

White Paper Consultation Response:

Ending Homelessness in Wales

Welsh Government | December 2023

**Submitted jointly by 'Back the Bill' partners
Tai Pawb, CIH Cymru and Shelter Cymru**



This response is submitted jointly by the 'Back the Bill – the right to a good home' coalition partners, namely Tai Pawb, CIH Cymru and Shelter Cymru. 'We' and 'our' refers to the partner organisations.

About us - The Back the Bill campaign

The Back the Bill campaign is a coalition made up by Shelter Cymru, The Chartered Institute of Housing Cymru and Tai Pawb. Since 2019, we've campaigned to **secure housing as a human right** and built the evidence base on **incorporating the right to adequate housing in Wales**. A right supported by 77% of people in Wales surveyed in 2020.

There is a Housing Emergency in Wales. Record numbers of people in Temporary Accommodation, high social housing waiting lists, the increasing unaffordability of the Private Rental Sector and a younger generation for whom home ownership is increasingly a pipe dream. Exacerbated in recent years by the high levels of second homes and Air BnB, many people are struggling to find a safe, suitable home they can afford.

As a campaign, informed by international evidence, we firmly believe the **principle of housing as a legally recognised human right** is the mechanism necessary to drive a step- change, so that Wales has a sustained, long-term, cross-tenure vision and strategy to fix its broken housing system for current and future generations. Tackling the conditions within which homelessness is currently thriving, enabling us to end it once and for all.

1. Introduction

- 1.1 The Welsh Government's White Paper on Ending Homelessness proposes significant legislative reform. Seeking to update the law so that homelessness is brief, rare, and unrepeatable, the proposals reflect changes in Wales since the Housing Wales Act 2014, including the transition to rapid rehousing and the progress made in response to the Covid-19 pandemic. As a campaign, **we welcome the direction of these changes** and feel they can contribute towards ending homelessness in Wales. The changes encourage a more joined up approach to dealing with and preventing homelessness, increase the rights individuals have and, in particular, place an emphasis on supporting groups who experience homelessness, yet struggle to get equitable access to services. Whilst the steps proposed on homelessness broadly align with some of the principles of the right to adequate housing, their limited scope, and their consideration in isolation from the wider housing system, will hinder lasting change.
- 1.2 This joint response will provide feedback on areas of the proposals relevant to a right to adequate housing. We will also be responding individually to reflect each organisation's expertise.
- 1.3 This submission will focus on how a right to adequate housing would support and enable the White Paper proposals. Given the well-known resource challenges towards funding these reforms, we feel that implementation without incorporation could undermine their success. Later in this submission, we will explore an alternative narrative for these reforms through progressive realisation and underpinned by a right to adequate housing.
- 1.4 We recognise housing in Wales is currently the source of significant legislative and policy change. Moving forward, we hope that the feedback from this White Paper and the forthcoming White Paper on fair rents and a right to adequate housing can lead to a more joined up, strategic approach to dealing with the housing crisis. We look forward to continuing to collaborate constructively with the Welsh Government and other partners to ensuring everyone has the right to a good home.

2 **Ending Homelessness White Paper - principles of the reforms**

- 2.1 Homelessness is in crisis in Wales. The continued impact of Covid-19, cost of living and Ukraine and Afghan refugee crisis has placed services under sustained pressure. Inflation has meant service providers are struggling to maintain levels of support, with fears for the viability of future services. With record numbers in Temporary Accommodation and a huge waiting list for social

housing, we are experiencing a perfect storm in Wales. **Against this backdrop, we support and recognise the ambitious nature of these proposals.**

2.2 In particular, we support the transformative proposals to the law and service delivery including:

- The ending of priority need
- Changes around local connection
- Duty on public bodies to refer and work more collaboratively
- Improved methods of communication with people
- Improved methods of supporting individuals' rights to review decisions to ensure fair decision-making

If Wales were to incorporate a right to adequate housing, we believe these are the sorts of changes that would be necessary.

2.3 While we welcome the potentially transformative impact on people's experiences of homelessness, there are concerns regarding the sequencing of these changes. The Minister for Climate Change and Homelessness has repeatedly stated her support for incorporating housing as a human right, but that the sequencing needs to be right. We feel this argument applies here too. Introducing these changes in the current climate without the wider encompassing right to adequate housing to underpin them could potentially undermine their success.

2.4 Based on our research, the necessary additions include increased investment (based on an evidenced '[invest to save](#)' rationale), placing a good home for all at the centre of cross-government policy priorities and a greater supply of secure homes that people can afford. A strategy, beyond a Senedd term, demonstrating how government, with partners, will progressively address the shortfall in social homes would be one key element of the long-term housing supply plan we need if people are to access the rights sets out in the White Paper reliably.

2.5 The next section of this consultation response will explore some of these policy considerations before we conclude highlighting how a right to adequate housing could support the delivery of these changes.

3. Policy considerations to support implementation

Securing the necessary investment

3.1 As already stated, we applaud the ambition of these proposals – potentially transforming how homeless services in Wales are delivered. However, to deliver on these reforms, local authorities, and Registered Social Landlords (RSLs) will **require additional funding**. Given the current challenge of the Welsh Government budget in the short-medium term, it is unclear how this will

be met. Indeed, data from the [Cymorth' s response](#) to the draft budget highlights 93% of providers are either extremely or very concerned about their ability to continue to deliver existing services under the proposed budget.

- 3.2 One provider even stated, “We have made the decision that if we do not receive the required uplifts from commissioners in 23/24, we will not be tendering for new contracts and will be giving notice on some of our current contracts where we're struggling to retain staff and are seeing a financial deficit. We have given notice on a number of contracts in 22/23 for this very reason and we've seen that no other provider is prepared to step forward to take on these contracts. The demand for our services has never been higher and we will be unable to meet needs as providers will inevitably withdraw from existing contracts and not take the risk of bidding for new ones.”
- 3.3 Given the financial challenges about delivering existing services, it is not clear where the additional investment will come from to fund these changes. Therefore, there is a danger that this legislation will place increased pressures on service providers without funding, compromising their ability to deliver. This risks the worst of both worlds, stronger legislation but without the money to deliver, causing friction and letting vulnerable people down.

Concern over long-term thinking

- 3.4 To its credit, the current Welsh Government has given priority to legislation and policy changes to end homelessness. However, the ambition of this legislation clearly goes beyond this Senedd term and is reliant on a continued focus and investment by future governments. If this is not forthcoming, implementation will be impossible. If there was ever a time when Wales needed long-term investment in housing at scale, this is the time, when we are seeing the consequences of long-term underinvestment in social homes in particular. Despite a committed Minister, the recent HSG housing matters campaign has shown this is not sufficient. We believe this further supports the need for incorporation of the right to adequate housing. Legislation would put increased duties on the current and future governments to deliver the long-term planning for necessary solutions to the housing crisis. Doing this would ensure everyone, Welsh Government, local authorities, RSLs, developers and communities have confidence in a long-term vision and strategy for homes through ensuring the funding, and key enablers, will be available to deliver.

Supply to meet the increased demand

- 3.5 As a campaign we welcome the changes focused on increasing access to homes for people experiencing homelessness, whether that be through the abolition of priority need, changes to local connection tests or accessible housing registers. Given the increased need for homes, and a system that is already struggling to cope, unless this increase in duties leads to an increase in supply, the legislation will be unsuccessful. Crucially, this is not just about creating the right number of homes, but the right homes in the right places to meet the needs of the homeless population. And homes that people can

afford. There is no evidence as yet of a strategy to enable the required number of homes to be delivered to support implementation. Without including a focus on the number of increased homes needed or how they will be achieved, there is a fear and expectation that positive reforms are not able to be delivered.

Tackling the disparity in the health budget

3.6 The current health budget contains £10.1bn of revenue alone, equating to just over 50% of the Welsh Government budget. Ten years ago, health accounted for [£6.4bn of a total budget of £15.2 bn](#). Over the last ten years therefore, the proportion of the budget for health has gone from 40% of the budget to over 50%. Given the increased pressure on the NHS and additional funding made available over the autumn this raises a number of questions. In ten years,' time, given an ageing population and the increased focus on health, what size will the Welsh Government budget on health be? If it continues to grow, what does this mean for other services? Rather than using money on health services, are there opportunities to use this funding to improve people's health through other means? The evidence tells us that housing is crucial here - with a good home having the potential to lower A&E admission rates, substance misuse and respiratory problems. [Poor housing](#) was found to cost the NHS in Wales over £95m pa. While our [independent cost-benefit analysis](#) identified, savings of at least £5bn for wellbeing and £1bn over a 30-year period should a right to adequate housing be realised (researchers recognised that they costed a limited sample of healthcare savings). Understanding this leads to two conclusions:

1) Government spending to prevent ill health needs to be more focused on evidence-based prevention across portfolios, including housing and homelessness, and using invest to save approaches

2) Government needs a long-term plan to ensure housing gets the appropriate level of funding in 10-, 20- and 30-years' time.

3.7 As partners, we passionately believe the answer to this is incorporation. Legislating for a right to adequate housing will provide a legal commitment to invest the maximum available resources to progressively realise a right to adequate housing. It can function as both the driver and the safety net for the housing sector, whether for a RSL, charity, government, or developer to resolve this and prevent future crises. Without this legislation, there is a real risk that the health service will undermine investment in other crucial public services.

4. Progressively Realising long term change in the housing sector

4.1 The progressive nature of these proposals can help address homelessness in Wales. However, before concluding, we wanted to present an alternative vision for how this legislation may be delivered, namely through the path of progressive realisation.

- 4.2 Progressive realisation recognises that it is almost impossible for nations to deliver on human rights legislation such as the right to adequate housing overnight. It understands that this type of change takes a long time and a lot of resource, so governments do not need to deliver this change immediately but instead over time, following a detailed plan. Progressive realisation comes with a requirement to commit the maximum available resources (land, finance, staff, technology) over time, with prohibition of regression. We see this as the foundation for legislative reform such as these White Paper proposals ensuring adequate funding is available and cross-government prioritisation of enabling people to find and keep a home occurs.
- 4.3 As well as providing commitment of resources, a right to adequate housing would also ensure a long-term vision and joined up plan for housing in Wales. This response has already highlighted the challenges over supply and investment, as recognised by stakeholders ranging from Welsh Government officials, local authorities and the third sector. We've also highlighted how the success of these reforms will be reliant on the commitment and decision-making of future Ministers and Governments. Given the long-term and entrenched nature of the issues facing the Welsh Government across our housing system in Wales, the ambition to end homelessness requires a long-term commitment and a shared vision of a cross-tenure strategy that Government foresees will resolve the housing emergency. Doing so means we can all work together to end homelessness and give everyone a safe, suitable home that meets their needs.
- 4.4 The Back the Bill campaign passionately believes an alternative approach, where a progressively realised right to adequate housing, encompassing these reforms is the optimal way to achieve the desired goals. Doing so would not only provide future clarity but ensure that a commitment to change was enacted – recognising the financial challenges currently being experienced, but also investing to save in the future. It would also provide the vision, framework, and plan to deliver the homes Wales needs in the 21st century and increase stakeholder confidence in the deliverability of the White Paper's welcome ambition.

5. Conclusion

- 5.1 As a campaign, we fully support the ambition and aims of the proposals contained in this White Paper. We applaud The Minister and The Welsh Government for their continued commitment in addressing homelessness in Wales, and for doing so in close partnership with the sector. While we support the Welsh Government's desire to make homelessness brief, rare and unrepeated, respectfully, we do not feel these reforms alone will have the desired effect. We would encourage consideration of these changes as part of a wider reform of housing in Wales through incorporation of the right to adequate housing.
- 5.2 Incorporation of the right to adequate housing has the potential to support the implementation of these changes, as referenced throughout this paper. In

particular through:

- Driving the supply of homes.
- Driving the investment required for these (and future) reforms to allow the Welsh Government and local authorities to implement the changes necessary.
- Ensuring the continued commitment of future Governments to provide the necessary investment to deliver on these reforms, using maximum available resources.
- Strengthening the requirements of multi-agency working (as demonstrated through our [Draft Bill](#))
- Requiring a long-term housing strategy to ensure the overarching housing emergency is resolved, and that the blockers and enablers of finding and keeping a good home for all are addressed via a joined-up approach to delivery.

5.3 Without recognising that a right to adequate housing is an enabler of whole housing system reform, and preventing and ending homelessness, the outcome desired by all partners of ending homelessness may not be achieved.

Annex A - ABOUT THE PARTNER ORGANISATIONS

Tai Pawb works to advance equality and social justice in housing in Wales. We imagine a Wales where everyone has the right to a good home | www.taipawb.org

CIH Cymru supports housing professionals to create a future in which everyone has a place to call home. We're the professional body for people who work in housing, the independent voice for housing and the home of professional standards | www.cih.org

Shelter Cymru exists to defend the right to a safe home. We help thousands of people each year in Wales by offering free, independent advice | www.sheltercymru.org



White paper on ending homelessness in Wales.

CIH Cymru response

This is a response to the white paper consultation on ending homelessness in Wales.

Introduction

What is clear from this consultation document is that it proposes wide-ranging changes to the homelessness and housing allocations system in Wales building on the recommendations of the expert review panel. We fully agree that wide-reaching change is needed in Wales to ensure that homelessness is rare, brief, and unrepeatable. Yet there are some impacts or unintended consequences that need to be considered if the new homelessness and housing allocations system in Wales is equitable for those needing homelessness assistance, existing social housing tenants and those housing professionals implementing the new legislation.

We fully agree with the removal of the tests of priority need and intentionality and the relief duty. This will make the homelessness system more open and easier to navigate for applicants. At face value though the removal of these tests seems to be resulting in a perverse incentive where an applicant will apply for help too late or ignore support offered as they will be guaranteed a main housing duty when they present as homeless. But we think that it is slightly more complicated than that. Crisis outlined in its plan to end homelessness that the public often lack a robust understanding of the concept of homelessness prevention. People also see addressing homelessness with intervening in a time of crisis rather than something that can be prevented if help is sought earlier¹. So rather than deliberately manipulating the system to apply for help once a main housing duty is guaranteed

¹ The plan to end homelessness. <https://www.crisis.org.uk/ending-homelessness/the-plan-to-end-homelessness-full-version/background/chapter-4-public-attitudes-and-homelessness/>



is there a lack of awareness raising about what it means to be homeless? It's time to flip the narrative, applicants are not necessarily manipulating the system. Often, they and the services they interact with are simply not aware of the help that is available. It is time to change this.

We do, however, have concerns around the levels of bureaucracy remaining in the homelessness system despite Welsh Government acknowledging the fact that this is an issue for local housing authorities. Research undertaken into bureaucracy has shown that it can disempower individuals implementing legislation and may result in more discretion being used both negatively and positively to overcome the additional administrative burden it can produce². We fully agree that communication with applicants needs to be more transparent. Effective communication helps build trust between public services and individuals accessing the service. It enables participation as individuals are clear on what actions are being taken to help them and builds in a level of accountability for both the applicant and the local housing authority³. Clear communication also enables an applicant to fully understand their legal rights in relation to duties they are owed by a local housing authority following an application for help to resolve their homelessness⁴. Yet when local authorities have sought to make communication with applicant more transparent and easier to understand in the past applicants have sought legal intervention as their rights are not communicated in a sufficiently technical manner. This has in turn resulted in paperwork being primarily a legal document in order to avoid costly and time consuming legal intervention, rather than using communication to help and guide applicants or to inform them of next steps². We would like to see all stakeholders working together to come up with a solution that ensures communication with

² Hannah Browne Gott, Peter K. Mackie & Edith England (2023) Housing rights, homelessness prevention and a paradox of bureaucracy? *Housing Studies*, 38:2, 250-268, DOI: 10.1080/02673037.2021.1880000

³ Lee Y, Li J-YQ. The role of communication transparency and organizational trust in publics' perceptions, attitudes, and social distancing behaviour: A case study of the COVID-19 outbreak. *J Contingencies and Crisis Management*. 2021; 29:368-384. 10.1111/1468-5973.12354

⁴ Miller, G. Holstein, J.A (1996) *Dispute Domains and Welfare Claims: Conflict and Law in Public Bureaucracies*



applicants is personalised and easy to understand but can also satisfy legal requirements reducing the likelihood of a legal review. Though ultimately the solution is increased funding for statutory homelessness services to ensure there are enough members in the team to provide the person-centred trauma informed communication that is proposed in the white paper.

We have seen from our latest sector snapshot report that frontline housing professionals are struggling with the increased workload that they are already seeing. Over half of the survey respondents felt that services were suffering due to a lack of resources and that significantly more resources are needed by front line housing teams to ensure that services can continue to be provided at a high standard⁵. This increase level of resource will be vital as part of implementing any new proposed legislation with its increase administrative burden. One way to increase these resources is to incorporate the right to adequate housing into Welsh legislation as part of a whole system approach to the housing crisis. This right will ensure that everyone in Wales can access a safe, suitable, and affordable home. It will also generate significant savings with £2.30 generated for every £1 spent on implementing the right⁶ monies that can be invested into frontline housing teams. It can also be used to increase the availability of social homes helping to ensure our allocations policies are equitable.

Allocations policies for local authorities are not just for applicants seeking their first social housing tenancy. As set out in Welsh Government's code of guidance for local authorities on the allocation of housing they also need to consider wider

⁵ Sector Snapshot. Survey of housing professionals in Wales.
<https://www.cih.org/media/1d0iaaeu/0361-survey-of-housing-professionals-in-wales-report-1-v1.pdf>

⁶ The right to adequate housing in Wales: cost-benefit analysis. An independent research report by Alma Economics. Commissioned by Tai Pawb, the Chartered Institute of Housing Cymru and Shelter Cymru. <https://www.taipawb.org/wp-content/uploads/2022/09/Alma-Economics-Back-the-Bill-Final-Phase-2-report.pdf>



community needs and the well-being of existing tenants⁷. The proposal to ensure homeless households are given the highest level of priority on waiting lists is an understandable policy position against the backdrop of rising numbers in temporary accommodation. However, this neglects to consider the wider needs of the community and the wellbeing of existing tenants. As set out in our Tyfu Tai research “Time to re-focus: Social housing allocations” we need to the allocation of social y rented homes as part of a wider one housing system approach. We need to develop a wider range of housing options such as low-cost home ownership, intermediate rented homes, housing co-ops. By doing this it will reduce the pressure on social housing and enable the sector to meet a wide range of housing aspirations⁸. We need to ensure that everyone in Wales can access a home as research has shown that homelessness is a direct result of market failures and an individual not being able to realise their right to a home⁹

In August 2023 there were 11,000 people in temporary accommodation in Wales including 3,500 dependent children¹⁰. Whilst we recognise that addressing homelessness isn’t simply about bricks and mortar, but wider socioeconomic factors, it is undeniable that at the root of the systemic problem we face with regards to homelessness is the chronic under-supply of social and affordable housing. In Wales there has been a 10.7 per cent increase in the cost of a newly available private rented property¹¹. In addition, just 2 per cent of available rented homes in Wales can be covered by local housing allowance¹². Whilst we welcome

⁷ Code of Guidance for Local Authorities on the Allocation of Accommodation and Homelessness. <https://www.gov.wales/sites/default/files/publications/2019-03/allocation-of-accommodation-and-homelessness-guidance-for-local-authorities.pdf>

⁸ Time to re-focus? A review of the allocation of social rented housing in Wales within the context of COVID-19. <https://www.cih.org/publications/time-to-re-focus-social-housing-allocations>

⁹ Kenna, P. (2011) Housing and Human Rights. In international Encyclopaedia of Housing and Home.

¹⁰ Homelessness accommodation provision and rough sleeping: August 2023.

<https://www.gov.wales/homelessness-accommodation-provision-and-rough-sleeping-august-2023>

¹¹ Zoopla UK Rental Market Report - December 2023. <https://advantage.zoopla.co.uk/research-and-insights/zoopla-uk-rental-market-report-december-2023/?member=true>.

¹² Wales’ Housing Crisis: Local Housing Allowance and the private rental market in Wales, Winter 2023. <https://www.bevanfoundation.org/wp-content/uploads/2023/03/Wales-Housing-Crisis-Winter-2023.pdf>



the unfreezing of the local housing allowance ensuring it will now cover the lowest 30th percentile concerns have been raised that this may not continue past 2024/25 with a predicted refreezing of the level of LHA from April 2025.

Even though this unfreezing of the LHA does provide some hope for low income families dependent on benefits to cover their housing costs the ongoing increased demand for a private rent is impacting affordability across the sector. This increased demand is being fuelled by reducing supply due to the impact of rising mortgage rates and households staying where they are to avoid rising rental costs. This rising demand is pushing up the cost of a private rent with rental affordability now at 28.4 per cent the highest in a decade¹³. We have heard from our members that the increasing rental costs in the private rented sector is having a significant negative impact on moving households onto settled accommodation. As more and more households are being priced out of the private housing market the demand for social housing is increasing yet supply is reducing.

We welcome Welsh Government's commitment to develop an additional 20,000 affordable homes coupled with its commitment to bring empty homes back into use. Yet we have concerns around the pace and scale of current development in Wales. Welsh Government's latest figures for housing need show that we should be providing between 6,154 and 8,336 additional homes annually split almost evenly between affordable and market homes¹⁴. Yet the latest annual data shows that in 2021/22 just 2,676 additional affordable homes were delivered in Wales. This figure includes new build, purchases, and conversion of larger affordable

¹³ Rental Market report: September 2023. <https://www.zoopla.co.uk/discover/property-news/rental-market-report/>

¹⁴ Average Annual Estimates of Housing Need in Wales (2019-based) by Variant, Tenure and Region. <https://statswales.gov.wales/Catalogue/Housing/Housing-Need/2019-based/annualaverageestimatesofhousingneed2019based-by-variant-tenure-region>



housing units¹⁵. What cannot be ignored is the fact that the number of additional affordable housing units delivered is below the number that is currently needed.

Whilst we appreciate the constraints on the development sector due to rising inflation, supply chain issues and phosphate issues, unless we increase the pace and scale of developing new affordable homes in Wales, we will continue to see rising rental costs in the private rented sector. In effect, we need to rebalance the tenure make-up of our housing provision in Wales. CIH Cymru sees the solution to the current housing crisis as a whole system change in the approach to housing provision. We need to ensure that there is a right to adequate housing enshrined in law. Legislating for a right must be the starting point on a journey that sees a commitment to the level of investment needed that reflects the gravity of the housing crisis we currently face, ensuring that all public services in Wales work together to ensure individuals and their families can access a safe, secure, and affordable home. The approach that the Welsh Government outlines in this white paper should be but one, albeit a very important, step on the road to progressively realising a right to be adequately housed for everyone in Wales.

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

We partially agree that the proposals will lead to increased prevention and relief of homelessness.

2. What are your reasons for this?

Whilst the extension to the period to trigger prevention assistance is welcomed it will not solve the ongoing issue of people presenting in a crisis. We are hearing from our members that one of the largest reasons for homelessness currently is family breakdown. Often this happens at a crisis point resulting in an on the day

¹⁵ Additional affordable housing provision by provider and housing type.
<https://statswales.gov.wales/Catalogue/Housing/Affordable-Housing/Provision/additionalaffordablehousingprovision-by-provider-housingtype>



application for homelessness with little opportunity to resolve the situation to ensure the applicant can return home. In addition, as outlined in research by Crisis the public often lack a robust understanding of the concept of homelessness prevention. People also see addressing homelessness with intervening in a time of crisis rather than something that can be prevented if help is sought earlier¹⁶. This is borne out by our members who report that often people will present to them in crisis when it is often too late to prevent the individual's homelessness. We also need to work to ending the public perception of homelessness equalling rooflessness by ensuring the public understand the benefit of early action and even if you have somewhere to stay you could still be at risk of homelessness. As homelessness is a complex mix of socioeconomic factors coupled with an individual's level of resilience to manage shocks to personal circumstances which for some can increase their risk of experiencing homelessness¹⁷. We need to consider a whole system approach to homelessness how can we assist those individuals with low levels of resilience due to past trauma, substance use, mental ill health or other support needs to cope with unforeseen socioeconomic shocks. It needs to be clear to everyone where the best place to get help is as part of a wider public sector focus on preventing homelessness in Wales.

If we are to empower our frontline housing professionals and ensure that they have the resources needed to administer any new legislation, we need to address the levels of bureaucracy remaining within the proposed new legislation. This is despite an acknowledgement by Welsh Government that the level of bureaucracy is an issue for local authorities. Research undertaken into bureaucracy has shown that high levels of bureaucracy in legislation or policy can disempower those individuals' implementing legislation and may result in more discretion being used to overcome the additional administrative burden it can produce. Yet this

¹⁶ The plan to end homelessness. <https://www.crisis.org.uk/ending-homelessness/the-plan-to-end-homelessness-full-version/background/chapter-4-public-attitudes-and-homelessness/>

¹⁷ Glen Bramley & Suzanne Fitzpatrick (2018) Homelessness in the UK: who is most at risk? Housing Studies, 33:1, 96-116, DOI: 10.1080/02673037.2017.1344957



discretion is not always negative front-line workers also use their discretion to provide the best outcome for the person they are assisting. The homelessness system in Wales infers a significant level of rights for an individual but this comes with accompanying paperwork that is often opaque and burdensome to complete¹⁸. We are hearing from our frontline housing professionals that there is not sufficient resource to meet the level of demand for service and as a result service provision is suffering¹⁹. The proposals contained in the white paper will no doubt further increase the administrative burden placed on frontline housing services so they will need to be appropriately resourced including money and staff resource to ensure they can meet the administration demands of the new proposals and deliver an effective prevention service that ensures homelessness in Wales is rare, brief, and unrepeated.

When outlining the proposed reforms in the white paper it is often mentioned that it is to ensure that the legislation can act in a person-centred trauma informed way. Whilst there is a very real need to address the trauma experienced by those facing homelessness, we also need to acknowledge the visceral trauma of front-line housing officers because of hearing about the experiences of those, they are supporting²⁰. If we are to meet the aim of the high-level action plan to build a resilient workforce, we need to look at ways we can provide clinical supervision and/or wellbeing support to our frontline housing professionals who may experience trauma through their work.

¹⁸ Hannah Browne Gott, Peter K. Mackie & Edith England (2023) Housing rights, homelessness prevention and a paradox of bureaucracy? *Housing Studies*, 38:2, 250-268, DOI: 10.1080/02673037.2021.1880000

¹⁹ Sector Snapshot. Survey of housing professionals in Wales.
<https://www.cih.org/media/1d0iaaeu/0361-survey-of-housing-professionals-in-wales-report-1-v1.pdf>

²⁰ Aliénor H. Lemieux-Cumberlege, Helen Griffiths, Emily Pathe & Adam Burley (2023) Posttraumatic stress disorder, secondary traumatic stress, and burnout in frontline workers in homelessness services: risk and protective factors, *Journal of Social Distress and Homelessness*, DOI: 10.1080/10530789.2023.2191405



In August 2023 there were 11,000 people in temporary accommodation in Wales including 3,500 dependent children²¹. Whilst we recognise that addressing homelessness isn't simply about bricks and mortar, but wider socioeconomic factors, it is undeniable that at the root of the systemic problem we face with regards to homelessness is the chronic under-supply of social and affordable housing. Increasing this supply needs to be a foundational part of any change to homelessness legislation in Wales. We need affordable homes to be part of the solution to help ensure homelessness in Wales is rare, brief, and non-repeating. Yet we cannot ignore the wider socioeconomic factors that are having a very real impact on supply and the wider housing crisis.

In Wales there has been a 10.7 per cent increase in the cost of a newly available private rented property²². In addition, just 2 per cent of available rented homes in Wales can be covered by local housing allowance²³. Whilst we welcome the unfreezing of the local housing allowance ensuring it will now cover the lowest 30th percentile concerns have been raised that this may not continue past 2024/25 with a predicted refreezing of the level of LHA from April 2025.

Even though this unfreezing of the LHA does provide some hope for low-income families dependent on benefits to cover their housing costs the ongoing increased demand for a private rent is impacting affordability across the sector. This increased demand is being fuelled by reducing supply due to the impact of rising mortgage rates and households staying where they are to avoid rising rental costs. This rising demand is pushing up the cost of a private rent with rental affordability now at 28.4 per cent the highest in a decade²⁴. We have heard from our members

²¹ Homelessness accommodation provision and rough sleeping: August 2023.

<https://www.gov.wales/homelessness-accommodation-provision-and-rough-sleeping-august-2023>

²² Zoopla UK Rental Market Report - December 2023. <https://advantage.zoopla.co.uk/research-and-insights/zoopla-uk-rental-market-report-december-2023/?member=true>.

²³ Wales' Housing Crisis: Local Housing Allowance and the private rental market in Wales, Winter 2023. <https://www.bevanfoundation.org/wp-content/uploads/2023/03/Wales-Housing-Crisis-Winter-2023.pdf>

²⁴ Rental Market report: September 2023. <https://www.zoopla.co.uk/discover/property-news/rental-market-report/>



that the increasing rental costs in the private rented sector is having a significant negative impact on moving households onto settled accommodation. As more and more households are being priced out of the private housing market the demand for social housing is increasing yet supply is reducing.

We welcome Welsh Government's commitment to develop an additional 20,000 affordable homes coupled with their commitment to bring empty homes back into use. Yet we have concerns around the pace and scale of current development in Wales. Welsh Government's latest figures for housing need show that we should be providing between 6,154 and 8,336 additional homes annually split almost evenly between affordable and market homes²⁵. Yet in the latest annual data shows that in 2021/22 just 2,676 additional affordable homes were delivered in Wales. This figure includes new build, purchases, and conversion of larger affordable housing units²⁶. What cannot be ignored is the fact that the number of additional affordable housing units delivered is below the number that is currently needed.

Whilst we appreciate the constraints on the development sector due to rising inflation, supply chain issues and phosphate issues, unless we increase the pace and scale of developing new affordable homes in Wales, we will continue to see rising rental costs in the private rented sector which in turn impacts the levels of homelessness seen in Wales.

CIH Cymru sees the solution to rising homelessness being a whole system change for housing in Wales with the basis being a right to adequate housing enshrined in

²⁵ Average Annual Estimates of Housing Need in Wales (2019-based) by Variant, Tenure and Region. <https://statswales.gov.wales/Catalogue/Housing/Housing-Need/2019-based/annualaverageestimatesofhousingneed2019based-by-variant-tenure-region>

²⁶ Additional affordable housing provision by provider and housing type. <https://statswales.gov.wales/Catalogue/Housing/Affordable-Housing/Provision/additionalaffordablehousingprovision-by-provider-housingtype>



law. Legislating for a right must be the starting point on a journey that sees a commitment to the level of investment needed that reflects the gravity of the housing crisis we currently face, ensuring that all public services in Wales work together to ensure individuals and their families can access a safe, secure, and affordable home. The approach that the Welsh Government outlines in this white paper should be but one, albeit a very important, step on the road to progressively realising a right to be adequately housed for everyone in Wales.

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

The meaning of homeless or threatened with homelessness

We agree with the proposal to bring the timeframe for threatened with homelessness in line with the minimum notice period for a periodic standard contract. However, we would like to see the accompanying guidance to outline that even when an invalid notice is served that should be taken as an intention of the landlord seeking to end the tenancy with work to prevent the households homelessness starting at that point. Contract holders will on occasion receive invalid notice but may be advised to wait for a valid notice before any prevention work starts. This can make an already stressful situation worse. By having in guidance that invalid notice triggers prevention work we can work towards minimising the impact on the household.

Whilst we welcome the clarification within the legislation for those households who live in moveable accommodation and are permitted to reside in an area but have no access to facilities would be classed as homeless there is a need for wider policy consideration. Currently there are no transit sites in Wales for the Gypsy, Roma, and Traveller communities. This means that if they are not able to find a pitch on a permanent site or need to travel within Wales they will be classed as homeless according to the expanded definition. If we are to prevent and relieve homelessness for anyone facing homelessness in Wales, we also need to consider



how we can invest in and provide transit sites in Wales so that Gypsy, Roma, and Traveller communities always have access to suitable sites that meet their cultural needs.

Securing or helping to secure the availability of accommodation.

Personal housing plans are a key tool in ensuring that a person is appropriately supported and empowered to secure accommodation. They also help embed person-centred practice into the local housing department and put in place a process where there is regular contact with the applicant. Yet as outlined in the post implementation evaluation some service providers felt that personal housing plans were too formulaic and technical. Other service providers saw them as adding another layer of bureaucracy. It was also mentioned that often applicants did not see the value of a written record preferring regular face-to-face contact and direct work²⁷. As outlined in the draft regulatory impact assessment it can take a significant time to complete a personal housing plan to the detail needed²⁸. The housing and local government committee in their report on homelessness highlighted the impact rising homelessness was having on those working in homelessness services. Staff were tired as there were not enough of them to meet demand coupled with concerns over the quality of services due to increased pressure. Some homelessness teams are concerned that staff could burnout and the emotional impact of the decisions they have to make²⁹. These sentiments were echoed in the findings of Housing Futures Cymru's latest sector snapshot report which found 43 per cent of front-line housing professionals citing high workloads as the key pressure on service provision³⁰. This evidence, together with the

²⁷ Post-implementation evaluation of Part 2 of the Housing Act (Wales) 2014: Final Report. <https://www.gov.wales/sites/default/files/statistics-and-research/2019-06/evaluation-of-homelessness-legislation-part-2-of-the-housing-act-wales-2014-final-report.pdf>

²⁸ Welsh Government Consultation on the White Paper on Ending Homelessness in Wales. Draft Regulatory Impact Assessment. <https://www.gov.wales/sites/default/files/consultations/2023-10/ending-homelessness-integrated-draft-regulatory-impact-assessment.pdf>

²⁹ Welsh Parliament Local Government and Housing Committee: Homelessness. <https://senedd.wales/media/zs0jkb4g/cr-ld15717-e.pdf>

³⁰ Sector Snapshot. Survey of housing professionals in Wales. <https://www.cih.org/media/1d0iaaeu/0361-survey-of-housing-professionals-in-wales-report-1-v1.pdf>



acknowledgement by Welsh Government that time will need to be invested into the appropriate drafting and reviewing of personal housing plans is concerning especially against a backdrop of there not being enough staff to meet current rising demand let alone an increase administrative workload. Nobody denies the benefits of personal housing plan but, if we want the statutory introduction of personal housing plans to be effective and provide the best possible advice to homelessness applicants, we need to ensure statutory homelessness services are adequately resourced. It is these services that ensure effective administration of any homelessness legislation together with ensuring effective planning for housing support services. Effective implementation of legislation is dependent on effective resourcing including sufficient time to undertake to work needed³¹

We welcome the proposal to introduce a statutory duty to include an applicant's views on their accommodation need. This will ensure that they can access accommodation that they feel best suits their needs and the needs of their household including enabling them to take the positive steps needed to recover from addiction, ensure access to ongoing support services and ensure accommodation is suitable for their cultural needs.

Individual right to request a review of decisions

We agree with the proposals to extend the right of review to the personal housing plans as if these are to have statutory status then an applicant should have the right to review if needed mirroring the right to review for other statutory duties within legislation. We also support the expansion of the right to review the suitability of accommodation provided to accommodate a household on an interim basis. One addition we would like to see is the sharing of learning between organisations. Case law does provide this but very few homelessness cases in Wales make it to high court and then into case law. As such we would like to see some way of sharing lessons learned from review processes. Whilst not legally

³¹ Hogwood, Brian W. & Gunn, Lewis. A. (1984) Policy Analysis for the Real World.



binding it may help improve the administration of the legislation benefiting applicants. It could also provide a useful tool to help front line officers in their understanding and application of the legislation.

A statutory duty to provide support to help an applicant retain accommodation.

We welcome the new duty on local housing authorities to help support a person to retain accommodation when they have been helped to secure that accommodation. As outlined in the white paper this will be the responsibility of the whole local authority. However, as noted in the expert review report this collaborative working is not always easy to establish. As such we would also like to see the duties to cooperate specifically include meeting this new duty on local housing authorities. We also have a concern around the time frame provided for the duty. Some individuals will not be ready for independent living without support even after 12 months have passed due to the complexity of their support needs. As such we would like this amended to ensure an individual can access support for as long as it is needed but the need for support to be reviewed every three months. There may also be a need to ensure those individuals accessing support through this new duty can quickly access support again at some point in the future following the ending of support if they get into difficulties managing the retention of their home.

Meeting this duty is also dependent on ensuring that housing support services are adequately funded. Research has shown that housing support grant services provide a saving of £1.40 for every £1 spent on providing support³². The amount of revenue funding provided to the Housing Support Grant was increased during the Covid-19 pandemic to help support agencies navigate the impact the pandemic has on individuals who needed support. Yet the level of funding was frozen for 2023/24 and remains frozen for 2024/25 against a backdrop of rising

³² Evidencing the Impact of The Housing Support Grant in Wales.
<https://www.cymorthcymru.org.uk/wp-content/uploads/2023/05/Evidencing-the-Impact-of-HSG-ENG.pdf>



inflation. We have heard from members that some floating support services are being decommissioned due to rising homelessness levels in tandem with budgets being squeezed. There have been some increases to price bands to enable wage rises to combat cost of living pressures for support staff. This in turn has reduced the amount of support that can be provided. Though without the price band increases the scheme may not run due to a lack of staff. In addition, there are concerns around the allocation of the old s.180 funding redistribution which was used to provide needed support services which do not fully align with the prevention of homelessness. The redistribution of these funds could leave some local authorities losing out on more funding due especially in areas where there were large schemes funded in the main by the old s.180 funding. This could further reduce the number of support schemes that could be operated as part of preventing and relieving homelessness. If this proposed duty to help retain accommodation is introduced, it will need to be accompanied by an appropriate level of funding to ensure services can meet increased demand.

Simplifying the current homelessness system by removing the relief duty

We agree with the simplification of the homelessness system by removing the relief duty. Yet there does not seem to be anything written into legislation or policy proposals to solve the issue of some homeless applicants presenting too late for prevention work to be looked at. Whilst there is a proposal to look at deliberate manipulation in relation to allocations, is there now a perverse incentive to not seek help until the last minute with a guarantee a main housing duty is accepted? We are sure this is not the intention of Welsh Government and there is probably just a tweak needed to improve awareness of the help on offer and extend the scope of the deliberate manipulation test. So, it can be applied when it can be evidenced an applicant knowingly waited out their notice period before applying for homelessness assistance despite offers of assistance from services.



Communication between the local housing authority and the applicant

We fully agree that communication with applicants needs to be more transparent. Effective communication helps build trust between public services and individuals accessing the service. It enables participation as individuals are clear on what actions are being taken to help them and builds in a level of accountability for both the applicant and the local housing authority³³. Clear communication also enables an applicant to fully understand their legal rights in relation to duties they are owed by a local housing authority following an application for help to resolve their homelessness³⁴. Yet when local authorities have sought to do this in the past applicants have sought legal intervention as their rights are not communicated in a sufficiently technical manner. This has in turn resulted in paperwork being primarily a legal document rather than to help and guide applicants or to inform them of next steps³⁵. We would like to see all stakeholders working together to come up with a solution that ensures communication with applicants is personalised and easy to understand but can also satisfy legal requirements reducing the likelihood of a legal review. Though ultimately the solution is increased funding for statutory homelessness services to ensure there are enough members in the team to provide the person-centred trauma informed communication that is proposed in the white paper.

No evictions into homelessness.

We fully agree that if someone is renting from a social landlord that every step should be taken to prevent a household from being made homeless from a social housing tenancy. We know that social landlords are already working to this policy making eviction from social housing rare as a result of much hard work and

³³ Lee Y, Li J-YQ. The role of communication transparency and organizational trust in publics' perceptions, attitudes, and social distancing behaviour: A case study of the COVID-19 outbreak. *J Contingencies and Crisis Management*. 2021; 29:368-384. 10.1111/1468-5973.12354

³⁴ Miller, G. Holstein, J.A (1996) *Dispute Domains and Welfare Claims: Conflict and Law in Public Bureaucracies*

³⁵ Hannah Browne Gott, Peter K. Mackie & Edith England (2023) Housing rights, homelessness prevention and a paradox of bureaucracy? *Housing Studies*, 38:2, 250-268, DOI: 10.1080/02673037.2021.1880000



dedication from social landlords in Wales. However, we have heard from some of our members that this policy could be having an unintended consequence in relation to households engaging in anti-social behaviour. In order to reduce the impact of the anti-social behaviour on resident, households could be moved to other areas with support put in place for the household. Yet the behaviour continues impacting another community and making letting a home in the new area an issue. This, in extreme circumstances, then leads to a hard to let estate and increased void levels at a time when there is an increase in demand for social housing.

Yet, as a recent report by Shelter Cymru outlined, to prevent evictions as a result of anti-social behaviour, we need to take a look at how we allocate housing to individuals in the first place. Taking a person-centred trauma informed approach to allocations so that individuals can access a home in the right place, with the right support at the right time³⁶. Yet in the midst of a severe housing shortage this is proving hard to do with the increased pressure for temporary accommodation stemming from a reduction in move on. If we are to successfully implement a policy of no eviction into homelessness, we need to consider how we allocate to individuals with support needs. Flip the narrative and see prevention of eviction starting from day one of a tenancy. Surely it is better for someone to stay in supported accommodation for a bit longer rather than providing them with a home in an area where they are at risk of relapsing into substance misuse or exposure to past trauma. We need to see allocations as providing a home for someone, a place where they are safe and secure able to build their resilience and engage with their surrounding community. Taking a person-centred trauma informed approach to allocations can help reduce the levels of severe anti-social behaviour that results in the need to move someone to another area.

³⁶ Reframing antisocial behaviour: A review of homelessness prevention good practice in Wales. <https://sheltercymru.org.uk/wp-content/uploads/2023/11/ASB-Report-v5high-1.pdf>



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

We agree with the proposal to abolish the priority need test. Its abolition will mean a more open homelessness system that is easier for applicants to navigate. It also mirrors the position in many local authorities in Wales currently where the priority need test is not enforced as part of the no one left out approach to homelessness.

As part of moving towards an abolishment of the priority need test, we need to analyse the cost implications of the no one left out approach. Whilst this is a positive move in ending homelessness in Wales it has not been without consequences through an increased financial burden on local housing authorities and the impact on households who are having to reside in temporary accommodation for long periods of time. Due to the increasing demand for temporary accommodation many local housing authorities are having to utilise hotels or B&B accommodation to meet their statutory duty to provide temporary accommodation. Yet for many this accommodation is not suitable. In many cases, families are sharing one room with little to no space for children to play or study.

In addition, our Local Authority members are seeing a significant increase in the number of single person households accessing temporary accommodation. Yet in many areas there is a significant lack of affordable one bed accommodation to move them onto resulting in long stays in temporary accommodation. The increasing support needs for single people is also impacting move on and length of stays in temporary accommodation.

Whilst our local authority members remain committed to the ongoing policy of no one left out and the positive impact this has had on individuals we cannot ignore the impact it is having on our frontline housing professionals. Our members are reporting increased pressure from increasing demand for temporary accommodation, the cost-of-living crisis, and a sustained heavy workload. Services are becoming overstretched which is having a detrimental impact leaving many staff feeling exhausted.



It's just wearing. There is ceaseless demand, not enough solutions. Even when we arrange move on it does not ease pressure as demand is constant.

At a time when local authority budgets are being squeezed through ongoing inflationary pressures, with many now reporting significant budget shortfalls for 2024/25, there are also concerns around the increasing spend needed to ensure that nobody is left out. A recent article by inside housing highlighted that the total cost to provide temporary accommodation had more than doubled to £40m with some local authorities seeing a 1000 per cent increase in the money spent on providing temporary accommodation³⁷.

Our members have also highlighted the fact that if everyone is to be made priority need, we need a robust way to ensure that allocation of more settled accommodation or move on to supported accommodation is equitable. Guidance will need to be clear on how to assess how a local housing authority is to establish who is to be given first refusal of an offer of accommodation when two applicants are eligible with similar levels of need. We acknowledge it is a difficult balancing act but due to the chronic under-supply of social and affordable housing, Local Housing Authorities have used the assessment of priority need as a form of formal rationing which has been seen as necessary to manage dwindling supply³⁸.

We fully welcome the removal of priority need but if this is to be successful and not increase time spent in temporary accommodation and increase pressure on our front-line housing professionals, we need more supply of affordable homes in Wales. We welcome Welsh Government's commitment to develop an additional

³⁷ Temporary accommodation bill rises by over 1,000% in Welsh county.
<https://www.insidehousing.co.uk/news/temporary-accommodation-bill-rises-by-over-1000-in-welsh-county-82241#:~:text=Temporary%20accommodation%20spend%20has%20been,in%20temporary%20accommodation%20each%20year>.

³⁸ Lidstone, P. 1994. Rationing housing to the homeless applicant. *Housing Studies*, 9 (4), 459-72



20,000 affordable homes coupled with their commitment to bring empty homes back into use. Yet we have concerns around the pace and scale of current development in Wales. Welsh Governments latest figures for housing need show that we should be providing between 6,154 and 8,336 additional homes annually split almost evenly between affordable and market homes³⁹. Yet in the latest annual data shows that in 2021/22 just 2,676 additional affordable homes delivered in Wales. This figure includes new build, purchases, and conversion of larger affordable housing units⁴⁰. What cannot be ignored is the fact that the number of additional affordable housing units delivered is below the number that is currently needed.

We need whole system change for housing in Wales with the basis being a right to adequate housing enshrined in law. Legislating for a right must be the starting point on a journey that sees a commitment to the level of investment needed that reflects the gravity of the housing crisis we currently face, ensuring that all public services in Wales work together to ensure individuals and their families can access a safe, secure, and affordable home. The abolishment of priority need in Wales should be but one, albeit a very important, step on the road to progressively realising a right to be adequately housed for everyone in Wales.

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

We fully agree with the removal of the intentionality test as this is utilised very little in Wales and is a vital part of ensuring the homelessness system is open and easy to navigate. Yet at face value though the removal of the test of intentionality seems to be resulting in a perverse incentive where an applicant will apply for help too late or ignore support offered as they will be guaranteed a main housing duty when they apply as homeless. But we think that it is slightly more complicated than

³⁹ Average Annual Estimates of Housing Need in Wales (2019-based) by Variant, Tenure and Region. <https://statswales.gov.wales/Catalogue/Housing/Housing-Need/2019-based/annualaverageestimatesofhousingneed2019based-by-variant-tenure-region>

⁴⁰ Additional affordable housing provision by provider and housing type. <https://statswales.gov.wales/Catalogue/Housing/Affordable-Housing/Provision/additionalaffordablehousingprovision-by-provider-housingtype>



that. Crisis as outlined in their plan to end homelessness that the public often lack a robust understanding of the concept of homelessness prevention. People also see addressing homelessness with intervening in a time of crisis rather than something that can be prevented if help is sought earlier⁴¹. So rather than individuals seemingly manipulating the system to their gain making themselves intentionally homeless in the process is it simply just a consequence of a lack of awareness raising on what it means to be homeless? We need to work to end the public perception of homelessness equalling rooflessness by ensuring the public understand the benefit of early action and even if you have somewhere to stay you could still be at risk of homelessness. This could be done through extensively promoting the availability of prevention services and the fact that the earlier help is sought the better it may also stop you from losing your place to stay. It's time to flip the narrative applicants are not manipulating the system or making themselves homeless intentionally often they are simply not aware of the help that is available to them. This needs to change as part of the proposed legislative reform.

Even though research has shown that sometimes there is not a robust public understanding of the concept of homelessness prevention resulting in homeless application being made too late for effective prevention work, we have heard from members that there are some individuals that do make themselves homeless due to their actions such as inflicting severe damage to a property or blatantly refusing to pay their rental liability. As such there needs to be some mechanism within the legislation that acts as a deterrent to deliberate behaviour choices that result in homelessness. There are also concerns that without any test of intentionality then the instances of this behaviour could increase due to there being no effective deterrent within the homelessness legislation.

⁴¹ The plan to end homelessness. <https://www.crisis.org.uk/ending-homelessness/the-plan-to-end-homelessness-full-version/background/chapter-4-public-attitudes-and-homelessness/>



One suggestion could be to mirror how the intentionality test is applied for families who become homeless using the same criterion for anyone who applies as homeless. On a household's first application they cannot be found intentionally homeless even if their actions were deliberate resulting in homelessness. Though a separate decision would need to be made as to whether the deliberate manipulation test contained in the allocations part of the legislation applies.

Once the household is provided with a permanent home they are provided with support and if applicable housing costs paid by DWP, are paid directly to the landlord. However, if the same household presents as homeless within five years and they are homeless due to their deliberate actions intentionality can then be considered.

This would not affect their right to be provided interim accommodation as if priority need is removed this entitlement will remain unchanged as everyone should then be provided with interim accommodation for a reasonable period which would need to be defined in guidance.

Some exceptions would need to be added to guidance to enable the intentionally homeless test to be applied at any point a household makes an application for homeless assistance and one or more of the following apply:

- There has been extensive criminal behaviour at a property resulting in a police closure order
- The applicant was a joint contract holder and has been removed from the property due to a conviction for behaviour that makes them unsuitable to be a tenant.
- The applicant has caused significant damage to the property making it unfit for human habitation.

The retention of the intentionality test, albeit with caveats, would enable local housing authorities to ensure that in rare cases where homelessness is clearly a result of the applicant's actions there can be some consequences at the first point of application. This may act as a deterrent for other households going forward providing some assurance to statutory homelessness services that steps have



been taken to try and ensure that there is not going to be a rise in deliberate behaviour cases that are often complex and difficult to rehouse.

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 understand the reasoning behind retaining the local connection test but are concerned over its retention not enabling homeless households to move around Wales as needed. This is due to the local connection test not only being applied at the point of homelessness. Often the local connection test is also applied as part of social housing registers and allocation policies with those applicants who have no local connection to the local authority area being given a lesser priority on the register. Yet we need to ensure that everyone can have mobility between local areas. This mobility is already available to households in Wales who are not facing homelessness or able to afford to secure market housing. As part of an equitable housing system in Wales we would like to move towards a position where there is no local connection test. However, we also acknowledge the concerns of some local authorities around increased presentations if the test was abolished. So, we ask Welsh Government to carry out some research into what motivates a household to apply to another local authority other than through a risk of violence or to overcome substance addictions. Does one area have more support services available resulting in households going there to access better support as an example. We need to have a better understanding of the reasons for applying to another local authority and the actual numbers that are doing so as part of a robust assessment of the impact of retaining or abolishing the test.

There is also a need for clear guidance around the application of special reasons for establishing local connection so that their application is clear for both frontline housing professionals and applicants.



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?

There are costs and benefits that seem not to have been included in assessing the costs of providing temporary accommodation. The regulatory impact assessment has just covered the costs for housing support grant funded projects. There has not been an assessment of costs accrued from the ongoing use of B&B accommodation in many local authorities as we transition to a rapid rehousing approach. A recent article by inside housing highlighted that the total cost to provide temporary accommodation had more than doubled to £40m with some local authorities seeing a 1000 per cent increase in the money spent on providing temporary accommodation⁴². An assessment of likely ongoing spend because of removing the legal tests needs to be considered as monies to provide this come from local authority budgets. As costs of providing B&B increase or decrease it can impact local authorities' ability both positively and negatively, to recruit additional staff members which are likely to be needed to administer the new legislation. As such consideration of this impact should be included in the regulatory impact assessment.

We welcome the assessment of the quantitative costs that would be incurred when drafting new correspondence. What is not clear is whether this work is being carried out by Welsh Government with feedback from local authorities. Clarity on this is needed as it could impact the costs incurred. If it is going to be the responsibility of individual local authorities, we also need to see an assessment of

⁴² Temporary accommodation bill rises by over 1,000% in Welsh county.
<https://www.insidehousing.co.uk/news/temporary-accommodation-bill-rises-by-over-1000-in-welsh-county-82241#:~:text=Temporary%20accommodation%20spend%20has%20been,in%20temporary%20accommodation%20each%20year.>



how the capacity of homelessness teams would be impacted as team members concentrate on drafting the new correspondence needed.

There is no consideration in the regulatory impact assessment for the new core homelessness legislation on training needs. These costs will also need to be considered as to ensure consistent implementation of the legislation there will need to be a robust training programme. This training programme, however, cannot be a one-time offer. Consideration will need to also be given to ongoing sharing of best practice and refresher training to ensure consistent processes across Wales. Inconsistent implementation was a particular concern of the expert review panel and the initial evaluation of the existing legislation by Glyndwr University⁴³.

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, we agree with the proposal to introduce this duty. However, there would need to be clear guidance on when this duty applies and how to enforce the duty. This will ensure a consistent approach across local authorities. Our members have highlighted the importance of a consistent approach especially when they have properties within several local authority areas. In addition our members have requested that data sharing protocols are also looked at as part of this proposal to further support the collaborative working that already exists to prevent homelessness.

⁴³ Post-implementation evaluation of Part 2 of the Housing Act (Wales) 2014: Final Report. <https://www.gov.wales/sites/default/files/statistics-and-research/2019-06/evaluation-of-homelessness-legislation-part-2-of-the-housing-act-wales-2014-final-report.pdf>



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?

Schools and the wider education system play a crucial part in identifying young people at risk of homelessness and the wider work around ending youth homelessness in Wales. It is vital that the work around reducing workload and bureaucracy in the education system is completed as quickly as possible and that all education settings are added to the list of proposed relevant bodies. Welsh Government should put a referral system in place that ensures that enables this in a timely fashion to maximise the opportunities to intervene at an early stage for those young people facing the possibility of homelessness.

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

We need to consider when looking at operational practice around co-operation between health and housing consent from the applicant. Whilst the white paper proposals are clear that a referral needs consent from an applicant and this consent will cover enabling a homeless application to be started this consent also needs to allow for sharing of health information including how any unmet health needs will be addressed and/or are affecting retention of the applicant's home. Too often local authorities face the additional barrier of information sharing being insufficient so that support needs cannot be accurately assessed even when explicit consent is given. If we are to ensure effective co-operation between health and housing, we need to have an information sharing mechanism that allows the applicant a say in what is shared whilst also ensuring appropriate and current health needs information is available to frontline housing professionals so it can be considered as part of any housing needs assessment.

We also need to promote the benefits of health working with housing to prevent homelessness through effective discharge planning. By ensuring effective discharge planning from day one of a stay in hospital we can reduce the number



of bed days needed and help tackle the perennial problem of bed blocking seen in many hospital settings. An example of the good outcomes seen from effective hospital discharge planning is the Care and Repair Cymru project Hospital to a Healthier Home which is run in partnership with the NHS, Care and Repair Cymru, Hospital staff the patient and family. These all work together to identify and resolve housing and environmental issues that would prevent a hospital discharge. The service saved 25,000 bed days in 2021 and 100 per cent of patients using the service said that they were key in helping them return home⁴⁴. An example of how by housing and health working together we can improve outcomes for individuals and work towards enabling someone to retain their home as part of a whole system approach to preventing homelessness.

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.

Learning

There are two ways in which learning needs to be considered. One is to ensure that other public bodies know what could trigger a referral to a local housing authority. Whilst this will be clear to identify for registered social landlords there will need to be an education/raising awareness campaign for those professionals who work in other public sector organisations. This would also need to be available on an as needed basis for new staff members. One way of doing this is to develop a housing advice website for professionals. The chartered institute of housing produce something similar already around housing rights for new arrivals to the UK and housing advisors⁴⁵. Welsh Government could produce a similar website on when to refer, who the referral needs to be made to and the timescales

⁴⁴ Good Practice Compendium Sharing the lessons learnt from the Welsh Housing Awards 2022. <https://www.cih.org/media/euhkp544/0359-wha-gpc22-english-v1.pdf>

⁴⁵ Housing Rights website. <https://www.housing-rights.info/index.php>.



for a referral, when and if there is a concern around someone's housing situation. The website could also provide advice to applicants who are not sure where they can access help when facing homelessness as part of embedding prevention of homelessness into the thinking of the general population rather than homelessness equalling rooflessness.

Staffing/Location

Even though HMPSS are not a proposed specified body they can provide some best practice learning that may be used as a basis to ensure effective implementation of the proposed identify, refer, and co-operate duties. Some probation trusts in Wales have in place a housing expert who is employed by HMPSS but is seen as the lead person for housing related issues for individuals the service is working with. This is usually to liaise with the local housing authority around prisoners who are going to be homeless on release or around more complex MAPPA cases where a team of stakeholders are involved to ensure the best housing solution for an individual. To support this a local housing authority may also have a prison liaison officer who is the lead case manager for those individuals leaving the secure estate and will represent the local housing authority at MAPPA conferences. This officer will also provide the link between HMPSS and housing providers in the area when accommodation is needed on day of release.

Going forward some of this practice could be adopted by the specified public sector bodies. One way to do this is to have health liaison officers within the local housing authority who can provide the dedicated link between health and housing. These officers can not only provide housing advice to medical professionals in the area not sure if a referral to housing services is needed but also assist the housing team with physical and mental health queries and providing referrals as needed through the common ailments scheme or direct to community mental health teams.

Co-locating teams has also worked well in relation to children's services and local housing authorities especially for 16- and 17-year-olds who become homeless.



This co-location has enabled prompt joint assessments and tailoring of support for the young person. Another example of good outcomes from co-location is providing opportunities for dedicated nurse practitioners to attend homeless drop-in centres to provide health advice to street homeless individuals and refer onto other health services as needed usually through the common ailments scheme.

All the practices outlined here adopted pan Wales can improve partnership working, knowledge of other services and provide a person-centred approach for those individuals needing help in addition to retaining or securing homelessness in order to prevent or relieve homelessness.

Cultural

We have already spoken several times about the fact that often for the public homelessness equals rooflessness and can only be resolved at point of crisis. This is because often a narrow definition of homelessness and who it affects is portrayed by the media or in the images we use. Another challenge in addressing what homelessness actually is, is some people see homelessness as being the result of personal choices either through behaviour or choosing not to use services that are readily available to them⁴⁶. However, the housing sector sees homelessness as a complex mix of socioeconomic factors coupled with an individual's level of resilience to manage shocks to personal circumstances which for some can increase their risk of experiencing homelessness⁴⁷. We need to ensure that when we seek to raise awareness of homelessness or provide training to the rest of the public sector in Wales that we highlight not only the visible end of homelessness but to also highlight the structural impacts that can have a significant impact on the likelihood of an individual experiencing homelessness.

⁴⁶ The plan to end homelessness. <https://www.crisis.org.uk/ending-homelessness/the-plan-to-end-homelessness-full-version/background/chapter-4-public-attitudes-and-homelessness/>

⁴⁷ Glen Bramley & Suzanne Fitzpatrick (2018) Homelessness in the UK: who is most at risk? Housing Studies, 33:1, 96-116, DOI: 10.1080/02673037.2017.1344957



One quick and easy way to do this is to be conscious of the images we use in documents to portray individuals who are homeless ensuring that these images do not portray a stigmatised image of homelessness or reinforce the image that being homeless equals rooflessness and/or sleeping on the streets. The centre for homelessness impact has produced a photo gallery of homeless individuals that provides free non stigmatising images of those facing or experiencing homelessness⁴⁸. It is vital that we change the culture and the narrative around homelessness it can be caused by poverty, it can be the result of trauma, spending time in custody or substance misuse. It does not always equal rooflessness and we as a public sector need to take a whole system approach to homelessness if we are to ensure that in Wales homelessness is rare, brief, and unrepeated.

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?

Some local authorities in Wales are already utilising a multi-disciplinary approach for those individuals with multiple and complex needs. The initial outcome from this work is that it has improved engagement with services, helped foster good collaborative working practices and most importantly helped deliver good quality person centred outcomes for applicants. To further this good practice learning from existing multi-disciplinary teams needs to be shared pan Wales and help and support made available so that this becomes standard practice in local housing authorities when supporting individuals with multiple and complex needs. This is to include the expansion of the housing first programme as often this is the most appropriate housing option whilst enabling an individual to have their own home ensuring there is access to wrap around person centred support.

⁴⁸ Centre for homelessness impact. <https://chi.resourcespace.com/pages/home.php#>



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?

All the costs and benefits of this proposal have been considered.

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)?

There are no other groups of people that we believe would be disproportionately impacted by homelessness.

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

People with complex health needs, including mental ill health, substance misuse and those leaving hospital.

When speaking to our members it is clear that reliance on policy and accompanying pathways is not providing the level of collaboration between health and housing services needed to ensure homeless individuals with complex health needs can access health services as needed. Too often this multi-disciplinary practice is reliant on one staff member and doesn't always continue if they leave their role. We need to ensure that the duties to refer, cooperate and identify are used as the basis for strengthened multidisciplinary practice.

We have also heard from members who work in local authority areas where there are already multi-disciplinary teams that they increase the positive outcomes for individuals with complex health needs. There is also the added benefit of developing good working relationships where knowledge and expertise can be shared, further increasing the positive impacts seen. As previously stated, we



would like to see this multi-disciplinary approach become the standard practice to support those with multiple and complex needs that includes those with mental ill health and those who use substances including where these are co-occurring. To ensure this multi-disciplinary practice becomes standard pan Wales it is necessary to include it as an activity included as part of the proposed new duty to identify, refer, and cooperate.

We fully agree with the proposal to build on the work of the discharge to recover and assess system. Our Tyfu Tai Research “From Hospital to Home: Planning the discharge journey” recommended that housing play a more prominent role in discharge planning to enable better outcomes for the person being discharged⁴⁹. Care and Repair Cymru in partnership with the NHS have a project in place called hospital to a healthier home. They work in partnership with hospital staff the patient and family to identify and resolve housing and environmental issues that would prevent a hospital discharge. The service saved 25,000 bed days in 2021 and 100 per cent of patients using the service said that the project was key in helping them return home⁵⁰. Whilst this programme is primarily aimed at older people, we can take lessons from this project to help strengthen the work currently being done around improving and strengthening discharge planning.

We have heard from our members that as part of the improved discharge planning there is a need for similar levels of funding and a standardised process to support effective discharge planning. Discharge planning also needs to be trauma informed and person-centred mirroring the approach of housing services to ensure an individual can be discharged into a home that meets their needs together with a robust package of support to not only help prevent homelessness but any further admission into a hospital setting. We see the inclusion of ensuring

⁴⁹ From hospital to home; planning the discharge journey.
<https://www.cih.org/media/vdplutxt/from-hospital-to-home-final.pdf>

⁵⁰ Good Practice Compendium Sharing the lessons learnt from the Welsh Housing Awards 2022. <https://www.cih.org/media/euhkp544/0359-wha-gpc22-english-v1.pdf>



good discharge planning as part of prevention work as a welcome addition to the proposed new legislation.

Survivors of violence against women, domestic abuse, and sexual violence.

We welcome the widening of the definition of domestic abuse to mirror the definition included within the Violence Against Women Domestic Abuse and Sexual Violence (VAWDASV) Act and the proposal to work with applicants to retain their existing accommodation if they wish to do so. However, we feel that there is a need for wider promotion of the duties contained in the Social Services and Well-being Act for survivors of abuse who have a No Recourse to Public Funds (NRPF) condition. This will not only make the system clearer for applicants, but it will ensure frontline housing professionals are also clear about the duties they can access when supporting a survivor of abuse. This can be done through including it as part of the redrafted guidance that will be published alongside any new legislation.

