

**Number: WG48223**



Welsh Government  
Consultation response form

## Consultation on the White Paper on Ending Homelessness in Wales

Date of issue: 10 October 2023

Action required: Responses by 16 January 2024

© Crown copyright 2023

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

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

## Overview

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

## How to respond

Please respond by completing the online form or completing this questionnaire and sending it to [HomelessnessLegislationReform@gov.wales](mailto:HomelessnessLegislationReform@gov.wales)

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

Homelessness Prevention Legislation Team

Welsh Government

Cathays Park

Cardiff

CF10 3NQ

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

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

## Further information and related documents

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

## Data Protection

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

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

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

## Confidentiality

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

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

## Reform of the existing core homelessness legislation

### Question 1

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

Yes/no

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

### Question 2

What are your reasons for this?

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

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

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

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

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

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

### Question 3

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

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

### Question 4

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

Yes/no

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

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

### Question 5

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

Yes/no

No

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

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

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

### Question 6

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

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

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

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

#### Question 7

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

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

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

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

### The role of the Welsh Public Service in preventing homelessness

#### Question 8

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

Yes/no

Please give your reasons

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

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

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

#### Question 9

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

We would agree with the list provided –

GP Surgery

Hospital

Job Centre Plus

Food Banks

Citizens Advice

Legal Advice Centre/Law Centre

Mental Health Services

Drug or Alcohol Services

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

Probation Services/Prison

Police

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

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

We would also suggest the following services/agencies:

Local Health Boards including primary care.

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

Organisations or bodies subject to the control of the UK Government

Department for Work & Pensions.

Youth Justice Services; vi. Probation.

Prisons and other criminal justice detention centres.

Courts and Tribunals Service.

Armed Forces – in relation to armed forces accommodation.

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

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



## Question 10

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

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

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

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

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

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

## Question 11

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

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

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

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

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

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

## Question 12

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

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

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

We are supportive of requiring PHPs for complex cases.

Question 13

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

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

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

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

Targeted proposals to prevent homelessness for those disproportionately affected

Question 14

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

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

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

#### Question 15

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

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

#### Question 16

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

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

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

#### Question 17

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

No further points to add to this question

#### Question 18

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

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

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

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

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

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

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

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

#### Question 19

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

No further points to add to this question

### Access to accommodation

#### Question 20

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

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

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

#### Question 21

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

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

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

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

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

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

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

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

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

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

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

Question 22

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

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

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

#### Question 23

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

No further response to this question

### Implementation

#### Question 24

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

No further response to this question

#### Question 25

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

No further response to this question

#### Question 26

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

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

#### Question 27

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

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

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

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

#### Question 28

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

No further points to add to this question

Organisation (if applicable):

Adra



Number: WG48223



Welsh Government  
Consultation response form

## Consultation on the White Paper on Ending Homelessness in Wales

Date of issue: 10 October 2023

Action required: Responses by 16 January 2024

© Crown copyright 2023

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

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

## Overview

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

## How to respond

Please respond by completing the online form or completing this questionnaire and sending it to [HomelessnessLegislationReform@gov.wales](mailto:HomelessnessLegislationReform@gov.wales)

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

Homelessness Prevention Legislation Team

Welsh Government

Cathays Park

Cardiff

CF10 3NQ

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

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

## Further information and related documents

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

## Data Protection

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

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

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

## Confidentiality

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

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

Reform of the existing core homelessness legislation

### Question 1

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

Yes/no

Yes

### Question 2

What are your reasons for this?

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

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

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

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

### Question 3

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

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

### Question 4

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

Yes/no

Yes

### Question 5

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

Yes/no

Yes

## Question 6

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

Yes

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

## Question 7

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

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

## The role of the Welsh Public Service in preventing homelessness

### Question 8

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

Please give your reasons

Yes

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

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

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

### Question 9

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

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

#### Question 10

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

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

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

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

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

#### Question 11

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

**Electronic data systems:**

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

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

**Profiling need:**

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

**Education and training:**

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

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

### **Partnership working:**

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

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

### Question 12

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

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

### Question 13

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

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

### Targeted proposals to prevent homelessness for those disproportionately affected

### Question 14

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



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

#### Question 15

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

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

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

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

#### Question 16

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

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

### Question 17

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

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

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

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

### Question 18

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

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

### Question 19

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

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

## Access to accommodation

### Question 20

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

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

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

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

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

#### Question 21

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

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

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

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

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

## Question 22

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

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

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

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

### Question 23

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

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

## Implementation

### Question 24

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

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

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

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

### Question 25

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

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

#### Question 26

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

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

#### Question 27

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

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

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

#### Question 28

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

Organisation (if applicable):

Betsi Cadwaladr University Health Board

Number: WG48223



Llywodraeth Cymru  
Welsh Government

Welsh Government  
Consultation response form

## Consultation on the White Paper on Ending Homelessness in Wales

Date of issue: 10 October 2023

Action required: Responses by 16 January 2024

**OGI** © Crown copyright 2023

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

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

## Overview

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

## How to respond

Please respond by completing the online form or completing this questionnaire and sending it to [HomelessnessLegislationReform@gov.wales](mailto:HomelessnessLegislationReform@gov.wales)

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

Homelessness Prevention Legislation Team  
Welsh Government  
Cathays Park  
Cardiff  
CF10 3NQ

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

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

## Further information and related documents

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



## Data Protection

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

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

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

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

## Confidentiality

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

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

# Reform of the existing core homelessness legislation

## Question 1

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

No

Bridgend County Borough Council is supportive of the government working to improve the system to assist individuals and families with getting faster resolutions. We understand the huge value of trauma-informed decision-making in resolving housing need and providing the best possible support to those who need it. However, we do not agree with a scheme that would create a system of passive involvement from applicants.

The prevention duty to those threatened with homelessness, and its cousin, the relief duty to those who are already homeless, promotes proactive involvement by the local authorities at the “front end” of an application for housing assistance. The proposed changes could see local authorities intervene sooner to prevent homelessness six months before someone loses their home rather than 56-days as the law currently requires. This aligns with the Renting Homes Act notice periods.

The proposals will lead to more prevention cases but whether those can have a positive outcome without the main housing duty being owed, is less clear. There is mention of additional prevention tools being made available but no indication what they are. Without significant additional resources, the likely outcome will be more households owed an immediate main housing duty.

In Bridgend, the main reason for homelessness is being asked to leave by family, followed by the loss of private rented accommodation. In many cases, landlords will have a reasonable and legitimate reason for seeking possession - such as to sell the property or that they or their family can live in it. In these instances, homelessness prevention will have little prospect of success. It is unclear whether all cases must start from prevention or if homelessness is unavoidable, or immediate, that cases can start directly with a main housing duty.

The circumstances in which the main housing duty ends will need to be amended to include an offer of a standard occupation contract with an initial fixed term of at least 12-months. A fixed-term of 6-months would mean the applicant will always be threatened with homelessness.

The increase in temporary accommodation cannot be overstated. We currently have 522 people from 278 households in temporary accommodation. The average length of stay is 189 days. The average length of stay for those owed the main housing duty is 483 days. 59.2% of those on the waiting list for housing are single people.

If the relief duty is abolished there might be an increase in prevention cases but there is a reasonable likelihood of most cases going straight to the main housing duty. The upshot will be many more households in temporary accommodation with a corresponding increase in cost and waiting times. Putting ‘homeless-at-home’ on a statutory footing is unlikely to have much of an impact. It is already an option.

Additional staff will be needed to cope with demand. However, staff reading through the consultation are feeling deskilled and that their expertise is no longer needed. Recruiting and keeping housing officers will be problematical.

## Question 2

What are your reasons for this?

This is an ambitious white paper. The outcomes have impressive goals and will ensure increased focus on the strategic housing function of the Council. However, the functions and responsibilities do not have any additional significant funding or resources attached to them, without which we will struggle to deliver the ending homelessness programme in a meaningful and timeous way. The most striking proposal is to remove the priority and intentionality tests entirely. It would mean any applicant who is eligible for housing assistance and homeless, for any reason, will be owed a housing duty. The time-limited relief duty will become redundant and could encourage applications from those who claim to be already homeless.

The reform proposes that personal housing plans ("PHP") become a statutory duty. Bridgend provides these in all homeless cases. The principle is agreed and is good working practice. However, Welsh Government need to redefine the wording of the duty; '.....steps a local housing authority will take...' the duty should not solely be the responsibility of the housing authority. We should empower applicants to take responsibility for their own situation with or without support as determined by a needs assessment.

The prevention duty isn't a duty for the housing authority to secure accommodation, the PHP wording does not align with this.

The changes to the Act set out in this consultation seeks to reinforce homelessness is not solely a housing issue but, duties described in this way suggest otherwise. The PHP will be drawn up by housing, but the steps should be taken by the applicant, housing and other statutory and not statutory agencies to secure accommodation.

The PHP containing the applicants wishes to be achieved needs to be expanded to include whether they are achievable so that expectations can be managed from the outset. Likewise, an applicant's 'view on their accommodation' being recorded in the PHP has to be managed with regards to it being achievable. For example, someone may like to have a bungalow when they are assessed as requiring ground floor accommodation but, they will also be open to an allocation of a ground floor flat. What is an assessed need and what is desired has to be recorded.

We do not agree with an 8 weekly review. This is unnecessary and the timescale for review should be agreed as part of the PHP. To have a set time period will become a tick box exercise and not meaningful resulting in an unnecessary administrative burden.

There cannot be a mere right to request a review of steps in a PHP, there must be reasonable grounds to do so. Applicant's expectations have to be managed. Because an applicant may not like a step e.g., consider PRS accommodation, this cannot trigger a right to review.

There is a risk that an application will become overburdened with reviews.

A PHP is not a type of care or support plan. It should not be used as one. A PHP is to set out what caused homelessness, what needs to be done to find accommodation and what can be done to prevent homelessness occurring in the future. The reasonable steps taken will be fact-sensitive and depends on each individuals' circumstances. It cannot be overly prescriptive.

There is an imbalance between the duties of the housing authority and the rights of the applicant. If the housing authority fails to complete a step, there will be a right to review. However, if an applicant fails to take any action or engage in the PHP, the authority cannot ever discharge duty. This gives the impression that it is the sole responsibility of housing to resolve the situation, there is no accountability/responsibility by the applicant.

It is not agreed that a suitability review can be requested at any time during occupation of accommodation. For interim accommodation this right should only be permitted outside of the 21 days if there has been a change in circumstances rendering the accommodation unsuitable and the housing authority has taken no steps to address it. In permanent accommodation, an open ended time to review is not reasonable. A review should be requested at the time the property is accepted (ore refused) by the application or within 21 days as it is now. There needs to be finality.

If an offer of accommodation is not suitable at a point in the future due to a change in circumstance, this should not trigger a review of the suitability of accommodation to discharge a homeless duty. The homelessness has been resolved; future suitability is not homelessness.

More clarity must be provided around the core changes to an authority being a host to a prison and providing an advice service. The impact of this needs to be assessed before making it a duty. Consideration needs to be given to risks when making this a duty if the provision must be in person.

Not ending a duty to someone who is given a custodial sentence must be time dependant. If someone is given a lengthy sentence it would be reasonable for the duty to be closed. A closure reason should therefore be added to the legislation.

Reciprocal arrangements need to be managed and local authorities not penalised if they are not able to support a request.

These changes will not increase preventions or reliefs, it will increase pressures on the housing authority.

The key to preventing homelessness is available accommodation. These changes are not going to address the shortage of accommodation.

### Question 3

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

It is important that the process does not become a passive activity. Applicants must be expected to help themselves. The proposals have an expectation that local authorities will do their best to prevent homelessness followed by a rehousing duty. There is very little for applicants to do. If a personal housing plan does include commitments for the applicant to do something, there are no consequences if they don't. The process would be improved by involving applicants much more in the outcome. The proposals increase dependency on the local authority. It does not equip individuals and families with the tools needed to help themselves and could increase repeat homelessness.

The duty should be incorporated into other statutory/public bodies legislation and guidance.

#### Question 4

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

No

Because of the ongoing housing crisis, insufficient temporary accommodation, and the lack of resources to meet current demands, the complete removal of the priority need test will lead to a further increase in pressure placed on local authorities.

The homelessness system could be unable to cope with demand. There needs to be a significant increase in the amount of affordable housing, funding, and resources.

Although the 'street homeless' category widened the priority need groups quite significantly and led us to operate as being 'priority neutral', there is scope to ensure that resources are preserved for those identified as most in need.

Last year, there were 1834 applications for housing assistance in Bridgend. That was an increase on 2022, an increase of 15.7% on 2021, and an increase of 14.6% on 2020. Overall, we have seen an increase of 49.1% on pre-pandemic levels (2019) of housing need. The forecast over the next two years is for demand to further increase by about 15% in 2024, and 12% in 2025.

When the street homelessness priority need group was introduced in 2022, we saw applications increase by 37.5%. If there is no priority need test at all, we would expect applications to increase significantly. There is also a risk of cross-border applications from those refused assistance elsewhere in the UK.

This has created an over reliance on the housing authority. We are creating communities who no longer are self-sufficient and take no responsibility for seeking to find a solution themselves. Conversely, those who are less able to find a solution because of vulnerabilities are receiving a diluted service because there are not enough resources to go around.

This change also conflicts with other recommended changes where it is proposed to given additional rights to certain categories of persons to overcome the local connection criteria, for example.

## Question 5

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

No

Of the two tests, the removal of intentional homelessness is the greatest cause for concern. Applicants whose homelessness has not been successfully relieved, are currently owed a lesser duty than would be owed to them if they were homeless unintentionally. This reflects the general expectation that, people should take responsibility for their own accommodation needs and not behave in a way which might lead to the loss of their accommodation. Examples include, selling a home in circumstances where they are under no risk of losing it; because of wilful and persistent refusal to pay rent or their mortgage payments; voluntarily surrendering tolerably reasonable accommodation; anti-social behaviour, nuisance to neighbours or harassment; or violence or threats of violence or abuse by them towards another person.

The National Housing Federation reported in 2017 that the "distorted market" created by local authority prioritisations "creates a perverse incentive to go down the homelessness route to obtaining re-housing despite the social, economic and health risks". This will only increase if intentional homelessness is completely repealed.

The view in the consultation (para 145) that intentional homelessness is used to 'gatekeep' access to services is simply wrong. It is, as paragraph 146 of the consultation points out, 'a useful incentive for good behaviour'. That it is not a much used decision is evidence of its effectiveness. If removed, what incentive is there for a household to pay their rent, or behave in a tenant-like manner?

The comments of the House of Lords in *Re:Puhlhofer* (1986), apply to the Housing (Wales) Act 2014, as much as they did to The Housing (Homeless Persons) Act 1977. *First, although the Act bears the word "Housing" in its short title, it is not an Act which imposes any duty upon a local authority to house the homeless.*

*As the long title indicates, its object is to make "further provision as to the functions of local authorities with respect to persons who are homeless or threatened with homelessness; . . ." It is an Act to assist persons who are homeless, not an Act to provide them with homes... It is intended to provide for the homeless a lifeline of last resort; not to enable them to make inroads into the local authority's waiting list of applicants for housing. Some inroads there probably are bound to be, but in the end the local authority will have to balance the priority needs of the homeless on the one hand, and the legitimate aspirations of those on their housing waiting list on the other hand.*

There is a very real risk that these amendments will serve to enable people to leapfrog over others on the waiting list for housing. We are already seeing a disparity in waiting times for those on the social housing waiting list and rapid rehousing. There are double the amount of allocations to those on the rapid rehousing register. Last year the average waiting time for rapid rehousing was 348 days. For social housing, the average waiting time was 562 days. By the beginning of 2024, the waiting time for rapid rehousing was 231 days. For social housing, the waiting time was 897 days.

If it is quicker to get rehoused as a homeless household, there is no sense in waiting on the social housing register. A deliberate manipulation will be of little use because it is notoriously difficult to prove.

There is a risk that this will also support cycles of homelessness because local authorities will be legally required to assist households who present as homeless and progress to final duties regardless of whether the household is intentionally homeless. This will lead to further dependence on local authorities, public resources, and the social housing sector, which is not sustainable given the shortage of funding and resources.

The removal of these tests will not aid in the prevention of homelessness but, instead will encourage applications to progress to a main housing duty as a way into social housing.

Evidence collated by the Expert Review Panel (para 148) suggests application of the intentionality test can result in repeat homelessness as people will often 'come through the system again' following an intentionality decision. That is unsupported by any evidence, but the law allows for repeat applications if there has been a change in circumstances. That must be right. If there is no longer a causal link between past homelessness and the second application, that might result in a different outcome.

The Expert Review Panel goes on to say that "in some cases, repeat applications will be with increased and exacerbated complex needs which require more intensive support" Again, there is no evidence to show that is the case.

A homelessness system can be trauma informed but emphasise the importance of individuals taking responsibility for their own actions and behaviour. It is not the function of housing to serve a general welfare function.

The reference in paragraph 147 that the test of intentional homelessness encourages a culture of deciding who is, or is not, deserving of support completely misses the point. Intentional homelessness is not a value judgment of who is or is not worthy of support. It is an objective, not a subjective test (see *R v Hounslow LBC ex p R* [1997]). In considering whether a person ceased to occupy accommodation 'in consequence of' his or her deliberate conduct, the question asked is whether ceasing to occupy the accommodation would reasonably have been regarded at the time as a likely consequence of the deliberate conduct.

The further reference in paragraph 147 to "a key aim...is to trigger change that ends such a culture" misinterprets the excellent work that housing officers do and suggests a dogmatic view that housing officers consciously and deliberately 'gatekeep' homelessness assistance, despite what some in the expert review panel think (the word 'gatekeeping' is repeated several times in the consultation (see e.g., Para's 126, 145, 162).

## 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.

Removal of the test could increase demand in local authority areas, at a time of significant pressure on resources. The local connection test is an essential case management tool and until housing supply, resources and other housing pressures experienced are addressed, the role of local connection remains important.

There is also a question of how the removal of the test would cope with cross-border referrals. If there is no priority need or intentional homelessness and local connection is removed, it could encourage those with a negative decision in England to cross the border, even digitally, for assistance.

The exemptions more-or-less removes local connection.

Guidance on 'special circumstances' should not be too prescriptive. The adjective 'special' denotes something unusual, or out of the ordinary.

It is proposed that priority need groups be removed from legislation when determining the duty owed which conflicts with introducing priority groups for exclusion from local connection. There is little rationale in the paper for the introduction of these priority groups. Some are accepted; categories at c and d.

Caution must be exercised with prisoners where there is a need to formulate this via MAPPA.

## Question 7

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

The proposal uses data for an increase in presentations ranging from 5% to 30% with a cost range of £10.8m to £13.3m. We have already seen a 49.1% increase on pre-pandemic levels of housing need. The cost of temporary accommodation alone has increased dramatically.

2018-19	£74,046.12
2019-20	£103,145.51
2020-21	£2,422,177.81
2021-22	£3,279,152.41
2022-23	£3,798,976.27

We do not think there is much likelihood that increased prevention activities will lead to 'significant savings', at least in the short to medium term. All prevention tools that could be used, are being used. Without additional 'prevention tools' local authorities will be doing more work with more households but with the same resources.

Much of the analysis in the Impact Assessment is based on pre-pandemic data. It does not reflect current demand on services or the associated cost on delivering a housing options service.



The estimate of two-hours work to produce a personalised housing plan (Para 2.8) is misjudged. It excludes the time taken to review the housing plan and the cost of undertaking statutory reviews of the outcome.

The cost analysis uses 2022/23 presentation numbers and questions whether there is double-counting. The analysis should use the expected increase in applications. There is also no double counting because the housing plan does not form part of the application, it is an analysis of the application, the outcome and the next steps. It comes after the application stage and is regularly reviewed to ensure it remains effective.

The Impact Assessment cannot use estimates from adding a category of priority need as a way of estimating the cost of abolishing priority need and intentional homelessness and the additional burdens contained in the proposal. They are vastly different.

The Impact Assessment uses StatsWales and assumes that removing the 100 intentional homelessness decisions made last year will not significantly affect the cost. Again, that underestimates the amount of applications we are likely to receive if the tests are abolished. Preventing the use of the intentionality and priority need tests will increase the number of cases where the main duty is accepted, and this will increase costs for local authorities in processing applications and in providing temporary accommodation.

The additional cost for covering additional demand for temporary accommodation is likely to cost closer to £30 million rather than the approximate £3 million, by 2028/29, if rolled out for all homelessness applicants.

Paragraph 2.9 notes the considerable savings that are expected to flow from reduced use of outreach and wider services by both rough sleepers and other homeless households. That was based on a 2018 analysis and is of little use. Savings after five years in 2028/29 will unlikely rise to approximately £9 million.

Further cost-analysis needs to be carried out, particularly the cost of providing support through Housing Support Grant (“HSG”) funded projects, for longer periods of time, and those in custody.

A better way might be to provide a centralised prison-worker service that works across all secure estates in Wales. The enhanced duty-to-refer would then work to notify the local authority concerned and work with them to look at housing options on release from prison. It is difficult to produce and review a meaningful PHP with a person who does not have internet access.

## The role of the Welsh Public Service in preventing homelessness

### Question 8

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

Yes

Please give your reasons

The duty to refer will help to ensure that everyone is working together effectively to prevent homelessness by ensuring that peoples' housing needs are considered when they come into contact with any public authority. It is also anticipated that it will encourage strong partnerships which will enable us to work together to intervene earlier to prevent homelessness through, increasingly integrated services.

However, the duty can be inconsistent and is sometimes met with resistance from other agencies, especially if the issue is deemed 'a housing problem'. Training for other bodies would be helpful, along with more detailed guidance would be welcomed to ensure that agencies are not evading their responsibilities and duties.

### Question 9

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

The duty to refer should apply to all public bodies.

### Question 10

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

Co-ordinated, multi-disciplinary, person centred approaches to health, substance misuse and homelessness are most effective and should include both health and non-health services. Partnership working with health boards including possible co-funding of multi-disciplinary homelessness and housing support teams could enable swift access to NHS services.

### Question 11

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

A Welsh Government led IT system would be beneficial. Some case management systems have duty-to-refer and reporting functionality, but it is not widespread. It is also costly to maintain and update. The proposals in this consultation will entail a rebuild of our current reporting system.

The process should be digitalised so that the referral can be made swiftly, does not get lost between different departments and can be followed up.

Training for all public bodies should be made available.

As more public bodies get used to making a referral the burden on local authorities will increase. This should be monitored, and additional funding provided, as needed.

## Question 12

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

Multiple or complex needs should go hand-in-hand with the duty to refer. As public bodies are expected to refer a person to the local authority, there should be equal measures in place for easy referral to health services. The local authority would keep a 'key-worker' approach to the case with different parts given to specialists to enable a holistic outcome.

Without specific roles and responsibilities, the pressure on other public services means, the likelihood is that housing will be left to deal with cases. The duty is unlikely to assist in preventing homelessness in itself, because most already know how to signpost an individual for homelessness assistance.

## Question 13

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

The main costs are temporary accommodation which is significantly underestimated. See question 7.

Last year, 965 people from 601 households were provided with temporary accommodation. That is an increase of 252 people (+35.3%) and an increase of 143 households (+31.2%) on 2022.

New burdens funding should also be provided to enable enhanced statistics and research to assess how the changes are affecting the local authority, whether the demand and use of resources is as expected and what more needs to be done.

The current reporting through monthly returns and the WHO12 is limited and only shows some of the wider-picture.

Targeted proposals to prevent homelessness for those disproportionately affected

## Question 14

Are there other groups of people, not captured within this section, which you believe to be disproportionately impacted by homelessness and in need of additional targeted

activity to prevent and relieve this homelessness (please provide evidence to support your views)?

We have seen increases in applications from those asked to leave the family home, affordability, mortgage repossession, and overcrowding. We are also seeing applications from multi-generational households and friends wanting to be rehoused together, to save costs.

### Question 15

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

None.

### Question 16

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

An assessment should always be undertaken by social services. If the young person refuses assistance after having been provided with all the appropriate information from social services then a homeless application can be assessed. But the initial process should be led by social care.

We note that in December 2023 (see R (on the application of) BC v Surrey CC [2023] EWHC 3209, the administrative court noted Lady Hale's comments in R (G) v Southwark LBC [2009] that,

"it cannot seriously be suggested that a child excluded from home and who is "sofa surfing" from day to day in this way, snatching showers and either having to wear the same clothes day after day or managing sometimes to get a change of clothes from home, is not in need."

Once the criteria in the Children 1989 (s20) is satisfied, the immediate and unqualified duty of a local authority is to accommodate the child. The duty cannot be resisted because it considers that accommodation could or should be provided under housing legislation (R (M) v Hammersmith & Fulham LBC [2008]). Social

In November 2023 the Childrens Commissioner noted in her report 'Homeless 16-and-17-year-olds in need of care the 'deeply concerning practice' of encouraging children away from s20 (page 24). Social Services functions must take precedence over housing.

## Question 17

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

16 & 17 year olds should not become the responsibility of the housing authority. A child should not have to present as homeless.

Where there is reason to believe that a young person is/or appears to be threatened with homelessness, an assessment should be conducted jointly with a social worker a housing officer. This will ensure a full understanding of the young person's needs and their family and environmental circumstances.

The young person, adult with parental responsibility and any significant family members known to the young person should be spoken to as part of the assessment process. In all but exceptional circumstances, a home visit should be undertaken as part of the assessment process.

Where possible, homelessness should be prevented, and young people supported to remain at home (where safe to do so) or leave in a planned and supported way. Mediation should be used as appropriate.

## Question 18

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

No. This is a vulnerable age group.

In *Alexander-David v Hammersmith & Fulham LBC* [2009] the Court of Appeal held that a landlord is unable to determine a tenancy held by a minor, because, by way of Sch.1, para.1, Trusts of Land and Appointment of Trustees Act 1996, the landlord holds the tenancy on the trust for the minor (the minor not being able to hold an estate in land by way of s.1(6), Law of Property Act 1925) and the landlord is therefore unable to serve a notice to determine the tenancy as that would amount to a breach of trust.

Section 1(6) of the 1925 Act states that "A legal estate is not capable...of being held by a minor". Paragraph 1(2) deals with those cases where there is a conveyance of a legal estate to a minor, who is of full age. The interrelationship between these two statutory schemes – the duty to provide 16 and 17 year olds with accommodation and their inability to hold a legal estate places local housing authorities in a dilemma.

It is not understood how the proposals could amend UK-wide law to allow an occupation contract in discharge of the main housing duty.

## Question 19

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

See question 13.

## Access to accommodation

## Question 20

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

There is already a plethora of legislation and guidance on what constitutes suitable accommodation. The proposals support what is already good practice in Bridgend. However, not everyone needs supported housing. Mandating the provision of such accommodation for everyone under 25s removes choice and individual needs.

## Question 21

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

We agree with the proposal that RSLs should not unreasonably refuse a nomination from a local authority.

The wording of the unacceptable behaviour test should be considered. The reference to 'guilty of unacceptable behaviour' connotes some sort of quasi-criminal conduct.

Rent arrears should be included in the definition of unacceptable behaviour where these have arisen as a result of a wilful refusal to pay. This is likely already adopted in most allocation policies where acceptance on to a housing register is based on housing need only.

The removal of those with no housing need is unlikely to make much difference. Most allocations are made to those in a higher band. It could also encourage households to make a homeless application, especially if there is no intentional homelessness to prevent such applications.

Providing additional preference above all others on the waiting list for housing is unnecessary. It should be left to the local housing authority to manage housing demand and priorities in their local area. It underestimates the needs of others on the waiting list. It is right that homeless households should have a head start above those with no housing need, but not above everyone.

It is unclear why there is a deliberate manipulation test if there is no intentional homelessness. It is simply another way of saying the same thing. It is also very difficult to prove in practice.

Deliberate manipulation should be applicable at the outset and throughout, not just at allocation stage.

## 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?

An increase in housing options is welcome but there isn't enough information in the white paper to comment on specific proposals. Those that are mentioned in paragraph 602 already exist.

If the main duty cannot be ended if an applicant refuses accommodation, the duty will always be an offer of social housing. A person-centred approach is to be encouraged but it can go too far one way. There is no incentive for an applicant to accept anything other than social housing.

A duty to maintain contact with applicants for 6-months after a final offer will be burdensome and resource intensive. It also conflates the functions of a housing officer or landlord with those of a housing options service.

## Question 23

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

See question 13.

## Implementation

### Question 24

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

The proposals, if adopted, should be staggered over a period of time. Perhaps using age bands for implementation. A 'big bang' approach should be avoided.

## Question 25

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

Local authorities are not to blame if homelessness cannot be prevented. It is case specific and limited by resources. Further information collected from data could be used to see what prevention measures were proposed and why they did not work. That would inform what further resources are needed and what works.

## Question 26

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

See question 13.

## Question 27

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

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

No comment

## Question 28

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



No comment

Organisation (if applicable):

Bridgend County Borough Council

Number: WG48223



Llywodraeth Cymru  
Welsh Government

Welsh Government  
Consultation response form

## Consultation on the White Paper on Ending Homelessness in Wales

Date of issue: 10 October 2023

Action required: Responses by 16 January 2024

**OGI** © Crown copyright 2023

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

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

## Overview

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

## How to respond

Please respond by completing the online form or completing this questionnaire and sending it to [HomelessnessLegislationReform@gov.wales](mailto:HomelessnessLegislationReform@gov.wales)

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

Homelessness Prevention Legislation Team  
Welsh Government  
Cathays Park  
Cardiff  
CF10 3NQ

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

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

## Further information and related documents

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

## Data Protection

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

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

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

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

## Confidentiality

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

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

# Reform of the existing core homelessness legislation

## Question 1

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

Yes/no

Yes

## Question 2

What are your reasons for this?

**CCBC agree with the majority of the proposals outlined within this section, as it strengthens the services ability to prevent and relieve homelessness and will allow more effective prevention work to take place. CCBC already now work to timescales attached to 6 month notices due to renting homes legislation . So, this initial proposal to extend the timescales is supported however the additional proposals attached to prevention work and PHPS will mean that there is an increase in workload and responsibilities for officers and therefore this needs to be considered from a resource and funding perspective, to ensure that officers have the time to deliver these proposals effectively (especially taking into account current levels of presentations, the rise in complex cases and current case load numbers for staff across Wales)**

**If there is consideration to implement a maximum case load per officer then again, this needs to be considered when assessing the financial and resourcing required for teams to adhere to and deliver these proposals.**

**We agree with the proposals to make the PHP's a statutory requirement as these are fundamental in clearly outlining actions agreed and options identified to assist households with their housing and support needs. However, there is concern with the recommendations regarding the ability to review these PHP's and the level of work that will be attached to this and the current pressures already placed on staff within the Homelessness and Housing Solutions Departments. This is likely to be resource intensive with a large proportion of households not agreeing to certain aspects of their PHP and therefore increasing the number of reviews received by any LA as a result of this. Whilst we fully support the applicants right to review, there needs to be consideration given to the amount of additional work that this will place on teams and how this will be resourced and financed.**

**We are also concerned about the proposal to have a statutory function to review the needs assessment and PHP every 8 weeks. Whilst we are in agreement with this in theory and principle, there is a concern that given the significantly high levels of caseloads, officers are carrying in some instances nearly 100 cases, then the ability to carry out this function effectively is a concern. Operational staff are already under significant pressures to meet the current statutory functions for assessment and issuing decision letters and this places an additional significant responsibility on staff. Real consideration needs to be given on how this function may be best resourced within teams and how it could be funded to ensure that it is achievable and delivers the intended outcomes it is intended to.**

**In theory and practice we are in support of the right to review the suitability of accommodation whilst in occupation however, the proposed timescales outlined in relation to this are a concern**

due to existing pressures and workloads already placed on staff who may be required to deliver these statutory functions. In addition, the proposal that an extension to time would be agreed between reviewing officer and person requesting the review is a concern and more guidance and clarification needs to be provided should a mutual timescale not be agreed by those parties.

In addition, guidance needs to be considered and drafted to ensure that this function takes into account the availability and demand of accommodation at the point of the review submission given the numbers of presentations and those placed in TA at the time.

We agree with the focus being placed back on Homelessness Prevention and that services are targeted to deliver this objective. We support the duty to cooperate where additional bodies and agencies are concerned but have concerns over the level of commitment and how this will work when put into operation. It is also important to note that the current housing market is in crisis with little affordable, available accommodation across all sectors therefore we question if this is achievable given market conditions and therefore can't be substantiated at this time.

Renting Homes has only been in effect for 12 months so the impact of this on the availability of accommodation and turnover of accommodation as a result of aspects of this is still to be fully assessed.

### Question 3

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

There needs to be more responsibility placed on other agencies both statutory and non-statutory to prevent homelessness and there needs to be a consequence placed on those agencies should they not adhere to any policy and process that is set up.

The applicant also needs to retain an element of responsibility to adhere to steps outlined in their assessment and personal plans and it is not the sole responsibility of the local authority homelessness department.

### Question 4

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

Yes/no

Yes – As a consequence of the pandemic and the addendum to the COG in 2023, we are already working toward this. However, there needs to be financial and resource support to assist LA's in continuing to deliver this when costs associated with providing interim emergency housing are spiralling, placement numbers and presentations continue to rise and the overall permanent housing stock continues to diminish.

## Question 5

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

Yes/no

**No – Data has shown that across the 22 Local authorities that this test is only applied in instances where it has been deemed appropriate and suitable.**

**The removal of this test will not allow local authorities to use this as a catalyst to ensure a household engages and modifies their behaviour. It is often used as a carrot and stick to get households to modify the behaviour that may have led to consideration of this decision.**

**As an LA we are already able to opt out of applying this test either overall or to certain categories. The number of decisions made shows that this is used minimally across all LA's then why change something that isn't broken.**

**The removal of this test could have an unintended consequence placing no responsibility on the applicant where their behaviour may cause them to lose accommodation and therefore may not achieve successful prevention of homelessness in the longer term.**

## 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.

**No – we do not agree with this proposal.**

**Local connection should remain and we feel that the additional list of exemptions is not required. There are already reciprocal arrangements in place for local authorities to be able to achieve this for these groups and it is felt that work should be done to strengthen these rather than make the adjustments to the statutory functions.**

**This is a particular concern for those who are leaving the criminal justice environment and where it's felt that there is a risk due to high number of offences committed in an area for example and community tensions within that area rather than the whole LA where they wish to apply and seek assistance from another authority where their duty could still be met by their retaining LA.**

**We feel that at this stage there is no need to amend the current local connection criteria and include additional groups as Local Authorities are familiar and experienced at given due consideration to this when completing assessments and applying it logically when taking into account this part of the assessment. In addition, there are a number of established reciprocal arrangements and existing policies and processes in place that protect the identified groups when considering local connection and it is these that should be reviewed and looked at and made more comprehensive across Wales, rather than include it within the statutory functions.**

## 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?

**No but there is concern on how some calculations cannot be substantiated at this time as there is no data to support this.**

**What is clear is that this would be very much a spend to save exercise and whilst longer term there would be savings under the final duty and where associated emergency housing costs are concerned this would not be seen for a period of time given the numbers of households who are already in the homelessness arena and waiting to move on. Therefore, the financial support attached to this needs to be considered.**

**The delivery of prevention actions will be costly when you consider rent arrears are increasing and the cost to access PRS is increasing and therefore allocation of budgets needs to take this into account. In addition to needing to commission services such as mediation across a number of spectrums to include family/ landlord- tenant relationship to achieve prevention within these sectors.**

**A review of staffing structure will need to be undertaken within departments and the additional responsibilities that are going to be placed on staff to deliver this will involve reviews of Job Descriptions and Pay Grades and therefore funding will need to be considered. New posts may be required as an unintended consequence of the proposals and therefore funding needs to be considered.**

**Staff may require more support where clinical supervision is concerned and WG need to consider how this may be funded for departments and provided across Wales as a whole.**

## The role of the Welsh Public Service in preventing homelessness

### Question 8

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

Yes

Please give your reasons

**Yes we agree to this proposal. However, we would want to see some form of an extension in relation to this to include a framework that outlines any consequences should relevant bodies not adhere to this and to carry out their statutory responsibilities.**

**There is concern that the buck will still stop with the Homelessness department.**



## Question 9

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

**Yes we agree to this but this list should not be exhaustive and there needs to be scope to review and amend this as and when required ,to ensure that all agencies are signed up to deliver their responsibilities.**

## Question 10

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

**It is hard to make an informed comment if the right balance has been struck at this juncture given that at this stage this is theory and has not been tested from an operational and practical perspective.**

**In addition, as an LA we are not clear on how other agencies view such proposals and the level of commitment that they will provide to delivering these proposals.**

**Another concern at this juncture is the well-known pressures health face at this time and in light of that how realistic their ability to support these proposals from an operational perspective will be.**

**Our concern is that it is simplistic for agencies to state that they will refer and cooperate and adhere to the proposals but if different agency priorities present themselves due to pressures within the system and due to financial and resource constraints then what commitment from an operational perspective will actually be offered and will housing and homelessness departments still be left to deliver, resolve and take forward all the agreed actions and proposals?**

## Question 11

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

**Clear referral pathways will need to be in place, training will need to be provided and held regularly. Staffing resources will need to be in place and when new people enter the workplace this formulates part of their induction. This needs to be deemed a priority action and an integral part of Job Descriptions in vacancies going forward to ensure this is achievable and is seen as everyone's responsibility.**

## Question 12

In addition to the broad duties to identify, refer and co-operate, this chapter contains proposals to provide enhanced case co-ordination for those with multiple and complex

needs. To what extent will the proposals assist in preventing homelessness amongst this group?

**This will help significantly – we have a complex cases officer within the core team and the purpose of this role is to reduce case numbers and give the officer the freedom to respond and work with a number of key partner agencies to address the housing and support needs of those individuals.**

**However, we would note the number of complex needs case is increasing and therefore moving forward and in line with this proposal in order to deliver this on a larger scale, staffing resources may be an issue and will need to be considered. In conjunction with this is the need to consider providing staff with some form of clinical supervision and have the adequate financial support to deliver this given the number of complex cases that they listen to and absorb day in day out. There will also need to be significant buy in from those identified agencies that this approach is a priority to achieve the desired outcome of preventing homelessness.**

### Question 13

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

**No however there is significant concern regarding the level of funding that will be provided and how it will be provided. The implementation of such proposals will be very intensive and will take some period of adjustment just like with the HWA introduction and therefore are WG considering staggered funding over a period of years to allow LAs to move toward this way of working?**

**Prevention budgets' and allocations will need to be increased to allow LA's to deliver prevention duties in a more flexible way.**

**Staffing costs and an increase in post requirements within the service will need to be accounted for so that staff have the time and support to be able to undertake effective prevention to deliver the targeted outcomes.**

**Financial support for Temporary accommodation will need to be increased given the proposals attached and the fact that current allocation does not reflect total spend at this juncture and different models will need to be adopted as a result of these proposals.**

**HSG grant will need to be increased or additional funding provided to LA's as a statutory agency to deliver the support required to retain accommodation given that current HSG budgets are frozen, at capacity and struggling to deliver the requirements of support at the current level of cost.**

**The overall use of budgets allocated from WG needs to be more flexible and more at the discretion of the LA to meet these needs and demands with a review of how the grants are claimed and the level of data return required to claim this money.**

Targeted proposals to prevent homelessness for those disproportionately affected.

#### Question 14

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

**None identified.**

#### Question 15

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

**There needs to be more work undertaken on the guidance that will accompany the reform and significant interaction with Homeless Leads to establish this so that in operation it will succeed.**

**More statutory responsibility needs to be placed on other bodies and agencies should they not take the necessary actions identified to prevent homelessness.**

**Policies and Procedures across not just Housing but Planning/ Development etc need to be more aligned in order to eradicate Homelessness whilst we can adopt the changes if the availability of affordable social housing doesn't change and there be an increase in single person accommodation then there will still be a significant housing crisis and the objectives outlined in these proposals may not be deliverable.**

#### Question 16

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

**Whilst in theory we support the proposals . There needs to be more thought , engagement with housing and social services on how these proposals can be delivered and achieved given the current existing pressures on services and also taking into account the availability of affordable housing across all sectors.**

## Question 17

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

**Social Services Departments should consider as best practice placing a 16/17 year old Social Worker within the core Homelessness team so that a designated young person's case officer and the family mediation officer can effectively respond to and work in partnership to achieve the outcomes intended.**

**More joined up training events for the service areas to ensure that both services are continually briefed on legislation and policy etc.**

**Social Services need to understand the pressures within housing and the pathways that are available and support this.**

**Social services need to ensure that their initial assessments are done in a timely fashion and that all relevant information etc is shared with the Housing Authority.**

**Whilst in theory we support that no young person should be in an unsupported temporary accommodation environment the concern here is that if suitable TA options for this client group were at capacity and a presentation occurred that required placement then LA's may have no choice but to use other forms of TA in that scenario.**

**Timelines linked to this proposal will need to be considered to allow LA's to consider how they will take forward this proposal .**

## Question 18

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

**We agree that 16 and 17 year olds should be able to hold occupation contracts. Not all young people require supported accommodation and some have the capabilities of living independently with floating support to sustain a tenancy.**

**Any housing and support needs assessment where an individual is at risk of homelessness should be done in conjunction with social services and where it is agreed that a young person can live independently is provided with housing options and supported to apply to housing registers and seek their own accommodation. Where it is assessed that a young person does not have the skills to live independently at that time and that other options like that of supported housing would be the more appropriate option to develop their skills and ensure they do not enter a cycle of homelessness, then the LA and SS should be able to outline this in the PHP and be able to not recommend and support any assistance to access independent accommodation even if it's the young person's wish .**

## Question 19

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

**No but the associated costs with providing stand-alone specific supported accommodation for young people will need to be funded adequately.**

**In addition, given the proposals here are LA's expected to carry void in YP accommodation and absorb void costs should we have a crisis case present in light of the proposals.**

**These will take time to implement and therefore funding needs to be offered now in order to prepare as we are already trying to manage an ever increasing TA cost where current WG grant allocation doesn't cover.**

## Access to accommodation

## Question 20

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

**In principle we agree with the proposals outlined here , however we have concerns with timescales for implementation of this given current levels of those in emergency housing and the type of accommodation available to us to deliver. Whilst we fully support the proposals from an operational perspective due to barriers attached to current climate of available accommodation then this will prove challenging to deliver if there is not a significant lead time and may just place additional pressures on an already over pressurised and oversubscribed system.**

## Question 21

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

**We are in support of these proposals – CCBC already have a Common Allocation Policy in place and full CAP review is underway to ensure that moving forward the CAP is reflective of current housing need and demand in the borough.**

**We are sceptical regarding the proposal to give LA the power to remove those with no housing need from the register as this will only reduce the size of the register. It may have unintended consequences that then mean that those with no housing need seek out either homelessness duties or other categorisation with the CAP guidance in order to access the register and be placed on a waiting list for social housing.**

**In addition, partners may have more readily available stock or a particular surplus of stock i.e. older persons and the “no housing need band” may be whom they are able to allocate to, so consideration would need to be given as to how this is operationalised.**

**We also have concerns that should we enforce the power to remove those with no housing need it will generate significant work elsewhere across the system where client/ member contact complaints and queries are received which will take up additional officer time to respond.**

**The fact remains that even for those who have no housing need a full assessment via the Common Housing Register will need to be undertaken to identify this and therefore it may be more prudent to allow them onto the register but with clear communication that they will not likely be offered social housing due to the availability and demand for housing and based on the number of those on the waiting list who do have a housing need and that whilst on a waiting list they need to consider alternative housing options in other sectors and that LA make the decision that the data for those held on waiting lists within this category are not included when reporting internally and back to WG.**

## Question 22

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

**We are in agreement with this proposal as it will support the team to achieve more positive outcomes for households when discharging their main duties. The current options for discharge are quite restrictive and do not allow officers to work proactively with households to achieve positive outcomes across a wide spectrum of housing options that include supported housing, mediation to return home, return home through occupation order, with safety alarms etc.**

## Question 23

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

**Please see previous comments made in other points associated with this.**

## Implementation

### Question 24

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

**It is difficult to ascertain this given that this untested to date, whilst we can look at how the original HWA 2014 act impacted homelessness and homelessness prevention what we need to be mindful of is that the current market , availability of affordable housing , numbers in the system are significantly different to when the last legislative reform was implemented.**

**In theory it should have a significant positive impact in its implementation and enforcement however it is unclear on how successful it will be with outcomes given the lack of available accommodation and pressures across the service.**

### Question 25

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

**There needs to be some form of consequential action for bodies should they not adhere to the duty to refer and duty to cooperate.**

**Funding and resourcing needs to be seriously considered for departments so that the proposals are deliverable and achievable .**

### Question 26

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

**Please see comments made in additional questions posed in relation to the RIA.**

### Question 27

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

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

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

**None specifically identified, having the ability to engage and promote the Welsh language through having Welsh speakers and translation services available will support the delivery of this.**

**Question 28**

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

**What funding and resource support is going to be offered to LAs to be able to deliver these proposals?**

**What timelines for implementation are we looking at ?**

**Whilst in theory the proposals are supported there is still a significant amount of work to provide guidance and support to LAs and partner agencies in understanding and delivering this. What training and tools will be provided to support this ?**

**What work will be done around the overall Social Housing Build and Planning Regulations given we are in a Housing Crisis and whilst the above in theory will all work on paper if we do not have the affordable property to move people on to then how do you achieve successful prevention across the board?**

**What additional work could be looked at to increase your Leasing Scheme Wales Offer to attract more landlords onto these schemes so that the PRS market starts to become a more frequent and realistic discharge of duty option ?**

**What will the training programme look like to roll this out?**

**What will the data return requirements and reporting functions in respect of this look like moving forward once implemented as this may have cost implications as we are likely to have to upgrade systems for data collection and in addition may place additional pressures on resources to implement and collate this. Local Authorities will need time to adequately ensure that their systems are set up to both record and collate information attached to these proposals.**

Organisation (if applicable):

**Caerphilly County Borough Council**



**Number: WG48223**



Welsh Government  
Consultation response form

## Consultation on the White Paper on Ending Homelessness in Wales

Date of issue: 10 October 2023

Action required: Responses by 16 January 2024

**OGL** © Crown copyright 2023

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

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

## Overview

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

## How to respond

Please respond by completing the online form or completing this questionnaire and sending it to [HomelessnessLegislationReform@gov.wales](mailto:HomelessnessLegislationReform@gov.wales)

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

Homelessness Prevention Legislation Team  
Welsh Government  
Cathays Park  
Cardiff  
CF10 3NQ

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

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

## Further information and related documents

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

## Data Protection

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

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

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

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

## Confidentiality

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

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

# Reform of the existing core homelessness legislation

## Question 1

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

Yes/no

**Unsure, perhaps dependent on factors such as:**

**May depend if proposals/policies are followed by resourcing/support for implementation at front line level.**

**There may be more success if the expert panel members include frontline staff who have day to day experience and can give input into the feasibility of new policy.**

## Question 2

What are your reasons for this?

## Question 3

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

**Commissioning of specialist health inclusion services (primary care/Substance misuse/mental health) along with local authority services hand in hand. Will look different in different areas but principles will be the same. Homelessness is a health and housing problem – I feel it needs to be viewed together, especially at the complex end.**

## Question 4

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

Yes/no

**Yes, if the priority need test was not particularly evidence based or out of date or didn't recognise the complexity of certain situations and was preventing those who needed help accessing it then it should be removed.**

**Vulnerability is difficult to define, each test will be user dependent.**

**Agree, the transitory period will be difficult.**

Question 5

Do you agree with our proposal to abolish the Intentionality test?  
Yes/no

**Not sure about this, I have little experience being from health however.**  
**I can see that an intentionality test is not trauma informed or person centred when there are particular circumstances that may have led to 'intentional' homelessness. Would removing this test cause a large increase in numbers? ?of people who were unhappy with their accommodation for more minor reasons etc? Could a middle ground be to retain the test but give Las freedom in deciding where exceptions were to be made after in depth assessment?**

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.

**Agree, removing it could have huge cost implications for local areas.**  
**Could NRPF be added to the list of exemptions for TA? Many refugees become homeless as Home Office support is withdrawn. As the Home Office dictates the location of its initial assessment centres (in big service rich cities), do they need to contribute to the cost of housing those who find themselves homeless in those cities ( often having only 2-4 weeks notice of removal of accommodation). These individuals will have built up networks of support and be in the middle of health treatment so will understandably not want to move. It would seem sensible that the Home Office contributed to the cost of this locally.**

Question 7

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

The role of the Welsh Public Service in preventing homelessness

Question 8

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

Yes

Please give your reasons

**Homelessness is everyone's problem and the linkage with health both ways cannot be overestimated. Health colleagues have a duty to refer to local authorities when there is a risk or actual homelessness. Local authority homeless teams have a duty to refer to health when service users are not registered with a GP or have health problems that need treating.**

**The commissioning of specialist health inclusion services is linked here, if there are no specialist health inclusion services the above is unlikely to work.**

### Question 9

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

**Add schools?**

### Question 10

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

**I think there could be more of an emphasis on health here and the reality that housing and health are difficult to separate so trying to sort one without the other may not be productive. Perhaps exploring commissioning homeless LA services with specialist Health Inclusion services with pooled budget etc could be explored.**

### Question 11

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

**Education of all frontline health professionals**

**Easy way of referral**

**Telling the story of why the duties need to be in place and what benefit these duties will give to the service user and the services involved.**

**Commissioning of specialist health Inclusion services**

## Question 12

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

## Question 13

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

Targeted proposals to prevent homelessness for those disproportionately affected

## Question 14

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

**Roma, Gypsy and travelling people – especially those who stop roadside etc**

## Question 15

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

**Duty to commission specialist health inclusion services**

**Question 16**

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

**Question 17**

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

**Question 18**

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

**Question 19**

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



Access to accommodation

Question 20

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

Question 21

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

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?

Question 23

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

Implementation

**Question 24**

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

**Question 25**

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

**Question 26**

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

**Question 27**

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

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

**Question 28**

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

**The improvement work with regards to strengthening MDT practice between homelessness, mental health and substance misuse would benefit from having specialist health inclusion primary care as part of the model, to complete it. Without primary care there is a large gap, if these services were jointly commissioned it would ensure all remained sustainable and linked.**

**Preventing discharge into homelessness would be well serviced by specialist health inclusion services (local authority/health together) who could have staff in reach into EU/Secondary care to help with discharge planning and liaison – this is currently being trialled/mapped in Cardiff by CAVHIS.**

**Step down beds could be a really positive addition to this but would need specialist health inclusion teams resourced and in formal partnership with LA colleagues to be able to manage.**

Organisation (if applicable):

**Cardiff and Vale Health Inclusion Service**

Number: WG48223



Llywodraeth Cymru  
Welsh Government

Welsh Government  
Consultation response form

## Consultation on the White Paper on Ending Homelessness in Wales

Date of issue: 10 October 2023

Action required: Responses by 16 January 2024

**OGI** © Crown copyright 2023

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

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

## Overview

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

## How to respond

Please respond by completing the online form or completing this questionnaire and sending it to [HomelessnessLegislationReform@gov.wales](mailto:HomelessnessLegislationReform@gov.wales)

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

Homelessness Prevention Legislation Team  
Welsh Government  
Cathays Park  
Cardiff  
CF10 3NQ

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

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

## Further information and related documents

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

## Data Protection

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

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

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

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

## Confidentiality

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

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

# Reform of the existing core homelessness legislation

## Question 1

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

Yes/no

**It is unclear whether these proposals will lead to increased prevention and relief of homelessness.**

## Question 2

What are your reasons for this?

**The proposals will likely be dependent on the resource available for frontline staff in both the health and housing sectors. Some of the proposals detailed in this White Paper are already being practised on the ground by Cardiff and Vale UHB: D2RA has been in place since August 2023. The Integrated Discharge Service already starts discharge planning on admission to hospital, therefore ensuring a smooth discharge into the community and into appropriate accommodation.**

## Question 3

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

**The proposals already outline a duty for Health Boards to identify, refer and cooperate with Housing colleagues in order to prevent and relieve homelessness. One additional suggestion would be the development of specialist health inclusion services across each Health Board in Wales; however, this would potentially require further investment. Ideally the specialist health inclusion service would incorporate primary care, allied health professionals, substance misuse, mental health and local authority social care and housing services.**

## Question 4

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

Yes/no

**We agree with the decision to abolish the priority need test as vulnerability can be difficult to define, and may therefore lead to unfair outcomes. However, housing colleagues would be best placed to respond to this query.**

## Question 5

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

Yes/no

**Housing colleagues would be best placed to respond to this query.**

## 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.

**Housing colleagues would be best placed to respond to this query. Removing the local connection test could have large financial implications for local health and housing sectors; therefore, it may be best to keep this in.**

**An additional group to be added to the list of exemptions might be those with No Recourse to Public Funds. Individuals in this cohort are allocated to initial assessment centres by the Home Office, and are frequently given short notice of removal from their accommodation, therefore finding themselves homeless. The situations for this cohort are varied, but many will have built up social networks and may be continuing a course of medical treatment meaning that moving them away from the local area would be harmful for both the individual and for public health.**

## 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?

**N/A**

## The role of the Welsh Public Service in preventing homelessness

### Question 8

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

Yes



Please give your reasons

**Yes. We agree with the duty of Health Boards to identify, refer and cooperate with housing colleagues in order to prevent homelessness. It should be noted that the relationship between housing and health should be bi-directional, and that a multi-agency response is often required. Local Health Boards need to have a duty to refer to local authority housing where there is a risk of homelessness and Housing colleagues should have a duty to refer to relevant health services where there is a health condition that requires treatment, or where there is a need for GP registration.**

**Within Mental Health services there are two seconded Housing Workers from Vale Local Authority and Cardiff Local Authority. Their roles are critical in identifying and addressing housing needs at the earliest opportunity. Housing needs are assessed at the point of admission to a mental health facility. In line with best practice, a referral is made to our Housing Worker to support with measures to prevent homelessness or to refer to Housing Services. In addition to this, weekly Delayed Transfer of Care meetings are attended by the seconded Housing Workers, Cardiff and Vale Local Authority Temporary Accommodation leads and Mind Supported Housing Scheme leads. This ensures collaboration, timely updates and management of housing related issues. Furthermore, Mental Health began a partnership for supported housing provision for people with mental health needs in April 2023. Currently there are 15 commissioned spaces, with a view to increasing this number in 2024/25.**

**Our Integrated Discharge Service has been utilising the D2RA model since August 2023 and will start planning discharge on admission to hospital for our general hospital service users. This ensures discharge to appropriate accommodation.**

## Question 9

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

**We agree with the proposed list of bodies to which the duties to identify, refer and cooperate apply to. This would include Cardiff and Vale UHB.**

**In terms of services that should be removed from the list, and as stated in the White Paper in paragraph 241, Emergency Units should have the duty to 'identify and refer'; however, the duty to cooperate from Emergency Units would be problematic as the staff do not have an ongoing relationship or responsibility for service users once discharged from the Emergency Unit.**

**In terms of additional bodies, it may be relevant to include Schools, Further Education and Higher Education establishments.**

## Question 10

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

**Overall, the legislation is supportive in terms of focusing attention on those with housing needs.**

**However, from a health perspective, more support would be needed to drive implementation of the legislation. For example, whilst there is a strong inpatient approach for mental health and housing needs, it is supported by a small team. In order to enhance the remit to service users open to community services the team would need to be expanded which would have financial implications. Additionally, a further solution to this issue might be to integrate homeless services within a specialist Health Inclusion service, which again has financial implications.**

There is also a broader need to improve clinicians' understanding of housing needs in all its forms and the steps that can be taken to address these needs.

### Question 11

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

**For the proposed duties to identify, refer and cooperate to work effectively, the following measures would need to be in place:**

- **Education of frontline health professionals as to housing needs, the duties, and referral pathways**
- **An easy way for frontline health professionals to be able to refer to Housing**
- **The provision of advice, training and support to Housing staff to understand health services**
- **Co-location and strong partnership working between health and housing, which may have financial implications**

### Question 12

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

**Enhanced case coordination for those with multiple and complex needs should achieve the intended outcome. In relation to mental health service users, the Mental Health (Wales) Measure 2010 Section 18 – Care and Treatment Plan captures accommodation within its core areas. Therefore, if this is completed correctly, homelessness should be prevented. Education is again at the heart of this culture change, and will support a change in practice.**

### Question 13

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

N/A

## Targeted proposals to prevent homelessness for those disproportionately affected

### Question 14

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

**Additional groups that are disproportionately affected by homelessness, who are not captured in the White Paper include Roma Gypsy and Traveller communities, in particular those who are not settled but who stop on the roadside.**

### Question 15

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

**The White Paper captures most of the legislative and policy changes that would be needed to prevent or relieve homelessness. However, one area not mentioned is the deployment of evidence-based health inclusion services across Wales.**

### Question 16

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

**Housing and Social Services colleagues would be best placed to respond to this query.**

### Question 17

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

**Housing and Social Services colleagues would be best placed to respond to this query.**

### Question 18

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

**Housing colleagues would be best placed to respond to this query.**

### Question 19

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

**N/A**

### Access to accommodation

### Question 20

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

**Housing colleagues would be best placed to respond to this query. Any proposals to increase additional accommodation would have to support independent living facilities such as cooking and a place for food storage and facilities to ensure personal hygiene e.g. accessible showers and baths.**

### Question 21

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

**Housing colleagues would be best placed to respond to this query.**

## 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?

**Housing colleagues would be best placed to respond to this query.**

## Question 23

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

**N/A**

## Implementation

### Question 24

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

**Housing colleagues would be best placed to respond to this query.**

### Question 25

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

N/A

## Question 26

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

N/A

## Question 27

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

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

**Cardiff and Vale UHB practises the 'active offer' of the Welsh language, as outlined in the 'More than just words' Welsh Government Framework. This would help to facilitate health services for homeless Welsh speakers in our area.**

## Question 28

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

**An integrated health inclusion service, to include primary care, allied health professionals, mental health, substance misuse, social care and housing may be a potential implementation solution in preventing homelessness.**

**Other options could include step down beds upon discharge from hospital or in-reach into Emergency Unit, but all would need to be appropriately resourced.**

Organisation (if applicable):

<b>Cardiff and Vale UHB</b>
-----------------------------

Number: WG48223



Llywodraeth Cymru  
Welsh Government

Welsh Government  
Consultation response form

## Consultation on the White Paper on Ending Homelessness in Wales

Action required: Responses by 16 January 2024

**OGL** © Crown copyright 2023

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

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



## Overview

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

## How to respond

Please respond by completing the online form or completing this questionnaire and sending it to [HomelessnessLegislationReform@gov.wales](mailto:HomelessnessLegislationReform@gov.wales)

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

Homelessness Prevention Legislation Team  
Welsh Government  
Cathays Park  
Cardiff  
CF10 3NQ

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

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

## Further information and related documents

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

## Data Protection

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

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

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

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

## Confidentiality

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

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

# Reform of the existing core homelessness legislation

## Question 1

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

**No.** Over the short to medium term, we believe the changes would have a negative impact on the prevention and relief of homelessness. The key to preventing homelessness is the supply of affordable housing, both in the social and public sector, and achieving this is not addressed in the White Paper. Placing additional duties on Local Authorities at the current time is likely to exacerbate the current crisis rather than reduce homelessness.

Cardiff Council agrees with many of the principles and ambitions contained within Chapter 1 of the White Paper, and that, with a significant increase in capital and revenue funding over a long period of time, these will help to increase prevention rates and relief of homelessness. However, we believe that there are many proposals that, although made with good intentions, will lead to unintended consequences, and will increase pressures and demand on an already overstretched system.

We believe that some of the proposals will increase dependency, remove personal responsibility and lead to expectations from applicants that cannot be met by the Local Authority. In this, the proposals move away from the approach that empowers and supports individuals to find their own solutions and which is one of the key factors in the Housing Wales Act.

Responses below will provide more detail about our views on each proposal but in the short term to medium term, we believe that many of the changes are unachievable. Most of the proposed changes could only be achieved with significant revenue and capital investment and over a very long period of time. We believe that some proposals unfortunately are probably not achievable at all, even with considerable investment.

Very high-level estimated costings, based on a number of assumptions have also been detailed in each Chapter under the RIA response.

## Question 2

What are your reasons for this?

In the current climate, many of proposed changes are not possible. Cardiff Council declared a Housing Emergency in December 2023 due to the lack of supply of affordable housing in the city and the unprecedented demand on services. Many of the proposed changes will only add more pressures and demand on services that are already significantly overstretched.

Although a small country, Wales is made up of very diverse communities and these proposals do not consider the differences between the local authority areas including different demographics, different communities and different housing

need. Local Authorities are best placed to understand local need and how best to address this using local solutions.

The success of the proposed reforms are also dependant on other key policy intervention, some of which are the responsibility of the UK rather than the Welsh Government. These include increasing Local Housing Allowance (LHA) rates and a clearer response to those with No Recourse to Public Funds (NRPF).

Each proposal within Chapter 1 has been fully examined and Cardiff's responses to the each of the proposed changes are outlined below;

**1. 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**

Cardiff Council welcomes this proposed change as it will allow Prevention Officers to take a more proactive approach before the point of crisis, with a longer period to support those at risk of homelessness. This will require a significant increase in revenue funding and could only be achieved when the current housing emergency has been stabilised. So, in summary this could only be achieved in the medium term and only if additional resources are provided.

**2. 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**

Cardiff Council welcomes this proposed change. The impact of this change on Homelessness Services in Cardiff would be minimal, so could be achieved in the short term.

**3. A statutory duty to draw up a Personal Housing Plan (PHP) containing the steps the local housing authority will take to secure accommodation for the applicant.**

This is welcomed and will support a person-centred approach but can only be achieved in a comprehensive way if additional revenue funding is provided and once the exceptional demand on services that is currently being experienced has stabilised.

The use of Personal Housing Plans (PHP) is already in place in Cardiff. Currently PHP's are only completed with those applicants who are threatened with homelessness and are receiving support under a duty to help prevent homelessness.

It should be noted that not all applicants will participate actively in this process due to their complexities, so there needs to be flexibility for this cohort of people. This proposal will require significant revenue funding and the recruitment of additional staff, so could only be achieved in the medium term.

**4. Statutory duty to review the needs assessment and PHP with the applicant within a defined timescale of 8 weeks.**

The changes proposed require PHPs to be reviewed regularly to reflect the changing needs and circumstances of the applicant. This will involve regular meetings with clients and therefore an increase in staffing and therefore additional revenue will be required.

Whilst regularly reviewing a PHP is welcomed, there needs to be some flexibility for the most complex and chaotic individuals who may not engage with the process. Having repeated reviews of Personal Housing Plans may cause distress in terms of triggering any anxieties / trauma.

Having to review the case every 8 weeks may be too frequent. Review timeframes could be agreed between case officer and client to ensure they are person-centred and not just a tick box exercise. This change could only be achieved in the medium term, once the current housing crisis has stabilised and additional staff have been recruited.

**5. Statutory duty to include an applicant's views on their accommodation needs in a PHP.**

Cardiff does not agree with this proposal. Whilst in principle an applicant's views on their accommodation needs should be taken into account, it is not realistic to provide any significant choice on type of accommodation at the current time, given the current status of housing supply in Cardiff. This sets unfair and unrealistic expectations for the applicant which are very unlikely to be achieved.

The White Paper also is not specific enough about the needs that should be considered. More clarity in terms of the actual proposal is required to fully respond to this proposal. However, our overall view is that any increase in choice of accommodation is unrealistic in the current housing situation and will significantly delay move on from temporary accommodation.

**6. A right to request a review in relation to the reasonable steps taken to prevent homelessness or secure accommodation outlined in an applicants assessment of housing need and their PIP.**

This proposal is agreed. At present if a reasonable step has been agreed, for example "pay outstanding rent arrears" and the applicant has the means to do this but does not adhere to this, the Local Authority can end its legal duty due to unreasonable failure to engage. The proposed change means that the client could now request that this decision is reviewed. This will inevitably lead to more reviews and so there will be increased revenue required. Additional consideration of this proposal is required including what the solution would be if an agreement cannot be reached with a client and how would any unrealistic demands be managed?

**7. 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).**

Cardiff does not agree with this proposal. A sensible time limit must be in place to request a review of a decision under the homelessness legislation and Cardiff believes that 21 days is sufficient time for a client to decide whether the accommodation is suitable. The proposal appears to allow a client to raise concerns many years later that their property is unsuitable for their current needs.

When a household's circumstances change the arrangement at the current time is that they can reapply to the Housing Waiting list if their property no longer meets their housing needs. We believe this is the most appropriate approach.

**8. 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.**

Cardiff Council welcomes this proposal if additional resources are made available and would be able to implement this in the medium term.

Although there is no current statutory duty in place, this already happens in Cardiff in practice for some clients, especially those that have been provided with a rent rescue payment or an offer of PRS accommodation. However, to place this on a statutory footing would involve additional demand and the need for additional resources including the creation of new staff teams.

**9. A narrower test which sets out a small number of clearly defined and limited grounds for the unreasonable failure to co-operate test.**

Cardiff Council strongly disagrees with this proposal. Should this change be implemented there would be no consequence for a client who deliberately fails to comply with their PHP.

The 'Unreasonable Failure to Cooperate' test is never applied to our complex clients. This test is mostly used under the prevention stage of the process and there are often tasks that are set in the PHP which the client is required carry out and co-operate with to help with their housing situation. Some examples of where it may be deemed that the client has 'unreasonable failed to co-operate would be;

- Failure to pay rent (but has the means to do so) .
- Failure to attend viewings which have been arranged.
- Rude/aggressive conduct in viewings

The proposed change would mean that only when a client displays threatening behaviour towards local housing authority staff or there is consistently no-contact with the housing options services would there be a unreasonable failure to co-operate applied and therefore out duty ended. This will mean that applicants could refuse to engage with support, housing plans, arrears repayments, or landlord mediation without any consequence.

**10. 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.**

Cardiff Council welcomes this proposal, although some additional resource would be required to review, monitor, and then regularly update any digital services. This with increased resources could be achieved in the short term.

**11. Setting out in legislation that local housing authorities be required to communicate at regular intervals with applicants on:**

- i) Progress of their application for longer-term accommodation and expected time scales.**
- ii) Their rights to request reviews of the suitability of the accommodation and of any other relevant decisions.**
- iii) Support that may be available to the applicant**

This proposal is welcomed by Cardiff Council, as regular ongoing communication is crucial, however additional resources will be required to implement this.

Additional staff would be required to ensure that this work is carried out. This also may result in an increased workload for case officers. However, as there are already good lines of communication within Cardiff's current procedures, we believe that with additional resources this could be achieved in the short term.

### Question 3

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

An increase in the Prevention Grant to allow Cardiff to be creative and use local initiatives would be welcomed. An increase in NOLO will also be required to continue to accommodate those who are currently in temporary accommodation as there are no other options in this point of time to provide shelter for these clients.

Legislative changes to improve access to the private rented sector would also be welcomed including:

- New incentives to support private landlords to encourage lets to homeless households. Engagement with private landlords would be crucial to understand the barriers that prevent them from letting to applicants and what incentives they may like to see introduced to help to reduce or remove these barriers. A menu of options may be preferable, where the landlord could pick a number of options from this list to best suit their requirements.

Legislative changes to improve flexibility for Supported Accommodation should also be considered including:

- The removal of Supported Accommodation from The Renting Homes Act, reverting to longer license agreements for those in this type of accommodation. This allows for flexible housing management to ensure we can work with individuals to maintain their accommodation, moving individuals where necessary to alternative accommodation rather than excluding or evicting them. It also allows the service to manage risk and ensure the vulnerable are safeguarded.
- Annex D requirements should only apply to new builds. Conversions of existing accommodation should not need to have separate bedroom from living room if it not sensible to do so (i.e. if there was a loss of space)

Some legislative proposals that Cardiff believes would enable quicker delivery of new housing developments, that would in turn help the relief of homelessness include:

- Extending the allowed period for local authorities to benefit from permitted development rights for the meanwhile use of sites for the delivery of Temporary Housing units to help tackle homelessness. Change the current period of 12 months for permitted development rights specifically for temporary housing to 5 years. This will enable Local Authorities to make more use of existing brownfield sites in their ownership to deliver temporary housing at scale.
- Welsh Government should consider 'softening' the requirements around Temporary Housing on meanwhile use basis around SUDs and other statutory requirements.
- More fundamentally, Welsh Government should consider relaxing some of the strategic pre-construction commencement planning requirements for 100% social rented housing schemes to enable contractors to begin work on site more quickly to speed up delivery. Things such as allowing Social Housing schemes to start on site without a S104 approval, or without the formal SUDs approval on the basis these agreements will be forthcoming during the construction period. i.e.: reduce the number of barriers to starting on site for 100% social rented schemes.

#### Question 4

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

**No**, Cardiff Council strongly objects to this proposal. This will result in the Local Authority having a duty to house anyone who presents to the service.

Learning from the experience in Scotland which removed the priority test and saw demand for Temporary Accommodation triple demonstrates that unless there is a significant increase in the number of Temporary Accommodation units, this is simply not achievable.

Even with the current legislation on priority need, supply cannot meet demand. The current priority list provides the safety net for many vulnerable groups. By not having any priority groups would prevent the prioritisation of the most vulnerable individuals/ households as all cases will be given equal priority.

The unintended consequence of this is that this proposal will also increase dependency and expectancy by providing Temporary Accommodation to all who present as homeless. From our experience, many people, with some support, can and should source and maintain their own accommodation. This proposal removes all requirement for individuals to take personal responsibility to find accommodation. It would draw more people into local authority provided



temporary accommodation, resulting in a massive increase in demand for this and long delays in move on.

Cardiff believes there should be a balance between the duty of the Local Authority to assist individuals and the individual's responsibility to meet their own housing needs where they are able to do so. Therefore, we do not agree with this proposal.

An alternative proposal that clarifies the duty to Help Secure Accommodation would however be supported, provided his involved further consultation.

## Question 5

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

**No**, Cardiff Council strongly disagrees with this proposed change. This change would mean that the Local Authority has no ability to address cases where evidence shows there has been a deliberate act or omission which has caused the homelessness, increasing demand on the service and resulting in a lack of consequence for an individual's actions.

Cardiff has seen cases recently where individuals have deliberately withheld their rent, despite having the means to pay, so that they can enter homeless services. In many instances, this is to secure social housing as opposed to remaining in the private rented sector. Not applying intentionally decisions sends the wrong message to those who present as homeless and encourages poor behaviour in a minority of homeless applicants.

This behaviour also leads to landlords becoming less likely to work with the Local Authority to prevent this applicant or future applicants from becoming homeless and makes them reluctant to house future homeless applicants.

## 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.

**No**, Cardiff Council strongly disagrees with this proposal. Cardiff as a Capital city will be disproportionality affected if this proposal is introduced. This is due to the diverse nature of its residents, being a NASS dispersal area, having a number of gypsy/traveller sites, being a busy capital city, and a having prison - all of this will attract clients from out of the area into the city.

HMP Cardiff holds a population of around 800. It is unknown how many of those leaving prison will present to services in Cardiff following this change.

Cardiff already issues 'waivers' to those with no local connection who have special circumstances.

More clarity is required regarding the proposals in terms of the definition of those groups that will be considered as having local connection. For example, the inclusion of veterans and their family does not clarify whether this would apply to a veteran who has recently left the armed forces or one who left 20+ years ago. Clearer definition of 'at risk' is also needed so that any change is proportionate to need.

Initial information from Scotland, who have recently introduced changes on the local connection test, indicates that pressure on support services and social work has increased as people move between authorities, an unintended consequence that must be fully considered.

Cardiff as a capital city would inevitably be disproportionately affected by this change and the city simply does not have the available housing to increase those who are considered as having local connection.

## 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?

When comparing draft costs in the RIA to some initial costings, we believe that Welsh Government have underestimated some cost implications significantly. A high-level estimated summary of costs are below:

Additional Revenue costs: £19.5 million

Additional Capital costs: £358 million

## The role of the Welsh Public Service in preventing homelessness

### Question 8

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

Please give your reasons

**Yes** These proposals are welcomed by Cardiff Council. Intervention at the earliest possible opportunity will maximise outcomes. The proposal will formalise the responsibility for organisations/bodies to participate in actively identifying people who are at risk of homeless; this does not diminish the Local Authority's responsibility; however, it gives greater chance of preventing people before becoming homeless, giving as much time as possible to carry out preventative work.

However, referrals should not be used to pass responsibility for wider support needs of individuals to the Homeless Teams and a robust programme of education and training should be put in place to support those bodies to recognise when to refer.

As this will significantly increase both referrals and therefore housing duties, additional staffing will be required and additional temporary accommodation and settled accommodation will also be required. Also, ensuring appropriate data sharing protocols are in place will be key to the success of this proposal.

Information on the referral must be balanced to ensure that there is enough data captured to ensure that referrals are appropriate but not too onerous that organisations are deterred from referring.

It is anticipated that service users will have to consent to the referrals to ensure they understand the purpose of the referral, and consent to information and contact details being passed on to Housing Teams so they will engage with the process.

Referral mechanisms should be set out in a template for example so there is consistency. A consequence of formalising the approach could be that public bodies refer to several Local Authorities not understanding local connections for example and don't obtain consent but still send a referral.

Given the current demands on the service this proposed change could not be introduced until the medium term and only then with significant resources for both the Local Authority and the organisations that will have the new duty placed on them.

**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**

This proposed change is welcomed by Cardiff Council and would make sense in terms of ensuring that relevant bodies do not refer cases to the Local Authority where they have the resources to achieve preventative outcomes. This may require additional resources potentially for those specified parts to meet this duty, so this will need to be factored into the overall cost analysis.

Further clarity on this proposal is required so that it can be fully understood who will monitor and, if these organisations were not fulfilling this duty, how this would be enforced. Also, clarity is required on how any inappropriate referrals that were made to the Local Authority, would be resolved.

## Question 9

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

**Yes** we agree with the proposed bodies, to identify refer and cooperate, provided that additional resources are made available across these bodies to ensure that this duty can be met.

We understand that the Welsh Government can only place a duty on those organisations in their control, for example, social services, local health boards & RSL's, however we believe that representation to UK Government here is crucial if we really want to see a meaningful impact. If for example the Home Office, DWP, Probation Service and Prison Service had a duty to effectively identify, refer and cooperate this would prove invaluable for planning services, making a real difference to the current system which is often reactive rather than preventative. With a duty on these organisations too this would help to support the prevention agenda.

We are aware that educational establishments have not been listed due to commitment to reducing workload for schools, however, Cardiff believes that to be most effective these establishments should be subject to this duty as well and perhaps consideration should be given to removing other workloads to allow for this.

Cardiff also believes that any third sector organisations that are funded by the Housing Support Grant should also have a similar duty.

The list should also, where possible, evolve to include bodies that connects with groups that are recognised as harder to engage with including the WAST.

Training should also be provided to other organisations to help them to identify and refer, although not necessarily place a duty on them to do, but to create more awareness of the issues. These organisations could include Third Sector organisations and charities that have specific links to those who are less likely to seek assistance from the Local Authority e.g. Barnardos, Princes Trust, MIND

The need for closer linkage with health cannot be overestimated. Health colleagues should have a duty to refer to local authorities when there is a risk of actual homelessness. Local authority homeless teams have a duty to refer to health when service users are not registered with a GP or have health problems that need treating.

The commissioning of specialist health inclusion services is linked here, if there are no specialist health inclusion services the above is unlikely to work.

## Question 10

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

**Yes**, although the introduction of this duty will require additional resources and accommodation options to support this proposal as there will be an increase of referrals being received, particularly in light of the coordination of complex cases.

There could be more of an emphasis on health and the reality that housing and health needs are difficult to separate in more complex cases, so trying to resolve

the issues of homelessness without addressing health needs will not be productive.

## Question 11

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

Additional staffing resources would be required, not just to be able to cope with the increased number of referrals, assessments and preventative work, but also the number of first point of contact officers – responding to enquiries from organisations. A complex case coordinator would also be required, a post which is currently not part of the infrastructure in Cardiff.

A comprehensive training programme would need to be implemented for organisations/bodies under the new duty; a certain level of housing/homelessness knowledge would be required, rather than a 'refer all' approach. Training would need to be refreshed on a regular basis, or when legislative changes are made; learning resources/work instructions would also need to be available.

An online ICT solution would be beneficial for this proposal, to allow organisations to make referrals, receive updates on cases and alleviate duplicated referrals; this would help with coordination but also for customers to access and make updates on their Personal Housing Plan.

From a health perspective, education of all frontline health professionals would be required with an easy way of referring cases developed.

This should tell the story of why the duties need to be in place and what benefit these duties will give to the service user and the services involved.

Commissioning of specialist Health Inclusion Services would also be beneficial. Co-location already occurs in some areas including prison and hospitals. This should be developed further alongside other organisations and settings so that homelessness services have a presence and can provide support to both applicants and staff in a timely manner. Of course, this will require additional resourcing.

There is a good working culture between many of the organisations and Cardiff Council already. However, this relationship can prove problematic on occasions, often due to lack of resources, with a lack of clarity over who should be responsible for a case. This can result in applicants feeling they are passed from one team to another, with no one seeming to want to take responsibility. To address this, there needs to be adequate planning with resources to match.

## Question 12

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

We think that this proposal will assist in preventing homelessness but will however require significant increase in funding to meet the demand.

The multi-disciplinary style approach has already been trialled in Cardiff and is working well, providing a complete package of support for individuals/individual family, however this model is time intensive and requires a substantial amount of resource from relevant organisations/teams.

Significant progress has been made in Cardiff with the introduction of the Homeless Multi-Disciplinary Team (MDT) in 2019. The MDT was set up to target people who experience repeated instances of homelessness, whereby they move transiently between homeless services, hospital care, the prison system, and periods of sleeping on the streets. They may be engaged in risky behaviours such as sex workers or criminal activity and often have co-occurring mental health and substance misuse issues. The service provides a joined up, case management service that is flexible and a responsive multi-disciplinary approach to a targeted cohort.

This service has grown in strength and numbers of multi-agency professionals involved. The next stage of growth is closer alignment with Cardiff and Vale Health Inclusion Service, the key partner in Cardiff is now Primary Care in the Community PCIC and a range of Area Planning Board services.

The effectiveness of the Multi-agency approach has created a significant increase in the visibility of this vulnerable cohort of our population. This has resulted in more NHS provided services being involved with the MDT including provision of GP outreach services, dietetics, occupational therapy, dentistry, and optometry.

A Young Persons Multi-agency Team was established in Cardiff in 2022 on the same model as the Homelessness MDT, working on a preventative approach with young people with complex housing need, substance use and mental health issues.

A multi-agency health inclusion work stream has been established. Whilst Cardiff has had success this has been down to good partnership working and good will on the ground, effective leadership, and a willingness to do things differently and taking a chance, using small pots of funding to meet gaps in provision rather than a wider system change. Health Boards and other public bodies providing services to this cohort need to change the way they work together in order to effectively deliver services to this cohort.

The future for this approach in Cardiff is for it to be embedded and become part of mainstream services. The University Health Board is now taking a leading role and looking to establish a core service that is mainstream funded and not reliant on grants. This commitment has been based on the learning and success of the approach.

There is now an Inclusive Health Programme Board in place and this work is led by the UHB, with a jointly funded project manager recruited (LA/UHB). A governance framework/leadership group is in place to take this work forward (Programme Board chaired by the Chief Operating Officer of the UHB).

Planned Action that is needed to take this forward is a change in the way health and social care is provided and funded to vulnerable people that come into Homelessness services.

To address the many health inequalities for the cohorts below services will need to be properly funded to provide holistic General Medical Services (GMS) care for:

- All high needs complex homeless people
- Sex workers
- Asylum Seekers under section 98 and Asylum Seekers under section 95 who are too vulnerable to access traditional care
- Those under IOM/Short term sentencing

This will mean longer-term change is needed to the way General Medical Services are contracted and how Mental Health and Substance Misuse Services are funded and delivered for these cohorts. Integrated health and social care services for people experiencing homelessness is needed to improve access to and engagement with health and social care, and ensure care is coordinated across different services.

NICE guidelines are very clear on the way forward: [Overview | Integrated health and social care for people experiencing homelessness | Guidance | NICE](#)

Cardiff is looking to develop an Inclusive Health Service that provides:

- Specialist GPs (including Mental Health/Substance use) providing services exclusively for patients who are homeless.
- Set up dedicated Health Centres primarily for people who are homeless.
- Mobile Teams providing health care in hostels and day services for vulnerable people identified above facing homelessness.

### Question 13

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

Again, when comparing draft costs in the RIA to some initial costings, we believe that Welsh Government have underestimated some cost implications significantly. A high level estimated summary of costs are below:

Additional Revenue costs: £3 million

Additional Capital costs: £25,000.

## Targeted proposals to prevent homelessness for those disproportionately affected

### Question 14

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

No, it is our view that the White Paper captures the at-risk groups very well and we have no further groups to add.

### Question 15

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

Cardiff Council believes the following additional proposals could improve the prevention and relief of homelessness for the groups captured by the White Paper

- A duty to commission specialist health inclusion services
- A full review of the prisoner pathway to reduce duplication and speed up processes.

### Question 16

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

There are several proposals made and each one has been carefully considered by Cardiff Council. Some are agreed with and the reasons for this are below, however some are not agreed with and will produce unintended consequences. It is worth noting however that Cardiff Council has seen improvements in partnership work between Social Services and housing/homelessness teams in recent years. The PA service is now managed within the Housing and Communities Directorate which will ensure long term partner relationships are strengthened.

Challenges include having buy in from both areas, especially as demand is felt by both Housing and Social Services; also setting a clear line on roles and responsibilities.



**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.**

The Council will need to increase its Young Persons accommodation offer and ensure that the accommodation is set up to manage the range of different support needs. The Young Persons MDT has brought together many of the services that work in a targeted way to ensure the Young Persons needs are met. Consideration should be given to expanding and strengthening this approach. Cardiff Council welcome this proposal. However, significant additional resources will be required to ensure that there is sufficient additional capacity in the Young Persons Gateway including a review of the Supported Lodgings Scheme.

**In addition to strengthening practise under existing legislation, it is proposed to clarify with 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.**

All 16/17-year-olds that become homeless or who are moving on from care in Cardiff are accommodated in supported accommodation via the Young Person's Gateway. There are currently no under 18's accommodated in any unsupported accommodation in Cardiff. However, there may be rare and exceptional cases when a 16 or 17 year old may need to move due to an emergency or an alternative, housing route is required. Whilst Cardiff Council makes every effort to accommodate those who are 16 or 17 years old appropriately, there are concerns that legislating that no 16 or 17 year old should be accommodated in unsupported temporary accommodation will remove flexibility for rare and exceptional cases where alternative accommodation may need to be sought in an emergency, even if very briefly.

It is Cardiff Council's opinion that rather than legislating, the proposal is set out within a Code of Guidance.

When referring to those children 'leaving the youth justice system', it is unclear what is being referred to? Is this Prevention, Diversion, Statutory court intervention, or custody? Further clarification is needed to understand the scope – particularly with the drive to not criminalise young people wherever possible.

There should also be explicit reference made to multi-agency planning which would include Children Services, the Youth Justice Service and Housing.

## Question 17

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

The homelessness duty for 16/17 year olds should be exactly the same as if the service was meeting their needs through the young person becoming voluntarily looked after (Southwark Judgement), the support should be the same.

Cardiff has carried out a lot of work in to joining up social services and housing teams, through joint meetings and realignment of teams within the local authority – to allocating responsibilities and removing duplication of support to ensure young people are supported quickly and with the correct information first time, every time. However, lack of suitable and affordable accommodation and lack of move on accommodation has impacted young people in general.

**In line with 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**

Cardiff Council already makes a number of enquiries at assessment stage to determine an applicant's history. This proposal will have no impact on current service delivery/ finance.

New Key Performance Measures and other performance tools would be implemented to ensure data is captured.

**In response to recommendation 25 in the Children, Young People and Education Committee report, we propose care-experienced people should be considered priority need.**

Cardiff Council welcomes this proposal and already carries this out in practice. However, demand cannot always be met currently so there would be a requirement for additional temporary and settled accommodation.

**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.**

The council already has existing services to deal with this proposal. There is currently a Youth Justice Board Key Performance Measure that monitors 'suitable accommodation' and the expected timeframes at least 4 weeks prior to release. However, additional temporary and settled accommodation would be required.

## Question 18

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

Cardiff would agree to this proposal in exceptional circumstances and only when the young person has been assessed as being ready to live independently.

Cardiff Council manages a tenancy training scheme in Cardiff for young people and only when they have demonstrated they are ready to live independently can they access this scheme. Until then they remain in supported accommodation.

The scheme has a 99% tenancy sustainment rate which we believe is a result of pre-tenancy checks as well as the 12-month resettlement support offered after they have moved on to independence.

Expanding housing options for young people is a positive, however consideration to the ongoing support offered to a Young Person is required. Cardiff has already progressed this thinking through the development of the Young Persons Housing First scheme.

There are also concerns around County Lines, cuckooing and safeguarding that need to be considered. A possible solution would be for the Social Worker to have an input into whether an occupation contract is appropriate with a process for extending licenses in place, replicating the existing process.

## Question 19

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

Again, when comparing draft costs in the RIA to some initial costings, we believe that Welsh Government have underestimated some cost implications significantly. A summary of costs are below

Additional Revenue costs: £4 million.

Additional Capital costs: £107million.

## Access to accommodation

## Question 20

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

Overall Cardiff disagrees with these proposals. No further duties should be placed on Local Authorities until the chronic shortage of affordable accommodation has been addressed as a national issue.

Each proposal within Chapter 4 regarding the suitability of accommodation has been fully examined and responses to the proposed changes are outlined below:

**The existing legislation be strengthened to prohibit accommodation which has Category 1 Hazards as being deemed suitable.**

We agree with this proposal. At the point a property becomes void all relevant checks are carried out. Tenants need to be fully aware of how to raise issues. Families making an application where a Category 1 hazard exists in their accommodation are awarded priority on the general waiting list.

**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 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.**

It would be impossible to commit to no shared spaces in the short to medium term and therefore we strongly oppose this proposal. This would require a review and remodelling of accommodation.

It is agreed that shared spaces are far from ideal, however, current demand means that this option is a must to be able to place those in urgent need of temporary accommodation.

Currently and over recent years a lot of work has been done in Cardiff to increase the number of good quality units of temporary accommodation for single people, so that they have their own bedroom and facilities. However, shared spaces are still used as emergency accommodation due to high and unpredictable levels of demand. This increases in the winter months to provide accommodation to all individuals in need during the cold weather. There must be flexibility in the system especially in the winter when we house people, even though we may not have no duty to do so, to prevent them from harm. Even during severe weather some rough sleepers will only come into open access spaces and would not access more formal style accommodation. For some of our clients the night shelter model actually works. This is linked to the informality of the service. Clients come in sleep, eat and have a wash and are not required to enter a formal housing situation with responsibilities that they do not feel they can manage.

We must also be able to respond rapidly to peaks in demand which can be erratic. Shared space allows us to do this. Hotel type accommodation is unlikely to be secured for single people quickly, and shared space is better than no space. The use of shared spaces is closely monitored with the aim to move people on as quickly as possible.

**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.**

The Homelessness (Suitability of Accommodation) (Wales) Order 2015 sets out that in the case of larger B&B establishments (more than 6 bedrooms) for families with children, pregnant women and 16 & 17 year old's, the use of this type of accommodation is restricted to 6 weeks provided the establishment reaches the higher standard.

A 2 week restriction applies where establishments do not reach the higher standard. However, where the property is owned and managed by a Local Authority or housing association, the Authority may currently offer the household a choice of remaining in the accommodation up to six weeks, subject to an offer of suitable alternative accommodation which meets the Higher Standard.

The proposed change would mean removing this exception, so that families with children, pregnant women and 16 & 17 year old's can only reside for 2 weeks in B&B accommodation that does not meet the higher standard, regardless of the owner of the establishment

Cardiff was proud not to have to utilise B&B type accommodation for many years. In the current housing climate however, it would be impossible to accommodate all that require it in accommodation that meets the higher standard in the short to medium term.

A significant increase in both temporary accommodation and settled accommodation is essential before any higher requirements are placed on local authorities .

**Introduce a requirement that 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.**

We do not agree with this proposal as it may set unrealistic expectations for clients. Although some needs (for example, pets) can be taken into account there needs to be clear advice that personal requirements cannot always be met.

**Strengthening 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.**

Cardiff objects to this proposal until action has been taken to address the current homeless crisis and to make more larger affordable accommodation available. . It would currently be impossible with the current available stock to offer all families the correct bedroom size, either on a temporary or permanent basis.

Demand for larger accommodation in Cardiff is high with families presenting with 10 or more members. The ethnically diverse nature of the city means there are a number of multi-generational families and families with 6+ children requiring larger properties and we do not currently have the stock to accommodate this.

Cardiff's temporary accommodation stock does not meet the demand for large families and families who are under a Duty to Help Secure or full Homeless duty are currently placed in overcrowded temporary accommodation.

This is also the case for settled move on for those with 5 or 6 bed+ need. Providing accommodation that is larger than the home the applicant is currently residing in, and thereby meeting some of their need, is preferable to waiting for a property of the correct size to become available, which could take several years or, due to current stock levels may never happen.

Some clients moving into PRS also ask for assistance to move into a property that is a bedroom size less than their needs require. Support is given on the basis that the family wish to take this offer despite them being overcrowded – this is only done in exceptional circumstances again due to the impossibility of meeting their full need due to lack of available accommodation.

In the immediate term we believe that financial resources to support downsizing and mutual exchanges should be provided to help better balance accommodation suitability. Welsh Government should make additional funding available specifically to develop larger homes, these may be less financially viable than developing one or two bedroom flats. Practical solutions to problems should be supported and funded rather than placing additional duties on Local Authorities.

**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 do not agree that shared accommodation should not be used for those under 25. It is also not realistic for those under 25 to reside in self-contained accommodation in the Private Rented Sector when the benefit system does not support this. Under 25 is also a wide age range, with many under 25's being mature enough to be able to support themselves.

Our Young Persons accommodation uses shared houses with 24/7 support on site. Discussions with young people actually show that some prefer to live in shared accommodation as this reduces social isolation, helps to share bills and they can support one another.

The unintended consequence of this proposal is that it will be difficult to move people on if they are used to living in self-contained accommodation. The Local Housing Allowance in the Private Rented Sector only pays for a shared accommodation rate for those under 35 years old (exemption for care leavers), making it unaffordable for many young people to live in a self-contained flat / house.

At this time, it would be impossible to manage demand without utilising shared accommodation, although young people are prioritised for move on out of emergency accommodation into more appropriate accommodation, this might be shared accommodation.

**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.**

This cannot be achieved given the current demand and supply. We would also expect a more thorough assessment based on more than just age, and for those under 25 who required supported accommodation to be able to access it. Just because an individual is under 25 would not necessarily mean that they require

supported accommodation. This should be based on assessed need and not a one size fits all based on age. It is also unclear what is expected to happen when the client turns 26? Would they then move from supported accommodation to temporary accommodation? This proposal needs further clarification and consideration.

**Make clear in legislation those aged 16-17 must never be accommodated in adult focussed, unsupported temporary accommodation in Wales.**

Whilst Cardiff Council makes every effort to accommodate those who are 16 or 17 years old appropriately, there are concerns that legislating that no 16 or 17 year old should be accommodated in unsupported temporary accommodation will remove flexibility for rare and exceptional cases where alternative accommodation may need to be sought in an emergency, even if very briefly. It is Cardiff Council's opinion that rather than legislating, the proposal is set out within a Code of Guidance.

## Question 21

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

Overall Cardiff disagrees with these proposals.

Each proposal within Chapter 4 regarding the allocation of social housing and management of housing waiting lists has been examined and responses to the proposed changes are outlined below:

**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.**

Cardiff Council strongly disagrees with this proposal - it cannot always be guaranteed that a placement will be in an area of choice due to very limited availability.

In terms of Temporary Accommodation, we cannot always guarantee placement in an area of choice due to availability but do note the need for good transport links to support education and employment.

Stays in Temporary Accommodation would become longer if people 'waited' for their ideal property and location to become available. In some cases, children may need to move school once settled accommodation has been allocated, as would often be the case when anyone moves home. Consideration needs to be given to each client's circumstances to determine whether, on balance, the offered property is suitable.

**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.**

Cardiff Council does not currently place out of area, however proposals are being considered to offer private accommodation outside of Cardiff. Changes in protocol and policy will be carried out only following careful consideration and following a full impact assessment. It is accepted that a range of factors should be considered before any individual is placed outside Cardiff, however there is a need to balance the importance of achieving a settled home within a reasonable amount of time, with the range of needs and wishes that an individual has. Until there is far more affordable accommodation available then compromises will need to be made where appropriate.

**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.**

Cardiff Council disagrees with this proposal. While committed to providing appropriate accommodation for the Gypsy Traveller community, that meets its cultural needs, the current demand for settled pitches, means that it is not possible to deliver Temporary Accommodation pitches on gypsy sites in Cardiff. It is also felt that Welsh Government have a role to play in supporting this, by making appropriate land available for additional gypsy traveller sites and additional funding to support the operation of these sites which can be complex and costly to operate.

**Formalise a Homeless at Home Scheme on a national basis.**

Further clarification is required on this proposal. We need to understand what a nationwide Homeless at Home Scheme would look like.

Cardiff would need to review the offer under homeless from home and see how it could be made a viable option which would make a difference in numbers needing Temporary Accommodation. We would also need to be sure that this approach would not draw more people into homelessness services.

**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.**



We welcome this proposal, however this would require closer monitoring of RSLs and any refusals to offer accommodation. This may lead to an increased workload for allocations staff.

**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).**

Cardiff Council welcomes this proposal. This proposal does not require change to existing arrangements for inclusion to the allocation scheme based on unacceptable behaviour. An Exclusion Panel process is in place to assess this.

**Provide local authorities the power to remove people with no housing need from the waiting list in their areas.**

We agree that Local Authorities should have discretion to continue to admit all applicants or not.

**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'.**

We do not agree with this proposal. We do agree that a high percentage of allocations should be made to homeless clients, however there are other clients on the waiting list that have exceptional need and these needs have to be balanced to ensure fair allocation across the waiting list. By only prioritising those that are homeless would result in no other groups of people being allocated housing. Given the current shortage of housing this is just not achievable.

**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.**

Cardiff agrees with this proposal and already gives the highest priority to these groups. However further clarification is required on the definition of those fleeing violence (and the associated risk level/assessment) and the definition of a care leaver to fully understand the impacts.

**Introduce legislation to require the use of CHRs and common allocations policies across all local authorities in Wales.**

We agree with this proposal. Cardiff Council already operates a Common Housing List with its partner RSL's in the city. From managing a CHR, we have also built good relationships with our RSLs and generally do not have concerns about the way in which they manage their allocations.

**Introduce a 'deliberate manipulation test' to be applied at the allocations stage of the homelessness process.**

We agree with this proposal, however a screening process would need to be considered at point of allocation. Checks are currently taken to determine if the client is still homeless. This would lead to an increased workload and a significant resource implication. There may be an impact on offer turnaround times for councils and RSL allocations staff and the time of responses may need extending.

## Question 22

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

We agree with this proposal. It would seem sensible to have the same flexibility of housing options as under a prevention duty but only if we are able to discharge duty in the same way.

If clients refused to accept in writing (as recommended) the offer of accommodation but left the Temporary Accommodation placement (to go back home for example) the recommendation is that the Section 75 duty still remains – there are concerns as to whether this would be treated as a withdrawn application or whether the clients would then be considered to be homeless from home.

## Question 23

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

Again, when comparing draft costs in the RIA to some initial costings, we believe that Welsh Government have underestimated some cost implications significantly. A summary of costs are below

Additional Revenue costs: £4.2 million

Additional Capital costs: £45 million

## Implementation

### Question 24

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

The Implementation chapter does not lay out timescales for when proposed changes are expected to be implemented or funded and therefore does not provide an effective implementation plan. With regard to the content of the chapter which largely focuses on Welsh Government will support the implementation of the reforms and enforce future legislation, we believe that the proposals will help to support and implement the reforms suggested. Each proposal has been answered fully below.

**We propose to use and extend the existing structures provided through local government scrutiny and social housing regulation in order to monitor homelessness provision and the implementation of the proposed legislative reform.**

Cardiff agrees with this proposal and would use internal governance structures (for example, Scrutiny Committee, the Housing Partnership Board) to monitor implementation of the proposed legislative reforms. We also agree that the introduction of a new regulator would not be appropriate and that existing mechanisms would be most effective in ensuring the reforms are implemented.

**We will consider whether it is appropriate to make changes to the Regulatory Standards that apply to Registered Social Landlords to encourage an even greater commitment to ending homelessness and to monitor performance and delivery.**

We agree with this proposal.

**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.**

We agree with this proposal but this must be done in partnership with these other organisations.

**We will review and consider whether additional powers for Welsh Ministers are necessary in order to ensure the proposed legislation meets its aims, including possible direction making powers to compel a local authority to meet the requirements within the proposed new legislation. As we develop these proposed reforms our policy intention will be to ensure, should it become clear (via a complaint, stakeholder/service user feedback or through Welsh Government oversight) a local authority is failing to deliver the requirements of the proposed Bill or not delivering a service to the standard we expect, the Welsh Government is able intervene to support and, if necessary, to challenge and direct improvement.**

We would want to fully understand the outcomes of the review and what the powers would mean to a Local Authority that was failing to deliver the outcomes required. If duties are placed on a Local Authority without the required funding or which exacerbate the housing crisis, it would be inappropriate to use any powers to enforce the changes.

**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.**

Cardiff already undertakes some work to ensure the views of those with experience and with those who access homelessness services. We are keen to increase this engagement and consultation is ongoing.

**In line with recommendations by the Homelessness Advisory Group and the recent Ending Homelessness National Advisory Board Annual Report, the Welsh Government will work to improve continuous data collation across the housing and homelessness sector.**

Cardiff also agrees that improved data collection, as long as it is not too onerous and is actually being collated for a purpose. This will enable a greater understanding of those who experience homelessness, however this may require an updating of current IT systems and increased staff resources.

**We also propose the creation of a power by which the Welsh Government could 'call-in' data collected by a local housing authority when undertaking its homelessness functions.**

We would agree with this as long as sufficient time is provided to collate the data required and again this was not too onerous.

## Question 25

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

In considering if social landlords are meeting their homeless duties, the number/percentage of homeless applicants housed needs to be supplemented with the number housed who have complex needs or are moving on from hostel/ specialist provision. It is significantly more difficult to move on single homeless people with support needs. This will be vital if rapid rehousing is to be achieved.

## Question 26

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

There are no costs outlined in the RIA for the Implementation Chapter. However, it references that staff are already embedded in Local Authorities that collate data.

Depending on any additional requirements there may be additional resources that are needed. Until this is determined it is difficult to estimate any cost of this. IT systems would need to be upgraded, this additional costs has already been accounted for in earlier chapters of the response.

## Question 27

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

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

There may be an increase in use of the Welsh language with greater numbers accessing services. There will therefore be a need to provide information in the Welsh language (in person, calls, written information). Cardiff would always review the needs of users of the Welsh Language whenever implementing any change and ensure that the needs are met.

It should be noted that a review would also be needed for the many languages spoken in the city, given the diverse nature of our communities in Cardiff or those choosing to present in Cardiff.

## Question 28

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

Overall, this paper is ambitious and has good intentions. However, as we have repeated throughout our response, we do not feel that much of this is achievable in the short to medium term. Some proposals we believe will also create unintended consequences which will not only add demand and pressures but create a dependency and lack of personal responsibility, with little or no requirement for people to find their own housing solution if they are able. The costs associated with these changes are also significant and cannot be underestimated.

Just to address current social housing need for people on the waiting list who are in immediate need, homeless or need to urgently downsize would require 2,787 new homes of various size at a total cost of £418,969,005.00. In addition to this, the total funding required to address these proposals are estimated to be £30.8 million revenue annually and £510 million capital.

Throughout the Paper there is little to no mention of the Private Rented Sector and its part in the solution to homelessness. PRS gives people choice about where they live and should not be dismissed as a real housing solution for single people and families who do not require significant amounts of support. Private landlords make up a very significant proportion of the housing in Cardiff and anything that

deters private landlords from letting their accommodation as settled accommodation will impact significantly on homelessness in the city.

We believe that the Welsh Government Leasing Scheme for example, which is an excellent way of translating PRS properties into longer term settled accommodation, could be expanded further and improvements to this scheme should be considered.

We also believe that a review should be carried out of the impact of recent legislation on private landlords and positive incentives should be considered to encourage landlords to let their properties as settled accommodation.

