaborative, early intervention initiative that works in partnership with schools to get to the heart of how youth homelessness systems need to be designed. The aim is to identify young people at risk of homelessness long before they reach crisis point or are threatened by homelessness.

Ty Pride - Tŷ Pride is a specialist LGBTQ+ project, staffed 24 hours a day, supporting LGBTQ+ young people who were experiencing, or at risk of, homelessness.

Supported Lodgings and Enhanced Supported Lodgings - Supported Lodgings schemes provide young people with a safe place to stay, in a room of their own, in the home of a vetted and trained host in a private house. The host and the young person receive support from a specialist organisation. This combined and tailored support, from a host and specialist organisation, enables young people to develop independent living skills in a supportive family environment helping them to develop the skills to live independently.

The Virtual Learning Environment - The Virtual Learning Environment (VLE) is an online platform designed with, by and for young people. It provides information, support and learning resources in order to aid a successful transition to living independently and help avert homelessness.

Shared Accommodation Scheme - The POBL Shared Accommodation Project is a housing and support scheme which allows young people aged 18-25 at risk of or experiencing homelessness to access two-bedroom properties through a shared arrangement with another young person.

Training Flats - The Training Flats Scheme in Carmarthenshire provides good quality and affordable accommodation to young people who would benefit from living independently whilst accessing individual support and bespoke training.

Shared Furniture Scheme - The Furniture and Equipment Library is an innovative initiative which allows young people aged 16-25 to loan furniture and household items upon moving into independent housing for free, which hopes to prevent young people from becoming trapped by Buy-Now-Pay-Later schemes and high interest credit to furnish and equip their homes.

Question 16

Our proposals related to children, young people and care experience seek to improve and clarify links between homelessness legislation and the Social Services and Wellbeing Act. Significant policy development is required to assess the practicality of this. What, in your views are the benefits and challenges of our approach and what unintended consequences should we prepare to mitigate?

In relation to the link between the body of Welsh homelessness law and the Social Services and Well-being Act, we feel that there are several areas where further guidance and, if necessary, legislative work can be looked at to strengthen both areas of legislation.

Primarily, we are concerned with the guidance issues around who is responsible for 16-17-year-olds. Despite what we feel is a clear instruction under the act and the supporting evidence, local authorities are still unsure of who is responsible for 16-17-year-olds. This is particularly true of those who have left care where, despite the Southwark ruling, we have heard anecdotal evidence of young people still being put under the responsibility of housing rather than social services. This requires further guidance and monitoring to ensure that the existing law and any changes are fully communicated and implemented.

We would reiterate the need, expanded on below, for the corporate parenting charter to be fully implemented into Welsh law. This would ensure better protections and service provision for our young people while clarifying the role of local authorities.

Question 17

Do our proposals go far enough to ensure that 16 and 17 year olds who are homeless or at risk of homelessness receive joint support from social services and local housing authorities? What more could be done to strengthen practice and deliver the broader corporate parenting responsibilities?

EYHC welcomes the Welsh Government's commitment to strengthen existing corporate parenting to ensure individuals aged 16 and 17 years who are homeless or at risk of homelessness do not fall between services. As the chair of our Care Experienced working group, Sharon Lovell, stated in the publication of our research into care experienced young people's propensity to homelessness: "The Corporate Parenting of young people in care is the responsibility of all of us. It is unacceptable that any child in care ends up homeless" (EYHC, 2020: 2).

As the most up-to-date data shows, the numbers of care experienced young people coming into contact with the homelessness remains unacceptably high: in 2022/23, care leavers aged 18 to 21 years old were placed in temporary B&B accommodation under the current homelessness legislation on 171 occasions. This is a figure that has risen since the start of the COVID19 pandemic.

Our engagements with young people to inform this response found that effective coordination between social services and housing authorities is seen to be crucial in ensuring that young care-experienced people receive the care and support they're entitled to that can prevent their homelessness from occurring. When asked "What can be done to improve the support given to 16-17 year olds who are experiencing homelessness and/or transitioning from children's to adult services?" young people focused on:

- People to be made aware of Southwark ruling. Young people not having it explained in a way that deters them from becoming looked after.
- More support and education
- A slow transition instead of thrown from one service to the other
- Giving them a safe place to stay without any expenses and expectations until they are ready
- Specialist supported accommodation
- Prevention by working with families to keep them together

And similarly, when asked "What can be done to strengthen how local councils & public services deliver their corporate parenting responsibilities?" young people focused on:

- Employ more staff
- Being more hands on with the treatment of the young people

- Knowledge of the responsibilities and have more than 1 southwark social worker
- Drop in sessions once a week if assigned social worker is busy or away from work
- Further funding. HSG Grant needs to be increased

Furthermore, the below case study highlights what can happen when there is not effective coordination;

Izzy, a care-experienced young person who took part in our focus group in December 2023, has had a difficult time accessing the right support. She is currently 18 years old, and is living in a council flat with floating support from adult services, who she says have been a huge help. But, it wasn't always easy. She spent three months in the youth justice system after an incident of arson that occurred during a mental health crisis. During her time in prison, she was told by a social worker that she had been assigned a council flat for when she was released. However, upon her release, the RSL found out about her conviction and withdrew the offer of the flat, leaving her vulnerable and homeless. Her caseworkers then had to scramble to try and find her alternative housing, which they did eventually, but Izzy had to live in inappropriate temporary accommodation in the interim, in a time when she was already vulnerable. If the social worker, the youth justice team, and the RSL had been communicating and collaborating effectively, the situation could have been avoided and Izzy could have been housed quickly and safely. But, as a result of their failure to cooperate, Izzy was left homeless as she exited the youth justice system, despite still being under the care of social services as a 17 year old. She has since transitioned to adult services, who she says have helped her far more than children's services ever did, but she told us that she wishes that transition would have started sooner. Having had so much experience of these systems, Izzy is very knowledgeable about her rights and entitlements because she has had to advocate for herself for most of her life where professionals and frontline workers too often failed to do so.

In regards to what more can be done to strengthen practice and deliver the broader corporate parenting requirements, at EYHC we believe a number of things can be done. In our opinion, the clearest way in which Welsh Government could deliver the broader corporate parenting responsibilities is to make its voluntary corporate parenting charter statutory.

Published on 29th June 2023, the Welsh Government's voluntary Corporate Parenting Charter is a strong foundation from which to build systemic change for care-experienced children and young people, including care-experienced young mothers. A foundation from which, if fully implemented to its widest potential, could dramatically improve the life experiences and opportunities available to care-experienced young people across Wales, such is the breadth of the potential.

At EYHC we support the Welsh Government's list which details which kind of public sector bodies, public service or professionals should take on the role of a corporate parent.

Yet although the Welsh Government has extended corporate parenting duties for other public bodies beyond children's services, it is voluntary for public bodies to choose whether they sign up to be corporate parents. The Welsh Government has promised to monitor sign-up for the Charter and consider future steps for corporate parenting in Wales, and indicated that the Charter has "initially been published on a voluntary basis" only in its written response to the CYPE radical reform report.

By making corporate parenting mandatory for a broader range of public bodies, this would encourage other bodies to develop specific practices and work collaboratively to end youth homelessness. The Welsh Government should follow the Scottish Government's lead and make fulfilling corporate parenting duties mandatory for named public bodies.

Furthermore, on a more practical basis for young people, we believe that multi-agency working and collaboration should be at the point so that young people do not have to disclose whether they are care experienced upon making a homelessness application. The burden of evidence should not be on care-experienced young people when they try to access their entitlements, such as priority need status. Local Authorities have this data, so as corporate parents they should make it as easy as possible for care-experienced young people to access what they're entitled to.

We also believe that improved data collection, and publically available data collection, would greatly strengthen practice in regards to highlighting the extent of the issue. A significant amount of data in regards to Care Leavers and homelessness is now nearly six years out of date because of a lack of any further updated data.

Finally, as has been referenced throughout this response, the lack of clarity and leadership on the Southwark ruling has led to this continued confusion regarding responsibilities that is still present today. In looking to strengthen practice, Welsh Government needs to show leadership to ensure that legislation is implemented as intended, and we believe that making the corporate parenting charter statutory is the most straightforward way of doing this.

Question 18

Do you agree or disagree that the Renting Homes (Wales) Act 2016 should be amended to allow 16 and 17 year olds to be able to hold occupation contracts?

We view this proposal as having potential to empower more young people to live independently; however, we have concerns about safeguarding and implementation, which are also shared by the young people we worked with as part of this consultation.

In the survey we distributed amongst young people as part of our work to inform this response, only 11% of respondents agreed with this proposal, and 44% answered that they don't think it's a good idea. Those who provided further comment in their answers emphasised that it may be appropriate for some 16-17 year-olds, but certainly not all:

"It depends on where they are in life, a 16 year old in school no, but a 17 year old with life experience yes"

"Depending on assessment of maturity, common sense and responsibility"

Participants in Focus Groups also expressed similar concerns. The general consensus from young people is that, if this proposal is carried forward, it would need to be accompanied by strict guidance for professionals, consistent assessment of the young person's capacity and maturity, tailored and person-centred support, and training for young people in independent living skills. Another important point raised by a young person in a Focus Group was that the minimum wage for 16-17 year olds would need to be raised in order for them to earn enough to stay on top of their rent and bills and sustain an occupation contract.

In one focus group, one of the young people explained that she had been placed in a hostel with adults ahead of her 18th birthday as she left the care system. She felt that, given the option, she would have been safer living independently in her own home as a 17-year-old rather than her current situation of sharing accommodation with much older adults who she described as "a bad influence". However, she acknowledged that she would've needed support around independent living skills, even if it was just the knowledge that she could "pick up the phone whenever she needed help". The young people in this session agreed that, in order for this proposal to work for them personally, they would want the transition to independent living to happen gradually, with floating support in place and for them to have a say in where they lived and to be involved in any decisions taken about them.

Our recent conversations with young people have highlighted the need for better support in independent accommodation. Our recent report, Impossible to Navigate, found tenancy breakdown to be a common pathway into homelessness for neurodivergent young people (EYHC, 2023: 58). Where neurodivergent young people, especially those who struggle with challenges like executive dysfunction, are placed in independent accommodation without support or training in independent living skills, the tenancy is at a significantly heightened risk of breaking down, which can leave young people vulnerable to repeat homelessness as well as having an impact on their mental health, wellbeing, and self-esteem.

We do not want to see 16-17 year-olds being placed in private rented accommodation and left without support. Many young people may want to live independently but do not have the confidence or skills to do so successfully.

While this legislation has the potential to empower more young people to live independently, there are few resources currently available to young people to prepare them for independent living. In order to supplement this, it might be appropriate to consider funding more schemes like the Training Flats scheme in Carmarthenshire, which “provides good quality and affordable accommodation to young people who would benefit from living independently whilst accessing individual support and bespoke training” (EYHC, 2022: 1). We mentioned this scheme to some young people in our aforementioned focus group, who expressed that it was “too much of an upheaval” for them personally. However, depending on how the project is implemented, different schemes offer a variety of options with regards to the duration of stay, with some young people living there for up to eighteen (18) months, and others for only two (2) weeks. The duration of stay and the level of support can be tailored to the individual young person. This type of accommodation offers a healthy balance between independence and support and has an emphasis on preparing young people to move on into independent living. Implementing more schemes like this across Wales and targeting them towards 16-18 year-olds could therefore supplement some of the risk associated with allowing 16-17 year-olds to be occupation contract holders, as well as giving them the skills and confidence to successfully live independently.

We also have concerns around the practicalities of implementing such a proposal, particularly given the broader challenges young people are currently facing in the PRS. Landlords would likely be reluctant to let their properties to a 16/17-year-old, especially if they have complex needs and/or comorbidities. And, given how competitive the market is at present, they’d likely have plenty of choice for whom they would deem to be more low-risk tenants with more stable income and better skills to maintain an occupation contract. Therefore, there would need to be some sort of insurance in place in order to mitigate the risk from the landlord’s perspective.

Furthermore, we also have safeguarding concerns on landlord exploitation of young renters, a problem that already occurs with many young people who rent from private landlords, particularly students (Department for Education et al., 2019). Young renters are often perceived as naïve or ignorant by landlords and letting agents, who may feel they are able to ‘get away with’ more than they would be able to with an older tenant with more life experience. From anecdotal evidence based on our conversations with young people, we know that this is a common pathway into homelessness and a cause for concern for many young people. We are planning to take on further research into this issue in 2024 in order to strengthen the evidence base to advocate for better regulation and prosecution procedures for private landlords and letting agents, especially in relation to young renters.

Therefore, we support ACORN's recommendation in their Renter's Manifesto (2023) to implement a mandatory national register of all private landlords, letting agents, and rental properties that is free and available to the public (ACORN, 2023: 5), as well as their recommendation to "end policies which allow discrimination based on migrant status, disability, age, lone and parental status, receipt of benefits, or low income (such as 'No DSS')" (ibid: 9). If this legislation were accompanied by a blanket ban on low-income and age-discrimination (including against 16-17 year-olds) in the PRS, as well as strengthened education on tenants' rights and independent living, there is potential for successful implementation.

However, based on our conversations with young people and the concerns listed above, we are reluctant to fully support this proposal as we feel it presents a significant risk of leaving 16-17 year-olds in vulnerable positions if they are living alone in the private rented sector. Therefore, we feel that amending the Renting Homes (Wales) Act may not be the solution. Instead, Welsh Government should allocate funding and resources to provide more supported accommodation targeted towards 16-18 year-olds that prepares them for living independently. This would mean that no vulnerable 16-17 year old would be left in independent accommodation without the skills or support to maintain it, but would instead be placed in supported accommodation that ensures that they are ready and able to live independently when they turn 18/19, or when they feel ready to do so.

Question 19

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

Access to accommodation

Question 20

To what extent do you agree or disagree with the short-term proposals to increase the suitability of accommodation? Are there additional immediate actions you believe should be taken for this purpose?

We agree with many of these proposals and welcome the move towards Rapid Rehousing and improving the standards and suitability of temporary accommodation. We feel, as do the young people we've spoken to as a part of this consultation response, that young people should have more autonomy over their housing and should be more meaningfully included in suitability assessments and decisions taken about their housing and support.

We fully support the proposal to prohibit the placement of 16-17 year olds in unsupported, adult accommodation. This issue in particular is very important to EYHC as our formation in 2017 came as the result of the 2016 campaign to end the placement of 16-17 year-olds in B&Bs. However, despite the apparent success of this campaign, it is evident that eight (8) years later, there are still cases of young people being placed in B&B, hotels, and hostels alongside adults. A young person we spoke to in a recent focus group is currently living in a hostel alongside adults in their 20s, 30s, and 40s. She was not involved in this decision or any suitability assessments and felt there weren't any alternative options presented to her, stating that the local authority will "always choose the cheapest option", which further speaks to the sense of distrust that young people have in local authorities.

We also welcome the prohibition of placing young people in overcrowded and/or shared accommodation. Some of the young people we've spoken to recently have expressed their hesitancy to live in shared accommodation due to concerns around privacy and theft. However, there is a lack of clarity in the White Paper's definition of 'shared accommodation'. As is mentioned elsewhere in this response, many young people want to live independently but don't feel able to do so, therefore we welcome any legislative changes that empower more young people to be able to confidently and successfully live in independent accommodation.

We also agree with the proposal to prohibit the placement of under-25s in unsupported accommodation. While many of the young people we've spoken to have expressed a desire to live independently, we feel that those with homeless-experience should not be left unsupported in independent housing, especially those who are neurodivergent/disabled, care-experienced, and/or LGBTQ+. However, given what we know about the realities of the current housing crisis, it is unlikely that this rule could be followed in all instances without addressing this immediate crisis. As we have discussed elsewhere in this response, there is scope to provide more youth-focused accommodation across Wales. While there is an overall lack of suitable accommodation options available to young people that provide meaningful support and prepare them for independent living, there are also plenty of examples of good practice and success where these kinds of schemes have been commissioned. For example, Housing First for Youth, Training Flat schemes, supported or enhanced supported lodgings, and Tai Ffres to name a few. In order to avoid the placement of 16-25 year olds in unsuitable accommodation, Welsh Government should allocate funding and resources to provide more youth-focused housing options like these.

However, a problem we foresee with the rapid rehousing approach is around the lack of suitable, young-person appropriate accommodation available in the housing stock. In our survey which was sent out to young people to inform this response, we asked what their ideal accommodation would be if they had a free choice.

43% said they would ideally want to live in a 2-3 bedroom flat with friends/family/partner, and a further 28.5% said they would like to live in a single-bedroom flat. 100% of those who answered also said that they aspire to be owner-occupiers (the question allowed respondents to select multiple answers). But, in reality, these housing options are rarely available to young people.

However, there isn't necessarily a lack of supply. In Cardiff in particular, there is a large number of luxury student accommodation buildings – far more than there are students who can afford to live in them, representing a rare case of supply outweighing demand. In a report by BBC News (2019), leading architect Jonathan Adams foresees that “they could all end up being dismantled in 20 to 30 years' time” (Flint, BBC News, 2019). We find it unacceptable that so many of the rooms in these buildings end up going empty or being let as residential hotels or temporary accommodation for tourists/visitors, when there are currently around 11,000 people in Wales living in temporary accommodation (5,481 households) (Welsh Government, 2023a).

Unfortunately, there is no evidence regarding what proportion of these numbers are young people; however, we know from anecdotal evidence from our conversations with homeless-experienced young people that many of them are still living in wholly unsuitable temporary accommodation like B&Bs, hotels, and hostels, which are often shared with adults who expose them to dangerous behaviour like drug/alcohol misuse and criminal activity. While we wholeheartedly advocate for the building of new social homes that are designed with and for young people (for example, United Welsh's 'Tai Fres' development'), we feel that there are also steps that can be taken in the short term to repurpose some of these empty luxury flats to rehouse the young people who are living in temporary accommodation, as well as a longer-term strategy to review and legislate to ensure the suitability and sustainability of luxury student accommodation and how they meet the wider needs of the Welsh housing market.

Question 21

To what extent do you agree or disagree with the proposals around the allocation of social housing and management of housing waiting lists? What do you believe will be the consequences of these proposals?

We agree to an extent; however, we feel that some changes are needed to some of these proposals with further consideration of the needs of young people.

One such proposal is the unreasonable behaviour test. We wish to stress that this must be applied in a trauma-informed way. We understand the need to protect the wellbeing of staff and other residents in a locality.

However, as our Impossible to Navigate (2023: 36) report highlights, some young people react in ways that may be seen as “naughty” or “aggressive”, this behaviour is actually part of their disability which can be managed with proper support. Due to the current lack of support and poor understanding of the impact of neurodivergence on people's day-to-day lives, we feel more clarity and safeguarding need to be included in any unreasonable behaviour test. Below are some short quotes which highlight both the experiences and perceptions of some neurodivergent young people;

“And I’m seen as an angry and aggressive person, and I’m not. I’m not, I just get like that sometimes. And I’ve literally written letters to members of staff to apologise and saying, listen, it’s not like that. I’ve just written apology letters to them because I feel so bad about that. And I feel guilty obviously, but I think yeah... just more understanding please”.

“I wasn’t like officially diagnosed at all then so I was just seen as like this troubled teen who was just acting out and being angry at everyone and stuff like that when I was more angry at myself, you know... and people who I was around didn’t understand that”.

“Well school was really hard. They always used to just say that I was really naughty and I didn’t want to learn, but I’ve been telling people for years that there’s something wrong and they all just thought I was not well. Yeah, they basically said I was making it up. I was just, they all just kept calling me the troubled child. I’m just a troubled child. I’m just, and that’s all I’ve ever heard my whole life is ‘She’s just different. She’s a troubled child, she needs help, She’s this and blah, blah, blah. She’s different”. (EHYC, 2023: 36-38).

This is not to say we believe an official diagnosis should exempt people from this test. This is in large part due to the poor state of the diagnosis system in Wales. But robust safeguards which follow the logic of the social model of disability, as our report does, should be put in place around this test, in order to ensure that it does not unfairly disadvantage neurodivergent/disabled young people.

We also worry about how this will impact the trust between young people and local authorities. In preparing for this research, we spoke with a number of young people, and the belief in competition for place and lack of trust in local authority services was evident, as has been referenced consistently through this response. Much work must be done to ensure that young people are brought along with these plans and fully understand them to build trust if they are to be effective.

We also have a number of concerns about the levels of preference within the allocation. As the white paper acknowledges and our own research in Don’t Let Me Fall Through the Cracks (2021) demonstrates, care-experienced young people are at an increased risk of homelessness. While we welcome the recognition of the white paper, we would like to see this go further.

Given that the white paper expressly prohibits homelessness as a route out of the care, we believe that all care-experienced young people should be given additional preferences, not just those threatened with homelessness. We also feel that the impact of being cared for is so great that there should be no upper age limit on this reasonable preference. You never stop being a 'care leaver' so an element of the support linked to this should always be with you.

We also believe that all young people, more generally, who are threatened with homelessness should be given additional preference. As has been established, 48% of people who become homeless experience their first incident of homelessness below the age of 21 (Mackie, 2014) and 73% of people who experience homelessness have experienced more than one incident of homelessness in their lifetime (ibid). We therefore know that early intervention is essential. By giving additional priority to all young people threatened with homelessness, we can make more successful early interventions and, therefore, prevent more incidents of homelessness.

For similar reasons, we feel that all young people should be given reasonable preference in relation to social housing allocation. We know that poverty is the main driver of homelessness. We also know that 28% of children in Wales live in poverty (Welsh Government, 2023b). In-work poverty affects a high proportion of people in Wales, placing stress on people's ability to pay rent. Young people are particularly at risk, as they are the most likely to work in low-paid roles, with reduced access to welfare payments compared to older people. We also know that young people earn less due to lower minimum wages and have reduced universal credit entitlements. This makes landlords less likely to rent to young people. Despite this, young people aged 18-25 are still overrepresented in the PRS due to the cost of buying a home being out of their reach. Specifically, young people will also be disadvantaged by the waiting list as they will be starting much further down the waiting list and be waiting longer to be allocated social housing. We therefore believe that if social housing is to be used as a tool to end homelessness in Wales, all young people should be entitled to reasonable preference.

Question 22

To what extent do you agree or disagree with the proposal for additional housing options for discharge of the main homelessness duty? What do you foresee as the possible consequences (intended or unintended) of this proposal?

We do agree with the proposals to offer a broader range of housing options. However, we would like to see strong safeguards to protect young people from being pressured to take a solution that isn't right for them or facing outright discrimination.

A consistent theme that emerged in our research for this white paper was a lack of trust.

Given this, we feel there must be a fair and transparent system for young people that ensures trust is built. As part of this, we would like to see a guaranteed element of choice for young people. This can be supported by a "no-questions-asked" approach where young people do not need to justify why they would prefer one housing option over another. Our research in Impossible to Navigate (2023) and Out on the Streets (2019) showed some of the issues with young people looking for accommodation. We are concerned that a young person may be pushed to return to a parental household where they feel unsafe or overwhelmed.

We believe a no-questioned-asked approach would make a young person more confident to refuse such a solution as they would not be required to "out" themselves to practitioners. This is of particular concern given the evidence in our report of young people facing discrimination from homeless services. Equally, some neurodivergent young people may be undiagnosed or not fully realise what it was about the home environment, which was overwhelming, and may therefore struggle to justify to a practitioner why they cannot return home. We want to ensure young people have a true say and do not feel pressured to take an unsuitable option. Equally, we feel the above approach deals with these issues in a trauma-informed way.