Whilst the proposals to strengthen the housing support available to a survivor of abuse are welcome and will enable a survivor to remain in an area and retain vital access to support the expert review panel outlined further actions to help ensure survivors can access safe and secure accommodation. The additional actions considered how we manage the housing needs of the perpetrators based on the experience of practitioners and other stakeholders, who highlighted that often when a perpetrator is excluded from the home it is into homelessness with significant sanctions placed on them impacting their ability to access alternative accommodation. This can then result in them looking to seek entry back into the family home. Sometimes the survivor will also receive pressure from other family members to take the perpetrator back due to them being homeless. One pressure point is when a perpetrator is released from prison. The expert panel recommended that when a perpetrator of domestic abuse is being released from prison and there are valid reasons for not being able to place a prison leaver on an allocations list in an area due to proximity to the person they subjected to abuse, then they should be referred to another area. It is disappointing this



recommendation was not included in the white paper as it could help reduce the risk of the perpetrator trying to return to live with the survivor.

Not every perpetrator of domestic abuse goes to prison. As such there is a need to put in place steps to break the cycle of abuse. In Wales several local authorities are partners in programmes that seek to end the cycle of abuse and increase the safety of survivors by working with the perpetrators of abuse. One of these is based in the South Wales Police force and partners with the seven local authorities in their area. The DRIVE programme challenges the behaviour of high risk, high harm perpetrators of abuse. The programme has seen significant reductions in the levels of harm:

- 82% reduction in physical abuse,
- 88% reduction in sexual abuse,
- 75% reduction in harassment and stalking,
- 82% reduction in risk to victims⁵¹.

It is vital that survivors can have a home where they feel safe and secure and start working through the trauma they've experienced. Enabling them to remain in the home they have built close to their support networks. Yet we also need to have a longer-term wider view of the whole cycle of abuse. We have seen the positive impacts of working with perpetrators in South Wales. We need a wider view of the work needed to keep survivors of abuse safe by ensuring we also work with perpetrators to break the cycle of abuse.

Disabled people

We welcome the proposal for a legal requirement for local authorities to hold an accessible housing register. We have heard from our members that as part of this there needs to be guidance to ensure a consistent approach pan Wales to accessibility. This is possible something the disability taskforce could develop in partnership with housing providers.

⁵¹ Challenging harmful behaviour. Stopping domestic abuse. <https://drivepartnership.org.uk/>



Key to providing the right level of accessible housing in Wales is legislating for a right to adequate housing. As part of this and to ensure the right level of accessible housing is provided it is vital that we understand what our existing stock looks like and identify future need to ensure everyone can access a home that meets their needs. This could be captured as part of a re-instated Welsh Housing survey which will give a wide view of housing from the number of properties in each tenure, to affordability, to the availability and location of accessible properties. It would need to be reviewed on an annual basis to ensure the data is up to date whilst also providing data on the changing need for and accessible housing availability.

We would have liked to have seen the requirement for an accessible housing register to also include consideration of the views of those with a disability on the existing stock availability and what they would also like to see for future development of accessible housing. There is also need to ensure the requirement for an accessible housing register is implemented in a person centred way so that we don't just build houses but homes within communities with accessible access to transport and other community services needed by disabled people.

People leaving prison

Many of the amendments proposed in relation to people leaving prison are strengthening what is currently in guidance or included in the national pathway and these proposals are welcome. We would however like to highlight some concerns around the proposals.

Early release

Whilst the planned release of prisoners subject to Multi Agency Public Protection Arrangements (MAPPA) works well often resulting in a property being available on day release, early release of other prisoners or accommodating those on bail has proven problematic. Our members have told us that often when a prisoner is considered for early release, they have little notice or are expected to hold



accommodation for a few days with no guarantee that the prisoner will be released on the proposed date. This is in contrast to MAPPA cases where often there is a significant lead time to prepare for release. The late notice or holding of accommodation for an early release can incur costs to the authority as well as taking a temporary accommodation unit out of general availability. If Welsh Government legislate for this change to support early release, then there is also a need for better planning of the release ensuring there is a multi-agency approach to early releases applying the good practice seen when agencies work together when planning the release of a prisoner subject to MAPPA conditions.

Local Housing Authorities with secure establishments in their area responsible for providing housing advice.

Whilst the interpretation of the duty to provide, information advice and assistance in accessing help may be a correct legal interpretation in that a local housing authority must provide housing advice to everyone living in their local authority area, we are concerned that this could place more pressure on frontline housing services in local authority areas where there is a secure establishment located. It is certainly not equitable as not every local authority area in Wales has a secure establishment. We would also question whether it applies to an individual who is only in a local authority area by virtue of receiving a custodial sentence. They did not choose to go and live in the local authority area it just happens the secure establishment where they are in custody happens to be in a specific local authority area. Current guidance for the legislation is clear that residence in prison does not establish a local connection⁵². We are unclear why it is now proposed that an enforced residence in a local authority area places a duty on the local housing authority to provide housing advice. Secure establishments in Wales are in areas of existing high demand for housing and homelessness services and it is likely that this proposal will further increase demand and pressure on frontline housing

⁵² Code of Guidance for Local Authorities on the Allocation of Accommodation and Homelessness. <https://www.gov.wales/sites/default/files/publications/2019-03/allocation-of-accommodation-and-homelessness-guidance-for-local-authorities.pdf>



professionals. We cannot currently support this proposal but will work with our members and Welsh Government to develop an equitable solution for providing housing advice to those in custody.

Retaining existing accommodation

We fully agree with the proposals to have a greater focus on retaining a prisoners existing accommodation when they enter custody. As part of strengthening this work at reception into custody we would like to see Welsh Government evaluate its current effectiveness and establish what is working well and what isn't working as well as part of any legislating for prevention work to start on day one of custody.

We also must be mindful around the DWP rules relating to prisoners and claiming for help with housing costs. If a prisoner receives a longer than 13 weeks sentence, they cannot claim housing costs for any period of their sentence. Also, if a prisoner is likely to be on remand for more than 52 weeks, they also cannot claim housing costs. There is no help if the individual has a mortgage⁵³. So even if an individual has accommodation when they receive a custodial sentence unless it is likely they will serve less than 13 weeks no housing costs can be claimed, and they are likely to lose that accommodation or come out of prison with significant arrears. Whilst retaining accommodation for release is a viable prevention option in practice it is a very difficult one to utilise when there is a tenancy involved.

Review of the national pathway

We welcome the proposed review of the national pathway. This review should also consider how and when risk assessments are provided to local housing providers. Prompt sharing of risk assessments will enable appropriate placements into temporary accommodation on release that reduces the risk of recidivism, ensures the right level of support is in place and that the accommodation provided is of the right type in the right place. The pathway or accompanying guidance should

⁵³ Benefits and prison. <https://www.gov.uk/benefits-and-prison/housing-benefit#:~:text=You%20will%20not%20be%20entitled,to%20return%20home%20on%20release>



also outline the timeframe for risk assessments to be reviewed and shared with housing register partners to enable robust move on plans to permanent accommodation. Any risk assessment will need to be person centred and trauma informed as part of a consistent approach to ending homelessness in Wales. Risk assessments should also be a strength-based assessment of risk so that the individuals can be supported to live independently with minimal support.

Any review of the national pathway needs to be undertaken alongside the development of any new legislation. It also needs to be published at the same time any new legislation comes into force. This was not the case for the Housing (Wales) Act 2014 and some of our members feel that this led to confusion as interpretation of the legislation varied between housing and HMPSS. By publishing pathways alongside enactment of any new legislation there will be a seamless change in ways of working and will make it clear to both stakeholders and those leaving the secure estate what duties they are owed, who is responsible to meet those duties and when these duties should be given. This will ensure an open, easy to access housing system that provides targeted specialised support for individuals facing homelessness as a result of a custodial sentence.

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 welcome the proposed strengthening of the corporate parenting duties including the clarification that any 16- or 17-year-old at risk of or actually homeless meets the threshold for an assessment from children's services. However, it must remain the choice of the young person who they wish to receive their main support from together with who they would like to have the responsibility for



providing their accommodation. Though in making this choice the young person should be supported by someone independent from social services or the local housing authority so the pros and cons of each option can be fully explained allowing the young person to make an informed choice.

Yet the choice around whether to seek the support of social services or the local housing authority could be coloured by the benefit regulations set out by the UK Government. Under the benefit regulations a 16- or 17-year-old in the care of a local authority should have their housing costs paid for by the local authority until they turn 18. Any 16- or 17-year-old estranged from parents and not in the care of the local authority would have their housing costs paid for by benefits usually as part of universal credit⁵⁴. This disparity in the system needs to be solved to ensure that 16 and 17 years olds can both access and pay for accommodation of their choosing.

Whilst we welcome work to ensure that no care experienced young person gets lost in the system asking local housing authorities to make inquiries about every young person seems burdensome. As part of the assessment process many local housing authorities already ask young people if they have ever been in the care of a local authority. To ensure a young person does not fall through the gaps a more efficient way is for guidance on housing need assessments is to ensure a question on time spent in care is included. Where a young person states they have been in care at that point inquiries can be made and the duties of a corporate parent established.

⁵⁴ Universal Credit. <https://www.gov.uk/universal-credit/eligibility#:~:text=Claiming%20if%20you're%2016,re%20responsible%20for%20a%20child>



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 part of the clarification around corporate parenting responsibility we would like to see accompanying guidance for both social services and local housing authorities, recommend the development of a dedicated young person's housing pathway. We have heard from members that where these pathways are in place, they have enabled services to be streamlined and young people have benefited positively from having one point of contact together with a dedicated housing and support service. Making these pathways part of standard practice across Wales will provide clarification of roles and responsibilities for stakeholders whilst ensuring young people can access the right support at the right time. We would also like to see these pathways include priority access to family mediation services who can work with the young person and their families to retain accommodation where it is safe to do so.

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 agree with this proposal in principle as it would widen the accommodation options for 16- and 17-year-olds. It would also enable those ready for independent living to not have to wait in supported or temporary accommodation until they turn eighteen. Yet as simple as this proposal seems on face value there are conflicts with benefit regulations that could make this proposal unworkable. As previously stated, if a 16- or 17-year-old is in the care of the local authority then the local authority is responsible for their housing costs until they turn eighteen. Yet a 16- or 17-year-old estranged from their parent can claim housing costs from



DWP⁵⁵. We need a way of ensuring a 16- or 17-year-old can access support from social services accessing all the benefits this provides but not actually be taken into care. Ideally splitting the support and housing elements with support provided by social services and housing by the local housing authority. This means a 16- or 17-year-old can not only access the right support at the right time but access accommodation when they are ready even if this is before the age of eighteen.

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?

All the costs and benefits of this proposal have been considered.

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?

Category 1 hazards

We fully agree with the proposal to make accommodation with category 1 hazards and accommodation deemed unfit for human habitation unsuitable. The report by the Senedd's local government and housing committee highlighted some of the poor conditions that were experienced by a number of households when placed into temporary accommodation in Wales⁵⁶. Whilst these experiences are in the minority nobody should be placed in poor quality accommodation and as such, we welcome this step in ensuring that where temporary accommodation is provided it is of good quality.

⁵⁵ Universal Credit. <https://www.gov.uk/universal-credit/eligibility#:~:text=Claiming%20if%20you're%2016,re%20responsible%20for%20a%20child>

⁵⁶ Welsh Parliament Local Government and Housing Committee. Homelessness. <https://senedd.wales/media/zs0jkb4g/cr-ld15717-e.pdf>



Shared sleeping spaces

We have taken this to cover both floor space in night shelters and a prohibition of the practice of placing a family into the same room in a B&B which happens occasionally and was highlighted in the Senedd's local government and housing committee report on homelessness⁵⁷. Research has shown the negative impact sharing sleeping space can have on a child through, worsening health outcomes, impact on educational achievement and the impacts from a lack of space to play⁵⁸. It is vital we provide temporary accommodation that does not rely on families sharing the same room and that children have access to space to play.

We have also heard from stakeholders and members that floor space provision can often trigger trauma for individuals and this can result in them making the choice to return to sleeping on the streets. We need to ensure that anyone accessing temporary accommodation can have their own space and that it meets their needs in a person-centred trauma informed way. We fully welcome the proposal to abolish shared sleeping spaces.

Parity on standards across the housing sector.

We fully agree with the standards for the provision of temporary accommodation to be the same no matter who is providing the accommodation. This provides clarity to applicants and ensures they can access good quality temporary accommodation no matter who owns and manages it.

⁵⁷ Welsh Parliament Local Government and Housing Committee. Homelessness. <https://senedd.wales/media/zs0jkb4g/cr-ld15717-e.pdf>

⁵⁸ Rosenthal, D.M.; Schoenthaler, A.; Heys, M.; Ucci, M.; Hayward, A.; Teakle, A.; Lakhanpaul, M.; Lewis, C. How Does Living in Temporary Accommodation and the COVID-19 Pandemic Impact under 5s' Healthcare Access and Health Outcomes? A Qualitative Study of Key Professionals in a Socially and Ethnically Diverse and Deprived Area of London. *Int. J. Environ. Res. Public Health* 2023, 20, 1300. <https://doi.org/10.3390/ijerph20021300>



Overcrowded accommodation at the point the main housing duty is owed.

We welcome the amendment to ensure that overcrowded accommodation is never suitable at the point the main housing duty is owed. Currently many local housing authorities and RSL's calculate overcrowding using the bedroom standard set by the DWP for housing benefit⁵⁹ so not to incur additional rent payments from the spare room subsidy regulations. However, we would like to see accompanying guidance to state that where an additional bedroom is likely to be needed in the next six months that the bedroom need of the household is amended as part of any considerations of suitability regarding the temporary accommodation used to satisfy the main housing duty. If this then triggers the spare room subsidy payment that DHP is used to cover these monies in the interim. This inclusion of an additional bedroom if it is likely to be needed in the next six months should also apply to offers of permanent settled accommodation.

Location

The consideration of location when offering longer term or settled accommodation is a welcome addition. It will enable households to maintain both formal and informal support networks together with access to employment, education, and medical facilities. However, one amendment we would like to see accompanying guidance to provide examples of what would and would not be considered as reasonable travelling distance. This to not only include the physical distance but also the length of time it would take to travel that distance depending on the household's access to transport. Any offer letter or correspondence around the offer of accommodation should also set out why the local housing authority feels the travelling distance is reasonable considering local circumstances.

⁵⁹ Housing Benefit. <https://www.gov.uk/housing-benefit/what-youll-get>.



Consideration of cultural needs.

Whilst we recognise the fact that in the short-term bricks and mortar accommodation may need to be offered to applicants from the Gypsy, Roma, and Traveller communities this cannot be the long-term solution. It is vital that we look to plan for the provision of transit sites in Wales so that culturally appropriate accommodation for Gypsy, Roma and Traveller communities is available. This is also a vital policy as part of becoming an anti-racist Wales.

Homeless at home

We support the proposition to formalise a homeless at home scheme on a national basis as this will significantly ease pressures on temporary accommodation. It will also provide reassurance to family members providing accommodation that their relatives will have the same level of priority as any other household in temporary accommodation and it is a temporary arrangement only. Often this reassurance is the difference between a family member accepting or not accepting relatives to reside with them while they wait for settled accommodation.

In addition, there should also be the option of moving into temporary accommodation if the wait for settled accommodation starts to put unreasonable pressure on family relationships. At all times the choice to become homeless at home should be the applicants and not used as the only option for temporary accommodation where space is available with family members.

Data on temporary accommodation

We welcome the proposal to increase the level of data available around temporary accommodation in Wales. The data on the number of units, provider type, accommodation type could be provided within an annual Welsh Housing Survey. Data on who is accessing the accommodation including protected characteristics could be included in revised data returns. It will enable evaluation of progress being made to transition to rapid rehousing. It will also provide information on the profiles of households more likely to use temporary

accommodation which in turn could provide further opportunities for targeted prevention work.



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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 in principle with most proposals around the allocation of social housing and management of housing waiting lists. Though there are areas where the proposals may cause some unintended consequences or may be seen to be not necessary considering other proposals made.

Referrals to RSL's and Common Waiting Lists/Allocation Policies

There is a proposal to make it clear in legislation that an RSL cannot unreasonably refuse a referral from a local housing authority. The aim being to ensure allocations policies are used more effectively as a lever to end homelessness. Whilst we understand the thinking behind such a proposal, we are not convinced that this separate proposal is necessary considering the proposal to introduce legislation to require the use of common housing registers and common allocation policies in each of the 22 local authority areas in Wales.

Where common housing waiting lists and common allocations already exist in Wales there is often the inclusion of management decisions when making allocations. These decisions cover direct allocations for MAPPA prison leavers, to making a managed allocation for individuals with multiple and complex support needs or to ensure an adapted property is matched to an applicant's needs. These arrangements work well and ensure appropriate allocation of a property to an applicant with all partners working together for the best outcome. By ensuring that common housing registers and common allocation policies are standard practice we can ensure this holistic and collaborative way of working can continue as it provides an equitable solution for everyone involved. We are not sure that by



using punitive legislation to mandate allocations we are fostering the right relationship between local authorities and RSL's.

Rather the allocation of housing should be a collaborative partnership arrangement with everyone working together to ensure an applicant can access the right housing, in the right place at the right time, including the right support to meet the needs of the applicant and their household. This also needs to include opportunity for the views of those living in the local authority area to be considered. This can be achieved by having a statutory consultation period whenever a new allocations policy or significant changes to how reasonable preference is applied to different households is proposed by a local housing authority.

In addition, by having common housing registers and common allocation policies we can ensure that there cannot be any perception of a public body having control over and RSL. This will avoid any unintended impact on the ONS's current classification status of RSL's. Rather it will ensure the status quo is retained and no further amendment to regulatory procedures needed.

Unacceptable behaviour test

We agree with the change to the test, so it is only applied when an applicant has breached the anti-social behaviour clause contained in the renting homes act. We would however, like any accompanying guidance to outline that there must have been a conviction for the behaviour. The person guilty of the behaviour does not have to have held a tenancy and the decision to exclude must be the majority decision of the partners of the common housing register and common allocations policy. The officer making the decision must be a senior housing professional within the local housing authority and any partner organisation e.g., the housing manager. At the point a decision to exclude from the waiting list is made there needs to be an assessment of any unmet support needs with support put in place as needed as part of a trauma informed person-centred approach. Also, in line



with homelessness legislation the applicant should have the right to review the decision to exclude them from the waiting list. The decision to exclude must also be reviewed every six months by the local housing authority and their partners so that it provides the applicant with an opportunity to amend their behaviour and if positive changes made considered to be included on any common housing register. It cannot be seen as a one-time decision.

Removing people with no housing need

There have been previous attempts by local housing authorities to remove those with no housing need from their housing registers, but this faced backlash from potential applicants and on occasion elected members. As a result, many local authorities now have a process where those applicants in no housing need are allocated a band or a reduced number of points to reflect the fact that there is no current housing need effectively resulting in them not having any reasonable preference on the waiting list. If the aim of this proposal is to make data returns easier and more accurate, then perhaps a better proposal would be the including of no housing need bands as part of any common housing register or common allocation policies which can be excluded from any data returns. This would involve some work at its implementation but would ensure that social housing remains open to anyone with acknowledgement in the relevant common allocation policy that some people will be classed as having no housing need and in the current housing market unlikely to secure a social housing tenancy. If, however, their circumstances change resulting in them meeting the definition of being in housing need their level of reasonable preference would be assessed with any change applying for the date the local housing authority was notified of the change.



Providing additional preference to people experiencing homelessness, care experience people and those fleeing abuse.

Whilst we understand the reasoning behind this especially in light of rising homelessness and use of temporary accommodation, we have some concerns about its use in practice.

It has been argued that social exclusion and homelessness are linked. With homelessness being a consequence of social exclusion as well as homelessness creating social exclusion⁶⁰. Social exclusion can also be defined as when a person is not socially integrated as they are not able to access employment, are not able to access state provided services or have limited access to family and friends and the support that they can provide⁶¹. It is these social support networks that provide resilience for an individual when having to manage a change in circumstances. A lack of access to these networks may reduce an individual's level of resilience which in turn can heighten the risk of homelessness whether for the first time or repeated homelessness⁶². We have heard from members that due to pressure in the system homeless households will be offered a property and will be expected to accept the offer even if it is a distance away from established support networks. This has then led to tenancies failing and a repeated cycle of homelessness for some individuals. When looking to end homelessness it should not just be about providing four walls and a roof. We are providing someone with a home and we should do everything we can to ensure that they can thrive where they are. This must mean ensuring they can access existing support networks and can be part of a community. Often informal support networks are key to an individual building resilience and recovering from the trauma of becoming homeless. Allocation of social housing cannot be "here's a property with some support but its three bus

⁶⁰ Clapham, D. & Evans, A. (2000) Social exclusion: the case of homelessness. In A. Anderson & D. Sims (eds) Social Exclusion and Housing: Context and Challenged. Coventry: Chartered Institute of Housing.

⁶¹ Clapham, D. (2007) Homelessness and Social Exclusion.
<https://doi.org/10.1002/9780470773178.ch5>

⁶²Glen Bramley & Suzanne Fitzpatrick (2018) Homelessness in the UK: who is most at risk?, Housing Studies, 33:1, 96-116, DOI: 10.1080/02673037.2017.1344957



journeys from your informal support network". If we want to ensure that homelessness is rare, brief and non-repeated we also need to ensure that by prioritising homeless households in allocations policies we do not exclude them from their established networks making them feel excluded, and thus increasing the risk of homelessness occurring again. Ending homelessness needs to be person-centred trauma informed and be able to give the household choice and agency when securing their next home.

We also need to consider if everyone who is homeless is given more priority how we decide who is next provided with a home when the property is in the right area for two people who have the same level of waiting time and the same priority on the waiting list. Whose decision is it as to who gets the property? Whilst we have a shortage of stock these will be difficult decisions for allocations teams to make if this is included in any future legislation. It could also increase the level of trauma for individuals if they know someone in the same circumstances was given first choice.

Whilst we understand the need to ensure homeless applicants and their households can access settled accommodation in as short a time frame as possible, we also need to consider the impact this could have on existing social housing tenants. When managing housing registers, social landlords also ensure existing tenants have a home that is suitable for their needs. No-one is denying that a homeless household has an urgent housing need but is it reasonable for existing tenants to live in overcrowded homes, or homes that do not meet their changed physical needs? As the prioritising of homeless households could run the risk of increasing waiting times for existing social housing tenants. We also need to ensure our ageing population can downsize as needed enabling increased availability of larger family homes. This was highlighted in our Tyfu Tai Cymru research "Right place, right home, right size" which outlined that providing choice for tenants is needed as people's circumstances change over time and tenants involved in the research shared concerns around disability, illness and changing physical needs all of which need to be considered when looking to ensure our



existing tenants also have a suitable home⁶³. This is further supported in our Tyfu Tai Cymru research into housing allocations which highlighted in its recommendations the impact of inadequate housing on health and wellbeing⁶⁴. We need to ensure that local housing providers and their partner RSL's can allocate a percentage of their newly available housing stock to meet the needs of existing tenants. Unless this provision is put in place it could result in a tenant making a homeless application because their medical needs or family size makes their current home unsuitable. An easier way surely is to ensure that a percentage of social housing stock is always reserved for existing tenants to ensure movement in the system which is likely to also release properties of the right type, size, and location to provide a home for a homeless household.

We acknowledge it is a difficult balancing act to ensure existing tenants and homeless applicants can access a suitable home in as short a time frame as possible. Yet due to the chronic under-supply of social and affordable housing Governments have used assessments of housing needs as a form of formal rationing seen as necessary to manage dwindling supply⁶⁵. We note that the Welsh Government remains committed to addressing this specific issue around dwindling supply of affordable homes in Wales through its commitment to supplying 20,000 new low-carbon homes at social rent over the lifetime of this Senedd term. In order to achieve an outcome where homelessness in Wales is rare, brief, and unrepeatable, we need to ensure that there is a right to adequate housing enshrined in law. Legislating for a right must be the starting point on a journey that sees a commitment to the level of investment needed that reflects the gravity of the housing crisis we currently face, ensuring that all public services in Wales work together to ensure individuals and their families can access a safe,

⁶³ Right place, right home, right size? Increasing housing mobility for social housing tenants in North Wales. <https://www.cih.org/publications/right-place-right-home-right-sizeeur>

⁶⁴ Time to re-focus? A review of the allocation of social rented housing in Wales within the context of COVID-19. <https://www.cih.org/publications/time-to-re-focus-social-housing-allocations>

⁶⁵ Lidstone, P. 1994. Rationing housing to the homeless applicant. *Housing Studies*, 9 (4), 459-72



secure, and affordable home in the right place at the right time to enable their household and the community they live in to thrive. To ensure nobody feels excluded and individuals can build their resilience and overcome the trauma of becoming homeless.

Introduction of a deliberate manipulation test

The aim of this test is to reduce a homeless applicant's reasonable preference for social housing where it can be evidenced that there has been deliberate manipulation of the homeless system. This could be very difficult to prove. But we think that it is slightly more complicated than that. Crisis as outlined in their plan to end homelessness that the public often lack a robust understanding of the concept of homelessness prevention. People also see addressing homelessness with intervening in a time of crisis rather than something that can be prevented if help is sought earlier⁶⁶. So rather than individuals seemingly manipulating the system to their gain is it simply just a consequence of a lack of awareness raising on what it actually means to be homeless. We need to work to end the public perception of homelessness equalling rooflessness by ensuring the public understand the benefit of early action and even if you have somewhere to stay you could still be at risk of homelessness. This could be done through extensively promoting the availability of prevention services and the fact that the earlier help is sought the better it may also stop you from losing your place to stay. It's time to flip the narrative applicants are not manipulating the system often they are simply not aware of the help that is available to them.

If this test is to remain in the legislation its application will need to establish whether there were any unmet support needs. The decision to reduce reasonable preference would also need to be subject to review in line with other decisions relation to homelessness and the allocation of social housing. We have heard from our members that they support the inclusion of a robust review or appeal process

⁶⁶ The plan to end homelessness. <https://www.crisis.org.uk/ending-homelessness/the-plan-to-end-homelessness-full-version/background/chapter-4-public-attitudes-and-homelessness/>



when the deliberate manipulation test is applied. This process would also need to ensure that the household can provide evidence as part of the process or secure support to help them navigate a review or appeal process. In addition, the whole process of applying the deliberate manipulation test would need to be applied as soon as it becomes apparent the applicant is trying to deliberately manipulate the homelessness applications process. This will ensure that an appeal or review can be heard in a timely manner and does not affect a registered social landlords or local housing authorities' ability to allocate properties once they are ready. Any delay to the application of the test or the review or appeals process could impact the length of time a property is held void. Something that should be avoided given the shortage of social housing in Wales.

We do have concerns that the inclusion of this test could result in the unintended consequence of increasing the length of time a household or individuals spends in temporary accommodation. This would negatively affect the household as despite best efforts to avoid their use some Local Authorities are having to utilise hotels or B&B accommodation to meet their statutory duty to provide temporary accommodation. Yet for many this accommodation is not suitable. In many cases, families are sharing one room with little to no space for children to play or study. Single people may need to share bathroom facilities or are asked to leave their accommodation during the day. The lack of cooking facilities or places to adequately store food means that many are reliant on takeaways which as a time of rising unaffordability is negatively impacting their ability to effectively budget or save. If we reduce a household's preference on the waiting list, we are then asking them to remain in often poor-quality temporary accommodation for longer periods of time increasing the risk of harm.

There is also a risk of increased costs to a local authority through extended stays. A recent article by Inside Housing highlighted that the total cost to provide temporary accommodation had more than doubled to £40m with some local authorities seeing a 1000 per cent increase in the money spent on providing



temporary accommodation. This increased spend comes at a time when inflation is already squeezing local housing authority budgets. Whilst we understand why this test is included there is a very real risk of it increasing the financial burden being faced by local housing authorities at a time when budgets are being cut to meet budget shortfalls due to inflation.

These potential unintended consequences need to be fully considered as part of any decision making around the inclusion of the deliberate manipulation test.

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 in principle with the proposals for additional housing options for discharge of the main housing duty. However, for some there are amendments or additional guidance that we feel need to be in place before this proposal is fully implemented.

Supported Lodgings or other supported accommodation

Whilst we agree that this is likely to be the most suitable option for some applicants especially those with multiple complex support needs there is a need to consider how this accommodation would be financed. The support element of supported lodgings or supported accommodation is partially or fully funded by housing support grant. Research has shown that housing support grant services provides a saving of £1.40 for every £1 spent on providing support⁶⁷.

⁶⁷ Evidencing the Impact of The Housing Support Grant in Wales.
<https://www.cymorthcymru.org.uk/wp-content/uploads/2023/05/Evidencing-the-Impact-of-HSG-ENG.pdf>



The amount of revenue funding provided to the Housing Support Grant was increased during the Covid-19 pandemic to help support agencies navigate the increased need for support against the background of the no one left out policy. Yet the level of funding for the housing support grant was frozen for 2023/24 and is again frozen in 2024/25 against a backdrop of rising inflation. This has resulted in a real term cut to the level of funding available.

We have heard from members that some support services are being decommissioned due to rising homelessness levels in tandem with budgets being squeezed. There have been some increases to price bands to enable wage rises to combat cost of living pressures for support staff. This in turn has reduced the amount of support that can be provided. Though without the price band increases the scheme may not run due to a lack of staff. In addition, there are concerns around the allocation of the old s.180 funding redistribution which could leave some local authorities losing out on more funding, reducing the number of support schemes that could be operated as part of preventing and relieving homelessness. So that we can ensure this is a viable housing option to discharge the main housing duty there needs to be an appropriate level of funding.

As part of utilising supported lodgings or supported accommodation we acknowledge the fact that there is a proposed six-month review of the ongoing suitability of the accommodation. Yet there also must be a mechanism whereby the provider of the supported lodging or supported accommodation can also ask for a resident to be placed in alternative accommodation where the support provided is no longer meeting the needs of the resident. This could be they no longer need the level of support provided or the level of support is not enough for the applicant. This to be accompanied by a process where an individual can be moved into a more appropriate accommodation setting quickly so that they are able to access the right level of support for their needs in a timely manner.



Parents and family

The ability to discharge the main housing duty is already there in legislation though it is rarely used. Often it is difficult to secure accommodation with family as you are effectively asking two households to form one household which can prove difficult. It can also reduce reasonable preference on a housing register as the household is now seen to be adequately house. Surely it would be better to retain the use of this accommodation option as it is currently within the legislation and add in the option of homelessness at home scheme. The purpose of homeless at home is to ensure there is parity with the level of priority on waiting list afforded to those who are in temporary accommodation. This recognises the fact that a placement with parents or family is often temporary. This solution also provides reassurance that family is not expected to help on a long-term basis as this can affect relationships. As such we would like to see any placement with family or parents on a long term basis to also attract a higher level of reasonable preference which can reduce the amount of time someone has to stay with family helping to ensure we can maintain valuable family ties

Making accommodation reasonable to occupy

We welcome the focus on ensuring a survivor can remain in their home in an area where they can access existing support networks. Yet in using this housing option we must use caution. The expert review panel heard from practitioners and other stakeholders that often when a perpetrator is excluded from the home it is into homeless with significant sanctions on them being able to access alternative accommodation. This can then result in them looking to seek entry back into the family home. Sometimes the survivor will also receive pressure from other family members to take the perpetrator back due to them being homeless.

It is vital that survivors can have a home where they feel safe and secure and start working through the trauma they've experienced. Enabling them to remain in the home they have built close to their support networks. This is why we welcome the focus within the white paper to enable survivors of abuse to remain in their home.



Yet there is also a need as part of this for a longer-term wider view of the whole cycle of abuse. We have seen the positive impacts of working with perpetrators in South Wales. In Wales several local authorities are partners in programmes that seek to end the cycle of abuse and increase the safety of survivors by working with the perpetrators of abuse. One of these is based in the South Wales Police force and partners with the seven local authorities in their area. The DRIVE programme challenges the behaviour of high risk, high harm perpetrators of abuse. The programme has seen significant reductions in the levels of harm:

- 82% reduction in physical abuse,
- 88% reduction in sexual abuse,
- 75% reduction in harassment and stalking,
- 82% reduction in risk to victims⁶⁸.

When looking to improve the safety of and aid survivors cope with the trauma they have experienced we also need to consider how we can prevent the abuse from happening in the first place as part of a whole system approach to homelessness prevention.

This is likely to be a long-term piece of work as we work towards ensuring the cycle of abuse. As such we need to ensure survivors have accommodation that is safe and secure for them to occupy. When making a decision that is reasonable for the survivor of abuse to return to their home, we would like to see court appointed Independent Domestic Violence Advocate (IDVA's) to be part of any decision making. In addition, where the survivor has been discussed as part of a Multi-Agency Risk Assessment Conference (MARAC) assessment of risk should also be provided by MARAC and be considered as part of the decision-making process.

Ultimately the decision on whether to remain in accommodation in these circumstances should be the applicants and they should not be penalised if they

⁶⁸ Challenging harmful behaviour. Stopping domestic abuse. <https://drivepartnership.org.uk/>



decide they do not feel safe remaining in the property and would prefer to move away from the area.

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 no costs or benefits that have not been accounted for in relation to access to housing.

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

We think the proposals outlined will support the implementation of the proposed reforms. However, we would also like to see some of the learnings both positive and negative to be used when designing an implementation plan.

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?

Good data and the availability of good data needs to form part of the mechanisms used to hold local housing authorities and other public bodies accountable. A vital part of this is the ending homelessness outcomes framework. This has provided detailed data outcomes that will be measured and developed to measure progress in ending homelessness in Wales. However, this framework is based on the current legislative framework so will need to be amended and updated when new legislation comes into force. To ensure it is effective as a monitoring mechanism these changes need to be made to ensure that the framework is issued and in use on the same day the legislation comes into force. Any delay to amending the homelessness outcomes framework so it mirrors legislation could adversely affect Welsh Government's ability to hold local housing authorities and public bodies accountable for their roles in achieving homelessness prevention.



The new homelessness data framework does include more detailed data that could be onerous and place further administrative burdens on already time pressured local housing authorities. It has often been suggested by local housing authorities that there is one central database where homelessness cases are recorded enabling Welsh Government to pull off data on an as needed basis. It has also been suggested that Wales' data collection system mirror England's. In England local housing authorities manage their case data on statutory homelessness using specialist software that generates the appropriate data needed for the data submissions which are submitted through a government portal. By producing a similar system in Wales, it will enable local housing authorities to continue to manage their cases as needed whilst streamlining the process involved in producing the data needed by Welsh Government to monitor homelessness levels in Wales. This data system will also assist in meeting the proposal to monitor a local housing authorities' data as part of strengthening the implementation process and moving towards a Wales where homelessness is rare, brief, and unrepeated.

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?

All costs and benefits have been accounted for.



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.

a. Do you think that there are opportunities to promote any positive effects?

b. Do you think that there are opportunities to mitigate any adverse effects?

Local Authorities and public sector bodies will have duties placed on them to ensure that they do not treat the Welsh Language less favourably than the English language. Any new service put in place or policy made by these organisations would also have to include an equalities impact assessment that would include any impact on the use of the Welsh Language. As these procedures and duties have been in place for some time the proposals contained in this white paper are likely to have a negligible effect on the opportunities for people to use Welsh.

About CIH

The Chartered Institute of Housing (CIH) is the independent voice for housing and the home of professional standards. Our goal is simple - to provide housing professionals and their organisations with the advice, support, and knowledge they need to be brilliant. CIH is a registered charity and not-for-profit organisation. This means that the money we make is put back into the organisation and funds the activities we carry out to support the housing sector. We have a diverse membership of people who work in both the public and private sectors, in 20 countries on five continents across the world. Further information is available at: www.cih.org.

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January 2024



Consultation response: The Welsh government Ending Homelessness White Paper

January 2024

Summary points

- Housing associations are committed to ending homelessness in Wales. We agree with the majority of proposals in the White Paper, and have made suggestions as to how we can collectively make a success of these changes. There is one notable exception to this: we strongly oppose the proposal for a Section 5-style mandating of allocations to housing association homes and believe this should be removed.
- Legislation is not the only tool at our disposal, and the evidence does not stack up here. Data within the [Scottish review of Section 5](#) indicates that, even with this provision in place, the variation in lets to homeless households remains, suggesting that the issue is not an obligation to work in partnership. We have an opportunity to learn from Scotland's experience, including the review's recommendations to focus attention on strengthening partnerships and developing common allocations policies.
- There are more effective, quicker ways to achieve the goal of allocating more homes to homeless households. CHC and our members are committed to working at pace with government to explore and implement non-legislative options. This could include the role of regulation and data collections, and maximising CHRs and CAPs.
- We must pursue a sustainable, person-centred route to ending homelessness in Wales. For each person this requires the right home, in the right place, with the right support for as long as it is needed. This will require investment in the supply of affordable homes and the Housing Support Grant, and local dialogue at allocations stage to ensure a sustainable match.
- We need improved data to ensure policy and legislative decision-making is informed evidence-based, and that we are able to judge the effectiveness of any future reforms. CHC has recently undertaken research around allocations. A copy of this report, *A study of housing association allocations in Wales*, will be shared with officials separately to this response. Later this year we plan to undertake research around ways to improve the overall homelessness data landscape.
- The process of implementation will be as important as the drafting of the legislation itself. At the moment the pressure on homelessness services and acute need for more social homes means that, without significant change on both of these fronts, the proposals will require a phased and supported implementation period if they are to be a success once rolled out. As key delivery partners, HAs alongside LAs must play a strong role to bring their knowledge of local places and processes to support effective implementation and phasing.



Chapter 1: Reform of existing core homelessness legislation

1. Do you agree these proposals will lead to increased prevention and relief of homelessness? Yes/no

2. What are your reasons for this?

We believe that the proposals will lead to this, yes, although we have some comments and points of clarification.

- Our members are very much in favour of the proposed duty to support a person to retain accommodation. We know that sufficient Housing Support Grant will be a prerequisite in making this important legislative change work in practice.
- We understand that 12 months is suggested as a duration for the duty as it aligns with contracts in the Renting Homes (Wales) Act 2016, but would suggest that either the legislation or guidance should require the LA to seek the views of the landlord that the tenancy is sustainable before ending this duty.
- Personal Housing Plans (PHPs) can make homelessness services more person-centred and make it more likely that the tenant will be able to maintain their tenancy, but it does rely on housing professionals having the 'capacity and capability' referred to in the White Paper. This will require sufficient resources, guidance and support from the Welsh Government to LA teams.
- PHPs can and should support better matching of person and home. HAs note that a key reason for a failed tenancy is location/distance of a property from an applicant's support network. PHPs should allow for more thoughtful matches which recentres the system to allocate to set people up for success.
- We would appreciate clarity on whether a NoSP equating a threat to homelessness will apply to all social landlords, including LAs (as per point #67).

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

N/A

4. Do you agree with our proposal to abolish the priority need test? Yes/no

Our members are in favour of abolishing priority need, but recognise that this will need to be implemented following through a planned, phased approach. This should include:

- Sufficient lead in time of at least 5 years, with careful consideration of the requirements to implement this policy ambition in practice whilst mitigating unintended consequences. We would point to learning in Scotland regarding the length of time needed to implement such a significant change.
- Sufficient resource for statutory homelessness services and support services, in order to avoid overwhelming already stretched services and staff
- Learning lessons from both successes and challenges from the No One Left Out period.



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

Yes/no

We have no objection to abolishing the intentionality test, and recognise that its use does not support the trauma-informed approach we are collectively committed to.

Our members are concerned that, while they are/will be used at different points in the process, the deliberate manipulation test proposed later in this White Paper feels similar to the intentionality test that will be abolished. We consider that more work could be done to explain how they differ, and the Welsh government's vision for what will improve outcomes for people.

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 agree with this proposal, and note the following:

- We can learn from the pragmatic approach already operational in some local authority areas, specifically for those fleeing domestic violence or those who are employed in a borough.
- It will require joint working and communication between different LAs to make referrals for applicants without local connection. Clear statutory guidance will be very important here to make sure the spirit of legislation is reflected in practice.

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?

N/A



Chapter 2: The role of the Welsh public service in preventing homelessness

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 reason

Yes, we agree with these proposals and believe they support holistic, person-centred and trauma-informed working. We note that:

- This area will require significant investment on an ongoing basis. Sustained funding and certainty beyond one year is especially important for relationship-based roles such as housing support staff and the school Family Engagement Officers mentioned in this chapter.
- We would welcome consideration of how much non-housing professionals will be expected to understand in order to fulfil this obligation. There will need to be clear parameters and boundaries, as well as appropriate and proportionate training. This should be a priority for consideration as part of plans for implementation.
- We agree that the duty to refer should be acted upon quickly, but would urge caution around potential unintended consequences where staff focus on referring quickly but perhaps not being able to take a person-centred approach and understand what is important to that person. It would be helpful for guidance to provide clarity and support on this.

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 are supportive of RSLs/HAs being included in this list, as the strengthening of the existing duty to cooperate as part of a wider partnership landscape will formalise and underpin much of the work already done in the sector. We suggest that:

- There will need to be clear referral pathways for each LA.
- The police and criminal justice partners will be part of the multi-agency effort, and there are many examples across Wales where HAs and local police work very effectively together. However, there are striking differences in policy direction between WG devolved housing and homelessness vs UK Govt reserved policing, criminal justice and ASB management. We would welcome careful thought about this growing tension.

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

Somewhat. We note that:

- The balance mentioned in Q10 does not just apply to health but to other public services too.
- Regional Partnership Boards (RPBs) should take an active role in coordinating and strategising the homelessness response in their operating areas. The role of Public Service Boards (PSBs) and complex needs boards should also be considered. Recognition and involvement of housing and homelessness services in these spaces currently varies across Wales. Currently there seems to be strategic buy-in within the regional partnerships, but this has not yet translated to the operational level.



- There is support amongst our members for developing multi-disciplinary teams within LAs to respond to homelessness, as has been done in areas of RCT and Cardiff & Vale. Proposed reforms should create the conditions for effective partnerships, and there is existing good practice across Wales we can learn from.
- It will be important to establish common thresholds for support across partners, as without them each profession/public body could take their own view.
- To support effective partnership working, we would encourage the Welsh Government to consider education, awareness and training for key stakeholders as a key part of implementation plans to encourage productive partnerships. A lack of universal language amongst professionals is currently, in some cases, affecting a person's ability to access sufficient housing and support services.

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 observe that:

- These duties must be adequately funded and transitioned to, if they are to be effective.
- Guidance around point #243 (that the listed bodies must cooperate) would be welcome, indicating who decides what counts as 'a good reason', what happens if there is a disagreement and whether a lack of resource/capacity will be an accepted reason for not cooperating.
- The Welsh Government should consider whether the new duty to refer should be not just for a risk of homelessness, but also for the recognition of housing precarity or other need (e.g. overcrowding or lack of adaptations).
- More information around the proposed duty to sustain tenancies would be valuable, particularly on how needs are assessed and action/support monitored, the timeframe and what happens if support needs 'flare up' again soon after this action/support ceases. We would suggest that the role and views of the landlord should be taken into account by the LA when considering how it implements this duty, especially regarding if and when it is appropriate to discharge the duty.
- Point '246 (regarding the ending of cooperation) is currently quite vague, and we would welcome detailed guidance on what happens if different bodies cannot agree. Ideally decisions would be made in partnership, of course, but extreme pressures can cause tensions. Also, we would hope that ongoing cooperation does not end on the basis of one decision by one party.
- Clarity would be welcome on who will assess the application of the duty to support, and decide who requires support to retain their accommodation (as outlined in point #171). This should include the mechanism (e.g. PHP) and whether this will be reviewed at regular points or just at the start, as well as the stakeholders involved. We suggest that the views of the landlord should be carefully considered here.
- The duty to support ends at up to 12 months' into the tenancy but the LA '*should be able to end the duty on the basis it is satisfied there is no obvious risk of the contract failing.*' Guidance would be welcome on who will decide there is no obvious risk, and whether this will be in consultation with HAs/partners and the tenant. We consider that this should be in consultation with the landlord, and that LAs must have a requirement to have due regard to the views of the landlord when considering whether to discharge the duty.
- Our members find that it is currently relatively straightforward for HAs to refer to LAs and vice versa, but very difficult for HAs to refer to Health or other services. We need to consider a central referral point or pathway, whether through the case coordination and multidisciplinary teams proposed in the White Paper, or another mechanism. Otherwise, there is a risk of referrals getting lost or delayed and people not receiving the support they require to live well in their home and sustain their tenancy.



- Our members have raised that often when they refer a person/household to statutory services, support or assessments tend to go back to stage one. This is entirely unhelpful to the individual and the organisation as repeating work does not provide value for money, and we suggest that any guidance reflects this. HA staff members' assessments should be valued and recognised, as should other partners. This could also be supported by further discussions around data-sharing between agencies.
- We must move away from the current pressures that are forcing HAs to serve NoSPs in order to access homelessness prevention funding and/or support from partners. This is far from trauma-informed, and overcoming it will require both resources and a review of support thresholds.

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

Housing associations are wholly supportive of the proposals to provide enhanced case coordination for those with multiple and complex needs. The people who are presenting to homelessness services are doing so with increased needs, at a time where demand continues to rise.

- Our recent cost of living report, [The Ends Won't Meet: the continuing cost of living crisis for social housing tenants in Wales](#), demonstrates the varied and vital ways associations deliver tenant support, including financial wellbeing services, employability training and energy support. Our report also found that half of housing associations are delivering mental health support to their tenants, either directly or through work with other partners. Our members noted that for some individuals the support they can offer is not enough, and many of their tenants desperately need to access statutory mental health services. We hope that case coordination and better multi-agency working will help to facilitate this but ultimately we recognise that adequate resources will be essential to delivering it.
- HAs are fully supportive of the use of PHPs. This person-centred and trauma informed approach is invaluable in setting a person up for success as they move to settled accommodation. Regularly reviewed PHPs are crucially important to make sure nominations are based on accurate and up to date information about the applicant's needs and preferences. In our recent research, *A study of housing association allocations in Wales*, 14% of HAs noted 'change of circumstance' from the original application as one of the three main reasons an application would not proceed.
- It is vital that the Welsh government makes clear when multidisciplinary teams are appropriate and who will be accountable for deciding this. We consider that HAs should be able to request that a multi agency approach be taken from the LA, where the HA is landlord. We would also welcome clarity on which agencies are included in the 'three or more services', and whether statutory homelessness services count towards this total.
- We must also consider how we can improve case coordination and learn lessons from existing models that work well (e.g. MAPPA) and look at already successful co-located services. We note that police presence is not always desirable here, as it can be counterproductive, although probation services are often helpful.



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 context and timing of this legislative reform is a significant consideration. We agree with the Welsh Government that prevention is more important than ever. However, we must acknowledge and respond to the context in which these reforms will be enacted to ensure they have the greatest chance of success.

In recent years there have been successive crises, with little chance for our homelessness and wider public services to recover or regroup. We cannot underestimate the impact of this on individual or organisational resilience, and the investment required to build this back up.

Adequate funding and sufficient affordable housing supply are prerequisites of a homelessness prevention and alleviation system. An implementation plan, deliverable strategy, best practice, peer support and training are all acknowledged in the White Paper; these are all also vitally important. The process of implementation will be as important as the drafting of the legislation itself. Housing associations can play a key role here.



Chapter 3: Targeted proposals to prevent homelessness for those disproportionately affected

- 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)?

N/A

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

We have a few observations on the proposals in this section:

We are supportive of the proposal for a duty to help the applicant retain their existing accommodation, as long as the steps taken are genuinely person-centred. It must be the person/household's informed choice, and the home must be suitable with the required support in place for as long as it is needed.

HAs are fully supportive of proposals to ensure disabled people are served well and fairly by the system, including the use of accessible housing registers. We can learn from existing examples, such as ADAPT in Swansea and seek to scale this approach across Wales. Swansea Council hosts an accessible housing register, 'ADAPT'. More work should be done to learn from this approach and identify how it can be scaled so that people with physical disabilities in all local authorities can better access social housing. Guidance on said register will be necessary to ensure that appropriate and accurate information about the accessibility of a property is captured and to ensure consistency across areas. This will aid both housing providers entering properties onto the system and individuals who may be accessing it in multiple local authority areas. Our recent research, *A study of housing association allocations in Wales (January 2024)*, evidences that more work must be done to understand how adapted properties can be let fairly and efficiently. 47% of HAs said that one of the most common reasons an allocations would not go ahead was because a property either did not have the necessary adaptations to meet a person's needs or a property was adapted and the applicant did not require these. Sufficient funding to carry out adaptations is a prerequisite.

We note that current pressures on both allocations to homeless households and adaptations/moves for people with disabilities are creating tensions between these two priorities, and would welcome conversations with the Welsh government and other partners around this. We must guard against unintended consequences for other groups who are not currently homeless but are in unsuitable housing.

- 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 view, are the benefits and challenges of our approach and what unintended consequences should we prepare to mitigate?

We believe that every young person who requires social housing should have the opportunity to stay in a specialised 16-25 year old supported housing facility, if that is what is best for them and is their choice.

Housing is often the final safety net for care leavers where other support services have withdrawn, and any problems sustaining a tenancy is often a consequence of the gap between these services.



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?

We are supportive of the proposal to strengthen existing corporate parenting responsibilities, assuming that the various services are funded appropriately to fulfil their obligations.

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?

Yes, our members would be open to this proposal, with the following considerations:

- The prerequisites for a successful tenancy must be in place - the right home, in the right place, with the right support for as long as it is needed.
- We must be careful of multiple placements of young people into general needs housing schemes, when in reality a supported scheme might have been more suitable. A trauma-informed approach will be very important here.

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?

N/A



Chapter 4: Access to accommodation

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 support these proposals and believe these should allow for better, more sustainable matches of applicants and homes. We note that:

- It is vital that the LHA fully understands the home, location and community (and that they are able to take the advice of the HA), as well as the household.
- Housing associations are operating in the way described in point #482 already, but there are significant pressures due to a lack of adapted/accessible housing supply and adaptations funding being stretched by high demand.
- We are supportive of higher standards for temporary accommodation in future, as per point #499. We would welcome more information on likely timeframes here, and on what will happen if housing supply does not recover for many years.
- Regarding point #511, we would like to understand the Welsh Government's intention for these proposals if reliance on temporary accommodation does not reduce (as we all hope it will).
- We agree with the impacts described in point #508, but would add that others are also adversely affected by an unsuitable match - this includes others in the household, neighbours, the wider community and housing support staff.
- We are wholly supportive of the proposal around reasonable travelling distance. Placing someone into an unsuitable home might mean their experience of homelessness is brief (or briefer), but it may not be unrepeated.
- Regarding the exemption described in point #514, we would welcome guidance on what this exemption would cover, and for what time period. We wonder if there might be a risk of over-reliance on this exemption, and would be keen to guard against this.

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 strongly disagree with the proposal for more muscular powers for LAs in terms of RSL allocations, and believe this should be removed. We support the outcome being sought, but legislation is the wrong vehicle and this risk of unintended consequences is high.

[Evidence from Scotland](#) shows that with Section 5 in place the variation in lets to homeless households remains. This indicates that the issue is not an obligation to work in partnership, rather that demand is vastly outstripping the supply of suitable homes. The Scottish review recommends focussing attention on other mechanisms, particularly strengthening partnerships and developing common allocations policies.

There are more effective, quicker ways to achieve the goal of allocating more homes to homeless households. CHC and our members are committed to working at pace with government to explore and implement non-legislative options. This could include the role of regulation and data collections, and maximising CHRs and CAPs.

We cannot support this proposal, for several reasons:

1. We do not yet understand the reasons behind the topline statistics, including the variation in allocation rates, and do not have sufficient evidence to take such a big step.



2. The most important outcome is a good match between a person and their home. This means a suitable property and a sustainable tenancy.
3. 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 risks pushing people towards crisis, rather than working to prevent homelessness.
4. HAs know their homes and communities, as LAs know the applicants and their needs. The proposed duty would undermine the power of the partnership.
5. There are easier and quicker ways of achieving the goal of housing more homeless people, that protect against unintended consequences such as reclassification.

Below we explain and evidence these reasons in detail.

1. We do not yet understand the reasons behind the topline statistics, and do not have sufficient evidence to take such a big step.

The evidence base does not support such a significant change with so many unintended consequences. The White Paper states that Scotland's Section 5 '*has proved to be an important tool in providing access to housing for people owed a statutory homeless duty*'. We do not consider that the evidence wholly supports this assessment, as the [review of Section 5 undertaken by Scottish Government Social Research](#) is unclear as to the success and impact of the measure:

- Scottish Government analysis shows that just under a quarter of non transfer lets were made to statutorily homeless households in 2006/07, ranging from above 50% in one LA to under 15% in another. The review states that '*This range is even greater between individual RSLs, with some RSLs reporting more than 70% and some under 5% of non-transfer lets as made to statutorily homeless households in 2006/07*'. We can conclude from this data that, even with Section 5 in place, the variation in lets to homeless households remains, suggesting that the issue is not an obligation to work in partnership.
- '*It is worth noting that the proportion of lets made by an RSL to statutorily homeless households does not appear to be affected by whether the referral has been made using Section 5 or another mechanism*'. It appears that Section 5 does not provide a clear route to the goal of increasing the proportion of lets to homeless households.
- The report also explains that: '*One area of obvious tension between local authorities and RSLs arose when an RSL declined to make an offer to a statutorily homeless household that had been referred to them. It was evident that differences of opinion were often resolved after informal discussion.*' We believe this demonstrates the need for open conversations as part of a true partnership, and active consideration should be given to the conditions that support effective partnership
- The review implies that Section 5 referrals may not be needed at all if an area has a Common Housing Register (as this White Paper proposes to be the case): '*In some areas the wider allocations arrangement, in particular the existence of a CHR or the adoption of Choice Based Lettings (CBL), rendered referrals unnecessary.*'
- '*Analysis by a wide range of characteristics and factors... showed very few patterns which could help explain the variations in approach, practice or views on effectiveness.*' - It proved difficult to assess whether S5 had been successful.



- *'The current Section 5 Protocol should be replaced with a guide to developing an agreement between the local authority and local RSLs that sets out how RSL housing in the local area, by whatever route or mechanism, will be made available to statutorily homeless households. This should include agreement on respective roles and responsibilities, expected contributions to providing housing to statutorily homeless households, referral processes, and information exchange arrangements.'* We would urge the Welsh Government to learn from Scotland's experience so far. The 'agreement' described here sounds a lot like a Common Allocations Policy, which we believe would provide a far more flexible and constructive route than a Section 5-type power, as well as encouraging the productive, transparent partnerships required to make maximum progress.

Point #551 of the White Paper states that the co-commissioned research '*identified clear disparity between nomination rates and allocations as an area of concern*' and that '*It isn't always clear what causes the divergence between nominations and allocations.*' We feel strongly that this is an area that we all need to better understand, rather than act on with the blunt tool of legislation before we have all the facts. There are many reasons for lower numbers of homeless direct lets/allocations to homeless households, including a lack of appropriate supply and a lack of available support. Anecdotal information in this space is useful, but not sufficient for evidence-based policy decisions for such significant changes.

The allocations research the Welsh Government has commissioned to Alma Economics, and which HAS look forward to supporting, should shed light on the many unknowns acknowledged in the consultation paper and provide more robust evidence on which to make a decision on future policy and legislation. We feel strongly that a decision on whether or not to proceed with this proposal should not be taken until this improved evidence has been gathered and interrogated, and that our own sector research demonstrates how complex the decision making for each individual allocation can be.

2. The most important outcome is a good match between a person and their home. This means a suitable property and a sustainable tenancy.

Suitability is a vital consideration when finding accommodation for any person or household, and this applies regardless of the duration or support level of the placement. Only through good matches can we ensure that, where it cannot be avoided, homelessness is unrepeatable as well as brief.

We cannot lose sight of the right outcome for individuals, and we must respect individual choice. Housing associations believe that it is generally better to place someone in the right home, which may not always be the 'fastest' allocation, as this is more likely to result in a sustainable tenancy. This approach reflects person-centred and trauma-informed practice.

We are concerned that a blanket power to require placement would put this sensitive and person-centred approach at risk. There are many examples of good quality partnership working which does not rely on legislative powers such as this.

Some members have suggested that 'starter tenancies' and/or 'retained homelessness status' for homeless applicants would be important tools to help them find the right matches. This would mean that if a tenant has a false start in their tenancies it would be easier to move them to alternative properties without re-entering at the starting point of the allocation process. This would of course need to be used carefully to avoid excessive moves for an individual.

Lack of suitable housing at present is reflected in the varying numbers of homeless lets, as highlighted in the co-commissioned research ([Allocations: Understanding more, in the context of homelessness in Wales](#)). Homes can become more suitable, and tenancies more sustainable, if the right support is in place.



Therefore, rather than forcing providers to allocate unsuitable homes to people, it is imperative we consider how we can better use support mechanisms like wrap-around support to maintain tenancies.

CHC's recent research, *A study of housing association allocations in Wales (January 2024)*, found that the most common reasons a HA refused an nomination to a particular home were type or size of a property, a lack of adaptations or unnecessary adaptations, unsuitable location (e.g. the property was too far away from the applicant's support networks) and historical challenges with an applicant. This includes previous ASB, serious arrears and previous convictions. Importantly, however, none of these scenarios would mean an applicant will never get a social home, or even a home with that particular social landlord; it simply means that associations would need to consider an allocation more carefully to ensure they find a match which responds to the needs of the applicant and maintains balance within communities. For example, if there is an area where there have been high levels of ASB due to several Registered Sex Offenders (RSOs) being 'outed' in a community and there is another nomination to a homeless applicant who is also an RSO, then a housing association may consider a property in that area unsuitable and would find them a home in a more appropriate location.

We support the consultation's proposal to exclude historic instances of ASB and arrears in allocating homes, as outlined in point #556, as long as it is understood that additional support may be needed to sustain the tenancy.

CHC's recent research has shed some light on the support needs of people who were allocated homes, and this is an area we will be exploring further:

- 27% were experiencing mental health issues.
- 23% had poor financial resiliency.
- 23% had 'Other' support needs.
- 8% had multiple complex needs

3. 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 risks pushing people towards crisis, rather than working to prevent homelessness.

The proposed legislative tool is a blunt instrument which risks baking in a crisis response. To ensure we achieve our shared aspiration for homelessness to be 'rare, brief and unrepeatable.' We must seek to provide support as early as possible and protect access to social homes to people in acute housing need, including but not limited to those already classed as homeless.

Our research sheds light on the complexities of housing challenges facing those that are allocated social homes. There is no evidence that HAs are not allocating to those who have housing need or are facing housing crisis. There are significant unintended consequences if we simply focus on crisis response and restrict our collective ability to prevent homelessness by acting upstream (for example in cases of overcrowding).

HAs strongly believe it will benefit no one to build a system that encourages a 'race to crisis' or 'point scoring'. We agree with the prevention of perverse incentives, as stated in point #565, but suggest that we also need to be careful of adding stigma to social housing. This proposal uses a fairly irreversible measure that would undermine a great deal of work undertaken in recent years.

Housing associations allocate homes to people in a variety of ways and for different reasons, as evidenced by our recent research, *A study of housing association allocations in Wales*:

- 45% of allocations were going to those who were owed a statutory duty, reflecting an understanding of the need to support those already experiencing homelessness.



- Where applicants were not owed a statutory duty, nearly half were considered at risk of homelessness within six months if they had not been housed at that point.
- 33% of allocations were made to people living in temporary accommodation, 18% to those living with family and friends and 4% to people who were sofa-surfing.
- 19% of allocations went to people already living in social housing. There are many reasons why someone already living in a social home may have an urgent need to move, for example when circumstances change meaning that they are over or/ under occupying or in relation to health and accessibility needs. HAs are concerned about the current inability of social housing tenants to move in such circumstances. Retaining flexibility for internal moves is also a key part of the sector's commitment to limit evictions into homelessness.

4. HAs know their homes and communities, as LAs know the applicants and their needs. The proposed duty would undermine the power of the partnership.

RSLs are the experts on their homes and their communities, as well as on where there is housing need and early risk of homelessness due to unsuitable housing among their existing tenants. LAs will have the best understanding of applicants' needs, but they cannot be expected to have the same insight of the potential RSL homes available.

There are other stakeholders involved in each allocation decision. In the case of ex-offenders, for example, HAs have to acknowledge the views of local police forces and the existing community. HAs must consider the needs of neighbours and wider communities when allocating, for the safety and wellbeing of everyone.

As referenced elsewhere in our response, we already have examples of good practice and strong relationships between housing associations and local authorities, which could be developed and expanded. For the allocations process to work successfully there must be equitable relationships at senior and operational levels between all partners working in a local authority area.

Legislation is not the route to achieve this - there are other ways to drive transparency into the process and deliver on the policy intention of this proposal. The White Paper mentions that the legislative proposal seeks to bring about a cultural shift. We think there would be value in exploring what would drive this cultural shift, such as trust, transparency and mutual understanding, and how we can all support it. There is a risk that muscular legislation breeds adversarial, defensive interactions, rather than the robust, transparent partnerships required to make progress at pace.

Differences of opinion between partners when discussing the most suitable match for an individual are not necessarily unhelpful; this can ensure that there is a good balance of views, and that a rigorous approach is taken to allocations. As the [review of Section 5 undertaken by Scottish Government Social Research](#) states, *'Some challenge and some friction in a partnership may be important to ensure that some of the difficult issues which arise in relation to housing statutorily homeless households are addressed rather than being 'smoothed over'.*

On a practical level, we would welcome detail on what will constitute an 'unreasonable refusal' and 'specified circumstances'. For example, whether a lack of supply (that is appropriate and suitable) would be considered an acceptable reason. The White Paper mentions guidance that will be developed, and HAs are willing and able to help shape such guidance, should the proposal be taken forward.



5. There are easier and quicker ways of achieving the goal of housing more homeless people, that protect against unintended consequences.

Legislation is not the right lever to use to tackle the allocations challenge. Our members believe that focussing on accountability, transparency, information sharing and trusting partnerships would secure better outcomes for people.

We strongly believe there is no need or opportunity for disagreements around allocations when working within an agreed set of policies. One such route is the use of a Common Housing Register and Common Allocations Policy (also referred to as a framework or scheme), which this White Paper proposes to make mandatory. We support this, assuming resources are adequate to support it properly. We believe the use of a CHR and CAP would be sufficient to address challenges around the rate of HA allocations to statutory homeless households, and to achieve the desired outcomes, without the risk of adverse consequences inherent in legislation. This reflects the lessons learnt in Scotland. This approach would also avoid crystallising the risk outlined in the consultation paper around reclassification of housing associations as public bodies.

The CAP would allow transparency of decision making, as well as trust and honesty through challenging conversations. We would, of course, need data to hold all partners accountable in this framework or scheme. Our members recognise that CHRs are on the whole a good idea as they ensure a sole access point to social housing for service users and should make the system more efficient. However, for CHRs to be successful they must be adequately resourced and work alongside a common allocations policy or scheme. Any CHR takes a significant amount of resources to maintain and ensure it remains accurate, and there are concerns that some existing CHR lists are out of date. This means that sometimes a HA finds a home for an applicant, they move in and then their support needs are uncovered. We are hopeful that PHPs can be helpful here, but lists being up to date will make shortlisting easier and quicker.

There is good practice in the sector already in this space. The Single Access Route into Social Housing (SARTH) Partnership hosted between Denbighshire, Flintshire and Conwy LAs and five HAs across North Wales is one such example, including their triage process. Stakeholders that deliver SARTH are committed to continuous improvement. They are currently reviewing their approach and seeking to improve their services so that it is more user friendly, more accessible and more efficient. This is the type of practice that could be lost if legislation is made too prescriptive.

Another system to learn from is Tai Teg, a partnership project led by Grwp Cynefin that provides a central hub to access affordable housing (intermediate rent and affordable sale) by hosting a regional register for eligible people and allowing them to apply for properties. We believe that any legislation or guidance should be expressly informed by best practice, and we consider there is a role for the Welsh Government's Relationship Managers here.