The improvement work with regards to strengthening MDT practice between homelessness, mental health and substance misuse services would benefit from having specialist health inclusion primary care as part of the model, to complete it. Without primary care there is a large gap, if these services were jointly commissioned it would ensure all remained sustainable and linked. Preventing discharge into homelessness would be well serviced by specialist health inclusion services (local authority/health together) who could have staff who “in reach” into EU/Secondary care to help with discharge planning and liaison – this is currently being trialled/mapped in Cardiff by CAVHIS.

A new tenancy sustainment / community response team needs to be introduced that can quickly provide wrap around support to those with complex needs and are struggling to maintain their tenancy, this would help to prevent homelessness and avoid evictions. This approach would require low caseloads for support officers and flexibility in the Renting Homes Act to move tenants from their current accommodation into other accommodation for a period of time to make them safe. For example, a tenant may need to be moved into supported accommodation for a period of time to help them if perhaps they are experiencing cuckooing, or if they have relapsed in alcohol or drugs rehabilitation. Once they have been stabilised, they would then be supported to move back to their own home. This would help to remove the requirement for them to start all over again in the process as is often the case currently. By temporarily taking the client out of the environment that is causing them harm and then returning them back to their own home when it is safe to do so will ensure tenancy sustainment.

Step down beds could be a really positive addition to this but would need specialist health inclusion teams resourced and in formal partnership with Local Authority colleagues to be able to manage. Funding would be needed to pilot this type of scheme.

### **Overall Comments**

In terms of the provision of suitable accommodation, regrettably the proposals take no account of the reality of the available housing options in the city. There is a clear risk that the perfect will become the enemy of the good, with standards for both temporary and settled accommodation set so high as to be unachievable in the short to medium term and opportunities to provide decent accommodation will be lost as a result.

There needs to be a renewed focus on the private rented sector to ensure landlords remain in the market and a review of property requirements that are used to determine which properties are supported for purchase or development should be carried out urgently, to ensure these are realistic and achievable.

The proposals also work to increase dependency rather than to empower and support individuals to resolve their own housing issues. As such many of the proposals are out of alignment with the ethos of the Housing Wales Act. This needs to be reviewed and the proposals need to focus first and foremost on supporting independence, not encouraging dependence.

A realistic review of the proposals should be carried out to identify what are the priorities and what can be achieved with current resources and the actual housing that is really available.

A sense of urgency is needed to address the crisis that homeless services are facing. Currently the Welsh Government and its proposals seem far removed from the reality of what is happening on the ground.

And finally, no additional responsibilities should be put on Local Authorities that are not properly funded and achievable given the current realities of the housing market and pressures that are being currently being faced by homeless services due to the cost-of-living crisis and the decision around the National Asylum System.

Organisation (if applicable):

**Cardiff Council**

Number: WG48223



Welsh Government  
Consultation response form

## Consultation on the White Paper on Ending Homelessness in Wales

Date of issue: 10 October 2023

Action required: Responses by 16 January 2024

© Crown copyright 2023

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

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



## Overview

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

## How to respond

Please respond by completing the online form or completing this questionnaire and sending it to [HomelessnessLegislationReform@gov.wales](mailto:HomelessnessLegislationReform@gov.wales)

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

Homelessness Prevention Legislation Team

Welsh Government

Cathays Park

Cardiff

CF10 3NQ

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

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

## Further information and related documents

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

## Data Protection

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

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

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

## Confidentiality

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

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

### Reform of the existing core homelessness legislation

#### Question 1

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

Yes/no

Yes

#### Question 2

What are your reasons for this?

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

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

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

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

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

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

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

### Question 3

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

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

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

#### Question 4

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

Yes/no

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

#### Question 5

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

Yes/no

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

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

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

#### Question 6

Do you agree with our proposal to keep the local connection test but add additional groups of people to the list of exemptions to allow for non-familial connections with

communities and to better take account of the reasons why someone is unable to return to their home authority.

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

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

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

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

Question 7

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

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

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

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

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

The role of the Welsh Public Service in preventing homelessness

Question 8

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

Yes/no

Please give your reasons

Yes

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

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

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

Question 9

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

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

Question 10

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

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

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

Question 11

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

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

Joint funding arrangements – commissioning of jointly funded projects

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

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

Requires cultural change to effect benefits.

Shared KPIs to evidence success.

#### Question 12

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

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

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

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

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

#### Question 13

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

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

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

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

Targeted proposals to prevent homelessness for those disproportionately affected

#### Question 14

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

No

Question 15

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

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

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

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

Question 16

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

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



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

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

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

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

#### Question 17

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

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

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

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

#### Question 18

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

## Disagree

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

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

### Question 19

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

We are not aware of any.

## Access to accommodation

### Question 20

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

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

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

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

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

## Question 21

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

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

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

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

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

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

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

## Question 22

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

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

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

### Question 23

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

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

## Implementation

### Question 24

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

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

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

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

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

#### Question 25

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

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

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

#### Question 26

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

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

#### Question 27

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

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

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

#### Question 28

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

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

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

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

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

Organisation (if applicable):

Carmarthenshire County Council

Number: WG48223



Llywodraeth Cymru  
Welsh Government

Welsh Government  
Consultation response form

## Consultation on the White Paper on Ending Homelessness in Wales

Date of issue: 10 October 2023

Action required: Responses by 16 January 2024

**OGI** © Crown copyright 2023

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

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

## Overview

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

## How to respond

Please respond by completing the online form or completing this questionnaire and sending it to [HomelessnessLegislationReform@gov.wales](mailto:HomelessnessLegislationReform@gov.wales)

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

Homelessness Prevention Legislation Team  
Welsh Government  
Cathays Park  
Cardiff  
CF10 3NQ

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

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

## Further information and related documents

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



## Data Protection

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

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

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

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

## Confidentiality

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

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

# Reform of the existing core homelessness legislation

## Question 1

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

Yes – see below for further detail.

### **Aligning definition to 6m or with notice**

We agree with the proposal to align the definition of homelessness to 6 months or have received a notice. This will bring the legislation in line with RH(W)A16 and provide further clarity around ability to assist, as well as providing early opportunities for prevention. We already take this approach with more vulnerable households. It would also maximise the opportunity of allocation to social housing due to the reasonable preference afforded for households with homeless duty.

We are concerned that the number of applicants approaching the Council will increase due to the longer period and are worried about the impact that will have on caseloads that will stay on officers workload for a longer period. With no increase in staffing this will lead to work overwhelm. In addition, we have concerns about managing household expectations. For example, we could not be expected to act to provide alternative temporary accommodation so far out from an actual eviction. Our response would be primarily aimed at preventing the eviction from the property, however this can be notoriously difficult where the household do not want to continue to reside in the property. Further, we would point out that the main barrier for prevention is the lack of affordable and suitable accommodation available, exacerbated by the low LHA rates.

There are worries here that, in conjunction with a perceived heavier onus on Council's to satisfy PHP's along with increased opportunities for review of reasonable steps (outlined further below), this will cause more households to rely upon the Council to provide solutions, and less responsibility to resolve their own case.

### **Clean water, waste & toileting**

This proposal is already adequately covered by working with our housing standards team, carrying out a HHSRS inspection, and determining whether it is 'reasonable to remain'. We think the additional proposal will reduce the ability and choice of people to live off grid. Legal provision here is already adequate and we don't think it needs changing. Note in the aspect of 'permitted to reside' in an area, we think that local connection should still apply in these cases.

### **Statutory duty for PHP and review**

We agree that a Personal Housing Plan should be utilised in all cases, and we currently operate in this manner. Strengthening the requirement to produce a PHP will help to set out expectations on both sides and can be referred to in later conversations. Care should be taken not to place undue responsibility on Council's to complete tasks in the PHP, or to secure accommodation.

We have concerns about the timescales intended for review. In an ideal world we would regularly contact the client and keep a PHP live, with a formal review at change in duty. However, caseloads of officers mean that they are unable to carry out as much contact and prevention work with households as would be effective. Introducing a formal requirement to review at 8-week intervals will, in the current climate, be set up to fail. It will increase the administrative burden on staff at both front line prevention and in staff expected to carry out 'reviews' of reasonable steps. In turn this will provide even less opportunity to meaningfully work with a household. Having this increased burden at set timescales may inadvertently lead to contact in between these periods being reduced, and a more regimented approach which is to be avoided. In other words, due to the extra paperwork and regimen, staff will only contact applicants at 8-week review. This feels less person centred.

In relation to the right to review reasonable steps, we believe this should only be available at formal change of duty due to the increased burden and expectations that would come with it.

We have no objection to a statutory duty could including an applicant's views, but would temper this against expectations and realism. If a family decides they want a town centre 4 bed dwelling due to various needs, this may not be realistically available within their financial budget, or may not be sourced within a realistic timeframe.

#### **Review of suitability of accommodation**

We agree that a household should have the right to request this review at any time in Temporary Accommodation, as this will enable changes in circumstances to be appropriately recognised.

However, we would seek to limit the ability (as per current 21 days) to request a review of suitability of **settled** accommodation sourced. This is because it would place an overburden on Council's with potential requests being made months (or even years) down the line. Instead, we feel this is already adequately catered for in application and assessment for social housing, or in determining a new homeless application due to unsuitability. (In the case of the accommodation no longer being suitable.)

We would also be wary of raising expectations about what is considered to be suitable temporary accommodation (due to it's proposed short term nature) against a longer term, settled opportunity. Having a garden, ability to keep a pet or self-contained accommodation are good examples of this. These things may not be possible in temporary accommodation, but would be considered in suitability of settled accommodation. This is particularly acute for non-stock holding Council's like Ceredigion, as we are wholly reliant on partner RSL's to provide the temporary accommodation.

With regard the timeframe for a review, 3 weeks is not achievable in the current climate without additional staffing resource. If this is introduced, then additional guidance would be needed about the steps if an applicant refused time to extend the review period.

#### **Increased duty to help support a person to retain accommodation after being helped to secure**

In this circumstance a household has little incentive to continue to work with the Council. Placing a legal duty would be burdensome for a Council and remove choice from an applicant who has already resolved their situation. Instead, we do already offer additional and ongoing support to those who wish to engage with it through Housing Support Grant. This would be our preferred route in these circumstances, allowing housing officers to focus on those with greater needs due to impending homelessness.

#### **Narrower failure to cooperate test**

We are not in support of introducing a narrower test as this would limit the ability to encourage a household to undertake their PHP tasks and help themselves. It erodes the principle of dual responsibility and puts a greater pressure on the Council to resolve a situation for the household, rather than with. Additional guidance around failure to cooperate would be welcomed, and should apply equally to Housing Support.

#### **Removal of relief duty s73**

Should priority need and intentionality be removed this would be a by product. We agree with a simpler pathway of prevention or relief, however this is very dependent on whether intentionality is abolished. If there is no need to assess for intentionality then this would reduce administrative burden of investigation from officers, however it would open up more cases to temporary accommodation and relief due to needing to help more households (who may otherwise be found intentionally homeless). Concern over this is expressed elsewhere.

#### **Clear and regular communication**

We agree this would be in the best interest of the household, but would caution on making this overburdensome for the Council. It will require further discussion on the detail. Use of online PHP's can be kept live, however additional letters where there has been no change would be onerous. The information provided will also need to be discussed, and relevant timescales could

be different in differing circumstances, for example we would expect to be contacting those in temporary accommodation more frequently than those who are in month 1 of a 6 month notice period.

## Question 2

What are your reasons for this?

Although we broadly agree, as above, we think that some of the proposals will place additional burdens on Council's which without increased resources and staffing will have a detrimental effect for homeless households in that greater burden of administration will lead to less effective time to work on prevention.

In addition, an increased protection or opportunity for households needs to be matched with appropriate resources.

## Question 3

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

Consideration needs to be given to the impact of the proposals on the Health and Social Care sector in particular, for example where determination of needs by one organisation is not matched by determination of needs by another.

Eg. Thresholds for statutory support can be high, however needs assessments and person centred approaches by housing can identify needs that need to be met. There is then a gap in the market of people who have needs, but no solutions.

## Question 4

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

Yes

In practice, since the pandemic emergency guidance, and subsequent addition of the 11<sup>th</sup> category need, we are currently operating in a way we do not refuse any assistance for not being in a priority need category. We are therefore broadly in favour of continuing this approach, as it enables assistance to be provided to all homeless households.

The concern with priority need no longer being in place is that there is no longer a focus on helping certain groups more than others due to them having priority. This means that resources are stretched thinly, case loads are much higher, and it can be difficult to do meaningful work with homeless households. Additional Welsh Government funding (through NOLO and DHPF) has been vital in allowing us to accommodate everyone. However, this does not allow us to increase staffing capability to reduce individual case loads (due to short term insecure funding). In order to properly fulfil duties we would need an increased staffing, however there is no funding to support this.

Due to the changes introduced our temporary accommodation stock has doubled, along with cost of running and maintaining. Due to being a non-stock holding Council, we are reliant upon our RSL partners to provide accommodation, and rely upon local B&B and holiday lets to manage a waiting list. Should the NOLO/ DHPF budgets decrease significantly, providing temporary accommodation for current levels would not be sustainable, leading to a significant impact on core budgets.

## Question 5

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

No

We do not agree with removing intentionality. We feel that the current test of intentionality is sufficient in that it is difficult to declare a household as intentionally homeless with clear thresholds to be met. In addition there are further safeguards for certain groups to be able to receive ongoing assistance even when they have been found intentionally homeless.

Though not often used, we feel that the ability to apply intentionality to a case provides an additional incentive and encouragement to homeless households to appropriately safeguard themselves against homelessness through their actions or inactions. Abolition of intentionality would erode the principle of dual responsibility and create undue burden on the Council to assist households who have behaved irresponsibly.

The introduction of deliberate manipulation as a safeguard to this would do little to aid the Council, as we would still have the responsibility of assisting homeless households, whilst our RSL partners would be able to refuse housing. We would be faced with the impossible task of finding accommodation in the private rented sector, without a positive reference, often with local knowledge about the household, and all the while required to accommodate in temporary accommodation.

Proposed changes in intentionality would also have a knock on effect on our ability to end the homeless duties at s68/ s75 where households have accrued arrears or engaged in antisocial behaviour in temporary accommodation. Further, most households would wish to obtain social housing, which would be stated on the Personal Housing Plan. If increased duties are introduced around taking into account the household wishes, and these are not compliant with the deliberate manipulation test, this will leave homelessness services in a difficult position.

## Question 6

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

We agree that local connection test needs to be maintained. We understand that introducing some specific groups of applicants would improve outcomes for those deemed more vulnerable, however we have commented on the groups proposed below. Currently we would already accept a person as having local connection if they have family or work reasons to be in the area.

### **Care experienced**

Our main concern here is the definition of care experienced. We believe that this would be open to manipulation or accidental assignment (for example a young person approaches at the weekend or holiday season and is then accommodated by social services as they have the

responsibility) may then be seen in this group. This would cause problems between a housing responsibility (if no local connection) versus a social services responsibility (of ordinarily resident) and could be left to housing to resolve. We believe this definition should match the current 13 week care leaver definition as defined in the Children Act.

Further, we would have concerns about the application of no local connection on a care experienced/ care leaver who has been in settled accommodation in another area for several years but is still under 25. This group would be able to approach any local authority they wished despite being potentially no more vulnerable than a local young person.

The prescriptive nature doesn't necessarily allow us to assess vulnerability.

### **Veterans**

Our experience of veterans is that this is likely to be a small cohort. We accept that they are a group who may find it difficult to show a local connection to any locality due to the transitory nature of postings.

### **Domestic or other abuse**

Our concern here is what level of evidencing would be required to determine that they were potentially at risk. Again this is open to exploitation. We would already accept a referral without local connection if abuse has been experienced. Would it be the referring Council who has to evidence, or the accepting Council, and given this includes those who would experience trauma if subject to the abuse, how would one go about evidencing this if there has not actually been abuse yet (just the risk). We think current provision is sufficient for this cohort.

### **Prison leavers**

Our concern here is that offenders may use this loophole to gravitate to areas of lower Police concentration, or to avoid being a known offender. There is merit in opening this avenue for genuine reasons, but along with the prisoner pathway, this needs to be explored further and specific guidance issued. Would it be a Police, Probation or Housing decision on the need for moving? This would be best determined by a neutral/ independent third party.

We already have issues where crimes are committed locally but a person is not from the area (no local connection) and therefore needs to be supervised locally whilst not having access to housing. The prisoner pathway therefore needs to be updated alongside an increased guidance. We can see a particular positive for high profile offenders to be relocated. However we would be less keen where this is implemented to manage a retribution risk. (eg fleeing an area because of drug debts)

Formal reciprocation arrangements would be useful. This is a sensitive topic for which we may receive political challenge.

### **Other groups**

Of the other suggested groups, our concern is that these would increase over time, and some may be more open to manipulation than others. If we are including some exclusions to local connection we would prefer the list to be restricted to those with evidenced need who would be better moving away from their local area, as opposed to a specific grouping qualifying because of who they are. For example, a person can be referred to another area because they have completed (or about to) rehabilitation for substance misuse and will have greater chance of success by not being back in old surroundings and comrades. Rather than a person has experienced substance misuse and decides they just want to live somewhere else, regardless of whether they are abstinent.

The decision needs to be needs led, and not just because they fall into a specific group. This could be best decided by an independent person.

## 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?

Both costs and benefits have been noted within the RIA, yet whilst highlighting these points there seems to be little acknowledgment of the sheer lack of affordable housing solutions to fully realise the aims of the proposals

## The role of the Welsh Public Service in preventing homelessness

### Question 8

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

Yes

Please give your reasons

#### **Duty to refer**

A duty to refer would encourage partner agencies to consider homeless risk at an earlier stage, which affords more time for resolution, however there is a concern that this would lead to an increased demand on homelessness services, and that there may be an element of passing the buck to homelessness once a referral is made. Too often we see other service withdraw once housing is secured, even if its temporary housing.

#### **Duty to take action**

This appears largely to be relevant to RSL's. A specified duty would provide a more solid footing for Council's homeless services to challenge actions taken by others.

#### **Duty to co-operate & statutory case coordination**

We agree with this proposal. It does need some consideration to ensure that potential case coordination/ multi-disciplinary meetings are not duplicated by other arena's such as MAPPA, MARAC, IOM, Child Protection Conference etc. Further, this should not be introduced as routine for all cases as this would be over burdensome on all parties.

In addition, thresholds for support for services in social care would be different to housing, and the health sector. Therefore the practicalities of operation will need to be thought through.

In order to meet the demands for both temporary accommodation and settled accommodation with support, the cooperation from other services is key for complex cases. Housing service alone is not sufficient to end homelessness for this cohort.

#### **Strengthening strategic leadership**

Area planning boards should already fulfil this role. Ceredigion Council is advanced in this area with our Through Age and Wellbeing Model, incorporating Housing into Early Help and Prevention, through to crisis. We also have a Strategic Housing Partnership which incorporates Cabinet members, RSL's, charities and private sector as well as key Council departments. We do not feel this is necessarily something which requires change.

## Question 9

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

We agree with the list provided at paragraph 229.

In addition to the relevant bodies who would have a duty to refer, we believe that there should be an option, encouragement and mechanism for other agencies to also refer into services, with the consent of the applicant. This could include Charity sector and Advice agencies.

We are mindful though that it should be the household's choice, as we are unable to follow through with housing duties without cooperation. There should also be clear guidance about what assistance would be provided after a referral. Managing expectations is paramount.

Of concern would be the ability to provide appropriate assistance if there was an increase in demand due to the encouragement of referrals.

## Question 10

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

Some of the proposals lack detail, which would need to be worked up later, and therefore it is difficult to comment on this. Full exploration of the unintended consequences particular in relation to other statutory services, needs to be carried out. We would only be able to comment on the consequences from a housing point of view.

## Question 11

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

This needs to be worked up as a working group between the Council and the partner agencies many of whom work on a regional footprint.

## Question 12

In addition to the broad duties to identify, refer and co-operate, this chapter contains proposals to provide enhanced case co-ordination for those with multiple and complex



needs. To what extent will the proposals assist in preventing homelessness amongst this group?

We recognise that multi agency working can be very effective in providing assistance to those with multiple and complex needs. We would caution against this proposal duplicating other similar multi agency coordination already happening, eg MAPPA, IOM. MDT etc.

The proposals for compulsory case coordination for more complex cases with three or more public services; we suggest that this is drawn up in more detail with relevant partners to provide clarity. For example, in Ceredigion, we may have substance misuse and homeless service working with an individual, is this one service or two as both are Council? Similarly, if a person is working with Tier 2 and Tier 3 Drug and Alcohol Services would this count as two organisations?

It is important that any proposal and guidance clearly states the limitations of the organisations involved.

Consideration also needs to be given about the practicalities of introducing more multi agency meetings on top of increasing workloads and reduced budgets. Whilst there is a small cohort of persons where this could prove useful, we do need to consider efficiency of actions and timeliness of interventions against limited opportunity for a coordinated meeting. In our experience these work best when there is a structured outcome and whilst it can be difficult to ensure all relevant agencies (not just core ones) are around the table, this is often where the added benefits are realised.

**Question 13**

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

Early identification of people or households at risk of homelessness will allow appropriate interventions to be made to prevent homelessness. Better reporting mechanisms and responsibilities placed on key stakeholders can only be beneficial to all, especially the service user/household.

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

**Question 14**

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

There are no groups we would wish to add here though we would wish for consideration to be given on alignment of 'care experienced' young people to match the definition contained within social care of more than 12 weeks in care.

## Question 15

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

### **Priority need**

The removal of priority need, whilst helping all groups of persons to receive the right support, inevitably weakens the opportunity for the identified groups in this chapter. Having everyone in priority need effectively puts nobody in priority need, and becomes simply a time waiting. To appropriately provide for all groups additional resources may be required, and certainly additional appropriate housing, further explored in the housing questions below.

The right to adequate housing would expressly provide a legislative framework to improve the housing opportunities for people in the long term, however this would need to be adequately resourced.

If the stated groups are to receive appropriately targeted support, then these same groups would need to be recognised as having additional preference in housing registers. Additionally housing support grant services should be designed around these cohorts.

### **Hospital discharge**

Ensuring discharge assessments and Care and Treatment plans consider housing is a positive move. Too often the housing service is approached when someone is about to be discharged, and we have to actively chase a care and treatment plan. The expectation is that we will provide accommodation without having considered this at all.

It is recognised that, particularly in the elderly, needs are not always known at an early stage. However it can be useful to housing service to have a case 'on the radar' with guesses as to needs.

There is also a recognised gap in determinations here between someone being medically fit to leave, yet not functionally fit for independent living, nor with care needs high enough to meet statutory service thresholds. Categories between services don't match. This can be particularly acute for those with mental health needs.

The use of trusted assessors is not overly advocated in Ceredigion for homeless hospital leavers as we find that the level of care needs are usually complex and too advanced for trusted assessor experience.

### **Domestic abuse, disabled people**

Changes to the domestic abuse definitions are welcomed as are the proposals for disabled people and accessible registers.

### **Prison leavers**

The prisoner pathway needs to be reviewed as it is not working in some areas. There remains a clash between housing duty (local connection) and supervision of released prisoners (according to the area in which they committed the crime) which need resolving.

CRM services are already supposed to be considering housing upon accessing prison for sentencing, so we are not sure how the proposal changes this. We think it should be for the CRM services to actively seek to maintain accommodation or appropriately deal with the scenario's presented though we are not sure if this is adequately happening. Instead what can happen is that the landlord simply takes the property back, when it could have been maintained and thus, even on a short term sentence, the householder is pushed to homeless services.

With regard to the guidance on being homeless in custody, this needs to be considered in line with the potential changes to s66/73/75. The pathway should explore when is the appropriate time for referrals to be made to housing, these should include information about what has been done about previous housing (prior to custody), and further allow for assessments to be carried out whilst in custody. It can be difficult to speak to prisoners remotely in some establishments. If the person in custody is not considered to be homeless (and no s66 prevention work can be done

because they have already lost their accommodation) then 6 months out for a referral seems too early. It would not be practical to source PRS accommodation for release at such an early stage.

Those on short term sentences, or on remand, need to be assisted better to retain accommodation by dedicated services. It is not appropriate for a Council officer to be in prisons as they have a vested interest in their own LA area, whilst the prisoners will be from many locations.

We agree that local connection needs to be applied at the prevention stage, which would assist in determining which Council should aid the prisoner, however as above there remains currently a clash between this and the supervising probation area.

With regard early release accommodation – this would be a change in approach. We are concerned that, due to the pressures in prisons, the HMPPS service would see this as an opportunity to discharge a prisoner on early release or home detention curfew and it would place the onus on the Council to accommodate regardless. At present we take the view that if the prisoner is due for release and can be managed with no fixed abode, we will look at their homeless situation, but we would not provide an address to facilitate the early release. This should be the remit of Bail accommodation (CAS2). Therefore this change would require additional resources and we would be very concerned that prisons would lean on this heavily. We feel that this approach would enable prison services to effectively pass the buck to housing.

With regard the automatic discharge of duty, we agree that this should not be automatically applied, however we would caution against removing our discretion according to circumstances. For example, we would not want to continue to hold a homeless duty for someone who was sentenced to a year or more in prison. We suggest linking this to the 6 months duty changes.

We would welcome further clarity on reciprocal arrangements and refer to our comments above on potential abuse of the local connection, who's decision would it be?

Regarding advice in prisons, as stated above, there is potential conflict of interest between the hosting LA and the fact that the prisoners are from all over the UK. This needs to be managed. It would also place an unequal burden on those areas which have prisons.

#### **No recourse to public funds**

There remains a missing consideration of the cohort of the National Transfer Scheme of young people who are currently funded by Social Services for accommodation who do not reside in Ceredigion and have no intention of moving here. Further guidance about appropriate timing for ending responsibility needs to be expressed. Should these persons be required to come to an area they have never resided in?

#### **Funding**

Funding for care and support needs via SSWBA is based upon an assessment of a persons need. This makes it extremely difficult to set aside a sum of funding to develop and set up new initiatives. There is no breathing space to allow for a change in approach/ direction, eg to build a sustainable solution to bring cared for persons back within the County. In addition, many of the vulnerable cohort need proactive support to prevent future needs, and social care funding doesn't support this as it is based upon an assessment of current needs. It is firefighting, and not long term planning.

## Question 16

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

One challenge in this area is that of the assessment of care and support needs not necessarily matching that of homeless prevention aims or a housing needs assessment. It is possible that young people have no care and support needs, yet remain homeless. It can then be difficult for housing services to resolve the homelessness without the support of professionals with specific expertise and knowledge. One solution is to improve the opportunities for family and young people's support through non statutory interventions such as the opportunities provided by the Childrens and Communities Grant.

Similar can be said for other more complex cases where they do not meet statutory service need for mental health or substance misuse, but nevertheless need support in these areas.

A further challenge is in the provision of housing for 16/17 year olds provided by Social Services through supported lodgings, foster or when I'm ready schemes. Much of this accommodation is out of County. This can lead to a loss of local support networks for the young person. It is also costly and difficult to undertake the required 6 weekly contact. Refer again to the Funding statements in Q15.

Conversely, a young person can build up support networks and have access to greater cultural provision in other areas, which if they have not been settled in the new location long enough (6 month local connection) would lead to then having to return to home Council area for housing provision after becoming 18, or before 18 but finding themselves homeless. It would therefore be of aid for young persons who are housed by social services under care provision to remain in their new areas if needs were better met.

## Question 17

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

### **Strengthening corporate parenting**

As set out in the paper legislation and case law already supports this. In practice, the difficulty is the availability of accommodation, particularly appropriately supported accommodation. This often leads to pressure placed on housing services to provide temporary accommodation for young people.

Difficulties arise in both the annual nature of grant awards, which can often be relied upon to deliver projects, in the differing thresholds for support/ services between social care and housing teams, and in sourcing set up costs for new projects. More can be done locally to bring provision closer to the County. However there is little bandwidth to be able to pursue changes due to the workloads of staff.

### **No unsupported accommodation**

In relation to the proposal that no 16/17 year olds are accommodated in unsupported accommodation, whilst we agree with the sentiment that this age bracket requires appropriate support, it is an age of increasing independence. We have many cases where young people have behaved in a manner that parents don't agree with, eg. Out late, substance misuse, disregarding parental rules etc. The young person will approach as homeless and the parents will express that they can no longer live at home. It feels as if being required to provide self-contained temporary accommodation with support is not the right approach for youngsters who have families that they could live with if they tempered their behaviour. This will place an undue burden on Local

Authorities who already find that when one young person is accommodated in temporary accommodation this can lead to a number of their friends also approaching.

We disagree with self-contained accommodation as this is unachievable, and an unrealistic expectation for the young person, who will later likely need to move on to shared PRS accommodation.

**Care Experienced as priority need**

We do not feel that this proposal is required, especially considering the suggestions that this would apply to those who have experienced care for 24 hours. (Link instead to 13 weeks in care.) No upper age limit would leave this open to exploitation. Instead, we feel the existing category (h) and (c) adequately cover off this need.

**Secure estate**

We agree with this.

## Question 18

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

It is our experience that most 16 and 17 year olds are not responsible or financially independent enough to hold a tenancy. Starter units or supported housing is the most appropriate solution.

Nevertheless, when we have 16 and 17 year olds in temporary accommodation, sometimes as a young family, the inability to issue a contract for these persons/ households is preventing them from being moved on from temporary accommodation. Further, there is an impact on the PHP and taking into account their wishes, when this cannot be implemented.

Our suggestion for overcoming this would be the introduction of 'starter' or 'young person' contracts, which would allow discharge to both private and social sectors, whilst still allowing some freedom and flexibility for the young person to change their situation.

## Question 19

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

Nothing to add.

## Access to accommodation

## Question 20

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

### **Cat 1 hazards and Unfit for human habitation as unsuitable**

We would respond that the current legislation in place in Housing Wales Act 2004, Housing Wales Act 2014 and Renting Homes Wales Act 2016 **is sufficient** in determining unsuitability for homelessness duty decision. Increasing the provision may put Council's in a more difficult position when trying to manage landlords responsibility to improve housing standards, or household choice about where to reside, increasing pressure on temporary accommodation.

Temporary accommodation should in any case not have Cat 1 hazards or be deemed unfit.

### **Shared space**

Prohibiting shared sleeping space as a blanket proposal does not take into account families. Whilst we agree that anyone not cohabiting or a parent/ child or sibling should not be placed in a shared sleeping space, availability of resources means that families do need to share on occasion, both in Bed and Breakfasts, and in undersized temporary accommodation. There are insufficient resources to provide otherwise, especially for a non-stock holding Council like Ceredigion, who is reliant upon the few temporary accommodations offered by our RSL's.

### **Personal circumstances for accommodation needs**

We agree that personal circumstances need to be taken into account when looking for suitable long term accommodation, but we would be wary that making any statements or requirements around this. In combination with additional responsibilities for Councils to secure accommodation, (which will also be open to an increased ability to request a review), this will lead to expectations by the household that could be difficult to meet.

It is important that we are able to discharge duty (and hence be able to apply persuasion to a household) for a property that is suitable, even if it is not to the wants of the household. For example their stated requirements may not be affordable for them, or available in the area they chose. An example is where a household state that they need to be within a walking distance of a particular school, even if there are buses available from locations further afield.

We also need to be able to take into consideration a different solution for temporary accommodation than more long term settled accommodation, for example not accommodating pets in temporary. This would be accepted as a temporary solution, but not for settled discharge.

Overall therefore we would not wish to introduce this.

### **Overcrowded accommodation**

This proposal limits a households choice about where to live, in particular when looking for affordable accommodation for larger families. We note it applies only at full duty, however there may be circumstances where the temporary accommodation is very overcrowded, and the affordable solution proposed is less overcrowded. A family may also be in circumstances where the size of the family will be reduced in the coming years, meaning more long term the proposed property would be suitably sized. We need to retain the discretion, therefore disagree.

### **Prohibiting unsupported temporary accommodation for under 25's**

We think this is not achievable within available resources, and the age limit is also far too high. We support many young people including young families who have been previously living independently and who would not require supported accommodation. We house most of our single persons of all age groups in shared accommodation as this is the most resource efficient manner of providing temporary accommodation for single people with no specific needs.

Many of our homeless discharges for single persons (especially those under 35) are into shared HMO style individual tenancies. It would not make sense to be required to place them in a temporary accommodation self-contained flat, when the later offers of suitable accommodation for discharge would be in shared environments (because this is all they can afford).

We will have dedicated floating housing support in all temporary accommodation for 2 hours a week in any case.

We can accept this for 16/17 year olds, although they should be able to be accommodated in shared living environments which are supported accommodation.

#### **Location**

Guidance on what is considered to be a reasonable distance should be provided, and should not be reliant upon the household choice.

#### **Accounting for wider support needs**

This is already a consideration of the suitability of accommodation and therefore we do not think any change is required here.

#### **Culturally appropriate**

We can appreciate that cultural sensitivity should be considered, but this proposal seems to be very focussed on one group of people. The concern here is that by opening up the opportunity for a site to be considered as suitable accommodation (which we agree with in order to provide more options) that this would allow Council's to discharge to a site where this is not something that is sought by the household. Therefore we think this proposal should be worded carefully so that the household choice should be taken into consideration.

Thought needs to be given to how this positive proposal for one protected group is introduced without consideration for similar allowances for other types of cultural sensitivity. In the main we believe that consideration should be given, but absolute discretion should remain with the Council, subject to suitability of accommodation assessments and review processes.

#### **Homeless at home**

This can be a useful tool. Further guidance should be given to its use to prevent abuse in order to gain social housing, but largely this provides additional opportunities for us to assist a household with homelessness without the need to provide temporary accommodation, and where they can continue to receive family support.

## Question 21

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

#### **Unable to refuse a referral**

In Ceredigion we already operate a Common Housing Register, in partnership with our RSL's. Whilst the Council assesses and bands applicants, it is the RSL's who utilise the database to make a match for accommodation.

If the intention is that all accommodation matches would be referred from the Council, this will require additional resources from our point of view, to facilitate the additional workload in making the referrals. (Currently it is the RSL who makes use of the CHR to match households, and they are able to make a judgement as to the suitability, and which band to allocate from.)

However, if this intention is only to strengthen the current position where we sometimes make a referral in specific circumstances for consideration, so that the RSL will be less able to refuse, then this would be welcomed.

The reasons a household is overlooked for an allocation of social housing (moving to a different band, or household instead) are not always adequately communicated or open to challenge, therefore strengthening guidance in this area would be welcomed.

#### **Unacceptable behaviour**

We would welcome further guidance around this, in particular section b. remaining unsuitable.

#### **Power to remove those not in need**

In practice an application is reviewed every 12 months, and changes in circumstances would mean a review of banding whilst a household not confirming continued application would result in removal. We currently have a system where a household not in need would be placed in a non-preference band and not be eligible for an allocation. (Though they may sometimes receive one for hard to let properties). This proposal will make little difference to our practice other than the non-preference band being removed, along with the applicants. We would be concerned that introducing this may see some Councils fail to properly assess an application, instead delivering advice up front that a household would not be eligible, in order to manage demand. We don't agree it is likely to produce more accurate data, as we use this data to feed into Local Housing Market Assessment for example. Instead, the request for returns should make different groups clearer.

#### **Additional preference for homeless**

Whilst we currently award preference for homeless households, some further clarity and direction would enable us to more specifically aid homeless households via social housing register. Our allocations to homeless households are historically around 22% which we believe could be improved by this direction and a subsequent review of our allocations policy.

#### **Additional preference for care experienced who are homeless and those fleeing domestic abuse**

We believe this would be caught by the above proposal of homeless households in general and would not require a specific preference. It would be difficult to manage too many preference groups as they will either all be caught in one Band (and so not distinct from each other, and therefore not end up with a preference) or there will be too many Bands, which is difficult to manage from a referral aspect. There is also a danger that this introduces too much data sharing within the common housing register. Therefore we are not in agreement with this.

#### **Deliberate manipulation**

If intentionality is removed from homelessness then we would agree that a test is needed here. This would require a change in resourcing in the Council, as investigations would need to be undertaken at a different stage. It is likely that this would be applied infrequently, though the number of applications to the housing register would require additional resourcing.

Our concern would be that the homeless service would end up holding the backlog of homeless households in temporary accommodation if intentionality was removed and deliberate manipulation introduced, due to the Council having a duty to assist and accommodate, but the option of social housing as an outcome being removed. This feels like a loophole to be exploited and additional pressure on Council's resources.

Even if intentionality is not removed, we would not be against this proposal.

## Question 22

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



We would welcome additional options being appropriate, particularly if s73 is removed. The current legislation can sometimes be restrictive in resolving cases, and opening to additional options would facilitate household choice. We sometimes aid persons in this way, but have to record for statistical purposes as withdrawn, due to not meeting criteria for successful discharge, which is a false narrative.

The safeguards proposed can be accepted, except for the written agreement which may not be relevant when returning to family.

We have some concern about how this would work with a persons wishes in a PHP contrasting with us using this proposal to discharge duty. Guidance will be needed on suitability of offer where it clashes with PHP wishes (if this is strengthened).

We think it too onerous for the Council to have to make contact after 6 months, and this may also raise expectations so would not be in agreement with this. However we would agree that it should be made clear that the household can reapproach for a new assessment.

## Question 23

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

Both costs and benefits have been noted within the RIA, yet whilst highlighting these points there seems to be little acknowledgment of the sheer lack of affordable housing solutions to fully realise the aims of the proposals.

## Implementation

### Question 24

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

We agree with proposals. In particular corresponding responsibilities in Health and Social Care need to be considered to ensure that there are no inconsistent messaging or rulings.

In relation to data, we would urge consideration of the resource implications that would go alongside having to change database systems in order to comply with requirements. Consideration should be given to the introduction of a funded single system across Wales to ensure consistency of data.

### Question 25

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

No comment

## Question 26

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

It is implied that each LA has its own dedicated data collection or statistics team for Homelessness returns, this isn't the case and forms part of the Senior Officers role along with the 'day to day' workloads. No assumptions should be made on working practices of a LA's Housing Service, if the result will be an increased burden on LA's already finite resources.

## Question 27

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

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

The priority should remain assisting homeless households. It remains applicable that service provided by the Council are accessible in the language of choice and the Council will ensure this is provided.

## Question 28

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

The LA supports the ambition and principles proposed within this consultation, both in the aim to develop a collective approach to reducing homelessness. The main concern is the ability to deliver these proposals considering the pressures and challenges on existing services and the current level of appropriate/affordable housing stock to meet the varied needs, which is key to delivering these proposals.

The proposed changes seem to place additional duties and responsibilities on the LAs, give additional entitlements and rights to service users to challenge LAs. At the same time remove obligations from the service users to cooperate with LAs which we believe raises concerns and possible unintended consequences that waters down a joint approach to prevent homelessness.

The delivery of service in line with the proposed changes would only be possible if additional resources were provided.

Organisation (if applicable):

**Ceredigion County Council**

Number: WG48223



Welsh Government  
Consultation response form

## Consultation on the White Paper on Ending Homelessness in Wales

Date of issue: 10 October 2023

Action required: Responses by 16 January 2024

**OGL** © Crown copyright 2023

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

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

## Overview

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

## How to respond

Please respond by completing the online form or completing this questionnaire and sending it to [HomelessnessLegislationReform@gov.wales](mailto:HomelessnessLegislationReform@gov.wales)

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

Homelessness Prevention Legislation Team  
Welsh Government  
Cathays Park  
Cardiff  
CF10 3NQ

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

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

## Further information and related documents

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

## Data Protection

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

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

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

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

## Confidentiality

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

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

# Reform of the existing core homelessness legislation

## Question 1

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

Yes/no

Yes

## Question 2

What are your reasons for this?

We welcome the renewed focus on preventing homelessness, and ensuring that in instances where homelessness occurs, that it is rare, brief and unrepeated.

We welcome the proposals to expand responsibility for preventing homelessness beyond housing departments, including collaborative and cross-departmental engagement with social services teams.

## Question 3

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

We support calls for their to be a right to adequate housing (defined through the UN Covenant on economic, social and cultural rights) to be enshrined in law.

Greater emphasis on the strengths and benefits of Housing First projects, including for youth initiatives, should be made.

Reference to the recent recommendations from the UN Committee on the Rights of the Child (June 2023) should feature strongly, including recommendation 46(b) that..

'(government should) Address the root cause of homelessness amongst children, strengthen measures to phase out temporary and contingency accommodation schemes, and significantly increase the availability of adequate and long term social housing for families in need, with a view to ensuring that all children have access to affordable quality housing'.

## Question 4

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

Yes/no

Yes – in the future.

No – at present.

In principle, we see many benefits in working towards abolishing the priority need test which current requires individuals to fit into prescribed categories, resulting in some individuals being denied help and support. We also acknowledge the inconsistent application of the priority need test and the high threshold for vulnerability.

However, within the current climate of housing shortages and tenancy support, there will be significant risks to the most vulnerable in the absence of alternative safeguards being firmly in place if the priority need test is abolished. The list of priority need groups were identified as being highly vulnerable and at high risk of homelessness. This hasn't changed. How would the housing needs of pregnant women, people with dependent children, 16-17, 18-20 who are care experienced be met where there is already a housing shortage and diminishing resources. Removing their priority would exacerbate their vulnerability, particularly amongst care experienced young people whose numbers are increasing.

The White Paper does not provide us with sufficient assurances to fully support this change

Our preference would be that the priority need test is abolished **ONLY** when we are completely satisfied that the deficit in housing options, tenancy support and provision has been fully addressed for those currently in the priority need category. A delayed implementation phase (as is being suggested) with agreed timeframes would allow time to address the housing deficit and to introduce statutory guidance so that vulnerable groups are not unintentionally deprioritise.

The WG, in consultation with relevant public, independent and third sector bodies should urgently develop supplementary guidance and a **robust roadmap** towards abolishing the priority need test which fully takes account of the issues raised by participants (points 124 and 125). The guidance/roadmap should set out timescales and monitoring/reporting arrangements. This guidance should be subject to scrutiny and public consultation.

We do not support any dilution of support for babies, children and young people under 18 or for vulnerable households in priority need or any dissuasion of engagement with priority need groups seeking support.

The housing needs of pregnant women, people with dependent children, 16-17, 18-20 who are care experienced **MUST** remain a priority and the 'priority need test' **should not** be abolished until sufficient safeguards are in place to ensure we are satisfied that this is met.

## Question 5

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

Yes/no

Yes – we are satisfied that the information provided in the White Paper and links to supplementary resources makes a strong case for removing the intentionality test. Abolishing the test would align with the intention of reforms to ensure homelessness is rare, brief and unrepeated, and a trauma-informed approach is applied.



## Question 6

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

Yes, we share the view that the local connection test should be strengthened to ensure it is better able to account for the needs of people in particular circumstances and facilitate a system which is weighed more heavily towards a person-centred rights based approach.

We suggest that category a) of point 165 clarifies that 'people who are care-experienced' is from the point of leaving care and throughout their lifetime.

## Question 7

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

## The role of the Welsh Public Service in preventing homelessness

### Question 8

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

Yes/no

Please give your reasons

Yes

This should strengthen responsibility for preventing and tackling homelessness across all parts of the public sector, reinstating that homelessness is everybody's responsibility, whether this is to refer, signpost, identify, cooperate or take direct action, with monitoring, reporting and accountability mechanisms in place to track progress and measure outcomes. The white paper clearly sets out the deficit in current arrangements despite similar duties being in place in other Welsh legislation.

**Question 9**

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

**Education**

Despite the detailed and lengthy narrative around the importance of education and schools settings (206-210) supported by data from the census that staff working in these settings have an increasingly important role to play in identifying the risk of homelessness for children and young people, they are nonetheless absent from the list of organisations and bodies who will be subject to the duty to identify and refer (point 227).

We suggest that **Education and School settings** are subject to this duty (including PSUs, further and higher education establishments). Point 228 references 'workload', 'bureaucracy' and the need to do 'further testing' but lacks any detail. There is a real risk that this is 'kicked into the long grass'. If WG add education to the list, there is sufficient time to undertake an analysis of the implications of this new duty and to plan ahead prior to legislation receiving Royal Assent and becoming law.

We strongly suggest that Schools and Education Settings are added to the list of relevant bodies.

**Other Public Bodies under Section 6 of the Future Generations Act**

The WG recent Corporate Parenting charter lists organisations with a responsibility towards Care Experienced children. This list is also non-exhaustive but there are parallels between that policy area and the intentions of this White Paper [Corporate Parenting Charter – A Promise from Wales \(gov.wales\)](#)

**Question 10**

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

Part 9 of the Social Services and Well-being (Wales) Act 2014 sets out existing partnership arrangements and expectations placed on Health in relation to social services and care functions and is a useful reference point in this regard.

**Question 11**

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

**Question 12**

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

**Question 13**

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

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

**Question 14**

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

It's important to recognise the number of babies and pre-school children who are in households at risk of homelessness or in temporary accommodation. It is important to recognise that the category of 'children' and their needs can be dependent on their age or characteristics and will require a tailored response.

**Question 15**

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

As previously stipulated, it is essential that children and young people in dependent families, pregnant women and care experienced young people are recognised as being at greater risk of homelessness and should be prioritised for support and intervention. A right to housing for these groups of our population would go some way to ensuring they receive adequate housing.

**Bed and breakfast** is not a suitable option for 16 and 17 year olds, yet vulnerable children are still being placed in such settings. Vulnerable care leavers 18+ are also being placed in inappropriate settings, which makes them more at risk of exploitation or going missing. Despite Guidance and a commitment by WG to address this, we remain concerned that children are being placed in such settings.

## Question 16

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

We fully support the intention to improve and clarify links between homelessness legislation and the Social Services and Wellbeing Act, including Part 6 Code of Practice which focused on care-experienced children and young people and Part 9 (partnerships). This would provide coherence between legislation and amplify the message that housing, health and social services teams need to work seamlessly together at a local level to support housing stability which helps prevent family breakdown and homelessness and provides a joined-up response where homelessness occurs. Joint working should lead to better sharing of capacity, knowledge, intelligence and resource, helping ensure that children, young people and care experienced cyp don't fall through the cracks in terms of care, support and response.

## Question 17

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

No young person should ever be placed in unsuitable or unsafe temporary accommodation.

Social services and housing departments should have joint responsibility to ensure that all 16 and 17 year olds, and care leavers are placed in secure and stable accommodation, whilst receiving the right protection and support to enable them to thrive and develop. Too many care leavers are unsupported as they transition from care, despite public bodies being fully aware in advance when a child's time in care is due to end. Planning should be done well in advance, with appropriate accommodation identified and secured with the young person's knowledge and consent.

What are the consequences for public bodies when placing a child in unsuitable and unsafe accommodation?

## Question 18

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

We are not in support of 16 and 17 year olds being placed in private sector accommodation. Whilst there will be instances whereby young people aged 16 and 17 are considered to be sufficiently mature and able to maintain a tenancy, there are notable risks involved. There would be a need to provide on-going support and mentoring to all young people to enable them to maintain a successful tenancy, as well as initial training to ensure that they are fully informed and prepared. Landlords do not currently have a statutory social responsibility or any duties in this regard, which would place the young tenant at risk. 16 and 17yr olds, who cannot live with their family for whatever reasons will benefit from supported housing accommodation provision.

The White Paper could have benefited from a lengthier narrative and discussion around amending the current law. We do not wish to see unintended consequences whereby more young people enter the homelessness system.

## Question 19

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

## Access to accommodation

### Question 20

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

We support steps to increase suitability of accommodation.

We strongly support the proposal 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'.

### Question 21

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

**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?

**Question 23**

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

**Implementation**

**Question 24**

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

**Question 25**

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

**Question 26**

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

**Question 27**

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

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

We do not see any adverse implication on the Welsh Language from these proposals.

**Question 28**

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

Organisation (if applicable):

**Children in Wales**

**Number: WG48223**



Welsh Government

Consultation response form

Consultation on the White Paper on Ending Homelessness in Wales

Date of issue: 10 October 2023

Action required: Responses by 16 January 2024

**OGL** © Crown copyright 2023

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

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



## Overview

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

## How to respond

Please respond by completing the online form or completing this questionnaire and sending it to [HomelessnessLegislationReform@gov.wales](mailto:HomelessnessLegislationReform@gov.wales)

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

Homelessness Prevention Legislation Team

Welsh Government

Cathays Park

Cardiff

CF10 3NQ

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

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

## Further information and related documents

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

## Data Protection

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

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

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

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

## Confidentiality

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

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

## Reform of the existing core homelessness legislation

### Question 1

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

Yes/no

**Yes**

### Question 2

What are your reasons for this?

#### **About Clinks**

Clinks is the national infrastructure organisation supporting voluntary sector organisations working in the criminal justice system in England and Wales. Our aim is to ensure the sector is informed and engaged in order to transform the lives of people in the criminal justice system and their communities. We do this by providing specialist information and support with a particular focus on smaller voluntary organisations, to inform them about changes in policy and commissioning, to help them build effective partnerships, and provide innovative services that respond directly to the needs of their service users. Clinks also uses its relationships across government to act as a policy conduit between ministers and officials, and the criminal justice voluntary sector.

We are a membership body with over 500 members, including the voluntary sector's largest providers, as well as its smallest. Our wider national network reaches 4,000 voluntary sector contacts. Overall, through our weekly e-bulletin, *Light Lunch*, and our social media activity, our network reaches tens of thousands of contacts. These include individuals and agencies with an interest in criminal justice and the role of the voluntary sector in rehabilitation and resettlement.

Clinks has 37 members who are based, or operate significant projects in, Wales. In addition, we have a dedicated member of staff whose role is to support the criminal justice voluntary sector in Wales and build relationships with statutory and non-statutory stakeholders.

Clinks provides the Chair and secretariat for the Reducing Reoffending Third Sector Advisory Group (RR3). This is a formal advisory group to the Ministry of

Justice and HM Prison and Probation Service made up of openly recruited senior leaders from the criminal justice voluntary sector. The RR3 meets quarterly with government officials and sometimes Ministers to provide guidance and feedback from the sector. The structure of the RR3 ensures that members of the group have a diverse range of knowledge and experience, including representation for the sector operating in Wales, through a specific Welsh seat.

Clinks has prepared this response to the Welsh Government's consultation drawing on its own research, knowledge and intelligence gathered through regular and ongoing engagement with and support to, the criminal justice voluntary sector. While preparing this response, we also held a consultation event with accommodation organisations operating in Wales, to test our existing data and ensure we had the most relevant and up to date picture.

Due to the nature of Clinks' work, we have focussed our response to this consultation on support for people in contact with the criminal justice system, particularly those leaving prison. Accordingly, we have selected questions 1, 2, 3, 4, 5, 6, 8, 9, 11, 15, 21, and 28 to respond to.

### **Reflections on proposed reforms of core homelessness legislation**

Chapter 1 of the White Paper sets out a range of different proposals for increasing the prevention and relief of homelessness in Wales. The principles behind many of these changes are sound. Often, people face barriers to accessing accommodation and housing-related support through local housing authorities, including the priority need test, intentionality test, and local connection test. Clinks has heard numerous instances of where people in contact with the criminal justice system are unable to access accommodation and accommodation-related support because they are inappropriately assessed as not being in priority need or having made themselves intentionally homeless as a result of receiving a custodial sentence. In these cases, organisations also describe these tests often being applied inconsistently. Therefore, Clinks supports the removal of the priority need and intentionality tests, and the changes to the local connection test. (We expand upon the local connection test in response to Q6.) This should help to ensure people in contact with the criminal justice system are not faced with barriers to accessing accommodation help on the basis of these tests, and so are likely to increase the prevention and relief of homelessness for this cohort. However, as these changes are implemented, it is important they are reviewed and monitored to ensure they do not inadvertently amplify other barriers and challenges people in contact with the criminal justice system face, or create new ones.

These changes to the priority need, intentionality, and local connection tests will help ensure that people leaving prison are not inappropriately assessed, and therefore denied the right support. This needs to be coupled with earlier and more

timely engagement with people before their release from prison, where their accommodation support needs are considered holistically and within an appropriate time frame. As such, it is welcome that the proposed changes to these three tests should help to remove barriers to support for people leaving prison. This group is also likely to benefit from the plans for greater multi-agency working set out in Chapter 2 and the specific measures set out for people leaving prison in Chapter 3 of the White Paper. We provide more detail on our response to those plans in answer to Q11 and Q15.

Despite these proposals continuing to move things in the right direction, these changes need to be supported by wider measures. Clinks has heard from voluntary organisations that there can also be less-formal barriers to accessing help faced by people in contact with the criminal justice system. For example, sometimes people leaving prison can have explained their situation to a voluntary organisation member of staff before they leave prison, but still be asked to repeat their answers to questions by the local housing authority on release. Not only does this require people to repeat what can often be very difficult conversations, but also takes up valuable time for people on release as they try to access several different services on their day of release.

Voluntary organisations supporting people with accommodation needs also raised challenges about a lack of details from local authorities, including about the accommodation and support available and who would be eligible for this. Some described the threshold for receiving various kinds of support being unclear. This means it can be hard for people and the organisations trying to support them, to ensure that people are directed to the most appropriate interventions. This can also impact people where they may struggle to articulate their needs and the challenges they face. Therefore, it is essential that support criteria are clear and shared with partner organisations to ensure people are directed towards the services that properly support them.

To help support people in contact with the criminal justice system, and especially people leaving prison, with their accommodation needs, Clinks suggests that a whole-system, multi-agency approach is most effective. As such, it is positive that many of the measures proposed in the White Paper move towards this approach. The resettlement panels that form part of the youth justice system could offer a helpful model of good practice in this area, that could be developed as part of these wider proposals.

Some organisations also raised concerns about a mismatch between the amount of detail a person trying to access support provides to a local authority and the speed with which a determination letter is sent out in a number of cases. This led to questions as to whether tests and processes were being effectively applied, or whether people seeking accommodation support were being asked the right questions to gather the relevant information for a local authority to make a

determination about their needs and whether they are owed a duty. Whilst we are not advocating slowing processes to generate greater confidence, we think this lack of confidence in some cases is important to highlight.

Moreover, it again highlights difficulties that can be seen when there is a lack of detail from local authorities about the support and services they provide, and who is able to access them. Effective, person-centred communication between local authorities, voluntary organisations, and the people seeking support, would help to address this issue. Engaging with people earlier on would help to ensure there is adequate time available to clearly communicate to them about the accommodation and support options that are available to them. Consequently, plans to make it clear that local authorities must ensure they communicate with people in an accessible way, tailored to any individual needs, are positive.

Plans to make the “unreasonable failure to co-operate test” narrower are welcome, but Clinks would encourage these plans to be considered as part of the plans to introduce a duty for relevant bodies to identify, refer, and co-operate. During our consultation event with voluntary organisations, we heard some describe occasions where someone seeking support is engaging with a voluntary sector service, but may not be engaging with statutory services, such as probation or housing options services. This is often because people are engaging with services they trust and have faith in. One organisation highlighted cases where people had repeatedly sought accommodation help from the local authority and repeatedly received the same outcomes where they were not supported, leaving many feeling left out by the system. With voluntary sector services, many feel listened to in a way that they may have not experienced with statutory services. As such, Clinks recommends that engagement with voluntary sector services should be taken into consideration when making a decision regarding constant non-contact with housing options services.

Homelessness is not a lifestyle choice, and so Clinks welcomes the proposals to abolish the intentionality test. The wide, and often inappropriate, interpretation of this test has led to some people in contact with the criminal justice system being disadvantaged. For example, one organisation described cases where people who had received a prison sentence had chosen to hand back their accommodation so someone else can make use of it whilst they are in prison. However, on release, these people were then often considered to have made themselves intentionally homeless because they handed back their properties. Another described cases where people with unmet needs had not been able to maintain their tenancy, but they had been classed as intentionally homeless as result.

Organisations acknowledged that there was a need to ensure people do not misuse the system, but were clear that people asking for help to access accommodation should receive support. They also highlighted the risk management angle of providing accommodation support for people in contact with

the criminal justice system, especially those leaving prison. The risk of reoffending can be greatly reduced by ensuring people have access to accommodation. The UK government cites research that people leaving prison with stable accommodation set up are about 50% less likely to commit further offences than those without stable accommodation.\*

\* The Lord Bellamy. (2023). Offenders: Rehabilitation. *UK Parliament: Written answer*, 23 March, HL 6302. [Accessed 10 January 2024]. Available from: <https://questions-statements.parliament.uk/written-questions/detail/2023-03-09/HL6302>

### Question 3

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

Building on the challenge identified above, regarding a lack of details from local authorities about the accommodation and support available, as well as details as to who is eligible for it, Clinks recommends exploration of legislative options to ensure this information is publicly available. For instance, a statutory duty could be placed on local authorities to publish online information about the kind of accommodation it has available, the support services it can provide, and the eligibility criteria or thresholds for accessing these. In the rare cases where it may be inappropriate for some details to be made available publicly (such as the specific locations of local authority housing), there should be a duty for local authorities to make this information available to partner organisations, such as relevant local and national voluntary organisations who provide accommodation support, to support their work with service users and the local authorities to achieve the best outcomes.

Making this information more available and transparent is likely to help streamline the provision of support, as people seeking support and voluntary organisations working with them, will know what information is relevant and helpful to provide. It will also help to reduce queries about eligibility for support. Greater transparency is also likely to improve confidence in the system as people will be able to understand the basis on which decisions about accommodation support are being made, and understand what help they are likely to be able to access.

For people leaving prison, Clinks would support legislative measures that improve the pre-release process for this group. In Chapter 3, a number of key measures are set out for this group to ensure that work around accommodation support begins much earlier in someone's sentence, and this is a very welcome step. Where possible Clinks would support these measures being placed on a statutory

footing. We include some more detail around our recommendations on the pre-release process for this group in our responses to Q11 and Q15 below.

#### Question 4

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

Yes/no

**Yes**

We have provided more details on our view regarding the abolition of the priority need test in our response to Q2.

#### Question 5

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

Yes/no

**Yes**

We have provided more details on our view regarding the abolition of the intentionality test in our response to Q2.

#### 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.

The local connection test can pose a specific challenge for people in contact with the criminal justice system. In some cases, for people leaving prison, returning to a home area may place them at risk. In addition, sometimes people who have committed an offence may wish to move away from their previous home area because it has negative connections, which could mean they are more likely to reoffend. At the same time, positive local connections can be an effective protective factor against reoffending. This can also mean people seek to be near family connections in areas where they have not previously lived.



Some people in contact with the criminal justice system can also face difficulties around accommodation because of conditions placed on them, as part of their sentence or licence. For example, sometimes it may be possible for someone to live in a local authority with which they have a local connection, but at the same time, be subject to exclusion zone conditions that make living within that authority very impractical. Alternatively, where it would support the resettlement of a person in contact with the criminal justice system, a wider understanding of local connection could also be beneficial. For instance, being assigned to a certain probation area or having spent time living in approved premises in a certain area, may mean that people have developed connections in a certain area. However, these connections should not prevent someone in contact with the justice system being accommodated in an alternative area, if it would benefit their resettlement.

Therefore, it is important that exemptions to the local connection test include people both leaving prison, as well as those serving a sentence in the community. A person-centred approach should be taken to working with these people to determine the best place for them to receive accommodation support, based on their specific needs, circumstances, and wishes.

We are aware that some local authorities may have informal reciprocal agreements in place to better enable people in contact with the justice system to receive support in different areas. In order to best facilitate this person-centred approach described here, Clinks would propose that arrangements for people to be transferred to another area for accommodation are formalised to help make this process as efficient as possible.

#### Question 7

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

The role of the Welsh Public Service in preventing homelessness

#### Question 8

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

Yes/no

Please give your reasons

**Yes**

Clinks believes a whole-system, multi-agency approach is the most effective approach to supporting people in contact with the criminal justice system with the accommodation needs. Therefore, Clinks supports the Welsh Government's plans to introduce a duty on a number of public services to work together to better prevent and relieve homelessness.

Question 9

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

This whole-system approach to supporting people with accommodation is very welcome. As criminal justice is not a devolved area of government in Wales, Clinks supports the White Paper's aim for a range of organisations or bodies to practice in line with the proposed duties, whilst noting the powers to confer functions on these bodies is reserved. In addition to the non-devolved bodies and organisations set out in the White Paper, Clinks suggests also exploring the inclusion of commissioned rehabilitative service providers as organisations asked to practice in line with the proposed duties. Where these organisations provide essential support to people under the supervision of the Probation Service, they also have an opportunity to help further support the meeting of people's housing needs. However, it is also important that devolved organisations and bodies, who often provide much of the support to people in contact with the justice system, are able to work effectively with those reserved bodies and agencies.

The Wales Women's Justice Blueprint and the partnership work that is taking place within that plan, involving the Ministry of Justice, HM Prison and Probation Service, the Welsh Government, and voluntary sector partners, could offer a model of good practice. It also shows a reasonable effective solution to overcoming the complexities that can arise when matters overlap devolved and non-devolved areas of policy.

Question 10

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

## Question 11

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

### **Longitudinal, inter-organisation record keeping, and digital exclusion**

When consulting with our members operating in Wales, Clinks heard challenges that arose where there is no record of a person's previous contact with housing, and other, services. It was suggested that an effective whole system approach could be supported through a central portal through which both statutory and voluntary sector services can add relevant information about a person's needs. One organisation Clinks spoke to described how they had begun to keep records of applications for assistance on their systems to help address the challenges around people who have made multiple applications, but where there is no record of any of their previous requests for help. For instance, where someone may have been in and out of prison several times, and be asked to make a new application for accommodation support each time they are released, this can require them to be repeatedly having difficult, but similar, conversations with local authorities. This can be very distressing for a person seeking help, and also inefficient for a local authority in gathering the relevant information to make an assessment.

Organisations also raised the challenges around digital inclusion, particularly for people leaving prison. Where people leaving prison may not have an email address or access to the internet, it is important that they are able to access information about the applications for support in an appropriate format. As part of a joined-up whole-system approach, this question needs to be considered carefully where agencies working together may be relying on digital tools to share information between each other, but where this may not be accessible to the person seeking support. As such, Clinks again notes its comments in response to Q2 about the importance of effective, person-centred communication.

### **Cultural change**

Some organisations also described the importance of achieving cultural change as part of this legislative process. As with many public services, organisations

described variability in the offer from different local authorities, and sometimes between different teams in the same authority. They also noted that often people hold onto old practice, even when frameworks have changed, and so it is important that work is also done to bring about cultural change across the system, to ensure a new legislative framework has the best chance of success.

### **Distrust of statutory services and engagement with voluntary sector services**

As already mentioned in our response to Q2, voluntary organisations also highlighted that sometimes an individual might be engaging with their services, even if they are not engaging with statutory services. Voluntary sector organisations are often able to build more effective relationships with some groups, because of their separation or distance from statutory services. Voluntary organisations said that a person's engagement with services they trust and have faith in, even if they are not engaging with probation, should be recognised.

### **Joined up working between local authorities and voluntary sector partners**

To improve partnership working, voluntary organisations called for better processes with local authorities. For example, where voluntary organisation practitioners have been working with people due to be released from prison, they have been told to not submit applications for assistance ahead of the 56-day period, even if the practitioner has the application ready to go. In addition, some organisations described difficulties in getting an acknowledgement of receipt of an application for support. This means voluntary sector practitioners do not know if the applications they submit are being processed, and what actual timescales within local authorities are like. Some said it was very demoralising for their staff to do all the work to prepare and send an application to a local authority and then not receive any response or acknowledgement, meaning they have to spend significant amounts of time following things up. Building on previous comments, organisations said transparency around local authority processes was an important part to better partnership working and helped to give people greater confidence in the system. Hence, Clinks reiterates its recommendation of exploration around legislative options to ensure that local authority services, processes, and timescales are transparent. Not only is this likely to improve efficiency, effectiveness, and the quality of service, it will also help to improve confidence in a system that can appear very opaque.

In addition, for people leaving prison, there are currently a number of different systems that provide them with housing related support, including local authorities and commissioned rehabilitative service providers. For instance, the timelines on which the support of these groups is provided does not currently align, with local authority duties being concerned with someone being at risk of homelessness

within 56 days, and processes around referrals to commissioned rehabilitative service providers beginning 12 weeks prior to release from prison. Whilst acknowledging that a number of these issues are subject to control of the UK government, Clinks would encourage work with partners, including commissioned rehabilitative service providers and HM Prison and Probation Service, to explore how these various duties could be aligned.

Organisations had mixed responses around increasing the number of local authority staff in prisons. It was noted that there are already lots of different staff in prisons, and adding more staff may lead to a risk of duplication. Some also highlighted that where voluntary sector staff are already working with people to support accommodation assessments, the suggestion that local authority staff need to be present in prisons to do this may undermine the expertise of the voluntary sector practitioners.

In light of this, Clinks suggests that a mapping exercise is undertaken through a partnership between the Welsh Government, prisons, the probation service, the Department for Work and Pensions, local authorities, Police and Crime Commissioners, and the voluntary sector, to determine whether there are gaps that additional staffing could support with or existing areas of duplication, and to ensure that the expertise of all staff in partner organisations is being recognised and effectively utilised.

This should be coupled with a strategy to improve relationships and partnership working between prisons, the probation service, local authorities, and the voluntary sector. It should include setting out the duties and responsibilities of stakeholders at each stage of the support process. This strategy should recognise the expertise of the voluntary sector not only as a delivery partner, but also in assessing service user need, identifying emerging issues, and providing local knowledge. Such a strategy should also include meaningful involvement of services users with lived experience of the criminal justice system to ensure that new roles or processes that are put in place meet their needs, and also consider any challenges they might identify in their engagement with staff. As noted above, the voluntary sector is often trusted by many services users who otherwise struggle to engage with statutory services. This means voluntary organisations are often more likely to be able to support those service users in a meaningful way, and this should be considered as part of such a strategy.

## Question 12

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

Question 13

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

Targeted proposals to prevent homelessness for those disproportionately affected

Question 14

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

Question 15

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

Clinks welcomes the measures that have been set out to help address homelessness amongst people leaving prison. We heard that there are currently challenges where people moving frequently in and out of prison were required to make repeated new applications for help. Therefore, the proposals for people to not have their existing duty ended because of a custodial sentence or recall were welcomed.

As mentioned above, changes to the pre-release process for people leaving prison presents a key opportunity to improve accommodation outcomes for this cohort. As such, we welcome the plans for prevention activity to begin at the reception stage,

and to change the point at which people meet the criteria for homelessness from 56 days before release to six months before release. The earlier that planning around accommodation needs can start for people in prison, the more likely an effective plan can be put in place. Starting this work earlier will also make it easier for multi-agency support to be put in place for people leaving prison. Clinks also welcome the measure for someone in prison to be considered homeless from an early release date, where a person is eligible for early release.

#### Question 16

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

#### Question 17

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

#### Question 18

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

#### Question 19

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

Access to accommodation

Question 20

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

Question 21

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

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?

Question 23



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

Implementation

Question 24

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

Question 25

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

Question 26

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

Question 27

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

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

Question 28

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

Whilst organisations Clinks spoke to broadly welcomed the measures set out in the White Paper, underlying all of the feedback was realism and recognition that the availability of appropriate housing is the fundamental barrier to meeting the needs of the people seeking accommodation support. There are a range of difficulties that prevent people in contact with the criminal justice system accessing accommodation in the private rented sector. Organisations noted that some landlords were leaving the sector as they were able to make more money on properties through short-term lettings, landlords becoming more cautious to rent to some people as it becomes more difficult to evict people from their houses, and a lack of housing supply.

Even where organisations welcomed efforts to assess people at risk of homelessness more quickly, and further ahead of time when accommodation issues are known about, concerns were raised that there would not necessarily be an appropriate place for someone to be housed. Some also highlighted specific challenges about the availability of Community Accommodation Service Tier 2 places (formerly Bail and Accommodation Support Services), and Community Accommodation Service Tier 3 places (places which provide up to 12 weeks

temporary accommodation for people leaving prison who would otherwise be homeless).

As such, Clinks recommends the Welsh Government continues to take account of the specific accommodation challenges facing people in contact with the criminal justice system as the development and implementation of its proposals progress. This will help ensure this group are not inadvertently disadvantaged as a result of changes being made, and create more opportunities for developing systems and approaches that meet the accommodation needs of people in contact with the criminal justice system.

Organisation (if applicable):

**Clinks**

This response is an official response, submitted on behalf of Clinks.

Rhif: WG48223



Llywodraeth Cymru  
Ffurflen ymateb i'r ymgynghoriad

Ymgynghoriad ar y Papur Gwyn ar Roi Diwedd ar  
Ddigartrefedd yng Nghymru

Dyddiad cyhoeddi: 10 Hydref 2023  
Camau i'w cymryd: Ymatebion erbyn 16 Ionawr 2024

**OGL** © Hawlfraint y Goron 2023

Rydym yn croesawu gohebiaeth a galwadau ffôn yn Saesneg.

## Trosolwg

Mae'r Papur Gwyn hwn yn nodi amrywiaeth o gynigion ar gyfer newidiadau i bolisi a'r gyfraith, i roi diwedd ar ddiartrefedd yng Nghymru.

### Sut i ymateb

Byddwch cystal â chyflwyno'ch sylwadau erbyn 16 Ionawr 2024, yn un o'r ffyrdd canlynol:

- cwblhau ein ffurflen ar-lein
- lawrlwytho, cwblhau ein ffurflen ymateb ac e-bostio [DiwygioDeddfwriaethDigartrefedd@llyw.cymru](mailto:DiwygioDeddfwriaethDigartrefedd@llyw.cymru)
- lawrlwytho, cwblhau ein ffurflen ymateb a'i phostio i:

Tîm Deddfwriaeth Atal Digartrefedd  
Llywodraeth Cymru  
Parc Cathays  
Caerdydd  
CF10 3NQ

Wrth ymateb, byddai'n ddefnyddiol pe baech yn cadarnhau a ydych yn ymateb fel unigolyn ynteu'n cyflwyno ymateb swyddogol ar ran sefydliad, ac yn cynnwys::

- eich new
- eich swydd (os yw'n berthnasol)
- enw'r sefydliad (os yw'n berthnasol)

### Rhagor o wybodaeth a dogfennau cysylltiedig

Gellir gwneud cais am fersiynau o'r ddogfen hon mewn print bras, mewn Braille neu mewn ieithoedd eraill.

## Rheoliad Cyffredinol y DU ar Ddiogelu Data

Llywodraeth Cymru fydd y rheolydd data ar gyfer unrhyw ddata personol a ddarperir gennych wrth ichi ymateb i'r ymgynghoriad. Mae gan Weinidogion Cymru bwerau statudol y byddant yn dibynnu arnynt i brosesu'r data personol hyn a fydd yn eu galluogi i wneud penderfyniadau cytbwys ynghylch sut y maent yn cyflawni eu swyddogaethau cyhoeddus. Bydd unrhyw ymateb a anfonwch atom yn cael ei weld yn llawn gan staff Llywodraeth Cymru sy'n gweithio ar y materion y mae'r ymgynghoriad hwn yn ymwneud â nhw neu sy'n cynllunio ymgynghoriadau ar gyfer y dyfodol. Pan fo Llywodraeth Cymru yn cynnal dadansoddiad pellach o'r ymatebion i ymgynghoriad, yna gall trydydd parti achrededig (e.e. sefydliad ymchwil neu gwmni ymgynghori) gael ei gomisiynu i wneud y gwaith hwn. Ymgymerir â gwaith o'r fath dim ond o dan contract. Mae telerau ac amodau safonol Llywodraeth Cymru ar gyfer contractau o'r fath yn nodi gofynion caeth ar gyfer prosesu data personol a'u cadw'n ddiogel.

Er mwyn dangos bod yr ymgynghoriad wedi'i gynnal yn briodol, mae Llywodraeth Cymru yn bwriadu cyhoeddi crynodeb o'r ymatebion i'r ddogfen hon. Mae'n bosibl hefyd y byddwn yn cyhoeddi'r ymatebion yn llawn. Fel arfer, bydd enw a chyfeiriad (neu ran o gyfeiriad) yr unigolyn neu'r sefydliad a anfonodd yr ymateb yn cael eu cyhoeddi gyda'r ymateb. Os nad ydych yn dymuno i'ch enw a'ch cyfeiriad gael eu cyhoeddi, rhowch wybod inni yn ysgrifenedig wrth anfon eich ymateb. Byddwn wedyn yn cuddio'ch manylion cyn cyhoeddi'ch ymateb.

Dylech hefyd fod yn ymwybodol o'n cyfrifoldebau o dan ddeddfwriaeth Rhyddid Gwybodaeth.

Os caiff eich manylion chi eu cyhoeddi fel rhan o'r ymateb i'r ymgynghoriad, caiff yr adroddiadau hyn eu cadw am gyfnod amhenodol. Ni fydd gweddill eich data a gedwir fel arall gan Lywodraeth Cymru yn cael eu cadw am fwy na thair blynedd.

## Cyfrinachedd

Gallai ymatebion i ymgynghoriadau gael eu cyhoeddi ar y rhyngwrwyd neu mewn adroddiad.

**Os nad ydych am i'ch enw a'ch cyfeiriad gael eu dangos mewn unrhyw ddogfen y gallwn ei chynhyrchu, ticiwch yma:**

# Diwygio'r ddeddfwriaeth graidd bresennol mewn perthynas â digartrefedd

## Cwestiwn 1

Ydych chi'n cytuno y bydd y cynigion hyn yn arwain at gynnydd mewn atal digartrefedd a rhyddhad o ddigartrefedd?

Ydw/nac ydw

Ydym, mewn egwyddor.

## Cwestiwn 2

Beth yw eich rhesymau dros hyn?

Mae Cyngor Gwynedd o'r farn gall y cynigion hyn arwain at gynnydd mewn atal digartrefedd a rhyddhad o ddigartrefedd, ond mae angen pwysu a mesur yn ofalus y canlyniadau anfwriadol a all godi yn sgil gweithredu'r cynigion yma. Yn ogystal, mae'r gallu i atal/lleihau achosion o ddigartrefedd yn ddibynnol ar nifer o ffactorau eraill, yn cynnwys y cyflenwad o eiddo, eiddo dros dro ac adnabod adnoddau digonol i gyflawni'r nod. Bydd hefyd angen sicrhau fod hyn yn cal ei ystyried yn llawn o fewn cyd-destun y Cod Arweiniad.

Mae newid diffiniad "dan fygythiad o ddigartrefedd" o 56 niwrnod i 6 mis yn cynnig amser ychwanegol i gyflawni gweithgareddau ataliol. Fodd bynnag, er gwaethaf cael rhagor o amser i wneud gwaith ataliol, teimlwn bod tebygolrwydd uchel y bydd unigolion a theuluoedd yn parhau i gysylltu gyda'r Awdurdod ar y funud olaf, gan adael amser byr i swyddogion gyflawni gwaith ataliol pellach.

Mae'r Cyngor yn cytuno gyda'r newid arfaethedig, sef ei fod yn ddyletswydd statudol i lunio Cynllun Tai Personol. Bydd hyn yn arwain at fwy o eglurder o gyfrifoldebau'r Awdurdod (a hefyd ar gyfer yr ymgeisydd) ac mae'r egwyddor yn cefnogi'r nod o roi'r unigolyn yn ganolog. Mae'r newid arfaethedig o sefydlu ddyletswydd statudol i adolygu'r asesiad o anghenion a'r Cynllun Tai Personol gyda'r ymgeisydd o fewn 8 wythnos hefyd i'w groesawu. Fodd bynnag, mae hefyd angen pwysu a mesur yn ofalus os yw'r adnoddau angenrheidiol ar gael i gyflawni hyn.

Cyfathrebu rheolaidd efo ymgeiswyr – Rydym yn gefnogol o'r cynnig ond yn nodi bod angen canllawiau clir i awdurdodau lleol yn benodol ar amllder y cyswllt, mewn da bryd cyn y daw'r ddarpariaeth i rym.

Parthed y bwriad i gynnig dyletswydd statudol i gynnwys safbwyntiau ymgeisydd ar ei anghenion o ran llety mewn Cynllun Tai Personol, mae angen ystyried yr effaith posibl yn ofalus. Mewn sir ddaearyddol fawr fel Gwynedd, mae canfod llety addas yn y lleoliadau angenrheidiol yn her sylweddol, felly rhaid ystyried nad yw hyn yn cael effaith andwyol ar yr ymdrechion i leoli unigolion.

Mae'r cynnig i gyflwyno hawl i wneud cais am adolygiad mewn perthynas â'r camau rhesymol yn debygol o gyflwyno haen arall o hawl i ofyn am adolygiad. Ar y sail yma, nid ydym yn cytuno gyda'r cynnig. Mae'r Cyngor o'r farn ei fod eisoes yn cymryd ystyriaeth o anghenion a dyheadau'r ymgeisydd fel rhan o lunio'r camau rhesymol.

Ni allwn gytuno gyda'r cynnig i roi hawl i wneud cais am adolygiad o addasrwydd llety ar unrhyw bryd tra bod y llety dal wedi'i feddiannu ac bydd angen parhau gyda'r drefn bresennol o gynnwys terfyn amser.

Mi all ychwanegu grwpiau eraill at y prawf cysylltiad lleol gynyddu nifer o gyflwyniadau allan o ardal yn sylweddol, gan fod llawer o unigolion sy'n cyflwyno o du allan y sir yn nodi ar hyn o bryd fod ganddyn nhw gysylltiad teuluol pell gyda'r sir. Pryderwn y gall hyn arwain at gynnydd sylweddol yn y galw ar ein hadnoddau prin (dynol ac ariannol), ac at lesteirio ein gallu i letya'r unigolion a theuluoedd niferus sydd eisoes yn cyflwyno'n ddigartref yn y sir.

Gall diddymu'r prawf bwriadol arwain at gadw'r niferoedd yn uchel. Gan amlaf, defnyddir hwn pan fo ymddygiad gwrth-gymdeithasol mewn eiddo argyfwng a phan fo sawl rhybudd am yr ymddygiad wedi'i roi i'r unigolyn. Mae'r newid arfaethedig yn golygu y byddai'r unigolyn yn parhau i gael ei letya serch ei ymddygiad gwrth-gymdeithasol.

Mae pwysau sylweddol ar draws sawl gwasanaeth ar hyn o bryd. Nid yw'n glir os oes adnoddau digonol ar gael mewn adrannau tai na gwasanaethau cymdeithasol i weithredu'n effeithiol, ynghyd â'r diffyg argaeledd tai/unedau byw o'r math iawn yn y llefydd iawn.

### Cwestiwn 3

Yn eich barn chi, a oes cynigion deddfwriaethol ychwanegol y dylem eu hystyried er mwyn sicrhau gwelliannau o ran atal digartrefedd a rhyddhau pobl o ddigartrefedd?

Mae angen buddsoddiad sylweddol pellach mewn gwasanaethau atal digartrefedd sydd yn gweithredu y tu allan i'r maes gwaith statudol i gynnwys gwaith addysgiadol, a newid diwylliant fel nad ydi dod yn ddigartref yn anorfod yn rhai achosion. Mae hefyd angen ystyried gwaith rhagweithiol sydd y tu hwnt i'r cynigion yn y Papur Gwyn. Mae'r Trydydd Sector, trwy'r Grant Cymorth Tai (a ffynonellau ariannu eraill sydd ddim yn gyhoeddus) yn darparu gwasanaethau sydd erbyn hyn yn gwbl angenrheidiol ac sy'n cefnogi'r gwasanaethau statudol. Mae'r buddsoddiad yn y gwasanaethau hynny yn angenrheidiol i gefnogi'r gwaith statudol i geisio gyflawni'r nod o atal digartrefedd.

Mae angen sylw penodol ar dai argyfwng i unigolion sydd yn gadael eu tai oherwydd trais domestig yn hytrach na gor-ddibyniaeth ar hosteli. Bydd angen sicrhau adnoddau ychwanegol er mwyn sicrhau cyflenwad ddigonol.

### Cwestiwn 4

Ydych chi'n cytuno â'n cynnig i ddiddymu'r prawf angen blaenoriaethol?  
Ydw/nac ydw

Mae'r Cyngor yn cydnabod yr egwyddor i ystyried gwneud hyn, ond yn fyw i'r ffaith y gall arwain at heriau ychwanegol i gyfundrefn sydd eisoes o dan bwysau. Rydym felly'n cytuno gyda'r bwriad, ond bydd rhaid sicrhau mwy o adnoddau i alluogi'r Cyngor i barhau i weithredu'r drefn bresennol yn y Sir.



## Cwestiwn 5

Ydych chi'n cytuno â'n cynnig i ddiddymu'r prawf bwriadoldeb?

Ydw/nac ydw

Nac ydym. Byddai diwedd y defnydd o fwriadoldeb yn cael effaith fawr yng Ngwynedd. Heb fwriad does dim mecanwaith i ddod â defnyddwyr gwasanaeth i ben oherwydd ymddygiad gwrth-gymdeithasol/treisgar sy'n torri rheolau llety dros dro Cyngor Gwynedd. Byddai hyn yn cael effaith andwyol ar ddefnyddwyr gwasanaeth eraill mewn llety dros dro a'r gymuned y mae'r llety wedi'i leoli ynddi. Yn ogystal, gall arwain at golli'r defnydd o'r eiddo yn y dyfodol. O dan y prawf methiant i gydweithredu newydd, nodir y gellid dod â dyletswydd i ben oherwydd ymddygiad bygythiol tuag at staff awdurdodau tai lleol ond nid yw'n glir os yw ymddygiad bygythiol hefyd yn berthnasol i aelodau staff mewn llety dros dro preifat.

## Cwestiwn 6

Ydych chi'n cytuno â'n cynnig o gadw'r prawf cysylltiad lleol ond ychwanegu grwpiau eraill o bobl at y rhestr o eithriadau er mwyn darparu ar gyfer cysylltiadau nad ydynt yn rhai teuluol â chymunedau ac ystyried yn well y rhesymau pam na all rhywun ddychwelyd i'w awdurdod lleol gwreiddiol?

Yn rhannol. Rydym yn cytuno cadw'r prawf cysylltiad lleol – ond nid ydym yn cytuno gydag ychwanegu grwpiau eraill.

Mae'r cydsyniad o gysylltiad lleol a'i ddefnydd yn bwysig i Wynedd am nifer o resymau. Mae nodweddion arbennig y sir yn golygu bod gennym ddyletswydd i hybu ac annog diwylliant Cymreig y sir. Un canlyniad posibl o'r cynnig yma yw y byddai rhagor o drigolion heb gysylltiad lleol â Gwynedd yn cael eu cartrefu yn y sir gan amddifadu trigolion lleol mewn angen tai. Mae'n anodd rhoi cefnogaeth lawn i'r cynnig yma fel mae'n sefyll, a chredir bod angen mwy o waith datblygu arno.

Mae'r gallu gan garcharorion i gyflwyno i'r gwasanaeth am eu bod eisiau 'cychwyn o'r newydd' yn achosi pryder oherwydd y traul sylweddol y byddai hyn yn ei olygu ar adnoddau'r Awdurdod. Mae'n debygol y byddai hyn yn arwain at gynnydd yn y nifer o achosion cymhleth mae'r Cyngor yn ymdrin â hwy ynghyd â'r diffyg gallu i gynllunio ar eu cyfer.

Ar hyn o bryd, mae nifer uchel o bobl yn cyflwyno o siroedd cyfagos a gogledd-orllewin Lloegr. Mae Gwasanaeth Digartrefedd Cyngor Gwynedd eisoes yn ei chael hi'n anodd darparu ar gyfer y cleientiaid rydym yn eu cefnogi ar hyn o bryd gan fod diffyg llety preifat fforddiadwy yn yr ardal a phrinder tai cymdeithasol.

Mae cynnwys diffiniadau eang ar gyfer grwpiau megis pobl ifanc o dan 25 oed a phobl sy'n ceisio gwella ar ôl camddefnyddio sylweddau yn rhy gyffredinol. Mae'n bosibl y byddai hyn yn arwain at gynyddu'r pwysau ar adnoddau'r Gwasanaeth ac felly'n anoddach i dargedu y cymorth i'r llefydd cywir.

Mae'r Cyngor yn cytuno mewn egwyddor gyda'r cynnig i osod dyletswydd newydd ar awdurdodau tai lleol er mwyn helpu person i gadw llety os bydd yr ymgeisydd wedi cael cymorth i sicrhau llety (a allai olygu'r llety y mae'n byw ynddo ar hyn o bryd) neu os bydd yr ymgeisydd wedi cael cynnig llety ac wedi'i dderbyn.

Parthed y prawf culach sy'n nodi nifer bach o resymau cyfyngedig wedi'u diffinio'n glir ar gyfer y prawf methiant afresymol i gydweithredu – mae'r Cyngor yn cytuno gyda'r cynnig,

ond yn awgrymu'n gryf y dylai staff/swyddogion eiddo dros dro/argyfwng a staff sy'n darparu cefnogaeth hefyd gael eu cynnwys yn y diffiniadau.

## Cwestiwn 7

Mae'r Asesiad Effaith Rheoleiddiol cysylltiedig yn nodi ein gwaith meddwl cychwynnol ynglŷn â chostau a manteision y cynigion hyn. A oes unrhyw gostau a manteision nad ydym wedi'u hystyried?

Mae addasu diffiniad "dan fygythiad o ddigartrefedd" (yn benodol cynyddu'r amserlen o 56 niwrnod i 6 mis) yn sicr o gael effaith ar adnoddau a'r angen tebygol i gyflogi mwy o staff (yn y tymor canol beth bynnag) nes daw sefyllfa lle bydd y gwaith rhyddhad digartrefedd yn lleihau. Felly, mae angen rhoi ystyriaeth lawn i bosibiliadau a thebygolrwydd o gynydd costau ar wasanaethau gofal yn deillio o'r cynigion i newid. Mae'n bosibl y bydd mwy o achosion angen sylw oherwydd ehangu'r diffiniad cysylltiad lleol.

Mae cydnabyddiaeth yn yr Asesiad Effaith Rheoleiddiol nad yw nifer o'r costau yn wybyddus ar gyfer y gofynion presennol, heb sôn am y cyfrifoldebau newydd fyddai'n syrthio ar awdurdodau lleol yn sgil y newidiadau arfaethedig. Ble mae costau ychwanegol posib wedi cael eu crybwyll yn y ddogfen, mae gennym bryder, ar sail profiadau'r cyfnod ers 2020, fod y costau hyn wedi cael eu tan-hamcan. Mae'r bwriad o symud i ffwrdd o fod yn ymatebol i fod yn cynnig gwasanaeth ataliol yn egwyddor sydd yn ei le ers nifer o flynyddoedd ac o safbwynt ariannol rydym yn cydnabod yn llwyr fod hyn yn drywydd bydd rhaid ei ddilyn os am gadw gwariant yn y maes o dan reolaeth, ond mae pryder gennym nad oes adnoddau digonol o fewn cyllidebau'r sector gyhoeddus yng Nghymru i ymdrin â'r heriau a'r pwysau ychwanegol sydd yn cael eu cynnig yn y ddogfen ymgynghorol. Byddai'n creu darlun ffals o'r sefyllfa petai Llywodraeth Cymru yn defnyddio'r sefyllfa bresennol fel gwaelodlin, pan nad oes gan wasanaethau digartrefedd yr awdurdodau lleol adnoddau digonol i gwrdd â'r galw ar hyn o bryd.

## Rôl gwasanaeth cyhoeddus Cymru o ran atal digartrefedd

### Cwestiwn 8

Ydych chi'n cytuno â'r cynigion i osod dyletswydd i ganfod, atgyfeirio a chydweithredu ar nifer o gyrrff perthnasol er mwyn atal digartrefedd?

Ydw/nac ydw

Rhowch eich rhesymau.

Mae'r angen i gryfhau'r cydweithio rhwng gwasanaethau cyhoeddus yn amlwg o safbwynt gwasanaethau digartrefedd, mae problem digartrefedd fel arfer yn cyd fynd efo llawer o broblemau cymdeithasol ac iechyd eraill.

Mae'r Cyngor yn croesawu bwriad i gryfhau'r dull aml-asiantaethol o weithio gyda'r defnyddwyr gwasanaeth ac i sicrhau bod gofynion penodol ar bob corff perthnasol. Ein prif bryder yw'r gallu i osod trefniadau effeithiol ar gyfer cydweithrediad asiantaethol gan ystyried bod y rhan fwyaf o wasanaethau cyhoeddus eisoes o dan bwysau sylweddol.

## Cwestiwn 9

**Ydych chi'n cytuno â'r cyrff perthnasol arfaethedig y byddai'r dyletswyddau i ganfod, atgyfeirio a chydweithredu yn gymwys iddynt? A fyddech yn ychwanegu neu'n tynnu unrhyw wasanaethau o'r rhestr?**

Mae'r Cyngor yn cytuno â'r cyrff perthnasol arfaethedig.

## Cwestiwn 10

Yn eich barn chi, a ydym wedi taro'r cydbwysedd cywir rhwng gofynion deddfwriaethol ac arferion gweithredol, yn enwedig mewn perthynas ag iechyd?

Mae'r Cyngor o'r farn fod cydbwysedd cywir, fodd bynnag mae angen ystyried yr her o osod trefniadau strategol rhanbarthol cadarn mewn lle. Mae hyn yn golygu ystyried sut y bydd unrhyw drefniadau newydd yn eistedd o fewn byrddau rhanbarthol sydd eisoes mewn bodolaeth a sut y bydd yr ymdrech aml-asiantaethol i leihau digartrefedd yn gweithredu ar lefel weithredol a strategol.

Parthed achosion cymhleth, os oes bwriad i ehangu timau aml-ddisgyblaeth sy'n cynnwys swyddogion o sawl sefydliad, rhaid ystyried adnoddau a hyfforddiant ddigonol. Mae angen hefyd rhoi ystyriaeth i'r angen am gyfathrebu clir a hyrwyddo dealltwriaeth o'r gofynion deddfwriaethol ymysg holl staff.

## Cwestiwn 11

Pa fesurau ymarferol y bydd angen eu rhoi ar waith er mwyn i'r dyletswyddau arfaethedig i ganfod, atgyfeirio a chydweithredu weithio'n effeithiol? Gofynnwn ichi ystyried anghenion dysgu a datblygu, adnoddau, staffio, lleoliad a diwylliant.

Gyda'r newid arfaethedig, mae'n angenrheidiol fod yr holl sefydliadau yn ddeall y ddeddfwriaeth digartrefedd, beth ydi cyfrifoldebau yr Awdurdod a hefyd beth ydi eu cyfrifoldebau hwy. Felly, bydd angen hyfforddiant rheolaidd ar gyfer y sefydliadau. Mae'n hanfodol hefyd fod cynllunio gweithgareddau yn cael ei wneud yn draws-sefydliadol gan fod effaith digartrefedd a lles unigolyn yn ymestyn tu hwnt i sefydliadau unigol.

## Cwestiwn 12

Yn ogystal â'r dyletswyddau cyffredinol i ganfod, atgyfeirio a chydweithredu, mae'r bennod hon yn cynnwys cynigion i gyflwyno gofyniad i gydgyssylltu achosion yn well ar

gyfer pobl ag anghenion lluosog a chymhleth. I ba raddau y bydd y cynigion yn helpu i atal digartrefedd ymhlith y grŵp hwn?

Mae'r Cyngor yn cytuno gyda'r egwyddor, fodd bynnag mae'n bwysig bod cydweithio a chyfathrebu effeithiol ar draws asiantaethau ar achosion yn gyffredinol, ac nid achosion cymhleth yn unig. Gallai'r cynigion gynnig potensial i atal digartrefedd mewn achosion cymhleth gan y bydd yn osgoi sefyllfaoedd lle bo'r sefydliadau yn mynd ar draws ei gilydd.

### Cwestiwn 13

Mae'r Asesiad Effaith Rheoleiddiol cysylltiedig yn nodi ein gwaith meddwl cychwynol ynglŷn â chostau a manteision y cynigion hyn. A oes unrhyw gostau a manteision nad ydym wedi'u hystyried?

Gweler ymateb Cwestiwn 7 paragraff 2.

Cynigion wedi'u targedu i atal digartrefedd i'r rhai yr effeithir arnynt yn anghymesur

### Cwestiwn 14

A oes unrhyw grwpiau eraill o bobl, heb eu nodi yn yr adran hon, y mae digartrefedd yn effeithio'n anghymesur arnynt yn eich barn chi, ac y mae angen gweithgarwch wedi'i dargedu ychwanegol i atal a lleihau digartrefedd o'r fath (rhoch dystiolaeth i gefnogi'ch barn)?

Rydym yn cytuno gyda'r rhestr ym mharagraff 252 o'r Ymgynghoriad, ond buasem yn cynnig cynnwys y grwpiau canlynol hefyd:

- Troseddwyd ifanc
- LGBTQ+
- Sipsiwn a theithwyr

Credwn fod y grwpiau a restrir uchod yn fwy tebygol o gael eu heffeithio gan digartrefedd oherwydd eu priodweddau arbennig.

### Cwestiwn 15

Pa gamau deddfwriaethol neu bolisi ychwanegol y gellid eu cymryd i atal neu leihau digartrefedd i'r grwpiau a nodir yn y Papur Gwyn hwn?

Mae angen ystyried deddfwriaeth newydd i sicrhau bod trefniadau aml-asiantaethol yn ddisgwyliad ar gyfer y cyswllt cychwynol gydag unigolion sy'n cyflwyno'n ddigartref i sicrhau bod gwaith ataliol yn gyfrifoldeb ar bawb.

Yn achos carcharorion, rydym yn gyffredinol gefnogol o'r cynnig i weithgarwch atal ddigwydd ar y cam derbyn, ond yn bryderus o'r adnoddau a'r cyd-gysylltiad rhwng asiantaethau cyhoeddus sydd ei angen i weithredu.

Rydym hefyd yn cytuno gyda'r cynnig i nodi'n glir mewn deddfwriaeth nad yw rhywun sydd yn y carchar yn ddigartref, ond credwn y bydd angen cynllun amserol a rhagweithiol i fynd i'r afael â digartrefedd ar amser gadael carchar.

O safbwynt cadw llety rydym yn cytuno gyda'r egwyddor sydd yn bodoli eisoes yn y llwybr (pathway) i garcharorion ac yn cael eisoes yn cael ei weithredu.

## Cwestiwn 16

Mae ein cynigion ynglŷn â phlant, pobl ifanc a phobl ifanc sydd â phrofiad o ofal yn ceisio gwella ac yn egluro cysylltiadau rhwng deddfwriaeth digartrefedd a'r Ddeddf Gwasanaethau Cymdeithasol a Llesiant. Mae angen gwaith datblygu polisi sylweddol er mwyn asesu ymarferoldeb hyn. Yn eich barn chi, beth yw manteision a heriau ein dull gweithredu a pha ganlyniadau anfwriadol y dylem baratoi i'w lliniaru?

Mae'r Awdurdod Lleol eisoes yn rhoi cefnogaeth i bobl ifanc sydd yn gadael gofal. Mae Adran Plant a Chefnogi Teuluoedd Cyngor Gwynedd yn ceisio sicrhau bod opsiynau llety ar gael drwy gydweithio gyda'r Trydydd Sector i adnabod llety addas ar gyfer anghenion yr unigolyn. Mae her sylweddol ar hyn o bryd i gynnig llety addas i bobol ifanc ôl-18 gan fod yr opsiynau iddynt i symud ymlaen i fyw yn annibynnol yn brin. Yn ogystal, mae diffyg opsiynau i bobol ifanc gydag anghenion cymhleth i fyw yn annibynnol.

## Cwestiwn 17

A yw ein cynigion yn mynd yn ddigon pell i sicrhau bod pobl ifanc 16 a 17 oed sy'n ddigartref neu sy'n wynebu risg o ddigartrefedd yn cael cymorth ar y cyd gan wasanaethau cymdeithasol ac awdurdodau tai lleol? Beth yn rhagor y gellid ei wneud i gryfhau ymarfer a chyflawni cyfrifoldebau rhianta corfforaethol ehangach?

Mae'r Cyngor yn cyflawni cyfrifoldeb fel rhiant corfforaethol ac yn nodi fod angen adnabod arian cyfalaf sylweddol ar gyfer gweithredu newid. Rydym yn rhoi llety i bobl ifanc 16 a 17 mewn tai gyda chymorth ond mae rhai unigolion sydd yn yr oedran yma yn symud oherwydd maent yn teimlo bod well cyfleoedd all-siriol ac mewn ardaloedd dinesig. Er, mae'r cyfrifoldeb rhiant a corfforaethol am yr unigolion yn parhau gyda'r Cyngor.

Bydd angen bod yn ymwybodol o'r angen i asesu a chomisiynu gwasanaethau cefnogol arbenigol i bobl ifanc 16 a 17 oed sydd yn wynebu neu sydd yn ddigartref.

## Cwestiwn 18

A ydych yn cytuno neu'n anghytuno y dylid diwygio Deddf Rhentu Cartrefi (Cymru) 2016 i ganiatáu i bobl ifanc 16 a 17 oed allu dal contractau meddiannaeth?

Anghytuno, nid ydym yn cefnogi'r cynnig yma.

Mae pobl ifanc 16 ac 17 oed yn debygol iawn o fod yn llai ymwybodol o oblygiadau a thelerau cytundebau meddiannu yn enwedig os ydynt yn fregus oherwydd digartrefedd, hyd yn oed gyda chefnogaeth gan wasanaethau cefnogol. Rhaid ystyried bod risg uwch fod unigolion yn gallu cymryd mantais o blant 16 ac 17 bregus trwy ffyrdd treisgar a chamfanteisiol ar gyfer dosbarthu cyffuriau megis llinellau cyffuriau ayyb.

Mae'n bwysig nodi ac ystyried hefyd bod gan Awdurdodau Lleol gyfrifoldeb cyfrifoldeb rhiantu dros blant / pobl ifanc sy'n ffoaduriaid a cheiswyr lloches, sy'n gallu cyflwyno heriau ychwanegol mewn ardaloedd gwledig.

Gellir ystyried mwy o eiddo cefnogol i unigolion 16 ac 17 i ddysgu sgiliau priodol ar gyfer cynnal tenantiaeth. Os bydd hyn yn cael ei ddiwygio yn y Ddeddf Rhentu Cartrefi (Cymru) bydd angen edrych ar elfennau eraill o fewn y cytundeb meddiannaeth er mwyn gwarchod pobl ifanc 16 ac 17 sydd yn gadael gofal.

## Cwestiwn 19

Mae'r Asesiad Effaith Rheoleiddiol cysylltiedig yn nodi ein gwaith meddwl cychwynnol ynglŷn â chostau a manteision y cynigion hyn. A oes unrhyw gostau a manteision nad ydym wedi'u hystyried?

Gweler ymateb Cwestiwn 7 paragraff 2.

## Mynediad at lety

### Cwestiwn 20

I ba raddau rydych chi'n cytuno neu'n anghytuno â'r cynigion byrdymor i wneud llety yn fwy addas? Yn eich barn chi, a oes camau ychwanegol y dylid eu cymryd ar unwaith ar y diben hwn?

Mae'r Cyngor yn cytuno y dylai llety dros dro fod o safon uchel, ond mae angen sicrhau mai'r prif bwrpas yw cyfarch anghenion sylfaenol yr unigolion ac nad yw yn cael ei ddefnyddio na'i gynllunio i fod yn datrysiad ar gyfer llety hir dymor. Rydym hefyd yn cytuno gyda'r cynnig na ddylai eiddo gyda pheryglon Categori 1 gael ei ddefnyddio fel llety dros dro.

Mae argaeledd llety dros dro a llety argyfwng yn fater o gryn bryder i'r Cyngor. Yn absenoldeb stoc tai hir-dymor digonol, mae gor-ddibyniaeth ar ddefnydd llety dros dro / argyfwng ar hyn o bryd. Mae pontio drosodd i lai o ddibyniaeth ar y llety yma yn flaenoriaeth ac wedi ei gynnwys yng Nghynllun Pontio Ailgartrefu Cyflym y Cyngor, ond mae hynny gyda'r ddealltwriaeth ein bod yn ddibynnol iawn ar ei ddefnyddio yn y tymor byr a chanolig. Gofynnir felly am ystyriaeth a hyblygrwydd gyda'r cynigion hyn, gan y gallai gweithredu'r cynigion fel y maent olygu na fydd gennym unrhyw ffordd o ddarparu llety dros dro mewn rhai amgylchiadau.

Mae'r Cyngor yn cytuno gyda'r cynnig i gyflwyno gofyniad ei bod yn rhaid ystyried yr amgylchiadau personol hyn wrth asesu addasrwydd llety, ond yn datgan pryder y gall argaeledd llety wneud cyflawni hyn yn anodd.

Parthed y cynnig i atgyfnerthu'r ddeddfwriaeth er mwyn nodi'n glir na ddylid byth ganiatáu lleoli unigolion mewn llety gorlawn wrth benderfynu ar addasrwydd llety – er fod y Cyngor

yn cytuno gyda'r egwyddor, gall achosion godi lle nad oes eiddo addas ar gael o gwbl, er enghraifft eiddo ar gyfer teulu efo 9 plentyn.