This said, we also feel that doors should be left open to young people with mediation to return to the family home at some point in the future being an option. We have heard cases of young people who are able to return after weeks, months or even years of estrangement. We therefore feel that mediation and a "no closed doors" approach should be a tool on offer as part of the housing options approach which can be coupled with an alternative form of accommodation to aid in preventing youth homelessness.

Question 23

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals in relation to access to housing. Are there any costs and benefits we have not accounted for?

Implementation

Question 24

To what extent do you think the proposals outlined above will support the implementation and enforcement of the proposed reforms?

We think that these proposals, particularly those around improved data collection, will be a helpful tool in supporting the implementation of these legislative reforms.

The introduction of a new power whereby Welsh Government can ‘call-in’ data collected by LHAs would likely improve the data collection and analysis. We fully support the suggestions of the Expert Review Panel in relation to strengthening annual statutory homelessness statistics (para. 628 of White Paper); however, we would also add that the data should be broken down by age to enable us to monitor the number of young people accessing homelessness services as part of a meaningful strategy to address youth homelessness as a distinct issue from broader homelessness policies.

As we have discussed elsewhere in this response, in order for these legislative reforms to be implemented effectively, there needs to be an improvement in Welsh Government’s oversight and scrutiny of LAs, RSLs, and the PRS. We have pointed to a number of examples in this response, namely the Southwark ruling and Cardiff Council’s “systemic failure” to investigate illegal evictions, that evidence the significant implementation gap in many well-meaning and potentially transformative policies.

The move towards a Rapid Rehousing and prevention model, and the cultural and system change that is required to achieve this, should be led by Welsh Government.

However, there needs to be an understanding that many young people, especially those from a care-experience background, have a fundamental distrust in the system’s ability to support them in the way that they need.

This trust will not be restored overnight, and will require significant efforts from Welsh Government and LAs to prove to them that the system can and will change for the better. The move towards a multi-agency approach will also require time, effort, and patience from Welsh Government, LAs, and any other invested partners such as police, youth justice, healthcare and mental health professionals. In order for the multiagency, preventative model to work effectively, there need to be consequences in place for when public sector bodies fail to meet their new legislative duties. Welsh Government should work with LAs and Wales’ existing Inspectorate Bodies to develop stricter investigation and scrutiny in order to ensure that these policies are implemented to their full potential. Therefore, we support the proposal to give additional powers to Ministers to intervene where a LA is not delivering their duties.

We also support the notion of improving regulatory standards that apply to RSLs in order to ensure that they are also participating in the broader aims of ending homelessness; however, it is unclear from the white paper what these proposed changes would be, so we would like to seek further clarity on this as this consultation process goes on.

Throughout this response, we have emphasised the importance of improving the Welsh Government’s oversight and scrutiny of LAs to ensure that they are delivering their legislative duties, so we welcome these proposals that demonstrate Welsh Government’s commitment to this improvement.

There are a range of options of how this could be done. The introduction of an independent Homelessness Regulator as a distinct function within Welsh Government may be the answer if funding and resources allow for it.

Furthermore, we are glad to see that Welsh Government are committed to incorporating the views of people with lived experience of the homelessness system as part of service delivery; however, the mechanisms by which this would happen are not laid out clearly enough. There needs to be an action plan in place that covers the logistics of this, with consideration of things like recruitment, capacity, and avoiding (re)traumatising people who've experienced hardship. The inclusion of experts-by-experience must always put their needs first, so we would like to see an explicit commitment to prioritising their wellbeing needs. We would also emphasise that young people should be represented as experts-by-experience in order to ensure that future services are developed with due consideration of the needs of young people.

Question 25

What other levers/functions/mechanisms could be used to hold local housing authorities and other public bodies accountable for their role in achieving homelessness prevention?

We believe there are several factors from a youth-focused point of view that can hold Local Government accountable for homelessness. There must be strong youth voice involvement in oversight to co-produce youth-focused services. This should include consultation with young people when it comes to both producing new services and looking to make improvements to existing youth-focused services. This must be done in a transparent and accessible way that genuinely makes young people feel like they are having a meaningful input to the system. The air of mistrust that currently exists with young people we feel is unsuitable. Visible and participatory oversight and feedback processes will help establish trust around the system.

We also believe that more robust data gathering and dissemination will allow for greater oversight. While preparing this white paper, we discovered that some Wales-specific data is either unavailable or outdated. This makes oversight more difficult and must be rectified. It will also strengthen the role of target prevention if data is available, which can be used to identify and support groups which are more susceptible to homelessness.

We also ask that a system of oversight for local government is put in place to ensure that the legal rights of individuals under existing and future legislation are enforced. For example, reports in the media highlight Cardiff Council's failure to prosecute any landlords for over a decade (Public Law Project 2023; Wilks, 2023).

Failures to enforce current legislation and legal protection by local government lead us to conclude greater oversight is needed by the Welsh government. We have equally heard evidence that policies such as those established by the Southwark ruling are still not adhered to by Welsh local authorities.

Again, for this reason, the Welsh Government needs to implement a more robust system of oversight. This system of oversight must be independent of the local government. The Welsh Government should consider what legal remedies are available for the enforcement of individual rights and standards for services. Equally, we support the relevant Minister having powers to intervene where necessary to ensure compliance with legislation and the delivery of services. There should be clear guidelines on when the Minister should and must act in relation to homeless services.

We would also support further training for practitioners to ensure they understand fully the rights of individuals within the homeless system and how to support them. This could go as far as requiring legal certification for housing departments or individual practitioners. From our research, we have seen that despite their best efforts, many housing practitioners are ill-prepared to respond to the needs of individuals within the homeless system. At its extremes, we have seen the impact that this can have on young people in our Out on the Streets (2019) and Impossible to Navigate (2023) reports. This ranged from re-traumatising young people due to the complexity of the system to outright discrimination by practitioners.

We also strongly believe that the rights set out in homeless and housing legislation, including acts such as the Renting Homes (Wales) Act 2016, should be the subject of a widespread and robust public information campaign. Many individuals are not fully aware of their rights and, therefore, struggle with self-advocacy both within homelessness services and, more broadly, the housing sector. This, we find, is particularly true of young people within the PRS and plays a role in young people's propensity for homelessness. This should be complemented with greater support for professional advocacy services to support individuals.

Question 26

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

Question 27

What, in your opinion, would be the likely effects of the proposed reforms in this White Paper on the Welsh language? We are particularly interested in any likely effects on opportunities to use the Welsh language and on not treating the Welsh language less favourably than English.

- Do you think that there are opportunities to promote any positive effects?
- Do you think that there are opportunities to mitigate any adverse effects?

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Question 28

We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

It's important that these proposals are fully considered in relation to majority Welsh language communities. To ensure a fully person-centred approach, Welsh speakers should be meaningfully involved in their suitability assessments and application processes, and should not be relocated outside of their communities unless they explicitly state that they want to be. It's also important that LA Housing/Social Services teams have an efficient number of Welsh language competent staff, especially in areas where there are a large proportion of first-language-Welsh-speakers, so as young people have the option to speak in whichever language they prefer, especially when discussing sensitive, emotional, and/or traumatic subject matter.

In our Impossible to Navigate report (2023: 66-7), we make reference to the importance of accessibility of information, with many young people reporting that the overly formal and bureaucratic language used in communication is difficult for them to understand and ends up making them feel confused and alienated. We of course advocate for improvement in the accessibility of information and communication overall and, in this same vein, emphasise that young people accessing the homelessness system should be given the option to receive information and communicate in their preferred language so as the system is equally accessible for Welsh speakers.

Organisation

End Youth Homelessness Cymru

Number: WG48223



Welsh Government
Consultation response form

Consultation on the White Paper on Ending Homelessness in Wales

Date of issue: 10 October 2023

Action required: Responses by 16 January 2024

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Mae'r ddogfen hon ar gael yn Gymraeg hefyd / This document is also available in Welsh

Rydym yn croesawu gohebiaeth a galwadau ffôn yn Gymraeg / We welcome correspondence and telephone calls in Welsh

Overview

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Homelessness Prevention Legislation Team

Welsh Government

Cathays Park

Cardiff

CF10 3NQ

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Reform of the existing core homelessness legislation

Question 1

Do you agree these proposals will lead to increased prevention and relief of homelessness?

Yes/no

NO

Question 2

What are your reasons for this?

The legislation will not increase the provision of facilities for the homeless only the way homelessness is more fairly determined or assessed,. The question of homelessness is being considered in isolation to other matters which are under the control of Welsh Government (WG). In our area the LDP for the years 2013 to 2028 which was twice refused by Full Council has been imposed upon the County Borough but fails to provide adequate affordable housing and absolutely no provision for social housing to reduce homelessness. We are of the opinion that there are conflicting aspects of the Ministerial portfolio of the Climate Change Minister which acts against the long term solution of homelessness whilst still promoting nationally the building of housing to the detriment of affordable and social housing. In our area developers are constructing property types not required by housing officers.

It is our view that WG has been oblivious to the reasons for the decline in social housing to accommodate homelessness and the Pandemic acted as a catalyst to highlight the WG failures over the last 20 years to ensure that adequate accommodation was built or replaced to match the homeless need.

Our freshly imposed LDP makes totally inadequate provision (9.0%) for affordable houses let alone any provision for the homeless. It is a plan driven by WG and not by the local populace hence there is no provision for social housing for the homeless in any of the allocated housing provisions. Without proper planning for such adequate accommodation the selection determination process will continue to be flawed and cannot be resolved without the continued use of temporary and/or inappropriate accommodation. The WG plan led Development Policy does not contribute to the solving of the homelessness problems while it concentrates on viability and economics to build the wrong type of accommodation in inappropriate or non-sustainable locations. The system that Planning Officers can over-ride other Chief Officers on such important issues as housing and highways and flooding is blatantly wrong and further contributes to the failure to provide for adequate provision for the homeless and the needy.

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Question 3

Are there additional legislative proposals you think we should consider to improve the prevention and relief of homelessness?

Yes, there should be an immediate review of all

(1) homeless selection criteria based on the recommendation of the report of "Ending homeless in Wales Legislative Review 2023" and

(2) ensuring that Development Plans make adequate provision for the types of accommodation required by the populace in respect of social and affordable housing before Planning Officers encourage or grant permission for large dwellings (3, 4, and 5+ bedroomed houses) not needed or wanted by the populace and

(3) adequate provision is made for enforcing section 3.21 of PPW 11 that if the Health Facilities are inadequate as in Wrexham new houses should not be built, and where the Health Board (who have been in special measures for several years and have difficulty in managing themselves) should have the only say on the number types of houses that are built. This latter failure to provide proper and adequate health facilities compound the difficulties in providing help and support to the homeless.

Question 4

Do you agree with our proposal to abolish the priority need test?

Yes/no

Yes.

It is considered that the priority need test is not sufficiently robust to cater for the persons falling within this category especially single men who repeatedly face the barrier of exclusion from being removed from homelessness.

Question 5

Do you agree with our proposal to abolish the Intentionality test?

Yes/no

Yes

Provided that all persons receive fair and proper treatment for personal trauma and should not rely for support on a professional decision of who is deserving of support and who is not. A fairer system for this type of case is needed.

Question 6

Do you agree with our proposal to keep the local connection test but add additional groups of people to the list of exemptions to allow for non-familial connections with communities and to better take account of the reasons why someone is unable to return to their home authority.

Yes

The adding of additional groups of people to the list for non-familial connections with communities is essential to take account of the reasons why a person returning home is impeded.

Question 7

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

The areas covered by the RIA appear satisfactory however it is noted that many potential costs areas of impact have not been identified at this stage although the benefits of early intervention have been postulated but not financially quantified. The range of costs and benefits appear all embracing although not totally equated financially.

The role of the Welsh Public Service in preventing homelessness

Question 8

Do you agree with the proposals to apply a duty to identify, refer and co-operate on a set of relevant bodies in order to prevent homelessness?

Yes/no

Please give your reasons

Yes

It is important that the widest range of relevant bodies are required to co-operate to provide the best outcomes to prevent homelessness. More must be done to give other organisations other than just Housing Departments a stronger role to ensure homelessness is prevented.

Question 9

Do you agree with the proposed relevant bodies, to which the duties to identify, refer and co-operate would apply? Would you add or remove any services from the list?

Yes

The Welsh equivalent of the list on Page 67 of the White Paper would appear to be all encompassing and should be required to co-operate with Housing Authorities to prevent homelessness. Where applicable with no Welsh match to the list the organisations/bodies should provide the necessary co-operation.

Question 10

In your view have we struck the right balance between legislative requirements and operational practice, particularly in relation to health?

We believe that the right balance between legislative requirements and operational practice are about right when organisations or bodies subject to control such as Social Services departments within the same local authority , Local Health Boards including primary care and Registered Social Landlords should be brought into the duty of care refer and identification provisions in Wales. It is important that the health element contributing to homelessness is not overlooked and the legislative changes should overcome this apparent deficiency.

Question 11

What practical measures will need to be in place for the proposed duties to identify, refer and co-operate to work effectively? Please consider learning and development needs, resources, staffing, location and culture.

Additional resources will be needed in the staffing of local Authorities, Local Health Boards including primary care and Registered Social Landlords to contribute properly and effectively to reduce homelessness. We are not able to identify the scale of the resource input needed to establish the revised working procedures. Further reference to the Expert Review Panel -Ending Homelessness for guidance is needed bearing in mind that the Draft Regulatory Impact Assessment does not provide clear guidance on training and implementation costs for this aspect of work to prevent homelessness.

Question 12

In addition to the broad duties to identify, refer and co-operate, this chapter contains proposals to provide enhanced case co-ordination for those with multiple and complex needs. To what extent will the proposals assist in preventing homelessness amongst this group?

The proposals to provide enhanced case co-ordination for those with multiple and complex needs is seen to be a positive step to ensuring that all persons facing homelessness are properly screened and assisted and do not “fall through the cracks “ in the system.

Page 8 of 13

Question 13

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

There are a number of items highlighted in the Regulatory Impact assessment that have not been properly costed and this in our view requires further work to establish the true numbers and costs of measures rather than claims of neutral impact “provided the ratio of successful preventions 22 Applying the duty to refer to social services authorities: new burdens assessment (publishing.service.gov.uk) 20 arising from a referral to total referrals is at worst 1:135 for children’s services and at worst 1:310 or 1:730 for adults’ services “ It is clear that until the full numbers of persons in this category have been fully determined then the costs of the framework of support cannot be fully quantified and should be revisited with more data on the numbers likely to be involved.

Targeted proposals to prevent homelessness for those disproportionately affected

Question 14

Are there other groups of people, not captured within this section, which you believe to be disproportionately impacted by homelessness and in need of additional targeted activity to prevent and relieve this homelessness (please provide evidence to support your views)?

No - the groups that are included appear in our view to cover all those that are disproportionately impacted by homelessness.

Question 15

What additional legislative or policy actions could be taken to prevent or relieve homelessness for the groups captured by this White Paper?

We believe that if the proposals listed in this White Paper are fully financed and put into action there will be sufficient changes in legislation to promote combatting homelessness in the wider and currently identified groups.

Question 16

Our proposals related to children, young people and care experience seek to improve and clarify links between homelessness legislation and the Social Services and Wellbeing Act. Significant policy development is required to assess the practicality of this. What, in your views are the benefits and challenges of our approach and what unintended consequences should we prepare to mitigate?

We support in general the policy changes needed to prevent care experienced young people from getting lost in the system by placing additional inquiry provisions on the Local Authority. The benefits are that all young persons facing homelessness for whatever reason should not get lost in the system. The unintended consequences relate to young persons care experienced or not being included or placed on potential homeless lists where they may not be so entitled.

Question 17

Do our proposals go far enough to ensure that 16 and 17 year olds who are homeless or at risk of homelessness receive joint support from social services and local housing authorities? What more could be done to strengthen practice and deliver the broader corporate parenting responsibilities?

The proposals to require Local Authorities to inquire into whether an applicant is care experienced is to be applauded in the preparation of PHPs. With these steps and inquiries we consider that progress will have been made to the creation of suitable PHPs.

Question 18

Do you agree or disagree that the Renting Homes (Wales) Act 2016 should be amended to allow 16 and 17 year olds to be able to hold occupation contracts?

We note that the creation of 16 and 17 year old contract holders may indeed broaden the accommodation options for this group but our concern is that from personal experience with this group the majority facing homelessness will not have the necessary mental maturity or ability to handle the financial and physical burdens placed upon them. Care should be exercised in this area of young contract holders so that significant further research is required to establish whether the group can actually handle the contract responsibilities.

Question 19

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

We do not perceive any areas that the RIA has not covered.

Access to accommodation

Question 20

To what extent do you agree or disagree with the short-term proposals to increase the suitability of accommodation? Are there additional immediate actions you believe should be taken for this purpose?

We agree with proposals to increase the short-term increase in the suitability of accommodation. Yes plans should be implemented immediately to start to address the longterm gradual erosion of the availability of social housing that has taken place over the last 20 years and put in place sufficient grant funds to enable a programme of additional Social Housing (1 & 2 Bedroom Properties) to be constructed by Local Authorities and RSLs.

Question 21

To what extent do you agree or disagree with the proposals around the allocation of social housing and management of housing waiting lists? What do you believe will be the consequences of these proposals?

The proposals to increase the allocation of social housing and management of housing waiting lists is essential but this requires the numbers of suitable social housing units to be drastically increased. Presently Welsh Government hides behind improper inclusion of affordable housing in LDPs rather than including a proper reference to adequate and suitable social accommodation in the housing population growth requirement. This shortfall of suitable Social Housing should be addressed as outlined in Q 20 above with positive emphasis on this need in any LDP reviews.

Question 22

To what extent do you agree or disagree with the proposal for additional housing options for discharge of the main homelessness duty? What do you foresee as the possible consequences (intended or unintended) of this proposal?

We agree with the provisions for additional housing options for discharge of the main homelessness duty. With the changed timescales attaching to these provisions, we foresee that the accommodation proposed as suitable at the outset may no longer be available or suitable at the end of the 6 month local authority review period.

Question 23

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals in relation to access to housing. Are there any costs and benefits we have not accounted for?

No, The RIA appears to cover all the aspects of the proposals in relation to access to housing.

Implementation

Question 24

To what extent do you think the proposals outlined above will support the implementation and enforcement of the proposed reforms?

With the introduction of the proposed extension of local government scrutiny and social regulation orders together with increased Regulatory Standards that apply to RSLs the improved path to reducing homelessness should be secured. The monitoring of the performance of organisations involved in the delivery of improved services to prevent homelessness is essential so is the need for WG to ensure prospective performances meet the objectives of this White Paper. Where necessary WG should be able to intervene where a homeless service is failing and support, challenge or direct improvements. If these processes are rigorously enforced then support for the proposed reforms should be axiomatic.

Question 25

What other levers/functions/mechanisms could be used to hold local housing authorities and other public bodies accountable for their role in achieving homelessness prevention?

The prospect of a local authority or other public bodies having its homeless data and/or property portfolio called in by WG will only be a sufficient lever if when called in and prevention work or direction is necessary the full cost burden must fall on the local housing or other public body. This to enable others to fulfil the obligations to prevent homelessness or to make the necessary improvements required by the legislation planned under this White Paper.

Alternatively grant funding to improve temporary or permanent accommodation could be withheld pending improvements to the homelessness prevention duty.

Question 26

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

The RIA appears to cover the whole range of activities and functions needed to

Question 27

What, in your opinion, would be the likely effects of the proposed reforms in this White Paper on the Welsh language? We are particularly interested in any likely

effects on opportunities to use the Welsh language and on not treating the Welsh language less favourably than English.

- Do you think that there are opportunities to promote any positive effects?
- Do you think that there are opportunities to mitigate any adverse effects?

We think that the proposals to advance the Welsh language are neutral, however, any potential homeless person whose first language is Welsh should have the ability for all communications from whichever body is involved to have all records and PHPs in Welsh and their records retained in Welsh accordingly.

Question 28

We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

We are concerned that such a parlous situation on homelessness has evolved since the Housing Wales Act 2014 was introduced. The emphasis on replacing social housing stock has been neglected resulting in Local Housing Authorities having a shortage of suitable accommodation to alleviate homelessness. WG needs to ask itself why has this situation not been identified until after a major pandemic, what in WG Housing policy terms has been included on Homelessness requirements in LDPs other than straightforward housing or affordable housing. The answers to these questions and how one WG Minister has a portfolio that can be so wide that the homeless can fall through the cracks needs to be answered at a Ministerial level rather than at the Local Housing or RSL level where budgets and grants have fallen in real terms over the last 10 years since the Housing (Wales) Act 2014 was placed on the statute books.

Number: WG48223



Welsh Government
Consultation response form

Consultation on the White Paper on Ending Homelessness in Wales

Date of issue: 10 October 2023

Action required: Responses by 16 January 2024

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Reform of the existing core homelessness legislation

Question 1

Do you agree these proposals will lead to increased prevention and relief of homelessness?

Yes/no

Yes

Question 2

What are your reasons for this?

Due to the person centred, trauma informed approach to managing each case. We recognise that homelessness and causes of homelessness cannot be resolved just by housing part of local authority – social services play a key role so welcome their inclusion.

There are challenges on this happening in our LA area, including cuts to social services, they are in draft budget consultation and are proposing not filling vacant social worker posts, also not filling youth worker post in YOT – although they have had a higher settlement than most they still need to find £5m in savings

Introduction of Personal Housing Plan and its review programme

Mandatory Duty to identify, refer and cooperate.

Question 3

Are there additional legislative proposals you think we should consider to improve the prevention and relief of homelessness?

Planning – urgent review of the planning legislation – the current process is too slow and can hang in the balance of a single planning officer. Schemes are being delayed, not being delivered in a timely manner and at an alarmingly increased cost due to repeated planning delays. The Planning departments need to buy in

Bedroom Tax – due to the shortage of accommodation – review or introduce a scheme of exceptions to allow 1 bedroom more than required at the discretion of the RSL. Permit RSL to effectively manage their stock. Bedroom tax is very costly for everyone – the customer who can't afford the tax and the RSL in voids costs when have to move the customer to smaller accommodation. Constantly moving existing customers (whose family makeup changes over time) to smaller accommodation is limiting access and supply of the smaller units.

Question 4

Do you agree with our proposal to abolish the priority need test?

Yes/no

Yes overtime – some are currently excluded due to the test. Each customer should be assessed based on their current circumstances whether they need statutory support – situation, history, health, income, risk etc. If accepted supported by the Personal Housing Plan.

Risk is unintended consequences – false statements – LA will need some form of tight framework to work within

Question 5

Do you agree with our proposal to abolish the Intentionality test?

Yes/no

Yes – same reasons as above

Question 6

Do you agree with our proposal to keep the local connection test but add additional groups of people to the list of exemptions to allow for non-familial connections with communities and to better take account of the reasons why someone is unable to return to their home authority.

Yes

Question 7

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

Staffing resources in LA – development of Personal Housing Plan and its review timescale – this could / would be an additional task that could be time consuming for LA colleagues , at the same time a our LA are facing £5m shortfall and propose savings in preventative services

The role of the Welsh Public Service in preventing homelessness

Question 8

Do you agree with the proposals to apply a duty to identify, refer and co-operate on a set of relevant bodies in order to prevent homelessness?