Effective regulation, a code of practice and an active learning programme in place of legislation could all also be more impactful tools to make progress at pace, shine a light on what is working well and encourage continuous development

We have also reflected upon some of the other proposals in this section, and provide explanation below:

- 'power to remove people with no housing need' - some uneasiness
- 'deliberate manipulation test' - needs further consideration



Removing applicants with no housing need

Housing associations feel uneasy about the proposal for LAs to have the powers to remove people not in housing need from the waiting list, and struggled to understand what practical impact this would have.

It is important that frank, honest discussions are had with applicants during the application process about the realities of their housing situation; how likely it is that they will be allocated a social home; and directing and supporting them to access other housing options (e.g. intermediate, PRS) if social housing is not the best or a realistic option for them.

We would urge the Welsh government to consider the unintended consequences of regressing the positive work that has been done to improve the perception of social housing by including this power in the Bill.

The assertion in point #557 (that anyone can register for social housing even if they are not in housing need) is not true. The 'openness' of registers currently varies across Wales. The SARTH partnership, for example, operates a system where only people with a defined and eligible housing need will be added to the social housing register.

Deliberate manipulation test

HAs would welcome more detail on who would be responsible for making decisions around 'deliberate manipulation', and the criteria used for assessing it. They feel that this lever would rarely be used by individuals because of the risks involved in accusing a person of lying and/or making the wrong decision, especially in cases involving safeguarding, domestic abuse, etc.

HAs are keen to understand how WG envisages the reasonable/additional preference and deliberate manipulation measures working, perhaps with some mapping of scenarios and how an applicant would interact with each test.

HAs feel that the proposed deliberate manipulation test comes at too late a stage in the allocation process, not least because time and resources would have already been directed to allocating the applicant, so it would be more straightforward at that point for the applicant/tenant to stay. If deliberate manipulation was identified, would the social landlord then have to withdraw the offer of a tenancy or evict the applicant, likely back into homelessness? This would clearly be at odds with efforts to end evictions from social housing into homelessness.

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?

N/A

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 White Paper notes the risks associated with the reclassification of housing associations as public bodies, and these challenges remain a significant concern to the sector. We do not feel that these risks have yet been sufficiently addressed or mitigated. This issue is not entirely in the Welsh government's control, and the unintended consequences cannot be underestimated.



In June 2023, we provided Welsh Government with a summary of legal advice we procured on this issue, which identified a number of prudent next steps for the Welsh government:

- To engage with and inform the ONS about any material change which could impact classification. Legal advice we have received is that such significant legislative reform should be considered as a material change.
- To seek leading counsel opinion for a view ahead of tabling of any legislation, as these issues are complex with little authority or precedent.
- To engage with funders through UK Finance as a matter of urgency. There are potential significant implications of these proposals for the view taken by funders.



Chapter 5: Implementation

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

We appreciate the Welsh Government's acknowledgement that the financial and budgetary situation is very challenging at the moment, and we understand that the White Paper represents a long-term, aspirational view. The resources to make this ambition a reality are not available now. While we all hope that the budgetary situation will improve in the future, the delivery of the vision is not possible without sufficient resources, and if they are not there then we risk pushing the system and people further towards crisis.

Careful thought should be given to the potential phasing of each element of this reform. HAs alongside LAs are key delivery partners and must be involved in detailed discussions with the Welsh government to ensure sensible roll out phasing and detailed implementation. CHC would be happy to support this.

As mentioned earlier in our response, we must have strong, reliable data so that we can all understand the real picture. The data on allocations is currently patchy, and evidence from Scotland's experience of allocations legislative reform does not support the need for such significant change. CHC will soon be undertaking some work to understand how to improve the wider homelessness data landscape, exploring the essential components to build this clear picture.

In terms of allocations, our members believe that this involves a two pronged approach:

- Information about the applicant collected on the register. For example, do they require accessible/adapted accommodation; do they have complex needs; what agencies are engaged with applicants at time of application; the level of soft skills an applicant has.
- Detailed information held by the local authority about housing supply in their area (extending across tenures from social housing to the PRS). A local housing strategy shared by homelessness prevention teams and planning departments would ensure all facets of local government were working towards the same end goal. This could be tied into Local Housing Market assessment (LHMA) and local needs assessments. It is critical that these are up to date as they should inform distribution of funding homelessness services, including through the HSG.

Our research, *A study of housing association allocations in Wales* (referred to throughout this response), provides some insights into the many factors and considerations behind each individual allocation. The findings demonstrate clearly why it is so vital that both the applicant's situation and the nature of the property is well understood in order for a sustainable match to be made quickly and smoothly.

We must also consider how data can be shared effectively and proportionately. Personal Housing Plans are a vehicle to consider what level of information should support an application for housing, and which agencies should have access to this information.

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 Ending Homelessness Outcomes Framework (EHOF): We are wholly supportive of this as a tool to ensure accountability across public services for the role that they must play in ending homelessness, including any consequences for public bodies not delivering on their obligations. We also must consider how the EHOF can link to existing frameworks such as the Public Health Outcomes Framework.



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?

N/A

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.

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

N/A

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 understand that Welsh government budgets are unprecedentedly tight for the upcoming years. This means that it is even more pressing for the Welsh Government to consider the cost of implementation. Like other key services, housing associations are also bracing economic headwinds and must continue to endeavour to make the best investments they can on behalf of the communities they serve.

We must learn lessons from recent resource-intensive, expensive implementations, including the unanticipated costs of the Renting Homes (Wales) Act 2016, so that associations and both national and local government can continue to direct their resources to the services that need it the most.

Housing supply

We are fortunate in Wales that the Welsh government recognises and prioritises the value of social housing, investing record amounts of capital funding into new affordable social homes for rent and working in partnership to find solutions. Yet building these homes has never been more difficult - and that the net worth of that substantial investment simply does not stretch as far.

We must utilise allocations as a tool to make the best use of housing stock. Our members noted that currently this can be made more difficult by reserved policies like the bedroom tax, which makes allocating small 2-bed flats difficult. We would welcome continued representation to the UK Government on this matter.

Data

We need improved data to ensure policy and legislative decision-making is evidence-based, and so we are able to judge the effectiveness of any future reforms. CHC has recently undertaken research around allocations. A copy of this report, *A study of housing association allocations in Wales*, will be shared with officials separately to this response. Later this year we plan to undertake research around ways to improve the overall homelessness data landscape, exploring the essential components to build a clear picture on which to base our decision-making.



Definition of homelessness

We would like to highlight a potential issue with the application of the definition of 'homelessness'. This could have huge implications for demand increasing, and could potentially be more impactful than many of the other proposals in the White Paper.

#57 states that *'a person shall not be treated as having accommodation unless it is accommodation which it would be reasonable for that person to continue to occupy'*. The Code of Guidance for Local Authorities on the Allocation of Accommodation and Homelessness (2016) describes this as including people who are *'unable to remain in, or return to, housing due to poor conditions, overcrowding, affordability problems, domestic abuse, harassment, mental, physical and/or sexual abuse'*.

There are increasing numbers of people in acute housing need, including those in overcrowded homes or people with disabilities whose homes do not currently meet their needs. We consider that many applicants on the housing register, who are not currently considered a homeless applicant, would be captured by the definition: *'A person who has accommodation is to be treated as homeless where it would not be reasonable for them to continue to occupy it.'* These households are in urgent housing need but would not be considered roofless, and may not be owed a duty depending on how the definition is being applied.

#206 describes research undertaken in England by Shelter that found *'more than three quarters (77%) of teachers surveyed had seen children who were homeless or living in bad housing at their school in the last three years. Seven out of every ten teachers (69%) had seen children who were living in overcrowded, unstable or poor-quality housing.'*

We urge the Welsh Government to consider very carefully their definition of 'homelessness', and therefore who is owed a duty. We would welcome a wide definition that covers various types of housing need.

Role of different housing tenures

In order to end homelessness and address the current level of housing need, we will need a holistic, joined up approach across all tenures. We note that much of the White Paper focuses on social housing, which currently makes up around 10% of homes in Wales. While social housing is a key part of the solution, and housing associations are well placed and eager to play their part, we wonder whether all elements of the housing market have been fully considered. The work of the Senedd Local Government and Housing Committee on the PRS could be helpful here.

Our members have highlighted that more work could be done to explore how intermediate housing options could be maximised. CHC's recent research, *A study of housing association allocations in Wales (January 2024)*, found that only 2% of allocations in our cross-sector sample were intermediate housing options. Some people or households may be well suited for intermediate rent, especially if they have been able to afford a PRS tenancy rent. We would like to see social and intermediate housing stock considered in the round when finding the right match for a person or household.

Welsh Government White Paper on Ending Homelessness Crisis response January 2024



About Crisis

Crisis is the national charity for people facing homelessness across Wales, Scotland and England. We know that homelessness is not inevitable, and we know that together, we can end it.

We provide services directly to people experiencing homelessness, carry out research into the causes and consequences of homelessness, and campaign for the changes needed to end it.

In Wales, our Crisis Skylight South Wales team works across Swansea, Neath and Port Talbot to support people at risk of or currently experiencing homelessness to end their homelessness through housing stability, financial security and employment, good health and wellbeing, and positive relationships and social networks.

About this response

This response has been written by our Wales Policy team, with input from our members with recent lived experience of homelessness and the South Wales Skylight team. To gather this input, we held an in-person workshop for staff and members respectively, and also invited our members to complete a survey.

Introduction

Crisis warmly welcomes this White Paper which proposes a package of world-leading legislative reforms that will ensure we continue our progress towards becoming a nation in which everybody has a safe place to call home, and homelessness is rare, brief and non-recurrent.

Crisis was proud to be invited by Minister Julie James to co-ordinate the [Expert Review Panel](#) which considered how legislative change could help to end homelessness in Wales and informed the writing of the Welsh Government's White Paper. The panel's membership consisted of representatives from local government, housing associations, third sector homelessness and equality organisations and experts from academic and legal fields. Its work involved detailed evaluation of current legislation based on research from across the UK and other nations, engagement with 300 people with lived experience of homelessness in Wales, and consultation with public and third sector professionals in the following fields: housing and homelessness; health and inclusion health; disability/disabled people's rights; social services; children's rights; criminal justice; violence against women, domestic abuse and sexual violence (VAWDASV); housing support for ex-service personnel.

Based on this robust evidence and expertise, the panel concluded that legal reform has a crucial role to play in ending homelessness in Wales. The current systems are not fit for purpose and legislative change is needed to set out new ways of working which are inclusive, trauma-informed, person-centred and focussed on preventing homelessness at

the earliest stage. The panel's [report](#) sets out a package of reforms that facilitate these new ways of working, building upon and cementing the foundations of the current “no one left out” approach to homelessness support. This package was carefully shaped taking onboard and balancing views from across the sector to find workable solutions to widely evidenced barriers and difficulties.

Alongside this proposed package of reforms, the panel was clear that legal change alone will not end homelessness – if we are to become a nation in which homelessness truly is rare, brief and unrepeated, we must see investment in homelessness services and work to increase the supply of housing so that it meets the needs of the population. While it is clear there are current national difficulties in the supply of housing and with constrained budgets, Crisis feels strongly that we cannot allow the current financial difficulty to hold back ambition for progressive and fundamental legal reform in the longer term. The reforms outlined in the White paper are fundamental to the delivery of the Welsh Government's national action plan to end homelessness and many of the key proposals within these reforms are designed to flex in order to be sensitive to the current climate.

The proposals outlined within the White Paper will address the powerful calls for change from people with lived experience of homelessness as well as from professionals working across the public and third sectors. The implementation of the proposed reforms would lead to considerable strides forward, strides which, in the longer-term, would reduce spend as well as demand on homelessness services. Whilst we are currently facing the “toughest financial situation since devolution”¹, we must not lose sight of the fact that this White Paper represents an indispensable opportunity to make a step change in the way that homelessness is prevented and relieved in Wales for decades to come.

We are pleased to see that the Welsh Government has taken on board so many of the recommendations made by the panel. As the proposed changes are shaped further, we hope that the wider recommendations and detail within the panel's report will continue to play a central role in the legislative and policy solutions.

Crisis also has some suggestions that go beyond the current proposals, which we will explore in our responses to the White Paper questions below.

White Paper questions: Crisis responses

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

These bold and progressive proposals represent an indispensable opportunity to make a step change in the way that homelessness is prevented and relieved in Wales. Whilst there is a long journey ahead to develop the detail behind these proposals and see the changes in legislation, policy and practice, we are confident that these proposals will lead to increased prevention and relief of homelessness.

This set of reforms also represents a crucial cornerstone in the realisation of the Welsh Government's plan to end homelessness.

¹ [Welsh Government \(2023\) Written Statement \(2023\) Update about Budget 2023-24.](#)

2. What are your reasons for this?

We know that the statutory homelessness system is not currently working as effectively as it could be to prevent and relieve homelessness. Whilst many people are supported effectively, far too many people are being let down. Many of our Crisis members have faced barriers to ending their homelessness because of the shortcomings of the Housing Wales Act 2014 and how local authorities and registered social landlords² are required to operate within the remits of the current legislation.

One Crisis member said of their experience with local authority Housing Options:

“Totally useless – they refused to do anything for me until my coach advocated on my behalf... Without help of Crisis I would be on the street. [Councils need to] stop turning people away without reason.”

Another member commented:

“...it’s a broken service that doesn’t work”.

These negative experiences are not necessarily a result of the decisions of individuals working on the frontline, but rather a consequence of the legal frameworks within which they are working. The 2018 post-implementation evaluation of the 2014 Act³, the 2021 Homelessness Monitor⁴ and, more recently, the Expert Review Panel’s stakeholder engagement, highlighted that frontline workers are also frustrated with certain aspects of the current legislation which make it difficult to effectively prevent and relieve people’s homelessness. The Homelessness Monitor reported that calls for a revisit of the 2014 Act were widespread amongst key informants. A quote from one key informant reads:

“I think it’s pretty clear that the prevention duties need upgrading and spreading across public services, lengthening the time that people are owed a prevention duty, and that area of lowering the barriers... There’s an opportunity, I think, to take all of the recommendations from the Homelessness Action Group, and make sure everything that requires a legislative change is dealt with now... address all of those barriers, particularly priority need, but also to finish off local connection and intentionality... It’s time to reopen it... That’s not criticising it in any way because it was pioneering at the time.”⁵

At the core of this package of reforms, there are a number of changes that will undoubtedly have a significant positive impact on the prevention of homelessness. For example, the extension of the prevention duty from 56 days to six months, the introduction of cross-public sector duties to prevent homelessness, and the removal of key barriers to support, particularly for groups at heightened risk of homelessness, will be transformative.

² We use the term registered social landlords (RSLs) in this response, but note they are also known as housing associations and community landlords.

³ A. Ahmed, M. Rogers, M. Wilding, A. Gibbons, K. Jones, I. Madoc-Jones (2018) *Post-implementation evaluation of Part 2 of the Housing Act (Wales) 2014: Final Report*.

⁴ Fitzpatrick, S., Pawson, H., Bramley, G., Young, G., Watts, B. & Wood, J. (2021) *The Homelessness Monitor: Wales 2021*. London: Crisis

⁵ Fitzpatrick, S., Pawson, H., Bramley, G., Young, G., Watts, B. & Wood, J. (2021) *The Homelessness Monitor: Wales 2021*. London: Crisis

We are also pleased to see the recognition of the need to abolish current aspects of the law which have been open to interpretation and have caused barriers for many people experiencing homelessness, including for members of Crisis. It is widely evidenced that the priority need and intentionality tests, as well as the ‘failure to co-operate’ clause, are open to interpretation, which is fuelling long-term and cyclical homelessness among some of the most at-risk groups of people.⁶

In addition, the introduction of new legislation to help make social housing more accessible to homeless applicants and to seek services that are more trauma-informed and person-centred are crucial. Across the work of the panel, and indeed feedback from our own Crisis members, we have heard strong calls for services to be more person-centred and transparent in communication – particularly around the process of applying for a social home. Our members told us:

“The staff need and must gain trauma informed training delivered by a lived experienced team. A person-centred trauma informed approach to delivering a successful service that creates real positive changes is critical to service delivery and the clients using them.”

“Keep in contact with us. Treat people as individuals and not see every one as a low life.”

“Updates as to where I am on the housing list. I made my new application last year and they have never contacted me.”

“The last time I was in B&B I was there for 18 months with no support and no contact from housing options.”

Experiencing homelessness is traumatic in and of itself, but the lack of transparency in the system and poor communication can add to the stress. Crisis is pleased to see the adoption of recommendations to require housing services to provide clear, accessible and regular communication with people who are experiencing homelessness.

As outlined throughout this response, the above are just some examples of the numerous proposed reforms outlined within the White Paper that Crisis would welcome.

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

As discussed above, Crisis was proud to play a key role in the Expert Review Panel, and we are confident that implementing the panel recommendations will lead to increased prevention and relief of homelessness. Whilst the White Paper reflects many of the panel recommendations, there are areas of omission/differences, which we feel could strengthen the package of reforms if they were to be added to the Welsh Government’s proposed reforms. For example:

- Confirming the inclusion of education bodies within wider public sector duties (Question 9)
- Private landlord referrals to homelessness services (Questions 9 & 28)

⁶ For example: The Public Services Ombudsman for Wales, (2021). *Homelessness Reviewed: An open door to positive change*.

- Establishing Joint Homeless Boards for oversight of the cross-public sector response to homelessness (Question 11)
- Facilitating Housing Options referrals to mental health services (Question 11)
- Case co-ordination for people requiring support from two or more (as opposed to three or more) public services (Question 12)
- Ensuring that a duty to offer support to help people retain a tenancy and avoid repeated homelessness is not limited to a prescribed period, but rather based on individual need. (Questions 14 & 28)

We also have a number of additional suggestions, beyond those included in the panel report. For example:

- Looking at potential mechanisms in order to work towards the removal of the local connection test in the not-too-distant future (Question 6)
- The introduction of a homelessness regulator (Question 25)

We will further explore these points, amongst others, throughout this document, in response to the most relevant questions as indicated above.

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

Crisis agrees with this proposal; we have long campaigned for the abolition of the priority need test and feel strongly that its abolition is essential to continuing the direction of travel established during the pandemic and the addition of people at risk of street homelessness to the priority need categories.

In 2021 we published a report entitled ‘No One Left Out’⁷ setting out detailed recommendations on what a holistic ‘no one left out’ approach to homelessness entails. This included a call to abolish the priority need, intentionality and local connection tests that exclude people from support because of who they are, how they became homeless or where they live.

Our No-One Left Out research shows that these tests represent significant barriers to support for many people. Being turned away from support as a result of these tests can leave applicants feeling distrustful of homelessness services and hopeless about the possibility of ending their homelessness. People who are not eligible for the main homelessness duty report a negative emotional impact and a deterioration in their health and wellbeing. Many present for support again at a later date, by which time their support needs have worsened.⁸

Through our consultation with members of Crisis, it is apparent that the priority need test leads to people feeling as though councils “*pick and choose who they help,*” and this can be incredibly deflating for those who fall outside of priority need.

⁷ Gwilym-Taylor, R. and Sanders, B. (2021) *No One Left Out: The reality of eligibility barriers for people facing homelessness in Wales*. London: Crisis

⁸ Gwilym-Taylor, R. and Sanders, B. (2021) *No One Left Out: The reality of eligibility barriers for people facing homelessness in Wales*. London: Crisis

Since the publication of the evaluation of the Housing Act (Wales) 2014 in 2018,⁹ there has been growing support for the complete removal of priority need – it was a key recommendation of the Homelessness Action Group in 2020 and the 2021 Wales Homelessness Monitor reported that 15 out of 22 Welsh local authorities favour abolishing the priority need test.¹⁰ One informant contributing to the Homelessness Monitor commented:

“After its ‘suspension’ throughout the Covid-19 crisis, at least with regards to people sleeping rough, and following a Welsh Government funded independent review, the momentum for permanent abolition of the priority need criterion now seems unstoppable.”¹¹

The many reasons why the priority need test is not fit for purpose were reinforced during the Expert Review Panel’s process of research and consultation. The panel concluded that the test goes against the broader preventative nature of the approach towards homelessness support in Wales. Refusing housing support because an individual does not fit into a particular category or is not “vulnerable” enough is likely to result in that individual becoming more vulnerable and their needs becoming more acute. This prolongs a person’s homelessness, leading to a more traumatic experience for the individual, an increase in complexity of need and, subsequently, a more costly support requirements for public services.

The panel also heard that the test is applied inconsistently across Wales because the law and guidance related to the test is open to interpretation. The Welsh Government’s Review of Priority Need in Wales also drew attention to this issue in 2019, highlighting the vulnerability test as a key source of inconsistency.¹² The test is subjective and means that frontline workers are making judgements on vulnerability based on moral grounds and whether or not they believe individuals are deserving of support – this is totally unacceptable.

Beyond those groups who fall outside of priority need categories, there are a number of groups which should be eligible for priority need status, but for whom the test still presents a barrier. For example, while those fleeing domestic abuse technically have priority need, this does not always come to fruition. Indeed, it can be traumatising to disclose abusive experiences and difficult to demonstrate that this is the case, especially if the person has not engaged with police or support services.

As a further example, neurodivergent people and people in distress may present in a way that, despite being vulnerable, does not appear to meet the criteria of a vulnerability assessment, and they may therefore not be classed as priority need.

⁹ A. Ahmed, M. Rogers, M. Wilding, A. Gibbons, K. Jones, I. Madoc-Jones (2018) *Post-implementation evaluation of Part 2 of the Housing Act (Wales) 2014: Final Report*.

¹⁰ Fitzpatrick, S., Pawson, H., Bramley, G., Young, G., Watts, B. & Wood, J. (2021) *The Homelessness Monitor: Wales 2021*. London: Crisis

¹¹ Fitzpatrick, S., Pawson, H., Bramley, G., Young, G., Watts, B. & Wood, J. (2021) *The Homelessness Monitor: Wales 2021*. London: Crisis

¹² Mackie, P.; Gray, T.; Hughes, C.; Madoc-Jones, I.; Moustერი, V.; Pawson, H.; Spyropoulos, N.; Stirling, T.; Taylor, H.; Watts, B. (2019). Review of Priority need in Wales. Cardiff: Welsh Government.

Similarly, there is a lack of clarity about the ‘severity’ of mental health difficulties required to constitute a “special reason” for exemption from the priority need test. This can unfairly exclude people, particularly when their mental ill-health does not include an official diagnosis.

In addition to adverse effects on applicants, the Welsh Government’s Review of Priority Need in Wales drew attention to the “vicarious trauma” experienced by frontline staff required to end a housing duty without having found a solution for that person. Staff reported feeling distressed at having to communicate to the individual that they were unable to help because they were not in priority need.¹³

For all these reasons, we would like to see the priority need test removed as soon as is practically possible. We understand the panel and White Paper approach to hold a lead time prior the abolition of priority need, acknowledging that some local authorities have concerns about how the homelessness system will work without priority need at a time when supply issues are prevalent. It will be important that a clear and absolute date for the introduction of the abolition of the priority need test is set out and that authorities already operating without the priority need test are encouraged to continue to do so in the meantime.

Given the significant barriers priority need presents, the widespread support for its abolition, and that many local authorities say they have been operating without the priority need test since its suspension during the pandemic, we would hope that such a date would not be too far in the distant future. Furthermore, we would also emphasise the importance of learning from Scotland, where many have felt that, in hindsight, the lead time to the abolition of priority need observed in Scotland was longer than necessary.¹⁴

In the meantime, we would emphasise the importance of retaining the interim legislation introduced in 2022 to ensure those who are street homeless are classed as having priority need. Responses to the Homelessness Monitor Wales (2021) survey highlighted that the removal of priority need during the Covid-19 pandemic made it clear that the test presents a particular barrier for people who are sleeping rough. One informant explained:

“...rough sleepers are the group that it failed the most, fails the most, because they are homeless and you’ve only got a duty to take reasonable steps to help them find somewhere, but at that time, you’ve got no duty to temporarily accommodate them, unless you think they’re going to be in priority need.”¹⁹

Rough sleeping is the most acute and dangerous form of homelessness so retaining this interim legislation ahead of introducing the abolition of the priority need test will be important. Since the introduction of this interim legislation, Crisis has heard of instances where councils have delayed support in order to seek evidence that a person is rough

¹³ Mackie, P.; Gray, T.; Hughes, C.; Madoc-Jones, I.; Moustერი, V.; Pawson, H.; Spyropoulos, N.; Stirling, T.; Taylor, H.; Watts, B. (2019). Review of Priority need in Wales. Cardiff: Welsh Government.

¹⁴ See Government Social Research. Dr. Peter Mackie, Tim Gray, Dr. Caroline Hughes, Dr. Iolo Madoc-Jones, Victoria Moustერი, Professor Hal Pawson, Nick Spyropoulos, Tamsin Stirling, Dr. Helen Taylor, Dr. Beth Watts, *Review of Priority Need in Wales*, 2020, pp. 52-53.

sleeping. We would welcome moves to encourage councils against this practice given the significant dangers facing those who sleep rough.

5. Do you agree with our proposal to abolish the intentionality test?

Crisis strongly agrees with this proposal; we have long campaigned for the abolition of the intentionality test. In 2021 we published a report titled 'No One Left Out' as part of our campaign. The report set out detailed recommendations on what a holistic 'no one left out' approach to homelessness entails, which included a call to abolish the priority need, intentionality and local connection tests that currently exclude people from support because of who they are, how they became homeless or where they live.

Crisis feels that the intentionality test is completely contradictory to the trauma-informed 'no-one left out' approach to homelessness that Wales is striving to achieve and that its abolition is an absolute necessity.

This contributor to the Experts by Experience project conducted by Cymorth as part of the Expert Review Panel work exemplifies the need to abolish the test:

"I don't think anyone is making themselves intentionally homeless, why would they. From my experience I did everything in my power to not become homeless but I didn't get the right help."

The evaluation of the Housing Wales Act found evidence of significant variation in the interpretation of intentionality.¹⁵ The majority of local authorities reported that intentionality decisions are a barrier to positive outcomes and some reported that intentionality is used as a means to 'gatekeep' access to services.¹⁶

The Public Services Ombudsman for Wales also raised concerns regarding misuse of the intentionality test, citing examples such as an elderly woman who was classed as "intentionally homeless" after leaving her marital home because her husband was accused of child abuse.¹⁷

Local authorities that contributed to Crisis' No-One Left Out research were in favour of the abolition of the intentionality test for a number of reasons. They were critical of the way in which the tests can blame an individual for their homelessness and suggested that an intentionality decision draws an inaccurate picture of someone's circumstances.¹⁸

The Expert Review Panel's findings echoed the above sentiments. Stakeholders and experts by experience expressed that the intentionality test is not trauma-informed, that it encourages judgement around who is or is not 'deserving' of support and that it is open to

¹⁵ Ahmed, A., Wilding, M., Gibbons, K., Jones, M., Rogers, I. Madoc-Jones M. Wilding, A. Gibbons, K. Jones, M. Rogers, I. Madoc-Jones (2018) Post-implementation evaluation of part 2 of the Housing Act (Wales)

¹⁶ Ahmed, A., Wilding, M., Gibbons, K., Jones, M., Rogers, I. Madoc-Jones M. Wilding, A. Gibbons, K. Jones, M. Rogers, I. Madoc-Jones (2018) Post-implementation evaluation of part 2 of the Housing Act (Wales) 2014: final report, Project Report. Cardiff: Welsh Government.

¹⁷ The Public Services Ombudsman for Wales, (2021) Homelessness Reviewed: an open door to positive change.

¹⁸ Gwilym-Taylor, R. and Sanders, B. (2021) *No One Left Out: The reality of eligibility barriers for people facing homelessness in Wales*. London: Crisis

misapplication. For example, people are often found to be ‘intentionally homeless’ when their support needs have not been met.

Stakeholders also indicated that the test is often utilised informally in discussion with applicants to deter them from taking certain actions. For example, an applicant might be encouraged to stay in an unsuitable property to avoid being considered intentionally homeless.

Furthermore, it is notable that being found to be “intentionally homeless” makes it very difficult for people to find a way to build a life beyond homelessness.

We note that the White Paper takes on board the panel’s recommendation to balance the removal of the intentionality test with a narrower and less punitive manipulation clause relating to social housing allocations, given concerns raised by some that a deterrent is required to discourage manipulation of the system. Crisis believes that this test is indeed far less punitive than the current intentionality test, which can severely hamper a person’s ability to build a life beyond homelessness. However, while this test is less punitive, given the examples seen of misinterpretation and misuse of the current intentionality test, Crisis would still recommend that the use of this clause is monitored to ensure it is being used appropriately (for example, not to encourage people to take up unsuitable accommodation as has been suggested under the current intentionality test).

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.

Crisis has long campaigned for abolition of the local connection test. For many people experiencing homelessness, the local connection test is a barrier to finding a place to live where they feel safe and settled.

Crisis, like many others, consider that the local connection test presents barriers to truly achieving a no-one left out approach to homelessness in Wales, especially considering the wealth of evidence presented to the Expert Review Panel. Contributors to the Experts by Experience project conducted by Cymorth Cymru as part of the panel work commented:

“I think local connection should be removed from the Welsh Law. There are lots of reasons why people may need to relocate. Someone can be in a situation where they need a fresh start, maybe a family breakdown or lack of opportunities.”

“Many people want to move out of area as they have connections to drug use or violence in their local area. The current law does not take this into consideration and people are trapped in a cycle of homelessness due to being unable to move away from their past if they don't have local connection outside their area. It's a ridiculous rule that prevents people from getting the help they need.”

The panel also heard a wealth of evidence to suggest that the local connection test, like many other areas of the law, is being interpreted and applied inconsistently across Wales, resulting in a ‘postcode lottery’ and application of the test without regard to trauma and a

person's unique circumstances. For others, as with priority need, proving their exemption from local connection presented difficulties, for example for those escaping abuse, demonstrating this can be difficult and retraumatising.

Despite widespread acknowledgement across the sector that the local connection test is presenting significant barriers, the panel did not recommend its total abolition due to concerns expressed by local authority stakeholders that this could disproportionately affect housing services in certain areas, which could see increased presentations at an already pressurised time. While Crisis understands this concern, we believe the perceived risk is likely higher than the reality.

Our No One Left Out report¹⁹ explores how those seeking support outside their 'home' local authority typically report two or more motivating influences:

- Push factors such as loss of employment, fleeing danger or persecution, unhelpful 'home' authorities and parole or bail conditions.
- Pull factors include having friends in the area, previous visits to the area and previously being resident in an area.

For these reasons, there is evidence to indicate that people remain in an area where they do not have a local connection, even if they are refused support. As such, retaining local connection is ultimately not in-keeping with ending homelessness.

Given the barriers that local connection presents, we believe that, in addition to moving forward with the proposals outlined in the White Paper to adapt how the local connection test is applied and soften the impact felt by those who are most vulnerable, the Welsh Government should continue to work towards abolition of the local connection test. This should include mapping data to ascertain a greater evidence base for the likely impact on service presentations in Wales should the test be removed; monitoring the ongoing usage of the test; and exploring potential measures that could pave the way for securing wider-spread confidence for moving forward with its abolition in Wales. This might include monitoring developments in Scotland in this area and considering collaborative systems used in other nations such as Germany and Denmark²⁰ As indicated within the panel report, such research to establish an improved and alternative way of working without the local connection clause would help to instil confidence among local housing authorities.

While Crisis would wish to see the abolition of the local connection test, we consider that in the meantime, the proposals within the White Paper would help to soften the impact of the test among vulnerable groups. The proposals to make new groups listed as exempt from the test, recognise non-familial connections in applying the test, and to introduce clearer guidance on what constitutes "special circumstances" are in line with the panel recommendations and are welcome improvements. In addition, we would suggest that refugees and asylum seekers who have been granted leave to remain in the country should

¹⁹ Gwilym-Taylor, R. and Sanders, B. (2021) *No One Left Out: The reality of eligibility barriers for people facing homelessness in Wales*. London: Crisis

²⁰ Crisis recently worked with Patrycja Jasiurska, Master of Social Policy, who carried out research on local connection in Wales as part of her master's degree. We understand she is also responding to this consultation highlighting the findings of her research.

be granted an exemption. We know that this group face particular housing barriers and are likely to struggle to demonstrate a local connection to an area.

Crisis would also take this opportunity to emphasise, given the wide evidence of misapplication, the importance of monitoring for appropriate implementation of the local connection test while it remains in place.

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?

Crisis considers that while these proposals incur costs, they also present a significant opportunity to “invest to save” with the long-term benefits of this transformative programme of legislative reforms representing a fundamental part of the Welsh Government’s wider strategy to end homelessness. Prolonged homelessness is not only traumatic on a personal level, but can also be costly to the public purse as longer-term homelessness often leads to increased and more complex health and support needs. In the long-term, this investment, alongside transition to a rapid rehousing approach and development of housing supply, will not only lead to ground-breaking systemic change, but also to savings across the Welsh public sector as homelessness becomes rare, brief and unrepeated.

While we understand that Wales is currently facing exceptionally challenging budgets in these economically difficult times, it is clear that these changes will make a significant difference for our future.

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?

Crisis agrees with this proposal. In our 2018 plan of ‘how to end homelessness in Great Britain’²¹, we were clear that homelessness cannot be solved through housing alone and that homelessness prevention must become the business of a range of public services. We believe that all Welsh public services must work in a joined-up way across local, regional and national parameters to establish early ‘upstream’ prevention and stop people becoming homeless in the first place. This was also a strong theme across the engagement work of the panel.

Crisis members at our South Wales Skylight reported mixed experiences of multiagency working, with many saying that collaboration and understanding of homelessness among public services was poor. In particular, members reported the need for more joined up working with job centres, probation services and access to mental health services, as well as health services generally. One member said their GP practice told them they could no longer see them when they became homeless because the shelter they were sleeping in was not in the surgery area. Another Crisis member called for:

“An integration of services throughout all sectors including mental health, physical health, addiction services, DV & SV services, police & probation, homelessness, training &

²¹ Downie, M. (2018). *Everybody In: How to end homelessness in Great Britain*. Crisis.

employment, treatment and therapy etc... The treadmill of trauma that is currently available blatantly isn't working."

In England, The Homelessness Reduction Act 2017 introduced a duty on a range of public bodies to refer a person experiencing homelessness to the local authority. Crisis research suggests that this duty is having an overall positive impact in connecting people with homelessness services, but that the duty to refer is too narrow and more could be done to give other organisations a stronger role in preventing homelessness and ensure that wider organisations co-operate with housing services, rather than just refer to them.²²

With this in mind, the Expert Review Panel recommended new legal duties on specified public authorities to identify those who are homeless or at risk of homelessness, and to identify, act, refer and co-operate as is appropriate within their remit. We are pleased to see the sentiments of this reflected in the White Paper, and as plans are developed further, we would be keen to see the word "act" explicitly included as a duty to ensure that all public services are encouraged to act within their own remit to support people at risk of and experiencing homelessness, as well as to refer to and co-operate with any other services that may be needed as part of this cross-sector approach.

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 agree with the proposed list of public bodies that should be subject to a homelessness duty. The list largely reflects the list suggested by the Expert Review Panel, which was proposed based on evidence of which groups are at heightened risk of homelessness and on which services can help to identify risk of homelessness at the earliest stage.

The White Paper outlines the Welsh Government's intention to explore whether education institutions can be included within the wider public sector duties to identify and support people at risk of or experiencing homelessness duty. Crisis considers that ensuring education bodies fall within this duty is important— interventions within education settings can be key to early prevention of homelessness, and particularly youth homelessness.

Crisis also welcomes paragraph 230 of the White Paper, which outlines the Welsh Government's intentions to liaise with the UK Government in seeking to apply these duties to other key bodies under reserved jurisdiction. Bringing these organisations under the proposed new duties would be of great assistance in preventing homelessness among some of the most at-risk groups – including prison leavers. We would also be interested in exploring whether the referral duty could extend beyond public services to PRS landlords. We understand that legislation concerning private landlords has not been proposed in this White Paper due to its alignment with the Renting Homes Wales Act, rather than the Housing Wales Act; however, we feel it is particularly important to emphasise that private landlords, as housing providers, can play a key role in preventing and relieving homelessness. We understand that extending a public duty to private entities presents difficulties, but support the panel's recommendations for ways to achieve this. In particular.

²² Sutton-Hamilton, C., Allard, M., Stroud, R., & Albanese, F. (2022) *Experiences of the Homelessness Reduction Act 2018-2021*. Crisis.

the panel recommended that private landlords should be under an obligation to give notice to the local housing authority when they intend to bring forward a possession claim. This would not need to be onerous for landlords, but rather provide them with a simple process to follow. Crisis believes this would help people to sustain tenancies and prevent homelessness in a way that is beneficial to both landlords and contract holders.

We would also encourage consideration of whether there might be potential for exploring how creditors could be encouraged to make referrals. In Scotland, creditors must notify a local authority when they:

- serve a calling up notice requiring discharge of the debt secured on property
- serve a notice of default calling on a debtor to remedy a default
- apply to court for a warrant to exercise remedies on default
- raise proceedings to eject a proprietor.

We appreciate that looking into such a duty would require careful liaison given the reserved status of banking, but it could assist with preventing homelessness.

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

We know that there are some good examples of operational policy in place that takes a progressive approach towards preventing homelessness across the public sector. However, during stakeholder engagement conducted on behalf of the Expert Review Panel, we heard from professionals that where things are working well it is often due to the personal passion of certain post holders and is not consistent across Wales.

We believe legislation has an important role to play in consolidating existing good practice and ensuring that processes for prevention of homelessness are consistent across all public services in Wales.

We asked Crisis members in a survey: “In your experience, how good are public services in working together to provide support to people who are at risk of or experiencing homelessness?” They could rate the following services ‘very good’, ‘good’, ‘fair’, ‘poor’ or ‘not applicable’: social services, A&E department at the hospital, other department at the hospital, midwife services, GP/doctor, NHS mental health services, probation service, police, prison service, Job Centre Plus, drug and alcohol services.

Feedback on all of these public services was variable, with every single service receiving both positive and negative responses. This shows the inconsistency across public services and the variation within each public service, demonstrating the need for legislation to ensure a more consistent approach across Wales.

With regard to health services in particular, Crisis is pleased to see that the White Paper has adopted the need for legislation around early discharge planning. It is clear that improved connections are required both to facilitate patient flow and to ensure discharge into an appropriate environment where the patient can recover and thrive.

It will be important that mechanisms to facilitate this are developed through wide consultation, including with health workers on the frontline.

We often hear of cases whereby people who are experiencing homelessness find it difficult to access health care for physical, mental health and addiction needs. Left unaddressed, these health issues can worsen or even prolong a person's homelessness. Crisis is keen that the Welsh Government looks to secure improved referral pathways into healthcare for those experiencing homelessness – whether through legislation or otherwise.

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 measures which will need to be in place for the proposed public service duties to work as effectively as possible.

System design

There should be extensive consultation with professionals working within each of the named public bodies to understand how these duties should work in practice. It is unlikely that a 'one size fits all' system for joint working between all public services and housing services would be effective, and instead it would be beneficial to consult on how to design a nuanced, tailored approach to joint working for each public service but with commonalities.

When designing the systems needed to make these duties a success, we would suggest learning from good practice that already exists across Wales and beyond. Extensive research has been carried out on multi-disciplinary working within health settings and learnings from this work can be extended to apply to a cross-sector response to homelessness.

In regard to links between homelessness and health, particularly in secondary care, it would be useful to consult with Cardiff and Vale Health Inclusion Service (CAVHIS), and Pathway, the UK's leading homeless healthcare charity. In primary care, lessons could be learnt from the successful rollout of IRIS, the specialist domestic violence and abuse training, support and referral programme for General Practices that has been implemented in 6 out of 7 health board in Wales.

Beyond health, Crisis' Critical Time Intervention team could assist in advising on strengthening links between homelessness and prison and probation services, and if the duties are to be extended to education, it would be advisable to consult Upstream Cymru.

In designing mechanisms for referral, technological infrastructure needs to enable public service professionals to follow the procedures in a simple way. It would be useful to learn from the referral system used by Cardiff and Vale Health Inclusion Service.

Culture and awareness raising

In order for the public service response to homelessness to be transformed, there must be greater awareness about the causes and consequences of homelessness and about psychologically informed environments, alongside the new duties.

To create a collaborative and cohesive joint working model, there needs to be a culture of understanding and respect of the expertise of other services.

It would also be worth exploring how public services could use consistent definitions of words and phrases used across the sector. We have heard from public service professionals that the terms ‘wellbeing’ and ‘mental health’ are used in different ways by different services and this leads to confusion.

These changes in culture will need to be achieved through comprehensive training and leaders taking accountability for ensuring that the training is reflected in practice.

Oversight and leadership

Research by Pathway and Crisis highlights that a shortcoming of the Duty to Refer in hospital settings in England is a lack of effective governance, oversight, and accountability at both local and national level.²³

The Expert Review Panel recommended the introduction of new Joint Homelessness Boards, which would help to monitor whether services are working collaboratively to resolve homelessness, discuss complex cases, share existing good practice, and investigate where there are incidents of a serious nature. Crisis is pleased that the Welsh Government supports the principle of this recommendation and understands the position outlined in the White Paper, which is to explore how existing partnership functions or boards might be able to deliver these policy aims in line with recommendation 1 in the Welsh Government’s recent Review of Strategic Partnerships. However, we are aware that existing Regional Partnership Boards do not currently provide adequate space for detailed planning of support for those experiencing or at risk of homelessness.

To facilitate effective oversight within health settings, we would also welcome further consideration of the panel’s recommendation on identifying homelessness leads in each health board.

Crisis also welcomes the reference within the White Paper to exploring how relevant inspectorate bodies can take account of these new duties, which will assist with accountability.

Communication and information sharing

We asked Crisis members how working across public services could be improved and a key theme was improvement of communication and information sharing between public services:

“Communication is key and needs to be improved.”

“I think doctors and the job centre should be more effective when passing information on to housing options so they can process peoples applications more fairly”

²³ Page, E. and Hicks, C. (2023) *Beyond the Ward – Exploring the Duty to Refer in Hospital Settings*. Pathway and Crisis.

Often, homelessness applicants have to take on the responsibility of chasing their medical records for use as part of their homelessness/housing application. Better communication between services would prevent the burden falling to the applicant, as suggested by one Crisis member:

“They [Housing Options] should work closer with medical/ health staff to get medical evidence.”

Referral to mental health

A recommendation of the Expert Review Panel was that local housing authorities and support workers are added to the list of agencies able to make a direct referral for an assessment with Local Primary Mental Health Support Services, as is outlined within section 6 of the Mental Health (Wales) Measure 2010. Crisis feels that the implementation of this recommendation would make for more seamless collaborative working between housing teams and mental health teams and would reduce confusion and waiting times for people experiencing homelessness and mental ill-health.

Co-location and co-funding

During the Expert Review Panel stakeholder engagement, stakeholders raised that a key enabler of joint working between different services is the co-location and of co-funding of services. We suggest that more work is done to consider how this might be achieved in this context.

We appreciate the White Paper’s commitment to consider possible co-funding of multi-disciplinary homelessness and housing support teams with dedicated mental health expertise, co-location of services, or pathways that enable swift access to NHS mental health services for people experiencing or at risk of homelessness. This would certainly assist with collaboration across some of the key services accessed by people experiencing homelessness and would complement the ethos behind the new public sector duties.

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?

People with lived experience make it clear that the law as it stands is not resulting in the cross-sector multi-agency response to homelessness that is needed.

We believe that a case-coordination approach with a clear professional lead is needed where people have complex support needs. Collaborative and preventative working should reduce workload and ensure that the service equipped with the expertise most suited to meeting the individual’s needs takes the lead in meeting those specific needs. Further consideration and consultation will be needed to develop procedures for determining who the lead professional is, how they are identified and how this should operate.

The panel heard many cases where people requiring support from more than one public service were “ping-ponged” between different services, with no service assuming a lead on their support. This often meant that people who had experienced trauma were at risk of re-traumatisation as they had to repeatedly share the same details of their history, current situation and support needs with multiple professionals.

Crisis is pleased that the White Paper recognises the need for case co-ordination but urges the Welsh Government to reconsider the suggestion that this approach is only used when an individual requires input from three public services, as opposed to two services as recommended by the Expert Review Panel.

We are concerned that requiring input from three services to warrant a case co-ordination approach will exclude a significant number of people, and potentially exclude those most in need of this approach. Some Crisis members do not engage with certain services due to a lack of trust and/or because of a difficult experience with the service in the past. The higher the complexity of needs, the more likely this is to be the case, so the need for three services could exclude these members most in need of this coordinated approach.

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?

While these proposals incur costs, these short-term costs are justified by the long-term benefits of this transformative programme of legislative reforms and the Welsh Government’s wider strategy to end homelessness. In the long-term, this investment, alongside transition to a rapid rehousing approach and development of housing supply, will not only lead to ground-breaking systemic change, but also to savings across the Welsh public sector as homelessness becomes rare, brief and unrepeated.

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 consider that the groups identified are the main groups disproportionately impacted by homelessness. However, we would note that the lack of women’s prison in Wales means that women leaving prison in England attempting to return to live in Wales face some barriers in accessing housing, and the extent to which they are at risk of homelessness should be explored further.

We would also note here the difference between care-experienced people and care leavers. The term care-experienced people, includes both those that have recently left care as well as those who left care some time ago. The term acknowledges that people who have experienced care can be disproportionately at risk of homelessness throughout their lives, for example, as they often do not have relations to assist with financial support. We are pleased this broader term is widely used within the White Paper. However, the section on

social housing allocations does not include the wider group of care-experienced people – we will address this further in response to Questions 15 and 21.

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

Disabled people

We support the White Paper's proposal that local authorities in Wales are legally required to hold an accessible housing register and undertake a regular review of the accessible accommodation within their stock. As detail is developed around this proposal, we would encourage recognition of the fact that 'accessible' is not a catch all term and disabled people are not a homogenous group. A property that is accessible to one disabled person may not be accessible to another. Accessible housing registers must contain detail about which features of the property are considered accessible so as to appropriately match an individual to a property accessible to them.

Care experienced people

Care-experienced people are disproportionately at risk of homelessness. We are pleased this is widely acknowledged within the White Paper; however, we do worry that certain proposals are only applied to care leavers, rather than to the wider cohort of care-experienced people. For example, the recommendation on social housing allocations refers to care leavers rather than care experienced people. Furthermore, this proposal differs from the recommendation of the panel since it implies that care leavers who are experiencing homelessness should be provided with additional preference over other homeless applicants. We believe that instead, as identified in the panel recommendations, care experienced people (i.e. not just care leavers and not just those experiencing homelessness) should form a new sixth group to be afforded reasonable preference in social housing allocations, given that this group is at heightened risk of homelessness. We note that the Senedd Children, Young People and Education Committee has also made this point in its response to the White Paper.²⁴

Additionally, we do not think the proposals around corporate parenting go far enough to ensure that people leaving care are supported and that their case is not being passed between social services and housing services.

Victims and survivors of VAWDASV

The White Paper states that the Welsh Government will consider running Ask and Act training for registered social landlords. As per the Expert Review Panel recommendation, Crisis proposes that local authority housing officers also receive training on "Ask and Act."

People with NRPF

²⁴ [Letter from the Chair of the Children Young People and Education Committee to the Minister for Clim.pdf \(senedd.wales\)](#)

Crisis considers that the White Paper's proposals around homelessness support for people with no recourse to public funds (NRPF) are not as strong as the recommendations from the Expert Review Panel in this area.

Whilst we understand that the Welsh Government holds limited powers in relation to reserved policy issues, we feel particularly strongly that the Welsh Government should make representations to the UK Home Office that survivors of domestic abuse who are subject to NRPF should be eligible for homelessness assistance.

Gypsies, Roma and Travellers

With regard to preventing homelessness for Gypsies, Roma and Travellers, the Expert Review Panel recommended that the Welsh Government provides clarity on its preferred approach to utilising powers under the Police, Crime, Sentencing and Courts Act 2022 to require those from travelling communities (Gypsy, Roma or Travellers) to leave land. If used by police forces, this legislation has significant impact for travellers who live in a vehicle and would be homeless without a site to park upon. If these powers are being utilised, the Welsh Government should act to ensure those who are asked to leave land under this Act are promptly offered interim and culturally appropriate accommodation. This will include working to ensure that appropriate sites are available and Gypsy and Traveller Accommodation Assessments (GTTAs) are being effectively implemented. It could also include working with representatives to consider other approaches, such as "negotiated stopping,"²⁵ – this approach helps to identify areas of land which can be used as temporary stopping places and was recently used in Leeds.

People with multiple and complex needs

Crisis advises that the Welsh Government give further consideration to better defining roles and responsibilities between health/social care and housing, given that many stakeholders site this as an area of difficulty.

As mentioned above, we would like to reiterate here that the Welsh Government should reconsider the suggestion that the case co-ordination approach for people with multiple and complex needs is only used when an individual requires input from three public services, as opposed to two services as recommended by the Expert Review Panel.

Another key recommendation of the panel was that local housing authorities and support workers are added to the list of agencies able to make a direct referral for an assessment with Local Primary Mental Health Support Services, as is outlined within section 6 of the Mental Health (Wales) Measure 2010. Crisis feels that the implementation of this recommendation would make for more seamless collaborative working between housing teams and mental health teams and would reduce confusion and waiting times for people experiencing homelessness and mental ill-health.

Prison leavers

²⁵ <https://www.negotiatedstopping.co.uk/>

Crisis is pleased to see a number of the Expert Review Panel's recommendations around supporting prison leavers reflected in the White Paper, including the commitment to review the National Pathway for Homelessness Services to Children, Young People and Adults Leaving the Secure Estate. However, there are a number of recommendations made by the panel in this area, which are not reflected, which Crisis would have welcomed. These include:

- That statutory guidance provides that, where there are valid reasons for not being able to place a prison leaver on an allocation list in a particular area (such as restrictions given the offence or proximity to a victim of domestic abuse), local authorities should refer the prisoner to an appropriate area. This should include robust conditions and a recognised arbitration process.
- That guidance provides that local housing authorities may utilise the power at Section 167(2E) Housing Act 1996, whereby particular housing accommodation can be reserved to people of a particular description, to prioritise suitable accommodation for prison leavers who have restrictions around the accommodation they are allowed to occupy.
- That guidance accompanying Part 6 of the Social Services and Well-being (Wales) Act 2014 highlights the need for a Care and Support Plan to plan for suitable accommodation well in advance of the expected release date.

Duty to support to retain a tenancy

Crisis is pleased that the White Paper takes on board the Expert Review Panel recommendation to introduce a new duty for local authorities to offer support to help a person retain their accommodation after the housing duty has ended. However, we would urge that consideration is given to the length of time for which this duty remains in place. We would suggest that the timeframe should be flexible, and the process to decide the duration of this duty is tailored to the needs of each individual, rather than limited to a set deadline of 12 months as set out in the White Paper.

Whilst some people may not need this support for as long as 12 months, others may benefit from support beyond 12 months, particularly given that after 12 months of a private occupation contract, it is then possible for a landlord to serve a no-fault eviction notice under the Renting Homes Wales Act. Therefore, making the timeframe more flexible to an individual's needs will allow housing support teams to deliver a more person-centred approach to support and divert resources to those who need them.

Given that the groups outlined above are at a heightened risk of homelessness, they may require support to retain their tenancy for an extended period of time, and their status as part of an at-risk group should be taken into consideration when determining the length of time for which this duty continues.

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?

There is currently a lack of clarity over whether social services or housing services have lead responsibility for young homeless people, and this is causing and prolonging homelessness. A Crisis member shared the following experience:

“I was in care until the age of 16 and they did not help me to find any accommodation after this and the only place they did find me was unsuitable and I suffered physical abuse there. They also burned all my belongings. I think that when you become too old to be in care they should definitely help me to find suitable housing and help me to learn how to manage a tenancy.”

Case law provides that if a homeless 16- or 17-year-old applies to a housing authority, then they should be referred to social services for an assessment of their needs under what is now Section 21 of the Social Services and Well-being (Wales) Act 2014. However, this does not appear to be reflected in practice.

The Senedd Children, Young People and Education Committee and End Youth Homelessness Cymru also call for improved transition from child to adult services, with a report from End Youth Homelessness Cymru (EYHC)²⁶ also highlights “failed transitions between institutions” as a contributor to homelessness.

A care-experienced person with lived experience of homelessness quoted the EYHC report explains: *“You’ve got social services saying: ‘they are not my (responsibility), I don’t look after them anymore - they are 18, that’s housing.’ Then housing go ‘well they are 17 they are not ours yet’. So you’ve got the battle (within) the council of who looks after (that young person).”*

Whilst an individual is being ‘ping-ponged’ between different services they are having to live without support, and it is likely that their situation could worsen and their needs could become more acute. Clarification of responsibilities of housing and social services would prevent this.

Crisis suggests that it may also be pertinent to review the approach to safeguarding in this area to ensure that current transitional procedures are not inflicting additional trauma on this group of young people.

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 explored above, barriers to effective joint working between social services and local housing authorities means that young people are often ‘ping-ponged’ between the two services. This means that they are living without support and it is likely that their situation

²⁶ End Youth Homelessness Cymru (2020) *Don’t Let Me Fall Through the Cracks: Homelessness amongst Care-Experienced Young People in Wales.*

could worsen and their needs could become more acute. We would welcome further work in this area to better understand the barriers to joint working between social services and local housing authorities.

Considering our engagement with stakeholders working with professionals who are supporting young people to access support, Crisis agrees with the Senedd's Children, Young People and Education Committee calls for changes to the 'When I am Ready' programme to address disincentives within the foster care system to continue hosting young people beyond their 18th birthday.

Corporate parents need to ensure care leavers' financial capabilities are developed through the pathway planning process and support is given to them from professionals to prepare for financial independence. Every local authority, as a corporate parent, should ensure that their young people have the opportunity to develop these skills while in care.²⁷

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?

There are many reasons that people under 18-years-old may need to live independently of their parents or carers. Whilst we understand that the inability of 16- and 17-year-olds to hold occupation contracts is a barrier to accessing housing for these people, we think more research is needed to establish whether or not this amendment would be the most appropriate solution to the problem. This research should include engagement with 16- and 17-year-olds who have experience of homelessness as well as private landlords. We would also advise that the Welsh Government engages with stakeholders in Scotland, where it is already legally possible for 16- and 17-year-olds to access tenancies.

Our suggestion of conducting more research is fuelled by a number of concerns around allowing 16- and 17-year-olds to hold occupation contracts.

Firstly, we are unsure as to whether such an amendment to the Renting Homes Act would be compatible with other relevant legislation, such as land law and contract law. This leads us to further concerns that an occupation contract holder under 18 may not be able to access contracts for utilities including gas and electricity, mobile phones and Wi-Fi, and their tenancy would then be at high risk of failure.

In a similar vein, we wonder whether it would be feasible for a 16- or 17-year-old to be able to afford rent in the current housing climate, especially given that young people receive reduced welfare benefit entitlements, have a lower minimum wage, and can face discrimination in the labour markets.

For these reasons, we worry that 16- or 17-year-olds are at high risk of tenancy failure, and this could have negative impacts for them accessing tenancies later on in their life. If this amendment were to go ahead, there would need to be a structured programme of support in place to ensure that the young person is provided with the skills needed to retain a tenancy – young people often need a considerable amount of support when transitioning to living independently. We would also like to see consideration of protections for these young

²⁷ End Youth Homelessness Cymru (2020) *Don't Let Me Fall Through the Cracks: Homelessness amongst Care-Experienced Young People in Wales*.

people against long-lasting impact of aspects of tenancy failure such as rent arrears and other debt.

Given the current confusion between responsibilities of housing services and social services, a further point for consideration is how introducing the ability for a 16- or 17-year-old to hold an occupation contract might impact upon social services' involvement in a case. It would be important to consider improved interdepartmental working in conjunction with this proposal.

Finally, if this amendment were to go ahead, we wonder whether landlords would be likely to let to 16- or 17-year-olds. According to contract law, people under 18 can void a contract at any point before they turn 18 without providing a reason. Alongside the risks of tenancy failure already highlighted, we would anticipate that some private landlords may not view 16- and 17-year-olds as feasible tenants for this reason. We already know that certain private landlords discriminate against potential tenants based on their age, ethnicity, sexual orientation, and disability, so it is likely 16- or 17-year-olds will struggle to access housing even with this amendment to the law.

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?

Although these proposals incur costs, these short-term costs are justified by the long-term benefits of this transformative programme of legislative reforms and the Welsh Government's wider strategy to end homelessness. In the long-term, this investment, alongside transition to a rapid rehousing approach and development of housing supply, will not only lead to ground-breaking systemic change, but also to savings across the Welsh public sector as homelessness becomes rare, brief and unrepeatable.

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 the short-term proposals to increase the suitability of temporary accommodation and consider the baseline standards set out within the White Paper to be important ones. The poor conditions of both temporary and settled accommodation that our Crisis members experience are unacceptable and must be improved.

"The only thing that housing options managed to do was provide temporary accommodation however the accommodation is well below living standard. Checks need to be made regularly and more security needs to be provided due to constant anti-social behaviour which impacts the well-being of vulnerable people."

We particularly welcome the proposals around the location of accommodation offers as we know that being moved to accommodation in a new area can cause serious problems for people experiencing homelessness. A Crisis member commented:

“[Housing Options need to stop] Moving people outside of area so you are far away from people you know and important services such as doctors and dentists.”

We support the White Paper’s proposal to amend the Code of Guidance to make clear that “individuals and households [...] should not be placed in accommodation with no access to at least shared laundry and cooking facilities and free or affordable Wi-Fi.” However, we suggest extending this proposal to state that if these facilities are not available within accommodation and a household incurs additional costs as a result, for example, by using launderettes or having to order pre-prepared or takeaway food, there should be a mechanism whereby a local housing authority refunds these additional costs.

One standard recommended by the Expert Review Panel but not included in the White Paper is that any accommodation deemed suitable should allow residents access at all times of the day and night. Whilst the White Paper alludes to this in proposals on temporary accommodation, we felt it was important to note that this is important for settled accommodation too. Free access to accommodation makes it easier for people to live autonomously, with dignity and control over their lifestyle.

A Crisis member noted: *“We’re adults, if we want to come in at 10 or 11 at night then we should be able to.”*

Key to the success of any new suitability standards is providing an effective framework for enforcement of these standards. Crisis members tell of instances where Housing Options say they have checked the accommodation and that it is suitable, only for them to move in and discover it is totally unsuitable, with no hot water, cooking facilities or laundry facilities, or demonstrating health and safety issues. One Crisis member called for a clearer responsibility on local authorities to monitor standards of temporary accommodation, saying of Housing Options teams:

“They need to ensure that all BnBs are maintained properly so that vulnerable people can feel safe and secure.”

We are pleased to see the White Paper reflecting the panel’s observation that improved suitability standards must be supported by work to increase housing supply, as prescribed by the Ending Homelessness National Advisory Board.²⁸ We understand that the standards set out in the White Paper are modest due to current undersupply of appropriate housing, but as outlined in the panel and White Paper, it is important that these baseline standards are raised to match ambition as supply allows. We must not forget that these standards should be seen as temporary and that stronger standards need to be implemented in the near future. In order to maintain this drive for improved supply and standards, it will be imperative that the Welsh Government continues to set targets for housing supply and, as outlined in the White Paper, review at regular three yearly intervals whether it is possible to further raise baseline suitability standards as supply increases. It will be important to align work in this area with the Welsh Government’s work in the remit of the Green Paper on adequate housing.

²⁸ *Ending Homelessness National Advisory Board: Annual Report to Welsh Ministers 2022-23*

In addition, Crisis is pleased to see that the White Paper reflects recommendations within the panel report for suitability of accommodation to consider an individual's needs and circumstances. It is clear that Personal Housing Plans are used inconsistently and often do not reflect a person-centred approach. It will be imperative that, as the Welsh Government takes these proposals forward, it works with people with lived experience of homelessness to identify what information should be included in a statutory Personal Housing Plan and to ensure that suitability in relation to the individual's needs is clearly covered.

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 need

We agree with the proposals to allow local authorities to prioritise allocations to homeless households and remove people with no housing need from allocation schemes. We feel the proposals reflect that homeless groups should be prioritised and give flexibility for times of heightened demand, while also being cognisant of the fact that there are other in need groups too.

As these proposals are developed, it will be crucial to ensure that more detail is provided on the definition of housing need. The definition must leave room for nuance in order for it to be inclusive of all the people it is aiming to protect, but must not be so broad that its very existence becomes futile. It will also be important that this prioritisation mechanism is monitored to ensure the definition is being applied consistently and fairly across different RSLs.

Local authority nominations to housing associations

Crisis particularly welcomes the White Paper's proposal of a new legislative provision which will provide local authorities with a new power where RSLs unreasonably refuse a referral from a local housing authority. We anticipate that the very existence of this power will help to shift the dial where collaborative working has not been effective.

Research suggests that housing associations in Wales hold the lowest proportion of allocations to homeless households across the jurisdictions of Great Britain.²⁹ While there are areas of good practice within Wales, we believe that this is an effective way to ensure that housing associations across Wales more consistently act as a key contributor to ending homelessness in Wales.

During the COVID-19 pandemic, some RSLs worked with local authorities to increase their percentage of nomination to homeless households. Crisis has heard from local authorities that this made a significant difference to the numbers of people having to go into temporary accommodation as they were able to access secure housing at the earliest opportunity.

Deliberate manipulation test

²⁹ B. Watts, G. Bramley, S. Fitzpatrick, L. McMordie, H. Pawson, G. Young (2022) *The homelessness monitor: Great Britain 2022*.

While this test is not something that Crisis would have called for, we understand the Welsh Government's decision to implement a test to address concerns that individuals will deliberately manipulate the homelessness system for the purposes of gaining priority access to social housing and this proposal is reflected from the panel recommendation. As a test created with a very small number of people in mind, it is imperative that the use of such a test must be carefully administered and closely monitored. We need to ensure that its use is trauma-informed and person-centred, and that it is not used to discourage individuals from applying for homelessness support.

There must also be an appropriate mechanism for appeal if an individual is subject to sanctions as a result of this test.

Care experienced people

Care-experienced people are disproportionately at risk of homelessness. We are pleased this is widely acknowledged within the White Paper; however, the recommendation on social housing allocations refers to care leavers, rather than the wider group of care-experienced people.

In addition, we note that while the Expert Review Panel recommended that care experienced people should form a sixth group of people entitled to reasonable preference in housing allocations, the White Paper instead talks about care leavers who are homeless having additional preference above other people who are experiencing homelessness. These are distinctly different proposals, with the panel recommendation more focused on homelessness prevention for an at-risk group. We would welcome reconsideration of the panel's recommendation, given the heightened vulnerability of this group to experience homelessness. We also note that the Children, Young People and Education Committee is also endorsing this recommendation.³⁰

Prison leavers

There are two Expert Review Panel recommendations relevant to social allocations and prison leavers which are not reflected in the White Paper. Crisis would suggest further consideration of these recommendations:

- That statutory guidance provides that, where there are valid reasons for not being able to place a prison leaver on an allocation list in a particular area (such as restrictions given the offence or proximity to a victim of domestic abuse), local authorities should refer the prisoner to an appropriate area. This should include robust conditions and a recognised arbitration process.
- That guidance provides that local housing authorities may utilise the power at Section 167(2E) Housing Act 1996, whereby particular housing accommodation can be reserved to people of a particular description, to prioritise suitable

³⁰ See

<https://business.senedd.wales/documents/s143789/Letter%20from%20the%20Chair%20of%20the%20Children%20Young%20People%20and%20Education%20Committee%20to%20the%20Minister%20for%20Clim.pdf>

accommodation for prison leavers who have restrictions around the accommodation they are allowed to occupy.

