



Llywodraeth Cymru
Welsh Government



Unpublished

CYHOEDDIAD, DOGFENNU

Atodiad B: Papur Gwyn ar Roi Diwedd ar Ddigartrefedd – Crynodeb

Mae'r papur hwn yn crynhoi'r cynigion allweddol yn y Papur Gwyn ar roi diwedd ar ddigartrefedd.

Cyhoeddwyd gyntaf: 9 Tachwedd 2023

Diweddarwyd ddiwethaf: 9 Tachwedd 2023

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Crynodeb

Mae'r papur hwn yn crynhoi'r cynigion allweddol yn y Papur Gwyn ar roi diwedd ar ddigartrefedd. Nid yw'n nodi pob cynnig unigol ond, yn hytrach, mae'n grwpio cynigion er mwyn rhoi darlun cyffredinol a thynnu sylw at y diwygiadau allweddol.

Ceir rhagor o fanylion am y cynigion a manylion am y cyd-destun a'r nodau polisi ehangach yn y Papur Gwyn.

Cyflwyniad

Mae'r cynigion yn y Papur Gwyn yn rhan o broses hirdymor o drawsnewid y system digartrefedd a thai, fel y nodir yn y **Rhaglen Lywodraethu** a'r **Cytundeb Cydweithio**.

Mae'r Papur Gwyn yn rhoi'r cefndir a'r cyd-destun polisi ar gyfer y diwygiadau deddfwriaethol arfaethedig cyn amlinellu ein cynigion o dan bum prif thema, sef:

- Diwygio'r deddfwriaeth graidd bresennol sy'n ymwneud â digartrefedd.
- Rôl gwasanaeth cyhoeddus Cymru o ran atal digartrefedd.
- Cynigion wedi'u targedu i atal digartrefedd i'r rhai yr effeithir arnynt yn anghymesur.
- Mynediad i dai.
- Sut i weithredu.

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Egwyddorion allweddol

Mae pob un o'r cynigion yn helpu i gyflawni un neu fwy o'n hegwyddorion gwaith allweddol:

- Bydd y diwygiadau yn helpu i gyflawni nod Llywodraeth Cymru i sicrhau bod digartrefedd yn beth prin a byrhoedlog nad yw'n ailddigwydd.
- Bydd y diwygiadau yn hwyluso'r gwaith o ddarparu gwasanaethau sy'n ystyriol o drawma (yn seiliedig ar y ddealltwriaeth y gall amlygiad i drawma effeithio ar ddatblygiad ac ymddygiad niwrolegol, biolegol, seicolegol a chymdeithasol unigolyn) ac yn canolbwyntio ar yr unigolyn (anghenion, cryfderau a dymuniadau'r cleient unigol sy'n ffurfio'r sail ar gyfer cynllunio ei wasanaeth).
- Bydd y diwygiadau'n helpu i gyflawni nod polisi hirdymor Llywodraeth Cymru mewn perthynas ag Ailgartrefu Cyflym (gall pobl ddigartref gael tai hirdymor yn gyflym, dod yn fwy hunangynhaliol ac aros yn eu tai) a chynnal y newid sylweddol mewn arferion a gyflawnwyd mewn ymateb i bandemig y Coronafeirws.
- Bydd y diwygiadau hyn yn sicrhau mai holl wasanaeth cyhoeddus Cymru sy'n gyfrifol am atal digartrefedd.

Drwy'r diwygiadau arfaethedig a'r arferion a'r canllawiau ategol, rydym yn anelu at gyflawni'r canlynol:

- Caiff y risg o ddigartrefedd ei hatal cyn gynted â phosibl a bydd y cyfrifoldeb am nodi ac atal digartrefedd yn cael ei rannu gan bob rhan o wasanaeth cyhoeddus Cymru.

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- Bydd yr awdurdod tai lleol yn cynnig gwasanaeth sy'n canolbwyntio ar unigolion ac sy'n ystyriol o drawma a arweinir gan anghenion y cleient, lle y bo modd.
- Bydd y system yn haws i'w defnyddio ac, i'r rhai y bydd angen iddynt ei defnyddio, bydd yn cynnig mwy o gymorth cydgysylltiedig amlasiantaethol er mwyn diwallu amrywiaeth o anghenion cymorth.
- Bydd safonau'r llety dros dro sydd ar gael yn well a bydd gwelliannau pellach yn digwydd dros amser. Bydd y defnydd o lety dros dro, yn gyffredinol, yn lleihau dros amser.
- Byddwn yn manteisio i'r eithaf ar y defnydd o dai cymdeithasol i roi diwedd ar ddigartrefedd ac yn defnyddio amrywiaeth o opsiynau eraill.
- Caiff camau wedi'u targedu eu cymryd er mwyn gwella profiad y bobl sydd fwyaf tebygol o wynebu effeithiau digartrefedd.