Yes/no

Please give your reasons

Yes - this duty is severely lacking currently and RSL are very often left to proceed with formalised notices, injunctions and court proceedings before any statutory support or assistance is given. This is not prevention – bodies only step in at crisis point when it is often too late.

Question 9

Do you agree with the proposed relevant bodies, to which the duties to identify, refer and co-operate would apply? Would you add or remove any services from the list?

Yes

A multi-agency homeless case review panel needs to be mandatory in each LA area. Referrals to be made in at the prevention stage and not at crisis point.

Agree PRS should have a duty to report all notices served to LA – this should be a requirements under Rent Smart Wales.

Question 10

In your view have we struck the right balance between legislative requirements and operational practice, particularly in relation to health?

Agree to a statutory case coordination approach

Question 11

What practical measures will need to be in place for the proposed duties to identify, refer and co-operate to work effectively? Please consider learning and development needs, resources, staffing, location and culture.

Training - Understanding of each other roles & powers

Consent to share arrangements similar to MAPPA / MARAC

Commitment agreements / Local written agreements

Resources – the proposal is being introduced at the same time as cuts to police services such as welfare checks.

Question 12

In addition to the broad duties to identify, refer and co-operate, this chapter contains proposals to provide enhanced case co-ordination for those with multiple and complex needs. To what extent will the proposals assist in preventing homelessness amongst this group?

Agree complex case coordination - This is urgently required

Question 13

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

Staffing resources

Targeted proposals to prevent homelessness for those disproportionately affected

Question 14

Are there other groups of people, not captured within this section, which you believe to be disproportionately impacted by homelessness and in need of additional targeted activity to prevent and relieve this homelessness (please provide evidence to support your views)?

Not that can think of

Question 15

What additional legislative or policy actions could be taken to prevent or relieve homelessness for the groups captured by this White Paper?

Question 16

Our proposals related to children, young people and care experience seek to improve and clarify links between homelessness legislation and the Social Services and Wellbeing Act. Significant policy development is required to assess the practicality of this. What, in your views are the benefits and challenges of our approach and what unintended consequences should we prepare to mitigate?

Question 17

Do our proposals go far enough to ensure that 16 and 17 year olds who are homeless or at risk of homelessness receive joint support from social services and local housing authorities? What more could be done to strengthen practice and deliver the broader corporate parenting responsibilities?

Question 18

Do you agree or disagree that the Renting Homes (Wales) Act 2016 should be amended to allow 16 and 17 year olds to be able to hold occupation contracts?

Disagree – unless the parent/guardian acts as the guarantor and if not the LA is mandated to be their guarantor to fulfil that role

Question 19

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

Access to accommodation

Question 20

To what extent do you agree or disagree with the short-term proposals to increase the suitability of accommodation? Are there additional immediate actions you believe should be taken for this purpose?

Agree – but give LA or those who manage Common Housing Registers the flexibility, in agreement with housing providers to adjust banding quotas as required to accommodate a high % of homeless applicants if necessary due to demand.

The immediacy is support / resources for LA housing teams to effectively manage their waiting list and systems – there are massive backlogs in processing applications. So in reality what is the housing need in a local area? We don't know.

Some homeless individuals/families are working but are struggling to secure social rented accommodation. There needs to be a simpler way to manage intermediate rental properties – the current CHR systems do not work for intermediates.

Question 21

To what extent do you agree or disagree with the proposals around the allocation of social housing and management of housing waiting lists? What do you believe will be the consequences of these proposals?

Housing waiting lists are very long and out of date. We don't know what the current demand is. In addition to homeless applicants there are many other households in housing need who are unable to access private market rent (due to unaffordability) nor are able to secure a mortgage.

It is important that this legislation does not have unintended consequences and only allocations to homeless cases occur. Landlords need to be able to create sustainable tenancies and thriving communities so a balanced approach must still be delivered.

To deliver this RSL must be able to match dwellings to the specific needs of applicants and to also ensure the right allocation for the community is made to maintain community cohesion.

We strongly oppose the proposal that enables LA to mandate allocations. The common housing register approach is a partnership and the unintended consequence would be a barrier between both organisations. LA / RSL have great working partnerships currently and we all want to do the right thing. The main problem is lack of accommodation, out of date waiting lists, lack of resource in the LA to manage the volume, inflexibility of LA governance routes to make changes to processes within LA even though CHR are partnerships. Let the professionals do the right thing.

What constitutes an 'unreasonable refusal' and 'specified circumstances'? Some allocation decisions are challenged now as are some referrals/nominations and this takes some considerable time and resource to iron out – adding in mandatory would be very resource intensive and 'big brother'. Only reason a LA would refuse would be the applicant doesn't meet the criteria for the property or there are community tension issues or something known about the individual that means they are best not placed in that unit of accommodation. This is not the RSL refusing to allocate its just to not that property as the RSL knows the community best.

RSL need to be able to continue to support and manage their own stock effectively with its existing customers: for example, managed moves using their own internal policies and processes ie: transferring domestic abuse survivors, downsizing to release houses, transfer on health ground to more suitable accommodation, transferring to prevent legal action – eviction. Without the need for LA approval.

Proposal to remove applicants from the waiting list – someone’s circumstances can change at any time. Someone will have applied for a reason – rather than remove from the list– have a flexible approach where an applicant who is not in need at a particular moment in time is placed in a ‘holding/ pending’ status or the applicant can place themselves on hold (not going to be bidding at this time).

Question 22

To what extent do you agree or disagree with the proposal for additional housing options for discharge of the main homelessness duty? What do you foresee as the possible consequences (intended or unintended) of this proposal?

Agree

As detailed already – a review of how intermediate rentals are marketed and allocated by RSL. CHR does not work. LA can discharge duties into Intermediate units if available and customers have the means to pay the affordable intermediate market rental.

Question 23

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals in relation to access to housing. Are there any costs and benefits we have not accounted for?

Staffing Resources in LA to manage waiting lists

Implementation

Question 24

To what extent do you think the proposals outlined above will support the implementation and enforcement of the proposed reforms?

The current data is not accurate so be cautious when reviewing numbers on waiting lists. My LA area have an 18 month – 2 year backlog of housing applications to process. What is the real situation. Are we even housing the right people now???

RSL are reliant on LA who manage the CHR to deliver. If they are not up to date the RSL can only allocate accommodation to those who bid and to the quotas on the banding systems set by the LA. Is this flawed? Could we be doing better now?

Many RSL do allocate a large % of homeless cases, but remember the stock has to be available that meets the needs of the homeless applicants coming through. Some RSL might not have the specific stock required.

We revert back to the new build programme and the need for a faster, leaner and a more supportive planning process to get schemes moving and built.

Question 25

What other levers/functions/mechanisms could be used to hold local housing authorities and other public bodies accountable for their role in achieving homelessness prevention?

Data – quarterly returns

Publicity

Question 26

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

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What, in your opinion, would be the likely effects of the proposed reforms in this White Paper on the Welsh language? We are particularly interested in any likely effects on opportunities to use the Welsh language and on not treating the Welsh language less favourably than English.

- Do you think that there are opportunities to promote any positive effects?
- Do you think that there are opportunities to mitigate any adverse effects?

Question 28

We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

We support the survey submission by Community Housing Cymru that we have actively contributed to

Organisation (if applicable):

Newport City Homes

Number: WG48223



Welsh Government
Consultation response form

Consultation on the White Paper on Ending Homelessness in Wales

Date of issue: 10 October 2023

Action required: Responses by 16 January 2024

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Mae'r ddogfen hon ar gael yn Gymraeg hefyd / This document is also available in Welsh

Rydym yn croesawu gohebiaeth a galwadau ffôn yn Gymraeg / We welcome correspondence and telephone calls in Welsh

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Welsh Government

Cathays Park

Cardiff

CF10 3NQ

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Reform of the existing core homelessness legislation

Question 1

Do you agree these proposals will lead to increased prevention and relief of homelessness?

They might

Question 2

What are your reasons for this?

Whether or not these proposals will lead to increased prevention and relief of homelessness will depend on the exact wording in legislation, as well as on resources and implementation. However, on initial assessment, these proposals seem to indicate a step in the right direction. The proposed changes to the definition of what it means to be threatened with homelessness, the proposals to expand the definition of homeless so that it includes those who do not have access to clean water, waste facilities and toilet facilities, as well as the proposals relating to PHPs all strikes RCN Wales as sound proposals which could help prevent and relieve homelessness and also tackle some of the health inequalities that are related to this.

However, page 53 includes a proposal for 'a narrower test which sets out a small number of clearly defined and limited grounds for the unreasonable failure to co-operate test'; RCN Wales is concerned that this could lead to vulnerable people being denied vital support. Where there is consistent non-contact, and where the applicant is of at-risk status, the relevant service should attempt to make contact with them. In some cases, this could be social services, health service or police, depending on context.

Question 3

Are there additional legislative proposals you think we should consider to improve the prevention and relief of homelessness?

Yes

Legislation to tackle homelessness needs to acknowledge the crucial role that health care workers play in terms of providing support for people that are homeless or at risk of being homeless, who are otherwise in need of housing or who are vulnerable. Health care workers see every patient in their broader context (for example, they may support a homeless patient to access other services), work in partnership with other public services and advocate for their patients. Legislation to tackle homelessness needs to enable health care workers to continue to do this by ensuring adequate resources and education. As part of this, RCN Wales is calling on the Welsh Government to recruit, educate and retain more community nurses, and to extend the Nurse Staffing Levels (Wales) Act 2016 25B duty to mental health and community settings.

Ambitious legislation and collaboration across Welsh Government areas, from housing to health and beyond, could improve the prevention and relief of homelessness. Providing greater protections for tenants in the private rental sector, for example by introducing controls on rent prices and ending section 21 'no fault' evictions, could provide tenants with stronger housing security, help prevent homelessness and tackle health inequalities. The Welsh Government could also explore the calls made by Cymorth Cymru, Community Housing Cymru, Llamau and Platform to increase Housing Support Grant, as well as consider scrapping section 74 of the Housing Act Wales (2014) which allows local authorities to (often punitively) end their duty of help to people who are still known to be homeless.

Question 4

Do you agree with our proposal to abolish the priority need test?

RCN Wales agrees that the priority need test should be abolished, for the reasons outlined in the White Paper. It would be beneficial to outline a timetable for achieving this as part of the Bill itself.

Question 5

Do you agree with our proposal to abolish the Intentionality test?

The Intentionality test often denies vital support for some those most in need of such support, which in turn may contribute towards causing or worsening ill health, the revisiting of the Intentionality test is therefore welcome. Sufficient safeguards need to be put in place to ensure that the proposed alternative, the deliberate manipulation test, does not cause similar problems.

Question 6

Do you agree with our proposal to keep the local connection test but add additional groups of people to the list of exemptions to allow for non-familial connections with communities and to better take account of the reasons why someone is unable to return to their home authority.

This proposal seems reasonable. However, RCN Wales would be concerned if this was made discretionary, as the White Paper seems to suggest it should, as this could lead to inconsistencies across local authorities.

RCN Wales recommends that the Welsh Government adds the need for a specific or specialist health service as another exemption. A dialysis patient or a cancer patient, for example, may need to live close to a specialist service or facility. A PTSD sufferer or a trans person may also need to live close to a specific or specialist health service/facility.

The Welsh Government should also consider adding other exemptions here, for example someone who wants to live close to a place of worship or in a location where Welsh is widely used as a community language.

It would be helpful for further definitions and examples to be included in the legislation.

Page 6 of 15

Question 7

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

The accompanying Regulatory Impact Assessment has been taken into account as part of RCN Wales' answers to the other questions in this White Paper.

The role of the Welsh Public Service in preventing homelessness

Question 8

Do you agree with the proposals to apply a duty to identify, refer and co-operate on a set of relevant bodies in order to prevent homelessness?

Yes

Please give your reasons

Cross-agency working is needed in order to prevent homelessness; it is important that health bodies are included here.

Question 9

Do you agree with the proposed relevant bodies, to which the duties to identify, refer and co-operate would apply? Would you add or remove any services from the list?

RCN Wales agrees with the proposed list of relevant bodies. However, adequate funding and resources should be allocated to these bodies in order so that they are able to carry out these duties effectively.

Question 10

In your view have we struck the right balance between legislative requirements and operational practice, particularly in relation to health?

Sound legislation can help improve operational practice, and good operational practice can feed into future legislation. Whether the right balance is struck here will depend on the wording of the Bill itself and on whether sufficient resources are allocated by Welsh Government to ensure successful operational practice.

Question 11

What practical measures will need to be in place for the proposed duties to identify, refer and co-operate to work effectively? Please consider learning and development needs, resources, staffing, location and culture.

Health workers will need to be adequately educated and resourced to ensure that these duties can be successfully carried out.

Question 12

In addition to the broad duties to identify, refer and co-operate, this chapter contains proposals to provide enhanced case co-ordination for those with multiple and complex needs. To what extent will the proposals assist in preventing homelessness amongst this group?

The success of the proposals in assisting to prevent homelessness amongst this group will depend on whether sufficient resources are provided here, as well as on the Bill and its implementation.

Question 13

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

The accompanying Regulatory Impact Assessment has been taken into account as part of RCN Wales' answers to the other questions in this White Paper.

Targeted proposals to prevent homelessness for those disproportionately affected

Question 14

Are there other groups of people, not captured within this section, which you believe to be disproportionately impacted by homelessness and in need of additional targeted activity to prevent and relieve this homelessness (please provide evidence to support your views)?

People with learning difficulties may be disproportionately impacted by homelessness and in need of additional targeted activity to prevent and relieve this homelessness.

Question 15

What additional legislative or policy actions could be taken to prevent or relieve homelessness for the groups captured by this White Paper?

The Welsh Government states on page 86 that *'much of the improvement work required to strengthen multi-disciplinary practice between homelessness, mental health and substance use services can be achieved without legislative reform and may be better outlined within the development of the Together for Mental Health strategy and the successor to the Substance Misuse Delivery Plan alongside use of the complex needs funding programme.'*

RCN Wales does not believe that the White Paper has justified why the Welsh Government believes this to be the case.

The White Paper states on point 39, p. 19: *'Despite the strong ethos of partnership, the HWA 2014 [Housing (Wales) Act 2014] has not achieved the strength of partnership between organisations that is required to end homelessness.'*

RCN Wales believes there should be legislation to strengthen how co-ordinated, multi-disciplinary, person centred approaches to mental health, substance use issues and homelessness, including health and non-health services. Without legislation, it is unclear how co-ordinated, multi-disciplinary, person centred approaches to mental health, substance use issues and homelessness, including health and non-health services are going to work together if they have not done so already with all the current legislation and policy guidance available.

On page p. 101, the White Paper states: *'To improve the efficiency of allocation of accessible accommodation, we propose all local authorities in Wales be legally required to hold an accessible housing register and undertake a regular review of the accessible accommodation within their stock'*. RCN Wales is concerned about potential unforeseen consequences to this, as many are in residential care as a result of the state's failure to make adaptations to homes.

Question 16

Our proposals related to children, young people and care experience seek to improve and clarify links between homelessness legislation and the Social Services and Wellbeing Act. Significant policy development is required to assess the practicality of this. What, in your views are the benefits and challenges of our approach and what unintended consequences should we prepare to mitigate?

Although children and young people are mentioned, the discussion is centred on young people and not children. Dependent children in temporary accommodation with a parent have mental health issues that can lead to self-harming and suicide. There is a lack of youth services to support these children.

Education is another factor to consider: when children are moved into temporary accommodation in a different area, often there is delay in finding a school for them, sometimes these delays are significant. These children are vulnerable and find it difficult to integrate into a new environment and new school. Families in temporary accommodation are frequently moved around from one accommodation to another, usually moved areas too, this is very disruptive to these families, causing missed appointments within health services and other services.

In situations of domestic abuse, these families cannot be housed in the same area as they previously were accommodated.

A key worker is needed for families with dependent children and some single homeless where there are health needs to help coordinate appointments, travel arrangements and other issues that these people are faced with.

Question 17

Do our proposals go far enough to ensure that 16 and 17 year olds who are homeless or at risk of homelessness receive joint support from social services and local housing authorities? What more could be done to strengthen practice and deliver the broader corporate parenting responsibilities?

It is concerning that there is no mention in the White Paper about the transition for young people from foster care to the 'When I Am Ready' scheme. This scheme was set up to support young people who turned 18 and was still not ready to live independently.

Once the young person turns 18, the funding received by foster carers more or less halves; this in turn makes it financially impossible for most foster carers to keep the placement open, which results in the young person finding themselves, if they are lucky with a WIR placement or unfortunately they are more likely to end up in an unsuitable, and sometimes overcrowded, Bed & Breakfast. Young people should be able to stay in care, without detriment to the foster carer until they are ready to leave or until they are at least 21 to enable them the time they need to develop into functioning adults.

RCN Wales is very concerned about proposal 606: mediation would not be appropriate here; it only works if all parties agree to it, and by this point the relationship would be unsalvageable. Not only this, but mediation by this point could lead to further trauma for the young person.

Question 18

Do you agree or disagree that the Renting Homes (Wales) Act 2016 should be amended to allow 16 and 17 year olds to be able to hold occupation contracts?

This seems to be a sound proposal. However, Welsh Government would need to ensure the avoidance of any unintended consequences that could come about as a result.

Question 19

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

The accompanying Regulatory Impact Assessment has been taken into account as part of RCN Wales' answers to the other questions in this White Paper.

Access to accommodation

Question 20

To what extent do you agree or disagree with the short-term proposals to increase the suitability of accommodation? Are there additional immediate actions you believe should be taken for this purpose?

RCN Wales would be concerned if these proposals were merely discretionary as it might lead to inconsistencies.

RCN Wales is concerned that the consultation document does not define 'reasonable travelling distance' (proposal 513). It would be useful for the legislation to clearly set-out how much time this is, and also give consideration to the fact that what could be considered reasonable travelling distance will vastly vary, depending on whether it is done by car, bus, train, bike or on foot.

RCN Wales would also want any definition of 'reasonable travelling distance to be disability friendly.

Page 132 should read 'health facilities', not 'medical facilities', otherwise health facilities that are key to someone's health, but that do not count as 'medical' will be excluded.

Question 21

To what extent do you agree or disagree with the proposals around the allocation of social housing and management of housing waiting lists? What do you believe will be the consequences of these proposals?

Welsh Government would need to ensure the avoidance of any unintended consequences that could come about as a result of these proposals. In addition, the addressing of issues relating to the inadequate supply of social housing would be welcomed; as part of this, Welsh Government could explore ways in which vacant properties can be used for the purpose of alleviating and preventing homelessness.

Question 22

To what extent do you agree or disagree with the proposal for additional housing options for discharge of the main homelessness duty? What do you foresee as the possible consequences (intended or unintended) of this proposal?

It is regrettable that proposal 603 does not address the issue around violence that is mentioned elsewhere (e.g. Chapter 3) in the White Paper.

Question 23 The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals in relation to access to housing. Are there any costs and benefits we have not accounted for?

The accompanying Regulatory Impact Assessment has been taken into account as part of RCN Wales' answers to the other questions in this White Paper.

Implementation

Question 24

To what extent do you think the proposals outlined above will support the implementation and enforcement of the proposed reforms?

The proposals outlined above will only be able to support the implementation and enforcement of the proposed reforms unless there is sufficient funding.

In order to ensure that nurses, health visitors and other health care workers are able to play their part in implementing and enforcing any new reforms, it is imperative that Welsh Government allocates adequate resources to fund the recruitment, education and retention of those working in such professions and that the requirements of each health profession and band is suitable to the scope, experience, skills and qualification of each profession.

Question 25

What other levers/functions/mechanisms could be used to hold local housing authorities and other public bodies accountable for their role in achieving homelessness prevention?

Mechanisms could be put in place that ensure better communication between local authority, social services and health providers.

Question 26

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

The accompanying Regulatory Impact Assessment has been taken into account as part of RCN Wales' answers to the other questions in this White Paper.

Question 27

What, in your opinion, would be the likely effects of the proposed reforms in this White Paper on the Welsh language? We are particularly interested in any likely effects on opportunities to use the Welsh language and on not treating the Welsh language less favourably than English.

- Do you think that there are opportunities to promote any positive effects?
- Do you think that there are opportunities to mitigate any adverse effects?

Welsh Government should ensure that those accessing services in Wales are able to do so through the medium of Welsh, as is their right. RCN Wales has previously made this point in the context of the NHS. Enabling a Welsh speaker to access homelessness or housing services in Welsh could mean that the service user is better able to communicate their needs and preferences, and could increase their comfort and dignity, particularly important given the need of a trauma-informed approach to tackling homelessness.

Question 28

We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

More detail on commitments on how the Welsh Government will ensure the successful delivery on the White Paper's proposals would be useful, e.g. more detail on where the finance to make this work will come from is needed; there is a risk that, unless there is a clear budget, these proposals could just add strain to existing services.

RCN Wales support the proposal on p. 88 for a joint duty for health and the local authority to work together to prevent homelessness at the point of hospital discharge.

Community nurses play a crucial role in tackling health inequalities and provide an essential service to many homeless people and those at risk of being homeless. To enable them to carry out this role effectively, RCN Wales is calling for more investment in and focus on community nursing. For example, RCN Wales believes that section 25B of the existing safe nurse staffing levels legislation to be extended to cover all areas where nursing takes place, beginning with the community and mental health inpatients; RCN Wales has also called on the Welsh Government, to work with Health Education and Improvement Wales (HEIW) and NHS Wales to increase the number of district nurses with a Specialist Practitioner Qualification (SPQ) and those working towards a community nursing master's degree.

160. refers to 'parallel work [that is] underway on securing a path to adequate housing, fair rents, and affordability'. RCN Wales looks forward to seeing the fruits of this work, as it could play a vital part in preventing and alleviating homelessness and in tackling health inequalities.

Health visitors are currently able to write letters, on the request of the parent, to the relevant landlord or estate agents, or local authority housing department in the case of council houses, if they believe that a house that they are visiting is inadequate. In such cases, health visitors have found that such letters do not usually carry much weight. There needs to be a way in which the reporting of issues relating to inadequate housing by health visitors actually carry weight. The parallel work referred on the private rental sector referred to in the White Paper could explore ways in which this would be implemented in the private rental sector, but an equivalent should also be implemented in all other respective sectors.

In addition, appropriate mechanism should be put in place to ensure that the family does not experience victimisation or other detriment, e.g. from a landlord, as a result of such letters from health visitors. RCN Wales has noticed that nurses are at times made to assess the adequacy of a house instead of a health visitor, as the health visitor workforce is depleted. This should not be the case; instead, Welsh Government needs to address such workforce issues by investing resources in the recruitment, education and retention of health visitors.

187. proposes to make the communication of key decisions more accessible, particularly for those with a learning disability or with experience of neurodiversity, such as by including 'plain English letters issued alongside a formal letter and better use of digital technology'. This would be welcome, however it should not be confined to plain English only, as plain Welsh will need to be included here. The use of plain language in other languages should also be used where appropriate.

Points 249-250 explore The Expert Review Panel's recommendation for a new statutory duty on the local housing authority to establish and lead a multi-agency approach to homelessness functions through a Joint Homelessness Board. If this or a similar alternative is implemented, RCN Wales strongly believes that nursing representatives should sit on the Board (or on its equivalent if an alternative proposal is instead implemented).