Yn berthnasol i'r cyfeiriad tuag at ddarparu cymorth (Paragraff 510), bydd angen sicrhau bod y Grant Cymorth Tai yn cael ei adolygu mewn ffordd bositif h.y. ni ddylid ystyried adolygiad ynghyd destun arbed cyllid, ond yn hytrach fel ffordd o adnabod cyfleon i fuddsoddi yn bositif mewn gwasanaethau cymorth tai.

Mae'r Cyngor yn cytuno'n llwyr na ddylai unigolion 16 ac 17 oed fod mewn unrhyw fath o lety oni bai bod cefnogaeth yn cael ei ddarparu fel rhan o'r meddiannaeth.

Parthed y cynnig na ellir ystyried bod llety'n addas oni bai ei fod wedi'i leoli o fewn pellter teithio rhesymol i gyfleusterau, mewn sir ddaearyddol fawr, gyda nifer o ardaloedd gwledig a gofynion niferus a thrwm ar y farchnad dai leol, mae sicrhau llety dros dro addas ar sail lleoliad yn heriol iawn, ac er felly ein bod egwyddor y cynnig yn gadarnhaol, gallai olygu na allwn ddefnyddio nifer o'n lletyai arferol pe bai'r cynnig hwn yn troi'n ofyniad.

Casglu Data (Paragraff 521) - mae casglu data yn dasg gynyddol sydd yn cymryd llawer o amser swyddogion. Os am broffilio argaeledd stoc o lety dros dro yn lleol a chenedlaethol (a'r angen i adrodd ar hynny l'r Llywodraeth) dylid hefyd roi ystyriaeth i ba agweddau eraill o gasglu data yn y maes yma y gellir ei symleiddio / cyfuno / cysoni er mwyn lleihau'r baich casglu ac adrodd data.

Parthed y cynnig i sicrhau dim lleoliadau i bobl dan 25 oed mewn gwely a brecwast – mae'n bwysig nodi fod y rhan fwyaf o ddefnyddwyr y gwasanaeth sydd o dan 25 oed yn sengl, ac mae ddiffyg dybryd o eiddo fforddiadwy 1 ystafell wely ar gael yng Ngwynedd. O ganlyniad, mae nifer o oedolion dan 25 oed yn cael eu lleoli mewn gwely a brecwast ar hyn o bryd. Rydym felly yn datgan pryder am yr argaeledd o lety dros dro priodol ynghyd â'r gallu i gynyddu'r cyflenwad mewn cyfnod byr o amser.

Rydym yn cytuno gyda'r cynnig i gynnwys darpariaeth ar gyfer ystyried mai safleoedd (yn hytrach na llety brics a mortar) yw'r llety mwyaf addas, fel arfer, ar gyfer ymgeisydd o gymuned y teithwyr (Sipsiwn, Roma a Theithwyr).

## Cwestiwn 21

I ba raddau rydych chi'n cytuno neu'n anghytuno â'r cynigion sy'n ymwneud â dyrannu tai cymdeithasol a rheoli rhestrau aros am dai? Beth ydych chi'n credu fydd canlyniadau'r cynigion hyn?

Paragraff 572 – rydym yn cytuno gyda hyn. Mae cael cydweithrediad landlord cymdeithasol cofrestredig i awdurdod sydd heb ei stoc dai ei hun (fel Gwynedd) yn heriol iawn ar brydiau er gwaethaf bod Polisi Gosod Tai Gyffredin mewn lle. Byddai'r ddyletswydd yma o gymorth mawr felly.

Parthed y prawf ymddygiad annerbyniol, rydym yn cytuno gyda'r cynnig hwn. Mae angen symleiddio'r rheoliadau presennol a gwneud y broses o ddyrannu eiddo cymdeithasol yn fwy seiliedig ar anghenion yn hytrach nag ymddygiad.

Rydym yn cytuno gyda'r cynnig i roi pŵer i awdurdodau lleol dynnu pobl nad oes ganddynt angen o ran tai oddi ar y rhestr aros.

O ran rhoi 'blaenoriaeth ychwanegol' i bobl sy'n ddigartref wrth ddyrannu tai cymdeithasol, rydym yn cytuno gyda'r egwyddor, ond teimlwn yn gryf y dylai hwn fod yn cael ei gynnis a'i weithredu fel pŵer ac nid fel dyletswydd. Gall fod nifer o ganlyniadau anfwriadol posibl

gyda gweithredu hyn fel dyletswydd, megis yn bennaf amddifadu nifer o grwpiau o ymgeiswyr mewn gwir angen tai brys ond nad ydynt yn ddigartref, er enghraifft teuluoedd gyda phlant anabl sydd angen tai addas. Mae risg i'r rheiny nad ydynt yn ddigartref, o ddeall y gyfundrefn, gyflwyno i'r Cyngor trwy'r drefn ddigartref gan ychwanegu hyd yn oed mwy o bwysau ar y gwasanaeth, ac mewn mannau eraill cysylltiedig. Dylai pob Awdurdod lleol bwysu a mesur yr angen i weithredu hyn fel pŵer yn seiliedig ar bwysau tai, galw, cyflenwad eiddo, argaeledd eiddo dros dro ayyb. Teimlwn bod goblygiadau ei weithredu fel dyletswydd yn sylweddol a byddai ei effaith yn andwyol ar ein gallu i weithredu ar ran pob carfan o bobl.

Parthed rhoi 'blaenoriaeth ychwanegol' i bobl â phrofiad o fod mewn gofal sy'n ddigartref a'r rhai sy'n ffoi rhag camdriniaeth, fel uchod, rydym o'r farn mai pŵer ac nid dyletswydd ddylai hyn fod.

Rydym hefyd yn cytuno gyda'r gofyniad statudol am Gofrestr Dai Gyffredin/Polisiâu Dyrannu Cyffredin.

Parthed cyflwyno 'prawf camddefnydd bwriadol', tra rydym yn cytuno gyda'r egwyddor a'r bwriad, rydym yn anghytuno gyda'r gweithrediad fel mae wedi ei ddrafftio. Tra bo'r cynnig yn ei gwneud yn glir na fyddai camarwain bwriadol yn effeithio ar hawliau pobl sy'n gwneud cais am ddigartrefedd, nid yw'n eglur sut byddai hawl i diddymu "blaenoriaeth resymol" yn gweithio'n ymarferol ac mae risg y byddai'n cynyddu llwyth gwaith swyddogion.

## Cwestiwn 22

I ba raddau rydych chi'n cytuno neu'n anghytuno â'r cynnig i gyflwyno opsiynau tai ychwanegol ar gyfer cyflawni'r brif ddyletswydd digartrefedd? Beth rydych chi'n rhagweld fydd canlyniadau (bwriadol neu anfwriadol) y cynnig hwn?

Rydym yn cytuno gyda'r cynnig i gyflwyno opsiynau tai ychwanegol ar gyfer cyflawni'r brif ddyletswydd digartrefedd, ac yn croesawu'r cynigion sydd o fewn y papur.

## Cwestiwn 23

Mae'r Asesiad Effaith Rheoleiddiol cysylltiedig yn nodi ein gwaith meddwl cychwynnol ynglŷn â chostau a manteision y cynigion hyn o ran mynediad at dai. A oes unrhyw gostau a manteision nad ydym wedi'u hystyried?

Gweler ymateb Cwestiwn 7 paragraff 2.



# Gweithredu

## Cwestiwn 24

I ba raddau, yn eich barn chi, y bydd y cynigion a amlinellir uchod yn helpu i weithredu a gorfodi'r diwygiadau arfaethedig?

Fel sydd wedi'i fynegi'n barod yn ein hatebion blaenorol, mae egwyddor nifer o'r cynigion i'w groesawu ac rydym fel Cyngor wedi ymrwymo i gyflwyno Cynllun Ailgartrefu Cyflym sy'n cyfarch yr argyfwng digartrefedd. Rydym yn falch o weld cydnabyddiaeth gan y Llywodraeth o'r pwysau aruthrol sydd ar gyllidebau ac adnoddau sefydliadau yn y sector tai ar hyn o bryd ac yn hynny o beth, teimlwn ei bod yn bwysig ac yn allweddol bod y Llywodraeth yn cydnabod natur hir-dymor y diwygiadau hyn.

Bydd angen gwneud yn siŵr bod buddsoddiad sylweddol yn cael ei wneud ar gyfer gweithredu rhai o'r cynigion (fel sydd eisoes wedi'i nodi yn ein hymateb), megis ar gyfer darparu llety addas ar gyfer bawb, yn enwedig i unigolion sydd gydag anghenion cymhleth.

Yn gyffredinol, rhaid cael gwell gafael ar wybodaeth a data yn gyffredinol, er mwyn cael darlun llawnach a mwy cyson o'r sefyllfa yn lleol ac yn genedlaethol. Er enghraifft byddai'n fuddiol cael gwell dealltwriaeth o beth sydd ar gael i unigolion sydd wedi cyflwyno yn ddigartref fwy nag unwaith er mwyn sicrhau fod y cylch yn cael ei dorri.

## Cwestiwn 25

Pa ysgogiadau/swyddogaethau/mecanweithiau eraill y gellid eu defnyddio i ddal awdurdodau tai lleol a chyrff cyhoeddus eraill yn atebol am eu rôl wrth atal digartrefedd?

Mae'r Cyngor o'r farn ei bod yn bwysig i awdurdodau tai, cymdeithasau tai, byrddau iechyd a sefydliadau eraill yn y sector cyhoeddus gydweithio i gyrraedd y nod o atal digartrefedd. Dylid sicrhau bod atebolrwydd ar lefel dorfol yn ogystal ag ar lefel unigol hefyd.

Credwn y dylid codi statws swyddogaeth a gwaith atal digartrefedd yn genedlaethol, ac ar lefel strategol i sicrhau ein bod yn llwyddiannus yn ein hymdrechion i ddal gafael ar staff profiadol ac i ddenu staff proffesiynol i mewn i'r maes.

## Cwestiwn 26

Mae'r Asesiad Effaith Rheoleiddiol cysylltiedig yn nodi ein gwaith meddwl cychwynnol ynglŷn â chostau a manteision y cynigion hyn. A oes unrhyw gostau a manteision nad ydym wedi'u hystyried?

Gweler ymateb Cwestiwn 7 paragraff 2.

## Cwestiwn 27

Beth, yn eich barn chi, fyddai effeithiau tebygol y diwygiadau arfaethedig yn y Papur Gwyn hwn ar y Gymraeg? Mae gennym ddi-ddordeb penodol mewn unrhyw effeithiau tebygol ar gyfleoedd i ddefnyddio'r Gymraeg ac ar beidio â thrin y Gymraeg yn llai ffafriol na'r Saesneg.

- A oes unrhyw gyfleoedd i hyrwyddo unrhyw effeithiau cadarnhaol, yn eich barn chi?
- A oes unrhyw gyfleoedd i liniaru unrhyw effeithiau negyddol, yn eich barn chi?

Rydym yn siomedig nad oes unrhyw gyfeiriad at yr iaith Gymraeg yn y papur hwn, yn enwedig o ystyried bod sefyllfa dai a digartrefedd unigolion a theuluoedd yn gallu effeithio ar hyfywedd yr iaith Gymraeg yn ein cymunedau. O ganlyniad, teimlwn bod cyfle wedi'i gollu yma.

Heb os dylid sicrhau bod siaradwyr Cymraeg digartref yn cael y cyfle i barhau i fyw mewn cymdeithas ble mae'r Gymraeg yn iaith naturiol bob dydd, gan gynnwys cymunedau gwledig, pe dymunir hynny, a bod plant a phobl ifanc yn gallu parhau i dderbyn addysg Gymraeg. Argymhellir y dylid rhoi sylw i hyn a phwysigrwydd y Gymraeg ym mywydau unigolion a theuluoedd wrth greu'r Cynllun Tai Personol.

Gan fod y papur yn argymhell ychwanegu grwpiau eraill o bobl at y rhestr o eithriadau er mwyn darparu ar gyfer cysylltiadau nad ydynt yn rhai teuluol â chymunedau, credwn y dylid dwys ystyried sgil-effeithiau posib gweithredu'r eithriadau uchod ar y Gymraeg. Rhaid adnabod cyfleoedd i liniaru unrhyw effeithiau negyddol ar y Gymraeg o ganlyniad i gyflwyno eithriadau hyn. Os lleolir siaradwyr di-Gymraeg digartref mewn cymdeithas naturiol Gymraeg, dylid ystyried ffyrdd o'u cymhathu yn y gymdeithas Gymraeg drwy gydweithio gyda grwpiau cymunedol, datblygu perthynas gyda'r iaith a chynyddu cyfleoedd i'w defnyddio.

Dylid hefyd sicrhau bod yr iaith a ddefnyddir i gyfathrebu gyda phobl yn glir a dealladwy.

## Cwestiwn 28

Rydym wedi gofyn nifer o gwestiynau penodol. Os oes gennych chi unrhyw faterion cysylltiedig sydd heb gael eu trafod yn benodol, mae croeso i chi ddefnyddio'r lle hwn i'w nodi:

Yn gyffredinol, fel Cyngor, rydym yn cytuno gyda chyfeiriad y cynigion yn y Papur Gwyn, ac yn gefnogol i ddyhead y Llywodraeth o geisio adnabod a lliniaru'r ffactorau sydd yn gyfrifol am y cylchoedd negyddol sy'n gysylltiedig â digartrefedd drwy ddull ataliol sy'n seiliedig ar drefniadau partneriaethol. Mae'r gydnabyddiaeth benodol o fewn y cynigion bod angen i ddigartrefedd fod yn flaenoriaeth a chyfrifoldeb i sawl gwasanaeth cyhoeddus yn sicr i'w groesawu.

Fodd bynnag, mae pryderon yn bodoli am yr adnoddau sydd eu hangen i gyflawni'r cynigion hyn ynghyd a'r amserlen ar gyfer cyflwyno'r newidiadau. Mae'r sector gyfan eisoes yn wynebu her i ymateb i'r galw cynyddol, cymhlethdod yr achosion ynghyd â'r diffyg cyllid sydd ar gael i weithredu'n effeithiol. Os yw'r Llywodraeth am sicrhau fod y

cynigion hyn yn arwain at newid “unwaith mewn cenhedlaeth” yn y maes digartrefedd yna bydd rhaid adnabod ffynonellau ariannol digonol am yr hir dymor. Mae'r penderfyniad diweddar i beidio â chodi lefel y Grant Cymorth Tai yn debygol o achosi straen ar wasanaethau a darparwyr ac yn debygol o fod yn rhwystro i unrhyw ymdrech i gynyddu'r mesurau ataliol yn sylweddol fel y cynigir yn y Papur Gwyn. Ochr yn ochr â'r gwaith ataliol, bydd angen parhau i fuddsoddi yn sylweddol trwy'r Grant Tai Cymdeithasol os oes dyhead i gyflymu'r gwaith o adeiladu tai cymdeithasol er hwyluso'r broses o sicrhau cynnydd yn yr opsiynau ar gyfer cynnig llety hir dymor i unigolion.

Sefydliad (os yw'n berthnasol):

**Cyngor Gwynedd**

Number: WG48223



Llywodraeth Cymru  
Welsh Government

Welsh Government  
Consultation response form

## Consultation on the White Paper on Ending Homelessness in Wales

Date published: 10 October 2023  
Action: Responses by 16 January 2024

**OGL** © Crown Copyright 2023

We welcome correspondence and phone calls in English.

## Overview

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

## How to respond

Please submit your comments by 16 January 2024, in one of the following ways:

- complete our online form
- download, complete our response form and email [DiwygioDeddfwriaethDigartrefedd@llyw.wales](mailto:DiwygioDeddfwriaethDigartrefedd@llyw.wales)
- download, complete our response form and post to:

Homelessness Prevention Legislation Team  
Welsh Government  
Cathays Park  
Cardiff  
CF10 3NQ

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

- your new
- your post (if applicable)
- name of organisation (if applicable)

## More information and related documents

Versions of this document may be requested in bold, in Braille or in other languages.

## UK General Data Protection Regulation

The Welsh Government will be the data controller for any personal data you provide as you respond to the consultation. Welsh Ministers have statutory powers that they will rely on to process these personal data that will enable them to make informed decisions about how they carry out their public functions. Any response you send to us will be fully seen by Welsh Government staff working on the issues this consultation relates to or who are planning future consultations. Where the Welsh Government undertakes further analysis of responses to a consultation, then an accredited third party (e.g. a research institute or consultancy firm) may be commissioned to carry out this work. Such work is undertaken only under contract. The Welsh Government's standard terms and conditions for such contracts set out strict requirements for processing and keeping personal data safe.

In order to demonstrate that the consultation was properly carried out, the Welsh Government intends to publish a summary of the responses to this document. It is also possible that we will publish the responses in full. The name and address (or part of the address) of the person or organisation that sent the response are usually published with the response. If you do not wish your name and address to be published, please let us know in writing when sending your response. We will then hide your details before publishing your response.

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

If your details are published as part of the consultation response, these reports will be retained indefinitely. The remaining data otherwise held by the Welsh Government will not be retained for more than three years.

## Confidentiality

Responses to consultations could be published on the internet or in a report.

**If you do not want your name and address to be shown in any document we can produce, tick here:**

# Amending existing core legislation relating to homelessness

## Question 1

Do you agree that these proposals will lead to an increase in homelessness prevention and homelessness relief?

Yes/no

Yes, in principle.

## Question 2

What are your reasons for this?

Gwynedd Council believes these proposals can lead to an increase in homelessness prevention and homelessness relief, but the unintended consequences that may arise from implementing these proposals need to be carefully weighed. In addition, the ability to prevent/reduce homelessness is dependent on a number of other factors, including the supply of property, temporary properties and the identification of adequate resources to achieve the goal. It will also be necessary to ensure that this call is fully considered within the context of the Code of Guidance.

Changing the definition of "threatened with homelessness" from 56 days to 6 months offers additional time to perform preventive activities. However, despite having more time to carry out preventative work, we feel there is a high likelihood that individuals and families will continue to contact the Authority at the last minute, leaving short time for officers to carry out further preventative work.

The Council agrees with the proposed change, that it is a statutory duty to produce a Personal Housing Plan. This will lead to greater clarity of the responsibilities of the Authority (and also for the applicant) and the principle supports the aim of placing the individual at heart. The proposed change from establishing a statutory duty to review the needs assessment and Personal Housing Scheme with the applicant within 8 weeks is also welcome. However, it is also necessary to weigh carefully if the necessary resources are available to achieve this.

Regular communication with applicants – We are supportive of the proposal but note that clear guidance is needed for local authorities specifically on the frequency of contact, in good time before the provision comes into force.

Re the proposed statutory duty to include an applicant's views on their accommodation needs in a Personal Housing Scheme, the potential impact needs to be carefully considered. In a large geographical county such as Gwynedd, finding suitable accommodation in the necessary locations is a significant challenge, so it must be considered that this does not adversely affect efforts to locate individuals.

The proposal to introduce a right to apply for review in relation to the reasonable course of action is likely to introduce another layer of right to request review. On the basis here, we do not agree with the proposal. The Council considers that it is already taking into account the needs and aspirations of the applicant as part of formulating the reasonable course of action.

We cannot agree with the proposal to grant a right to apply for a review of suitability of accommodation at any time while the holding accommodation is occupied and it will be necessary to continue with the current regime of including a time limit.

Adding other groups to the local connection test can significantly increase the number of out-of-area submissions, as many individuals submitting from outside the county currently indicate they have a distant family connection with the county. We concern that this can lead to a significant increase in demand on our scarce resources (human and financial), and to hinder our ability to accommodate the many individuals and families already presenting as homeless in the county.

Removing the deliberate test can lead to high numbers being kept. In most cases, this is used when there is anti-social behaviour at emergency property and when there are several warnings about the behaviour given to the individual. The proposed change means the individual would continue to be accommodated despite their anti-social behaviour.

There is significant pressure across many services at the moment. It is unclear if adequate resources are available in housing departments or social services to operate effectively, along with the lack of availability of housing/living units of the right type in the right places.

### Question 3

Do you think there are additional legislative proposals that we should consider to deliver improvements in preventing homelessness and relieving people of homelessness?

Further significant investment is needed in homelessness prevention services that operate outside the statutory area of work to include educational work, and a culture change so that becoming homeless is not inevitable in some cases. Proactive work beyond the proposals in the White Paper also needs to be considered. The Third Sector, through the Housing Support Grant (and other non-public funding sources) provides services that are now absolutely necessary and support the statutory services. The investment in those services is necessary to support the statutory work to try to achieve the aim of preventing homelessness.

Emergency housing for individuals leaving their houses due to domestic violence needs specific attention rather than over-reliance on hostels. Additional resources will need to be secured to ensure adequate supply.

### Question 4

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

Yes/no

The Council recognises the principle to consider doing this, but is alive to the fact that it can lead to additional challenges for an already hard-pressed regime. We therefore agree with the intention, but more resources will have to be secured to enable the Council to continue to implement the current regime in the County.



## Question 5

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

Yes/no

No we don't. The end of the use of intentionality would have a major impact in Gwynedd. Without intention there is no mechanism to terminate service users due to anti-social/violent behaviour which breaches Gwynedd Council's temporary accommodation rules. This would adversely affect other service users in temporary accommodation and the community in which the accommodation is located. In addition, it may result in the loss of future use of the property. Under the new failure to co-operate test, it is stipulated that duty could be terminated due to threatening behaviour towards local housing authority staff but it is unclear if threatening behaviour also applies to members of staff in private temporary accommodation.

## Question 6

Do you agree with our proposal of keeping the local connection test but adding other groups of people to the list of exceptions to accommodate non-family contacts with communities and better consider the reasons why someone cannot return to their original local authority?

Partly. We agree with keeping the local connection test – but we don't agree with adding other groups.

The consent of local connection and its use is important to Gwynedd for a number of reasons. The distinctive features of the county mean that we have a duty to promote and encourage the Welsh culture of the county. One possible outcome of this proposal is that more residents without a local connection to Gwynedd would be housed in the county depriving local residents in housing need. It is difficult to give full support to this proposal as it stands, and it is believed that it needs more development work.

The ability by prisoners to submit to the service because they want to 'start afresh' is worrying because of the significant wear and tear this would entail on the Authority's resources. This would likely lead to an increase in the number of complex cases dealt with by the Council along with the lack of ability to plan for them.

Currently, there is a high number of people presenting from neighbouring counties and north-west England. Gwynedd Council's Homelessness Service is already struggling to accommodate the clients we currently support as there is a lack of affordable private accommodation in the area and a shortage of social housing.

Including broad definitions for groups such as young people under 25 and people seeking to recover from substance abuse is too general. It is possible that this would lead to an increase in pressure on the Service's resources and therefore a harder to target support to the right places.

The Council agrees in principle with the proposal to impose a new duty on local housing authorities to help a person retain accommodation if the applicant has been assisted in securing accommodation (which could mean the accommodation they currently live in) or if the applicant has been offered accommodation and accepted.

Re the narrower test which sets out a small number of clearly defined limited reasons for the unreasonable failure to co-operate test – the Council agrees with the proposal, but strongly suggests that temporary/emergency staff/property officers and staff providing support should also be included in the definitions.

## Question 7

The accompanying RIA sets out our initial thinking about the costs and benefits of these proposals. Are there any costs and benefits that we haven't considered?

Modifying the definition of "threatened by homelessness" (specifically increasing the timeframe from 56 days to 6 months) is bound to have an impact on resources and the likely need to employ more staff (mid-term anyway) until a situation comes where homelessness relief work is reduced. Therefore, full consideration needs to be given to the possibilities and likelihood of cost increases on care services arising from the proposals to change. More cases may need attention due to the expansion of the local connection definition.

There is recognition in the RIA that many of the costs are unknown for current requirements, let alone the new responsibilities that would fall on local authorities as a result of the proposed changes. Where potential additional costs have been mentioned in the document, we have concern, based on the experiences of the period since 2020, that these costs have been under-objective. The intention of moving away from being responsive to offering a preventative service is a principle that has been in place for a number of years and from a financial point of view we fully recognise that this is a route that will have to be pursued if spending in the field is to be kept under control, but we are concerned that there are insufficient resources within public sector budgets in Wales to deal with the additional challenges and pressures offered in the advisory document. It would paint a far-fetched picture of the situation if the Welsh Government used the current situation as a baseline, when local authority homelessness services are currently under-resourced to meet demand.

## The role of the Welsh public service in preventing homelessness

### Question 8

Do you agree with the proposals to impose a duty to detect, refer and co-operate on a number of relevant bodies to prevent homelessness?

Yes/no

Give your reasons.

The need to strengthen collaboration between public services is evident from the perspective of homelessness services, the problem of homelessness usually accompanies many other social and health problems.

The Council welcomes an intention to strengthen the multi-agency approach to working with the service users and to ensure that each relevant body has specific requirements. Our main concern is the ability to set effective arrangements for agency co-operation given that most public services are already under significant pressure.

## Question 9

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

The Council agrees with the proposed relevant bodies.

## Question 10

Do you think we have struck the right balance between legislative requirements and executive practice, particularly in relation to health?

The Council believes there is a right balance, however the challenge of placing robust regional strategic arrangements in place needs to be considered. This means considering how any new arrangements will sit within existing regional boards and how the multi-agency effort to reduce homelessness will operate at an operational and strategic level.

Re complex cases, if there is an intention to expand multi-disciplinary teams made up of officers from multiple organisations, adequate resources and training must be considered. Consideration also needs to be given to the need for clear communication and to promote understanding of the legislative requirements amongst all staff.

## Question 11

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

With the proposed change, it is necessary that all organisations understand the homelessness legislation, what the Authority's responsibilities are and also what theirs are. Therefore, regular training will be required for the institutions. It is also essential that activity planning is carried out cross-organisationally as the impact of homelessness and individual wellbeing extends beyond individual organisations.

## Question 12

In addition to the general duties to detect, refer and cooperate, this chapter includes proposals to introduce a requirement for better coordination of cases for people with multiple and complex needs. To what extent will the proposals help prevent homelessness among this group?

The Council agrees with the principle, however it is important that there is effective cross-agency collaboration and communication on cases across the board, and not just complex cases. The proposals could offer potential to prevent homelessness in complex cases as it will avoid situations where the organisations go across each other.

### Question 13

The accompanying RIA sets out our initial thinking about the costs and benefits of these proposals. Are there any costs and benefits that we haven't considered?

See response of Question 7 paragraph 2.

Targeted proposals to prevent homelessness for those disproportionately affected

### Question 14

Are there any other groups of people, not identified in this section, who you think are disproportionately affected by homelessness, and who need additional targeted activity to prevent and reduce such homelessness (please provide evidence to support your view)?

We agree with the list in paragraph 252 of the Consultation, but would propose to include the following groups as well:

- Young offenders
- LGBTQ+
- Gypsies and travellers

We believe that the groups listed above are more likely to be affected by homelessness because of their special properties.

### Question 15

What additional legislative or policy action could be taken to prevent or reduce homelessness for the groups set out in this White Paper?

New legislation needs to be considered to ensure that multi-agency arrangements are an expectation for initial contact with individuals presenting as homeless to ensure preventative work is everyone's responsibility.

In the case of prisoners, we are generally supportive of the proposal for prevention activity to take place at the admissions stage, but apprehensive of the resources and interconnection between public agencies required to operate.

We also agree with the proposal to make clear in legislation that someone in prison is not homeless, but we believe that a timely and proactive plan will be needed to address homelessness on prison leave time.

From the point of view of keeping accommodation we agree with the principle that existing in the path (pathway) for prisoners and are already being allowed to be operated.

## Question 16

Our proposals for children, young people and young people with experience of care seek to improve and clarify links between homelessness legislation and the Social Services and Wellbeing Act. Significant policy development is needed to assess the feasibility of this. What do you think are the benefits and challenges of our approach and what unintended consequences should we prepare to mitigate?

The Local Authority already provides support to young care leavers. Gwynedd Council's Department of Children and Family Support seeks to make accommodation options available by working with the Third Sector to identify suitable accommodation for the individual's needs. There is currently a significant challenge to offer suitable accommodation to young post-18 people as options for them to progress to independent living are limited. In addition, there is a lack of options for young people with complex needs to live independently.

## Question 17

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

The Council fulfils responsibility as a corporate parent and identifies the need to identify significant capital funds for implementing change. We accommodate 16 and 17 young people in supported housing but some individuals who are at this age are moving because they feel there are better opportunities for out-cheer and in city areas. Although, the parental and corporate responsibility for the individuals remains with the Council.

It will be necessary to be aware of the need to assess and commission specialist supportive services for 16 and 17-year-olds who are facing or homeless.

## Question 18

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

Disagree, we do not support the proposal here.

16 and 17-year-olds are very likely to be less aware of the implications and terms of takeover agreements especially if they are vulnerable to homelessness, even with support from supportive services. It must be considered that there is a higher risk that individuals can take advantage of vulnerable children 16 and 17 through violent and exploitative ways for drug distribution such as county lines etc.

It is also important to note and consider that Local Authorities have a parenting responsibility for refugee children / young people and asylum seekers, which can present additional challenges in rural areas.

More supportive properties for individuals 16 and 17 can be considered to learn appropriate skills for maintaining a tenancy. If this is to be amended in the Home Rental (Wales) Act, other elements within the occupancy agreement will need to be looked at to protect young people 16 and 17 leaving care.

## Question 19

The accompanying RIA sets out our initial thinking about the costs and benefits of these proposals. Are there any costs and benefits that we haven't considered?

See response of Question 7 paragraph 2.

## Access to accommodation

### Question 20

To what extent do you agree or disagree with the short-term proposals to make accommodation more suitable? Do you think there are additional steps that should be taken immediately on this purpose?

The Council agrees that temporary accommodation should be of a high standard, but it is necessary to ensure that the main purpose is to meet the basic needs of the individuals and is not used or designed to be a solution for long-term accommodation. We also agree with the proposal that properties with Category 1 hazards should not be used as temporary accommodation.

The availability of temporary and emergency accommodation is a matter of considerable concern to the Council. In the absence of adequate long-term housing stock, there is currently an over-reliance on temporary / emergency accommodation use. Transitioning over to less reliance on this accommodation is a priority and is included in the Council's Rapid Rehousing Transition Plan, but that is with the understanding that we are very dependent on its use in the short and medium term. Consideration and flexibility with these proposals is therefore requested, as the implementation of the proposals as they stand may mean that in some circumstances we will have no means of providing temporary accommodation.

The Council agrees with the proposal to introduce a requirement that these personal circumstances must be taken into account when assessing accommodation suitability, but states concern that the availability of accommodation can make achieving this difficult.

Re the proposal to consolidate the legislation to make clear that the placement of individuals in overcrowded accommodation should never be allowed in determining the

suitability of accommodation – although the Council agrees with the principle, cases may arise where suitable property is not available at all, for example property for a family with 9 children.

Relevant to the direction towards the provision of support (Paragraph 510), it will be necessary to ensure that the Housing Support Grant is reviewed in a positive way i.e. a review together should not be considered as the subject of saving funds, but rather as a way of identifying opportunities to invest positively in housing support services.

The Council fully agrees that individuals aged 16 and 17 should not be in any form of accommodation unless support is provided as part of the occupation.

Re the proposition that accommodation cannot be deemed suitable unless it is located within a reasonable travelling distance of facilities, in a large geographical county, with a number of rural areas and numerous and heavy requirements on the local housing market, securing suitable temporary accommodation on a location basis is very challenging, and although therefore we find the principle of the proposal positive, it could mean that we cannot use a number of our normal hosts if this proposal becomes a requirement.

Data Collection (Paragraph 521) - data collection is an increasingly time-consuming task for officers. If local and national stock availability of temporary accommodation is to be profiled (and the need to report that to the Government) consideration should also be given to what other aspects of data collection in this area can be simplified / combined / reconciled to reduce the burden of data collection and reporting.

Re the proposal to ensure no venues for under 25s in B&Bs – it is important to note that the majority of service users under the age of 25 are single, and there is a serious lack of affordable 1 bedroom properties available in Gwynedd. As a result, many adults under the age of 25 are currently placed in B&Bs. We therefore state concern about the availability of appropriate temporary accommodation along with the ability to increase supply in a short period of time.

We agree with the proposal to include provision for sites (as opposed to brick and mortar accommodation) to be considered to be the most suitable accommodation, ordinarily, for an applicant from the traveller community (Gypsies, Roma and Travellers).

## Question 21

To what extent do you agree or disagree with the proposals relating to social housing allocation and housing waiting list management? What do you think the results of these proposals will be?

Paragraph 572 – we agree with this. Getting the co-operation of a registered social landlord into an authority that doesn't have its own housing stock (such as Gwynedd) is very challenging at times despite the Common Letting Policy being in place. This duty would therefore be very helpful.

Re the unacceptable conduct test, we agree with this proposal. Existing regulations need to be simplified and the allocation of social property more based on needs rather than behaviour.

We agree with the proposal to give local authorities the power to remove people who do not have a housing need from the waiting list.

In terms of giving homeless people 'extra priority' in allocating social housing, we agree with the principle, but we feel strongly that this should be being proposed and implemented as a power and not as a duty. There can be a number of potential unintended consequences with implementing this as a duty, such as mainly depriving a number of groups of applicants in real need of emergency housing but who are not homeless, for example families with disabled children in need of suitable housing. Those who are not homeless, understanding the regime, risk presenting to the Council through the homeless regime adding even more pressure on the service, and elsewhere related. Each local Authority should weigh the need to implement this as a power based on housing pressures, demand, property supply, availability of temporary properties etc. We feel that the implications of implementing it as a duty are significant and its impact would be detrimental to our ability to act on behalf of all factions of people.

Re giving 'extra priority' to people with experience of being in care who are homeless and those fleeing abuse, as above, we believe this should be power and not duty.

We also agree with the statutory requirement for a Common Housing Register/Common Allocation Policies.

Re the introduction of a 'wilful misuse test', while we agree with the principle and intent, we disagree with the operation as drafted. While the motion makes clear that deliberate mislabeling would not affect the rights of people applying for homelessness, it is unclear how a right to abolish "reasonable priority" would work in practice and risks increasing officer workload.

## Question 22

To what extent do you agree or disagree with the proposal to introduce additional housing options for fulfilling the primary homelessness duty? What do you anticipate will be the consequences (intentional or unintended) of this proposal?

We agree with the proposal to introduce additional housing options for carrying out the primary homelessness duty, and welcome the proposals within the paper.

## Question 23

The accompanying RIA sets out our initial thinking about the costs and benefits of these housing access proposals. Are there any costs and benefits that we haven't considered?

See response of Question 7 paragraph 2.



# Operate

## Question 24

To what extent do you think the proposals outlined above will help implement and enforce the proposed reforms?

As has already been expressed in our previous replies, the principle of many of the proposals is welcome and we as a Council are committed to introducing a Rapid Rehousing Plan that greets the homelessness crisis. We are pleased to see recognition by the Government of the tremendous pressures currently placed on the budgets and resources of organisations in the housing sector and in that regard, we feel it is important and key that the Government recognise the long-term nature of these reforms.

It will be necessary to ensure that significant investment is made for the implementation of some of the proposals (as already set out in our response), such as for providing suitable accommodation for all, particularly for individuals with complex needs.

In general, there must be a better grasp of information and data across the board, to get a fuller and more consistent picture of the situation locally and nationally. For example it would be beneficial to have a better understanding of what is available to individuals who have presented as homeless more than once to ensure that the cycle is broken.

## Question 25

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

The Council believes it is important for housing authorities, housing associations, health boards and other public sector organisations to work together to achieve the goal of preventing homelessness. There should be accountability at a mass level as well as an individual level as well.

We believe that the status of homelessness prevention function and work should be raised nationally, and at a strategic level to ensure that we are successful in our efforts to hold on to experienced staff and to attract professional staff into the field.

## Question 26

The accompanying RIA sets out our initial thinking about the costs and benefits of these proposals. Are there any costs and benefits that we haven't considered?

See response of Question 7 paragraph 2.

## Question 27

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

- Do you think there are any opportunities to promote any positive effects?
- Do you think there are any opportunities to mitigate any negative impacts?

We are disappointed that there is no reference to the Welsh language in this paper, particularly given that the housing situation and homelessness of individuals and families can affect the viability of the Welsh language in our communities. As a result, we feel that an opportunity has been missed here.

It should undoubtedly be ensured that homeless Welsh speakers have the opportunity to continue to live in a society where Welsh is the natural language every day, including rural communities, should that so desire, and that children and young people can continue to receive a Welsh language education. It is recommended that attention should be paid to this and the importance of the Welsh language in the lives of individuals and families when creating the Personal Housing Scheme.

As the paper recommends adding other groups of people to the list of exemptions to accommodate non-family links with communities, we believe that consideration should be given to the potential repercussions of implementing the above exemptions on the Welsh language. Opportunities must be identified to mitigate any negative impacts on the Welsh language as a result of the introduction of these exemptions. If homeless non-Welsh speakers are placed in a natural Welsh-speaking society, ways of assimilating them into Welsh-speaking society should be considered by collaborating with community groups, developing relationships with the language and increasing opportunities to use it.

The language used to communicate with people should also be made clear and understandable.

## Question 28

We have asked a number of specific questions. If you have any related issues that haven't been specifically discussed, please feel free to use this space to point them out:

Overall, as a Council, we agree with the direction of the proposals in the White Paper, and are supportive of the Government's aspiration of seeking to identify and mitigate the factors responsible for the negative cycles associated with homelessness through a preventative approach based on partnership arrangements. The specific recognition within the proposals that homelessness needs to be a priority and responsibility for many public services is certainly welcome.

However, concerns exist about the resources needed to deliver these proposals together and the timetable for introducing the changes. The sector as a whole is already facing a challenge to meet the growing demand, the complexity of the outbreak and the lack of funds available to operate effectively. If the Government are to ensure that these proposals lead to "once in a generation" change in the homelessness field then adequate sources of funding will have to be identified for the long term. The recent decision not to raise the level of THEG is likely to cause strain on services and providers and is likely to be a barrier to any effort to significantly increase preventive measures as proposed in the

White Paper. Alongside the preventative work, there will need to continue to be significant investment through SHGs if there is an aspiration to accelerate the construction of social housing to facilitate an increase in options for offering long-term accommodation to individuals.

Organization (if applicable):

**Gwynedd Council**

Number: **WG48223**



Welsh Government  
Consultation response form

## Consultation on the White Paper on Ending Homelessness in Wales

Date of issue: 10 October 2023

Action required: Responses by 16 January 2024

© Crown copyright 2023

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

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

## Overview

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

## How to respond

Please respond by completing the online form or completing this questionnaire and sending it to [HomelessnessLegislationReform@gov.wales](mailto:HomelessnessLegislationReform@gov.wales)

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

Homelessness Prevention Legislation Team

Welsh Government

Cathays Park

Cardiff

CF10 3NQ

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

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

## Further information and related documents

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

## Data Protection

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

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

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

## Confidentiality

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

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

## Reform of the existing core homelessness legislation

### Question 1

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

Yes/no

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## Question 2

What are your reasons for this?

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

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

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



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

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

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

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

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

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

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

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

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

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

### Question 3

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

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

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

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

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

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

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

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

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

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

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

#### Question 4

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

Yes/no

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

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

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

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

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

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

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

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

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

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

#### Question 5

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

Yes/no

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

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

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

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

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

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

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

#### Question 6

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

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



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

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

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

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

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

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

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

#### Question 7

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

The role of the Welsh Public Service in preventing homelessness

## Question 8

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

Yes/no

Please give your reasons

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

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

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

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

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

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

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

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

## Question 9

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

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

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

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

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

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

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

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

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

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

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

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

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

#### Question 10

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

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

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

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

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

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

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

Page 32 of 75

Question 11

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



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

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

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

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

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

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

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

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

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

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

## Question 12

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

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

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

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

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

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

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

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

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

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

#### Question 13

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

#### Targeted proposals to prevent homelessness for those disproportionately affected

#### Question 14

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

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

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

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

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

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

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

#### Question 15

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

Training Flats - The Training Flats Scheme in Carmarthenshire provides good quality and affordable accommodation to young people who would benefit from living independently whilst accessing individual support and bespoke training.

Shared Furniture Scheme - The Furniture and Equipment Library is an innovative initiative which allows young people aged 16-25 to loan furniture and household items upon moving into independent housing for free, which hopes to prevent young people from becoming trapped by Buy-Now-Pay-Later schemes and high interest credit to furnish and equip their homes.

#### Question 16

Our proposals related to children, young people and care experience seek to improve and clarify links between homelessness legislation and the Social Services and Wellbeing Act. Significant policy development is required to assess the practicality of this. What, in your views are the benefits and challenges of our approach and what unintended consequences should we prepare to mitigate?

In relation to the link between the body of Welsh homelessness law and the Social Services and Well-being Act, we feel that there are several areas where further guidance and, if necessary, legislative work can be looked at to strengthen both areas of legislation.

Primarily, we are concerned with the guidance issues around who is responsible for 16-17-year-olds. Despite what we feel is a clear instruction under the act and the supporting evidence, local authorities are still unsure of who is responsible for 16-17-year-olds. This is particularly true of those who have left care where, despite the Southwark ruling, we have heard anecdotal evidence of young people still being put under the responsibility of housing rather than social services. This requires further guidance and monitoring to ensure that the existing law and any changes are fully communicated and implemented.

We would reiterate the need, expanded on below, for the corporate parenting charter to be fully implemented into Welsh law. This would ensure better protections and service provision for our young people while clarifying the role of local authorities.

#### Question 17

Do our proposals go far enough to ensure that 16 and 17 year olds who are homeless or at risk of homelessness receive joint support from social services and local housing authorities? What more could be done to strengthen practice and deliver the broader corporate parenting responsibilities?

EYHC welcomes the Welsh Government's commitment to strengthen existing corporate parenting to ensure individuals aged 16 and 17 years who are homeless or at risk of homelessness do not fall between services. As the chair of our Care Experienced working group, Sharon Lovell, stated in the publication of our research into care experienced young people's propensity to homelessness: "The Corporate Parenting of young people in care is the responsibility of all of us. It is unacceptable that any child in care ends up homeless" (EYHC, 2020: 2).

As the most up-to-date data shows, the numbers of care experienced young people coming into contact with the homelessness remains unacceptably high: in 2022/23, care leavers aged 18 to 21 years old were placed in temporary B&B accommodation under the current homelessness legislation on 171 occasions. This is a figure that has risen since the start of the COVID19 pandemic.

Our engagements with young people to inform this response found that effective coordination between social services and housing authorities is seen to be crucial in ensuring that young care-experienced people receive the care and support they're entitled to that can prevent their homelessness from occurring. When asked "What can be done to improve the support given to 16-17 year olds who are experiencing homelessness and/or transitioning from children's to adult services?" young people focused on:

- People to be made aware of Southwark ruling. Young people not having it explained in a way that deters them from becoming looked after.
- More support and education
- A slow transition instead of thrown from one service to the other
- Giving them a safe place to stay without any expenses and expectations until they are ready
- Specialist supported accommodation
- Prevention by working with families to keep them together

And similarly, when asked "What can be done to strengthen how local councils & public services deliver their corporate parenting responsibilities?" young people focused on:

- Employ more staff
- Being more hands on with the treatment of the young people

- Knowledge of the responsibilities and have more than 1 southwark social worker
- Drop in sessions once a week if assigned social worker is busy or away from work
- Further funding. HSG Grant needs to be increased

Furthermore, the below case study highlights what can happen when there is not effective coordination;

*Izzy, a care-experienced young person who took part in our focus group in December 2023, has had a difficult time accessing the right support. She is currently 18 years old, and is living in a council flat with floating support from adult services, who she says have been a huge help. But, it wasn't always easy. She spent three months in the youth justice system after an incident of arson that occurred during a mental health crisis. During her time in prison, she was told by a social worker that she had been assigned a council flat for when she was released. However, upon her release, the RSL found out about her conviction and withdrew the offer of the flat, leaving her vulnerable and homeless. Her caseworkers then had to scramble to try and find her alternative housing, which they did eventually, but Izzy had to live in inappropriate temporary accommodation in the interim, in a time when she was already vulnerable. If the social worker, the youth justice team, and the RSL had been communicating and collaborating effectively, the situation could have been avoided and Izzy could have been housed quickly and safely. But, as a result of their failure to cooperate, Izzy was left homeless as she exited the youth justice system, despite still being under the care of social services as a 17 year old. She has since transitioned to adult services, who she says have helped her far more than children's services ever did, but she told us that she wishes that transition would have started sooner. Having had so much experience of these systems, Izzy is very knowledgeable about her rights and entitlements because she has had to advocate for herself for most of her life where professionals and frontline workers too often failed to do so.*

In regards to what more can be done to strengthen practice and deliver the broader corporate parenting requirements, at EYHC we believe a number of things can be done. In our opinion, the clearest way in which Welsh Government could deliver the broader corporate parenting responsibilities is to make its voluntary corporate parenting charter statutory.

Published on 29th June 2023, the Welsh Government's voluntary Corporate Parenting Charter is a strong foundation from which to build systemic change for care-experienced children and young people, including care-experienced young mothers. A foundation from which, if fully implemented to its widest potential, could dramatically improve the life experiences and opportunities available to care-experienced young people across Wales, such is the breadth of the potential.

At EYHC we support the Welsh Government's list which details which kind of public sector bodies, public service or professionals should take on the role of a corporate parent.

Yet although the Welsh Government has extended corporate parenting duties for other public bodies beyond children's services, it is voluntary for public bodies to choose whether they sign up to be corporate parents. The Welsh Government has promised to monitor sign-up for the Charter and consider future steps for corporate parenting in Wales, and indicated that the Charter has "initially been published on a voluntary basis" only in its written response to the CYPE radical reform report.

By making corporate parenting mandatory for a broader range of public bodies, this would encourage other bodies to develop specific practices and work collaboratively to end youth homelessness. The Welsh Government should follow the Scottish Government's lead and make fulfilling corporate parenting duties mandatory for named public bodies.

Furthermore, on a more practical basis for young people, we believe that multi-agency working and collaboration should be at the point so that young people do not have to disclose whether they are care experienced upon making a homelessness application. The burden of evidence should not be on care-experienced young people when they try to access their entitlements, such as priority need status. Local Authorities have this data, so as corporate parents they should make it as easy as possible for care-experienced young people to access what they're entitled to.

We also believe that improved data collection, and publically available data collection, would greatly strengthen practice in regards to highlighting the extent of the issue. A significant amount of data in regards to Care Leavers and homelessness is now nearly six years out of date because of a lack of any further updated data.

Finally, as has been referenced throughout this response, the lack of clarity and leadership on the Southwark ruling has led to this continued confusion regarding responsibilities that is still present today. In looking to strengthen practice, Welsh Government needs to show leadership to ensure that legislation is implemented as intended, and we believe that making the corporate parenting charter statutory is the most straightforward way of doing this.

#### Question 18

Do you agree or disagree that the Renting Homes (Wales) Act 2016 should be amended to allow 16 and 17 year olds to be able to hold occupation contracts?

We view this proposal as having potential to empower more young people to live independently; however, we have concerns about safeguarding and implementation, which are also shared by the young people we worked with as part of this consultation.

In the survey we distributed amongst young people as part of our work to inform this response, only 11% of respondents agreed with this proposal, and 44% answered that they don't think it's a good idea. Those who provided further comment in their answers emphasised that it may be appropriate for some 16-17 year-olds, but certainly not all:

*“It depends on where they are in life, a 16 year old in school no, but a 17 year old with life experience yes”*

*“Depending on assessment of maturity, common sense and responsibility”*

Participants in Focus Groups also expressed similar concerns. The general consensus from young people is that, if this proposal is carried forward, it would need to be accompanied by strict guidance for professionals, consistent assessment of the young person's capacity and maturity, tailored and person-centred support, and training for young people in independent living skills. Another important point raised by a young person in a Focus Group was that the minimum wage for 16-17 year olds would need to be raised in order for them to earn enough to stay on top of their rent and bills and sustain an occupation contract.

In one focus group, one of the young people explained that she had been placed in a hostel with adults ahead of her 18th birthday as she left the care system. She felt that, given the option, she would have been safer living independently in her own home as a 17-year-old rather than her current situation of sharing accommodation with much older adults who she described as “a bad influence”. However, she acknowledged that she would've needed support around independent living skills, even if it was just the knowledge that she could “pick up the phone whenever she needed help”. The young people in this session agreed that, in order for this proposal to work for them personally, they would want the transition to independent living to happen gradually, with floating support in place and for them to have a say in where they lived and to be involved in any decisions taken about them.

Our recent conversations with young people have highlighted the need for better support in independent accommodation. Our recent report, Impossible to Navigate, found tenancy breakdown to be a common pathway into homelessness for neurodivergent young people (EYHC, 2023: 58). Where neurodivergent young people, especially those who struggle with challenges like executive dysfunction, are placed in independent accommodation without support or training in independent living skills, the tenancy is at a significantly heightened risk of breaking down, which can leave young people vulnerable to repeat homelessness as well as having an impact on their mental health, wellbeing, and self-esteem.

We do not want to see 16-17 year-olds being placed in private rented accommodation and left without support. Many young people may want to live independently but do not have the confidence or skills to do so successfully.

While this legislation has the potential to empower more young people to live independently, there are few resources currently available to young people to prepare them for independent living. In order to supplement this, it might be appropriate to consider funding more schemes like the Training Flats scheme in Carmarthenshire, which “provides good quality and affordable accommodation to young people who would benefit from living independently whilst accessing individual support and bespoke training” (EYHC, 2022: 1). We mentioned this scheme to some young people in our aforementioned focus group, who expressed that it was “too much of an upheaval” for them personally. However, depending on how the project is implemented, different schemes offer a variety of options with regards to the duration of stay, with some young people living there for up to eighteen (18) months, and others for only two (2) weeks. The duration of stay and the level of support can be tailored to the individual young person. This type of accommodation offers a healthy balance between independence and support and has an emphasis on preparing young people to move on into independent living. Implementing more schemes like this across Wales and targeting them towards 16-18 year-olds could therefore supplement some of the risk associated with allowing 16-17 year-olds to be occupation contract holders, as well as giving them the skills and confidence to successfully live independently.

We also have concerns around the practicalities of implementing such a proposal, particularly given the broader challenges young people are currently facing in the PRS. Landlords would likely be reluctant to let their properties to a 16/17-year-old, especially if they have complex needs and/or comorbidities. And, given how competitive the market is at present, they’d likely have plenty of choice for whom they would deem to be more low-risk tenants with more stable income and better skills to maintain an occupation contract. Therefore, there would need to be some sort of insurance in place in order to mitigate the risk from the landlord’s perspective.

Furthermore, we also have safeguarding concerns on landlord exploitation of young renters, a problem that already occurs with many young people who rent from private landlords, particularly students (Department for Education et al., 2019). Young renters are often perceived as naïve or ignorant by landlords and letting agents, who may feel they are able to ‘get away with’ more than they would be able to with an older tenant with more life experience. From anecdotal evidence based on our conversations with young people, we know that this is a common pathway into homelessness and a cause for concern for many young people. We are planning to take on further research into this issue in 2024 in order to strengthen the evidence base to advocate for better regulation and prosecution procedures for private landlords and letting agents, especially in relation to young renters.

Therefore, we support ACORN's recommendation in their Renter's Manifesto (2023) to implement a mandatory national register of all private landlords, letting agents, and rental properties that is free and available to the public (ACORN, 2023: 5), as well as their recommendation to "end policies which allow discrimination based on migrant status, disability, age, lone and parental status, receipt of benefits, or low income (such as 'No DSS')" (ibid: 9). If this legislation were accompanied by a blanket ban on low-income and age-discrimination (including against 16-17 year-olds) in the PRS, as well as strengthened education on tenants' rights and independent living, there is potential for successful implementation.

However, based on our conversations with young people and the concerns listed above, we are reluctant to fully support this proposal as we feel it presents a significant risk of leaving 16-17 year-olds in vulnerable positions if they are living alone in the private rented sector. Therefore, we feel that amending the Renting Homes (Wales) Act may not be the solution. Instead, Welsh Government should allocate funding and resources to provide more supported accommodation targeted towards 16-18 year-olds that prepares them for living independently. This would mean that no vulnerable 16-17 year old would be left in independent accommodation without the skills or support to maintain it, but would instead be placed in supported accommodation that ensures that they are ready and able to live independently when they turn 18/19, or when they feel ready to do so.

#### Question 19

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

#### Access to accommodation

#### Question 20

To what extent do you agree or disagree with the short-term proposals to increase the suitability of accommodation? Are there additional immediate actions you believe should be taken for this purpose?

We agree with many of these proposals and welcome the move towards Rapid Rehousing and improving the standards and suitability of temporary accommodation. We feel, as do the young people we've spoken to as a part of this consultation response, that young people should have more autonomy over their housing and should be more meaningfully included in suitability assessments and decisions taken about their housing and support.

We fully support the proposal to prohibit the placement of 16-17 year olds in unsupported, adult accommodation. This issue in particular is very important to EYHC as our formation in 2017 came as the result of the 2016 campaign to end the placement of 16-17 year-olds in B&Bs. However, despite the apparent success of this campaign, it is evident that eight (8) years later, there are still cases of young people being placed in B&B, hotels, and hostels alongside adults. A young person we spoke to in a recent focus group is currently living in a hostel alongside adults in their 20s, 30s, and 40s. She was not involved in this decision or any suitability assessments and felt there weren't any alternative options presented to her, stating that the local authority will "always choose the cheapest option", which further speaks to the sense of distrust that young people have in local authorities.

We also welcome the prohibition of placing young people in overcrowded and/or shared accommodation. Some of the young people we've spoken to recently have expressed their hesitancy to live in shared accommodation due to concerns around privacy and theft. However, there is a lack of clarity in the White Paper's definition of 'shared accommodation'. As is mentioned elsewhere in this response, many young people want to live independently but don't feel able to do so, therefore we welcome any legislative changes that empower more young people to be able to confidently and successfully live in independent accommodation.

We also agree with the proposal to prohibit the placement of under-25s in unsupported accommodation. While many of the young people we've spoken to have expressed a desire to live independently, we feel that those with homeless-experience should not be left unsupported in independent housing, especially those who are neurodivergent/disabled, care-experienced, and/or LGBTQ+. However, given what we know about the realities of the current housing crisis, it is unlikely that this rule could be followed in all instances without addressing this immediate crisis. As we have discussed elsewhere in this response, there is scope to provide more youth-focused accommodation across Wales. While there is an overall lack of suitable accommodation options available to young people that provide meaningful support and prepare them for independent living, there are also plenty of examples of good practice and success where these kinds of schemes have been commissioned. For example, Housing First for Youth, Training Flat schemes, supported or enhanced supported lodgings, and Tai Ffres to name a few. In order to avoid the placement of 16-25 year olds in unsuitable accommodation, Welsh Government should allocate funding and resources to provide more youth-focused housing options like these.

However, a problem we foresee with the rapid rehousing approach is around the lack of suitable, young-person appropriate accommodation available in the housing stock. In our survey which was sent out to young people to inform this response, we asked what their ideal accommodation would be if they had a free choice.



43% said they would ideally want to live in a 2-3 bedroom flat with friends/family/partner, and a further 28.5% said they would like to live in a single-bedroom flat. 100% of those who answered also said that they aspire to be owner-occupiers (the question allowed respondents to select multiple answers). But, in reality, these housing options are rarely available to young people.

However, there isn't necessarily a lack of supply. In Cardiff in particular, there is a large number of luxury student accommodation buildings – far more than there are students who can afford to live in them, representing a rare case of supply outweighing demand. In a report by BBC News (2019), leading architect Jonathan Adams foresees that “they could all end up being dismantled in 20 to 30 years’ time” (Flint, BBC News, 2019). We find it unacceptable that so many of the rooms in these buildings end up going empty or being let as residential hotels or temporary accommodation for tourists/visitors, when there are currently around 11,000 people in Wales living in temporary accommodation (5,481 households) (Welsh Government, 2023a).

Unfortunately, there is no evidence regarding what proportion of these numbers are young people; however, we know from anecdotal evidence from our conversations with homeless-experienced young people that many of them are still living in wholly unsuitable temporary accommodation like B&Bs, hotels, and hostels, which are often shared with adults who expose them to dangerous behaviour like drug/alcohol misuse and criminal activity. While we wholeheartedly advocate for the building of new social homes that are designed with and for young people (for example, United Welsh’s ‘Tai Fres’ development), we feel that there are also steps that can be taken in the short term to repurpose some of these empty luxury flats to rehouse the young people who are living in temporary accommodation, as well as a longer-term strategy to review and legislate to ensure the suitability and sustainability of luxury student accommodation and how they meet the wider needs of the Welsh housing market.

#### Question 21

To what extent do you agree or disagree with the proposals around the allocation of social housing and management of housing waiting lists? What do you believe will be the consequences of these proposals?

We agree to an extent; however, we feel that some changes are needed to some of these proposals with further consideration of the needs of young people.

One such proposal is the unreasonable behaviour test. We wish to stress that this must be applied in a trauma-informed way. We understand the need to protect the wellbeing of staff and other residents in a locality.

However, as our Impossible to Navigate (2023: 36) report highlights, some young people react in ways that may be seen as “naughty” or “aggressive”, this behaviour is actually part of their disability which can be managed with proper support. Due to the current lack of support and poor understanding of the impact of neurodivergence on people's day-to-day lives, we feel more clarity and safeguarding need to be included in any unreasonable behaviour test. Below are some short quotes which highlight both the experiences and perceptions of some neurodivergent young people;

*“And I’m seen as an angry and aggressive person, and I’m not. I’m not, I just get like that sometimes. And I’ve literally written letters to members of staff to apologise and saying, listen, it’s not like that. I’ve just written apology letters to them because I feel so bad about that. And I feel guilty obviously, but I think yeah... just more understanding please”.*

*“I wasn’t like officially diagnosed at all then so I was just seen as like this troubled teen who was just acting out and being angry at everyone and stuff like that when I was more angry at myself, you know... and people who I was around didn’t understand that”.*

*“Well school was really hard. They always used to just say that I was really naughty and I didn’t want to learn, but I’ve been telling people for years that there’s something wrong and they all just thought I was not well. Yeah, they basically said I was making it up. I was just, they all just kept calling me the troubled child. I’m just a troubled child. I’m just, and that’s all I’ve ever heard my whole life is ‘She’s just different. She’s a troubled child, she needs help, She’s this and blah, blah, blah. She’s different’”. (EHYC, 2023: 36-38).*

This is not to say we believe an official diagnosis should exempt people from this test. This is in large part due to the poor state of the diagnosis system in Wales. But robust safeguards which follow the logic of the social model of disability, as our report does, should be put in place around this test, in order to ensure that it does not unfairly disadvantage neurodivergent/disabled young people.

We also worry about how this will impact the trust between young people and local authorities. In preparing for this research, we spoke with a number of young people, and the belief in competition for place and lack of trust in local authority services was evident, as has been referenced consistently through this response. Much work must be done to ensure that young people are brought along with these plans and fully understand them to build trust if they are to be effective.

We also have a number of concerns about the levels of preference within the allocation. As the white paper acknowledges and our own research in Don’t Let Me Fall Through the Cracks (2021) demonstrates, care-experienced young people are at an increased risk of homelessness. While we welcome the recognition of the white paper, we would like to see this go further.

Given that the white paper expressly prohibits homelessness as a route out of the care, we believe that all care-experienced young people should be given additional preferences, not just those threatened with homelessness. We also feel that the impact of being cared for is so great that there should be no upper age limit on this reasonable preference. You never stop being a 'care leaver' so an element of the support linked to this should always be with you.

We also believe that all young people, more generally, who are threatened with homelessness should be given additional preference. As has been established, 48% of people who become homeless experience their first incident of homelessness below the age of 21 (Mackie, 2014) and 73% of people who experience homelessness have experienced more than one incident of homelessness in their lifetime (ibid). We therefore know that early intervention is essential. By giving additional priority to all young people threatened with homelessness, we can make more successful early interventions and, therefore, prevent more incidents of homelessness.

For similar reasons, we feel that all young people should be given reasonable preference in relation to social housing allocation. We know that poverty is the main driver of homelessness. We also know that 28% of children in Wales live in poverty (Welsh Government, 2023b). In-work poverty affects a high proportion of people in Wales, placing stress on people's ability to pay rent. Young people are particularly at risk, as they are the most likely to work in low-paid roles, with reduced access to welfare payments compared to older people. We also know that young people earn less due to lower minimum wages and have reduced universal credit entitlements. This makes landlords less likely to rent to young people. Despite this, young people aged 18-25 are still overrepresented in the PRS due to the cost of buying a home being out of their reach. Specifically, young people will also be disadvantaged by the waiting list as they will be starting much further down the waiting list and be waiting longer to be allocated social housing. We therefore believe that if social housing is to be used as a tool to end homelessness in Wales, all young people should be entitled to reasonable preference.

## Question 22

To what extent do you agree or disagree with the proposal for additional housing options for discharge of the main homelessness duty? What do you foresee as the possible consequences (intended or unintended) of this proposal?

We do agree with the proposals to offer a broader range of housing options. However, we would like to see strong safeguards to protect young people from being pressured to take a solution that isn't right for them or facing outright discrimination.

A consistent theme that emerged in our research for this white paper was a lack of trust.

Given this, we feel there must be a fair and transparent system for young people that ensures trust is built. As part of this, we would like to see a guaranteed element of choice for young people. This can be supported by a "no-questions-asked" approach where young people do not need to justify why they would prefer one housing option over another. Our research in Impossible to Navigate (2023) and Out on the Streets (2019) showed some of the issues with young people looking for accommodation. We are concerned that a young person may be pushed to return to a parental household where they feel unsafe or overwhelmed.

We believe a no-questioned-asked approach would make a young person more confident to refuse such a solution as they would not be required to "out" themselves to practitioners. This is of particular concern given the evidence in our report of young people facing discrimination from homeless services. Equally, some neurodivergent young people may be undiagnosed or not fully realise what it was about the home environment, which was overwhelming, and may therefore struggle to justify to a practitioner why they cannot return home. We want to ensure young people have a true say and do not feel pressured to take an unsuitable option. Equally, we feel the above approach deals with these issues in a trauma-informed way.

This said, we also feel that doors should be left open to young people with mediation to return to the family home at some point in the future being an option. We have heard cases of young people who are able to return after weeks, months or even years of estrangement. We therefore feel that mediation and a "no closed doors" approach should be a tool on offer as part of the housing options approach which can be coupled with an alternative form of accommodation to aid in preventing youth homelessness.

### Question 23

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals in relation to access to housing. Are there any costs and benefits we have not accounted for?

### Implementation

### Question 24

To what extent do you think the proposals outlined above will support the implementation and enforcement of the proposed reforms?

We think that these proposals, particularly those around improved data collection, will be a helpful tool in supporting the implementation of these legislative reforms.

The introduction of a new power whereby Welsh Government can ‘call-in’ data collected by LHAs would likely improve the data collection and analysis. We fully support the suggestions of the Expert Review Panel in relation to strengthening annual statutory homelessness statistics (para. 628 of White Paper); however, we would also add that the data should be broken down by age to enable us to monitor the number of young people accessing homelessness services as part of a meaningful strategy to address youth homelessness as a distinct issue from broader homelessness policies.

As we have discussed elsewhere in this response, in order for these legislative reforms to be implemented effectively, there needs to be an improvement in Welsh Government’s oversight and scrutiny of LAs, RSLs, and the PRS. We have pointed to a number of examples in this response, namely the Southwark ruling and Cardiff Council’s “systemic failure” to investigate illegal evictions, that evidence the significant implementation gap in many well-meaning and potentially transformative policies.

The move towards a Rapid Rehousing and prevention model, and the cultural and system change that is required to achieve this, should be led by Welsh Government.

However, there needs to be an understanding that many young people, especially those from a care-experience background, have a fundamental distrust in the system’s ability to support them in the way that they need.

This trust will not be restored overnight, and will require significant efforts from Welsh Government and LAs to prove to them that the system can and will change for the better. The move towards a multi-agency approach will also require time, effort, and patience from Welsh Government, LAs, and any other invested partners such as police, youth justice, healthcare and mental health professionals. In order for the multiagency, preventative model to work effectively, there need to be consequences in place for when public sector bodies fail to meet their new legislative duties. Welsh Government should work with LAs and Wales’ existing Inspectorate Bodies to develop stricter investigation and scrutiny in order to ensure that these policies are implemented to their full potential. Therefore, we support the proposal to give additional powers to Ministers to intervene where a LA is not delivering their duties.

We also support the notion of improving regulatory standards that apply to RSLs in order to ensure that they are also participating in the broader aims of ending homelessness; however, it is unclear from the white paper what these proposed changes would be, so we would like to seek further clarity on this as this consultation process goes on.

Throughout this response, we have emphasised the importance of improving the Welsh Government’s oversight and scrutiny of LAs to ensure that they are delivering their legislative duties, so we welcome these proposals that demonstrate Welsh Government’s commitment to this improvement.

There are a range of options of how this could be done. The introduction of an independent Homelessness Regulator as a distinct function within Welsh Government may be the answer if funding and resources allow for it.

Furthermore, we are glad to see that Welsh Government are committed to incorporating the views of people with lived experience of the homelessness system as part of service delivery; however, the mechanisms by which this would happen are not laid out clearly enough. There needs to be an action plan in place that covers the logistics of this, with consideration of things like recruitment, capacity, and avoiding (re)traumatising people who've experienced hardship. The inclusion of experts-by-experience must always put their needs first, so we would like to see an explicit commitment to prioritising their wellbeing needs. We would also emphasise that young people should be represented as experts-by-experience in order to ensure that future services are developed with due consideration of the needs of young people.

#### Question 25

What other levers/functions/mechanisms could be used to hold local housing authorities and other public bodies accountable for their role in achieving homelessness prevention?

We believe there are several factors from a youth-focused point of view that can hold Local Government accountable for homelessness. There must be strong youth voice involvement in oversight to co-produce youth-focused services. This should include consultation with young people when it comes to both producing new services and looking to make improvements to existing youth-focused services. This must be done in a transparent and accessible way that genuinely makes young people feel like they are having a meaningful input to the system. The air of mistrust that currently exists with young people we feel is unsuitable. Visible and participatory oversight and feedback processes will help establish trust around the system.

We also believe that more robust data gathering and dissemination will allow for greater oversight. While preparing this white paper, we discovered that some Wales-specific data is either unavailable or outdated. This makes oversight more difficult and must be rectified. It will also strengthen the role of target prevention if data is available, which can be used to identify and support groups which are more susceptible to homelessness.

We also ask that a system of oversight for local government is put in place to ensure that the legal rights of individuals under existing and future legislation are enforced. For example, reports in the media highlight Cardiff Council's failure to prosecute any landlords for over a decade (Public Law Project 2023; Wilks, 2023).

Failures to enforce current legislation and legal protection by local government lead us to conclude greater oversight is needed by the Welsh government. We have equally heard evidence that policies such as those established by the Southwark ruling are still not adhered to by Welsh local authorities.

Again, for this reason, the Welsh Government needs to implement a more robust system of oversight. This system of oversight must be independent of the local government. The Welsh Government should consider what legal remedies are available for the enforcement of individual rights and standards for services. Equally, we support the relevant Minister having powers to intervene where necessary to ensure compliance with legislation and the delivery of services. There should be clear guidelines on when the Minister should and must act in relation to homeless services.

We would also support further training for practitioners to ensure they understand fully the rights of individuals within the homeless system and how to support them. This could go as far as requiring legal certification for housing departments or individual practitioners. From our research, we have seen that despite their best efforts, many housing prisoners are ill-prepared to respond to the needs of individuals within the homeless system. At its extremes, we have seen the impact that this can have on young people in our Out on the Streets (2019) and Impossible to Navigate (2023) reports. This ranged from re-traumatising young people due to the complexity of the system to outright discrimination by practitioners.

We also strongly believe that the rights set out in homeless and housing legislation, including acts such as the Renting Homes (wales) Act 2016, should be the subject of a widespread and robust public information campaign. Many individuals are not fully aware of their rights and, therefore, struggle with self-advocacy both within homelessness services and, more broadly, the housing sector. This, we find, is particularly true of young people within the PRS and plays a role in young people's propensity for homelessness. This should be complemented with greater support for professional advocacy services to support individuals.

#### Question 26

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

#### Question 27

What, in your opinion, would be the likely effects of the proposed reforms in this White Paper on the Welsh language? We are particularly interested in any likely effects on opportunities to use the Welsh language and on not treating the Welsh language less favourably than English.

- Do you think that there are opportunities to promote any positive effects?
- Do you think that there are opportunities to mitigate any adverse effects?

Question 28

We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

It's important that these proposals are fully considered in relation to majority Welsh language communities. To ensure a fully person-centred approach, Welsh speakers should be meaningfully involved in their suitability assessments and application processes, and should not be relocated outside of their communities unless they explicitly state that they want to be. It's also important that LA Housing/Social Services teams have an efficient number of Welsh language competent staff, especially in areas where there are a large proportion of first-language-Welsh-speakers, so as young people have the option to speak in whichever language they prefer, especially when discussing sensitive, emotional, and/or traumatic subject matter.

In our Impossible to Navigate report (2023: 66-7), we make reference to the importance of accessibility of information, with many young people reporting that the overly formal and bureaucratic language used in communication is difficult for them to understand and ends up making them feel confused and alienated. We of course advocate for improvement in the accessibility of information and communication overall and, in this same vein, emphasise that young people accessing the homelessness system should be given the option to receive information and communicate in their preferred language so as the system is equally accessible for Welsh speakers.

Organisation

End Youth Homelessness Cymru



Number: WG48223



Welsh Government  
Consultation response form

## Consultation on the White Paper on Ending Homelessness in Wales

Date of issue: 10 October 2023

Action required: Responses by 16 January 2024

© Crown copyright 2023

Mae'r ddogfen hon ar gael yn Gymraeg hefyd / This document is also available in Welsh

Rydym yn croesawu gohebiaeth a galwadau ffôn yn Gymraeg / We welcome correspondence and telephone calls in Welsh

## Overview

This White Paper sets out a range of proposals for changes to policy and the law, to end homelessness in Wales.

## How to respond

Please respond by completing the online form or completing this questionnaire and sending it to [HomelessnessLegislationReform@gov.wales](mailto:HomelessnessLegislationReform@gov.wales)

If you intend to respond in writing, please send completed forms to:

Homelessness Prevention Legislation Team

Welsh Government

Cathays Park

Cardiff

CF10 3NQ

When you reply, it would be useful if you confirm whether you are replying as an individual or submitting an official response on behalf of an organisation and include:

- your name
- your position (if applicable), and
- the name of organisation (if applicable).

## Further information and related documents

Large print, Braille and alternative language versions of this document are available on request.

## Data Protection

The Welsh Government will be data controller for any personal data you provide as part of your response to the consultation. Welsh Ministers have statutory powers they will rely on to process this personal data which will enable them to make informed decisions about how they exercise their public functions. Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about or planning future consultations. Where the Welsh Government undertakes further analysis of consultation responses then this work may be commissioned to be carried out by an accredited third party (e.g., a research organisation or a consultancy company). Any such work will only be undertaken under contract. Welsh Government's standard terms and conditions for such contracts set out strict requirements for the processing and safekeeping of personal data.

In order to show that the consultation was carried out properly, the Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. If you do not want your name or address published, please tell us this in writing when you send your response. We will then redact them before publishing. You should also be aware of our responsibilities under Freedom of Information legislation.

If your details are published as part of the consultation response then these published reports will be retained indefinitely. Any of your data held otherwise by Welsh Government will be kept for no more than 3 years.

## Confidentiality

Responses to consultations may be made public on the internet or in a report.

**If you would prefer your response to remain anonymous, please tick here:**

Reform of the existing core homelessness legislation

Question 1

Do you agree these proposals will lead to increased prevention and relief of homelessness?

Yes/no

NO

Question 2

What are your reasons for this?

The legislation will not increase the provision of facilities for the homeless only the way homelessness is more fairly determined or assessed,. The question of homelessness is being considered in isolation to other matters which are under the control of Welsh Government (WG). In our area the LDP for the years 2013 to 2028 which was twice refused by Full Council has been imposed upon the County Borough but fails to provide adequate affordable housing and absolutely no provision for social housing to reduce homelessness. We are of the opinion that there are conflicting aspects of the Ministerial portfolio of the Climate Change Minister which acts against the long term solution of homelessness whilst still promoting nationally the building of housing to the detriment of affordable and social housing. In our area developers are constructing property types not required by housing officers.

It is our view that WG has been oblivious to the reasons for the decline in social housing to accommodate homelessness and the Pandemic acted as a catalyst to highlight the WG failures over the last 20 years to ensure that adequate accommodation was built or replaced to match the homeless need.

Our freshly imposed LDP makes totally inadequate provision (9.0%) for affordable houses let alone any provision for the homeless. It is a plan driven by WG and not by the local populace hence there is no provision for social housing for the homeless in any of the allocated housing provisions. Without proper planning for such adequate accommodation the selection determination process will continue to be flawed and cannot be resolved without the continued use of temporary and/or inappropriate accommodation. The WG plan led Development Policy does not contribute to the solving of the homelessness problems while it concentrates on viability and economics to build the wrong type of accommodation in inappropriate or non-sustainable locations. The system that Planning Officers can over-ride other Chief Officers on such important issues as housing and highways and flooding is blatantly wrong and further contributes to the failure to provide for adequate provision for the homeless and the needy.

Page 5 of 13

Question 3

Are there additional legislative proposals you think we should consider to improve the prevention and relief of homelessness?

Yes, there should be an immediate review of all

(1) homeless selection criteria based on the recommendation of the report of "Ending homelessness in Wales Legislative Review 2023" and

(2) ensuring that Development Plans make adequate provision for the types of accommodation required by the populace in respect of social and affordable housing before Planning Officers encourage or grant permission for large dwellings (3, 4, and 5+ bedroomed houses) not needed or wanted by the populace and

(3) adequate provision is made for enforcing section 3.21 of PPW 11 that if the Health Facilities are inadequate as in Wrexham new houses should not be built, and where the Health Board (who have been in special measures for several years and have difficulty in managing themselves) should have the only say on the number types of houses that are built. This latter failure to provide proper and adequate health facilities compound the difficulties in providing help and support to the homeless.

Question 4

Do you agree with our proposal to abolish the priority need test?

Yes/no

Yes.

It is considered that the priority need test is not sufficiently robust to cater for the persons falling within this category especially single men who repeatedly face the barrier of exclusion from being removed from homelessness.

#### Question 5

Do you agree with our proposal to abolish the Intentionality test?

Yes/no

Yes

Provided that all persons receive fair and proper treatment for personal trauma and should not rely for support on a professional decision of who is deserving of support and who is not. A fairer system for this type of case is needed.

#### Question 6

Do you agree with our proposal to keep the local connection test but add additional groups of people to the list of exemptions to allow for non-familial connections with communities and to better take account of the reasons why someone is unable to return to their home authority.

Yes

The adding of additional groups of people to the list for non-familial connections with communities is essential to take account of the reasons why a person returning home is impeded.

#### Question 7

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

The areas covered by the RIA appear satisfactory however it is noted that many potential costs areas of impact have not been identified at this stage although the benefits of early intervention have been postulated but not financially quantified. The range of costs and benefits appear all embracing although not totally equated financially.

### The role of the Welsh Public Service in preventing homelessness

#### Question 8

Do you agree with the proposals to apply a duty to identify, refer and co-operate on a set of relevant bodies in order to prevent homelessness?

Yes/no

Please give your reasons

Yes

It is important that the widest range of relevant bodies are required to co-operate to provide the best outcomes to prevent homelessness. More must be done to give other organisations other than just Housing Departments a stronger role to ensure homelessness is prevented.

#### Question 9

Do you agree with the proposed relevant bodies, to which the duties to identify, refer and co-operate would apply? Would you add or remove any services from the list?

Yes

The Welsh equivalent of the list on Page 67 of the White Paper would appear to be all encompassing and should be required to co-operate with Housing Authorities to prevent homelessness. Where applicable with no Welsh match to the list the organisations/bodies should provide the necessary co-operation.

#### Question 10

In your view have we struck the right balance between legislative requirements and operational practice, particularly in relation to health?

We believe that the right balance between legislative requirements and operational practice are about right when organisations or bodies subject to control such as Social Services departments within the same local authority , Local Health Boards including primary care and Registered Social Landlords should be brought into the duty of care refer and identification provisions in Wales. It is important that the health element contributing to homelessness is not overlooked and the legislative changes should overcome this apparent deficiency.

#### Question 11

What practical measures will need to be in place for the proposed duties to identify, refer and co-operate to work effectively? Please consider learning and development needs, resources, staffing, location and culture.

Additional resources will be needed in the staffing of local Authorities, Local Health Boards including primary care and Registered Social Landlords to contribute properly and effectively to reduce homelessness. We are not able to identify the scale of the resource input needed to establish the revised working procedures. Further reference to the Expert Review Panel -Ending Homelessness for guidance is needed bearing in mind that the Draft Regulatory Impact Assessment does not provide clear guidance on training and implementation costs for this aspect of work to prevent homelessness.

#### Question 12

In addition to the broad duties to identify, refer and co-operate, this chapter contains proposals to provide enhanced case co-ordination for those with multiple and complex needs. To what extent will the proposals assist in preventing homelessness amongst this group?

The proposals to provide enhanced case co-ordination for those with multiple and complex needs is seen to be a positive step to ensuring that all persons facing homelessness are properly screened and assisted and do not “fall through the cracks “ in the system.

Page 8 of 13

Question 13

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

There are a number of items highlighted in the Regulatory Impact assessment that have not been properly costed and this in our view requires further work to establish the true numbers and costs of measures rather than claims of neutral impact “provided the ratio of successful preventions 22 Applying the duty to refer to social services authorities: new burdens assessment (publishing.service.gov.uk) 20 arising from a referral to total referrals is at worst 1:135 for children’s services and at worst 1:310 or 1:730 for adults’ services “ It is clear that until the full numbers of persons in this category have been fully determined then the costs of the framework of support cannot be fully quantified and should be revisited with more data on the numbers likely to be involved.

Targeted proposals to prevent homelessness for those disproportionately affected

Question 14

Are there other groups of people, not captured within this section, which you believe to be disproportionately impacted by homelessness and in need of additional targeted activity to prevent and relieve this homelessness (please provide evidence to support your views)?

No - the groups that are included appear in our view to cover all those that are disproportionately impacted by homelessness.

Question 15

What additional legislative or policy actions could be taken to prevent or relieve homelessness for the groups captured by this White Paper?

We believe that if the proposals listed in this White Paper are fully financed and put into action there will be sufficient changes in legislation to promote combatting homelessness in the wider and currently identified groups.

Question 16

Our proposals related to children, young people and care experience seek to improve and clarify links between homelessness legislation and the Social Services and Wellbeing Act. Significant policy development is required to assess the practicality of this. What, in your views are the benefits and challenges of our approach and what unintended consequences should we prepare to mitigate?

We support in general the policy changes needed to prevent care experienced young people from getting lost in the system by placing additional inquiry provisions on the Local Authority. The benefits are that all young persons facing homelessness for whatever reason should not get lost in the system. The unintended consequences relate to young persons care experienced or not being included or placed on potential homeless lists where they may not be so entitled.

#### Question 17

Do our proposals go far enough to ensure that 16 and 17 year olds who are homeless or at risk of homelessness receive joint support from social services and local housing authorities? What more could be done to strengthen practice and deliver the broader corporate parenting responsibilities?

The proposals to require Local Authorities to inquire into whether an applicant is care experienced is to be applauded in the preparation of PHPs. With these steps and inquiries we consider that progress will have been made to the creation of suitable PHPs.

#### Question 18

Do you agree or disagree that the Renting Homes (Wales) Act 2016 should be amended to allow 16 and 17 year olds to be able to hold occupation contracts?

We note that the creation of 16 and 17 year old contract holders may indeed broaden the accommodation options for this group but our concern is that from personal experience with this group the majority facing homelessness will not have the necessary mental maturity or ability to handle the financial and physical burdens placed upon them. Care should be exercised in this area of young contract holders so that significant further research is required to establish whether the group can actually handle the contract responsibilities.

#### Question 19

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

We do not perceive any areas that the RIA has not covered.

### Access to accommodation

#### Question 20

To what extent do you agree or disagree with the short-term proposals to increase the suitability of accommodation? Are there additional immediate actions you believe should be taken for this purpose?



We agree with proposals to increase the short-term increase in the suitability of accommodation. Yes plans should be implemented immediately to start to address the longterm gradual erosion of the availability of social housing that has taken place over the last 20 years and put in place sufficient grant funds to enable a programme of additional Social Housing (1 & 2 Bedroom Properties) to be constructed by Local Authorities and RSLs.

#### Question 21

To what extent do you agree or disagree with the proposals around the allocation of social housing and management of housing waiting lists? What do you believe will be the consequences of these proposals?

The proposals to increase the allocation of social housing and management of housing waiting lists is essential but this requires the numbers of suitable social housing units to be drastically increased. Presently Welsh Government hides behind improper inclusion of affordable housing in LDPs rather than including a proper reference to adequate and suitable social accommodation in the housing population growth requirement. This shortfall of suitable Social Housing should be addressed as outlined in Q 20 above with positive emphasis on this need in any LDP reviews.

#### Question 22

To what extent do you agree or disagree with the proposal for additional housing options for discharge of the main homelessness duty? What do you foresee as the possible consequences (intended or unintended) of this proposal?

We agree with the provisions for additional housing options for discharge of the main homelessness duty. With the changed timescales attaching to these provisions, we foresee that the accommodation proposed as suitable at the outset may no longer be available or suitable at the end of the 6 month local authority review period.

#### Question 23

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals in relation to access to housing. Are there any costs and benefits we have not accounted for?

No, The RIA appears to cover all the aspects of the proposals in relation to access to housing.

### Implementation

#### Question 24

To what extent do you think the proposals outlined above will support the implementation and enforcement of the proposed reforms?

With the introduction of the proposed extension of local government scrutiny and social regulation orders together with increased Regulatory Standards that apply to RSLs the improved path to reducing homelessness should be secured. The monitoring of the performance of organisations involved in the delivery of improved services to prevent homelessness is essential so is the need for WG to ensure prospective performances meet the objectives of this White Paper. Where necessary WG should be able to intervene where a homeless service is failing and support, challenge or direct improvements. If these processes are rigorously enforced then support for the proposed reforms should be axiomatic.

#### Question 25

What other levers/functions/mechanisms could be used to hold local housing authorities and other public bodies accountable for their role in achieving homelessness prevention?

The prospect of a local authority or other public bodies having its homeless data and/or property portfolio called in by WG will only be a sufficient lever if when called in and prevention work or direction is necessary the full cost burden must fall on the local housing or other public body. This to enable others to fulfil the obligations to prevent homelessness or to make the necessary improvements required by the legislation planned under this White Paper.

Alternatively grant funding to improve temporary or permanent accommodation could be withheld pending improvements to the homelessness prevention duty.

#### Question 26

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

The RIA appears to cover the whole range of activities and functions needed to

#### Question 27

What, in your opinion, would be the likely effects of the proposed reforms in this White Paper on the Welsh language? We are particularly interested in any likely effects on opportunities to use the Welsh language and on not treating the Welsh language less favourably than English.

- Do you think that there are opportunities to promote any positive effects?
- Do you think that there are opportunities to mitigate any adverse effects?

We think that the proposals to advance the Welsh language are neutral, however, any potential homeless person whose first language is Welsh should have the ability for all communications from whichever body is involved to have all records and PHPs in Welsh and their records retained in Welsh accordingly.

#### Question 28

We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

We are concerned that such a parlous situation on homelessness has evolved since the Housing Wales Act 2014 was introduced. The emphasis on replacing social housing stock has been neglected resulting in Local Housing Authorities having a shortage of suitable accommodation to alleviate homelessness. WG needs to ask itself why has this situation not been identified until after a major pandemic, what in WG Housing policy terms has been included on Homelessness requirements in LDPs other than straightforward housing or affordable housing. The answers to these questions and how one WG Minister has a portfolio that can be so wide that the homeless can fall through the cracks needs to be answered at a Ministerial level rather than at the Local Housing or RSL level where budgets and grants have fallen in real terms over the last 10 years since the Housing (Wales) Act 2014 was placed on the statute books.

**Number: WG48223**



Welsh Government  
Consultation response form

Consultation on the White Paper on Ending Homelessness in Wales

Date of issue: 10 October 2023

Action required: Responses by 16 January 2024

**OGI** © Crown copyright 2023

Mae'r ddogfen hon ar gael yn Gymraeg hefyd / This document is also available in Welsh

Rydym yn croesawu gohebiaeth a galwadau ffôn yn Gymraeg / We welcome correspondence and telephone calls in Welsh

## Overview

This White Paper sets out a range of proposals for changes to policy and the law, to end homelessness in Wales.

## How to respond

Please respond by completing the online form or completing this questionnaire and sending it to [HomelessnessLegislationReform@gov.wales](mailto:HomelessnessLegislationReform@gov.wales)

If you intend to respond in writing, please send completed forms to:

Homelessness Prevention Legislation Team  
Welsh Government  
Cathays Park  
Cardiff  
CF10 3NQ

When you reply, it would be useful if you confirm whether you are replying as an individual or submitting an official response on behalf of an organisation and include:

- your name
- your position (if applicable), and
- the name of organisation (if applicable).

## Further information and related documents

Large print, Braille and alternative language versions of this document are available on request.

## Data Protection

The Welsh Government will be data controller for any personal data you provide as part of your response to the consultation. Welsh Ministers have statutory powers they will rely on to process this personal data which will enable them to make informed decisions about how they exercise their public functions. Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about or planning future consultations. Where the Welsh Government undertakes further analysis of consultation responses then this work may be commissioned to be carried out by an accredited third party (e.g., a research organisation or a consultancy company). Any such work will only be undertaken under contract. Welsh Government's standard terms and conditions for such contracts set out strict requirements for the processing and safekeeping of personal data.

In order to show that the consultation was carried out properly, the Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. If you do not want your name or address published, please tell us this in writing when you send your response. We will then redact them before publishing.

You should also be aware of our responsibilities under Freedom of Information legislation.

If your details are published as part of the consultation response then these published reports will be retained indefinitely. Any of your data held otherwise by Welsh Government will be kept for no more than 3 years.

## Confidentiality

Responses to consultations may be made public on the internet or in a report.

**If you would prefer your response to remain anonymous, please tick here:** x

Reform of the existing core homelessness legislation

### Question 1

**Do you agree these proposals will lead to increased prevention and relief of homelessness?**

G4S Community believes the core proposal reforms suggested will increase prevention of homelessness. We feel the proposals provide an ambitious plan for ending homelessness and has the potential to be transformative for the people of Wales.

### Question 2

**What are your reasons for this?**

We agree with the premise of homelessness being 'rare, brief and unrepeatable' and feel the focus on the individual needs, and expansion of rapid rehousing models contribute to meeting these objectives. Increasing the timeframe of homelessness identification and support from 56 days to 6 months will enable a more person centred approach to reducing risk of homelessness. G4S Community works with people within the criminal justice service, many of whom move between custody and community, with homelessness being identified as a key need. The HMI annual review 22-23 identified 65% of people due to leave prison within the next 3 months required support to source accommodation on release. Our own data informs us stability of accommodation is a key factor in recidivism rates, and a preventative approach to accommodation whilst an individual is in custody for short periods would reduce the recurrence of homelessness. We also welcome the consideration of housing options for women within the justice service, as gendered accommodation (wider than those for women fleeing abuse) are extremely limited in Wales -we would like to see an expansion of gendered approaches.

We do have concerns about the implementation of the PHP's and increased timeframes when homelessness services are already facing significant backlogs in processing applications due to capacity issues and demand. We recognise the acknowledgement of the proposals correlating with increased housing capacity, though are concerned about how they may work independently of each other for a significant time whilst housing stock is addressed. This will limit the impact of a trauma informed, person centred housing plan.

We also feel there are opportunities to engage further with the private rental sector to increase housing capacity and allow for wider accommodation needs to be met - especially those requiring single person accommodation, of which there is a huge need. This would have to include a review of LHA as the gap between rates and private rental continue to grow, meaning private sector accommodation becomes further removed from available rent rates. It would also require a review of agency costs and deposit schemes.

### Question 3

**Are there additional legislative proposals you think we should consider to improve the prevention and relief of homelessness?**

#### Question 4

##### **Do you agree with our proposal to abolish the priority need test?**

Yes - in conjunction with the increase in housing stock. Currently Local Authorities interpret priority needs with their own discretion, leading to decision making being dependent on area. We also feel Local Authorities can spend time and resources in assessing priority that could be better spent on supporting the individual to source and secure accommodation to meet their needs. We also feel 'proving' vulnerabilities can be a traumatic experience, and contributes to people re-telling their experiences to a range of providers - this can lead to people withholding information in order to avoid judgement, or being re-traumatised through the experience, especially those who are at risk of or have become homeless due to their trauma e.g experiencing VAWDASV.

#### Question 5

##### **Do you agree with our proposal to abolish the Intentionality test?**

In part - G4S Community agrees with the premise of removing intentionality, as some people lose their accommodation due to changes in their lives leading to incurring rent arrears / one household member engaging in activity that puts the tenancy at risk but due to relationship dynamics / support needs impact the accommodation setting of the whole family, and situations where people feel unsafe so leave the property being identified as intentional as they didn't access crisis services. The current Intentionality tests are also issued as guidance, and therefore interpreted differently across Local Authorities. Abolishing intentionality provides a person centred response rather than a punitive approach to whether a person 'deserves' services.

We have concerns that an increase in identification of support needs that contribute to homelessness will impact the supported housing sector further, who already report being under resourced and under funded. Recognition of need should be enhanced by availability of services. For example, there are only two approved premises for males in Wales as part of release from prison support services, and none for females, meaning women and most men identified as requiring these premises to reintegrate have to remain in England away from all support networks.

#### 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.**



Partly - We agree with the recognition of an exemptions to connection list being a positive step within this proposal, especially where identified rehabilitation from substance use or resettling from custody would be severely hindered by returning to their substantive area. We also recognise the impact 'chosen family' connections have on those feeling marginalised or at risk due to their protected characteristics or risk of abuse and exploitation. We are concerned, however, the impact of removal of local connection on Local Authorities where access to services may be improved so people with a range of support needs may seek to relocate but service capacity is already an issue. Alternatively, people may seek to apply away from any connections and networks for a new chapter in their lives but the area lacks the infrastructure to support, or the impact on the individual is immediate isolation.

### Question 7

**The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?**

### The role of the Welsh Public Service in preventing homelessness

#### Question 8

**Do you agree with the proposals to apply a duty to identify, refer and co-operate on a set of relevant bodies in order to prevent homelessness?**

**Please give your reasons**

Yes - we firmly believe a multi agency approach to refer and co-operate to prevent homelessness is beneficial. A holistic approach with multi agency communication removes the requirement of multiple assessments and retelling of experiences, and promotes inter agency co-production which puts the person supported at the centre.

The statutory sectors across both housing, social services and health are at capacity, with all services currently crisis responding to meet need - reducing capacity for timely interventions and planning to meet need will all mitigate against inter agency pressures. We welcome the health lens on homelessness, specifically relating to issues such as substance use and mental health where there is a clear link between the individuals support needs and disproportionate homelessness experiences.

We do raise concerns, again of the lack of availability and funding provided to housing support providers where needs are identified. The underfunding/standstill funding of specialist services across all sectors has led to significant issues in recruitment and retention of staff, resulting in current providers advising a reduction in service delivery at a time more robust identification and interventions of support needs are proposed. In order to truly meet a multi agency approach to prevent recurring homelessness, services need to be effectively resourced.

### Question 9

**Do you agree with the proposed relevant bodies, to which the duties to identify, refer and co-operate would apply? Would you add or remove any services from the list?**

We agree with the proposed relevant bodies, but would suggest further representation from non devolved services would increase cooperative approaches to meeting the needs of PHP's in Wales - this includes representation from HMPPS, DWP and Police who all hold critical information relating to the person's needs and housing status / needs. A multi agency plan for those in criminal justice services, especially those leaving prison, should include representation from all the through the gates providers. Recall to prison continues to be high across Wales, and unstable / unsafe / no accommodation plays a contributory factor in addition to health harming behaviours such as substance use.

### Question 10

**In your view have we struck the right balance between legislative requirements and operational practice, particularly in relation to health?**

Yes, especially in relation to the considerations for health. We would, however, like to see a more cohesive approach to 'guidance', which from our experience is interpreted differently across Local Authority areas without formal redress when challenged. Many providers in Wales work across authority boundary lines, and a consistent, clear approach would provide equality of access.

### Question 11

**What practical measures will need to be in place for the proposed duties to identify, refer and co-operate to work effectively? Please consider learning and development needs, resources, staffing, location and culture.**

As the white paper proposals are All Wales, and with our experience of working across multiple LA areas in Wales, we would welcome the consideration of 'Whole Wales' approaches to assessment, referral pathways and PHP's. Individuals moving between 2 Local Authority areas currently have to comply with a myriad of processes and paperwork, causing confusion and anxiety. Practitioners who refer across boundaries also raise frustration and confusion between area practices and interpretation of guidance. A unified approach, with timely learning sessions on expectations of statutory and non statutory responsibilities and integration planning would ease systems for those accessing and working within homelessness services.

Reference has also been made to 'trauma informed, person centred responses'. Consideration needs to be given to how these responses will be audited for compliance, how roll out of these models will be approached across statutory and non statutory services and what training packages will be available. Current services are required to navigate these responses (which can, at times, contrast with commissioned KPI's and delivery objectives) with little or no funding to invest in training and auditing capacity.

### Question 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?

We agree with the proposal of compulsory case coordination for those with a range of complex support needs, and agree the lead agency shouldn't always be housing, but the agency best identified to coordinate support due to their relationship with the individual. As previously mentioned, we continue to have concerns about access to identified support services to meet needs due to lack of provision / long waiting lists and capacity concerns. We have concerns this could lead to agencies adapting coordination in response to the services available rather than services required to meet the individuals agreed PHP.

We welcome the identification of those involved in criminal justice services as being disproportionately impacted by homelessness, and agree with the requirement of additional targeted activity. We would like to see a strengthening of 'through the gate' accommodation planning by housing and prison / community justice providers, and welcome the introduction of the 6 month planning and prioritising securing any accommodation the person had when entering the prison service.

We would like to see further information on the planning for the integration of PHP's for those identified as being released within 6 months or less, as this work continues to be an area of concern within the through the gates planning phase in some prisons. There is also no reference to how this may work for Welsh residents currently in prison within English establishments, so would like to understand the planning of this further. We would also welcome the opportunity to discuss any rapid planning for individuals identified for early release.

We would like to see the complete removal of release to homelessness on day of release, or (as we've seen recently in our areas of work), signposting to service providers to access tents on release, all of which contribute to people feeling safer inside prison, and actively committing offences to return to the custodial setting. We welcome some of the proposals within the consultation to end these practices.

We also welcome the commitment to work within the Women in Justice Blueprint ambitions to mitigate the lack of women only accommodation for those involved with criminal justice services. We welcome opportunities to work with WG to develop this activity further.

The proposal highlights the right for victims of VAWDASV to be supported to retain their accommodation, inclusive of use of DAPO's and security measures, which we welcome. Any person experiencing VAWDASV should be at the forefront of safe accommodation. The impact of a person experiencing abuse's feelings of safety within the home due to abuse and their potential wishes to relocate due to fear or trauma has also not been referenced in relation to housing response.

In addition, there is no explanation articulated on the impact DAPO's may have on people who abuse presenting to homelessness as a direct result of orders, especially if in conjunction with an order not to be within a vicinity of the property.

**Question 13**

**The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?**

**Question 14**

**Are there other groups of people, not captured within this section, which you believe to be disproportionately impacted by homelessness and in need of additional targeted activity to prevent and relieve this homelessness (please provide evidence to support your views)?**

We agree with the identified groups stated

**Question 15**

**What additional legislative or policy actions could be taken to prevent or relieve homelessness for the groups captured by this White Paper?**

**Question 16**

**Our proposals related to children, young people and care experience seek to improve and clarify links between homelessness legislation and the Social Services and Wellbeing Act. Significant policy development is required to assess the practicality of this. What, in your views, are the benefits and challenges of our approach and what unintended consequences should we prepare to mitigate?**

The SSWBA outlined how a partnership approach to meeting the needs of care experienced young people making the next stages in their housing status is required to reduce homelessness presentations. We welcome the opportunities to strengthen these partnerships with further policy development.

We welcome the consideration of enhanced housing support and tenancy management planning for young people (including care experienced), who are over-represented across homelessness services due their vulnerability of age and current housing 'move on' structures. Identifying ways

to reduce the number of moves prior to sustainable housing will contribute to the person centred, trauma informed approaches.

Access to low rent rate allowances young people at additional risk of exploitation and abuse, especially those who can only access the shared room rates of allowance. Supported housing and dispersed, rapid rehousing models would be a positive consideration, although investment in support provision would be required to maintain tenancies and provide this support. This would also be reliant on housing availability, especially for young, single people.

### Question 17

**Do our proposals go far enough to ensure that 16 and 17 year olds who are homeless or at risk of homelessness receive joint support from social services and local housing authorities? What more could be done to strengthen practice and deliver the broader corporate parenting responsibilities?**

We feel these proposals, when taken into consideration with feedback, would strengthen the practice between statutory services and reduce the likelihood of children experiencing homelessness. We welcome the commitment to removing unsuitable bed and breakfast accommodation for all children aged 16-17 and the statutory requirement of joint support.

### Question 18

**Do you agree or disagree that the Renting Homes (Wales) Act 2016 should be amended to allow 16 and 17 year olds to be able to hold occupation contracts?**

G4S Community agree in principle this should be amended for 16 and 17 year olds who are additionally vulnerable due to the circumstances of their homelessness status when securing stable accommodation. Many 16 and 17 year olds are faced with homelessness due to unsafe family homes or experience of care - should not be further disadvantaged with insecure accommodation. We feel the rapid rehousing model also aligns with this progression.

Giving occupation contracts to people in supported accommodation and some short term support / refuge accommodation has already shown the unintended consequence of creating move-on barriers which should be explored and reviewed further prior to any expansion.

### Question 19

**The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?**

Access to accommodation

**Question 20**

**To what extent do you agree or disagree with the short-term proposals to increase the suitability of accommodation? Are there additional immediate actions you believe should be taken for this purpose?**

We agree with the commitment to remove shared sleeping space - an issue that has caused significant concern for a number of years due to (self reporting) of individuals feeling unsafe, however the white paper is unclear on what the alternative provisions are to accommodate those requiring emergency housing placements where shared space is currently the option.

**Question 21**

**To what extent do you agree or disagree with the proposals around the allocation of social housing and management of housing waiting lists? What do you believe will be the consequences of these proposals?**

We agree with the proposals set out, and are pleased with the consideration of utilising small 2 bed properties to reduce the levels of single people on the waiting lists, and suggest making DHP allocation priority for the under occupation rent top up to mitigate escalation back into homelessness. Access to 1 bed properties has been an increasingly significant issue facing people experiencing homelessness. We would also like to see a strengthening between housing authorities and the private rental sector to meet need, though the disparity between LHA and private rental rates would need further exploration.

**Question 22**

**To what extent do you agree or disagree with the proposal for additional housing options for discharge of the main homelessness duty? What do you foresee as the possible consequences (intended or unintended) of this proposal?**

We agree with the principle of the additional housing options exploration as part of the discharge options, but would like the review phase to have complete transparency prior to discharge. In addition, we have concerns that housing services are already stretched to capacity, and therefore housing option discussions / mapping where there is no statutory requirement may lead to this function becoming obsolete in areas. In addition, the linkage between local authorities and private rental sectors would have to be strengthened to provide current option availability (alongside precious comments about LHA differences)

**Question 23**

**The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals in relation to access to housing. Are there any costs and benefits we have not accounted for?**

**Implementation**

**Question 24**

**To what extent do you think the proposals outlined above will support the implementation and enforcement of the proposed reforms?**

We would like to see a strengthening of the code of guidance, with clear directives to Local Authorities to mitigate the potential of interpretation discrepancies across Wales. We welcome the scrutiny of data by the Welsh Government to oversee implementation of the plans. We are encouraged by the plans to improve data collection in order to further understand causal factors to homelessness, in order to build truly preventative approaches. We also welcome the recognition of expert panel scrutiny throughout the phases.

**Question 25**

**What other levers/functions/mechanisms could be used to hold local housing authorities and other public bodies accountable for their role in achieving homelessness prevention?**

We would welcome greater transparency when holding authorities and public bodies to account, and recognise review and audits allow for development of response. We would welcome the opportunity to learn from other mechanisms (for example Safeguarding) which has a Whole Wales learning approach and allows opportunities for local authorities to scrutinise and learn from each other.