Mae'r tabl isod yn rhoi crynodeb o'r ffordd y mae'r diwygiadau a gynigir yn y Papur Gwyn yn cyflawni'r egwyddorion fel y'u nodwyd uchod

Diwygiadau a gynigiwyd yn y papur gwyn

Working principle: Homelessness is rare

Homelessness in Wales is rare, brief and unrepeated.

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Policy intention

Risk of homelessness is identified earlier and intervention at this point prevents the majority of homelessness from occurring.

Service users are active partners in their service provision, which is easy to understand, matches their needs and provides effective intervention.

Proposal summary

We propose the period of time in which local authorities are expected to undertake meaningful prevention work will be extended from 56 days to 6 months or, where a Possession Notice has been issued, the period of that notice.

We propose that every applicant should have a Personal Housing Plan which is reviewed regularly and which takes their views into account and is tailored to their need. The plan will record the steps to be taken by the local housing authority to prevent the applicant from becoming homeless and/or are likely to secure accommodation.

Working principle: Service delivery

Service delivery is trauma-informed and person-centred

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Policy intention

The homelessness system is available to every eligible person who needs it.

Proposal summary

We propose the abolition of the “priority need” test. Under current legislation there are eleven categories of persons in priority need. Whether or not a person has priority need affects the duties the local authority will have for example, the main homeless duties only apply to those in priority need. The abolition of this test will mean it is no longer necessary for homeless, eligible applicants to demonstrate they meet the “priority need” test to benefit from duties under the HWA 2014 (or the equivalent duties in reformed legislation).

We propose the “intentionality test” is removed from legislation. Under current legislation where an applicant has deliberately done or failed to do anything which has resulted in them ceasing to occupy accommodation they are deemed to be intentionally homeless. This could affect the duties owed to them by the local authority. The abolition of this test would mean that vulnerable people would not be excluded from homelessness support and help create a system which is trauma informed and allows a person-centred approach to service provision.

We propose adding additional groups of people to the list of exemptions under the “Local Connection test”, to allow for non-familial connections with communities and to better take account of the reasons why someone is unable

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to return to their home authority. This will facilitate a system which is weighed more heavily towards a person-centred approach.

We propose to limit the application of the unreasonable failure to cooperate test (which under current legislation could be a reason for a local authority to end their duties) to be more trauma informed.

We propose to provide more opportunities for an applicant to request a review of key decisions in their case.

Working principle: Rapid Rehousing

Rapid Rehousing: those who are homeless are able to obtain long term housing quickly, increase their own self-sufficiency, and stay housed)

Sustaining practice change achieved in response to the coronavirus pandemic.

Policy intention

The homelessness system in Wales is as simple as possible; both to navigate as an applicant, and to deliver as a local authority.

Those who need it receive ongoing assistance that helps them to retain their occupation contract in both interim and settled accommodation.

Both the interim and settled home provided to a person experiencing homelessness is in the right place, allocated at the right time and is suitable for

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their needs.

More homeless households are allocated social housing.

Those who need it receive ongoing assistance that helps them to retain their occupation contract in both interim and settled accommodation.

Proposal summary

We have reviewed the current homelessness duties and proposed a revised set of duties that we hope is simpler for the applicant to understand and the local authority to apply. This would include the removal of the “relief duty”. (where a local housing authority must help to secure suitable accommodation for an applicant’s occupation if satisfied that the applicant is homeless and eligible for help this duty comes to an end after 56 days). The proposed removal of the relief duty aims to create a process wherein a person threatened with homelessness will be owed the prevention duty, and a person who is homeless will be owed the main housing duty (unless there is a referral under the “local connection test”).

We propose the provision of more accessible and regular communication.

We propose improved standards related to the suitability of accommodation.

These proposals include:

- Ensuring accommodation with Category 1 Hazards is always unsuitable.
- Prohibiting shared sleeping space.
- Applying the same standards across privately owned and local housing authority/registered social landlord owned or managed non-self-contained

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accommodation.

- Ensuring placement in overcrowded accommodation is never suitable at the point of discharge of the main housing duty.
- Prohibiting the use of unsupported temporary accommodation for young people.
- 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.
- Ensuring 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.
- A requirement that the local housing authority takes into account any specific health needs and the significance of any disruption caused by the location of the accommodation, as well as, a requirement to allow a more general consideration of an applicant's wellbeing and access to support more generally, including non-family networks.
- Legislative provision 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).
- Formalise a Homeless at Home Scheme on a national basis to provide individuals the option to remain in their accommodation while still being entitled to make an application for homelessness assistance.
- Data Collection: build on work already underway through the development of local authority Rapid Rehousing Transition Plans, the Local Housing Market Assessment and Build plans to ensure at both a local and national level we are able to profile the availability and stock of temporary accommodation in Wales, the profile of those using it (including the experience of protected

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groups) and the length of time people are staying in temporary accommodation.