So that everyone in Wales who needs to access housing and homelessness services is able to do so, the Welsh Government could explore what it could do to mitigate against or end No Recourse to Public Funds (NRPF) conditions in Wales.

The White Paper briefly mentions alcohol and drug abuse and the ways in which this can impact on homelessness. An analysis of harm reduction models to prevent alcohol and drug abuse could be explored here.

Organisation:

Coleg Nyrso Brenhinol Cymru – Royal College of Nursing Wales

The RCN is the world's largest professional union of nurses, representing over half a million members, including nurses, midwives, health visitors and nursing students, with around 30,500 members in Wales. The majority of RCN members work in the NHS with around a quarter working in the independent sector. The RCN works locally, nationally and internationally to promote standards of care and the interests of patients and nurses, and of nursing as a profession. The RCN is a UK-wide organisation, with its own National Boards for Wales, Scotland and Northern Ireland. The RCN is a major contributor to nursing practice, standards of care, and public policy as it affects health and nursing. The RCN represents nurses and nursing, promotes excellence in practice and shapes health policies.

Number: WG48223



Welsh Government
Consultation response form

Consultation on the White Paper on Ending Homelessness in Wales

Date of issue: 10 October 2023

Action required: Responses by 16 January 2024

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Reform of the existing core homelessness legislation

Question 1

Do you agree these proposals will lead to increased prevention and relief of homelessness?

Yes/no

Yes

Question 2

What are your reasons for this?

We are enthused by many of the proposals in this document. Ultimately, we believe that preventing homelessness, like preventing all forms of violence against women, is everyone's responsibility. It is a cross-directorate issue and the responsibility should be on the shoulders of all public agencies to identify and prevent homelessness. We are hopeful that if enacted properly, the duty to identify, refer and co-operate across all public services should help with early intervention and prevention of homelessness.

Further, we agree with the removal of the priority need test. Many weaknesses of the priority need test have been identified, including its use in gatekeeping assistance, inconsistent application, and high thresholds for vulnerability, which can leave people facing critical need being turned away¹. Indeed, survivors often tell us violence against women and girls is not properly considered when assessing priority need and this leaves survivors facing real risk without the support they need.

This is particularly true for certain forms of violence against women, such as sexual violence and sexual exploitation, leaving these survivors unfairly excluded from accommodation. We are hopeful that without this test, and with appropriate levels of training and understanding, more survivors of abuse will be provided the support they need.

We also agree with the removal of the intentionality test. There are case studies in both Wales and England of survivors who have not received support due to being declared 'intentionally homeless' either by leaving the perpetrator or through rent arrears. This leaves survivors either facing significant safeguarding risks if returning to the perpetrator or facing homelessness. Further, survivors experiencing homelessness are likely to have experienced significant trauma and have multiple support needs. Homelessness amongst survivors of abuse often occurs because of a lack of understanding of trauma and support needs, meaning the support provided is inappropriate for the individual. We believe that the concept of intentional homelessness ignores this, and undermines the provision of trauma-informed, needs-led support. Survivors of all forms of abuse know best what support they require and how to assess their own risk and this is often misinterpreted by professionals without the appropriate awareness training. We hope that removal of the intentionality test will help survivors receive the support they need, regardless of previous behaviour, which may be a result of significant levels of trauma.

We are hopeful that the removal of these tests will help survivors to access support and increase the resources, particularly within overstretched local authority housing teams, to allow them to co-operate thoroughly and fully with other agencies to prevent homelessness.

We wish to make it clear that widening access to temporary accommodation will be critical for successfully removing these two tests. It is crucial that survivors have access to safe, appropriate temporary accommodation directly at the point of need to avoid them being placed with potential perpetrators of abuse or exploitation.

Question 3

Are there additional legislative proposals you think we should consider to improve the prevention and relief of homelessness?

Whilst we welcome many of the legislative proposals in this consultation, outlined above, we do believe there is much more the Welsh Government could do to improve the prevention and relief of homelessness.

Firstly, wholesale reform of welfare and benefits is key. Whilst we appreciate that much of this is not devolved, we do believe there is considerable scope to address the financial elements that prevent access to housing. These include:

- **Increasing Housing Support Grant.** As outlined in a recent report by Cymorth Cymru, the housing support grant (HSG) funds housing and homelessness support services in Wales, including refuge. This funding plays a key role in supporting those either experiencing or at risk of homelessness, many of whom are survivors of abuse. In the 2023-24 Welsh Government Budget, the HSG was frozen at a baseline of £167 million, where it has been since the pandemic. This is sub-inflationary, and does not account for increase in demand and pressure on those services. It is clear that this must be properly funded to support the housing and homelessness and specialist services that are key for the policy proposals in this document to be realized.
- **Increasing Local Housing Allowance.** Local housing allowance (LHA) rates help those renting from private landlords with the cost of rent paid as housing benefit. In Wales for 2023-2024, these were fixed at the April 2020 rate. We welcome the announcement in the autumn statement that LHA rates will be increasing, but these should be continuously monitored and adjusted. We appreciate that rates of LHA are the responsibility of the Department for Work and Pensions, and are not devolved, but we urge the Welsh Government to work with the UK Government to increase local housing allowance rates to reflect current prices.
- **Wider rollout of Housing First.** Housing First is a widely-acknowledged initiative which focuses on providing permanent, secure housing directly at the point of need and then providing additional support and services as required. In 2018, the Welsh Government established Housing First as a key intervention to reduce so-called rough sleeping in Wales and supported a number of Housing First initiatives across Wales which have shown demonstrable success. Between 2018 and 2021, 245 people started Housing First tenancies, 90% of whom were sustaining their tenancies by the end of the projects. However, traditionally there has been a focus on interventions for those experiencing street homelessness. More projects that support particularly groups, such as women, who experience homelessness differently, are needed.

Secondly, we would like to use this opportunity to reiterate our calls for an exemption for refuge services from the Renting Homes (Wales) Act. We have highlighted to Welsh Government that including Refuge in the Act does not acknowledge their status as emergency accommodation for survivors at serious risk, and not as long-term temporary accommodation. Specialist services who are members of Welsh Women's Aid regularly report long waiting lists for secure housing, which means survivors must spend increasing lengths of time in refuge, and there are concerns that the provision of standard contracts under the Act presents significant safeguarding risks. We know that exemptions to the Act are possible, as has been the case for B&B accommodation, and we strongly urge Welsh Government to apply the same exemption to refuges.

Thirdly, little of the proposed legislation within this document will be achievable without legislative action to make significant increases in the housing stock in Wales. This must be achieved through:

- Expanding the housing supply. There is a particular need for more high-quality social and temporary housing to fulfil shortfalls and Welsh Government must deliver on their commitment to build 20,000 social homes by the end of this Senedd term as well as prioritizing capital investment to commit to further home building in the long-term.
- Bringing empty properties back into use. We welcome the announcement from Welsh Government this year that £50 million was being made available to bring empty properties back into use, but we believe that capital revenue for this scheme should be scaled up so it can be expanded to make efficient use of the existing housing stock.
- Taking action on second homes. Welsh Government must continue to investigate policy regarding second homes, ensuring that such homes do not diminish the housing stock and increase rent and house prices in specific areas, which can price people out of the housing market and push them into homelessness.

Question 4

Do you agree with our proposal to abolish the priority need test?

Yes/no

Yes

Question 5

Do you agree with our proposal to abolish the Intentionality test?

Yes/no

Yes

Question 6

Do you agree with our proposal to keep the local connection test but add additional groups of people to the list of exemptions to allow for non-familial connections with communities and to better take account of the reasons why someone is unable to return to their home authority.

We believe that the local connection test disproportionately negatively impacts particular groups of people, including survivors of VAWDASV. It does not acknowledge that survivors of abusive and their families often need to leave their local area in order to reach safety and when presenting as homeless to a local authority, may choose to do so in an area that was previously entirely unknown to them or to which their connection is based on non-familial support networks such as specialist services, including refuge, or friends.

Specialist services that are members of Welsh Women's Aid reported cases where survivors were refused temporary accommodation due to lack of local connection and then lost support from specialist services due to having to move between different areas. They also reported cases of women who had been trafficked to a particular area but did not have any local connection to the area. These survivors are scared to return to the area where they have been trafficked from, and then are "determined to stay street homeless for 6 months until the [local authority] will accept duty". These examples show the local connection test is not fit-for-purpose and, in some cases, leaves survivors of VAWDASV at further risk of abuse.

Given that the little research that exists shows no evidence of disproportionate movement to 'service-rich areas', we see little reason to retain the local connection test, and we believe removing this gives survivors the best chance to start a new, safe life away from trauma should they so wish or need.

Question 7

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

The role of the Welsh Public Service in preventing homelessness

Question 8

Do you agree with the proposals to apply a duty to identify, refer and co-operate on a set of relevant bodies in order to prevent homelessness?

Yes/no

Please give your reasons

Ultimately, we do agree with the proposals to apply a duty to identify, refer and co-operate on a set of relevant bodies in order to prevent homelessness. We welcome the acknowledgement that temporary accommodation can be damaging to a person's health and wellbeing, and agree that a focus on secure accommodation must be first and foremost. We believe that multi-agency responses are crucial to delivering a holistic, public health approach to solving homelessness. However, we believe that a number of factors should be considered and mitigated to ensure the success of this approach:

- All bodies must agree to work on the principles of Housing First. Housing First has been shown to be successful both within Wales and more widely. All bodies involved must have buy-in to these principles in order for this to work and to create long-lasting, substantive change in the prevention of homelessness.
- Whilst we appreciate these duties may only be applied to public bodies, there must be a requirement to work with specialist services and the provision of statutory guidance on this.
- There is a need to consider potential unmitigated risks around consent. We welcome the acknowledgement within the white paper that consent is critical and we welcome the development of guidance for local authorities on this, but the priority must be on ensuring this consent is true and informed. We know that many survivors present to services in times of extreme crisis and this is often when the need is highest. Consequently, there must be provisions to ensure survivors are properly informed of how their information is going to be used and who it is going to be shared with, and the context is taken properly into account. We know that some survivors need many attempts to disclose or flee unsafe situations and we are concerned that if this is not handled properly and unhelpful responses are provided, it may prevent future disclosures. We believe training around VAWDASV would help this but robust and thorough guidance developed with input from both specialist services and survivors, is also crucial.

- Linked to the above, we believe that training for all staff involved will be key for success. Across a number of public services, there is a lack of understanding of the experiences of women who have experienced VAWG and homelessness. Such women are less likely to be street homeless, but more likely to experience other types of homelessness, for example, sofa surfing and as a result, they often have multiple interactions with services before a housing need is identified, or they fall through the gap completely. As such, there will be a need to ensure all staff receive thorough VAWDASV awareness and trauma-informed training as per the Trauma-Informed Wales framework, so they can successfully identify those with a housing need, especially for women who have multiple support needs and may present differently to services.
- All bodies onto which this duty is applied must have appropriate staffing and resource levels to manage the accompanying administrative work and caseloads. We are concerned that if this is not provided from the start, the multi-agency approach will not be effective.

Question 9

Do you agree with the proposed relevant bodies, to which the duties to identify, refer and co-operate would apply? Would you add or remove any services from the list?

Whilst we appreciate the current pressures on staff in education settings and Welsh Government's commitments to reducing workload and bureaucracy for school staff, we do believe including education services in this list is key. Settings such as schools and pupil referral units are often the first port of call children experiencing or witnessing abuse and/or neglect. They already receive training on this and work with other services such as police, health, and social services to create packages of support for such children after identification, which leaves them well-placed to take an active role in the duty to identify, refer and co-operate. Further, it must be noted that early experiences of abuse and neglect are contributory factors to later adverse experiences such as homelessness and we believe there is a need to focus on early intervention as well as providing support directly at the point of need.

We agree with the Expert Review Panel that private landlords should be placed under this duty. We appreciate the ongoing review of Rent Smart Wales, but given the prevalence of private renting in

Wales and the obligations on private landlords to report rent arrears and anti-social behaviour, which may compromise tenancies and leave individuals at risk of homelessness, we believe their inclusion in this duty is key to creating a joined-up, holistic approach to support.

We appreciate that imposing such a duty on specialist and third-sector organisations would not be appropriate, however, we want to re-iterate our urge for co-operation with specialist domestic abuse and sexual violence services at all stages of the process where a survivor or their children are involved.

Question 10

In your view have we struck the right balance between legislative requirements and operational practice, particularly in relation to health?

We believe that more specificity is needed around operational practice in terms of realizing these legislative proposals. We are concerned around the lack of governance and we strongly agree with the Expert Review Panel recommendation of a Joint Homelessness Board. We are concerned that without an overarching governance structure, it is unclear who takes responsibility for oversight and administration of policy in each locality and how clear lines of enforcement can occur. Without this, we believe some individuals experiencing homelessness may still be missed. As outlined in the consultation white paper, one young person stated they felt there was a back and forth between people to “avoid having to take responsibility”, and we are concerned that if no direct responsibility is placed on a specific body, this may continue and/or get worse.

Whilst we agree with many of the legislative proposals within this white paper, we believe that there is a lack of acknowledgement of how this will affect some forms of accommodation, such as refuge provision. We agree with the overarching need to sustain or secure standard occupation contracts more generally, but there is no acknowledgement that for some forms of accommodation, there is a need for flexibility in certain circumstances. This is particularly true for certain types of temporary accommodation such as homelessness services and refuge provision, for example, where survivors may need to leave rapidly due to safety concerns but may not be willing to do so. As such, while we do think the legislation is well intentioned, we believe there is a need to consider how the legislation would operate for all types of housing, including that operated by specialist services, to ensure there are no unmitigated indirect negative consequences.

We are also concerned about the lack of detail on how these measures will be incorporated in local strategies and commissioning structures, and how regional variations will be mitigated. We appreciate the white paper does state that “the proposed change in law will need to be supported by additional guidance that helps create uniformity of service provision across Wales and funding for the range of services which will be required” but it fails to elaborate on the detail of this guidance.

We strongly feel this must be expanded upon for this legislation to be operationally meaningful.

Further, there is a serious need to consider the funding required to operate these policies. We are concerned that without sufficient staffing and housing levels, as outlined previously, this legislation may be well-intentioned but impossible to operate.

Question 11

What practical measures will need to be in place for the proposed duties to identify, refer and co-operate to work effectively? Please consider learning and development needs, resources, staffing, location and culture.

We urge the Welsh Government to ensure all staff who come into contact with survivors during this multi-agency approach have received sufficient trauma-informed and VAWDASV awareness training. It is vital that when survivors who have experienced or are experiencing homelessness come in to contact with services, they are believed and supported appropriately. This includes a wider rollout of Trusted Professional training, developed and delivered by Welsh Women's Aid.

In order for these duties to work effectively, all relevant public bodies on to which the duty is applied will need significant increases in their staffing levels and the relevant funding to employ and upskill staff. In a Local Government and Housing Committee Session on 16th November 2022, issues with high demand and staff turnover on local authority housing teams were highlighted, as well as the need to increase administrative capacity. The administrative load accompanying the implementation of the Renting Homes (Wales) Act will have further exacerbated this and has not been accompanied by sufficient resources for local authorities to increase their staff levels accordingly. Particularly in light of the recent 2024-25 draft budget, which Welsh Government has stated comes during a 'very difficult budget round', with less funding available to meet even statutory commitments, we are concerned that economic pressures may make it difficult to provide sufficient resources and staffing levels.

As outlined above, we also believe that operational guidance, developed alongside specialist services and those with lived experience – including survivors of abuse – will be critical for the practical implementation of these proposed duties and to ensure they work effectively.

Question 12

In addition to the broad duties to identify, refer and co-operate, this chapter contains proposals to provide enhanced case co-ordination for those with multiple and complex needs. To what extent will the proposals assist in preventing homelessness amongst this group?

Question 13

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

Question 14

Are there other groups of people, not captured within this section, which you believe to be disproportionately impacted by homelessness and in need of additional targeted activity to prevent and relieve this homelessness (please provide evidence to support your views)?

We welcome the inclusion of survivors in the groups disproportionately impacted by homelessness. We also welcome the widening of the definition of domestic abuse to more explicitly include controlling or coercive behaviour, economic and psychological abuse. However, the definition is still lacking explicit acknowledgement of the impact of a number of forms of VAWG on homelessness including:

- Economic and/or financial abuse. While we appreciate the definition has been expanded to include this, we wish to more explicitly highlight the impact of these on homelessness amongst survivors. There has been a significant increase in the reports of financial and economic abuse in recent years, exacerbated by the cost-of-living crisis, and lack of access to financial resources is a major barrier for women escaping all forms of violence. Research shows that financial hardship makes it more difficult to find a refuge space after leaving an abusive relationship, with many survivors either sofa surfing or spending time in emergency accommodation such as B&Bs while waiting for refuge space. Further research also shows that a small but notable number of women experience street homelessness while waiting for refuge space, many of whom experience further danger or abuse as a by-product.

- Sexual exploitation.
 - Firstly, we would advocate for the Welsh Government and this white paper to adopt the working definition for Adult Sexual Exploitation (ASE) developed by the All-Wales Operational Group on Sexually Exploited Women (AWOGSEW), which defines ASE as “Sexual exploitation occurs when someone is coerced, forced, or manipulated into engaging in sexual activities by a third party, or out of necessity to finance basic needs.”
 - Secondly, whilst we appreciate this is encompassed within the ‘sexual violence’ umbrella under the Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 (VAWDASV Act), given that survivors of sexual exploitation face unique barriers to support, we believe it merits more explicit inclusion. Members of the AWOGSEW report that survivors of sexual exploitation are often deemed not eligible for support such as refuge due to their involvement in sexual exploitation or other, related, multiple support needs. They have reported particular difficulties for survivors of sexual exploitation in relation to being awarded local authority homelessness duties and accessing temporary accommodation due to past ‘unsuccessful stays’. This often leaves survivors experiencing street homelessness, with no fixed address, or sofa-surfing, thereby putting them at risk of further exploitation and making it even harder for them to access support. In one particular case study, a member service reported a survivor of sexual exploitation who was refused emergency housing after a suicide attempt due to previous ‘unsuccessful stays’, was unable to access a regular supply of critical medication due to her housing needs, and was passed between several local authorities who refused to accept homelessness duties. At the time of writing, the survivor remained homeless. Again, it must be noted that women who have experienced sexual exploitation may have multiple support needs, may have experienced significant levels of trauma, and may be experiencing continuing exploitation, and the lack of appropriate support for their housing needs leaves them at significant risk of further abuse and re-traumatisation.
 - We believe that specialized support for women who have experienced sexual exploitation must be included in this multi-agency approach and they must be supported as any other survivor of VAWDASV would be, including the involvement of specialist VAWDASV services, to ensure they receive proper needs-led, trauma-informed support suited to their requirements.

- Forms of online abuse such as technological abuse and image-based abuse.

It must also be noted that women in general experience homelessness differently. Women are more likely to experience forms of homelessness other than street homelessness such as sofa-surfing. This is particularly true for women who are survivors of abuse. In a 2022 report, Women's Aid Federation of England (WAFE) found that whilst waiting for a refuge space, just over a fifth of women sofa-surfed.

Question 15

What additional legislative or policy actions could be taken to prevent or relieve homelessness for the groups captured by this White Paper?

We believe a number of additional legislative or policy actions could be taken to prevent or relieve homelessness for survivors of abuse. These include:

- Increased funding for local authority housing teams. Member services have reported increased waiting times for homelessness assessments from local authority housing teams, which is leaving survivors in temporary accommodation for increasing lengths of time. This has a significant impact on the mental health of survivors and is detrimental to the relationship between support workers and survivors.
- Mandatory VAWDASV awareness training for local authority housing teams.
- An exemption for refuge services from the Renting Homes (Wales) Act. We are concerned that elements of the Act, such as the 48-hour exclusion, may leave survivors facing homelessness and should they have nowhere else to stay, they may resort to returning to the perpetrator or locations known to the perpetrator, which represents a significant safety risk.
- Increase in all forms of accommodation, particularly move-on accommodation for survivors of abuse.
- Ring-fenced housing for survivors of all-forms of abuse.

- Extend all housing benefits to migrant survivors, including those with NRPF. Even though Social services and wellbeing duties apply to those with NRPF, support services (particularly those in local authorities) have often been reported as reluctant to support these survivors. Without full lifting of NRPF conditions, we remain concerned that migrant survivors will not get the support they need and this can leave people particularly vulnerable. We know councils are encouraged to accept their duties and Welsh Government have provided guidance on this, however, it is still the case that many do not understand their responsibilities. Training is a good first step and we welcome the Welsh Government's continuous lobbying of the UK government on this issue but we strongly encourage the Support for Migrant Survivors fund to be made permanent and urge Welsh Government to provide sufficient, ringfenced funding to services to provide this support
- While we appreciate that local housing allowances are non-devolved, and are the responsibility of the Department for Work and Pensions, we urge the Welsh Government to continue efforts to ensure the exemption from the shared rate of local housing allowance is extended to survivors of all forms of VAWDASV, not just domestic abuse.

Question 16

Our proposals related to children, young people and care experience seek to improve and clarify links between homelessness legislation and the Social Services and Wellbeing Act. Significant policy development is required to assess the practicality of this. What, in your views are the benefits and challenges of our approach and what unintended consequences should we prepare to mitigate?

Question 17

Do our proposals go far enough to ensure that 16 and 17 year olds who are homeless or at risk of homelessness receive joint support from social services and local housing authorities? What more could be done to strengthen practice and deliver the broader corporate parenting responsibilities?

Question 18

Do you agree or disagree that the Renting Homes (Wales) Act 2016 should be amended to allow 16 and 17 year olds to be able to hold occupation contracts?

Question 19

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

Access to accommodation

Question 20

To what extent do you agree or disagree with the short-term proposals to increase the suitability of accommodation? Are there additional immediate actions you believe should be taken for this purpose?

There are many proposals with which we agree and would particularly like to support:

- We agree with section 502 which prohibits shared sleeping space. While we understand this is rarely used, we want to reiterate our concerns that permitting shared sleeping space for those accessing temporary or shared accommodation presents significant a safety concern for survivors of abuse and may compromise their mental well-being.
- We agree that choice is integral to the provision of trauma-informed support. Ultimately, survivors and specialist services know what is best for the individual, and they are best placed to decide what provision is or is not appropriate. We believe that all individuals, but particularly survivors of abuse, should have their voices heard and should be able to determine whether accommodation is suitable or not without it prejudicing future offers of support.
- We with the need for supported accommodation for those aged under 25 which is raised in point 510, but we want to re-iterate that the support must be trauma-informed and appropriate for their age and experience. We have previously reported on the postcode lottery of support for children and young people in Wales and this provision must be increased to ensure people and young people can be supported meaningfully.
- We appreciate the acknowledgement of support networks broader than family. In the vast majority of cases of VAWG, the perpetrator is known to the survivor and most often, this is a partner or family member. Subsequently, for survivors of abuse, their support network often consist of individuals outside the family and for those that have received support from services, proximity to those services is crucial for consistency.