**Question 26**

**The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?**

**Question 27**

**What, in your opinion, would be the likely effects of the proposed reforms in this White Paper on the Welsh language? We are particularly interested in any likely effects on opportunities to use the Welsh language and on not treating the Welsh language less favourably than English.**

- Do you think that there are opportunities to promote any positive effects?
- Do you think that there are opportunities to mitigate any adverse effects?

We feel this proposal has no impact on Welsh language commitments.

**Question 28**

**We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:**

Organisation (if applicable):

**G4S Community**



Number: WG48223



Welsh Government  
Consultation response form

## Consultation on the White Paper on Ending Homelessness in Wales

Date of issue: 10 October 2023

Action required: Responses by 16 January 2024

**OGI** © Crown copyright 2023

Mae'r ddogfen hon ar gael yn Gymraeg hefyd / This document is also available in Welsh

Rydym yn croesawu gohebiaeth a galwadau ffôn yn Gymraeg / We welcome correspondence and telephone calls in Welsh

## Overview

This White Paper sets out a range of proposals for changes to policy and the law, to end homelessness in Wales.

## How to respond

Please respond by completing the online form or completing this questionnaire and sending it to [HomelessnessLegislationReform@gov.wales](mailto:HomelessnessLegislationReform@gov.wales)

If you intend to respond in writing, please send completed forms to:

Homelessness Prevention Legislation Team  
Welsh Government  
Cathays Park  
Cardiff  
CF10 3NQ

When you reply, it would be useful if you confirm whether you are replying as an individual or submitting an official response on behalf of an organisation and include:

- your name
- your position (if applicable), and
- the name of organisation (if applicable).

## Further information and related documents

Large print, Braille and alternative language versions of this document are available on request.

## Data Protection

The Welsh Government will be data controller for any personal data you provide as part of your response to the consultation. Welsh Ministers have statutory powers they will rely on to process this personal data which will enable them to make informed decisions about how they exercise their public functions. Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about or planning future consultations. Where the Welsh Government undertakes further analysis of consultation responses then this work may be commissioned to be carried out by an accredited third party (e.g., a research organisation or a consultancy company). Any such work will only be undertaken under contract. Welsh Government's standard terms and conditions for such contracts set out strict requirements for the processing and safekeeping of personal data.

In order to show that the consultation was carried out properly, the Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. If you do not want your name or address published, please tell us this in writing when you send your response. We will then redact them before publishing.

You should also be aware of our responsibilities under Freedom of Information legislation.

If your details are published as part of the consultation response then these published reports will be retained indefinitely. Any of your data held otherwise by Welsh Government will be kept for no more than 3 years.

## Confidentiality

Responses to consultations may be made public on the internet or in a report.

**If you would prefer your response to remain anonymous, please tick here:**

# Reform of the existing core homelessness legislation

## Question 1

Do you agree these proposals will lead to increased prevention and relief of homelessness?

Yes/no

**Supporting people earlier will mean more prevention can be done before people reach the crisis point. 6 months will give enough time to support the individual and to find alternative accommodation.**

**Personal housing plans to become mandatory and meaningful.**

**Supporting children and young people (16 to 25) appropriately and timely will decrease the risk of repeated homelessness.**

## Question 2

What are your reasons for this?

**Enable people to gain support earlier (at 6 months) as supposed to 56 days. This will give more time to look for options and to address the reason of homelessness sooner (if they are at risk of homelessness due to needing support then homelessness could be prevented if meaningful support is given to the individual and the landlord).**

## Question 3

Are there additional legislative proposals you think we should consider to improve the prevention and relief of homelessness?

**More supported accommodation for young people to enable them to gain the skills to manage a tenancy and live independently.**

**More supported accommodation for complex needs such as mental health.**

## Question 4

Do you agree with our proposal to abolish the priority need test?

Yes/no

**Yes**

**Question 5**

Do you agree with our proposal to abolish the Intentionality test?  
Yes/no

**Yes – Unfair on individuals who have to leave certain areas, situations or property for personal reasons. Individuals might not feel safe in their own home and can be punished for this. Young people who might not have the emotional intelligence and resilience can make decisions to leave their tenancies due to choice, location, needs, safety etc. and should not be punished.**

**Question 6**

Do you agree with our proposal to keep the local connection test but add additional groups of people to the list of exemptions to allow for non-familial connections with communities and to better take account of the reasons why someone is unable to return to their home authority.

**Yes – very important for care experienced and people who are having to leave their location due to abuse.**

**Question 7**

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

**The new proposals adds a number of new households that will be eligible for support sooner. Sufficient funding needs to be put in place in order to support these households and focus on prevention. Due to the rising issue of no available suitable housing the cost savings might not be as high as predicted.**

**The benefit as mentioned is “specialist preventative support” – these types of services need to be funded and need to be tailored to specific groups such as young people. (Housing Support Grant)**

**Personal Housing Plans – if all individuals who are at risk of homelessness in the next 6 months are eligible for support and a personal housing plan this is a increased demand on housing services. It is estimated in the report that 2 hours is spent with all individuals – to enable the plan to be created, monitored and acted upon 2 hours of support is not enough. Vulnerable individuals who are at risk of homelessness need ongoing support and their circumstances can change weekly therefore time needs to be calculated to provide ongoing support with the Personal Housing Plan.**

**The Welsh government should think about using charities or third sector organisations to provide this type of service to ensure that the plan (as noted in the benefits) is person centred and meaningful.**

**By abolishing the priority need and intentionality tests this will yet again create more demand which will need more funding.**

# The role of the Welsh Public Service in preventing homelessness

## Question 8

Do you agree with the proposals to apply a duty to identify, refer and co-operate on a set of relevant bodies in order to prevent homelessness?

Yes/no

Please give your reasons

**Yes – homelessness is everyone’s responsibility and all public services should work with housing teams. Public health services should receive training to enable them to spot the signs of homelessness or an individual who is at risk. An easy referral pathway should be designed to make the process easy for the service and the individual.**

## Question 9

Do you agree with the proposed relevant bodies, to which the duties to identify, refer and co-operate would apply? Would you add or remove any services from the list?

**Yes**

**Mental health services**

**NHS**

## Question 10

In your view have we struck the right balance between legislative requirements and operational practice, particularly in relation to health?

## Question 11

What practical measures will need to be in place for the proposed duties to identify, refer and co-operate to work effectively? Please consider learning and development needs, resources, staffing, location and culture.

**Training**

**Resources and capacity to spend enough time with each person**

**Safe space and culture**

**Easy and simple referral pathway**

Question 12

In addition to the broad duties to identify, refer and co-operate, this chapter contains proposals to provide enhanced case co-ordination for those with multiple and complex needs. To what extent will the proposals assist in preventing homelessness amongst this group?

**This proposal could strengthen the support and provide support around the individual that is effective. A complex individual who is homeless will need support with a number of aspects. This should include Multi-Disciplinary meetings to coordinate the person’s support.**

Question 13

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

Targeted proposals to prevent homelessness for those disproportionately affected

Question 14

Are there other groups of people, not captured within this section, which you believe to be disproportionately impacted by homelessness and in need of additional targeted activity to prevent and relieve this homelessness (please provide evidence to support your views)?

**Children, young people and care experiences young people are an extremely important group who are very vulnerable and need tailored support around their needs. To enable us to ensure that homelessness is rare, brief and unrepeatd this is the group that needs the most support to arm them with resilience, confidence and skills that they need to move on to independent lives.**

Question 15

What additional legislative or policy actions could be taken to prevent or relieve homelessness for the groups captured by this White Paper?

**All young people aged 16 to 25 should be placed in supported accommodation and not in emergency unsupported accommodation such as hotels, hostels and b&bs.**

## Question 16

Our proposals related to children, young people and care experience seek to improve and clarify links between homelessness legislation and the Social Services and Wellbeing Act. Significant policy development is required to assess the practicality of this. What, in your views are the benefits and challenges of our approach and what unintended consequences should we prepare to mitigate?

**Specialised children and young people homeless services need to be commissioned. Adult homeless services or adult support services are not suitable for children and young people which are homeless or at risk of becoming homeless. These adult focused services might have a negative impact on the young person's lives and can lead to further trauma and damage and create a cycle of homelessness.**

## Question 17

Do our proposals go far enough to ensure that 16 and 17 year olds who are homeless or at risk of homelessness receive joint support from social services and local housing authorities? What more could be done to strengthen practice and deliver the broader corporate parenting responsibilities?

**Yes – to strengthen the responsibilities it should stretch to that no 16 or 17 years old should have to navigate the homelessness system. Appropriate supported housing should be provided for all young people 16 to 17 year old if they are homeless or at risk of becoming homeless.**

**More guidance and law around complex health needs and 16 to 25 year olds who leave hospital. Services should be properly funded and sufficient support should be provided to ensure that young people are not homeless due to unsuitable accommodation.**

## Question 18

Do you agree or disagree that the Renting Homes (Wales) Act 2016 should be amended to allow 16 and 17 year olds to be able to hold occupation contracts?

**Allowing 16 and 17 years old to be contract holders could be beneficial in some cases but support must be mandatory and intense. This proposal could lead to young people becoming contract holders when they are not ready or without the appropriate support which could lead to homelessness or further issues.**

## Question 19

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?



**Needing more funding for the Housing Support grant to enable to support children and young people in appropriate supported accommodation. The housing support grant has yet again not been increased in the 24/25 budget which puts Housing Support projects at risk.**

## Access to accommodation

### Question 20

To what extent do you agree or disagree with the short-term proposals to increase the suitability of accommodation? Are there additional immediate actions you believe should be taken for this purpose?

**Agreed that no one under the age of 25 should be placed in temporary accommodation without support. Accommodation needs to be suitable to the needs of the individual.**

**There is a lack of one bedroom stock which creates a huge demand.**

**People should have the choice in which type of property and which area they want to live. An individual might have created a support network in a certain area but will not have the local connection – this can be impossible to gain access to housing in this area.**

### Question 21

To what extent do you agree or disagree with the proposals around the allocation of social housing and management of housing waiting lists? What do you believe will be the consequences of these proposals?

**Agree to an extent – but this could also in turn make more people homeless as the private rented sector is decreasing with a very low number of private houses available at an affordable rate.**

### Question 22

To what extent do you agree or disagree with the proposal for additional housing options for discharge of the main homelessness duty? What do you foresee as the possible consequences (intended or unintended) of this proposal?

**Agree – priority given to those most at need and who are homeless.**

### Question 23

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals in relation to access to housing. Are there any costs and benefits we have not accounted for?

## Implementation

### Question 24

To what extent do you think the proposals outlined above will support the implementation and enforcement of the proposed reforms?

Su

### Question 25

What other levers/functions/mechanisms could be used to hold local housing authorities and other public bodies accountable for their role in achieving homelessness prevention?

### Question 26

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

### Question 27

What, in your opinion, would be the likely effects of the proposed reforms in this White Paper on the Welsh language? We are particularly interested in any likely effects on

opportunities to use the Welsh language and on not treating the Welsh language less favourably than English.

- Do you think that there are opportunities to promote any positive effects?
- Do you think that there are opportunities to mitigate any adverse effects?

**Information and services should be available in Welsh.**

**Supported accommodation for young people should be available in Welsh.**

## Question 28

We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

Organisation:

**GISDA**

Number: WG48223



Llywodraeth Cymru  
Welsh Government

Welsh Government  
Consultation response form

## Consultation on the White Paper on Ending Homelessness in Wales

Date of issue: 10 October 2023

Action required: Responses by 16 January 2024

**OGI** © Crown copyright 2023

Mae'r ddogfen hon ar gael yn Gymraeg hefyd / This document is also available in Welsh

Rydym yn croesawu gohebiaeth a galwadau ffôn yn Gymraeg / We welcome  
correspondence and telephone calls in Welsh

## Overview

This White Paper sets out a range of proposals for changes to policy and the law, to end homelessness in Wales.

## How to respond

Please respond by completing the online form or completing this questionnaire and sending it to [HomelessnessLegislationReform@gov.wales](mailto:HomelessnessLegislationReform@gov.wales)

If you intend to respond in writing, please send completed forms to:

Homelessness Prevention Legislation Team  
Welsh Government  
Cathays Park  
Cardiff  
CF10 3NQ

When you reply, it would be useful if you confirm whether you are replying as an individual or submitting an official response on behalf of an organisation and include:

- your name
- your position (if applicable), and
- the name of organisation (if applicable).

## Further information and related documents

Large print, Braille and alternative language versions of this document are available on request.

## Data Protection

The Welsh Government will be data controller for any personal data you provide as part of your response to the consultation. Welsh Ministers have statutory powers they will rely on to process this personal data which will enable them to make informed decisions about how they exercise their public functions. Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about or planning future consultations. Where the Welsh Government undertakes further analysis of consultation responses then this work may be commissioned to be carried out by an accredited third party (e.g., a research organisation or a consultancy company). Any such work will only be undertaken under contract. Welsh Government's standard terms and conditions for such contracts set out strict requirements for the processing and safekeeping of personal data.

In order to show that the consultation was carried out properly, the Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. If you do not want your name or address published, please tell us this in writing when you send your response. We will then redact them before publishing.

You should also be aware of our responsibilities under Freedom of Information legislation.

If your details are published as part of the consultation response then these published reports will be retained indefinitely. Any of your data held otherwise by Welsh Government will be kept for no more than 3 years.

## Confidentiality

Responses to consultations may be made public on the internet or in a report.

**If you would prefer your response to remain anonymous, please tick here:**

## Reform of the existing core homelessness legislation

### Question 1

Do you agree these proposals will lead to increased prevention and relief of homelessness?

Yes/no

**No Not Fully**

### Question 2

What are your reasons for this?

**The proposals rely on changes in legislation, and culture change within the local authority Housing Needs Assessment. Where funding and available land or suitable properties seem to be a main barrier to Building or sourcing suitable long term Housing solutions.**

### Question 3

Are there additional legislative proposals you think we should consider to improve the prevention and relief of homelessness?

Yes, there are several legislative proposals that could be considered to improve the prevention and relief of homelessness:

1. **Housing First Model:** This approach treats housing as the first step to a better, safer, and healthier life. It serves as a platform for providing services so that people can stay housed<sup>12</sup>.
2. **Increase the Supply of Housing with Supportive Services:** This strategy aims to prevent homelessness and increase the supply of housing with supportive services<sup>1</sup>.
3. **Set Local Goals:** Encourage state and local governments to set their own goals for reducing homelessness and use federal strategic plans as a blueprint for addressing homelessness in their communities<sup>12</sup>.
4. **Address Racial and Ethnic Disparities:** Combat the systemic racism that has created racial and ethnic disparities in homelessness<sup>2</sup>.
5. **Emergency Rental Assistance:** Provide rental or utility assistance to individuals at risk for eviction or housing instability<sup>1</sup>.
6. **Direct Cash Assistance:** Prevent millions from losing their homes and keep evictions at pre-pandemic levels<sup>2</sup>.

These proposals are based on the Biden-Harris Administration's plan to prevent and end homelessness. It's important to note that these are just a few examples, and the specifics of any legislative proposal would depend on the unique needs and circumstances of the community in question. It's also crucial to involve stakeholders, including those who have experienced homelessness, in the development and implementation of these proposals.

Question 4

Do you agree with our proposal to abolish the priority need test?

Yes/no

Abolishing the Priority Need Test could potentially ensure that all individuals facing homelessness are treated equally, regardless of their personal circumstances. However, it's important to consider the potential implications of such a change. For instance, it could increase the demand for housing resources, which may be challenging for some local authorities to manage.

Therefore, while I understand the rationale behind the proposal to abolish the Priority Need Test, it's crucial to ensure that adequate resources and support systems are in place to handle the potential increase in demand. It would also be beneficial to learn from regions that have already implemented such changes to understand the potential challenges and solutions.

Question 5

Do you agree with our proposal to abolish the Intentionality test?

Yes/no

While understand the proposal to abolish the Intentionality Test, I don't fully agree. We believe that providing tenants with the opportunity to discuss their circumstances and identify the factors leading to their intentional homelessness could be a more effective approach. Addressing these issues directly could help prevent homelessness and provide more targeted support.

Rather than abolishing the Intentionality Test altogether, it might be more beneficial to refine it to better serve those at risk. This approach could also help manage the demand on available housing resources more effectively. It's crucial to strike a balance between providing support and managing resources efficiently. This is a complex issue that requires a nuanced approach and careful consideration.

Question 6

Do you agree with our proposal to keep the local connection test but add additional groups of people to the list of exemptions to allow for non-familial connections with communities and to better take account of the reasons why someone is unable to return to their home authority.



**Yes fully agree.**

#### 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?

While the RIA provides a thorough analysis, there may be additional costs and benefits that could be considered:

1. **Long-Term Social Impact:** The long-term social impact of the proposals on the communities of Anglesey and Gwynedd might not be fully accounted for. This includes the potential for improved community cohesion and reduced social inequality as a result of better housing policies. Also considering the local impact on All North Wales Counties.
2. **Indirect Economic Benefits:** There could be indirect economic benefits such as increased local spending and economic activity resulting from improved housing stability.
3. **Healthcare Costs:** Improved housing stability can lead to better health outcomes, which could reduce healthcare costs in the long term.
4. **Administrative Costs:** The costs associated with training staff to implement new policies and procedures might not be fully accounted for.
5. **Costs of Non-Compliance:** There could be costs associated with non-compliance or resistance to new policies, including potential legal costs.
6. **Environmental Impact:** The environmental impact of any construction or infrastructure changes related to the proposals might not be fully accounted for.
7. **Reducing the impact of substance misuse on communities.** It is important to consider, having secure suitable long term housing and support. Could significantly reduce mental health and reduce the use of individuals turning to Alcohol or Substances to ease anxiety or worry related to homelessness.

It's important to note that these are potential costs and benefits, and their relevance and magnitude would need to be assessed in the context of the specific proposals and the local circumstances. It is also crucial to involve stakeholders, and individuals who have experienced Homelessness in producing these policies.

the RIA provides a comprehensive analysis of the costs and benefits of proposed legislation, there may be additional factors to consider to ensure a holistic understanding of the impact of these proposals. It's a complex issue that requires careful consideration and planning.

## The role of the Welsh Public Service in preventing homelessness

### Question 8

Do you agree with the proposals to apply a duty to identify, refer and co-operate on a set of relevant bodies in order to prevent homelessness?

Yes/no

Please give your reasons

In the context of Anglesey and Gwynedd in North Wales, a network partnership of local authorities, health, substance misuse, social services, and homelessness charities could indeed work well to end or reduce homelessness. Such a partnership would allow for a more holistic approach to addressing homelessness, taking into account the various factors that contribute to the issue.

However, it's important to note that the effectiveness of such a duty would depend on the strength of the partnerships formed, the resources available, such as suitable long term accommodation and the specific needs of the local population. Therefore, while the proposal is promising, its success would depend on careful implementation and ongoing evaluation. It's a complex issue that requires a nuanced approach and careful consideration and planning.

### Question 9

Do you agree with the proposed relevant bodies, to which the duties to identify, refer and co-operate would apply? Would you add or remove any services from the list?

**North Wales have established a Housing needs steering groups. To support partnership working, early identification of local housing needs. It consists of but not limited to the following. Local Authorities and Housing associations, homeless charities, Substance misuse mental health and Harm reduction services, service user panels, Health to include Crisis support, HMPPS, Probation, Welsh Government, Social services, Children and Young person representatives, Mediation services and relevant third sector services.**

### Question 10

In your view have we struck the right balance between legislative requirements and operational practice, particularly in relation to health?

**It is difficult to answer comprehensively. It is important to note that ending Homelessness extends far beyond having availability of affordable and suitable homes. Many health and social needs contribute for consideration. Health and access and travel to the services would also need to be considered.**

#### Question 11

What practical measures will need to be in place for the proposed duties to identify, refer and co-operate to work effectively? Please consider learning and development needs, resources, staffing, location and culture.

**Creating a central database for monitoring. Changes in GDPR to allow for simplified assessments of individuals and onward referring.**

#### Question 12

In addition to the broad duties to identify, refer and co-operate, this chapter contains proposals to provide enhanced case co-ordination for those with multiple and complex needs. To what extent will the proposals assist in preventing homelessness amongst this group?

**Creating a person centred holistic approach, will assist greatly in preventing Homelessness. Another consideration would be to Introduce substance misuse/ complex needs training and awareness to landlords, to help strengthen the understanding and complexities of needs the tenants may have, and how to support them. In Anglesey & Gwynedd a local charity offers mediation service between landlords and tenants, in addition to offering tenancy support. Which has proven successful.**

#### Question 13

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

**Reducing the impact of substance misuse, and crime on communities.  
Improved Health & wellbeing also Education for the Younger generation.**

Targeted proposals to prevent homelessness for those disproportionately affected

#### Question 14

Are there other groups of people, not captured within this section, which you believe to be disproportionately impacted by homelessness and in need of additional targeted activity to prevent and relieve this homelessness (please provide evidence to support your views)?

**Mental Health and Disabilities are included, would these include individuals with Substance Misuse issues.**

Question 15

What additional legislative or policy actions could be taken to prevent or relieve homelessness for the groups captured by this White Paper?

**To continue to implement the Welsh Government's Substance misuse strategy for Wales. Where Area Planning Boards and Service user groups monitor progress against the key priorities within the plan. Housing is one of the key priority areas.**

Question 16

Our proposals related to children, young people and care experience seek to improve and clarify links between homelessness legislation and the Social Services and Wellbeing Act. Significant policy development is required to assess the practicality of this. What, in your views are the benefits and challenges of our approach and what unintended consequences should we prepare to mitigate?

**It is important to consider, Transitioning from Children to adult services as long waiting lists for support and needs change. It is also important to consider effective independent living and socialising as many who leave care or young offenders may become institutionalised or reliant on support.**

Question 17

Do our proposals go far enough to ensure that 16 and 17 year olds who are homeless or at risk of homelessness receive joint support from social services and local housing authorities? What more could be done to strengthen practice and deliver the broader corporate parenting responsibilities?

**Yes, providing individual needs and local needs are considered.**

Question 18

Do you agree or disagree that the Renting Homes (Wales) Act 2016 should be amended to allow 16 and 17 year olds to be able to hold occupation contracts?

**Unsure if I can answer this question comprehensively.**

Question 19

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

**Answered in Question 7**

Access to accommodation

Question 20

To what extent do you agree or disagree with the short-term proposals to increase the suitability of accommodation? Are there additional immediate actions you believe should be taken for this purpose?

In terms of increasing the suitability of accommodation, the paper does not provide specific short-term proposals. However the priority and listed changes support local feedback.

**Immediate response would be to host a survey, to identify local needs of the people. Which has already been done. Also to consider factors such as Homeless individuals, or complex needs are they digitally excluded do they have technologies to access and be contacted by service providers. Eg have they access to a phone line, or internet? What are their transportation and disability needs?**

Question 21

To what extent do you agree or disagree with the proposals around the allocation of social housing and management of housing waiting lists? What do you believe will be the consequences of these proposals?

**Agree somewhat, waiting lists are always tricky as it relies on staff resources, funding and resource in terms of suitable long term accommodation.**

#### 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?

**Increased pressure on Third sectors, Higher demand on services for support, increased waiting lists, Staff retention.**

#### Question 23

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals in relation to access to housing. Are there any costs and benefits we have not accounted for?

#### Implementation

#### Question 24

To what extent do you think the proposals outlined above will support the implementation and enforcement of the proposed reforms?

**With suitable Governance and Funding I believe the proposals for reform to be mostly effective.**

#### Question 25

What other levers/functions/mechanisms could be used to hold local housing authorities and other public bodies accountable for their role in achieving homelessness prevention?

**Continue to support the Welsh Government Substance Misuse strategy, and Update the Plan Every 6 Months based on Each Local Authority's Progress.**

Question 26

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

Question 27

What, in your opinion, would be the likely effects of the proposed reforms in this White Paper on the Welsh language? We are particularly interested in any likely effects on opportunities to use the Welsh language and on not treating the Welsh language less favourably than English.

- Do you think that there are opportunities to promote any positive effects?
- Do you think that there are opportunities to mitigate any adverse effects?

**The original Link Received was available in English only. It is important to have Welsh versions available. When sharing with providers.**

Question 28

We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

**For the purpose of the response, a collective of feedback from service users, providers have been taken into consideration to support the response.**

Organisation (if applicable):

**Gwynedd & Môn Community Safety Partnership.**



Welsh Government  
Consultation response form

## Consultation on the White Paper on Ending Homelessness in Wales

Date of issue: 10 October 2023

Action required: Responses by 16 January 2024

OGI © Crown copyright 2023

Mae'r ddogfen hon ar gael yn Gymraeg hefyd / This document is also available in Welsh

Rydym yn croesawu gohebiaeth a galwadau ffôn yn Gymraeg / We welcome correspondence and telephone calls in Welsh



## Overview

This White Paper sets out a range of proposals for changes to policy and the law, to end homelessness in Wales.

## How to respond

Please respond by completing the online form or completing this questionnaire and sending it to [HomelessnessLegislationReform@gov.wales](mailto:HomelessnessLegislationReform@gov.wales)

If you intend to respond in writing, please send completed forms to:

Homelessness Prevention Legislation Team  
Welsh Government  
Cathays Park  
Cardiff  
CF10 3NQ

When you reply, it would be useful if you confirm whether you are replying as an individual or submitting an official response on behalf of an organisation and include:

## Further information and related documents

Large print, Braille and alternative language versions of this document are available on request.

## Data Protection

The Welsh Government will be data controller for any personal data you provide as part of your response to the consultation. Welsh Ministers have statutory powers they will rely on to process this personal data which will enable them to make informed decisions about how they exercise their public functions. Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about or planning future consultations. Where the Welsh Government undertakes further analysis of consultation responses then this work may be commissioned to be carried out by an accredited third party (e.g., a research organisation or a consultancy company). Any such work will only be undertaken under contract. Welsh Government's standard terms and conditions for such contracts set out strict requirements for the processing and safekeeping of personal data.

In order to show that the consultation was carried out properly, the Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. If you do not want your name or address published, please tell us this in writing when you send your response. We will then redact them before publishing.

You should also be aware of our responsibilities under Freedom of Information legislation.

If your details are published as part of the consultation response then these published reports will be retained indefinitely. Any of your data held otherwise by Welsh Government will be kept for no more than 3 years.

## Confidentiality

Responses to consultations may be made public on the internet or in a report.

**If you would prefer your response to remain anonymous, please tick here:**

# Reform of the existing core homelessness legislation

## Question 1

Do you agree these proposals will lead to increased prevention and relief of homelessness?

Yes/no

Yes.

## Question 2

What are your reasons for this?

Hywel Dda Health Board agrees that homelessness should be rare, brief and unrepeated.

We agree that the proposed reforms will facilitate a service delivery that is person-centred, considering individual client's needs arising from lived experiences, preferences, and cultural needs. We support the proposed provision of information around homelessness duties in a range of accessible formats such as easy read and audio and in languages preferred by service users including BSL. Making the system and eligibility wider and more flexible and simplifying the process of getting suitable accommodation and ongoing support should lead to increased prevention and relief of homelessness.

We agree that homelessness will be prevented if the risk is identified earlier and if appropriate support, including physical and mental health support, happens sooner. The consultation document could be strengthened by placing a duty on health services such as urgent care and primary care to identify and refer people/patients who are homeless or at risk of becoming homelessness during admission process, and not only during discharge planning.

Service leavers/veterans can face unique disadvantages in securing and maintaining accommodation and it is suggested that this specific vulnerable group should be included in the proposed reforms and that support packages are available to them once someone is housed to reduce the likelihood of losing tenancies due to chaotic lives. Complicated processes to access housing makes getting accommodation difficult for people who already face challenges.

## Question 3

Are there additional legislative proposals you think we should consider to improve the prevention and relief of homelessness?

We agree to the proposal to bring forward targeted preventative reforms for those most at risk: survivors of Violence Against Women, Domestic Abuse and Sexual Violence, youth homelessness, care experienced young people and those in the Criminal Justice System. In order to strengthen the proposed reforms, it would be helpful to include an explicit link to the Armed Forces Covenant Duty which seeks to remove the unique disadvantages faced by ex-service personnel/veterans.

Should the new proposals (Section 65 to 68) be taken forward into draft legislation, the inclusion of mandatory training or a clear accessible guidance should apply to health and other public services (not only local housing authorities) to facilitate identification and referrals of people who may be at risk of homelessness. NHS Wales has a learning platform which could be used to deliver any electronic training for health staff.

(Section 84 - 85) Whilst this may add pressure to the local authorities and there may be a lack of suitable move on accommodation, we agree that consideration of factors such protected characteristics and cultural appropriateness should be made when reviewing the applicant's Personal Housing Plan. To strengthen the proposed reform, the physical health needs of the applicant, e.g. wheelchair users, people with sight loss or chronic health conditions, should be explicitly considered as part of the applicant's Personal Housing Plan to ensure suitability of the accommodation. The proposed reform should also limit the time someone is in temporary accommodation which are often unsuitable or located in proximity to triggers to poor health e.g. being placed in Bed and Breakfast accommodation alongside individuals who are known to misuse substances.

The proposed reform could be strengthened if a data sharing protocol is considered and implemented.

#### Question 4

Do you agree with our proposal to abolish the priority need test?

Yes/no

Yes, we agree with the proposal to abolish the priority need test as people do not always fit into that test criteria.

Whilst it is recognised that removing the priority need test may place an exceptional pressure on homelessness services, leading to an unprecedented number of people staying in temporary accommodation for longer period, and long waits, we agree that steps should be taken to abolish the priority need test. This should be planned to ensure services are able to cope with any increase in demand.

#### Question 5

Do you agree with our proposal to abolish the Intentionality test?

Yes/no

Yes. Whilst people may be defined as having made themselves intentionally homeless, this does not take account of other factors involved, including the extended family circumstances or environmental factors which the person is trying to remove themselves from. Furthermore, some individuals have difficulty maintaining tenancies or have mental health issues which lead them to be evicted which at present would be counted as being intentionally homeless.

## Question 6

Do you agree with our proposal to keep the local connection test but add additional groups of people to the list of exemptions to allow for non-familial connections with communities and to better take account of the reasons why someone is unable to return to their home authority.

Yes, we agree with the proposal to keep the local connection test but are concerned that people who present as homeless cannot get help if they are in the wrong area. They are then stuck between local authorities. This is then particularly difficult when trying to make an out of hours referral.

It is recognised that keeping the local connection test will ensure no local authorities and public services bears disproportionate cost for rehousing people in their area. However, we agree that the proposed reform can be strengthened if further population groups presenting special circumstances such as members of the LGBTQ+ community, Gypsy, Roma and Traveller communities, veterans and people seeking recovery from substance misuse are added to the list where locality test is not applied. We also recommend religious and cultural preferences to be considered when adopting a more flexible approach in implementing the local connection test.

## Question 7

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

NA

## The role of the Welsh Public Service in preventing homelessness

### Question 8

Do you agree with the proposals to apply a duty to identify, refer and co-operate on a set of relevant bodies in order to prevent homelessness?

**Yes**

Please give your reasons

We agree that a multi-agency approach including the third sector will support those who do not engage with services or are not known to services.

The proposed reform could be strengthened by explicitly outlining a number of health services such as health visiting, mental health, community and urgent care services where the duty to identify, refer and co-operate would apply. These health services support patients who may present precarious housing as a contributing factor to their mental and physical health. For example, the health board has a number of cases where the health visiting service has supported families fleeing domestic abuse and are at risk of homelessness to local authority housing support services. They have also supported families who are homeless and currently 'sofa surfing' by working with Local Authorities to identify appropriate housing. There is also evidence of people in precarious housing situations staying in hospital beds for longer thus delaying hospital discharge of the medically fit.

## Question 9

Do you agree with the proposed relevant bodies, to which the duties to identify, refer and co-operate would apply? Would you add or remove any services from the list?

Yes.

(Section 227 – ii). We agree with the proposed relevant bodies, to which the duties to identify, refer and co-operate would apply. It can be strengthened by explicitly including Primary Care, which includes general medical services (GP Practices), community pharmacy, dental and optometry services, which are the first point of contact for more than 90% of people's initial contact with the NHS in Wales.

If the proposal to place a duty on local health boards and primary care services to refer and co-operate is implemented, Welsh Government will need to support this with a national campaign to ensure health services and staff are able to identify the risk factors for homelessness, including rent arrears, financial difficulty, abuse or relationship breakdown. The national campaign and guidance should include information on local housing support gateways or housing options services to aid effective referrals.

## Question 10

In your view have we struck the right balance between legislative requirements and operational practice, particularly in relation to health?

No. It is not explicitly clear how the NHS would be expected to contribute operationally and this needs more clarity.

We support the proposal in Section 311 to ensure key assessments and plans such as Care Treatment Plans consider housing needs and the stability of a person's accommodation.

Whilst we support the Welsh Government's proposal of the co-funding of multi-disciplinary homelessness and housing support teams with dedicated mental health expertise, or pathways that enable swift access to NHS mental health

services for people experiencing or at risk of homelessness, the proposed reform can be strengthened if any multi-disciplinary team for homeless people also include team members with expertise in providing physical health support.

## Question 11

What practical measures will need to be in place for the proposed duties to identify, refer and co-operate to work effectively? Please consider learning and development needs, resources, staffing, location and culture.

The NHS Delivery Framework – Improving the Health and Well-being of Homeless and Specific Vulnerable Groups Standards was developed and implemented in local health boards in 2009. Whilst the Standards are primarily concerned with health care and health improving service delivery, the Standards, in line with equality and anti-poverty initiatives recognises that housing needs are crucial to improving health and form an integral part in preventing homelessness. If the reforms are amended to place duties on Local Health Boards, the NHS Delivery Framework and Standards should also be reviewed and updated in line with the new Homeless Duty.

Health boards will need clear guidance on staff training to support the early identification, signposting, and co-operation to ensure health staff have the knowledge and confidence to refer people who are homeless or at risk of homelessness.

The following are also recommended:

- Clear information sharing pathways between statutory and third sector partner agencies.
- Clear and easy access to health care services for homeless people, and support to help them keep appointments. For example, they may not have access to transport or be able to afford the cost of a bus fare/taxi to get the hospital or a GP practice, pharmacist, dentist or optician.
- Arrangements for accessing health services outside normal working hours need to be considered in acknowledgement of the challenges that some homeless people face.
- People experiencing multiple disadvantage often find it very difficult to attend a service for regular appointments and services need to be in a position to respond and adapt to missed appointments.
- Registration with a GP is simplified and not reliant on a fixed address.
- Embed the use of the NHS Wales App to ensure that there are alternative ways of getting appointment information such as text messages for primary care. Similar alternative methods should be available for community and secondary care appointments to mitigate against missed appointments as a result of letters not being received.
- Designated health practitioners to work with those that are homeless in a holistic and flexible way. This could include regular visits by healthcare teams to homeless drop-ins for those that are unable to attend GP surgeries. Alternatively, the establishment of open access drop-ins where basic health care can be provided such as blood pressure checks for people who are homeless or rough sleeping.

## Question 12

In addition to the broad duties to identify, refer and co-operate, this chapter contains proposals to provide enhanced case co-ordination for those with multiple and complex needs. To what extent will the proposals assist in preventing homelessness amongst this group?

All health boards in Wales are experiencing financial and operation pressures. Whilst the enhancement of duties for health are welcomed, there are concerns about the capacity that staff will have to participate in case co-ordination. There needs to be clear guidance about the 'boundaries' of role.

Access to general health provision and support could include a Homeless Health Team – community nurses and outreach, helping people to connect back into mainstream provision. The Clinical Nurse Specialist for Homeless and Vulnerable Adults in Swansea Bay is an example of best practice acting as care co-ordinator and is responsible for assessment of treatment and care needs, and the planning, implementation and evaluation of care and assertively engage patients in treatment by working in a flexible manner. However, embedding this across Wales would require the identification of additional resources at a time of significant financial challenge in the NHS.

## Question 13

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

With respect to costs and benefits, it might be worth considering wider societal costs. For example, lost revenue if people are unable to work due to either being homeless or at risk of this.

### Targeted proposals to prevent homelessness for those disproportionately affected

## Question 14

Are there other groups of people, not captured within this section, which you believe to be disproportionately impacted by homelessness and in need of additional targeted activity to prevent and relieve this homelessness (please provide evidence to support your views)?

Research by the Royal British Legion found that Traumatic Stress Disorder (PTSD) has been found among a small number of homeless veterans although other non-military related mental health problems were more common. However, homeless veterans have been found on average to be older, have slept rough for longer, be less likely to use drugs and more likely to have alcohol-related problems. There is some evidence that, for a minority, military life, through factors



such as trauma of combat, mobility of the job or the drinking culture, have impacted on their ability to cope when the leave Military Service.

### Question 15

What additional legislative or policy actions could be taken to prevent or relieve homelessness for the groups captured by this White Paper?

- Mandatory training in homelessness and the relevant legislation to support staff from all agencies working or supporting the groups who are at risk of homelessness.
- Review and update the NHS Delivery Framework - Improving the Health and Well-being of Homeless and Specific Vulnerable Groups Standards
- Establish clear governance and reporting requirements.

### Question 16

Our proposals related to children, young people and care experience seek to improve and clarify links between homelessness legislation and the Social Services and Wellbeing Act. Significant policy development is required to assess the practicality of this. What, in your views are the benefits and challenges of our approach and what unintended consequences should we prepare to mitigate?

Local Authorities and other public services should recognise and therefore prepare to mitigate that Young people may want independence from statutory services when they become a care leaver, and therefore not engage as actively with statutory services.

### Question 17

Do our proposals go far enough to ensure that 16 and 17 year olds who are homeless or at risk of homelessness receive joint support from social services and local housing authorities? What more could be done to strengthen practice and deliver the broader corporate parenting responsibilities?

Yes. 16-17 year olds need to be prepared for the reality of living independently and managing finances. This will be addressed by the proposed further exploration of whether Renting Homes (Wales) Act 2016 could allow 16 and 17 year olds to be occupation contract-holders.

### Question 18

Do you agree or disagree that the Renting Homes (Wales) Act 2016 should be amended to allow 16 and 17 year olds to be able to hold occupation contracts?

Yes. 16 and 17 year olds should be allowed to hold contracts where there is evidence that they are in receipt of support for them to maintain the contracts. Care leavers may not know how to look after themselves or manage a tenancy. Joint contracts with the LA might be an option or social enterprise landlords which specialise in supporting care leavers who can also provide a support package.

### Question 19

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

NA

### Access to accommodation

### Question 20

To what extent do you agree or disagree with the short-term proposals to increase the suitability of accommodation? Are there additional immediate actions you believe should be taken for this purpose?

We agree with the proposal to increase the suitability of accommodation. However, there needs a clear guidance when determining suitability of accommodation for people with protected characteristics; Black, Black British, and those who identified as Muslims with collective cultures may have a preference for safe shared accommodation or 'overcrowding' by definition over emergency/move on accommodation.

It is also suggested that only small numbers of homeless people should be housed in the same accommodation option and where possible, homeless people should be integrated into wider society to avoid setting people up to fail.

### Question 21

To what extent do you agree or disagree with the proposals around the allocation of social housing and management of housing waiting lists? What do you believe will be the consequences of these proposals?

Agree

Question 22

To what extent do you agree or disagree with the proposal for additional housing options for discharge of the main homelessness duty? What do you foresee as the possible consequences (intended or unintended) of this proposal?

Agree

Question 23

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals in relation to access to housing. Are there any costs and benefits we have not accounted for?

NA

Implementation

Question 24

To what extent do you think the proposals outlined above will support the implementation and enforcement of the proposed reforms?

Agree. The emphasis should be given in ensuring people/applicants seeking homeless services as well as housing related support services to prevent homelessness should be able to do so through a process which is accessible, transparent and consistent. Accessibility of information, advice, and support should be imperative across all levels (from service level to national level).

Question 25

What other levers/functions/mechanisms could be used to hold local housing authorities and other public bodies accountable for their role in achieving homelessness prevention?

We agree with the proposal to use and extend the existing structures provided through local government scrutiny and social housing regulation in order to monitor homelessness provision and the implementation of the proposed legislative reform. There needs clarity about whether it is the Regional Partnership Board or the Public Service Board that is best placed to hold local authorities and public bodies such as health boards hold accountable for homeless prevention.

Data collection on homelessness should include the number of homeless presentations identified on hospital admission and/or hospital discharge.

## Question 26

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

NA

## Question 27

What, in your opinion, would be the likely effects of the proposed reforms in this White Paper on the Welsh language? We are particularly interested in any likely effects on opportunities to use the Welsh language and on not treating the Welsh language less favourably than English.

- Do you think that there are opportunities to promote any positive effects?
- Do you think that there are opportunities to mitigate any adverse effects?

We do not consider that there will be any negative impacts of the proposed reforms on the Welsh Language and recognise the duty of statutory bodies to provide accesses to services in Welsh. This may be impacted by the number of available Welsh speaking staff, but use of interpretation apps could be used to mitigate this challenge.

## Question 28

We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

We are concerned that the Police Bill may have a negative impact on Gypsies and Travellers giving the power to take vehicles including caravans, and as a result making them homeless. There is a shortage of stopping places and sites for communities that travel which can mean that families have to be "roadside". Some families are then placed in houses which is not always culturally appropriate and has an effect on mental health.

Organisation (if applicable):

Hywel Dda University Health Board



Welsh Government  
Consultation response form

## Consultation on the White Paper on Ending Homelessness in Wales

Date of issue: 10 October 2023

Action required: Responses by 16 January 2024

**OGI** © Crown copyright 2023

Mae'r ddogfen hon ar gael yn Gymraeg hefyd / This document is also available in Welsh

Rydym yn croesawu gohebiaeth a galwadau ffôn yn Gymraeg / We welcome correspondence and telephone calls in Welsh

## Overview

This White Paper sets out a range of proposals for changes to policy and the law, to end homelessness in Wales.

## How to respond

Please respond by completing the online form or completing this questionnaire and sending it to [HomelessnessLegislationReform@gov.wales](mailto:HomelessnessLegislationReform@gov.wales)

If you intend to respond in writing, please send completed forms to:

Homelessness Prevention Legislation Team  
Welsh Government  
Cathays Park  
Cardiff  
CF10 3NQ

When you reply, it would be useful if you confirm whether you are replying as an individual or submitting an official response on behalf of an organisation and include:

- your name
- your position (if applicable), and
- the name of organisation (if applicable).

## Further information and related documents

Large print, Braille and alternative language versions of this document are available on request.

## Data Protection

The Welsh Government will be data controller for any personal data you provide as part of your response to the consultation. Welsh Ministers have statutory powers they will rely on to process this personal data which will enable them to make informed decisions about how they exercise their public functions. Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about or planning future consultations. Where the Welsh Government undertakes further analysis of consultation responses then this work may be commissioned to be carried out by an accredited third party (e.g., a research organisation or a consultancy company). Any such work will only be undertaken under contract. Welsh Government's standard terms and conditions for such contracts set out strict requirements for the processing and safekeeping of personal data.

In order to show that the consultation was carried out properly, the Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. If you do not want your name or address published, please tell us this in writing when you send your response. We will then redact them before publishing.

You should also be aware of our responsibilities under Freedom of Information legislation.

If your details are published as part of the consultation response then these published reports will be retained indefinitely. Any of your data held otherwise by Welsh Government will be kept for no more than 3 years.

## Confidentiality

Responses to consultations may be made public on the internet or in a report.

**If you would prefer your response to remain anonymous, please tick here:**



# Reform of the existing core homelessness legislation

## Question 1

Do you agree these proposals will lead to increased prevention and relief of homelessness?

Yes

While the proposed reforms show promise in advancing the prevention and relief of homelessness, there are significant concerns related to the lack of funding and resources, particularly in the Third Sector, Education, and Early Intervention & Prevention. Insufficient financial support in these critical areas may hinder the effective implementation of preventive measures and support services, potentially limiting the overall success of the reforms. The following points underscore the challenges arising from the lack of funding:

### **Third Sector Strain:**

The Third Sector plays a pivotal role in delivering support services and interventions for homelessness prevention. Inadequate funding may strain Third Sector organisations, limiting their capacity to provide essential services to vulnerable populations. Without sufficient resources, these organisations may struggle to meet the growing demand for assistance, potentially leaving individuals at risk without adequate support.

### **Education Challenges:**

Early intervention and prevention heavily rely on educational programs to address the root causes of homelessness, such as ensuring stable educational pathways for young people. Insufficient funding for education initiatives may hinder the development and implementation of programs aimed at preventing homelessness among students and young individuals. Cuts in resources for educational support could contribute to an increased risk of homelessness among students, particularly those transitioning from school to post-16 education.

### **Early Intervention & Prevention:**

Early intervention and prevention strategies are crucial components of homelessness prevention efforts. Limited funding may restrict the implementation of proactive measures, hindering the ability to identify and address risk factors at an early stage. The lack of resources for prevention programs could result in missed opportunities to support vulnerable individuals and families before they reach a crisis point. Effective collaboration between the Third Sector, Education, and Early Intervention & Prevention is essential for a comprehensive and coordinated approach to homelessness prevention. Investment in programmes like UPSTREAM CYMRU is paramount. Scarce resources may strain collaborative efforts, making it challenging to implement joined-up strategies that address the multifaceted aspects of homelessness. A lack of funding may hinder the development of integrated support systems, diminishing the overall impact of prevention initiatives.

## Question 2

What are your reasons for this?

The lack of funding and resources for the Third Sector, Education, and Early Intervention & Prevention can pose significant challenges to the success of the proposed reforms in preventing and relieving homelessness:

**Third Sector Strain:** The Third Sector, comprising non-profit and charitable organisations, delivers crucial support services to individuals at risk of homelessness. These organisations rely heavily on funding to operate efficiently and meet the diverse needs of vulnerable populations. Insufficient

funding leads to staff shortages, reduced service capacity, and limitations in outreach programs, diminishing the sector's overall effectiveness.

**Education:** Early intervention in education is essential for preventing homelessness by addressing factors such as school disengagement, academic challenges, and lack of support systems. Funding cuts in education can result in diminished resources for support programs, counselling services, and initiatives aimed at keeping students engaged in their studies. Reduced educational support increases the likelihood of students facing obstacles that may contribute to homelessness in their post-school years. Programmes like UPSTREAM CYMRU can assist in tackling those challenges.

**Early Intervention & Prevention Impacts:**

Early intervention and prevention strategies require proactive measures, including outreach programs, counselling, and community support services. Limited funding hinders the implementation of preventive measures, making it challenging to identify and address risk factors early on. Without adequate resources, the ability to intervene in the lives of individuals and families before they experience homelessness diminishes, leading to increased vulnerability. Funding constraints strain collaboration, limiting the development of integrated strategies that address the interconnected issues contributing to homelessness. Insufficient resources hinder the establishment of comprehensive support systems, making it difficult to implement cohesive and effective prevention initiatives. Programmes like UPSTREAM CYMRU can assist in tackling those challenges. A lack of funding jeopardises the holistic approach needed to address the root causes of homelessness, including educational challenges, mental health issues, and family breakdowns. Comprehensive, multi-sectoral strategies require financial support to implement programs that tackle these interconnected issues simultaneously. Without adequate resources, the ability to implement a well-rounded and effective approach to homelessness prevention is compromised.

### Question 3

Are there additional legislative proposals you think we should consider to improve the prevention and relief of homelessness?

Considering the importance of education and the unique challenges faced by care-experienced young people, especially those in the 16-25 age range, it's crucial to propose legislative measures that address their specific needs. Here are some additional legislative proposals for improving the prevention and relief of homelessness, with a focus on education and care-experienced youth:

**Education-Centered Legislation:**

Proposal: Introduce legislation that ensures educational institutions have dedicated support systems for at-risk students, including those who are care-experienced.

Rationale: Educational challenges often contribute to homelessness risk. This legislation should mandate schools and colleges to identify and provide additional support for students facing housing instability, aiming to prevent educational disruptions that may lead to homelessness.

**Holistic Support for Care-Experienced Youth:**

Proposal: Establish comprehensive legislation that outlines a holistic support framework for care-experienced young people aged 16-25.

Rationale: Recognising the unique needs of care-experienced youth, this legislation should require local authorities to collaborate with relevant agencies, educational institutions, and support organisations to provide tailored assistance, including mentorship, counselling, and housing support.

**Specialised Support for 16-25 Age Group:**

Proposal: Develop legislation that establishes specialised support services catering to the unique needs of 16-25 year-olds, with a focus on preventing homelessness, such as UPSTREAM CYMRU.

Rationale: The transition from adolescence to adulthood is a critical period where young people face increased vulnerabilities. Legislation should mandate age-appropriate support services, addressing issues such as housing, employment, mental health, and education for this age group.

**Education Advocacy Programs:**

Proposal: Introduce legislation to fund and support advocacy programs that specifically address the educational rights and needs of care-experienced youth.

Rationale: Advocacy programs can empower care-experienced individuals to navigate educational systems, ensuring they receive the necessary support, accommodations, and resources to pursue and complete their education successfully.

## Question 4

Do you agree with our proposal to abolish the priority need test?

Yes with mitigations embedded.

The proposal to abolish the priority need test for homeless, eligible applicants is a significant policy change with potential benefits and concerns. Advocates argue that removing the test enhances equality and streamlines services, aligning with the focus on Rapid Rehousing. However, caution is urged regarding potential impacts on vulnerable groups and increased demand on resources. The prioritisation of vulnerable individuals, such as LGBTQ+ youth, neurodivergent youth, domestic abuse survivors and care leavers, is crucial for preventing homelessness. There is apprehension that the change might lead to delays, heightened competition for limited resources, and a risk of homelessness, necessitating careful implementation and fair allocation policies.

Of specific concern are the potential implications for care leavers, who may face increased competition for housing, delays in assistance, and a lack of prioritisation. To address these challenges, proposed mitigation strategies include dedicated housing resources, transitional support programs, tailored assistance, and alternative prevention mechanisms. Similarly, for domestic abuse survivors, there is a risk of reduced prioritisation, increased competition for resources, and potential harm. Proposed strategies involve transparent allocation policies that consider the unique circumstances of domestic abuse survivors to prevent unintended disadvantages and ensure their swift access to housing and support services. Careful monitoring, evaluation, and adjustments to the system are recommended to address concerns and maintain a balanced approach to homelessness prevention.

## Question 5

Do you agree with our proposal to abolish the Intentionality test?

Yes

The proposal to abolish the Intentionality test in homelessness policy is rooted in a person-centred approach, aiming to create a system that is more empathetic and trauma-informed. By eliminating this test, barriers to accessing homelessness services are reduced, fostering a more open environment for individuals to seek assistance without fear of being penalised. The removal is seen as a positive step towards encouraging honest reporting of homelessness situations, aligning with the broader goal of providing support rather than imposing judgment on those facing complex needs.

However, there are potential concerns associated with this change. Critics argue that the Intentionality test serves as a deterrent against poor behaviour and fraudulent claims, and its removal might lead to misuse of homelessness services. There is a need to carefully consider the balance between a person-centred approach and managing resources efficiently. Abolishing the Intentionality test may necessitate a reallocation of resources to cope with increased demand for services, and comprehensive guidance and safeguards should be put in place to ensure that the

revised policy effectively identifies and prioritises individuals with the highest levels of need and vulnerability. This delicate balance is crucial for the success of the policy change and maintaining the integrity of homelessness services.

## 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.

No

The proposal to maintain the local connection test while introducing exemptions for specific groups is positioned as a balanced approach that considers both resource management and the unique vulnerabilities of individuals. It is highlighted that the local connection test has been identified to have racist undertones, emphasising the need for a more equitable and inclusive approach to address systemic biases within the homelessness system. This underscores the ongoing importance of monitoring, adjusting, and promoting fairness in homelessness policies across diverse communities.

However, there are considerations associated with this nuanced approach. The potential increase in demand for homelessness services due to exemptions necessitates careful monitoring and potential adjustments to resource allocation to prevent strain on local authorities. Ensuring consistent application of exemptions poses a challenge, requiring vigilant identification and uniform application by local authorities. Additionally, acknowledging the potential impact on specific areas, especially larger towns and cities, is crucial to prevent further disadvantage to local populations with support needs.

Furthermore, if the local connection test were to be removed entirely, there is a call for exemptions for young people, particularly LGBTQ+ and neurodivergent youth, who are deemed vulnerable.

## Question 7

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

The presented Regulatory Impact Assessment (RIA) provides a preliminary overview of potential costs and benefits associated with proposed legislative reforms, emphasising the need for further research, consultation, and data collection. The identified costs include administrative and operational expenses, legal costs, and the necessity for resource allocation among local housing authorities. Additionally, enforcement costs and the development of improved data collection and reporting systems are crucial considerations. The benefits outlined encompass potential savings in healthcare and social services, economic growth, improved community well-being, and long-term economic benefits associated with housing stability.

However, several aspects may not have been fully addressed in the initial assessment. Concerns are raised regarding the effectiveness of resource redistribution, as simply shifting resources may not lead to optimal outcomes. Notably, the lack of direct funding for prevention services and the focus on crisis-related funding allocation create challenges in prioritising prevention efforts. It is emphasised that early identification and prevention services represent an investment and a

pathway to long-term savings. The Welsh government's commitment to early identification and prevention services is cited as a model for recognising the importance of proactive measures in addressing homelessness.

Furthermore, the social justice implications of the proposed reforms are highlighted, emphasising equitable access to services, reduced disparities, mitigation of vulnerabilities, community empowerment, protection of rights, and enhanced dignity. Intersectionality considerations underscore the importance of addressing challenges faced by individuals with intersecting social identities. The narrative underscores the need for comprehensive assessments, data collection, and a nuanced understanding of regional dynamics for a more accurate estimation of costs and benefits. It advocates for a shift in funding priorities towards prevention services, acknowledging their role as an investment with long-term positive impacts on both individuals and communities.

## The role of the Welsh Public Service in preventing homelessness

### Question 8

Do you agree with the proposals to apply a duty to identify, refer and co-operate on a set of relevant bodies in order to prevent homelessness?

Yes

Please give your reasons

**Proactive and Preventative Measures:** These proposals underscore a proactive and preventative approach to homelessness. The emphasis on identifying and referring individuals or households at risk of homelessness reflects a commitment to early interventions. This proactive stance is pivotal in potentially thwarting homelessness before it takes root, aligning with the overarching goal of reducing the multifaceted harms caused by homelessness.

**Critical Gap: Inclusion of Education:** While the proposals represent a significant stride, it is crucial to note the absence of education as a listed key area. Education plays a fundamental role in preventing homelessness, particularly among young people and families. Advocacy for the inclusion of education as a vital component is paramount. Strengthening ties between educational institutions and homelessness prevention initiatives can act as a powerful deterrent.

**Challenging the "Homeless Within 6 Months" Threshold:** A notable point of contention is the "homeless within 6 months" threshold. For many young people and families, the erosion of relationships and safety nets might already be underway within this timeframe. Advocating for a nuanced understanding of the varied trajectories leading to homelessness is essential. Recognising early signs and addressing precursors beyond the stipulated timeframe will be critical for comprehensive prevention efforts.

**Cost Savings:** The analysis indicates that early interventions through referrals could result in substantial cost savings in social services. Preventing homelessness can save money that might otherwise be spent on dealing with the consequences of homelessness, such as healthcare costs and emergency services.

**Fulfilling Duty to Cooperate:** Implementing a duty to identify, refer, and cooperate can ensure better coordination and collaboration among various public service providers. This can lead to more effective support systems and better outcomes for individuals at risk of homelessness. This will require a clear definition of 'co-operate' which involves more than signposting and referring on i.e. the need for ongoing support when appropriate, and for what period of time.

Several aspects require clarification in the proposed legislative changes. Firstly, the introduction of a duty to refer may lead to administrative burdens on public service providers, including training costs and the need to share information. Additionally, privacy concerns are raised regarding the

collection and sharing of personal information, necessitating compliance with data protection regulations and clear communication about privacy rights. The report acknowledges challenges in predicting the frequency of referrals and emphasises the importance of examining Scotland's experience, where similar measures are in effect, to gain valuable insights into the efficacy of preventative strategies and associated costs. Cross-country comparisons, particularly with Scotland, could help address data gaps and refine predictions based on real-world scenarios.

Moreover, the report highlights the need to consider the potential social and economic benefits of preventing homelessness. It underscores the importance of practical feasibility in implementing proposed duties efficiently. The role of unions is noted as unique and potentially beneficial, emphasising the necessity for cooperative collaboration to navigate the challenges associated with the proposed changes. Overall, a comprehensive understanding of the impact, benefits, and practical considerations is crucial for effective implementation.

## Question 9

Do you agree with the proposed relevant bodies, to which the duties to identify, refer and co-operate would apply? Would you add or remove any services from the list?

The proposed list of relevant bodies demonstrates a well-balanced and comprehensive approach to addressing homelessness. By encompassing a diverse range of organisations under both devolved and UK government control, the strategy ensures wide stakeholder involvement, acknowledging the multifaceted nature of homelessness. The inclusion of social services, local health boards, and other health-related services signifies a recognition of the need for holistic support, particularly for individuals with complex needs. Additionally, the involvement of agencies like the Police, Probation, and Youth Justice Services acknowledges the interconnectedness of issues like homelessness and criminal justice involvement, allowing for collaborative efforts to address both housing needs and underlying factors contributing to homelessness. The emphasis on early identification and referral aligns with the principle of early intervention, crucial for preventing homelessness and mitigating broader impacts.

While the proposed relevant bodies offer a holistic approach, there are potential concerns and considerations. The expanded list may introduce administrative complexities, necessitating effective coordination and communication among these organisations to prevent the system from becoming burdensome. Clear protocols and guidelines for information sharing and collaboration must be established to streamline processes and avoid bottlenecks. The duty to identify and refer must carefully balance information sharing with data protection and privacy rights, requiring robust protocols to safeguard individuals' privacy while ensuring effective homelessness prevention. Adequate training and resources for the relevant organisations are crucial for the success of these duties, empowering them to identify homelessness risks and take appropriate actions.

In considering potential enhancements, **it is noteworthy that education is not explicitly listed among the relevant bodies, despite its preventive nature.** The inclusion of educational institutions would significantly contribute to early intervention and prevention efforts. Additionally, recognising the pivotal role the third sector can play in providing training and resources is essential. Collaborating with third-sector organisations can enhance the overall effectiveness of homelessness prevention initiatives. To avoid bureaucratic challenges, establishing an assigned lead for coordination and communication would be beneficial, ensuring effective collaboration among the relevant bodies. Overall, addressing these considerations will strengthen the proposed strategy and contribute to a more inclusive and effective approach to homelessness prevention.

## Question 10

In your view have we struck the right balance between legislative requirements and operational practice, particularly in relation to health?

The Welsh government's initiatives to enhance the integration of health and homelessness services reflect a commendable effort to address the needs of individuals with complex health issues, particularly in the realms of mental health and substance use problems. The focus on preventing individuals from being discharged into homelessness is a crucial step, emphasising collaboration among health services, local authorities, and housing support services. The proposed changes highlight the importance of timely responses to hospital referrals, aiming to initiate discharge planning early to prevent homelessness. However, the success of these changes will be contingent on their implementation and their effectiveness in addressing the unique challenges faced by individuals with complex health issues who are at risk of or experiencing homelessness.

Several potential barriers to successful implementation are identified, requiring careful consideration. Privacy concerns regarding the sharing of sensitive health information necessitate the establishment of robust data protection and privacy protocols. Integrating preventive measures within community-based and non-hospital settings is vital to reaching individuals before they reach a crisis point. Challenges in interagency collaboration, arising from organisational culture differences and priorities, should be mitigated through dedicated efforts to align objectives and foster a shared understanding of collaboration's importance. Housing availability poses a critical challenge, requiring a comprehensive housing strategy to address the availability of suitable and affordable housing, potentially incorporating innovative solutions like transitional housing options.

Furthermore, monitoring and evaluation are essential components, acknowledging resource constraints within the health sector and addressing knowledge gaps related to homelessness. Adequate resource allocation and targeted training for health professionals will enhance their capacity to contribute effectively to homelessness prevention. The historic attempts to garner more support from the health sector underscore the need for a nuanced approach that transcends operational challenges. Continuous evaluation and adaptation of operational practices will be necessary to overcome barriers to collaboration effectively. In essence, the success of health and homelessness service integration in Wales relies on comprehensive strategies, ongoing monitoring, and adaptive measures to ensure positive outcomes for individuals with complex health issues at risk of homelessness.

## Question 11

What practical measures will need to be in place for the proposed duties to identify, refer and co-operate to work effectively? Please consider learning and development needs, resources, staffing, location and culture.

These measures should encompass various aspects, including learning and development needs, resources, staffing, location, and culture. Here are some practical measures:

### **1. Resource Allocation:**

- **Funding:** Allocate sufficient resources to support the proposed duties effectively. Ensure that funding is available for mental health services, substance misuse treatment, and homelessness prevention programs.
- **Infrastructure:** Invest in the necessary infrastructure, including healthcare facilities, housing support services, and temporary accommodation for individuals experiencing homelessness.

### **2. Training and Development:**

- **Training Programs:** Develop comprehensive integrated training program for professionals working in healthcare, social services, and housing support sectors. This should include training on identifying signs of homelessness, complex health needs and understanding the legal and policy framework, and local referral pathways to ensure a multi-agency and 'holistic' / 'wrap around' and responsive package of support is available to meet people's needs when they arise.

- Interdisciplinary Training: Promote interdisciplinary / locality based training that enables professionals to understand each other's roles and collaborate effectively.

### **3. Staffing Levels:**

- Adequate staffing is crucial to meet the growing demand for mental health, addiction treatment, social services, and housing-related support services.
- Strategic allocation of funding is necessary to address staffing shortages and ensure a workforce capable of providing high-quality, comprehensive, and timely services.
- Diversification of skill sets is essential to address the multifaceted needs of individuals at risk of homelessness.

### **4. Recruitment and Retention:**

- Competitive salaries are key to attracting and retaining skilled professionals in critical sectors like mental health, addiction treatment, social services, and housing support services.
- Adequate funding is necessary to ensure fair compensation, including within voluntary sector services, acknowledging their pivotal role in supporting vulnerable populations.
- Ongoing professional development opportunities, funded through these initiatives, are essential for staff retention and continuous improvement.

### **5. Fair Salaries Across the System:**

- Funding considerations should promote equity in salaries across the entire system, spanning public and voluntary sector services.
- Addressing salary disparities enhances service quality, promotes job satisfaction, and encourages long-term commitment from talented individuals.
- Fair compensation contributes to a sustainable and resilient workforce capable of effectively navigating the challenges associated with mental health, addiction treatment, social services, and housing support, ultimately leading to better outcomes for those at risk of homelessness.

### **6. Location and Accessibility:**

- Service Accessibility: Ensure that services, including mental health clinics, addiction treatment centres, and housing support agencies, are accessible to individuals in need. Consider geographical location, transportation, and outreach services.
- Co-location: Where feasible, co-locate health and housing support / homelessness services to facilitate collaboration and referrals between professionals.

### **7. Collaborative Framework:**

- Communication Protocols: Develop clear communication protocols between healthcare providers, social services, and housing support agencies to facilitate referrals and cooperation.
- Interagency Agreements: Establish formal agreements between relevant agencies to outline their roles, responsibilities, and how they will work together.

## Question 12

In addition to the broad duties to identify, refer and co-operate, this chapter contains proposals to provide enhanced case co-ordination for those with multiple and complex needs. To what extent will the proposals assist in preventing homelessness amongst this group?



The proposed measures to prevent homelessness in Wales demonstrate a proactive and comprehensive approach, particularly in the key elements of duty to identify and refer, duty to cooperate, case coordination for complex needs, regional arrangements, and the re-evaluation of the 6-month threshold.

The duty to identify and refer individuals at risk of homelessness, involving specified bodies like social services and health boards, offers a robust early intervention strategy. Recognising risk factors and acting quickly aligns with best practices, but improvements could include explicitly addressing substance use and mental health risks and involving schools for early identification. The duty to cooperate is strengthened by expanding collaboration among various bodies, recognising the vital role of the third sector and challenging the 6-month threshold for more nuanced interventions.

The proposal for compulsory case coordination for those with complex support needs is commendable, emphasising the need for lead professionals. Enhancements could involve explicit inclusion of substance use and mental health in case coordination, along with emphasising the role of schools in early identification and programs like UPSTREAM CYMRU. Establishing regional partnerships and boards to lead multi-agency efforts adds a layer of coordination to address systemic issues, with potential improvements including explicit recognition of the third sector and advocating for more nuanced intervention strategies.

To further strengthen these proposals, clarity on cooperation responsibilities is essential, specifying which entities are obligated to cooperate. Case coordination should involve local authorities allocating funding for appropriate services on the ground, avoiding duplication, and ensuring proper funding. Services need to be integrated into schools, and it becomes the responsibility of the third sector to provide such services, emphasising the importance of clear roles and responsibilities among different stakeholders.

The re-evaluation of the 6-month threshold is a pivotal step, recognising that homelessness prevention should not solely be reactive. Extending the timeframe allows for more comprehensive early interventions, particularly essential for individuals with complex needs. This aligns with trauma-informed practices and ensures legislative frameworks are in sync with evolving prevention strategies.

## Question 13

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

The proposed requirement for local housing authorities to assist individuals at risk of homelessness upon discharge from the hospital is a commendable step in preventing immediate homelessness. However, it's crucial to recognise potential costs and considerations that might not have been fully addressed in the initial proposal. The administrative burden on hospitals, including the creation of new procedures and staff training, may pose challenges. Training healthcare staff to identify at-risk individuals and understand the legislative requirements involves additional costs that should be factored into the overall assessment. Furthermore, the establishment or enhancement of data collection and reporting mechanisms, as well as potential legal reviews for compliance, may incur additional expenses.

Moreover, the impact on organisations such as Llamau, which play a crucial role in youth homelessness prevention, should be considered. The proposed change may necessitate additional personnel, staff training, and resource allocation, potentially impacting the workforce and requiring investments in data management systems and administrative support. Coordination efforts between healthcare providers and housing authorities, essential for successful implementation, may also impose an additional workload.

While considering the potential costs, it's equally important to emphasise the benefits of early identification embedded in the proposal. Early intervention can prevent immediate homelessness after hospital discharge, contributing to improved well-being and stability. Efficient resource allocation, improved health outcomes, and cost savings in emergency services are potential benefits of timely intervention. The proposal aligns with a preventive approach, emphasising the importance of early identification to mitigate the broader impact of homelessness on individuals and the community.

In conclusion, a comprehensive cost-benefit analysis is essential to weigh the potential drawbacks against the benefits of this proposal. Ongoing monitoring and evaluation will be critical to refining the implementation strategy and ensuring that the intended preventive measures effectively address the complexities of hospital discharges and homelessness.

## Targeted proposals to prevent homelessness for those disproportionately affected

### Question 14

Are there other groups of people, not captured within this section, which you believe to be disproportionately impacted by homelessness and in need of additional targeted activity to prevent and relieve this homelessness (please provide evidence to support your views)?

While the White Paper on preventing homelessness in Wales demonstrates a comprehensive approach, it may be perceived as lacking inclusion or potentially falling short in addressing the unique challenges faced by certain marginalised groups. Notably, LGBTQ+ asylum seekers face distinct hurdles, as they often lack legal protection and may encounter discrimination, making them vulnerable to homelessness. To address this, the White Paper could include targeted measures such as temporary housing and support services for LGBTQ+ asylum seekers, ensuring their transition into the community is supported to prevent homelessness.

Moreover, there is a need for explicit acknowledgment of the disproportionate impact of homelessness on people of colour, particularly from minority ethnic groups. The White Paper could incorporate a stronger emphasis on racial equality, integrating culturally sensitive support services, anti-racism measures, and awareness campaigns. Recognising the intersectionality of race with other factors, such as gender and age, would contribute to a more comprehensive understanding and approach to addressing racial disparities in homelessness.

Additionally, the White Paper could better focus on the unique challenges faced by older individuals. As retirement, loss of a partner, or limited income may contribute to homelessness among older people, the proposal could include measures for affordable housing options, access to healthcare, and tailored social services. Preventive measures, such as financial assistance programs, could be crucial for older adults at risk of homelessness. Similarly, addressing the vulnerabilities of young people, especially those aging out of foster care or facing family breakdowns, requires more targeted support, including counselling, mentorship programs, and collaboration with youth organisations. Emphasising preventive measures and considering intersectionality ensures that the White Paper is inclusive and addresses the diverse needs of young people facing homelessness.

### Question 15

What additional legislative or policy actions could be taken to prevent or relieve homelessness for the groups captured by this White Paper?

To comprehensively prevent or alleviate homelessness among the diverse groups discussed in the White Paper, specific legislative and policy actions are imperative. Strengthening the Social Services and Wellbeing Act (SSWB Act) by amending it to explicitly protect and support care-experienced young people and those at risk of homelessness is crucial. This would ensure that local authorities have distinct responsibilities for accommodating these groups, fostering a more robust legal framework.

Targeted youth homelessness prevention programs are essential to address the root causes of homelessness among young people, including LGBTQ+ and neurodivergent youth. These programs should encompass outreach, counselling, and support services to prevent homelessness by addressing family breakdowns, mental health issues, and substance abuse. Simultaneously, investments in affordable housing initiatives, such as transitional housing and independent living options, are necessary to increase the supply of suitable accommodations for homeless or at-risk individuals and families.

Addressing the unique needs of vulnerable populations requires specialised support services, such as the ones provided by Llamau. Strengthening mental health and addiction services, expanding access to safe accommodation for survivors of violence against women, domestic abuse, and sexual violence, enforcing disability accessibility standards for housing, and establishing dedicated support services for ex-armed services personnel are key components. Additionally, developing re-entry programs for individuals leaving prison and finding alternative means of support for those with No Recourse to Public Funds are critical steps. Recognising the intersectionality of these issues and tailoring policies accordingly, coupled with improved data collection, research, public awareness campaigns, and educational initiatives, will contribute to a more comprehensive and effective strategy in preventing homelessness among these vulnerable populations. This holistic approach requires coordinated efforts between government agencies, non-profit organisations, and local communities to ensure that homelessness is rare, brief, and unrepeatable for these additionally vulnerable populations.

## Question 16

Our proposals related to children, young people and care experience seek to improve and clarify links between homelessness legislation and the Social Services and Wellbeing Act. Significant policy development is required to assess the practicality of this. What, in your views are the benefits and challenges of our approach and what unintended consequences should we prepare to mitigate?

The proposed approach to improving and clarifying links between homelessness legislation and the Social Services and Wellbeing Act for children, young people, and care-experienced individuals has several potential benefits and challenges, along with potential unintended consequences to consider:

**Improved Support for Vulnerable Populations:** The proposal acknowledges the vulnerabilities of young people and care-experienced individuals who are at risk of homelessness. By aligning homelessness legislation with the Social Services and Wellbeing Act, it aims to provide a more comprehensive support framework to address their specific needs.

**Preventing Homelessness:** The approach focuses on preventing homelessness by emphasising that no 16- or 17-year-old should be accommodated in unsupported temporary accommodation. This shift toward prevention can lead to better outcomes for young people and care leavers.

**Cost-Effective:** By investing in early identification, prevention and support measures, the approach may prove cost-effective in the long run by reducing the societal costs associated with homelessness, such as increased demand on healthcare and social services, as well as the criminal justice system.

**Trauma-Informed and Person-centred Care:** The proposal aligns with the principles of trauma-informed and person-centred care, which can lead to more effective and compassionate service delivery for young people and care-experienced individuals.

**Challenges:**

**Funding and Resource Allocation:** One of the key challenges is securing the necessary funding and resources to implement the proposed changes effectively. Additional financial commitments may be needed to provide suitable accommodations and support services.

**Coordination across Agencies:** The approach requires effective coordination between homelessness services and social services. Overcoming the challenges of interagency collaboration and ensuring clear lines of responsibility may be complex.

**Legal and Policy Complexity:** Harmonising homelessness legislation with the Social Services and Wellbeing Act will require a thorough understanding of the legal and policy complexities. Careful drafting of legislation and guidelines is necessary to avoid unintended consequences and potential legal conflicts.

**Unintended Consequences:**

**Resource Shifting:** There may be a risk of shifting resources away from other vulnerable populations in need of housing and support services, especially if the proposed measures lead to a high demand for services for young people and care leavers.

**Potential Delay in Implementation:** The policy development process and alignment of legislation can be time-consuming. This might result in delays in providing the necessary support for young people and care-experienced individuals.

**Displacement:** There's a risk that if temporary accommodations for certain age groups are prohibited, before suitable alternatives are in place, it could lead to displacement, with these individuals seeking alternative, less safe living arrangements.

**Service Gaps:** The focus on one group may inadvertently create gaps in services for other vulnerable populations. It's essential to ensure that the approach is comprehensive and considers the needs of all individuals experiencing homelessness.

To mitigate these unintended consequences, it's crucial to conduct thorough impact assessments, and continuously monitor the implementation of the proposed changes.

## Question 17

Do our proposals go far enough to ensure that 16 and 17 year olds who are homeless or at risk of homelessness receive joint support from social services and local housing authorities? What more could be done to strengthen practice and deliver the broader corporate parenting responsibilities?

The proposed measures to provide joint support from social services and local housing authorities for 16 and 17-year-olds facing homelessness represent a positive advancement. However, there are opportunities for enhancement to ensure the effectiveness and comprehensiveness of these initiatives. Firstly, there should be explicit clarity regarding the roles and responsibilities of both social services and housing authorities in supporting this vulnerable demographic. A well-defined framework ensures accountability, promoting seamless collaboration and preventing any gaps in service delivery.

Emphasising early identification, intervention and prevention is paramount in addressing the root causes of youth homelessness. Collaboration between local authorities and social services should focus on identifying and mitigating factors that may lead to homelessness, such as family breakdown or abuse, at the earliest possible stage. The incorporation of proven services like

Llamau's UPSTREAM CYMRU, which centers on early intervention and prevention, can serve as a model to guide the implementation of effective strategies.

Furthermore, recognising the potential trauma experienced by young people at risk of homelessness is crucial. Incorporating trauma-informed care principles into joint support services ensures sensitivity to the unique needs of this demographic. Strengthening the focus on mental health and well-being, facilitating access to education and employment opportunities, addressing hidden forms of homelessness, and collaborating with specialised third-sector organisations specialising in youth homelessness are additional considerations that would contribute to a more holistic and comprehensive system. By embracing these aspects, the proposals can create a robust framework that aligns with broader corporate parenting responsibilities, ensuring the well-being and stability of 16 and 17-year-olds experiencing or at risk of homelessness.

## Question 18

Do you agree or disagree that the Renting Homes (Wales) Act 2016 should be amended to allow 16 and 17 year olds to be able to hold occupation contracts?

The Renting Homes (Wales) Act 2016 should be amended to allow 16 and 17-year-olds to hold occupation contracts is a matter of public policy that depends on the legislative goals and priorities of the government and the specific circumstances in Wales. This would require a careful evaluation of the potential benefits and risks, consideration of the rights and protections that should be in place for young people, and consultation with relevant stakeholders.

The inability of Renting Homes Wales Act to insist on 16/17 year olds having the same security of tenure as adults is down to Contract Law ensuring under 18's can't technically enter into Contracts e.g. financial agreements etc. – which also includes Tenancies / Support Standard Contracts, hence they are issued with Licence Agreements. Enhancing protections may also have the unintended consequence of making some landlords more reluctant to let to them due to perceived risks from young people and their behaviours.

Amending the Act to allow 16 and 17-year-olds to hold occupation contracts may provide them with more housing options and legal protections, which could be beneficial. However, it would also need to consider factors such as their capacity to enter such contracts, support services available, and potential risks. This decision is linked to the overall needs and rights of young people, as well as broader housing and social welfare objectives in Wales.

## Question 19

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

While the Regulatory Impact Assessment (RIA) provides a thorough examination of the costs and benefits associated with the proposed measures, it is crucial to consider additional aspects that may not have been fully accounted for. Administrative costs, incurred in implementing new policies and ensuring collaboration between different government departments, are significant considerations. Training and capacity-building expenses for professionals working with homeless youth, social workers, and housing authority staff must be factored in to ensure effective execution.

On the benefits side, preventing long-term homelessness among young people can yield far-reaching advantages. This includes a reduction in future demand for social and healthcare services, increased self-sufficiency, and the cultivation of productive citizens. Economic benefits can be realised by curbing costs associated with homelessness, such as emergency refuge, healthcare, and

criminal justice expenses. Social cohesion, improved educational and vocational outcomes, enhanced mental health and well-being, and a decrease in homelessness-related social issues contribute to a more comprehensive understanding of the positive impacts. Moreover, the active engagement and empowerment of young people in decision-making processes can lead to a more participatory and engaged citizenship, fostering a sense of responsibility and community involvement. Closer alignment with the youth engagement and progression framework, along with targeted one-to-one support and flexible educational provision, will be instrumental in implementing strategies that identify those at risk of homelessness effectively.

## Access to accommodation

### Question 20

To what extent do you agree or disagree with the short-term proposals to increase the suitability of accommodation? Are there additional immediate actions you believe should be taken for this purpose?

The short-term proposals outlined in the Regulatory Impact Assessment (RIA) highlight critical areas that require further detail and immediate attention to effectively address the challenges of homelessness. Firstly, a clear legal prohibition against health and safety hazards in accommodation is essential to safeguard the well-being of individuals, particularly those with specific health needs. This prompt action is crucial in preventing placements that may expose vulnerable individuals to hazardous conditions.

Additionally, flexibility for local authorities to provide emergency refuge in situations like widespread flooding or fires is paramount. Acknowledging the need for quick and adaptable responses, such as utilising leisure center premises or halls, can prevent unintended consequences of leaving individuals without immediate shelter. Suitability for disabled individuals, addressing overcrowding, and catering to the needs of single-person households should be prioritised, with immediate measures taken to improve standards in temporary accommodation, including Bed and Breakfasts. This must be accompanied by proactive support services, especially for young people in temporary housing. To reinforce these proposals, comprehensive inspections, collaboration with stakeholders, awareness campaigns for landlords, and advocacy for policy changes to enhance affordability are immediate actions that will contribute to the effectiveness of short-term measures in homelessness prevention.

### Question 21

To what extent do you agree or disagree with the proposals around the allocation of social housing and management of housing waiting lists? What do you believe will be the consequences of these proposals?

The short-term proposals for addressing homelessness in Wales are commendable, focusing on prioritising vulnerable populations and streamlining social housing allocation. However, to enhance their effectiveness, additional details and immediate actions are crucial. Firstly, a clear legal prohibition addressing health and safety hazards in accommodations is imperative to safeguard individuals, especially those with specific health needs. This proactive measure aligns with the overarching goal of ensuring the well-being of individuals experiencing homelessness, requiring prompt attention to prevent placements in unsafe conditions.

Moreover, flexibility for local authorities to manage emergency situations, such as widespread flooding or fires, by providing refuge in locations like leisure centre premises or halls is essential. This adaptive approach mitigates unintended consequences and ensures immediate shelter availability. Additionally, a focus on suitability for disabled individuals, addressing overcrowding, and catering to the needs of single-person households is imperative. Immediate actions, including comprehensive inspections of temporary accommodations, collaboration for securing suitable

housing, awareness campaigns for landlords, and advocacy for changes in welfare policies, are crucial steps to strengthen the short-term proposals.

The emphasis on improving standards in temporary accommodation, particularly in Bed and Breakfasts, is pivotal. Simultaneously, the provision of support services in temporary housing, especially for young people, highlights a commitment to the well-being and dignity of those experiencing homelessness. A multifaceted approach, including comprehensive inspections, collaboration, awareness campaigns, and advocacy, will bolster the effectiveness of the short-term measures, ensuring that accommodations meet required standards and addressing the specific needs of vulnerable populations in a timely manner.

## 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?

The proposal to grant local authorities the authority to secure housing through various methods, including private sector housing and modular homes, represents a significant stride in addressing homelessness in Wales. The recognition of the need for diverse and flexible solutions is commendable, acknowledging that a one-size-fits-all approach may not effectively cater to the complex and varied needs of individuals and families experiencing homelessness. However, to maximise the positive impact of this proposal, several considerations must be addressed in greater detail.

The intended consequences are promising. The proposal aims to increase housing options for local authorities, potentially reducing dependency on emergency accommodations like Bed and Breakfast facilities. This shift could lead to improved outcomes for vulnerable groups, such as families with children, individuals with health issues, and those escaping domestic abuse. However, careful management is essential to prevent unintended negative consequences. There is a risk that the temporary nature of these housing options may not be rigorously enforced, potentially leading to prolonged stays in temporary accommodations, which could have adverse social and economic implications.

Moreover, the cost implications of securing private sector housing or providing modular homes need thorough consideration. Local authorities must manage budgets effectively to ensure the sustainability of these additional housing options without incurring excessive costs. Additionally, the integration of support services is paramount to help individuals transition from temporary to more permanent housing and break the cycle of homelessness. Legal and contractual matters related to the use of private sector housing also demand careful attention to guarantee the security, safety, and suitability of housing options.

In summary, while the proposal for additional housing options is a positive step, a meticulous approach is required to ensure its success. This involves careful management of costs, robust support services, and attention to legal and contractual considerations to create a system that not only broadens housing options but also provides a pathway to stable, long-term housing solutions for those experiencing homelessness in Wales.

## Question 23

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals in relation to access to housing. Are there any costs and benefits we have not accounted for?

Implementing the proposed reforms is likely to incur legal and administrative costs, including legal consultations for drafting new legislation, policy development, and updates to IT systems to accommodate the changes. Training costs will also be a factor, as staff at local housing authorities and relevant bodies will need to be equipped with the necessary skills to fulfil their new responsibilities, particularly in offering sustained support under the altered housing contract. Additionally, ongoing monitoring and evaluation activities will demand resources to assess the effectiveness of the changes and ensure the intended benefits are being realised.

On the benefits side, preventing homelessness through the proposed measures can generate substantial economic advantages. Stable housing contributes to better health outcomes, reduces the demand for emergency services, and enhances the employability of individuals previously affected by homelessness. While the initial costs may be significant, there is potential for long-term cost savings by curbing expenditures on emergency housing, healthcare, and social services for homeless individuals. Moreover, stable housing brings about social and community benefits, fostering safer neighbourhoods, improved educational outcomes for children, and an overall enhanced quality of life for individuals and communities. These social and economic factors should be considered collectively when evaluating the overall impact of the proposals.

Furthermore, the reforms hold promise for a potential reduction in repeat homelessness by providing additional support and a diverse array of housing options. This could lead to a positive ripple effect on the well-being and quality of life of homeless individuals and families, contributing to improved mental and physical health and a more stable living environment. Overall, a comprehensive assessment that weighs both the costs and benefits is essential to gauge the holistic impact of the proposed reforms on the housing and homelessness landscape.

## Implementation

### Question 24

To what extent do you think the proposals outlined above will support the implementation and enforcement of the proposed reforms?

The introduction of a broader spectrum of housing options is a commendable aspect of the proposed reforms, providing local housing authorities with the flexibility needed to tailor solutions to diverse homelessness cases. This approach aligns with the overarching objective of homelessness prevention by ensuring individuals and families secure stable and suitable accommodation. The inclusion of a "deliberate manipulation" test serves as a deterrent against potential abuse, reinforcing the commitment to assist those genuinely in need and maintaining the integrity of the system.

The proposed safeguards, including written agreements, notifications of consequences, and the requirement for written acceptance of offers, contribute significantly to transparency and accountability. These safeguards are crucial in protecting the rights of homeless individuals and preventing any misuse of the system. Additionally, the emphasis on literacy support is essential to ensure that those with literacy needs receive adequate assistance in navigating the process. The requirement for local housing authorities to maintain contact with applicants six months after accepting an offer adds a practical layer to the reforms, promoting ongoing suitability of accommodations and early identification of potential issues.

Furthermore, the proposals go beyond mere housing provision by incorporating additional support measures like mediation services and legal assistance. By addressing underlying issues contributing to homelessness, local housing authorities can foster a more comprehensive approach to homelessness prevention. Overall, the efficiency and transparency embedded in the decision-making processes, coupled with a commitment to preventing repeat homelessness, underscore the potential effectiveness of these reforms in creating a more responsive and accountable system.



### Question 25

What other levers/functions/mechanisms could be used to hold local housing authorities and other public bodies accountable for their role in achieving homelessness prevention?

Enforcing accountability in homelessness prevention involves deploying a comprehensive set of levers, functions, and mechanisms. A fundamental aspect is establishing robust data and reporting requirements for local housing authorities and public bodies. Requiring regular and transparent reporting ensures that key metrics related to homelessness prevention efforts are consistently monitored, enabling the identification of both successes and areas needing improvement across different local authorities.

Setting clear and measurable performance targets and benchmarks for local housing authorities is another critical mechanism. By holding authorities accountable for reducing homelessness rates, preventing repeat homelessness, and enhancing housing stability, a results-oriented approach can be fostered. To complement this, conducting regular audits and independent reviews of homelessness prevention programs provides an objective assessment of their effectiveness. Authorities must then respond to audit findings, fostering a culture of continuous improvement.

Legal requirements and mandates can serve as powerful enforcement tools. Authorities should be legally obligated to provide timely and appropriate homelessness prevention services, and public engagement and advocacy can amplify accountability. Empowering community organisations, advocacy groups, and affected individuals to voice concerns and monitor local efforts ensures that public pressure becomes a potent mechanism for accountability. Additionally, the establishment of independent ombudsman or oversight bodies to investigate complaints, legal remedies for individuals facing inadequate services, and public awareness campaigns contribute to a multi-faceted approach in holding local housing authorities accountable. Regular reporting to elected officials and fostering collaboration and coordination among various public bodies round out the suite of mechanisms to ensure accountability in homelessness prevention efforts.

### Question 26

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

The Regulatory Impact Assessment (RIA) may benefit from a more comprehensive examination of both costs and benefits associated with the proposed reforms. On the cost side, there is a need for a more thorough consideration of long-term financial implications, including potential future costs and the sustainability of the reforms over time. The analysis could be enhanced by delving into secondary and indirect costs, capturing expenses incurred by other stakeholders or sectors, as well as exploring opportunity costs, which involve understanding the potential benefits that might be sacrificed due to the allocation of resources to these reforms instead of other initiatives. Additionally, the RIA should provide a more detailed assessment of implementation costs, covering aspects like training, infrastructure development, and procedural changes that are integral to the successful execution of the proposed reforms.

On the benefits side, the RIA should extend its evaluation beyond the direct impacts on the housing and homelessness sectors. There is a need to explore the broader social and health benefits that could arise from reducing homelessness, including improvements in mental and physical health for affected individuals. Economic benefits such as gains in productivity, job creation, and the stimulation of local economies due to housing stability should be more thoroughly examined. Moreover, the RIA could consider the environmental benefits of reducing homelessness, as stable housing can lead to a decrease in the need for emergency refuges, transportation, and associated energy consumption. The potential for innovation and learning opportunities resulting from the

proposed reforms, improvements in the quality of life, and a focus on equity and social inclusion, particularly for vulnerable or marginalised groups, should be incorporated into the assessment to provide a holistic understanding of the reforms' impacts.

### Question 27

What, in your opinion, would be the likely effects of the proposed reforms in this White Paper on the Welsh language? We are particularly interested in any likely effects on opportunities to use the Welsh language and on not treating the Welsh language less favourably than English.

- Do you think that there are opportunities to promote any positive effects?
- Do you think that there are opportunities to mitigate any adverse effects?

### Question 28

We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

Organisation (if applicable):

Llamau



Llywodraeth Cymru  
Ffurflen ymateb i'r ymgynghoriad

Ymgynghoriad ar y Papur Gwyn ar Roi Diwedd ar  
Ddigartrefedd yng Nghymru

Dyddiad cyhoeddi: 10 Hydref 2023  
Camau i'w cymryd: Ymatebion erbyn 16 Ionawr 2024

**OGL** © Hawlfraint y Goron 2023

Rydym yn croesawu gohebiaeth a galwadau ffôn yn Saesneg.

## Trosolwg

Mae'r Papur Gwyn hwn yn nodi amrywiaeth o gynigion ar gyfer newidiadau i bolisi a'r gyfraith, i roi diwedd ar ddigartrefedd yng Nghymru.

### Sut i ymateb

Byddwch cystal â chyflwyno'ch sylwadau erbyn 16 Ionawr 2024, yn un o'r ffyrdd canlynol:

- cwblhau ein ffurflen ar-lein
- lawrlwytho, cwblhau ein ffurflen ymateb ac e-bostio [DiwygioDeddfwriaethDigartrefedd@llyw.cymru](mailto:DiwygioDeddfwriaethDigartrefedd@llyw.cymru)
- lawrlwytho, cwblhau ein ffurflen ymateb a'i phostio i:

Tîm Deddfwriaeth Atal Digartrefedd  
Llywodraeth Cymru  
Parc Cathays  
Caerdydd  
CF10 3NQ

Wrth ymateb, byddai'n ddefnyddiol pe baech yn cadarnhau a ydych yn ymateb fel unigolyn ynteu'n cyflwyno ymateb swyddogol ar ran sefydliad, ac yn cynnwys::

- eich new
- eich swydd (os yw'n berthnasol)
- enw'r sefydliad (os yw'n berthnasol)

### Rhagor o wybodaeth a dogfennau cysylltiedig

Gellir gwneud cais am fersiynau o'r ddogfen hon mewn print bras, mewn Braille neu mewn ieithoedd eraill.

## Rheoliad Cyffredinol y DU ar Ddiogelu Data

Llywodraeth Cymru fydd y rheolydd data ar gyfer unrhyw ddata personol a ddarperir gennych wrth ichi ymateb i'r ymgynghoriad. Mae gan Weinidogion Cymru bwerau statudol y byddant yn dibynnu arnynt i brosesu'r data personol hyn a fydd yn eu galluogi i wneud penderfyniadau cytbwys ynghylch sut y maent yn cyflawni eu swyddogaethau cyhoeddus. Bydd unrhyw ymateb a anfonwch atom yn cael ei weld yn llawn gan staff Llywodraeth Cymru sy'n gweithio ar y materion y mae'r ymgynghoriad hwn yn ymwneud â nhw neu sy'n cynllunio ymgynghoriadau ar gyfer y dyfodol. Pan fo Llywodraeth Cymru yn cynnal dadansoddiad pellach o'r ymatebion i ymgynghoriad, yna gall trydydd parti achrededig (e.e. sefydliad ymchwil neu gwmni ymgynghori) gael ei gomisiynu i wneud y gwaith hwn. Ymgwymerir â gwaith o'r fath dim ond o dan contract. Mae telerau ac amodau safonol Llywodraeth Cymru ar gyfer contractau o'r fath yn nodi gofynion caeth ar gyfer prosesu data personol a'u cadw'n ddiogel.

Er mwyn dangos bod yr ymgynghoriad wedi'i gynnal yn briodol, mae Llywodraeth Cymru yn bwriadu cyhoeddi crynodeb o'r ymatebion i'r ddogfen hon. Mae'n bosibl hefyd y byddwn yn cyhoeddi'r ymatebion yn llawn. Fel arfer, bydd enw a chyfeiriad (neu ran o gyfeiriad) yr unigolyn neu'r sefydliad a anfonodd yr ymateb yn cael eu cyhoeddi gyda'r ymateb. Os nad ydych yn dymuno i'ch enw a'ch cyfeiriad gael eu cyhoeddi, rhwch wybod inni yn ysgrifenedig wrth anfon eich ymateb. Byddwn wedyn yn cuddio'ch manylion cyn cyhoeddi'ch ymateb.

Dylech hefyd fod yn ymwybodol o'n cyfrifoldebau o dan ddeddfwriaeth Rhyddid Gwybodaeth.

Os caiff eich manylion chi eu cyhoeddi fel rhan o'r ymateb i'r ymgynghoriad, caiff yr adroddiadau hyn eu cadw am gyfnod amhenodol. Ni fydd gweddill eich data a gedwir fel arall gan Lywodraeth Cymru yn cael eu cadw am fwy na thair blynedd.

## Cyfrinachedd

Gallai ymatebion i ymgynghoriadau gael eu cyhoeddi ar y rhyngwyd neu mewn adroddiad.

**Os nad ydych am i'ch enw a'ch cyfeiriad gael eu dangos mewn unrhyw ddogfen y gallwn ei chynhyrchu, ticiwch yma:**

# Diwygio'r ddeddfwriaeth graidd bresennol mewn perthynas â digartrefedd

## Cwestiwn 1

Ydych chi'n cytuno y bydd y cynigion hyn yn arwain at gynnydd mewn atal digartrefedd a rhyddhad o ddigartrefedd?

Ydw/nac ydw

## Cwestiwn 2

Beth yw eich rhesymau dros hyn?

## Cwestiwn 3

Yn eich barn chi, a oes cynigion deddfwriaethol ychwanegol y dylem eu hystyried er mwyn sicrhau gwelliannau o ran atal digartrefedd a rhyddhau pobl o ddigartrefedd?

## Cwestiwn 4

Ydych chi'n cytuno â'n cynnig i ddiddymu'r prawf angen blaenoriaethol?

Ydw/nac ydw

## Cwestiwn 5

Ydych chi'n cytuno â'n cynnig i ddiddymu'r prawf bwriadoldeb?

Ydw/nac ydw

## Cwestiwn 6

Ydych chi'n cytuno â'n cynnig o gadw'r prawf cysylltiad lleol ond ychwanegu grwpiau eraill o bobl at y rhestr o eithriadau er mwyn darparu ar gyfer cysylltiadau nad ydynt yn rhai teuluol â chymunedau ac ystyried yn well y rhesymau pam na all rhywun ddychwelyd i'w awdurdod lleol gwreiddiol?

**Dylid cadw a chryfhau'r prawf cysylltiad lleol heb ychwanegu unrhyw grwpiau eraill ato.**

**Er mor deilwng yw'r nod o roi diwedd ar ddigartrefedd, mae gan landlordiaid ddyletswyddau at gynnal cymunedau hefyd. Mae gan awdurdodau lleol mewn ardaloedd gwledig Cymru fwy na digon o broblemau eu hunain heb fod disgwyl iddynt weithredu fel gwasanaethau cymdeithasol i'r dinasoedd mawr.**

## Cwestiwn 7

Mae'r Asesiad Effaith Rheoleiddiol cysylltiedig yn nodi ein gwaith meddwl cychwynnol ynglŷn â chostau a manteision y cynigion hyn. A oes unrhyw gostau a manteision nad ydym wedi'u hystyried?

## Rôl gwasanaeth cyhoeddus Cymru o ran atal digartrefedd

### Cwestiwn 8

Ydych chi'n cytuno â'r cynigion i osod dyletswydd i ganfod, atgyfeirio a chydweithredu ar nifer o gyrff perthnasol er mwyn atal digartrefedd?

Ydw/nac ydw

Rhowch eich rhesymau.

### Cwestiwn 9

**Ydych chi'n cytuno â'r cyrff perthnasol arfaethedig y byddai'r dyletswyddau i ganfod, atgyfeirio a chydweithredu yn gymwys iddynt? A fyddech yn ychwanegu neu'n tynnu unrhyw wasanaethau o'r rhestr?**

### Cwestiwn 10

Yn eich barn chi, a ydym wedi taro'r cydbwysedd cywir rhwng gofynion deddfwriaethol ac arferion gweithredol, yn enwedig mewn perthynas ag iechyd?

### Cwestiwn 11

Pa fesurau ymarferol y bydd angen eu rhoi ar waith er mwyn i'r dyletswyddau arfaethedig i ganfod, atgyfeirio a chydweithredu weithio'n effeithiol? Gofynnwn ichi ystyried anghenion dysgu a datblygu, adnoddau, staffio, lleoliad a diwylliant.

### Cwestiwn 12

Yn ogystal â'r dyletswyddau cyffredinol i ganfod, atgyfeirio a chydweithredu, mae'r bennod hon yn cynnwys cynigion i gyflwyno gofyniad i gydgyssylltu achosion yn well ar gyfer pobl ag anghenion lluosog a chymhleth. I ba raddau y bydd y cynigion yn helpu i atal digartrefedd ymhlith y grŵp hwn?



### Cwestiwn 13

Mae'r Asesiad Effaith Rheoleiddiol cysylltiedig yn nodi ein gwaith meddwl cychwynnol ynglŷn â chostau a manteision y cynigion hyn. A oes unrhyw gostau a manteision nad ydym wedi'u hystyried?

Cynigion wedi'u targedu i atal digartrefedd i'r rhai yr effeithir arnynt yn anghymesur

### Cwestiwn 14

A oes unrhyw grwpiau eraill o bobl, heb eu nodi yn yr adran hon, y mae digartrefedd yn effeithio'n anghymesur arnynt yn eich barn chi, ac y mae angen gweithgarwch wedi'i dargedu ychwanegol i atal a lleihau digartrefedd o'r fath (rhowch dystiolaeth i gefnogi'ch barn)?

### Cwestiwn 15

Pa gamau deddfwriaethol neu bolisi ychwanegol y gellid eu cymryd i atal neu leihau digartrefedd i'r grwpiau a nodir yn y Papur Gwyn hwn?

### Cwestiwn 16

Mae ein cynigion ynglŷn â phlant, pobl ifanc a phobl ifanc sydd â phrofiad o ofal yn ceisio gwella ac yn egluro cysylltiadau rhwng deddfwriaeth digartrefedd a'r Ddeddf Gwasanaethau Cymdeithasol a Llesiant. Mae angen gwaith datblygu polisi sylweddol er

mwyn asesu ymarferoldeb hyn. Yn eich barn chi, beth yw manteision a heriau ein dull gweithredu a pha ganlyniadau anfwriadol y dylem baratoi i'w lliniaru?

### Cwestiwn 17

A yw ein cynigion yn mynd yn ddigon pell i sicrhau bod pobl ifanc 16 a 17 oed sy'n ddigartref neu sy'n wynebu risg o ddigartrefedd yn cael cymorth ar y cyd gan wasanaethau cymdeithasol ac awdurdodau tai lleol? Beth yn rhagor y gellid ei wneud i gryfhau ymarfer a chyflawni cyfrifoldebau rhianta corfforaethol ehangach?

### Cwestiwn 18

A ydych yn cytuno neu'n anghytuno y dylid diwygio Deddf Rhentu Cartrefi (Cymru) 2016 i ganiatáu i bobl ifanc 16 a 17 oed allu dal contractau meddiannaeth?

### Cwestiwn 19

Mae'r Asesiad Effaith Rheoleiddiol cysylltiedig yn nodi ein gwaith meddwl cychwynnol ynglŷn â chostau a manteision y cynigion hyn. A oes unrhyw gostau a manteision nad ydym wedi'u hystyried?

## Mynediad at lety

### Cwestiwn 20

I ba raddau rydych chi'n cytuno neu'n anghytuno â'r cynigion byrdymor i wneud llety yn fwy addas? Yn eich barn chi, a oes camau ychwanegol y dylid eu cymryd ar unwaith ar y diben hwn?

### Cwestiwn 21

I ba raddau rydych chi'n cytuno neu'n anghytuno â'r cynigion sy'n ymwneud â dyrannu tai cymdeithasol a rheoli rhestrau aros am dai? Beth ydych chi'n credu fydd canlyniadau'r cynigion hyn?

**Yn gyffredinol, teimlwn fod holl bwyslais y cynigion ar flaenoriaethu datrys digartrefedd, gan esgeuluso'r angen i dai cymdeithasol gyfrannu at gryfhau gwead cymunedau. Yn benodol, rydym yn bryderus am effeithiau hyn ar gymunedau Cymraeg gwledig, lle mae teuluoedd lleol sydd angen tai yn cael eu hamddifadu o gartrefi yn eu hardaloedd eu hunain, wrth i bobl o'r tu allan ag anghenion ymddangosiadol ddwysach gael blaenoriaeth. Mae'r sefyllfa fel y mae ar hyn o bryd yn ddigon drwg, anodd yw gweld dim byd yn y cynigion newydd i liniaru ein hofnau y byddant yn gwaethygu'r sefyllfa.**

### Cwestiwn 22

I ba raddau rydych chi'n cytuno neu'n anghytuno â'r cynnig i gyflwyno opsiynau tai ychwanegol ar gyfer cyflawni'r brif ddyletswydd digartrefedd? Beth rydych chi'n rhagweld fydd canlyniadau (bwriadol neu anfwriadol) y cynnig hwn?

### Cwestiwn 23

Mae'r Asesiad Effaith Rheoleiddiol cysylltiedig yn nodi ein gwaith meddwl cychwynnol ynglŷn â chostau a manteision y cynigion hyn o ran mynediad at dai. A oes unrhyw gostau a manteision nad ydym wedi'u hystyried?