Local connection

Crisis suggests that the following Expert Review Panel recommendation with regard to local connection and social allocations in adopted by the Welsh Government:

That guidance outlines that, where local connection is a criterion for determining priorities within the allocation scheme: a. “Local connection” should specifically refer to the whole of the local connection criteria at Section 81 Housing (Wales) Act 2014 (including any groups specified as exempt from the local connection referrals (see recommendation 9 on local connection under the Section on the legal tests); and b. Where “residence” is used as a means of obtaining a local connection, the period of residence required in order to amount to a local connection should be specified in the allocation scheme.

Challenging allocations decisions

The White Paper states that if the proposed changes to social allocations are taken into draft legislation the Welsh Government ‘will also explore whether it is appropriate and workable to develop a mechanism or process through which an applicant may challenge a decision on allocation of social housing by a local authority or RSLs.’ Crisis believes that an individual’s access to challenge decisions is essential and would therefore urge the Welsh Government commit to developing this mechanism, rather than to exploring whether or not it is possible. As per the Expert Review Panel’s recommendation, this mechanism should not be dependent on an applicant’s eligibility for Legal Aid funding.

Local Lettings Policies

The White Paper notes that local authorities have a legal right to include a local lettings policy within their allocation scheme. We hear from our members that these policies can be very restrictive, and we would welcome stronger guidance to ensure that they are not preventing people experiencing homelessness from accessing social housing. For example, we would particularly welcome guidance which bans blanket no-pet clauses.

One of our members commented that councils should:

“...make it easier for people with support animals to rent...change the law so that landlords can no longer refuse anyone with a support animal...”

Further research

Social housing allocations remains a complex policy area and we support the Expert Review Panel recommendation which advises that the Welsh Government should continue to extend the research in this area. It will be important to explore the questions raised by the recently commissioned allocations research to understand the long-term role social housing can play in the wider national approach to ending homelessness in Wales. This research

should highlight existing good practice and consider how allocations generally might work more effectively.

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?

Crisis agrees that there should be an increased range of housing options through which the main homelessness duty can come to an end and see this as especially important if the relief duty is to be removed.

Whilst the 'standard' options for rehousing should continue to be the first consideration for an applicant, we believe that having a greater range of potential rehousing options may assist in finding the most appropriate and person-centred solution.

A crucial caveat to this is that there needs to be careful implementation of safeguards to ensure that applicants are protected and that this increased flexibility for local authorities is used appropriately. We are pleased to see most of the panel's recommended safeguards outlined within the White Paper and it will be of utmost importance that these are retained as the White Paper progresses into draft legislation.

As per the Expert Review Panel's recommendations, safeguards should include ensuring applicants have written agreements in place, are fully aware of their rights and are offered independent housing advice prior to taking 'additional option' accommodation.

A further important safeguard is for the applicant to have a fast-track pathway back into the homelessness system. We agree with the proposal that, if it appears to the local housing authority the accommodation is no longer available to the applicant (or to all members of their household) or is no longer suitable, then the local housing authority should assist the applicant to make a new application for homelessness assistance (section 62(1) HWA 2014). However, we would add that this application should be expedited.

Once implemented, it will be vital that data is collected to understand how this legislative change works in practice and to ensure that it is being used in a safe and appropriate way. Guidance should advise that local housing authorities should monitor their use of "additional options" accommodation, maintaining records on the numbers of offers made and accepted, the type of accommodation, the characteristics of the applicant and why it was appropriate to end the duty with this option. The Welsh Government should maintain oversight of these records and routinely review the use of this method of ending the main homelessness duty.

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?

Although these proposals incur costs, these short-term costs are justified by the long-term benefits of this transformative programme of legislative reforms and the Welsh Government's wider strategy to end homelessness. In the long-term, this investment, alongside transition to a rapid rehousing approach and development of housing supply, will

not only lead to ground-breaking systemic change, but also to savings across the Welsh public sector as homelessness becomes rare, brief and unrepeated.

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

As co-ordinators of the Expert Review Panel, Crisis was struck by the consistent feedback from all corners around misapplication of the current law. While it is imperative that the law outlines the key principles, standards and guidelines under which public services must operate, it is also important to secure implementation and enforcement of the reforms.

To this end, Crisis is pleased to see the White Paper acknowledging and committing to the need to improve data collation across homelessness services. Again, this was a persistent theme across the engagement work conducted by the panel. While there is a need more generally to improve data collation across the sector, as identified throughout this response, there are key areas where data collation should form an important part of monitoring whether reforms have been sufficiently effective or whether further action is required. For example, in monitoring local connection, the use of additional housing options, and the application of the deliberate manipulation test, as well as determining when supply is sufficient to allow for improved suitability standards.

Similarly, it is positive to see commitments within the White Paper around ensuring there is clearer information for applicants on their rights of redress, improving and clarifying guidance for a more consistent approach and committing to a review of local authority housing services. Crisis will be keen to ascertain the details of such a review.

Furthermore, we are pleased to see that the White Paper takes onboard the panel's recommendation to look at how inspectorates of other public service bodies can take account of the proposed new duties to identify, refer and co-operate where a person is at risk of homelessness.

In spite of these positive areas, Crisis does consider that more could and should be done to ensure effective implementation of these very important reforms – as is outlined below in response to question 25.

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?

In order for changes to legislation to result in improved outcomes for people experiencing homelessness, it is imperative that the changes are implemented and enforced effectively.

Crisis does not feel that the package of proposals in its current form goes far enough in terms of measures to ensure the law is enforced.

We know that enforcement of the law has been one of the barriers to the success of the 2014 Act and we must prevent this from becoming the case with a new Homelessness Act. Therefore, we feel that there needs to be more stringent monitoring in place to ensure that statutory homelessness services and registered social landlords are complying with the law.

Regulation of homelessness services and registered social landlords

Crisis believes that a regulator should be introduced to monitor the activities of statutory homelessness services and social landlords.

In 2021, the Public Services Ombudsman's report on its investigation into Welsh local authorities' homelessness services concluded that the Welsh Government should "improve and standardise the homelessness service across Wales by considering the creation of a Housing/Homelessness Regulator role to support and provide information and guidance to local authorities."³¹ Following an inquiry in 2022, the Senedd Local Government and Housing Committee also reported that it is supportive of establishing a homelessness regulator.³²

Whilst Expert Review Panel members were not able to reach a consensus in this area, the Public Services Ombudsman's recent report³³ reiterates the need for a regulator of homelessness services and Crisis agrees with this call.

Whilst we understand that local authority homelessness services are under significant pressure and operating with limited resources, the fact remains that they must be held accountable for the services they are providing and the impact this has on people's lives.

We also think that there is scope for including homelessness within the Regulatory Framework for Housing Associations in Wales to help bring more consistency to the ways in which RSLs contribute to ending homelessness. For example, this should cover allocations to homeless households, working relationships with Housing Options, engagement with the Regional Homeless Board, prevention of evictions into homelessness, and contribution to the provision of housing-related support, supported accommodation and Housing First where relevant and appropriate.

Crisis would also like to see the following panel recommendations taken forward in this area. These include:

- The Welsh Government should work with stakeholders to develop a new Housing Management Standard that takes a trauma informed approach to anti-social behaviour and sustaining tenancies, whilst also providing a broader overview on homelessness prevention.
- A regular auditing cycle of local housing authority functions should be established, with audits being conducted either by Welsh Government, Audit Wales or by peer review.

Individual rights to advice, review and redress

We hear from our members that it can be very intimidating to make a complaint or request reviews and that many people feel powerless to do so. It is therefore important that they are empowered to exercise their rights to advice, review and redress through multiple avenues.

³¹ Ombudsman Wales (2023). *Homelessness Reviewed: an open door for positive change*.

³² Welsh Parliament Local Government and Housing Committee (2023) [Homelessness \(senedd.wales\)](https://www.senedd.wales).

³³ Ombudsman Wales (2023). *Homelessness Reviewed: an open door for positive change*.

Whilst the section on PHPs offers a number of proposals to strengthen applicants' rights to review the handling of their application and the suitability of their accommodation, there are a number of additional Expert Review Panel recommendations in this space that we think should be considered.

The following is a list of recommendations from the panel report which we would like to see implemented:

- That local housing authorities work regionally where necessary to help ensure that there is availability of officers who are independent of a case to undertake a review.
- That the Welsh Government works with legal advocates and local housing authorities to produce guidance for best practice in resolution of disputes.
- That the Welsh Government acknowledges the limitations in availability of legal representation to homelessness applicants in Wales and considers how this could be reinforced. The Welsh Government should continue to ensure there are sufficient resources to provide Wales-wide access to independent legal representation.
- That access to debt and welfare advice is available to all homelessness applicants falling outside the scope of the Housing Loss Prevention Advice Service.
- That local housing authorities should provide independent housing advice, where a person needs to challenge the legality of a homelessness decision. Local authorities should be appropriately resourced to fund and provide independent housing advice.
- That the Welsh Government liaises with the UK Government to ensure that Legal Aid is available to applicants in Wales who are threatened with homelessness within the new timeframe of six months, rather than the current 56 days, under Legal Aid, Sentencing & Punishment of Offenders Act 2012 Schedule 1 Paragraph 34.

Lived experience views

Crisis knows from experience that the views of people with lived experience of homelessness are invaluable when seeking to understand how effectively a service is operating and how a service could be improved.

A Crisis member highlights the importance of this:

“For strategy and progress projects can be achieved together combining efforts/ideas of both clients and services. Practice your own policies and practices and have accountability at the forefront of priority for those not implementing them accurately.”

We appreciate the White Paper's commitment to consider how the Welsh Government can “ensure the views of people with lived experience of homelessness can continue to inform understanding of how homelessness systems work and ensure this feedback influences ongoing development of services and prompts action from Welsh Ministers where appropriate.”

Crisis suggests that Housing Options should provide an opportunity for people using the service to give anonymous feedback on their experience using the service, and that this feedback should be routinely reviewed.

We also believe that any substantial change to a local authority's homelessness service should involve consultation with people with lived experience of homelessness and using the Housing Options service so as to fully understand the impacts of a proposed change before it is implemented.

A further suggestion to integrate the views of people with lived experience of homelessness into service design is to introduce a requirement that local authority homelessness teams actively seek to recruit people with lived experience of homelessness. One of our members commented:

“More peer mentors more training more lived experienced rolls... Have the staff available reflect the clients with a more equal diverse working environment.”

The Homelessness Covenant, developed by Crisis and the DWP (Department for Work and Pensions) and UK Government DLUHC (Department for Levelling up, Housing and Communities), is a pledge by employers to prevent and end homelessness through inclusive and supportive employment practices, providing employment and training opportunities for people experiencing or at risk of homelessness and adopting fairer employment and recruitment policies and practices to support people affected by homelessness. We would encourage local authorities to engage with this covenant.³⁴

Regulation of private landlords

Enforcement of habitation standards and licensing requirements in the private rented sector is the responsibility of local authorities; however, we know that local authorities do not have the resources to dedicate sufficient time to this. This is resulting in many people living in poor and uninhabitable housing conditions.

Crisis feels that this needs to be addressed as a matter of urgency. As part of its review of Rent Smart Wales, the Welsh Government must consider how its enforcement arm could be enhanced to assist local authorities and ensure that standards are upheld in the private rented sector. Joint working between Rent Smart Wales, local authorities and private landlords could result in prevention of homelessness for many people who are living in substandard accommodation.

Suitability of temporary accommodation

In talking to Crisis members with lived experience about this consultation, some raised the poor standard of temporary accommodation in which they are living and suggested that local authorities hold clearer responsibilities in monitoring upkeep of standards at properties with which they hold contracts.

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?

³⁴ https://www.crisis.org.uk/get-involved/homelessness-covenant/?utm_source=press&utm_medium=press&utm_campaign=HC23&utm_content=Homelessness_covenant

Although these proposals incur costs, these short-term costs are justified by the long-term benefits of this transformative programme of legislative reforms and the Welsh Government's wider strategy to end homelessness. In the long-term, this investment, alongside transition to a rapid rehousing approach and development of housing supply, will not only lead to ground-breaking systemic change, but also to savings across the Welsh public sector as homelessness becomes rare, brief and unrepeated.

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.

a. Do you think that there are opportunities to promote any positive effects?

b. Do you think that there are opportunities to mitigate any adverse effects?

The proposed reforms in the White Paper aim to make the homelessness support system more person-centred, and we believe this will result in positive effects on the use of the Welsh language and Welsh speakers. In particular, we envisage that proposals to improve standards around Personal Housing Plans and communication with homelessness applicants will be conducive to better meeting the communication needs of Welsh speakers.

Further consultation with the Commission for Welsh-speaking Communities and organisations such as Cymdeithas yr Iaith would be advisable to better understand how the reforms could affect use of the Welsh language and how it could benefit people whose first language is Welsh.

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:

Housing Options staff training

In our feedback about Housing Options from Crisis members, an overwhelmingly prominent theme was that our members felt let down by the service and that they were "fobbed off" and not treated with any respect or compassion.

"Housing Options need to be more polite and helpful. They often speak to people in a condescending and demeaning manner as if to belittle the individual. I'm not sure but I think they stereotype individuals and have a very negative approach towards the vulnerable and those in need."

"Attitude from staff was terrible"

"Members of staff at Housing Options need to stop being rude to housing applicants."

Many other members felt that their experience with Housing Options was dehumanising.

"Remember homeless people are human beings not statistics and should be treated as such".

"Look at the person and not the number".

“Start treating homeless people as human beings not just statistics on a spreadsheet.”

In order to move towards a service where applicants feel they are being treated with dignity, it is vital that training on trauma-informed approaches is completed, and that frontline staff comply with the training. Crisis members said:

“I believe that Housing Option Staff should go on courses... It would be more beneficial for themselves to increase their level of emotional intelligence in dealing with the vulnerable members of society.”

“Trauma informed approach the people your dealing with are tired, frightened, frustrated, hungry, alone, financially broke, possibly mentally ill, suicidal, grieving, poorly, emotional, depressed, hurting and probably angry especially if dealing with addiction on top.”

“The staff need and must gain trauma informed training delivered by a lived experienced team. A person centred trauma informed approach to delivering a successful service that creates real positive changes is critical to service delivery and the clients using them.”

As suggested in the White Paper, it is imperative that this training includes awareness of a whole range of disabilities. One Crisis member suggested:

“They [Housing Options] also need to be more considerate of disabilities... so that they can be given a fair chance to find a property.”

Personal Housing Plans

Crisis believes that there needs to be significant changes to current Personal Housing Plans to improve the experience of homelessness applicants and achieve more sustainable prevention and relief of homelessness.

We have heard from people with lived experience of homelessness and professionals supporting people with lived experience of homelessness that Personal Housing Plans in their current form are not fit for purpose. They are reported to be generic, non-personalised and inconsiderate of the needs and capabilities of applicants.

Reflecting on this, one Crisis member called for Housing Options to “stop calling the PHP a plan.”

It could be helpful to introduce an entirely new structure and name for Personal Housing Plans so as to prevent confusion between past and future procedures and to replace it with a mechanism that is truly person-centred and useful to an applicant and Housing Options team.

Any new structure should be co-produced with people with lived experience of homelessness as well as frontline workers in the third sector who work on alternative documents with the goal of ending a person’s homelessness. For example, at Crisis, we receive positive feedback from our members about the use of an Outcomes Star™, which is an evidence-based tool for both supporting and measuring change. We also channel constructive criticism about our methods into continuous development and improvement of the processes we use.

Statutory guidance should outline specified topics that should be covered within this new iteration of the Personal Housing Plan. This should include, for example, support for the applicant in relation to finances and information about their support network. The plans should be holistic, considering a person's whole life rather than just their housing situation so as to achieve a more robust assessments of an applicant's needs. Furthermore, they should be written in plain language and record any communication or accessibility requirements the applicant might have.

The Welsh Government should explore whether these plans could be offered as a digitalised, editable live document as well as a hard-copy paper version, dependent on an applicant's preference and ensuring that applicants with no or limited access to the internet, as well as those who might not be computer literate, are not disadvantaged.

One of our Crisis members commented that councils and housing options should start *"showing clients that they are being proactive instead of reactive"*. A digitalised live version of the plan which can be accessed by the Housing Options team and the applicant via an easily accessible password protected system could help with this.

Communication

When we asked our Crisis members what councils and housing options should start doing to make things better, another common answer was that housing options teams should keep in regular contact with over the course of an application and residence in temporary accommodation. Members explained:

"They just dump you in a B&B and don't bother checking in... The last time I was in B&B I was there for 18 months with no support and no contact from housing options."

"I went to Housing Options three months ago and I've heard nothing from them since."

"I made my new application [for social housing] last year and they have never contacted me... They also closed my homeless application without telling me."

In 2021, Crisis completed a project with three Welsh local authorities, helping them identify and develop local solutions to reduce the number of people 'falling out' of the housing and homelessness support system. We found that not all Housing Options teams understood or recorded the literacy levels or communication preferences of clients, some local authorities ask clients if they prefer text, WhatsApp, emails or phone calls, but others do not. The findings of the Ombudsman's 2021 investigation into homelessness services mirrored these findings, reporting "unclear and insufficient communication that was not always understood by clients."³⁵

Our members also raised that it would be reassuring to be provided with regular updates on the status of their application even if there has been no change.

For this reason, we support the White Paper's proposal that Personal Housing Plans (or a similar, alternative mechanism) should be used to gain an understanding of how and at

³⁵ Public Services Ombudsman for Wales, 2021, *Homelessness Reviewed: an open door to positive change*.

what points the local housing authority will communicate with an applicant on the status of their application.

We also heard calls for the communication from Housing Options to be more transparent:

“They need to be more honest with how things are and not just fob people off because it is soul destroying for homeless people.”

“[Housing options teams need to stop] giving false hope. This has been done to me several times. [They] should start being honest.”

Further, our members emphasised that active listening is a key part of communication. As well as the importance of applicants understanding what Housing Options tell them, Housing Options also need to understand what a housing applicant says in order for their needs to be met. Contributions from our members urged Housing Options teams to:

“Start listening properly”

“Listen better”

Given the current shortfalls with communication between Housing Options teams and homelessness applicants, we appreciate the many proposals in the White Paper dedicated to improving communication between applicants and housing options teams, and request that people with experience of poor communication are consulted as these communication protocols are developed further.

Unreasonable failure to co-operate test

As part of the Expert Review Panel work, we heard widespread concerns about the way that the ‘failure to co-operate’ clause is currently operating – many stakeholders highlighted that it is applied inconsistently as it is open to interpretation. The main concern is that people are often deemed as failing to co-operate as a result of unmet support needs or a misunderstanding of the system, rather than an intentional decision to disengage. This can lead to prolongation of a person’s homelessness and distrust of public services.

For this reason, Crisis would call for an abolition of the failure to co-operate clause. However, in line with the panel recommendation, we are supportive of the proposal for a narrower failure to co-operate test which sets out a small number of clearly defined and limited grounds for the unreasonable failure to co-operate test. However, we would be keen to see a clear definition of what constitutes ‘threatening behaviour’ to ensure that the same subjectivity causing issues with the current iteration of the clause does not persist when this new wording comes into force. As with other areas, monitoring the usage of this clause to ensure it is not disproportionately applied or misapplied will be important.

Support to retain accommodation

Crisis is pleased that the White Paper takes on board the Expert Review Panel recommendation to introduce a new duty for local authorities to offer support to help a person retain their accommodation after the housing duty has ended. However, we would urge that consideration is given to the length of time for which this duty remains in place.

We would suggest that the timeframe should be flexible, and the process to decide the duration of this duty is tailored to the needs of each individual, rather than limited to a set deadline of 12 months as set out in the White Paper.

Whilst some people may not need this support for as long as 12 months, others may benefit from support beyond 12 months, particularly given that after 12 months of a private occupation contract, it is then possible for a landlord to serve a no-fault eviction notice under the Renting Homes Wales Act. Therefore, making the timeframe more flexible to an individual's needs will allow housing support teams to deliver a more person-centred approach to support and divert resources to those who need them.

This support should continue to be led by the same member of staff that led the work on the applicant's homelessness application— continuity and understanding. We heard from our members that tenancy support is available from local authorities, but a person would need to ask for it and then it requires a referral.

Ending of the prevention duty

In order to end the prevention duty, Crisis believes the law should state that local housing authority should be satisfied that accommodation is likely to be secure for at least 12 months, as opposed to the current six months. This would align with the proposed change of the prevention duty window from 56 days to 6 months, the proposed timeframe for considering the stability of additional housing options for discharge of the main homelessness duty, the timeframes of the Renting Homes Wales Act, and the broader aim to prevent homelessness from re-occurring.

Duties on private landlords

As explored earlier in this paper, the Expert Review Panel recommended that private landlords should be under an obligation to give notice to the local housing authority when they intend to bring forward a possession claim. We wish to re-emphasise that this would help people to sustain tenancies and prevent homelessness in a way that is beneficial to both landlords and contract holders. We would encourage further consideration of the role of adopting this recommendation from the panel.

Expanding data

Crisis feel strongly that the lack of data available in the housing and homelessness sector in Wales is hindering efforts to develop effective policy to end homelessness and track outcomes.

We believe there is a need to collect and publish ongoing and detailed data in order to build a deeper national understanding of broader population need for housing and accessibility, including supply, evictions and allocations. It will also be necessary to monitor the progress of implementation of new legislation.

We urge the Welsh Government to take on the recommendation from the Ending Homelessness National Advisory Board to identify, scope and then invest in better quality data and research on homelessness, supply, evictions and allocations to inform evidence-

based decision making and track individuals and outcomes through the homelessness system.

As outlined in our response to the Welsh Government's consultation on the Ending Homelessness Outcomes Framework, it will be important to ensure that the Outcomes Framework is updated to reflect observations and recommendations from the Expert Review Panel's work as well as the package of reforms proposed by this White Paper.

We appreciate the White Paper's commitment to collecting data on evictions from social housing into homelessness as part of the Welsh Government's efforts to ensure that progress towards eradicating evictions into homelessness continues. We suggest that it is important that this data is able to be broken down by landlord, and that the data is publicly available.

As suggested by the White Paper, the design of data collection and publication methods should be co-produced with people with lived experience – we would emphasise that this should include a range of different lived experiences from a diverse network of experts by experience who are appropriately remunerated or rewarded for this work.

A final note on data is that different services have different perceptions and definitions of what 'homelessness' means – we would advise that awareness of an agreed definition is spread across public services so that any data collected is as accurate as possible. Crisis would encourage the use of 'core homelessness' and 'wider homelessness'³⁶ and would suggest that data should be able to be broken down into more granular forms of homelessness included within these umbrella terms.

Non-devolved legislation and policy

We understand that some of the panel's recommendations may have been deemed out of scope of the White Paper because they pertain to non-devolved powers. However, we feel it is important to address particular parts of non-devolved legislation and policy that have a significant impact on homelessness in Wales.

Firstly, it is absolutely imperative that homelessness is not criminalised as is intended by the Criminal Justice Bill currently being considered by UK Parliament. Proposals which seek to punish people for rough sleeping are inhumane and counterproductive. In order to best support people out of homelessness, it is vital that these proposals do not become a reality.

We would urge the Welsh Government to join Crisis and homelessness organisations across the third sector in voicing concern over these reforms, which are out of sync with the direction of travel outlined in the White Paper. Specifically, Crisis is calling for the sections on 'nuisance rough sleeping' and 'nuisance begging' in the Bill to be removed, as they will result in the criminalisation of people sleeping rough and experiencing homelessness, and duplicate existing legislation that can be used to tackle genuinely problematic elements of begging such as organised crime and modern slavery.

³⁶ Bramley, G. (2017) *Homelessness projections: Core homelessness in Great Britain*. Crisis and Heriot Watt University.

Secondly, the Welsh Government should clearly communicate its position on the UK Government's Anti-Social Behaviour Plan published in 2023. Whilst the Welsh Government has outlined that there should be no evictions into homelessness from social housing in Wales, this position differs from the position outlined within the UK Government's Anti-Social Behaviour Action Plan.

These differences between the Welsh and UK Governments' positions on homelessness must be made clear to relevant public services, particularly RSLs and Police and Crime Commissioners in Wales.

Implementation

It will be crucial that consultation with the sector continues as this legislation develops and accompanying guidance is drafted and implementation dates (for example the lead time for the abolition of priority need) are discussed. Crisis would very much welcome such an opportunity.

Conclusion

The ambition shown in this White Paper is world-leading and if these reforms are progressed, the results would be life-changing for so many people in Wales. Whilst we have used this response to suggest areas for improvement, we must reiterate here that Crisis is strongly in favour of the proposals contained in the White Paper. We believe this package of legislative reform is a crucial cornerstone for ending homelessness in Wales and must be prioritised alongside efforts to develop housing supply.

We acknowledge that this legislative process is set against a backdrop of significant financial difficulty, but we must not let the current economic context dilute our ambition to implement ground-breaking systemic change that will have such a long-lasting positive impact on the current and future generations of Wales.

White Paper on Ending Homelessness in Wales

A response from the Frontline Network Wales

January 2024

Introduction

The Frontline Network Wales is delivered by Cymorth Cymru in partnership with the St Martin-in-the-Fields charity. It aims to give frontline homelessness and housing support workers in Wales an opportunity to share their views and experiences, to make their voices heard, and influence policy and practice.

During the Expert Review Panel's work, the Frontline Network Wales engaged with frontline workers through a series of online regional meetings. Attendees included people working for third sector support providers, housing associations and local authorities. The views collected during these meetings and through online surveys were summarised in two papers for the Expert Review Panel. These papers outlined frontline workers' views about how to improve legislation to prevent and respond to homelessness.

Since the publication of the White Paper, the Frontline Network Wales has held an additional round of regional meetings, to collect the views of frontline workers on the specific proposals put forward by the Welsh Government. During these meetings we highlighted the key proposals under the themes of reforming existing homelessness legislation, the wider role of public services, suitability of accommodation, social housing allocations, and targeted interventions for groups at greater risk of homelessness. Around 40 frontline workers attended these meetings and contributed their views through a series of polls and open-ended questions.

Overall, the frontline workers we engaged with were very supportive of the changes proposed in the White Paper, recognising there are critical elements of the system which have to change to effectively prevent and end people's homelessness. However, a common theme was the need to invest more resources in social housing, housing support services, and local government capacity.

Frontline workers have excellent knowledge of how existing housing legislation works in practice, and are uniquely placed to understand how any changes will be implemented on the ground. We have shared their feedback below and encourage the Welsh Government to take this expertise into account during the development of the legislation.

Reform of existing homelessness legislation

In the latest round of FNW meetings, we outlined the key White Paper proposals for reforming existing homelessness legislation, including extending the prevention period to six months, abolishing intentionality and priority need, making local connection more trauma informed, introducing the right to review and a duty to provide support, and improving communication.

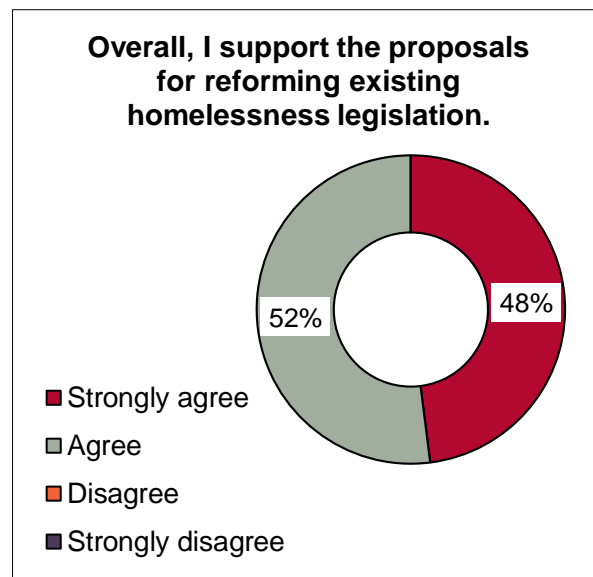
When polled on whether or not there was overall support for these proposals, 100% of respondents chose agree or strongly agree.

When asked whether there were any specific proposals which people were particularly in favour of, respondents highlighted:

- The removal of intentionality and priority need
- A more trauma informed local connection test
- Increasing the prevention period from 56 days to 6 months.
- A statutory duty to provide support

People referred to these reforms as 'fairer' and 'more trauma informed'.

When asked if there were any concerns, most people said they did not have any. One participant felt the reforms did not go far enough to support people with no recourse to public funds. Others highlighted the importance of resourcing these changes, with particular reference to temporary accommodation stock and capacity within local authority homelessness teams.



Extension of 56-day prevention period

In a survey conducted as part of the Expert Review Panel's work, the majority of frontline workers felt the prevention period should be extended beyond 56 days. Some frontline workers thought it should be brought in line with the new notice period of 6 months, as set out in the Renting Homes (Wales) Act 2016. Others felt that there should be no restrictions on when someone should be able to access preventative help from the local authority, as the earlier the intervention, the greater the likelihood of a positive outcome.

"If people knew they could contact the council early for advice, if they knew they had that option, it could help prevent homelessness."

Abolishing priority need

On the subject of priority need, there was general support for abolishing priority need. However, frontline workers were clear that further resources would be required to support this, particularly with regards to temporary accommodation. Many frontline workers supported abolishing priority need because they felt it would be wrong to go backwards after the 'everybody in' approach during the pandemic. Others highlighted how the current priority need system leads to some people slipping through the net despite their vulnerabilities, due to their inability to 'prove' that they fall into a priority need category. Others said that people having to re-tell their stories and 'prove' that they were in priority need was often re-traumatising. These kinds of comments were repeated across several regions and in our survey results.

“The ‘all-in’ approach was a really good thing, Wales has led the way, but we know local authorities are stretched.”

“Not every case fits into the existing priority need categories. For example, if a person has MH problems that cannot necessarily be diagnosed /evidenced, especially in a crisis. Cases of, for example, threat, coercion, exploitation, debt management, and other sometimes common crisis situations, these are difficult to prove without evidence or a Police incident reference, but no less of a priority when it comes to providing shelter or safety. The priority need system allows many to become more vulnerable and to slip through the net when left without support at a time of great need or potential danger.”

“In an ideal world there would be no priority need needed but with that would have to come enough money and enough accommodation to ensure no one is homeless.”

Intentionality

There was consensus across the regional meetings when discussing intentionality, with many stating that it had directly impacted individuals they were supporting. The majority of frontline workers said they would support the removal of the power for local authorities to deem an individual as being ‘intentionally homeless. They felt this added a significant barrier to support, was not trauma-informed, and often failed to consider the context or rationale behind the decisions made by the individuals.

“Just housed a couple who were in a 3-bed property, they couldn’t afford the rent, so they handed their notice in because they did not want to get into arrears, moved in with relative in Powys but it’s not suitable longer term for them all, but the council have said they have made themselves intentionally homeless. They thought they were doing the right thing; they didn’t want to get bad references.”

“Intentionality can often completely disregard a person’s mental health need, certain responses to trauma, a learning difficulty, or their lack of ability to do the right thing. The law can fail to realise that it exists to protect and support vulnerable people in vulnerable situations.”

Local connection

There were mixed views on local connection. Frontline workers were sympathetic to the pressures faced by local authority colleagues and cited the likely difficulties in implementation and costs if there was no local connection requirement. Their concerns were mostly centred around lack of accommodation. Over 54% of those who responded to our survey agreed that local connection should remain in Welsh law - but guidance about exemptions for vulnerable people should be strengthened.

Frontline workers highlighted how trauma experienced by people facing homelessness is often the reason for them not wishing to return to their home area. They spoke of clients they had worked with who said that local connection rules prevented them making a fresh start, particularly young care leavers. Current local connection rules can also be a particular problem for LGBTQ+ people, people recovering from addiction, and people who have experienced exploitation or abuse, who understandably want to move away from a place where they experienced trauma and may be at risk from coming into contact with people who caused them harm.

“We work with young people coming out of care, some don’t want to go back to their old local area, because it’s where the bad things happened to them, but it’s hard for them to get help with housing outside of their old area.”

“I have worked with a number of vulnerable clients who have wanted to move out of the borough due to risks from others, concerns about drug/alcohol relapse etc, but due to no local connections outside of their current borough, they have not been able to move to a more desirable area.”

Duty to support

Unsurprisingly, the importance of housing support services was highlighted throughout our engagement with frontline workers. They emphasised the importance of preventative interventions to support clients before they reach homelessness. Many talked about support services being overstretched and under-funded, and were supportive of them being placed on a stronger legal footing.

“Better and more availability of support for tenants experiencing problems with budgeting and bills.”

“Increased investment into HSG services both for people who are homeless but also preventative services.”

The role of wider public services

In the latest round of FNW meetings, we outlined the key White Paper proposals for wider public services, including the duties to identify, act and refer, an expanded duty to co-operate, and a case coordination approach for people with multiple, complex needs.

When polled on whether or not there was overall support for these proposals, 100% of respondents chose agree or strongly agree.

Participants were particularly supportive of the proposal for a case coordination approach for people with multiple and complex needs, sharing how this currently is one of the key barriers to getting people the right support. The proposal for an expanded duty to co-operate was also warmly welcomed.

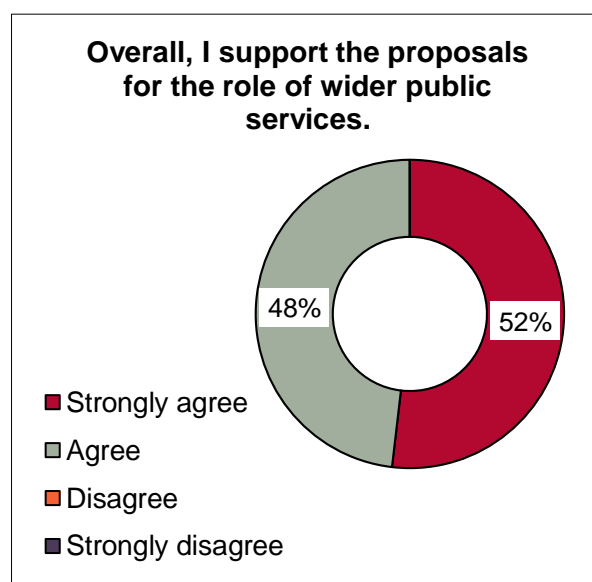
There was strong support for wider public services to identify people experiencing or at risk of homelessness, and to act within their own capacity. Frontline workers recognised that a duty to refer on its own would risk additional pressure being placed on homelessness services, whereas duties to identify and act would be essential to preventing people from becoming homeless.

One participant made the point that for these approaches to be successful there would need to be consideration of protocols and mechanisms for practical elements such as data sharing. Others highlighted the importance of training and resources for staff in other public services.

Support for legal duties

During our earlier engagement with frontline workers, there was a lot of support for strengthening legal duties on other public services. Frontline workers were clear that homelessness is not just a housing issue and that other services needed to play their part. They also recognised that while some individuals are doing a great job working in collaboration, others are not. They believed that a legal duty would reduce the inconsistency and ensure that multi-agency approaches to preventing and responding to homelessness were built into the system instead of being reliant on individuals.

“If there is a legal duty, it can hopefully play a really good part, even if it’s just statutory services. We’re willing to go for anything that works more positively for the individuals we are supporting.”



“I’ve got instances where it has worked really well, where agencies have come together and formed wrap around support – mental health, substance misuse services, probation - and it has worked really well. But on the other hand, it depends who is working within those organisations. Some individuals who are multi-agency oriented, where people understand importance of working together. Then come up against others who don’t work together as well.”

“Being connected with those services can make such a difference. It’s so important we work together.”

Suitability of accommodation

In the latest round of FNW meetings, we outlined the key White Paper proposals on the suitability of accommodation, including the quality of temporary accommodation, restrictions on temporary accommodation for under-18s and under-25s, formalising the homeless at home scheme, banning shared sleeping space, and considering location and travelling distance to key public services or support networks when determining suitability.

When polled on whether or not there was overall support for these proposals, 92% of respondents chose either agree or strongly agree with 8% of selecting disagree.

There was strong support for all of the proposals, and when we asked which were the most popular, people highlighted:

- Ensuring more suitable temporary accommodation for young people
- A person-centred approach to the right home in the right place, considering health and support needs, caring responsibilities, school and work.
- Not allowing shared sleeping space
- The Homeless at Home Scheme
- Fitness for human habitation standards

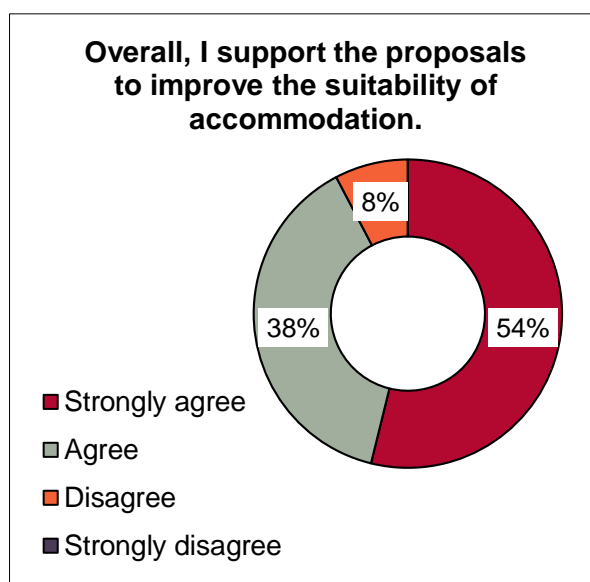
There were very few concerns about these proposals, and these mainly stemmed from worries about the lack of high-quality accommodation available which would meet the standards laid out in the White Paper. People were concerned that where local authorities did not have enough accommodation that meets these standards, the only alternative for people would be sleeping on the street. Others called for the proposals to go further on allowing pets and reducing restrictions on what time people can arrive and leave their temporary accommodation.

Temporary accommodation

In our earlier regional meetings there were very strong feelings from frontline workers that temporary accommodation is failing to meet basic standards for large numbers of individuals. There is an increased number of B&Bs and hotels being used to house people but these are lacking cooking facilities, laundry facilities, and in some cases, private washing facilities.

“[There’s] no kitchen, no laundry and people are there for a long time, 18 months unable to cook and wash laundry on site, a client with a Learning Disability, it has set him back a lot.”

“Travel lodge, all in one room, then they were evicted [from the hotel] due to the rugby, moved to another travel lodge, one room, no fridge, no cooking facilities.”



95% of respondents to our frontline worker survey during the Expert Review Panel’s work believed there should be minimum standards for temporary accommodation in Wales. Of these, 85% of those who responded believed there should be onsite cooking facilities, 75% felt there should be minimum physical conditions and health and safety standards, and 70% believe there should be a limit on time spent in temporary accommodation. Additionally, the majority of respondents felt that accommodation should be affordable, accessible, particularly for those with children or disabilities and that there should be access to onsite laundry facilities and private bathrooms.

For those already experiencing the loss of their home, to be placed in temporary accommodation far away from their support network, support services or simply the areas they are familiar with can cause frustration, potential for relapse and financial hardship. The highlighted example shows how people can become isolated and for those Welsh Language speakers, lose their community. Frontline workers also shared the impact of decisions on the lives of the people they support, often these seemingly small decisions caused significant disruption and hardship in the lives of those accessing help.

“In Wrexham, people placed in Chester, it’s not a million miles, but it causes problems for people accessing services GP, mental health, substance use support, it becomes a barrier, have to move chemist, difference between what they can get on prescription in one place to another. They used to get bus passes but now they have to provide evidence that they have an appointment and can only have a few free passes a week, so this can isolate them from friends.”

Another area where frontline workers were unified in their responses was that of the need for a diversification of temporary accommodation. We heard from workers who had significant concerns for individuals placed in temporary accommodation that is unsuitable particularly where there are different groups of individuals with different needs such as those with children, fleeing from domestic abuse, individuals with disabilities, young people particularly care leavers, prison leavers or people recovering from substance use problems. The latter can comprise of many individuals at different points in their own personal journey, with differing needs of support or treatment levels.

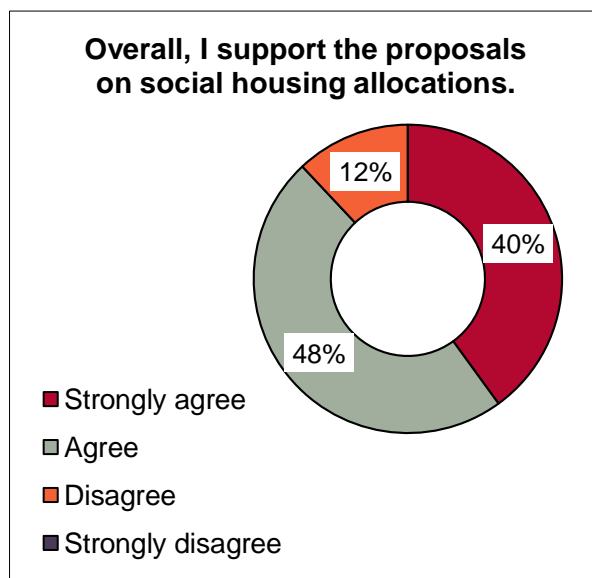
“When a lot of people with the same issues [around substance use] in same place they are stuck together and it can make the issues worse.”

“Some are rehabilitated, others not, some are violent offenders, and they are in the same properties as young people, vulnerable care leavers, this should not be happening, it’s putting young people at risk.”

Social housing allocations

In the latest round of FNW meetings, we outlined the key White Paper proposals on social housing allocations, including RSLs being unable to unreasonably refuse a referral from a local authority, removing people with no housing need from the social housing waiting list, giving additional preference to people who are homeless, care experienced and/or fleeing abuse, the requirement for common housing registers and common allocations policies, and the deliberate manipulation test.

When polled on whether or not there was overall support for these proposals, 88% of respondents chose agree or strongly agree.



When asked which proposals they particularly supported, frontline workers highlighted the need to improve access to social housing, welcoming the proposals for RSLs being unable to unreasonably refuse a referral, and the requirement for common housing registers in all local authorities across Wales. The latter was enthusiastically welcomed by a frontline worker from an area where CHRs do not currently exist, who commented on having to navigate multiple application processes.

The main concerns centred on around how the 'deliberate manipulation' test would be implemented. Participants were worried that it would be difficult to ensure that it was applied in a trauma-informed way and did not de-prioritise people with more complex needs. There were particular concerns about people who were being exploited, coerced or abused. There were also calls for a mechanism that enabled people to request a review of the decision.

Targeted interventions for groups at greater risk of homelessness

In the latest round of FNW meetings, we outlined the key White Paper proposals on targeted interventions, including for children and young people, care experienced people, people with complex health needs, disabled people, VAWDASV survivors and people in the secure estate.

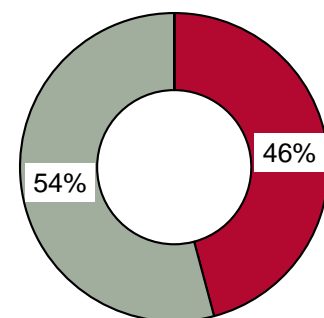
When polled on whether or not there was overall support for these proposals, 100% of respondents chose agree or strongly agree.

A lot of frontline workers said they supported all of the proposals in this section, but there was particularly strong support for the following:

- Improving accommodation and support for young people
- Priority need for care experienced people (while priority need still exists)
- Improved focus on accommodation in mental health Care and Treatment Plans
- Preventing homelessness on discharge from hospital
- Early assessment for people entering prison to retain accommodation and belongings

One group that was identified as needing more targeted interventions was people with No Recourse to Public Funds. Another person called for a stronger emphasis on support for people in the LGBTQ+ community. However, overall participants were pleased to see that the White Paper was considering different people's circumstances and how that might mean they are at greater risk of experiencing homelessness.

Overall, I support the proposals on targeted interventions for groups at greater risk of homelessness.



- Strongly agree
- Agree
- Disagree
- Strongly disagree



Consultation on the White Paper on Ending Homelessness in Wales

Responses by 16 January 2024

Reform of the existing core homelessness legislation

I am writing on behalf of **Lloyds Bank Foundation for England and Wales** and our charity partners in Wales to provide comment to **questions 1-7, questions 14-15, and questions 20-22** of the current ending homelessness white paper consultation.

Lloyds Bank Foundation supports small and local charities that deliver vital work in local communities across Wales. We fund charities across several funding programmes, the majority of which provide vital specialist support to people such as care leavers, people with experience of the asylum system, the criminal justice system, people experiencing homelessness, people experiencing domestic abuse, and other complex social issues. Around half of our current charity partners directly work with people who have experience of homelessness or are at risk of homelessness. Through our discussions with those organisations and our wider work in some of Wales' most deprived local communities, we have come to understand more about the extent and depth of the homelessness challenge in Wales and the changes needed to address it.

Our charity partners in Wales consistently report the increasing demands they are facing, with more people needing support and the complexity of need also growing as the cost-of-living crisis continues to most impact those already facing the greatest challenges.

In particular, while we recognise the positive step taken a decade ago in strengthening the legal rights of homeless people and responsibilities of local authorities to help them, we agree these do not go far enough. We share the views of others working in the homelessness sector and the Expert Review Panel that the time has now come to take a bolder step in strengthening those rights and we are really pleased to see Welsh Government's backing for legislative change.

Question 1

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

- Yes/no

Mostly, yes, but with some observations and questions below.

Question 2

What are your reasons for this?

Whilst many of the proposals are clearly well-informed and will hopefully help end homelessness, we particularly support the following proposals:

- **Moving from 56 day to 6-month threat of homelessness**
Point 65 – “A person is threatened with homelessness if it is likely that the person will become homeless within six months, or they have been issued with a Notice Seeking Possession.”

This is pro-active and will mean greater focus on prevention, which we fully support. Evidence shows that even with the current framework, eight weeks isn't always sufficient to try to resolve the causes of homelessness or make arrangements for a planned move to temporary accommodation. The Foundation therefore strongly supports the proposed extension of statutory support to households threatened with homelessness within the next six months. This will especially help people we know are more likely to need support in advance, such as care leavers, prison leavers, refugees, etc. If some of the preventative work with these groups can be improved, so too (we hope) will the ability of housing teams to support people presenting as homeless with less notice.

- Similarly, we strongly support **Points 437 and 441** re. imprisonment and homelessness.
- **Point 68 – “Where a person is permitted to reside in an area, but does not have access to clean water, waste facilities and toilet facilities, they should fall within the definition of homeless under section 55 of the HWA 2014.”**

We support this extension of the definition of homeless, as this complements other proposals linked to ensuring expectations and duties consistently align with [Welsh Housing Quality Standard 2023](#).

There is wide evidence, including from [Senedd Research](#) that certain communities are affected more than others by this issue. The proposal to

define people as homeless if they do not have access to water and waste facilities should benefit seldom heard, and disadvantaged communities such as [Gypsies, Roma, and Travellers who are regularly allocated land in unsafe or unsanitary places, such as near motorways or by rubbish processing sites](#) (highlighted as a particular issue during Covid lockdowns).

We support the following proposal but think it could go further.

- **Point 384 – “We want all local authorities to have a register (list) of housing that can meet the needs of disabled people.”**

We know there is a lack of suitable accommodation for all people (hence the proposal to increase the range of housing solutions to be offered), and according to one of our charity partners Dewis Cymru it is even worse for and [one of the main problems facing disabled people](#).

There is a social justice and equalities aspect to this, and public sector will fail in its duties, if **inequality of outcome** persists for this demographic. An accessible housing register should be used to inform and improve housing needs assessments and council-wide development plans and budgets and should be linked to the [socio-economic duty](#). At a practical level locally, there will be little point in demonstrating that something is a problem year on year, unless there is also a **duty to act** on this information during a council’s term.

The recent strengthening of the [Welsh Housing Quality Standard \(2023\)](#), and the [Green Paper on Securing a Path towards Adequate Housing – including Fair Rents and Affordability \(2023\)](#) complement this Ending Homelessness White Paper. It may be possible to strengthen the wording of this particular point so that maintaining an up-to-date register moves beyond just gathering data to actually implementing a change that protects human rights and promotes equality of outcome for disabled people in Wales.

Greater clarity is needed around the principle or implementation of other proposals, including:

- **Point 440 – “Where it becomes apparent a prisoner will be homeless upon release from prison, we propose the local connection test should be applied at the prevention duty stage.”**

How does this proposal interact with the proposal to remove the local connection test/list of exemptions? And how might this affect people, especially women, who have experienced domestic abuse? Many of our charity partners work with people experiencing domestic abuse and in the case of North Wales Women’s Centre, for example, many of the women they support have experience of being in prison and of domestic abuse; moving between areas (or moving away from Wales altogether) can make re-settling into community challenging for a number of reasons. The

Equality and Social Justice committee's report on [Women's experiences in the criminal justice system \(March 2023\)](#) offers evidence and recommendations for how Welsh Government and the criminal justice system can better support women who have experienced domestic abuse and imprisonment to prevent reoffending, and improve outcomes for women.

- **Point 180: “A statutory duty to draw up a PHP containing the steps the local housing authority will take to secure accommodation for the applicant” and “We propose a statutory duty to review the needs assessment and PHP with the applicant within a defined timescale of 8 weeks.”**

In the decade since the Housing in Wales Act, the Homelessness Reduction Act 2017 has transformed the homelessness safety net in England. While it is far from being universally implemented as it should be, the requirement for English local authorities to draw up a PHP has meant that thousands more single homeless people have been provided with a meaningful pathway out of homelessness and into settled accommodation. The move to make it a requirement for Welsh local authorities to put together a PHP for each applicant is therefore welcome.

These PHPs must place practical obligations on the authority itself as well as making reasonable requirements of the applicant. We agree with the suggestion that the applicant's own views on their housing needs should be incorporated into the PHP. Based upon the mixed experience of implementation in England, the Foundation would support the publication of unambiguous guidance what a good PHP looks like, including examples of best practice. Regular reviews of the PHP will also be beneficial as circumstances can change quite quickly for homeless people.

A note of caution and a question though. There could unfortunately be a risk this could fail because a duty to secure housing (whilst better than simply having a duty to help), does not increase housing availability. The risk is that local authorities might simply defer upwards to Ministers to ask how they may meet housing need, creating somewhat of a stalemate. There is also a question about the frequency of checks – every 8 weeks might be sufficient for some, not enough, or too much for others, so clarifying the reasoning behind this will be important. Also: how does this link to reviews requested by applicants?

- **“We want to set out clearly what an unreasonable failure to cooperate is, and what it isn't. Being homeless can have a huge effect on people's lives and we want to limit the application of the unreasonable failure to cooperate test. We want to set out clearly that unreasonable means:**
 - **threatening behaviour towards staff.**
 - **consistent non-contact with housing services.”**

This will only be effective at preventing homelessness and will only be fair if the **following proposal*** is clearly linked to it.

***“We want local authorities to communicate with people in ways that are easy to understand and meet their needs.”**

We fund Learning Disability Wales and a frustration for some of the people they support is that their communication needs have at times not been understood or respected by authorities. Especially in cases where a person’s perceived non-communication can be partly attributed to a disability or perhaps even a trauma, the onus must be on the local authority to demonstrate that they have repeatedly tried to engage with that person in a way that meets their needs. If this cannot be demonstrated, a claim of consistent non-contact would not stand.

Many people experiencing homelessness have experienced trauma. Services should account for this by taking a trauma-informed approach to make services easier to engage with and more accessible. The best services are codesigned with the people who they aim to reach, and there’s lots of learning that can be shared from charities who do this well, and we’d be happy to facilitate any connections you might find useful.

Question 3

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

As noted above, there is a positive direction of travel with Welsh Housing and Homelessness policy at the moment.

To practically implement these to successfully prevent or relieve homelessness, it will be vital to consider the big picture and understand what mechanisms might be available locally (devolved) to help people access and afford suitable accommodation.

For example, our charity partners Bevan Foundation and Shelter Cymru have highlighted challenges and possibilities with [Local Housing Allowance](#), the Discretionary Assistance Fund, and with the possibility of a ‘Welsh Benefits System’. [Welsh Government has already accepted](#) some of the findings from Bevan Foundation’s work around making benefits work better for Wales. One of the key ideas behind this is that a more streamlined approach with locally administered taxes and benefits will maximise income, minimise wasted resource, and help make housing more accessible, affordable, and sustaining tenancies easier for people on the lowest incomes, or otherwise facing complex challenges.

Question 4

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

- **Yes/no**

Like the charities we support, the Foundation recognises that Welsh Government and local authorities are having to ration the scarce resource of social housing. While we understand the modest downgrading of the priority need test a decade ago, it hasn't been sufficient to ensure homeless people get the protection they need. While it was a response to a moment of national crisis, the 'no-one left out' approach during the Coronavirus pandemic showed how much more could be achieved. Given this, we support the proposal to now abolish the priority need test in relation to sections 68, 73 and 75 of the WHA 2014.

That said, the Foundation recognises that homelessness cannot be the only factor in the determination of priority access to social housing.

For example, people with health conditions and disabilities must be reassured that their sometimes-urgent need will also be prioritised. For example, somebody with a fluctuating health condition might be disadvantaged more than someone without this condition if living in unsuitable temporary accommodation – their need to access safe and healthy housing is arguably greater than someone without a health condition who asked for help the day before, and by not meeting this (greater) need, the local authority could be accused of causing harm and failing to meet their duties. In scrapping priority need, Welsh Government and local government will need to consider the socio-economic duty and other aspects of equalities legislation when making decisions.

The proposal to have a list of available housing suitable for disabled people is good. This could be used to help assessors make better decisions when allocating housing for people with health conditions and disabilities.

Question 5

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

- **Yes/no**

Similarly, the Foundation supports the proposal to abolish the "intentionally homeless" test because the reasons for becoming homeless are varied and complex, and current application of the intentionality is not equitable, thus further compounding inequity and injustice. While there doesn't appear to be evidence that Welsh authorities use the intentionality test in the way some English councils have been doing to 'gatekeep' homeless households from the

legal safety net, its very presence on the Statute Book can act as a discouragement to homeless households availing themselves of their full legal rights. Public services should not be making inequity worse so doing away with this test will remove an unhelpful barrier to accessing housing for those presenting as homeless or at risk of homelessness. The word “intentional” is loaded with judgment that doesn’t always consider the complex and often personal, traumatic reasons why somebody has had to leave a particular housing situation.

But it needs to be clearer how **point 596, the ‘Deliberate Manipulation Test’**, is different. There could be concern or mistrust around the application of **discretion**, as discretion by its nature will vary person to person and could leave room for discrimination to creep in to the system. For example, it is well-evidenced that certain groups of people, such as Gypsy and Traveller communities, face challenges too often when dealing with local councillors, who might not be doing assessments but will have influence on wider policy and practice within a local authority.

It would be helpful to clearly define what is considered ‘suitable’ accommodation, who would ‘review’ the decision to downgrade an applicant’s claim, whether the applicant would have a right to appeal such decisions and who would then respond to the appeal.

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.

Local connection: “We want to add more groups of people to the list of exemptions so more people can move out of their area if they need to. We’d like to add people who:

- **are care-experienced**
- **are Veterans**
- **are at risk of or have experienced domestic abuse, other abuse or exploitation**
- **are leaving prison.”**

Yes, overall we agree, but **why have you not included LGBTQIA+ people to the list of exemptions?** We know that this was raised at several points during earlier engagement and featured in discussions during meetings with the Expert Review Panel.

Also, a note of caution re. exemptions. Exemptions might skew assessments due to bias, with the burden of proof still on the person presenting as homeless to go into potentially traumatic detail about their personal life. Proper training and support will be needed to help staff understand why the exemptions are there so that it will be enough for someone to provide evidence that they have been in care, served in the armed forces, are leaving prison. In the case of the 3rd exemption, local authority staff would benefit from training such as trauma-informed approaches, modern slavery, etc.

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?

Homelessness costs money. It is better to invest to end it than to keep on paying the bigger price for not ending homelessness.

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)?

LGBTQIA people and refugees are not adequately represented in this white paper.

The local connection test exemptions list should include LGBTQIA people, who regularly have to 'start again' and move from places they have experienced abuse.

Considering the [three-fold increase in homelessness amongst refugees](#) once granted status in 2023, Welsh Government must ensure it is not complicit in exacerbating this injustice. **Failure to end homelessness for refugees will not only mean Welsh Government fails to end homelessness in Wales**, but also fails in its commitment to being a genuine nation of sanctuary.

We recently funded work of the [Welsh Refugee Council](#), which won organisation of the year at the 2023 Welsh Charity Awards, and we currently fund several smaller asylum seeker and refugee charities. We are glad to see that Welsh Government recognises the vital role that these charities play and would

encourage dedicated resource to enable effective commissioning of services, and partnership working, for the cases where Welsh Government feels limited in its ability to respond to need on its own.

Question 15

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

When non-compliance is cited by an authority as a reason to withdraw support, **the onus must be on the authority** to demonstrate that they have repeatedly tried to communicate with the person in the way that meets their needs, over a period of time longer than the stated period of non-compliance.

Our research into the [Value of Small](#), demonstrates the incredible value offered by small charities, and part of this is because they are expert at engaging people, as they're often run by and for the communities they exist to support. This means there is learning to be shared about how to engage people meaningfully.

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 tragic [death of Awaab Ishak](#) in Rochdale two years ago has shone a light on the poor quality of much of the housing stock across the UK. The outpouring of stories of other families living in similar or even worse housing conditions in the national media has focussed on England, but in our experience and in the observation of the charities we support, it is common in Wales too. It is right therefore that the Expert Panel encourage the Welsh Government to think hard about the physical condition of housing as well, particularly the suitability of properties used as temporary accommodation for homeless households.

The Foundation recognises that there is a risk that trying to do too much too quickly might end up being counterproductive – even possibly exacerbating the homelessness problem. However, we agree that some urgent action is needed to ensure that owners of housing which suffers from either Category One Hazards or has been deemed 'unfit for habitation' should be made subject to urgent enforcement action to bring it back to

a decent standard, especially if it is being used as temporary accommodation. If that isn't done, then it clearly should not be deemed suitable. It is also right that this rule is application to local authority or housing association-owned homes as well as those owned privately.

Lloyds Bank Foundation also welcomes the explicit acceptance that the location of temporary accommodation is another important factor in its suitability and that it must therefore be within reasonable travelling distance of existing schools, employment, caring responsibilities, or health facilities if that is what applicant wants. We would add that the proximity to wider family and friend support networks ought to be a strong consideration in the location of any TA offered as well. While the pressures on the nation's housing stock might mean it isn't possible to have that as a specific legal requirement at this stage, we believe it should be a step to be made in the next few years as the Government takes further action to better balance supply with demand.

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?

Put simply, following our other answers, we see the need to diversify housing options, and are pleased to see that Welsh Government has considered several ways to ensure that people are not denied continued help and support if one of the suggested housing options does not seem suitable to them. There are obvious cases such as in the case of domestic abuse or for young LGBTQIA+ people where returning to a family home is not suitable, and this has been recognised to a large extent in the white paper proposals for additional housing.

The Foundation has previously supported research by the Bevan Foundation into Local Housing Allowance rates in Wales, which revealed the growing shortfall between Housing Benefit / Universal Credit and the rents private tenants actually pay. While these shortfalls will narrow a little because of the UK Chancellor's decision last autumn to peg rates back at the 30th percentile, this move still leaves tenants in most properties in any local area having to make up a shortfall from other Social Security benefits. More importantly, the UK has not given any commitment to continue to increase LHA rates in-line with the 30th percentile in future years, and so tenants will probably face widening shortfalls again in a year or two.

Given this, we strongly feel that 'affordability' must be a factor in the suitability, both of any temporary accommodation, but also in any discharge into a 'settled home' in the private rented sector.

Your name:

Organisation (if applicable):

Contact details:

1.0 About the National Residential Landlords Association

- 1.1 The National Residential Landlords Association (NRLA) is the leading voice for private-sector residential landlords.
- 1.2 The NRLA represents over 107,000 landlords, the largest membership organisation in the sector. The membership owns and manages around 10% of privately rented housing in England and Wales, equating to around half a million properties. NRLA members include around 6,500 members living in Wales.
- 1.3 NRLA members range from full-time landlords running property portfolios to those letting single-bedroom flats. We help our members navigate the regulatory and legal framework for the private rented sector by providing training and support for landlords to ensure they fully understand their responsibilities and are equipped to provide good quality housing for their tenants.
- 1.4 We are a significant source for market-leading intelligence about private renting and campaigns for policies that seek to improve the private rented sector for the benefit of tenants and good landlords alike.

2.0 Executive Summary

- 2.1 Overall, we broadly welcome the proposals put forward in this consultation and feel that increasing access to homelessness support is something that absolutely should be prioritised.
- 2.2 Changing the way that the process works by removing the proportionality and intentionality tests would reduce the burden on applicants and increase the number of applicants who are owed a full duty. In principle this is a good thing as more people will be owed the highest duty and will receive adequate assistance. However, we have some concerns that, as with the Homelessness Reduction Act 2017, resource constraints in local authorities will undermine this work and prevent people from receiving the support they need before they incur court costs or fall further into debt.
- 2.3 We also take the view that without tackling the supply issues at the heart of the housing crisis, any other measures the Welsh Government takes to reduce homelessness are likely to be fatally undermined. The main underlying cause of homelessness is a lack of supply relative to demand. It increases rents, reduces choice and freezes out vulnerable tenants from the private rented sector. Attracting investment in the PRS to increase the supply of rent homes must be prioritised to prevent this occurring and reduce strains on local authorities.
- 2.4 If the Welsh Government are committed to tackling homelessness, then they can avoid overburdening local authorities with applications by making the sector more attractive to invest in. The NRLA believe that this can be achieved through a stable legislative environment with sufficient tax incentives, such as a reduction in capital gains tax (CGT) when selling the property with a sitting tenant, or cutting the land transaction tax on purchase of second homes.

- 2.5 We are also pleased to note that further changes to the possession rules introduced by the Renting Homes (Wales) Act are not planned at this point. Investor confidence in Wales has been particularly hard hit by the difficult transition process and further changes would only exacerbate the current pressures on homelessness services as more landlords would choose to exit the sector.