Under point 509, we agree that placing individuals in overcrowded accommodation is never suitable but we wish to highlight some concerns around the caveats around placement with family or friends. The white paper notes that there must be no predilection for placing families in overcrowded conditions but that such a placement may be preferential and may be applied 'in line with the applicant's wishes. Where this occurs, this must be limited and looked into appropriately to prevent survivors feeling pressured to stay with family members who are perpetrators of abuse when it is not appropriate in order to avoid being placed in overcrowded accommodation. This is of particular concern in cases of coercive control, financial abuse and so-called honour-based abuse, where family members can often be involved.

Question 21

To what extent do you agree or disagree with the proposals around the allocation of social housing and management of housing waiting lists? What do you believe will be the consequences of these proposals?

We welcome the review of the unacceptable behaviour test. We are aware that this test is applied inconsistently across local authorities, and we have significant concerns around victim-blaming, particularly where a person has experienced singular or, more often, repeated trauma over many years. We agree with the recommendations to exclude historic behaviour and rent arrears, particularly given that financial and economic resources are often used by perpetrators as a vehicle for abuse. Reports of financial and economic abuse have been soaring since the onset of the cost-of-living crisis, with the charity Surviving Economic Abuse reporting that the steep rise in living costs mean survivors have individual average debts over six times more than in 2020, with this level expected to grow after the winter. We believe guidance around the use and application of the unacceptable behaviour test should be developed alongside the specialist domestic abuse and sexual violence sector.

We are concerned at the proposal to provide local authorities with the power to remove without 'no housing need' from the waiting list in their areas. We know that survivors of abuse are often considered not to have housing need, particularly where a survivor either co-habits or owns property with the perpetrator. We appreciate that the proposal includes the creation of a definition for housing need, and we urge this to include survivors of all forms of VAWDASV and their children, but given the barriers to disclosure and the lack of understanding of VAWG more generally, we are concerned that this may create an unmitigated consequence wherein survivors slip through the need. While we appreciate the resource needed from local authorities to manage the list, we believe increased staffing and better training is a much more person-centred solution to this.

We welcome the acknowledgement that those fleeing abuse should be awarded 'additional preference' given the current landscape and the lack of adequate housing, but it must be acknowledged that those experiencing abuse do not always report it, and that those experiencing other forms of discrimination, such as racism, ableism and homophobia, face even more barriers to disclosure. As such, we believe an intersectional approach is key. We also urge the Welsh Government to ensure local authorities do award this priority to those fleeing abuse, rather than simply 'permit them to'. We know there is large amounts of variation between different local authorities in terms of how they ascribe priority, and as such, often do not understand or ascribe the relevant priority to survivors. Given the severity of the safety implications if survivors do not receive the correct support, it is imperative that the support provided is needs-led and consistent for all survivors.

Related to the above, we welcome the introduction of a statutory requirement for a common housing register or common allocation policies. We are acutely aware of regional variations in allocation policies and we believe mandating use of such policies may go some way to alleviating this discrepancy, however, we ask that the specialist sector is included in the development of guidance. This specialist knowledge is crucial to ensuring survivors are identified and treated equitably across Wales.

We believe that a mechanism to challenge an allocation decision must be included in the draft legislation, and the process must be clear, simple and transparent, with support available in all languages, to ensure that it is universally accessible, particularly given increasing issues with accessing legal aid.

Finally, we have some concerns around the introduction of a 'deliberate manipulation' test. Particularly when it comes to survivors of abuse, applications for support come in times of significant crisis and after years of not being believed, processing information can be extremely overwhelming, particularly for survivors of coercive control. We appreciate the negative impacts of genuinely falsified information, but we are not certain how these can be separated from genuine mistakes.

Question 22

To what extent do you agree or disagree with the proposal for additional housing options for discharge of the main homelessness duty? What do you foresee as the possible consequences (intended or unintended) of this proposal?

We agree that housing duty should not end if an applicant refuses accommodation. As outlined previously, survivors and specialist service staff know what is suitable accommodation for each individual, and taken into account their individual needs is key to a person-centered approach to ending homelessness. Particularly given our concerns around the lack of specialist training for local authority housing staff, we do not feel confident that they are always able to make the most suitable decision and this may lead to increased levels of preventable homelessness.

We agree with a duty to make contact with the applicant six months after acceptance of the offer of housing, but we believe that if the accommodation is no longer suitable, there should be a duty on local authorities to assist with further applications for homelessness assistance, in parity with their prior duties. Particularly for survivors, who often require many attempts to leave an abusive relationship, we are concerned that if such a duty is not forthcoming, there is a real risk that survivors will feel forced to either stay with the perpetrator or face the threat of homelessness.

Question 23

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals in relation to access to housing. Are there any costs and benefits we have not accounted for?

Implementation

Question 24

To what extent do you think the proposals outlined above will support the implementation and enforcement of the proposed reforms?

As outlined in the white paper, the proposed reforms are broad and complex and, as such, it is important to regularly monitor their implementation. We believe local government scrutiny mechanisms will need to be extended and expanded to provide sufficient levels of scrutiny. It is vital that we know how effective these policies are and without knowing how and how well they are being applied, we cannot understand whether this is truly having an impact.

Under point 646, we believe that giving powers to Welsh Ministers to compel local authorities to meet their obligations is critical. We know that many local authorities interpret policies differently at present which leads to disparity in service provision across Wales and without the powers for Welsh Government to intervene and ensure this is not happening, we are concerned that this will not change.

Finally, we firmly agree that more data is needed to monitor compliance with statutory requirements. The data, at present, is inconsistent. For example, we know that many local authorities do not collect data on those experiencing street homelessness and the discrepancy in this data, alongside demand on resources, led to the Welsh Government suspending the count of this in September 2023. We are concerned that without proper data collection tools, the efficacy of these proposals is impossible to monitor, and that this will only get worse as expectations on public service staff increase.

Question 25

What other levers/functions/mechanisms could be used to hold local housing authorities and other public bodies accountable for their role in achieving homelessness prevention?

As outlined previously, we believe that training for all local authority staff is key to housing teams understanding their role in achieving homelessness prevention. Across Wales, there is disparity in the level and depth of training provided to officers, and we believe all housing options officers should have the same level of training to ensure all survivors who are in contact are provided with the same level of support.

Question 26

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

Question 27

What, in your opinion, would be the likely effects of the proposed reforms in this White Paper on the Welsh language? We are particularly interested in any likely effects on opportunities to use the Welsh language and on not treating the Welsh language less favourably than English.

- Do you think that there are opportunities to promote any positive effects?
- Do you think that there are opportunities to mitigate any adverse effects?

Question 28

We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

Organisation (if applicable):

Welsh Women's Aid

- 1 <https://www.gov.wales/review-priority-need-wales-summary-html>
- 2 <https://welshwomensaid.org.uk/wp-content/uploads/2021/11/Cross-Party-Groups-on-Housing-and-on-Violence-against-Women-and-Children-on-housing-and-sexual-violence.pdf>
- 3 <https://welshwomensaid.org.uk/wp-content/uploads/2021/11/Cross-Party-Groups-on-Housing-and-on-Violence-against-Women-and-Children-on-housing-and-sexual-violence.pdf>
- 4 <https://www.womensaid.org.uk/wp-content/uploads/2020/06/The-Domestic-Abuse-Report-2020-The-Hidden-Housing-Crisis.pdf>
- 5 <https://www.cymorthcymru.org.uk/wp-content/uploads/2023/11/HM-report-WG-Budget-24-25-ENG.pdf>
- 6 <https://www.gov.wales/sites/default/files/publications/2019-03/housing-first-principles-guidance-for-local-authorities.pdf>
- 7 <https://www.cymorthcymru.org.uk/wales-achieves-90-tenancy-sustainment-through-internationally-acclaimed-housing-first-model/>
- 8 <https://www.cymorthcymru.org.uk/wp-content/uploads/2023/12/HF-Women-report-Eng.pdf>
- 9 <https://www.gov.wales/50m-bring-empty-homes-back-life>
- 10 <https://www.crisis.org.uk/media/244820/no-one-left-out-report-2021-english-welsh.pdf>
- 11 <https://traumaframeworkcymru.com/>
- 12 <https://www.gov.wales/written-statement-reducing-workload-and-bureaucracy-school-staff>
- 13 <https://record.senedd.wales/Committee/13040>
- 14 <https://www.gov.wales/sites/default/files/publications/2023-12/2024-2025-draft-budget-narrative.pdf>
15. <https://www.womensaid.org.uk/wp-content/uploads/2022/03/Financial-Hardship-report-FINAL.pdf>

- 16 <https://www.womensaid.org.uk/wp-content/uploads/2021/09/Nowhere-to-Turn-2021.pdf>
- 17 <https://welshwomensaid.org.uk/wp-content/uploads/2023/11/Operational-Group-FOI-Report.pdf>
- 18 <https://www.legislation.gov.uk/anaw/2015/3/contents/enacted>
- 19 <https://www.womensaid.org.uk/wp-content/uploads/2022/06/NWTA-2022-Final-A.pdf>
- 20 <https://www.gov.wales/no-recourse-public-funds-nrpf-guidance-html>
- 21 <https://welshwomensaid.org.uk/wp-content/uploads/2022/06/CYP-FOI-Report-ENG-WWA.pdf>
- 22 <https://bawso.org.uk/en/2023/10/launch-of-bawso-forced-marriage-research-report/?cn-reloaded=1>
- 23 <https://survivingeconomicabuse.org/what-we-do/policy-influencing/cost-of-living-crisis>
- 24 <https://www.gov.wales/homelessness-accommodation-provision-and-rough-sleeping-september-2023>

Number: WG48223



Welsh Government
Consultation response form

Consultation on the White Paper on Ending Homelessness in Wales

Date of issue: 10 October 2023

Action required: Responses by 16 January 2024

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Mae'r ddogfen hon ar gael yn Gymraeg hefyd / This document is also available in Welsh

Rydym yn croesawu gohebiaeth a galwadau ffôn yn Gymraeg / We welcome correspondence and telephone calls in Welsh

Overview

This White Paper sets out a range of proposals for changes to policy and the law, to end homelessness in Wales.

How to respond

Please respond by completing the online form or completing this questionnaire and sending it to HomelessnessLegislationReform@gov.wales

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Homelessness Prevention Legislation Team

Welsh Government

Cathays Park

Cardiff

CF10 3NQ

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Reform of the existing core homelessness legislation

Question 1

Do you agree these proposals will lead to increased prevention and relief of homelessness?

Yes/no

Yes, attempts to prevent homelessness is welcomed, but we have reservations on how LAs can continue to offer a sustainable service when facing such increase in presentations, lack of supply of accommodation and constraints on finances.

Overall, most of the changes in legislation will hopefully assist LAs with tackling homelessness. Collectively the changes proposed should assist with prevention, whilst on an individual level, for example removing priority need alone would not prevent homelessness.

Clear guidance would be required on the definition of Homeless Prevention and how it would be recorded and reported. Is prevention now defined as “preventing a person who is at risk of homelessness having to access temporary accommodation”, or “preventing a person having a court order made against them in relation to their accommodation which would result in an eviction?”. An example of this is, if a person has been served a 6-month notice and is now threatened with homelessness, at which point would the homelessness be prevented? Whilst the notice may have been served, should a homeless duty begin if and when the landlord issues court papers and begins legal proceedings?

Question 2

What are your reasons for this?

Renting Homes Wales 2016 legislation has already brought in the 6-month minimum notice period for PRS dwellings, so that should allow homeless teams across Wales more time to work with clients during that period and hopefully prevent the need of accessing temporary accommodation.

Whilst the principal of having a longer period to prevent homeless is welcomed, the reality is that the lack of suitable accommodation in social housing means that not all cases will be prevented. The private rented sector is out of reach to many due to lack of availability, high rent levels and current freeze on LHA level, (However this is due to be unfrozen next year only).

Notice periods in social housing is less than the 6 months, and is mainly due to breaches of contracts, so ASB issues could in theory be heard in court the following day a notice is served and rent arrears heard one month after notice served. As the length of the notice period has reduced to 6 months from 12, this reduces the time available to homeless teams to work with the contract holder and landlord to try and prevent court action.

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Question 3

Are there additional legislative proposals you think we should consider to improve the prevention and relief of homelessness?

Make a requirement that all landlords who issue a possession notice must contact the relevant homeless department at the time of serving to ensure that LAs are given the time to work with the contract holder. It should not be seen as a deterrent to stop landlords issuing notices, but an opportunity to maximise the time to try and prevent the need of temporary accommodation.

If the option is not made in homeless legislation, then lobby the Courts System to include the statutory procedure of notifying the local authority as a step in the pre court protocol. Additionally, seek changes to the Renting Homes Wales Act which already has a number of statutory obligations listed in Schedule 9A of the Act to ensure that a possession notice is valid when served.

Question 4

Do you agree with our proposal to abolish the priority need test?

Yes/no

Yes. Following the implementation of a no one left out approach during Covid 19 pandemic, the priority need test has rarely been used when assessing homeless presentation. Abolishing the priority need will allow consistency throughout Wales.

Question 5

Do you agree with our proposal to abolish the Intentionality test?

Yes/no

No. Similar to the priority needs test, intentionality is currently rarely used in homeless assessments, however caution must be applied to ensure that if removed what other safeguards are put in to place to protect from misuse or abuse of the homeless legislation to secure re-housing.

Renting Homes Wales introduced written Occupation Contracts, rules by which occupants must abide to. Rules that in most times only a Court Order can bring that contract to an end resulting in the occupier losing their home due not abiding to the rules they signed up for. If intentionality is removed what is stopping the cycle of a person not paying rent, being evicted and placed in temporary accommodation, highly placed on a social housing register to be offered another home and repeat the same process of not paying rent and facing eviction knowing that the local authority will rehouse them over and over again? Intentionality should be a deterrent to ensure that occupants have a responsibility to adhere to their contract whilst renting a dwelling.

When a homeless applicant has had the homeless duty discharged due to non-co-operation, if intentionality is removed what is stopping that applicant re-presenting as homeless and triggering another homeless assessment.

A burden of responsibility should exist on clients to ensure they maximise their options to be rehoused, and to ensure that homeless is unrepeated in the future. Does removing the option of being found intentionally homeless remove this responsibility?

Homelessness should be rare and unrepeated, removing the intentionality test removes all sense of consequences to the actions of individuals and provides that safety net of whatever is done they will always be offered temporary accommodation.

Question 6

Do you agree with our proposal to keep the local connection test but add additional groups of people to the list of exemptions to allow for non-familial connections with communities and to better take account of the reasons why someone is unable to return to their home authority.

Clear and defined guidance needs to be provided by Welsh Government to allow LAs to determine what a non-familial connection is? i.e. timelines, what type of connections are acceptable etc.

For what reason would somebody be unable to return to an authority on a whole, rather than a certain location within the local authority area?

Some local authorities will see higher presentation rates compared to other due to the nature of the cities or towns in their area, i.e. university towns, authorities with prisons, transport links, i.e. ferry ports and presentations from other Countries.

With the proposal that prison leavers be exempt from local connection if they need to move to a new area as a part of their rehabilitation or assist in meeting restrictions, how will this be implemented and monitored? What criteria would be considered to determine if a certain authority is suitable or not? How will this be implemented if the crimes committed were over a number of different authorities?

Prison leavers currently have to return to the local authority that their probation officer is located and where their last address was, this is not always possible due to restrictions placed by licensing conditions. The Prisoner Accommodation Pathway, including reciprocal agreements, would need to be reviewed as currently transfer of cases under Probation prove difficult as the last used address issue which leaves a LA placing an individual out of county without proper access to support services. Transferring within probation would then allow referral via the pathway to the other authority which would manage those presenting without local connection.

Removing local connection could mean an increase in presentations for LAs. From our perspective Anglesey, which appears to be a popular place to live, whereby homeless clients could present knowing that we were unable to refer back via S80 and contributing to increase in demand on services and local pressured housing market.

Also, exploitation of County Lines would facilitate carrying out criminal activity as people would be able to abuse a system of support if no local connection criteria was considered.

Question 7

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

Whilst the aim is to prevent homelessness and the rationale presented in the impact assessment identify costs and benefits, it is unclear how prevention will ultimately lead to less expenditure. Currently, all LA's have seen an increase in presentations and a system wide increase in pressure. All public services are part of preventing homelessness and if we are to succeed in offering a trauma informed service there will be greater pressures placed on health services such as mental health, substance misuse services and counselling / rehabilitation services.

The role of the Welsh Public Service in preventing homelessness

Question 8

Do you agree with the proposals to apply a duty to identify, refer and co-operate on a set of relevant bodies in order to prevent homelessness?

Yes/no

Please give your reasons

Yes, homelessness should be a safeguarding priority across all local authority departments and partner agencies, such as health boards, emergency services etc. However, as this is a housing legislation the risk is that it will always be seen as a Housing Services issue.

If a duty is introduced, how and by whom will it be governed and regulated to ensure other departments / agencies comply with such duties?

Not to underestimate the time and resources needed in getting into a position in getting to a stage of defining roles and responsibilities and how the contribution will be measured.

Question 9

Do you agree with the proposed relevant bodies, to which the duties to identify, refer and co-operate would apply? Would you add or remove any services from the list?

Yes, agree with the 3 bodies identified, Social Services, Local Health Boards and Registered Social Landlords. As the Local Health Board covers a vast number of services, which sections do the Welsh Government envisage would be able to co-operate in order to help prevent homelessness?

Will other Council Services be included, such as Public Protection services?

Whichever sectors are identified, the need for co-operation must be highlighted as an essential practice, working together to try and prevent homelessness. It cannot be a case of we have referred it to housing services so housing will deal with it. These proposals need to be firmer so that relevant bodies know their responsibility and expectations on the duties.

Also, include, UK Government bodies such as Probation/Police as housing have a duty to co-operate with MAPPA and IOM having these on board may also help address the earlier question about prison leavers applying to any authority.

Question 10

In your view have we struck the right balance between legislative requirements and operational practice, particularly in relation to health?

Whilst the duty to refer is made in the proposal, there is an opportunity to strengthen health's involvement in dealing with people who have experienced trauma and need access to health services. We believe we have a good practice example of working with health services with our range of pathways, such as mental health pathway and home kidney dialysis, to name a few.

Health is a key partner in working to prevent and deal with the effects of homelessness.

Question 11

What practical measures will need to be in place for the proposed duties to identify, refer and co-operate to work effectively? Please consider learning and development needs, resources, staffing, location and culture.

More resources and funding to ensure that homeless teams are fully staffed and able to manage realistic workloads.

Welsh Government to produce a generic referral form that is used by all services throughout Wales giving clear guidance on what criteria needs to be met to determine if somebody is at threat of homelessness. Develop an easy pocket guide for non-housing staff members to be able to refer to when out visiting clients just to try and establish if they are at risk of homelessness, i.e. simple questions that if answered trigger the referral process to homeless.

Can the Personal Housing Plans be utilised so other departments can input how they are working with the client to assist them during their homeless journey. Personal Housing Plans should be another generic document developed by WG in partnership with each LA to ensure that consistent working practices are utilised across Wales and in line with legislation.

Welsh Government to develop a centralised IT system that all LA use when assessing homeless presentation. (i.e. similar to Universal Credit accounts) When a presentation is made, all information regarding that client is processed online. The client can access their account online, (via gov.Wales possibly) and see how their case is progressing. All notification letters can be produced with standardised templates available. Referrals to other authorities via S.80 can be initiated via their online account. Details of Temporary Accommodation properties should be stored online and accessible to WG via the account. All Performance Indicators data can be instantly accessed via live data, reducing the need for monthly returns or WHO 12 data.

A person is homeless regardless of which local authority they present to, however how local authorities communicate with the client will probably differ from one authority to another. By centralising and using standard template letters, (as seen with Renting Homes Wales) it will reduce that number of challenges to decisions, strengthen non-cooperation issues and reduce issues where decision are challenged due to errors on letters etc.

By introducing such system individuals whom have not complied with rules in one LA and are deemed to have intentionally made themselves homeless could not present in another LA area.

Question 12

In addition to the broad duties to identify, refer and co-operate, this chapter contains proposals to provide enhanced case co-ordination for those with multiple and complex needs. To what extent will the proposals assist in preventing homelessness amongst this group?

Within homeless services in Anglesey County Council we have appointed a Complex Case Coordinator and believe this to be a good practice approach. The purpose of the role is to coordinate and lead the provision of housing related support to vulnerable complex cases who are at risk of becoming homeless or have been placed in emergency and / or temporary accommodation, having the need for enhanced support identified by the our RAG rating process to ensure that residents are able to access and sustain accommodation in order to prevent homelessness by providing flexible support packages based on client needs, requirements and personal choices. The RAG rating process will assist in identifying referrals that require enhanced support and will have complex needs.

Working closely with the housing management team, housing support providers, housing options teams and Housing Single Point of Access, will deliver service requirements in line with the Housing Support Grant and prevent homelessness, especially street homelessness.

Question 13

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

A multi-agency response is key in dealing with complex cases of homelessness, which we believe we have a good practice example on Anglesey. Whilst this co-ordinated role is HSG funded there is an expectation that the client can access services such as mental health / substance misuse and or other specialised services. These services require constant financing so that we can offer a trauma informed service and deal with and prevent homelessness. Cost benefit analysis which include other public services would enable a better conversation with key partners on this White Paper.

Targeted proposals to prevent homelessness for those disproportionately affected

Question 14

Are there other groups of people, not captured within this section, which you believe to be disproportionately impacted by homelessness and in need of additional targeted activity to prevent and relieve this homelessness (please provide evidence to support your views)?

We believe that those groups that are disproportionately affected have been included in this section. We welcome closer working with Social Services team as well as aligning DV victims in line with WG recognition of the range of forms that DV can take place.

Question 15

What additional legislative or policy actions could be taken to prevent or relieve homelessness

for the groups captured by this White Paper?

With regards to young people the duty seems to lie with housing to make enquiries and whilst there is a proposal to strengthen the corporate parenting responsibilities further detail is required to ensure consistency with Social Services team regarding expectations and support needed.

Question 16

Our proposals related to children, young people and care experience seek to improve and clarify links between homelessness legislation and the Social Services and Wellbeing Act. Significant policy development is required to assess the practicality of this. What, in your views are the benefits and challenges of our approach and what unintended consequences should we prepare to mitigate?

Guidance will be needed to ensure consistency across Wales for Social Services and Housing to work together.

It is important for legislation in bringing together Social Services and Housing to work together on one aim to support young people and those who have experienced being in the care setting.

Question 17

Do our proposals go far enough to ensure that 16 and 17 year olds who are homeless or at risk of homelessness receive joint support from social services and local housing authorities? What more could be done to strengthen practice and deliver the broader corporate parenting responsibilities?

Currently, support is detailed in various codes of practice and guidance and would welcome detail within Act placing clear responsibility on both Housing and Social Services on an equal basis to assist in providing support and accommodation for young people.

We believe that we have a good practice approach on Anglesey in holding regular meetings between Housing and Social Services to share information on planning and providing support for young people with pathways to supported housing.

Question 18

Do you agree or disagree that the Renting Homes (Wales) Act 2016 should be amended to allow 16 and 17 year olds to be able to hold occupation contracts?

We have concerns will this proposal as it would create further issues such as affordability and managing tenancy and other liabilities. It is also unclear how breaches of occupation contracts would be dealt with via court procedures for 16- and 17-year-olds.