- A requirement to review suitability standards every three years in order to assess whether developments in the supply of accommodation enable us to bring forward a higher level of minimum standards.

We propose to legislate to increase allocations of social housing to homeless households. These proposals include:

- 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.
- That 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 in certain limited circumstances.
- Introducing a proposed power to remove people not in housing need and those who own domestic property from the waiting list.
- Assigning additional preference to those who are homeless, to care experienced people who are homeless and people who are fleeing abuse over other priority groups who are deemed to have an 'urgent housing need'.
- A statutory requirement for the use of a Common Housing Register/Common Allocations Policies.
- Introduction of a 'deliberate manipulation test' to limit/remove any additional priority given on the basis of homelessness which would be limited to those who are found to have engaged in 'deliberate manipulation' of the homelessness system, in order to gain advantage when applying for social

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housing.

We propose a wider range of housing options through which to discharge the main homelessness duty, including supported lodgings, supported accommodation and remaining or returning to previous accommodation, including the family home.

We propose to bring forward a new duty to help retain an occupation contract.

Working principle: Preventing homelessness

Preventing homelessness is the responsibility of the entire Welsh public service.

Policy intention

The risk of homelessness is identified earlier and activity to prevent it happens sooner.

The prevention of homelessness is the responsibility of the Welsh public service who work together to respond to the warning signs and to provide holistic support to those with complex needs.

Targeted prevention is in place to protect those most vulnerable to homelessness.

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Proposal summary

We propose to introduce new duties to identify, refer and co-operate to prevent homelessness, which will apply across the Welsh public service and beyond.

These proposals include:

- A new duty to identify those at risk of homelessness and refer on to specified bodies 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.
- The duty to refer is accompanied by a duty on the specified bodies 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 unrepeated.
- Strengthening strategic leadership of homelessness at a regional level.
- A statutory case co-ordination approach for those who are homeless or at risk of homelessness and experiencing multiple complex support needs.

We will explore ways in which we can strengthen strategic leadership of homelessness at a regional level.

We propose to bring forward targeted preventative reforms for those most at risk:

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Children, young people and care experienced young people

These proposals include:

- 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.
- Ensuring 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.
- Ensuring that, should local authorities identify an applicant is a care leaver, they should bring in relevant services to support them, as necessary.
- Exploring further, through the consultation exercise, whether the Renting Homes (Wales) Act 2016 should be amended to allow 16 and 17 year olds to be occupation contract-holders.
- Care-experienced people should be considered priority need (unless the test is abolished.)
- 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 6 months, are the responsibility of the local authority.

People with complex health needs, including mental ill health, substance

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misuse and those leaving hospital

These proposals include:

- Strengthening multi-disciplinary practice between homelessness, mental health and substance use services.
- Ensuring key assessments and plans such as Care Treatment Plans routinely consider housing needs and the stability of a person's accommodation. We will review the existing legal framework to emphasise the importance of including "accommodation" within a care and treatment plan wherever accommodation is a contributing factor to a person's mental ill health or wherever a person's accommodation 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).
- 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.

Survivors of violence against women, domestic abuse and sexual violence

These proposals include:

- Widening the definition of "domestic abuse" to more explicitly include controlling or coercive behaviour, economic or psychological abuse.

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- Ensuring 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.

Disabled people

These proposals include:

- Introducing a statutory duty to complete Personal Housing Plans, which 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.
- Improving 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.

Ex-armed services personnel

In addition to the proposals outlined for local connection within the White Paper, 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.

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People Leaving Prison

These proposals include:

- Undertaking an assessment when an individual first enters prison whether they are likely to lose any accommodation while serving their sentence of imprisonment and, if so, whether they are also likely to lose their possessions and whether they are likely to be released, and homeless, within 6 months.
- That people in prison are not deemed to be homeless during the period of their custodial sentences. The effect of this proposal will mean an applicant in prison can only be subject to the prevention duty
- 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.
- Other proposals which are detailed in the White Paper, including those relating to: prison leavers, prevention and local connection; early release; material change of circumstance; discharge of duty; reciprocal arrangements; duty to provide information; advice and assistance in accessing help; and retention of accommodation/belongings.

People with No Recourse to Public Funds

Proposals include procuring training, online resources and other tools that can be applied by a local authority and other stakeholders to accurately assess and

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legally determine the assistance that can be provided to people with a NRPF condition. This will build upon and help refine the current NRPF guidance. We will also explore options to establish an independent host for a specialist officer to advise and assist a local authority in managing cases of people with NRPF.

We have also begun a review of all available levers which can be utilised to strengthen implementation, and where necessary, enforce our proposed reforms.

Efallai na fydd y ddogfen hon yn hollol hygyrch.

Drllenwch ein [datganiad hygyrchedd](#) i gael rhagor o wybodaeth.

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