3.0 Supply

- 3.1 It is clear that there are currently not enough homes to rent in England and Wales where they are needed. Recent evidence from Zoopla¹ indicates that demand is still approximately a third higher than the 5-year average with their latest report stating that “a chaotic mismatch between supply and demand has been the defining feature of the private rental market for 3 years”. Earlier this year, it was noted² that demand was 51% above the 5-year average with the supply and demand mismatch pointed to as an established feature of the rental market across all regions and countries within the UK. Additionally, Rightmove data³ shows an average of 25 enquiries per letting, with 40% more demand and 35% fewer homes available to rent when compared to 2019.
- 3.2 Wherever there is insufficient supply to meet demand, costs will rise, and choice will be restricted for consumers. This is true for housing as it is for any other service or product, which is why this imbalance is the leading cause of homelessness. As a result, the best way to tackle homelessness in Wales is to increase the supply of homes available to rent in both the private and social rented sectors. The building of more homes will introduce a downward pressure on rents and allow more access to affordable housing for those that need it. In particular, there is evidence that adding more properties at market-rate lowers rents across the board⁴ as summarised by Andreas Mense in his paper on this topic: *“This paper’s results provide a simple, yet difficult to implement prescription for housing policy: Housing costs of the population as a whole can be reduced effectively by letting developers provide enough market-rate housing.”*
- 3.3 A general increase in the level of housebuilding of all tenures would also reduce costs on local authorities by reducing the need to use temporary accommodation. In September 2020 there were 1,195 people presenting as homeless and placed into emergency accommodation, and a total of 4,048 individuals in temporary accommodation. In September 2023, 1,602 homeless people were placed into temporary accommodation, with a total of 11,228 individuals in temporary accommodation. This is an increase of over 7,000 individuals in temporary accommodation. During the same time period, the number of rough sleepers increased from 110 in September 2020 to 135 in September 2023⁵. Clearly many local authorities are relying on the use of relatively expensive temporary accommodation to

¹ <https://www.zoopla.co.uk/discover/property-news/rental-market-report/>

² <https://www.zoopla.co.uk/discover/property-news/rental-market-report-september-2023/>

³ <https://www.rightmove.co.uk/news/articles/property-news/rental-tracker-25-lettings-enquiries-every-home/>

⁴ *The Impact of New Housing Supply on the Distribution of Rents*, Andreas Mense

<https://www.econstor.eu/bitstream/10419/224569/1/vfs-2020-pid-39662.pdf>

⁵ <https://www.gov.wales/homelessness-accommodation-provision-and-rough-sleeping>

meet the needs of those presenting as homeless as there are insufficient permanent homes available in the private or social rented sector. Similarly, the NRLA has heard many reports of local authorities advising tenants to stay until the bailiff has arrived or they will be made intentionally homeless. While the white paper addresses the problems with the intentionality test, these reports speak to the resource constraints local authorities currently face when discharging their existing homelessness duties.

- 3.4 Additionally, a high demand-low supply environment continues to drive rents to unaffordable levels for potential tenants and makes the PRS less desirable to rent within. Wales has particularly felt this issue, with the Index of Private Rental House Prices (IPHRP)⁶ showing an increase of 7.3% in the 12 months to November 2023, the highest of all the nations in the UK. We can see the same lack of supply affecting the social rented sector with waiting lists across Wales increasing by 36.3% from 2018-2022⁷, and estimates from Plaid Cymru⁸ showing 67,000 households on waiting lists, and the BBC putting this figure closing to 90,000. This will leave people without options for a place to call their home.
- 3.5 Compounding this issue, Local Housing Allowance (LHA) remains far below average rents. LHA rates are currently £86.03 per week on average throughout Wales⁹. This is around £50 per week lower than the average weekly rent for a 1 bed flat (£136.84)¹⁰. Those on the lowest incomes are simply unable to access the homes that are on the market due to the low level of benefit assistance. Even with the uplift of LHA coming in April 2024, it is not clear that these new rates will increase availability enough. For example, in Merthyr & Cynon Broad Rental Market Area there are currently no two bedroom properties advertised for rent at the proposed new LHA rate.
- 3.6 Wales also saw a particular jump in their rental prices¹¹ following the Welsh Government's consultation on introducing rent controls. This, along with the recent spike in possession claims following the Renting Homes (Wales) Act introduction, show that legislative change can increase the perceived risks for landlords. As the table below shows, this leads to unintended consequences for tenants such as rent increases or a higher chance of a possession claim.

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<https://www.ons.gov.uk/economy/inflationandpriceindices/bulletins/indexofprivatehousingrentalprices/november2023>

⁷ <https://www.bbc.co.uk/news/uk-wales-63373590>

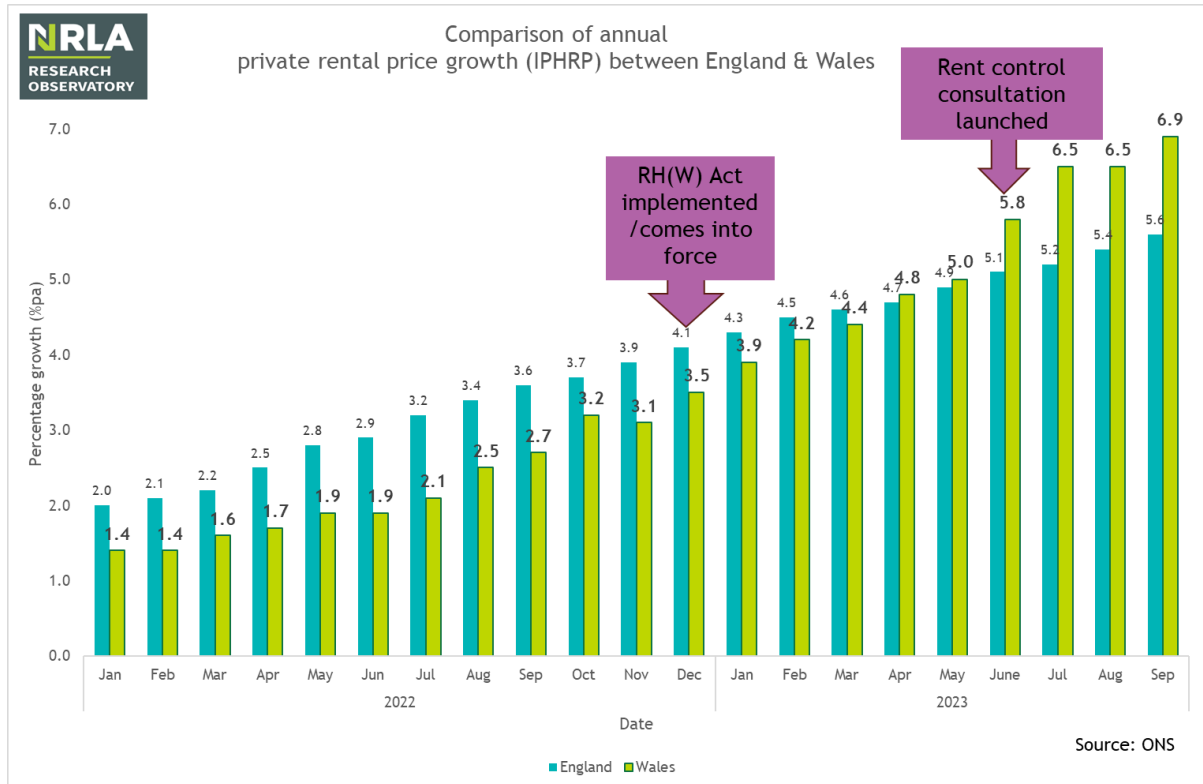
⁸ https://www.partyof.wales/2022_tai_housing

⁹ <https://www.gov.wales/local-housing-allowance-lha-rates-april-2023-march-2024>

¹⁰ average price of £136.84 is based on HousesForSaleToRent data at £593 pcm converted to yearly figure divided by 52

¹¹

<https://www.ons.gov.uk/economy/inflationandpriceindices/bulletins/indexofprivatehousingrentalprices/november2023>



This clearly shows that a stable regulatory framework has benefits for tenants and landlords alike. Given the scale of recent changes in the private rented sector, it would benefit from a prolonged period of stability. Any further legislation should be carefully thought out for the potential negative effects they can have, and whether they may have an adverse impact supply.

- 3.7 We are pleased to note that the white paper states that the Welsh Government does not intend to revise the current rules for seeking possession in Wales. We agree that the new rules do offer strong protection for tenants and believe it would be detrimental to amend the possession rules while landlords and the courts are still coming to grips with the existing ones. In addition, the Renting Homes (Wales) Act places significant administrative burdens on landlords where fundamental terms are changed (a requirement of any modifications to current possession rules). Landlords would also be acutely sensitive to frequent changes due to the short time for compliance and hefty financial penalties for late compliance. As a result, any further changes should be considered carefully as they may have a detrimental impact on investor confidence and the available supply of homes to rent.
- 3.8 Wherever possible, future legislation should look to increase supply in the sector by creating an attractive environment for investment. For example, according to an analysis by Capital Economics, removing the 3-percentage point stamp duty levy on the purchase of additional homes would see almost 900,000 new private rented homes made available across the UK over the next ten years. Similar reforms to Land Transaction Tax in Wales could provide the same benefit.

3.9 In the same analysis,¹² it was found that Capital Gains Tax (CGT) can also be an effective lever for sustaining existing tenancies and preventing homelessness. Cutting the CGT rate to 18% where a landlord sells the property with a sitting tenant, would increase the supply of rental housing by 210,000 across the UK as more sales remain in the PRS.

4.0 Conclusion

4.1 We welcome the intentions of these proposals. Widening access to homelessness support and ensuring more people can receive support is a laudable goal. Similarly, ensuring that where a local authority houses someone, that accommodation is suitable to live in should be absolutely uncontroversial.

4.2 However, tackling homelessness in Wales must treat the cause as well as the symptom. That means these changes must be supported by other policies that attract further investment in the private rented sector and lead to the building of more houses of all tenures. Increasing the number of homes available to rent is the best method of ensuring that tenants have a choice of affordable homes in the area they want to live in.

4.3 We are pleased to note that the Welsh Government does not intend to make further changes to the Renting Homes (Wales) Act. Investor confidence in Wales has been particularly hard hit by the difficult transition process and further changes would only exacerbate the current pressures on homelessness services as more landlords would choose to exit the sector. Any further changes to the Renting Homes (Wales) Act should be focused on how to ease the administrative burdens and promote new investment in the sector.

¹² *ibid*

16/01/2024

Platform response to White paper on ending homelessness in Wales

Summary and Key Points:

Platform welcomes the opportunity to share our views on the White Paper on Ending Homelessness in Wales. We were pleased to contribute, where we could, to the work of the expert panel, and through consultation sessions. We want to commend that process, and those on the panel, who worked exhaustively to engage and seek views from across the housing sector and beyond. The end result is an excellent White Paper that promises to build on the progressive legacy of the Housing (Wales) Act 2014, whilst addressing some of the system flaws that have become apparent ten years on.

This White Paper promises a new way of working across Wales, which we believe is proportionate, progressive and positive. It will make an impact, for good, on the experiences of people applying for housing, and for those who are currently locked out of the system because they are too often deemed as 'complex' or 'challenging'.

In our response below, we have offered comment on each of the changes highlighted by Welsh Government, either commenting on individual changes or on themed groups of changes. In most comments we are welcoming and supporting the proposals whilst proposing extended changes, clarifications or adjustments based on our experience of delivering support within the housing sector for over thirty years.

We are particularly encouraged to see Welsh Government proposing changes to priority need, intentionality, and other areas – these would be hugely significant changes, marking a sea change in the approaches we take within the housing system, and we welcome them warmly, and congratulate the Welsh Government for putting these ideas forward. We are clear that they will change, and save, lives.

However, there are some key concerns we have, as well, that we want to flag at the outset as clearly as we possibly can.

Firstly, there is the challenge of funding. In the recent Welsh Government budget, the Housing Support Grant fund, which is one of the key mechanisms for working with people experiencing or at risk of homelessness, has been maintained at a cash flat level. Whilst we recognise the budget challenges faced by the Government, this means a real terms cut, at a significant level given the inflationary pressures facing providers and commissioners alike. The excellent

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and ambitious vision articulated by the Welsh Government cannot be fully realised without the funding to do that. More saliently, the sector will need organisations with experience and knowledge to deliver these changes – and there are very significant concerns and challenges facing organisations across Wales due to funding pressures. There are worries about maintaining and attracting staff, with the right expertise, knowledge and experience, when we cannot pay wages at a competitive rate. This perfect storm of pressure on services, and an inability to pay attractive wages, will risk a ‘brain drain’ in the housing sector, as well as exacerbating pressure on providers who are increasingly unable to deliver contracts without making a loss. Against this context, delivering this vision seems almost impossible, and urgent action is required from Welsh Government to address these challenges.

We do not believe that people working in homelessness prevention in the third sector should be living in poverty themselves. We are therefore committed to paying the Real Living Wage and believe that all staff delivering HSG funded services should be paid at least this level at minimum. It should be mandatory and enshrined in law with appropriate resources flowing to local authorities in order that it can be afforded. This would ensure fair and appropriate remuneration and assist with a workforce that feels valued, helping alleviate the current significant recruitment and retention problems. Platform and other organisations are facing tough choices around how we can remunerate staff, and the pressure on delivering services created a very real risk that organisations will begin to exit from contracts that cannot sustain themselves, and that cannot provide the resources needed to pay staff the Real Living Wage.

There is a wider challenge too, in terms of funding, and whilst not strictly part of the White Paper, we wanted to pay tribute to the work of a wide range of providers across the housing sector, who collectively work to prevent greater harm – and cost – to other services in Wales, particularly the NHS. There is considerable focus on the health service, quite rightly, but it is also critical that community-based services, that are not part of the NHS, are also seen as important by the Welsh Government. Commitment to funding, and to the Real Living Wage for our staff, who are our greater resource, is essential.

Secondly, we seek to draw attention to an element of the White Paper that has not received much notice in its publication, namely the inclusion of a ‘deliberate manipulation test’, towards the end of the document. We expand on this in our full response below, but we would encourage the Welsh Government to rethink this recommendation. In our view this addition doesn’t fit with the values and ideals that underpin an otherwise excellent, positive, and progressive document. We believe that Wales can do better than including this, that it risks embedding a new ‘intentionality test’ by another name. We have included in our response ways that this could potentially be mitigated.

Throughout the response, we have drawn attention to the need to establish how mental health problems are defined, and to ensure there is sufficient knowledge and confidence in understanding what the current issues in the mental health

Continued

system, legislation and practice are. We have drawn attention to the WHO/UN guidance¹ on mental health, human rights and legislation, published in October 2023, which frames mental health problems as a “psychosocial disability”. We would recommend that this definition be referenced in legislation, or if not, then incorporated within final guidance post-legislation.

We would additionally recommend that any changes to legislation make specific reference to the definition of “disability” as set out in the Equality Act 2010, specifically Section 6, which defines disability as having a physical or mental impairment that has a substantial and long-term adverse effect on the ability to do normal day-to-day activities.

In principle, this definition of disability is understood widely across the housing sector, particularly due to expectations of employers as to the rights of their workforce. The shift in understanding of disability rights as being largely needs-led, since the Equality Act 2010 should be referenced within the White Paper. This is because at times, professionals can rely on diagnostic and medical gatekeeping around mental health before people with needs are taken seriously. People need to be able to be part of the decision-making process for treatment decision making, and it is critically important that wider public services do not unintentionally reinforce this gatekeeping via prioritising a medicalised model.

The mental health diagnostic system is in a period of evolution. There are many flaws with the current approach and new ways of conceptualising mental health are emerging. There is substantial cross over between many of the mental health diagnosis categories and clinicians can struggle to identify with accuracy the differences between diagnosis like bipolar, personality disorder and autism, ADHD and complex PTSD or developmental trauma. There is also a huge variation of need across diagnoses as well as significant stigma attached to them. There are also huge waiting lists for assessments and support meaning many people can wait years for diagnosis. Relying therefore on a diagnosis-led system runs the risk of missing people’s needs.

There is precedent for a needs-led, disability rights-based approach in Welsh legislation. The Additional Learning Needs and Education Tribunal (Wales) Act 2018, Section 2, defines someone as having “additional learning needs” if a person:

- a) has a significantly greater difficulty in learning than the majority of others of the same age, or
- b) has a disability for the purposes of the Equality Act 2010 (c. 15) which prevents or hinders him or her from making use of facilities for education or training of a kind generally provided for others of the same age in mainstream maintained schools or mainstream institutions in the further education sector.

¹ [Mental health, human rights and legislation: guidance and practice \(who.int\)](https://www.who.int)

Continued

Adopting a similar definition, in the legislation, would bring the White Paper in line with existing values and principles set out by the Welsh Government, would address the challenges faced by the diagnostic system for mental health, and would shift provision firmly towards a needs-based approach. This approach of course requires a shift in culture towards one of trust. The alternative is that any new housing legislation runs the risk of forcing people to engage with a medical model of their health, in a way that runs counter to the Convention on the Rights of People with Disabilities, and also is misaligned with the values long held by Welsh public services, as well as existing Welsh legislation, in how they meet their equality duties.

Elsewhere below, we have highlighted areas for improvement, development or clarification of the proposals by Welsh Government – and we welcome the vision, intention and commitment to change shown in this White Paper. As ever, we welcome the opportunity to discuss this further.

About Platform:

Platform was born in 2019 from Gofal, a mental health charity established in Wales in the late 1980s. Through decades of working across housing and mental health, we gained real insight into the reality of mental health in society, the impact of trauma, and the causes of distress. That work led us to change our focus and become Platform, the charity for mental health and social change. We take a holistic and social justice approach to mental health.

Today we work with over 12,000 people a year. We support people of all ages, across urban and rural communities, in people's homes and alongside other services. Our work spans inpatient settings, crisis services, community wellbeing, supported housing and homelessness, businesses, employment, counselling, schools and youth centres.

Continued

Changes highlighted by Welsh Government

In this section, we have included the Welsh Government recommendations, and provided comments in response to each recommendation, or groupings of recommendations.

Chapter 1: Reform of Existing core homelessness legislation

A person is threatened with homelessness if it is likely that the person will become homeless within six months or they have been issued with a Notice Seeking Possession

Where a person is permitted to reside in an area, but does not have access to clean water, waste facilities and toilet facilities, they should fall within the definition of homeless under section 55 of the HWA 2014.

Platform's Comment:

These are positive changes – particularly in terms of shifting the definition of being “threatened with homelessness” from 56 days to six months. This provides time for statutory services to work on the help people need and gives people the permission to approach local authorities for help before problems escalate into a full-blown crisis.

This will give space for people to take a longer-term, person-centred approach, meaning that any interventions are more likely to be tailored towards a person’s needs. This has been a consistent challenge in delivering services, and for local authorities in terms of meeting needs, as the interventions almost always take place in a crisis situation, where someone is already very close to homelessness. Being able to work with someone well before that stage could be revolutionary.

A statutory duty to draw up a PHP containing the steps the local housing authority will take to secure accommodation for the applicant

Continued

We propose a statutory duty to review the needs assessment and PHP with the applicant within a defined timescale of 8 weeks

We propose a statutory duty to include an applicant's views on their accommodation needs in a PHP

Platform's Comment:

The PHP (Personal Housing Plan) is a useful tool to help support people into accommodation. These changes are positive. Firstly, it will ensure they are a duty, which means local authorities need to provide them. Secondly, in local authorities where they have been used, they have given a sense of stability and some certainty, to people. Thirdly, the addition of a requirement to review, and to include applicant views, will be a powerful way of ensuring people have more of a voice in the system. The use of PHPs is also very important when ensuring any additional needs are met.

Support workers are a critical part of getting PHPs right, and we would encourage, in any code of guidance that is published, for it to be possible for PHPs to be co-produced alongside housing support providers and other professionals, in partnership with the person and the local authority. Support workers have developed years of expertise in helping people articulate their needs in these situations.

- **A right to request a review in relation to the reasonable steps taken to prevent homelessness or secure accommodation, outlined in an applicant's assessment of housing need and their PHP.**
- **A right to request a review of the suitability of accommodation at any time during an applicant's occupation of the accommodation (which should be available beyond 21 days).**

Platform's Comment:

Over the years, even since the 2014 Act, the ability for people within the housing system as "applicants" to have their voices heard has been limited. With the stigma of homelessness, the scarcity of resources and housing supply, people have often been forced by circumstance to accept what has been offered whether it is effective or not. By ensuring individuals hold the rights to review

Continued

what has been offered either as reasonable steps, or the suitability of accommodation, people can have more of an involvement in their own housing plan.

This is not on its own going to address the harmful impact of scarcity in the system – and there are wider questions around access to advocacy, people’s knowledge and understanding of their rights, but as a change in the legislation it is welcome, and another indication that this White Paper is placing people’s rights at the heart of its ambition for a new approach to homelessness.

We have noted in the summary of our response, the challenge of public services often requiring GP or other healthcare professionals’ to give a diagnosis, before a mental health problem is considered for any kind of priority need. This, we believe, is a barrier on two levels. Firstly, it reduces the opportunities for prevention – if people must reach a level of need that requires service intervention or to reach clinical threshold before they can access additional support, or have the right PHP for their needs, then there are a whole range of interventions that are being missed. This is not a prudent use of resources, particularly health resource.

Secondly, as we noted in our opening summary, there is a risk that by relying only on a medical, diagnosis-led model to legitimize support or intervention from housing teams, the system puts pressure on the mental health system, pushes people towards a model of care that they may not want or that may not be culturally appropriate, or have not fully consented to. This reduces agency, is not embracing the co-productive principles that public services are working towards across Wales, risks excluding minority groups and runs the risk of overriding deeply held personal choices about someone’ own health.

We propose the abolition of priority need so this test is no longer necessary for homeless, eligible applicants to benefit from the duties under sections 68, 73 and 75 of the HWA 2014 (or the equivalent duties in reformed legislation)

Platform’s Comment:

We warmly and enthusiastically welcome this proposal. Priority need is a method by which local authorities ration the support they can give, and it is seen as important when services are overwhelmed. However, it is a blunt instrument,

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with unfair exceptions and too-strict definitions that can leave people without support despite being in a position of vulnerability. The gradual phasing out of priority need is one we have been calling for, for many years, and should be celebrated however difficult it will be to implement.

However, critically, there needs to be the resources for local authorities, and the organisations that are working alongside them to discharge their duties, to meet this need. The most recent Welsh Government budget, with a cash flat settlement for the Housing Support Grant, is a concerning sign that the Welsh Government is not willing or able to give the resources towards tackling homelessness that are needed. We cannot be more explicit: without clear resources to the housing sector, even the best legislation will fall flat.

We propose the intentionality test is removed from legislation and is no longer applied in determining whether an applicant is entitled to the prevention and main duties (section 68-interim duty to secure accommodation (in the context of ending the duty) and section 75 (duty to secure accommodation) of the HWA 2014) or any future duties in new legislation.

Platform's Comment:

As with the priority need example above, the removal of the intentionality test is to be warmly welcomed. It is a legacy of a time when homelessness was still seen as a crime, and when the stigma was even worse than it is today. It was also another clumsy and blunt 'rationing' test, which served no purpose in helping people overcome challenges, and instead wired in unfairness, inequality and injustice. That this may be removed is a significant victory for people in need of housing. The Welsh Government should be congratulated for embracing this suggested change.

We propose adding 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.

Platform's Comment:

Continued

Ideally, we would want to see local connection removed in its entirety. However, if that is not possible, then these changes above are to be welcomed. In the details, the changes also talk about the potential inclusion of “special circumstances” criteria that might explain (and therefore provide exemptions for) why people have left their home communities.

These are:

- Young people, 25 and under
- Members of the LGBTQ+ community
- Disabled applicants who require access to particular support
- Gypsy, roma and traveller communities
- People seeking recovery from substance use

We would want to see mental health included in this list and would encourage the definition used to be in line with the Equality Act definition of disability, and drawing on the World Health Organisation / United Nations definition of “psychosocial disability” for inspiration. This would mean asking people if they have a mental health problem that impacts on their ability to access or maintain housing, build or maintain positive relationships, or is otherwise impacting on their ability to live a fulfilled and happy life. It is a critical point to include mental health in this list – it is one of the most significant contributors to the causes of homelessness such as tenancy failure and/or relationship breakdown, and it makes it more difficult for people to navigate what is often a complex and overwhelming system for support.

This would mean amending the above list, so that it reads:

“Disabled applicants, including those with psychosocial disabilities (mental health problems), who require access to particular support.”

We propose a new duty on local housing authorities to help support a person to retain accommodation where the applicant has been helped to secure accommodation (which might be their existing accommodation) or where accommodation has been offered to and accepted by the applicant.

Platform's Comment:

Continued

This is to be welcomed. Support for people to retain their accommodation is central to the prevention of homelessness, but until now there has not been a duty for that support. We welcome this warmly and would want to see more details about how this would work in practice. Again, this is an aspect of delivery that would be heavily reliant on adequate funding for the housing support sector.

We propose a narrower test which sets out a small number of clearly defined and limited grounds for the unreasonable failure to co-operate test.

Platform's Comment:

In the current Housing Act, the “unreasonable failure to cooperate” test is used as a reason to discharge the local authority duty to house an individual (that is, to close the ‘case’). However, the interpretation of this is very broad, and wide-ranging, and local authorities across Wales have had very different ideas on this. Not only that, but internally across teams there have been differences.

The widening understanding of trauma informed approaches has been felt most keenly in this area, as local authority officers are understanding behaviour through the lens of unmet need.

Any change in the legislation that enables people to have more clarity on what is unreasonable, and what is not, is to be welcomed. Currently, it is a restrictive practice and the use of this to discharge a local authority’s duty needs to be tightened and reduced – it is an example of the system not working for an individual.

We propose to make it clear that local housing authorities must ensure (based on a rigorous assessment of need and a PHP) they communicate with applicants in a way which is accessible and tailored to any individual needs.

We also propose setting out in legislation that local housing authorities be required to communicate at regular intervals with applicants on:

- **Progress of their application for longer-term accommodation**

Continued

and expected time scales.

- **Their rights to request reviews of the suitability of the accommodation and of any other relevant decisions.**
- **Support that may be available to the applicant. We propose further detail relating to communication be outlined in guidance**

Platform's Comment:

As per our above comment on PHP, these changes are to be welcomed. In particular, updates on progress and timeframes could make a huge impact on people's wellbeing. Often, the people we support within Platform have no idea how long things will take. We would also encourage the inclusion of a requirement to update stakeholders, so that support workers and their organisations can ensure the right support is in place at the right time, and so we can offer good, proactive advice for people. It is critical for planning. Timely updates to both the applicant and the organisations that support them will help ensure people are held in uncertainty, provide support if their application faces difficulties, advocate for suitability of accommodation, and otherwise offer any level of support needed as a result of changes or progress in the application process.

Chapter 2: The role of the Welsh public sector in preventing homelessness

- **A new duty to identify those at risk of homelessness and refer on to specified parts of the public service, so a local authority is notified as soon as possible a person is facing a threat of homelessness or is already experiencing homelessness.**
- **We propose the duty to refer is accompanied by a duty on the specified parts of the public service to take action within their own functions to sustain standard or secure occupation contracts and mitigate the risk of homelessness.**
- **An expanded duty to co-operate (currently imposed by section 95 of the HWA 2014), to ensure a wider number of public services are engaged and responsible for making homelessness rare, brief and unrepeatable.**
- **Strengthening strategic leadership of homelessness at a regional level.**
- **A statutory case co-ordination approach for those who are**

Continued

homeless or at risk of homelessness and experiencing multiple complex support needs.

Platform's Comment:

This is an area where the earlier “duty to cooperate”, expanded to include other public services, could be hugely powerful. At present, the ‘demand’ falls upon local authorities, who rely on social landlords, private sector landlords and the third sector, to manage the complex and challenging circumstances that arise within homelessness situations. The widening of this duty could be revolutionary in its impact.

This is an area where understanding the contributions that mental health services, practitioners and other wider stakeholders could have, would be invaluable. Not just in terms of services and individuals, but where there are connection points, where system failure drives demand, where individual practitioner experience can shed light on how this could drive change. For example, drawing on the experiences of the Platform Crisis House model in providing an alternative to mental health hospital stay.

Chapter 3: Targeted proposals to prevent homelessness for those disproportionately affected

We intend to strengthen existing corporate parenting responsibilities to ensure individuals aged 16 and 17 years who are homeless or at risk of homelessness do not fall between services, and social services and homelessness services work in true partnership to secure suitable accommodation and any broader support these young people’s need.

In addition to strengthening practice under existing legislation, we propose to clarify within legislation that no 16 or 17 year old should be accommodated in unsupported temporary accommodation and for those leaving social care or the youth justice system, it is expressly prohibited to use the homelessness system as a route out of care or youth justice. Instead, planning should be done, and arrangements made for accommodation in advance.

We propose, in line with their corporate parenting responsibility, and

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in order to prevent any care leavers or care experienced young people getting lost in the system, local housing authorities be required to make inquiries into whether an applicant is care-experienced, as they complete the assessment of housing need and Personal Housing Plan, as proposed earlier in this White Paper.

We propose to explore further, through this consultation exercise, whether the Renting Homes (Wales) Act 2016 should be amended to allow 16 and 17 year olds to be occupation contract-holders, and, in so doing, broaden the accommodation options available to this group.

In response to recommendation 25 in the Children, Young People and Education Committee report, we propose care-experienced people should be considered priority need (unless or until the test is abolished (based on the proposals set out earlier in this White Paper)).

For young people leaving the secure estate, we propose legislation and guidance should be clear 16 and 17 year olds, who are expected to be released from the youth justice system within six months, are the responsibility of the local authority as part of their corporate parenting responsibility. Similarly, for young people in youth detention, who are or were care leavers aged 18 to 21 (or 18 to 24 if in education or training) should also benefit from joint work between social services and the local housing authority to support and accommodate.

Platform's Comment:

Platform delivers the Power Up Project, which works with young people across Cardiff and The Vale of Glamorgan. Our peer researcher talked to children and young people about their experiences of mental health and wellbeing and receiving support and how that related to homelessness. Their views are included below, as our response to the sections that are relevant to the experience of homelessness amongst young people. They are in their words:

With the power to change absolutely anything the world, children and young people said they would provide 'better conditions and free food' for people experiencing homelessness; ensure that no one was 'homeless' and help

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prevent the problem with 'cheaper rent'.

We are in support of all the proposals suggested by the Welsh Government in the white paper on ending homelessness in Wales, regarding children and young people. In particular, the changes to "strengthen existing corporate parenting responsibilities"; "allow 16- and 17-year-olds to be occupation contract holders" and consider care-experienced people as "priority need".

We agree with the Welsh Government's proposal to ensure young people aged 16 to 17 who are at risk of or are homeless do not fall between the gaps and are being appropriately supported by their local authorities.

Young people have repeatedly told us that one thing they would change/improve about mental health support services and professionals is how they give young people support. Young people have reported that 'listening' and 'helping you solve the problem' by 'taking action' and 'referring you to specialists' are examples of how young people can be given the support that they really need, especially if they are not aware of how to access the right support.

According to the UNCRC, children have the right to proper living conditions (article 24) and for anyone who works with children to always do the best for the child (article 3). When families are unable to afford to support children, the responsibility falls on governments and corporate parents to ensure that children are provided with appropriate housing in the best place for the individual, therefore meeting their rights (articles 21 and 27).

Young people rarely experience problems in isolation so the government should champion services to work together with the No Wrong Door Approach to ensure that young people can seek help from any service and be redirected to the most appropriate one for their needs. Young people we spoke to about their mental health frequently mentioned that information about how to get support was 'hard to find' and could be clearer on how to access services.

Furthermore, we encourage the Welsh Government's exploration into whether young people aged 16 to 17 could be allowed to become occupation contract-holders and we propose that this should be implemented.

Young people (especially care-experienced young people) have told us when discussing mental health experiences, the importance of being listened to, understanding, and adjusting for individual's needs and not always having to go through parents for support. Enabling young people to hold tenancy agreements will give them agency and protection from experiencing homelessness as they

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are not reliant on a parent for something that they have the right to. This would meet, according to the UNCRC, children's rights for good living conditions and for adults to always do what is best for them (articles 3 and 24).

This falls in line with the changes being implemented by Welsh government through their radical reform of services for care-experienced children and young people, with ascertaining care-experienced young people are not put into unregulated and unsuitable accommodation. As well as lead to 'a more equal Wales' (where people are not disadvantaged in life due to their background and personal circumstances) as stated in the Wellbeing of Future Generations Act (2015).

Finally, we agree with the Welsh Government's proposal to consider young people aged 16 to 17 who are care-experienced as 'priority need'.

Care experienced young people told us that they want people to 'listen' and 'understand' them as they can appear 'angry' but 'actually need help' or may be struggling but 'not seem like it'. They often have a lack of stability and support around them so it is even more imperative to uphold their rights (as they may lack other adults in their life who can). Children have the right to be looked after properly and be checked up on regularly if they cannot live with parents (article 20 and article 25 of UNCRC). Highlighting care-experienced as 'priority need' would fall alongside the improvements suggested by the Welsh Government in their radical reform of services for care-experienced young people and ensure the wellbeing of future generations is being upheld.

We propose much of the improvement work required to strengthen multidisciplinary 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.

In line with the Expert Review Panel we propose to ensure key assessments and plans such as Care Treatment Plans routinely consider housing needs and the stability of a person's accommodation. We will work with services to strengthen how a person's accommodation is considered as part of care and treatment planning wherever accommodation is a contributing factor to a person's mental health or wherever a person's accommodation

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could potentially become at risk (for example if the person is deemed by a landlord to be behaving unacceptably or if the person is unable to work and maintain bills associated with their accommodation).

Platform's Comment:

There are specific practical 'gaps' in terms of Care Treatment Plans, which we would encourage Welsh Government to develop further in guidance, and by exploring timescales for different health settings for housing prevention warnings. This is an area that we believe requires further research, as part of the legislative process.

One of the gaps which is an ongoing challenge, is with people who have been supported at A&E with mental health crises that are not previously known to services, or who are not currently accessing services. This is particularly relevant for homelessness, as the link between homelessness and mental health (and vice versa) is well evidenced. If someone is made homeless, mental health crisis can follow.

In our experience in crisis settings, including A&E, Care and Treatment Plans are not completed – it is a longer-term multi-disciplinary plan which is hard to create from settings including A&E, or other short-stay crisis areas. Whilst a proportion of people accessing A&E or other crisis settings will have an existing CTP, other people will not. Given the evidenced link between housing crisis and mental health crisis, this area is a key prevention opportunity.

There are areas to explore, that could help address the challenges:

- Adapt and utilize the WARRN (Wales Applied Risk Research Network) formulation-based risk assessment to include housing need. This is increasingly used as a risk assessment across mental health services, and in the absence of a CTP, could provide an opportunity to flag urgent needs around housing, particularly for people sleeping rough;
- Adopt mutually agreed (via consultation) timescales for different healthcare settings in terms of housing referrals, adopting a similar approach to a Housing Plan requirement within the secure estate. In different settings, when discharge takes place, housing providers can be caught unprepared or unable to meet the urgent need. This would need to be flexible and realistic, and based on timescales that fit the service. For example, discharge from A&E is not able to give significant notice, but there could be a referral duty placed to a street outreach team. Conversely, mental health ward discharge could be given a duty to create

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- a housing plan similar to the requirements placed on probation services;
- Implement pre-treatment assessment approaches (e.g, adding accommodation status to assessment questions in A&E) – this would flag, earlier in the system, where housing vulnerability is a risk.
 - Develop (and fund) community-based, voluntary sector services for mental health crisis such as sanctuaries, crisis houses in line with the Crisis Care Concordat – these services are both better equipped to address social issues like housing as they have the knowledge, skills and expertise, and they also have closer links with local housing authorities.
 - Consider including 111 press 2 in any training plan for any new legislation, to ensure familiarity with housing crisis within this service. 111 press 2 will continue to receive calls from people in crisis, and will, if this develops, be a key source of support for people who are likely to be vulnerably housed.
 - Build on good practice seen across Wales, where housing support and advice colleagues can be co-located in, or easily accessible through, the health system. This can take the form of housing officers being invited on ward rounds, discharge planning meetings, or similar, where they can help communicate to care coordinators the vital importance of housing, and the steps needed to support people along the process of being offered temporary accommodation (as an example).

We have phrased these as ideas for exploration, research and consideration, rather than firm recommendations, because they will need to be co-produced alongside healthcare professionals and others. It is critical that this area is looked at, however, as it remains an area that could help prevent or give opportunities for early intervention into, homelessness – but as a system we collectively miss these opportunities currently.

We propose to build on our existing strategic commitment to ensure no one is discharged from hospital into a homelessness situation and recent work to establish the D2RA (discharge to recover then assess) system to ensure the prevention of homelessness is considered in hospital discharge planning, by setting out the following in legislation:

- **A requirement for discharge assessments to include consideration of a patient's housing needs.**
- **A joint duty for health and the local housing authority to work together to prevent homelessness at the point of hospital discharge.**

Platform's Comment:

Continued

We welcome the creation of a joint duty for health and the LHA to work together. The links between health discharge and homelessness have been a stubborn challenge in Wales, and as of yet there have been few successes in tackling this. The requirement for discharge assessments to include consideration of a patient's housing needs, is much needed, but there is a significant challenge as to what happens then. We have addressed this in the previous comment – this should not be seen as an additional tick-box exercise imposed on the NHS but should result in genuine change. This needs to be developed in partnership across a wide range of stakeholders, and we would encourage it to be prioritised in the development of the Guidance that follows the legislation.

We propose to widen the definition of “domestic abuse” to more explicitly include controlling or coercive behaviour, economic or psychological abuse. The Expert Review Panel have also recommended the definition should apply where abuse is perpetrated by a person in an intimate personal relationship with the victim of any duration. This is already the case in Wales under the VAWDASV Act (section 24(2)(h)).

We propose a further amendment to ensure the main housing duty should include a duty to help the applicant retain their existing accommodation (immediately or in the long-term) if they wish to and it is safe to do so (such help could include assisting them to obtain an occupation order, installing physical safety features or helping them obtain advice to have the ownership or occupation contract transferred to their name).

It is proposed involvement of specialist VAWDASV services in the decision-making for these service users should also be strongly encouraged when the survivor is accessing this support. This will ensure safe and informed decisions.

Platform's Comment:

We welcome this needed focus on VAWDASV in the White Paper. We would continue to call for a widening of the Ask and Act training for more professionals at all levels of housing, as the levels of awareness of domestic abuse risk factors remain low. In terms of unacceptable behaviour, tenancy rights of survivors, and

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other new elements of housing law in Wales, it means that survivors are still not fully aware of their rights and the ways that they could be receiving targeted, tailored support that offers safety and addressed the power imbalances that are perceived between survivor and the person who has caused harm. Training in and of itself is not enough to address VAWDASV, but where in some areas of housing the knowledge and awareness is strong, there is still huge progress needed before services are engaging fully with the VAWDASV agenda.

It is our policy intention that the Personal Housing Plans proposed in section 1 of this White Paper will improve the service provided to disabled people through consideration of individual housing needs and support needed to retain accommodation, in addition to inclusion of any impairments of the applicant or any member of their household.

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.

Platform's Comment:

We welcome these elements – we also believe there may be more action needed around disability and mental health accessibility within PHPs. We would reiterate our previous comments, to ensure there is no reliance on diagnosis alone, and that PHPs can be conducted in line with Equality Act self-declaration of disability, rather than requiring GP input, which can slow down the process, adding distrust, and embedding a lack of agency in the process for people.

In additional to the proposals outlined in section 1 on local connection we also propose to review the National Housing Pathway for Ex-Service Personnel and seek ways to ensure it is consistently applied across local authorities.

We propose when an individual is first sentenced to imprisonment, an assessment should be made at reception stage (the point the person first enters prison) of whether they are likely to lose any accommodation while serving their sentence of imprisonment and, if

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so, whether they are also likely to lose their possessions and whether they are likely to be released, and homeless within six months.

We propose to set out clearly in legislation that someone held in custody is not homeless despite not having access to accommodation in the community.

We propose those in custody (be it on remand, recall or sentence) do not meet the criteria for homelessness unless one of the three following conditions are met: • they are already under an existing duty under the HWA 2014; • where existing accommodation is at risk as per the existing (or amended) definition; and/or • six (or fewer) months prior to release.

Where it becomes apparent a prisoner will be homeless upon release from prison, we propose the local connection test should be applied at the prevention duty stage.

We propose legislation should set out that where a prisoner needs accommodation from a local housing authority in order to achieve an early release, parole or bail, the prisoner should be deemed to be homeless at the early release date.

We propose to make clear any time in custody must be considered a change of circumstances regardless of the length of the detention or whether it is related to a recall to prison.

We propose to make clear those who are recalled or sentenced to custody while in receipt of an existing duty must not have their duty automatically ended.

To strengthen this further, we propose a new power for Welsh Ministers to make regulations in relation to reciprocal arrangements.

To ensure consistency of access and assessment, we propose to make it clear this duty places an expectation on local authorities, where there is a secure establishment within its boundaries, to

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secure the provision of a sufficient advice service to those in both adult or youth custody.

We propose, where possible, consideration is given to whether accommodation could be offered to a person in prison under the prevention duty, with a view to it being available on release, either under an occupation contract or on a more informal basis (accommodation with family or friends).

We propose the main housing duty should apply if the prevention duty comes to an end and the applicant is due to be homeless on release, even if the applicant has refused accommodation offered under the prevention duty.

We propose an amendment to the Social Services and Well-being (Wales) Act 2014 to ensure retention of belongings is included as part of the reasonable steps that need to be taken under Part 11 of that Act.

We propose legislation and guidance should be clearer about the link with Part 11 of the Social Services and Wellbeing (Wales) Act 2014 that 16 and 17 year old children, who are expecting to be released from the youth justice system within six months, receive a joint response across a local authority, in alignment with our proposals earlier in this section on children and young people.

Platform's Comment:

We are broadly supportive of the changes identified above. We would also encourage multidisciplinary work to be undertaken between housing and probation services, in a similar way to mental health and substance use services. Although not a devolved area, we would encourage Welsh Government to consider what legislative levers can be used to unlock greater cooperation in this area.

Our colleagues in Platform have good relationships with the probation teams, but there are times when the different systems are speaking different languages, or taking different approaches, and these can cause challenges in providing a streamlined, person-centred response, and can mean people receive different experiences between Platform's support, and the way the probation or wider

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criminal justice systems work. This still manifests as communication difficulties, colleagues working to different schedules and priorities, differences in culture and approach, differences in how to respond to and work with risk and remains one of the most significant barriers to client experience, safety and outcomes. This is an area that requires substantial work, and if the culture challenges are not addressed, we are concerned that all the legislative changes set out above would struggle to make the impact that we all want to see.

Chapter 4: Access to accommodation

We propose the existing legislation be strengthened to prohibit accommodation which has Category 1 Hazards as being deemed suitable.

We propose this also includes accommodation that is deemed 'unfit for human habitation' (having regard for the 29 matters and circumstances listed within the Renting Homes (Fitness for Human Habitation) (Wales) Regulations 2022 ("the 2022 Regulations")). If accommodation would be deemed unfit for human habitation in accordance with section 91 of the Renting Homes (Wales) Act 2016 ("the 2016 Act") and the 2022 Regulations, that accommodation must not be used.

We understand shared sleeping space is rarely used but we propose to make clear in legislation, shared sleeping space is never permitted, regardless of the temporary or emergency nature of accommodation.

We propose exceptions in law, which provide that accommodation that does not meet the higher standard will be suitable for up to 6 weeks if the accommodation is owned or managed by a local housing authority or registered social landlord, should be removed.

We propose to introduce a requirement that these personal circumstances must be given consideration in assessing suitability of accommodation, even if it is not possible at the time of the assessment to meet all of those needs through accommodation placement.

Continued

We propose to strengthen legislation to make clear, when determining the suitability of accommodation at the point the main housing duty is owed, placement in overcrowded accommodation is never permitted.

There must be no predilection for placing families in overcrowded conditions, however, it is noted such a placement (with family members or friends) may be preferential to households entering emergency accommodation and for this reason, we propose the prohibition does not apply to the prevention duty, should this be in line with the applicant's wishes.

We propose for people aged under 25, the use of unsuitable temporary accommodation, including Bed and Breakfasts and shared accommodation, should not be permitted for any time period

We propose to make it clear through legislation that where people of this age group are to be housed in temporary accommodation, it must be supported accommodation. Therefore, the accommodation should be combined with support (which is tailored to the individual or household and their needs) and should be made available until the individual is ready to move on to an independent living setting.

In addition, we propose to make clear in legislation those aged 16-17 must never be accommodated in adult focussed, unsupported temporary accommodation in Wales (see section 3 of this White Paper).

We propose accommodation cannot be deemed suitable unless it is located within reasonable travelling distance of existing or new educational facilities, employment, caring responsibilities and medical facilities, unless the applicant wishes to move beyond a reasonable travelling distance from those facilities.

We propose the local housing authority be required to take into account, in relation to both the applicant and any member of the applicant's household, any specific health needs, any impairment, where the accommodation is situated outside of the area of the

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authority, the distance of the accommodation from the authority's area, the significance of any disruption caused by the location of the accommodation to the employment, caring responsibilities or education of the person and the proximity of alleged perpetrators and victims of domestic or other abuse.

We propose legislation provides for sites (rather than bricks and mortar accommodation) to be generally considered the most suitable accommodation for an applicant from the travelling community (Gypsy, Roma and Travellers) and the local housing authority should be obliged to ask an applicant from the Gypsy, Roma and Travelling Community whether or not they are culturally averse to bricks and mortar and to ensure suitability of accommodation is culturally appropriate for the applicant.

We propose to formalise a Homeless at Home Scheme on a national basis.

We will ensure at both a local and national level we are able to profile the availability and stock of temporary accommodation in Wales.

We propose new legislative provision which will make clear an RSL cannot unreasonably refuse a referral from a local housing authority, within a specified timeframe, except in specified circumstances.

Platform's Comment:

We welcome these changes, as they will help streamline, clarify or simplify the current process, as well as continue the progress within Welsh housing legislation that prioritises the rights of people experiencing or at risk of homelessness, rather than the organisations delivering that support or providing housing.

However, there are some areas where we would encourage further development. We would want to add to the recommendation for local authorities to take into account various elements of people's needs, that they also consider distance from an applicant's family / support network. Whilst this is implied in terms of caring *responsibilities*, we want it to be more explicit, that it can also apply to people's relational needs. Loneliness and isolation is one of the critical factors behind mental health problems, and consequently behind tenancy failure.

Continued

We propose the current test for unacceptable behaviour, which permits a local housing authority to exclude applicants from their allocation scheme, or to remove any reasonable preference from them, should only apply where: a. an applicant (or a member of their household) has been guilty of unacceptable behaviour, serious enough to breach section 55 of the Renting Homes (Wales) Act 2016 so as to result in an outright possession order; and b. at the time of consideration of the application, the applicant remains unsuitable to be a tenant by reason of that behaviour (sections 160A(7) and (8) and 167(2B) and (2C) of the Housing Act 1996).

Platform's Comment:

This clarification is welcome, as it grounds the unacceptable behaviour (separate to unreasonable failure to cooperate) in very clear terms. We would want to explore the details of this in legislative terms to understand whether it is creating too broad and subjective a definition, and whether there is space for trauma-informed / relational ways of working.

Particularly in relation to “b. at the time of consideration of the application, the applicant remains unsuitable to be a tenant by reason of that behaviour”, we are concerned that this is very subjective and creates a potential mechanism to refuse applicants inconsistently and unreasonably. We would rather see this broken down to be more specific, so that both applicants, tenants, support workers and landlords can understand what is proportionate.

We would also recommend inclusion of a third aspect: “; c. and a trauma-informed response to address this behaviour has been attempted, in proportion with the level of unacceptable behaviour, or trauma-informed support has been put in place to help work with the person after exclusion to ensure re-inclusion as rapidly as possible.”

We have phrased it in the above way as we believe it is important that every tenant has an opportunity to be supported in a trauma-informed way, and whilst at times organisations may need to remove people from allocations, or remove preferences, this can also become a trap for people in the highest levels of need. There needs to be a mechanism in any new legislation to ensure people in these situations are not left behind.

Continued

We therefore propose to provide local authorities the power to remove people with no housing need from the waiting list in their areas.

We propose to assign additional preference to those who are homeless and owed a statutory homelessness duty over other priority groups who are deemed to have an 'urgent housing need'.

Welsh Government therefore proposes to introduce amendments to legislation to allow for care leavers who are homeless, to be provided with additional preference over other priority groups defined as having an urgent housing need. This will allow for greater prioritisation of care leavers within existing allocation systems, with the intention of increasing their access to affordable accommodation and mitigating the additional risk of homelessness they face. We propose a similar change so local housing authorities are permitted to specify in their allocation schemes people who are homeless as a result of fleeing abuse should be awarded greater priority.

We propose to introduce legislation to require the use of CHRs and common allocations policies across all local authorities in Wales.

We propose an increased range of housing options through which the main homelessness duty at section 75 HWA 2014 can come to an end.

Platform's Comment:

We welcome the recommendations on the Common Housing Register, as evidence has consistently shown it reduces 'cherry picking' in the system. However, we would want to see more details as to who will manage the CHR, and who will be writing the common allocations policy. We would argue they should be mandated to be produced in a co-productive way, by forming panels consisting of RSL and support provider representatives, alongside representatives with lived experience, to be reviewed at regular periods. Without clarity, and without working in co-production with all partners, there is a risk that any new process will repeat the challenges of the current system and reinforce a

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power dynamic that 'does to', rather than 'working with'.

We therefore propose to introduce a 'deliberate manipulation test' to be applied at the allocations stage of the homelessness process.

Platform's Comment:

As we stated in our opening, we want the Welsh Government to reconsider the creation of this 'deliberate manipulation' test. The rest of the White Paper provides excellent, evidence-based and compassionate ways forward for the housing sector in Wales, but we think that there are better approaches to address challenges, than one which runs the risk of further embedding shame-based approaches into practice. We are concerned that it is shifting a new, reframed intentionality test further into the housing process. Whilst we understand the concerns that have led to this recommendation, we do not believe that it will be effective in tackling the issue, and instead will create further unintended consequences, and runs the risk of building a lack of trust into the housing system.

Our vision, which we see reflected in most of the White Paper, is of a housing system that at default, is there to meet people's needs, whether they are struggling with high levels of distress, or whether they need a short intervention. We understand that due to pressures on public finances for decades, a rationing mentality has by necessity, developed. However, for a White Paper, we would want to see the visions articulated so powerfully throughout, to be reflected at all levels. In this, we believe Wales can do better.

If this cannot be removed from the White Paper, we would encourage checks and balances to be set up, at the very least. We believe these checks and balances should be three-fold:

- 1) **Annual reviews:** There should be an annual review mechanism across local authorities, reviewed by an independent organisation, to consider how often, and in what situations, this 'deliberate manipulation test' is applied and what lessons can be learned from this.
- 2) **Focus of evaluation:** When the evaluation of new legislation and its implementation is carried out, the use of 'deliberate manipulation tests' should be a specific element to consider in terms of impact and unintended consequences.
- 3) **Secondary legislation:** The relevant Minister should have the ability to remove this aspect of the legislation in future, using secondary legislation, rather than having to rely on primary legislation. Our view is

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that the culture around housing changes, and we have already seen a significant shift from the Housing (Wales) Act 2014, in only ten years, to the point that a full White Paper is required. Building in this flexibility will enable Ministers to amend in the future if the evaluation demonstrates problems with the approach, or if culture changes again in Welsh housing. It is a proportionate and reasonable use of secondary legislation and will ensure that future changes are easier to make, whilst still guaranteeing scrutiny of the decision.

Conclusion

This White Paper is a positive, much-needed contribution to policy and legislative development in Welsh housing. Many of the changes recommended by Welsh Government, as a result of the work of the Expert Review Panel, are addressing long-term, entrenched systems and structures across housing legislation. It feels as if the decades-old structures that were set by previous Westminster-set Housing Acts, are finally being re-developed in a Welsh way. The Housing (Wales) Act 2014 was a tremendously powerful first step towards that. This White Paper feels to us like an even greater step forward.

The priority it has placed on the voice and rights of people at risk of, or experiencing, homelessness, is hugely welcome.

Yes, there are areas that need to be considered carefully, not least of which is the need for greater funding to enable this to take place, the need for mental health needs to be met whether the person sees a social or medical model of their disability, and the need to review the 'deliberate manipulation' test. Across the whole of the White Paper, there are also ways to extend, build on and strengthen the changes and recommendations.

Despite those amendments and changes we believe are needed, we consider this an excellent White Paper, building on the lived experience of people in housing need, and strengthened by the sector-wide consultation that took place so thoroughly throughout Wales. We welcome and support this White Paper and look forward to engaging further in the process as it continues.

Welsh Government - White Paper on Ending Homelessness in Wales
Response from Propertymark
January 2024

Background

1. Propertymark is the UK's leading professional body for estate and letting agents, inventory providers, commercial agents, auctioneers and valuers, comprising over 17,500 members representing over 12,800 branches. We are member-led with a Board which is made up of practicing agents and we work closely with our members to set professional standards through regulation, accredited and recognised qualifications, an industry-leading training programme and mandatory Continuing Professional Development.

Overview

2. The Welsh Government have published a White Paper looking at a range of proposals for changes to policy and the law, to end homelessness in Wales. The proposals within the White Paper form part of a long-term transformation process to the homelessness and housing system, as set out in the Programme for Government and Cooperation Agreement. These proposals include reform of existing core homelessness legislation, the role of the Welsh public service in preventing homelessness, targeted proposals to prevent homelessness for those disproportionately affected, access to housing and implementation of proposals.

Consultation questions

Chapter 1: Reform of the existing core homelessness legislation

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

3. Yes, we are broadly in agreement that that the proposals to reform homelessness legislation will lead to increased prevention and relief of homelessness in Wales.

Comments on proposed changes

The period of time in which a person should be assessed by a local housing authority as threatened with homelessness and what can trigger this assessment.

4. In principle we agree that the time when a person is considered as at threat of homelessness should be increased from 56 days to six months. However, as the consultation acknowledges, many local authority homelessness services are reactive due to high caseloads, staff vacancies and the high volume of homeless presentations. On the one hand these pressures could increase with a higher case load from the extended time. On the other hand, providing support and intervention for individuals and families before they hit crisis point could prevent homelessness cases and support local housing authorities plan their resources more effectively. We also acknowledge that the six-month proposal would align with Section 173 of the Renting Homes Wales Act 2016. However, if tenants are deemed at threat of homelessness

on receipt of a Section 173 landlords possession notice, it should be acknowledged that landlords often issue these notices for reasonable and practical reasons such as to allow the landlord or landlord's family member to live in the property themselves or to sell the property. Landlords do not issue Section 173 notices lightly, and local authorities should improve their relationship with both landlords and tenants. When a tenant is issued with a Section 173 notice, local authorities should support the tenant, if appropriate, to alternative privately rented accommodation. This can only be achieved when local authorities have good relationships with landlords and their property agents.

Where a person is permitted to reside in an area, but does not have access to clean water, waste facilities and toilet facilities, they should fall within the definition of homeless under section 55 of the HWA 2014.

5. There is already sufficient legislation to ensure that tenants renting in the Private Rented Sector have access to clean water, waste facilities and toilet facilities including the Housing (Wales) Act 2014 and the Fitness for Human Habitation Standards under Renting Homes Wales Act. However, the proposals would support those people who reside in accommodation that is a moveable structure, vehicle or vessel adapted for human habitation (such as a caravan or houseboat).

A statutory duty to draw up a PHP containing the steps the local housing authority will take to secure accommodation for the applicant

6. We recognise that there are many reasons why individuals and families could be at threat of homelessness and that to reduce the threat, individuals will require specific solutions tailored to their needs and problems. Personal Housing Plans (PHP) are a good opportunity for officers of local housing authorities to highlight solutions to specific barriers to housing and reduce the individual threats to homelessness people may face. However, for this to be effective, local housing authorities will have to be resourced accordingly to provide PHPs. We would also encourage local housing authorities to improve engagement with landlords and their agents to better enable them to sign post people at threat of homelessness to the PRS when social housing is not available especially as the PHP should consider location and accessibility needs of the applicant.

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

7. Given the increased resources required to support a greater number of people who could be at risk of homelessness, Welsh local authorities need to improve engagement with letting agents and private landlords. One method they could consider is keeping a database of adaptable property to enable local authorities to sign post people to appropriate accommodation within the PRS. Unfortunately, there is currently an unlevel playing field between support for the most vulnerable tenants with complex needs who live in the PRS compared to those who have dedicated support and live in social housing. This support can include mental health support, support with accessing employment and benefits as well as

signposting support services. To support vulnerable tenants to have greater access to the PRS, local authorities should also consider schemes to reduce barriers in obtaining bonds for accommodation, improved training to sustain tenancies and advice lines for those tenants with the greatest and most complex needs to ensure they can be signposted to support their needs.

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

8. Propertymark supports the proposal to end priority need when there is sufficient supply of housing to accommodate all people in need. We are aware of the current policy of priority need being administered differently by local housing authorities resulting in some people who are already experiencing homelessness not being able to access support and services. Significant resources are used up by local housing authorities on investigating whether housing applications meet the priority needs test when these resources could be far better utilised in finding solutions and supporting people at risk. We also accept that individuals having to prove how vulnerable they are not only a humiliating experience for many, but recalling traumatic events could also have a detrimental impact on their well-being. While it is devastating that evidence has revealed that some single persons who are already experiencing homelessness have been excluded from homelessness support, we are concerned there is currently an inadequate supply of appropriate accommodation to protect those with the most complex needs, people with disabilities and families with young children. Therefore, we welcome the acknowledgement that ending priority need will require a lead in time to ensure that appropriate housing levels are at adequate supply levels and that those impacted are not confined to temporary accommodation for long periods of time. We are equally pleased that local housing authorities can still use a triage system for the priority to access social housing. While adequate levels of appropriate housing are produced across Wales, more must also be done to improve the relationship between local housing authorities, private landlords and their agents and to ensure that access to the PRS from vulnerable households is improved and that barriers are removed.

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

9. We are supportive of the proposal to remove the intentionality test from legislation, so it is no longer applied in determining whether an applicant is entitled to the prevention and main duties (section 68-interim duty to secure accommodation (in the context of ending the duty) and section 75 (duty to secure accommodation) of the HWA 2014) or any future duties in new legislation. However, for those cases where tenants have made themselves intentionally homeless through acts of serious rent arrears and repeat cases of anti-social behaviour within the PRS, the Welsh Government must support local housing authorities find safe routes into social housing where they may receive greater support for their needs. In many of these cases, these tenants have found access to the PRS difficult due to poor credit ratings and references from landlords and they will subsequently require the greater levels of support to appropriate housing resources.

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.

10. Propertymark supports retaining the local connection test, at least until the supply of all housing tenures could support potential increased external demand from other areas. We also believe that by removing the local connection test, resources could be constrained especially for larger local authorities where a large cohort may wish to locate to the area. However, we also agree that extending the list of exemptions to the local connection test to those in certain circumstances who are veterans, care leavers, prison leavers as part of their rehabilitation and those experiencing domestic abuse would be fair as these are groups that are restricted by the legislation most. Furthermore, we do not believe that these cohorts would contribute to significant challenges to resources in contrast to ending the local connections test in its entirety.

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?

11. We do not have any further comments.

Chapter 2 - the role of the Welsh Public Service in preventing homelessness

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?

12. Yes, we 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. Relevant public bodies are in a good position to identify the key risks of homelessness from as early as possible to prevent escalating the problem. We agree that public bodies should only refer cases to local authorities with the approval of the individual as this will prevent inappropriate cases or individuals who do not require support being referred. We also welcome the commitment to share best practice, provide education and sign posting to ensure the referral process is widely understood.

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?

13. Yes, we agree that social services departments both within local authorities and other local authorities, local health boards and registered social landlords are in the best position to support the early referral of persons at risk of homelessness. We think this for two reasons. Firstly, these bodies have specific responsibility to the devolved powers within Wales. Secondly, they may hold specific data on rent arrears or life changing characteristics such as disabilities or poor health outcomes which could increase the risk of homelessness. Additionally, we think that schools, further education settings and pupil referral units should be added to the list of bodies with these duties providing the referral process is streamlined and does not add further unnecessary workload and bureaucracy to educational staff. Ideally, we agree that additional public bodies should be included including the Department for Work and Pensions, Probation Services, Police and HM Courts and Tribunal Services. These organisations would hold valuable data that could highlight the risk of homelessness before it

escalates. However, we also acknowledge that these public bodies are subject to the UK Government's control. While we welcome the commitment from the Welsh Government to share their intentions with the UK Government, we would recommend the list of public bodies remains on review to be amended as and when appropriate.

14. Finally, the expert panel recommended that private landlords should be placed under a duty to refer tenants at risk of homelessness to a local housing authority. We welcome the Welsh Government's acknowledgment that this proposal should not be included in the proposed Homelessness Bill. Firstly, there was no clear proposal on the duty for those landlords to act who have discharged their management duties to a property agent. We assume that had the proposal have gone forward then property agents would have been subject to the same requirements. However, some property agents might not have the same level of interaction with tenants on a regular basis, thus making it difficult to identify characteristics that lead to homelessness. Secondly, and as the White Paper identifies, such duties would be more appropriately identified as part of the review of Rent Smart Wales licensing or as part of the ongoing work on adequate housing, fair rents and affordability. While we welcome the proposal not to establish the duty on landlords or property agents, we would be happy to continue to engage with the Welsh Government on how property agents can informally support the early detection of homelessness from tenants.

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

Yes, we do think that the Welsh Government have struck the right balance between legislative requirements and operational practice, particularly in relation to health.

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.

15. Where property agents will be engaging with new policy functions the Welsh Government should consider the impact on agent businesses, training of staff and how current working relationships between property agents and support networks and outside bodies can be enhanced and utilised.

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?

16. Propertymark welcomes the proposal to empower individuals with lower-level needs with regards to the threat of homelessness. This could include being aided to enable them to respond independently to tackle the barriers they are facing in their housing needs to prevent homelessness. We also welcome the realisation that this method would not be appropriate for some individuals especially those with more complex needs, people who have repeat incidents of homelessness, people who have been homeless for long periods of time and those who require the support of multiple stakeholders.

17. For people who fall into such cases of homelessness, we welcome the proposal to establish a compulsory case coordination, which would identify a lead organisation to collaborate with other relevant stakeholders. Given the complexity of some homelessness cases, we also welcome the acknowledgement that the lead stakeholder may not always be the local authority. For example, in cases where community safety is of major concern, it may be appropriate in such cases that the police take a leading role.

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?

18. We do not have any further comments.

Chapter 3: Targeted proposals to prevent homelessness for those disproportionately affected

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)?

19. We are not aware of any other groups of people that need to be captured and received targeted activity to prevent and relieve homelessness.

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

20. We welcome the outline of specific groups who are particularly vulnerable to the threat of homelessness including disabled people. Propertymark is pleased to see that the White Paper acknowledges the advantages of local authorities compiling an accessible housing register, which has been a policy proposal that Propertymark has campaigned for local authorities across the UK to complete. We also welcome the acknowledgement that few local authorities in Wales have such a register in place, and that the Welsh Government see this as a useful tool in maximising housing options for the disabled. To this end to support these measures additional legislative or policy actions are needed in the following areas:

- **An accessible housing register should include housing from all tenure** - including the PRS where local authorities could sign post disabled tenants to suitable property in the event of insufficient social housing stock.
- **The Welsh Government should use this opportunity to increase the uptake of Disabled Facility Grants (DFG) in the PRS** - to ensure more properties in this tenure are accessible for tenants needs. We understand that awareness of the DFG is relatively limited amongst landlords and their agents and there is evidence that when they are made aware of grant funding, they become more amenable to improving the accessibility of their properties for their tenants.

- **The Welsh Government to open an inquiry to investigate the barriers to making PRS properties more accessible** – this should include ways to promote the advantages of improving accessibility and consequently landlords future proofing their businesses.
- **The Welsh Government should carry out a review of older person’s housing in Wales** - improving the accessibility of property for disabled people may have a positive impact on older person’s housing. While older people have not been identified as a vulnerable group and at significant threat of homelessness, the rate of older people is set to significantly increase, and their housing needs should be closely monitored. The latest estimates show that there are 866,006 people over the age of 60 living in Wales. This number is estimated to rise to 956,000 (30% of the population) by 2026, and to 1,015,000 (31% of the population) by 2031.

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?