Furthermore, this could increase pressures and demand, whilst the principle is laudable, it could become impossible to meet. The lack of accommodation supply would mean more pressure.

Question 19

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

Whilst information has been included on potential cost, there are many proposals which do not have readily information available and will inevitably place additional pressures on LAs. Examples of these are additional costs for LAs where they have secure establishment and possible storage cost for personal belongings of a young person.

Access to accommodation

Question 20

To what extent do you agree or disagree with the short-term proposals to increase the suitability of accommodation? Are there additional immediate actions you believe should be taken for this purpose?

Providing suitable accommodation is vital and agree that standards should not be comprised, with accommodation seen as unsuitable if there were Category 1 Hazards present. This will align with RHW 2016.

Client choice is important but must be balanced with what realistic options are available especially when there is lack of emergency accommodation. Whilst we endeavour at every opportunity to offer accommodation close to support networks, on occasions this has not been possible.

Placing families in overcrowding situation is unacceptable, as stated, and agree with the prohibition does not apply to the prevention duty.

Whilst agreeing that young people should not be placed in unsuitable temporary accommodation, it would be impossible to ensure that there is supported accommodation available. We are utilising our phase 2 grant for our young people supported accommodation that is being reconfigured to offer emergency access into supported accommodation in late 2024.

We agree with the location and suitability of longer term or settled accommodation; we always work with clients on the most suitable offer available before discharging our duties.

We agree with the homeless at home approach and currently work with these clients by providing mediation or other methods to assist in them being able to stay within the home and / or work with moving into longer term accommodation.

Question 21

To what extent do you agree or disagree with the proposals around the allocation of social housing and management of housing waiting lists? What do you believe will be the consequences of these proposals?

We agree with LA's continuation of managing waiting list and that this must be done in partnership with RSLs.

We agree with the discretion to temporarily remove applicants with no housing need from the waiting list during any "crisis" periods (e.g significant influx of applicants in TA), by temporarily removing applicants reinstatement will ensure that these applicants will be considered as there is a possibility that as their personal circumstances change (i.e. if they are issued with a notice from their Landlord, or have a change in their household makeup which would 'trigger' overcrowding) could receive a higher banding and thus prevent homelessness.

There are significant risks in giving all homeless applicants additional urgent priority over other housing need as this would lead to the impression that you could present as homeless to be given social housing. We believe this would lead to an increase in homeless presentations and the use of temporary accommodation.

We agree with the introduction of deliberate manipulation test to assist in cases of people misusing public services to obtain housing.

Considerable financial resources will be needed to increase supply of social housing in response to the additional preferences included within the proposals. An example of this on Anglesey is a shortage of 1B properties with many clients unable to afford a 2-bedroom due to the under-occupancy charge.

Amendments are needed on the unacceptable behaviour test to ensure guidance and consistency for LAs when considering this option as the result could cause distress to some contract holders and disrupt community cohesion which will lead to more pressures on housing officers who manage these estates.

Question 22

To what extent do you agree or disagree with the proposal for additional housing options for discharge of the main homelessness duty? What do you foresee as the possible consequences (intended or unintended) of this proposal?

We agree that a change is required so that the same principles can be applied to discharge duty on any section, i.e. S73, 68 etc. The white paper only refers to S75 duties and possible options that may be introduced. There needs to be clear and concise guidance in relation to this to ensure a consistent approach is taken by all LAs.

Question 23

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals in relation to access to housing. Are there any costs and benefits we have not accounted for?

The various funding streams from WG to improve the supply of accommodation is welcomed.

There are implications to these proposals, such as placing under 25-year-olds in unsuitable accommodation, such as B&B, this places additional pressures on LAs should supported accommodation not be available. This type of commitment requires continuation of HSG funds for LA to ensure that supported accommodation is available.

Whilst agreeing that the review to continue to occupy accommodation does not generate a significant financial burden, it will impact on staff capacity and time with the risk as budgetary pressure means less resources to be able to deal with the current workload and the requests for reviews putting additional pressures, and time bound pressures, on assessment teams.

Implementation

Question 24

To what extent do you think the proposals outlined above will support the implementation and enforcement of the proposed reforms?

Every proposal is far reaching and will require significant resources to implement across LAs and other Public Bodies. WG is key in driving the vision forward and to gain support of other partners in potential cost saving of investment in housing, compared to the cost of dealing with the effects of homelessness.

Should prescribed standards be introduced this could limit the accommodation that would be available. This is not to say that current accommodation is substandard, achieving prescribed spaces will result in higher accommodation cost for the LA. There would also be lack of resources to carry out these checks, as suggested, by Environmental Health Officers.

Question 25

What other levers/functions/mechanisms could be used to hold local housing authorities and other public bodies accountable for their role in achieving homelessness prevention?

We have a good working relationship with our partner RSLs and operate a Common Allocations Policy- we welcome the consistency this provides and that additional preference is given to vulnerable groups.

We believe that there could be better partnership working across LAs with other public bodies. Currently on Anglesey there are many examples of good practice in multi-agency work. This should not happen at an individual LA level or where good relations have been fostered with other organisations. There should be consistency of service across Wales.

Question 26

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

There is limited costs available on this section and do not have any further information to provide

Question 27

What, in your opinion, would be the likely effects of the proposed reforms in this White Paper on the Welsh language? We are particularly interested in any likely effects on opportunities to use the Welsh language and on not treating the Welsh language less favourably than English.

- Do you think that there are opportunities to promote any positive effects?
- Do you think that there are opportunities to mitigate any adverse effects?

The removal of Local Connection could potentially be detrimental to the Welsh language and would seem to work against the Welsh Communities Commissions proposals / recommendations.

Question 28

We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

Organisation (if applicable):

Cyngor Sir Ynys Môn

Number: WG48223



Welsh Government
Consultation response form

Consultation on the White Paper on Ending Homelessness in Wales

Date of issue: 10 October 2023

Action required: Responses by 16 January 2024

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Mae'r ddogfen hon ar gael yn Gymraeg hefyd / This document is also available in Welsh

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Reform of the existing core homelessness legislation

Question 1

Do you agree these proposals will lead to increased prevention and relief of homelessness?

Yes/no

Yes, we do agree that these proposals have the potential to lead to increased prevention and relief of homelessness and they will likely improve the system compared to how it currently functions. We are really pleased to see an explicit focus on the following areas:

Alignment with key principles - aligning the government's key working principles, which aim to make homelessness rare, brief and unrepeated with legislative reforms.

Trauma-informed and person centred - recognising the impact of trauma on young people and focusing on meeting their specific needs, strengths and preferences. We see this is a positive step towards young people, marginalised communities and vulnerable individuals reduce their risk of homelessness.

Rapid Rehousing - this aligns with the key principles, and aligns with both the Welsh Government's goal of making homelessness brief and with the 'recovery' prevention typology from EYHC's roadmap.

Prevention responsibility across the public service – as a group we have long argued that youth homelessness needs to be seen as far more than just a housing issue, and this brings that into legislation, indicating a multi-agency commitment to identifying and addressing homelessness at the earliest possible stage. Which is particularly important for looked after children.

Targeted actions for Vulnerable groups: As our numerous pieces of research and our Roadmap to Ending Youth Homelessness (EYHC, 2021) have shown, we know that there are groups of young people that are at a higher propensity to facing homelessness, as outlined in our 'targeted prevention' section, which includes care experienced young people. We welcome Welsh Government's appreciation that this propensity exists; and that particular measures must be in place to prevent homelessness.

Improvement of temporary accommodation: EYHC was formed on the basis of the inappropriateness of some temporary accommodation that was being used for young people, especially 16-17 year olds, so we welcome this focus, especially when we know this accommodation option is used so frequently for care experienced young people.

Easier access and communication: Our recent research 'Impossible to navigate' has shown just how inaccessible support currently can be for young people across Wales, we welcomes the commitment to simplifying the homelessness system in Wales, making it easier to navigate for both young people and practitioners working within the system.

However, we have concerns about the practicalities of effectively implementing and realising these ambitious proposals to their full potential. And we also believe that a greater, broader and earlier focus, can and should be placed on prevention.

In regards to young people with experience of the care system, it is evident from our research and focus groups and surveys undertaken with young people specifically for this white paper response, the main focus in regards to prevention has to be that preparation for independent living begins far sooner, in a clearer and more coordinated way and that the transition to adult services also starts sooner, where appropriate, in a clearer and more coordinated way.

Similarly, from discussions with our working group on care experienced young people, concerns were raised as to the lack of a clear definition of the proposed changes in duties, and in affect, who is owed what. Practitioners in the group pointed towards the fact that there are currently six categories of 'care leavers' in the social services legislation, under the proposed reforms, will they all be owed the same duty?

Question 2

What are your reasons for this?

Given that we know that one in three care experienced young people face homelessness, as a group, we are strongly in favour of moving towards a prevention approach to tackling homelessness, and we welcome the proposed changes that move us towards this model.

However, in our view, the model of prevention set out in the White Paper is too short-term, and does not do enough to prevent care experienced young people from becoming threatened with homelessness. EYHC's Roadmap to Ending Youth Homelessness (2021) sets out five key stages of prevention, which are accompanied by examples of best practice within these stages:

Universal Prevention – preventing youth homelessness risk across the general population (provision of sufficient affordable housing for young people – e.g. Tai Fres),

Targeted Prevention – targeting particular groups that we know are at increased risk of experiencing homelessness (e.g. transition pathways from care into affordable housing),

Crisis Prevention – intervening to prevent homelessness likely to occur in 56 days (in line with current legislation) (e.g. family mediation)

Emergency Prevention – helping those at immediate risk (e.g. community hosting)

Recovery Prevention – preventing repeat homelessness (e.g. Housing First for Youth)

The proposals put forward in the White Paper, for example increasing the prevention duty to from fifty-six days to six months, whilst certainly a positive and welcome move, is not a truly preventative model in our view, as if someone is going to become homeless in six months then their situation has already reached a crisis point. Even where homelessness is ultimately prevented, being threatened with homelessness is a stressful and traumatising experience that has significant wellbeing, psychological, and health implications for young people. The White Paper does not go far enough in our view to prevent people from becoming threatened with homelessness, and more work needs to be done in the Universal and Targeted stages of prevention if homelessness in Wales is to become rare, brief, and unrepeatable. This culture of prevention should be led and cultivated by Welsh Government, with an emphasis on preventing people across the population at large from ever becoming threatened with homelessness, rather than waiting until their situation reaches crisis point to intervene and prevent homelessness.

Therefore, focus needs to be shifted upstream onto earlier identification - and wraparound support - to work with care experienced young people and resolve issues at the earliest possible stage to prevent the issues later manifesting themselves into homelessness.

The recently re-launched 'Care Leavers Accommodation and Support Framework' provides the perfect platform to ensure that this early prevention and early identification can occur. As a group however, we remain concerned about the lack of coordination and drive from Welsh Government in ensuring that is implemented equally across Wales, removing the potential for a post-code lottery of services and ways of working for Care Experienced young people.

Because when we reference a 'post-code lottery', we cannot simply accept that this occurs by some form of inevitability; it occurs because of the lack of a coordinated approach for the implementation in policy, which can result in care experienced young people not being afforded what they are owed by law, which can have life-altering affects.

Question 3

Are there additional legislative proposals you think we should consider to improve the prevention and relief of homelessness?

Yes; as mentioned in our response to questions 1 & 2, we believe there is more work to be done in Universal & Targeted stages of prevention to stop people from becoming threatened with homelessness in the first place.

With regards to Universal Prevention, there is scope to legislate for better protections for care-experienced young people in the Private Rented Sector (PRS). The most recent Welsh Government data shows that around a third (32%) of households threatened with homelessness in the year 2018-19 were in that situation due to loss of rented or tied accommodation. Young people often struggle to find housing in the private rented sector because Local Housing Allowance (LHA) is failing to cover the cost of the majority of rents in Wales – research from the Bevan foundation (2023) highlights the “severe” shortage of rental properties for low-income households in Wales, with only 1.2% of the rental market available at LHA rates. LHA rates can further disadvantage young people due to their reduced entitlement to housing benefit. Young people are generally only entitled to the ‘shared accommodation rate’. This is lower than the rate for a one-bedroom property but it applies even if there is no shared accommodation in the area. The evidence suggests young people are more likely to have to share accommodation and have issues with privacy, lack of independence, and personal safety. These issues were of particular concern to the care-experienced young people who took part in our focus group on these proposals in December 2023, who stressed that they didn’t like sharing accommodation with other young people due to previous experiences of theft and privacy violations.

In the context of the housing crisis, the lack of suitable and affordable properties available to young people in the PRS, their reduced entitlement to LHA, and the lack of legal protection from landlord exploitation, we believe there is plenty of scope to legislate to address these issues as a Universal Prevention tool. While the amended Renting Homes (Wales) Act 2016 legislates to provide more protection for tenants, particularly from no-fault evictions, there is evidence to suggest that, in practice, there is little in place to protect tenants from becoming homeless as a result of illegal eviction. In 2023, High Court proceedings found that Cardiff Council had not investigated a single illegal eviction for at least ten years, calling it a “systemic failure”.

Although we welcome the legislative changes to provide these protections, it is essential that, going forward, the Welsh Government work to make sure that legislative changes are fully implemented and enforced. We recommend that legislation is put in place that explicitly protects young people against exploitation and discrimination from private landlords, letting agents, as well as RSLs and LAs. We also recommend that private and social landlords, as well as letting agents, are included in the duty to identify and refer in cases where young people are threatened with homelessness as a result of eviction or failure to find alternative accommodation at the end of their occupation contract. All young people deserve access to safe, appropriate, and affordable housing, so we fully support Tai Pawb's campaign on the right to adequate housing and believe that, if implemented effectively, this legislative right would protect care-experienced young people from living in unsuitable or unsafe housing and prevent them from becoming homeless.

We would add a desire to see appropriate legislative steps taken to strengthen the Welsh government's wider equality agenda. We welcome commitments such as the LGBT+ action plan (2023), the anti-racist action plan (2023) and the current commitment of the Welsh government to enter the UNCRDP (with specific reference to articles 7 and 28) into Welsh law. All three of these recognise the importance of housing and homelessness prevention for these groups. Indeed, our own research in Impossible to Navigate (EYHC, 2023), Out on the Streets (EHYC, 2019), our Llamau colleagues' work on trans homelessness in Wales report (Llamau, 2024 Forthcoming), and other partners' work within the sector on ethnic minority homeless ethnic minority homeless (Price, 2021) make clear the need for action in these areas.

There is also wider evidence of the current impact of the cost of living crisis and poverty on these groups found in the Bevan Foundation Snapshot of Poverty series (Bevan Foundation, 2023). We would like to see the Welsh Government bring forward legislation where necessary to meet these commitments.

Furthermore, we would like to see further research undertaken into the Universal Basic Income trial. If this is found to have been an effective policy in preventing homelessness for care experienced young people, then we would like to see this enshrined in legislation to ensure that it is available for all care experienced young people moving forward. Similarly, as a group we agreed with much of what was proposed by the Senedd Committee's If Not Now When? Radical Reform for Care Experienced Children and Young People (2023) report, and it has been disappointing to so few of the recommendations taken forward by Welsh Government.

Question 4

Do you agree with our proposal to abolish the priority need test?

Yes/no

In theory, as a group we do agree with the proposal to remove priority need, and agree with a lot of the current problems in regards to the application of priority need as laid out in the white paper, such as inconsistent implementation, the high threshold for vulnerability and the nature of gate-keeping that is embodied in essence by priority need. The practice of priority need does not align with the vision of looking to create a Wales that is fair and just, nor a housing system that claims to be person-centred and psychologically informed, either for the person accessing the service nor the front-line worker determining priority need decisions.

However, in practice, we currently cannot, in good faith, advocate for the removal of priority need due to the effect that this would have on care experienced young people and the fear that such a decision would only place more care experienced young people in vulnerable and potentially dangerous situations.

NYAS Cymru's frontline workers have spoken about how care leavers experiencing homelessness have been housed far quicker by accommodation providers solely because of priority need.

The majority of the young people we spoke with did not support abolishing priority need, and across both care experienced young people and their non-looked after peers, there was a majority support for care leavers being in priority need. One of the main takeaways from our survey, and in particular the focus groups, was an all-consuming lack of faith in the system. And in regards to priority need, a lack of faith that the system would be able to accommodate the increased demands on the service.

As such, young people, and in particular those who were care experienced, were very reluctant to give up something that potentially gave them a slight foot-up in the effective competition for places with other people accessing the services. Similarly, from discussions as a group, we also do not currently have faith in the system that does not inadvertently place care experienced further from getting the help and assistance that they need to prevent or relieve their homelessness at a time of crisis. Given the case study below, you can understand young people's and practitioner's current reservations:

Amy is 19 years old and spent her teenage years in care. When Amy became pregnant and her unborn child subjected to child protection, she was referred to NYAS Cymru's Project Unity service. This vital service helps care-experienced young women navigate their journey to becoming mothers and child protection proceedings.*

When Amy's relationship broke down due to domestic abuse, she had to flee her home at 34 weeks pregnant for her safety. With no refugee space available in South Wales, Amy would have had to travel one hundred miles to North Wales to be housed. This was not a journey Amy felt able to make in the very late stages of her pregnancy, which would have taken her far from the support of her sister and local health board.

NYAS Cymru's Project Unity team supported Amy to make a request for accommodation from her local authority. When Amy's local authority responded, they told her that she was not a priority, despite being her corporate parent. When stressed by the Project Unity and Shelter Cymru that Amy was heavily pregnant, the response from the local authority was that the baby was unborn and they had nowhere to accommodate her.

Amy was told at 34 weeks pregnant by her local authority that her only option for the night was a tent, and to come back tomorrow. As NYAS Cymru were unwilling to see a pregnant young woman living in a tent, Amy was accommodated in a hotel for one night. She then had to stay on her sister's floor as no beds were available.

Only after seven days was Amy was found a hostel to stay in, where she remained until her baby was born. Amy's local authority then assessed her as living in unsuitable housing for her baby to remain with her. Upon birth, Amy's baby was removed to a foster carer. To this day Amy is still waiting on a flat.

Although as a group we understand the arguments around providing equality for all, with the removal of priority need, we do not believe such a system provides equity for care experienced young people compared to others accessing the service. We know that young people are not an even footing with their older peers; being penalised by welfare system because of their age, and therefore have a smaller entitlement to the housing element of Universal Credit, they are often working minimum wage jobs for less money, or are working jobs that are 'zero-hours' and they are routinely discriminated against by landlords when looking to access the PRS because of their age. On top of that, we know that care experienced young people are potentially even more vulnerable with research highlighting their increased likelihood of incarceration, lower educational attainment, higher prevalence of mental health issues, and a higher likelihood of facing homelessness than their non-looked after peers.

We cannot therefore advocate for the imposition of equality at this point, when care leaver's life experiences up to the crisis point of making a homelessness application, do not come close to having been on an equal footing to their non-looked after peers. Therefore, we do not support the removal of a ruling that may afford them a slight 'leg-up' from a system that has obviously not successfully supported and provided for them, if they are in the position of needing to make a homeless application.

Although as a group we are obviously working towards creating a Wales where no care experienced young person is forced to face homelessness, whilst this is not reality, their priority need status is a much-needed safety net that differentiates care leavers and acknowledges the extreme likelihood of them being placed in vulnerable situations.

Question 5

Do you agree with our proposal to abolish the Intentionality test?

Yes/no

As a group, we agree with the proposal to abolish the intentionality test within Welsh Homelessness legislation.

We see the intentionality test as an unnecessary barrier to accessing services for young care experienced people threatened with homelessness in Wales. As we have stated elsewhere in this response, to reach a stage where the intentionality test is required already represents a wider systemic failure in the prevention-based approach advocated for by the homelessness and housing sector and supported by the Welsh Government. It also of course has a very human cost for the young care experienced person who is threatened with homelessness.

Furthermore, the test is already seldom used in practice. As noted in the white paper, only 93 individuals who presented as homeless with priority need were deemed as intentionally homeless in 22/23. As such, intentionality is not an effective tool for caseload management, as has been argued with the other tests, and does not offer a particular advantage to any one group that is more susceptible to homelessness. Conversely, given the low number of outcomes, we see the risk of someone having the test improperly applied and deemed as intentionally homeless when their case is, in fact, far more complicated as unacceptable. We therefore feel abolition of intentionality to mitigate this risk out ways any other factor.

When asked about this issue, young people gave a mixed response. Many young people see attaining support within the system as it currently is as competitive and are understandably reluctant to give up anything that would jeopardise their chances of being housed.

We also have concerns about specific groups when it comes to intentionality. In our recent research, Impossible To Navigate - Youth Homelessness Through The Lens Of Neurodiversity (EYHC, 2023), Neurodivergent people are often misunderstood by homeless practitioners, and homelessness professionals admit that they often struggle to work with disabled and neurodivergent young people. This stems from a lack of accessibility within the homelessness system, which is not designed with neurodivergence in mind. There is also an issue posed where there is currently a lack of provision and exceptionally long waiting lists for an official diagnosis. We envisage a situation where the understanding and judgement of the individual practitioner and the lack of an official diagnosis may be the line between being intentionally homeless or not. As such, intentionality is another area where a young neurodivergent person may be disadvantaged by the system and fall through the cracks into homelessness.

We equally see similar issues for Young LGBTQ+ people. In our previous report, *Out On The Streets – LGBTQ+ Youth Homelessness In Wales* (EHYC, 2019), young people detailed negative experiences with practitioners, which made them reluctant to share details of their private lives. There was also a lack of understanding of their lived experience, which they felt impacted how they were treated within services. It may also require a young person at a formative time in their life to “out” themselves to a stranger in order to not be considered intentionally homeless. Again, this creates a point where the test would act as an unfair and unnecessary barrier to services.

As one practitioner told us in *Impossible to Navigate*; “The service is only as good as the weakest link in the chain”, intentionality is an unnecessary weak link.

Question 6

Do you agree with our proposal to keep the local connection test but add additional groups of people to the list of exemptions to allow for non-familial connections with communities and to better take account of the reasons why someone is unable to return to their home authority.

We welcome the white paper’s position and the inclusion of care experienced young people in being exempt from local connection provisions, and the noted importance of found families that through research and anecdote we know to be so important to care experienced young people.

As a group therefore we support the proposals regarding local connection as they are in the draft white paper.

Question 7

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

The role of the Welsh Public Service in preventing homelessness

Question 8

Do you agree with the proposals to apply a duty to identify, refer and co-operate on a set of relevant bodies in order to prevent homelessness?

Yes/no

Please give your reasons

Yes, we fully agree with the proposals to apply a duty to identify, refer and cooperate on relevant bodies.

The group's initial focus, *Don't Let Me Fall Through the Cracks* (2020), and EYHC's more recent research *Impossible to Navigate* (2023) both discuss the need for better multi-agency working. When a young care experienced person comes into contact with homelessness services, it can often be a highly traumatic time in their life. Equally, the young person is

likely to have experienced past trauma. A lack of multi-agency working can exacerbate the trauma faced by young people and make them more susceptible to homelessness. The quote below is taken from EYHC's *Roadmap to Ending Youth Homelessness*;

"It's confusing because your foster carer and social worker tries to take you out of environments that are risk fuelled and are damaging to your health, physically and mentally. What's annoying, you've gone through trauma, you've seen parents take drugs, you've been affected by drugs yourself. It's counterproductive to put you back in the environment that they took you out of. You are supposed to be doing a job, taking us out of environments that are a risk to us. You know that there has been trauma and flashbacks, anxiety, panic attacks; to put them back into that environment... well, social services might just as well not exist. It seems pointless that they've been with you for ten, twelve years of your life then you become homeless and you're back in the same spot you were in, in the first place."