## Gweithredu

### Cwestiwn 24

I ba raddau, yn eich barn chi, y bydd y cynigion a amlinellir uchod yn helpu i weithredu a gorfodi'r diwygiadau arfaethedig?

### Cwestiwn 25

Pa ysgogiadau/swyddogaethau/mecanweithiau eraill y gellid eu defnyddio i ddal awdurdodau tai lleol a chyrff cyhoeddus eraill yn atebol am eu rôl wrth atal digartrefedd?

### Cwestiwn 26

Mae'r Asesiad Effaith Rheoleiddiol cysylltiedig yn nodi ein gwaith meddwl cychwynnol ynglŷn â chostau a manteision y cynigion hyn. A oes unrhyw gostau a manteision nad ydym wedi'u hystyried?

### Cwestiwn 27

Beth, yn eich barn chi, fyddai effeithiau tebygol y diwygiadau arfaethedig yn y Papur Gwyn hwn ar y Gymraeg? Mae gennym ddiddordeb penodol mewn unrhyw effeithiau tebygol ar gyfleoedd i ddefnyddio'r Gymraeg ac ar beidio â thrin y Gymraeg yn llai ffafriol na'r Saesneg.

- A oes unrhyw gyfleoedd i hyrwyddo unrhyw effeithiau cadarnhaol, yn eich barn chi?
- A oes unrhyw gyfleoedd i liniaru unrhyw effeithiau negyddol, yn eich barn chi?

**Fel y nodir isod, mae ein prif bryderon yn ymwneud ag effeithiau polisiâu gosod tai cymdeithasol ar y Gymraeg.**

**Prin iawn yw'r drafodaeth ar hynny yn y Papur, ac eithrio lle mae'n nodi bod hawl gan awdurdodau lleol ar hyn o bryd i roi 'blaenoriaeth ychwanegol' i gysylltiad lleol 'er mwyn cynnal cymunedau, yn enwedig cymunedau Cymraeg gwledig'. Y peth lleiaf y byddem yn ei ddisgwyl fyddai ymrwymiad diamwys i gynnal a chryfhau'r ystyriaeth holl bwysig hon.**

**Mae'n amlwg fod gallu unrhyw denantiaid newydd i siarad Cymraeg am effeithio ar natur ddiwylliannol yr ardal honno. Fel un o hanfodion gwead cymdeithas yng nghadarnleoedd y Gymraeg, mae'n gwbl resymol mynnu bod y gallu i siarad Cymraeg fod yn ffactor wrth geisio tai cymdeithasol ynddynt.**

**Mewn ardaloedd o arwyddocâd ieithyddol o'r fath, awgrymwn hefyd ei gwneud yn ofynnol i bob landlord cymdeithasol gadw cofnodion o faint o'u tenantiaid sy'n gallu siarad Cymraeg.**

**Maen nhw eisoes yn casglu gwybodaeth am bob mathau o nodweddion personol a diwylliannol, a does dim rheswm pam na ddylai fod cwestiwn am y gallu i siarad Cymraeg yn eu plith. Fel yr holl wybodaeth arall, byddem yn disgwyl i wybodaeth o'r fath gael ei chadw'n gwbl ddiennw, ac na ellid ei ddefnyddio i ragfarnu yn erbyn unrhyw unigolyn.**

**Byddai'n rhesymol disgwyl i'r ganran o'r bobl sy'n gallu siarad Cymraeg ymhlith tenantiaid tai cymdeithasol adlewyrchu'n fras y ganran o boblogaeth gynhenid yr ardal honno sy'n gallu'r iaith. Pe bai'r ganran honno'n sylweddol is, byddai cwestiynau amlwg i'w gofyn ynghylch polisiâu gosod tai.**

## Cwestiwn 28

Rydym wedi gofyn nifer o gwestiynau penodol. Os oes gennych chi unrhyw faterion cysylltiedig sydd heb gael eu trafod yn benodol, mae croeso i chi ddefnyddio'r lle hwn i'w nodi:

**Cytunwn fod amcan y Papur Gwyn o roi diwedd ar ddigartrefedd yng Nghymru yn nod cwbl deilwng. Gan na allwn ni honni bod gennym unrhyw arbenigedd yn y maes, nid ydym yn cynnig barn ar y rhan fwyaf o'i argymhellion ar sut i fynd ati i wneud hyn.**

**Mae'n pryderon yn ymwneud yn hytrach â rhai o'r prif sgil-effeithiau, yn arbennig effeithiau posibl a thebygol ar gymunedau Cymraeg.**

**Yn benodol, byddem yn gwrthwynebu'n bendant unrhyw gynlluniau i lastwreiddio amodau lleol ar denantiaethau. Mae'n awgrymu cynyddu categorïau o bobl i'w heithrio o'r angen i ddangos cysylltiad lleol, fel pobl sy'n gadael y carchar a 'phobl sy'n ceisio rhoi'r gorau i ddefnyddio sylweddau' ymhlith eraill.**

**Derbyniwn y gall fod dadleuon digon teilwng dros alluogi pobl i symud ymhell o'u hardaloedd genedigol, ac mae hynny'n sicr o fod yn wir yn achos pobl sydd mewn perygl o gael eu cam-drin yn y cartref, er enghraifft.**

**Ar yr un pryd, mae angen datgan yn glir fod gan y Gymru wledig ddigon o broblemau heb fod disgwyl i'n cynghorau weithredu fel gwasanaethau cymdeithasol i'r dinasoedd mawr.**

**Dylai tai cymdeithasol gael eu defnyddio fel adnoddau i gynnal cymunedau cydlynol a ffyniannus yn ogystal â datrys digartrefedd.**

**Ar fater ehangach na chynigion y Papur Gwyn hwn yn unig, teimlwn nad oes dim digon o waith ymchwil wedi cael ei wneud ar effaith gyffredinol polisïau gosod tai cymdeithasol ar y Gymraeg.**

**Rhoddwyd sylw helaeth i'r ffordd mae ail gartrefi'n dinistrio cymunedau gwledig, a sut mae prynwyr cyfoethocach o'r tu allan yn rhoi tai allan o gyrraedd pobl leol.**

**Gan fod rhai o gadarnleoedd pwysicaf y Gymraeg ymhlith yr ardaloedd sy'n dioddef fwyaf, mae hyn yn cael ei gydnabod fel ergyd i hyfywedd y Gymraeg fel iaith gymunedol. Mae'r sefyllfa wedi cael ei gwaethygu'n ddirfawr hefyd wrth i dai cymdeithasol gael eu gwerthu a'r rheini'n mynd ar y farchnad agored allan o reolaeth y gymuned.**

**Mae hi'n holl bwysig felly sicrhau bod teuluoedd lleol mewn ardaloedd sydd o dan bwysau ddiwylliannol yn cael blaenoriaeth haeddiannol am dai cymdeithasol. Gyda chyn lleied o ardaloedd ar ôl bellach lle mae'r Gymraeg yn brif iaith, dylid ystyried statws penodol iddynt a'u heithrio o rai o'r dyletswyddau i gartrefu mwy o bobl o'r tu allan.**

**Fel man cychwyn i ymchwil pellach ar effeithiau dyraniad tai cymdeithasol ar y Gymraeg, awgrymwn fod landlordiaid cymdeithasol yn cael eu hannog i gadw cofnodion o allu eu tenantiaid i siarad Cymraeg, fel y gwneir eisoes gyda phob math o nodweddion gwarchoddedig. Er nad ydym yn awgrymu y dylid defnyddio gwybodaeth o'r fath i ragfarnu yn erbyn unrhyw unigolion, credwn y dylai'r gyfran o denantiaid tai cymdeithasol mewn unrhyw ardal benodol adlewyrchu'r fras y ganran o boblogaeth gynhenid yr ardal honno sy'n gallu'r iaith.**

Sefydliad (os yw'n berthnasol):

**Menter Iaith Conwy**

Number: WG48223



Llywodraeth Cymru  
Welsh Government

Welsh Government  
Consultation response form

## Consultation on the White Paper on Ending Homelessness in Wales

Date published: 10 October 2023  
Action: Responses by 16 January 2024

**OGI** © Crown Copyright 2023

We welcome correspondence and phone calls in English.

## Overview

This White Paper sets out a range of proposals for changes to policy and the law, to end homelessness in Wales.

## How to respond

Please submit your comments by 16 January 2024, in one of the following ways:

- complete our online form
- download, complete our response form and email [DiwygioDeddfwriaethDigartrefedd@llyw.wales](mailto:DiwygioDeddfwriaethDigartrefedd@llyw.wales)
- download, complete our response form and post to:

Homelessness Prevention Legislation Team  
Welsh Government  
Cathays Park  
Cardiff  
CF10 3NQ

When responding, it would be helpful if you would confirm whether you are responding as an individual or submitting an official response on behalf of an organisation, and include::

- your new
- your post (if applicable)
- name of organisation (if applicable)

## More information and related documents

Versions of this document may be requested in bold, in Braille or in other languages.



## UK General Data Protection Regulation

The Welsh Government will be the data controller for any personal data you provide as you respond to the consultation. Welsh Ministers have statutory powers that they will rely on to process these personal data that will enable them to make informed decisions about how they carry out their public functions. Any response you send to us will be fully seen by Welsh Government staff working on the issues this consultation relates to or who are planning future consultations. Where the Welsh Government undertakes further analysis of responses to a consultation, then an accredited third party (e.g. a research institute or consultancy firm) may be commissioned to carry out this work. Such work is undertaken only under contract. The Welsh Government's standard terms and conditions for such contracts set out strict requirements for processing and keeping personal data safe.

In order to demonstrate that the consultation was properly carried out, the Welsh Government intends to publish a summary of the responses to this document. It is also possible that we will publish the responses in full. The name and address (or part of the address) of the person or organisation that sent the response are usually published with the response. If you do not wish your name and address to be published, please let us know in writing when sending your response. We will then hide your details before publishing your response.

You should also be aware of our responsibilities under Freedom of Information legislation.

If your details are published as part of the consultation response, these reports will be retained indefinitely. The remaining data otherwise held by the Welsh Government will not be retained for more than three years.

## Confidentiality

Responses to consultations could be published on the internet or in a report.

**If you do not want your name and address to be shown in any document we can produce, tick here:**

# Amending existing core legislation relating to homelessness

## Question 1

Do you agree that these proposals will lead to an increase in homelessness prevention and homelessness relief?

Yes/no

## Question 2

What are your reasons for this?

## Question 3

Do you think there are additional legislative proposals that we should consider to deliver improvements in preventing homelessness and relieving people of homelessness?

## Question 4

Do you agree with our proposal to abolish the priority need test?

Yes/no

## Question 5

Do you agree with our proposal to abolish the intentionality test?

Yes/no

**Question 6**

Do you agree with our proposal of keeping the local connection test but adding other groups of people to the list of exceptions to accommodate non-family contacts with communities and better consider the reasons why someone cannot return to their original local authority?

**The local connection test should be retained and strengthened without adding any other groups to it.**

**As worthy as the goal is to end homelessness, landlords also have duties to sustaining communities. Local authorities in rural Wales have more than enough problems of their own without being expected to act as social services to the big cities.**

**Question 7**

The accompanying RIA sets out our initial thinking about the costs and benefits of these proposals. Are there any costs and benefits that we haven't considered?

**The role of the Welsh public service in preventing homelessness**

**Question 8**

Do you agree with the proposals to impose a duty to detect, refer and co-operate on a number of relevant bodies to prevent homelessness?

Yes/no

Give your reasons.

**Question 9**

**Do you agree with the proposed relevant bodies to which the duties to identify, refer and co-operate would apply? Would you add or remove any services from the list?**

**Question 10**

Do you think we have struck the right balance between legislative requirements and executive practice, particularly in relation to health?

**Question 11**

What practical measures will need to be put in place for the proposed duties to identify, refer and co-operate effectively? We ask that you consider learning and development needs, resources, staffing, location and culture.

**Question 12**

In addition to the general duties to detect, refer and cooperate, this chapter includes proposals to introduce a requirement for better coordination of cases for people with multiple and complex needs. To what extent will the proposals help prevent homelessness among this group?

### Question 13

The accompanying RIA sets out our initial thinking about the costs and benefits of these proposals. Are there any costs and benefits that we haven't considered?

Targeted proposals to prevent homelessness for those disproportionately affected

### Question 14

Are there any other groups of people, not identified in this section, who you think are disproportionately affected by homelessness, and who need additional targeted activity to prevent and reduce such homelessness (please provide evidence to support your view)?

### Question 15

What additional legislative or policy action could be taken to prevent or reduce homelessness for the groups set out in this White Paper?

### Question 16

Our proposals for children, young people and young people with experience of care seek to improve and clarify links between homelessness legislation and the Social Services and Wellbeing Act. Significant policy development is needed to assess the

feasibility of this. What do you think are the benefits and challenges of our approach and what unintended consequences should we prepare to mitigate?

**Question 17**

Do our proposals go far enough to ensure that 16 and 17-year-olds who are homeless or at risk of homelessness receive joint support from social services and local housing authorities? What more could be done to strengthen practice and fulfil wider corporate parenting responsibilities?

**Question 18**

Do you agree or disagree that the Home Rental (Wales) Act 2016 should be amended to allow 16 and 17-year-olds to be able to hold occupancy contracts?

**Question 19**

The accompanying RIA sets out our initial thinking about the costs and benefits of these proposals. Are there any costs and benefits that we haven't considered?

**Access to accommodation**

**Question 20**

To what extent do you agree or disagree with the short-term proposals to make accommodation more suitable? Do you think there are additional steps that should be taken immediately on this purpose?

**Question 21**

To what extent do you agree or disagree with the proposals relating to social housing allocation and housing waiting list management? What do you think the results of these proposals will be?

**Overall, we feel that the whole emphasis of the proposals is on prioritising tackling homelessness, neglecting the need for social housing to contribute to strengthening the fabric of communities. In particular, we are concerned about the effects of this on rural Welsh-speaking communities, where local families in need of housing are deprived of homes in their own areas, as outsiders with seemingly intensified needs take priority. The situation as it stands now is bad enough, it is difficult to see anything in the new proposals to alleviate our fears that they will make the situation worse.**

**Question 22**

To what extent do you agree or disagree with the proposal to introduce additional housing options for fulfilling the primary homelessness duty? What do you anticipate will be the consequences (intentional or unintended) of this proposal?

**Question 23**

The accompanying RIA sets out our initial thinking about the costs and benefits of these housing access proposals. Are there any costs and benefits that we haven't considered?

# Operate

## Question 24

To what extent do you think the proposals outlined above will help implement and enforce the proposed reforms?

## Question 25

What other levers/functions/mechanisms could be used to hold local housing authorities and other public bodies accountable for their role in preventing homelessness?

## Question 26

The accompanying RIA sets out our initial thinking about the costs and benefits of these proposals. Are there any costs and benefits that we haven't considered?

## Question 27

What do you think would be the likely effects of the proposed amendments in this White Paper on the Welsh language? We are particularly interested in any likely effects on opportunities to use Welsh and on not treating Welsh less favourably than English.

- Do you think there are any opportunities to promote any positive effects?
- Do you think there are any opportunities to mitigate any negative impacts?

**As set out below, our main concerns relate to the effects of social letting policies on the Welsh language.**

**There is very little discussion of that in the Paper, except where it notes that local authorities are currently entitled to give 'extra priority' to local connection 'for the maintenance of communities, particularly rural Welsh communities'. The least we would expect would be an unequivocal commitment to maintaining and strengthening this all-important consideration.**



**It is clear that the ability of any new tenants to speak Welsh is going to affect the cultural nature of that area. As one of the fundamentals of the fabric of society in the Welsh heartlands, it is perfectly reasonable to insist that the ability to speak Welsh is a factor in seeking social housing in them.**

**In areas of such linguistic significance, we also suggest requiring all social landlords to keep records of how many of their tenants can speak Welsh.**

**They already collect information on all sorts of personal and cultural characteristics, and there's no reason why there shouldn't be a question about the ability to speak Welsh among them. Like all other information, we would expect such information to be kept completely anonymous, and could not be used to prejudice against any individual.**

**It would be reasonable to expect the percentage of people who can speak Welsh among social housing tenants to roughly reflect the percentage of that area's indigenous population who are language-able. If that percentage were significantly lower, there would be obvious questions to ask about letting policies.**

## Question 28

We have asked a number of specific questions. If you have any related issues that haven't been specifically discussed, please feel free to use this space to point them out:

**We agree that the White Paper's objective of ending homelessness in Wales is an absolutely worthy aim. Since we can't claim to have any expertise in the field, we don't offer an opinion on most of his recommendations on how to go about this.**

**Our concerns are instead about some of the main side effects, particularly potential and likely impacts on Welsh-speaking communities.**

**In particular, we would adamantly oppose any plans to water down local conditions on tenancies. It suggests increasing categories of people to exclude them from the need to show a local connection, such as people leaving prison and 'people trying to quit using substances' among others.**

**We accept that there can be decent enough arguments for enabling people to move far from their natal areas, and that is bound to be the case with people at risk of domestic abuse, for example.**

**At the same time, it needs to be made clear that rural Wales has enough problems without our councils being expected to act as social services for the big cities.**

**Social housing should be used as resources to maintain cohesive and thriving communities as well as solve homelessness.**

**On a wider issue than just the proposals of this White Paper, we feel that not enough research has been done on the overall impact of social letting policies on the Welsh language.**

**Extensive attention has been paid to how second homes are destroying rural communities, and how wealthier buyers from outside are putting houses out of reach of local people.**

**As some of the most important Welsh language strongholds are among the hardest hit areas, this is recognised as a blow to the viability of Welsh as a community language. The situation has also been sorely exacerbated as social housing has been sold and taken on the open market out of the community's control.**

**It is therefore vital to ensure that local families in culturally stressed areas are deservedly prioritised for social housing. With so few areas left now where Welsh is**

**the main language, they should be considered for a certain status and excluded from some of the duties to house more outsiders.**

**As a starting point for further research on the effects of social housing allocation on the Welsh language, we suggest that social landlords are encouraged to keep records of their tenants' ability to speak Welsh, as is already done with all sorts of protected features. While we do not suggest that such information should be used to prejudice against any individuals, we believe that the proportion of social housing tenants in any given area should reflect the approximate percentage of that area's indigenous language-capable population.**

Organization (if applicable):

**Menter Iaith Conwy**

Number: WG48223



Welsh Government  
Consultation response form

## Consultation on the White Paper on Ending Homelessness in Wales

Date of issue: 10 October 2023

Action required: Responses by 16 January 2024

**OGI** © Crown copyright 2023

Mae'r ddogfen hon ar gael yn Gymraeg hefyd / This document is also available in Welsh

Rydym yn croesawu gohebiaeth a galwadau ffôn yn Gymraeg / We welcome correspondence and telephone calls in Welsh

## Overview

This White Paper sets out a range of proposals for changes to policy and the law, to end homelessness in Wales.

## How to respond

Please respond by completing the online form or completing this questionnaire and sending it to [HomelessnessLegislationReform@gov.wales](mailto:HomelessnessLegislationReform@gov.wales)

If you intend to respond in writing, please send completed forms to:

Homelessness Prevention Legislation Team  
Welsh Government  
Cathays Park  
Cardiff  
CF10 3NQ

When you reply, it would be useful if you confirm whether you are replying as an individual or submitting an official response on behalf of an organisation and include:

- your name
- your position (if applicable), and
- the name of organisation (if applicable).

## Further information and related documents

Large print, Braille and alternative language versions of this document are available on request.

## Data Protection

The Welsh Government will be data controller for any personal data you provide as part of your response to the consultation. Welsh Ministers have statutory powers they will rely on to process this personal data which will enable them to make informed decisions about how they exercise their public functions. Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about or planning future consultations. Where the Welsh Government undertakes further analysis of consultation responses then this work may be commissioned to be carried out by an accredited third party (e.g., a research organisation or a consultancy company). Any such work will only be undertaken under contract. Welsh Government's standard terms and conditions for such contracts set out strict requirements for the processing and safekeeping of personal data.

In order to show that the consultation was carried out properly, the Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. If you do not want your name or address published, please tell us this in writing when you send your response. We will then redact them before publishing.

You should also be aware of our responsibilities under Freedom of Information legislation.

If your details are published as part of the consultation response then these published reports will be retained indefinitely. Any of your data held otherwise by Welsh Government will be kept for no more than 3 years.

## Confidentiality

Responses to consultations may be made public on the internet or in a report.

**If you would prefer your response to remain anonymous, please tick here:**

# Reform of the existing core homelessness legislation

## Question 1

Do you agree these proposals will lead to increased prevention and relief of homelessness?

Yes/no

Yes and No.

- **Increasing prevention duty to 6 months:**

It is logical that the prevention duty be extended from 56 days to 6 months in line with the Renting Homes Act (Wales) 2016. This will enable interventions at an earlier date where chances of rescuing a tenancy may be higher, for instance in the case of areas where remedial action for a notice to be rescinded may be possible. It will also support planned transition to alternative accommodation should it be required.

However, the rate of increased prevention through this measure may possibly be limited. In reality, at the point of an eviction notice it is extremely unlikely that a tenancy/ contract can be saved. Identifying Options for 'preventing' homelessness can be difficult and is usually limited to securing alternative accommodation. Not only is this a significant challenge in and of itself in Monmouthshire in any time frame, but it only adds to the pressure on a dwindling supply of accommodation throughout the county rather than relieving it. True prevention should be thought of as saving a tenancy and this would require a focus on more upstream prevention measures.

Outside of the prevention measures already taken by our Prevention Officers the increase in timeframe is not expected to equate to greater activity, although it provides additional time for wider agencies to possibly assist (where applicable) and time for an applicant to utilise themselves should they be minded to. Such Households would continue to sit within officer caseloads up until the weeks prior to eviction as any alternative accommodation that could be sourced would not be able to be held for such a long period of time. In doing so, the caseloads of Housing Options officers would be expected to further balloon especially as applications at 6 months would need to be taken for all risks of homelessness, not just no-fault evictions captured in the Renting Homes Act (Wales) 2016. High caseloads for staff can be overwhelming and demoralising.

- **PHPs:**

MCC welcomes any measures that might strengthen multi-disciplinary working to prevent or relieve homelessness. Having input into 'PHPs' from other agencies will create a more holistic plan and view of the applicant's needs and increase the accountability of other agencies and their roles in preventing and relieving homelessness. It is critical that other agencies recognise they have a role and are accountable to having a contribution to PHPs.

However, in striving to be 'person centred' it is important that there is an emphasis to include the role of the 'person' beyond capturing their accommodation requests. It is important that there is an expectation for the applicant to take some responsibility in addressing their own housing needs. The proposals also seem to assume that applicants will want to engage with services, when in reality a sizeable number of applicants will choose not to, even when accommodations have been made.

Coupled with the narrowing of the 'non- co-operation' criteria, MCC is keen that PHPs are meaningful and provide a practical purpose. It's important that they aren't essentially toothless and don't become a bureaucratic exercise. In MCC Housing Options officers can struggle to nurture co-operation even on basic steps that fit the aspirations of the applicant, such as registering for social housing. When all recommendations are taken together as a whole there is a possible risk that there will be no incentive for an applicant to take any actions to prevent or relieve their own homelessness, even if there are steps

that can be easily taken to do so. The process needs to avoid applicants essentially being absolved of any responsibility and is arguably not trauma informed.

The element of the PHP where we expect applicants will engage is on recording the housing requirements of the household. Affording this greater prominence causes the Housing Options Team concerns about raising client expectation. The department is continuously contending with unrealistic expectations from households in relation to both temporary and settled accommodation. The team put a lot of effort in trying to manage these expectations, which can be very time consuming and unproductive. Being unable to meet expectation of applicants can create difficult and challenging discussions and is a concern of the new style PHPs.

Operationally MCC Housing Options Team does not have the capacity to review PHPs every 8 weeks, particularly as caseloads are anticipated to increase on the back of the proposed changes. Although the legislation is 'aspirational' we cannot foresee a time where the team would be able to meet this statutory duty without significant investment. 'Support Plan Fatigue' has also been mentioned as a potential side effect of frequent PHP reviews. Many of the applicants Monmouthshire see already receive support from multiple agencies who are also required to complete support plans. If Housing Options Team officers are going through PHPs arbitrarily at 8 weeks regardless of any changes this could frustrate applicants and actively discourage engagement. Instead, Monmouthshire would prefer any time scale for reviews to be set as guidance and not as a statutory duty.

Questions have been raised as to how PHPs will be shared across agencies and accountability conveyed, and whether a Wales- wide system would be introduced.

- **Reviews:**

By expanding the ability to request a review of a PHP and suitability of accommodation at any time the risk of being inundated with punitive requests is high. The nature of existing complaints (often based on frustration and expectation) already provides some evidence in that regard. In a system where applicants level of personal responsibility will seemingly decrease to relieve their situation and have been granted greater authority over where they can be accommodated- which fulfilling is frequently out of the authority's control- it is expected that the Housing Options Team will be challenged on a far more frequent basis. Not only could this impact on staff well-being, it is also time consuming. Whilst MCC Housing department is happy to be held accountable for things within its control, there are not the resources to meet the increase in demand regardless of timescales. Conducting reviews is in the remit of senior staff due to their specialist nature and size of the team, any increases will take these staff members from key delivery and operational oversight. Should this proposal be implemented MCC would like to see clear and strict guidance on what will constitute the basis for a review.

## Question 2

What are your reasons for this?

As above (in question 1).

### Question 3

Are there additional legislative proposals you think we should consider to improve the prevention and relief of homelessness?

- **LHA rates:**

Although not a devolved issue, and despite recent changes made in the last UK budget statement, the Local Housing Allowance rates continue to be a significant factor in households maintaining tenancies/contracts and in the ability to relieve homelessness. The Private Rented Sector is dwindling in Monmouthshire, and the scarcity is only adding to the rental cost. Typically there are limited options and it's not unusual for there to be no rental options for those in receipt of LHA in the county's boundary. The gap between market rent and LHA rates has become such that DHPs are no longer able to cover the shortfall.

The average award of DHP in Monmouthshire is £12.20 per week. Out of 416 awards, only 9 are over £25 per week and they have been made for short term periods (12 weeks) in order to assist an urgent move or where we know there is a change in circumstances happening which will mean the DHP would end. Making an award to meet a high shortfall for any length of time isn't possible as MCC simply doesn't have the funds. The current availability of the WG Discretionary Homeless Prevention Grant has been helpful and important in this regard.

- **DHPs:**

MCC Housing Options Team has seen an increase in presentations from households who are living in unaffordable accommodation despite being in employment. Attributed to the cost-of-living crisis these households have been pushed to the brink and are now finding that a salary that would have covered the rent and bills 18 months ago will no longer stretch. These households are usually also excluded from any other financial assistance through the DWP due to income. This means that these households are also excluded from accessing any assistance through the DHP scheme which could otherwise prevent homelessness. In Monmouthshire the Discretionary Homelessness Prevention Fund has been utilised to assist such households, but it would be beneficial to align this formally with DHPs.

- **Mortgage rescue (Help to Stay):**

MCC welcomes the mortgage rescue scheme Help to Stay. Housing Options Team are currently seeing more presentations from people affected by the cost-of-living crisis, and this includes people who have been impacted by the significant increase in mortgage costs. However, this support is somewhat limited in Monmouthshire due to the average house price being £381,556. (Hometrack, 2022).

- **Regulation of Rent in the Private Rented Sector:**

Full regulation of rent in the private rented sector is a hotly debated topic and is not something Monmouthshire is in a position to advocate either way at this time. There has though been an increase in what is considered to be retaliatory rent increases as a means for landlords to get rid of tenants rather than wait the six month notice period introduced by the Renting Homes (Wales) Act 2016. Some sort of cap on the percentage increase landlords are able to apply to rent would stop sudden astronomical rises in rent and households being forced out of their homes abruptly.

### Question 4

Do you agree with our proposal to abolish the priority need test?

Yes/no



No.

At present it is difficult to foresee a time where housing supply is adequate to meet demand. Whilst we are working with limited resources it almost becomes essential and morally imperative to implement some sort of priority in accessing these resources. In a system where everyone is priority, no one is priority, and this could actually fail those most vulnerable and in need of support. In the current environment with supply as it is it does not seem feasible that Local Authorities will be able to operate in the absence of some sort of rudimentary priority basis, which would be Priority Need through the back door. Only in this instance there would be greater variety across Wales as to how this is done depending on demographics and supply, thus only fuelling a 'postcode lottery' of opportunity.

The addition of Rough Sleeping to the 11<sup>th</sup> category of Priority Need introduced last year has extended this test to encompass some of the most vulnerable in society. It will be interesting to see what impact this has had on rough sleeping figures across Wales. In Monmouthshire this test has been applied liberally, yet there are still people sleeping rough in the county by choice. Therein, the removal of Priority Need will not eradicate street homelessness- the Council would like to see more emphasis (and resources) placed on support.

Rather than a complete removal of Priority Need, which whilst Monmouthshire agrees with its ethos, does not feel can be implemented effectively in the foreseeable future, it is proposed that stricter and more comprehensive guidance be issued around the 11 categories of Priority Need to ensure its consistent application throughout Wales.

## Question 5

Do you agree with our proposal to abolish the Intentionality test?

Yes/no

No.

Fewer than 100 cases across Wales were found to be intentionally homeless in the past year, and there is no data to indicate what the outcome of this decision was for those households. With this in mind it would be overzealous to remove this test given its benefits.

In Monmouthshire intentionality is utilised as a preventative tool. It is used by the housing department, but also partner agencies in social care and support services as a means to deter and prevent spontaneous homelessness. We are not able to quantify it but know anecdotally that the implications of being found intentionally homeless is used to counter impulsive or retaliatory behaviour from clients and affords space for agencies to work with them to resolve housing issues.

To echo the points raised around PHPs, another consequence of removing the test of Intentionality is the likely outcome of removing all consequences and personal accountability from the applicant. There have already been cases where households are ending their own tenancies and, in some cases, even selling their own properties in order to present as homeless, such is the desirability of social housing. There is a risk that it could become common knowledge that households can present as homeless regardless of the cause and still be awarded greater preference for social housing, more issues will be created than solved. This would be expected to particularly impact on non-homeless applicants waiting for social housing. The economic impact if sections of society choose to stop paying rent or mortgages should be considered. The long-term implications of this proposal could further reinforce the perception by private landlords that homeless households are a risk and actually impose greater barriers for our clients to the private rented sector. Registered Social Landlords could potentially incur heavy financial losses. It

would not take great numbers of households across Wales to stop their financial obligations for such issues to arise.

Whilst it is acknowledged that there is a proposal to implement a 'deliberate manipulation test' at the point of allocation which is intended to prevent a perverse incentive to present as homeless, in its current form it is too narrow to have much of an impact. It also does not address the issue that if a household has been found to deliberately manipulate the system the Local Authority will still retain a housing duty, and thus will still have a statutory responsibility to provide accommodation. In these instances, where households are barred from accessing social housing and private rented housing remains scarce and unaffordable the likelihood is that the authority would be accommodating for long periods of time. It could be argued that in these cases the authority risks becoming a de facto social housing provider and would frustrate Rapid Rehousing ambitions.

As the 'intentionality test' is something recognised across teams, agencies and applicants themselves, should the 'Deliberate Manipulation Test' become legislation it may benefit from being considered and termed the 'intentionality test'. This would allow it to continue to be a recognised tool to prevent unwise actions from households.

## 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.

MCC recognises the objective of seeking to respond to those who may be at most risk of homelessness but who may lack a local connection to any single place. However, we would ask for further consideration and evidence gathering to be given to the operational impact of adding to the categories of those who may be eligible. The impact on a county which shares a border with England should be considered if England maintains its existing eligibility criteria.

## Question 7

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

## The role of the Welsh Public Service in preventing homelessness

### Question 8

Do you agree with the proposals to apply a duty to identify, refer and co-operate on a set of relevant bodies in order to prevent homelessness?

Yes/no

Please give your reasons

Yes.

MCC supports any measures that bring external agencies to the table to address homelessness and assist the Council, where applicable, with case work. Monmouthshire already has the Homelessness Intervention Panel- a multi-agency panel which meets to discuss complex cases experiencing or facing homelessness. This has been successful and identified as an area of good practice, but still struggles to draw consistent representation from some key stakeholders.

Safeguarding panels and MARACs have been identified as ideal models of multi-agency working, identifying and co-operating. Mandatory attendance from agencies is key, at least to begin with to establish precedent.

The role of both Social Care and Health are key agencies in this regard.

## Question 9

Do you agree with the proposed relevant bodies, to which the duties to identify, refer and co-operate would apply? Would you add or remove any services from the list?

The consensus has been that all public bodies identified in the White Paper are appropriate to be covered by these duties. One devolved public body that is not covered in the paper is education. Partner agencies have identified that educational settings often have a plethora of information on those using their institutions and could be key to identifying issues at home long before other services. Where educational agencies have been involved in cases, they have often been able to present a more holistic picture of households and have expressed concerns.

Education agencies eg schools, are an important setting for both providing curriculum time for sharing homeless and housing advice and also for helping to identify those who may be at risk of homelessness on reaching adulthood.

To be effective these duties would ideally expand into areas not currently devolved to Welsh Government, the DWP and HMPPS in particular being key agencies that could offer a lot to the prevention and relief of homelessness.

Emergency services (police, paramedics (covered by health) and fire) will also often have repeat contact with the homeless community and could also bring crucial perspectives.

Monmouthshire also feels that some consideration should be made to agencies in the third sector being included in the remit to identify and refer. There are many third sector organisations and services who see vulnerable people on a daily basis who are at risk of homelessness. Credit Unions, Citizens Advice and Foodbanks are examples of services that households trust and approach when in or approaching crisis. Monmouthshire's experience has been that these agencies are often eager to understand homelessness processes better and would welcome additional training and education on this matter.

## Question 10

In your view have we struck the right balance between legislative requirements and operational practice, particularly in relation to health?

In relation to health services, it is difficult to answer the question per se. However, there are significant opportunities available through additional and closer strategic and operational liaison with health. Again though, it is critical that health recognise their accountability. Below are some suggested opportunities:

- Health settings eg health clinics and surgeries, for early identification of a risk of or actual homelessness.
- A recognition that housing solutions can bring cost benefits (eg cost avoidance) to health.
- Mental Health thresholds need to be reviewed in respect of homelessness. Local authorities with support providers are unable to manage certain individuals who fall slightly under the threshold for sectioning. These are highly vulnerable people who are being failed by the 'system' who effectively fall through 'the gap.' More responsibility is needed for health to assist local authorities in such circumstances.
- Homeless teams need to be informed at the earliest opportunity in respect of possible homelessness in respect of hospital discharge. Discharge arrangements should be considered at the point of admission.
- There would be benefits for both Health and homeless services if health could deliver more in the community and ideally in homeless or support settings. Many applicants aren't willing to attend health settings. Covid and flu vaccine arrangements is a good example for where Health has 'gone to the clients.'

## Question 11

What practical measures will need to be in place for the proposed duties to identify, refer and co-operate to work effectively? Please consider learning and development needs, resources, staffing, location and culture.

- **Education:**

It has already become apparent through Rapid Rehousing work that the understanding of housing and homelessness by other agencies and teams, including those who work with homeless households, is patchy at best and often dependent on individual members of staff. As well as applicants, the housing team frequently has to manage the expectations of other services around the household.

There is a real knowledge gap on housing and homelessness that significant training and education will be required to address. With the introduction of statutory duties to a broad range of public bodies, there will be a need for WG to invest on a large-scale education campaign and frequent training so as agencies can be informed and confident as to how to identify risks of homelessness and also of how the homelessness process works so households are receiving accurate and consistent information.

- **Location:**

Monmouthshire is a rural county without a main centre. For this reason there are few opportunities for co-location of services, but for these duties to work most effectively at preventing and relieving homelessness 'one stop shop' models would be ideal. Where services are located together and clients are able to access them under one roof the opportunities to resolve issues quickly multiplies. Having services physically working together could also foster greater understanding of limitations to each service and engineer collaborative problem solving.

- **Culture:**

There is a persistent feeling across support staff advocating for homeless clients that their professional judgment is often disregarded by professionals across other agencies. As professionals who spend the greatest amount of time with households their understanding of the situation on the ground makes them a key player in achieving the best outcomes for those they work with. Too often however we hear from these professionals that they are facing the closed doors of partner agencies and their professional opinions and observations disregarded because they are not considered by their peers to have 'sufficient training' in specialist areas. An example often used is mental health. A support worker will spot changes in behaviour and presentation that can indicate mental health deterioration or ill mental health but often have their concerns minimised until such a point their client faces crisis. In Monmouthshire we have seen homeless applicants resorting to being criminalised to access mental health treatment despite concerns having been frequently shared with other professional bodies.

Although not in the remit of homelessness legislation change one of the main barriers to homeless households receiving multi agency support to meet their needs is the high thresholds to access other services. All public bodies and agencies are facing unprecedented pressures and in this time the threshold to access support has become higher. Broadening duty to co-operate with housing departments will have limited impact on bringing more agencies to the table, if the threshold to access support from those agencies remains so limited.

- **Data:**

At present all public bodies are under strain and resources are severely limited. The use of data could revolutionise how homelessness prevention is targeted to make best use of these resources. It has become apparent through Monmouthshire's steps towards Rapid Rehousing that such data is not readily available or does not exist in an accessible way. A restructure of data: what is collected, how it is collected, where it is inputted needs to be uniform across Wales for meaningful analysis. With a better understanding of which services people facing homelessness might approach, and with what issues would allow for more efficient service delivery and use of resources.

It is already known that certain groups are disproportionately affected by homelessness, as considered in chapter 3. As well as identifying at risk groups, further research into whether there are identifiable issues unrelated to housing which increase the risk of homelessness would boost the effectiveness of prevention and evidence the broader responsibility in ending homelessness across agencies.

## Question 12

In addition to the broad duties to identify, refer and co-operate, this chapter contains proposals to provide enhanced case co-ordination for those with multiple and complex needs. To what extent will the proposals assist in preventing homelessness amongst this group?

As above, Monmouthshire already has an established multi agency forum where those with multiple and complex needs are discussed- the Homelessness Intervention panel. This forum has been a useful tool in bringing agencies together to share intelligence and identify actions that can be taken across the board to prevent homelessness. Whilst actions are spread throughout the group, the reality is that housing still bears the overall responsibility. There are also regular notable absences from some key agencies. For this to be improved mandatory attendance and input would be required with aligned accountability.

Again, the effectiveness of the proposal is limited by the thresholds to access other services. Housing and HIP have several highly complex cases where multiple needs are present. It

only takes one key agency to determine that the case does not meet the threshold for their support for a holistic approach to be undermined and needs to remain unfulfilled.

### Question 13

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

Targeted proposals to prevent homelessness for those disproportionately affected

### Question 14

Are there other groups of people, not captured within this section, which you believe to be disproportionately impacted by homelessness and in need of additional targeted activity to prevent and relieve this homelessness (please provide evidence to support your views)?

- **Older people:**

Although older people are unlikely to face the same challenges with regards to housing supply due to the prevalence of age restricted provision, partner agencies have identified this cohort as in need of greater prevention measures.

It could be argued that those with care and support needs are covered by the Social Services and Well-being (Wales) Act 2014 and the suite of proposals in the White Paper, but in reality there are barriers to accessing the specialist support this group require to maintain their tenancies.

Our partners have found in practice that due to limited resources the threshold for older people to obtain care and support packages is increasing. All the while those who don't quite meet the threshold for Social Care support still carry needs that are beyond the scope of generic support services to manage. RSLs have noted that they are seeing an increase in the number of tenancies held by older adults they are having to intervene in to prevent homelessness, and that this is unsustainable without a long-term plan by Social Care.

Though the White Paper quite rightly demonstrates the need for accessible accommodation, when it comes to those with age related conditions and disability it does not detail the equally important need for specialist support for those who require input to prevent homelessness but do not necessarily need adapted accommodation.

The White Paper carries a substantial number of proposals to target and prevent Youth Homelessness (under the age of 25) some of which put additional duties on Social Care.

It would be equitable to consider measures and duties to alleviate the pressures on housing providers due to the needs of older people.

## Question 15

What additional legislative or policy actions could be taken to prevent or relieve homelessness for the groups captured by this White Paper?

- **Housing Support Grant (HSG):**

As it stands the amount of HSG funding allocated to Monmouthshire is insufficient to effectively meet the level of needs of its population. Just to maintain services at current levels Monmouthshire HSG team are looking at a shortfall of £309,000 for 2024-2025. The additional proposals in the White Paper will place additional demands on the already insufficient funding. The Council would respectfully ask Welsh Government to review its HSG allocation.

Monmouthshire currently has a core group of clients with needs that are a challenge to support within current provisions. To do so more effectively would require significant investment that is beyond what is available. This group of homeless clients are instead being accommodated in unsuitable temporary accommodation with security/ concierge services to assist those who are unable to manage their own front-doors, help keep them and other residents safe, indirectly support the local community and of course help protect the building.

It is in this climate that we support the ethos of the proposals to ensure that Young People are suitably accommodated, whether that be supported accommodation, complex needs accommodation or their own self-contained accommodation. However, realising this expectation goes well beyond the availability and location of the Council's existing accommodation and support resources. It will be difficult for the Council to achieve the vision quickly. In this regard, the Council would welcome further considerations about implementation.

Monmouthshire has limited and finite Young Persons supported provisions with only 20 beds, 6-7 of which are for those with complex needs. These provisions will very quickly be overwhelmed with those who are 16-17 as well as those who require this setting up to the age of 25. There are presently no other alternatives that would meet the standards set by the White Paper for this age group, so should a young person be evicted from this provision there are no alternatives for Monmouthshire to place.

Just to meet the proposals around young people as written in the White Paper additional supported accommodation provision would need to be sourced and funded as well as alternative complex need provision. There would also need to be some consideration to the management of voids, as Local Authorities will need to have a constant number of voids available to meet their duties regarding young people for when they present. When this is combined with the implications from other proposals in the White Paper, as well as meeting the needs of our demographic that are not mentioned, a substantial and ongoing uplift would be required.

- **Pay:**

As mentioned above, Monmouthshire is in urgent need of upscaling support services and provision to meet the needs of those homeless or at risk of homelessness. A crucial factor in delivering the services required is staffing.

Recruitment and retention of staff has been an issue for stakeholders across the sector. Many of the Councils partners have reported high staff turnover and vacancies that they cannot fill. The staff shortage has been attributed to the low levels of pay for skilled and challenging work. Support providers are not able to compete with other industries such as retail and hospitality when it comes to wages and job responsibility. With HSG already stretched it cannot currently offer the funds for the increase in staff wages to boost its attractiveness as a career. This is impacting detrimentally on the quality of support being provided in Monmouthshire. High case-load ratios per individual support workers is an issue. Waiting lists is also an issue.

To attract and retain staff will require a shift in pay policy so as salaries will better reflect the nature of the work undertaken by support workers, as well as the value.

- **The role and responsibilities of HMPPS:**

Whilst MCC supports those in secure estates having access to accurate information and advice around housing, as well as support, ultimately the responsibility for identifying and supporting offenders with this should remain with HMPPS. A pathway for those homeless on leaving custody already exists and HMPPS currently have several services in Wales who are in situ to assist offenders with such issues and to act as a liaison with the Local Authority. If these services are not working effectively then more resources should be directed to them to address this, rather than the responsibility on the local authority extended.

The measures set out in the White Paper for those in secure estates in Wales will also create inequality of opportunity between genders as there are currently no female prisons within Wales. This will mean that those in Welsh prisons will be afforded additional support regardless of nationality, but Welsh residents in secure estates in England, including all Welsh female offenders, will have a very different experience under a different system. There needs to be further thought as to how this inequality can be minimised if not overcome.

- **Mental Health:**

Many households who present as homeless to Monmouthshire have some degree of poor mental health. For some this is managed by the GP and low-level interventions. However, there is a sizable minority who either will not engage with mental health (or sometimes any health) support, or whose ill mental health does not meet the threshold for secondary services despite being unmanageable for floating support.

The White Paper makes reference to those with ill mental health who are leaving hospital, or other care setting, and the duties on partner agencies to ensure housing remains part of the discharge process.

Monmouthshire enjoys a positive relationship with the in-patient mental health facilities in the area and is regularly notified in advance of patient discharge. The barriers for those with ill mental health are not so much accessing housing support but accessing mental health services.

The support workers and options officers in Monmouthshire are regularly seeking to support those clients with poor mental health to maintain tenancies. As professionals who have regular contact with households on the ground their intelligence should be vital for all agencies. Unfortunately, frontline staff have reported frequent struggles in accessing the appropriate support and treatment for those they are working with. The White Paper's emphasis on partnership working on discharge is positive, but this does not address the larger issue of securing mental health services for those in the homelessness system. Homeless Accommodation alone does not meet and address the needs of those with higher mental health needs. On occasions this can impact on neighbours and the wider community and other agencies such as the Police. Monmouthshire will be looking out for measures to address this in the 'Together for Mental Health Strategy'.



- **YP and employment:**

If, as is inferred in the White Paper, proposals to only accommodate under 25-year-olds in supported temporary accommodation comes to fruition then there needs to be consideration and measures taken to prevent young people in employment from falling into rent arrears.

The scarcity of move on accommodation that can be accessed by those who become employed whilst in supported accommodation leads to a build up of arrears which then consequently prevents a young person from moving on, but the need to have employment to access the private rental sector is a frequent catch 22 situation. With more young people to be placed in a supported accommodation provision this issue will increase and move on will become harder.

## Question 16

Our proposals related to children, young people and care experience seek to improve and clarify links between homelessness legislation and the Social Services and Wellbeing Act. Significant policy development is required to assess the practicality of this. What, in your views are the benefits and challenges of our approach and what unintended consequences should we prepare to mitigate?

## Question 17

Do our proposals go far enough to ensure that 16 and 17 year olds who are homeless or at risk of homelessness receive joint support from social services and local housing authorities? What more could be done to strengthen practice and deliver the broader corporate parenting responsibilities?

Yes – more about the effective monitoring of Services working together.

## Question 18

Do you agree or disagree that the Renting Homes (Wales) Act 2016 should be amended to allow 16 and 17 year olds to be able to hold occupation contracts?

In terms of the recommendation that homeless 16-17 yr olds can only be accommodated in supported accommodation (presuming WG mean 24hr supported / step down accommodation), the issue for local authorities will be the potential for a dearth of appropriate supported housing to meet the ongoing need. The numbers presenting will overrun the numbers being resettled into permanent accommodation throughout the year.

A solution to this would be to lower the age for those who can hold occupation contracts to 16 and 17yr olds.

If this were to be considered, depending on the Children's Act status of the child from the referral at the point of the homeless application, we would recommend that the offer of settled accommodation (PRS/RSL) triggers a joint review of the child's support needs and risks where a plan is formulated between Children's Services; HSG Team; and housing provider. Issues around rent guarantees etc. can be discussed here.

## Question 19

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

Access to accommodation

## Question 20

To what extent do you agree or disagree with the short-term proposals to increase the suitability of accommodation? Are there additional immediate actions you believe should be taken for this purpose?

Overall Monmouthshire agrees with the principles of increasing the suitability of accommodation and is working towards the reduction in use of B&B and TA as set out in Monmouthshire's Rapid Rehousing Transition Plan. Realising these goals however is at this time only aspirational. With this in mind we have the below reservations relating to some of the proposals around suitability of accommodation.

- **Location suitability will be an issue in rural county:**

Monmouthshire is a rural county with limited, infrequent public transport which can be costly. Due to limited housing supply Monmouthshire has units of temporary accommodation across the county, including in rural settings. The accommodation team always endeavour to place households in the most suitable accommodation that is available and move households to more appropriate voids as they arise, but this is not always a quick process. Turnover and vacancies in social housing is low, which impacts on move-on to those in temporary accommodation. Should location be considered a point of suitability for temporary accommodation it would undermine efforts to meet statutory duties and could result in an increase in legal challenges, again impacting on operational delivery.

- **Under 25s:**

It is unclear from the White Paper what would constitute 'supported accommodation' for those aged between 18 and 25. If by 'supported accommodation' it is meant a 24-hour supported provision then this is not something Monmouthshire would be able to achieve in the short or medium term. Though there are young person's provisions in the north and south of the county, they total only 20 beds. They are also shared provisions. To meet this proposal Monmouthshire would need significant investment to upscale current provisions. As mentioned in response to chapter 3, there are also concerns around affordability of supported accommodation to young people in or seeking employment.

Alternatively, if 'supported accommodation' for under 25s is meant more broadly to include floating support then Monmouthshire does not have the required self-contained temporary accommodation units to house this age group. It is also unclear why those between the ages of 18 and 25 would be prohibited from shared temporary accommodation, when their local housing allowance in the private rented sector would only be at a shared room rate. Outside of homelessness it is not uncommon for young people of this age group to live in shared houses and HMOs. This measure would create a barrier to moving young people on into the private rented sector where this is a possibility, and thus placing more demand on social housing.

Following the public health measures taken in the wake of Covid-19 Monmouthshire has seen a sharp increase in presentations from single person households, and demand for temporary self-contained accommodation as well as settled is at its highest. These patterns have been replicated across Wales. Monmouthshire does not have the supply to meet the demand for self-contained TA units and will not be able to provide this for all presentations under the age of 25. In trying to achieve this those over the age of 25 would have to be placed in shared to free up the limited self-contained units available, which seems punitive and discriminatory. The shortage in supply would lead to a situation where those who turn 26 in temporary accommodation would be moved into shared accommodation which is not only counterintuitive would also cause the authority in time and money in legal fees to force these transfers under the Renting Homes Act.

- **16–17-year-olds:**

Monmouthshire agrees that 16–17-year-olds should not be accommodated in 'adult-focussed, unsupported temporary accommodation' and strives to place these young people in more suitable temporary accommodation units. Problems arise however when needing to place 16–17-year-olds who have either been evicted from the young persons supported accommodation provision, or who have needs deemed to be too high to place there. In these, albeit infrequent, occurrences the primary concern is to provide a safe environment for the young person regardless of where this could be.

As touched upon previously, there is also the concern around void management at Monmouthshire's young person supported accommodation provision. To meet the proposal the already limited provision will be required to hold at least a void at any given time should a young person aged 16-17 present as homeless.

Whilst at Monmouthshire we support the proposal we feel that there needs to be some allowances for exceptional, limited circumstances.

Monmouthshire does agree with the exemption of households being placed into overcrowded accommodation as a means to prevent entering emergency accommodation. Whilst not an ideal situation the Housing Options Team regularly finds that households presenting as homeless would prefer where possible to temporarily reside with friends and/or relatives to avoid B&B or TA and this can work well where mutually agreed by all parties.

## Question 21

To what extent do you agree or disagree with the proposals around the allocation of social housing and management of housing waiting lists? What do you believe will be the consequences of these proposals?

Monmouthshire agrees that these proposals should remain as 'powers' rather than 'duties' so as these actions can be used if and when required.

- **Additional preference to homeless households:**

Monmouthshire already awards homeless households an additional preference on the housing register, alongside those with urgent housing need and care leavers. There is concern that elevating preference to those who are homeless above those who have urgent housing needs may lead to unintended consequences.

Many households who have urgent housing need could be considered as homeless under legislation. Allocating these households as having an urgent housing need prevents them from presenting as homeless to the authority and requiring temporary accommodation which may not be able to meet their needs. If homeless households and those with urgent housing need were to stay on a level footing it would continue to encourage households to stay put for the interim and have a more planned transition.

- **Removing those without housing need from the housing register:**

The rationale behind removing those without a housing need from the housing register is one that Monmouthshire understands and is broadly supportive of in principle. If homeless households continue to be awarded greater preference for settled accommodation through the housing register, then households in lower bands are unlikely to receive any offers of accommodation in the immediate to medium future. Removing those without housing need would help to manage expectations.

However, with the potential removal of intentionality there would be nothing to stop households who currently do not have a housing need from relinquishing tenancies to obtain an additional preference for social housing. At the time of writing Monmouthshire has 1659 households who do not have a housing need on the housing register. If households are aware that their only option to obtain social housing, or a move to more desirable social housing units (i.e flat to house), is to present as homeless then it seems almost inevitable that the Housing Options team will see presentations skyrocket.

Monmouthshire's housing register also provides the means for households to access schemes such as LCHO who may not be deemed in housing need. So keeping this as a power rather than duty would allow Monmouthshire to keep this process as is needed.

- **Changes to the unacceptable behaviour test:**

MCC is broadly in favour of changes to the unacceptable behaviour test as it should support households being assessed by current risks, and not historical incidents that may no longer be relevant.

- **Deliberate manipulation test:**

The introduction of the 'Deliberate Manipulation Test' seems like a red herring. For this test to only apply at the stage of social housing allocation and not affect any homelessness duty its use would actually be against the interests of the local authority.

Local authorities would still owe housing duties to those who fail the 'Deliberate Manipulation Test' including the duty to accommodate. Private rented accommodation is scarce and expensive and not an option for a significant number of homeless households in Monmouthshire. If access to social housing is then cut off the reality will be that the local authority will have to accommodate households almost indefinitely. When this is the likely alternative it seems unwise for a local authority to use their discretion and remove any reasonable preference.

Question 22

To what extent do you agree or disagree with the proposal for additional housing options for discharge of the main homelessness duty? What do you foresee as the possible consequences (intended or unintended) of this proposal?

If the Housing Options Team started to end homelessness duties into supported accommodation or lodgings then the ability to place into these provisions would diminish. It is unlikely that these accommodation options would be accepted if the consequence is losing a homeless duty, and more importantly, the additional preference for social housing.

If, at the same time, additional preference on the housing register is awarded to those who are homeless this could significantly impact the throughput of supported accommodation. Currently those in supported accommodation keep their homelessness banding to prevent a backlog in the system.

For 16- and 17-year-olds for whom supported accommodation is the only temporary accommodation option, there is concern over who will ultimately have the responsibility for these children if a homelessness duty is ended and a CASP declined.

Question 23

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals in relation to access to housing. Are there any costs and benefits we have not accounted for?

Implementation

Question 24

To what extent do you think the proposals outlined above will support the implementation and enforcement of the proposed reforms?

- ***“We propose to use and extend the existing structures provided through local government scrutiny and social housing regulation in order to monitor homelessness provision and the implementation of the proposed legislative reform.”***
  - MCC is in broad support of this, as this is practice that MCC considers is already in place and well established. MCC factors homelessness into Scrutiny eg monitoring of the Rapid Rehousing Plan and any applicable Cabinet decisions, plus annual service planning and the Community & Corporate Plan and homeless information is used to inform decision making eg. acquiring approvals to lease accommodation. Homelessness is also discussed at the Whole Authority Safeguarding Group. Guidance would be required on this.
  - Monitoring by WG should also include HSG service activity, which needs to be integral to typical homeless indicators.

- MCC would ask that wherever possible existing structures are used rather than introducing new forums.
  - In any aspect of this, Welsh Government needs to have a comprehensive understanding of the situation for each local authority eg challenges, difficulties, available resources etc. For example rural/urban; demography; average income; market prices and rents etc etc
  - MCC is of the view that whilst there is broad support for using and extending existing structures, the requirement should be based on principals, rather than prescriptive guidance.
- ***“We will consider whether it is appropriate to make changes to the Regulatory Standards that apply to Registered Social Landlords to encourage an even greater commitment to ending homelessness and to monitor performance and delivery.”***
    - MCC is very supportive of this proposal. The current regulatory standards are too vague in regard to co-operating in respect of homelessness. RSL’s generally shouldn’t be in a position where they can be selective. WG are asked to note though MCC has minimal issues with any of the local Monmouthshire RSL’s who are all very supportive in respect of homelessness and affordable housing.
    - It is reasonable, however, to expect RSL’s to make the case that they don’t want to set people up to fail and will look to local authorities for the packages of wrap around support. Where there are funding implications that impacts on the provision of wrap around support from a local authority perspective, this is likely to be regarded as a risk by RSL’s. This is currently the case in Monmouthshire due to the lack of HSG.
- ***“We will review and consider whether additional powers for Welsh Ministers are necessary in order to ensure the proposed legislation meets its aims, including possible direction making powers to compel a local authority to meet the requirements within the proposed new legislation. As we develop these proposed reforms our policy intention will be to ensure, should it become clear (via a complaint, stakeholder/service user feedback or through Welsh Government oversight) a local authority is failing to deliver the requirements of the proposed Bill or not delivering a service to the standard we expect, the Welsh Government is able intervene to support and, if necessary, to challenge and direct improvement.”***
    - It is questioned as to whether this is necessary on the basis of other/existing intervention options that are already available if a local authority isn’t performing.
    - Again it’s important that if WG has concerns about a local authorities progress, full context for each local authority should be fully understood by Welsh Government eg challenges, issues etc
    - The role of Relationship Managers is an opportunity in terms of fully understanding local authority progress. At present, Relationship Managers are probably too arms-length at present and would need to become more involved to improve their understanding.
- ***“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.”***

- ***“In line with recommendations by the Homelessness Advisory Group and the recent Ending Homelessness National Advisory Board Annual Report, the Welsh Government will work to improve continuous data collation across the housing and homelessness sector.”***
  - MCC would acknowledge the importance of capturing and using the views of homeless people
  - MCC is broadly supportive of this. Each local authority now has a Relationship Manager. Is there scope to develop and extend this role to increase WG knowledge and understanding, through the respective Relationship Managers? This would help WG to increase their knowledge of local authorities and good practice (and issues and challenges).
  - HSG indicators and outcome should be integral to any homeless data and should align with Rapid Rehousing.
  - The provision of homeless information to WG at present is already quite comprehensive and resource intensive to provide. Therefore, WG is respectfully asked to be mindful of this and be clear about the purpose and use of collecting such data. It's important that lessons are learnt from the data that local authorities were requested to collect in respect of the Rapid Re-Housing toolkit. WG also needs to be mindful of the practical collation implications for local authorities eg IT systems may need to be changed, which is likely to come at a cost.
  
- ***“We also propose the creation of a power by which the Welsh Government could ‘call-in’ data collected by a local housing authority when undertaking its homelessness functions.”***
  - MCC is broadly supportive of this proposal. Although it's important that the mechanism/rationale for this is understood and the reasons for a ‘call-in’ of data.
  - Again, there is a potential role for Relationship Managers to have a better and more detailed overview and understanding of local authority data. At present it's probably too light-touch. If this the role was sophisticated enough it would help negate the need for a call-in.

## Question 25

What other levers/functions/mechanisms could be used to hold local housing authorities and other public bodies accountable for their role in achieving homelessness prevention?

- The use of a structured national self-assessment framework may provide a mechanism. The guidance for which could/should require all relevant public bodies to participate in.
- Review and strengthen the role of Relationship Managers in the context of greater collaboration and mutual support and a means for Welsh Government to better understand each local authorities.
- Build homelessness into RSL self-assessment.

## Question 26

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

- The key challenge for Monmouthshire is insufficient HSG funding. There continues to be significant capacity issues in the MCC programme. Inflation has seen the need to increase staff pay, though still relatively low, alongside core service costs increasing. With HSG funding at a level that is unable to sustain the increase to current provision costs there is a strong possibility that this could lead to decommissioning of services.
- Capacity is compounded by recruitment issues with support providers and inexperienced staff coming in. This is attributed to the comparatively low wages for the sector. Even with some recent increases, the current cost of living crisis paints the sector as a less favourable employment route.
- There is a need to continue to improve standards of some temporary accommodation, particularly private sector accommodation that is utilised.
- Market rents in Monmouthshire are a challenge in terms of local authority leasing.
- On-going and short to medium term reliance on security/concierge until such time fit for purpose supported housing is in place or need is successfully tackled.

## Question 27

What, in your opinion, would be the likely effects of the proposed reforms in this White Paper on the Welsh language? We are particularly interested in any likely effects on opportunities to use the Welsh language and on not treating the Welsh language less favourably than English.

- Do you think that there are opportunities to promote any positive effects?
- Do you think that there are opportunities to mitigate any adverse effects?

- Continue to utilise opportunities to promote written language eg signage, service user information, website information etc.
- Continuing to encourage staff of any agency to learn Welsh.
- Are there particular opportunities in homeless/support hub settings where Welsh language could be more widely used.
- Could Welsh Language be built into employment and skills offerings via support providers?
  
- MCC doesn't consider there should be any adverse effects.

## Question 28

We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:



Organisation (if applicable):

Monmouthshire County Council

Number: WG48223



Welsh Government  
Consultation response form

## Consultation on the White Paper on Ending Homelessness in Wales

Date of issue: 10 October 2023

Action required: Responses by 16 January 2024

**OGL** © Crown copyright 2023

Mae'r ddogfen hon ar gael yn Gymraeg hefyd / This document is also available in Welsh

Rydym yn croesawu gohebiaeth a galwadau ffôn yn Gymraeg / We welcome correspondence and telephone calls in Welsh

## Overview

This White Paper sets out a range of proposals for changes to policy and the law, to end homelessness in Wales.

## How to respond

Please respond by completing the online form or completing this questionnaire and sending it to [HomelessnessLegislationReform@gov.wales](mailto:HomelessnessLegislationReform@gov.wales)

If you intend to respond in writing, please send completed forms to:

Homelessness Prevention Legislation Team  
Welsh Government  
Cathays Park  
Cardiff  
CF10 3NQ

When you reply, it would be useful if you confirm whether you are replying as an individual or submitting an official response on behalf of an organisation and include:

- your name
- your position (if applicable), and
- the name of organisation (if applicable).

## Further information and related documents

Large print, Braille and alternative language versions of this document are available on request.

## Data Protection

The Welsh Government will be data controller for any personal data you provide as part of your response to the consultation. Welsh Ministers have statutory powers they will rely on to process this personal data which will enable them to make informed decisions about how they exercise their public functions. Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about or planning future consultations. Where the Welsh Government undertakes further analysis of consultation responses then this work may be commissioned to be carried out by an accredited third party (e.g., a research organisation or a consultancy company). Any such work will only be undertaken under contract. Welsh Government's standard terms and conditions for such contracts set out strict requirements for the processing and safekeeping of personal data.

In order to show that the consultation was carried out properly, the Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. If you do not want your name or address published, please tell us this in writing when you send your response. We will then redact them before publishing.

You should also be aware of our responsibilities under Freedom of Information legislation.

If your details are published as part of the consultation response then these published reports will be retained indefinitely. Any of your data held otherwise by Welsh Government will be kept for no more than 3 years.

## Confidentiality

Responses to consultations may be made public on the internet or in a report.

**If you would prefer your response to remain anonymous, please tick here:**

# Reform of the existing core homelessness legislation

## Neath Port Talbot County Borough Council's Response to the "Ending Homelessness in Wales" – White Paper consultation.

Neath Port Talbot County Borough Council (NPTCBC) welcomes the opportunity to respond to the White Paper Consultation on proposals for action.

The proposal document is comprehensive, which is positive, however, will be difficult to achieve with diminishing resources and cuts to vital funding streams.

We are in the process of already identifying potential saving strategies across the board to offset increasing pressures on budgetary reductions and the increasing number of homelessness presentations. If proposals are supported and legislatively introduced, it will not be possible to maintain good quality existing frontline services without the right funding and support as any new requirements will only increase the pressure we currently are facing. Implementation of new requirements without sufficient funding will not only impact on the Councils ability to deliver the expected new measures but will impact on the Councils ability to deliver its wider functions.

### Question 1

Do you agree these proposals will lead to increased prevention and relief of homelessness?

Yes/no

### Question 2

What are your reasons for this?

We welcome the proposals in the white paper and the Welsh Government's ambition to end homelessness in Wales, and if not prevented, to make it rear, brief and unrepeated. The focus on a more collective public service approach with core teams across public services working together is supported as is the focus on greater partnership working with better access to referral mechanisms and the proposals to include additional groups to the list of exemptions in terms of connections to communities, particularly the inclusion of veterans.

However, we have concerns around the ability to deliver these proposals. Neath Port Talbot like many local authority areas have suffered many years of affordable housing decline. Whilst we acknowledge the Welsh Government commitment to increase the amount of money spent on social housing and to build 20,000 low carbon homes, Neath Port Talbot are experiencing a housing crisis now. Whilst the end to the right to buy in Wales has helped stem the decrease in social housing provisions, the scale of new

developments is not meeting the existing demands and the private rented sector, once a realistic housing option in the area, has all but collapsed, even with the introduction of the Private Rented Leasing Scheme Wales.

We would welcome a fundamental rethink of policy to consider the source of homelessness, we believe building more affordable housing will not address the crisis alone.

### Question 3

Are there additional legislative proposals you think we should consider to improve the prevention and relief of homelessness?

We would like consideration for a list of supported accommodation categories, this to recognise the wide range of support requirements, such as those with multiple complex needs such as learning difficulties and substance misuse. We would also welcome more statutory duties on other support services such as those that support prison leavers and health services. We would also welcome policy movements to align more closely with social services and wellbeing act, to ensure a more holistic approach and not only focusing on the housing element of a persons need and for the focus to be on enabling people to achieve their identified outcomes.

We believe a more joined up approach would reduce the number of people that filter through to homelessness services, “fall through the gap” with often complex needs, more of a connection with key services will ensure more appropriate, timely support can be delivered.

We would therefore welcome more duties placed on Health Boards in terms of meeting the wider health, including mental health and substance use, of those that present with complex needs. There is a lack of specific health services for homeless people and Health services are key to successful housing first delivery.

There is a need to consider policies to ensure that available social housing is prioritised to those that are homeless as there are limited powers Councils have to ensure social housing is provided to those at highest need.

There is also a need to consider the role planning policy plays in developing affordable housing and the barriers developers face due to current planning demands.

### Question 4

Do you agree with our proposal to abolish the priority need test?

Yes/no

Whilst we acknowledge the test in reality has already been removed, the impact has been significant. We are already operating at a £1.5 million overspend and have seen drastic increases in numbers since the no one left out approach, from 40 clients to 220. As an authority we are already drawing on reserves to fund the increased costs associated with temporary accommodation and we have concerns this will consequently impact on the authority’s ability to provide other key services.

In addition to excessive financial demands, we have concerns that without the test, everyone is by definition a priority. Those with more complex needs and those with

limited financial abilities will be pushed aside and those with no such issues with the same priority.

## Question 5

Do you agree with our proposal to abolish the Intentionality test?

Yes/no

Unfortunately, an increasing number of clients do not adhere to rules that are in place to protect them, the wider communities and those that support them. Behaviours often escalate without intervention opportunities, which places staff, neighbours and other residents at risk. We recognise that clients often have vulnerabilities, however, if appropriate support is provided and support needs met, and there is still no positive change in behaviours, we need to be able to hold the person to account for their actions. Many other services withdraw support with such issues; however, if we are unable to do this, it will have a detrimental impact on resources and staff well-being as well as wider community safety and safety of others utilising a service.

Whilst we do not use the intentionality test without significant reason and only infrequently, it can be a positive tool to enhance engagement opportunities and have modify poor behaviours.

Removing this would place a high level of risk with LAs and will disenable people as they will have no incentive to make positive changes to their lives and manage their behaviours.

We acknowledge homelessness is devastating, dangerous and isolating. However, with the increased housing demand pressures across the board it has become more challenging to provide homelessness support and prevention services. As we emerge from the pandemic, the waiting list for social housing in Neath Port Talbot have significantly increased and demand for temporary accommodation is at an all-time high. We believe that the legislative framework within homelessness within which we work is essential to enable us to deliver homelessness services and the proposals around removing legislative powers such as the intentionality test causes concern. We endeavour to provide excellent services to those who are homeless or face homelessness, however, even with reasonable support provided, some clients do not engage or take steps to support themselves through the process. We experience clients wishing to remain within the temporary accommodation service, whilst being able to move on. Without powers to discharge duties, for example, clients refusing reasonable offers of accommodation, we are unable to consider discharging our duties and therefore create a normalised temporary accommodation model. Whilst we work diligently to help clients resolve their homelessness situation, without tools to promote engagement or reasonable positive outcome options, we will be unable to meet the aims to make homelessness rare, brief and unrepeatable.

## Question 6

Do you agree with our proposal to keep the local connection test but add additional groups of people to the list of exemptions to allow for non-familial connections with communities and to better take account of the reasons why someone is unable to return to their home authority.

We welcome the aim to move towards a person-centred approach. We agree with the proposals and the suggested additions to the list of exemptions. We would however welcome guidelines around the priority groups such as prison leavers and those under 25. However, we have concerns that removing the local connection test would impact negatively, we believe this is needed to be completed at the initial assessment stage and understood by the client. We also believe that out of the 3 tests, the local connection test is the most inconsistently applied and we would welcome a more consistent approach to this. We currently receive many referrals from other local authority areas which we believe are unreasonable, such as other local authorities advising clients to come to Neath Port Talbot as they have no available interim accommodation. Such inconsistencies cause frictions between local authority areas and has negative impacts on the person.

## 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?

Removing the intentionality test would undoubtable negatively impact on an already worrying financial position. We are already operating at a £1.5 million overspend with temporary accommodation and we predict this will continue to increase over time without intervention or policy protection. In October 2022, Neath Port Talbot agreed an ambitious Rapid Rehousing Plan, which we feel if we are able to deliver will transform the current baseline homelessness position, however, additional legislative changes will impact negatively on our ability to do so if not properly resourced and introduced in a managed way.

## The role of the Welsh Public Service in preventing homelessness

### Question 8

Do you agree with the proposals to apply a duty to identify, refer and co-operate on a set of relevant bodies in order to prevent homelessness?

Yes/no

Please give your reasons



We agree in principle as the proposals will ensure that there is a more holistic approach taken to managing homelessness more effectively and efficiently, ensuring key services work together collaboratively at an early stage to prevent homelessness or if not possible, to work to ensure suitable accommodation is identified, ideally settled accommodation but if this is not achieved, suitable, good conditioned temporary accommodation. We hope the proposals can ensure engagement with support services built into the PHP are meaningful but can be delivered.

We also support the need for a comprehensive training programme to support colleagues in implementing and therefore delivering any changes – such training will need to take into the practical side of the delivery and impacts on resources.

### Question 9

Do you agree with the proposed relevant bodies, to which the duties to identify, refer and co-operate would apply? Would you add or remove any services from the list?

We agree with the list of proposed bodies but would like to include education, council tax, and environmental health services.

### Question 10

In your view have we struck the right balance between legislative requirements and operational practice, particularly in relation to health?

Yes, we believe the balance is almost there. We would like to see a greater emphasis on mental health issues and dual diagnosis and for these to become more aligned to those with physical disabilities. We would welcome a clear framework supporting any proposed changes as they could be very broad, such as under Rapid Rehousing, working towards a more person-centred approach, need holistic approach to this and work with specific client groups such as elderly clients with complex need, all too often there are limited housing opportunities for this group and costly care home options are considered.

### Question 11

What practical measures will need to be in place for the proposed duties to identify, refer and co-operate to work effectively? Please consider learning and development needs, resources, staffing, location and culture.

The move to a wider public service approach will require additional training and guidance to ensure there is a consistent approach from all stakeholders and to ensure that there is clear understanding of roles and responsibilities. We also believe that considerable changes are needed to develop a more positive, connected culture between public services, not only in relation to training but responsibilities and accountabilities. An increase in resources would provide more of a cross service working partnership and create more operational awareness between services.

## Question 12

In addition to the broad duties to identify, refer and co-operate, this chapter contains proposals to provide enhanced case co-ordination for those with multiple and complex needs. To what extent will the proposals assist in preventing homelessness amongst this group?

We welcome this proposal as individuals with complex needs require access to services to help them to achieve their daily living outcomes in order to maintain their accommodation. The aim to expand this to a wider public service responsibility is fully supported as we have concerns in regard to maintaining current levels of service provisions for support those with complex needs.

A more holistic approach and person-centred design would improve options to assist clients and ensure there is appropriate time and opportunities to build trust and relationships but also to ensure there is an understanding of which service is best placed to take the lead for the person and to ensure there are no duplications with the support provided.

## Question 13

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

The current proposals are too high level for us to appropriately assess the cost impact, but we know that 'no one left out' and changes to 'Rent Smart Wales' has directly led to our current overspend position of £1.5 million a year. We would welcome a commitment to meaningfully work with Councils to better understand the detail of the proposals and the financial impact and that the financial burden of these proposed changes do not fall to LAs as we are not in a position to absorb any further costs.

It should be recognised in your impact assessment that any additional funding LAs need to find from their existing budgets will have wider community impacts, for example the need to raise Council Tax, no longer delivering non-statutory and preventative services and impacts on waiting times for non-critical services such as – for example - potholes and waste collection.

# Targeted proposals to prevent homelessness for those disproportionately affected

## Question 14

Are there other groups of people, not captured within this section, which you believe to be disproportionately impacted by homelessness and in need of additional targeted activity to prevent and relieve this homelessness (please provide evidence to support your views)?

We recognise there are gaps and extreme existing pressures on all services, and we acknowledge social services and homelessness/housing services are different entities. However, we are in the process of structurally re-aligning the services to connect them and pull together the expertise, experience and professionalism they provide, both strategically and operationally.

Whilst we believe the list captured is comprehensive, we would like an emphasis on elderly clients, like many local authority areas, NPT has an aging population, and some have complex needs to the usual older persons accommodation which cannot accommodate them. In addition, with the costs of care homes, there needs to be more cost-effective options whereby such clients are homed within communities with support put into their homes, some maybe supported or further enhancing extra care options. There are also people subject to a S117 arraignment that could be supported outside of a care home or hospital if there were the right supported accommodation options.

## Question 15

What additional legislative or policy actions could be taken to prevent or relieve homelessness for the groups captured by this White Paper?

We would welcome a clear code of guidance for all the proposals which are accepted, this includes defined roles of the local authority services and how is responsible and accountable for the actions and support.

## Question 16

Our proposals related to children, young people and care experience seek to improve and clarify links between homelessness legislation and the Social Services and Wellbeing Act. Significant policy development is required to assess the practicality of this. What, in your views are the benefits and challenges of our approach and what unintended consequences should we prepare to mitigate?

We would welcome a process whereby the expert lead service has the professional lead and supporting services provide the support, this will require trust but more cross section working, honest discussions and service awareness will help with this. This would enable a clear line of transparency with all services involved and accountability. If the process can become more person centred it would not only improve the service for the person but improve efficiencies across the services, removing duplications and waste work.

We do have concerns around the supply of suitable affordable accommodation and with additional legislation changes, how will our already stretched resources be able to support such clients.

## Question 17

Do our proposals go far enough to ensure that 16 and 17 year olds who are homeless or at risk of homelessness receive joint support from social services and local housing authorities? What more could be done to strengthen practice and deliver the broader corporate parenting responsibilities?

Whilst we agree with the proposals in principle, we would welcome clear guidelines and codes in place and ensure there is “buy in” from senior management across the sector and support services. The process of a person moving from a child to adult services needs to be a smooth as transition as possible to ensure there is minimal disruption for the person, even more so with those with complex needs. However, it must be acknowledged that there is ever increasing pressures on service provision and a collective approach legislatively would be welcomed. We would welcome there being cross sector involvement and co-design to ensure pressures do not only fall on the local authority. We do believe we have good working relationships with colleagues within the social services service and as such we work collaboratively to try and meet the needs of the young person, we have commissioned a consultant to carry out a gap analysis and to also develop an action plan to strengthen our work.

We also operate a zero tolerance on the use of B&B/hotel temporary accommodation for 16-and 17-year-olds. However, we do have reservations around the mandating that all have to have support accommodation. We do not believe this approach fits into the person-centred concept, for example, there are such clients that we part of a newly formed family and require their own home.

We have taken steps to strengthen collaboration opportunities between services and the Head of Housing is working closely with the designated lead for Youth Homelessness in Children and Young People Service to review and identify any deficits and transitioning models utilised within the services, and by sharing both a strategic group and a crisis move on bed group, to ensure that wherever possible gaps are bridged. A consultant has recently been appointed to ensure that the action plan can drive through on the Youth Homelessness agenda. Through this workplan it is anticipated that any issues or practice anomalies will be identified, the work strengthened, and lessons learned will be taken through a multi-agency review forum.

## Question 18

Do you agree or disagree that the Renting Homes (Wales) Act 2016 should be amended to allow 16 and 17 year olds to be able to hold occupation contracts?

We do not agree with this proposal. We have significant concerns around the potential to set young people up to fail. Such tenancy failure at this young age could be devastating consequences further down the future housing life. We believe this would be too much responsibility on the young person who in reality is still a child and other options should be considered.

## Question 19

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

The response to this is the same as Q13. An additional point is a need to understand the current CYP landscape in terms of the available support models and if these proposals may have an impact on the current challenges with finding foster placements and reducing care home placements across Wales.

## Access to accommodation

## Question 20

To what extent do you agree or disagree with the short-term proposals to increase the suitability of accommodation? Are there additional immediate actions you believe should be taken for this purpose?

Whilst we do not disagree with the proposal and they would suggest an increase in the availability of affordable housing, we have concerns around the practicality, current demands on affordable housing are unmanageable and NPT has a waiting list of over 4000 people. We would require additional resources to stimulate strategic development opportunities.

We believe that increasing accommodation alone will not positively manage the housing crisis and more work is needed to consider the source of the homelessness causes. Homelessness is not just about a loss of a home, it is a result of other wider issues within society and these need to be addressed, homelessness prevention needs to include addressing the reasons why people are put at risk of becoming homeless.

Alongside this there is a need to consider the challenges in building affordable housing in line with population needs, for example planning policy. Also the current timescales for drawing down capital funding is challenging given the difficulties developers are facing.

## Question 21

To what extent do you agree or disagree with the proposals around the allocation of social housing and management of housing waiting lists? What do you believe will be the consequences of these proposals?

We consider the proposals to be positive as more homelessness clients should have priority and more regulations will be in place for RSLs. Whilst we have good working relations with RSLs within the area, we do have concerns that often homelessness clients are “cherry picked” and those more vulnerable, often financially are overlooked. We acknowledge that the longer the person is having prolonged periods within the temporary accommodation facilities, the more difficult it becomes to support the transition to settled accommodation.

As we are not a stock holding authority and do not administer the housing register, we feel more control would be given back to us. However, we also identify with more responsibilities, will result in the need for additional resource to manage them.

There is simply not enough affordable, social housing to meet the demands of those on the housing register.

## Question 22

To what extent do you agree or disagree with the proposal for additional housing options for discharge of the main homelessness duty? What do you foresee as the possible consequences (intended or unintended) of this proposal?

We agree with the proposals, however, we have concerns this will result in an increase in challenges and appeals and probable abuse of officers which has already increased since Covid. As detailed repeatedly throughout our response, additional pressure on the service will have a negative impact on staff but also reduce our ability to offer an excellent front-line service which we believe we do.

## Question 23

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals in relation to access to housing. Are there any costs and benefits we have not accounted for?

As per response to question 13

The current proposals are too high level for us to appropriately assess the cost impact, but we know that ‘no one left out’ and changes to ‘Rent Smart Wales’ has directly led to our current overspend position of £1.5 million a year. We would welcome a commitment to meaningfully work with Councils to better understand the detail of the proposals and the financial impact and that the financial burden of these proposed changes do not fall to LAs as we are not in a position to absorb any further costs.

It should be recognised in your impact assessment that any additional funding LAs need to find from their existing budgets will have wider community impacts, for example the need

to raise Council Tax, no longer delivering non-statutory and preventative services and impacts on waiting times for non-critical services such as potholes and waste collection.

## Implementation

### Question 24

To what extent do you think the proposals outlined above will support the implementation and enforcement of the proposed reforms?

We believe the proposals set out within the White Paper are ambitious and whilst we agree with many, we are currently in a housing crisis in Neath Port Talbot with high numbers of people, including families in temporary accommodation. We have an equally ambitious Rapid Rehousing Transition Plan currently being implemented which has already put additional pressures on the service, whilst we acknowledge the funding of a project coordinator, we believe our transitional plan, which is brave, requires a realignment of existing resources which itself adds pressures. We are mindful of what the approach to implement legislative changes with the White Paper will be, and how will they interact with other priorities recently placed on local authorities. We do however welcome a more collaborative and connected approach to reducing homelessness and would like to see more overall local area responsibilities, rather than just on housing/homelessness teams.

### Question 25

What other levers/functions/mechanisms could be used to hold local housing authorities and other public bodies accountable for their role in achieving homelessness prevention?

Regular review of the development and delivery of the homeless strategy with evidence of a pro-active, co-operation from all public services within the local authority, voluntary organisations, registered social landlords and other private registered housing and service providers.

The continuous review will enable opportunities to objectively consider what's working well, what needs to be better and what should be a priority when tackling homelessness.

To ensure homelessness strategy action plans are detailed, have quantifiable outputs and show how actions will be attained and to include practical information about who will be involved in taking actions forward along with deadlines for completing activities.

We believe we have a clear housing and homelessness strategy in place, whilst it is ambitious, it aligns with our Rapid Rehousing Plan.

### Question 26

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

As per response to question 13

The current proposals are too high level for us to appropriately assess the cost impact, but we know that ‘no one left out’ and changes to ‘Rent Smart Wales’ has directly led to our current overspend position of £1.5 million a year. We would welcome a commitment to meaningfully work with Councils to better understand the detail of the proposals and the financial impact and that the financial burden of these proposed changes do not fall to LAs as we are not in a position to absorb any further costs.

It should be recognised in your impact assessment that any additional funding LAs need to find from their existing budgets will have wider community impacts, for example the need to raise Council Tax, no longer delivering non-statutory and preventative services and impacts on waiting times for non-critical services such as potholes and waste collection.

### Question 27

What, in your opinion, would be the likely effects of the proposed reforms in this White Paper on the Welsh language? We are particularly interested in any likely effects on opportunities to use the Welsh language and on not treating the Welsh language less favourably than English.

- Do you think that there are opportunities to promote any positive effects?
- Do you think that there are opportunities to mitigate any adverse effects?

The ability to have access to information in Welsh will help reduce stress and anxiety of those who need support to navigate the processes involved.

### Question 28

We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

We acknowledge that the ambition of the proposals set out within the White Paper consultation document and welcome the opportunities to develop a more collaborative and connect togetherness approach to ending homelessness in NPT, or ensuring it is brief, rare, unrepeated.

We have concerns as detailed above, mainly around impacts on an already exhausted service, the additional pressures and challenges potential legislative changes may bring and limited supply of affordable, decent housing in the NPT set out a difficult period of transition for us. In addition, recent budgetary impacts are still being digested, however,



there seems to be greater expectations placed on us with no additional resources and funding.

We would welcome a phased base approach to any legislative changes with a clear support framework supporting them, strategically but also for operational duties. existing services, provide effective support to those who need it and create a long-term sustainable approach to reducing homelessness.

Overall, the proposals feel too paternalistic and there is a concern that it will be disempowering to those that require support. We feel that the approach should be more in line with the Social Services and Wellbeing Act in which the responsibility on the Council is to enable people to achieve the outcomes that matter to them, with the person remaining responsible for achieving their housing outcomes. Furthermore, there is concern that the proposals places too many expectations on the Council and that there needs to be a better balance between a person's 'needs' and a person's 'preferences'. It is also felt that the impact of these proposals have not fully considered wider public sector duties, for example community safety and community cohesion.

The impact of these proposals also need more consideration of other policies that may place additional housing pressures on communities for example MoJ and Home Office.

Organisation (if applicable):

Neath Port Talbot County Borough Council

**Number: WG48223**



Welsh Government  
Consultation response form

## Consultation on the White Paper on Ending Homelessness in Wales

Date of issue: 10 October 2023

Action required: Responses by 16 January 2024

© Crown copyright 2023

Mae'r ddogfen hon ar gael yn Gymraeg hefyd / This document is also available in Welsh

Rydym yn croesawu gohebiaeth a galwadau ffôn yn Gymraeg / We welcome correspondence and telephone calls in Welsh

## Overview

This White Paper sets out a range of proposals for changes to policy and the law, to end homelessness in Wales.

## How to respond

Please respond by completing the online form or completing this questionnaire and sending it to [HomelessnessLegislationReform@gov.wales](mailto:HomelessnessLegislationReform@gov.wales)

If you intend to respond in writing, please send completed forms to:

Homelessness Prevention Legislation Team

Welsh Government

Cathays Park

Cardiff

CF10 3NQ

When you reply, it would be useful if you confirm whether you are replying as an individual or submitting an official response on behalf of an organisation and include:

- your name
- your position (if applicable), and
- the name of organisation (if applicable).

## Further information and related documents

Large print, Braille and alternative language versions of this document are available on request.

## Data Protection

The Welsh Government will be data controller for any personal data you provide as part of your response to the consultation. Welsh Ministers have statutory powers they will rely on to process this personal data which will enable them to make informed decisions about how they exercise their public functions. Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about or planning future consultations. Where the Welsh Government undertakes further analysis of consultation responses then this work may be commissioned to be carried out by an accredited third party (e.g., a research organisation or a consultancy company). Any such work will only be undertaken under contract. Welsh Government's standard terms and conditions for such contracts set out strict requirements for the processing and safekeeping of personal data.

In order to show that the consultation was carried out properly, the Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. If you do not want your name or address published, please tell us this in writing when you send your response. We will then redact them before publishing. You should also be aware of our responsibilities under Freedom of Information legislation.

If your details are published as part of the consultation response then these published reports will be retained indefinitely. Any of your data held otherwise by Welsh Government will be kept for no more than 3 years.

## Confidentiality

Responses to consultations may be made public on the internet or in a report.

**If you would prefer your response to remain anonymous, please tick here:**

Reform of the existing core homelessness legislation

Question 1

Do you agree these proposals will lead to increased prevention and relief of homelessness?

Yes/no

Yes

Question 2

What are your reasons for this?

Due to the person centred, trauma informed approach to managing each case. We recognise that homelessness and causes of homelessness cannot be resolved just by housing part of local authority – social services play a key role so welcome their inclusion.

There are challenges on this happening in our LA area, including cuts to social services, they are in draft budget consultation and are proposing not filling vacant social worker posts, also not filling youth worker post in YOT – although they have had a higher settlement than most they still need to find £5m in savings

Introduction of Personal Housing Plan and its review programme

Mandatory Duty to identify, refer and cooperate.

Question 3

Are there additional legislative proposals you think we should consider to improve the prevention and relief of homelessness?

Planning – urgent review of the planning legislation – the current process is too slow and can hang in the balance of a single planning officer. Schemes are being delayed, not being delivered in a timely manner and at an alarmingly increased cost due to repeated planning delays. The Planning departments need to buy in

Bedroom Tax – due to the shortage of accommodation – review or introduce a scheme of exceptions to allow 1 bedroom more than required at the discretion of the RSL. Permit RSL to effectively manage their stock. Bedroom tax is very costly for everyone – the customer who can't afford the tax and the RSL in voids costs when have to move the customer to smaller accommodation. Constantly moving existing customers (whose family makeup changes over time) to smaller accommodation is limiting access and supply of the smaller units.

#### Question 4

Do you agree with our proposal to abolish the priority need test?

Yes/no

Yes overtime – some are currently excluded due to the test. Each customer should be assessed based on their current circumstances whether they need statutory support – situation, history, health, income, risk etc. If accepted supported by the Personal Housing Plan.

Risk is unintended consequences – false statements – LA will need some form of tight framework to work within

#### Question 5

Do you agree with our proposal to abolish the Intentionality test?

Yes/no

Yes – same reasons as above

#### Question 6

Do you agree with our proposal to keep the local connection test but add additional groups of people to the list of exemptions to allow for non-familial connections with communities and to better take account of the reasons why someone is unable to return to their home authority.

Yes

### Question 7

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

Staffing resources in LA – development of Personal Housing Plan and its review timescale – this could / would be an additional task that could be time consuming for LA colleagues , at the same time a our LA are facing £5m shortfall and propose savings in preventative services

### The role of the Welsh Public Service in preventing homelessness

#### Question 8

Do you agree with the proposals to apply a duty to identify, refer and co-operate on a set of relevant bodies in order to prevent homelessness?

Yes/no

Please give your reasons

Yes - this duty is severely lacking currently and RSL are very often left to proceed with formalised notices, injunctions and court proceedings before any statutory support or assistance is given. This is not prevention – bodies only step in at crisis point when it is often too late.

#### Question 9

Do you agree with the proposed relevant bodies, to which the duties to identify, refer and co-operate would apply? Would you add or remove any services from the list?

Yes

A multi-agency homeless case review panel needs to be mandatory in each LA area. Referrals to be made in at the prevention stage and not at crisis point.

Agree PRS should have a duty to report all notices served to LA – this should be a requirements under Rent Smart Wales.

#### Question 10

In your view have we struck the right balance between legislative requirements and operational practice, particularly in relation to health?

Agree to a statutory case coordination approach

### Question 11

What practical measures will need to be in place for the proposed duties to identify, refer and co-operate to work effectively? Please consider learning and development needs, resources, staffing, location and culture.

Training - Understanding of each other roles & powers  
Consent to share arrangements similar to MAPPA / MARAC  
Commitment agreements / Local written agreements  
Resources – the proposal is being introduced at the same time as cuts to police services such as welfare checks.

### Question 12

In addition to the broad duties to identify, refer and co-operate, this chapter contains proposals to provide enhanced case co-ordination for those with multiple and complex needs. To what extent will the proposals assist in preventing homelessness amongst this group?

Agree complex case coordination - This is urgently required

### Question 13

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

Staffing resources

Targeted proposals to prevent homelessness for those disproportionately affected

### Question 14

Are there other groups of people, not captured within this section, which you believe to be disproportionately impacted by homelessness and in need of additional targeted activity to prevent and relieve this homelessness (please provide evidence to support your views)?

Not that can think of

### Question 15

What additional legislative or policy actions could be taken to prevent or relieve homelessness for the groups captured by this White Paper?

### Question 16

Our proposals related to children, young people and care experience seek to improve and clarify links between homelessness legislation and the Social Services and Wellbeing Act. Significant policy development is required to assess the practicality of

this. What, in your views are the benefits and challenges of our approach and what unintended consequences should we prepare to mitigate?

Question 17

Do our proposals go far enough to ensure that 16 and 17 year olds who are homeless or at risk of homelessness receive joint support from social services and local housing authorities? What more could be done to strengthen practice and deliver the broader corporate parenting responsibilities?

Question 18

Do you agree or disagree that the Renting Homes (Wales) Act 2016 should be amended to allow 16 and 17 year olds to be able to hold occupation contracts?

Disagree – unless the parent/guarding acts as the guarantor and if not the LA is mandated to be their guarantor to fulfil that role

Question 19

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

Access to accommodation

Question 20

To what extent do you agree or disagree with the short-term proposals to increase the suitability of accommodation? Are there additional immediate actions you believe should be taken for this purpose?

Agree – but give LA or those who manage Common Housing Registers the flexibility, in agreement with housing providers to adjust banding quotas as required to accommodate a high % of homeless applicants if necessary due to demand.

The immediacy is support / resources for LA housing teams to effectively manage their waiting list and systems – there are massive backlogs in processing applications. So in reality what is the housing need in a local area? We don't know.  
  
Some homeless individuals/families are working but are struggling to secure social rented accommodation. There needs to be a simpler way to manage intermediate rental properties – the current CHR systems do not work for intermediates.

Question 21



To what extent do you agree or disagree with the proposals around the allocation of social housing and management of housing waiting lists? What do you believe will be the consequences of these proposals?

Housing waiting lists are very long and out of date. We don't know what the current demand is. In addition to homeless applicants there are many other households in housing need who are unable to access private market rent (due to unaffordability) nor are able to secure a mortgage.

It is important that this legislation does not have unintended consequences and only allocations to homeless cases occur. Landlords need to be able to create sustainable tenancies and thriving communities so a balanced approach must still be delivered.

To deliver this RSL must be able to match dwellings to the specific needs of applicants and to also ensure the right allocation for the community is made to maintain community cohesion.

We strongly oppose the proposal that enables LA to mandate allocations. The common housing register approach is a partnership and the unintended consequence would be a barrier between both organisations. LA / RSL have great working partnerships currently and we all want to do the right thing. The main problem is lack of accommodation, out of date waiting lists, lack of resource in the LA to manage the volume, inflexibility of LA governance routes to make changes to processes within LA even though CHR are partnerships. Let the professionals do the right thing.

What constitutes an 'unreasonable refusal' and 'specified circumstances'? Some allocation decisions are challenged now as are some referrals/nominations and this takes some considerable time and resource to iron out – adding in mandatory would be very resource intensive and 'big brother'. Only reason a LA would refuse would be the applicant doesn't meet the criteria for the property or there are community tension issues or something known about the individual that means they are best not placed in that unit of accommodation. This is not the RSL refusing to allocate its just to not that property as the RSL knows the community best.

RSL need to be able to continue to support and manage their own stock effectively with its existing customers: for example, managed moves using their own internal policies and processes ie: transferring domestic abuse survivors, downsizing to release houses, transfer on health ground to more suitable accommodation, transferring to prevent legal action – eviction. Without the need for LA approval.

Proposal to remove applicants from the waiting list – someone's circumstances can change at any time. Someone will have applied for a reason – rather than remove from the list– have a flexible approach where an applicant who is not in need at a particular moment in time is placed in a 'holding/ pending' status or the applicant can place themselves on hold (not going to be bidding at this time).

Question 22

To what extent do you agree or disagree with the proposal for additional housing options for discharge of the main homelessness duty? What do you foresee as the possible consequences (intended or unintended) of this proposal?

Agree  
As detailed already – a review of how intermediate rentals are marketed and allocated by RSL. CHR does not work. LA can discharge duties into Intermediate units if available and customers have the means to pay the affordable intermediate market rental.

Question 23

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals in relation to access to housing. Are there any costs and benefits we have not accounted for?

Staffing Resources in LA to manage waiting lists

Implementation

Question 24

To what extent do you think the proposals outlined above will support the implementation and enforcement of the proposed reforms?

The current data is not accurate so be cautious when reviewing numbers on waiting lists. My LA area have an 18 month – 2 year backlog of housing applications to process. What is the real situation. Are we even housing the right people now???

RSL are reliant on LA who manage the CHR to deliver. If they are not up to date the RSL can only allocate accommodation to those who bid and to the quotas on the banding systems set by the LA. Is this flawed? Could we be doing better now?

Many RSL do allocate a large % of homeless cases, but remember the stock has to be available that meets the needs of the homeless applicants coming through. Some RSL might not have the specific stock required.

We revert back to the new build programme and the need for a faster, leaner and a more supportive planning process to get schemes moving and built.

Question 25

What other levers/functions/mechanisms could be used to hold local housing authorities and other public bodies accountable for their role in achieving homelessness prevention?

Data – quarterly returns  
Publicity

Question 26

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

Question 27

What, in your opinion, would be the likely effects of the proposed reforms in this White Paper on the Welsh language? We are particularly interested in any likely effects on opportunities to use the Welsh language and on not treating the Welsh language less favourably than English.

- Do you think that there are opportunities to promote any positive effects?
- Do you think that there are opportunities to mitigate any adverse effects?

Question 28

We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

We support the survey submission by Community Housing Cymru that we have actively contributed to

Organisation (if applicable):

Newport City Homes

Number: WG48223



Welsh Government  
Consultation response form

## Consultation on the White Paper on Ending Homelessness in Wales

Date of issue: 10 October 2023

Action required: Responses by 16 January 2024

**OGI** © Crown copyright 2023

Mae'r ddogfen hon ar gael yn Gymraeg hefyd / This document is also available in Welsh

Rydym yn croesawu gohebiaeth a galwadau ffôn yn Gymraeg / We welcome correspondence and telephone calls in Welsh

## Overview

This White Paper sets out a range of proposals for changes to policy and the law, to end homelessness in Wales.

## How to respond

Please respond by completing the online form or completing this questionnaire and sending it to [HomelessnessLegislationReform@gov.wales](mailto:HomelessnessLegislationReform@gov.wales)

If you intend to respond in writing, please send completed forms to:

Homelessness Prevention Legislation Team  
Welsh Government  
Cathays Park  
Cardiff  
CF10 3NQ

When you reply, it would be useful if you confirm whether you are replying as an individual or submitting an official response on behalf of an organisation and include:

- your name
- your position (if applicable), and
- the name of organisation (if applicable).

## Further information and related documents

Large print, Braille and alternative language versions of this document are available on request.

## Data Protection

The Welsh Government will be data controller for any personal data you provide as part of your response to the consultation. Welsh Ministers have statutory powers they will rely on to process this personal data which will enable them to make informed decisions about how they exercise their public functions. Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about or planning future consultations. Where the Welsh Government undertakes further analysis of consultation responses then this work may be commissioned to be carried out by an accredited third party (e.g., a research organisation or a consultancy company). Any such work will only be undertaken under contract. Welsh Government's standard terms and conditions for such contracts set out strict requirements for the processing and safekeeping of personal data.

In order to show that the consultation was carried out properly, the Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. If you do not want your name or address published, please tell us this in writing when you send your response. We will then redact them before publishing.

You should also be aware of our responsibilities under Freedom of Information legislation.

If your details are published as part of the consultation response then these published reports will be retained indefinitely. Any of your data held otherwise by Welsh Government will be kept for no more than 3 years.

## Confidentiality

Responses to consultations may be made public on the internet or in a report.

**If you would prefer your response to remain anonymous, please tick here:**

# Reform of the existing core homelessness legislation

## Question 1

Do you agree these proposals will lead to increased prevention and relief of homelessness?

Yes/no

## Question 2

What are your reasons for this?

**We believe it will help. The opportunity for working with individuals and families for 6 months instead of 2 will allow Local Authorities to look at a variety of options for those at risk of homelessness.**

**Areas that it will help include;**

- **Standardised Guidelines for Local Authorities and Housing Associations.**
- **Focus on Partnership and Multi Agency Working.**
- **Trauma Informed Approach.**
- **Shared Public Services response and accountability.**
- **Refocus on Priority Need and Intentionality.**

**The Suitability of Temporary Accommodation and Housing Supply is essential and it's imperative that we see improvements in these areas. As Supply of new properties is significantly short of where it needs to be, we question whether this is the right time for such a change.**

**More guidelines for LA's in terms of allocations – however we want this to be well thought through and to enable a focus on creating sustainable, thriving communities. There needs to be flexibility for the customer and housing provider to ensure that the home offered meets the needs of the customer in terms of more than just bricks and mortar.**

**Much of what has been detailed is very dependent on increase resources for key partners, particularly for Local Authorities.**

**We need to ensure that the quality of service provided at that point where preventative work would have maximum effect, is good and not just a completion of the necessary paperwork but a real commitment to prevention, otherwise we are just moving the crisis. Again, resourcing the changes are key to success.**

## Question 3

Are there additional legislative proposals you think we should consider to improve the prevention and relief of homelessness?

**Local Housing Allowance – as we’ve seen In England, it’s imperative that we see an increase in LHA particularly in the more expensive areas. Rents in most areas of Wales are now unaffordable to people on benefits.**

**Regulation of the Private Rented Sector – Linked to LHA, we need to see the regulation of rent levels in the private rented sector to ensure rents are affordable to those most in need.**

#### Question 4

Do you agree with our proposal to abolish the priority need test?

Yes/no

**We believe that this needs further thought. It is possible that expanding priority need for groups such as offenders, people with complex trauma etc and being clearer about how and who is prioritised would be more helpful.**

**By abolishing priority need, there are unintended consequences of opening up and increasing demand on oversubscribed services. Having clarity on who is deemed to be in greatest need is a requirement for both provider and customer.**

**As outlined above, we question the timing of such a change and suggest that this is not abolished until housing supply is significantly increased.**

#### Question 5

Do you agree with our proposal to abolish the Intentionality test?

Yes/no

**We do agree with abolishing intentionality as we recognise that this has had an impact on people who have suffered significant trauma and who’s actions have led to an eviction. LA’s and partners that work in a Psychological and trauma informed way need to look wider than intentionality and take into account the background and experiences before making a decision.**

**We also recognise that the abolition of intentionality will have unintended consequences of increasing demand on oversubscribed services.**

#### 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.

**LA’s would prefer the Local connection test to be kept, however this needs to be closely monitored that it is not used as a gatekeeping tool. Additional groups of people should be added to the list of exemptions, Local connections does and has created barriers in the past.**

**Non-familial connections are important and should be considered as part of the local connection test. We know that housing someone close to their support network has a positive impact on their wellbeing and the sustainability of their contract.**



**We recognise that being close to family is an important consideration for housing but of equal importance is education, friends, employment, transport links, hobbies and interests. This is particularly pertinent for rural areas**

## 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?

**Resources is a real concern. Some of the proposals would require additional resources especially around administration of tests etc. Local authority resource is already stretched, further pressure on these services will ultimately have a negative impact on everyone in the process.**

**The impact of the changes to allocations; if not implemented correctly and without funding further support services, could have a very negative impact on our resources in terms on housing management and housing related support. Again, these services are already stretched.**

**Although the hope is that the legislative changes will help improve the current situation, we feel that investment in intensive, good quality support is key to success of any of these changes and would like to see more of a focus on this ahead of implementation of any of the changes.**

## The role of the Welsh Public Service in preventing homelessness

### Question 8

Do you agree with the proposals to apply a duty to identify, refer and co-operate on a set of relevant bodies in order to prevent homelessness?