21. Propertymark understands that there are many factors that contribute towards homelessness and to tackle the complex needs of those who experience homelessness, local housing authorities must liaise with colleagues in health and social care. The Social Services and Wellbeing Act Wales 2014 has outlined a code which demonstrates that that many services provided under the Act are to be delivered in partnership with others, including housing and health services. Propertymark also recognises that people who are care experienced are also particularly vulnerable to homelessness. Many young people, including those who are care experienced, have had difficulty in accessing support services once they have transitioned into adult care services. We hope that by incorporating a more collaborative approach that the needs of those leaving children’s support services will be better aligned and maintained to support their needs.

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?

22. Yes, we do think that the Welsh Government’s proposals do 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 We welcome the acknowledgment in the requirement to strengthen the corporate parenting responsibilities to ensure individuals aged 16 and 17 years who are homeless or at risk of homelessness do not fall between services when they transition to adult care services. We also welcome other proposals including using legislation to ensure 16 and 17 year olds are not housed in unsupported temporary accommodation. However, we believe that the long-term needs of young people still need to be focused on to ensure once they are housed, they have sustainable housing options. This could include

adopting approaches such as Housing First specifically aimed at this cohort to looking at financial barriers that act as a barrier to accessing housing particularly in the PRS.

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?

23. We agree in principle as this would formalise the rights for tenants aged 16 and 17 years old and would also make clear the obligations of both landlords and property agents as well as tenants. However, if such a proposal was made, we would firstly recommend that careful consideration is given to the impact on this age group and that sufficient time is given to landlords and property agents to issue occupational contracts and that sufficient awareness is made to landlords and property agents.

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?

24. We do not have any further comments.

Chapter 4: Access to accommodation

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?

25. Short-term care is not within the remit of Propertymark. However, we agree with the proposals.

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?

26. We agree with the proposals around the allocation of social housing and management of housing waiting lists. However, where a local authority has removed an individual from a waiting list as they deem them to have no housing need, the local authority should direct them to suitable options within the PRS. This would be supported by greater cooperation between local authorities and landlords and their agents.

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?

27. We agree with the proposal for relevant officers from the local authority should be able to have the discretion to issue additional housing options prior to the discharge of the main homelessness duty. We recognise that there might be legitimate reasons why an applicant may refuse suitable Part 6 accommodation including housing in social housing or accommodation

in the PRS. When the local authority recognises and accepts the reasons for refusal then they should have the discretion to offer an increased range of housing options through which the main homelessness duty at section 75 HWA 2014 can come to an end. We recognise the pressure that housing departments are already under at local authorities and are concerned that some local authorities may not have the capacity and resources to offer additional housing options. This could take the capacity away from local authorities in providing important prevention services. Ultimately, however, we believe that local authorities are in the best position to assess what is fair and acceptable and to act at their discretion on a case by case basis.

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?

28. We do not have any further comments.

Chapter 5: Implementation

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

29. We welcome the change in emphasis of local authority members scrutiny functions focusing on the overall performance of homelessness services rather than individual decisions. Equally we welcome the proposal to use and extend the existing structures provided through local government scrutiny to monitor homelessness provision and the implementation of the proposed legislative reform. However, we would like clarity on what this would look like in principle. Local government scrutiny functions are under increased pressure in some local authorities due to an already lack of resources and capacity. We also believe that members of local authorities may require specific training to understand specific housing legislation particularly for the PRS where there has already been systematic and fundamental change through the Renting Homes (Wales) Act 2016. However, the proposal to allow the Welsh Government to 'call in' decisions made by local authorities through the analysis of homelessness data will allow an additional layer of scrutiny of performance which we welcome.

30. Additionally, we are supportive of the other proposed measures especially the proposal to use the experiences of people who have experienced homelessness to shape services. However, currently homelessness services are scrutinised through complaints received for malpractice of homelessness services to the Public Service Ombudsman for Wales. The White Paper does not acknowledge that people who are at risk of homelessness are some of the most marginalised in society and to some degree might not consider making referrals to the Ombudsman. Equally, we would recommend the Welsh Government liaises with the Ombudsman to detail proposed changes and to discuss strategies to improve access to service users.

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?

31. We think there are two functions that the Welsh Government should explore that could be used to hold local housing authorities and other public bodies accountable for their role in achieving homelessness prevention. Firstly, adopting the Scottish model of regulation of homelessness services through the Scottish Housing Regulator.¹ We have reservations that local authorities have the capacity and resources to perform this through member scrutiny functions. Secondly, local authorities should be encouraged to set up joint scrutiny functions with neighbouring authorities or as part of the joint scrutiny function of local health boards. This would not only increase capacity and resources but would align the scrutiny of health and social care conterminously with homelessness services to provide greater integration.

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?

32. We do not have any further comments in this regard.

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?

33. We think that the impact on the Welsh language would be largely neutral and that local authorities have sufficient resources to support service users who wish to engage in the Welsh language.

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:

34. We would be delighted to continue to engage with the Welsh Government to outline how we can support the Welsh Government in their aims of tackling homelessness.

¹ <https://www.housingregulator.gov.scot/>



RSL engagement events: Homelessness White Paper

November 2023

Purpose

This briefing note sets out key themes discussed at RSL engagement events held on 16 November and 22 November in South Wales and North Wales respectively.

Key themes

Allocations

Building on best practise

- Attendees recognised Common Housing Registers (CHRs) are on the whole a good idea as they ensure a sole access point to social housing for service users and should make the system more efficient.
- However, it was raised that for CHRs to be successful they must be adequately resourced and there was concern from HAs that currently the lists are out of date.
- It was also raised that CHRs must be used alongside a common allocations policy/scheme in order to be effective.
- The Single Access Route into Social Housing (SARTH) Partnership hosted between Denbighshire, Flintshire and Conwy LAs and five HAs across North Wales was recognised as an example of best practice, including their triage process.
- [Tai Teg](#), a partnership project led by Grwp Cynefin that provides a central hub to access affordable housing (intermediate rent and affordable sale) by hosting a register for eligible people and allowing them to apply for properties, was also recognised as a helpful system.
- Attendees noted that more work could be done to explore how social and affordable housing registers could become more integrated (being mindful of the detrimental effect grouping social housing with intermediate could have on the uptake of intermediate options).



Muscular powers for LAs

- HAs feel that this imperative and language could actually undermine the partnership working we are looking to build by creating barriers and eroding goodwill and trust. HAs believe each allocation should be a joint decision, and that this is the power of the partnership.
- Tension is not necessarily an unhelpful thing - it ensures there is a good balance of views, and that a rigorous approach is taken to allocations
- Would welcome detail/guidance on what will constitute an 'unreasonable refusal' and 'specified circumstances'. For example, will a lack of supply (that is appropriate and suitable) be considered a reason?
- HAs noted that it will take considerable time and resource in justifying their decisions and outlining all the factors they have considered if/when declining a referral (for a particular applicant and a particular property).
- HAs sometimes have to decline a referral/nomination because of community or police concerns around safety. They have to give regard to these views, but sometimes are criticised for that decision.
- If LAs will be able to 'demand' that a HA allocates a particular applicant and property, will the HA therefore be able to 'demand' the LA's support under the duty to cooperate?

Recognising the importance of data

- A strong message across both engagement events was the importance of data so that we can understand the real picture. In terms of allocations this involves a two pronged approach:
 - Information about the applicant collected on the register. For example: do they require accessible/adapted accommodation; do they have complex needs; what agencies are engaged with applicants at time of application; the level of soft skills an applicant has.
 - Detailed information held by the local authority about housing supply in their area (extending across tenures from social housing to the PRS). A local housing strategy shared by homelessness prevention teams and planning departments would ensure all facets of local government were working towards the same end goal. This could be tied into Local Housing Market assessment (LHMA) and local needs assessments. It is critical that these are up to date as they should inform distribution of funding homelessness services, including through the HSG.

A focus on accessibility

- Attendees highlighted the importance of face to face consultation when someone is applying for social housing. Face to face consultation allows housing options staff to learn more about and build a relationship with the individual they are helping. Thorough engagement at this stage can provide invaluable information about the candidate such as their level of soft skills, what complex needs they have etc.
- Personal Housing Plans were seen as a good tool to do this.



Maintaining access for those who are not currently homelessness

- HAs noted how important it is to not build a system that encourages a 'race to the bottom' or 'point scoring', and that housing people with acute housing need (other than current statutory homelessness) is critical in supporting Welsh government's aspiration for homelessness to be 'rare, brief and unrepeatable.'
- We must move away from the current pressures that are forcing HAs to serve NoSPs in order to access homelessness prevention funding and/or support from partners - this is far from trauma-informed.
- HAs expressed concerns about the current inability of social housing tenants to move through the social housing system if their current home was to become unsuitable, for example due to over-occupying.
- One HA described 'managed moves' as a failure of policy. They felt that 'managed moves' aren't transparent to the allocations process and that there should be policies in place that negate the need for them, for example by allowing access to new housing options for people already living in social housing.
- Retaining flexibility for internal moves is part of the sector's commitment to limit evictions into homelessness, and is also important for people whose circumstances have changed. Transparency about the reasons for direct lets is important, and this should be recognised within any data sets.
- One HA raised that people leaving hospital should be given additional preference as this could alleviate strain on hospital flow and discharge.

Making best use of housing stock

- HAs raised that allocations and making best use of housing stock can be made more difficult by reserved policies like the bedroom tax, which makes allocating small 2-bed flats difficult (as they are not aspirational for families but too expensive for single households).
- HAs, WG and LAs should consider how to utilise opportunities for intermediate housing within their local areas. Signposting to intermediate housing options should be considered during CHR triaging of an applicant, where this is appropriate (for example, where a household has been evicted from a PRS property but can afford the rent level).

Homelessness prevention

- HAs expressed that homelessness prevention does not start at allocation stage; it goes back further to maintaining tenancies and preventing housing precarity from escalating to the point of statutory homelessness.
- HAs noted the need for a 'starter' tenancy" or 'retained homelessness status' for homeless applicants so that if they have a false start in their tenancies it is easier to move them to alternative properties without re-entering at the starting point of the allocation process. (Unintended consequences were discussed here, for example the risk of multiple moves per individual.)



- It was suggested that more work could be done to understand the root causes of homelessness.
- Ultimately, HAs concluded that homelessness prevention should be defined and resourced.

Importance of choice

- We cannot lose sight of the right outcome for individuals, and respect individual choice. Care is taken to match and find the right property for people, close to their support network, so the tenancy is sustainable and we end the cycle of homelessness
- If we are aiming for person-centred and trauma-informed approaches, we must ensure applicants are provided with a good allocation (not necessarily the first potential match) as this means a sustainable tenancy rather than extending the period of uncertainty and distress.

Implementation

- Call for thought to be given to process of implementation - what are the successful ingredients of a CHR and CHP; what infrastructure is required to make that happen (staff, IT); communications with prospective tenants etc; SLA with local authority

Who is social housing for?

Social housing should remain accessible

- On the whole, most HAs felt that LAs should not have the power to remove applicants from their waiting lists. HAs described this as a rash move responding to the crisis. It was also raised that this recommendation could stigmatise social housing and regress the progress that has been made to change the perception of social housing.
- We could put energy into managing the lists and removing people, but what difference would that make - is it worth the investment of time and resources?
- Who is going to lose out if social housing is only allocated to homeless applicants? Older people, young people, families experiencing overcrowding, people with disabilities, people moving on from refuge - we need to surface these potential unintended consequences.
- HAs also noted that some of their housing stock is hard to let due to location, and could therefore be unoccupied if HAs were unable to house applicants who aren't currently statutory homeless (even if they are in housing need). There are potential unintended consequences for the financial viability of associations.
- It is important that frank, honest discussions are had with applicants during the application process about the realities of their housing situation; how likely it is that they will be allocated a social home; directing and supporting them to access other housing options (intermediate, PRS) if social housing isn't the best option for them.

What is different?



- HAs had questions about the proposals to a) remove priority need categories, and b) regulating the allocation of social housing through reasonable and additional preference. There was uncertainty about what the difference would be and what would change in reality.
- Some HAs had reservations about homelessness being an additional preference in case this tilts the system too heavily towards crisis and not prevention.
- HAs noted a tension within the proposals as they seek to remove barriers to social housing, while also making social housing more exclusive to statutory homelessness applicants. We would urge the Welsh government to consider whether there is a contradiction here through adding barriers to social housing for anyone who isn't currently statutory homeless?

Are multiple assessments throughout the allocations process necessary?

- HAs noted that the deliberate manipulation test felt similar to the intentionality test and were unsure how they differed.
- They felt that the proposed deliberate manipulation test came at too late a stage in the allocation process, not least because time and resources would have already been spent on allocating the applicant, so it would be more straightforward for them to stay. If deliberate manipulation was identified, would the social landlord then have to withdraw the offer of a tenancy or evict the applicant, likely back into homelessness? This would clearly be at odds with efforts to end evictions from social housing into homelessness.
- HAs would welcome more detail on who would be responsible for making decisions around 'deliberate manipulation', and the criteria used for assessing it. They felt that this lever would rarely be used by individuals because of the risks involved in accusing a person of lying and/or making the wrong decision, especially in cases involving safeguarding, domestic abuse, etc.
- HAs are keen to understand how WG envisages the reasonable/additional preference and deliberate manipulation measures working, perhaps with some mapping of scenarios and how an applicant would interact with each test.
- It was noted that some form of 'pre-tenancy check' and duplication of the system might be inevitable - how long is a reasonable timeframe to consider as relevant the information taken when an applicant registers for housing?
- Some HAs queried whether applicants should be reassessed once they are in temporary accommodation (assuming this is suitable and of a good standard)? Some settled accommodation might be less suitable for a household (e.g. in cases of overcrowding) than some temporary accommodation.

The role of public services

Homelessness is everyone's responsibility and adequate resources are key

- HAs felt that the proposed recommendations in this section of the Paper were really strong and supported holistic, person-centred and trauma-informed working. Proposals were considered a progressive step forward in regard to homelessness across the whole public sector, but that this must be resourced appropriately.



- HAs felt that the new duty to refer should be not just for a risk of homelessness, but also for the recognition of housing precarity or other need (e.g. overcrowding or lack of adaptations).
- More information around the proposed duty to sustain tenancies would be welcome, particularly on how needs are assessed and action/support monitored, the timeframe and what happens if support needs 'flare up' again soon after this action/support ceases.
- Some HAs shared reservations that this could make the homelessness issue worse in the short term as it would increase demand for housing services when things are already stretched. However, HAs are eager to play their part in ending homelessness and this means tackling the issue head on and uncovering demand.

This must be strategically driven by existing bodies

- It was highlighted that this must be a joined up approach across public services and not an 'us vs them'
- HAs also discussed how this would look in practise - would it take the form of integrated hubs? Are there opportunities to consider co-locating services and review the current use of premises? There are existing examples of this we can learn from.
- It was noted that Regional Partnership Boards (RPBs) should take an active role in coordinating and strategising homelessness response in their operating areas, and that the role of Public Service Boards (PSBs) and complex needs boards should also be considered Recognition and involvement of housing and homelessness services in these spaces currently varies across Wales.
- HAs noted that there seems to be strategic buy-in within the regional partnerships, but that this has not yet translated to the operational level, and an observation that there is a lot of work to do in educating other services and professionals.

We need to explore what effective partnership working is at an operational level

- There was support for developing multi-disciplinary teams within LAs to respond to homelessness as has been done in areas of RCT and Cardiff & Vale.
- Common thresholds for support will be important. Each profession/public body could take their own view, and it is important to see a person's needs holistically. The interface and understanding between partners will be important.
- It is currently easy enough for HAs to refer to LAs and vice versa, but very difficult for HAs to refer to Health or other services. We need to consider a central referral point/pathway, otherwise there is a risk of referrals getting lost or delayed.
- We note that the police and criminal justice partners will be part of the multi-agency effort, and there are many examples across Wales where HAs and local police work very effectively together. However, there are striking differences in policy direction between WG devolved housing and homelessness vs UK Govt reserved policing, criminal justice and ASB management. We would welcome careful thought about this growing tension.
- Data sharing - need to think about this early. Health and Social Services still struggle to share information, so how can we facilitate this with wider partners?



Overarching themes

Is legislation the right tool?

- Specifically in regard to allocations, it was discussed whether legislation was the right tool.
- HAs shared that current practice was a high percentage of lets to homelessness households, and freedom within legislation would allow HAs to move people through allocation systems and make best use of existing stock.
- Idea raised that regulation would be a more effective tool to achieve these goals, accompanied by a code of best practice and active learning programme to shine a light on what works well

Unintended consequences

- Unintended consequences were discussed by HAs at length, in particular in regard to the following areas:
 - DWP policies - specifically LHA
 - Common Housing Register and forcing applicants to chase points / bands
 - Powers for LAs to remove people from waiting lists

The need for awareness, education and data

- We must make sure local elected representatives understand the policy and practice landscape (and the reality of the situation), and that this translates into action and decision making.
- Additionally, if we are requesting public services to take on a more active role preventing homelessness they must be made aware of the current situation within their local area.
- We must have a common language with clear and understood definitions of what we mean by:
 - Housing precarity
 - Housing need
 - Homelessness prevention



Consultation response

White Paper on Ending Homelessness in Wales January 2024

RSPCA Cymru welcomes the opportunity to respond to the Welsh Government's [consultation](#) on the White Paper on Ending Homelessness in Wales. RSPCA Cymru has long called for action to be taken by the Welsh Government in order to address the issues relevant to Wales' homeless pet owners, with both homelessness and companion animal ownership currently on the rise. For many homeless pet owners, their animals are a vital source of comfort and companionship while providing them with a sense of purpose and routine. We therefore believe it is imperative that vulnerable animal owners in Wales are not forced into situations where they may be required to choose between accessing safe and secure accommodation or keeping their pets.

According to the most recent statistics from the Welsh Government, at least 12,537 households were assessed as homeless between 2022-2023 - marking an increase of 7% on 2021-2022¹. Companion animal ownership is not uncommon across the homeless community, with estimates from the Center for Homelessness Impact suggesting that as many as a quarter of homeless people have pets². With the number of homeless households having increased in Wales, it is likely that this corresponds with a rise in the number of homeless pet owners too.

Positively, the aforementioned White Paper makes a number of specific references to pet ownership - marking a significant improvement in comparison to previous plans and strategies to address homelessness in Wales. Proposals to include a statutory duty to include an applicant's views on their accommodation needs in their Personal Housing Plans (PHPs) - such as being accommodated with their pets (84 - page 31) - are very much welcome. The White Paper also makes reference to achieving 'a more person-centred system which is better able to take account of individual needs and how meeting or not meeting these needs might impact a person's health and wellbeing'. Being accommodated with a pet is among the examples provided (508 - page 130), which is highly encouraging. No pet policies are also recognised as a barrier to accessing social housing in chapter 4 (594 - page 150), demonstrating a significant step forward in terms of recognising the challenges faced by homeless pet owners in Wales.

For the purposes of this response, we will focus on the proposals above while outlining what further action we believe could be taken to reduce the current barriers facing homeless pet owners. Such action could reduce the number of people who find themselves faced with having to give up their companion animals to access accommodation, while also protecting and improving both human and animal welfare.

Chapter 1: Reform of existing core homelessness legislation

Proposed changes: A statutory duty to draw up a PHP containing the steps the local housing authority will take to secure accommodation for the applicant (84)

¹ <https://www.gov.wales/homelessness-april-2022-march-2023>

² <https://www.homelessnessimpact.org/news/unleashing-hope-the-power-of-dog-ownership-for-people-experiencing-homelessness>

With Chapter 1 proposing the creation of a statutory duty that would require local authorities to draw up Personal Housing Plans (PHPs) which take an applicant's views into account, RSPCA Cymru agrees that this proposal could benefit Wales' homeless pet owners. Considering and accommodating an applicant's views in their PHPs, such as their desire to be accommodated with their pets, could see them access the support they need while keeping their companion animals with this having the potential to lead to more successful and/or longer-term housing arrangements. Allowing an applicant to make such requests would also provide the Welsh Government and the relevant support services with a more reliable estimate of the number of homeless pet owners in Wales along with a better idea of their specific needs. Dog ownership is particularly common among the homeless, providing many with a number of physical, mental and social benefits. Dog ownership has also been shown to assist with mental health issues by providing a form of emotional support to owners, while helping some members of the homeless community to facilitate routines³. Positively, the integral mental health and well-being benefits of pet ownership among the homeless are noted on page 31 of the White Paper.

To reduce the barriers faced by homeless pet owners - and to ensure the proposal above has the desired effect - RSPCA Cymru believes that the Welsh Government should work in partnership with local authorities and other providers of accommodation to secure the provision of more pet-friendly accommodation and support services. While up to 25% of the homeless population could be considered pet owners, it is estimated that less than 10% of hostels accept pets into their facilities⁴. Previous estimates suggest that there are only eight hostels in Wales that are currently listed as allowing pets, with 19/22 local authorities having no dog-friendly hostels at all⁵. Being forced to choose between accessing accommodation or keeping their companion animals could place already vulnerable individuals in further distress while preventing them from accessing much-needed help and support. It is therefore important that more accommodation is made available for homeless pet owners and their animals. This could be achieved through incentivising and encouraging current providers of accommodation to adopt flexible approaches so that more space is made available for members of the homeless community and their animals. Carrying out an audit of temporary accommodation provision and the acceptance of pets to assess regional gaps and support needs for homeless pet owners could also help the Welsh Government gain a better insight into the availability of pet-friendly accommodation and how this could be improved.

While the proposed legislative change outlined above could lead to significant improvements, if it is to be effective, it is important that local housing authorities have the resources and knowledge in place to aid vulnerable people with animals. While all local authorities are required to produce a homelessness strategy under the Housing (Wales) Act 2014, previous research from the RSPCA suggests no homeless strategy currently published by a local authority in Wales makes references to pets or animal welfare at all. RSPCA Cymru therefore urges the Welsh Government to undertake a proactive approach by working with local housing authorities, as well as organisations that run and provide hostels and other housing alternatives, to ensure that the specific needs of homeless pet owners are taken into account and recognised in their relevant strategies. Issuing these organisations with specific training, support and guidance relevant to this demographic could help promote a better understanding of the issues relevant to homeless pet owners, and the importance of accommodating them, while also improving the safety of the owners and their animals.

Chapter 4: Access to accommodation

We propose to introduce a requirement that these personal circumstances must be given consideration in assessing suitability of accommodation, even if it is not possible at the time of the assessment to meet all of those needs through accommodation placement.

594: We propose to introduce legislation to require the use of Common Housing Registers (CHRs) and common allocations policies across all local authorities in Wales.

³ University of Bristol - "A Part of Me." The Value of Dogs to Homeless Owners and the Implications for Dog Welfare

⁴ <https://www.dogstrusthopeproject.org.uk/welcoming-dogs-scheme/about-our-welcoming-dogs-scheme>

⁵ <https://record.assembly.wales/Plenary/5852#A53686>

Within Chapter 4 of the White Paper, the Welsh Government makes reference to ‘building choice into the system’ with ‘being accommodated with a pet’ listed as an example of a need that could impact a person’s health and wellbeing if not met. RSPCA Cymru welcomes the proposal to require local authorities to take the personal circumstances of homeless individuals into consideration, with this having the potential to include pet ownership. With the availability of hostels and other types of accommodation that accept pets likely to be scarce, it is important that this issue is addressed so that local authorities are able to meet the needs of homeless pet owners. The creation of specific spaces for pet owners and/or requiring more flexibility from current providers in terms of pets would enable local authorities to better meet the needs of this demographic through accommodation placement. Requiring local authorities to provide associated support throughout housing pathways/journeys as outlined in Chapter 1 could also help ensure positive and more permanent resettlements.

The use of Common Housing Registers and allocation policies via legislation could help more homeless pet owners access social accommodation although it is vital that pet ownership is no longer seen as a barrier to accessing such housing. Introducing registers which clearly note whether an applicant has pets or not could make it easier for providers to match those with companion animals with suitable housing. Working with housing associations and other providers of social housing by providing them the tools and guidance needed to meet the needs of homeless pet owners would also contribute to a better understanding of their specific needs. Regardless of the type of accommodation a homeless pet owner is trying to access, it is vital that vulnerable individuals who benefit from their companion animals are not discriminated against for having a pet.

Further proposals

As well as working with local authorities, charities and other providers of temporary accommodation to ensure the provision of more pet-friendly services, a change in legislation relevant to the private rental sector could also benefit Wales’ homeless pet owners. As it stands, many pet owners struggle to access private rented accommodation in Wales due to the prevalence of ‘no pets’ policies, leaving previously homeless pet owners with few options in terms of move-on accommodation. While the legality of such policies is questionable, they remain common nonetheless. We therefore continue to encourage the Welsh Government to introduce its own ban on ‘no pets’ clauses and to consider making the keeping of pets in private accommodation a legal default - unless there is justifiable reason not to. The introduction of a standard tenancy agreement which allows pets could also improve the current situation, along with tighter measures that ensure responsible pet owners are not treated unfairly as a consequence of the type of accommodation they live in.

Positively, the Senedd’s Local Government and Housing Committee is due to hold an enquiry into the keeping of pets in the private rented sector in the first quarter of 2024. RSPCA Cymru is among the organisations who are due to submit evidence to the committee, with it hoped that this will pave the way for much-needed improvements.

Conclusion

RSPCA Cymru strongly welcomes the specific references to pet ownership that are made within the White Paper on Ending Homelessness in Wales along with the proposals that could benefit homeless pet owners. It is our view that this marks a significant step forward in terms of recognising the need to address the specific needs of homeless pet owners, with this being something we have long called for. To enable the proposals above to have the desired effect, it is vital that more accommodation - both temporary and longer-term - is made available for homeless pet owners and that service providers receive the guidance, training and resources needed to meet the needs of this demographic. The Welsh Government has a vital role in terms of de-stigmatising homeless pet owners and ensuring that the relevant support is available to them. With the number of homeless pet owners having the potential to increase again as a result of the ongoing cost-of-living crisis and further cuts to services and budgets, it is important that imminent provisions are put in place to ensure that the relevant support is in place for the homeless community, including those that benefit from pet ownership.



WELSH GOVERNMENT CONSULTATION ON THE WHITE PAPER ON ENDING HOMELESSNESS IN WALES

A RESPONSE FROM SAFEAGENT – JANUARY 2024

INTRODUCTION

safeagent www.safeagents.co.uk is a UK wide, not for profit accreditation scheme for lettings and management agents operating in the Private Rented Sector (PRS)

safeagent firms are required to:

- deliver defined standards of customer service
- operate within strict client accounting standards
- maintain a separate client bank account
- be included under a Client Money Protection Scheme

Firms must provide evidence that they continue to meet **safeagent** criteria on an annual basis, in order to retain their accreditation. The scheme includes 1700 firms, with over 2500 offices.

safeagent is an accredited training provider under the Rent Smart Wales scheme and meets the requirements for training of agents under the Scottish Government Register. **safeagent** also operates a Government approved Client Money Protection Scheme.

CONSULTATION RESPONSE

We are supportive of the Welsh Government's intention to end homelessness in Wales. We agree that prevention of homelessness should be the primary focus. We also agree that, where an individual's experience of homelessness cannot be prevented, it should, whenever possible, be rare, brief and unrepeatable. In the response below, we focus on the aspects of the consultation most relevant to the PRS's contribution to meeting these objectives.

THE CASE FOR CHANGE

We note the white paper's recognition of the role of PRS in tackling homelessness. Since The Housing (Wales) Act 2014, local authorities have been more easily able to discharge their homelessness duties by making an offer of accommodation in the PRS. Under this new framework, many landlords and agents in Wales have been happy to work with local authorities to make accommodation available.

PRS landlords and agents have also made an important contribution to the cultural shift towards prevention. Agents in particular are well placed to mediate between tenants and landlords to ensure that evictions are either a last resort, or at the very least a result of fair grounds for possession of the property.

We welcome the white paper's focus on the structural causes of homelessness. However, our members report that there appears to be a chronic shortage of rental property and a number of landlords exiting the market. The aim of addressing homelessness is a good one but, if there is a shortage of stock how are those aims going to be realised?

In our response to the Welsh Government's "Call for Evidence on securing a path towards Adequate Housing – including Fair Rents and Affordability" we made the following comments on housing supply:

- As regards increasing security of tenure, we see this as integral to the provision of adequate housing. However, a balance must be made with the business needs of landlords and their agents, to ensure they do not exit the market and further restrict housing supply. Restrictions on possession of tenure are a likely reason for many landlords leaving the sector in Wales. Further abolishing 'no fault' possession via Section 173 notices would have increased negative repercussions for rental supply in the sector
- Increasing housing supply will be fundamental to tackling homelessness and achieving the right to adequate housing. The Welsh government needs to set out its assessment of how the 20,000 new affordable homes it aims to create will contribute to meeting the overall housing need in Wales. It also needs to work with relevant stakeholders to find a practical solution to delays to housing developments.
- Rents must be fair for landlords (as well as tenants) in order to ensure that supply and quality are not compromised. Landlords need to be confident that they can invest in quality provision, that is well managed by reputable, professional agents, whilst still securing a reasonable return
- Increased supply of housing is central to achieving affordability. Shortages of suitable housing cause purchase prices to go up and rents to rise
- Affordability measures such as rent controls are only worth considering if supply side factors are addressed at the same time. There is a risk that Rent Controls imposed in the wrong way will force landlords out of the market and deter investors, leading to further supply side problems. We have significant concerns about any form of rent control being introduced into a framework which is becoming increasingly unattractive for landlords/investors with many already choosing to exit the market in recent years.

In this context, we welcome the recognition that stagnant Local Housing Allowance rates have been particularly problematic. We agree that inadequate LHAs reduce the resources available to low-income households in Wales and impact their ability to afford PRS rents. We share the Welsh Government's concerns and agree that the successful implementation of

the HWA 2014 and any future reform will be heavily contingent on local authorities' homelessness duties being discharged through the PRS.

We therefore support the Welsh Government's calls for the UK Government to raise the level of the Local Housing Allowance and index it effectively to PRS rent levels (NB - we note that LHA levels in the UK are now set to rise in April 2024)

REFORM OF EXISTING CORE HOMELESSNESS LEGISLATION

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

Yes. We note that, currently, if the 'relief' efforts under section 73 of the HWA 2014 do not succeed, only households with priority need are entitled to have housing secured by the local housing authority (either in the PRS or in social housing). In this context, we support the proposed abolition of the priority need test.

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 are supportive of the proposal to place a new duty on local housing authorities, to help support a person to retain accommodation where the applicant has been helped to secure accommodation (which might be their existing accommodation) or where accommodation has been offered to and accepted by the applicant. In our view, this duty should apply where an applicant has been helped to secure accommodation in the PRS.

THE ROLE OF THE WELSH PUBLIC SERVICE IN PREVENTING HOMELESSNESS

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

Yes. Whilst we note that actual homelessness is easier for a public authority to identify than the threat of homelessness, it is important that this challenge is met. We agree that consideration should be given to all possible financial issues and tenancy problems.

Lettings & Management Agents have the potential to work in partnership with public authorities to ensure that all relevant factors are taken into account when trying to ensure that a tenant does not become homeless. However, we agree with the Welsh Government that private landlords and agents should not be placed under a statutory duty to refer tenants at risk of homelessness.

We note that the Welsh Government's prescribed landlord's notice of termination (Form RHW1698) does already signpost the contract-holder to seek support from relevant third sector agencies - and to contact the local housing authority should they identify a contract holder at risk of homelessness. We also note that the Rent Smart Wales licensing training, as well as the statutory Code of Practice for landlords and letting agents, provide that the landlord should, (following service of a notice to end the occupation contract) provide details of relevant third sector agencies, to contract-holders who do not have accommodation to move into, or are struggling to find alternative accommodation.

As the white paper points out, the new Housing Loss Prevention Advice Service provides government-funded legal advice to someone from the point they receive a possession notice or similar. Furthermore, the Welsh Government has issued guidance

to contract-holders on the possession process. In our view, these current arrangements are sufficient to ensure that tenants at risk of homelessness in the PRS are identified and signposted to assistance as appropriate.

TARGETED PROPOSALS TO PREVENT HOMELESSNESS FOR THOSE DISPROPORTIONATELY AFFECTED

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 people in receipt of welfare benefits are sometimes disproportionately impacted by homelessness. In our view, specific actions should be taken to put an end to so called “No DSS” policies amongst the minority of landlords and agents who continue to operate them.

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

We are supportive of the Welsh Government’s efforts to prevent or relieve homelessness for the groups captured by the white paper. Many of these groups face additional barriers when attempting to secure PRS accommodation. We recognise factors such as reluctance from landlords and agents to wait for discharge/release/referral dates before filling vacant properties. We also know that there will be outright refusal from some landlords and agents to accommodate anyone who has, for example, served a prison sentence.

It is inevitable that, in some cases, potential tenants from the groups identified will be held to a higher standard of referencing. In this context, we welcome the fact that the HMPPS has worked closely with the Welsh Government to develop a “being a good tenant” package, to support people on probation to understand their tenancy and also to support and reassure landlords and agents. This example could, we think, be used to produce similar packages for the other groups captured by the white paper.

We agree that positive multi-agency working is key to the allocation of suitable accommodation and the matching, in many cases through agents, of vulnerable tenants to willing private landlords. Lettings & Management Agents potentially have a role to play in sourcing accommodation and ensuring that it meets the requirements of statutory/third sector agencies – e.g. in terms of its location. Lettings & Management Agents could also help to promote additional support, training and guidance for PRS landlords, around provision of accommodation for vulnerable clients and those with complex needs.

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?

No. In our view, 16 and 17 year olds are too young to be able to hold occupation contracts. Other measures, such as targeted support, should be used to ensure that they are not disproportionately impacted by homelessness.

ACCESS TO ACCOMMODATION

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?

Suitability of Private Rental Sector accommodation

We agree with the proposal that the existing legislation be strengthened to prohibit accommodation which has Category 1 Hazards as being deemed suitable.

We also agree that this prohibition should include accommodation that is deemed 'unfit for human habitation'.

Affordability

Please see our comments under the heading "The Case for Change" (above) regarding the importance of increased housing supply, as well as avoidance of landlords leaving the market, to the achievement of affordability in the PRS.

We note that the law provides that a local housing authority must have regard to affordability when deciding the suitability of accommodation. We also note that the Local Housing Allowance has been frozen at 2019 rates, whilst rents have continued to rise (NB - we also note that, since the time of the white paper's writing, LHA levels in the UK are set to rise in April 2024)

We agree that this has been particularly relevant to the PRS, which can be unaffordable for those on benefits or low incomes. This, in turn puts further pressure on an already stressed system in which demand far exceeds supply.

We would echo the report by the Chartered Institute of Housing, commissioned by the Northern Ireland Department of Communities, which found that affordability issues for low-income households have been driven less by rent inflation, and more through punitive aspects of the welfare system, such as freezes in Local Housing Allowance rates and the use of the shared-accommodation rate for younger single people in one-bedroom homes. In our view, personalised solutions to affordability, such as adequate LHA/welfare benefit levels and targeted use of Discretionary Housing Payments (DHPs) are preferable to blanket measures such as Rent Controls in addressing problems with affordability.

We understand that welfare matters are not devolved to the Welsh Government and that setting the LHA rate is a matter for the UK Government. We support the Welsh Government in urging the UK Government to keep the Local Housing Allowance rate under continual review and ensure it is adequate.

Supporting policy and guidance

We welcome the proposal that, in order to increase the supply of suitable accommodation, local authorities will be required to work in partnership with social and PRS landlords to ensure the alignment of build plans with housing need in local areas.

We recognise that, in temporary accommodation, house rules (such as no visitors, set curfews, and the use of CCTV) can be isolating, unsupportive and impact negatively on formerly homeless people's ability to live independently. We welcome, therefore, the

proposal to develop and issue guidance to local authorities, who work with PRS landlords and agents to provide temporary accommodation.

EVICTIONS

Evictions from the PRS

We note that the Renting Homes (Wales) Act 2016 has recently been fully implemented and that the Welsh Government considers this legislation to provide a strong offer of protection to private tenants. We are pleased, therefore, that it is not the government's intention to revise this legislation at this time.

We welcome the intention to collect, collate and regularly review data on evictions into homelessness, from both the social housing sector and PRS.

Response to the Welsh Government White Paper consultation: Ending Homelessness in Wales – January 2024

Introduction

Shelter Cymru welcomes the opportunity to provide evidence to this White Paper consultation. Over four decades, Shelter Cymru has campaigned to end homelessness in Wales and has helped to shape the policy and legislative context in Wales. Specifically **we have long campaigned to end Priority Need and Intentional Homelessness provisions.** **We strongly support the Welsh Government’s ambition to “*end homelessness in Wales. Where an individual’s experience of homelessness cannot be prevented, we are committed to ensuring the experience of homelessness is rare, brief and unrepeated.*”¹**

As a charity, we exist to defend the right to a safe home, because **home is everything.** Last year, we helped over 22,000 thousand people across every local authority in Wales who have been affected by the housing emergency by offering free, confidential and independent advice. We provide information, advice and support to help people identify the best options to prevent homelessness, to find and keep a home and to help them take back control of their own lives. When necessary, we constructively challenge on behalf of people to ensure that they are properly assisted, and to improve practice and learning. We fight the devastating impact the housing emergency has on people and communities in Wales through our campaigning, advice and support – and we never give up.

¹ https://www.gov.wales/sites/default/files/consultations/2023-10/ending-homelessness-white-paper_0_0.pdf

Due to our established role in providing expert housing advice at scale to people facing homelessness in Wales, Shelter Cymru was a key member of the Independent Expert Review Panel tasked with considering how homelessness in Wales could be ended through legal reform. We are pleased to see that the recommendations and advice of the panel have informed these proposals.

The principles for assessment and support set out reflect a welcome move towards becoming a trauma informed society, and it is encouraging to see acknowledgment that people experiencing homelessness may have complex, ongoing support needs that require nuanced, multi-disciplinary interventions, often in the long term.

Shelter Cymru fully supports the extension of rights proposed and the move from gatekeeping to enabling everyone in Wales to have access to a suitable home. We want to see improved rights in law for people experiencing homelessness. We believe that this extension of rights will help to drive the step change in priorities and resources that are necessary to end homelessness.

However, as the Expert Panel² recognised, housing supply, or rather, undersupply is an ongoing challenge causing “*delays and strains within the homelessness system.*” Whilst the spirit of the proposals being presented reflect Shelter Cymru’s ongoing campaign to end homelessness and strengthen our safety net for those who by exception face homelessness, the key enabler to realising these ambitions is the accelerated delivery of suitable social homes.

We also cannot respond without acknowledging the immense pressure which front line homeless prevention, assessment, advice and support services in the statutory and third sector are facing. **Effectively implementing the proposals in this White Paper requires a good home to be front and centre of cross-government priorities. And more social homes to be available. It requires an explicit strategy to provide the secure homes that people can afford, underpinned by the resources to deliver it, as part of a wider implementation strategy. These are key enablers. A significant potential blocker to implementing the White Paper proposals is being highlighted by the Housing Matters**

² <https://www.crisis.org.uk/media/uqgbuwpp/ending-homelessness-in-wales-a-legislative-review.pdf>

campaign, as any proposed real terms cuts in funding presents risks to our cross-sector commitment to preventing and ending homelessness.

Since 2019, we've campaigned with our Back the Bill ³ partners – Tai Pawb and CIH Cymru – to secure housing as a human right and built the evidence base to support our call for the incorporation of the right to adequate housing in Wales. At Shelter Cymru, we have particularly sought to promote the role of the right to adequate housing in facilitating an end to homelessness. **We believe that establishing a right to adequate housing will set the foundations for a whole system approach, pushing a good home up the policy and budget priority list and enabling us to progressively realise a Wales where everyone can access a suitable home.**

The Back the Bill coalition have provided a joint response to this consultation which considers in greater depth the benefits of the progressive realisation of a good home for all to support the Minister's priorities in relation to ending homelessness and establishing a programme of rapid rehousing.

³ <https://www.taipawb.org/policy-influencing/backthebill/>

Reform of the existing core homelessness legislation

Q1. Do you agree these proposals will lead to increased prevention and relief of homelessness?

Q2. What are your reasons for this?

Q3. Are there additional legislative proposals you think we should consider to improve the prevention and relief of homelessness?

The proposals to reform the existing statutory homelessness framework are focused upon strengthening and simplifying the safety net provided by local authority services, broadening eligibility, improving communication with the applicant and providing support to avoid a revolving door of homelessness. These are all measures which Shelter Cymru fully support.

In particular, we welcome the extension (to six months) of the time period in which a person should be considered as threatened with homelessness. This is practical in terms of the longer notice periods introduced by the Renting Homes Wales Act. It is also helpful in giving a wider time window for homeless prevention activities to take place, given the likely difficulties in securing alternative accommodation in our current housing system.

Proposals to improve the consistency of the reasonable steps taken to secure accommodation and how these are communicated through Personal Housing Plans (PHP) are also positive. We consulted with people with lived experience of the current system who described a “*faceless service*” with little or no direct contact with an advisor, where their PHP was considered “*the piece of paper I was given*”.

We welcome recognition of the need for communication methods to be tailored to an applicant's needs. Whilst standardised letters and forms can bring efficiencies to the service at a time of high demand, a person-centred approach is far more effective in helping someone to navigate their journey through the assessment process.

We would welcome clear, robust expectations around what PHPs should look like, and contain under the statutory duty to provide them. We would like to see a best practice template which has been designed through consultation with those who have

experienced homelessness, Shelter Cymru's Take Notice Project would be well placed to assist with this.

A further area of concern for Shelter Cymru is how a much-welcomed new duty to provide support to help a person retain accommodation where they have been helped to secure it, will be resourced in practice. This is an important step towards ensuring tenancy sustainability, but will require significant revenue funding and stabilisation of the support sector at a time when the Housing Support Grant has been frozen, resulting in a real terms decrease. To be truly person-centred the time period for receiving support should not be limited. For some people, support will be necessary in the longer term to ensure that homelessness does not reoccur.

Q4. Do you agree with our proposal to abolish the priority need test?

We support the proposal to abolish the priority need test. Welsh Government also needs to set out a clear plan for successful implementation, set against the wider agenda of increasing the supply of social homes and ensuring the allocation of social homes helps end homelessness.

It is a long-held campaign ambition of ours to see the removal of the priority need test from the statutory framework and to mirror the legal reforms already seen in Scotland. We see the test being implemented inconsistently and it contributes towards a culture of process and determining gatekeeping which can be traced back to the '*deserving*' and '*undeserving*' ethos of historic homelessness policies.

Shelter Cymru has successfully campaigned for a legislative amendment to the priority need categories to include people who are sleeping rough and valued the "nobody left out approach" adopted during the pandemic. We recognise that, as the consultation paper acknowledges, many local authorities have continued to operate in a "*priority need neutral*" way⁴ however as participants in the 2020 Welsh Government review of priority

⁴ https://www.gov.wales/sites/default/files/consultations/2023-10/ending-homelessness-white-paper_0_0.pdf

need recognised, current resource limitations result in a “*need for some form of rationing and prioritisation*”⁵.

We have heard clear concern from local authorities about the removal of the priority need test and the fact that it would “*break the system*” if it was adopted today due to the lack of accommodation options available to them. In a stakeholder consultation event held by Welsh Government for this consultation, local authority representatives stated that “*not having priority need feels like not having a process*”. These comments reflect a significant culture change project such as this will require careful planning to be effective and also a lack confidence in the ability to make this shift without a commitment to clear implementation plans that consider the supply of suitable homes. **However, we fully support the proposals in relation to priority need reflecting a move away from gatekeeping to enabling everyone to have access to the fundamental right of a suitable home. We believe that this change will also help drive the necessary prioritisation of resources.**

Q5. Do you agree with our proposal to abolish the intentionality test?

Abolishing the intentionality test is another important step in broadening eligibility, moving away from concepts of deserving and undeserving applicants and acknowledging that what might be perceived as deliberate acts to cause homelessness may be symptoms of wider support needs.

Our recent 2023 report Reframing Anti-Social Behaviour⁶ evidenced this, finding that a significant number of people who were going through eviction procedures due to ASB had a long history of trauma and significant unmet support needs. We are pleased to see the White Paper making positive statements around recognising the link between ASB and trauma.

Whilst numbers to benefit from the removal of the test will be relatively small, the impact on those individual households will be significant. Our consultation with people with lived

⁵ <https://www.gov.wales/review-priority-need-wales-summary-html>

⁶ https://sheltercymru.org.uk/policy_and_research/reframing-anti-social-behaviour-a-review-of-homelessness-prevention-good-practice-in-wales/

experience highlighted that while current instances of the use of the intentionality test may be low, conversations about its existence appear to be more common. People spoke of feeling pressured to accept offers of permanent accommodation, and even feeling pressured to accept spaces in temporary accommodation (TA), so as not to be appear to be *“making themselves intentionally homeless”*. This area of the proposals would require a potentially significant shift in culture for some local authorities.

This is an example of where it is important that the homelessness framework and allocation policies are aligned to support vulnerable households. The introduction of a deliberate manipulation test in the allocations process provides an improved position compared to the current test for unacceptable behaviour, but it presents risks in its implementation. It may undermine the formative shift to trauma-informed approaches, and risks perpetuating a focus on investigating, rather than solving, a person’s homelessness. If implemented, Welsh Government will need to be assured that local authorities are well equipped to identify and understand the support needs of applicants. If wider support needs are identified through the homelessness assessment process then these should be taken into account in any deliberate manipulation test, and we would like to see checks and balances, informed by lived experience included in any proposals.

Q6. 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?

If the wider aspiration is to remove any barriers in the homelessness assessment process, then the local connection test should also be abolished. We do however recognise the concern expressed by local authorities about this, which again is influenced by continued pressures and limited resources. We recognise that there may be some concern from local authorities about the free movement of homeless presentations across Wales. **We do however fully support the proposals to add additional groups to the list of exemptions and the acknowledgment that support and community networks exist across administrative boundaries.**

Q7. 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 most significant cost associated with these proposals is the inevitable rise in demand for TA if the priority need test is removed. The Regulatory Impact Assessment refers to cost analysis from research conducted in 2020⁷ and an estimated additional cost of approximately £3 million by 2028/29 if the test was abolished over a 5 and 10 year period. We believe that this is a significant underestimate.

A dramatic rise in TA usage has been seen over recent years, without any legislative change, fuelled by the pandemic, “nobody left out” policy, the cost of living crisis and turbulence in the private rented sector – and ultimately by the lack of affordable social homes. BBC research ⁸ recently reported a spend of nearly £43 million last year across Wales (20 out of 22 authorities), a 7-fold increase in the last 5 years (£5.6 million in 2018). **We would like to see more work done in this area to understand the resources required to successfully implement a “priority need neutral” framework, both for TA provision and an increased supply of permanent homes.**

⁷ <https://www.gov.wales/sites/default/files/consultations/2023-10/ending-homelessness-integrated-draft-regulatory-impact-assessment.pdf>

⁸ <https://www.bbc.co.uk/news/uk-wales-67637352>

The role of the Welsh Public Service in preventing homelessness

Q8. 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?

Shelter Cymru is pleased to see the proposal to introduce a new legal duty across the public sector to work together where a person is experiencing homelessness, or the risk of homelessness is identified. It is only by working in partnership that person-centred support can be co-ordinated across a variety of organisations. The benefits have been known for some time, but a legal duty is needed to make it a reality.

In order to be a trauma-informed society, our essential public services need to understand the inherent links between homelessness and issues such as mental health and substance misuse. It is also vital that we do not see a home as the ultimate solution to all of a person's previous support needs but as the essential foundation on which a longer process of support can be built

Whilst the spirit of cooperation has been long discussed and is not contentious, we have to acknowledge that all public services are stretched. A statutory duty would provide a framework to define roles and expectations, allow responses to be monitored and enable consistency in co-operation.

Our consultation with people who have experience of being homeless and navigating the current system showed cautious optimism on this area of the proposals. They were positive about the aims of the duty but felt that the concept of *'identify and refer'* was vague and that without clarity this could undermine the aim of this proposal.

Q9. 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 are disappointed to see that education is not included in the proposed relevant bodies although its role is recognised elsewhere in the White Paper and was clearly highlighted by the Expert Review Panel. Alongside health and the criminal justice system, education services will come into contact with groups at heightened risk of 'multiple exclusion homelessness' well in advance of any contact they have with housing and homelessness services.

The Panel report⁹ recommended that head teachers of schools, pupil referral units, principals of further education colleges and higher education organisations should be included among the organisation with a duty to identify and refer. Schools and the wider education system in general could be vital in helping identify children and young people who are at risk of homelessness, as well as supporting children who may be living in TA. Not only does this affect a pupil's ability to focus and do well in school, but teachers are well placed to recognise signs of abuse or a breakdown in a child's family.

We note that this is subject to further testing and impact assessments and set against a recent commitment made by the Welsh Government in relation to reducing workload and bureaucracy for school staff. It would be disappointing if this cannot be resolved.

We recognise the additional challenge of applying this duty to non-devolved bodies, such as policing or the asylum seeking process. We hope to see Welsh Government achieve agreements with these bodies to ensure a consistent approach across Wales.

Although not a public body, this also feels the most appropriate place in our response to note our disappointment that the Expert Review Panel's recommendations to create a duty for private landlords to refer tenants at risk of homelessness to a local authority has not be taken forward. As the White Paper recognises, a pre-action protocol could require referral when a possession notice is served and give authorities the earliest possible notice of a potential eviction. We note that this will be considered as part of policy development in relation to the private rented sector but would not want its potential in aiding homeless prevention be lost.

⁹ <https://www.crisis.org.uk/media/uqgbuwpp/ending-homelessness-in-wales-a-legislative-review.pdf>

Q10. In your view have we struck the right balance between legislative requirements and operational practice, particularly in relation to health?

Q11. 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.

It is good to see that Welsh Government are mindful of how the proposals will work in practice and that there is consideration of how they will sit against existing systems and processes.

It will be essential to ensure that specified public bodies know what signs and circumstances should trigger a referral to a local housing authority homelessness service. Culturally, it is important that we help the wider services being included in the new duty to understand the complex socio-economic factors that contribute to homelessness, and tie this into the drive to make Wales a trauma-informed society.

Shelter Cymru have recently worked with Public Health Wales¹⁰ on a mapping exercise of homelessness services to raise awareness of where stronger links could be made. This flagged to us a general lack of understanding around the concept of homelessness, its causes and the statutory framework. We learnt that other sectors are not as knowledgeable as we would often assume them to be. **Any new duties must be supported by training and awareness raising to ensure there is a shared baseline understanding across staff employed by all relevant bodies.** This should be regarded as an ongoing requirement, consistently implemented as new staff join organisations, and to provide updates on policy developments.

Other practicalities in terms of the duties to identify refer and co-operate that we would like to highlight include:

- Consent - Involvement of primary services is key, particularly in relation to mental health support, but this is normally dependent upon clear consent from the person needing help. We are unsure how referrals could be made in a situation

¹⁰ Not yet published

where someone does not acknowledge a support need around mental health but is identified as at risk of homelessness.

- Data sharing - Successful referral mechanisms are dependent upon the ability to be able to share data across organisations. This is a complex area and will require support from Welsh Government.
- Co-ordination - The referral process itself needs to be effectively managed to avoid duplication and ensure that action is taken. It may be beneficial to see a case co-ordinator role within the homelessness service to facilitate this. Consideration also needs to be given to systems which can track individuals across services, so as to avoid duplication of work and confusion over who is doing what and when.
- Staff resources - Staffing levels are an issue across the public sector and may be a practical barrier to fulfilment of the duty. As one person with lived experience who talked to us about the proposals highlighted, *"How can you ask GPs to add another job on top of what they already do? How much more can we expect of services that are already stretched to breaking point, and ask them to navigate through yet another system."*

Q12. 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?

Shelter Cymru recognise the clear benefits of a multi-agency approach and the success that can be achieved through case-coordination for those with particularly complex support needs. We welcome the recognition of good practice taking place across Wales through multi-disciplinary teams (MDTs) and panels and feel that these should be required in every local authority area, rather than "where appropriate", as stated in the White Paper.

Co-located services would enhance understanding of different professional responsibilities and promote better communication. MDTs should be a service standard across Wales, so that support is maintained beyond the initial homelessness duty, particularly in areas where support services are more disparate. Where MDTs are already

in operation, good practice sharing and reflective assessments of successes and failures would be invaluable to others.

In addition to the practical benefits of greater multi-agency co-ordination for people with complex support needs, we would support the reinforcement of a culture focused on successful outcomes to counter the too common practice of statutory homelessness duties being discharged and the safety net removed because someone's needs are greater than can be met by the immediate housing provision and support available.

In relation to a multi-disciplinary approach our engagement with people who have experienced homelessness highlighted concern about the need to remain person centred: *"People need help just to navigate the system. Who is going to advocate for them in this multi-disciplinary set up? How will they know what help they can get?"*

We are also concerned about the subtle difference between the White Paper and Expert Review Panel recommendations, i.e. that this approach should be adopted for people requiring input from three or more public services, rather than two or more, significantly reduces the scope of this proposal and the number of people who would benefit. We would like to see adoption of the two or more approach.

Q13. 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 feel that for this area of the proposals, the Regulatory Impact Assessment should reflect more fully on the shared financial benefits across the public sector that would be realised from greater co-operation around homelessness cases. We would ask Welsh Government to consider the cost benefit analysis¹¹ for incorporating the right to adequate housing as a human right. This clearly indicated the beneficial impact on health spend and other public sector services.

¹¹ https://sheltercymru.org.uk/policy_and_research/right-to-adequate-housing-report/

Targeted proposals to prevent homelessness for those disproportionately affected

Q14. 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?

The White Paper is fairly comprehensive in its recognition of groups who would be disproportionately impacted by homelessness. We cannot stress enough however the importance of engaging with all groups with protected characteristics with lived experience of homelessness to ensure that their specific needs are taken into consideration.

Q15. What additional legislative or policy actions could be taken to prevent or relieve homelessness for the groups captured by this White Paper?

The White Paper describes the well-established pathways for young people and those leaving the criminal justice service and others will be better placed to discuss the detail around these. These pathways have been clearly advocated for and promoted over time and, to reiterate our earlier point, **we would welcome a position where multi-disciplinary approaches to complex needs, mental health issues and substance misuse are clearly embedded in service responses.**

Q16. 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?

Q17. 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?

Q18. 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?

Again, we feel that other organisations are in a stronger position than us to comment in detail on the proposal related to children, young people and those with care experience but we would be willing to contribute where we can to any proposals that might be developed.

Our only thoughts in this area are that it is important to remain person-centred and not assume a particular level of support is required based upon a person's age or experience alone. For example, it is very much the case that some 19 year olds may be better able to manage a tenancy than some 25 year olds. Equally, the suitability of accommodation settings will be based on individual circumstances.

Q19. 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 further costs or benefits which have not been considered.

Access to accommodation

Q20. 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 are very pleased to see that Welsh Government have agreed with the recommendations of the Expert Review Panel to set minimum thresholds for TA standards.

Our views on this are shaped by our extensive housing advice casework across Wales and our first-hand experience of working with households who are currently being accommodated in TA by local authorities.

People will have a vastly different experience of being in TA depending on its nature, the facilities and the support provided. Self-contained accommodation with full cooking and washing facilities is what the people that we help prefer. We have seen cases that cause us great concern, both in terms of the quality of accommodation provided and its suitability for the needs of that particular household. We have seen evidence of appalling, unsanitary living conditions; heard from pensioners about the practical struggles of having just a kettle to prepare meals with; listened to families with young children telling us how unsafe they feel sharing facilities with strangers; and seen the anguish faced by people accommodated miles away from family and other support networks. We totally appreciate the extremely difficult circumstances in which local authorities are having to work, and that placements in poor quality accommodation are made as a last resort. We do, however, think that there are opportunities to do things better.

We are pleased that the White Paper not only acknowledges the need for quality accommodation with appropriate facilities, but also the impact on support networks. In some cases we have seen that support is up to 40 miles away and accessible only via sporadic public transport. It is equally important to consider the ongoing stress of living in this situation and the impact of not knowing what comes next and when. The people we support talk about their life being *"on hold"* and a feeling of being *"in limbo"*.

Employment opportunities, education, relationships, and health and wellbeing are adversely affected.

We do believe however that there are two elements which are not covered by the proposals which also need consideration in relation to the suitability of TA:

- Rules and restrictions - We've heard how many people living in TA are living without the usual freedom of being an adult citizen, are not allowed to have visits from friends and family, have been separated from beloved pets and may even have to abide by an evening curfew as early as 6pm with any incursion on these rules potentially carrying the threat of eviction. People have told us about their feelings of loneliness and isolation and the limits it places on their ability to socialise, find or keep work, and access services.
- Rent and service charges - We're also very concerned about the financial impact of living in TA, informed by a recent review of our casework. Rents can be expensive and for some the only way to afford them is by claiming the housing element of universal credit. We have worked with people who have had to give up their jobs when they move into TA in order to be eligible for benefit, their own wages being insufficient to cover the rental costs. Service charge arrears (for charges such as utilities) are also commonplace and worrying given the potential for any such arrears to build up and prevent people moving on to settled accommodation.

We note the inclusion of Homeless at Home in the proposals. We would hope that attention will be given to ensuring a person-centred approach that maximises choice for people who are homeless, consistency in the approach being taken by local authorities and to ensure that Homeless at Home doesn't in reality become a waiting list for TA.

Q21. 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?

In the light of our housing emergency and the record number of people living in TA it feels only right for the scarce resource which is social housing to be allocated to those in the greatest need, i.e. those who are homeless and owed a statutory duty. We welcome both the proposal to assign additional priority to those who are homeless over other priority groups and the provision to ensure that an RSL landlord cannot unreasonably refuse an allocation referral.

We appreciate that some social landlords are concerned that this will result in allocations only being made to people with support needs, and how to provide the support and management resources required to sustain tenancies. However, we must not make blanket assumptions about homeless households. Ultimately, we believe that Welsh Government needs to lead a wider debate about who social housing in Wales is for. The housing emergency is fuelling this debate.

Whilst our homelessness framework has seen significant change over recent years, allocation policies and systems are governed by the Part 6 Housing Act 1996 legislation from nearly 30 years ago. **We feel that if the door is again being opened to legislative reform then this should be across both homelessness assessment and social housing allocations so that the two systems can become more integrated and cohesive.** Tests of unacceptable behaviour, deliberate manipulation and local connection are all examples where there are separate but related hurdles in each system which can be contradictory.

When considering proposals concerning social housing waiting lists, we must be mindful that they are not only a source of tenants for vacant properties, but also the most reliable data source we have to assess housing need, to inform planning processes and future housing development.

Common Housing Registers not only streamline the process for applications, they also improve our data knowledge by removing the duplication of applications made across

a number of local landlords. **We agree that common registers should now be a statutory requirement across all local authorities in Wales.**

We do not support the proposed power to remove people with no housing need from the waiting list in their areas. An open waiting list can provide a fuller picture of both need and demand. The process of applying for accommodation also provides an opportunity for advice about housing options in the area to be given, housing advice itself being something that should be available to everyone. We firmly believe that this is the very earliest point in the homeless prevention process. Although someone may not currently be in housing need, let alone homeless, this enables them to be informed about the realities of their local housing market and the assistance which may be available to them if needed.

Q22. 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 proposals to include supported lodgings, supported accommodation and remaining or returning to previous accommodation, including the family home to allow flexibility for individual circumstances.

As the Expert Review Panel¹² recognised, while 'additional option' accommodation will be appropriate for some people in certain situations, the 'standard options' of social housing or a tenancy in the private rented sector are more secure and should remain the default.

We strongly view social homes as the only option which provides the security that households seek at a more affordable cost, helping prevent homelessness recurring. Whilst we appreciate social homes are in short supply, to meet the needs of homeless households in the future, we continue to call for more homes to be provided by social landlords and would not want this proposal to detract from this ambition.

¹² <https://www.crisis.org.uk/media/uqgbuwpp/ending-homelessness-in-wales-a-legislative-review.pdf>

The development of clear guidance and mechanisms to monitor of the use of maximal housing options will be essential to ensure that this increased flexibility for local authorities is used appropriately. Equally important is the need for the ending of the duty to be dependent upon receiving independent housing advice.

Q23. 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?

We are not aware of any costs or benefits that have not been accounted for in relation to access to housing.

Implementation

Q24. To what extent do you think the proposals outlined above will support the implementation and enforcement of the proposed reforms?

Q25. 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 White Paper proposals will need to be supported by an implementation strategy published by Welsh Government in order to ensure accountability.

Data is also key to understanding the profile of homelessness in Wales, planning policy responses, ensuring adequate resources and monitoring implementation. We are particularly pleased to see this being clearly recognised in the White Paper. Whilst we appreciate that there is a need to ensure that data collection does not burden already stretched services, it is vital to ensure that officials can fully assess how policy direction is being implemented at a service level, and also to enable Welsh Government to be held to account.

Q26. 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 feel that all costs and benefits have been accounted for.

Q27. 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 do not believe that these proposals are likely to have any specific impact on the Welsh Language. Local Authorities and other public sector bodies are under a duty to ensure

that services are made available bilingually and any policy or service developments would be subject to an equalities impact assessment.

Q28. 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:

Shelter Cymru has no further points to raise at this time.



promoting equality in housing
hybu cydraddoldeb ym maes tai

Tai Pawb

Response to: White Paper on Ending Homelessness in Wales

January 2023



Who we are

Tai Pawb (housing for all) is a registered charity and a company limited by guarantee. We are Wales' leading national organisation promoting equality and diversity in housing. We imagine a Wales where everyone has the right to a good home. Too many people in Wales don't have somewhere to live in security, peace, and dignity: we are determined to change that. We support and work with our members to help them put ideas into practice while influencing policy makers to make housing policy fair. We are the thought leaders on equality, diversity, and human rights issues for the housing sector and beyond.

Tai Pawb operates a membership system which is open to local authorities, registered social landlords, third sector organisations, other housing interests and individuals.

What we do

Tai Pawb works closely with the Welsh Government and other key partners on national housing strategies and key working groups, to ensure that equality is an inherent consideration in national strategic development and implementation. The organisation also provides practical advice and assistance to its members on a range of equality and diversity issues in housing and related services, including QED – the equality and diversity accreditation for the housing sector.

Our response will draw insights from across our projects and research, including support for refugees, our [Back the Bill](#) campaign, recent research around housing and our Gwent Private Rented Sector project seeking to help end homelessness.

For further information visit: www.taipawb.org

Charity registration no. 1110078

Company No. 5282554

1. Introduction

- 1.1 Homelessness is in crisis in Wales. The aftermath of Covid-19, cost of living and Ukraine and Afghan refugee crises mean services are under unprecedented, sustained pressure. Meanwhile inflation has left service providers struggling to maintain levels of support, with fears for the viability of future services. With record numbers in Temporary Accommodation and a huge waiting list for social housing, we are experiencing a perfect storm in Wales. Legislative reform is required. **Against this backdrop, we support and applaud the progressive and ambitious nature of these proposals.** If homelessness is to be ended in Wales, these are the types of proposals that are required.
- 1.2 Tai Pawb's [research](#) has helped inform the development of this White Paper, highlighting existing legislation and services do not always have the flexibility to deal with the individual circumstances of people experiencing homelessness with protected characteristic(s). Our homelessness system in the UK is overrepresented by disabled people, survivors of domestic abuse, refugees and people with substance/alcohol use and mental health problems. If we are to end homelessness in Wales, legislation and services must be tailored for the needs of these people.
- 1.3 Tai Pawb forms part of the [Back the Bill](#) coalition, seeking to incorporate housing as a human right in Wales. As a campaign, we've responded separately to this consultation seeking to highlight the synergy between the proposals presented in this White Paper, and how they could be strengthened through incorporation of the right to adequate housing. We feel the goals sought by this White Paper would **be better delivered and sustained** if aligned with the right to adequate housing.
- 1.4 This response contains two sections: firstly, highlighting our support for the high-level principles of the proposed reforms. Secondly, we explore equalities, diversity, and inclusion issues we feel need to be considered when implementing the legislation. We look forward to continuing working constructively with the Welsh Government and partners implementing these changes and helping ensure everyone has a safe, suitable home.