This highlights the issues a young person may face when transitioning from youth social services to adult homeless services. The suggestion is that with proper duties to refer and cooperate in place, they would not have been in such a damaging position. Indeed, had the proper steps been taken, this young person may not have been re-traumatised and, therefore, more receptive to support. Similarly, while preparing for this white paper, we spoke to a young person who had previously encountered the youth justice system:

Upon release from the secure estate, aged 18, they had secured accommodation with their local housing authority. However, this accommodation was removed when the LHA discovered they had a conviction, which was seen as high risk by the LHA. Had there been a proper duty in place to identify, refer and cooperate between social services, the LHA, mental health services to which the person was known, and the youth justice system, then such an incident may have been avoided.

These stories represent just a few of numerous incidents where homelessness and its negative consequences could have been avoided had this duty been in place, and reiterate that preventing homelessness is not within the responsibility or capability of any single public service within Wales but is rather a job for all services.

Our Roadmap to Ending Youth Homelessness (2021) acknowledges the multiple routes into homelessness but also the multiple points of contact a young person may have with public services where an intervention could be made. This spans multiple services, including but not limited to those outlined in the white paper. Not only should this approach involve a duty to inform the LHA of a belief that someone is at risk, but also a duty to cooperate to ensure homelessness does not occur. By doing so, services will act both as a watchdog against homelessness and as a tool where cooperation can ensure that homelessness is prevented, leading to its rarity. As acknowledged in Impossible to Navigate, “The service is only as good as the weakest link in the chain”. By placing a shared responsibility to act across all services, it will be possible to strengthen this chain.

Question 9

Do you agree with the proposed relevant bodies, to which the duties to identify, refer and co-operate would apply? Would you add or remove any services from the list?

While we agree with the proposed bodies, we feel it does not go far enough. We strongly feel that for this proposal to achieve its stated aims as it relates to the prevention of homelessness, especially for young people, it must include both the education sector and the private rented sector from the outset. To be clear, when we say education, this must include primary, secondary, further and Higher education as well as youth-work settings for it to be effective. We believe failure to do so would leave chasms which young people could fall through into homelessness.

When asked, 100% of young people, excluding those who don't know, believed that Schools should be included in the duty to refer. One young person said;

“schools see the most of young people, and would be able to help homelessness to be identified easily”

Another young person added; “In order to prevent homelessness, you need to educate young people about what homelessness is”

We agree with the views expressed by these young people fully. As the data in the white paper notes, 77% of teachers in schools in England know of a young person who was homeless or in poor-quality housing. There are in excess of 26000 teachers (Welsh Government, 2022) in local authority-maintained schools in Wales, without consideration for other forms of schools and further and higher education settings. This creates an entire profession which comes into frequent contact with our young people who would be prepared to respond to a young person who faces homelessness and have the correct information on where to refer the young person to help prevent homelessness. We also know that education may be one of the few settings where a young person may have a trusted adult whom they feel they can approach.

Not placing a duty to identify, refer, and cooperate in schools, colleges, universities, and education settings not only does a disservice to our young people but also leaves education professionals without the tools to respond. Simply because the Welsh Government chooses not to place a duty on schools does not mean young people will not come forward to teachers and lectures with concerns relating to homelessness. Including them in this duty will simply make it clear home to respond and aid in making homelessness rare, brief and non-repeating rather than allowing for a weak link in the prevention system.

In addition to this firm belief, we see the Upstream Cymru model as the ideal starting point for homeless prevention. Figures from 2014 show that over 50% of people who experience homelessness had their first experience under the age of 21, with the median age being just 22 (Mackie, 2014). The aim of the upstream Cymru model is to reduce these numbers by screening between school years 7 and 11 for homelessness to identify those most at risk and act early to prevent homelessness. The screening allows schools and other services to work together to address concerns and prevent homelessness. The model is highly successful, with a similar scheme in Australia reducing incidents of youth homelessness by over 40% (EYHC, 2021). The value in terms of health benefits, saving for services, outcomes for individuals, and long-term benefits to the well-being of individuals and through their contribution to society is immeasurable. However, we do know this kind of prevention is a way to achieve those benefits. To us, not only should education be included in this duty to identify, refer, and cooperate, but it should also form a core branch of targeted prevention.

Not only do we feel that adding the duty to the education setting will aid in prevention, but we also feel it can aid in contributing to a culture change within the education setting. Evidence from EYHC's Impossible to Navigate research highlights the education system as having negatively impacted many disabled neurodivergent young people. To help prevent youth homelessness, schools, colleges, and universities must see changes to make them more accessible while preventing bullying and reducing stigma. This includes ensuring that education professionals are better trained and equipped to support neurodivergent young people.

Similarly, our report, *Out on the Streets*, highlighted the necessity of improving the education setting. We are glad to see the changes to RSE curriculum in Wales to make it more inclusive of the LGBTQ+ community. We are also welcome commitments around housing and education in the LGBTQ+ action plan. However, we feel it necessary to reiterate evidence from this report. LGBTQ+ homeless experience young People experience homophobic bullying, which schools have not effectively dealt with; "(The teachers) were the worst of them all. They were worse than the kids". Again, this shows the need for a cultural change that the duties outlined above could contribute to.

We also feel that the current duty of the private rented sector and landlords are insufficient. We understand the current provision as part of renting homes Wales act (2014) and the eviction process does provide for some support around homelessness prevention. However, we feel this does not go far enough. Given the lack of enforcement of provision within the renting home Wales act and the number of young people who find themselves homeless. In England around 9% of young people who become homeless did so after eviction from a private or social rent (CenterPoint, 2023). 32% of people threatened with homelessness in Wales in 2018/19 were in the PRS. We therefore feel that the role of the PRS must be strengthened. The Welsh government should look at an earlier point where the landlord or letting agent has a duty to refer such as when a tenant enters rent arrears for the first time, when the first complaint is made, or when the first hazard emerges which may render the property uninhabitable. We equally feel that the Welsh Government should investigate the feasibility of applying some duty on providers of temporary accommodation such as B&Bs, Hotels, and short term lets such as Air B&Bs where there may be hidden homelessness.

Question 10

In your view have we struck the right balance between legislative requirements and operational practice, particularly in relation to health?

Question 11

What practical measures will need to be in place for the proposed duties to identify, refer and co-operate to work effectively? Please consider learning and development needs, resources, staffing, location and culture.

There are a number of practical measures we feel can be put in place to ensure that the duty to identify, refer, and cooperate is implemented effectively. As mentioned elsewhere in this response, there needs to be clear leadership, guidance, and enforcement from Welsh Government in order to ensure that legislation translates to practice, as there are clear examples of where good legislation has not been implemented in practice. For example, the Southwark ruling of 2009 is explicit that 16-17 year olds presenting to homeless services are the responsibility of CYPS/Social Services rather than homelessness; however, as is referred to in the white paper, it is evident that, in practice, 16-17 year olds are still being “bounced between services” with neither department willing to take responsibility, almost fifteen years after the landmark case. To address this, there should be clear and effective oversight from Welsh Government of Local Authority housing and social services teams, as well as other relevant public sector bodies, in order to ensure that they are fulfilling their legislative duties.

With regards to culture, a number of young people EYHC spoke to as part of our work to inform this response, as well as in our previous pieces of research, told us of problems they've had with the culture amongst social workers and housing professionals when attempting to access services. In a focus group that took place in December 2023 as part of our work on this white paper consultation, a neurodivergent and care-experienced young person in Flintshire told us how they had encountered many “horrible social workers who didn't understand [them]” as a teenager in the care system; while another care-experienced young person who took part in our neurodiversity research spoke of foster carers treating them “like a job” (EYHC, 2023: 56-7). Welsh Government must work to address and change the culture of ‘passing the buck’, especially in relation to 16-17 year olds, which is evidently still prevalent in housing and social services teams, despite the landmark Southwark ruling. This is achievable through effective leadership, guidance, and training. In the aforementioned focus group, the young people told us how they felt that the “horrible” public sector professionals they'd encountered would benefit from having to “experience what we go through”, in order to give them a better understanding of the unique challenges that young people with care- and homelessness-experience face.

This is something that EYHC work to offer in our Simulation training – a powerful, immersive training session that replicates the experience of being a young person attempting to navigate the homelessness services. As a group, we would like to see the Welsh Government support an increase in immersive Simulation training as part of the work to address the culture problems that young people tell us exist amongst many public sector professionals and frontline workers.

Furthermore, in order to ensure effective implementation of these new legislative proposals, it is absolutely paramount that Welsh Government address the short-term crisis that the housing and homelessness sector is currently facing, as none of these proposals will be possible to implement without first addressing the immediate issues around funding, resources, and supply. Cymorth Cymru's recent Housing Matters campaign provides damning evidence of this crisis. While the sector reports seeing a huge increase in the demand for their HSG services (81%) and the complexity of cases (94%) (Cymorth Cymru, 2023: 5), HSG funding has faced a real-terms cut of £24 million since 2011-12 (ibid: 4), with 75% of providers running their services at a deficit (ibid: 7). Therefore, in order to end homelessness and effectively implement these policies, it is essential that Welsh Government increase HSG funding in the 2024/25 budget in order to alleviate the immediate strain on homelessness services which are currently “on the brink of collapse” (ibid: 5). As it stands, even if every named public sector body successfully fulfils their duty to identify and refer, it will not make a difference if the referral services do not have the capacity to house and support the young people at risk of homelessness. Furthermore, Welsh Government's data collection and distribution needs to be improved in order to ensure that we have a clear picture of the scale of the homelessness problem in Wales, so that we can adjust services and supply in order to meet the demand.

To address the increasingly large gap between supply and demand, Welsh Government must allocate funding to create more availability of social housing, whether that is through new developments or through the repurposing of existing empty properties.

Another crucial issue highlighted in the Housing Matters campaign is around staff pay, recruitment, and retention: with 29% of staff in HSG funded services working below the upcoming minimum wage as of April 2023 (Cymorth Cymru, 2023: 9), service providers had to increase staff pay; however, 91% reported that their HSG funded had not been increased enough to cover this necessary increase in wages (ibid). Despite this increase, many frontline staff reported struggling to pay their rent and bills, using foodbanks, and even being at risk of homelessness despite working full-time in services that are designed to relieve homelessness (ibid). Understandably, this has a significant impact on the recruitment and retention of staff, many of whom end up “leaving careers they love because they can no longer make ends meet” (ibid). This increased turnover in staff also has a negative impact on the people, particularly young people, who access HSG services. In our recent report, Impossible to Navigate, which looks at youth homelessness neurodiversity through the lens of neurodiversity, the neurodivergent young people we spoke to told us how they found the high levels of staff turnover and the lack of consistency in the support they received to be a significant cause of distress (EYHC, 2023: 70), especially where handover was weak and they had to retell their traumatic backgrounds over and over to different staff members and agencies who were evidently not communicating effectively with each other. Therefore, we welcome any legislative changes that emphasise collaboration and multi-agency working, particularly in relation to young people who are neurodivergent, disabled, LGBTQ+, and/or care-experienced, but this approach cannot and will not be fully realised without an increase in HSG funding and effective oversight from Welsh Government.

Question 12

In addition to the broad duties to identify, refer and co-operate, this chapter contains proposals to provide enhanced case co-ordination for those with multiple and complex needs. To what extent will the proposals assist in preventing homelessness amongst this group?

As a group, we welcome the proposal to establish a compulsory case co-ordination approach for individuals, acknowledging that the most vulnerable individuals often require multi-agency support, as homelessness is far more than just a housing problem. In regards to the broader duties to identify, refer and cooperate, the young people we spoke to supported this proposal wholeheartedly, and listed the police, hospitals, the general public, mental health services, the emergency services and social work as some of the services they've encountered which they wish would've known more about homelessness.

Similarly, a young person who was interviewed as part of our Impossible to Navigate report (2023: 81) told us about their frustration about a lack of a coordination between services, in regards to a lack of communication:

“For example, on Wednesday I went to an appointment with my mental health doctor, and he basically upped my medication and he spoke to me about loads of things, and I just sort of sat there and was just like, ‘Yeah, yeah, yeah, yeah, yeah’. And then I was like, I don’t have a clue what you just said to me. And then I come away from that and everyone’s like, ‘Well, what happened?’ And I’m like, I have no idea. And they’re like, ‘But why, you were there?’ And it’s like, yeah, I was there, but I couldn’t tell you what happened. And then they’re very much like, ‘What do you expect us to do?’ sort of thing. And I’m like, well, I don’t know. Like you guys should know this thing. Like, I shouldn’t have to say... They should all be working together. They should already know. And like here, for example, I had a housing meeting and we all turned up at different times and... it’s just like, well, do you guys not communicate?”

As is referenced in the white paper, people who are, or at risk of, experiencing homelessness are not a homogenous group, and therefore we believe that the threshold for a compulsory case co-ordination approach should be lowered to two or more complex needs, as was initially proposed in the Crisis Expert Review Panel.

For some individuals with two or more complex needs, the coordination of a multi-agency plan may be a relatively swift process if the clear main lead-need for the individual is identified. But given the lack of the aforementioned homogeneity of this group, there may be individuals for whom a lead-need is more difficult to identify and if their underlying issues are not resolved at the earliest possible point, may re-present with their complex needs now being deemed to have reached three or more. In the spirit of early-intervention and prevention, it surely makes more sense to afford as many individuals as possible this approach to pro-actively work to resolve and prevent homelessness at the earliest possible point, rather than potentially allow an individual’s situation to deteriorate further before hitting a potentially arbitrary and inconsistently applied threshold of ‘three or more complex needs’.

In regards to youth homelessness, if appropriate, we see schools as a key agency that need to be involved in any multi-agency approach as we know the importance of reintegration into education, employment or training for broader preventative opportunities.

Furthermore, and in taking inspiration from one of our recommendations from our Don’t Let Me Fall Through the Cracks report (2020), these multi-agency case coordination meetings should also serve as a learning opportunity for all relevant partners to ask themselves key questions, such as what happened and how the young person managed to slip through the net.

Providing an opportunity for mapping of current services and provision to identify opportunities for earlier prevention that may have been missed, to help prevent future cases from occurring, where an individual's homelessness was not prevented at an earlier point.

In regards to the implementation of this proposal, we support the Crisis Expert Review Panel recommendation of Joint Homelessness Boards, to coordinate the implementation of this recommendation. Having a clear lead for multi-agency working is key, as it's very easy for such an approach to become diluted or directionless without a clear, nominated lead for such an approach. Similarly, a lack of coordination can result in increased tensions between services, especially when the funding for such an approach needs to be discussed. This was exemplified through the below quote from a stakeholder in our Impossible to Navigate (2023: 80) research:

"It's, you know, everyone saying this person should pay for it, housing should pay for it, but actually it needs to be an integrated approach because as housing ... they present to us and we have to house them somewhere but the housing that we're offering isn't appropriate, it isn't adequate and they're still going out and offending. They're still calling the crisis team, they're still using drugs because we haven't got it right and we just need a more joined up approach to working really and it's really basic but it isn't, it's an unbelievable amount of work to get social care to buy in, and the police, probation to buy in and mental health teams to buy in. It's just, it's just so hard. And I thought, you know, it's above my pay scale".

Question 13

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

Targeted proposals to prevent homelessness for those disproportionately affected

Question 14

Are there other groups of people, not captured within this section, which you believe to be disproportionately impacted by homelessness and in need of additional targeted activity to prevent and relieve this homelessness (please provide evidence to support your views)?

Research has shown that more needs to be done to support certain groups of young people threatened with homelessness. As we have repeated throughout this response, EYHC's *Out on the Streets* (2019), *Impossible to Navigate* (2023), and *Don't Let Me Fall Through the Cracks* (2020) reports all highlight the plight of groups that are overrepresented within the homeless population. And in regards to care experienced young people, more support needs to be offered to asylum seeking children, as they are afforded looked after status and look to potentially navigate their way through the housing and homelessness system.

In terms of disabled young people threatened with homelessness, we strongly encourage that a review of the accessibility of services is undertaken and additional resources and training are made available to practitioners to ensure that disabled and neurodivergent young people are provided with suitable services. As our research shows, services currently do not meet the needs of disabled young people, do not take a psychologically informed approach, and are contributing negatively to their overall well-being while also leaving them at high risk of homelessness. Our *Impossible to Navigate* report addresses the specific needs of disabled young people whose impairment falls under the neurodivergence umbrella; however, even in this research, young people pointed to difficulties accessing services due to their impairment.

We are also concerned over reports in the press (Hoskin, 2023) that Young people were being left effectively homeless and unable to access the available housing stock due to local government policy prohibiting young people from being provided with certain accessible properties. This, to us, is wholly unacceptable as it represents an entirely preventable route into homelessness. We would also support ACORN's recommendation (2023) that landlords should be required to make reasonable adjustments to their property to accommodate disabled tenants. It is, of course, important to consider the impact of existing category-one hazards on disabled people, particularly in properties where access needs are not met.

Question 15

What additional legislative or policy actions could be taken to prevent or relieve homelessness for the groups captured by this White Paper?

As a group, our primary goal is the tackling the overrepresentation of care experienced young people experiencing and being threatened with homelessness. We are therefore pleased to see children, young people and care experienced young people identified by Welsh Government as one of the groups disproportionately affected by homelessness. However, in regards to additional legislative or policy actions that could be taken to prevent or relieve homelessness for this group, we believe that far more can be done.

As has been aforementioned, in regards to a preventative approach, we believe that the focus of the white paper is too narrow, as although the extension of the definition of threatened with homelessness from 56 days to 6 months is undeniably a welcome change, for us, this is still falls within the remit of crisis prevention. We know the stress and trauma that is induced by being threatened with homelessness, and the implications upon young people's wellbeing and psychological and physical health. We believe therefore that more work needs to be done in the 'universal' and 'targeted' stages of prevention, as laid out in EYHC's Roadmap to Ending Youth Homelessness if Welsh Government are to achieve both of their respective goals of making homelessness 'Rare, Brief and Unrepeated' whilst also ending youth homelessness by 2027.

Whilst the framing of this question is so-open ended and broad it could compel a far longer written piece, detailing each aspect of what more could be done to prevent and relieve youth homelessness at both a societal and systems level we would like to focus on one area we think requires more attention.

As a group, we advocate for a distinct youth homelessness strategy and action plan, and believe that this would form a crucial aspect of the Welsh Government's preventative strategy. This would complement the broader Welsh Government High Level Action Plan 2021-2026 but would remain distinct, reflecting the need to treat youth homelessness as a different phenomenon, with different preventative measures that are required compared to broader homelessness. We can see such an approach across the world, with both Ireland and Canada having adopted specific youth homelessness strategies. If Welsh Government were to adopt such an approach, it would both provide the clarity of focus for tackling youth homelessness, ensuring that every part of the 'system' has their preventative role well defined, whilst also embedding the required culture shift to ensure that youth homelessness is seen as both distinct and also 'everybody's business'.

The overall goal of the Irish strategy 'Housing for All, Youth Homelessness Strategy, 2023-2025' (Department for Housing, Local Government and Heritage, 2022) is laid out below:

This Strategy focuses on young people aged 18-24 who are experiencing, or are at risk of experiencing, homelessness. At the same time, it acknowledges that the causes of homelessness often begin years before the person turns 18, as well as examining causes and making recommendations in that context. It is recognised that the causes of youth homelessness, as well as the experiences of young people in the emergency accommodation system, are distinct from those of the rest of the homeless population. It is also recognised that supporting young people at risk of becoming homeless through strategic interventions can help prevent a cycle of longer-term homelessness.

Across all official documentation in Wales, be they strategies or action plans, we have not come close to such a clear appreciation for the distinction of youth homelessness and therefore the commitment to distinct approaches to effectively tackle the problem. We currently do not even have a working definition for youth homelessness, but reference action taking targeted at young people within the broader homelessness system.

We believe that EYHC's Roadmap for Ending Youth Homelessness provides the basis for such a strategy, from which the Welsh Government could work. Our 5 prevention typologies, Universal, Targeted, Crisis, Emergency and Recovery certainly have significant overlap with the Welsh Government's broad priorities of making homelessness rare, brief and non-recurrent in regards to policy decisions and guidance.

In regards to Policy Action therefore, to accompany our Roadmap we continue to work on our Best Practice Guides which detail different schemes, projects and approaches that have been implemented in Wales or abroad, that have proven to be effective in either preventing or relieving homelessness for young people, that we believe should be implemented on a far larger scale, either through legislation or encouraged via guidance by the Welsh Government. These guides cover:

Housing First for Youth - Housing First for Youth is a model of housing and support likely to be effective when delivered to young people, aged between 16 and 25, who have experienced or are experiencing multiple complex issues (for example, trauma, mental health issues and/ or substance use issues) and are homeless or at risk of homelessness.

Upstream Cymru - Upstream Cymru is a collaborative, early intervention initiative that works in partnership with schools to get to the heart of how youth homelessness systems need to be designed. The aim is to identify young people at risk of homelessness long before they reach crisis point or are threatened by homelessness.

Ty Pride - Tŷ Pride is a specialist LGBTQ+ project, staffed 24 hours a day, supporting LGBTQ+ young people who were experiencing, or at risk of, homelessness.

Supported Lodgings and Enhanced Supported Lodgings - Supported Lodgings schemes provide young people with a safe place to stay, in a room of their own, in the home of a vetted and trained host in a private house. The host and the young person receive support from a specialist organisation. This combined and tailored support, from a host and specialist organisation, enables young people to develop independent living skills in a supportive family environment helping them to develop the skills to live independently.

The Virtual Learning Environment - The Virtual Learning Environment (VLE) is an online platform designed with, by and for young people. It provides information, support and learning resources in order to aid a successful transition to living independently and help avert homelessness.

Shared Accommodation Scheme - The POBL Shared Accommodation Project is a housing and support scheme which allows young people aged 18-25 at risk of or experiencing homelessness to access two-bedroom properties through a shared arrangement with another young person

Training Flats - The Training Flats Scheme in Carmarthenshire provides good quality and affordable accommodation to young people who would benefit from living independently whilst accessing individual support and bespoke training.

Shared Furniture Scheme - The Furniture and Equipment Library is an innovative initiative which allows young people aged 16-25 to loan furniture and household items upon moving into independent housing for free, which hopes to prevent young people from becoming trapped by Buy-Now-Pay-Later schemes and high interest credit to furnish and equip their homes.

Question 16

Our proposals related to children, young people and care experience seek to improve and clarify links between homelessness legislation and the Social Services and Wellbeing Act. Significant policy development is required to assess the practicality of this. What, in your views are the benefits and challenges of our approach and what unintended consequences should we prepare to mitigate?

In relation to the link between the body of Welsh homelessness law and the Social Services and Well-being Act, we feel that there are several areas where further guidance and, if necessary, legislative work can be looked at to strengthen both areas of legislation.