**Yes/no**

Please give your reasons

**Yes, a focus on Partnership and Multi Agency Working is key to prevent homelessness. There are examples of good practice all over the country however this good practice should become the norm.**

**Agree a multi-agency approach is key – with the responsibility shared between the agencies involved.**

**However, it is essential that this will lead to increased workload on public sector bodies and an increase in revenue is essential to support this approach.**

### Question 9

Do you agree with the proposed relevant bodies, to which the duties to identify, refer and co-operate would apply? Would you add or remove any services from the list?

**Broadly speaking, we agree although we think the ability to flex this list would be beneficial.**

## Question 10

In your view have we struck the right balance between legislative requirements and operational practice, particularly in relation to health?

**Homelessness is a Public Health Issue.**

**Clearer access to Mental Health Services is a must, this is a barrier we come up against regularly when supporting customers. There seems to be a gap in terms of access to emergency mental health services, the bar is set to high in terms of level of crisis you need to be in, before you can access services for immediate support.**

**Multi-Disciplinary Teams will be very important especially around complexity of need and discharge from Hospital. This will require specialist resource.**

**It's important to recognise the positive return on investment for all health services from ensuring that people experiencing homelessness have access to primary health services, particularly emotional support, same day prescribing, quick referral to specialist services when in crisis.**

## Question 11

What practical measures will need to be in place for the proposed duties to identify, refer and co-operate to work effectively? Please consider learning and development needs, resources, staffing, location and culture.

- **Multi-Disciplinary Teams - Co producing Services.**
- **Importance of HSG – Funding requirements.**
- **Ongoing training for new staff**

## Question 12

In addition to the broad duties to identify, refer and co-operate, this chapter contains proposals to provide enhanced case co-ordination for those with multiple and complex needs. To what extent will the proposals assist in preventing homelessness amongst this group?

**Trauma Informed Approach will be key. Working in a Psychologically Informed way will be easier for some organisations than others. A focus on partnership and Multi Agency Working will hopefully create a culture of case co – ordination and a client centred approach.**

**This will require dedicated, specialised resource and process in terms of support and operational administration of these cases to ensure the very best outcome for the person.**

**Funding is a recurring theme in this document, but we have found that where we are able to pay higher salaries for colleagues, as in the case in our Housing First Services and our complex needs scheme in Newport, the positive impact on customers is significant. When we are able to employ people with enhanced skill sets, provide comprehensive training, supervision, and development, we are able to provide a more diverse and trauma informed service to those that need it.**

**Overall, we would suggest that the duties could go even further. When we consider that the majority of people that access Support from providers have complex and significant childhood trauma, can we do more to offer prevention services at an earlier stage – families, schools, social services etc. This would require a comprehensive restructure of services with the focus on ensuring that individuals and families are supported are the earliest opportunity – more family intervention, mediation, to ensure that Young People are not exposed to trauma.**

### Question 13

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

Targeted proposals to prevent homelessness for those disproportionately affected

### Question 14

Are there other groups of people, not captured within this section, which you believe to be disproportionately impacted by homelessness and in need of additional targeted activity to prevent and relieve this homelessness (please provide evidence to support your views)?

**It is important to recognise that, at present, the sector in Wales does not have enough Supported Housing accommodation available, particularly for young care leavers, people fleeing domestic violence, those with very complex issues, veterans etc. Therefore, at the moment, we are seeing many people being placed in accommodation that is not suitable to their needs as well as very long waiting lists. Appropriate placements are needed in order to stop the cycle of inappropriate housing and, as a result, repeat homelessness.**

### Question 15

What additional legislative or policy actions could be taken to prevent or relieve homelessness for the groups captured by this White Paper?

## Question 16

Our proposals related to children, young people and care experience seek to improve and clarify links between homelessness legislation and the Social Services and Wellbeing Act. Significant policy development is required to assess the practicality of this. What, in your views are the benefits and challenges of our approach and what unintended consequences should we prepare to mitigate?

**More work needs to be done to create a clear Housing Pathway for Children and Young People that provides supported accommodation for all under 25 that require it. We work with 16 Local Authorities and every one of those LA tell us that they have a significant shortage of move on accommodation for young people leaving care. Our project in Newport, George Street, is a dedicated service offering 8 bed spaces for Care Leavers aged 16-18 and accepts referrals from across South Wales. The service illustrates the positive outcomes that can be achieved for Young People if they have the right placement but bed spaces are very rare across Wales. Although the bed spaces can be relatively expensive, they are still a third of the price that social services pay for placements in secure accommodation or with private companies. There is certainly an opportunity to look at the money being spent on placements for YP on a value for money basis and redirect it back to Public Sector providers.**

**There is also a paucity of affordable, move on accommodation for YP reaching 18 and needing to move out of Supported Accommodation as they are no longer funded by children's social services. We know that a third of care leavers will be homeless within the 2 years of leaving care. We also know that 25% of the prison population are care experienced. Creating pathways for YP, particularly Care Leavers is a priority.**

**There needs to be more of a focus on early intervention in schools and family settings.**

## Question 17

Do our proposals go far enough to ensure that 16 and 17 year olds who are homeless or at risk of homelessness receive joint support from social services and local housing authorities? What more could be done to strengthen practice and deliver the broader corporate parenting responsibilities?

**Yes. It is essential that all LA understand and work to the Southwark Ruling for 16 and 17 yr olds. Joint responsibility and co working is so important to ensure the most appropriate outcome for the young person.**

## Question 18

Do you agree or disagree that the Renting Homes (Wales) Act 2016 should be amended to allow 16 and 17 year olds to be able to hold occupation contracts?

**Yes – it is essential that the the young person is provided with suitable accommodation in the right location where they are close to the amenities, education, training, friends, family, transport links that they need.**

### Question 19

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

### Access to accommodation

### Question 20

To what extent do you agree or disagree with the short-term proposals to increase the suitability of accommodation? Are there additional immediate actions you believe should be taken for this purpose?

**Increasing suitable accommodation is key. The demand on accommodation, particularly TA means that people can be placed wherever accommodation is available. This does not take into account the communities, connections, areas that are required for individuals.**

**Unoccupied premises, void housing, under occupied premises need to be reviewed and become available stock. Grant should be made available to increase available stock, particularly accommodation that is being disposed of by RSL's and private landlords.**

**Access to land held by services such as health is key to increase supply.**

### Question 21

To what extent do you agree or disagree with the proposals around the allocation of social housing and management of housing waiting lists? What do you believe will be the consequences of these proposals?

**We think there are challenges with regards to the allocation of Social Housing and Management of housing waiting lists. Resource will be an issue but also standardising the approach between many LA's will be difficult.**

**Social housing supply will continue to be a huge challenge for all LA's, especially for single person households.**

**We want this to be well thought through and to enable a focus on creating sustainable, thriving communities. There needs to be flexibility for the customer and housing provider to ensure that the home offered meets the needs of the customer in terms of more than just bricks and mortar.**

**A tried and tested method of allocating homes is needed before full roll out. We believe any suggested approach to this should be trialled by a number of local authority areas first. If we get**

**this wrong the impact on individuals in the process, communities and local services could be hugely negative.**

**We have very good examples, Newport and Neath Port Talbot, where the LA's and RSL's work very well together. Relationships between agencies is key to ensuring good allocations.**

## 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?

**Care needs to be taken when discharging main homelessness duty. The goal should be permanency of tenure not discharging people at all cost.**

**Discharge of homelessness duty needs to be carefully monitored and reported on. With increased pressure on LA's as a result of this reform this could lead to discharging duty being used as a way to decrease workload and this should never be the case.**

## Question 23

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals in relation to access to housing. Are there any costs and benefits we have not accounted for?

- **Resource within LA's to administer the process**
- **Funding of support through HSG**

## Implementation

### Question 24

To what extent do you think the proposals outlined above will support the implementation and enforcement of the proposed reforms?

**The key to implementation is having access to the right data. At the moment, data around numbers, support needs, families, accommodation type is not good enough. Data and evidence needs to generate the actions.**

### Question 25

What other levers/functions/mechanisms could be used to hold local housing authorities and other public bodies accountable for their role in achieving homelessness prevention?

**We endorse the response of CHC to this question**

**We are wholly supportive of the Ending Homelessness Outcomes Framework as a tool to ensure accountability across public services for the role that they must play in ending homelessness. We also must consider how the EHO can link to existing frameworks such as the Public Health Outcomes Framework. Housing Associations are keen to assist the Welsh Government to collect this and other necessary data and help them to build a clear picture of homelessness in Wales.**

**To reinvigorate a prevention focussed approach to tackle homelessness, we could consider a collective agreement from social landlords to address any remaining barriers to social housing. This could include pets, existing arrears, a history of ASK, affordability checks, references and rent in advance. Housing Associations are individually taking steps to be as flexible as possible and CHC are committed to supporting them to share best practice.**

**A partnership approach will be vital to success. In the short term this means continuing and expanding upon the success of the TACP, including working together to make best use of stock through reconfiguration and increasing stock options through rent rescue and acquisitions. Longer term we should consider what accountability looks like for a whole partnership, not just each partner. We should encourage the Welsh Government to consider all the current structures and possibilities when looking at accountability mechanisms.**

## Question 26

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

**The paper will be impactful on a number of areas and the changes outlined will need additional resource, particularly in the short to medium term. HSG has been cut in real terms over the past 4 years. Housing Associations are under increasing budgetary pressures and Local Authorities are also struggling financially. In order to meet the needs to end homelessness, we need to ensure all agencies outlined are provided with the resources.**

**We have already seen that the implementation of the Renting Homes Act meant incurred costs for housing and support providers.**

## Question 27

What, in your opinion, would be the likely effects of the proposed reforms in this White Paper on the Welsh language? We are particularly interested in any likely effects on opportunities to use the Welsh language and on not treating the Welsh language less favourably than English.

- Do you think that there are opportunities to promote any positive effects?
- Do you think that there are opportunities to mitigate any adverse effects?

**Communities with a large Welsh Speaking Population could be affected by the proposed reforms. Local Connection status could protect Welsh Speaking Communities with regards to the Language and ensuring the Welsh language is not treated less favourably than English.**

**There are Opportunities to make Welsh Speaking Communities stronger by offering affordable housing to Local people and reduce the need for families to move away from their localities.**

There are also opportunities to mitigate adverse effects especially around Welsh schools, as an increase in population could mean that non-Welsh speaking individuals would be within Welsh Language school's catchment areas and have the opportunity to obtain their education through the medium of Welsh.

## Question 28

We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

**We support the response of CHC to these questions and our responses need to be read alongside the submission from CHC. We did not want to repeat their responses but provide information from our own perspective that will hopefully add value to CHC's submission.**

**Furthermore, as we have outlined in previous answers, there is an opportunity to go further if we want to End Homelessness. Much of what is detailed in the paper is addressing homelessness when it has already happened, when individuals and families are already in crisis or a long way down the road to reaching crisis.**

**We know that the majority of people accessing services have significant childhood trauma. We also know that the largest category of people presenting as homeless with the LA's across Wales is due to relationship/family breakdown. Therefore, we need to look at how we can affect a systemic change that allows communities, providers, public sector bodies to support people before they get to crisis point, before children are impacted by trauma. We need to structure our services – social services, schools, youth clubs, sports clubs, family intervention, GP's – to ensure that they are accessible and supportive at the earliest opportunity. We need to increase provision to new families that don't have the skills to ensure that their children flourish. By keeping families together in a supportive and nurturing environment, by increasing social prescribing, we will significantly reduce the numbers of people in crisis and needing access to services further down the road.**

**One of the real challenges for the sector is the supply of accommodation and the paper needs to be widened to reflect the responsibilities of other agencies in ending homelessness in Wales. We need Welsh Government and Local Authorities to examine levers that will support the building of thousands of more social housing. We need to look at the barriers to creating this at pace and scale such as planning and grant and examine how we remove these barriers. Without a greater supply of new homes, the sector will continue to be silted up.**

**How can we incentivise the Private Rented Sector to be part of the solution. The availability of affordable rented properties has reduced considerably over the past 2 years. We need to be able to incentivise Private Landlords to work with the sector, either through the regulation of affordable rents or long-term leases through public sector bodies.**

**If we may, we would like to provide you with a case study which underlines the impact of positive partnership working, Rapid Rehousing, Supply, flexible approaches and innovation.**

### **Housing for Women (H4W)**

**Coproduced and developed through a culture of partnership working, continuous learning and reflection and born out of the need during COVID for greater support for survivors of domestic abuse to access safe accommodation, H4W is a bespoke, rapid rehousing model, offering 'settled' accommodation, on a 'direct-let' basis, aiming to prevent homelessness and take a considered and trauma informed approach to the housing pathway of people experiencing and/or fleeing domestic abuse.**



Funded with the support of the Welsh Government VAWDASV Capital Fund and Pobl Gift Aid, H4W has provided 34 women with secure and settled accommodation and supported 70 women to access financial support to set up home, feel more safe and secure, enabling them to begin the journey of recovery from domestic abuse.

Working closely with Local Authority Housing Teams and VAWDASV service provider partners in Caerphilly, Neath Port Talbot and Newport, H4W offers both move on from refuge, as well as, and if appropriate, an alternative housing option for those who cannot or do not want to enter refuge.

Facilitated through a fortnightly panel of designated multiagency partners, bringing valuable data, insight and specialist knowledge of the client group, individuals at highest risk and need, are directly matched to properties provided by Pobl, with every effort made to match people with the right home, in the right place for them.

***'H4W has enabled us to think about housing pathways differently and provided us time and space to create new ways of working. The panel structure has enabled collaboration, shared learning, better and closer relationships across departments internally and partnerships externally.'***

Everyone who is referred to H4W is assumed to be 'housing ready'. However, the panel ensure that an offer of support is planned and considered but that take up is not a condition of the tenancy.

As well as accommodation, H4W offer a financial package of support to set up Home, remove barriers to housing and enhance target hardening, helping individuals feel safer and more secure in their home and community. This offer is also extended to those who wish to remain in their existing homes.

***'One of the many barriers women face is the affordability. The project has given women the opportunity to move out of temporary, crisis accommodation in a timelier manner. It has helped women regain their confidence and independence, to take back control of their lives, while living in a safe environment, free from domestic violence.'***

#### Outcomes & Impact

34 women housed in safe and 'settled' accommodation 70 received 'Setting up Home' grant

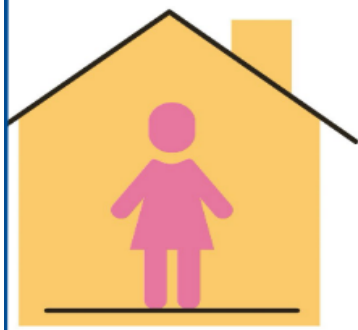
When we asked how their new home has made a difference to them, some said...

*"I'm more independent. I'm now out of the refuge which I was in for 10 months. I'm really grateful that I now have my own space"*

*"It has given me a safe place to relax and I am close to my friends which are my support network"*

*"It has created a big positive impact, my daughter is sleeping better and can see she has settled in very quickly. She will be starting flying start in September"*

*"I feel very safe and now I'm just with my daughter. I feel more independent, much better for having my own place. It's just a space for us that is nice and clean"*



### Summary of Findings from Phase 2 Pilot (Period April 2022 - March 2023)

At 6 week review: 100% felt supported and started to get to know their neighbours and local area

High levels of satisfaction - 100% at point of allocation

Trust in Pobl score was 84.6% at 6 week review – higher than Pobl average

High tenancy sustainability or move on for positive reasons - 100%

6 month review: 87.5% were satisfied with their home and 12.5% were interested in moving homes for positive reasons or change of circumstances

Lower than average rent arrears.

### Barriers to Overcome

- Suitability and supply of properties
- Higher than expected one bed demand
- Effective project placement to enable earlier identification of referrals so H4W can reach those most in need at the earliest opportunity eg older people or families who maybe more reluctant to enter refuge
- Long void turnaround times and development delays effecting property supply and ability to rapidly rehouse
- Scale up requires greater project coordination and more RSL's to join to support and increase property supply
- Year to year funding effects ability for project to fully embed in a sustainable and planned way
- Removal of red tape - increase trust and autonomy in services who are closest to survivors - LA partners to have absolute confidence and support allocations outside of Common Housing Register where appropriate

Organisation (if applicable):

<b>Pobl Group</b>
-------------------

Number: WG48223



Llywodraeth Cymru  
Welsh Government

Welsh Government  
Consultation response form

## Consultation on the White Paper on Ending Homelessness in Wales

Date of issue: 10 October 2023

Action required: Responses by 16 January 2024

**OGL** © Crown copyright 2023

Mae'r ddogfen hon ar gael yn Gymraeg hefyd / This document is also available in Welsh

Rydym yn croesawu gohebiaeth a galwadau ffôn yn Gymraeg / We welcome  
correspondence and telephone calls in Welsh

## Overview

This White Paper sets out a range of proposals for changes to policy and the law, to end homelessness in Wales.

## How to respond

Please respond by completing the online form or completing this questionnaire and sending it to [HomelessnessLegislationReform@gov.wales](mailto:HomelessnessLegislationReform@gov.wales)

If you intend to respond in writing, please send completed forms to:

Homelessness Prevention Legislation Team  
Welsh Government  
Cathays Park  
Cardiff  
CF10 3NQ

When you reply, it would be useful if you confirm whether you are replying as an individual or submitting an official response on behalf of an organisation and include:

- your name
- your position (if applicable), and
- the name of organisation (if applicable).

## Further information and related documents

Large print, Braille and alternative language versions of this document are available on request.

## Data Protection

The Welsh Government will be data controller for any personal data you provide as part of your response to the consultation. Welsh Ministers have statutory powers they will rely on to process this personal data which will enable them to make informed decisions about how they exercise their public functions. Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about or planning future consultations. Where the Welsh Government undertakes further analysis of consultation responses then this work may be commissioned to be carried out by an accredited third party (e.g., a research organisation or a consultancy company). Any such work will only be undertaken under contract. Welsh Government's standard terms and conditions for such contracts set out strict requirements for the processing and safekeeping of personal data.

In order to show that the consultation was carried out properly, the Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. If you do not want your name or address published, please tell us this in writing when you send your response. We will then redact them before publishing.

You should also be aware of our responsibilities under Freedom of Information legislation.

If your details are published as part of the consultation response then these published reports will be retained indefinitely. Any of your data held otherwise by Welsh Government will be kept for no more than 3 years.

## Confidentiality

Responses to consultations may be made public on the internet or in a report.

**If you would prefer your response to remain anonymous, please tick here:**  
**Yes**

Please note: Policing in Wales asked all forces and OPCC's to confirm whether they were happy with the Welsh Government contacting them about their answers and the results are pasted below:

As one force indicated NO we have elected to select "Anonymous" with the names of the people who responded, however PIW are happy to leave the names of the Police forces and OPCC's with their answers to distinguish them from each other.

<b>Yes</b>	<b>Dyfed-Powys OPCC North Wales OPCC North Wales Police South Wales Police</b>
<b>No</b>	<b>Dyfed-Powys Police</b>

# Reform of the existing core homelessness legislation

## Question 1

Do you agree these proposals will lead to increased prevention and relief of homelessness?

Yes	North Wales Police South Wales OPCC South Wales Police
Other	Dyfed-Powys OPCC Dyfed Powys Police <sup>1</sup>

## Question 2

What are your reasons for this?

**Dyfed-Powys OPCC** argue that systemic and cultural change will need to be achieved on all levels rather than just in the public sector. There is no detail as to how much funding will be allocated to achieving this proposal and the sustainability of any funding. Support services are vital to the prevention of homelessness and need to address the underlying root causes of homelessness. In relation to criminal justice in Wales, services for people experiencing domestic abuse and being released from custody are essential to preventing homelessness. Finally there is no mention of proposed timescales for implementation of these proposals.

**Dyfed-Powys Police** argue that adding more people who can move out of their area if they need to will lead to prevention and relief for those new groups who will be added e.g. victims of domestic abuse. Some of the other proposals will succeed in ensuring the right people are getting support<sup>2</sup>, but could increase the number of people in need of care and support.

**Dyfed-Powys Police** acknowledge that the proposals are good statements of what the Welsh Government want to achieve, but without any practical ways of how they'll be achieved the concern is that nothing will change for people in need. For example, *'making sure accommodation is only seen as suitable if it is in the right place to meet people's needs'*, a good statement, but with such a shortage of temporary accommodation and social housing, how will this be achieved?

**North Wales OPCC and Police** agree that the new proposals will assist with the increased prevention and relief of homelessness, however, the force thinks that there needs more emphasis placed on partnership working, the expectations of these working practices, meaningful KPIs, which are achievable and benefit those who are homeless and place too much demand on all agencies involved.

In the short term, **South Wales OPCC** say that the proposals increase prevention and relieve homelessness however in the longer term by reducing the availability and accessibility of social housing through the proposals this will create a larger demand for social housing and could create forced homelessness or more people reaching crisis point as they will be unable to move as general needs applicants.

---

<sup>1</sup> Indicated **Partly**

<sup>2</sup> e.g. ending the Intentionality Test/Priority Need test



In addition, **South Wales OPCC** argue that with the removal of priority need categories and the safeguards they provide, it would be necessary to apply “additional preference” for domestic abuse victims as well as recognising victims who are unable or do not wish to flee as “Homeless at Home” to ensure with the proposals suggested, victims continue to be protected and prioritised. ‘Ending homelessness together’- adopting a multi-agency approach is positive in terms of early intervention and prevention, improving information sharing, working collaboratively, adopting a whole system approach to prevention and intervention.

A further positive proposal according to **South Wales OPCC** is in relation to supporting adults within the Criminal Justice System by ensuring people get an assessment of their housing needs when they go to prison so they don't face becoming homeless when they leave, particularly in relation to women in the criminal justice system that have experienced domestic abuse or exploitation, including involving all parts of the local authority to help and support children who have been in youth custody system and are preparing for release.

**South Wales Police** say that it appears to be a systematic approach that provides support to ensure we have preventative measures in place and to ensure support is there and is person centred.

### Question 3

Are there additional legislative proposals you think we should consider to improve the prevention and relief of homelessness?

**Dyfed-Powys OPCC** and **Dyfed-Powys Police** say that more consideration should be given to those who are released from custody.

**Dyfed-Powys Police** also argue there is a duty on local authorities under this Act, to plan and provide accommodation-based support for Domestic Abuse victims and their children in safe accommodation. The Domestic Abuse Commissioner in England placed duties on local authorities there to assess the need for accommodation based Domestic Abuse support in their areas and make access to housing easier for survivors. If this is not happening in Wales currently, it should be. Getting this right for victims of domestic abuse could really impact on repeat victimisation. So often, victims are unable to leave because they don't have anywhere else suitable to go with their children.

Similarly with offenders being released from prison, according to **Dyfed-Powys Police** they have more chance of not re-offending again if they have stable accommodation in an area where they can receive consistent support/monitoring. So often, offenders are released with inappropriate or no housing options. Can there be legislation that this MUST be in place before they can be released from prison? This is the only way to protect victims and prevent re-offending.

**North Wales OPCC and Police** add a review of funding to support these proposals, easy access to funding, with scope for the applicants to use this funding in a way that would benefit their homeless demographic, that than dictated by the WG. The current process of updating the Welsh Government with rigorous overview to remain in place.

According to **South Wales OPCC** there is a large focus on multi-agency working but given the challenges that can arise with multi-agency working it is important to

clearly identify the roles, functions, and responsibilities of each agency and how agencies will be coming together to end homelessness. It is also important to ensure mechanisms for accountability are clear.

The issue is around suitable temporary housing and the ability to provide housing stock according to **South Wales Police**. They are sure that the Local Authorities will have a view on the financial implications of this. Furthermore this approach seems to be at odds with the UK Government's recent review whereby as part of the replacement of the vagrancy act, they have introduced a move on power. The move on power to be implemented without a requisite need to be person centred and offer support. This is at odds with the Welsh Government white paper. The force asked the question: Doesn't this need to be joined up and challenged with the Home Office view?

#### Question 4

Do you agree with our proposal to abolish the priority need test?

<b>Yes</b>	<b>Dyfed-Powys OPCC</b> <b>Dyfed-Powys Police</b> <b>North Wales OPCC</b> <b>North Wales Police</b> <b>South Wales Police</b>
<b>No</b>	<b>South Wales OPCC</b>

**South Wales OPCC** argue that without appropriate safeguards in place as this will further increase the waiting times for Domestic Abuse victims and vulnerable people in temporary accommodation and cause further blockages in refuge accommodation.

The temporary accommodation on offer is often not suitable for women and their children.

#### Question 5

Do you agree with our proposal to abolish the Intentionality test?

<b>Yes</b>	<b>Dyfed-Powys OPCC</b> <b>South Wales OPCC</b> <b>South Wales Police</b>
<b>Other</b>	<b>Dyfed-Powys Police</b> <b>North Wales OPCC</b> <b>North Wales Police</b>

**Dyfed-Powys Police** argue that if people are making themselves homeless on purpose, this needs to be identified as they may need different type of support and intervention.

#### 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.

<b>Yes</b>	<b>Dyfed-Powys OPCC Dyfed-Powys Police South Wales OPCC South Wales Police</b>
<b>Other</b>	<b>North Wales OPCC North Wales Police</b>

### 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?

N/A
-----

## The role of the Welsh Public Service in preventing homelessness

### Question 8

Do you agree with the proposals to apply a duty to identify, refer and co-operate on a set of relevant bodies in order to prevent homelessness?

<b>Yes</b>	<b>Dyfed-Powys OPCC Dyfed-Powys Police North Wales OPCC North Wales Police South Wales OPCC South Wales Police</b>
------------	--

Please give your reasons

<p><b>Dyfed-Powys OPCC</b> point to increasing awareness on how to recognise someone at risk of homelessness amongst public service workers will ensure that more people are referred to the right services, potentially before their situation becomes worse. More linkage and information sharing between services will help to ensure that service users' needs are identified sooner and more accurately.</p> <p><b>Dyfed-Powys Police</b> say that they agree as long as there are enough Housing options and support available when an agency needs to make a referral for a person who is at risk of homelessness.</p> <p>.</p> <p><b>North Wales OPCC and Police</b> gave their answer in 2 parts:</p> <ul style="list-style-type: none"> <li>○ <u>Intentionality test</u>: this needs to have a caveat that there must an investigation into why that person has made themselves "intentionally homeless" and whether support can be provided to keep them in their current location,</li> </ul>
---

obviously this will not be the case involving cases of domestic abuse or other cases of abuse in the home. People with mental health or substance misuse, which impacts on their daily lives, may need the support to keep them in their current home, rather than relocation / making themselves intentionally homeless.

- o **Local connection test:** This needs to be reviewed on a case-by-case basis, relating to the person's requirement for relocation or homelessness.

**South Wales OPCC** state that early intervention and prevention is key given the demand for housing however consideration needs to be given to ensure referrals are shared with the consent of the individual and it is safe to do so when considering domestic abuse victims/ victims of crime. It cannot be a blanket duty which could cause risk to victims.

Moreover **South Wales OPCC** state that all relevant bodies will need to show their commitment, understand each other's responsibilities alongside the risk factors associated with homelessness. Also those working in this area should be required to take up training in line with the National Training Framework and be aware of referral pathways for victims, children and perpetrators.

**South Wales Police** say that there is a need to formally impose this duty to co-operate and work together as this needs specific focus.

### Question 9

Do you agree with the proposed relevant bodies, to which the duties to identify, refer and co-operate would apply? Would you add or remove any services from the list?

<b>Yes</b>	<b>Dyfed-Powys OPCC North Wales OPCC North Wales Police South Wales OPCC South Wales Police</b>
<b>Other</b>	<b>Dyfed-Powys Police</b>

**Dyfed-Powys OPCC** would consider adding services commissioned by the Police and Crime Commissioner (PCC). They appreciate that the non-devolved services are subject to the control of the UK Government rather than Welsh Government, but an agreement to guarantee the inclusion of these services is vital to the success of this proposal.

**Dyfed-Powys Police** suggested adding Probation services.

**North Wales OPCC and Police** would include the local Health Board and GP services of individual persons / families, including mental health and Substance Misuse Services, Social Services, Youth Justice, Probation Services, HMPPS, Domestic Abuse Support Services.

**South Wales OPCC** would include all Local Authority services to provide a holistic approach, this would then capture Independent Domestic Violence Advisers who fall under Local Authority departments. Finally there should be consideration of specialist VAWDASV services where appropriate.

**South Wales Police** were satisfied with the current list.

### Question 10

In your view have we struck the right balance between legislative requirements and operational practice, particularly in relation to health?

<b>No</b>	<b>Dyfed-Powys OPCC</b> <b>Dyfed-Powys Police</b> <b>North Wales OPCC</b> <b>North Wales Police</b>
<b>Other</b>	<b>South Wales OPCC<sup>3</sup></b>

### Question 11

What practical measures will need to be in place for the proposed duties to identify, refer and co-operate to work effectively? Please consider learning and development needs, resources, staffing, location and culture.

**Dyfed-Powys OPCC** say that consideration regarding the complex partnership landscape in Wales is welcomed and the decision to understand this further to find a suitable mechanism to deliver multi-agency information sharing is vital to most effectively allocate resources. Furthermore Awareness training for public service workers will need to have been developed and delivered to ensure that this proposal is successful. Referral templates may be helpful to ensure that there is a standardised approach across all Welsh public services. An evaluation of any changes would be helpful to properly understand how the different duties have impacted services.

**Dyfed-Powys Police** point to a good knowledge of what support and housing options are available in each area.

**North Wales OPCC and Police** argue that the White Paper needs to provide more prescriptive services provided by joint agencies and a structure as to how this would work. Mental Health and local Health Boards need to be mandated to attend.

**North Wales OPCC and Police** further argues that training needs to be provided to all agencies involved to provide them with the skills they require, the expectations of them in this role, how meetings should be structured and co-

<sup>3</sup> **South Wales OPCC** indicated that they did not feel able to answer this.

located, such as Youth Justice and Probation Service are with other agencies. Attendance at panels needs to consist of a minimum of Heads of Departments, who are in a position to make decisions, drive change and influence culture / cultural change.

**South Wales OPCC** provided a list including:

- Training for professionals to identify early causes of homelessness.
- Training on recognising the signs of domestic abuse, understanding of coercive and controlling behaviour.
- Information & Data sharing agreements.
- Staff capacity due to the increased demand this will place on homelessness services and from that the increased demand on services within referral pathways, i.e. tenancy support services.
- An increase in homelessness provision will be necessary- more referrals = more provisions required from prevention to relief options.
- Agencies understanding each other's roles and responsibilities.
- Unified process and paperwork

A mechanism is needed and identified by which co-operation can be facilitated according to **South Wales Police**. In what space and by what governance will this occur? More guidance will be needed to enhance or stipulate how current working arrangements will achieve this.

## Question 12

In addition to the broad duties to identify, refer and co-operate, this chapter contains proposals to provide enhanced case co-ordination for those with multiple and complex needs. To what extent will the proposals assist in preventing homelessness amongst this group?

There is limited detail as to how this will look in practice, the further guidance around this would be welcomed according to **Dyfed-Powys OPCC**. It would also be helpful to see some case studies of the good practice mentioned to understand this further.

**North Wales OPCC and Police** state that Enhanced Case Coordination needs to be completed initially to be able to identify those with multiple and complex needs, it also needs to identify what those needs are, which agencies are required to support them, the proposals identified to provide mandated guidance and which agencies need to be involved, whether one agency is in the best position to lead. The proposals need to provide more detail regarding what is available and how this support will be implemented.

**South Wales OPCC** say that it is positive for existing individuals in the system. However, in the first instance, the individual will have to become homeless or at risk for this duty of support to be triggered which is potentially too late. Perhaps the duty could be made available via triggering a Section 62 duty so those who are not yet at risk, but there is a concern or risk to the tenancy and multi-agency professionals already engaged, are able to refer into housing services for early intervention and prevention before the point of homelessness. Again, whilst this is a positive proposal, we often hear from our partners within the specialist sector how the complexity of needs have increased over the past few years. Therefore, there is need for consideration for any additional resources attached to these new

proposals. Consideration is also needed as to how the criteria for the enhanced case co-ordination will be assessed.

The changes should assist however multiple and complex needs will always be challenging according to **South Wales Police**.

### Question 13

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

N/A

Targeted proposals to prevent homelessness for those disproportionately affected

### Question 14

Are there other groups of people, not captured within this section, which you believe to be disproportionately impacted by homelessness and in need of additional targeted activity to prevent and relieve this homelessness (please provide evidence to support your views)?

**Dyfed-Powys OPCC** listed: People who experience so called Honour Based Abuse/Violence, People from marginalised communities and People leaving custody.

**North Wales OPCC and Police** argue that although mentioned in the White Paper, regarding people with mental health and substance misuse issues, there is no guidance as to what support is available, how this will be implemented to support them either to remain in their current location or how it will support them into new accommodation. The White Paper does not go far enough in explaining how those who are sofa surfing will be identified and supported into their own accommodation.

### Question 15

What additional legislative or policy actions could be taken to prevent or relieve homelessness for the groups captured by this White Paper?

The first action should be to hold focus groups and events with people who have lived experience of homelessness from all demographics according to **Dyfed-Powys OPCC**.

**South Wales Police** note that it may be of benefit to identify a lead responsible authority for care in this sector and provide the appropriate governance. The duty

should do this but where is the accountability when services are not provided or there are continual issues with non-provision.

## Question 16

Our proposals related to children, young people and care experience seek to improve and clarify links between homelessness legislation and the Social Services and Wellbeing Act. Significant policy development is required to assess the practicality of this. What, in your views are the benefits and challenges of our approach and what unintended consequences should we prepare to mitigate?

**Dyfed-Powys OPCC** comment that an unintended consequence of this may be that services are put under more pressure to try to ensure that children and young people do not fall between services (especially those who are aged 16 and 17 years). Obviously, this would be a positive outcome, however services will need further resources and funding to ensure that this is realistic.

**North Wales OPCC and Police** provided 3 sections to their response:

- **Benefits:** Care and support provided to each individual person and / or families, both as the person who needs the care, but also for their carers, increasing their wellbeing. Supporting the family and working to keep the family as a nuclear entity unless this is not applicable. Preventative services are offered, placing emphasis of multi-agency working and individual agencies.
- **Challenges:** Ensuring that all agencies are involved, identifying those who require the necessary support and care, accessing the service available to them and assessing them under the eligibility criteria.
- **Consequences:** The consequences for cooperation of those who have been forced to have an eligibility assessment. Making sure that those who do require an assessment are identified and that they do not fall through the gaps.

**North Wales OPCC and Police** further point out to making funding available to carry out the assessments and provide the necessary and correct care and support. Dedicated personnel and/or teams will need to be ringfenced to be able to carry out this role.

## Question 17

Do our proposals go far enough to ensure that 16 and 17 year olds who are homeless or at risk of homelessness receive joint support from social services and local housing authorities?

**Dyfed-Powys OPCC** agree they go far enough, prohibiting the use of the homelessness system as a route out of care or youth justice for 16 or 17 year olds will help to ensure that arrangements for accommodation are made before this. This will inevitably require multi-agency working and information sharing to ensure that this can be achieved.



**Dyfed-Powys Police** however disagree as it doesn't set out what the 'right support' should look like and how this can be assured.

**North Wales OPCC and Police** also disagree saying there needs to be further additional support and funding ringfenced to support them, as well as having staff trained to carry out this role solely. There needs to be mandated guidelines to support the young person, without the default position of making sure that they stay in their current accommodation, if it is not appropriate / suitable.

**South Wales Police** argue that we cannot be in a position where the option of some support services linked to the Local Authorities is the provision of sleeping bags and tents to under 18s as a viable option. I am not sure the temporary housing and quick time provision will be solved without extra funding and resource placed into this space. The question according to the force is do the reforms provide for this?

What more could be done to strengthen practice and deliver the broader corporate parenting responsibilities?

**North Wales OPCC and Police** point to:

- Training – skills gaps and training needs: these need to be identified, to be provided to both the staff involved and offered to the parent / guardian. This will assist with identifying parenting responsibilities, what is expected of them and how this can support the child / Young Parent in the future. Training will also help to set expectations and identify what is acceptable.
- Support to parents / guardians: more readily available support needs to be offered to parents / guardians, especially for those who have caring responsibilities too, for children / Young Parents who have learning or physical disabilities, which have an impact on the whole family as a team, also for children / Young Parents who are on the cusp of offending.
- 

**South Wales Police** argue that there should be a single agency with oversight. At the moment there appear to be trade-offs due to lack of resourcing in say social services to farm out responsibility for parenting education and intervention to other related providers in the sector.

### Question 18

Do you agree or disagree that the Renting Homes (Wales) Act 2016 should be amended to allow 16 and 17 year olds to be able to hold occupation contracts?

<b>Agree</b>	<b>Dyfed-Powys OPCC North Wales OPCC North Wales Police South Wales Police</b>
<b>Other</b>	<b>South Wales OPCC</b>

**Dyfed-Powys OPCC** argue that this would help to ensure that 16 and 17 year olds do not fall through the cracks. However I would be interested to see the evidence and understandings behind the statement “this proposal may lead to a range of unintended consequences that could lead to more young people entering the homelessness system”.

**North Wales OPCC and Police** agreed but with the caveat that they undergo an assessment to ensure that they’re capable of understanding and mature enough to deal with finances, managing a home, looking after themselves, and that they are aware of the responsibilities that they have to the accommodation and neighbours, and also whether or not they need supported accommodation to assist them living on their own.

**South Wales OPCC** argue that more consideration and consultation is required before this is amended. Whilst providing more housing options for 16 and 17 year olds would be advantageous it places a big responsibility on them holding occupation contracts- and as mentioned in the paper the unintended consequences that could lead to more young people entering the homelessness system.

### Question 19

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

N/A

### Access to accommodation

### Question 20

To what extent do you agree or disagree with the short-term proposals to increase the suitability of accommodation?

<b>Agree</b>	<b>Dyfed-Powys OPCC<sup>4</sup></b> <b>Dyfed-Powys Police</b> <b>North Wales OPCC</b> <b>North Wales Police</b> <b>South Wales Police</b>
--------------	---

**Dyfed-Powys Police** add that there is no doubt that matching people to the right homes where they can stay long term will reduce the number of homeless. Children need to be placed near schools for continuity, transport links if they don’t drive, away from perpetrators, near families etc.

<sup>4</sup> Strongly Agrees

**North Wales OPCC and Police** agree with the short-term proposals to increase with the suitability of accommodation, they have taken into consideration the needs of the individual, including language and disability needs.

Are there additional immediate actions you believe should be taken for this purpose?

**North Wales OPCC and Police** answer with whether these proposals are being adhered to, as well as whether the accommodation is up to standard of the required needs and if it is suitable to be lived in.

### Question 21

To what extent do you agree or disagree with the proposals around the allocation of social housing and management of housing waiting lists?

<b>Agree</b>	<b>Dyfed-Powys OPCC North Wales OPCC North Wales Police South Wales OPCC South Wales Police</b>
--------------	---

**Dyfed-Powys OPCC** say it would be beneficial to update the outdated existing legislation. Strengthening the role of Registered Social Landlords may help to alleviate some of the pressures on local authorities.

**North Wales OPCC and Police** say Management of the waiting lists need to be robust, those who are not in urgent need of accommodation need to be robustly dealt with. Allocation of social housing needs to be completed with the needs assessment and accommodation needs provided to match the needs of the person / family and not used to reduce waiting lists.

**South Wales OPCC** strongly agree with the proposal to provide 'additional preference' to care experienced people who are homeless and those fleeing abuse and potentially others as deemed appropriate. Otherwise, with the removal of priority need categories it would put victims at increased risk due to the increased numbers that would be included into priority neutral bands/ points and cause delays moving on from much needed refuge accommodation.

**South Wales Police** say this seems to provide a structural approach to allocation.

What do you believe will be the consequences of these proposals?

It will help to ensure that requests to the Registered Social Landlord will not be lost or declined based on a “lottery” of when they came through according to **Dyfed-Powys OPCC**.

That the requirement to reduce waiting lists will be seen as paramount says **North Wales OPCC and Police**, rather than looking at the needs of the individuals / family, potentially leading to a perverse need to meet targets.

**South Wales OPCC** say that removing applicants with no housing need and legislating to provide more housing allocations to homelessness cases will create a further demand and further fuel homelessness to obtain social housing so the “deliberate manipulation test” should be built in effectively and at an earlier stage to take the pressure off the limited resources available.

Again according to **South Wales Police**, the issue may not lie in the governance of the management issues but moreover in resource availability. The B and B question is problematic as this will always be an option in the absence of provision not withstanding whether people are of priority need or not.

## Question 22

To what extent do you agree or disagree with the proposal for additional housing options for discharge of the main homelessness duty?

<b>Agree</b>	<b>Dyfed-Powys OPCC North Wales OPCC North Wales Police South Wales OPCC<sup>5</sup> South Wales Police</b>
--------------	---

**Dyfed-Powys OPCC** however notes that the safeguards are vital.

**North Wales OPCC and Police** agree with the options including supported accommodation, but when the option is to return to previous accommodation, including the family home, these options need to be further explored to ensure that it is safe for all involved.

**South Wales OPCC** note that this would reduce pressure on the system to allow suitable accommodation to be allocated to meet individual need.

What do you foresee as the possible consequences (intended or unintended) of this proposal?

**Dyfed-Powys OPCC** has some concern about those who have left a home due to domestic abuse. Especially when coercive control has been used, the person may return to the home/relationship following the proposed mediation services. Therefore, they may be returning to an unsafe environment. Has consideration been given as to how this will be prevented?

**North Wales OPCC and Police** state that there is a request that all correspondence needs to be in writing, further support and measures need to be

<sup>5</sup> Strongly Agrees

put into place for those who are unable to read or write, especially those who are unable to read or write in either Welsh or English.

Again the principle is sound, but the practical delivery has resource and stock implications according to **South Wales Police**. There does not appear to be anywhere in the paper that supports further provision.

### Question 23

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals in relation to access to housing. Are there any costs and benefits we have not accounted for?

N/A

## Implementation

### Question 24

To what extent do you think the proposals outlined above will support the implementation and enforcement of the proposed reforms?

**Dyfed-Powys OPCC** think guidance documents on the changes would be more helpful to those who need to implement any changes to their practices.

The consultation paper will support the implementation and enforcement of the proposed reforms according to **North Wales OPCC and Police**, however, there is a need for achievable and agreed targets to be met, as well as robust management action to oversee the implementation to ensure that they are carried out in a fair, transparent and non-discriminatory way, without perverse actions to achieve the agreed outcomes.

**South Wales Police** again note that they are a solid framework but as above the enforcement may render current processes more effective but the allocation of housing temporary or otherwise is a resource and capacity issue primarily.

### Question 25

What other levers/functions/mechanisms could be used to hold local housing authorities and other public bodies accountable for their role in achieving homelessness prevention?

**Dyfed-Powys Police** answered more accountability where housing provision is determined as a factor in any negative consequences e.g. offender re-offends, children at risk due to being exposed to Domestic Abuse if there is no alternative housing for them etc.

**North Wales OPCC and Police** answered with having Robust targets / KPIs which a governing board consisting of each partnership agency involved oversee,

membership of this governing board should include the Welsh Government and chaired by the Local Authority. With further updates are to be provided to the Welsh Government.

**South Wales Police** say that you need a governance space where the Local Authorities are held accountable for their activity and resource allocation in this area. In addition accurate data is hard to find regarding actual figures of homelessness. These appear to be politically sensitive so these need to be made more transparent from 1<sup>st</sup> or 3<sup>rd</sup> sector.

## Question 26

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for (**Forces and OPCC's have answered this for WHOLE Paper**)?

**North Wales OPCC and Police** answered with backfilling in organisations where a staff member has been seconded / employed into this new role. Training costs and whether there are co-location costs.

## Question 27

What, in your opinion, would be the likely effects of the proposed reforms in this White Paper on the Welsh language? We are particularly interested in any likely effects on opportunities to use the Welsh language and on not treating the Welsh language less favourably than English.

- Do you think that there are opportunities to promote any positive effects?
- Do you think that there are opportunities to mitigate any adverse effects?

**Dyfed-Powys OPCC** notes that the proposal doesn't mention whether individuals will be able to access services in Welsh.

**North Wales OPCC and Police** gave answers to both A and B:

- A. There will be a number of opportunities to promote the Welsh language, ensuring that staff are bilingual, that Welsh is activity supported for use in the workplace and with people outside the organisation.
- B. A positive workplace culture in the use of the Welsh language and management support, especially challenging any discriminatory actions, providing all bilingual documentation, posters, etc will mitigate any adverse effects.

**South Wales Police** don't believe there are any obvious implications either way for expanding the natural use of the Welsh language.

## Question 28

We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

**North Wales OPCC added the below points:**

- That there could/should be specific training around cuckooing and other Modern Slavery issues that can lead to homelessness and lead to the need for accommodation in places to where the person has no link/connection. Here, it only mentions that there should be exceptions to the rule, but it would be better for staff to understand the broader picture and what they are required to do, and not just tick a box and implement a rule.
- Also it refers to the provision of **enhanced case co-ordination for those with multiple and complex needs**. Whilst it is appreciated that this is about reducing homelessness, this “case co-ordination” needs to extend to understanding the placements of those with complex need and how they may interact with the vulnerabilities of others. For example there is a situation at a location in **North Wales** where people with complex needs (who have links to drug trade etc) are housed together with elderly /vulnerable people which creates increased risk and significant community tensions.

Organisation (if applicable):

**Police Liaison Unit/Policing in Wales/South Wales Police**

Number: WG48223



Llywodraeth Cymru  
Welsh Government

Welsh Government  
Consultation response form

## Consultation on the White Paper on Ending Homelessness in Wales

Date of issue: 10 October 2023

Action required: Responses by 16 January 2024

**OGL** © Crown copyright 2023

Mae'r ddogfen hon ar gael yn Gymraeg hefyd / This document is also available in Welsh

Rydym yn croesawu gohebiaeth a galwadau ffôn yn Gymraeg / We welcome  
correspondence and telephone calls in Welsh



## Overview

This White Paper sets out a range of proposals for changes to policy and the law, to end homelessness in Wales.

## How to respond

Please respond by completing the online form or completing this questionnaire and sending it to [HomelessnessLegislationReform@gov.wales](mailto:HomelessnessLegislationReform@gov.wales)

If you intend to respond in writing, please send completed forms to:

Homelessness Prevention Legislation Team  
Welsh Government  
Cathays Park  
Cardiff  
CF10 3NQ

When you reply, it would be useful if you confirm whether you are replying as an individual or submitting an official response on behalf of an organisation and include:

- your name
- your position (if applicable), and
- the name of organisation (if applicable).

## Further information and related documents

Large print, Braille and alternative language versions of this document are available on request.

## Data Protection

The Welsh Government will be data controller for any personal data you provide as part of your response to the consultation. Welsh Ministers have statutory powers they will rely on to process this personal data which will enable them to make informed decisions about how they exercise their public functions. Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about or planning future consultations. Where the Welsh Government undertakes further analysis of consultation responses then this work may be commissioned to be carried out by an accredited third party (e.g., a research organisation or a consultancy company). Any such work will only be undertaken under contract. Welsh Government's standard terms and conditions for such contracts set out strict requirements for the processing and safekeeping of personal data.

In order to show that the consultation was carried out properly, the Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. If you do not want your name or address published, please tell us this in writing when you send your response. We will then redact them before publishing.

You should also be aware of our responsibilities under Freedom of Information legislation.

If your details are published as part of the consultation response then these published reports will be retained indefinitely. Any of your data held otherwise by Welsh Government will be kept for no more than 3 years.

## Confidentiality

Responses to consultations may be made public on the internet or in a report.

**If you would prefer your response to remain anonymous, please tick here:**

# Reform of the existing core homelessness legislation

## Question 1

Do you agree these proposals will lead to increased prevention and relief of homelessness?  
Yes/no

YES/PARTIALLY

## Question 2

What are your reasons for this?

**. PARTIALLY – Whilst the extension of Prevention duties to six months (up from 56 days) allows more time for officers to work with clients, there also needs to be an acknowledgement that without additional and affordable options in the private rented sector and increased resources, it may mean additional workload for staff especially around engagement and reviewing of PHPs throughout this extended period. PHPs are already in use in Powys. We would wish the client to be equally responsible in considering and taking forward Reasonable Steps outlined in the PHP, as we have found this ensures “buy in” from the client and ownership of their situation. The Council is here to assist within finite resource, not do everything.**

**Additional rights to request reviews on reasonable steps - robust safeguards are needed to prevent mendacious and speculative reviews being sought**

**Regarding a new duty on local authorities to retain accommodation, this duty needs extending to Housing Association partners and private landlords in our view, as well as lenders to help people in difficulty make their mortgage payments, support for equitable mortgage rescue schemes that do not deprive people of the equity they have accrued in their homes. The abolition of S.173 notices needs to go ahead if this proposal is to be supported. There is a view that S.173s need to be abolished anyway, given they appear - just a mildly revised S.21.**

**Resources will need to be made available to local authorities to do this effectively.**

**Regarding unreasonably failing to co-operate, there is a view that failure to co-operate needs to be clearly defined but needs to be on the principle that a person is deemed to be able to, and willing to, co-operate unless there are unavoidable, reasonable and unresolvable reasons for them not co-operating. In short, people should have a clear and explicit duty, a responsibility to co-operate to the fullest possible extent with an agency helping to resolve their homelessness. This again re-enforces that the Council is here to assist in partnership with the person seeking help...we must guard against encouraging “helplessness”.**

## Question 3

Are there additional legislative proposals you think we should consider to improve the prevention and relief of homelessness?

Remove Section 173 of the Renting Homes (Wales) Act 2016. Make Secure Contracts the default for all rented accommodation.

#### Question 4

Do you agree with our proposal to abolish the priority need test?

Yes/no

**No – whilst the aspirations in this regard are admirable, the reality is that the resource is finite.** Whilst the Council has operated predominantly in a “priority need blind” way since the pandemic, given WG’s requirement that No One Left Out continues, this has resulted in huge demands on the requirements for temporary accommodation both within community landlord stocks and within B&B type accommodation, at huge cost. Whilst additional funding has been forthcoming from WG to assist with these costs, the allocation was exhausted within around 6 months, leaving a burden on the local authority. If everyone proceeded to S75 Final Duty this would intensify demand and may lead to potential earlier solutions to relieve homelessness being disregarded by clients who would wish to secure social housing. If funding matched the requirements in the White Paper, this concern would not be an issue. Additionally, the White Paper proposes abolition of the Priority Need test, whilst then proposing awarding priority need status to certain groups, including Care Leavers. Concern around resources means if everyone is Priority Need, no-one is Priority Need.

#### Question 5

Do you agree with our proposal to abolish the Intentionality test?

Yes/no

**No - there needs to be a balance between rights and responsibilities to make sure that where people are able to take ownership of their life choices, the outcome of those choices are recognised as much as events beyond the reasonable control of the individual/household.** If persons seeking help can deliberately do something to lose their home, there must be consequences, otherwise persons who abide by the rules will be disadvantaged. The current legislation does not look to apply intentionality until S75 is considered, which allows for a period of time to work up an alternative housing solution. To this end, we feel that the S73 duty should remain to allow officers additional time to work on solutions.

#### Question 6

Do you agree with our proposal to keep the local connection test but add additional groups of people to the list of exemptions to allow for non-familial connections with communities and to better take account of the reasons why someone is unable to return to their home authority.

Yes/Partially – this needs to be very carefully thought through, and is best addressed via clearer guidance around extended families and support networks. There is a real danger that persons will approach “more desirable” areas of the country, potentially overwhelming those areas. Additionally, we are already experiencing instances of persons approaching from neighbouring English authorities, and if the proposals are enacted there will be a clearly “softer” approach in Wales which will further encourage persons from England to present.

## 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?

**Nothing to comment here.**

## The role of the Welsh Public Service in preventing homelessness

### Question 8

Do you agree with the proposals to apply a duty to identify, refer and co-operate on a set of relevant bodies in order to prevent homelessness?

Yes/no

Please give your reasons

**Yes – however we feel Housing Associations need to be included here also, and more clearly define the relevant bodies to be included.**

### Question 9

Do you agree with the proposed relevant bodies, to which the duties to identify, refer and co-operate would apply? Would you add or remove any services from the list?

**Yes – as above. Could private landlords be included?**

## Question 10

In your view have we struck the right balance between legislative requirements and operational practice, particularly in relation to health?

**There is a view that we need to increase the supply of genuinely affordable, genuinely secure homes. A net increase. The ever increasing and increasingly unneeded (and unwanted I suspect by households) or unwarranted requirements being placed on social housing developers (and indeed private developers of homes for sale) is hindering the ability of the industry to build the quantity of homes we as a society need. As indeed are the other growing number of issues that seem to be taking growing out of all proportion - for example the management of phosphates, the 'impact assessments' that have proliferated in the planning system, the costs and unnecessary impositions associated with 'net zero'.**

## Question 11

What practical measures will need to be in place for the proposed duties to identify, refer and co-operate to work effectively? Please consider learning and development needs, resources, staffing, location and culture.

**Clear requirements on the relevant bodies, and an understanding that homelessness is everyone's responsibility. In Powys, we have retained the Homelessness Cell, and this has ensured agencies across the public sector meet and engage with each other. A view that there should be a clear statutory requirement on bodies to work together to resolve issues and prevent and relieve homelessness – suggested this could be similar to a "MAPPA" requirement, to ensure agencies must work together. Clear additional resources may be required in some agencies to allow for this additional checking and referral work, eg HMPPS.**

## Question 12

In addition to the broad duties to identify, refer and co-operate, this chapter contains proposals to provide enhanced case co-ordination for those with multiple and complex needs. To what extent will the proposals assist in preventing homelessness amongst this group?

**The Council employs Complex Needs Pathway coordinators, who work across departmental and agency boundaries where they need to facilitate alternative working practices to cater for persons with multiple and complex needs. Multi Disciplinary forums are used, and the Homelessness Cell is also able to oversee this work and look to identify solutions. Again, this requires clear "buy in" from bodies.**

**Question 13**

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

**Nothing to comment here.**

**Targeted proposals to prevent homelessness for those disproportionately affected**

**Question 14**

Are there other groups of people, not captured within this section, which you believe to be disproportionately impacted by homelessness and in need of additional targeted activity to prevent and relieve this homelessness (please provide evidence to support your views)?

**No**

**Question 15**

What additional legislative or policy actions could be taken to prevent or relieve homelessness for the groups captured by this White Paper?

**Nothing to comment here.**

**Question 16**

Our proposals related to children, young people and care experience seek to improve and clarify links between homelessness legislation and the Social Services and Wellbeing Act. Significant policy development is required to assess the practicality of this. What, in your views are the benefits and challenges of our approach and what unintended consequences should we prepare to mitigate?

**This is welcome – whilst there are good examples of cross departmental working in Powys – around joint assessments/Southwark, other areas would benefit from additional clarity, potentially around care experienced young people and the ways both sets of legislation overlaps.**

### Question 17

Do our proposals go far enough to ensure that 16 and 17 year olds who are homeless or at risk of homelessness receive joint support from social services and local housing authorities? What more could be done to strengthen practice and deliver the broader corporate parenting responsibilities?

**Yes**

### Question 18

Do you agree or disagree that the Renting Homes (Wales) Act 2016 should be amended to allow 16 and 17 year olds to be able to hold occupation contracts?

**We feel that 18 should remain the age when occupation contracts can be held.**

### Question 19

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

**Nothing to comment here.**

### Access to accommodation

### Question 20

To what extent do you agree or disagree with the short-term proposals to increase the suitability of accommodation? Are there additional immediate actions you believe should be taken for this purpose?



**We feel that strengthening the legal requirement for landlords - in particular private landlords - to put right Category One Hazards immediately should be a priority.**

**Regarding placement of young persons in “adult orientated” accommodation, we agree this should not occur, however due to lack of alternatives, this is the only option. Case by case, risk assessed placements are in place currently. Periods in B&B type accommodation similarly isn’t suitable for younger people, although the Council does use more family orientated premises whenever possible. Again placement into B&B type accommodation is unavoidable given the lack of alternatives.**

**Regarding placements within a reasonable travelling distance. There is a real concern for rural authorities, especially authorities as geographically large as Powys, and issues around providing services over such a large area has always been problematic. There needs to be a recognition that we can only provide accommodation where we have it, and a further recognition that many services in Powys do operate from several bases across the area, which do allow for placements further away if the relevant agency providing support and/or care can provide such from that location. Many of the local population commute from home to work, and see distances of 30 miles or more as relatively “local” given the large geographical area. Currently, during assessment and ongoing casework, clients are asked to widen their choices and have it explained that there simply may not be the housing options they require available in the area they most want, so more flexibility is required where reasonable, ie relatively good public transport links, etc.**

## Question 21

To what extent do you agree or disagree with the proposals around the allocation of social housing and management of housing waiting lists? What do you believe will be the consequences of these proposals?

**The consideration of personal circumstances is very much in keeping with the wider person centred approach to working with homeless applicants to improve their housing circumstances. However, this needs to be balanced against the chronic lack of available suitable accommodation. ‘Personal circumstances’ need to be very clearly defined and limited to those matters that are unavoidable, reasonable and proportionate, with an underlying basis in health, safety, safeguarding and ability to maintain work and education.**

**Regarding Housing Associations unreasonably refusing referrals - Such referrals will need to be underpinned by ensuring where applicable an appropriate support package in place to aid tenancy sustainability. This needs to be backed up by real, impactful and tangible sanctions for Associations that do not co-operate with a housing authority.**

**Regarding changes to test of unacceptable behaviour - The application of the unacceptable behaviour test should only be in clearly prescribed circumstances based on current behaviour rather than previous behaviour, and there is a view from some officers that there be a power (rather than a duty) to consider past behaviour patterns to embed the principal of rights and responsibilities, where there is no clear professional evidence from agencies and partners that there has been a clear change in personal behaviour due to successful interventions.**

Regarding removing persons from the housing register with no housing need...some mixed views here. Given resource this would make sense, however some felt the approach of prioritising according to housing need allows all levels of need and demand to be met – ie Social housing should be available for anyone to apply for - that many may not in times of constrained supply be offered a social home is no reason to exclude their choices and desires. One officer recalled Bevan: "We should try to introduce in our modern towns and villages housing where the doctor, the grocer, the butcher and the farm labourer all live in the same street...in the living tapestry of a mixed community".

Regarding 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' - The Homes in Powys Allocation Policy was amended in 2022 to give additional preference to households owed a S75 Duty. A recent analysis has shown an increase in both the number and percentage of homeless households being offered suitable social housing but not an appreciable increase in the number of households which can be attributed to this policy change. This policy change is subject to regular review.

Regarding amendments to legislation to allow for care leavers who are homeless (and persons fleeing abuse) to be provided with additional preference over other priority groups defined as having an urgent housing need - While these are specific groups, they will be covered by the overarching proposal to give additional preference to applicants owed a statutory homeless duty.

Regarding introducing a deliberate manipulation test - The proposal should have a positive impact on applicants who may intend to manipulate the homeless process in order to access social housing.

Regarding Homeless at Home - This particular proposal has the potential to significantly increase the number of people presenting as homeless and would realise the unintended consequence of people seeing homelessness as a route into housing. This is thrown into sharper relief in Powys as S75 Main 'Full' Duty homeless households are given additional preference on the Homes in Powys Common Housing Register.

The rationale within the consultation document is that the individual who is 'Homeless at Home' should be seen as any other applicant in temporary accommodation and should not be deprioritised in terms of finding longer-term more suitable accommodation. And in doing so this will ensure applicants are not disincentivised from becoming Homeless at Home which in turn should alleviate pressure on temporary accommodation.

It is noted that in the consultation document is currently informally operated by some Welsh Local Authorities and this proposal looks to formalise these approaches. However, it is recommended that further consultation is undertaken regarding this particular proposal. At Powys CC, applicants who are able to remain in insecure accommodation e.g. 'sofa surfing' are deemed to be 'Threatened with Homelessness' and Officers work with those individuals under a S66 Prevention Duty to find alternative settled accommodation while avoiding the need for temporary accommodation.

## Question 22

To what extent do you agree or disagree with the proposal for additional housing options for discharge of the main homelessness duty? What do you foresee as the possible consequences (intended or unintended) of this proposal?

**As noted in the consultation document this will have a positive impact on facilitating quicker positive discharges of homeless duties over and above the current discharges which for homeless applicants are the acceptance of either suitable social housing or private rented sector accommodation. As noted these options may include supported lodgings, supported accommodation and remaining or returning to previous accommodation, including the family home with the expectation is that this accommodation is reasonably expected to last at least 12 months (subject to a 6 month review) and the main housing duty would not end if the applicant refuses such accommodation. Some concerns around S193 of Renting Homes, real missed opportunity not to do away with No Fault evictions.**

## Question 23

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals in relation to access to housing. Are there any costs and benefits we have not accounted for?

**Nothing to comment here.**

## Implementation

### Question 24

To what extent do you think the proposals outlined above will support the implementation and enforcement of the proposed reforms?

**It is acknowledged that improving the timely collection and dissemination of data is integral to establishing what is going well and not so well as we move towards Wales where homelessness is rare, brief and unrepeatable. Equally, the relevance of that data needs to be continually monitored. All of which needs to be underpinned by structures which enable effective scrutiny of the progress in implementing the proposed legislative reform.**

**The active involvement of those with a lived experience of homelessness to identify further service improvements is fully supported.**

**Regarding changes to regulatory amendments governing Housing Associations, this is supported enthusiastically.**

**Question 25**

What other levers/functions/mechanisms could be used to hold local housing authorities and other public bodies accountable for their role in achieving homelessness prevention?

**As mentioned previously, making it a statutory requirement for other public bodies to refer and collaboratively work with Homelessness Services – consider forums based on the Homelessness Cell model to encourage and insist upon engagement.**

**Question 26**

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

**Nothing to comment here.**

**Question 27**

What, in your opinion, would be the likely effects of the proposed reforms in this White Paper on the Welsh language? We are particularly interested in any likely effects on opportunities to use the Welsh language and on not treating the Welsh language less favourably than English.

- Do you think that there are opportunities to promote any positive effects?
- Do you think that there are opportunities to mitigate any adverse effects?

**Nothing to comment here.**

**Question 28**

We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

**Nothing to comment here.**

Organisation (if applicable):

**Powys County Council**



Llywodraeth Cymru  
Welsh Government

Llywodraeth Cymru  
Ffurflen ymateb i'r ymgynghoriad

## Ymgynghoriad ar y Papur Gwyn ar Roi Diwedd ar Ddigartrefedd yng Nghymru

Dyddiad cyhoeddi: 10 Hydref 2023  
Camau i'w cymryd: Ymatebion erbyn 16 Ionawr 2024

© Hawlfraint y Goron 2023

Rydym yn croesawu gohebiaeth a galwadau ffôn yn Saesneg.

## Trosolwg

Mae'r Papur Gwyn hwn yn nodi amrywiaeth o gynigion ar gyfer newidiadau i bolisi a'r gyfraith, i roi diwedd ar ddiartrefedd yng Nghymru.

### Sut i ymateb

Byddwch cystal â chyflwyno'ch sylwadau erbyn 16 Ionawr 2024, yn un o'r ffyrdd canlynol:

- cwblhau ein ffurflen ar-lein
- lawrlwytho, cwblhau ein ffurflen ymateb ac e-bostio [DiwygioDeddfwriaethDigartrefedd@llyw.cymru](mailto:DiwygioDeddfwriaethDigartrefedd@llyw.cymru)
- lawrlwytho, cwblhau ein ffurflen ymateb a'i phostio i:

Tîm Deddfwriaeth Atal Digartrefedd  
Llywodraeth Cymru  
Parc Cathays  
Caerdydd  
CF10 3NQ

Wrth ymateb, byddai'n ddefnyddiol pe baech yn cadarnhau a ydych yn ymateb fel unigolyn ynteu'n cyflwyno ymateb swyddogol ar ran sefydliad, ac yn cynnwys::

- eich new
- eich swydd (os yw'n berthnasol)
- enw'r sefydliad (os yw'n berthnasol)

### Rhagor o wybodaeth a dogfennau cysylltiedig

Gellir gwneud cais am fersiynau o'r ddogfen hon mewn print bras, mewn Braille neu mewn ieithoedd eraill.

## Rheoliad Cyffredinol y DU ar Ddiogelu Data

Llywodraeth Cymru fydd y rheolydd data ar gyfer unrhyw ddata personol a ddarperir gennych wrth ichi ymateb i'r ymgynghoriad. Mae gan Weinidogion Cymru bwerau statudol y byddant yn dibynnu arnynt i brosesu'r data personol hyn a fydd yn eu galluogi i wneud penderfyniadau cytbwys ynghylch sut y maent yn cyflawni eu swyddogaethau cyhoeddus. Bydd unrhyw ymateb a anfonwch atom yn cael ei weld yn llawn gan staff Llywodraeth Cymru sy'n gweithio ar y materion y mae'r ymgynghoriad hwn yn ymwneud â nhw neu sy'n cynllunio ymgynghoriadau ar gyfer y dyfodol. Pan fo Llywodraeth Cymru yn cynnal dadansoddiad pellach o'r ymatebion i ymgynghoriad, yna gall trydydd parti achrededig (e.e. sefydliad ymchwil neu gwmni ymgynghori) gael ei gomisiynu i wneud y gwaith hwn. Ymgwymerir â gwaith o'r fath dim ond o dan contract. Mae telerau ac amodau safonol Llywodraeth Cymru ar gyfer contractau o'r fath yn nodi gofynion caeth ar gyfer prosesu data personol a'u cadw'n ddiogel.

Er mwyn dangos bod yr ymgynghoriad wedi'i gynnal yn briodol, mae Llywodraeth Cymru yn bwriadu cyhoeddi crynodeb o'r ymatebion i'r ddogfen hon. Mae'n bosibl hefyd y byddwn yn cyhoeddi'r ymatebion yn llawn. Fel arfer, bydd enw a chyfeiriad (neu ran o gyfeiriad) yr unigolyn neu'r sefydliad a anfonodd yr ymateb yn cael eu cyhoeddi gyda'r ymateb. Os nad ydych yn dymuno i'ch enw a'ch cyfeiriad gael eu cyhoeddi, rhowch wybod inni yn ysgrifenedig wrth anfon eich ymateb. Byddwn wedyn yn cuddio'ch manylion cyn cyhoeddi'ch ymateb.

Dylech hefyd fod yn ymwybodol o'n cyfrifoldebau o dan ddeddfwriaeth Rhyddid Gwybodaeth.

Os caiff eich manylion chi eu cyhoeddi fel rhan o'r ymateb i'r ymgynghoriad, caiff yr adroddiadau hyn eu cadw am gyfnod amhenodol. Ni fydd gweddiill eich data a gedwir fel arall gan Lywodraeth Cymru yn cael eu cadw am fwy na thair blynedd.

## Cyfrinachedd

Gallai ymatebion i ymgynghoriadau gael eu cyhoeddi ar y rhyngwrwyd neu mewn adroddiad.

**Os nad ydych am i'ch enw a'ch cyfeiriad gael eu dangos mewn unrhyw ddogfen y gallwn ei chynhyrchu, ticiwch yma:**

## Diwygio'r ddeddfwriaeth graidd bresennol mewn perthynas â digartrefedd

### Cwestiwn 1

Ydych chi'n cytuno y bydd y cynigion hyn yn arwain at gynnydd mewn atal digartrefedd a rhyddhad o ddigartrefedd?

Ydw/nac ydw

Ydyn, os ellir ariannu'r polisiau arfaethedig ac hefyd adeiladu system monitro teilwng a gwella'r system casglu data presennol.

### Cwestiwn 2

Beth yw eich rhesymau dros hyn?



Mae newid yn bosib os ellir ei ariannu, ac os eir ati i gydweithio gyda sefydliadau lleol perthnasol a chyflwyno system monitro da.

### Cwestiwn 3

Yn eich barn chi, a oes cynigion deddfwriaethol ychwanegol y dylem eu hystyried er mwyn sicrhau gwelliannau o ran atal digartrefedd a rhyddhau pobl o ddigartrefedd?

Nacoes.

### Cwestiwn 4

Ydych chi'n cytuno â'n cynnig i ddiddymu'r prawf angen blaenoriaethol?  
Ydw/nac ydw

Nid oes gennym farn gref o blaid nac yn erbyn y cynnig, ond rhaid gofyn beth fydd y Llywodraeth yn rhoi yn ei le. Mae angen unrhyw bolisi newydd i fod yn dryloyw. Credwn fod angen adolygu'r polisi'n gyson, o bosib bob blwyddyn, yn sicrhau bob pum mlynedd. Dylai'r awdurdodau lleol orfod adrodd yn ol ar y mater (gweler y gofyniad ar gyfer monitro cyffredinol yn Neddf Llesiant Cenedlaethau'r Dyfodol (Cymru)).

### Cwestiwn 5

Ydych chi'n cytuno â'n cynnig i ddiddymu'r prawf bwriadoldeb?  
Ydw/nac ydw

Tra ein bod yn cydymdeimlo gyda pheth o'r syniad wrth wraidd diddymu'r prawf bwriadoldeb, nid yw'n hollol eglur i ni fod angen diddymu'r prawf bwriadoldeb yn llwyr. Mae angen ffiniau ar gyfer ymddygiad, ond hefyd angen pwysu a mesur yr effeithiau o'r ymddriniaeth o unigolion ar bobl eraill. Er enghraifft, efallai fod y tenant wedi gwneud eu hun yn fwriadol yn ddigartref, ond dylid ystyried a oes teulu a phlant wedyn yn ddiodef. Efallai fod angen rhannu teulu. Dyma ble mae angen sicrhau'r berthynas ddydd-i-ddydd gydag asiantaethau eraill megis gwasanaethau cymdeithasol.

Credwn fod rhaid sicrhau fod unrhyw un dros 18 oed yn cael hawl i fod ar y ddogfen tenantiaeth.

Carem godi'r ffaith fod y tabl data perthnasol heb gael ei gyhoeddi ers 2020 ar wefan StatsWales.

[Aelwydydd a ganfuwyd mewn perygl o fod yn ddigartref yn ystod y flwyddyn. Y prif reswm dros fod mewn perygl o fod yn ddigartref yn ôl math o aelwyd \(Adran 66\) \(llyw.cymru\)](#)

Mae angen y fath o wybodaeth a gasglwyd yn flynyddol ganddo er mwyn gallu pwysu a mesur materion fel effaith y prawf bwriadoldeb. Mae diffyg y data ers y cyfnod clo cyntaf, pryd y newidiodd polisi ymarferol digartrefedd dros dro cyn dychwelyd l'r norm, yn gwneud dadansoddiad cymharol angenrheidiol yn amhosib.

## Cwestiwn 6

Ydych chi'n cytuno â'n cynnig o gadw'r prawf cysylltiad lleol ond ychwanegu grwpiau eraill o bobl at y rhestr o eithriadau er mwyn darparu ar gyfer cysylltiadau nad ydynt yn rhai teuluol â chymunedau ac ystyried yn well y rhesymau pam na all rhywun ddychwelyd i'w awdurdod lleol gwreiddiol?

Rydym o blaid cadw'r prawf cysylltiad lleol. Ni ddarparwyd tystiolaeth yn seiliedig ar ddata crai ar gyfer newid neu ddiddymu'r prawf cysylltiad lleol. Mae'n arwyddocaol fod awdurdodau lleol am ei gadw.

Roeddem yn gryf o blaid cadw pobl o fewn eu cynefin onibai fod eithriadau'n golygu ei bod hi'n foesol yn well iddynt gael symud, e.e. trais yn y cartref. Er enghraifft mae'n anodd iawn i berson bregus os mae'n colli cysylltiad gyda'i feddyg teulu, ac mae teithio at feddyg yn anoddach mewn ardaloedd gwledig, neu os yw lleoliad meddygfa neu wasanaeth arall (deintydd, ac ati) yn cael ei newid. Dylid cymeryd mewn i ystyriaeth hygyrchedd gwasanaethau cyhoeddus o'r fath, yn enwedig yn wyneb heriadau trafndiaeth gyhoeddus a gallu unigolyn i yrru.

Mae cadw pobl yn eu cynefin yn gwarchod pobl o bob oedran, o ran dilyniant addysg, gofal iechyd, gofal cymdeithasol. O ran teulu a phobl hyn rydych chi'n eu cadw nhw yng nghanol y bobl maen nhw'n adnabod. Mae yna ddata wedi ei roi, ond ddim yn genedlaethol, ar os symudir pobl hyn i ffwrdd o'u cynefin dyw nhw ddim yn byw yn rhy hir. Arferid defnyddio hyn wrth ystyried symud pobl o gartref henoed.

Yn olaf, petai'r llywodraeth yn cael gwared o'r cyswllt lleol, fe allai rhai awdurdodau lleol honni nad oes problem digartrefedd ganddyn nhw.

## Cwestiwn 7

Mae'r Asesiad Effaith Rheoleiddiol cysylltiedig yn nodi ein gwaith meddwl cychwynnol ynglŷn â chostau a manteision y cynigion hyn. A oes unrhyw gostau a manteision nad ydym wedi'u hystyried?

## Rôl gwasanaeth cyhoeddus Cymru o ran atal digartrefedd

### Cwestiwn 8

Ydych chi'n cytuno â'r cynigion i osod dyletswydd i ganfod, atgyfeirio a chydweithredu ar nifer o gyrrff perthnasol er mwyn atal digartrefedd?

Ydw

Rhowch eich rhesymau.

Ydyn, rydyn ni'n cytuno.

Os oes arian cyhoeddus yn mynd i elusennau digartrefedd, maen nhw'n dod yn rhan o'r cylch neu gyfundrefn monitro. Mae hyn yn rhoi llwyfan iddyn nhw fynd ar ol y pwnc.

Rydym yn gryf o blaid system monitro manwl ar gyfer digartrefedd ar lefel lleol a chenedlaethol. Er mwyn i hyn weithio gofynnwn ar i Lywodraeth Cymru ailystyried cyhoeddi'r holl ddata perthnasol ar StatsWales a oedd ar gael cyn y cyfnod clo cyntaf. Mae hyn yn arbennig am fod lefelau digartrefedd wedi cynyddu'n ddirfawr ers 2014.

Rydym o'r farn fod angen i'r polisi atal digartrefedd ar lefel statudol fod yn ddigon cryf fel na cheiff elusennau eu llethu wrth orfod delio gyda'r argyfwng.

Gan fynd gam ymhellach na monitro, carem gynnig syniad o Fforwm Digartrefedd, wedi ei anelu at y cyhoedd, ar gyfer rhannu profiadau.

### Cwestiwn 9

**Ydych chi'n cytuno â'r cyrrff perthnasol arfaethedig y byddai'r dyletswyddau i ganfod, atgyfeirio a chydweithredu yn gymwys iddynt? A fydddech yn ychwanegu neu'n tynnu unrhyw wasanaethau o'r rhestr?**

O ran egwyddor, ydym, gan ychwanegu y dylid gosod dyletswyddau ar unrhyw gyrrff a dderbyniant arian cyhoeddus tuag at waith ar ddigartrefedd.

Gan fod amrywiaeth rhwng awdurdodau lleol o ran eu stoc tai, eu gwead, a'u poblogaeth, awgrymwn fod angen rhoi mwy o ryddid i awdurdodau lleol i gyflwyno eu cynlluniau eu hunain am gartrefi. Er enghraifft, ceir cartref gofal estynedig 65 o fflatiau gan gynnwys darpariaeth dementia yng Nghyngor Sir y Fflint. Hefyd, mae Cyngor Sir y Fflint wedi sefydlu cwmni sy'n addasu blychau llongau ar gyfer llety dros dro. Maen nhw'n cael eu monitro ac mae warden yno. Maent yn agos i anghenion y gymuned, e.e. siopau. Mae'r ystad yma wedi ei chofrestru, felly cofrestrir hi gyda'r feddygfa.

### Cwestiwn 10

Yn eich barn chi, a ydym wedi taro'r cydbwysedd cywir rhwng gofynion deddfwriaethol ac arferion gweithredol, yn enwedig mewn perthynas ag iechyd?

Rydym o'r farn fod angen cryfhau arferion gweithredol o gydweithio rhwng cynghorau lleol ac asiantaethau megis gwasanaethau cymdeithasol, cymdeithasau tai, y gyfundrefn addysg, meddygfeydd ac elusennau er mwyn mynd i'r afael a digartrefedd. Hyn yn arbennig sydd angen er mwyn atal pobl rhag cwmpo drwy'r craciau a chynyddu'r perygl eu bod yn mynd yn ddigartref. Mae hyn yn fwy pwysig na chynnig deddfwriaeth newydd.

## Cwestiwn 11

Pa fesurau ymarferol y bydd angen eu rhoi ar waith er mwyn i'r dyletswyddau arfaethedig i ganfod, atgyfeirio a chydweithredu weithio'n effeithiol? Gofynnwn ichi ystyried anghenion dysgu a datblygu, adnoddau, staffio, lleoliad a diwylliant.

Carem bwysleisio monitro gweithredol, casglu data cynhwysfawr a manwl ar lefelau lleol a chenedlaethol nid cwtogi ar hyn fel sydd wedi digwydd.

Hefyd dylid sefydlu Fforwm Digartrefedd i gyfarfod yn flynyddol gan wahodd pawb sy'n ymwneud a cheisio atebion i'r broblem gymdeithasol hwn. Un rol neilltuol Senedd Cymru fyddai adolygu cynlluniau amrywiol sy wedi bod yn rhan o gyfrifoldeb a dyletswydd Cynghorau Lleol gyda chydweithrediad a chymorth Chymdeithasau Tai Elusennol a rhai sy wedi eu sefydlu i dderbyn trosglwyddiad stoc dai Cynghorau Sir. Cyfeiriwn yn neilltuol i rai megis Cynllun Eiddo/Tai Gwag, cynllun addasu stafelloedd uwchben siopau, sefydlu Cwmni Adeiladu Tai gan Gynghorau Lleol ar gyfer defnydd o dir gwag o'u heiddo ac ardaloedd difreintedig (rundown) yn eu hardaloedd trefol. Dylid hefyd ystyried Polisi Cynlluniau Tai Haf gan ddefnyddio Adroddiad Dr. Simon Brooks fel sylfaen i astudio'r modd gall tai haf cael eu rhyddhau ar denantiaeth cyfnod byr i gartrefu pobl yn eu broydd/cynefin.

## Cwestiwn 12

Yn ogystal â'r dyletswyddau cyffredinol i ganfod, atgyfeirio a chydweithredu, mae'r bennod hon yn cynnwys cynigion i gyflwyno gofyniad i gydgyssylltu achosion yn well ar gyfer pobl ag anghenion lluosog a chymhleth. I ba raddau y bydd y cynigion yn helpu i atal digartrefedd ymhlith y grŵp hwn?

## Cwestiwn 13

Mae'r Asesiad Effaith Rheoleiddiol cysylltiedig yn nodi ein gwaith meddwl cychwynnol ynglŷn â chostau a manteision y cynigion hyn. A oes unrhyw gostau a manteision nad ydym wedi'u hystyried?

Cynigion wedi'u targedu i atal digartrefedd i'r rhai yr effeithir arnynt yn anghymesur

**Cwestiwn 14**

A oes unrhyw grwpiau eraill o bobl, heb eu nodi yn yr adran hon, y mae digartrefedd yn effeithio'n anghymesur arnynt yn eich barn chi, ac y mae angen gweithgarwch wedi'i dargedu ychwanegol i atal a lleihau digartrefedd o'r fath (rhowch dystiolaeth i gefnogi'ch barn)?

Sylwn na cheir unrhyw gyfeiriad at ddigartrefedd gwledig yn y ddogfen ymgynghorol. Efallai fod hyn oherwydd y defnydd o'r cysyniad o 'ddigartrefedd anghymesur'. Gall fod digartrefedd gwledig yn fwy cudd na digartrefedd dinesig am fod efallai llai o bobl yn cysgu tu fas.

**Cwestiwn 15**

Pa gamau deddfwriaethol neu bolisi ychwanegol y gellid eu cymryd i atal neu leihau digartrefedd i'r grwpiau a nodir yn y Papur Gwyn hwn?

**Cwestiwn 16**

Mae ein cynigion ynglŷn â phlant, pobl ifanc a phobl ifanc sydd â phrofiad o ofal yn ceisio gwella ac yn egluro cysylltiadau rhwng deddfwriaeth digartrefedd a'r Ddeddf Gwasanaethau Cymdeithasol a Llesiant. Mae angen gwaith datblygu polisi sylweddol er mwyn asesu ymarferoldeb hyn. Yn eich barn chi, beth yw manteision a heriau ein dull gweithredu a pha ganlyniadau anfwriadol y dylem baratoi i'w lliniaru?

## Cwestiwn 17

A yw ein cynigion yn mynd yn ddigon pell i sicrhau bod pobl ifanc 16 a 17 oed sy'n ddigartref neu sy'n wynebu risg o ddigartrefedd yn cael cymorth ar y cyd gan wasanaethau cymdeithasol ac awdurdodau tai lleol? Beth yn rhagor y gellid ei wneud i gryfhau ymarfer a chyflawni cyfrifoldebau rhianta corfforaethol ehangach?

Mae prinder o rieni maeth o bobl cefndir gan gynnwys siaradwyr Cymraeg. Mae angen mwy o hyfforddiant, er mwyn fod pobl yn gwybod eu cyfrifoldebau corfforaethol nhw. Mae'n rhy hwyr edrych arnynt pan font yn 16-17 oed. Gallai fod angen edrych ar y data ar eu haddysg, er mwyn cael darlun gwell ar sut allent ddod allan o'u sefyllfa.

## Cwestiwn 18

A ydych yn cytuno neu'n anghytuno y dylid diwygio Deddf Rhentu Cartrefi (Cymru) 2016 i ganiatáu i bobl ifanc 16 a 17 oed allu dal contractau meddiannaeth?

## Cwestiwn 19

Mae'r Asesiad Effaith Rheoleiddiol cysylltiedig yn nodi ein gwaith meddwl cychwynnol ynglŷn â chostau a manteision y cynigion hyn. A oes unrhyw gostau a manteision nad ydym wedi'u hystyried?

## Mynediad at lety

### Cwestiwn 20

I ba raddau rydych chi'n cytuno neu'n anghytuno â'r cynigion byrdymor i wneud llety yn fwy addas? Yn eich barn chi, a oes camau ychwanegol y dylid eu cymryd ar unwaith ar y diben hwn?

## Cwestiwn 21

I ba raddau rydych chi'n cytuno neu'n anghytuno â'r cynigion sy'n ymwneud â dyrannu tai cymdeithasol a rheoli rhestrau aros am dai? Beth ydych chi'n credu fydd canlyniadau'r cynigion hyn?

## Cwestiwn 22

I ba raddau rydych chi'n cytuno neu'n anghytuno â'r cynnig i gyflwyno opsiynau tai ychwanegol ar gyfer cyflawni'r brif ddyletswydd digartrefedd? Beth rydych chi'n rhagweld fydd canlyniadau (bwriadol neu anfwriadol) y cynnig hwn?

## Cwestiwn 23

Mae'r Asesiad Effaith Rheoleiddiol cysylltiedig yn nodi ein gwaith meddwl cychwynnol ynglŷn â chostau a manteision y cynigion hyn o ran mynediad at dai. A oes unrhyw gostau a manteision nad ydym wedi'u hystyried?

## Gweithredu

### Cwestiwn 24

I ba raddau, yn eich barn chi, y bydd y cynigion a amlinellir uchod yn helpu i weithredu a gorfodi'r diwygiadau arfaethedig?

## Cwestiwn 25

Pa ysgogiadau/swyddogaethau/mecanweithiau eraill y gellid eu defnyddio i ddal awdurdodau tai lleol a chyrff cyhoeddus eraill yn atebol am eu rôl wrth atal digartrefedd?

## Cwestiwn 26

Mae'r Asesiad Effaith Rheoleiddiol cysylltiedig yn nodi ein gwaith meddwl cychwynnol ynglŷn â chostau a manteision y cynigion hyn. A oes unrhyw gostau a manteision nad ydym wedi'u hystyried?

## Cwestiwn 27

Beth, yn eich barn chi, fyddai effeithiau tebygol y diwygiadau arfaethedig yn y Papur Gwyn hwn ar y Gymraeg? Mae gennym ddi-ddordeb penodol mewn unrhyw effeithiau tebygol ar gyfleoedd i ddefnyddio'r Gymraeg ac ar beidio â thrin y Gymraeg yn llai ffafriol na'r Saesneg.

- A oes unrhyw gyfleoedd i hyrwyddo unrhyw effeithiau cadarnhaol, yn eich barn chi?
- A oes unrhyw gyfleoedd i liniaru unrhyw effeithiau negyddol, yn eich barn chi?

## Cwestiwn 28

Rydym wedi gofyn nifer o gwestiynau penodol. Os oes gennych chi unrhyw faterion cysylltiedig sydd heb gael eu trafod yn benodol, mae croeso i chi ddefnyddio'r lle hwn i'w nodi:

Carem godi mater trafndiaeth gyhoeddus, yr angen i'w wella er mwyn fod dewis teg o gartrefi ar gael i bawb.

Yn Wrecsam, gwahoddid y digartref i adeiladu eu tai eu hunain. Cant hawl i fynd i'r coleg i ddysgu crefft. Mae buddiannau cymdeithasol yma.



Sefydliad (os yw'n berthnasol):

**Eglwys Bresbyteraidd Cymru**



Welsh Government  
Consultation response form

## Consultation on the White Paper on Ending Homelessness in Wales

Date published: 10 October 2023  
Action: Responses by 16 January 2024

© Crown Copyright 2023

We welcome correspondence and phone calls in English.

## Overview

This White Paper sets out a range of proposals for changes to policy and the law, to end homelessness in Wales.

## How to respond

Please submit your comments by 16 January 2024, in one of the following ways:

- complete our online form
- download, complete our response form and email [DiwygioDeddfwriaethDigartrefedd@llyw.wales](mailto:DiwygioDeddfwriaethDigartrefedd@llyw.wales)
- download, complete our response form and post to:

Homelessness Prevention Legislation Team  
Welsh Government  
Cathays Park  
Cardiff  
CF10 3NQ

When responding, it would be helpful if you would confirm whether you are responding as an individual or submitting an official response on behalf of an organisation, and include::

- your new
- your post (if applicable)
- name of organisation (if applicable)

## More information and related documents

Versions of this document may be requested in bold, in Braille or in other languages.

### UK General Data Protection Regulation

The Welsh Government will be the data controller for any personal data you provide as you respond to the consultation. Welsh Ministers have statutory powers that they will rely on to process these personal data that will enable them to make informed decisions about how they carry out their public functions. Any response you send to us will be fully seen by Welsh Government staff working on the issues this consultation relates to or who are planning future consultations. Where the Welsh Government undertakes further analysis of responses to a consultation, then an accredited third party (e.g. a research institute or consultancy firm) may be commissioned to carry out this work. Such work is undertaken only under contract. The Welsh Government's standard terms and conditions for such contracts set out strict requirements for processing and keeping personal data safe.

In order to demonstrate that the consultation was properly carried out, the Welsh Government intends to publish a summary of the responses to this document. It is also possible that we will publish the responses in full. The name and address

(or part of the address) of the person or organisation that sent the response are usually published with the response. If you do not wish your name and address to be published, please let us know in writing when sending your response. We will then hide your details before publishing your response.

You should also be aware of our responsibilities under Freedom of Information legislation.

If your details are published as part of the consultation response, these reports will be retained indefinitely. The remaining data otherwise held by the Welsh Government will not be retained for more than three years.

## Confidentiality

Responses to consultations could be published on the internet or in a report.

**If you don't want your name and address shown in any document we can produce, tick here:**

## Amending existing core legislation relating to homelessness

### Question 1

Do you agree that these proposals will lead to an increase in homelessness prevention and homelessness relief?

Yes/no

Yes, if the proposed policies can be funded and also build a decent monitoring system and improve the existing data collection system.

### Question 2

What are your reasons for this?

Change is possible if it can be funded, and if collaboration with relevant local organisations and a good monitoring system is introduced.

### Question 3

Do you think there are additional legislative proposals that we should consider to deliver improvements in preventing homelessness and relieving people of homelessness?

Naco.es.

### Question 4

Do you agree with our proposal to abolish the priority need test?

Yes/no

We do not have strong views for or against the proposal, but we have to ask what the Government will put in its place. Any new policy is necessary to be transparent. We believe that the policy needs to be reviewed constantly, possibly every year, certainly every five years. Local authorities should have to report back on the matter (see requirement for general monitoring in the Well-being of Future Generations (Wales) Act).

### Question 5

Do you agree with our proposal to abolish the intentionality test?

Yes/no

While we sympathise with some of the idea behind the abolition of the intentionality test, it is not entirely clear to us that the intentionality test needs to be abolished completely. There needs to be boundaries for behaviour, but also a need to weigh the effects from the handling of individuals on other people. For example, the tenant may have deliberately made themselves homeless, but it should be considered whether there is then a family and children suffering. Maybe a family needs to be shared. This is where the day-to-day relationship with other agencies such as social services needs to be secured.

We believe that anyone over the age of 18 must be enlisted on the tenancy document.

We would like to raise the fact that the relevant data table has not been published since 2020 on the StatsWales website.

[Households found at risk of homelessness during the year. Main reason for being at risk of homelessness by household type \(Section 66\) \(gov.wales\)](#)

Such information gathered annually by him is necessary to be able to weigh issues such as the impact of the intentionality test. The lack of the data since the first lockdown, when the practical policy of homelessness temporarily changed before returning to the norm, makes necessary comparative analysis impossible.

**Question 6**

Do you agree with our proposal of keeping the local connection test but adding other groups of people to the list of exceptions to accommodate non-family contacts with communities and better consider the reasons why someone cannot return to their original local authority?

We are in favour of keeping the local link test. Evidence based on raw data was not provided for the change or cancellation of the local association test. It is significant that local authorities want to keep it.

We strongly supported keeping people within their habitat unless exceptions meant it was morally better for them to be allowed to move, e.g. domestic violence. For example it is very difficult for a vulnerable person if they lose contact with their GP, and travel to a doctor is more difficult in rural areas, or if the location of a GP surgery or other service (dentist, etc.) is changed. The accessibility of such public services should be taken into account, particularly in the face of public transport challenges and an individual's ability to drive.

Keeping people in their habitat protects people of all ages, in terms of progression of education, healthcare, social care. When it comes to family and older people you keep them in the middle of the people they know. There is data given, but not nationally, on if these people are moved away from their habitat they don't live too long. This used to be used when considering the removal of people from an elderly home.

Finally, if the government removed the local link, some local authorities might claim that they do not have a homelessness problem.

**Question 7**

The accompanying RIA sets out our initial thinking about the costs and benefits of these proposals. Are there any costs and benefits that we haven't considered?

**The role of the Welsh public service in preventing homelessness**

**Question 8**

Do you agree with the proposals to impose a duty to detect, refer and co-operate on a number of relevant bodies to prevent homelessness?

Yes

Give your reasons.

Yes, we agree.

If public money goes to homelessness charities, they become part of the circle or monitoring regime. This gives them a platform to get on topic.

We strongly support a detailed monitoring system for homelessness at a local and national level. In order for this to work we ask for the Welsh Government to reconsider publishing all relevant data on StatsWales that was available before the first lockdown. This is particularly because levels of homelessness have increased dramatically since 2014.

We believe that the homelessness prevention policy at a statutory level needs to be strong enough so that charities are not overwhelmed in having to deal with the crisis.

Going a step further than monitoring, we would like to propose an idea of a Homelessness Forum, aimed at the public, for sharing experiences.

## Question 9

**Do you agree with the proposed relevant bodies to which the duties to identify, refer and co-operate would apply? Would you add or remove any services from the list?**

On principle, yes, adding that duties should be imposed on any bodies that receive public funds towards work on homelessness.

As there is variation between local authorities in terms of their housing stock, texture, and population, we suggest that local authorities need to be given more freedom to submit their own plans for homes. For example, there is an extended care home of 65 apartments including dementia provision at Flintshire County Council. Flintshire County Council has also set up a company that adapts shipping boxes for temporary accommodation. They're being monitored and there's a warden there. They are close to the needs of the community, e.g. shops. This estate is registered, so it is registered with the surgery.

## Question 10

Do you think we have struck the right balance between legislative requirements and executive practice, particularly in relation to health?

We believe that operational practices of collaboration between local councils and agencies such as social services, housing associations, the education system, GP surgeries and charities need to be strengthened to tackle homelessness. This in particular is necessary to prevent people from falling through the cracks and increasing the risk of them becoming homeless. This is more important than proposing new legislation.

**Question 11**

What practical measures will need to be put in place for the proposed duties to identify, refer and co-operate effectively? We ask that you consider learning and development needs, resources, staffing, location and culture.

We would like to emphasise active monitoring, comprehensive and detailed data collection at local and national levels not curtailing this as has been the case.

A Homelessness Forum should also be set up to meet annually inviting everyone involved and seeking solutions to this social problem. One particular roll of the Welsh Parliament would be to review various schemes that have been part of the responsibility and duty of Local Councils with the co-operation and support of Charitable Housing Associations and those that have been set up to receive the transfer of County Councils' housing stock. We refer particularly to such as a Property/Empty Housing Scheme, a shop overhead room conversion scheme, the establishment of a House Building Company by Local Councils for the use of vacant land from their properties and deprived areas (rundown) in their urban areas. A Summer Housing Scheme Policy should also be considered using Dr. Simon Brooks' Report as a foundation to study how summer houses can be released on short-term tenancy to house people in their locale/ habitat.

**Question 12**

In addition to the general duties to detect, refer and cooperate, this chapter includes proposals to introduce a requirement for better coordination of cases for people with multiple and complex needs. To what extent will the proposals help prevent homelessness among this group?

**Question 13**

The accompanying RIA sets out our initial thinking about the costs and benefits of these proposals. Are there any costs and benefits that we haven't considered?

**Targeted proposals to prevent homelessness for those disproportionately affected**

**Question 14**

Are there any other groups of people, not identified in this section, who you think are disproportionately affected by homelessness, and who need additional targeted activity



to prevent and reduce such homelessness (please provide evidence to support your view)?

We note that there is no reference to rural homelessness in the advisory document. This may be due to the use of the concept of 'disproportionate homelessness'. Rural homelessness may be more hidden than civic homelessness because there may be fewer people sleeping outside.

**Question 15**

What additional legislative or policy action could be taken to prevent or reduce homelessness for the groups set out in this White Paper?

**Question 16**

Our proposals for children, young people and young people with experience of care seek to improve and clarify links between homelessness legislation and the Social Services and Wellbeing Act. Significant policy development is needed to assess the feasibility of this. What do you think are the benefits and challenges of our approach and what unintended consequences should we prepare to mitigate?

**Question 17**

Do our proposals go far enough to ensure that 16 and 17-year-olds who are homeless or at risk of homelessness receive joint support from social services and local housing authorities? What more could be done to strengthen practice and fulfil wider corporate parenting responsibilities?

There is a shortage of foster parents from background people including Welsh speakers. More training is needed, so that people know their corporate responsibilities. It's too late to look at them when Font is 16-17. It might be necessary to look at the data on their education, to get a better picture on how they might get out of their situation.

### Question 18

Do you agree or disagree that the Home Rental (Wales) Act 2016 should be amended to allow 16 and 17-year-olds to be able to hold occupancy contracts?

### Question 19

The accompanying RIA sets out our initial thinking about the costs and benefits of these proposals. Are there any costs and benefits that we haven't considered?

## Access to accommodation

### Question 20

To what extent do you agree or disagree with the short-term proposals to make accommodation more suitable? Do you think there are additional steps that should be taken immediately on this purpose?

### Question 21

To what extent do you agree or disagree with the proposals relating to social housing allocation and housing waiting list management? What do you think the results of these proposals will be?

**Question 22**

To what extent do you agree or disagree with the proposal to introduce additional housing options for fulfilling the primary homelessness duty? What do you anticipate will be the consequences (intentional or unintended) of this proposal?

**Question 23**

The accompanying RIA sets out our initial thinking about the costs and benefits of these housing access proposals. Are there any costs and benefits that we haven't considered?

**Operate**

**Question 24**

To what extent do you think the proposals outlined above will help implement and enforce the proposed reforms?

**Question 25**

What other levers/functions/mechanisms could be used to hold local housing authorities and other public bodies accountable for their role in preventing homelessness?

**Question 26**

The accompanying RIA sets out our initial thinking about the costs and benefits of these proposals. Are there any costs and benefits that we haven't considered?

**Question 27**

What do you think would be the likely effects of the proposed amendments in this White Paper on the Welsh language? We are particularly interested in any likely effects on opportunities to use Welsh and on not treating Welsh less favourably than English.

- Do you think there are any opportunities to promote any positive effects?
- Do you think there are any opportunities to mitigate any negative impacts?

**Question 28**

We have asked a number of specific questions. If you have any related issues that haven't been specifically discussed, please feel free to use this space to point them out:

We would like to raise the issue of public transport, the need to improve it so that a fair choice of homes is available to all.

In Wrexham, the homeless were invited to build their own houses. Cant be allowed to go to college to learn a craft. There are social benefits here.

Organization (if applicable):

**Presbyterian Church of Wales**

Number: WG48223



Llywodraeth Cymru  
Welsh Government

Welsh Government  
Consultation response form

## Consultation on the White Paper on Ending Homelessness in Wales

Date of issue: 10 October 2023

Action required: Responses by 16 January 2024

**OGI** © Crown copyright 2023

Mae'r ddogfen hon ar gael yn Gymraeg hefyd / This document is also available in Welsh

Rydym yn croesawu gohebiaeth a galwadau ffôn yn Gymraeg / We welcome  
correspondence and telephone calls in Welsh

## Overview

This White Paper sets out a range of proposals for changes to policy and the law, to end homelessness in Wales.

## How to respond

Please respond by completing the online form or completing this questionnaire and sending it to [HomelessnessLegislationReform@gov.wales](mailto:HomelessnessLegislationReform@gov.wales)

If you intend to respond in writing, please send completed forms to:

Homelessness Prevention Legislation Team  
Welsh Government  
Cathays Park  
Cardiff  
CF10 3NQ

When you reply, it would be useful if you confirm whether you are replying as an individual or submitting an official response on behalf of an organisation and include:

- your name
- your position (if applicable), and
- the name of organisation (if applicable).

## Further information and related documents

Large print, Braille and alternative language versions of this document are available on request.

## Data Protection

The Welsh Government will be data controller for any personal data you provide as part of your response to the consultation. Welsh Ministers have statutory powers they will rely on to process this personal data which will enable them to make informed decisions about how they exercise their public functions. Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about or planning future consultations. Where the Welsh Government undertakes further analysis of consultation responses then this work may be commissioned to be carried out by an accredited third party (e.g., a research organisation or a consultancy company). Any such work will only be undertaken under contract. Welsh Government's standard terms and conditions for such contracts set out strict requirements for the processing and safekeeping of personal data.

In order to show that the consultation was carried out properly, the Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. If you do not want your name or address published, please tell us this in writing when you send your response. We will then redact them before publishing.

You should also be aware of our responsibilities under Freedom of Information legislation.

If your details are published as part of the consultation response then these published reports will be retained indefinitely. Any of your data held otherwise by Welsh Government will be kept for no more than 3 years.

## Confidentiality

Responses to consultations may be made public on the internet or in a report.

**If you would prefer your response to remain anonymous, please tick here:**

# Reform of the existing core homelessness legislation

## Question 1

Do you agree these proposals will lead to increased prevention and relief of homelessness?

Yes/no

## Question 2

What are your reasons for this?

## Question 3

Are there additional legislative proposals you think we should consider to improve the prevention and relief of homelessness?

We note that on page 103 and section 393 the consultation highlights challenges in identifying the Armed Forces community when applying conditions such as priority need and local connection criteria, as 'it relies on a person disclosing their service, which may not always happen, particularly if service took place some time ago.'

The RBL has long called on all public bodies to 'ask the question' at the first point of contact with members of the public. 'Asking the question' allows identified veterans and family members to be pointed to specialised routes of support and ensures they are given the most appropriate help in a timely manner.

**If they do not already, RBL recommends local authorities across Wales, should ensure that all residents approaching the council for housing support, and all other council services relating to welfare or support, are asked a question that will identify:**

- **Former members of HM Armed Forces, Regular and Reserve**
- **Spouse or Partner of serving or former members of HM Armed Forces**
- **Widow(er)s of serving or former members of HM Armed Forces**
- **Dependent children of serving or former members of HM Armed Forces**
- **Recently divorced or separated spouses or partners of serving or former members of HM Armed Forces**



If members of the Armed Forces community are identified, staff must have a clear understanding of what steps must be taken to support applicants and clients with their housing needs.