2. Endorsement of the White Paper

2.1 Tai Pawb fully endorses and supports the principles of the reforms contained within this White Paper, particularly:

- The ending of priority need
- Changes around local connection
- Duty on public bodies to refer and work more collaboratively
- Abolition of intentionality
- Personal housing plans
- Increased period of at risk of homelessness to 6 months
- Improved methods of communication with people
- Improved methods of supporting individuals' rights to review decisions to ensure fair decision-making

2.2 We believe these changes and those more widely proposed in this White Paper are progressive and will help prevent and reduce homelessness in Wales.

2.3 However, we do not feel they are sufficient to **end homelessness, as per the Welsh Government long-term goal**. We are concerned these proposals do not address supply, drive the required investment to match their aspirations or provide the legal underpinning of housing as a human right. Tai Pawb believes the goal of ending homelessness would be best achieved through underpinning these reforms with the incorporation of a right to adequate housing, which would support, and enhance these legislative proposals.

3. Equality, diversity, and inclusion implications of the White Paper

People with No Recourse to Public Funding

- 3.1 Tai Pawb recognises the challenges associated with supporting people with No Recourse to Public Funding (NRPF) in a devolved context when powers reside at Westminster. While the Welsh Government has made steps in this area and we welcome the Anti-Racist Wales Action Plan and Nation of Sanctuary programme, more can and should be done to support people within this group. It's challenging to talk about continuing "everybody in" when we know there are people living in Wales excluded. Sadly, while we feel the White Paper proposals are progressive as a whole, there appears a lack of ambition around people with NRPF status.
- 3.2 Under existing legislation, while there are circumstances where people with NRPF can be supported, especially where there are [intersectional needs](#), there are often inconsistencies or too many circumstances where they are not. Partly, this can be down to a lack of awareness and training. We support increased training for front-line workers so they are aware of circumstances where people can be supported. Forums such as the [NRPF Network](#) hosted by Islington Council is an example of this elsewhere in the UK. We would also like to see more research undertaken and data collected so the scale and issues faced by people with NRPF are better understood by local authorities and Government at all levels. Currently it is impossible to robustly assess the scale of NRPF in Wales. Welsh Government [report](#) on the issue estimates that there could be from a hundred to thousands of people each year in Wales who are faced with destitution due to NRPF conditions.
- 3.3 Stakeholders have also told us that the Scottish Government has a progressive approach to supporting people with NRPF. Given this feedback, we believe opportunities to understand good practice elsewhere in the UK must be explored more, linked to the Welsh context, and rolled out in Wales. While the solutions to supporting people with NRPF may not be legislative, we believe it's important to consider them within the wider reforms contained here which will shape homelessness services in Wales for the next decade and beyond.
- 3.4 People seeking sanctuary and facing destitution are often left behind by current homelessness provision and sometimes fall out of Home Office accommodation for reasons including the accommodation not being fit for human habitation, or for receiving a negative asylum decision. Those who receive a negative decision are labelled NRPF and with all support withdrawn, are high risk of a spiral into destitution by the UK government, Welsh Government could address the legal aid 'desert' in Wales to ensure people facing destitution have suitable access to legal support to regularise their status and move on from support into sustainable

accommodation. We further recommend the Welsh Government ensures there is a duty to refer to legal advice if someone is threatened or experiences homelessness because of NRPF status. In instances where there is a reasonable prospect of someone regularising their status (i.e., gaining employment or appealing their asylum case) then funding be available via local authorities to support these means.

Refugees

- 3.2 Research undertaken by Tai Pawb for this White Paper highlighted the increased risk of homelessness refugees face, especially when they have been given newly granted status to remain. Currently, newly granted refugees are given just 28 days to vacate Home Office accommodation, while legacy cases who were granted accommodation during the pandemic are now being given as little as 7 days' notice, often leading to homelessness. As already stated, we fully support the duties on public bodies to refer people at risk of homelessness and an extension from 56 days to 6 months. Recognising the constraints on the Welsh Government in requiring this change from the Home Office, we support the desire to seek a memorandum of understanding with the Home Office to give more notice than is currently available for people to leave government-supported accommodation. Conversations should also include a focus on speeding up processes around BRP cards or NI number, as without them, people struggle to find work and/or accommodation.
- 3.3 There have been changes in refugee dispersal areas, with all local authorities (LAs) now dealing with newly granted refugees. As well as the required supply of homes, LAs will need guidance on how to best support refugees and prevent homelessness. Refugees have different barriers to mainstream homelessness. Collaboration with refugee support organisations who are trusted by the refugee community is essential to ensure appropriate support and sustainable move-on. Tai Pawb guidance on how this can be done is found [here](#). Plans for supporting refugees will also need to be integrated into each local authorities Rapid Rehousing Action Plans. Information on how this can be done is contained in our equality considerations [briefing for rapid rehousing](#). In our work across Wales and the understanding we have gained from work by NACCOM in England shows that successful solutions involve collaboration of Local authorities, housing associations and refugee community organisations. We would recommend that Welsh Government puts policies, actions, and communications in place with encourage housing associations and local authorities to provide more shared housing options for refugees and destitute asylum seekers (the latter can be achieved through partnerships with refugee organisations). There are good examples of such solutions between POBL Group and The GAP Wales in Newport as well as Home 4U charity and social housing providers in Cardiff as described in our [Good Practice Briefing](#).

Local connection test

- 3.4 We welcome the increased flexibility in application of local connection tests, recognising some local authorities see these as an important tool in managing demand. We endorse proposals to consider “special circumstances” criteria whereby groups of people more at risk of harm from the local connection test can have this disapplied including:
- Young people aged twenty-five and under
 - Members of the LGBTQ+ Community
 - Disabled people
 - Gypsy, Roma, and Traveller communities
- 3.5 We would support the inclusion of **refugees and former asylum seekers** within this category. As highlighted by numerous pieces of research, including our own to inform the White Paper, rates of homelessness are high amongst these communities. Extending “special circumstances” will offer opportunities for people to live in communities where there may be more established refugee and migrant infrastructure giving them the best opportunity to rebuild their lives and avoid repeat homelessness.
- 3.6 In rolling out this policy, consideration of appropriate training for decision-makers is necessary so they are best able to understand people’s personal circumstances. This training should include a focus on [anti-racism](#) and [unconscious bias](#).

Prevention

- 3.7 We fully support the proposals to increase the date at which someone is at risk of homelessness and entitled to support to 6 months. This measure will help prevent homelessness taking place.
- 3.8 To support the implementation of this measure, appropriate data needs to be collected on people who are presenting both as homeless and at risk of homelessness. This can ensure the appropriate funding, design and targeting of outreach and services to the right people to be effective. This data should be collected at a local level regularly to ensure local need is best served. Extending the period of when people are entitled to support while they are at risk of homelessness may also mean that the characteristics of the people presenting for support change, so delivery plans need to be mindful of this.

Evictions

- 3.9 We support the policies referred to by the White Paper, and already in place by many housing associations in Wales, in relation to no evictions from social housing into homelessness. Recognising circumstances do occur where this policy is not

always practical, we recommend data is collected and monitored, including in relation to protected characteristics, to identify any patterns or bias in decision-making. Appropriate training should also be required for decision-makers.

- 3.10 Our [Gwent BOOST](#) private rented sector project has engaged with over 200 landlords via landlord forums, NRLA events and community outreach. This includes five individuals who are connected with the project as fully inducted Champion Volunteers. **There is a widespread lack of understanding and confidence on the part of landlords in supporting tenants at risk of homelessness or with additional needs.** Conversations have indicated a need and desire for better mechanisms for landlords to refer tenants who are at risk of homelessness into a service. The proposals for this White Paper omit a provision of this kind. Based on this feedback, we strongly advocate for this to be included, potentially through Rent Smart Wales, given that all landlords should be registered there.

Suitability of Temporary Accommodation

- 3.11 We welcome the desire to improve standards of temporary accommodation every three years, to progressively move towards higher standards. In undertaking these reviews, we recommend the needs of different communities such as disabled people, refugees, or larger families are considered. This may be best achieved by ensuring people from these communities with lived experience of temporary accommodation participate in the review process.

Minimum standards of temporary accommodation

- 3.12 Tai Pawb welcome the strengthening of the practical measures around suitability of temporary accommodation. We note and support the inclusion of Welsh language preferences be taken account of amongst these measures. In this spirit, we would advocate for the inclusion of culturally adequate environments within this minimum standard of accommodation including that they are overtly LGBTQ+ friendly, anti-racist and understand neurodiversity. Doing so will not just provide better accommodation but also prevent risks of repeat homelessness, as identified by our research of [Temporary Accommodation in Gwent](#).

Location of accommodation

- 3.13 We support the amendments in the White Paper around considerations for local housing authorities in relation to the location of the accommodation, including health needs, employment, caring responsibilities, education and proximity of alleged perpetrators and victims of domestic abuse. We would recommend including proximity of culturally appropriate food (i.e., Halal) and places of worship. Doing so can help place people in communities where they have the best chance to integrate and rebuild their lives.

Homeless at Home

- 3.14 We welcome the proposals to develop a Homeless at Home scheme on a national basis. Doing so can help keep people in accommodation that may be more appropriate for a short period of time than available temporary accommodation. Our research has shown this may be particularly helpful for disabled people (and young people), although could lead to an increase in the number of people presenting as homeless who are disabled. This is because research has shown that hidden homelessness can often be experienced by disabled people unable to move out of highly unsuitable and inaccessible accommodation (e.g. parents' house) due to lack of accessible accommodation available. It will therefore be necessary to ensure data on these numbers is fed into the supply of appropriate accommodation. In establishing this scheme, we feel the monitoring of data of protected characteristics in instances where it is applied (or not) can help identify any patterns of bias.

Temporary accommodation policies

- 3.15 We welcome the proposals for further guidance to be issued on temporary accommodation policies in the future. When this review takes place, we would argue that they are co-designed with people either in or with experience of TA and capture the breadth of characteristics of people. Policies should also be subject to [Equality Impact Assessments](#), with particular consideration given to LGBTQ+, neurodiversity and anti-racism representing the particular needs of the homeless population.

Suitability of accommodation for Gypsy, Roma, and Traveller communities

- 3.16 We welcome the proposals for ensuring that sites rather than bricks and mortar accommodation be considered the most appropriate for an applicant from the Gypsy, Roma or Traveller communities and that councils are required to ask and act if this is the case.
- 3.17 Implementing this change will place additional requirements on local authorities and potentially housing associations. It is necessary that these **are adequately funded**. Further to funding, there will need to be wider consideration of how these sites can be sourced. This will need to take account of both level of need, cultural change amongst decision-makers and improvements to the planning system. Given the lack of progression in actions relating to the Anti-Racist Wales Action Plan in this area of work particularly, these changes should be considered a priority. Our engagement with Local Authorities on implementation of the Anti-Racist Wales Action Plan highlights the need for support for local authorities looking to progress site development and other measures. We would strongly encourage Welsh Government to increase capacity for such support through funding expert advice service/organisation which can assist local authorities.

- 3.18 We recommend further research takes places into how Wales can meet the demands of its Gypsy, Roma, and Traveller accommodation needs and overcome barriers to this happening.

Maximal housing options and ending final homelessness duty - mediation

- 3.19 We recognise the positive role of mediation in preventing youth homelessness, impacting both the individual and the overall stress on temporary accommodation. However, as can be seen from our [research](#) in relation to young people from the LGBTQ+ community – this can be challenging as mediation can sometimes place individuals back at risk of abuse from family members. We therefore recommend that local authorities’ mediation approaches are informed by good practice, taking account of the young person’s needs.

Accessible housing registers

- 3.20 We welcome proposals that all local authorities are legally required to hold an accessible housing register and undertake a regular review of the accessible accommodation within their stock. As highlighted by our research, a lack of information on properties can prolong unnecessary experiences of homelessness and/or living in unsafe/unsuitable accommodation.
- 3.21 To ensure these registers are successful, [good practice](#) identifies it is necessary to have a clear definition of what constitutes an accessible housing register as there are many elements which constitute an accessible housing register. Simply having a matching system or a register of properties is insufficient. In addition, our engagement with local authorities highlights confusion as to what constitutes an accessible housing register – with some local authorities referring to ‘a list of people with accessible housing needs,’ others referring to ‘a list of adapted properties’ etc. There is much more to running an accessible housing register/system than the above, whether it is a standalone system, or a system incorporated into wider common housing register and allocation. Tai Pawb recommends that Welsh Government provide a definition of what makes an Accessible Housing Register based on our research from [Gwent](#) and [other work](#). Once developed, we also suggest Welsh Government monitor implementation and that LAs meet the definition.
- 3.22 Further, and not limited to homelessness reform, Tai Pawb’s research has uncovered experiences where disabled people have found the housing system too complex to navigate and where practice and outcomes differ. Previously, we have called for a review of accessible housing allocation policies across Wales with a view to introducing a standardised framework. We believe this approach will be necessary to support this legislation.

Removing people from waiting lists

- 3.22 We recognise that local authorities may want the flexibility to remove people with no housing need from the waiting list in their areas. Doing this may help lower waiting lists and help manage the allocation process better. However, if this power is granted, we recommend that data is kept on the decisions made to identify any patterns or bias in decision-making, and that policies that support this process are subject to an Equality Impact Assessment (EIA).

Addressing perverse incentives

- 3.23 We recognise the desire to have mechanisms which manage the waiting list and supply, especially with changes made to priority need and intentionality. Having a “deliberate manipulation” mechanism in place will no doubt be seen by local authorities as a valuable tool. However, we are mindful of any “unintended consequences” and the potential to negatively impact upon certain communities who have historically faced discrimination or been disadvantaged. To support this being fair, we recommend this policy be subject to an EIA and that robust data is kept on people who fail this test to identify any patterns or bias in decision making. Training on unconscious bias may also be valuable for decision-makers. We further recommend an annual review of decisions to monitor the use of this policy to ensure consistency across Wales and no bias against people with particular characteristics. If identified, there will be a need to review this policy with a focus on removing it.

Communicating with applicants

- 3.24 Tai Pawb welcomes the proposals contained within the White Paper to improve accessible communication based on individuals’ requirements, whether language, disability, or neurodiversity. In developing these materials, we recommend people with lived experience of homelessness participate in the design and review of any materials or methods of communication.
- 3.25 We further recommend the same considerations around [communication](#) are in place when developing personal housing plans.
- 3.26 Focus should also be on supporting staff to fully understand and act on people's communications needs. Simply amending materials alone will not be enough. To be successful, there will need to be a focus on culture change and increasing awareness, including investment in training with relevant staff.

Failure to cooperate

- 3.27 We support the proposal for a narrower test which sets out a small number of clearly defined and limited grounds for the unreasonable failure to cooperate. In developing this test, it is important the policy is subject to an EIA to ensure it is non-

discriminatory. Data on decisions should also be kept ensuring there is no patterns or bias in decision making. Training on unconscious bias for decision-makers may also be necessary.

Discharge planning

- 3.28 We support the proposals for closer working to prevent discharge into homelessness. This policy should also consider situations when following a stay in hospital, it may not be safe for a person to return home.
- 3.29 In order to support this policy, closer working arrangements will be necessary with hospitals and health boards, and there will need to be an increase in funding to ensure appropriate resources are in place to deliver on this from a staffing and accommodation perspective. A portion of this accommodation will need to be accessible to meet the need of those being discharged. Our [Gwent research](#) (Section 5.8.3) into accessible housing allocation, which, amongst others engaged with hospital discharge teams and housing options teams, highlighted the need for better arrangements for disabled people leaving hospitals and highlighted good practice in this regard – we would recommend that such examples are replicated across Wales.
- 3.30 There will need to be consideration for what happens in relation to the discharge of people who are NRPF and homeless. As people with NRPF are destitute and more likely to be experiencing rough sleeping, hospitalizations will occur.

Individual rights to advice, review, and redress

- 3.30 Tai Pawb fully supports the proposals included in the White Paper. To aid implementation, we would recommend processes are culturally aware, consistent with changes around communicating with people and data kept (and monitored) on decisions to identify any patterns or bias.

Data

- 3.31 We support the proposals to improve continuous data collection across the sector. Doing this is essential to helping solve the housing crisis and ensure everyone has a suitable home. This dataset should always collect information on the protected characteristics of individuals and Welsh Government should ensure all relevant authorities comply with this. Our response to Ending Homelessness Outcomes Framework highlighted data gaps in relation to equality and recommended specific changes and further data developments (including those with NRPF, Gypsies and Travellers, migrants, and disabled people). Good data is a bedrock of being able to assess the equity of access, experience, and outcomes in homelessness system for diverse population groups.

- 3.32 Moving forward we recommend that this data collection is better aligned with supply and design of accommodation to ensure that it meets the needs of people at risk of or experiencing homelessness in Wales.

Lived experience

- 3.33 We welcome the Welsh Government's commitment to listening and engaging with people with lived experience, as evident through the consultation process of this White Paper and subsequent proposals. In delivering on this commitment, we suggest implementation considers how the full diversity of the people experiencing homelessness in Wales is reflected.
- 3.34 Lived experience research can be time consuming, for participants and charities. We therefore would encourage this work is suitably resourced and adequate time given for organisations and participants, to ensure that it is not extractive and can have the biggest impact in guiding service delivery. We believe recognition should always be given, whether financial or not when people offer their time and experiences. In working with people with lived experience, Tai Pawb aims to work alongside specific [principles](#). We recommend the consideration of a similar approach by the Welsh Government in undertaking this work.

4. Conclusion

- 4.1 Tai Pawb recognise the scale of homelessness currently in Wales and the challenges faced by local authorities, housing associations, charities, and the Welsh Government. We support and endorse the potentially transformative proposals contained within this White Paper.
- 4.2 We know that not everyone is at the same risk of homelessness, with groups such as refugees, disabled people, and young LGBTQ+ at increased risk. It is pleasing there has been considerations within the White Paper for these groups. Moving towards implementation, its essential that future policies, services, and actions continue to be subject to these equalities focus. Failure to do this will result in homelessness services remaining inflexible for some of the people who need them the most. The collection of appropriate monitoring data will also be essential in delivering this, as will tools such as Equality Impact Assessments.
- 4.3 Given the financial challenges associated with the current Welsh Government budget, we feel aligning this White Paper more closely with a right to adequate housing may also offer greater opportunities to drive investment, prioritise housing and provide a more a joined-up plan to resolve our housing crisis.
- 4.4 Additionally on funding – and recognising the breadth and depth of the proposals contained in the White Paper – the goal of ending homelessness in Wales will undoubtedly require significant, sustained resource. Delivery partners such as local authorities are already facing unprecedented budgetary challenges while, for example, Welsh Government has had to cut or freeze certain budget lines (e.g. Housing Support Grant in draft proposals for 2024/25). To date, there is little clarity on what ongoing revenue support there is to aid the implementation of the White Paper and to achieve its goals. That clarity will be needed moving forward.
- 4.5. Potential negative equality impact: if the proposals are not appropriately resourced through significant additional funding and capacity - we would urge Welsh Government to be mindful of the potential unintended negative equality impact of the proposals. The proposals will require local authorities and housing support providers to deliver prevention, advice, assistance, and support to much larger client base. Doing so within the current capacity and resource, risks ‘spreading the service too thinly’ across large populations and being unable to deliver specific and more intense support to groups which are more vulnerable, including refugees, people with mental health issues, people experiencing domestic abuse, disabled people, and others.



Comisiynydd Plant Cymru
Children's Commissioner for **Wales**

Ymateb i Ymgynghoriad / Consultation Response

Date / Dyddiad: 16/01/2024

Subject / Pwnc: White Paper – Ending Homelessness in Wales

Background information about the Children's Commissioner for Wales

The Children's Commissioner for Wales' principal aim is to safeguard and promote the rights and welfare of children. In exercising their functions, the Commissioner must have regard to the United Nations Convention on the Rights of the Child (UNCRC). The Commissioner's remit covers all areas of the devolved powers of the Senedd that affect children's rights and welfare.

The UNCRC is an international human rights treaty that applies to all children and young people up to the age of 18. The Welsh Government has adopted the UNCRC as the basis of all policy making for children and young people and the Rights of Children and Young Persons (Wales) Measure 2011 places a duty on Welsh Ministers, in exercising their functions, to have 'due regard' to the UNCRC.

I have not responded to all chapters and questions in this consultation and have instead, focused on those most relevant to my role and remit.

This response is not confidential.

Chapter 1: Reform of the existing core homelessness legislation

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

- Yes
- No

<p>Proposal</p> <p>We propose the abolition of priority need so this test is no longer necessary for homeless, eligible applicants to benefit from the duties under sections 68, 73 and 75 of the HWA 2014 (or the equivalent duties in reformed legislation).</p>	<p>Response</p> <p>I am concerned that abolishment of the priority need test could have a disproportionate effect on families and children.</p> <p>Both UNCRC Article 27 (<i>right to a good standard of living</i>) and Article 19 (<i>the right to be protected from harm</i>) should be considered for this proposal. Placing children in unsuitable temporary accommodation would be an increased risk if priority need testing were to be abolished.</p> <p>Whilst I agree that everyone who is experiencing homelessness has the right to a safe home, I would urge consideration of vulnerable groups such as care experienced young people. I have been vocal in my support for Welsh Government to consider care experienced young people as a protected characteristic and in line with the principles of the Corporate Parenting Charter, I am concerned that care experienced young people may fall through the cracks if their housing needs are not prioritised.</p>
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5. Do you agree with our proposal to abolish the Intentionality test?

- Yes
- No

<p>Proposal</p> <p>We propose the intentionality test is removed from legislation and is no longer applied in determining whether an applicant is entitled to the prevention and main duties (section 68- interim duty to secure accommodation (in the context of ending the duty) and section 75 (duty to secure accommodation) of the HWA 2014) or any future duties in new legislation.</p>	<p>Response</p> <p>I welcome the proposal to abolish the intentionality test.</p> <p>No child or young person should experience homelessness even if their parent or carer is found to have 'intentionally' made themselves so.</p> <p>In our recent Ambitions for Wales survey in which we engaged with over 8,500 children and young people, around half (49.7%) of children, and 50.5% of Black and Ethnic Minority children</p>
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	<p>said that they were worried about having somewhere to live.</p> <p>When an adult is found to have made themselves intentionally homeless – including parents and carers – it can result in them not being able to access support services. As the intentionality test is carried out at the discretion of different local authorities there is an unequal level of opportunity for families across Wales.</p>
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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.

<p>Proposal</p> <p>We propose adding 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.</p>	<p>Response</p> <p>As part of my response to the Ending Homelessness Outcomes Framework, under Data indicator 1.e (<i>Fewer Households experience homelessness in the first place</i>), I identified that it is unlikely to capture incidents of care leaver homelessness, so revisions should be made to this to ensure it is included.</p> <p>This should also include care leavers who are placed in local authorities that are not their host or home authorities, and often have to navigate ‘local connection’ tests to secure housing.</p>
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Chapter 2: The role of the Welsh Public Service in preventing homelessness

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

Proposal	Response
<p>A new duty to identify those at risk of homelessness and refer on to specified parts of the public service, so a local authority is notified as soon as possible a person is facing a threat of homelessness or is already experiencing homelessness.</p>	<p>I welcome a duty to identify and refer those at risk of homelessness and believe this would have a profoundly positive impact.</p> <p>In our recent Ambitions for Wales survey, around a quarter of young people aged 12-18 years said that their biggest worry was about having somewhere to live (24.9%). A new duty on expanding identification of those at risk of homelessness would help to alleviate these concerns.</p> <p>This proposal would also benefit from clear communication to all of the selected public bodies to ensure success. I would welcome a commitment to enhancing the knowledge of UNCRC rights across all of the participating sectors to help ensure workforces can help children realise the rights they have.</p>
<p>An expanded duty to co-operate (currently imposed by section 95 of the HWA 2014), to ensure a wider number of public services are engaged and responsible for making homelessness rare, brief and unrepeatable.</p>	<p>I welcome co-operative working however I am also concerned that there must be adequate provision in place to do so.</p> <p>Article 3 of the UNCRC states, <i>everyone who works with children should always do what is best for each child</i>. It is important to consider workforce resource and funding in supporting children to ensure that this right is upheld to standard.</p> <p>Article 39 also states that <i>special support will be required to help children recover from trauma</i>. An expanded duty to co-operate should include communication to public services that the impact of loss or absence of a basic need, including housing, is recognised as a traumatic experience.</p>

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?

Proposed relevant bodies	Response
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Inclusive of health and inclusion health, substance use, social care and education.

I welcome the proposed relevant bodies to include health, substance use and social care.

I agree with the [Welsh Government decision to undertake further testing](#) for schools to be one of these public bodies. In line with the [Welsh Government commitments to reduce workload for school staff](#), I too am conscious not to overburden this cohort.

As key safeguarding partners, school staff are in a unique position of consistent interaction with pupils where they can identify issues concerning homelessness. A possible referral pathway or template would be welcome to streamline this.

Chapter 3: Targeted proposals to prevent homelessness for those disproportionately affected

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?

Proposal	Response
<p>We intend to strengthen existing corporate parenting responsibilities to ensure individuals aged 16 and 17 years who are homeless or at risk of homelessness do not fall between services, and social services and homelessness services work in true partnership to secure suitable accommodation and any broader support these young people’s need.</p>	<p>I welcome this proposal to strengthen existing corporate parenting responsibilities and to promote a trauma-informed way of working across all sectors.</p> <p>Promoting trauma awareness is crucial for ensuring that services respond appropriately and acknowledge the profound impact trauma can have on a young person.</p>
<p>We propose, in line with their corporate parenting responsibility, and in order to prevent any care leavers or care experienced young people getting lost in the system, local housing authorities be required to make inquiries into whether an applicant is care-experienced, as they complete the assessment of housing need and Personal Housing Plan, as proposed earlier in this White Paper.</p>	<p>I welcome this proposal and many young, care experienced people who I have spoken to say that this would benefit them.</p> <p>This would also help local authorities and RSLs to more easily identify services a young care experienced person is in need of and aid staff to deliver better trauma-informed services.</p>
<p>In response to recommendation 25 in the Children, Young People and Education Committee report, we propose care-experienced people should be considered priority need (unless or until the test is abolished (based on the proposals set out earlier in this White Paper)).</p>	<p>Care experienced young people are significantly overrepresented within homelessness.</p> <p>Public Health Wales estimates around one quarter of young homeless people are care-experienced and many do not feel well-equipped to live independently as they feel they face a ‘care cliff’.</p> <p>As previously mentioned, I would welcome care experienced young people to be considered priority need.</p>
<p>For young people leaving the secure estate, we propose legislation and guidance should be clear 16 and 17 year olds, who are expected to be released from the youth justice system within six months, are the responsibility of the local authority as part of their corporate parenting responsibility. Similarly, for young people in youth detention, who are or were care leavers aged 18 to 21 (or 18 to 24 if in education or training) should also benefit from</p>	<p>As I stated in the response to the Ending Homelessness Outcomes Framework, I welcome the commitment to monitor discharges from care and the youth detention estate into homelessness. No child should be detained beyond their order or sentence due to housing issues.</p> <p>Some young people may also be tempted to re-offend due to a lack of housing options, costing more to the public purse.</p>

<p>joint work between social services and the local housing authority to support and accommodate.</p>	<p>In addition, discharging young offenders on a Friday afternoon leaves them at a disadvantage as the majority of support and housing services close for the weekend.</p>
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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?

To strengthen practice I believe that there is more opportunity to build on the duties aligned with the well-being plans (introduced by the Well-being of Future Generations (Wales) Act) for local authorities, including well-being assessments.

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?

Proposal	Response
<p>We propose to explore further, through this consultation exercise, whether the Renting Homes (Wales) Act 2016 should be amended to allow 16 and 17 year olds to be occupation contract-holders, and, in so doing, broaden the accommodation options available to this group.</p>	<p>I would advise to proceed with caution for this proposal. I understand the intention is to bring more opportunity for accommodation to young people who are facing homelessness, however there would need to be several considerations before this is realised.</p> <p>This would include current DWP rules and consideration of contract law, which I understand was a barrier during the development of the Renting Homes Act (Wales) 2015.</p> <p>Under the UNCRC, Article 25 states, <i>children who are not living with their families should be checked on regularly that they are okay</i>. A current lack of funding and high workforce turnover within the housing and support sector may compromise this right.</p> <p>I also anticipate that there may be a reluctance among RSLs to hand responsibility to young people under the age of 18.</p> <p>In addition, I am unsure that private landlords would be favourable to this proposal in particular regard for the requirement of guarantors – something that many young people, particularly those who are care experienced, are unlikely to have.</p>

Chapter 4: Access to accommodation

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?

<p>We understand shared sleeping space is rarely used but we propose to make clear in legislation, shared sleeping space is never permitted, regardless of the temporary or emergency nature of accommodation.</p>	<p>I welcome this proposal as under the UNCRC Article 16 states that, <i>no child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, nor to unlawful attacks on his or her honour and reputation.</i></p> <p>This right could be put at risk if families or young people are placed in shared temporary accommodation including shared sleeping space. In addition, there must also be consideration around communal areas such as bathroom facilities or kitchens, which could potentially violate Article 16 and a child's <i>right to privacy.</i></p>
<p>There must be no predilection for placing families in overcrowded conditions, however, it is noted such a placement (with family members or friends) may be preferential to households entering emergency accommodation and for this reason, we propose the prohibition does not apply to the prevention duty, should this be in line with the applicant's wishes</p>	<p>I welcome the flexibility for children to remain with family members where suitable. Consideration of cultural needs, such as children from ethnic majority families, and inter-generational households, should also be taken into consideration when listening to an applicant's wishes.</p> <p>I understand that there is a huge demand for homes due to the housing crisis, I would propose for stock estimates to take into account the needs of children to ensure that needs are fully realised. This would be inclusive of Article 16, <i>no child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, nor to unlawful attacks on his or her honour and reputation</i> and Article 27, <i>a right to an adequate standard of living.</i></p>
<p>We propose for people aged under 25, the use of unsuitable temporary accommodation, including Bed and Breakfasts and shared accommodation, should not be permitted for any time period.</p>	<p>UNCRC Article 27 states, <i>the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.</i></p> <p>I welcome the proposal to exclude unsuitable temporary accommodation.</p>

<p>We propose to make it clear through legislation that where people of this age group are to be housed in temporary accommodation, it must be supported accommodation. Therefore, the accommodation should be combined with support (which is tailored to the individual or household and their needs) and should be made available until the individual is ready to move on to an independent living setting.</p>	<p>I welcome this proposal for children and young people who may need additional support whilst living in temporary accommodation.</p> <p>UNCRC Article 25 states, <i>the right of a child who has been placed by the competent authorities for the purposes of care, protection or treatment of his or her physical or mental health, to a periodic review of the treatment provided to the child and all other circumstances relevant to his or her placement.</i></p> <p>Young people must be provided with the appropriate support to ensure they build their independence skills and develop confidence, as to mitigate the risk of homelessness re-occurring.</p>
<p>In addition, we propose to make clear in legislation those aged 16-17 must never be accommodated in adult focussed, unsupported temporary accommodation in Wales (see section 3 of this White Paper).</p>	<p>As above, I agree with the proposal for young people to be in appropriate, supported temporary accommodation as it aligns with Articles 19 (<i>the right to not be harmed, looked after and kept safe</i>), Article 21 (<i>the right to live in the best place for you</i>) and Article 25 (<i>children who are not living with their families should be checked on regularly</i>).</p>
<p>We propose accommodation cannot be deemed suitable unless it is located within reasonable travelling distance of existing or new educational facilities, employment, caring responsibilities and medical facilities, unless the applicant wishes to move beyond a reasonable travelling distance from those facilities.</p>	<p>Article 21 of UNCRC states a child, <i>has the right to live in best place for you if you can't live with your parents.</i></p> <p>This would be inclusive of the educational and medical facilities should a child be housed elsewhere from their parents.</p>
<p>We propose the local housing authority be required to take into account, in relation to both the applicant and any member of the applicant's household, any specific health needs, any impairment, where the accommodation is situated outside of the area of the authority, the distance of the accommodation from the authority's area, the significance of any disruption caused by the location of the accommodation to the employment, caring responsibilities or education of the person and the proximity of alleged perpetrators and victims of domestic or other abuse.</p>	<p>UNCRC Article 23 states, <i>your right to special care and support if you have a disability so that you can lead a full and independent life</i>, and Article 19 states, <i>you should not be harmed and should be looked after and kept safe.</i></p> <p>Local authorities must take into account the above in order for children and young people to realise their rights.</p>

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 therefore proposes to introduce amendments to legislation to allow for care leavers who are homeless, to be provided with additional preference over other priority groups defined as having an urgent housing need. This will allow for greater prioritisation of care leavers within existing allocation systems, with the intention of increasing their access to affordable accommodation and mitigating the additional risk of homelessness they face. We propose a similar change so local housing authorities are permitted to specify in their allocation schemes people who are homeless as a result of fleeing abuse should be awarded greater priority.

Many young, care experienced people feel as though they face a 'care cliff' when they leave care, resulting in this group being overrepresented in homelessness statistics.

Care experienced children and young people are identified as a particularly vulnerable group and I would welcome the consideration of this cohort to reach up until age 25.

This is not to say that all care experienced young people up to 25 will need support to access housing, but rather that different pathways could be created depending on individual need. This would also highlight the importance of a trauma-informed way of working.

Comments from professionals from our recent Ambitions for Wales survey included the need for young people to access *"appropriate accommodation for young people in care that is flexible to meet their needs"*

Chapter 5: Implementation

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

<p>We propose to consider the functions of existing inspectorates in Wales, such as Care Inspectorate Wales and Healthcare Inspectorate Wales to identify the role these organisations can play in ensuring delivery of the aims outlined in this White Paper to achieve broader responsibility for homelessness prevention across the Welsh public service.</p>	<p>Article 20 of the UNCRC states, <i>a child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State.</i></p> <p>Whilst Article 20 also states, <i>such care could include, inter alia, foster placement, kafalah of Islamic law, adoption or if necessary placement in suitable institutions for the care of children. When considering solutions, due regard shall be paid to the desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background.</i></p> <p>I welcome this proposal for a broader sense of responsibility for homelessness prevention and the above rights highlight the importance in consideration of a child's individual needs and how a joined up approach between children's rights and homelessness would help prevent young people from falling through the cracks.</p>
<p>We will also consider how we can ensure the views of people with lived experience of homelessness can continue to inform our understanding of how homelessness systems work and ensure this feedback influences ongoing development of services and prompts action from Welsh Ministers where appropriate. We will work closely with expert partners to undertake such work and design methodology in partnership with them.</p>	<p>Under the UNCRC Article 12, <i>children have the right to be listened to and taken seriously.</i></p> <p>Alongside the principles of the Future Generations (Wales) Act, with reference to the well-being goal of A Prosperous Wales, it is crucial that children and young people with lived experience of homelessness are continually offered opportunities which inform future decision making.</p>

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.

I have not identified any particular aspect of these proposals that has a specific effect on the Welsh language but I would expect any services to be available to families in their language of choice, in compliance with the Welsh Language Standards.

Consultation on the White Paper on Ending Homelessness in Wales

Introduction

I am an alumna of the University College London awarded an MSc in Public Policy with distinction in 2023. My master's thesis was focused on **Exploring the Policy Implementation Barriers to Reforming the Local Connection Test in Wales** and was graded 72 points. My methodology was expert interviews with three housing managers from different local councils in Wales and an NGO worker experienced in supporting homeless people. It was further supplemented with a literature review. A national homelessness charity, Crisis, has supported my work by connecting me with interviewees and providing advice and information about homelessness in Wales. I submit my reply to the consultation so my research can contribute to the improved implementation of the policies introduced in the White Paper.

My reply consists of two parts. In the first part, I reply to question 6 from Chapter 1 about the proposed changes to local connection. In the second part, I outline the barriers to the implementation of the local connection reform that I found through my research.

Part 1

Chapter 1 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?

I agree that more people should be exempted from the local connection test, however, a complete removal of the test would be a better solution because of the following reasons.

1. The currently **existing exemptions are inconsistently applied** across local authorities. Thus expanding the list of exemptions does not protect the eligible homeless people from being excluded from the support system.

The outcomes of the interviews conducted for this research exemplify the inconsistencies. For instance, the legislation requires a holistic and nuanced approach to the assessment of local connections while some local authorities use the outdated method based on the set timeframes.

Additionally, in theory, the legislation places special protection on people fleeing domestic violence by exempting them from the local connection requirement. Some survivors, however, reported that sometimes these provisions are not respected or require providing evidence which may be a difficult and traumatic process (Experts by Experience 2022, 7; Expert Review Panel 2023, 12).

Moreover, there is evidence of applicants being sent from one local authority and left without help while the local authorities debate over their local connection.

*We've been in the situation where there was a family, a woman with five children fleeing domestic abuse who had approached four separate local authorities, and we were the fourth local authority that they approached before someone even took a (local connection) assessment. –
Housing Manager B*

Moreover, the findings from my interviews are in line with the outcome of the post-implementation evaluation of the Housing Act (Wales) 2014 in 2018, which found inconsistencies in the interpretation and application of the local connection test across Wales (Ahmed et al. 2018, 6).

2. The existence of the test, even though expanded with more exemptions, does not solve the problem of a **lengthy eligibility verification process**.

Applicants report situations when they had to sleep rough for a few days while waiting for the local connection decision (Experts by Experience 2022, 7). Moreover, some people struggle with proving their local connection, due to an unsettled way of life or long-term homelessness (Baptista et al. 2015, 59). All these lead to situations where people fail to get the support they need, they lose faith in the system and their situation may deteriorate over time. This is detrimental both to the individuals and the system because the longer someone experiences homelessness the harder and more costly it is to help them (Baptista et al. 2015, 6).

On top of the shortcomings of the proposed solution, it is worth noting that the suspension of the local connection test would be the most effective in removing strict exclusions and it aligns the most closely with the government's overarching goal to end homelessness. It would also cut through the labyrinthine rules that currently plague the system.

Below you can see a summary of strengths, weaknesses and likely outcomes of the three possible ways forward regarding the local connection.

	Strengths	Weaknesses	Likely Outcome
Status Quo	Support from local authorities No extra administrative costs	Difficulty to meet the government's goal to end homelessness Person-centred approach often disregarded	Persistence of homelessness due to strict eligibility criteria
Amend test	Compromise with local authorities No extra administrative cost	Problems of inconsistency and cooperation remain Introduces new complexities and potential for inconsistencies	Short-term improvement but will not remove the barrier of gatekeeping entirely
Suspend Test	Efficient way to remove exclusions and barriers	Opposition from local authorities	Best long-term strategy to eradicate homelessness but faces significant barriers

Part 2

Implementation Barriers to the Reform of the Local Connection Test

1. Concerns of the Local Authorities

The interviews have found that while a modest expansion of the exempted groups enjoys the support of the local authorities, more ambitious liberalisation of the Local Connection Test causes them many concerns.

- a) Magnet Effect: These concerns are mostly motivated by the fear of attractive areas in Wales being overwhelmed with applications and left without appropriate resources.

"We would worry that we would have people that came to us via that way (on the whim) that we'd be a bit overwhelmed, and I think some places in Wales would be more overwhelmed than others." - Housing Manager A

- b) Passing the burden: Another reason for this fear is the concern about signposting by other authorities.

"There might be a concern that because we have a large amount of resources that people will be signposted to come to (our borough) for better support than maybe they would in their own boroughs" – Former Manager C

"We've seen quite a lot of that happen during COVID (...), (for instance) somebody who's an offender, who's got duty with another county, which is struggling to find accommodation for them and what they do is they tell that person to withdraw their application and say they're fleeing threats. And then they come to us saying they're fleeing threats, even though there's no real evidence of threats." – Housing Manager B

Possible solution: Putting concerns into perspective

Realistically, it is improbable that all local authorities would experience a spike in applications. An increase in overall application volume could only occur if applicants were drawn from the rest of the UK. However, Scotland's experience of suspending the local connection criteria demonstrates that such instances are anecdotal (Solace 2023, 10). Furthermore, during the interviews, a Charity Worker indicated that the closest analogy available is the implementation of the Housing Wales Act, which introduced homelessness prevention in Wales but not in England. They said that the border local authorities were initially concerned about "border hopping," but this did not overwhelm the system.

2. Prison Hot Spots

Interestingly, the interviews revealed that the proximity of prisons may cause some areas to be overwhelmed with applications after the reform of the local connection. Under the current legislation, the residence in prison does not itself establish a local connection with an

area (Welsh Government 2016, 283). Therefore, prison leavers experiencing homelessness are entitled to help from the county where they resided before incarceration. Once the prison leavers are not bound by the local connection test, they may be inclined to stay in the prison's proximity instead of travelling further which may result in an influx of applicants to nearby areas.

“Specialist services can be slightly overrun. We have a prison, so it's very easy for someone to get released and then just, you know, come to (us), it's reasonable for them to do it” – Former Manager C

3. Impact of Information Gaps on System Abuse and Danger

Local residents are generally known to local services more than newcomers, raising concerns about the capacity to adequately assess and accommodate unfamiliar applicants.

When you have certain high-risk categories (sex offenders), normally we have very good relations with probation and prison services, and they give us notice in advance to prepare. Recently we had one that we had no notice at all and they just turned up. You cannot put a registered sex offender with families. You just can't do it. The risk would be too high. There have been situations when we were not able to accommodate. – Housing Manager B

A similar situation happened in Scotland after suspending the local connection. It involved a homeless man from outside the area who has hidden his status as a registered sexual offender when applying for housing. His criminal background was only discovered after consulting his local authorities (Solace 2023, 10). While individuals experiencing homelessness who have prior convictions for sexual offences are not disqualified from receiving support, they must be placed in accommodations that mitigate risks to others. This highlights the concerns of local authorities about the possible complications arising from unfamiliar applicants, such as increased risks and accommodation issues.

Should local connection criteria be reformed, local authorities may lack sufficient information to make appropriate accommodations. Another housing manager mentioned that the lack of local connection criteria might enable system abuse. Currently, individuals who violate rules in temporary accommodations face consequences, as the duty of the local authority toward them can be terminated. According to one of the housing options managers, without the local connection test, these individuals could simply move to a different authority, thereby circumventing any repercussions for their actions, which could incentivize inappropriate behaviour and lead to broader system abuse.

People need to have consequences to their actions and local connection and intentionality play a part in that. – Housing Manager A

4. Scarce Resources

Scarce resources appear as a substantial obstacle to the implementation of the local connection test reform.

If they just said tomorrow, "You have to ignore local connection." We would just start ignoring local connection. The implementation of it would be fairly straightforward. The worry would be the balancing the resources.
– Housing Manager A

Each local authority which was interviewed acknowledged that the supply of temporary housing in their area fails to meet the current demand. They cited examples of lengthy waiting lists, such as 20 households waiting for one of 80 available units, or 100 individuals on a waiting list for some of the 1,000 spaces to be vacant. Furthermore, they expressed concerns that eliminating the local connection criteria would exacerbate the situation, leading to even longer waiting times. The central concern is that they may become unable to offer adequate support to their local communities.

Well, it's partly political. They're all under incredible resource pressures, aren't they? And they're all having to deliver huge swathes of statutory functions on a completely inadequate budget. And we all recognise that. And so local members, when they're making decisions, they will naturally want to prioritise local people to benefit from their limited budgets that they have. – Charity Worker

Within the context of limited resources, the removal of local connection risks creating a paradox where it expands the freedom of movement for some but may displace other homeless individuals from their communities. In scenarios with high application volumes for housing support, local authorities may be compelled to seek accommodations far removed from the local area. Such heightened demand could lead to placing local applicants in locations so distant that they become disconnected from their original communities. Among the extreme examples cited by local authorities during interviews was a story of a homeless household placed in temporary accommodation 30 miles outside their home county due to the unavailability of closer options, necessitating hours of travel each day for basic services like schooling. Avoiding such outcomes is a priority for local authorities.

I would worry that an open door would mean that some places centre of Cardiff start placing people up for instance in Powys even though they want to be in Cardiff, and they've got connections in Cardiff just because they've got so much numbers they can't accommodate them there, they just place them further afield. – Housing Manager A

Complicating the implementation further is the fact that the local connection may be the last demand-control tool available to local authorities, making it challenging to abandon. Local authorities can deny homelessness support based on three tests: priority need, intentionality, and local connection. Many have ceased applying the "intentionality" criterion

for years, and the "priority need" criterion is also less frequently invoked, particularly since the advent of the "Everybody's In" COVID-19 policy. Moreover, the Expert Review Panel calls for the official removal of these two tests. In consequence, local connection may remain the last test making it difficult to abandon by local authorities.

Lastly, local authorities emphasize that funding alone will not overcome the barrier posed by resource scarcity. They argue that even with sufficient financial resources to purchase housing, the local market lacks adequate affordable or specialized accommodations to meet the demand.

The funding is not always the issue. Sometimes it's about the availability of affordable housing for people or housing that benefits will pay for or housing that they can access because of the nature of their past history. And money doesn't always solve that. That we've had that problem in the past really, we've got lots of homeless prevention money. But if they're selling the property, I can't prevent homelessness, no matter how much money I've put at it. It's just a property issue then a money issue. - Housing Manager A

The interviewees identified several factors contributing to low housing availability. These include the rising costs of construction materials and labour, attributed to an undersupply of skilled workers in the construction sector. Additionally, escalating land costs driven by its increasing use as a secure financial asset exacerbate the issue. Planning also presents a bottleneck as it is an under-resourced function within local authorities, leading to prolonged timelines for securing planning permission. Lastly, environmental challenges, such as phosphate pollution in rivers, have rendered large areas of Wales unsuitable for new housing development.

Possible solution: adjust the government funding proportionally to shifts in application volume following any reform of the local connection test

Decentralised funding encourages local authorities to safeguard their resources through the use of local connections (Baptista et al. 2015, 29). Interviews confirm that this is happening in Wales as well. One housing manager elaborated that the primary funding for homelessness policies is sourced from council budgets, making it highly unlikely that a council would allocate any of these funds to another local authority.

We have our core funding, which is our council money. There's no way that the council would release any of that to any other local authority. – Housing Manager A

The council funding is supplemented by allocations from the Welsh Government, which are distributed on a pro-rata basis. Interviewees explained that this distribution takes into account various factors such as the number of rough sleepers and the overall population in each authority. Calculations based on these factors have already been made. One potential solution could be for the government to adjust this funding in response to shifts in

application volume following any reform of the local connection test. However, some local authorities have expressed reluctance to share their allocated funds.

5. Cooperation Shortcomings and Burden-Sharing

Broadening the exemptions to local connection test could exert additional pressure on certain local authorities. Effective implementation of this policy shift would necessitate efficient cooperation between local authorities to equitably mitigate any adverse impacts. This includes sharing both financial resources and essential information about applicants, as discussed in section 4.2. However, interviews revealed **that the current level of cooperation is insufficient** to address these challenges adequately.

*Say everybody wanted to go to Swansea. Could you have the budget follow the people in the sense that then Swansea gets more help in terms of, well certainly homelessness funding, but also maybe social housing grant and so on? Yeah, but that I think would take quite a sophisticated level of planning and we're not there yet, certainly not in Wales. –
Charity Worker*

Major obstacles include poor communication, inconsistent collaboration, a low sense of responsibility, and limited will and resources to improve these interactions. Effective communication between local authorities is essential for the successful reform of local connection test. If the concerns around the so-called "magnet effect" are validated, councils will need to foster robust cooperation to devise effective mitigating strategies. Increased applicants' mobility also necessitates information sharing about applicants' backgrounds, including those who have a history of crime or those who have exhausted their housing support due to anti-social behaviour. Failing to address this creates a risk of system abuse and jeopardises public safety. Evidence from interviews suggests that governance in Wales is not currently equipped for this level of collaboration.

Communication is the first hurdle. Housing managers universally reported challenges in coordinating Section 80 referrals with other local authorities and described the process as slow and cumbersome. Housing Manager A noted that weeks can pass before an applicant's transfer to their local area is finalized. Consequently, formal referrals are often bypassed in favour of advising applicants to present themselves to their local authorities. Housing Manager B indicated that referrals between non-adjacent authorities are sometimes ignored. While collaboration can occasionally be smooth—particularly when managers have pre-existing relationships—this tends to rely on personal networking rather than formalized structures.

The inconsistent quality of cooperation between local authorities is exacerbated by a scarcity of formal dispute resolution mechanisms. When conflicts arise, they can be reported to the chief executive of the problematic authority, a process that, while effective in achieving resolution, may strain working relationships. Some councils have turned to legal support charities for mediation, but no centralized third-party system currently exists for resolving conflicts specifically related to local connection issues.

Lastly, there is an inequality of the sense of responsibility among local authorities. Former Housing Manager C said that some cooperative ventures have left certain local authorities overburdened, as they were the only parties willing to take up the tasks. This uneven distribution of responsibility undermines the effectiveness and fairness of cooperation.

Some local authorities very much felt that they were being overburdened. They were saying yes to everyone and no one else would be stepping up. So that kind of feeling of equality of responsibility, I think, is another challenge that we found. -Former Manager C

To compound these issues, interviews indicated that some local authorities lack both the will and resources to improve cooperation regarding the local connection test. They are already stretched thin in terms of time and resources, making it difficult to assume additional responsibilities that could enhance collaboration. This unwillingness or inability to invest in better cooperation serves as yet another obstacle to an effective reform.

I don't know that the Welsh Government would be able to monitor where the demands had changed so that they could redistribute any kind of funding that they've got, because we probably wouldn't monitor where people are going. – Housing Manager A

Conclusion

Expanding the list of groups of people exempted from the local connection test is a good and important step towards ending homelessness. It is feasible and is likely to be supported by the local authorities. However, it still excludes many people from getting support and does not solve the administrative issues that prevent Wales from ending homelessness. To achieve the goals of the Welsh Government's Ending Homelessness Plan by 2026, total suspension of the Local Connection Test should be considered.

Additionally, this reply outlined some of the key challenges that should be anticipated in the implementation process of the suggested reform. These include managing the concerns of local authorities, appropriate support for the prison leavers struggling with homelessness, innovative resource management and improving cooperation between local authorities to facilitate burden-sharing necessitated by the reform.

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White Paper on Ending Homelessness in Wales

This is the WLGA's response to the Welsh Government's "Consultation on the White Paper on Ending Homelessness in Wales".

Welsh Local Government Association - The Voice of Welsh Councils

We are The Welsh Local Government Association (WLGA); a politically led cross party organisation that seeks to give local government a strong voice at a national level. We represent the interests of local government and promote local democracy in Wales.

The 22 councils in Wales are our members and the 3 fire and rescue authorities and 3 national park authorities are associate members.

We believe that the ideas that change people's lives, happen locally.

Communities are at their best when they feel connected to their council through local democracy. By championing, facilitating, and achieving these connections, we can build a vibrant local democracy that allows communities to thrive.

Our ultimate goal is to promote, protect, support and develop democratic local government and the interests of councils in Wales.

We'll achieve our vision by

- Promoting the role and prominence of councillors and council leaders
- Ensuring maximum local discretion in legislation or statutory guidance
- Championing and securing long-term and sustainable funding for councils
- Promoting sector-led improvement
- Encouraging a vibrant local democracy, promoting greater diversity
- Supporting councils to effectively manage their workforce



This is the WLGA's response to the Welsh Government's "**Consultation on the White Paper on Ending Homelessness in Wales**". The response is framed around the questions set out in the consultation document.

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

The proposals have the potential to lead to increased prevention and relief of homelessness, and the WLGA shares the ambition to end homelessness by making it rare, brief and unrepeated. However, the current circumstances mean that major elements of the proposals are not practically deliverable, and this will not change until there have been significant material changes in the external environmental factors driving the unprecedented numbers of homeless households seeking assistance from Councils across Wales, and the constraints on Councils and other organisations to respond to those levels of demand for assistance.

2. What are your reasons for this?

Legislative changes alone will not lead to any reduction in the numbers of households needing assistance, or any increase in the capacity of Councils and other organisations to provide assistance in preventing or relieving homelessness.

It has been reassuring to hear from Welsh Government officials during many of the events which have been facilitated throughout the consultation period for this White Paper that it is recognised that successful implementation will require a step change in the resources available to Councils, and a dramatic and sustained increase in the supply of affordable and social housing. These are among the critical prerequisites for successful implementation for many of the proposals in the White Paper.

The current and sustained pressures on Council services, while clearly identified within the White Paper, should not be underestimated, along with the sustained impact on staff within Councils and their partner organisations dealing with homelessness. With record numbers of people approaching Council housing and homelessness services for assistance, more than 11,000 people in emergency temporary accommodation, and affordability making the private rented sector a vanishing option for many households, any significant reduction in service and cost pressures which may underpin a return to "normal" conditions is likely to be years in the future. This context must be central to any planning and support to be put in place for the realistic implementation of any of the proposals set out in the White Paper.



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

None identified.

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

Yes/no

No, not at this time. While agreeing in principle with the ambition represented by the proposal to fully abolish the priority need test, the practical implications for Councils and households facing homelessness, in the current circumstances, mean that this proposal cannot be supported at this time.

Councils need to ensure that the most vulnerable people can be identified, protected, and supported. By moving to a position where, effectively, all households are a priority there are concerns that, in practical terms, this would work against Council's ability to identify, support and protect those most vulnerable individuals and households and indeed they could be lost in the volume.

In a context where, despite the very considerable efforts and investments by Councils, Welsh Government and other partners there are still very significant shortfalls in the supply of emergency temporary and more permanent accommodation for households. Further increasing the numbers of households where Councils will have a duty to provide accommodation is problematic, and likely unachievable in many areas in anything but the long term. This will also require appropriate levels of investment which will be extremely challenging in the financial context facing Councils and Welsh Government in the foreseeable future.

When priority need was abolished in Scotland a 10 year timeline for implementation was utilised. Given the current extreme pressures on homelessness services, and Council and other public services more generally, should this proposal be taken forward a similar period for implementation should be considered the starting point for implementation in Wales.

Taken alongside other proposals in the White Paper, such as those related to responsibilities for developing, reviewing and implementing Personalised Housing Plans, the removal of the priority need test would add to the reduction or removal of any sense of individual responsibility for some applicants to take actions to prevent their homelessness, or to find a solution to resolve their housing situation.



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

Yes/no

No. The intentionality test is rarely used, however, in some circumstances it is an important tool in clarifying expectations and options with those being supported by Councils and their partners. The abolition of the intentionality test would be disproportionate, given the very low numbers of cases where applicants are actually determined to be intentionally homeless.

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.

Agree that the local connection test should be retained. Concerns around unlawful application or wrongful interpretation of the local connection test, as set out in the White Paper, should be addressed through clear guidance, training and support. The provision of further exemptions to the local connection test are likely to result in disproportionate additional pressures on some Councils, typically those based on larger towns and cities, and are not supported.

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?

WLGA are not able to supply any further information at this stage. However, we would be happy to support any further work to identify costs and benefits which will be critical in ensuring the appropriate level of funding is provided to achieve the ambition set out.

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, agree with these proposals as they give an increased opportunity for early intervention and chances to prevent homelessness. However, it must be recognised that this duty is likely to result in a significant increase in the numbers of referrals received and, therefore, the staffing and other resources required to deliver on this increased demand. Introducing this duty will support the further development of collaborative multi-agency approaches to recognising and dealing with the risks of homelessness.



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?

Agree that the duty to identify and refer should apply to Social Services departments, Local Health Boards, and Registered Social Landlords. Welcome the commitment to undertake further testing and workload impact assessment in order to assess the viability of including schools, pupil referral units, further education and higher education establishments in the list of relevant bodies. Consideration should be given to include any organisation in receipt of homelessness-related public subsidy, such as Housing Support Grant

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

In the current context where all public services are under severe demand pressure any proposals to impose further duties on organisations are inevitably contentious, and will result in calls for additional resources to meet new burdens. In this light, the proposals appear to represent an appropriate balance between legislative requirements and operational practice.

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.

This is clearly an area where increased funding to support additional staffing within housing teams will be required to build capacity and to ensure realistic and sustainable caseloads.

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 agree with the proposal in the White Paper to scope existing partnership functions or boards which may be utilised to fulfil the policy aims of the recommendations made by the Expert Review Panel in respect of resolving complex cases, developing effective approaches to joint working, and investigating where there are incidents of a serious nature.



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?

WLGA are not able to supply any further information at this stage. However, we would be happy to support any further work to identify costs and benefits.

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)?

Consideration should be given to developing further targeted support for the prevention of homelessness among refugees and those coming to Wales as part of the various humanitarian protection schemes, including those with no recourse to public funds. Working with these groups can be particularly challenging given the mixture of devolved and non-devolved issues and interests.

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

Increased funding for Housing Support Grant would allow for supporting the resilience of existing services and creating the capacity to commission and develop further services to prevent or relieve homelessness for the groups covered in the White Paper.

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 highlighted in the White Paper, strengthened implementation advice, guidance and training will be vital in supporting improvements in planning, joint-working and service delivery. The provision of sufficient supported temporary accommodation will be a challenge in some areas.

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 set out in the White Paper will underpin improvement in the joint support from social services and local housing authorities. Strengthened implementation advice, guidance and training will be required to ensure these improvements are sustainable and resilient.

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?

In principle, we would support the idea of making amendments that would allow 16 and 17 year olds to be able to hold occupation contracts. However, as recognised in the White Paper the implications of this proposal are likely to be complex and wide-ranging. We therefore welcome the commitment to explore this option further with a view to avoiding unintended consequences.

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?

WLGA are not able to supply any further information at this stage. However, we would be happy to support any further work to identify costs and benefits.

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?

Generally, WLGA is in agreement with the principles behind the short-term proposals to increase the suitability of accommodation, for example the prohibition of accommodation which has Category 1 Hazards as being deemed suitable. However, we are concerned that given existing resource constraints and limitations on the supply of accommodation the prohibition on the use of shared sleeping space, and a number of the other longer-term suitability measures will not be achievable in the short-term in some areas and a realistic timescale for transition will be required. We agree that the same standards should apply across privately owned and local authority/RSL owned or managed non-self-contained accommodation.

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?

Generally, WLGA are supportive of the proposals around the allocation of social housing and management of housing waiting lists. WLGA would support giving Councils the flexibility to remove people with no housing need



from the waiting list within their area. While agreeing with current need to give additional preference to people experiencing homelessness, it should be recognised that those seeking to transfer within the social housing stock may be disadvantaged until such time as the supply of affordable homes better meets the level of local needs. The introduction of the proposed deliberate manipulation test will be required to counter any perverse incentive created by any other changes which may encourage some people to become homeless in order to access social housing.

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?

WLGA agrees with the proposal to increase the range of housing options through which the main housing duty can be brought to an end. These additional options will provide Councils with greater flexibility in some circumstances.

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?

WLGA are not able to supply any further information at this stage. However, we would be happy to support any further work to identify costs and benefits.

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

It needs to be fully recognised that successful implementation of the proposals in the White Paper will require a step change in the resources available to Councils, funding and staff, and a dramatic and sustained increase in the supply of affordable housing. Without these prerequisites, many of the proposals are not practically deliverable.

WLGA would broadly agree with the proposals identified to support implementation and enforcement of the reforms set out in the White Paper, particularly the use of existing structures and arrangements, consideration of the functions of existing inspectorates, and the improvement of continuous data collation across the housing and homelessness sector.

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?



None identified.

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?

WLGA are not able to supply any further information at this stage. However, we would be happy to support any further work to identify costs and benefits.

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.

a. Do you think that there are opportunities to promote any positive effects? **None identified**

b. Do you think that there are opportunities to mitigate any adverse effects? **None identified**

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:

None identified

Response submitted on behalf of the Welsh Local Government Association.

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Welsh Parliament Consultation on the White Paper on Ending Homelessness in Wales WG48223

About the contributors

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About this submission

This response relates specifically to provision for LGBTQ+ people. LGBTQ+ people account for 3% of the Welsh population but are over-represented in homelessness statistics. We draw upon three separate research studies, all located in Wales, since the 2014 Housing (Wales) Act was enacted, to make our recommendations.

About the evidence

We draw primarily on three studies: the UK LGBTQ+ Housing and Homelessness Survey 2022/23, the Welsh Government funded Homelessness among trans people in Wales study Study (Shelter Cymru/Cardiff University), and the Welsh Government funded Tai Pawb study Homelessness and LGBTQ+ people in Gwent research.

The UK LGBTQ+ Housing and Homelessness 2022/23 Survey

We surveyed 1102 British LGBTQ+ individuals about their experiences of housing and homelessness. The survey was targeted at the general LGBTQ+ population and did not specifically target those who had experienced homelessness.

219 respondents were resident in Wales. We report upon this subsection to inform our results. We found that 40% of Welsh LGBTQ+ people had at least one experience of homelessness since age 16, with 8% having experienced rough sleeping, 14% at least one stay in temporary accommodation, a homelessness hostel or a bed and breakfast, and 37% having sofa surfed.

35% identified as trans, non-binary and/or agender. 49% identified as gay or lesbian and 32% as bisexual or pansexual.

21% had experienced homelessness within the last year, 28% had at least one factor placing them at risk of homelessness within the next year and 12% had been homeless before the age of 18.

See UK LGBTQ+ Housing and Homelessness 2022/23 Survey 2022/23, and [CACHE blog post](#).

Homelessness among trans people in Wales (Shelter Cymru/Welsh Government/Cardiff University)

We spoke with 35 trans people with experience of homelessness (note that 28 are included in the interim report). Around half had engaged with services and/or made a homelessness application. Further details: [Homeless among trans people in Wales](#) and [Out on the Streets](#).

The Homelessness and LGBTQ+ People in Gwent Research

Interviews with a small number (n<5) of individuals who had experienced homelessness while living in Gwent.

See [The experiences of homelessness of people with protected characteristics in Wales](#)

This research also won a [Wales Online Inclusion and Diversity Award](#).

Recommendations in response to the consultation

Expand provision of LGBTQ+ specific accommodation across Wales, especially in areas with high concentrations of LGBTQ+ homelessness.

- Wales currently has only one unit of specialist LGBTQ+ accommodation – the three-bed Ty Pride in Denbighshire.
- LGBTQ+ people indicated strong support for specialist accommodation. Over two thirds (67%) of survey respondents saw specialist LGBTQ+ accommodation as helpful to LGBTQ+ people who were homeless. Interviewees for the Shelter Cymru project expressed frustration at a lack of dedicated provision.
- LGBTQ+ specific provision is important in intervening in homelessness for two reasons. First, it enables appropriate, culturally sensitive, services to be offered, such as sexual health, mental health support and support to access gender affirming medical care. Second, it reduces the psychological burden associated with minority stress. One woman, who had spent time in a hostel in Brighton where most other residents were LGBTQ+, and where staff had expertise in assisting LGBTQ+ clients, explained

...it was just nice knowing I wasn't the only one, like I could breathe and sort it all out, you know, everything I'd been pushing under a rug, and they knew what they were doing, they really helped with all that practical stuff.