Primarily, we are concerned with the guidance issues around who is responsible for 16-17-year-olds. Despite what we feel is a clear instruction under the act and the supporting evidence, local authorities are still unsure of who is responsible for 16-17-year-olds. This is particularly true of those who have left care where, despite the Southwark ruling, we have heard anecdotal evidence of young people still being put under the responsibility of housing rather than social services. This requires further guidance and monitoring to ensure that the existing law and any changes are fully communicated and implemented.

We would reiterate the need, expanded on below, for the corporate parenting charter to be fully implemented into Welsh law. This would ensure better protections and service provision for our young people while clarifying the role of local authorities.

Question 17

Do our proposals go far enough to ensure that 16 and 17 year olds who are homeless or at risk of homelessness receive joint support from social services and local housing authorities? What more could be done to strengthen practice and deliver the broader corporate parenting responsibilities?

As a group, we welcome the Welsh Government's commitment to strengthen existing corporate parenting to ensure individuals aged 16 and 17 years who are homeless or at risk of homelessness do not fall between services. As the chair of our Care Experienced working group, Sharon Lovell, stated in the publication of our research into care experienced young people's propensity to homelessness 'The Corporate Parenting of young people in care is the responsibility of all of us. It is unacceptable that any child in care ends up homeless' (EYHC, 2020: 2). As the most up-to-date data shows, the numbers of care experienced young people coming into contact with the homelessness remains unacceptably high: 90 care-experienced young people in 2018-2019 were found to be eligible for assistance, unintentionally homeless and in priority need.

From our research and focus groups and surveys for the white paper, effective coordination between social services and housing authorities is seen to be crucial in ensuring that young care experienced people receive the care and support they're entitled to that can prevent their homelessness from occurring. When asked "What can be done to improve the support given to 16-17 year olds who are experiencing homelessness and/or transitioning from children's to adult services?" young people focused on:

People to be made aware of Southwark ruling. young people not having it explained in a way that deters them from becoming looked after.

More support and education

A slow transition instead of thrown from one service to the other

Giving them a safe place to stay without any expenses and expectations until they are ready

Specialist supported accommodation

Prevention by working with families to keep them together

And similarly, when asked "What can be done to strengthen how local councils & public services deliver their corporate parenting responsibilities?" young people focused on:

Employ more staff

Being more hands on with the treatment of the young people

Knowledge of the responsibilities and have more than 1 southwark social worker

Drop in sessions once a week if assigned social worker is busy or away from work

Further funding. HSG Grant needs to be increased

Furthermore, the below case study highlights what can happen when there is not effective coordination;

Upon release from the secure estate, aged 18, the young person had secured accommodation with their local housing authority. However, this accommodation was removed when the LHA discovered they had a conviction, which was seen as high risk by the LHA. Had there been a proper duty in place to identify, refer and cooperate between social services, the LHA, mental health services to which the person was known, and the youth justice system, then such an incident may have been avoided.

In regards to what more can be done to strengthen practice and deliver the broader corporate parenting requirements, as a group we believe a number of things can be done.

In our opinion the clearest way which Welsh Government could deliver the broader corporate parenting responsibilities is to make its voluntary corporate parenting charter statutory.

Published on 29th June 2023, the Welsh Government's voluntary Corporate Parenting Charter is a strong foundation from which to build systemic change for care-experienced children and young people, including care-experienced young mothers. A foundation from which, if fully implemented to its widest potential, could dramatically improve the life experiences and opportunities available to care experienced young people across Wales, such is the breadth of the potential. At EYHC we support the Welsh Government's list which details which kind of public sector bodies, public service or professionals should take on the role of a corporate parent.

Yet although the Welsh Government has extended corporate parenting duties for other public bodies beyond children's services, it is voluntary for public bodies to choose whether they sign up to be corporate parents. The Welsh Government has promised to monitor sign-up for the Charter and consider future steps for corporate parenting in Wales, and indicated that the Charter has "initially been published on a voluntary basis" only in its written response to the CYPE radical reform report.

By making corporate parenting mandatory for a broader range of public bodies, this would encourage other bodies to develop specific practices and work collaboratively to end youth homelessness. The Welsh Government should follow the Scottish Government's lead and make fulfilling corporate parenting duties mandatory for named public bodies.

Furthermore, on a more practical basis for young people, we believe that multi-agency working and collaboration should be at the point so that young people do not have to disclose whether they are care experienced upon making a homelessness application. The burden of evidence should not be on care-experienced young people when they try to access their entitlements, such as priority need status. Local Authorities have this data, so as corporate parents they should make it as easy as possible for care-experienced young people to access what they're entitled to.

We also believe that improved data collection, and publically available data collection, would greatly strengthen practice in regards to highlighting the extent of the issue. In this answer, we have had to reference stats that are now nearly six years out of data because of a lack of any further updated data.

Finally, as has been referenced throughout this response, the lack of clarity and leadership on the Southwark ruling has led to this continued confusion regarding responsibilities that is still present today. In looking to strengthen practice, Welsh Government needs to show leadership to ensure that policy is implemented as intended, and we believe that making the corporate parenting charter statutory is the most straightforward way of doing this.

Question 18

Do you agree or disagree that the Renting Homes (Wales) Act 2016 should be amended to allow 16 and 17 year olds to be able to hold occupation contracts?

We view this proposal as having potential to empower more young people to live independently; however, we have concerns about implementation, which are also shared by the young people we worked with as part of this consultation.

In the survey we distributed amongst young people as part of our work to inform this response, only 11% of respondents agreed with this proposal, and 44% answered that they don't think it's a good idea. Those who provided further comment in their answers emphasised that it may be appropriate for some 16-17 year-olds, but not all:

"It depends on where they are in life, a 16 year old in school no, but a 17 year old with life experience yes"

"Depending on assessment of maturity, common sense and responsibility"

Participants in Focus Groups also expressed similar concerns. The general consensus from young people is that, if this proposal is carried forward, it would need to be accompanied by strict guidance for professionals, consistent assessment of the young person's capacity and maturity, tailored and person-centred support, and training for young people in independent living skills. Another important point raised by a young person in a Focus Group was that the minimum wage for 16-17 year olds would need to be raised in order for them to earn enough to stay on top of their rent and bills and sustain an occupation contract.

Furthermore, as a group we have a few concerns regarding:

Who is this proposal serving? Is it being used to empower young people or is it potentially going to be used as a way to discharge duties, and then inadvertently placing young people in tenancies without the required support?

Will the corporate parent, the local authority, act as a guarantor for care experienced young people interested in exploring this option? To provide equity to their non-looked after peers?

In proceeding with this, are we inadvertently setting young care experienced people up to fail, as if we have not got it right in the preceding years in regards to independent living and relationship skills, is this a feasible option for care experienced young people that we should support?

In one focus group, one of the young people had been placed in a hostel with adults ahead of her 18th birthday as she left the care system. She felt that, given the option, she would have been safer living independently in her own home as a 17-year-old rather than her current situation of sharing accommodation with much older adults who she described as “a bad influence”; however, she acknowledged that she would’ve needed support around independent living skills, even if it was just the knowledge that she could “pick up the phone whenever she needed help”. The young people in this session agreed that, in order for this proposal to work for them personally, they would want the transition to independent living to happen gradually, with floating support in place and for them to have a say in where they lived and to be involved in any decisions taken about them.

However, we also have concerns around the practicalities of implementing such a proposal, particularly given the broader challenges young people are currently facing in the PRS. Landlords would likely be reluctant to let their properties to a 16/17-year-old, especially if they have complex needs and/or comorbidities and, given how competitive the market is at present, they’d likely have plenty of choice of other tenants with more stable income and better skills to maintain an occupation contract. Therefore, there would need to be some sort of insurance in place in order to mitigate the risk from the landlord’s perspective. Furthermore, we also have safeguarding concerns on landlord exploitation of young renters, a problem that already occurs with many young people who rent from private landlords, particularly students (Department for Education et al., 2019). Young renters are often perceived as naïve or ignorant by landlords and letting agents, who may feel they are able to ‘get away with’ more than they would be able to with an older tenant with more life experience. From anecdotal evidence based on our conversations with young people, we know that this is a common pathway into homelessness and a cause for concern for many young people. We are planning to take on further research into this issue in 2024 in order to strengthen the evidence base to advocate for better regulation procedures for private landlords and letting agents, especially in relation to young renters.

We feel this policy has potential but it could be strengthened by improved education for young people on their rights as tenants and more robust guidelines and prosecution processes for private landlords. Therefore, we support ACORN's recommendation in their Renter's Manifesto (2023) to implement a mandatory national register of all private landlords, letting agents, and rental properties that is free and available to the public (ACORN, 2023: 5), as well as their recommendation to "end policies which allow discrimination based on migrant status, disability, age, lone and parental status, receipt of benefits, or low income (such as 'No DSS')" (ibid: 9). If this legislation were accompanied by a blanket ban on low-income and age-discrimination (including against 16-17 year-olds) in the PRS, as well as strengthened education on tenants' rights and independent living, there is potential for successful implementation.

However, our recent conversations with young people have highlighted the need for better support in independent accommodation. EYHC's recent report, *Impossible to Navigate*, found tenancy breakdown to be a common pathway into homelessness for neurodivergent young people (EYHC, 2023: 58). Where neurodivergent young people, especially those who struggle with challenges like executive dysfunction, are placed in independent accommodation without support or training in independent living skills, the tenancy is almost bound to break down, which can leave young people vulnerable to repeat homelessness as well as having an impact on their mental health, wellbeing, and self-esteem. Many young people may want to live independently but do not have the confidence or skills to do so successfully. While this legislation has the potential to empower more vulnerable young people to live independently, there are few resources currently available to young people to prepare them for independent living. In order to supplement this, it might be appropriate to consider funding more schemes like the Training Flats schemes that are provided in both Pembrokeshire and Carmarthenshire, amongst other local authorities, which "provides good quality and affordable accommodation to young people who would benefit from living independently whilst accessing individual support and bespoke training" (EYHC, 2022: 1). We mentioned this scheme to some young people in our aforementioned focus group, who expressed that it was "too much of an upheaval" for them personally. However, depending on how the project is implemented the duration of the stay can vary significantly, with some young people living there for up to eighteen (18) months, and others for only two (2) weeks. This type of accommodation offers a healthy balance between independence and support and has an emphasis on preparing young people to move on into independent living. Implementing more schemes like this across Wales and targeting them towards 16-18 year-olds could therefore supplement some of the risk associated with allowing 16-17 year-olds to be occupation contract holders, as well as giving them the skills and confidence to successfully live independently.

Question 19

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

Access to accommodation

Question 20

To what extent do you agree or disagree with the short-term proposals to increase the suitability of accommodation? Are there additional immediate actions you believe should be taken for this purpose?

We agree with many of these proposals and welcome the move towards rapid rehousing and improving the standards and suitability of temporary accommodation. We feel, as do the young people we've spoken to as a part of this consultation response, that care experienced young people should have more autonomy over their housing and should be meaningfully included in suitability assessments and decisions.

We fully support the proposal to prohibit the placement of 16-17 year olds in unsupported, adult accommodation. This issue in particular is very important to EYHC as our formation in 2017 came as the result of the 2016 campaign to end the placement of 16-17 year-olds in B&Bs. However, despite the apparent success of this campaign, it is evident that eight (8) years later, there are still cases of young people being placed in B&B, hotels, and hostels alongside adults. A young person we spoke to in a recent focus group is currently living in a hostel alongside adults in their 20s, 30s, and 40s. She was not involved in this decision or any suitability assessments and felt there weren't any alternative options presented to her, stating that the local authority will "always choose the cheapest option", which further speaks to the sense of distrust that young people have in local authorities; and the realities of the financial situation in which local authorities are currently operating.

We also welcome the prohibition of placing young people in overcrowded and/or shared accommodation. Some of the young people we've spoken to recently have expressed their hesitancy to live in shared accommodation due to concerns around privacy and theft. However, there is a lack of clarity in the White Paper's definition of 'shared accommodation'. As is mentioned elsewhere in this response, many young people want to live independently but don't feel able to do so, therefore we welcome any legislative changes that empower more young people to be able to confidently and successfully live in independent accommodation.

We also agree with the proposal to prohibit the placement of under-25s in unsupported accommodation, whilst appreciating that Local Authorities will need support, both in guidance and financial support, to make this reality. Especially in regards to the small number of cases where young people have potentially limited housing options, for example as one practitioner mentioned, if they pose an arson risk.

While many of the young people we've spoken to have expressed a desire to live independently, we feel that those with homeless-experience should not be left unsupported in independent housing, especially those who are neurodivergent/disabled, care-experienced, and/or LGBTQ+. However, given what we know about the realities of the current housing crisis, it is unlikely that this rule could be followed in all instances without addressing this immediate crisis. As we have discussed elsewhere in this response, there is scope to provide more youth-focused accommodation across Wales. While there is an overall lack of suitable accommodation options available to young people that provide meaningful support and prepare them for independent living, there are also plenty of examples of good practice and success where these kinds of schemes have been commissioned. For example, Housing First for Youth, Carmarthenshire's Training Flats scheme, and supported or enhanced supported lodgings to name a few. In order to avoid the placement of 16-25 year olds in unsuitable accommodation, Welsh Government should allocate funding and resources to provide more youth-focused housing options like these.

However, a problem we foresee with the rapid rehousing approach is around the lack of suitable, young-person appropriate accommodation available in the housing stock. In our survey which was sent out to young people to inform this response, we asked what their ideal accommodation would be if they had a free choice. 43% said they would ideally want to live in a 2-3 bedroom flat with friends/family/partner, and a further 28.5% said they would like to live in a single-bedroom flat. 100% of those who answered also said that they aspire to be owner-occupiers (the question allowed respondents to select multiple answers). But, in reality, these housing options are rarely available to young people.

However, there isn't necessarily a lack of supply. In Cardiff in particular, there is a large number of luxury student accommodation buildings – far more than there are students who can afford to live in them, representing a rare case of supply outweighing demand. In a report by BBC News (2019), leading architect Jonathan Adams foresees that “they could all end up being dismantled in 20 to 30 years' time” (Flint, BBC News, 2019). We find it unacceptable that so many of the rooms in these buildings end up going empty or being let as residential hotels or temporary accommodation for tourists/visitors, when there are currently around 11,000 people in Wales living in temporary accommodation (5,481 households).

Unfortunately, there is no evidence regarding what proportion of these numbers are young people; however, we know from anecdotal evidence from our conversations with homeless-experienced young people that many of them are still living in wholly unsuitable temporary accommodation like B&Bs, hotels, and hostels, which are often shared with adults who expose them to dangerous behaviour like drug/alcohol misuse and criminal activity. While we wholeheartedly advocate for the building of new social homes that are designed with and for young people (for example, United Welsh's 'Tai Fres' development'), we feel that there are also steps that can be taken in the short term to repurpose some of these empty luxury flats to rehouse the young people who are living in temporary accommodation, as well as a longer-term strategy to review and legislate to ensure the suitability and sustainability of luxury student accommodation and how they meet the wider needs of the Welsh housing market.

Question 21

To what extent do you agree or disagree with the proposals around the allocation of social housing and management of housing waiting lists? What do you believe will be the consequences of these proposals?

We agree to an extent with these proposals however we feel that some changes are needed with further consideration of the needs of young people.

On the unreasonable behaviour test. We wish to stress that this must be applied in a trauma-informed way. While we understand the need to protect the wellbeing of staff and other residents in a locality. However, as our neurodivergence report highlights, some young people react in ways that may be seen as "naughty" or "aggressive", but it is actually part of their impairment which can be managed with proper support. Due to the current lack of support and poor understanding of the impact of neurodivergence on people's day-to-day lives, we feel more clarity and safeguarding need to be included in any unreasonable behaviour test. Below are some short quotes which highlight both the experiences and perceptions of some neurodivergent young people;

"And I'm seen as an angry and aggressive person, and I'm not. I'm not, I just get like that sometimes. And I've literally written letters to members of staff to apologise and saying, listen, it's not like that. I've just written apology letters to them because I feel so bad about that. And I feel guilty obviously, but I think yeah... just more understanding please".

"I wasn't like officially diagnosed at all then so I was just seen as like this troubled teen who was just acting out and being angry at everyone and stuff like that when I was more angry at myself, you know... and people who I was around didn't understand that".

“Well school was really hard. They always used to just say that I was really naughty and I didn’t want to learn, but I’ve been telling people for years that there’s something wrong and they all just thought I was not well. Yeah, they basically said I was making it up. I was just, they all just kept calling me the troubled child. I’m just a troubled child. I’m just, and that’s all I’ve ever heard my whole life is ‘She’s just different. She’s a troubled child, she needs help, She’s this and blah, blah, blah. She’s different”.

This is not to say we believe an official diagnosis should exempt people from this test. This is in large part due to the poor state of the diagnosis system in Wales. But robust safeguards which follow the logic of the social model of disability, as our report does, should be put in place around this test.

We also worry about how this will impact the trust between young people and local authorities. In preparing for this response, we spoke with a number of young people, and the belief in competition for place and lack of trust in local authority services was evident. Much work must be done to ensure that young people are brought along with these plans and fully understand them to build trust if they are to be effective.

As a group, we have a number of concerns about the levels of preference within the allocation. As the white paper acknowledges and our own research in Don’t Let Me Fall Through the Cracks demonstrates, care-experienced young people are at an increased risk of homelessness. While we welcome the recognition of the white paper, we would like to see this go further. Given that the white paper expressly prohibits homelessness as a route out of the care, we believe that all care-experienced young people should be given additional preferences, not just those threatened with homelessness. We also feel that the impact of being cared for is so great that there should be no upper age limit on this reasonable preference. You never stop being a ‘care leaver’ so an element of the support linked to this should always be with you.

We also believe that all young people, more generally who are threatened with homelessness. Should be given additional preference. As has been established, 48% of people who become homeless experience their first incident of homelessness below the age of 21. 73% of people who experience homelessness have experienced more than one incident of homelessness in their lifetime. We, therefore, know that early intervention is essential. By giving additional priority to all young people threatened with homelessness, we can make more successful early interventions and, therefore, prevent more incidents of homelessness.

For similar reasons, we feel that all young people should be given reasonable preference in relation to social housing allocation. We know that poverty is the main driver of homelessness. We also know that 28% of children in Wales live in poverty. In-work poverty affects a high proportion of people in Wales, placing stress on people’s ability to pay rent.

Young people are particularly at risk, as the most likely to work in low-paid roles, with reduced access to welfare payments compared to older people. We also know that young people earn less due to lower minimum wages and have reduced universal credit entitlements. This makes landlords less likely to rent to young people. Despite this, young people aged 18-25 are still overrepresented in the PRS due to the cost of buying a home being out of their reach. Specifically, young people will also be disadvantaged by the waiting list as they will be starting much further down the waiting list and be waiting longer to be allocated social housing. We, therefore, believe that if social housing is to be used as a tool to end homelessness in Wales, all young people should be entitled to reasonable preference.

Question 22

To what extent do you agree or disagree with the proposal for additional housing options for discharge of the main homelessness duty? What do you foresee as the possible consequences (intended or unintended) of this proposal?

We do agree with the proposals to offer a broader range of housing options. However, we would like to see strong safeguards to protect young people from being pressured to take a solution that isn't right for them or facing outright discrimination.

A consistent theme within our research for this white paper was a lack of trust. Given this we feel there must be a fair and transparent system for young people that ensure trust is built. As part of this, we feel that the element of choice guarantees choice where the person in receipt of the duty may refuse an unsuitable offer and must take a "no-questions-asked" approach.

Our research in *Impossible to Navigate* and *Out on the Streets* showed some of the issues with young people looking for accommodation. We are concerned that a young person may be pushed to return to a situation in which they feel unsafe or overwhelmed. We believe a no-questions-asked approach would make a young person more confident to refuse such a solution as they would not be required to "out" themselves to practitioners. This is of particular concern given the evidence in our report of young people facing discrimination from homeless services. Equally, some neurodivergent young people may be undiagnosed or not fully realise what it was about their home environment, which was overwhelming and may therefore struggle to justify to a practitioner why they cannot return to their previous situation. We want to ensure young people have a true say and do not feel pressured to take an unsuitable option. Equally, we feel the above approach deals with these issues in a trauma-informed way.

This said, we also feel that doors should be left open to young people with mediation to return to the family home at some point in the future being an option. We have heard cases of young people who are able to return after weeks, months or even years of estrangement.

We therefore feel that mediation and a “no closed doors” approach should be a tool on offer as part of the housing options approach which can be coupled with an alternative form of accommodation to aid in preventing youth homelessness.

Question 23

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals in relation to access to housing. Are there any costs and benefits we have not accounted for?

Implementation

Question 24

To what extent do you think the proposals outlined above will support the implementation and enforcement of the proposed reforms?

As was referenced frequently throughout our focus group on the white paper as group the two main focus areas for implementation have got to be funding and accountability.

Adequate funding has to be provided to turn these proposals into a reality at practice level. As a group we are pleased to see that the youth homelessness grant for allocation to youth work has not been affected in the most recent draft budget. However, as has been reiterated throughout this response is the importance of an uplift to HSG funding.

Similarly, as has again been referenced throughout, there is a real need for accountability and a focus on driving the implementation of these proposals. We cannot afford for any more policy for policy's sake, whilst we continue to see care experienced young people in Wales and care leavers have such a higher propensity to homelessness compared to their non-looked after peers.

Question 25

What other levers/functions/mechanisms could be used to hold local housing authorities and other public bodies accountable for their role in achieving homelessness prevention?

As aforementioned; we believe that implementing the corporate parenting charter on a statutory footing, rather than voluntary, will have seismic positive implications for care experienced young people and care leavers across Wales.

Published on 29th June 2023, the Welsh Government’s voluntary Corporate Parenting Charter is a strong foundation from which to build systemic change for care-experienced children and young people, including care-experienced young mothers. A foundation from which, if fully implemented to its widest potential, could dramatically improve the life experiences and opportunities available to care experienced young people across Wales, such is the breadth of the potential. At EYHC we support the Welsh Government’s list which details which kind of public sector bodies, public service or professionals should take on the role of a corporate parent.

Yet although the Welsh Government has extended corporate parenting duties for other public bodies beyond children’s services, it is voluntary for public bodies to choose whether they sign up to be corporate parents. The Welsh Government has promised to monitor sign-up for the Charter and consider future steps for corporate parenting in Wales, and indicated that the Charter has “initially been published on a voluntary basis” only in its written response to the CYPE radical reform report.

By making corporate parenting mandatory for a broader range of public bodies, this would encourage other bodies to develop specific practices and work collaboratively to end youth homelessness. The Welsh Government should follow the Scottish Government’s lead and make fulfilling corporate parenting duties mandatory for named public bodies.

Similarly, we would like to re-state our believe in the importance of an accompanying Action Plan, to detail how these proposals will be turned into practice on the ground. We need to see clear timelines and accountability for delivery. We cannot allow the opportunity that the white paper presents, generational change for care experienced young people and care leavers across Wales, to be missed because of patchy implementation, as we have seen far too often across Wales.

Question 26

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

Question 27

What, in your opinion, would be the likely effects of the proposed reforms in this White Paper on the Welsh language? We are particularly interested in any likely effects on opportunities to use the Welsh language and on not treating the Welsh language less favourably than English.

- Do you think that there are opportunities to promote any positive effects?
- Do you think that there are opportunities to mitigate any adverse effects?

Question 28

We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

Organisation (if applicable):

End Youth Homelessness Cymru Care Experienced Working Group