#### Question 4

Do you agree with our proposal to abolish the priority need test?

Yes/no

The Armed Forces Act 2021 introduced a new 'Covenant Duty', legally requiring specified public bodies responsible for delivering functions in healthcare, housing, and education to pay due regard to the principles of the Armed Forces Covenant. The Covenant Duty came into force on 22<sup>nd</sup> November 2022 and was accompanied by published statutory guidance. (1)

The statutory guidance contains specific mention of allocation policies for social housing that is very relevant to this consultation and policy development.

We note that at present ex-Service personnel are included within the priority need test. We would encourage consideration of how local authorities will be able to show due regard for the covenant in context of the proposed removal of priority need and intentionality tests. Whilst the consultation document does reference the new Covenant Duty it would be welcome for it to explain how local authorities will be able to evidence due regard having been given to the Armed Forces Covenant Duty, for ex-serving personnel and families accessing homelessness services.

**RBL recommends that the Welsh Government review the implications of abolishing the priority need and intentionality test in relation to fulfilling and demonstrating due regard to the Armed Forces Covenant Duty.**

(1)Ministry of Defence, [Armed Forces Covenant Duty Statutory Guidance](#)

#### Question 5

Do you agree with our proposal to abolish the Intentionality test?

Yes/no

#### 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.

RBL recognises that serving personnel and their partners are currently exempt from the local connection requirement and agree with the proposal to include 'veterans and those who have cohabitated with veterans during their time in service.' However, it is unclear what the guidelines are for divorced or separated partners of serving personnel, i.e. not veterans. It is vital that what this means in practice for partners and families in different situations is explained simply and clearly, with examples to show who is eligible and who is not and this should also include the eligibility for Reservists.

The Armed Forces Covenant states that the 'duty' 'includes former partners as they can continue to be impacted by Service life following a break-up from a Service member, particularly if they have children together. Including former partners ensures they can receive appropriate consideration as they become independent of the Service member, for example, to take account of the former partner's first re-location after the end of the relationship.' (2) It is also noted that some partners may live away from their partner on postings or deployment for considerable periods.

RBL believes that the current guidance still leaves some estranged, separated, and divorced spouses and partners of Serving personnel at risk of being left unable to secure accommodation in areas where their established support networks are, or where their children may still be in education. There are those who may not be in Service accommodation or who may have required a longer transition period to establish a permanent location which suits parties within the separated family unit. Just under three-fifths of families (57%) live in Service Family Accommodation (SFA) during the working week, although this differs by Service, and 79% of Service families have children - including children over the age of 18 (72% for under 18) (3).

**RBL recommends that the guidance is clear that local connection is exempt for divorced or separated spouses or partners of Service personnel who are separating, regardless of whether they are in Service accommodation or other accommodation.**

(2) [Armed Forces Covenant Duty Statutory Guidance.pdf \(publishing.service.gov.uk\)](#)

(3) Ministry of Defence, [UK Tri-Service Families Continuous Attitude Survey Results 2023](#)

## Question 7

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

## The role of the Welsh Public Service in preventing homelessness

### Question 8

Do you agree with the proposals to apply a duty to identify, refer and co-operate on a set of relevant bodies in order to prevent homelessness?

Yes/no

Please give your reasons

### Question 9

Do you agree with the proposed relevant bodies, to which the duties to identify, refer and co-operate would apply? Would you add or remove any services from the list?

### Question 10

In your view have we struck the right balance between legislative requirements and operational practice, particularly in relation to health?

### Question 11

What practical measures will need to be in place for the proposed duties to identify, refer and co-operate to work effectively? Please consider learning and development needs, resources, staffing, location and culture.

Since the launch of the Veterans' Gateway, a helpline for the Armed Forces community, housing has consistently been the third highest category of enquiry, indicating barriers to accessing suitable housing.

The RBL's Housing Guide for England, Wales and Scotland published in 2019 explores these barriers, such as not identifying members of the Armed Forces community and a lack of provision of specialised advice and information. The guide is intended to provide local authorities and housing authorities with practical advice on how to support members of the Armed Forces community facing a housing problem or impending homelessness.

Research has highlighted the importance of ensuring that council staff are equipped with a good understanding of the unique situation faced by the Armed Forces community and of the correct local policies to support them. (4) To deliver the most informed decisions and appropriate support, it is essential that frontline council staff are provided with the resources to develop an accurate understanding of the Armed Forces Covenant.

**RBL recommends that local authorities, working with their relevant Armed Forces Liaison Officers, review staff training processes to ensure that all relevant staff are aware of the Council’s commitment to the Armed Forces Covenant, and policies and support available specific to the Armed Forces community and Covenant Duty.**

The UK Government launched a new housing referral pathway on 3 July 2023, known as Op Fortitude. Op Fortitude is funded by the Armed Forces Covenant Fund and aims to work with individual veterans at risk of homelessness. (5)

RBL also encourages closer integration of services that provide tailored support for veterans, including supported housing providers, and would strongly advise staff to be aware of support provided through the Veteran’s Nomination Scheme (6), Op Fortitude (7) and housing charities such as Alabare Homes for Veterans (8).

NHS Veterans Wales is a mental health specialist service designed to help serving personnel due to leave the military, reservists, armed forces veterans and their families. Advice and information provided by housing services should familiarise themselves with both important pathways.

**RBL recommends Local authorities should be aware of and linked into other tailored services available to veterans, including health and care support such as NHS Veterans Wales, Op Fortitude, and identified vulnerable veterans should be referred into those services where appropriate.**

(4) Shared Intelligence et al, *A Decade of the Covenant* (2022) available at <https://s31949.pcdn.co/wp-content/uploads/A-Decade-of-the-Covenant-Digital.pdf>

(5) Riverside, Op Fortitude available at <https://www.riverside.org.uk/care-and-support/veterans/opfortitude/>

(6) Scheme run by housing charity Stoll by partnering with social landlords are able to arrange accommodation for people across England and Wales

(7) Op FORTITUDE is funded by The Armed Forces Covenant Fund to deliver a centralised referral pathway into veteran supported housing.

(8) Housing Charity for Veterans available at [www.alabare.co.uk](http://www.alabare.co.uk)

## Question 12

In addition to the broad duties to identify, refer and co-operate, this chapter contains proposals to provide enhanced case co-ordination for those with multiple and complex needs. To what extent will the proposals assist in preventing homelessness amongst this group?

**Question 13**

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

**Targeted proposals to prevent homelessness for those disproportionately affected**

**Question 14**

Are there other groups of people, not captured within this section, which you believe to be disproportionately impacted by homelessness and in need of additional targeted activity to prevent and relieve this homelessness (please provide evidence to support your views)?

**Question 15**

What additional legislative or policy actions could be taken to prevent or relieve homelessness for the groups captured by this White Paper?

**Question 16**

Our proposals related to children, young people and care experience seek to improve and clarify links between homelessness legislation and the Social Services and Wellbeing Act. Significant policy development is required to assess the practicality of this. What, in your views are the benefits and challenges of our approach and what unintended consequences should we prepare to mitigate?

### Question 17

Do our proposals go far enough to ensure that 16 and 17 year olds who are homeless or at risk of homelessness receive joint support from social services and local housing authorities? What more could be done to strengthen practice and deliver the broader corporate parenting responsibilities?

### Question 18

Do you agree or disagree that the Renting Homes (Wales) Act 2016 should be amended to allow 16 and 17 year olds to be able to hold occupation contracts?

### Question 19

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

### Access to accommodation

### Question 20

To what extent do you agree or disagree with the short-term proposals to increase the suitability of accommodation? Are there additional immediate actions you believe should be taken for this purpose?

### Question 21

To what extent do you agree or disagree with the proposals around the allocation of social housing and management of housing waiting lists? What do you believe will be the consequences of these proposals?

### 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?

### Question 23

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals in relation to access to housing. Are there any costs and benefits we have not accounted for?

### Implementation

#### Question 24

To what extent do you think the proposals outlined above will support the implementation and enforcement of the proposed reforms?

## Question 25

What other levers/functions/mechanisms could be used to hold local housing authorities and other public bodies accountable for their role in achieving homelessness prevention?

There is more that can be done to understand and reduce homelessness within the Armed Forces community. More work is needed to establish robust and accurate statistics on veteran homelessness, including further research to understand the wider housing needs of veterans and their families who are not rough sleeping but may be in inadequate or insecure housing.

Although homelessness and rough sleeping is not as high among the veteran population as many people might think, some veterans still find it difficult to source suitable accommodation.

RBL recognises the data that is captured in the statutory homelessness statistics and rough sleeper counts but also the limitations that the data does not report on numbers from the Armed Forces community.

There are some examples of good practice in the UK. Rough sleeper counts in the Greater London Authority's Combined Homelessness and Information Network (CHAIN) record whether individuals have served in the Armed Forces, and the data is updated quarterly. CHAIN reported an increase in 2022 of 24% in the total number of rough sleepers compared to the same period in 2021, and around 2% having experience in the UK Armed Forces(8).

This data is focussed solely on rough sleepers in Greater London and is not representative of England, and will differ significantly from the situation in Wales.

**RBL recommends that the Welsh Government carry out and publish the results of a mechanism, CHAIN or other, that records the number of ex-Service personnel sleeping rough in each local authority area. Considering the above recommendation to 'ask the question', if local authorities consistently asked whether someone was a veteran or family member across welfare and support services, they would be able to produce consistent, reliable statistics on housing and homelessness needs among the Armed Forces community and would lead the way in doing so in the UK.**

(8)<https://data.london.gov.uk/dataset/chain-reports>

## Question 26

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?



## Question 27

What, in your opinion, would be the likely effects of the proposed reforms in this White Paper on the Welsh language? We are particularly interested in any likely effects on opportunities to use the Welsh language and on not treating the Welsh language less favourably than English.

- Do you think that there are opportunities to promote any positive effects?
  - Do you think that there are opportunities to mitigate any adverse effects?
- 

## Question 28

We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

RBL welcomes the proposals to review the National Pathway for Ex-Service Personnel. Furthermore, we wish to highlight the Stoll housing organisation which is a leading provider of supported housing to veterans. Stoll established and continue to run the Veteran's Nomination Scheme (VNS) (9) which helps veterans; generally single people or couples without children, to find affordable housing across the country. Once an applicant has been referred to the VNS, Stoll will match them up with a nearby housing provider and secure accommodation at an affordable rent. As of July 2019, over 530 veterans have been supported into social housing. Stoll are always looking for new housing associations and local authorities to partner with to find more homes for new housing associations and local authorities to partner with to find more homes for veterans.

**We recommend that when reviewing the National Pathway for Ex-Service Personnel that consideration should be given to including guidance for local authorities to explore partnership opportunities with Stoll's Veteran Nomination Scheme and should consider where it is appropriate to set aside housing stock specifically for ex-Service personnel and their families.**

(9) <https://www.stoll.org.uk/housing/we-need-more-homes/> accessed 11.12.2023

Organisation (if applicable):

**The Royal British Legion**



Welsh Government  
Consultation response form

## Consultation on the White Paper on Ending Homelessness in Wales

Date of issue: 10 October 2023

Action required: Responses by 16 January 2024

© Crown copyright 2023

Mae'r ddogfen hon ar gael yn Gymraeg hefyd / This document is also available in Welsh

Rydym yn croesawu gohebiaeth a galwadau ffôn yn Gymraeg / We welcome correspondence and telephone calls in Welsh

## Overview

This White Paper sets out a range of proposals for changes to policy and the law, to end homelessness in Wales.

## How to respond

Please respond by completing the online form or completing this questionnaire and sending it to [HomelessnessLegislationReform@gov.wales](mailto:HomelessnessLegislationReform@gov.wales)

If you intend to respond in writing, please send completed forms to:

Homelessness Prevention Legislation Team

Welsh Government

Cathays Park

Cardiff

CF10 3NQ

When you reply, it would be useful if you confirm whether you are replying as an individual or submitting an official response on behalf of an organisation and include:

- your name
- your position (if applicable), and
- the name of organisation (if applicable).

## Further information and related documents

Large print, Braille and alternative language versions of this document are available on request.

## Data Protection

The Welsh Government will be data controller for any personal data you provide as part of your response to the consultation. Welsh Ministers have statutory powers they will rely on to process this personal data which will enable them to make informed decisions about how they exercise their public functions. Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about or planning future consultations. Where the Welsh Government undertakes further analysis of consultation responses then this work may be commissioned to be carried out by an accredited third party (e.g., a research organisation or a consultancy company). Any such work will only be undertaken under contract. Welsh Government's standard terms and conditions for such contracts set out strict requirements for the processing and safekeeping of personal data.

In order to show that the consultation was carried out properly, the Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. If you do not want your name or address published, please tell us this in writing when you send your response. We will then redact them before publishing. You should also be aware of our responsibilities under Freedom of Information legislation.

If your details are published as part of the consultation response then these published reports will be retained indefinitely. Any of your data held otherwise by Welsh Government will be kept for no more than 3 years.

## Confidentiality

Responses to consultations may be made public on the internet or in a report.

**If you would prefer your response to remain anonymous, please tick here:**

Reform of the existing core homelessness legislation

### Question 1

Do you agree these proposals will lead to increased prevention and relief of homelessness?

They might

### Question 2

What are your reasons for this?

Whether or not these proposals will lead to increased prevention and relief of homelessness will depend on the exact wording in legislation, as well as on resources and implementation. However, on initial assessment, these proposals seem to indicate a step in the right direction. The proposed changes to the definition of what it means to be threatened with homelessness, the proposals to expand the definition of homeless so that it includes those who do not have access to clean water, waste facilities and toilet facilities, as well as the proposals relating to PHPs all strikes RCN Wales as sound proposals which could help prevent and relieve homelessness and also tackle some of the health inequalities that are related to this.

However, page 53 includes a proposal for 'a narrower test which sets out a small number of clearly defined and limited grounds for the unreasonable failure to co-operate test'; RCN Wales is concerned that this could lead to vulnerable people being denied vital support. Where there is consistent non-contact, and where the applicant is of at-risk status, the relevant service should attempt to make contact with them. In some cases, this could be social services, health service or police, depending on context.

### Question 3

Are there additional legislative proposals you think we should consider to improve the prevention and relief of homelessness?

Yes

Legislation to tackle homelessness needs to acknowledge the crucial role that health care workers play in terms of providing support for people that are homeless or at risk of being homeless, who are otherwise in need of housing or who are vulnerable. Health care workers see every patient in their broader context (for example, they may support a homeless patient to access other services), work in partnership with other public services and advocate for their patients. Legislation to tackle homelessness needs to enable health care workers to continue to do this by ensuring adequate resources and education. As part of this, RCN Wales is calling on the Welsh Government to recruit, educate and retain more community nurses, and to extend the Nurse Staffing Levels (Wales) Act 2016 25B duty to mental health and community settings.

Ambitious legislation and collaboration across Welsh Government areas, from housing to health and beyond, could improve the prevention and relief of homelessness. Providing greater protections for tenants in the private rental sector, for example by introducing controls on rent prices and ending section 21 'no fault' evictions, could provide tenants with stronger housing security, help prevent homelessness and tackle health inequalities. The Welsh Government could also explore the calls made by Cymorth Cymru, Community Housing Cymru, Llamau and Platform to increase Housing Support Grant, as well as consider scrapping section 74 of the Housing Act Wales (2014) which allows local authorities to (often punitively) end their duty of help to people who are still known to be homeless.

#### Question 4

Do you agree with our proposal to abolish the priority need test?

RCN Wales agrees that the priority need test should be abolished, for the reasons outlined in the White Paper. It would be beneficial to outline a timetable for achieving this as part of the Bill itself.

#### Question 5

Do you agree with our proposal to abolish the Intentionality test?

The Intentionality test often denies vital support for some those most in need of such support, which in turn may contribute towards causing or worsening ill health, the revisiting of the Intentionality test is therefore welcome. Sufficient safeguards need to be put in place to ensure that the proposed alternative, the deliberate manipulation test, does not cause similar problems.

#### Question 6

Do you agree with our proposal to keep the local connection test but add additional groups of people to the list of exemptions to allow for non-familial connections with communities and to better take account of the reasons why someone is unable to return to their home authority.

This proposal seems reasonable. However, RCN Wales would be concerned if this was made discretionary, as the White Paper seems to suggest it should, as this could lead to inconsistencies across local authorities.

RCN Wales recommends that the Welsh Government adds the need for a specific or specialist health service as another exemption. A dialysis patient or a cancer patient, for example, may need to live close to a specialist service or facility. A PTSD sufferer or a trans person may also need to live close to a specific or specialist health service/facility.

The Welsh Government should also consider adding other exemptions here, for example someone who wants to live close to a place of worship or in a location where Welsh is widely used as a community language.

It would be helpful for further definitions and examples to be included in the legislation.

Page 6 of 15

Question 7

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

The accompanying Regulatory Impact Assessment has been taken into account as part of RCN Wales' answers to the other questions in this White Paper.

## The role of the Welsh Public Service in preventing homelessness

Question 8

Do you agree with the proposals to apply a duty to identify, refer and co-operate on a set of relevant bodies in order to prevent homelessness?

Yes

Please give your reasons

Cross-agency working is needed in order to prevent homelessness; it is important that health bodies are included here.

Question 9

Do you agree with the proposed relevant bodies, to which the duties to identify, refer and co-operate would apply? Would you add or remove any services from the list?

RCN Wales agrees with the proposed list of relevant bodies. However, adequate funding and resources should be allocated to these bodies in order so that they are able to carry out these duties effectively.

Question 10

In your view have we struck the right balance between legislative requirements and operational practice, particularly in relation to health?

Sound legislation can help improve operational practice, and good operational practice can feed into future legislation. Whether the right balance is struck here will depend on the wording of the Bill itself and on whether sufficient resources are allocated by Welsh Government to ensure successful operational practice.

#### Question 11

What practical measures will need to be in place for the proposed duties to identify, refer and co-operate to work effectively? Please consider learning and development needs, resources, staffing, location and culture.

Health workers will need to be adequately educated and resourced to ensure that these duties can be successfully carried out.

#### Question 12

In addition to the broad duties to identify, refer and co-operate, this chapter contains proposals to provide enhanced case co-ordination for those with multiple and complex needs. To what extent will the proposals assist in preventing homelessness amongst this group?

The success of the proposals in assisting to prevent homelessness amongst this group will depend on whether sufficient resources are provided here, as well as on the Bill and its implementation.

### Question 13

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

The accompanying Regulatory Impact Assessment has been taken into account as part of RCN Wales' answers to the other questions in this White Paper.

### Targeted proposals to prevent homelessness for those disproportionately affected

#### Question 14

Are there other groups of people, not captured within this section, which you believe to be disproportionately impacted by homelessness and in need of additional targeted activity to prevent and relieve this homelessness (please provide evidence to support your views)?

People with learning difficulties may be disproportionately impacted by homelessness and in need of additional targeted activity to prevent and relieve this homelessness.

#### Question 15

What additional legislative or policy actions could be taken to prevent or relieve homelessness for the groups captured by this White Paper?

The Welsh Government states on page 86 that *'much of the improvement work required to strengthen multi-disciplinary practice between homelessness, mental health and substance use services can be achieved without legislative reform and may be better outlined within the development of the Together for Mental Health strategy and the successor to the Substance Misuse Delivery Plan alongside use of the complex needs funding programme.'*

RCN Wales does not believe that the White Paper has justified why the Welsh Government believes this to be the case.

The White Paper states on point 39, p. 19: *'Despite the strong ethos of partnership, the HWA 2014 [Housing (Wales) Act 2014] has not achieved the strength of partnership between organisations that is required to end homelessness.'*

RCN Wales believes there should be legislation to strengthen how co-ordinated, multi-disciplinary, person centred approaches to mental health, substance use issues and homelessness, including health and non-health services. Without legislation, it is unclear how co-ordinated, multi-disciplinary, person centred approaches to mental health, substance use issues and homelessness, including health and non-health services are going to work together if they have not done so already with all the current legislation and policy guidance available.



On page p. 101, the White Paper states: *'To improve the efficiency of allocation of accessible accommodation, we propose all local authorities in Wales be legally required to hold an accessible housing register and undertake a regular review of the accessible accommodation within their stock'*. RCN Wales is concerned about potential unforeseen consequences to this, as many are in residential care as a result of the state's failure to make adaptations to homes.

#### Question 16

Our proposals related to children, young people and care experience seek to improve and clarify links between homelessness legislation and the Social Services and Wellbeing Act. Significant policy development is required to assess the practicality of this. What, in your views are the benefits and challenges of our approach and what unintended consequences should we prepare to mitigate?

Although children and young people are mentioned, the discussion is centred on young people and not children. Dependent children in temporary accommodation with a parent have mental health issues that can lead to self-harming and suicide. There is a lack of youth services to support these children.

Education is another factor to consider: when children are moved into temporary accommodation in a different area, often there is delay in finding a school for them, sometimes these delays are significant. These children are vulnerable and find it difficult to integrate into a new environment and new school. Families in temporary accommodation are frequently moved around from one accommodation to another, usually moved areas too, this is very disruptive to these families, causing missed appointments within health services and other services.

In situations of domestic abuse, these families cannot be housed in the same area as they previously were accommodated.

A key worker is needed for families with dependent children and some single homeless where there are health needs to help coordinate appointments, travel arrangements and other issues that these people are faced with.

#### Question 17

Do our proposals go far enough to ensure that 16 and 17 year olds who are homeless or at risk of homelessness receive joint support from social services and local housing authorities? What more could be done to strengthen practice and deliver the broader corporate parenting responsibilities?

It is concerning that there is no mention in the White Paper about the transition for young people from foster care to the 'When I Am Ready' scheme. This scheme was set up to support young people who turned 18 and was still not ready to live independently.

Once the young person turns 18, the funding received by foster carers more or less halves; this in turn makes it financially impossible for most foster carers to keep the placement open, which results in the young person finding themselves, if they are lucky with a WIR placement or unfortunately they are more likely to end up in an unsuitable, and sometimes overcrowded, Bed & Breakfast. Young people should be able to stay in care, without detriment to the foster carer until they are ready to leave or until they are at least 21 to enable them the time they need to develop into functioning adults.

RCN Wales is very concerned about proposal 606: mediation would not be appropriate here; it only works if all parties agree to it, and by this point the relationship would be unsavable. Not only this, but mediation by this point could lead to further trauma for the young person.

#### Question 18

Do you agree or disagree that the Renting Homes (Wales) Act 2016 should be amended to allow 16 and 17 year olds to be able to hold occupation contracts?

This seems to be a sound proposal. However, Welsh Government would need to ensure the avoidance of any unintended consequences that could come about as a result.

#### Question 19

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

The accompanying Regulatory Impact Assessment has been taken into account as part of RCN Wales' answers to the other questions in this White Paper.

### Access to accommodation

#### Question 20

To what extent do you agree or disagree with the short-term proposals to increase the suitability of accommodation? Are there additional immediate actions you believe should be taken for this purpose?

RCN Wales would be concerned if these proposals were merely discretionary as it might lead to inconsistencies.

RCN Wales is concerned that the consultation document does not define 'reasonable travelling distance' (proposal 513). It would be useful for the legislation to clearly set-out how much time this is, and also give consideration to the fact that what could be considered reasonable travelling distance will vastly vary, depending on whether it is done by car, bus, train, bike or on foot.

RCN Wales would also want any definition of 'reasonable travelling distance to be disability friendly.

Page 132 should read 'health facilities', not 'medical facilities', otherwise health facilities that are key to someone's health, but that do not count as 'medical' will be excluded.

#### Question 21

To what extent do you agree or disagree with the proposals around the allocation of social housing and management of housing waiting lists? What do you believe will be the consequences of these proposals?

Welsh Government would need to ensure the avoidance of any unintended consequences that could come about as a result of these proposals. In addition, the addressing of issues relating to the inadequate supply of social housing would be welcomed; as part of this, Welsh Government could explore ways in which vacant properties can be used for the purpose of alleviating and preventing homelessness.

#### Question 22

To what extent do you agree or disagree with the proposal for additional housing options for discharge of the main homelessness duty? What do you foresee as the possible consequences (intended or unintended) of this proposal?

It is regrettable that proposal 603 does not address the issue around violence that is mentioned elsewhere (e.g. Chapter 3) in the White Paper.

Question 23 The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals in relation to access to housing. Are there any costs and benefits we have not accounted for?

The accompanying Regulatory Impact Assessment has been taken into account as part of RCN Wales' answers to the other questions in this White Paper.

### Implementation

#### Question 24

To what extent do you think the proposals outlined above will support the implementation and enforcement of the proposed reforms?

The proposals outlined above will only be able to support the implementation and enforcement of the proposed reforms unless there is sufficient funding.

In order to ensure that nurses, health visitors and other health care workers are able to play their part in implementing and enforcing any new reforms, it is imperative that Welsh Government allocates adequate resources to fund the recruitment, education and retention of those working in such professions and that the requirements of each health profession and band is suitable to the scope, experience, skills and qualification of each profession.

#### Question 25

What other levers/functions/mechanisms could be used to hold local housing authorities and other public bodies accountable for their role in achieving homelessness prevention?

Mechanisms could be put in place that ensure better communication between local authority, social services and health providers.

#### Question 26

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

The accompanying Regulatory Impact Assessment has been taken into account as part of RCN Wales' answers to the other questions in this White Paper.

#### Question 27

What, in your opinion, would be the likely effects of the proposed reforms in this White Paper on the Welsh language? We are particularly interested in any likely effects on opportunities to use the Welsh language and on not treating the Welsh language less favourably than English.

- Do you think that there are opportunities to promote any positive effects?
- Do you think that there are opportunities to mitigate any adverse effects?

Welsh Government should ensure that those accessing services in Wales are able to do so through the medium of Welsh, as is their right. RCN Wales has previously made this point in the context of the NHS. Enabling a Welsh speaker to access homelessness or housing services in Welsh could mean that the service user is better able to communicate their needs and preferences, and could increase their comfort and dignity, particularly important given the need of a trauma-informed approach to tackling homelessness.

#### Question 28

We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

More detail on commitments on how the Welsh Government will ensure the successful delivery on the White Paper's proposals would be useful, e.g. more detail on where the finance to make this work will come from is needed; there is a risk that, unless there is a clear budget, these proposals could just add strain to existing services.

RCN Wales support the proposal on p. 88 for a joint duty for health and the local authority to work together to prevent homelessness at the point of hospital discharge.

Community nurses play a crucial role in tackling health inequalities and provide an essential service to many homeless people and those at risk of being homeless. To enable them to carry out this role effectively, RCN Wales is calling for more investment in and focus on community nursing. For example, RCN Wales believes that section 25B of the existing safe nurse staffing levels legislation to be extended to cover all areas where nursing takes place, beginning with the community and mental health inpatients; RCN Wales has also called on the Welsh Government, to work with Health Education and Improvement Wales (HEIW) and NHS Wales to increase the number of district nurses with a Specialist Practitioner Qualification (SPQ) and those working towards a community nursing master's degree.

160. refers to 'parallel work [that is] underway on securing a path to adequate housing, fair rents, and affordability'. RCN Wales looks forward to seeing the fruits of this work, as it could play a vital part in preventing and alleviating homelessness and in tackling health inequalities.

Health visitors are currently able to write letters, on the request of the parent, to the relevant landlord or estate agents, or local authority housing department in the case of council houses, if they believe that a house that they are visiting is inadequate. In such cases, health visitors have found that such letters do not usually carry much weight. There needs to be a way in which the reporting of issues relating to inadequate housing by health visitors actually carry weight. The parallel work referred on the private rental sector referred to in the White Paper could explore ways in which this would be implemented in the private rental sector, but an equivalent should also be implemented in all other respective sectors.

In addition, appropriate mechanism should be put in place to ensure that the family does not experience victimisation or other detriment, e.g. from a landlord, as a result of such letters from health visitors. RCN Wales has noticed that nurses are at times made to assess the adequacy of a house instead of a health visitor, as the health visitor workforce is depleted. This should not be the case; instead, Welsh Government needs to address such workforce issues by investing resources in the recruitment, education and retention of health visitors.

187. proposes to make the communication of key decisions more accessible, particularly for those with a learning disability or with experience of neurodiversity, such as by including ‘plain English letters issued alongside a formal letter and better use of digital technology’. This would be welcome, however it should not be confined to plain English only, as plain Welsh will need to be included here. The use of plain language in other languages should also be used where appropriate.

Points 249-250 explore The Expert Review Panel’s recommendation for a new statutory duty on the local housing authority to establish and lead a multi-agency approach to homelessness functions through a Joint Homelessness Board. If this or a similar alternative is implemented, RCN Wales strongly believes that nursing representatives should sit on the Board (or on its equivalent if an alternative proposal is instead implemented).

So that everyone in Wales who needs to access housing and homelessness services is able to do so, the Welsh Government could explore what it could do to mitigate against or end No Recourse to Public Funds (NRPF) conditions in Wales.

The White Paper briefly mentions alcohol and drug abuse and the ways in which this can impact on homelessness. An analysis of harm reduction models to prevent alcohol and drug abuse could be explored here.

#### Organisation:

##### Coleg Nyrsio Brenhinol Cymru – Royal College of Nursing Wales

The RCN is the world’s largest professional union of nurses, representing over half a million members, including nurses, midwives, health visitors and nursing students, with around 30,500 members in Wales. The majority of RCN members work in the NHS with around a quarter working in the independent sector. The RCN works locally, nationally and internationally to promote standards of care and the interests of patients and nurses, and of nursing as a profession. The RCN is a UK-wide organisation, with its own National Boards for Wales, Scotland and Northern Ireland. The RCN is a major contributor to nursing practice, standards of care, and public policy as it affects health and nursing. The RCN represents nurses and nursing, promotes excellence in practice and shapes health policies.

Number: WG48223



Llywodraeth Cymru  
Welsh Government

Welsh Government  
Consultation response form

## Consultation on the White Paper on Ending Homelessness in Wales

Date of issue: 10 October 2023

Action required: Responses by 16 January 2024

**OGI** © Crown copyright 2023

Mae'r ddogfen hon ar gael yn Gymraeg hefyd / This document is also available in Welsh

Rydym yn croesawu gohebiaeth a galwadau ffôn yn Gymraeg / We welcome  
correspondence and telephone calls in Welsh

## Overview

This White Paper sets out a range of proposals for changes to policy and the law, to end homelessness in Wales.

## How to respond

Please respond by completing the online form or completing this questionnaire and sending it to [HomelessnessLegislationReform@gov.wales](mailto:HomelessnessLegislationReform@gov.wales)

If you intend to respond in writing, please send completed forms to:

Homelessness Prevention Legislation Team  
Welsh Government  
Cathays Park  
Cardiff  
CF10 3NQ

When you reply, it would be useful if you confirm whether you are replying as an individual or submitting an official response on behalf of an organisation and include:

- your name
- your position (if applicable), and
- the name of organisation (if applicable).

## Further information and related documents

Large print, Braille and alternative language versions of this document are available on request.



## Data Protection

The Welsh Government will be data controller for any personal data you provide as part of your response to the consultation. Welsh Ministers have statutory powers they will rely on to process this personal data which will enable them to make informed decisions about how they exercise their public functions. Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about or planning future consultations. Where the Welsh Government undertakes further analysis of consultation responses then this work may be commissioned to be carried out by an accredited third party (e.g., a research organisation or a consultancy company). Any such work will only be undertaken under contract. Welsh Government's standard terms and conditions for such contracts set out strict requirements for the processing and safekeeping of personal data.

In order to show that the consultation was carried out properly, the Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. If you do not want your name or address published, please tell us this in writing when you send your response. We will then redact them before publishing.

You should also be aware of our responsibilities under Freedom of Information legislation.

If your details are published as part of the consultation response then these published reports will be retained indefinitely. Any of your data held otherwise by Welsh Government will be kept for no more than 3 years.

## Confidentiality

Responses to consultations may be made public on the internet or in a report.

**If you would prefer your response to remain anonymous, please tick here:**

# Reform of the existing core homelessness legislation

## Question 1

Do you agree these proposals will lead to increased prevention and relief of homelessness?

Yes/no

In general, we don't feel that the proposals will lead to increased prevention and relief of homelessness.

## Question 2

What are your reasons for this?

We don't agree that the proposals will increase the prevention of homelessness. We believe that this proposal is likely to lead to more homelessness cases within the system and this will impact greatly on officers' caseloads. Historically very few of our prevention cases have been closed as a result of being able to stay in their own home and in the vast majority of cases we have needed to help them find alternative accommodation. The majority of which has been into social housing. We are concerned about the ability to prevent homelessness in this way due to having more cases in the system and more households in temporary accommodation.

In many cases we are working with individuals prior to the 56 days so in some ways legislation is not necessary as good practice is already happening within LAs. We have historically worked with prevention cases as early as possible and we are currently working with prevention cases 3 months before the notice expires. Therefore, having this in guidance rather than legislation is a better approach.

There will also be an impact on the number of households in temporary accommodation. We are currently housing households that have been in temporary accommodation for approximately 6 months and are concerned that the proposals will mean that households will spend longer in temporary accommodation.

There is nothing in our monitoring to indicate that the climate in which we are currently operating and the housing crisis is going to improve in the immediate future. This needs to be considered in the timescale for implementation, due to the ongoing problems with limited availability of affordable properties both in the private sector and limited development of new social housing. The proposals will add further pressures on services. Additional resources (staff and temporary accommodation units) would also be required to deal with the volume of cases as referenced above.

In addition, there are a number of causes of homelessness that we are unable to prevent such as refugees leaving Home Office accommodation, those experiencing domestic abuse, people leaving prison and therefore extending the timescale to 6 months will not make a difference to those cases.

### PHPs

In terms of the proposal for PHPs to be compulsory we feel that this is unnecessary. This should always be good practice, but we don't believe it's necessary for it to be prescriptive in the legislation. We agree that its beneficial for the client to have a PHP, but it has limited impact on prevention/ relief as its related to communication with the applicant. If PHPs were compulsory, it

may have a negative impact on the client as the case officer could spend more time completing the PHP rather than with the individual trying to prevent their homelessness. Our PHPs are person centred and therefore are often reviewed much sooner than 8 weeks. The requirement for an 8 week review could also mean that there would be increased challenges which would inevitably add to an already heavy workload. The review of the PHP after 8 weeks could also potentially raise the expectations of the individual that there will be an outcome at this point.

#### **Extending the right to review**

Extending the right to request a review beyond 21 days will be a huge administrative burden for local authorities, particularly if this period is left open with no end date. For example, where the circumstances change once the tenancy commences, a property is allocated to a single person, they have a child, and the property then becomes too small for their needs. The initial offer is suitable, but they may then request a review in these circumstances.

The 21 days seems to be working currently but we regularly consider a review outside of that timescale. If the timescale is considered too short, possibly a period of 56 days may be more appropriate.

With regard to the Right to request a review of reasonable steps taken outlined in the assessment and PHP. We feel that this right to review is not necessary and could lead to spurious challenges. Homelessness caseworkers will always try to ensure they prevent homelessness where possible and are finding they have less and less options regarding reasonable steps in the current climate. Additional legal challenges on this issue will lead to considerable resources being needed in this area as opposed to the service being able to focus on the help the household needs. In order to limit challenges, information recorded on the PHP will be very limited which would be contrary to the aim of the use of a PHP and drive bad practice.

#### **Provision of support**

In terms of the statutory duty to provide support we feel it is too vague. Individuals may not need support immediately or at all. It is not possible to force people to receive support and that provision can come from a number of agencies and not necessarily LA.

#### **Unacceptable behaviour**

Ending the duty as a result of threatening behaviour towards LA staff should be extended to third sector organisations.

### **Question 3**

Are there additional legislative proposals you think we should consider to improve the prevention and relief of homelessness?

It would help if refugees were given more reasonable notice. We feel the notice period should be increased to 56 days rather than the 28 days that currently exists (recently increased from 7 days to 28 days.)

There is a lot of bureaucracy surrounding the notifications given to homeless applicants. It can be time consuming for officers to issue all of the necessary notifications. If the only requirement was to issue a PHP, this would be more person centred and meaningful for the individual and caseworkers than issuing multiple notifications.

We understand that the intention of the legislation is to place a wider duty on Public Services to prevent homelessness and believe it's crucial that housing organisations receive greater support from other agencies and departments such as criminal justice services and teams involved with discharge from hospital etc in order to achieve this objective.

#### Question 4

Do you agree with our proposal to abolish the priority need test?

Yes/no

Yes, agree with this in principle but in some ways it appears to be changing parameters rather than abolishing the test as others will get more consideration under the new legislation i.e. targeted proposals for those disproportionality affected.

There is a risk there will a substantial increase in the length of time spent in temporary accommodation and therefore the numbers in temporary accommodation will increase. There would need to be a robust system in place for discharging duty where people refuse offers or lose their accommodation as a result of their behaviour.

In the current housing crisis where there is a desperate need for more social housing and temporary accommodation that a disproportion amount of allocations will go to homeless households in temporary accommodation. Although this is unavoidable it does have a negative impact on RSL/council tenants that are themselves in housing need and require a transfer from their current property. It also impacts on community cohesion as we are unable to facilitate transfers within the community where applicants/ tenants potentially have support networks or other reasons for needing to stay within a lettings area. Abolishing the priority need test will also have a negative effect on households accepted under a S.66 duty as we will be unable to prioritise them for allocations given the number of households projected to be in temporary accommodation.

An unintended consequence of the proposal could be that other services don't take assertive action to prevent homelessness that they previously would have due to the extended housing duty.

We feel it is important to note that removing the priority need test does not mean that there will be no rough sleeping. It's been reduced by the 'no-one left out' approach but it doesn't address the very complex cases, who in some cases continue to sleep rough despite this inclusive approach.

#### Question 5

Do you agree with our proposal to abolish the Intentionality test?

Yes/no

We feel the intentionality test should remain as it is a useful deterrent, but more consideration should be given to the language used to make it more trauma informed.

As an LA we have made very few decisions in the past decade and we feel we have applied test in correct way. Therefore, we feel the test should still be available as long as the guidance is updated to show when it can be used correctly. There is a possibility that there will be less prevention work if the intentionality test is not available. We have taken, and we will continue to take a trauma informed approach to cases where households have made themselves intentionally homeless. Therefore, what is key to this area is making the guidance for LA clearer and restricting the use of the intentionality test without removing it completely.

The report specifically references the intentionality test leading to repeat homelessness of those with complex needs, that is not our experience. We feel without the test households with complex needs may not settle in their new home leading to repeated long stays in temporary accommodation.

If the intentionality test remains there would be no need for the addition of the deliberate manipulation test. S.596.

## Question 6

Do you agree with our proposal to keep the local connection test but add additional groups of people to the list of exemptions to allow for non-familial connections with communities and to better take account of the reasons why someone is unable to return to their home authority.

Yes, we agree with retaining the local connection test. However, we are concerned about some of the exemption categories namely a, b, e. In relation to prison leavers there are concerns that there would be increased presentations in cities i.e. having a prison/ approved premises and other services could lead to an imbalance of homelessness presentations of offenders compared with other LAs. We feel it would be more beneficial for the local connection test for care leavers living in another LA to be assumed as being met, rather than allowing LA discretion. Perhaps this could be an advantage of care experience being included as a protected characteristic.

We disagree with special circumstances categories as we don't feel that it needs a separate approach as captured under an 'at risk' category. We are confident that our current approach would enable anyone at risk to be assisted. The special circumstances should be covered in guidance rather in legislation.

## Question 7

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

*We do not agree that there will be a reduction in the use outreach services and therefore a reduction in cost. Outreach services will still be required but there may be a change in services offered to those rough sleeping and those that go in and out of temporary accommodation.*

*We believe that there will be increased staff costs associated with a 6 month duty. We agree that earlier prevention work should in theory reduce costs however there will be more cases in the system to manage. We feel we should reiterate that our experience historically has been that s.66 cases achieve a successful prevention through finding alternative accommodation and not remaining where they are. That is despite our approach of accepting a prevention duty early.*

*The costs in the RIA relate to those costs from 2020 which is outdated. The climate has changed considerably in the last few years. Some of the costs identified for all LAs could be one LA costs alone. We therefore feel that the costs are considerably underestimated.*

*There will be significant implications for increasing the numbers of temporary accommodation, the numbers of staff to manage that and people will spend much longer in temporary accommodation. Therefore, there has to be serious investment into the RSG and HSG.*

## The role of the Welsh Public Service in preventing homelessness

### Question 8

Do you agree with the proposals to apply a duty to identify, refer and co-operate on a set of relevant bodies in order to prevent homelessness?

Yes/no

Please give your reasons

<p><b>Duty to refer</b></p> <p>Agree with the wider duties placed on the Welsh public services to prevent homelessness but in terms of the duty to refer, we feel that there is potential to receive extra referrals as a result. Other bodies i.e. health, probation may not recognise when there is a low risk of homelessness and therefore may refer unnecessarily due to a concern of not fulfilling their duty. We find the guidance related to the duty contradictory in some places as it appears that although there is the duty to refer the main burden will still be with the LAs Housing department. We have some concerns about unintended consequences as a result of this i.e passing the buck.</p> <p>Other public services are also under pressure with a number of services looking at their statutory functions and considering their position on anything outside of that. There is therefore a concern that the White Paper expectations that homelessness prevention becomes everyone's responsibility might not be that achievable.</p> <p><b>Wider Public Services list</b></p> <p>No suggested additions or omissions from the list.</p>
--

### Question 9

Do you agree with the proposed relevant bodies, to which the duties to identify, refer and co-operate would apply? Would you add or remove any services from the list?

<p>We feel that education should be included in the list of those organisations as we currently receive referrals from schools already.</p>
---

### Question 10

In your view have we struck the right balance between legislative requirements and operational practice, particularly in relation to health?

We acknowledge that this is a difficult area to tackle but we feel that all public services including health need to take a more person-centred approach. The legislation doesn't address the change in practice needed to engage with homeless households experiencing health problems.

We feel that there are some inequalities related to access to healthcare particularly where other LAs place individuals in temporary accommodation in our area. This is an additional burden on our services locally.

We also feel that earlier referrals need to be made and not at the point of hospital discharge.

## Question 11

What practical measures will need to be in place for the proposed duties to identify, refer and co-operate to work effectively? Please consider learning and development needs, resources, staffing, location and culture.

Clear guidance from WG on what actions should be taken by public bodies prior to making referrals and clear guidance on when the duty is triggered.

All services should be trauma informed and therefore there are training implications.

Enhanced IT packages to receive the referrals would be useful.

Meet regularly with relevant organisations and a common referral to receive referrals would assist.

Training around housing supply and demand would be useful to manage early expectations.

## Question 12

In addition to the broad duties to identify, refer and co-operate, this chapter contains proposals to provide enhanced case co-ordination for those with multiple and complex needs. To what extent will the proposals assist in preventing homelessness amongst this group?

We agree in principle that the statutory case co-ordination role would be beneficial however it is not necessary for it to be prescriptive in relation to the involvement of 3 services. There is already a mechanism in place for multi-agency meetings such as MAPPA and MARAC therefore we need to make sure that there isn't duplication in the system.

We welcome a case conference approach when there is a threat of homelessness in supported housing or general needs housing, but this needs to take place earlier and be more focussed on prevention of homelessness.

It is positive to see that the lead organisation doesn't necessarily need to be LA housing. The multi-agency approach to homelessness doesn't need to be regional.

### Question 13

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

In relation to the costs contained in 2.49 we think the estimated cost of £20 would be significantly more and hasn't accounted for the households that haven't been able to be prevented.

The LA can see the benefit of a complex needs service which would include mental health and substance misuse services which are directly linked to housing support for the most hard to reach clients who have experienced repeat homelessness. A previous bid led by health to WG was declined, we would welcome an opportunity to take this forward again, but we appreciate that there are substantial costs involved.

### Targeted proposals to prevent homelessness for those disproportionately affected

#### Question 14

Are there other groups of people, not captured within this section, which you believe to be disproportionately impacted by homelessness and in need of additional targeted activity to prevent and relieve this homelessness (please provide evidence to support your views)?

The LA feel that newly granted refugees who have to leave their Home Office accommodation should also be included in this list as they are disproportionality affected by homelessness.

#### Question 15

What additional legislative or policy actions could be taken to prevent or relieve homelessness for the groups captured by this White Paper?

True prevention in many of the targeted groups is unachievable such as people leaving prison, people experiencing domestic abuse and those with no recourse to public funds.

We appreciate that resources have been considered with these proposals but it's important to emphasise that many of the changes may increase demand on homelessness services and increasing resources is essential to be able to comply with the changes and deliver the support.

#### Question 16

Our proposals related to children, young people and care experience seek to improve and clarify links between homelessness legislation and the Social Services and Wellbeing Act. Significant policy development is required to assess the practicality of this. What, in your views are the benefits and challenges of our approach and what unintended consequences should we prepare to mitigate?



We have a robust system in place locally with strong links with Social Services and young person's services and therefore much of the proposals are achievable. Even so, it can still be difficult to find the right solution for some young people where a number of housing options have failed.

We know there is currently insufficient provision (both supported and independent) for both 16+ and 18+. Changing or introducing new legislation will not solve this issue or offer solutions. One of the challenges/frustrations from a Child and Family Services perspective is that more spot purchase provision is being used because some providers consistently refuse to offer accommodation for our most vulnerable young people. This can result in the young person living in unsuitable accommodation. Locally, our solutions include creating a framework for supported accommodation providers, but it may not fully remove what is perceived as the bias/prejudice (unconscious or otherwise) and the all too quick labelling of people as 'risky tenants' by some providers. Including care experience as a protected characteristic may offer an opportunity to challenge this on a more legal footing as they have in England.

We feel it's important to recognise that the duty lies with Social Services but housing will assist with very complex cases.

## Question 17

Do our proposals go far enough to ensure that 16 and 17 year olds who are homeless or at risk of homelessness receive joint support from social services and local housing authorities? What more could be done to strengthen practice and deliver the broader corporate parenting responsibilities?

There is probably more for Child and Family Services to explore in terms of the role of the Young Persons Advisor in supporting care experienced young people to secure suitable accommodation and helping to prevent them being re-traumatised through needing to repeat the same information.

## Question 18

Do you agree or disagree that the Renting Homes (Wales) Act 2016 should be amended to allow 16 and 17 year olds to be able to hold occupation contracts?

Agree in principle that 16 and 17s year olds should be able to hold occupation contracts to give them more security of tenure providing appropriate assessments have taken place to establish their understanding of contract and the correct support is in place.

One of the potential risks should 16/17 year olds be occupation contract holders could be the expectation that the LA funds 'security deposits' in the private sector. On the one hand, this approach could offer solutions for potential homeless young people (including care experienced) but it needs further exploration and conversations with young people and the wider system to understand the benefits and challenges.

## Question 19

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

We haven't identified any further costs that have not been considered in the RIA.

## Access to accommodation

## Question 20

To what extent do you agree or disagree with the short-term proposals to increase the suitability of accommodation? Are there additional immediate actions you believe should be taken for this purpose?

**Agree, further comments below.**

### **Shared spaces**

We agree we should avoid using shared space wherever possible but there may be certain cases where shared space is acceptable or needs to be used in exceptional circumstances. In some cases it may be a better option and therefore we think not being able to use shared spaces at all goes too far.

We have had previous successes through night shelters and emergency bed provision. Many people that used the provision preferred the shared space option. In our experience some refugees and rough sleepers may want to share. Therefore, we feel we should be able to explore with the individual to see if it would suit their needs in the short term.

### **Suitability Standards**

Welcome suitability standards but there needs to be flexibility in order for LA to meet their statutory duties. Being too prescriptive with the requirements may hinder us being able to deliver much needed additional temporary accommodation.

### **Removal of exceptions**

It would seem strange that there are higher standards in temporary accommodation than those in private rented accommodation, such as sharing in HMOs.

### **Overcrowding**

The LA feel that the definition of overcrowding needs to be clearer. We would not place households where it would cause statutory overcrowding but there are many situations where a family is placed in accommodation that means its technically overcrowded, for example where there is an entitlement to 4 bedroom accommodation but they are placed in a 3 bedroom property where there is no larger properties available. There has been a recent resettlement of a family with 10 children and it's impossible to get a suitably sized property for some larger families so an element of overcrowding is unavoidable. It would be very difficult to comply with this requirement in practice.

## Question 21

To what extent do you agree or disagree with the proposals around the allocation of social housing and management of housing waiting lists? What do you believe will be the consequences of these proposals?

### **Building choice into system**

Agree with the proposal that applicant's views on the suitability of accommodation in relation to their personal circumstances should be considered.

### **Under 25s in B & B**

Historically it has also been our ambition to avoid B & B for all households. We don't agree that under 25s should not be permitted to be housed in B & B in many cases these placements are unavoidable due to the volume of cases and availability of temporary accommodation. We believe this should apply to under 18's rather than under 25s. We also don't feel that all under 25s need to be housed in supported accommodation. In many cases their personal circumstances would mean that it wouldn't be possible i.e. a couple or having access to a child. There would potentially be a negative impact on vulnerable households over the age of 25 due to them having to be placed into B & B, such as MAPPA cases to ensure those under 25 were prioritised for places in other forms of temporary accommodation.

We agree with the proposal to make clear in legislation those aged 16-17 must never be accommodated in adult focussed, unsupported temporary accommodation.

### **Location**

We agree with the proposal that where the applicant is offered longer term or settled accommodation in order to bring the prevention or main housing duty to an end, it may be reasonable to expect the applicant to change schools and/or medical facilities, depending on the individual circumstances. We feel, as per our current practice, that it may be reasonable to get children to move schools. In terms of the timeframe for interim accommodation it is difficult to answer what is reasonable without knowing the timeframe that is proposed. There are many circumstances where it is not easy to find suitable accommodation such as wheelchair accessible. Could the time period be at least 6 months or more flexible.

### **Taking into account wider support needs**

In terms of taking into account support needs we rarely house someone outside the area so don't foresee any issue in the implementation of it.

### **Culturally appropriate accommodation**

We agree with the proposals in principle and would ask the Gypsy, Roma and Travelling Community about their preference in terms of whether they are culturally averse to bricks and mortar accommodation. Preferences are different from family to family. Where they do want to be housed on a site, they prefer their own site.

We understand a regional approach to transit sites is being developed.

### **Homeless at home scheme**

We don't understand the differences in the new homeless from home scheme in relation to the way in which we currently operate a prevention duty. If we are unable to prioritise people living in temporary accommodation then this will have a significant impact on our ability to move people on.

### **Data collection**

We have concerns about the burden on a LA supplying this information as it is likely to change so frequently. To comment further we would need to understand the timescale for implementation and guidance from WG to ensure that all LAs are collecting information in the same way. An IT package may be required for all Welsh LA's to use.

## **Common housing register**

This is quite a complex area for us. Over a number of years we have met with our 3 RSL's partners and looked at the viability of creating a Common Allocations Policy and/or a Common Housing register. We haven't pursued this for a number of reasons.

Whilst the overall aims of each housing provider are broadly the same, there are some key differences. These include for example, different ways to apply (eg one of the RSL's do not hold a waiting list), City Living Schemes, and intermediate rent schemes. Whilst the LA and RSL providers have acknowledged that improving the customer experience for applying for housing should be looked at, we have never really felt that having a Common Allocations Policy would necessarily provide better outcomes to those who are homeless or in severe housing need.

Over the last 4 years we have demonstrated that having the flexibility in the system has enabled us to work with our RSL colleagues to meet our objectives. We currently operate a 50% nominations agreement but at times during the pandemic and post pandemic we have worked together and the RSL's have given us 100% Nomination rights to enable us to alleviate the pressure in the system as and when required. During this period the 4 housing providers have been able to prioritise homeless households whilst being able to meet other objectives such as ensuring there are balanced communities and ensuring the needs of our respective tenants are met.

It is felt that there would be considerable cost implications in moving to a Common Housing Register which would be very difficult in this current financial climate. There would be a resource implication as well as a large IT structure that would need to be considered. We have currently have over 8000 people on our housing waiting list and would need to review each application in line with a new allocations policy. There is a huge resource implication for this.

There are examples where in Swansea we already operate a common allocations policy such as our Adapt register, and the Move-On Strategy also ensures that there is a clear pathway to accommodate those moving from supported housing into general needs accommodation whereby all 4 providers have responsibilities for housing proportionately.

It is felt that if we can implement the recommendation in 571 *ie making it clear that an RSL cannot reasonably refuse a referral from a Local Housing Authority*, then there is no need to make it a legal requirement for legislation requiring the use of CHR's and CAP's across all LA's. As an LA we acknowledge that we need to ensure we continue to take a person-centred approach and build on what we have achieved with the RSL's, particularly, over the last 4 years. We feel that this can be done without the need for a CHR/CAP and that we need to continue to have the flexibility in the system that we currently have.

More recently, we have been working with our RSL partners to consider looking at a common access register and looking at other ways at we can simplify this process for the customer, whilst retaining our respective allocations policies. This is something that we will continue to do in order to ensure that we are taking a person-centred approach, but again this is not something that requires changes in legislation in order to achieve better outcomes.

## **Unacceptable behaviour**

We would like to see some clarity included in the legislation so that it is clear whether rent arrears can be included in unacceptable behaviour. It is referenced in the white paper but under Renting Homes this can not be considered currently.

## **Removal of people from waiting list**

Agree with the power to remove people from waiting list but there may be unintended consequences in that applicants may worsen their circumstances in order to qualify.

#### **Additional preference**

We don't necessarily agree as although proposed as not a long term measure we want to ensure tenant mobility within our own stock. It may also have an unintended consequence of encouraging people to worsen their own circumstances or make themselves homeless.

#### **Care- leavers**

We would like to understand the definition of care leavers and to what age the additional preference would need to be considered. Does this mean a 40 year old person who was in care for short time would fall into this category. We would need to ask this question of every applicant to ascertain if they have ever been in care and don't feel this is a trauma informed approach. A care leaver may no longer be vulnerable but it isn't clear whether the LA can prioritise if they consider it necessary or whether they must be prioritised in all cases.

There are a number of priorities in the proposed legislation and it may become unwieldy to consider all of those priorities.

#### **Right to challenge allocations**

We feel that this proposal is completely unworkable. Due to data protection, we would be unable to share details on an individual application and the reasons why they were prioritised for housing. It would therefore be difficult for someone to challenge a decision made by the LA.

#### **Depends on current working relationship with RSLs.**

We agree with the proposal that the RSL cannot unreasonably refuse a referral from a LA.

#### **Deliberate manipulation test**

Our response to the deliberate manipulation test is included with Q5 re intentionality.

We feel this test may not be enough of a deterrent to ensure the small number of households this applies to do not deliberately lose their accommodation. We are concerned that it will lead to repeated long stays in temporary accommodation as it will be difficult to engage with private landlords that are willing to work with this cohort.

## Question 22

To what extent do you agree or disagree with the proposal for additional housing options for discharge of the main homelessness duty? What do you foresee as the possible consequences (intended or unintended) of this proposal?

We agree with the proposal to include the options in s.602 however we don't agree that the applicant should have to agree with them.

Whilst the needs of every household should be taken into account, the LA should be responsible for determining the suitability of the offer, for example, young people could refuse an offer and insist on their own accommodation when it is entirely reasonable and more suitable for them to remain at home with their family. We also feel that the proposed 12 month period is too long as in some cases we would want the person to move on sooner e.g. supported accommodation. There is also potentially an unintended consequence in relation to an individual making themselves intentionally homeless/ deliberate manipulation.

## Question 23

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals in relation to access to housing. Are there any costs and benefits we have not accounted for?

It is felt that there would be considerable cost implications in moving to a Common Housing Register which would be very difficult in this current financial climate. There would be a resource implication as well as a large IT structure that would need to be considered. We currently have over 8000 people on our housing waiting list and would need to review each application in line with a new allocations policy. There is a huge resource implication for this.

In relation to the specific reference to an Accessible Housing Register we operate a register with RSLs already so no concerns about the proposals and the related cost implications.

## Implementation

### Question 24

To what extent do you think the proposals outlined above will support the implementation and enforcement of the proposed reforms?

Generally, we think the proposals will support the implementation and enforcement of proposed reforms.

We think WG need to give further consideration to monitoring how other public bodies are complying with their duty to refer and duty to prevent homelessness.

Whilst we understand the importance of data collection, we would urge that it doesn't become bureaucratic and would welcome a common IT system that all LAs could utilise. LAs have different pressures in their area which will make it difficult to compare some of the data. What is important to us is that we are improving within our own authority and therefore comparing with another LA isn't a particularly useful measure.

### Question 25

What other levers/functions/mechanisms could be used to hold local housing authorities and other public bodies accountable for their role in achieving homelessness prevention?

No additional mechanisms necessary for Housing LAs as are already accountable to WG and comply with housing legislation and codes of guidance.

We welcome the standards in relation to Health Care Inspectorate Wales and Care Standards Inspectorate Wales, but further consideration needs to be given to the other public bodies referenced in the paper.

## Question 26

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

We feel that the accompanying code of guidance should be introduced and circulated well in advance of implementation in order to understand the changes, and to ensure that there is consistency amongst LAs in their reporting.

## Question 27

What, in your opinion, would be the likely effects of the proposed reforms in this White Paper on the Welsh language? We are particularly interested in any likely effects on opportunities to use the Welsh language and on not treating the Welsh language less favourably than English.

- Do you think that there are opportunities to promote any positive effects?
- Do you think that there are opportunities to mitigate any adverse effects?

All services are offered bilingually so no particular impact has been noted in relation to the Welsh language. We find in our LA area other languages are requested more frequently than Welsh due to it being a city and a dispersal area.

## Question 28

We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

Whilst the principles and ambition of the White Paper are sound, we have real concerns with its timing given the pressure all LAs are under, with significant and rising demands on services. This is not a short-term crisis but rather a very real trend that has been building over the past 3 years.

We currently have 70 more households in B&B than we did at this time 12 months ago and that figure is 200 more than the same period in 2020. This is whilst operating priority need for all and prioritising all single households for social housing allocations throughout the pandemic and continue to do so. There are over 8,000 households registered on our waiting list with almost 50% of those households needing 1 bedroom properties. Whilst there are 290 households in temporary accommodation currently there are 1423 households accepted as homeless or at risk of homelessness registered on our waiting lists who all require alternative accommodation. We are not going to be able to house those we are currently supporting and the increase in numbers

expected by the extension of duties in the White Paper will only add to those figures and make prevention of homelessness unachievable for most.

Other public services are also under pressure with a number of services looking at their statutory functions and considering their position on anything outside of that. There is therefore a concern that the White Paper expectations that homelessness prevention becomes everyone's responsibility might not be that achievable.

We feel that any new legislation would need to be flexible enough to be able to respond to local, national and global pressures to ensure LAs aren't forced into working outside of the legislation in order to meet demand.

We think there are wider impacts in relation to the abolition of the priority need test. We have real concerns about the negative impact on community cohesion as a result of removing this test. It will mean that we will further disproportionately house homeless individuals and households to the detriment of applicants / tenants wishing to transfer / remain within communities where they have support networks in place.

Within the proposals there is a considerable focus on additional burdens and legal challenges to LAs. We feel that the ethos should be moved towards working with clients and other public bodies to end homelessness rather than presenting needless additional areas for challenge.

Organisation (if applicable):

**Swansea Council**



Number: WG48223



Llywodraeth Cymru  
Welsh Government

Welsh Government  
Consultation response form

## Consultation on the White Paper on Ending Homelessness in Wales

Date of issue: 10 October 2023

Action required: Responses by 16 January 2024

**OGI** © Crown copyright 2023

Mae'r ddogfen hon ar gael yn Gymraeg hefyd / This document is also available in Welsh

Rydym yn croesawu gohebiaeth a galwadau ffôn yn Gymraeg / We welcome  
correspondence and telephone calls in Welsh

## Overview

This White Paper sets out a range of proposals for changes to policy and the law, to end homelessness in Wales.

## How to respond

Please respond by completing the online form or completing this questionnaire and sending it to [HomelessnessLegislationReform@gov.wales](mailto:HomelessnessLegislationReform@gov.wales)

If you intend to respond in writing, please send completed forms to:

Homelessness Prevention Legislation Team  
Welsh Government  
Cathays Park  
Cardiff  
CF10 3NQ

When you reply, it would be useful if you confirm whether you are replying as an individual or submitting an official response on behalf of an organisation and include:

- your name
- your position (if applicable), and
- the name of organisation (if applicable).

## Further information and related documents

Large print, Braille and alternative language versions of this document are available on request.

## Data Protection

The Welsh Government will be data controller for any personal data you provide as part of your response to the consultation. Welsh Ministers have statutory powers they will rely on to process this personal data which will enable them to make informed decisions about how they exercise their public functions. Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about or planning future consultations. Where the Welsh Government undertakes further analysis of consultation responses then this work may be commissioned to be carried out by an accredited third party (e.g., a research organisation or a consultancy company). Any such work will only be undertaken under contract. Welsh Government's standard terms and conditions for such contracts set out strict requirements for the processing and safekeeping of personal data.

In order to show that the consultation was carried out properly, the Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. If you do not want your name or address published, please tell us this in writing when you send your response. We will then redact them before publishing.

You should also be aware of our responsibilities under Freedom of Information legislation.

If your details are published as part of the consultation response then these published reports will be retained indefinitely. Any of your data held otherwise by Welsh Government will be kept for no more than 3 years.

## Confidentiality

Responses to consultations may be made public on the internet or in a report.

**If you would prefer your response to remain anonymous, please tick here:**

# Reform of the existing core homelessness legislation

## Question 1

Do you agree these proposals will lead to increased prevention and relief of homelessness?

Yes/no

Difficult to say yes or no.

## Question 2

What are your reasons for this?

This is because the proposals don't tackle the root causes of homelessness – e.g is the homelessness caused by the inability to pay rent because LHA rates aren't high enough? Is the homelessness linked to inability to pay bills and run a home due to the cost of living crisis and benefit amounts? Is the root cause of homelessness a family breakdown where mediation could be successful?

The proposed changes so that a person is deemed to be threatened with homelessness if it is likely that the person will become homeless within six months may assist in increasing prevention as the LA will have a statutory duty to work with those presenting at an earlier stage and may allow more preventative measures to be applied within that timescale rather than at the later stage of the current legislation of 56 days – there may be more opportunities to save existing tenancies, or find an alternative solution before a period of temporary accommodation is required.

We would also be concerned that HSG (revenue funding) is being maintained and not increased at a time when more support than ever is needed to help sustain tenancies.

## Question 3

Are there additional legislative proposals you think we should consider to improve the prevention and relief of homelessness?

Possibly legislation around the requirement for the person presenting to engage with all suitable prevention activities..... which should be documented and agreed in the PHP.

Possibly something around gathering data on empty homes and a plan aiming to bring them into use for homeless households where possible and appropriate to do so.

## Question 4

Do you agree with our proposal to abolish the priority need test?

Yes/no

We would wish to say 'yes' to this proposal and are aware that NPTCBC currently do not consider PN when assessing homelessness. This practice has continued since it was directed that everyone who was homeless must be provided with temporary accommodation throughout the covid pandemic.

However, this has meant an unprecedented increase in demand and pressure on services with more applicants than ever being owed a statutory duty by local authorities and placed in temporary accommodation.

A large proportion of these applicants are single people and the demand for one-bedroom properties has increased as a consequence.

This must be recognised, and appropriate resources provided if PN is abolished long term to continue with this approach.

## Question 5

Do you agree with our proposal to abolish the Intentionality test?

Yes/no

We believe that currently local authorities can choose not to apply the intentionality test to applications, and the number of intentionally homeless decisions made is likely to be very low. If this is genuinely in the spirit of a trauma informed approach and the wish to help all people and not punish those who have made poor choices, then yes, we would support, providing there are adequate measures and support in place to prevent similar issues arising.

However, the white paper sets out a proposal to introduce a 'deliberate manipulation' within Chapter 4, 'Access to accommodation'.

The definition of this sounds very similar to an 'intentionality' test and therefore it appears to be replacing it from an early part of the process of the homelessness assessment and placing it towards the latter stage when considering an allocation – if this is going to be considered at all that is far too late in the process in our view.

## Question 6

Do you agree with our proposal to keep the local connection test but add additional groups of people to the list of exemptions to allow for non-familial connections with communities and to better take account of the reasons why someone is unable to return to their home authority.

We believe the local connection test should remain but would not object to the additional groups of people being added as in practice these groups of people would hopefully not be disadvantaged by not having a local connection, e.g those fleeing domestic abuse, veterans, care leavers etc.

There may be a requirement to ensure allocation policies align with and operate within the spirit of the proposal to formally add the additional groups of people.

## Question 7

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

We feel that these proposed changes must be fully costed and budgeted for. For example, any increase in tenancies provided to homeless households must be fully supported by an increase in Housing Support Grant or other such funding, budgets and grants that will ensure the level of support required to maintain and sustain tenancies is fully acknowledged and committed.

This must be in addition to any capital funding required to increase the number of properties that are available to provide housing for the huge increased demand.

However, following a recent WG announcement, this does not appear to be the case. While SHG is being protected, the HSG, for homelessness prevention is being maintained at the current level – in reality this is a cut.

There are also significant additional costs associated with developing and administrating a common housing register. We have outlined some of our thoughts around these costs later in this response.

## The role of the Welsh Public Service in preventing homelessness

### Question 8

Do you agree with the proposals to apply a duty to identify, refer and co-operate on a set of relevant bodies in order to prevent homelessness?

Yes/no

Please give your reasons

It is widely recognised and accepted that homelessness is multi-faceted and is not an issue of bricks and mortar alone.

In our experience of the situation currently, while we have some good examples of partnership working, there are frequently cases where we as the Landlord are often having to 'ask' relevant partners to work with us on cases. This is often difficult with organisations having different policies, priorities, approaches and interest in working together.

In this sense we welcome the proposal that other bodies will have a duty to support individuals and households to prevent homelessness.

### Question 9

Do you agree with the proposed relevant bodies, to which the duties to identify, refer and co-operate would apply? Would you add or remove any services from the list?

We would agree with the proposed list. We would like to note that in our example as long as we are invited to discussions, we are always present (in cases where we are not involved from the outset) in reality what we experience as the L/L is us 'asking' others to work with us but not always receiving a favourable response.

We would like to add that we believe the list should be extended – however this will be difficult due to the bodies devolved to Wales and those not.

Also, while not a 'public body' we believe any service in receipt of funding to support or prevent homelessness (HSG) should be added to the list and required to participate in relevant cases.

## Question 10

In your view have we struck the right balance between legislative requirements and operational practice, particularly in relation to health?

In our view there will need to be clear direction to relevant bodies around the requirements of the legislation and their duty to apply it and engage with others.

There have been examples over the years where legislation was made or clarified through case law but where there was still a lack of understanding of the requirements from the responsible bodies (e.g Southwark case – homeless 16 & 17 year olds).

Health is such a large area that operational arrangements can be difficult to put in place, even when on a strategic level co-operation exists.

There are also issues around the health service in relation to confidentiality where they will not share information to aid joint working arrangements. Primary care records are not always accessible to secondary care and vice versa so information is disjointed. The ability to share information to address and resolve homelessness needs to be looked at.

Operational arrangements will need to be worked through at local levels with suitable panels established or by utilising existing partnerships groups to oversee the joint working between the different organisations.

## Question 11

What practical measures will need to be in place for the proposed duties to identify, refer and co-operate to work effectively? Please consider learning and development needs, resources, staffing, location and culture.

There will be numerous practical measures required to ensure the legislation works effectively, these include but are not limited to;

- Referral routes and mechanisms
- Who is responsible for making referrals?
- Who is responsible for accepting referrals in the right organisation?
- Is a 'central pot' of some sort needed where referrals are managed in a consistent way?
- Overcome any GDPR issues or concerns
- Who leads / coordinates?
- Different approaches to non-engagement from clients
- Different views on successful outcomes
- Who would ultimately be the decision maker?

## Question 12

In addition to the broad duties to identify, refer and co-operate, this chapter contains proposals to provide enhanced case co-ordination for those with multiple and complex needs. To what extent will the proposals assist in preventing homelessness amongst this group?

A case conference / multi-disciplinary team approach is hugely welcome for complex needs cases – of which we, like others are seeing more and more of. We believe this approach would lead to improved outcomes in these cases.

We often try to implement this approach currently, with varying levels of success dependent upon the organisations and individuals involved.

Who would co-ordinate? Who would monitor and be accountable for this? What happens in the event of one organisation believing that an enhanced case co-ordinated approach is required and another feeling it isn't etc

## Question 13

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

We would wish to stress how the adequate levels of funding etc are essential to take these proposals forward. Our answer to question 7 sets out our main concerns around this.

### Targeted proposals to prevent homelessness for those disproportionately affected

## Question 14

Are there other groups of people, not captured within this section, which you believe to be disproportionately impacted by homelessness and in need of additional targeted activity to prevent and relieve this homelessness (please provide evidence to support your views)?

We must not forget those living in unsuitable accommodation – for example those perhaps with health conditions which makes their existing properties unsuitable / uninhabitable for them. This will inevitably include existing social housing tenants who are no longer able to access and reside in their existing home.

Local Authority budget cuts in terms of Disabled Facilities Grants (DFGs) are also a concern here and where they have previously contributed to funding works of adaptations to make an existing property suitable for the occupier, if this is not possible it could push these households down the homelessness route....While they may have a roof over their heads within the current legislation they could be considered homeless if the accommodation is not reasonable for them to occupy.

We, along with other housing providers have examples where families or individuals are living in unsuitable accommodation, and we must be able to move them to suitable accommodation as and when it is available.



For example, families with disabled household members who require larger properties and / or specialist equipment. In one example we have the community, while sympathetic to the needs of the family were being impacted by them living in the wrong type of property. We must retain the ability to move households in these circumstances, potentially freeing up that property for a homeless applicant.

There needs to be flexibility to ensure households in situations such as this are able to access and move to appropriate accommodation.

Again, we would stress the need for a range of housing options, adapted properties and supported accommodation.

## Question 15

What additional legislative or policy actions could be taken to prevent or relieve homelessness for the groups captured by this White Paper?

Tackling root causes of homelessness – such as sufficient financial assistance to those in the PRS.

Different models of accommodation depending on need – a one size fits all approach in our experience does not work.

## Question 16

Our proposals related to children, young people and care experience seek to improve and clarify links between homelessness legislation and the Social Services and Wellbeing Act. Significant policy development is required to assess the practicality of this. What, in your views are the benefits and challenges of our approach and what unintended consequences should we prepare to mitigate?

In theory a clear benefit should be a more holistic, joined up approach to meeting the young person's needs. However, in reality we have seen that this is not always the case due to challenges such as separate department budgets, different priorities.

## Question 17

Do our proposals go far enough to ensure that 16 and 17 year olds who are homeless or at risk of homelessness receive joint support from social services and local housing authorities? What more could be done to strengthen practice and deliver the broader corporate parenting responsibilities?

We believe it is essential that this age group are able to access the right type of accommodation with the correct support to help them move on to further suitable, more independent accommodation at the right time.

A good example of where we have worked in partnership in this area is with Dewis on the Brombil House scheme.

## Question 18

Do you agree or disagree that the Renting Homes (Wales) Act 2016 should be amended to allow 16 and 17 year olds to be able to hold occupation contracts?

Would need consideration of the circumstances and the implications of this – can a 16/17 year old legally hold a contract?

Also, if 16 / 17 year olds were able to hold contracts would the unintended consequence be to push them down the housing route as opposed to the corporate parenting duties?

We believe it would be far more beneficial to have the right type of accommodation available to 16 & 17 year olds and / or younger people. Accommodation of the right size and model where they can continue to learn the skills required to sustain a home independently.

Just to note, pre renting homes there was an issue where 16 and 17 year olds needed a guarantor. This was often a barrier to accessing general needs housing as there are difficulties finding suitable guarantors and a reluctance from services to take on this role.

## Question 19

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

As stated in earlier answers – these proposals need to be fully funded.

## Access to accommodation

## Question 20

To what extent do you agree or disagree with the short-term proposals to increase the suitability of accommodation? Are there additional immediate actions you believe should be taken for this purpose?

We would agree with the proposal, however the reality is that there may simply not be enough appropriate suitable temporary accommodation.

We would support any legislation that would make the development of suitable accommodation a quicker and more efficient process.

## Question 21

To what extent do you agree or disagree with the proposals around the allocation of social housing and management of housing waiting lists? What do you believe will be the consequences of these proposals?

We disagree with these proposal and believe that implementing many of these will have negative consequences.

We believe that there is no need to legislate in this area as our evidence confirms most of our allocations are already made to homeless households and / or urgent cases.

There is a risk that some of the proposals in this area could be counterproductive as it may mean prevention cases are not allocated and therefore will push them into crisis / temporary accommodation.

The wrong allocation can lead to short term occupation and somebody leaving accommodation as they are in the wrong area, without the right support etc. and possibly push them back into homelessness.

Where would the household`s choice be considered?

The proposal that RSL`s cannot unreasonably refuse a referral from a local housing authority, within a specified timeframe, except in specified circumstances could be at the detriment of existing good working relationships if the dynamic of that relationship shifts. The unintended consequences of this are also the potential for poorer allocations to be made resulting in repeat episodes of homelessness.

Previously we have had properties considered 'low demand', only allowing households with a housing need on to the waiting list could increase voids and impact on the income of the organisation.

We also need to have the ability to create sustainable communities through appropriate lettings policies. RSL`s need to be able to meet the needs of local authorities and those in greatest housing need, but also consider the needs and implications for communities.

In Neath Port Talbot specifically the cost & resource implications of implementing a common housing register cannot be underestimated.

Neath Port Talbot is one of the few areas where there is not a common housing register. We are open to exploring this possibility, however the costs associated with this on top of our existing cost of administrating the local authority`s housing register would be significant. For example.

- A new IT solution
- Cost of co-ordinating a common housing register
- Resourcing it appropriately
- Planning & Implementing

We would welcome the opportunity to learn from other good practice examples.

## Question 22

To what extent do you agree or disagree with the proposal for additional housing options for discharge of the main homelessness duty? What do you foresee as the possible consequences (intended or unintended) of this proposal?

We believe that all suitable and appropriate housing solutions should be considered in terms of the homelessness duty being discharged.

### Question 23

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals in relation to access to housing. Are there any costs and benefits we have not accounted for?

We would wish to stress our earlier points about sufficient funding not only for new properties but as important will be the funding for services to ensure tenancy sustainability and homelessness prevention work.

### Implementation

### Question 24

To what extent do you think the proposals outlined above will support the implementation and enforcement of the proposed reforms?

Unsure – before any additional scrutiny is introduced, we believe there needs to be more work done to ensure thorough and consistent recording and monitoring of data around homelessness, homelessness prevention and allocations.

There are inconsistencies across local authorities and housing providers in this area – possibly more detailed guidance and clearer definitions would assist in achieving more consistent data which could then be reliably used to inform any changes that are needed.

### Question 25

What other levers/functions/mechanisms could be used to hold local housing authorities and other public bodies accountable for their role in achieving homelessness prevention?

See comments at point 24

### Question 26

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

Please see earlier comments in relation to adequate funding and resources

## Question 27

What, in your opinion, would be the likely effects of the proposed reforms in this White Paper on the Welsh language? We are particularly interested in any likely effects on opportunities to use the Welsh language and on not treating the Welsh language less favourably than English.

- Do you think that there are opportunities to promote any positive effects?
- Do you think that there are opportunities to mitigate any adverse effects?

As organisations in Wales adhere to the Welsh Language Standards, there is already provision in place with service providers to deliver services through the medium of Welsh. Ensuring that service users have the choice in speaking with service providers who can communicate with them in Welsh, would demonstrate that they are respected as individuals and are able to keep their own national pride and identity regardless of their circumstances.

## Question 28

We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

Fundamentally, there is a huge mismatch between capacity and demand for housing in Wales which is inevitably a significant contributor to homelessness. Yet the focus of the White Paper appears to be on the RSL to provide the housing solution.

Further, there does not seem to be any reference to 'empty homes', which local authorities could include within any strategy to address and relieve homelessness. This could potentially be a missed opportunity to address empty homes and tackle homelessness together which could feature in a White paper such as this.

In addition to empty homes we would suggest consideration be given to buildings such as offices which are not being used as staff have not returned to offices following the pandemic or land such as car parks previously used when staff were working from offices, this leads on to our next point.

We would also welcome legislation that would alter and speed up the planning process. To develop housing at a speed that is needed to meet some of these aims the planning process needs to be considered along with the need to look at innovative / different models of accommodation that can be built quickly and efficiently.

Organisation (if applicable):

Tai Tarian

**Number: WG48223**



Welsh Government  
Consultation response form

## Consultation on the White Paper on Ending Homelessness in Wales

Date of issue: 10 October 2023

Action required: Responses by 16 January 2024

**OGL** © Crown copyright 2023

Mae'r ddogfen hon ar gael yn Gymraeg hefyd / This document is also available in Welsh

Rydym yn croesawu gohebiaeth a galwadau ffôn yn Gymraeg / We welcome correspondence and telephone calls in Welsh

## Overview

This White Paper sets out a range of proposals for changes to policy and the law, to end homelessness in Wales.

## How to respond

Please respond by completing the online form or completing this questionnaire and sending it to [HomelessnessLegislationReform@gov.wales](mailto:HomelessnessLegislationReform@gov.wales)

If you intend to respond in writing, please send completed forms to:

Homelessness Prevention Legislation Team  
Welsh Government  
Cathays Park  
Cardiff  
CF10 3NQ

When you reply, it would be useful if you confirm whether you are replying as an individual or submitting an official response on behalf of an organisation and include:

- your name
- your position (if applicable), and
- the name of organisation (if applicable).

## Further information and related documents

Large print, Braille and alternative language versions of this document are available on request.

## Data Protection

The Welsh Government will be data controller for any personal data you provide as part of your response to the consultation. Welsh Ministers have statutory powers they will rely on to process this personal data which will enable them to make informed decisions about how they exercise their public functions. Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about or planning future consultations. Where the Welsh Government undertakes further analysis of consultation responses then this work may be commissioned to be carried out by an accredited third party (e.g., a research organisation or a consultancy company). Any such work will only be undertaken under contract. Welsh Government's standard terms and conditions for such contracts set out strict requirements for the processing and safekeeping of personal data.

In order to show that the consultation was carried out properly, the Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. If you do not want your name or address published, please tell us this in writing when you send your response. We will then redact them before publishing.

You should also be aware of our responsibilities under Freedom of Information legislation.

If your details are published as part of the consultation response then these published reports will be retained indefinitely. Any of your data held otherwise by Welsh Government will be kept for no more than 3 years.

## Confidentiality

Responses to consultations may be made public on the internet or in a report.

**If you would prefer your response to remain anonymous, please tick here:**





## **Welsh Government consultation on its white paper on ending homelessness in Wales**

### **Submission from the National Lottery Community Fund**

Jessica Hey, Knowledge and Learning Officer

Jess.hey@tnlcommunityfund.org

**16<sup>th</sup> January 2024**

Reform of the existing core homelessness legislation

Question 1

Do you agree these proposals will lead to increased prevention and relief of homelessness?

Yes/no

Yes

## Question 2

What are your reasons for this?

We welcome the extension to the statutory time period for being 'threatened with homelessness' from 56 days to 6 months. Our own research suggested that that this may reduce instances of homelessness as the longer time period allows agencies to mitigate the risk of becoming homeless and, ideally, eliminate it. That's why Helping End Homelessness welcomed initiatives that looked beyond this narrow window to take an even more preventative approach.

We engaged with those with lived experience of homelessness during the development of our Helping End Homelessness programme, and this suggests that the co-design of support is essential to the success of homelessness prevention. By giving those who will benefit a genuine stake in Personal Housing Plans, we feel this will make it more likely that tenancies will be maintained and homelessness reduced.

Similarly, providing applicants a with a right to review the steps taken to support them and the suitability of the accommodation they are offered provides them with the choice and the control that the learning from our Fulfilling Lives programme in England suggests is essential to building trust with people with multiple and complex needs.

## Question 3

Are there additional legislative proposals you think we should consider to improve the prevention and relief of homelessness?

## Question 4

Do you agree with our proposal to abolish the priority need test?

Yes/no

Yes

We concluded that homelessness could affect anyone and our consultation suggested that those who were not on the 'priority need' list were nonetheless still vulnerable and in need of a home. This is why we opted to take a broad approach and defined homelessness as simply 'not having a home'. We also took the view that, while a person is clearly homeless if they have nowhere to stay and are living on the streets, people could sometimes be regarded as homeless even if they did have a roof over their head. Such circumstances include:

- staying with friends or family
- staying in a hostel, night shelter, B&B or other temporary accommodation
- squatting (because they have no legal right to stay)
- at risk of violence or abuse in their home
- living in poor conditions that are not fit to inhabit, lack basic amenities,
- do not have the necessary adaptations, or negatively affects their health
- living apart from their family because they don't have a place to live
- together
- living apart from their principal care provider.

We concluded that anyone to who this definition could be applied should be eligible for support through our programme irrespective of whether they were defined as 'priority need'. As such, we welcome the abolition of the priority need test as it will make it much easier for individuals in need to get support.

## Question 5

Do you agree with our proposal to abolish the Intentionality test?

Yes/no

Yes

## Question 6

Do you agree with our proposal to keep the local connection test but add additional groups of people to the list of exemptions to allow for non-familial connections with communities and to better take account of the reasons why someone is unable to return to their home authority.

Should the local connection test be maintained, we feel it is important that the list of exemptions should take account of those whose personal circumstances may make it difficult to return to their 'home' local authority. Taking a trauma-informed approach to providing support, one which placed the needs of people ahead of any geographical or residency requirements, was a funding priority for Helping End Homelessness. The negative impact of adverse childhood experiences (ACEs) on health, wellbeing and life chances is now well documented, with the majority of those experiencing homelessness having been exposed to them. For reasons of mental wellbeing, it may prove challenging for some individuals to stay in their 'home' local authority. This should be considered when developing the list of exemptions.

## Question 7

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

## The role of the Welsh Public Service in preventing homelessness

### Question 8

Do you agree with the proposals to apply a duty to identify, refer and co-operate on a set of relevant bodies in order to prevent homelessness?

Yes/no

Please give your reasons

**Yes**

We support and recognise the need for public bodies to cooperate in making homelessness brief, rare and non-recurrent.

Many presenting as homeless often have multiple complex needs that require support from several services. When we developed Helping End Homelessness, our research and consultation highlighted a perceived failure of public services to integrate to meet the needs of people who are homeless, and this is part of the systemic failure that lies at its root cause.

Consequently, the programme prioritised service innovation as one of its key foci. With most services focussed on crisis response rather than prevention, we

identified an urgent need to rebalance provision so that it deals with both those in crisis now and preventing homelessness from happening in the first place.

Too many opportunities to spot and prevent homelessness are currently missed, such as: prison leavers being released from prison to the streets; patients being discharged from hospital when they are known to be homeless; care leavers leaving local authority care without a permanent home. Such people are at the greatest risk when services are disjointed and disconnected, which is why we actively sort projects that developed seamless and comprehensive services that put the needs of the service user at their heart.

Our evidence pointed towards this need to integrate services. Part of our person-centred, trauma informed approach involves getting people with multiple, complex needs, help from services. Partnership working is something The Fund identified as being essential for success. We would further recommend an approach that also tackles the discrimination sadly experienced by some people who are homeless during their engagement with public services. A trauma-informed approach is central to tackling this, and will be essential to ensuring that people who are homeless or at risk of homelessness get the help they require across public services.

## Question 9

Do you agree with the proposed relevant bodies, to which the duties to identify, refer and co-operate would apply? Would you add or remove any services from the list?

We strongly recommend the need to engage with the Private-rented sector (PRS) and we welcome the duty on private landlords to refer those at risk of homelessness to the LHA. However, we also feel that this should be accompanied with support and advice for landlords to tackle some of the concerns that exist regarding taking on vulnerable people as tenants.

With limited social housing options, the PRS has been the main focus for local authorities in discharging their duties under the Housing (Wales) Act 2015. Our consultation highlighted that there has been reticence on the part of private landlords to take on those at risk of or experiencing homelessness due to concerns about rent arrears or the multiple challenges that some face. For those without complex needs, support needs may be around basic life skills like household budgeting, for example. We required the projects we funded to provide tenants with the support that they need, and to private landlords so that they can better understand the issues and know what support is available for their tenants.

If a truly preventative approach is to be taken, we believe that a duty on public bodies to cooperate with Third sector organisations providing support to people who are homeless, or at risk of being so, is also crucial. The Third sector is an invaluable source of expertise and support that is often better placed than the Public sector to deliver the type of person-centred support required to vulnerable people to either prevent or tackle homelessness.

### Question 10

In your view have we struck the right balance between legislative requirements and operational practice, particularly in relation to health?

### Question 11

What practical measures will need to be in place for the proposed duties to identify, refer and co-operate to work effectively? Please consider learning and development needs, resources, staffing, location and culture.

### Question 12

In addition to the broad duties to identify, refer and co-operate, this chapter contains proposals to provide enhanced case co-ordination for those with multiple and complex needs. To what extent will the proposals assist in preventing homelessness amongst this group?

Case co-ordination is as vital to addressing and preventing homelessness as the need for partnership working. It is needed to assist people with multiple and complex needs, and should be embedded within a trauma-informed approach.

[Our Fulfilling Lives programme](#) in England defined multiple needs as experience of two or more of the following: homelessness; offending; substance misuse, and mental ill-health. Over half of the people benefiting from this programme experience all four of these needs, with nearly all having experienced at least three. These needs are known to be interrelated and mutually reinforcing, and are not the only needs that can contribute to multiple and complex needs. As indicated previously, the programme found that co-designing support with the individual it is designed to benefit is essential to ensuring engagement with services and building trust.

### Question 13

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

Targeted proposals to prevent homelessness for those disproportionately affected

### Question 14

Are there other groups of people, not captured within this section, which you believe to be disproportionately impacted by homelessness and in need of additional targeted activity to prevent and relieve this homelessness (please provide evidence to support your views)?

While we support the inclusion of those listed in the White Paper as being in need of additional targeted activity, we stress the importance of Intersectionality when considering groups who may be disproportionately impacted by homelessness. People rarely fall into distinct categories, and the unique experiences of people with multiple protected characteristics and other forms of disadvantage cannot be neatly labelled under single headings. Characteristics, their socio-economic standing and other lived experiences such as ACEs may mean that someone is facing multiple challenges that intersect in a complex manner resulting in their current situation. We therefore strongly recommend that intersectionality is an important factor when considering additional targeted support for those who are homeless or at risk of being so.

Recent internal research commissioned by The Fund to help us improve our own approach highlighted the need for us to consider intersectionality as a way of tackling inequality. The complexity of intersectionality makes it difficult to address but, put simply, organisations involved in providing targeted activity to alleviate homelessness need to be aware of, and account for, all forms of discrimination and disadvantage that people could face, and how those could interact.

With this caveat pertaining to intersectionality, we believe that there are three further groups that should be added to the list of those who need additional targeted activity:

### People who are black or from ethnically minoritised communities

Recent research funded by the Oak Foundation conducted by Heriot Watt University entitled [Homelessness Amongst Black and Minoritised Ethnic Communities in the UK](#) suggests that there is overwhelming statistical evidence that people from Black and minoritised ethnic communities, taken as a whole, experience disproportionate levels of homelessness in the UK. These groups seem particularly exposed to ‘statutory homelessness’, that is, applying and/or being accepted as homeless by a local authority. Startlingly, Black people are three and a half times as likely to experience this as White British people. The evidence suggests that in Wales, statutory homelessness shows a high incidence of homelessness for Black and Mixed ethnicity-led households and a slightly higher incidence for Asian-led households. It further suggests that experience of discrimination, harassment or abuse on grounds of race or ethnicity in housing, or in other aspects of life, appears to be associated with elevated risks of homelessness.

### People who are LGBTQ+

LGBTQ+ people being more likely to experience homelessness than the general population, LGBTQ+ young people in particular. [Stonewall](#) reports that 18% of people who are LGBTQ+ in Britain have experienced homelessness, including [25% of transgender people](#). 24% of young people experiencing homelessness across the UK identified as LGBT+, and 9% of young people accessing [Llamau’s services in Wales identified as LGBT](#) in 2017/18. People who are LGBTQ+ are also more likely to experience poor mental health and engage with substance misuse, making them more likely to present with multiple, complex needs that require integrated services to assist them. For young people who are LGBTQ+, the main cause of homelessness is family breakdown or a lack of acceptance when a young person begins to express their gender and/or sexuality.

### Those at risk of or experiencing homelessness in rural areas

The availability of affordable and suitable housing is reduced in rural areas, and the dispersed nature of services makes it much more difficult for homeless individuals to access services. The number of people experiencing homelessness in rural areas is difficult to assess, and it is thought that there is more ‘hidden homelessness’, as opposed to be people sleeping rough. This, combined with difficulties in presenting themselves to homelessness services, means rural homelessness needs bespoke services to tackle it. This is why we decided to launch a second round of Helping End Homelessness with a specific focus on projects operating across rural areas.

## Question 15

What additional legislative or policy actions could be taken to prevent or relieve homelessness for the groups captured by this White Paper?



### Question 16

Our proposals related to children, young people and care experience seek to improve and clarify links between homelessness legislation and the Social Services and Wellbeing Act. Significant policy development is required to assess the practicality of this. What, in your views are the benefits and challenges of our approach and what unintended consequences should we prepare to mitigate?

### Question 17

Do our proposals go far enough to ensure that 16 and 17 year olds who are homeless or at risk of homelessness receive joint support from social services and local housing authorities? What more could be done to strengthen practice and deliver the broader corporate parenting responsibilities?

### Question 18

Do you agree or disagree that the Renting Homes (Wales) Act 2016 should be amended to allow 16 and 17 year olds to be able to hold occupation contracts?

### Question 19

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

Access to accommodation

Question 20

To what extent do you agree or disagree with the short-term proposals to increase the suitability of accommodation? Are there additional immediate actions you believe should be taken for this purpose?

Question 21

To what extent do you agree or disagree with the proposals around the allocation of social housing and management of housing waiting lists? What do you believe will be the consequences of these proposals?

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?

Question 23

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals in relation to access to housing. Are there any costs and benefits we have not accounted for?

Implementation

**Question 24**

To what extent do you think the proposals outlined above will support the implementation and enforcement of the proposed reforms?

**Question 25**

What other levers/functions/mechanisms could be used to hold local housing authorities and other public bodies accountable for their role in achieving homelessness prevention?

**Question 26**

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

**Question 27**

What, in your opinion, would be the likely effects of the proposed reforms in this White Paper on the Welsh language? We are particularly interested in any likely effects on opportunities to use the Welsh language and on not treating the Welsh language less favourably than English.

- Do you think that there are opportunities to promote any positive effects?
- Do you think that there are opportunities to mitigate any adverse effects?

Question 28

We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

Organisation (if applicable):

**The National Lottery Community Fund**

Number: WG48223



Welsh Government  
Consultation response form

## Consultation on the White Paper on Ending Homelessness in Wales

Date of issue: 10 October 2023

Action required: Responses by 16 January 2024

**OGI** © Crown copyright 2023

Mae'r ddogfen hon ar gael yn Gymraeg hefyd / This document is also available in Welsh

Rydym yn croesawu gohebiaeth a galwadau ffôn yn Gymraeg / We welcome correspondence and telephone calls in Welsh

## Overview

This White Paper sets out a range of proposals for changes to policy and the law, to end homelessness in Wales.

## How to respond

Please respond by completing the online form or completing this questionnaire and sending it to [HomelessnessLegislationReform@gov.wales](mailto:HomelessnessLegislationReform@gov.wales)

If you intend to respond in writing, please send completed forms to:

Homelessness Prevention Legislation Team  
Welsh Government  
Cathays Park  
Cardiff  
CF10 3NQ

When you reply, it would be useful if you confirm whether you are replying as an individual or submitting an official response on behalf of an organisation and include:

- your name
- your position (if applicable), and
- the name of organisation (if applicable).

## Further information and related documents

Large print, Braille and alternative language versions of this document are available on request.

## Data Protection

The Welsh Government will be data controller for any personal data you provide as part of your response to the consultation. Welsh Ministers have statutory powers they will rely on to process this personal data which will enable them to make informed decisions about how they exercise their public functions. Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about or planning future consultations. Where the Welsh Government undertakes further analysis of consultation responses then this work may be commissioned to be carried out by an accredited third party (e.g., a research organisation or a consultancy company). Any such work will only be undertaken under contract. Welsh Government's standard terms and conditions for such contracts set out strict requirements for the processing and safekeeping of personal data.

In order to show that the consultation was carried out properly, the Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. If you do not want your name or address published, please tell us this in writing when you send your response. We will then redact them before publishing.

You should also be aware of our responsibilities under Freedom of Information legislation.

If your details are published as part of the consultation response then these published reports will be retained indefinitely. Any of your data held otherwise by Welsh Government will be kept for no more than 3 years.

## Confidentiality

Responses to consultations may be made public on the internet or in a report.

**If you would prefer your response to remain anonymous, please tick here:**

# Reform of the existing core homelessness legislation

## Question 1

Do you agree these proposals will lead to increased prevention and relief of homelessness?

Yes/no

**We believe that they have the potential to do so. We fully support the broad principles underpinning the White Paper, prioritising prevention and rapid rehousing. These are well grounded in existing experience and best practice: we know that they work. However, everything will depend on the availability of resources- notably, money and accommodation- to make them work.**

## Question 2

What are your reasons for this?

**In recent years, in common with many other service providers in the homelessness sector, we have seen a growth in need for our services which has not been matched by increased resources to meet that need, at a time of rising costs. (The recent Draft Budget's proposal to maintain the cash value of Housing Support Grants means, of course, a real-terms cut in funding.) Preventative work and support are, in our experience, absolutely central to ensuring that homelessness is rare, brief and unrepeatable: we work with people whose complex needs and trauma, including the trauma engendered by becoming homeless, mean that support has to be long-term and grounded in stable relationships. But because resources are scarce we are increasingly having to shift from prevention to crisis management : for example, a tenancy support service which was designed to prevent people from experiencing homelessness now receives many referrals of people who have been placed in temporary accommodation and need help to remain there. This help is necessary, and we will provide it: but it would have been so much better to be able to help these people retain their homes in the first place.**

**This shift to crisis management and intervention goes, of course, against the whole ethos of the White Paper, but we cannot see how that ethos can successfully be put into practice without a substantial increase in funding for prevention and support services.**

## Question 3

Are there additional legislative proposals you think we should consider to improve the prevention and relief of homelessness?

**At present, in view of the financial and resource constraints that we discuss above, there are not. We commend the Welsh Government for having the courage and vision to publish this White Paper at a time of severely constrained resources but the task of making sure that it amounts to more than a litany of good intentions is daunting enough without adding further legislative proposals. If that can be achieved, there will be the opportunity to consider expanding legislation further.**



#### Question 4

Do you agree with our proposal to abolish the priority need test?

Yes/no

**Yes. In England, The Salvation Army is calling for the expansion of priority need to people at risk of street homelessness, as a step towards its ultimate abolition: in making these calls we were informed by developments in Wales. Wales has the opportunity to lead legislation and practice across Offa's Dyke, as it did with the prevention duty in the Housing (Wales) Act 2014.**

#### Question 5

Do you agree with our proposal to abolish the Intentionality test?

Yes/no

**Yes. We recognise that there is a need to prevent deliberate abuse of the homelessness system but we do not believe that that is a major problem and that a more focussed test, as the White Paper proposes, would be more than adequate to the need. We work with people with complex needs, and we do not wish behaviours and decisions that are the product of trauma or other needs, but are far from intentional in any real sense, to exclude them from the help that they need. We are heartened to see that intentionality has in practice become a dead letter in much of Wales, with a small and decreasing number of applications being refused on the ground of intentionality alone, and believe that this is a suitable opportunity to complete the process of phasing it out.**

#### 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.

**On balance, yes. We know that local connection is a contentious issue: we work with people who may have moved from one area to another for reasons that, to them, make good sense, and we have seen how in some cases local authority officers will look for opportunities to ensure that local connection is not an obstacle to receiving help. On the other hand, we recognise that some local authorities are concerned that ending the local connection test might place strains on their resources, to meet housing needs which have arisen elsewhere. We believe that for the time being, the proposals in the White Paper are probably the most workable that could be achieved. But this should not preclude further review of the local connection test once a revised version of the test, as proposed, had bedded in and been evaluated.**

**In Cardiff our Reconnection Services works in partnership with Cardiff local authority to support the housing needs of individuals who present without local connection to the authority. The**

services works holistically to ensure that every individual is supported to find the housing solution that is right for them. This service, as an example of good practise could be considered in future review of how best to work with homeless people who have a transient housing history.

## 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?

No response to this question at present.

## The role of the Welsh Public Service in preventing homelessness

### Question 8

Do you agree with the proposals to apply a duty to identify, refer and co-operate on a set of relevant bodies in order to prevent homelessness?

Yes/no

Please give your reasons

Yes. An individual's experience of homelessness is often the outcome of complex issues which may bring them into contact with a range of organisations and services (and homelessness will add to the complexity of those issues). A failure to provide help in a joined-up way, responding holistically to the needs of the individual rather than organisational boundaries and convenience, is at the very least a source of frustration both for those experiencing homelessness, and for services such as those which The Salvation Army provides, which often have to spend time trying to bring different organisations' support together.

We have a particular concern about the ways that NHS services, especially primary care and hospitals, respond to the needs of service users who are experiencing homelessness. [Research that we carried out in England](#) indicates that between 2017 and 2023 there had been a 33% rise in the use of Accident and Emergency (A&E) services, and a 60% rise in hospital admittance among people recorded as having no fixed abode: these compare to a rise of 2.5% and a fall of 4% respectively among the general population. It may well be that figures for Wales are substantially similar. We recognise and applaud the work being done in parts of Wales (e.g. Cardiff) to promote Inclusive Medicine but we are aware, from [research carried out by the charity Pathway](#), that in England, implementation of the duty to refer contained in the Homelessness Reduction Act 2017 has not been consistently effective. It is therefore extremely important not only to set the new duty at an appropriately comprehensive level, but to invest in its implementation.

We have experienced great difficulty, in some of our services, in gaining access to essential services- for example, health (including mental health) and substance use services- for people

with whom we are already working. It is therefore essential that the duty to co-operate works both ways.

## Question 9

Do you agree with the proposed relevant bodies, to which the duties to identify, refer and co-operate would apply? Would you add or remove any services from the list?

**The three services identified in paragraph 227 (social services departments, local health boards, and registered social landlords) are the minimum necessary. We share the Welsh Government's desire to extend the duty to UK Government controlled bodies such as those set out in paragraph 229, and providers of asylum accommodation; but we recognise that this requires negotiation and cannot, therefore, be a definite proposal at this stage.**

**We propose that extending the duties to the bodies in paragraph 227 be treated as a pathfinder, with active measures being taken to make it work effectively (see e.g. answer to q 11 below), and an evaluation to inform the process of further extension of the duties to other bodies in due course.**

## Question 10

In your view have we struck the right balance between legislative requirements and operational practice, particularly in relation to health?

**There is no guarantee that either promoting operational practice, or imposing legislative requirements, will achieve the desired outcomes. For this reason we are less concerned about the balance between the two, than about the need for cultural change and a thorough understanding and implementation of the aims of policy.**

## Question 11

What practical measures will need to be in place for the proposed duties to identify, refer and co-operate to work effectively? Please consider learning and development needs, resources, staffing, location and culture.

**When the Housing (Wales) Act 2014 introduced the prevention duty, the Welsh Government and Shelter Cymru jointly devised and delivered a programme of training which was delivered to every homelessness and housing options officer across Wales: [later research](#) showed that this was greatly valued and contributed to the successful launch of the new duty. Clearly the duty to identify, refer, and co-operate extends much more widely and staff than the 2014 prevention duty but we believe that lessons can be drawn from this about the importance and practicality of giving organisations and staff a solid and as far as possible bespoke grounding in what the new duties would mean in practice, and how to make them work.**

### Question 12

In addition to the broad duties to identify, refer and co-operate, this chapter contains proposals to provide enhanced case co-ordination for those with multiple and complex needs. To what extent will the proposals assist in preventing homelessness amongst this group?