- Our research found that homelessness is a risk for LGBTQ+ people whatever their life stage. There has been a particular focus on provision of specialist services to address LGBTQ+ youth homelessness (e.g. Ty Pride, Albert Kennedy). We suggest that service provision needs to consider all ages. However, from our wider research (with Shelter Cymru and Tai Pawb) we would like to highlight some caveats. First, LGBTQ+ specific accommodation is often available only for a small minority of those who need it. Second, it is often very limited in terms of who it can accept. For instance, while an excellent example of good practice, Ty Pride in Flintshire only has space for three homeless LGBTQ+ people under 25.
- LGBTQ+ people often rely on both found family and looser community networks for support. We suggest that both should be considered as part of a strategy to address LGBTQ+ homelessness. For instance, many cities have social media groups for LGBTQ+ people seeking flatshares and/or LGBTQ+ friendly housing. Proactively working with them and signposting homeless LGBTQ+ people to them would be helpful.

- Local authorities could also explore ways to create or support LGBTQ+ specific HMOs or looser units in the private rented or social housing sector. This might be modelled on approaches taken in universities to provide LGBTQ+ specific student accommodation.

Provide ‘presence’ to signal LGBTQ+ inclusion where specialist housing and services are not feasible, especially in rural areas

- It is unlikely to be feasible to offer LGBTQ+ specific accommodation to meet population needs across Wales. Further, not all LGBTQ+ people want to live in supported accommodation and/or services may not be suitable.
- ‘Signalling’ and ‘window dressing’ – e.g. posters and flags, asking pronouns, and acknowledging same gender partners and found family are all important approaches to include LGBTQ+ sense of inclusion.
- Also important is inclusive data systems. Where people’s pronouns, titles, or family structure was not reflected in their records, they felt excluded. Repeatedly explaining their story reinforced their sense of exclusion. Data systems should be co-designed with LGBTQ+ people to ensure people feel seen and welcomed.
- Funding for staff with specific training in LGBTQ+ homelessness should also be considered.

Recognise that LGBTQ+ homelessness is likely to create pressures on services in areas with larger LGBTQ+ populations and allocate resources accordingly.

- We found that 21% of Welsh LGBTQ+ people had moved to a different Local Authority as a result of having problems with their housing.
- They were especially likely to move to areas with greater concentrations of LGBTQ+ people (e.g. Cardiff and Aberystwyth).
- Tailored support for LGBTQ+ people experiencing homelessness, including those under 25 and trans people, should be considered in areas with a high percentage of LGBTQ+ people. This might include LGBTQ+ specific homelessness services, identifiable specialist staff, and clear signalling to indicate LGBTQ+ inclusion – nearly two thirds (62%) of Welsh LGBTQ+ saw this as helpful.
- Nearly two thirds (64%) of Welsh respondents saw staff asking for their pronouns as helpful to homeless LGBTQ+ people.
- It is also important to consider how those in areas where LGBTQ+ density is lower will be supported.

Recognise ‘minority stress’ as a valid reason for LGBTQ+ people to leave their local area if local connection is retained

- Interviewees who had moved to LGBTQ+ ‘hotspots’ like Cardiff and Aberystwyth from rural areas had often experienced discrimination and hate crime. Being, as one young woman put it, *‘the only queer for miles around’*, was associated with fear of physical, psychological and emotional abuse. As another young woman put it, *‘It was like I was a rainbow beacon saying kick me.’*
- However, this was also compounded reason by ‘minority stress’, a form of chronic social stress faced by minority groups.
- This non-specific ‘push’ factor should also be recognised as an exception for local connection rules.

Allow LGBTQ+ people access to the one room rather than shared accommodation rate of Local Housing Allowance.

- LGBTQ+ people we spoke to often described experiences of harassment and discrimination when in ‘stranger shares’, including where they had been required to enter private rented accommodation following homelessness.
- One trans man described being placed, by Housing Options, into a four-bedroom HMO where he was constantly afraid of violence if his flatmates became aware that he was trans. This caused particular issues because he had medication that he needed to keep refrigerated in a shared fridge. Further, all bathroom facilities were shared, and one of his flatmates had broken the lock. Because he was under the age of 35, he could not afford alternate accommodation which did not require him to share with others.
- While recognising issues with the Local Housing Allowance not keeping pace with inflation, we suggest that exempting LGBTQ+ people from the shared room rate where they are at risk of harassment or discrimination would address this by enabling them to secure safer single person accommodation.

Homelessness services should strengthen relationships with local LGBTQ+ communities, to improve trust and awareness.

- Nearly three quarters (73%) of respondents said knowing that other LGBTQ+ homeless people had had good experiences of homelessness services was important or very important in helping them decide to approach homelessness services.

- Conversely, interviews in the Shelter Cymru project were often reluctant to use homelessness services due to the bad experiences of others. For instance, one participant, who had a close friend who had had a bad experience of a local youth homelessness hostel, explained that he consequently preferred to stay away from services completely (1).
- Only 34% of LGBTQ+ people said they would approach homelessness services or make a homelessness application if they became homeless (for comparison, 78% would rely on friends and/or family).
- Homelessness departments could increase community confidence by visiting community groups/ youth groups, offering 'roadshow' events, visiting Prides.
- They could also reach out to communities and work more proactively and over a longer period of time to build trust and confidence.
- Local LGBTQ+ groups could also be invited to homelessness departments and commissioned to provide training.

Support LGBTQ+ communities and networks to create safe housing options for homeless LGBTQ+ people.

- Shared LGBTQ+-friendly housing was a desired option (in the short or long term) for many we spoke to (2,3).
- People wanted to be in accommodation where they were accepted and did not experience minority stress. However, dedicated and costly housing support was not necessarily needed.
- Informal and social media networks to put LGBTQ+ people seeking accommodation in touch with each other exist in most areas. Local authorities could promote these and provide them with support. Working with these networks could also be used as a way to raise awareness of homelessness services (see above).
- LAs should also explore ways to facilitate creation of LGBTQ+ specific shared housing in both the private and social rented sector, e.g. by offering deposits and first month rent (possibly for distribution by local community groups), by offering group rental subsidies and by considering waiving Council Tax to enable mixed student/ non-student groups to live together.
- Ways for RSLs to work with LAs to create LGBTQ+ micro-housing schemes could also be explored. We especially note the existence of successful schemes for older people, such as the [Older Lesbians Cohousing](#) scheme, but highlight that nothing of this kind exists in Wales.

Introduce safeguards to prevent mediation re-traumatising LGBTQ+ youth

- A strong finding from the Shelter Cymru study was that mediation, while sometimes helpful, could cause both trauma and greater family rifts where mediators were not skilled and knowledgeable about trans identity (4,5).
- This also affected global trust in homelessness services and increased risk of disengagement.
- We found that mediation was sometimes used in situations where increasing knowledge and awareness among parents, and increasing their capacity to provide support to their children (e.g. through dedicated training) would have been more useful. Young people described having their identity ignored or dismissed, with mediation reinforcing the sense that their identity was not valued.

She [counsellor] was like, "well you need to see it from your mum and dad's perspective. Give it time, give it time." And what happens to me then? "It's clear your mum and dad do want you back." I tried to explain no they don't. They don't want me, they want their daughter.

Frontline staff need training to improve awareness of domestic abuse experienced by LGBTQ+ people

- Over a third (35%) of Welsh LGBTQ+ people had experienced domestic abuse during their lifetime, and for nearly one in ten (85), this was within the last year.
- As good practice, Housing Options staff should receive training to enable them to be sensitive and aware of the needs of LGBTQ+ people facing domestic abuse. However, our research suggests that this is often not happening (4).
- Our interviewees told us that when they explained to Housing Options staff that they were experiencing abuse they faced disbelief and invalidation (4). One man, who was experiencing physical abuse from his ex-partner, recalled a staff member telling him *'it's just lads together, he's just messing with you, don't be so silly, you know, grow a pair.'*
- This was also compounded by misgendering. For instance, one trans woman explained that she was wrongly perceived as male, and this meant that her partner's physical aggression was dismissed. *'I think they just thought, you know, "boys will be boys". I don't think they got it at all.'*
- Staff also failed to spot LGBTQ+ specific forms of abuse, such as threatening to 'out' (reveal LGBTQ+ identity) of an individual. For instance, one woman described how staff simply did not seem to recognise how dangerous her girlfriend's threats to out her as trans to her work

was. *'I told them but it was like right over their heads, like they didn't see how bad that would be, not at all.'*

- A related issue was that staff did not recognise denial of LGBTQ+, and especially trans, identity as a form of abuse. Mediation was especially an issue here, with young people describing situations where they were forced to experience invalidation from their parents and other adults in a position of power as part of their homelessness application. *'Like they saw it as well there's two sides to everything but who I am, there isn't two sides to it, it's who I am.'*

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White Paper on Ending Homelessness in Wales

Welsh Government consultation

A response from Cymorth Cymru

16th January 2024

About Cymorth Cymru:

Cymorth Cymru is the representative body for providers of homelessness, housing and support services in Wales. We act as the voice of the sector, influencing the development and implementation of policy, legislation and practice that affects our members and the people they support.

Our members provide a wide range of services that support people to overcome tough times, rebuild their confidence and live independently in their own homes. This includes people experiencing or at risk of homelessness, young people and care leavers, older people, people fleeing violence against women, domestic abuse or sexual violence, people living with a learning disability, people experiencing mental health problems, people with substance misuse issues and many more.

We want to be part of a social movement that ends homelessness and creates a Wales where everyone can live safely and independently in their own homes and thrive in their communities. We are committed to working with people who use services, our members and partners to effect change. We believe that together, we can have a greater impact on people's lives.

Website: www.cymorthcymru.org.uk

Twitter: [@CymorthCymru](https://twitter.com/CymorthCymru)

Introduction

- 0.1. We would like to begin our response by stating our strong support for the aims and ambitions of the White Paper, as well as the majority of the proposals contained within it. As a member of the Expert Review Panel, we are pleased to see so many of the panel's recommendations reflected in the White Paper. It is particularly heartening to see the influence that experts by experience have had on the proposals.
- 0.2. The Housing (Wales) Act 2014 was widely praised for introducing a duty on local authorities to prevent homelessness, which has helped tens of thousands of people since its implementation. However, too many people are still experiencing or at risk of homelessness, and it has become clear that the current legal system does not go far enough to enable us to achieve our ambition of ending homelessness. With growing evidence about the trauma experienced by people within the homelessness system, it is time to build on the inclusive approach taken during the pandemic and remove the remaining barriers that prevent people from accessing the housing and support they need.
- 0.3. While some stakeholders may object to particular elements within the White Paper, we want to reiterate the message from the Expert Review Panel (ERP) that these proposals should be viewed as a carefully considered and complimentary package of reforms. During the twelve months that the ERP undertook its work, consensus was found across multiple areas of law, with great consideration to how the proposed changes would work together legally and practically. The ERP was diverse in its membership and had differing views on some areas of law, so compromises were made by all members to agree the package of recommendations. Failure to implement all of the proposals will undermine the careful consensus that was developed across the membership of the ERP, and the message that everyone needs to play their part. Legislative reform is needed to ensure that change is systemic and long-term, not down to the goodwill, passion or commitment of individuals, which inevitably leads to inconsistency for people who need help.
- 0.4. One of our main priorities during the ERP and in our response to this White Paper is ensuring that experts by experience have their voices heard and acted upon. During the last eighteen months it has been a privilege to engage with over 300 people who have experienced or been at risk of homelessness, listening to their views on how the law needs to change. We were also very pleased to engage with frontline workers through the Frontline Network Wales. The views of experts by experience and frontline workers were similar in many ways, with both groups agreeing that there needs to be a whole system approach to ending homelessness, and this system needs to be more trauma-informed.
- 0.5. Despite the fantastic work being delivered by lots of individuals and organisations in Wales, too many people told us they have not been listened to and have been unable to access the housing and support they need. They shared stories of trauma and frustration with the current system, but spoke with passion about their desire to influence and improve it for other people. They were clear that things need to change. We are incredibly grateful for their time and expertise, and heartened that their views were taken so seriously by the ERP and had such a significant impact on their recommendations and subsequently on this White Paper.
- 0.6. Their calls for change have driven our support for this package of reforms and we hope to see legislation passed, properly resourced and implemented so that we can achieve the ambition of making homelessness rare, brief and non-repeated.
- 0.7. Please note, throughout this response, direct quotes from experts by experience and frontline workers appear as follows:

| *“Experts by Experience quotes”*

| *“Frontline worker quotes”*

Chapter 1: Reform of existing core homelessness legislation

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

1.1. Yes.

2. What are your reasons for this?

2.1. We believe that the proposals for reforming existing core homelessness legislation will improve the prevention of homelessness, by enabling people to seek help earlier and receive a more person-centred approach from their local authority. Preventing a person's homelessness from happening or escalating is less traumatic for the person being supported, and less resource intensive on public services. However, it is important that these proposals are accompanied by increased investment in both local authority capacity and the Housing Support Grant, in order to support successful implementation.

2.2. **Increasing the 56-day prevention duty period to 6 months.** We strongly support the extension of the prevention time period, and found widespread support for this proposal among third sector support providers, frontline workers and experts by experience.

2.3. Many people feel that the current 56-day period is not sufficient to prevent someone's homelessness, particularly at a time when there are so few affordable properties available. The extension of this time period will give individuals and local authorities more time to do meaningful preventative work, and should therefore avoid the need for more costly and traumatic interventions at a later date. The suggested time scale will also align with the Renting Homes (Wales) Act 2016 no-fault eviction period, enabling people to access help immediately.

“Support from homeless prevention team is vital.”

“I think people should have support and housing straight away, no waiting.”

2.4. It will be important to ensure that local authorities are adequately resourced and this change is effectively communicated to members of the public, to encourage people to seek help as early as possible. Currently many people wait until they are in a crisis situation before accessing or receiving support. In one of the experts by experience surveys conducted during the ERP's work, 31% of respondents indicated they did not approach their local councils for help when faced with homelessness. When asked why, the reasons included a lack of knowledge about how to approach their council for help, difficulty navigating the system, and people believing that the council would not or could not help them.

2.5. One survey respondent left a more detailed response about how they had not known that support was available until they hit crisis point and were informed of their options when entering hospital. While this highlights an example of the health service operating in a joined-up way that resulted in a positive outcome, it would have been preferable if the person had understood what help was available from their local council before reaching crisis point.

“I didn't know this help was available until I was in a suicidal state. It is difficult to seek help when suffering mental issues. It was only when I went to hospital I was given a form with numbers of people who could help. Once I did this with help of my co-ordinator my life was completely changed for the better and I was able to get more help from support workers. I never knew the council could help until then. I'm so very grateful for the lovely people whom helped me rebuild my life amazing people whom I am now very close with such wonderful help I finally have a normal life again and able to see my grandchildren in my new safe home thanks to their help.”

- 2.6. **Strengthening and clarifying reasonable steps.** It was clear from our engagement with experts by experience that people had varied experiences when they approached their local authority for help. We support the proposals to strengthen and clarify reasonable steps with the aim of improving consistency and widening the options available to people seeking help.
- 2.7. Experts by experience had additional views on how to improve access to local authority support when experiencing or at risk of homelessness. Some participants commented on the need for support to be available immediately and for more services to be available outside of traditional office hours, as people could experience a crisis at any time. Others talked about the importance of council staff having greater empathy, understanding and patience when people are not responding to one form of communication or not engaging with the council. They commented that the person may be experiencing mental health problems or another type of challenge, and that staff should not give up on them or close the case, but should consider what else they could do to help. Another person highlighted the importance of local authority outreach services, calling for a more consistent approach across Wales. They wanted outreach services to be more visible and easily accessible for people experiencing homelessness. One respondent called for their local council to develop a better understanding of a range of issues, including equality, disability and mental health.
- 2.8. **Introducing a statutory duty to provide support.** We are extremely supportive of this proposal. Housing support services play a critical role in preventing and alleviating homelessness in Wales, and should be on a statutory footing.
- 2.9. Many people find it difficult to retain their accommodation without additional support, increasing the risk of homelessness, poor health, the need for social care interventions, and/or interactions with the criminal justice system. The proposal to introduce a duty on local authorities to provide support will prevent homelessness and deliver benefits for the person, the local authority and other public services. [Research](#) by Cardiff Metropolitan University has shown that for every £1 invested in housing support services, there is a net saving of £1.40 to public services, including health, social care and criminal justice.
- 2.10. Further to this, ensuring accessible, flexible and person-centred support was cited by multiple experts by experience as playing a crucial part in preventing homelessness.
- | *“Someone to help you navigate the system early on.”*
- | *“Would still want to access support after moving into settled accommodation.”*
- | *“Support in community is crucial.”*
- | *“Long term support needed.”*
- 2.11. However, we believe the duty to provide support should not end after twelve months, but should instead be continued until the person no longer has a need for this support. While most people will either not require support, or only require it for a short period of time, for people who have experienced multiple traumas or challenges, the support should be available for as long as it is needed to prevent them from becoming homeless. This will help to prevent repeat homelessness, in line with the Welsh Government’s Ending Homelessness Action Plan and strategic outcomes framework. It will also align with the Housing Support Grant guidance and Housing First principles, which deliberately do not set a time limit for support, in recognition of the multiple disadvantage facing some people who experience homelessness.
- 2.12. Finally, the duty to support must be accompanied by an increase in the Housing Support Grant, to ensure that local authorities can commission the services they need to deliver it.
- 2.13. **Personal Housing Plans tailored to the needs of the individual.** Personal Housing Plans (PHPs) provide an opportunity to ensure that people’s housing and support needs are fully understood and they get the right help to prevent or alleviate their homelessness. This can

be particularly important for people who have experienced trauma or face challenges that may not be immediately apparent when someone first presents. Placing a requirement on local authorities to draw up a PHP and to include the applicant's views make it much more likely that people will get the right support, tailored to their needs. However, it will be important to ensure that these plans are proportionate to the person's need and that local authority teams are appropriately resourced to implement these plans.

- 2.14. The requirement to review the PHP within 8 weeks will also enable the plan to consider any changes that have occurred within this period. People experiencing or at risk of homelessness can experience huge changes in their circumstances within very short periods of time, and therefore the solutions and support they require are also likely to change. The requirement for a review should enable any changes in circumstance to be considered and ensure the person gets the right response.
- 2.15. **Right to request a review.** We support the proposals for applicants to be able to request a review of the reasonable steps and suitability of accommodation. Many of the experts by experience we engaged with during the ERP's work told us that they had not received the help they had needed and/or were placed in unsuitable accommodation. Several talked about the power imbalance they felt when accessing help from the local authority and felt they had no opportunity or right to challenge decisions. Applicants need to be empowered to challenge decisions, without fear of this negatively impacting on the service they receive. A legal right to request a review should help to empower people, but this must be communicated effectively to applicants.
- 2.16. **Unreasonable failure to co-operate test.** Our understanding of the impact of trauma is much greater than it was ten years ago, when the Housing (Wales) Act 2014 was developed. We believe that the proposals to change 'unreasonable failure to co-operate' to 'deliberate and unreasonable refusal to cooperate' and to narrowly define the circumstances in which this can be used, is much more in line with a trauma informed approach. However, even in the circumstances outlined in the White Paper proposals, we would hope that local authorities and other public services would consider the impact of trauma and whether unmet support needs are contributing to the person's behaviour or consistent non-engagement.
- 2.17. **Communication between the local authority and applicant.** One of the most common issues raised by experts by experience was poor communication from the local authority when people were engaged with the homelessness system. This was most acutely felt by people who were in temporary accommodation and waiting for offers of settled housing. We therefore strongly welcome the proposals to improve communication with applicants.

| *"They told me to not ring: 'we'll ring you', but they never do."*

| *"I'm told 'stop ringing us' – imagine being told that!"*

| *"They tell us to be patient, but don't keep us updated."*

| *"They fob you off to get you off the phone. I don't believe them or trust them."*

| *"It doesn't matter if you're here 6 months, a year, ten years."*

| *"It's like a prison sentence without knowing the length of the sentence. If you knew the timescales you could be more prepared and see the light at the end of the tunnel."*

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

- 3.1. No further comments.

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

- 4.1. Yes

4.2. In our view, everyone deserves to have access to temporary accommodation and no one should be forced to sleep on the streets or in unsuitable, unsafe accommodation. As one expert by experience said:

“Everyone deserves a decent roof over their heads.”

4.3. The current priority need system fails too many people, including those who should qualify as priority need but slip through the net. We heard from countless experts by experience and frontline workers about how priority need prevents people being able to access the accommodation and support they need. One frontline worker said:

“Not every case fits into the existing priority need categories. For example, if a person has MH problems that cannot necessarily be diagnosed /evidenced, especially in a crisis. Cases of, for example, threat, coercion, exploitation, debt management, and other sometimes common crisis situations, these are difficult to prove without evidence or a police incident reference, but no less of a priority when it comes to providing shelter or safety. The priority need system allows many to become more vulnerable and to slip through the net when left without support at a time of great need or potential danger.”

4.4. In addition, we know that people having to re-tell their stories in order to ‘prove’ that they qualify for priority need can be extremely re-traumatising. People with lived experience and frontline workers have told us that it feels as though people have to share the very worst of their experiences in order to qualify for priority need, which can be emotionally harmful during an already challenging time.

4.5. Experts by experience also commented on how priority need had affected them and their peers, talking about the impact of assumptions and stigma affecting whether they qualified for help. This has been echoed by support providers, who feel that judgements about a person’s background or experiences can hinder their qualification for priority need.

“Two people can have the same issue but [are given] different priorities.”

“[Priority need means] You’re a young fit, healthy, male – you’re suitable for the streets.”

“People slip through the net.”

“There is stigma around people in different situations.”

“I feel priority groups should be removed as it’s unfair – everyone who is homeless or at risk of homelessness is a priority.”

4.6. During the pandemic, the Welsh Government’s ‘Everyone In’ policy effectively abolished priority need, albeit on a temporary basis. While this was extremely challenging for local authorities, it made a huge difference to many people who had previously had no entitlement to temporary accommodation. Since then, interim legislation has been passed to add a new priority need category for people who are ‘street homeless’. As a result, there are very few people who do not qualify for priority need. Therefore, abolishing priority need should only see marginal increases to the number of people entitled to temporary accommodation.

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

5.1. Yes

5.2. The idea that someone is intentionally homeless is archaic and one of the least trauma-informed parts of current housing legislation. People become homeless for a wide variety of reasons, including poverty, abuse or exploitation, mental health crises and unmet support needs. Finding people intentionally homeless fails to understand the complexity and trauma that often causes people to become homeless, and ultimately does nothing to help resolve this issue. The focus should be on identifying solutions, not allocating blame.

5.3. Many of the experts by experience we engaged with during the ERP work had strong views on intentionality and shared experiences of how it had caused them further trauma:

"I think this should be removed because there is always a reason why someone doesn't pay rent, when someone get evicted it not always their fault, some people need extra support when they get a tenancy but they don't get it."

"I was judged to have been intentionally homeless because I had left my home (due to the abuse) and refused refuge (due to my son's health issues). How can you say I'm intentionally homeless, when I got two buses to get here and I've waited for two hours? There was no empathy. I was so frustrated."

"I went through 13 years of hell because of intentionality. I was beat up, stamped on [on the streets]."

"Some people don't have the choice to become intentionally homeless, especially if physically or mentally abused by another person."

"I'm being punished for leaving an area that wasn't suitable for me where I'm not safe."

"These are used as excuses rather than mechanisms to help."

5.4. These views were reinforced by frontline workers:

"Intentionality can often completely disregard a person's mental health need, certain responses to trauma, a learning difficulty, or their lack of ability to do the right thing. The law can fail to realise that it exists to protect and support vulnerable people in vulnerable situations."

"Just housed a couple who were in a 3-bed property, they couldn't afford the rent, so they handed their notice in because they did not want to get into arrears, moved in with relative in Powys but it's not suitable longer term for them all, but the council have said they have made themselves intentionally homeless. They thought they were doing the right thing; they didn't want to get bad references."

5.5. We also received examples from organisations which have supported women who have been sexually exploited and found intentionally homeless.

"Woman had tenancy of flat, multiple perpetrators staying with her over the years resulting in very high levels of trauma, couldn't stay in flat due to PTSD and triggering of trauma, never feeling safe etc. Evicted for non-occupancy and now street homeless."

"Woman with long history of very poor mental health unable to regularly stay at her flat due to multiple perpetrators and victimisation by other residents in block, front door not locking and refusal to change lock again thus compounding her fear of serious harm and complete lack of any privacy. Refused any opportunity to move so frequent bouts of sofa surfing/street homelessness – seen as intentionally homeless due to non-occupation. Woman attempted suicide causing serious injuries and was rehoused."

5.6. Intentionality is rarely used by local authorities and its removal should therefore have little overall impact on the number of people they support. However, it will have a hugely positive impact on people who face multiple traumas and are currently refused help. We are extremely supportive of the proposal to abolish intentionality and instead put the focus on identifying solutions rather than allocating blame.

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.

6.1. Partially.

- 6.2. We would prefer for local connection to be abolished, as it poses a significant barrier for some people from getting the accommodation and help they need. We heard from a number of experts by experience who had been affected by this issue, including domestic abuse survivors, LGBTQ+ young people, disabled people and people recovering from substance use issues.

“Many people want to move out of area as they have connections to drug use or violence in their local area. The current law does not take this into consideration and people are trapped in a cycle of homelessness due to being unable to move away from their past if they don't have local connection outside their area. It's a ridiculous rule that prevents people from getting the help they need.”

“How can cycles be broken if you can't move somewhere else?”

“Sometimes you need to leave an area to be safe.”

“You have to go back to where you're running away from”

- 6.3. We also encountered strong views from frontline workers about the impact of local connection on people they support:

“We work with young people coming out of care, some don't want to go back to their old local area, because it's where the bad things happened to them, but it's hard for them to get help with housing outside of their old area.”

“I have worked with a number of vulnerable clients who have wanted to move out of the borough due to risks from others, concerns about drug/alcohol relapse etc, but due to no local connections outside of their current borough, they have not been able to move to a more desirable area.”

- 6.4. However, as a member of the Expert Review Panel, we recognise the very strong opposition that local authorities had to this, and acknowledge their fears that particular local authorities could become overwhelmed if this test was removed. We also heard from frontline workers in local authorities who were concerned about their capacity to cope with its removal.
- 6.5. With the local connection test likely to remain in Welsh law, we strongly advocate for a more trauma-informed approach to its application. We believe the White Paper proposals to exempt particular groups will go some way to making the system more trauma-informed.
- 6.6. We do however have concerns that the groups listed under paragraph 166 of the White Paper may continue to be negatively affected by the local connection test. While we welcome the suggestion to consider further how 'special circumstances' criteria may be applied, we are concerned that this may not have a meaningful impact on these groups. We encourage the Welsh Government to consider whether these groups can instead be added to the list of exempted groups. If not, the guidance regarding application of 'special circumstances' must be robust and encourage a person-centred, trauma-informed approach.
- 6.7. Implementation will also be critical, as we heard from some experts by experience that local connection has not been applied correctly, despite them falling into groups that should have been exempt, such as domestic abuse survivors.
- 6.8. We have also received representations from organisations working with women who have been sexually exploited about the need for the local connection test to consider the undisclosed trafficking of women and coercion, where people are forced to work in particular areas. Specialist support organisations say these women are too scared to return to the area where they have been trafficked from and instead feel it is a safer option to stay street homeless for six months until the local authority will accept a duty. While abuse and exploitation is referenced in one of the groups who would be exempt from local connection,

there is a strong feeling that local authorities need to be better informed about the needs of sexually exploited women when taking decisions on local connection.

- 6.9. We also urge the Welsh Government to consider the ERP recommendation that the Welsh Government and local authorities seek to make available services that support people:
- a) who may fall into an exempt group or be regarded as in special circumstances to navigate the local connection decision making process
 - b) to access alternative housing solutions if they are referred under local connection but do not want to move
 - c) to relocate to their local authority of origin where this is within their best interests and the applicant has consented.
- 6.10. We visited such a service run by a third sector provider in partnership with the local authority. The third sector organisation was seen as a trusted body by people experiencing homelessness, which was able to advocate on behalf of people who qualified for exemptions, as well as helping people to find alternative housing solutions if they had no local connection but needed to remain in the area for a variety of reasons. This was beneficial to the individuals, but also helped the local authority to manage homelessness within the city. As far as we know, this is the only service of its kind, but we believe it would be beneficial to people and local authorities across Wales if a similar service existed in all parts of Wales.

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?

- 7.1. With regards to the duty to support, we would reference the [research](#) by Cardiff Metropolitan University which shows that for every £1 invested in housing support services, there is a net saving of £1.40 to public services, including health, social care and criminal justice.

Chapter 2: The role of the Welsh public service in preventing homelessness

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?

8.1. Yes.

- 8.2. It has long been recognised that homelessness is not just a housing issue. Multiple and intersecting factors, including mental health issues, physical health issues, interaction with the criminal justice system, abuse and exploitation can affect the likelihood of someone experiencing homelessness and how they experience homelessness if it's not prevented. For homelessness to be ended in Wales there must be legislation that encourages and facilitates wider public services to play their part.
- 8.3. Experts by Experience have been extremely vocal on the need for greater involvement from public services. Participants wanted health, social care, education and the criminal justice system to be more responsive, to act more quickly and to anticipate the risk of homelessness when people experience challenges in their life. They wanted other public services to help to prevent homelessness before they reached crisis point, and for public services to work more collaboratively to meet their needs.

“One of the biggest things that could happen is for all services to play their part.”

- 8.4. We strongly support new duties on public services to:
- Identify if someone is experiencing or at risk of homelessness

- Act within their own capacity to prevent or mitigate the impact of homelessness
- Refer to the local housing authority or another public service, where appropriate, to prevent, mitigate the impact of, or alleviate homelessness.

- 8.5. In England, selected public services have a duty to refer people to the local authority if they are at risk of homelessness. Whilst this has resulted in more people being referred for housing support, local authorities can be left with the sole responsibility for supporting someone and have the potential to become overwhelmed. As a result, we believe the duties to identify and act are just as important. The proposed duty to identify whether someone is experiencing or at risk of homelessness will help embed a culture where services are pro-actively assessing and identifying risk. The duty to act should encourage other public services to take steps to prevent homelessness and will hopefully prevent some people from needing to enter the homeless system in the first place.
- 8.6. We also strongly support the proposed duty to cooperate. People who are experiencing or at risk of homelessness often need support from other public services to prevent them from becoming homeless or experiencing further harms. However, our members and frontline workers have told us that it can be extremely difficult to get an appropriate response from other public services. Housing support workers often feel that they are left to pick up the pieces on behalf of multiple public services. Not only is the proposed duty to cooperate in the interest of the person at risk of homelessness, but it should also deliver benefits to those public services by preventing further crises and the need for more costly interventions further down the line.
- 8.7. In summary, we believe that duties to identify, act, refer and co-operate will have a significant impact on preventing homelessness and reducing the harm and trauma experienced by people. If the Welsh Government is serious about a cross-government approach to ending homelessness, the implementation of these duties is vital.

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?

- 9.1. We largely agree with the list of proposed relevant bodies and would not remove any of them. As outlined above, all public services have a part to play.
- 9.2. We do however want to highlight the fact that schools, pupil referral units, further education and higher education institutions do not appear on the list of bodies that would be subject to these duties. The ERP and experts by experience were very clear that education can play a critical role in early intervention and prevention, and should therefore be included.
- 9.3. We also support the Welsh Government's plans to hold discussions with the UK Government about how non-devolved public bodies could be included in these proposals. The justice system in particular, has an important role to play in ensuring that people leaving the secure estate are not homeless. The Home Office is also a critical stakeholder with regards to preventing homelessness for refugees and asylum seekers, including people with no recourse to public funds.

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

- 10.1. We are in no doubt that across Wales there are pockets of good practice where health and homelessness services work together well to support people experiencing or at risk of homelessness. We facilitate quarterly provider forums across six regions which bring together homelessness and housing support providers. In these meetings we hear positive examples of collaborative work with health, but we also hear how inconsistent this is across Wales. We have heard too many examples of housing support providers being unable to get

mental health services to engage with their tenants or clients, leading to that person's mental health deteriorating further and them becoming at greater risk of homelessness. We recognise that health services, like many public services, are facing huge demand. However, too many people are currently left without the treatment and support they need.

10.2. This is also reflected by experts by experience, who have shared stories which both illustrate the successes when there is good engagement with health, as well as the missed opportunities where people have not been able to access the healthcare they need. This has been particularly challenging with regards to mental health services.

10.3. We also know that the health needs of people experiencing homelessness are extremely poor compared to the general population, with a higher prevalence of chronic health conditions and a life expectancy of approximately 30 years less than the average person. This is a clear argument for greater collaboration between homelessness and health services.

10.4. We imagine there will be opposition from some public service to these proposed legal duties, primarily due to current pressure on their services. However, we believe that this cross-public service legislation is necessary to ensure that we achieve the ambition of making homelessness rare, brief and unrepeatable.

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.

11.1. As outlined by the ERP there will need to be investment in the relevant public services to ensure proper implementation. In terms of practical measures, we suggest that the following:

- Leadership. The Welsh Government should consider the ERP recommendation to require a designated lead for homelessness, at a senior level, within each health board.
- Learning from existing good practice. Some of our member organisations already have a presence on hospital wards to facilitate positive housing solutions on discharge.
- Appropriate engagement and consultation. It is unlikely a 'one size fits all' approach will work across different public bodies so there will need to be consultation on the best ways of partnership working with different sectors.
- A recognition that different sectors use different language.
- Training on homelessness prevention.
- Mechanisms for referral and data collection.
- A shared understanding and management of risk.
- Data sharing agreements between public bodies, and the third sector.

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?

12.1. We strongly support the proposal for enhanced case co-ordination. Our members routinely support people experiencing multiple disadvantage, who often require access to more than one public service. There are some great examples of different public services working collaboratively to provide the best outcome for people experiencing homelessness, but these approaches are often driven by passionate individuals and are not systemic. Unfortunately, not everyone who enters the homelessness system is guaranteed this coordinated response. The White Paper proposal for an enhanced case coordination approach and a designated lead should ensure that people facing multiple disadvantage can expect a good level of communication and cooperation, regardless of the area in which they access services.

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?

13.1. No additional comments.

Chapter 3: Targeted proposals to prevent homelessness for those disproportionately affected

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)?

14.1. No additional comments. We are very supportive of the proposals for targeted action to prevent and alleviate homelessness for the groups listed in this section.

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

15.1. We welcome the proposals for targeted support for survivors of VAWDASV, particularly the involvement of specialist services in the decision-making process when survivors are accessing homelessness support. In our engagement with experts by experience, a number of survivors highlighted the need for specialist services to be involved in their support:

“Support worker was lovely, but didn’t have specialist knowledge of domestic abuse, and didn’t understand what it was like to be a survivor.”

“I had a generic support worker. They looked traumatised themselves from what I told them. Having someone who had the skills to be able to hold that information and put practical solutions on the table is really important.”

15.2. As an example of good practice, we understand that the Caerphilly and Newport local authority homelessness teams already have staff from a specialist VAWDASV support provider working with them. This enables specialist knowledge to be shared, and for survivors to be referred directly to these specialist staff.

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?

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?

17.1. While we recognise that addressing this issue will be complex, we believe that preventing homelessness and improving support for children, young people and care experienced young people should be a priority. [Research](#) for Crisis involving a survey of 480 single homeless adults across the UK found that nearly 50% of single homeless people first became homeless before the age of 21. Further analysis of the data found that the group of

single homeless adults with the most adverse life experiences (e.g. substance misuse, mental ill-health, imprisonment) were particularly likely to have first experienced homelessness as a young person, nearly all had been excluded from school, and three quarters had been in local authority care. If we want to end homelessness then we must prevent youth homelessness, and we must do all we can to ensure that young people with adverse childhood experiences do not fall into a cycle of homelessness.

- 17.2. Through our engagement with experts by experience, some young people shared their experiences of Social Services and Family support.

“In my situation, I feel like social services could have done more to prevent me from being homeless. They knew what problems I had going on at home and how much it all was affecting me I had to live between friends because I didn't want to go home due to what I was going through but social services forced me to go back home. If social services had done something sooner rather than later, I think I would be in a different position now.”

- 17.3. Some frontline workers talked about young people being ‘bounced’ between social services and housing, something that we have also heard from people with lived experience. This highlights the importance of providing clarity about lead agencies when young people and care experienced young people are experiencing or at risk of homelessness.

“Young people are being bounced between social services and housing.”

- 17.4. Another point raised by some of our members is the need to consider young people who are not formally recognised by the care system, but have experienced some form of family relationship breakdown and become homeless. They often experience similar trauma and lack of traditional support networks as other young people in the care system, but may not ‘qualify’ as care experienced when considering prioritisation for housing or support.

- 17.5. In terms of what more can be done we would encourage the Welsh Government to engage with and listen to young people with lived experience as the legislation and guidance is developed further.

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?

- 18.1. We do not have a firm view on this. However, member organisations and young people have told us about the challenges of being unable to hold an occupation contract, and how this can prevent a young person from being able to find accommodation. This can also have a knock-on impact on the availability of space within young people’s supported accommodation, as young people are unable to move-on. It is, however, important to recognise that there are other barriers to young people being able to access accommodation, such as Local Housing Allowance rates, a lower minimum wage, and requirements for a guarantor, bond and rent up-front. Enabling 16/17 years olds to hold an occupation contract will not necessarily solve the problem, and other interventions may also be necessary.

- 18.2. We recommend that the Welsh Government continue to engage with stakeholders, including young people and organisations that support them, as well as learning from other countries, such as Scotland, where 16 and 17 year olds are able to hold occupation contracts. The focus should be on young people having safe and secure accommodation available to them which meets their needs and supports their aspirations and independence.

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?

- 18.3. No additional comments.

Chapter 4: Access to accommodation

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?

20.1. Fully agree. Experts by Experience shared countless instances where the accommodation they were placed in was not suitable to meet their or their family's needs. Our conversations with people highlighted a range of concerns with temporary accommodation, including:

- Not having a room of your own
- Parents being required to share a room with several children
- Not having your own living space
- Being accommodated with people who were actively using drugs
- Having cameras in your 'home'
- Inexperienced agency staff at evenings or weekends
- The length of time some people had spent in that temporary accommodation
- The uncertainty of never knowing when you might be able to move on
- The negative impact on their children and the feeling that they could not be the best parent in temporary accommodation
- The poor quality of some of the accommodation
- Being located far away from support networks, schools or workplaces
- Being placed in inappropriate or unsafe accommodation Some of the people we spoke to complained about the poor quality of their temporary accommodation.

20.2. One person said that their room was damp, that the heating wasn't effective and the bathroom was mouldy. Another said there was a broken window which made it cold for a number of residents. One young mother said that she had come out of hospital following childbirth and found that the shower was broken, but was told there would be a lengthy wait before it was fixed. Another teenager said that she had been given an emergency room in temporary accommodation which had no pillow or duvet and no bathroom. She had a sleeping bag and had to use the staff shower during her stay.

20.3. People's safety and dignity must be prioritised, so we are supportive of the reforms laid out in the White Paper, including prohibiting accommodation with Category 1 Hazards, including accommodation unfit for human habitation, and prohibiting shared sleeping space. However, the Welsh Government should also consider how other improvements in standards can be delivered when pressures on temporary accommodation ease.

20.4. As well as improving temporary accommodation, we are also supportive of the Welsh Government's journey towards rapid rehousing and people being moved into good quality settled accommodation as soon as possible. We recognise the balancing of resourcing needed to achieve both of these aims but believe that minimum standards should ensure that people are safe, and able to live with dignity while they await an offer of a settled home.

20.5. **Right home in the right place:** We want to specifically highlight the concept of the 'right home in the right place' and the importance of this in preventing repeat homelessness. When asked what local councils could do to help prevent homelessness this was something that was consistently brought up by Experts by Experience. In particular, people referenced:

- Age appropriate housing
- Accessible housing for disabled people
- Close to support networks and services
- Dispersed housing vs congregate models
- Considerate of their recovery from addiction

- 20.6. Some participants also felt very strongly about the need for people exiting homelessness to be allocated dispersed accommodation across their communities, not restricted to congregate models where large numbers of people who have experienced homelessness are living in the same block of flats. Some highlighted the risks of housing people with experiences of trauma, mental health problems and/or substance use issues in the same space.
- 20.7. We therefore support the proposals to provide greater choice and consider a person's particular needs and circumstances when allocating temporary and settled housing.
- 20.8. **Temporary accommodation for young people.** We are extremely supportive of proposals to ensure that young people are not to be placed in unsuitable, unsupported temporary accommodation. Throughout our experts by experience engagement, young people described very mixed experiences of temporary accommodation.
- 20.9. Some young people had been placed in extremely unsuitable temporary accommodation, such as in hostels with people using substances and/or people becoming violent, or having to sleep in staff rooms due to lack of appropriate temporary accommodation. This has been reinforced by research published by End Youth Homelessness Cymru, which features direct quotes from young people.

*“There have been times when ambulances and police vans have been here, at my home.”
“Doesn't feel safe. I don't feel stable (like I can relax). Can be noisy or chaotic with other tenants.”*

“I was actually 16 (when) they moved me into the night shelter and that's too young to be in somewhere like the night shelter. I was in a pod. That is not a room that is floor space... I've been at the night shelter about six times now and I have been there twice between the time I was 16 and 18 and that's the worst place I have been, to be honest. I have been to jail and the night shelter is worse than that. I would like to put in a complaint that people can't stay in the night shelter when they are 16 years old.” - End Youth Homelessness Cymru, Don't Let Me Fall Through the Cracks (2020)

- 20.10. Conversely, those who had been placed in specialist young people's supported housing tended to speak highly of their experiences there, with a particular focus on help to develop independent living skills, the quality of support and activities provided.

“My experience has been quite good to be honest, I've received help from the key workers and they have pushed me to my full potential.”

“This hostel is the best. There's 24-hour care and they're trying to give us things to do – activities, volunteering, art.”

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?

- 21.1. **Strengthening social housing allocations.** We largely agree with the proposals for improving the allocation of social housing to people experiencing homelessness. We are in an unprecedented situation where more than 11,000 people are living in temporary accommodation in Wales, experiencing daily uncertainty that affects their health and wellbeing. Social housing has a critical role to play if we are to end homelessness in Wales, and increasing allocations from homelessness is central to this.
- 21.2. We know that we do not have reliable, Wales-wide data on social housing allocations and therefore welcomed additional research co-commissioned by the Welsh Government, Community Housing Cymru and the Welsh Local Government Association as part of the

Expert Review Panel's work. This research shows that social housing allocations in Wales is a complex issue but highlighted significant variation in the proportion of allocations given to homeless households in different parts of Wales. We know from our work with housing associations that many of them have made significant commitments to housing people from homelessness, particularly during and after the pandemic. However, this varies across social landlords. The commissioned research showed that although more work is needed to present accurate and granular data, the research indicated that the lowest rate of allocation rates to homeless households was 23%, with the highest being 60%.

- 21.3. We would like all social landlords to play their part in ending homelessness in Wales, through allocating properties to people experiencing homelessness and taking a range of other actions. We believe that the proposals in the White Paper will enable and encourage this. We do however, urge the Welsh Government to carefully consider the guidance to ensure that the relationships between local authorities and social landlords are constructive and supportive, recognising when there are genuine reasons for the RSL to refuse a referral.
- 21.4. While we want to see an increase in allocations from homelessness, we also want to see mixed communities, rather than placing all people with experience of trauma and homelessness together in one building or community, which could impact on their recovery. This means that local authorities and social landlords will need to develop a shared understanding of how allocations will impact on people, and how different approaches may need to be taken with new developments vs. individual properties becoming vacant.
- 21.5. In order to give social landlords confidence to increase their allocations from homelessness, there will need to be greater investment in housing support services to help people to maintain their tenancies. This requires an increase in the Housing Support Grant.
- 21.6. Finally, we welcome the commitment in the White Paper to undertake impact assessments to ensure that these legislative proposals do not result in the reclassification of RSLs.
- 21.7. **Assigning additional preference.** We support the proposals to assign additional preference within allocation schemes to people experiencing homelessness, care experienced people and people fleeing abuse. We heard from too many people with these experiences who had waited far too long for social housing.
- 21.8. **Common Housing Registers and Common Allocation Policies:** We strongly support the proposal to require CHRs and CAPs. People with lived experience and frontline workers in areas which do not currently operate CHRs have told us how difficult it is to navigate the social housing system. People experiencing homelessness are already traumatised and should not be faced with unnecessary complexity.
- 21.9. **Deliberate manipulation test.** Some of our member organisations and frontline workers have expressed serious reservations about the proposals for a 'deliberate manipulation' test. It does not appear to be in line with the other proposals in the White Paper to make the system more trauma-informed. If this test is to be put into practice, it needs to be rooted in a trauma-informed approach, have appropriate oversight, and a right for the applicant to request a review of the decision. We also suggest that Ministers have the ability to disapply this element of legislation if it is being used inappropriately or deemed no longer necessary.

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?

- 22.1. We welcome the additional flexibility with this proposal which increases the opportunity to meet people's individual needs in a person-centred way. However, there will have to be very clear guidance on how this is applied.

- 22.2. We agree with the panel that the 'standard options' of social housing or a private rented tenancy are the most secure options and should be the default, but recognise there are circumstances where the 'alternative / additional' forms of accommodation will be the most appropriate. Regardless of the type of housing which is chosen, the priority should be how best to meet the persons needs.
- 22.3. While this approach could deliver positive impacts for the individual, it could also benefit local authorities by reducing the pressure on temporary accommodation. However, it is critical that people are not deliberately or inadvertently put under pressure to accept less traditional or standard accommodation arrangements where this doesn't meet with their wishes or needs. Any offer of accommodation that falls within the 'alternative / additional' option must follow the ERP's recommended list of safeguards. As well as preventing people from being pressured into accepting an alternative option, steps should be taken to ensure that where someone does accept a non-traditional form of housing and this later becomes unsuitable, the local housing authority should assist the applicant to make a new application for homelessness assistance. There should also be regular collection of data relating to maximal housing options so its use can be regularly reviewed and monitored.

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?

- 23.1. No additional comments

Chapter 5: Implementation

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

- 24.1. Throughout our engagement with experts by experience, it is clear that there continues to be challenges with implementation of the current legislation, with people having different experiences in different parts of Wales, and sometimes within the same authority. It is therefore important that the Welsh Government has the power to encourage and enforce implementation of any new legislation, and has access to good quality data to evaluate delivery.
- 24.2. We support the proposals to consider how local government scrutiny and social housing regulation can be utilised to monitor implementation of the legislation. As outlined above, social landlords have a critical role to play in helping to end homelessness, and many make huge contributions to this agenda through social housing allocations, the provision of tenancy support, supported accommodation and Housing First, as well as championing no evictions into homelessness policies. Reflecting this in the regulatory framework would enable these organisations to be recognised for their contribution, while encouraging others to consider whether they can do more to support this aim. We also support the proposal to identify how Care Inspectorate Wales and Health Inspectorate Wales could support delivery of the legislation.
- 24.3. Data collection will be critical to monitoring delivery of the new legislation, and holding stakeholders to account for their contributions. There needs to be a clear focus on improving data collection on homelessness and housing in Wales as soon as possible.
- 24.4. Finally, we warmly welcome the proposal to consider how the views of experts by experience can continue to inform the Welsh Government's understanding and future developments. Experts by experience have been at the heart of the work to develop these legislative

reforms and their expertise has been invaluable. We should continue to listen to, and value, their views as we embark on the next stage of this legislative journey.

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?

25.1. The Expert Review Panel recommended a statutory duty on the local housing authority to establish and lead a multi-agency approach to homelessness functions through a Joint Homelessness Board. We understand the Welsh Government's rationale for waiting for the current review of regional arrangements, but we want to highlight the importance of homelessness being firmly on the agenda of regional bodies, whether this be new or existing bodies. At the moment, it does not feel as though homelessness is a priority for Regional Partnership Boards, which are understandably overwhelmed with health and social care priorities. We are also concerned about the functioning of the Regional Housing Support Collaborative Groups, some of which have not met since the pandemic, and many of which do not have regular attendance from other public services. Consideration must be given to how we can ensure that homelessness is viewed as strategic priority by a range of public services, and what is the best mechanism to enable and sustain this.

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?

25.2. No additional comments

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.

27.1. The proposals to make the homelessness process more person-centred should have a positive impact on people's ability to use the Welsh language. The development of Personal Housing Plans should enable the person to specify whether they want to access support through the medium of Welsh, or would like to access accommodation in particular areas with a greater proportion of Welsh speakers and services available through the medium of Welsh. Similarly, the proposals to improve choice and take a more person-centred approach to allocating temporary or settled accommodation should take this into account. However, this will need to be reinforced in guidance.

28. If you have any related issues which we have not specifically addressed, please use this space to report them:

28.1. As stated throughout this response, we support the vast majority of proposals within the White Paper. **However, implementation will require increased investment, particularly in social house building, the Housing Support Grant and local government capacity. The Welsh Government must provide the resources to implement these reforms and make clear its support for ending homelessness.**

Julie James MS

Minister for Climate Change

10 January 2024

Formal response to the Welsh Government's consultation on the White Paper on ending homelessness in Wales

Dear Julie,

This letter, and its annex, is a formal response to proposals in the Welsh Government's White Paper on ending homelessness in Wales. Our response focuses on the areas that are directly relevant to our work on radical reform for care experienced children and young people as set out in our report 'If not now, then when?' published in May 2023.

We are pleased to note that the White Paper says Welsh Government has considered our report as part of the development of the proposed reforms. There are several very welcome proposals in the White Paper that are in line with the recommendations in our report.

However the scale of disadvantage facing young people leaving care cannot be underestimated. Our report found that care experience is a "predictable route" into homelessness and indicates that as many as 1 in 4 care leavers are homeless when they turn 18.¹ We therefore urge you to accept the 9 recommendations we set out in the annex to this letter.

In combination, these recommendations will greatly assist Welsh Government and local authorities to act as the best 'corporate parents' they can be. In our report we said:

"Anybody claiming that the state is doing its corporate parenting job well should consider whether they would be happy for their own child to be cared for by that

¹ Welsh Parliament, 'If not now, then when?', May 2023, pages 122-123

system. Whether any good parent would want that for their own child. We do not believe that they would. Corporate parents in Wales must do much, much better.”²

In your role as the Minister responsible for housing, and acknowledging that having a roof over a young person’s head is the most basic safeguard any ‘good parent’ would provide, we call on you to ensure that care leavers in Wales have much stronger protections in some aspects of this White Paper than are currently proposed.

A particular issue we want to highlight is one that is often overlooked. The housing needs of care experienced parents can be complex and yet have a significant impact of whether their own birth children can remain in their care. We heard time and again that housing issues were often a key factor when decisions are being made in the family court about whether their own children can remain in their care. We have made two recommendations in this regard.

A key recommendation which we want to emphasise for all care leavers, including care experienced parents, is our view that a sixth category entitled to ‘reasonable preference’ should be created for people who are care experienced regardless of homelessness status, in order to avoid them entering the homeless system to access social housing. You will be aware that this is in line with the recommendations of the Welsh Government’s Expert Group Review.

During our inquiry we heard many warm words and stated good intentions about corporate parenting for care experienced children and young people. Yet so many times we heard directly from young people that these are not being translated into concrete actions and did not make a genuine difference to their lives, even at times of crisis.

Based on the direct lived experience of the many care leavers in Wales that we had the privilege to speak to, it is clear that significant changes are needed in order for housing to play its vital part as a corporate parent.

We look forward to seeing these White Paper proposals develop even further for the benefit of all care experienced young people.

I have copied in the Chair of the Local Government and Housing Committee due to our committees’ mutual interest in these issues.

Yours sincerely,



² Welsh Parliament, ‘If not now, then when?’, May 2023, page 6

Jayne Bryant MS

Chair

Cc. John Griffiths MS

Chair of the Local Government and Housing Committee

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.

Annex: Response from the Children, Young People and Education Committee

This response draws directly on the evidence we gathered, and conclusions we reached, during our inquiry into radical reform for care experienced children and young people.

Despite care leavers having existing legal rights, our inquiry showed that young people in care in Wales face a cliff edge of support when they turn 18. We heard that, in reality, the level of support they receive after turning 18, and certainly after turning 21, is very low, or in some young people's experience completely non-existent.

We heard that care experience is a "predictable route" into homelessness and that as many as 1 in 4 care leavers are homeless when they turn 18.³ Therefore, we make 9 recommendations to the White Paper proposals with the aim of ensuring that in respect of housing and homelessness, Welsh Government and local authorities act as the best 'corporate parents' they can be.

An issue which is often overlooked are the housing needs of care experienced parents. We heard time and again that housing issues were often a key factor when decisions are being made in the family court about whether their own children can remain in their care. We have therefore made a specific recommendation in this regard.

Entering the homelessness system

During our work we heard that not all parts of a local authority understood their corporate parenting role and therefore do not fulfil their duties. Llamau told us that "there is still an expectation for many young people who are care experienced to have to go through the homelessness route, and that is wrong."⁴ As you will be aware, care leavers can become homeless directly after leaving care or once a placement has broken down.

We are therefore very pleased to see proposals for clarifying within legislation that for those leaving social care or the youth justice system it is "expressly prohibited" to use the homelessness system as a route out of care or youth justice. We also fully support the emphasis that planning should be done, and arrangements made for accommodation in advance.

The White Paper proposes strengthening existing corporate parenting responsibilities to ensure individuals aged 16 and 17 years who are homeless or at risk of homelessness do not fall between

³ Welsh Parliament, *'If not now, then when?'*, May 2023, pages 122-123

⁴ Welsh Parliament, *'If not now, then when?'*, May 2023, page 122

services, and social services and homelessness services work in 'true partnership' to secure suitable accommodation and any broader support.

Recommendation 1: The Welsh Government needs to be more explicit about the practical expectations of its homelessness proposals that social services and housing services work 'in true partnership' as set out in the White Paper. It must be clear what this means in practice to ensure that care experienced young people have improved access to safe and suitable accommodation.

Priority need

We welcome the proposal for care experienced people of any age to have priority need status and urge the Welsh Government to act swiftly in creating the new priority need category, using existing powers in section 72(1) of the Housing (Wales) Act 2014.

The Committee understands the rationale proposed in the White Paper to abolish the priority need test and welcomes its ambition in terms of raising standards for all. Nevertheless we are concerned about the potential unintended negative consequences this proposal could have on care experienced young people who we know to be much more at risk of homelessness and are much less likely to have family they can stay with temporarily. NYAS Cymru has expressed concern to us that the proposal to abolish priority need status may have negative consequences for care experienced young people.⁵ Llamau has told us that whilst it fully supports the removal of priority need, there are a number of issues relating to care experienced young people that require further consideration by Welsh Government including:

- **Increased Competition for Limited Housing:** Abolishing the priority need test may lead to increased competition for limited housing resources. Care leavers and care-experienced children, who may already face challenges in securing stable accommodation, could face additional difficulties if there is heightened demand for housing.
- **Potential Delay in Housing Assistance:** With the removal of the priority need test, there might be a need for a lead-in time for the new system to take effect. During this period, care leavers and care-experienced individuals may experience delays in accessing housing assistance, which could contribute to their vulnerability.
- **Specific Vulnerabilities of Care Leavers:** Care leavers often face unique challenges, including the transition to independent living without family support. The removal of the priority need test should be accompanied by measures to address the specific

⁵ NYAS, 'Additional information', November 2023

vulnerabilities of care leavers, ensuring they receive the necessary support during the transition to independent living.

- **Impact on Homelessness Prevention:** The priority need test can serve as a mechanism to identify and prioritize vulnerable individuals at risk of homelessness. Its removal may impact the effectiveness of homelessness prevention efforts, particularly for care leavers who may be at a higher risk of housing instability.
- **Need for Adequate Support Services:** As part of the broader strategy, it's crucial to ensure that care leavers have access to support services that address their unique needs. This includes mental health support, education and employment assistance, and other services that contribute to their overall well-being and housing stability.
- **Resource Allocation:** Local authorities will still need to manage their resources effectively and determine how individuals, including care leavers, are prioritized for housing allocations. Clear guidance and policies should be in place to ensure fair and transparent resource allocation that considers the specific needs of care leavers.
- **Monitoring and Evaluation:** The impact of the abolition of the priority need test on care leavers should be closely monitored and evaluated. This includes assessing whether care leavers are disproportionately affected, and if so, adjustments to the system may be necessary to address any unintended consequences.⁶

Recommendation 2: Welsh Government must act swiftly to create a new priority need category for care experienced people up to the age of 25 to have priority need using existing powers in section 72(1) of the Housing (Wales) Act 2014.

Recommendation 3: Welsh Government must, consulting with care experienced young people and the stakeholders representing their interests, undertake an impact assessment to identify any unintended negative consequences of abolishing priority need on care experienced people who present as homeless, or are at risk of homelessness. The unintended consequences should include those identified in this response. Welsh Government must then ensure revised legislative proposals have clear measures in place to mitigate these risks.

Local connection (homelessness)

The White Paper proposes that care experienced people are exempt from local connection provisions in homelessness legislation. We are pleased to see this aligns with our recommendation that local connection should be disregarded for care experienced people, where we concluded:

⁶ Llamau, 'Additional information', December 2023

*"Care experienced children usually have very little - if any - choice over where they are placed. It will almost certainly not be the fault of the care leaver themselves if they do not have a connection to the local area they want to live in."*⁷

We support Welsh Government's proposals to exempt care experienced people from local connection provisions in homelessness legislation.

Suitability of temporary accommodation

We heard directly from young people who had been placed in inappropriate and even unsafe accommodation on both a temporary and long-term basis. Extensive evidence was also provided about unregulated accommodation (accommodation services that do not provide 'care', such as B&Bs, Air BnBs and hostels) and calls for all such inappropriate accommodation to be made illegal in Wales.

We note the White Paper refers to 171 occasions on which care leavers aged 18 to 21 were placed in Bed and Breakfasts in 2022-23 and it proposes to clarify within legislation that:

- For people aged under 25, the use of unsuitable temporary accommodation, including Bed and Breakfasts and shared accommodation, should not be permitted for any time period.
- Where people of this age group are to be housed in temporary accommodation, it must be supported accommodation.
- Those aged 16-17 must never be accommodated in adult focussed, unsupported temporary accommodation.

We support Welsh Government's proposals in relation to temporary accommodation.

Social housing allocations

During our inquiry, we heard that care experienced young people often struggle to access social housing. Members heard that, due to the insufficiency of the social housing stock, up to 500 people can be in competition for one property. The Committee concluded that:

"There should be systems in place to avoid young people leaving care having to present as homeless. Housing legislation should ensure care experience is given the highest priority for both local authorities' and Registered Social Landlords' allocation policies."

⁷ Welsh Parliament, *'If not now, then when?'*, May 2023, page 123

We recommended that care experienced people should have the highest priority in housing allocation schemes.⁸

We note the White Paper makes a number of proposals aimed at increasing the proportion of social lets to homeless households. One proposal is to assign additional preference to homeless households over and above other reasonable preference categories. A further proposal is to 'allow for' care experienced people who are homeless (also termed in that paragraph homeless care leavers) to have additional preference. We are not clear from the current wording whether this would be a discretionary power for local authorities.

We note this is different from the Expert Review Panel's recommendation that people who are care experienced should form a sixth category entitled to reasonable preference.⁹ Our view on the benefit of the Expert Review Panel's proposal is that it would not require applicants to be homeless. By contrast, the White Paper proposal for (potentially discretionary) additional preference would only be available to care leavers who are homeless. We also have concerns that since the section uses different terms to refer to care leavers, it is unclear whether the intention is for this to apply to all care experienced people, as per the Expert Review Panel's recommendation, or only at the point of leaving care.

Recommendation 4: A sixth category entitled to 'reasonable preference' must be created for people who are care experienced regardless of homelessness status, to avoid them entering the homeless system to access social housing.

Recommendation 5: Legislation must ensure read across and consistency between homelessness and housing allocations and prevent any social housing provider or local authority 're-applying' local connection criteria to care experienced people via their own allocation schemes.

Multi-agency cooperation

Corporate parenting aims to promote collective responsibility across services and local authorities to safeguard the welfare and to promote the life chances of looked after children. The principle behind it is that a good corporate parent would seek the same outcomes for children in their care that a good parent would want for their own child. The Welsh Government sets out that local authorities "must act for the children they look after as any responsible and conscientious parent would act."¹⁰

⁸ Welsh Parliament, 'If not now, then when?', May 2023, pages 123-124

⁹ Expert Review Panel, 'Ending homelessness in Wales: A legislative review', 2023, page 47

¹⁰ Welsh Government, 'Social Services and Well-being (Wales) Act 2014: Part 6 Code of practice looked after and accommodated children', April 2018, page 70

Our report recommended that corporate parenting is given a strong legislative footing by giving a range of public bodies, including but not limited to local authorities, specific corporate parenting duties and expanding their duties in relation to care experienced children and young people.¹¹

The White Paper proposes to create a new duty on a range of bodies - such as social services departments, health boards, and landlords - to identify those at risk of homelessness and take action to mitigate that risk. It also proposes a statutory case co-ordination approach where individuals require input from three or more public services.

Recommendation 6: Welsh Government must strengthen its proposals to ensure mandatory cooperation between relevant public bodies in relation to all care experienced young people and clarification of what this means in practice.

Increasing housing supply

During our inquiry, we heard that both availability and appropriateness of accommodation is a problem and that the lack of housing is “a major crisis”. Care Inspectorate Wales wrote that greater multi-agency accountability beyond social services was needed to deliver more accommodation options for young people.¹²

Other professionals stressed to us that care experienced birth parents need access to housing that’s suitable for a new-born. We heard that care experienced birth parents are more likely than other parents to have their children temporarily removed or be asked to attend mother and baby units. We heard that most birth parents have no choice but to give up their home accommodation when they move into a parenting assessment centre because they can’t afford to keep it. Where the parent is a social housing tenant, the local authority or housing association may want them to end their tenancy.¹³

We are pleased to see the White Paper notes that care leavers should be taken into account when assessing the need for temporary supported housing.

The White Paper states that Local Housing Market Assessments (LHMAs) “are vital in determining local housing requirements and form a key part of Local Development Plans”. We note the Expert Review Panel also considered whether legislative change could help support building of the right homes to meet local housing need, particularly homelessness-related need. The Panel recommended that section 87 of the Local Government Act 2003 is amended to require local authorities to take into

¹¹ Welsh Parliament, ‘[If not now, then when?](#)’, May 2023, pages 43-45

¹² Welsh Parliament, ‘[If not now, then when?](#)’, May 2023, pages 120-121

¹³ Welsh Parliament, ‘[If not now, then when?](#)’, May 2023, page 76

account their homelessness review and strategy, and the current and future levels of homelessness in their area, when drawing up their housing strategy and Local Housing Market Assessment (LHMA).¹⁴

With substantial rises in the numbers of children in care is more vital than ever that LHMA's accurately reflect the current and future needs of care experienced people, including care experienced parents.

Recommendation 7: Welsh Government must restate in the new housing legislation the requirement for relevant public bodies to cooperate with one another in relation to all care experienced young people.

Recommendation 8: Legislation must be in place to ensure Local Housing Market Assessments (and in turn Local Development Plans) accurately reflect the current and future needs of care experienced young people, including care experienced parents.

Recommendation 9: In order to provide a baseline of relevant housing issues in light of the significant rises in the numbers of care experienced children (which will lead to many more care leavers), Welsh Government must commission a one-off specific Wales wide research project into the current and anticipated housing needs of care experienced young people and care experienced parents.

¹⁴ Expert Review Panel, 'Ending homelessness in Wales: A legislative review', 2023, page 52