**A compulsory case co-ordination approach, and the identification of a lead professional, for each individual, could work. But we suggest that there are at least two issues that will need to be addressed, if it is to do so.**

**The first relates to resources. Put bluntly, this kind of approach takes time and money. It requires sufficient lead professionals with sufficient time to work properly with their service users, and sufficient capacity within services, in all engaged sectors, to plan, collaborate, and reflect. As we have noted above, current financial and resource constraints mean that many or most services are increasingly working in crisis response mode. They are firefighting, with little or no capacity to take a more strategic approach, whether at a service or a service user level. You cannot achieve this kind of co-ordinated working simply by telling people to do it. It needs to be matched by resources if it is to go beyond being a dead letter.**

**The second relates to the availability and sharing of data and information about individual service users, across different organisations and perhaps geographic boundaries. We are concerned by a lack of consistent and comparable information of this kind in Wales, especially but not only in relation to people sleeping rough. In London the CHAIN system collects information that follows rough across boundaries and supports planning and targeting of services, both strategically and individually. The circumstances and needs of wale saree different from those of London and it would not be possible or desirable simply to replicate CHAIN in Wales, but we do believe that it should be an inspiration for a bespoke Welsh system of data collection.**

### Question 13

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

**No response to this question at present.**

Targeted proposals to prevent homelessness for those disproportionately affected

### Question 14

Are there other groups of people, not captured within this section, which you believe to be disproportionately impacted by homelessness and in need of additional targeted activity to prevent and relieve this homelessness (please provide evidence to support your views)?

**We believe that the list of groups in paragraph 252 is, for the moment, sufficiently comprehensive. We are pleased to see the inclusion of care experienced young people in the list: they are one of the most disadvantaged groups and particularly need additional targeted activity, and a priority status, to even out the inequalities they experience.**

### Question 15

What additional legislative or policy actions could be taken to prevent or relieve homelessness for the groups captured by this White Paper?

**We have no further suggestions to make at present. As ever, the value of any legislative or policy action will depend on the resources, financial and otherwise, that are put into its implementation, including evaluating and developing its implementation over time.**

### Question 16

Our proposals related to children, young people and care experience seek to improve and clarify links between homelessness legislation and the Social Services and Wellbeing Act. Significant policy development is required to assess the practicality of this. What, in your views are the benefits and challenges of our approach and what unintended consequences should we prepare to mitigate?

**Any work/review undertaken to strengthen and streamline the links between social services and housing for this particular group would be welcomed.**

**We believe that it is essential to work preventatively and 'upstream' – following, for example, the example of the Llamau-led 'Upstream Cymru' model- to identify young people who are at risk of experiencing homelessness earlier on. That risk must be considered as an active part of that young person's future care planning.**

**A shared recording/ information system would promote more joint collaborative working, and mean that a young person doesn't have to tell their story multiple times- a process which can be retraumatizing.**

### Question 17

Do our proposals go far enough to ensure that 16 and 17 year olds who are homeless or at risk of homelessness receive joint support from social services and local housing authorities? What more could be done to strengthen practice and deliver the broader corporate parenting responsibilities?

**The age-old issue of young people falling between Housing and Children's Services has not gone away. In our experience the vast majority of 'Southwark' assessment outcomes are for the young person to become the responsibility of Housing not Children's Services: we find that the latter shy away from accepting 16 and 17 year olds, presumably due to their own financial and**

staffing shortages. It has to be made clear that it is the needs of the young person, not a local authority's administrative and resources convenience, that must be paramount.

### Question 18

Do you agree or disagree that the Renting Homes (Wales) Act 2016 should be amended to allow 16 and 17 year olds to be able to hold occupation contracts?

**We emphasise the importance for 16 and 17 year olds, as for anyone else, of having secure and stable accommodation, with support to enable them to retain and to make the most of it, as required.**

**This said, we have reservations about the extension of occupation contracts to this age group, particularly in supported accommodation. We work with young people (and others) whose experience of trauma may manifest itself in ways which result in aggressive and violent situations. In these cases, it is usually in the interests of all concerned that the person be moved to another of our services, to allow support to continue to be provided with reduced risk. However, in our supported accommodation for over 18s we have experienced difficulties in doing so because the person had an occupation contract.**

### Question 19

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

**No response to this question at present.**

## Access to accommodation

### Question 20

To what extent do you agree or disagree with the short-term proposals to increase the suitability of accommodation? Are there additional immediate actions you believe should be taken for this purpose?

**We note that a shortage of suitable temporary accommodation can, in our experience, be a factor in bringing people back to street lifestyles and even to rough sleeping. It is therefore essential that temporary accommodation is experienced as safe and dignified. We welcome the emphasis on support in temporary accommodation. However, we come back to our earlier point about the importance of enough resources being made available to make this a reality. There has to be a sufficient supply of decent accommodation- which includes funding for current social or charitable housing providers to bring up to standard any accommodation which does not meet the proposed new standards- and there has to be funding for support services at a level which enables them to do their work thoroughly.**

**This is particularly important given the proposal (para 510) to require all temporary accommodation for people under 25 to be supported accommodation. Good quality, trauma-informed support that is accessible 24/7, is essential for all young people who experience or have experienced homelessness, and there is not enough of it available at present. That support should be offered assertively and not reactively in order to create the highest potential for impact. Furthermore, we find that the support needs of young people with whom we work are increasing: this means that they have to be with us for longer before they are ready for independent living and that, therefore, there is more pressure on existing supported accommodation capacity.**

**All this needs to be paid for. We would therefore argue, for example, that the 2024 Draft Budget's real-terms reduction in Housing Support grant works directly against the achievement of this aim.**

## Question 21

To what extent do you agree or disagree with the proposals around the allocation of social housing and management of housing waiting lists? What do you believe will be the consequences of these proposals?

**We support in principle the proposal in para 581 to restrict the 'unacceptable behaviour' test to more clearly defined and serious cases of 'unacceptable behaviour'. We work with people who have experienced and are experiencing trauma, whose behaviour may therefore be affected in ways that are not wholly within their control, and who may be vulnerable to discrimination on those grounds. We believe that they should be able to access stable and suitable housing is a basis for support and recovery. We also believe, however, that statutory guidance must be developed, and training delivered, to ensure an objective and non-discriminatory application of the new test.**

## 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?

**The proposals in para 606ff could be an acceptable way of widening the options available to people experiencing homelessness, and drawing on the range of resources available locally. However, it is important that the safeguards for applicants, proposed in the White Paper, should be effective. Specifically, the principles that these options should only be used with the explicit consent of the applicant, that a refusal of one of these options cannot bring the housing duty to an end, that 'alternative option' accommodation should meet standards above the general 'suitability' standards, and that the local authority must contact the applicant after six months to review the suitability of the accommodation, are so important that they should be clearly set out in legislation rather than simply guidance.**

## Question 23

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals in relation to access to housing. Are there any costs and benefits we have not accounted for?

**No response to this question at present.**

## Implementation

### Question 24

To what extent do you think the proposals outlined above will support the implementation and enforcement of the proposed reforms?

**We support the proposal, in para 646, for the Welsh Government to have specific powers to compel a local authority to meet the requirements of the proposed new legislation. We would hope that this power would not need to be used often but we believe that it should be there, and that the Welsh Government should not be afraid to use it if necessary.**

**We note the proposal to consider whether existing Health and Care Inspectorates could take a broader responsibility for homelessness prevention across the Welsh public service. We believe that it would be beneficial for some such body to have responsibility for identifying good and bad practice across Wales, including, potentially, requiring improvements.**

### Question 25

What other levers/functions/mechanisms could be used to hold local housing authorities and other public bodies accountable for their role in achieving homelessness prevention?

**No response to this question at present.**

### Question 26

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

**No response to this question at present.**



## Question 27

What, in your opinion, would be the likely effects of the proposed reforms in this White Paper on the Welsh language? We are particularly interested in any likely effects on opportunities to use the Welsh language and on not treating the Welsh language less favourably than English.

- Do you think that there are opportunities to promote any positive effects?
- Do you think that there are opportunities to mitigate any adverse effects?

**No response to this question at present.**

## Question 28

We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

**No response to this question**

Organisation (if applicable):

**The Salvation Army**

Number: WG48223



Welsh Government  
Consultation response form

## Consultation on the White Paper on Ending Homelessness in Wales

Date of issue: 10 October 2023

Action required: Responses by 16 January 2024

**OGL** © Crown copyright 2023

Mae'r ddogfen hon ar gael yn Gymraeg hefyd / This document is also available in Welsh

Rydym yn croesawu gohebiaeth a galwadau ffôn yn Gymraeg / We welcome correspondence and telephone calls in Welsh

## Overview

This White Paper sets out a range of proposals for changes to policy and the law, to end homelessness in Wales.

## How to respond

Please respond by completing the online form or completing this questionnaire and sending it to [HomelessnessLegislationReform@gov.wales](mailto:HomelessnessLegislationReform@gov.wales)

If you intend to respond in writing, please send completed forms to:

Homelessness Prevention Legislation Team  
Welsh Government  
Cathays Park  
Cardiff  
CF10 3NQ

When you reply, it would be useful if you confirm whether you are replying as an individual or submitting an official response on behalf of an organisation and include:

- your name
- your position (if applicable), and
- the name of organisation (if applicable).

## Further information and related documents

Large print, Braille and alternative language versions of this document are available on request.

## Data Protection

The Welsh Government will be data controller for any personal data you provide as part of your response to the consultation. Welsh Ministers have statutory powers they will rely on to process this personal data which will enable them to make informed decisions about how they exercise their public functions. Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about or planning future consultations. Where the Welsh Government undertakes further analysis of consultation responses then this work may be commissioned to be carried out by an accredited third party (e.g., a research organisation or a consultancy company). Any such work will only be undertaken under contract. Welsh Government's standard terms and conditions for such contracts set out strict requirements for the processing and safekeeping of personal data.

In order to show that the consultation was carried out properly, the Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. If you do not want your name or address published, please tell us this in writing when you send your response. We will then redact them before publishing.

You should also be aware of our responsibilities under Freedom of Information legislation.

If your details are published as part of the consultation response then these published reports will be retained indefinitely. Any of your data held otherwise by Welsh Government will be kept for no more than 3 years.

## Confidentiality

Responses to consultations may be made public on the internet or in a report.

**If you would prefer your response to remain anonymous, please tick here:**

# Reform of the existing core homelessness legislation

## Question 1

Do you agree these proposals will lead to increased prevention and relief of homelessness?

Yes

## Question 2

What are your reasons for this?

- **Face to face consultation is important 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.**
- **We note 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. Welsh Government should consider whether there is a contradiction here through adding barriers to social housing for anyone who isn't currently statutory homeless.**
- **More work could be done to understand the root causes of homelessness.**
- **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. Ultimately, homelessness prevention should be defined and resourced.**
- **There is concern that the proposals will create bottlenecks in the system given the reforms will result in increased numbers of people able to access homelessness services and the proposed new duties to help a person retain an occupation contract and the expanded prevention activity aims to ensure LAs and partners remain engaged with those threatened with homelessness for longer.**
- **There is a real risk that the proposals will undermine social cohesion and sustainable communities, contributing to pockets of transience or ghettoization.**
- **The proposed recommendations in this section of the Paper were really strong and supported holistic, person-centred and trauma-informed working.**
- **The Proposals are considered a progressive step forward in regard to homelessness across the whole public sector, but that this must be resourced appropriately.**
- **There is support for developing multi-disciplinary teams within LAs to respond to homelessness (as has been done to some degree in 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.**

### Question 3

Are there additional legislative proposals you think we should consider to improve the prevention and relief of homelessness?

- **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.**
- **We are concerned that a significant unintended consequence of the proposed reforms is that it could make the homelessness issue worse in the short term as it would significantly increase demand for housing services when things are already stretched. However, as a responsible social landlord we are eager to play our part in ending homelessness and this means tackling the issue head on and uncovering demand.**

### Question 4

Do you agree with our proposal to abolish the priority need test?

Yes

- **We question the proposals to a) remove priority need categories, and b) regulating the allocation of social housing through reasonable and additional preference. There is uncertainty about what the difference would be and what would change in reality.**

### Question 5

Do you agree with our proposal to abolish the Intentionality test?

Yes

- **We question the proposals to a) remove priority need categories, and b) regulating the allocation of social housing through reasonable and additional preference. There is uncertainty about what the difference would be and what would change in reality.**

### Question 6

Do you agree with our proposal to keep the local connection test but add additional groups of people to the list of exemptions to allow for non-familial connections with communities and to better take account of the reasons why someone is unable to return to their home authority.

- **Yes. We have reservations about homelessness being an additional preference in case this tilts the system too heavily towards crisis and not prevention.**

## Question 7

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

## The role of the Welsh Public Service in preventing homelessness

### Question 8

Do you agree with the proposals to apply a duty to identify, refer and co-operate on a set of relevant bodies in order to prevent homelessness?

Yes

Please give your reasons

- **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?**
- **If we are requesting public services to take on a more active role in preventing homelessness, they must be made aware of the current situation within their local area.**

### Question 9

Do you agree with the proposed relevant bodies, to which the duties to identify, refer and co-operate would apply? Would you add or remove any services from the list?

**Yes. Consideration should also be given to those agencies directly or indirectly delivering housing and homelessness services in Wales but whose functions are not devolved for example criminal justice and policing functions within the ambit of UK Government.**

## Question 10

In your view have we struck the right balance between legislative requirements and operational practice, particularly in relation to health?

- **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.**
- **People leaving hospital should be given additional preference as this could alleviate strain on hospital flow and discharge.**

## Question 11

What practical measures will need to be in place for the proposed duties to identify, refer and co-operate to work effectively? Please consider learning and development needs, resources, staffing, location and culture.

- **The proposals do not address the wider systemic barriers to preventing homelessness including the sufficient supply of decent homes. Failure to tackle supply and demand in the round will not address the current crisis, making these proposed reforms redundant.**

## Question 12

In addition to the broad duties to identify, refer and co-operate, this chapter contains proposals to provide enhanced case co-ordination for those with multiple and complex needs. To what extent will the proposals assist in preventing homelessness amongst this group?

- **The proposals highlight a number of protected groups who it is broadly agreed should be targeted as they are recognised as those disproportionately affected by homelessness.**
- **As a DAHA accredited organisation we welcome the extended definition of DVA to take into account controlling and coercive behaviour.**
- **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.**
- **There are well established operational practices in place, based on strong legal foundations, to house those aged 16 and 17 through trustee/guarantor arrangements and this is not seen**



as a barrier to settled housing. However, we do not disagree with the proposal for Welsh Government to review existing legislation to determine whether or not 16 and 17 year olds may be issued with occupation contracts in their own right.

- 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.
- People leaving hospital should be given additional preference as this could alleviate strain on hospital flow and discharge.

### Question 13

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

- **The financial, staffing and resource implications of extending LA responsibilities where there is secure estate within their area should not be underestimated.**

Targeted proposals to prevent homelessness for those disproportionately affected

### Question 14

Are there other groups of people, not captured within this section, which you believe to be disproportionately impacted by homelessness and in need of additional targeted activity to prevent and relieve this homelessness (please provide evidence to support your views)?

- **It is vitally important that that we do 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 unrepeat.'**

### Question 15

What additional legislative or policy actions could be taken to prevent or relieve homelessness for the groups captured by this White Paper?

- **Allocations and making best use of housing stock can be made more difficult by reserved policies: for example the bedroom tax which makes allocating small 2-bed flats difficult (as they are not aspirational for families but too expensive for single households).**
- **RSLs, 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).

### Question 16

Our proposals related to children, young people and care experience seek to improve and clarify links between homelessness legislation and the Social Services and Wellbeing Act. Significant policy development is required to assess the practicality of this. What, in your views are the benefits and challenges of our approach and what unintended consequences should we prepare to mitigate?

### Question 17

Do our proposals go far enough to ensure that 16 and 17 year olds who are homeless or at risk of homelessness receive joint support from social services and local housing authorities? What more could be done to strengthen practice and deliver the broader corporate parenting responsibilities?

### Question 18

Do you agree or disagree that the Renting Homes (Wales) Act 2016 should be amended to allow 16 and 17 year olds to be able to hold occupation contracts?

- We have operational arrangements in place to facilitate appropriate lettings to 16 and 17 Y/Os in housing need through trustee arrangements. We would not however oppose a review of the legislation to allow these young people to hold a contract in their own right.

### Question 19

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

## Access to accommodation

### Question 20

To what extent do you agree or disagree with the short-term proposals to increase the suitability of accommodation? Are there additional immediate actions you believe should be taken for this purpose?

### Question 21

To what extent do you agree or disagree with the proposals around the allocation of social housing and management of housing waiting lists? What do you believe will be the consequences of these proposals?

- **There is broad concern that the proposed reforms fundamentally undermine RLSs roles in promoting sustainable communities. As a community mutual organisation some of the proposed changes are in direct conflict with our stated aims to work with and support the communities we serve.**
  - **We query 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.**
  - **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.**
  - **For CHRs to be successful they must be adequately resourced and there is concern that currently local lists are out of date and LAs not adequately resourced to maintain them effectively.**
  - **It was also raised that CHRs must be used alongside a common allocations policy/scheme in order to be effective.**

### Question 22

To what extent do you agree or disagree with the proposal for additional housing options for discharge of the main homelessness duty? What do you foresee as the possible consequences (intended or unintended) of this proposal?

- It is questioned whether a legislative solution is the right way to tackle the presenting crisis - we know (from experience) it may take many years for this proposed legislation to take effect in which time the housing/homelessness landscape may well look very different.
- There is broad agreement of the principles but the proposals do nothing to address funding or housing supply.
- This must be a joined-up approach across public services and not an 'us vs them'.
- Are there opportunities to consider co-locating services and review the current use of premises?
- 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.
- It is 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.
- Specifically in regard to allocations, it was discussed whether legislation was the right tool and in particular, whether the proposed legislation was overbearing and a potential 'sledgehammer to crack a nut'. It is evident the legislation sets out to address some barriers to effective delivery but these barriers are not necessarily recognised or evidenced locally.
- It may be 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.
- Current practice is a high percentage of lets are to homelessness households (c45%), and freedom within legislation would allow HAs to move people through allocation systems and make best use of existing stock.

### Question 23

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals in relation to access to housing. Are there any costs and benefits we have not accounted for?

### Implementation

#### Question 24

To what extent do you think the proposals outlined above will support the implementation and enforcement of the proposed reforms?

- The imperative and language used to describe the relationship between local housing authorities and RSLs within this section could actually undermine the partnership working we are looking to build by creating barriers and eroding goodwill and trust. We 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.
- We 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?
- We note that it will take considerable time and resource in justifying decisions and outlining all the factors we have considered if/when declining a referral (for a particular applicant and a particular property).
- We sometimes have to decline a referral/nomination because of community or police concerns around safety. We have to give regard to these views as a member of the statutory Community Safety Partnership, but sometimes are criticised for that decision.
- If LAs will be able to 'demand' that RSLs allocate a particular applicant and property, will the RSL therefore be able to 'demand' the LA's support under the duty to cooperate?
- We consider the test around exclusion from a CHR on the grounds of ASB to be too high in that an outright possession order is not always made, even where extreme ASB is evident and proven in Court. The threshold test should be reconsidered and, when that test is applied as well as further consideration to the length of time of any exclusion/sanction to be imposed -commensurate to the impact of that behaviour in the community.
- There is concern regarding Local Housing Authorities having the power to remove applicants from their waiting lists. This appears a rash move in response to the present crisis. 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 waiting 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.
- Consideration must also be given to potentially hard to let stock due to location, this 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 if they lose rental income if there are barriers to letting properties to non-homelessness applicants.
- 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.
- The deliberate manipulation test feels similar to the intentionality test and we are therefore unsure how they differ.
- 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 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.
- We would welcome more detail on who would be responsible for making decisions around 'deliberate manipulation', and the criteria used for assessing it. It is possible 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.**

- **There are 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**

### Question 25

What other levers/functions/mechanisms could be used to hold local housing authorities and other public bodies accountable for their role in achieving homelessness prevention?

### Question 26

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

### Question 27

What, in your opinion, would be the likely effects of the proposed reforms in this White Paper on the Welsh language? We are particularly interested in any likely effects on opportunities to use the Welsh language and on not treating the Welsh language less favourably than English.

- Do you think that there are opportunities to promote any positive effects?
- Do you think that there are opportunities to mitigate any adverse effects?

## Question 28

We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

- **There is broad concern that the proposed reforms fundamentally undermine RLSs roles in promoting sustainable communities. As a community mutual organisation some of the proposed changes are in direct conflict with our stated aims to work with and support the communities we serve.**
- **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.**
- **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**
- **The importance of accurate data cannot be underestimated 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.**
- **The proposals do not address the wider systemic barriers to preventing homelessness including the sufficient supply of decent homes. Failure to tackle supply and demand in the round will not address the current crisis, making these proposed reforms redundant.**

Organisation (if applicable):

**Trivallis Housing Association**

Number: WG48223



Welsh Government  
Consultation response form

## Consultation on the White Paper on Ending Homelessness in Wales

Date of issue: 10 October 2023

Action required: Responses by 16 January 2024

**OGI** © Crown copyright 2023

Mae'r ddogfen hon ar gael yn Gymraeg hefyd / This document is also available in Welsh

Rydym yn croesawu gohebiaeth a galwadau ffôn yn Gymraeg / We welcome correspondence and telephone calls in Welsh



## Overview

This White Paper sets out a range of proposals for changes to policy and the law, to end homelessness in Wales.

## How to respond

Please respond by completing the online form or completing this questionnaire and sending it to [HomelessnessLegislationReform@gov.wales](mailto:HomelessnessLegislationReform@gov.wales)

If you intend to respond in writing, please send completed forms to:

Homelessness Prevention Legislation Team  
Welsh Government  
Cathays Park  
Cardiff  
CF10 3NQ

When you reply, it would be useful if you confirm whether you are replying as an individual or submitting an official response on behalf of an organisation and include:

- your name
- your position (if applicable), and
- the name of organisation (if applicable).

## Further information and related documents

Large print, Braille and alternative language versions of this document are available on request.

## Data Protection

The Welsh Government will be data controller for any personal data you provide as part of your response to the consultation. Welsh Ministers have statutory powers they will rely on to process this personal data which will enable them to make informed decisions about how they exercise their public functions. Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about or planning future consultations. Where the Welsh Government undertakes further analysis of consultation responses then this work may be commissioned to be carried out by an accredited third party (e.g., a research organisation or a consultancy company). Any such work will only be undertaken under contract. Welsh Government's standard terms and conditions for such contracts set out strict requirements for the processing and safekeeping of personal data.

In order to show that the consultation was carried out properly, the Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. If you do not want your name or address published, please tell us this in writing when you send your response. We will then redact them before publishing.

You should also be aware of our responsibilities under Freedom of Information legislation.

If your details are published as part of the consultation response then these published reports will be retained indefinitely. Any of your data held otherwise by Welsh Government will be kept for no more than 3 years.

## Confidentiality

Responses to consultations may be made public on the internet or in a report.

**If you would prefer your response to remain anonymous, please tick here:**

# Reform of the existing core homelessness legislation

## Question 1

Do you agree these proposals will lead to increased prevention and relief of homelessness?

Yes/no

Yes.

## Question 2

What are your reasons for this?

See responses to the questions below for details.

## Question 3

Are there additional legislative proposals you think we should consider to improve the prevention and relief of homelessness?

We are a team of researchers from the University of Birmingham led by Professor Jennifer Cumming ([j.cumming@bham.ac.uk](mailto:j.cumming@bham.ac.uk)). We work with a number of charities and organisations to aid in the prevention and relief of homelessness in young people. We believe that additional legislative proposals that should be considered to improve the prevention and relief of homelessness include:

1. The roll out of staff training to successfully embed the existing Wales Trauma-Informed and person-centered approach and introduce related and supplementary psychologically informed environment (PIE) training and a strengths-based approach when working with individuals at-risk of or experiencing homelessness. Our work over 10+ years with West Midlands based homelessness charity St Basils, a [PIE organisation](#), has demonstrated that staff with no previous psychological training or university-level knowledge of psychological approaches can be successfully trained to adopt a strengths-based approach when supporting young people at-risk of or experiencing homelessness. Specifically, underpinned by the CARES model ([Tidmarsh et al., 2022](#); [Cumming et al., 2022](#)), we have co-created and delivered strengths-based interventions and related staff training with St Basils which has supported the successful development of resilience and related skills in

young people at-risk of or experiencing homelessness. The strengths-based approach allows an individual and the staff and services who support them to recognise their unique capabilities and build upon them to achieve positive long-term outcomes. We have shown that this type of intervention (My Strengths Training for Life; MST4Life) and staff training has a positive effect on the successful progression towards positive Education, Employment and Training (EET) outcomes, including improved resilience and wellbeing, which was associated with mental skill development ([Quinton et al., 2021](#)), and psychosocial skill development, self-regulation and long-term behaviour change ([Parry et al., 2021](#)).

2. The uptake and implementation of strengths-based interventions to support mental skills development. We have evidence to support this through our mental skills training toolkit trilogy: <https://www.sprintproject.org/toolkit>. This evidence-based approach can benefit not only young people experiencing homelessness, but also young people facing multiple disadvantages more broadly (e.g., care leavers, those who have been through the youth justice system).
3. The capture of 'soft outcomes' at regular intervals (e.g., self-confidence, resilience, communication skills) through our co-designed tool to promote awareness and understanding around, and ultimately progress towards more tangible outcomes, (e.g., being in work, education, or training, and/or securing long-term accommodation). Individuals at risk of or experiencing homelessness should complete measures to assess soft outcomes with the support of staff via a method that is efficient, accessible, and acceptable (see below for proposals around digital tool development). This can serve as a mutually beneficial way for services and staff to better determine how, when, and why individuals make progress towards more tangible outcomes.
4. Consultation on the development and use of digital tools (e.g., smartphone and tablet apps) to support individuals at-risk of or experiencing homelessness and the staff that work with them. We have recently [collaborated with charity Street Soccer and digital start-up Get Ahead Mindset](#) to pilot the translation of our strengths-based training resources into the digital space, both for individuals at-risk of or experiencing homelessness, and wider audiences (exercisers and athletes). Through interdisciplinary and user collaboration that is informed by evidence-based development and evaluation guidelines (e.g., Medical Research Council Complex Intervention Guidelines), we believe that digital tools can be developed to support the standardised and successful joined-up delivery of the legislative proposals and increased embedding of overarching approaches (i.e., person-centered and Wales Trauma-Informed approaches), with the potential to add-on intervention and prevention tools (e.g., evidence-based, strengths-based resources). In addition to standardising the join-up of different departments and services, the use of an app may permit the support and monitoring of individuals at-risk of or experiencing homelessness over a longer period of time than traditional resources allow, reducing the likelihood of an individual experiencing homelessness and related negative outcomes.
5. The implementation of Government led campaigns that challenge harmful public stereotypes, promoting more cohesive communities that are less stigmatising, and therefore improving the likelihood of support seeking from those at risk of or experiencing homelessness. Indeed, public forums as well as support services can intentionally and unintentionally sustain negative stereotypes about homelessness and related difficulties, and this reinforces feelings of shame and low self-worth that impact support seeking decisions and behaviours. Therefore, systematic efforts to counteract this are needed to aid in the improvement of the prevention and relief of homelessness in Wales.

### Question 4

Do you agree with our proposal to abolish the priority need test?  
Yes/no

Yes.

### Question 5

Do you agree with our proposal to abolish the Intentionality test?  
Yes/no

Yes.

### Question 6

Do you agree with our proposal to keep the local connection test but add additional groups of people to the list of exemptions to allow for non-familial connections with communities and to better take account of the reasons why someone is unable to return to their home authority.

Yes.

### 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?

An [independent cost benefit analysis](#) of St Basils PIE (BOOST), with the addition of our MST4Life programme, found that MST4Life increased the likelihood of young people exiting homelessness and into education, employment or training by 30 percentage points. Therefore, PIE and MST (through our MST toolkits) are an important part of the conversation of costs and benefits of these proposals.

# The role of the Welsh Public Service in preventing homelessness

## Question 8

Do you agree with the proposals to apply a duty to identify, refer and co-operate on a set of relevant bodies in order to prevent homelessness?

Yes.

Please give your reasons

As highlighted in question 3, we are a team of researchers who work with a number of charities and organisations to support young people who are at-risk of or experiencing homelessness. Specifically, we work in partnership with St Basils, a youth homelessness housing association and charity, to develop, deliver and evaluate various elements of their provision of support to young people aged 16-24. This unique collaboration has resulted in new and effective ways of working with young people with complex needs who are either homeless or at risk such as care leavers (My Strengths Training for Life™ programme), as well as through upstream prevention of family breakdown (Parenting Young People™ programme – see below) and working across agencies to improve pathways out of care e.g., Children’s Services and local authorities ([LGA Children’s Efficiency Project](#)).

Through our involvement as experts in research and evaluation we recognise the benefits of cooperation in cross-agency working in the context of evidence-based practice to prevent and reduce youth homelessness in the West Midlands, UK. A cross-cutting theme of this research is the focus on strengths-based working, stemming from our origins as sport psychology researchers with an interest in talent development, well-being and practice of positive mental health as well as management of negative mental health issues. In this section, we highlight the benefits of prevention programmes that have resulted from inter-agency working and some of the key lessons learned. Importantly, these programmes are part of an upstream prevention approach, which aligns with the West Midlands Combined Authority (WMCA) homelessness taskforce’s aim to “design out homelessness”, which identifies schemes to address broader systemic drivers of homelessness.

### Parenting Young People (PYP™) programme

St Basils’ [PYP™ programme](#) addresses family breakdown as the leading cause of youth homelessness, complementing early intervention services such as family mediation and advice offered by St Basils’ youth hubs operating in Birmingham and Solihull as a single point of access to multi-agency prevention and accommodation services. PYP™ was developed as a flexible and adaptable programme for parents of young people aged 13-19 years that has been delivered in a variety of settings e.g. NHS, community, and corporate.

The wider vision of PYP™ is to help address family breakdown, a leading cause of youth homelessness, by equipping parents who may feel like they are at their ‘wits end’ with the skills and support they need improve relationships with their children.

There are several unique aspects to the PYP™ programme.

- Alternating interactive skills workshops with reflective support groups

- Discussions supported by a competent professional (i.e., clinical psychologist), rather than a “teach and tell” approach involving an expert advising parents on how to “fix” their problems.

- PYP™ was developed with and for parents of adolescents in the UK, who may face different challenges. In addition, parents are provided with concrete parenting tools, such as the systematic problem-solving method

- Most parents/caregivers are referred to the programme by social workers because of recognised needs such as having children with learning or developmental problems, such as autism spectrum disorders, which can compound challenges in the family home. This referral process is crucial to the programme’s success by raising awareness about it and encouraging parents to attend.

Key benefits for parents were found to include improvements in their:

- Well-being
- Personal and family satisfaction
- Social connectedness

In addition, focus group findings highlighted how participants had:

- Implemented psychological skills and tools from workshops to make positive changes
- Learned to better recognise their own strengths as a parent
- Passed on knowledge to other parents in their network
- Practiced self-care
- A better understanding of their young person and reasons for their behaviour

Amongst the key lessons learned through the evaluation included:

1. Effective programme marketing and scheduling: parents and those who made the referrals often commented that their knowledge of the programme was due to chance. Furthermore, some parents had to leave the programme as their difficulties at home prevented them from engaging with the support designed to help them with those difficulties. Therefore, whilst inter-agency collaboration is instrumental for such prevention initiatives to be successful, strategies could be implemented to boost reach and participation such as hosting pre-programme meetings with relevant community services.

2. Use of ‘parent navigators’: parents thought it would be useful to incorporate ‘parent navigators’: parents who have completed the programme and are in a position to support others to attend the programme. The 1-to-1 work done by programme facilitators to help parents engage in the programme was a very time-consuming process. Whilst time would need to be invested in training and supporting ‘parent navigators’, it would provide parents opportunities to continue engaging with their community and develop their skills.

LGA Care Leavers Children’s Efficiency Project

A disproportionate number of care leavers experience adverse outcomes such as housing instability, unemployment, and mental health difficulties. Care leavers with multiple and complex needs are a group at particularly high risk for such outcomes and a group towards which prevention efforts should be targeted. The transition from care has been identified as a key period of risk, leading to policy changes such extension of statutory support past the age of 18. Therefore, transforming, and optimising pathways out of care could have a significant impact on outcomes for this vulnerable group and address a key risk factor for youth homelessness.

Our research team conducted an evaluation of a pilot project, commissioned by the Local Government Association (LGA), of a housing pathway for care leavers with multiple and complex needs.

This pathway was uniquely positioned as one which:

1. Consulted with the participating care leavers on their transition from care to ensure suitability
2. Involved explicit co-working and handover between social care workers and supported accommodation staff
3. Was hosted at a St Basils accommodation site, which operates under a psychologically informed environment (PIE) framework
4. Took a step-down from higher-cost placements which had been found to be relatively ineffective at supporting successful transitions

Key evaluation findings:

- Significant cost savings: Compared to their previous placements, the St Basils supported accommodation pathway resulted in one-year cost savings of £309,277.40 for the five participating young people.
- Findings from the 1-year evaluation period showed a range of positive outcomes and risk reduction.
- Inter-agency understanding and cooperation was a key factor determining the programme's success as well as the quality of relationships between staff and young people, having a safe physical and social environment that balanced privacy and independence with opportunities for socialising and skill development, and staff training in psychologically informed environments.

## Question 9

Do you agree with the proposed relevant bodies, to which the duties to identify, refer and co-operate would apply? Would you add or remove any services from the list?

Yes. However, we would consider the addition of Health Boards from different authorities as well as the Health Board that is local to the relevant homelessness department, as appropriate. This is because at times it may be necessary for different Health Boards to communicate and collaborate with social services and homelessness departments, for example, when an individual is sectioned under the Mental Health Act out of area and then transferred or returns to their hometown or a different location whilst under 117 aftercare duties. It is essential that care is coordinated across different services for people experiencing homelessness, as outlined in the NICE guideline 214



<https://www.nice.org.uk/guidance/ng214>. The West Midlands Health and Homelessness Community of Practice group (chaired by Jean Templeton, St Basils Chief Executive) has undertaken a review of the Homelessness and Health network to improve connectivity between health and housing at a local level.

## Question 10

In your view have we struck the right balance between legislative requirements and operational practice, particularly in relation to health?

We believe that stronger and wider reaching legislative requirements are required, particularly regarding the operational collaboration between relevant bodies, in which Health Boards from authorities not just limited to the Health Board that is local to the relevant homelessness department are included (as outlined above).

## Question 11

What practical measures will need to be in place for the proposed duties to identify, refer and co-operate to work effectively? Please consider learning and development needs, resources, staffing, location and culture.

Please refer to our key learning outcomes detailed in question 8.

## Question 12

In addition to the broad duties to identify, refer and co-operate, this chapter contains proposals to provide enhanced case co-ordination for those with multiple and complex needs. To what extent will the proposals assist in preventing homelessness amongst this group?

We are unable to comment specifically on the potential for enhanced case-coordination to support those experiencing multiple and complex needs as the details of the model are not yet available. However, in principle, using this general approach as indicated by NICE guidelines ([NG43](#)) could assist in preventing homelessness amongst this group, if the appropriate resources are available. Our early evaluation of St Basils, Transition Hub Service (a unique, multi-agency service with in-house clinical and therapeutic teams), shows that where successful multi-agency working has been achieved this has led to more appropriate next steps and support for the young people, and would therefore support the outlined approach. The evaluation also showed however, that the resource required to achieve effective multi-agency working to support young people with multiple and complex needs is extensive and would therefore be something that would need additional consideration as part of these proposals.

Question 13

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

Targeted proposals to prevent homelessness for those disproportionately affected

Question 14

Are there other groups of people, not captured within this section, which you believe to be disproportionately impacted by homelessness and in need of additional targeted activity to prevent and relieve this homelessness (please provide evidence to support your views)?

As outlined in the consultation document, those with protected characteristics such as ethnic minorities, asylum seekers and LGBTQ+ individuals have been consulted as part of the proposals. However, we believe that these groups of people should be explicitly captured within the targeted proposals to prevent homelessness, as these groups are disproportionately affected.

As part of upstream prevention of homelessness, care leavers and young people who have been through the criminal justice system should also be integrated into this support. We have evidence to support the benefits of PIE and MST4Life specifically for these populations on our website:

<https://www.sprintproject.org/dissemination-non-ac>.

Question 15

What additional legislative or policy actions could be taken to prevent or relieve homelessness for the groups captured by this White Paper?

Additional legislative proposals that should be considered to improve the prevention and relief of homelessness in the groups captured and additionally proposed by us include:

1. The roll out of staff training to successfully embed the existing Wales Trauma-Informed and person-centered approach and introduce related and supplementary psychologically informed environment (PIE) training and a strengths-based approach when working with individuals at-risk of or experiencing homelessness. Our work over 10+ years with West Midlands based homelessness charity St Basils, a [PIE organisation](#), has demonstrated that staff with no previous psychological training or university-level knowledge of psychological approaches can be successfully trained to adopt a strengths-based approach when supporting young people at-risk of or experiencing homelessness. Specifically, underpinned by the CARES model ([Tidmarsh et al., 2022](#); [Cumming et al., 2022](#)), we have

co-created and delivered strengths-based interventions and related staff training with St Basils which has supported the successful development of resilience and related skills in young people at-risk of or experiencing homelessness. The strengths-based approach allows an individual and the staff and services who support them to recognise their unique capabilities and build upon them to achieve positive long-term outcomes. We have shown that this type of intervention (My Strengths Training for Life; MST4Life) and staff training has a positive effect on the successful progression towards positive Education, Employment and Training (EET) outcomes, including improved resilience and wellbeing, which was associated with mental skill development ([Quinton et al., 2021](#)), and psychosocial skill development, self-regulation and long-term behaviour change ([Parry et al., 2021](#)).

2. The uptake and implementation of strengths-based interventions to support mental skills development. We have evidence to support this through our mental skills training toolkit trilogy: <https://www.sprintproject.org/toolkit>. This evidence-based approach can benefit not only young people experiencing homelessness, but also young people facing multiple disadvantages more broadly (e.g., care leavers, those who have been through the youth justice system).
3. The capture of 'soft outcomes' at regular intervals (e.g., self-confidence, resilience, communication skills) through our co-designed tool to promote awareness and understanding around, and ultimately progress towards more tangible outcomes, (e.g., being in work, education, or training, and/or securing long-term accommodation). Individuals at risk of or experiencing homelessness should complete measures to assess soft outcomes with the support of staff via a method that is efficient, accessible, and acceptable (see below for proposals around digital tool development). This can serve as a mutually beneficial way for services and staff to better determine how, when, and why individuals make progress towards more tangible outcomes.
4. Consultation on the development and use of digital tools (e.g., smartphone and tablet apps) to support individuals at-risk of or experiencing homelessness and the staff that work with them. We have recently [collaborated with charity Street Soccer and digital start-up Get Ahead Mindset](#) to pilot the translation of our strengths-based training resources into the digital space, both for individuals at-risk of or experiencing homelessness, and wider audiences (exercisers and athletes). Through interdisciplinary and user collaboration that is informed by evidence-based development and evaluation guidelines (e.g., Medical Research Council Complex Intervention Guidelines), we believe that digital tools can be developed to support the standardised and successful joined-up delivery of the legislative proposals and increased embedding of overarching approaches (i.e., person-centered and Wales Trauma-Informed approaches), with the potential to add-on intervention and prevention tools (e.g., evidence-based, strengths-based resources). In addition to standardising the join-up of different departments and services, the use of an app may permit the support and monitoring of individuals at-risk of or experiencing homelessness over a longer period of time than traditional resources allow, reducing the likelihood of an individual experiencing homelessness and related negative outcomes.
5. The implementation of Government led campaigns that challenge harmful public stereotypes, promoting more cohesive communities that are less stigmatising, and therefore improving the likelihood of support seeking from those at risk of or experiencing homelessness. Indeed, public forums as well as support services can intentionally and unintentionally sustain negative stereotypes about homelessness and related difficulties, and this reinforces feelings of shame and low self-worth that impact support seeking decisions and behaviours. Therefore, systematic efforts to counteract this are needed to aid in the improvement of the prevention and relief of homelessness in Wales.

## Question 16

Our proposals related to children, young people and care experience seek to improve and clarify links between homelessness legislation and the Social Services and Wellbeing Act. Significant policy development is required to assess the practicality of this. What, in your views are the benefits and challenges of our approach and what unintended consequences should we prepare to mitigate?

The potential benefits of the approach may be improvements to joined up ways of working between different departments and services, which in turn may reduce stigma (e.g., young people with wider support needs being viewed as risky tenants) due to knowledge sharing; and also improve outcomes and opportunities for young people transitioning out of a particular service, or to adult services, for example.

The potential challenges of the approach may include staff resistance to change due to ongoing perceived issues around lack of departmental or service resources (e.g., staffing, funds, high caseloads).

Unintended consequences that would need mitigation may include the abovementioned resistance to change. Clear communication regarding legislation proposals across the departments and services (i.e., not just at management level) may increase knowledge around the proposals and provide opportunity for questions and feedback. This may improve the acceptance of the related procedures put in place following legislation implementation.

## Question 17

Do our proposals go far enough to ensure that 16 and 17 year olds who are homeless or at risk of homelessness receive joint support from social services and local housing authorities? What more could be done to strengthen practice and deliver the broader corporate parenting responsibilities?

The roll out of staff training may successfully embed and strengthen practice, particularly around the existing Wales Trauma-Informed and person-centered approach. Further, our recommendations around the introduction of psychologically informed environment (PIE) and strengths-based approach training for staff may support the achievement of positive long-term outcomes in those at-risk of or experiencing homelessness. We have shown that this type of intervention and staff training has a positive effect on Education, Employment and Training EET outcomes. To further strengthen and increase efficiency around the delivery of broader corporate parenting responsibilities, it is recommended that consultation around the integration of digital tools commences. Tools should be focused on streamlining and autonomising the implementation of joined-up working, including key duties (e.g., identifying risk factors for homelessness), embedding the person-centered and Wales Trauma-Informed approach, and empowering young people to be in control of their own lives. We have co-designed toolkits with young people experiencing homelessness and frontline staff to promote strengths-based delivery of mental skills development, see our website for details [ <https://www.sprintproject.org/> ], which could further support this integrated approach (i.e., resources for different services working with young people).

An upstream prevention approach is an important consideration here. Our previously mentioned programmes help to provide evidence for this approach, along with the work of the WMCA homelessness taskforce.

Affordability is also an important part of this conversation, especially for young people. Young People's universal credit entitlement remains below destitution level and therefore securing and sustaining accommodation is extremely challenging.

### Question 18

Do you agree or disagree that the Renting Homes (Wales) Act 2016 should be amended to allow 16 and 17 year olds to be able to hold occupation contracts?

Yes.

### Question 19

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

## Access to accommodation

### Question 20

To what extent do you agree or disagree with the short-term proposals to increase the suitability of accommodation? Are there additional immediate actions you believe should be taken for this purpose?

We agree in principle with the short-term proposals to increase the suitability of accommodation, however, we believe that it would be beneficial to better understand how this will be achieved via legislative reform at this early stage (i.e., how would clarity be increased, what would be done specifically to strengthen existing law). This is important as it is highlighted within the consultation documents that these proposals are ambitious and will be difficult for local authorities (and identified cooperating bodies) to implement successfully. Hence, more detailed and comprehensive planning and review at the consultation stage may help to facilitate the success of the proposals in law by addressing ambiguities and increasing the potential specificity of its interpretation and implementation.

In addition, although we welcome the wider efforts to increase independence and autonomy in individuals at-risk of or experiencing homelessness, any risks to physical and mental health and safety caused by hazards within the

accommodation should not be the applicant's responsibility to report, especially given that this may disproportionately negatively impact those with protected characteristics (e.g., asylum seekers).

In addition to improving the suitability of accommodation, it is important that a PIE approach is taken to consider more than just the individuals' physical environment.

## Question 21

To what extent do you agree or disagree with the proposals around the allocation of social housing and management of housing waiting lists? What do you believe will be the consequences of these proposals?

We agree with the proposals around the allocation of social housing and management of housing waiting lists, particularly in reference to 'additional preference' to those who experience homelessness, and specifically care experienced people who experience homelessness, and those fleeing abusive relationships.

Please see our response to question 8, in which we highlight the findings around the consequential impact of our own work with those who are care experienced, via the LGA Care Leavers Children's Efficiency Project.

## 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?

## Question 23

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals in relation to access to housing. Are there any costs and benefits we have not accounted for?

Please see our responses to question 21.

## Implementation

## Question 24

To what extent do you think the proposals outlined above will support the implementation and enforcement of the proposed reforms?

As highlighted within the consultation documents, the proposed reforms are required, yet are also ambitious, broad, and complex, and come at a time of depleted resources both at the individual and wider public and voluntary sector level. The challenge is the wider structural and systemic issues including affordability and accessibility of the housing options for any of the groups but particularly young people. Strong implementation and enforcement proposals are required to support the delivery of the reforms. While in their early stages of development, the considerations and related proposals suggest that they may support the proposed reforms appropriately. Using informal visits by the Welsh Government as an overarching reporting framework could be of particular benefit, given that this may encourage a sense of shared ownership of legislative reform and reporting. In addition, ensuring that those with lived experience continue to inform and influence how homelessness systems function, prompting action from Ministers (where appropriate), is key. See question 8 for detail around our expertise in working in a research context with leading homelessness charities and related organisations to support those at-risk of and experiencing homelessness. We would be willing to provide ongoing consultation and partnership to the Welsh Government to further encourage and support the collaborative engagement with individuals with lived experience.

## Question 25

What other levers/functions/mechanisms could be used to hold local housing authorities and other public bodies accountable for their role in achieving homelessness prevention?

As previously mentioned, it is not the approach of the housing service that is important, but also the other services that support people experiencing homelessness. There needs to be a consistent approach (PIE) for when people move on from one service into another. If services don't employ the same approach, staff will not feel equipped to "manage" the risk, therefore upskilling in PIE and our CARES approach would be beneficial to upskill across all services.

An important part of this conversation is evaluation and capturing evidence through a joined-up approach across services. We have developed a commissioning and evaluation toolkit on how to evaluate such evidence in a strengths-based manner: <https://www.sprintproject.org/toolkit/>. We have also outlined our further evaluation and tools in Q3.

## Question 26

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

### Question 27

What, in your opinion, would be the likely effects of the proposed reforms in this White Paper on the Welsh language? We are particularly interested in any likely effects on opportunities to use the Welsh language and on not treating the Welsh language less favourably than English.

- Do you think that there are opportunities to promote any positive effects?
  - Do you think that there are opportunities to mitigate any adverse effects?
- 

### Question 28

We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

We are academics who work closely with policy makers and leading homelessness charities and organisations, and we would be happy to advise further on any of the above questions. We are happy to provide further evidence and please don't hesitate to contact us.

Organisation (if applicable):

University of Birmingham (The SPRINT Project)



**Number: WG48223**



Llywodraeth Cymru  
Welsh Government

Welsh Government  
Consultation response form

## Consultation on the White Paper on Ending Homelessness in Wales

Date of issue: 10 October 2023

Action required: Responses by 16 January 2024

**OGL** © Crown copyright 2023

Mae'r ddogfen hon ar gael yn Gymraeg hefyd / This document is also available in Welsh

Rydym yn croesawu gohebiaeth a galwadau ffôn yn Gymraeg / We welcome  
correspondence and telephone calls in Welsh

## Overview

This White Paper sets out a range of proposals for changes to policy and the law, to end homelessness in Wales.

## How to respond

Please respond by completing the online form or completing this questionnaire and sending it to [HomelessnessLegislationReform@gov.wales](mailto:HomelessnessLegislationReform@gov.wales)

If you intend to respond in writing, please send completed forms to:

Homelessness Prevention Legislation Team  
Welsh Government  
Cathays Park  
Cardiff  
CF10 3NQ

When you reply, it would be useful if you confirm whether you are replying as an individual or submitting an official response on behalf of an organisation and include:

- your name
- your position (if applicable), and
- the name of organisation (if applicable).

## Further information and related documents

Large print, Braille and alternative language versions of this document are available on request.

## Data Protection

The Welsh Government will be data controller for any personal data you provide as part of your response to the consultation. Welsh Ministers have statutory powers they will rely on to process this personal data which will enable them to make informed decisions about how they exercise their public functions. Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about or planning future consultations. Where the Welsh Government undertakes further analysis of consultation responses then this work may be commissioned to be carried out by an accredited third party (e.g., a research organisation or a consultancy company). Any such work will only be undertaken under contract. Welsh Government's standard terms and conditions for such contracts set out strict requirements for the processing and safekeeping of personal data.

In order to show that the consultation was carried out properly, the Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. If you do not want your name or address published, please tell us this in writing when you send your response. We will then redact them before publishing.

You should also be aware of our responsibilities under Freedom of Information legislation.

If your details are published as part of the consultation response then these published reports will be retained indefinitely. Any of your data held otherwise by Welsh Government will be kept for no more than 3 years.

## Confidentiality

Responses to consultations may be made public on the internet or in a report.

**If you would prefer your response to remain anonymous, please tick here:**

# Reform of the existing core homelessness legislation

## Question 1

Do you agree these proposals will lead to increased prevention and relief of homelessness?  
Yes/no

**There is a clear and strong ambition within this paper to address homelessness that we fully support. In the current challenge of increased demand and lack of supply of housing and the challenges faced by local authority homeless teams, the effect of the proposals it is recognised that these benefits will be achieved over time. This will be dependent on many currently separate parts of local authorities, legislation, practise, and public bodies being brought together coherently to deliver this outcome.**

## Question 2

What are your reasons for this?

**Tackling homelessness requires a huge societal shift, from government downwards, in the approach to the provision of housing in Wales. There needs to be a greater supply of genuinely affordable housing; a greater investment in the provision of welfare support; much greater access to mental health support; a homelessness service built to minimise the time that anyone is without a permanent home; and stronger regulation of rents in the private sector. The recognition that a Wales-wide, joined-up approach, to tackling homelessness through early intervention, and a person-centred approach is required, is welcomed.**

## Question 3

Are there additional legislative proposals you think we should consider to improve the prevention and relief of homelessness?

**It may be beneficial to consider greater controls on rents in the private sector to ensure that housing for those people not accessing social housing remains affordable and accessible.**

## Question 4

Do you agree with our proposal to abolish the priority need test?  
Yes/no

**Yes, with the lead in times proposed in recognition of the current pressures faced by homeless teams dealing with unprecedented demands to manage the transition.**

**The use of a 'priority need' test has been demonstrated to exclude people, particularly single people, from potentially accessing homelessness services due to a perception, or previous experience, of not being considered 'priority need'. It potentially sees homelessness persons turned away without any solutions in place, and continues to expose them to the challenges faced by homeless persons.**

**This proposal provides an opportunity to simplify and redefine the way common housing registers are managed to provide clearer explanation to applicants and agencies supporting them how their application will be processed and managed.**

## Question 5

Do you agree with our proposal to abolish the Intentionality test?

Yes/no

**Yes. The Paper suggests that the 'Intentionality Test' is rarely used in practice in Wales, and the scope of the test has been reduced by the Housing Wales Act. The continued use of an intentionality test would appear to contradict a trauma informed approach and may perpetuate a perception that people are 'making their situation worse' to access homelessness services quicker. We would welcome additional clarity on the potential introduction of a 'Deliberate Manipulation' test, and whether this proposed test is the intentionality test under another guise. It would also appear that a 'manipulation' test at the point of allocation is far too late in the process and may see a person spending an extended period waiting for accommodation, only to have it withdrawn. We would also welcome greater clarity on who would be responsible for this test, if the community landlord identifies 'deliberate manipulation' at the point of allocation, would this be considered pushing the person back into homelessness?**

## Question 6

Do you agree with our proposal to keep the local connection test but add additional groups of people to the list of exemptions to allow for non-familial connections with communities and to better take account of the reasons why someone is unable to return to their home authority.

**Yes. We recognise that local connection is an important factor in supporting and sustaining communities. Equally the research demonstrates the disadvantage this creates to some protected groups and those unable to return to their home area is an important consideration. We support change that enables flexibility in how local connection is applied.**

**The effect of applying local connection on the waiting lists and allocation from them by local authorities should be kept under review to inform policy making.**

**As a test local connection should be used only as part of the homelessness support and assessment service and not to 'gatekeep' at the initial point of contact.**

## Question 7

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

**The Regulatory Impact Assessment is extremely detailed and recognises the financial benefits of reducing long-term and repeat homelessness with early effective person-centred interventions.**

**As a social landlord we recognise the challenges faces by our own residents in accessing appropriate support services, such as mental health or substance misuse. It will be vital in this approach to tackling homelessness that the appropriate level of adequately funded support is in place to assist people in accessing, and equally importantly, maintaining their own accommodation.**

## The role of the Welsh Public Service in preventing homelessness

### Question 8

Do you agree with the proposals to apply a duty to identify, refer and co-operate on a set of relevant bodies in order to prevent homelessness?

Yes/no

Please give your reasons

**As identified in the consultation paper the lack of presence of social and health services at strategic and operational levels of local authority partnerships impedes partnership working and fails to provide a person-centred approach advocated by this White Paper. Mechanisms to assess the effectiveness of partnership arrangements of the public bodies subject to devolved control would be welcome.**

**We fully support the emphasis within the White Paper on expanding and formalising partnership working across all public services, in particular health, in Wales. We would suggest a wide-ranging understanding be sought on any good practice examples already in place to prevent duplication or conflicting projects being put in place.**

**We support the policy aim to include other organisations such as the police, probation and prisons.**

### Question 9

Do you agree with the proposed relevant bodies, to which the duties to identify, refer and co-operate would apply? Would you add or remove any services from the list?

**As an RSL we play a full and vital role in preventing and alleviating homelessness and support the inclusion of community landlords in the proposal. Whilst we appreciate that this is early in the process, we will welcome further clarity on how the referral process is envisaged to work in practice. In particular, further clarification of the duty to co-operate and what circumstances and how a 'good reason for not doing so' would be determined.**

### Question 10

In your view have we struck the right balance between legislative requirements and operational practice, particularly in relation to health?

**Working at strategic and operational partnership levels across 14 local authorities we recognise the experience of the non-participation of health services noted in the paper. We would support greater participation of housing at health boards where strategic responses are determined.**

**From a user perspective we regularly see the difficulties faced by residents in accessing mental health and substance misuse services when they need them, which in turn undermines their ability to proactively manage their wellbeing and places a strain on how they are able to manage their occupation contracts successfully. We would welcome a joined-up approach across all services to recognise that tackling homelessness is a common goal.**

## Question 11

What practical measures will need to be in place for the proposed duties to identify, refer and co-operate to work effectively? Please consider learning and development needs, resources, staffing, location and culture.

**We fully support the commitment to co-operative working throughout the White Paper. However, as will be the case with any work such as this, the detail of the co-operative working will be important. We work across 14 local authorities in Wales, and across 6 of the Health Boards. It will be important for us to have a consistent approach across all of these areas to enable effective partnership working. The sharing of information is already noted as a challenge in working across different agencies, and we would welcome an approach where consistent information and data sharing is in place to assess the effectiveness of any work.**

**We would suggest the sharing of identified good practise to encourage local authorities and partners to adopt similar practises. The co-location of services would bring benefits to practitioners being able to understand partners services and ways of working, which in turn benefits the service user.**

**We saw positive practise participating in Covid 19 response teams with local authority partners, where support agencies flexed their ways of delivering their service to a more person-centred approach, showing that a common goal helps drive and shape behaviour and practise.**

## Question 12

In addition to the broad duties to identify, refer and co-operate, this chapter contains proposals to provide enhanced case co-ordination for those with multiple and complex needs. To what extent will the proposals assist in preventing homelessness amongst this group?

**We fully support this proposal and welcome the fact that it would be a factor in the prevention of homelessness as well as for those experiencing homelessness. Individuals with co-existing conditions of substance abuse and mental health are often denied the support and assistance they require because of barriers inherent in systems that neglect the individual.**

**We would support the introduction of formalised partnership structures to ensure that all relevant partners recognise that their involvement is not optional.**

**Individuals with multiple and complex needs demand more resource to manage and support their needs. Working in areas of good practise we recognise the benefits of having complex case management models in supporting these individuals. Which also provide a means of support for practitioners in managing challenging behaviours in a flexible and responsive way with positive outcomes for the individual.**

Question 13

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

**We welcome the commitments made within the White Paper, but we also recognise that to deliver such a wide-ranging aim, the funding across all partners will need to in place. The implementation of the White Paper will require significant resources, both financial and people, and we look forward to further information on what will be put in place to deliver the White Paper.**

Targeted proposals to prevent homelessness for those disproportionately affected

Question 14

Are there other groups of people, not captured within this section, which you believe to be disproportionately impacted by homelessness and in need of additional targeted activity to prevent and relieve this homelessness (please provide evidence to support your views)?

**While the commitment to the provision of accessible housing is included in the Paper, we would emphasise the demands we are facing for accessible housing, and we see persons who are waiting in unsuitable accommodation for extended periods as no suitable housing options are available.**

Question 15

What additional legislative or policy actions could be taken to prevent or relieve homelessness for the groups captured by this White Paper?

Question 16

Our proposals related to children, young people and care experience seek to improve and clarify links between homelessness legislation and the Social Services and Wellbeing Act. Significant policy development is required to assess the practicality of this. What, in your views are the benefits and challenges of our approach and what unintended consequences should we prepare to mitigate?



**We fully support this proposal of the alignment of legislation to benefit children, young people and care experienced. This would hopefully restrict the withdrawal of services based on age and limit the impact on young people.**

**The approach of this white paper, taking a person-centred approach, recognising the impact of trauma and considering the views of the individual are crucial for meeting the needs of children, young people and care experienced.**

### Question 17

Do our proposals go far enough to ensure that 16 and 17 year olds who are homeless or at risk of homelessness receive joint support from social services and local housing authorities? What more could be done to strengthen practice and deliver the broader corporate parenting responsibilities?

### Question 18

Do you agree or disagree that the Renting Homes (Wales) Act 2016 should be amended to allow 16 and 17 year olds to be able to hold occupation contracts?

**Currently young people can be housed under a license with less security and rights granted to secure occupation contract holders. We would support this move to allow 16 and 17 year olds to hold occupation contracts.**

**We have worked closely with Cardiff Council for some time providing Training Tenancies, where a young person holds a licence until they are 18, and then sign a full secure contract. We would support this amendment in conjunction with the right accessible support for young people to assist them maintain an occupation contract.**

**It will also be important to consider the other aspects of maintaining a home that would impact 16-17 years olds. For example, minimum wage levels for young people are much lower than for those aged 23+, and could impact their ability to pay their rent and other bills without other financial support.**

### Question 19

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

## Access to accommodation

### Question 20

To what extent do you agree or disagree with the short-term proposals to increase the suitability of accommodation? Are there additional immediate actions you believe should be taken for this purpose?

**We support many aspects of the White Paper in terms of increasing the suitability of accommodation and recognise the reality of the current housing situation challenges this approach.**

**The person-centred approach will allow local authorities and community landlords to work co-operatively, with the person, to enable them to make decisions that will help them find a home that suits them and their circumstances. We would also welcome the emphasis on co-operative working between community landlords and the local authority to ensure that the impact on the community or the household is also considered when challenging an unsuitable offer of accommodation.**

**Our lettings system is designed around the needs of the applicant. We have, for a number of years, based our approach on having the right conversation with an applicant to understand their 'what matters' to better understand if a property they may have been system matched to actually meets their needs. Understandably in more recent times, given the pressures on local authorities this approach has been tested. The growing numbers of households in temporary accommodation and increasing costs have driven some behaviours of housing teams of matching applicants without seeking to understand if the allocation is the right thing to do for that person.**

**We fully support the provision of accessible accommodation but are regularly seeing challenges in finding suitable applicants on waiting lists to existing adapted properties, resulting in adaptations having to be removed.**

**The emphasis on increasing the supply of housing, and thereby reducing the need to use temporary accommodation is welcomed. However, we would caution that these measures need to link closely to the Rapid Rehousing Transitional plans of local authorities.**

**The proposal that accommodation cannot be deemed suitable unless it is within reasonable travelling distance of facilities is welcomed. This is an example of an approach that will have an impact on the provision of new housing across Wales. It is too common that new properties, including those acquired under s.106 are built without access to schools, public transport links, GP surgeries or shops, this must be addressed at a national level to support the development of sustainable communities.**

### Question 21

To what extent do you agree or disagree with the proposals around the allocation of social housing and management of housing waiting lists? What do you believe will be the consequences of these proposals

**RSL's purpose is to provide housing for those in housing need. We work to provide safe, affordable well design homes and build communities by supporting residents maintain their homes for as long as they wish.**

**RSL's as members to Common Housing Registers (CHR's) are committed partners to assisting local authorities in their duty to prevent and alleviate homelessness, making significant financial contributions to facilitate the staff resource and IT systems that support CHR's.**

**We rely on local authorities to run well maintained and efficient systems that enable those in housing need to access housing, and advice and support at the time they need it. We rely on local authorities to carry out robust housing needs assessments to identify household need and areas of need so that we build homes where people want to live. RSL's and local authorities have a co-dependent relationship. The performance of both parties is available for scrutiny at strategic levels, relying on local authorities to maintain these forums.**

**As a community landlord we are concerned at the apparent accepted assertion from 'anecdotal evidence' within the paper of RSLs 'unreasonably refusing' referrals from local authorities. We would expect that the nature, extent and greater clarity of the issue is understood before consideration of any legislative requirements are placed on RSL's.**

**We would present the argument that as a community landlord we are best placed to understand if a referral is likely to be the best match for a particular property or community that we maintain and understand the needs of. We would welcome the co-operative, partnership, working approach re-enforced throughout the White Paper to be the approach adopted for the allocation of properties, building on the strong partnerships that local authorities and housing associations benefit from.**

**We are part of CHR's in all but one local authority area in which we own stock, and therefore are reliant on the referrals from the local authority to allocate properties. It is acknowledged within the paper that some local authorities do not prioritise homeless above other types of housing need. This in turn to a greater degree determines the number of homeless applicants to whom we able to offer accommodation.**

**During the pandemic local authorities operated CHR's more dynamically, changing priority focus of categories of homeless depending on the presenting demand on the waiting lists, and housing association partners met that challenge working in partnership to relieve pressures within the system.**

**The Common Allocations Policy should be clear in the purpose of the waiting list, is it 'only' for persons with a housing need or is it to provide a mechanism to allow people to move. Once this is clarified, then a conversation can be had with the applicant at the outset about whether applying to the waiting list for social housing is the appropriate choice. The proposal to give local authorities the ability to remove persons in no housing need from the waiting list is one that would need careful justification based on sound understanding of the demands and intended consequences.**

**Social housing is a quality product and the residents living in our homes chose to stay. We are concerned of the consequences on other groups of priority need, particularly of existing residents in situations such as overcrowding, to improve physical or mental health conditions, etc and the effect on these if homelessness is prioritised at the exclusion of others.**

## 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?

**There does appear to be a significant administrative burden on local authorities to undertake the proposed additional discharge options.**

### Question 23

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals in relation to access to housing. Are there any costs and benefits we have not accounted for?

### Implementation

#### Question 24

To what extent do you think the proposals outlined above will support the implementation and enforcement of the proposed reforms?

**We fully support the aims of the White Paper in partnership working to tackle homelessness. We are, however, concerned that the data to support some of these decisions is not fully understood, or even available. The reference to ‘anecdotal evidence’ when considering the relationship between community landlords and local authorities must be further explored to understand the perceived issues.**

#### Question 25

What other levers/functions/mechanisms could be used to hold local housing authorities and other public bodies accountable for their role in achieving homelessness prevention?

**Measures within health and social care outcome monitoring to assess the impact on an individual’s housing circumstances against the Ending Homelessness Outcomes Framework would help to evaluate performance of these public bodies.**

**Performance of the administration and outcomes of CHR’s reported to Welsh Government, linked to data provided by RSL’s in their quarterly regulatory returns.**

**Directorates within WG collect various data returns. As an RSL we provide various data sets of similar information at different times of the year to WG. The Knowledge and Analytical Services within WG could assist in the collation and cross referencing of data returns.**

**It is important decisions and evaluation are based on data and evidence. It is also commendable the weight of evidence given within the White Paper to the experiences of those experiencing homelessness and homelessness services. The experience of the end user should be an assessment of performance of identified bodies with responsibility for homelessness.**

## Question 26

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

**It is important that the financial implications of implementing legislative change are understood. Our recent experience of the implementation and continued compliance with the Renting Homes (Wales) Act 2016 created additional resource and financial burden on RSL's that would have benefitted from a cost and benefit evaluation.**

## Question 27

What, in your opinion, would be the likely effects of the proposed reforms in this White Paper on the Welsh language? We are particularly interested in any likely effects on opportunities to use the Welsh language and on not treating the Welsh language less favourably than English.

- Do you think that there are opportunities to promote any positive effects?
- Do you think that there are opportunities to mitigate any adverse effects?

## Question 28

We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

**The level of participation sought of all contributors to the homeless agenda and RSL's in particular has been most welcome. This White Paper comprehensively captures the many elements of the homeless agenda. However the questions asked do not capture the content of each section and to provide feedback on each of the elements contained within them is too much content to provide this as additional information. It would have been preferred to have sought views on specific sections with more structured questions asked.**

Organisation (if applicable):

**Wales and West Housing**

Number: WG48223



Welsh Government  
Consultation response form

## Consultation on the White Paper on Ending Homelessness in Wales

Date of issue: 10 October 2023

Action required: Responses by 16 January 2024

© Crown copyright 2023

Mae'r ddogfen hon ar gael yn Gymraeg hefyd / This document is also available in Welsh

Rydym yn croesawu gohebiaeth a galwadau ffôn yn Gymraeg / We welcome correspondence and telephone calls in Welsh

## Overview

This White Paper sets out a range of proposals for changes to policy and the law, to end homelessness in Wales.

## How to respond

Please respond by completing the online form or completing this questionnaire and sending it to [HomelessnessLegislationReform@gov.wales](mailto:HomelessnessLegislationReform@gov.wales)

If you intend to respond in writing, please send completed forms to:

Homelessness Prevention Legislation Team

Welsh Government

Cathays Park

Cardiff

CF10 3NQ

When you reply, it would be useful if you confirm whether you are replying as an individual or submitting an official response on behalf of an organisation and include:

- your name
- your position (if applicable), and
- the name of organisation (if applicable).

## Further information and related documents

Large print, Braille and alternative language versions of this document are available on request.

## Data Protection

The Welsh Government will be data controller for any personal data you provide as part of your response to the consultation. Welsh Ministers have statutory powers they will rely on to process this personal data which will enable them to make informed decisions about how they exercise their public functions. Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about or planning future consultations. Where the Welsh Government undertakes further analysis of consultation responses then this work may be commissioned to be carried out by an accredited third party (e.g., a research organisation or a consultancy company). Any such work will only be undertaken under contract. Welsh Government's standard terms and conditions for such contracts set out strict requirements for the processing and safekeeping of personal data.

In order to show that the consultation was carried out properly, the Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. If you do not want your name or address published, please tell us this in writing when you send your response. We will then redact them before publishing. You should also be aware of our responsibilities under Freedom of Information legislation.

If your details are published as part of the consultation response then these published reports will be retained indefinitely. Any of your data held otherwise by Welsh Government will be kept for no more than 3 years.



## Confidentiality

Responses to consultations may be made public on the internet or in a report.

**If you would prefer your response to remain anonymous, please tick here:**

Reform of the existing core homelessness legislation

Question 1

Do you agree these proposals will lead to increased prevention and relief of homelessness?

Yes/no

Yes

Question 2

What are your reasons for this?

We are enthused by many of the proposals in this document. Ultimately, we believe that preventing homelessness, like preventing all forms of violence against women, is everyone's responsibility. It is a cross-directorate issue and the responsibility should be on the shoulders of all public agencies to identify and prevent homelessness. We are hopeful that if enacted properly, the duty to identify, refer and co-operate across all public services should help with early intervention and prevention of homelessness.

Further, we agree with the removal of the priority need test. Many weaknesses of the priority need test have been identified, including its use in gatekeeping assistance, inconsistent application, and high thresholds for vulnerability, which can leave people facing critical need being turned away<sup>1</sup>. Indeed, survivors often tell us violence against women and girls is not properly considered when assessing priority need and this leaves survivors facing real risk without the support they need.

This is particularly true for certain forms of violence against women, such as sexual violence and sexual exploitation, leaving these survivors unfairly excluded from accommodation. We are hopeful that without this test, and with appropriate levels of training and understanding, more survivors of abuse will be provided the support they need.

We also agree with the removal of the intentionality test. There are case studies in both Wales and England of survivors who have not received support due to being declared 'intentionally homeless' either by leaving the perpetrator or through rent arrears. This leaves survivors either facing significant safeguarding risks if returning to the perpetrator or facing homelessness. Further, survivors experiencing homelessness are likely to have experienced significant trauma and have multiple support needs. Homelessness amongst survivors of abuse often occurs because of a lack of understanding of trauma and support needs, meaning the support provided is inappropriate for the individual. We believe that the concept of intentional homelessness ignores this, and undermines the provision of trauma-informed, needs-led support. Survivors of all forms of abuse know best what support they require and how to assess their own risk and this is often misinterpreted by professionals without the appropriate awareness training. We hope that removal of the intentionality test will help survivors receive the support they need, regardless of previous behaviour, which may be a result of significant levels of trauma.

We are hopeful that the removal of these tests will help survivors to access support and increase the resources, particularly within overstretched local authority housing teams, to allow them to co-operate thoroughly and fully with other agencies to prevent homelessness.

We wish to make it clear that widening access to temporary accommodation will be critical for successfully removing these two tests. It is crucial that survivors have access to safe, appropriate temporary accommodation directly at the point of need to avoid them being placed with potential perpetrators of abuse or exploitation.

### Question 3

Are there additional legislative proposals you think we should consider to improve the prevention and relief of homelessness?

Whilst we welcome many of the legislative proposals in this consultation, outlined above, we do believe there is much more the Welsh Government could do to improve the prevention and relief of homelessness.

Firstly, wholesale reform of welfare and benefits is key. Whilst we appreciate that much of this is not devolved, we do believe there is considerable scope to address the financial elements that prevent access to housing. These include:

- **Increasing Housing Support Grant.** As outlined in a recent report by Cymorth Cymru, the housing support grant (HSG) funds housing and homelessness support services in Wales, including refuge. This funding plays a key role in supporting those either experiencing or at risk of homelessness, many of whom are survivors of abuse. In the 2023-24 Welsh Government Budget, the HSG was frozen at a baseline of £167 million, where it has been since the pandemic. This is sub-inflationary, and does not account for increase in demand and pressure on those services. It is clear that this must be properly funded to support the housing and homelessness and specialist services that are key for the policy proposals in this document to be realized.
- **Increasing Local Housing Allowance.** Local housing allowance (LHA) rates help those renting from private landlords with the cost of rent paid as housing benefit. In Wales for 2023-2024, these were fixed at the April 2020 rate. We welcome the announcement in the autumn statement that LHA rates will be increasing, but these should be continuously monitored and adjusted. We appreciate that rates of LHA are the responsibility of the Department for Work and Pensions, and are not devolved, but we urge the Welsh Government to work with the UK Government to increase local housing allowance rates to reflect current prices.
- **Wider rollout of Housing First.** Housing First is a widely-acknowledged initiative which focuses on providing permanent, secure housing directly at the point of need and then providing additional support and services as required. In 2018, the Welsh Government established Housing First as a key intervention to reduce so-called rough sleeping in Wales and supported a number of Housing First initiatives across Wales which have shown demonstrable success. Between 2018 and 2021, 245 people started Housing First tenancies, 90% of whom were sustaining their tenancies by the end of the projects. However, traditionally there has been a focus on interventions for those experiencing street homelessness. More projects that support particularly groups, such as women, who experience homelessness differently, are needed.

Secondly, we would like to use this opportunity to reiterate our calls for an exemption for refuge services from the Renting Homes (Wales) Act. We have highlighted to Welsh Government that including Refuge in the Act does not acknowledge their status as emergency accommodation for survivors at serious risk, and not as long-term temporary accommodation. Specialist services who are members of Welsh Women's Aid regularly report long waiting lists for secure housing, which means survivors must spend increasing lengths of time in refuge, and there are concerns that the provision of standard contracts under the Act presents significant safeguarding risks. We know that exemptions to the Act are possible, as has been the case for B&B accommodation, and we strongly urge Welsh Government to apply the same exemption to refuges.

Thirdly, little of the proposed legislation within this document will be achievable without legislative action to make significant increases in the housing stock in Wales. This must be achieved through:

- Expanding the housing supply. There is a particular need for more high-quality social and temporary housing to fulfil shortfalls and Welsh Government must deliver on their commitment to build 20,000 social homes by the end of this Senedd term as well as prioritizing capital investment to commit to further home building in the long-term.
- Bringing empty properties back into use. We welcome the announcement from Welsh Government this year that £50 million was being made available to bring empty properties back into use, but we believe that capital revenue for this scheme should be scaled up so it can be expanded to make efficient use of the existing housing stock.
- Taking action on second homes. Welsh Government must continue to investigate policy regarding second homes, ensuring that such homes do not diminish the housing stock and increase rent and house prices in specific areas, which can price people out of the housing market and push them into homelessness.

#### Question 4

Do you agree with our proposal to abolish the priority need test?

Yes/no

Yes

#### Question 5

Do you agree with our proposal to abolish the Intentionality test?

Yes/no

Yes

#### Question 6

Do you agree with our proposal to keep the local connection test but add additional groups of people to the list of exemptions to allow for non-familial connections with communities and to better take account of the reasons why someone is unable to return to their home authority.

We believe that the local connection test disproportionately negatively impacts particular groups of people, including survivors of VAWDASV. It does not acknowledge that survivors of abusive and their families often need to leave their local area in order to reach safety and when presenting as homeless to a local authority, may choose to do so in an area that was previously entirely unknown to them or to which their connection is based on non-familial support networks such as specialist services, including refuge, or friends.

Specialist services that are members of Welsh Women’s Aid reported cases where survivors were refused temporary accommodation due to lack of local connection and then lost support from specialist services due to having to move between different areas. They also reported cases of women who had been trafficked to a particular area but did not have any local connection to the area. These survivors are scared to return to the area where they have been trafficked from, and then are “determined to stay street homeless for 6 months until the [local authority] will accept duty”. These examples show the local connection test is not fit-for-purpose and, in some cases, leaves survivors of VAWDASV at further risk of abuse.

Given that the little research that exists shows no evidence of disproportionate movement to ‘service-rich areas’, we see little reason to retain the local connection test, and we believe removing this gives survivors the best chance to start a new, safe life away from trauma should they so wish or need.

Question 7

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

The role of the Welsh Public Service in preventing homelessness

Question 8

Do you agree with the proposals to apply a duty to identify, refer and co-operate on a set of relevant bodies in order to prevent homelessness?

Yes/no

Please give your reasons

Ultimately, we do agree with the proposals to apply a duty to identify, refer and co-operate on a set of relevant bodies in order to prevent homelessness. We welcome the acknowledgement that temporary accommodation can be damaging to a person's health and wellbeing, and agree that a focus on secure accommodation must be first and foremost. We believe that multi-agency responses are crucial to delivering a holistic, public health approach to solving homelessness. However, we believe that a number of factors should be considered and mitigated to ensure the success of this approach:

- All bodies must agree to work on the principles of Housing First. Housing First has been shown to be successful both within Wales and more widely. All bodies involved must have buy-in to these principles in order for this to work and to create long-lasting, substantive change in the prevention of homelessness.
- Whilst we appreciate these duties may only be applied to public bodies, there must be a requirement to work with specialist services and the provision of statutory guidance on this.
- There is a need to consider potential unmitigated risks around consent. We welcome the acknowledgement within the white paper that consent is critical and we welcome the development of guidance for local authorities on this, but the priority must be on ensuring this consent is true and informed. We know that many survivors present to services in times of extreme crisis and this is often when the need is highest. Consequently, there must be provisions to ensure survivors are properly informed of how their information is going to be used and who it is going to be shared with, and the context is taken properly into account. We know that some survivors need many attempts to disclose or flee unsafe situations and we are concerned that if this is not handled properly and unhelpful responses are provided, it may prevent future disclosures. We believe training around VAWDASV would help this but robust and thorough guidance developed with input from both specialist services and survivors, is also crucial.

- Linked to the above, we believe that training for all staff involved will be key for success. Across a number of public services, there is a lack of understanding of the experiences of women who have experienced VAWG and homelessness. Such women are less likely to be street homeless, but more likely to experience other types of homelessness, for example, sofa surfing and as a result, they often have multiple interactions with services before a housing need is identified, or they fall through the gap completely. As such, there will be a need to ensure all staff receive thorough VAWDASV awareness and trauma-informed training as per the Trauma-Informed Wales framework, so they can successfully identify those with a housing need, especially for women who have multiple support needs and may present differently to services.
- All bodies onto which this duty is applied must have appropriate staffing and resource levels to manage the accompanying administrative work and caseloads. We are concerned that if this is not provided from the start, the multi-agency approach will not be effective.

## Question 9

Do you agree with the proposed relevant bodies, to which the duties to identify, refer and co-operate would apply? Would you add or remove any services from the list?

Whilst we appreciate the current pressures on staff in education settings and Welsh Government's commitments to reducing workload and bureaucracy for school staff, we do believe including education services in this list is key. Settings such as schools and pupil referral units are often the first port of call children experiencing or witnessing abuse and/or neglect. They already receive training on this and work with other services such as police, health, and social services to create packages of support for such children after identification, which leaves them well-placed to take an active role in the duty to identify, refer and co-operate. Further, it must be noted that early experiences of abuse and neglect are contributory factors to later adverse experiences such as homelessness and we believe there is a need to focus on early intervention as well as providing support directly at the point of need.

We agree with the Expert Review Panel that private landlords should be placed under this duty. We appreciate the ongoing review of Rent Smart Wales, but given the prevalence of private renting in

Wales and the obligations on private landlords to report rent arrears and anti-social behaviour, which may compromise tenancies and leave individuals at risk of homelessness, we believe their inclusion in this duty is key to creating a joined-up, holistic approach to support.

We appreciate that imposing such a duty on specialist and third-sector organisations would not be appropriate, however, we want to re-iterate our urge for co-operation with specialist domestic abuse and sexual violence services at all stages of the process where a survivor or their children are involved.

## Question 10

In your view have we struck the right balance between legislative requirements and operational practice, particularly in relation to health?

We believe that more specificity is needed around operational practice in terms of realizing these legislative proposals. We are concerned around the lack of governance and we strongly agree with the Expert Review Panel recommendation of a Joint Homelessness Board. We are concerned that without an overarching governance structure, it is unclear who takes responsibility for oversight and administration of policy in each locality and how clear lines of enforcement can occur. Without this, we believe some individuals experiencing homelessness may still be missed. As outlined in the consultation white paper, one young person stated they felt there was a back and forth between people to “avoid having to take responsibility”, and we are concerned that if no direct responsibility is placed on a specific body, this may continue and/or get worse.

Whilst we agree with many of the legislative proposals within this white paper, we believe that there is a lack of acknowledgement of how this will affect some forms of accommodation, such as refuge provision. We agree with the overarching need to sustain or secure standard occupation contracts more generally, but there is no acknowledgement that for some forms of accommodation, there is a need for flexibility in certain circumstances. This is particularly true for certain types of temporary accommodation such as homelessness services and refuge provision, for example, where survivors may need to leave rapidly due to safety concerns but may not be willing to do so. As such, while we do think the legislation is well intentioned, we believe there is a need to consider how the legislation would operate for all types of housing, including that operated by specialist services, to ensure there are no unmitigated indirect negative consequences.

We are also concerned about the lack of detail on how these measures will be incorporated in local strategies and commissioning structures, and how regional variations will be mitigated. We appreciate the white paper does state that “the proposed change in law will need to be supported by additional guidance that helps create uniformity of service provision across Wales and funding for the range of services which will be required” but it fails to elaborate on the detail of this guidance.

We strongly feel this must be expanded upon for this legislation to be operationally meaningful.

Further, there is a serious need to consider the funding required to operate these policies. We are concerned that without sufficient staffing and housing levels, as outlined previously, this legislation may be well-intentioned but impossible to operate.

#### Question 11

What practical measures will need to be in place for the proposed duties to identify, refer and co-operate to work effectively? Please consider learning and development needs, resources, staffing, location and culture.



We urge the Welsh Government to ensure all staff who come into contact with survivors during this multi-agency approach have received sufficient trauma-informed and VAWDASV awareness training. It is vital that when survivors who have experienced or are experiencing homelessness come in to contact with services, they are believed and supported appropriately. This includes a wider rollout of Trusted Professional training, developed and delivered by Welsh Women's Aid.

In order for these duties to work effectively, all relevant public bodies on to which the duty is applied will need significant increases in their staffing levels and the relevant funding to employ and upskill staff. In a Local Government and Housing Committee Session on 16th November 2022, issues with high demand and staff turnover on local authority housing teams were highlighted, as well as the need to increase administrative capacity. The administrative load accompanying the implementation of the Renting Homes (Wales) Act will have further exacerbated this and has not been accompanied by sufficient resources for local authorities to increase their staff levels accordingly. Particularly in light of the recent 2024-25 draft budget, which Welsh Government has stated comes during a 'very difficult budget round', with less funding available to meet even statutory commitments, we are concerned that economic pressures may make it difficult to provide sufficient resources and staffing levels.

As outlined above, we also believe that operational guidance, developed alongside specialist services and those with lived experience – including survivors of abuse – will be critical for the practical implementation of these proposed duties and to ensure they work effectively.

#### Question 12

In addition to the broad duties to identify, refer and co-operate, this chapter contains proposals to provide enhanced case co-ordination for those with multiple and complex needs. To what extent will the proposals assist in preventing homelessness amongst this group?

#### Question 13

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

Targeted proposals to prevent homelessness for those disproportionately affected

#### Question 14

Are there other groups of people, not captured within this section, which you believe to be disproportionately impacted by homelessness and in need of additional targeted activity to prevent and relieve this homelessness (please provide evidence to support your views)?

We welcome the inclusion of survivors in the groups disproportionately impacted by homelessness. We also welcome the widening of the definition of domestic abuse to more explicitly include controlling or coercive behaviour, economic and psychological abuse. However, the definition is still lacking explicit acknowledgement of the impact of a number of forms of VAWG on homelessness including:

- Economic and/or financial abuse. While we appreciate the definition has been expanded to include this, we wish to more explicitly highlight the impact of these on homelessness amongst survivors. There has been a significant increase in the reports of financial and economic abuse in recent years, exacerbated by the cost-of-living crisis, and lack of access to financial resources is a major barrier for women escaping all forms of violence. Research shows that financial hardship makes it more difficult to find a refuge space after leaving an abusive relationship, with many survivors either sofa surfing or spending time in emergency accommodation such as B&Bs while waiting for refuge space. Further research also shows that a small but notable number of women experience street homelessness while waiting for refuge space, many of whom experience further danger or abuse as a by-product.

- Sexual exploitation.
  - Firstly, we would advocate for the Welsh Government and this white paper to adopt the working definition for Adult Sexual Exploitation (ASE) developed by the All-Wales Operational Group on Sexually Exploited Women (AWOGSEW), which defines ASE as “Sexual exploitation occurs when someone is coerced, forced, or manipulated into engaging in sexual activities by a third party, or out of necessity to finance basic needs.”
  - Secondly, whilst we appreciate this is encompassed within the ‘sexual violence’ umbrella under the Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 (VAWDASV Act), given that survivors of sexual exploitation face unique barriers to support, we believe it merits more explicit inclusion. Members of the AWOGSEW report that survivors of sexual exploitation are often deemed not eligible for support such as refuge due to their involvement in sexual exploitation or other, related, multiple support needs. They have reported particular difficulties for survivors of sexual exploitation in relation to being awarded local authority homelessness duties and accessing temporary accommodation due to past ‘unsuccessful stays’. This often leaves survivors experiencing street homelessness, with no fixed address, or sofa-surfing, thereby putting them at risk of further exploitation and making it even harder for them to access support. In one particular case study, a member service reported a survivor of sexual exploitation who was refused emergency housing after a suicide attempt due to previous ‘unsuccessful stays’, was unable to access a regular supply of critical medication due to her housing needs, and was passed between several local authorities who refused to accept homelessness duties. At the time of writing, the survivor remained homeless. Again, it must be noted that women who have experienced sexual exploitation may have multiple support needs, may have experienced significant levels of trauma, and may be experiencing continuing exploitation, and the lack of appropriate support for their housing needs leaves them at significant risk of further abuse and re-traumatisation.
  - We believe that specialized support for women who have experienced sexual exploitation must be included in this multi-agency approach and they must be supported as any other survivor of VAWDASV would be, including the involvement of specialist VAWDASV services, to ensure they receive proper needs-led, trauma-informed support suited to their requirements.

- Forms of online abuse such as technological abuse and image-based abuse.

It must also be noted that women in general experience homelessness differently. Women are more likely to experience forms of homelessness other than street homelessness such as sofa-surfing. This is particularly true for women who are survivors of abuse. In a 2022 report, Women's Aid Federation of England (WAFE) found that whilst waiting for a refuge space, just over a fifth of women sofa-surfed.

#### Question 15

What additional legislative or policy actions could be taken to prevent or relieve homelessness for the groups captured by this White Paper?

We believe a number of additional legislative or policy actions could be taken to prevent or relieve homelessness for survivors of abuse. These include:

- Increased funding for local authority housing teams. Member services have reported increased waiting times for homelessness assessments from local authority housing teams, which is leaving survivors in temporary accommodation for increasing lengths of time. This has a significant impact on the mental health of survivors and is detrimental to the relationship between support workers and survivors.
- Mandatory VAWDASV awareness training for local authority housing teams.
- An exemption for refuge services from the Renting Homes (Wales) Act. We are concerned that elements of the Act, such as the 48-hour exclusion, may leave survivors facing homelessness and should they have nowhere else to stay, they may resort to returning to the perpetrator or locations known to the perpetrator, which represents a significant safety risk.
- Increase in all forms of accommodation, particularly move-on accommodation for survivors of abuse.
- Ring-fenced housing for survivors of all-forms of abuse.

- Extend all housing benefits to migrant survivors, including those with NRPF. Even though Social services and wellbeing duties apply to those with NRPF, support services (particularly those in local authorities) have often been reported as reluctant to support these survivors. Without full lifting of NRPF conditions, we remain concerned that migrant survivors will not get the support they need and this can leave people particularly vulnerable. We know councils are encouraged to accept their duties and Welsh Government have provided guidance on this, however, it is still the case that many do not understand their responsibilities. Training is a good first step and we welcome the Welsh Government's continuous lobbying of the UK government on this issue but we strongly encourage the Support for Migrant Survivors fund to be made permanent and urge Welsh Government to provide sufficient, ringfenced funding to services to provide this support
- While we appreciate that local housing allowances are non-devolved, and are the responsibility of the Department for Work and Pensions, we urge the Welsh Government to continue efforts to ensure the exemption from the shared rate of local housing allowance is extended to survivors of all forms of VAWDASV, not just domestic abuse.

#### Question 16

Our proposals related to children, young people and care experience seek to improve and clarify links between homelessness legislation and the Social Services and Wellbeing Act. Significant policy development is required to assess the practicality of this. What, in your views are the benefits and challenges of our approach and what unintended consequences should we prepare to mitigate?

#### Question 17

Do our proposals go far enough to ensure that 16 and 17 year olds who are homeless or at risk of homelessness receive joint support from social services and local housing authorities? What more could be done to strengthen practice and deliver the broader corporate parenting responsibilities?

#### Question 18

Do you agree or disagree that the Renting Homes (Wales) Act 2016 should be amended to allow 16 and 17 year olds to be able to hold occupation contracts?

#### Question 19

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

## Access to accommodation

### Question 20

To what extent do you agree or disagree with the short-term proposals to increase the suitability of accommodation? Are there additional immediate actions you believe should be taken for this purpose?

There are many proposals with which we agree and would particularly like to support:

- We agree with section 502 which prohibits shared sleeping space. While we understand this is rarely used, we want to reiterate our concerns that permitting shared sleeping space for those accessing temporary or shared accommodation presents significant a safety concern for survivors of abuse and may compromise their mental well-being.
- We agree that choice is integral to the provision of trauma-informed support. Ultimately, survivors and specialist services know what is best for the individual, and they are best placed to decide what provision is or is not appropriate. We believe that all individuals, but particularly survivors of abuse, should have their voices heard and should be able to determine whether accommodation is suitable or not without it prejudicing future offers of support.
- We with the need for supported accommodation for those aged under 25 which is raised in point 510, but we want to re-iterate that the support must be trauma-informed and appropriate for their age and experience. We have previously reported on the postcode lottery of support for children and young people in Wales and this provision must be increased to ensure people and young people can be supported meaningfully.
- We appreciate the acknowledgement of support networks broader than family. In the vast majority of cases of VAWG, the perpetrator is known to the survivor and most often, this is a partner or family member. Subsequently, for survivors of abuse, their support network often consist of individuals outside the family and for those that have received support from services, proximity to those services is crucial for consistency.

Under point 509, we agree that placing individuals in overcrowded accommodation is never suitable but we wish to highlight some concerns around the caveats around placement with family or friends. The white paper notes that there must be no predilection for placing families in overcrowded conditions but that such a placement may be preferential and may be applied 'in line with the applicant's wishes. Where this occurs, this must be limited and looked into appropriately to prevent survivors feeling pressured to stay with family members who are perpetrators of abuse when it is not appropriate in order to avoid being placed in overcrowded accommodation. This is of particular concern in cases of coercive control, financial abuse and so-called honour-based abuse, where family members can often be involved.

## Question 21

To what extent do you agree or disagree with the proposals around the allocation of social housing and management of housing waiting lists? What do you believe will be the consequences of these proposals?

We welcome the review of the unacceptable behaviour test. We are aware that this test is applied inconsistently across local authorities, and we have significant concerns around victim-blaming, particularly where a person has experienced singular or, more often, repeated trauma over many years. We agree with the recommendations to exclude historic behaviour and rent arrears, particularly given that financial and economic resources are often used by perpetrators as a vehicle for abuse. Reports of financial and economic abuse have been soaring since the onset of the cost-of-living crisis, with the charity Surviving Economic Abuse reporting that the steep rise in living costs mean survivors have individual average debts over six times more than in 2020, with this level expected to grow after the winter. We believe guidance around the use and application of the unacceptable behaviour test should be developed alongside the specialist domestic abuse and sexual violence sector.

We are concerned at the proposal to provide local authorities with the power to remove without 'no housing need' from the waiting list in their areas. We know that survivors of abuse are often considered not to have housing need, particularly where a survivor either co-habits or owns property with the perpetrator. We appreciate that the proposal includes the creation of a definition for housing need, and we urge this to include survivors of all forms of VAWDASV and their children, but given the barriers to disclosure and the lack of understanding of VAWG more generally, we are concerned that this may create an unmitigated consequence wherein survivors slip through the need. While we appreciate the resource needed from local authorities to manage the list, we believe increased staffing and better training is a much more person-centred solution to this.

We welcome the acknowledgement that those fleeing abuse should be awarded 'additional preference' given the current landscape and the lack of adequate housing, but it must be acknowledged that those experiencing abuse do not always report it, and that those experiencing other forms of discrimination, such as racism, ableism and homophobia, face even more barriers to disclosure. As such, we believe an intersectional approach is key. We also urge Welsh Government to ensure local authorities do award this priority to those fleeing abuse, rather than simply 'permit them to'. We know there is large amounts of variation between different local authorities in terms of how they ascribe priority, and as such, often do not understand or ascribe the relevant priority to survivors. Given the severity of the safety implications if survivors do not receive the correct support, it is imperative that the support provided is needs-led and consistent for all survivors.

Related to the above, we welcome the introduction of a statutory requirement for a common housing register or common allocation policies. We are acutely aware of regional variations in allocation policies and we believe mandating use of such policies may go some way to alleviating this discrepancy, however, we ask that the specialist sector is included in the development of guidance. This specialist knowledge is crucial to ensuring survivors are identified and treated equitably across Wales.

We believe that that a mechanism to challenge an allocation decision must be included in the draft legislation, and the process must be clear, simple and transparent, with support available in all languages, to ensure that it is universally accessible, particularly given increasing issues with accessing legal aid.

Finally, we have some concerns around the introduction of a 'deliberate manipulation' test. Particularly when it comes to survivors of abuse, applications for support come in times of significant crisis and after years of not being believed, processing information can be extremely overwhelming, particularly for survivors of coercive control. We appreciate the negative impacts of genuinely falsified information, but we are not certain how these can be separated from genuine mistakes.



Question 22

To what extent do you agree or disagree with the proposal for additional housing options for discharge of the main homelessness duty? What do you foresee as the possible consequences (intended or unintended) of this proposal?

We agree that housing duty should not end if an applicant refuses accommodation. As outlined previously, survivors and specialist service staff know what is suitable accommodation for each individual, and taken into account their individual needs is key to a person-centered approach to ending homelessness. Particularly given our concerns around the lack of specialist training for local authority housing staff, we do not feel confident that they are always able to make the most suitable decision and this may lead to increased levels of preventable homelessness.

We agree with a duty to make contact with the applicant six months after acceptance of the offer of housing, but we believe that if the accommodation is no longer suitable, there should be a duty on local authorities to assist with further applications for homelessness assistance, in parity with their prior duties. Particularly for survivors, who often require many attempts to leave an abusive relationship, we are concerned that if such a duty is not forthcoming, there is a real risk that survivors will feel forced to either stay with the perpetrator or face the threat of homelessness.

Question 23

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals in relation to access to housing. Are there any costs and benefits we have not accounted for?

Implementation

Question 24

To what extent do you think the proposals outlined above will support the implementation and enforcement of the proposed reforms?

As outlined in the white paper, the proposed reforms are broad and complex and, as such, it is important to regularly monitor their implementation. We believe local government scrutiny mechanisms will need to be extended and expanded to provide sufficient levels of scrutiny. It is vital that we know how effective these policies are and without knowing how and how well they are being applied, we cannot understand whether this is truly having an impact.

Under point 646, we believe that giving powers to Welsh Ministers to compel local authorities to meet their obligations is critical. We know that many local authorities interpret policies differently at present which leads to disparity in service provision across Wales and without the powers for Welsh Government to intervene and ensure this is not happening, we are concerned that this will not change.

Finally, we firmly agree that more data is needed to monitor compliance with statutory requirements. The data, at present, is inconsistent. For example, we know that many local authorities do not collect data on those experiencing street homelessness and the discrepancy in this data, alongside demand on resources, led to the Welsh Government suspending the count of this in September 2023. We are concerned that without proper data collection tools, the efficacy of these proposals is impossible to monitor, and that this will only get worse as expectations on public service staff increase.

#### Question 25

What other levers/functions/mechanisms could be used to hold local housing authorities and other public bodies accountable for their role in achieving homelessness prevention?

As outlined previously, we believe that training for all local authority staff is key to housing teams understanding their role in achieving homelessness prevention. Across Wales, there is disparity in the level and depth of training provided to officers, and we believe all housing options officers should have the same level of training to ensure all survivors who are in contact are provided with the same level of support.

#### Question 26

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

#### Question 27

What, in your opinion, would be the likely effects of the proposed reforms in this White Paper on the Welsh language? We are particularly interested in any likely effects on opportunities to use the Welsh language and on not treating the Welsh language less favourably than English.

- Do you think that there are opportunities to promote any positive effects?
- Do you think that there are opportunities to mitigate any adverse effects?

Page 21 of 21

#### Question 28

We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

Organisation (if applicable):

Welsh Women's Aid

- 1 <https://www.gov.wales/review-priority-need-wales-summary-html>
- 2 <https://welshwomensaid.org.uk/wp-content/uploads/2021/11/Cross-Party-Groups-on-Housing-and-on-Violence-against-Women-and-Children-on-housing-and-sexual-violence.pdf>
- 3 <https://welshwomensaid.org.uk/wp-content/uploads/2021/11/Cross-Party-Groups-on-Housing-and-on-Violence-against-Women-and-Children-on-housing-and-sexual-violence.pdf>
- 4 <https://www.womensaid.org.uk/wp-content/uploads/2020/06/The-Domestic-Abuse-Report-2020-The-Hidden-Housing-Crisis.pdf>
- 5 <https://www.cymorthcymru.org.uk/wp-content/uploads/2023/11/HM-report-WG-Budget-24-25-ENG.pdf>
- 6 <https://www.gov.wales/sites/default/files/publications/2019-03/housing-first-principles-guidance-for-local-authorities.pdf>
- 7 <https://www.cymorthcymru.org.uk/wales-achieves-90-tenancy-sustainment-through-internationally-acclaimed-housing-first-model/>
- 8 <https://www.cymorthcymru.org.uk/wp-content/uploads/2023/12/HF-Women-report-Eng.pdf>
- 9 <https://www.gov.wales/50m-bring-empty-homes-back-life>
- 10 [https://www.crisis.org.uk/media/244820/no\\_one\\_left\\_out\\_report\\_2021\\_english-welsh.pdf](https://www.crisis.org.uk/media/244820/no_one_left_out_report_2021_english-welsh.pdf)
- 11 <https://traumaframeworkcymru.com/>
- 12 <https://www.gov.wales/written-statement-reducing-workload-and-bureaucracy-school-staff>
- 13 <https://record.senedd.wales/Committee/13040>
- 14 <https://www.gov.wales/sites/default/files/publications/2023-12/2024-2025-draft-budget-narrative.pdf>
15. <https://www.womensaid.org.uk/wp-content/uploads/2022/03/Financial-Hardship-report-FINAL.pdf>
- 16 <https://www.womensaid.org.uk/wp-content/uploads/2021/09/Nowhere-to-Turn-2021.pdf>
- 17 <https://welshwomensaid.org.uk/wp-content/uploads/2023/11/Operational-Group-FOI-Report.pdf>
- 18 <https://www.legislation.gov.uk/anaw/2015/3/contents/enacted>

- 19 <https://www.womensaid.org.uk/wp-content/uploads/2022/06/NWTA-2022-Final-A.pdf>
- 20 <https://www.gov.wales/no-recourse-public-funds-nrpf-guidance-html>
- 21 <https://welshwomensaid.org.uk/wp-content/uploads/2022/06/CYP-FOI-Report-ENG-WWA.pdf>
- 22 <https://bawso.org.uk/en/2023/10/launch-of-bawso-forced-marriage-research-report/?cn-reloaded=1>
- 23 <https://survivingeconomicabuse.org/what-we-do/policy-influencing/cost-of-living-crisis>
- 24 <https://www.gov.wales/homelessness-accommodation-provision-and-rough-sleeping-september-2023>

Number: WG48223



Llywodraeth Cymru  
Welsh Government

Welsh Government  
Consultation response form

## Consultation on the White Paper on Ending Homelessness in Wales

Date of issue: 10 October 2023

Action required: Responses by 16 January 2024

**OGI** © Crown copyright 2023

Mae'r ddogfen hon ar gael yn Gymraeg hefyd / This document is also available in Welsh

Rydym yn croesawu gohebiaeth a galwadau ffôn yn Gymraeg / We welcome  
correspondence and telephone calls in Welsh

## Overview

This White Paper sets out a range of proposals for changes to policy and the law, to end homelessness in Wales.

## How to respond

Please respond by completing the online form or completing this questionnaire and sending it to [HomelessnessLegislationReform@gov.wales](mailto:HomelessnessLegislationReform@gov.wales)

If you intend to respond in writing, please send completed forms to:

Homelessness Prevention Legislation Team  
Welsh Government  
Cathays Park  
Cardiff  
CF10 3NQ

When you reply, it would be useful if you confirm whether you are replying as an individual or submitting an official response on behalf of an organisation and include:

- your name
- your position (if applicable), and
- the name of organisation (if applicable).

## Further information and related documents

Large print, Braille and alternative language versions of this document are available on request.

## Data Protection

The Welsh Government will be data controller for any personal data you provide as part of your response to the consultation. Welsh Ministers have statutory powers they will rely on to process this personal data which will enable them to make informed decisions about how they exercise their public functions. Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about or planning future consultations. Where the Welsh Government undertakes further analysis of consultation responses then this work may be commissioned to be carried out by an accredited third party (e.g., a research organisation or a consultancy company). Any such work will only be undertaken under contract. Welsh Government's standard terms and conditions for such contracts set out strict requirements for the processing and safekeeping of personal data.

In order to show that the consultation was carried out properly, the Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. If you do not want your name or address published, please tell us this in writing when you send your response. We will then redact them before publishing.

You should also be aware of our responsibilities under Freedom of Information legislation.

If your details are published as part of the consultation response then these published reports will be retained indefinitely. Any of your data held otherwise by Welsh Government will be kept for no more than 3 years.

## Confidentiality

Responses to consultations may be made public on the internet or in a report.

**If you would prefer your response to remain anonymous, please tick here:**

# Reform of the existing core homelessness legislation

## Question 1

Do you agree these proposals will lead to increased prevention and relief of homelessness?

Yes/No

**Whilst we agree in part, we would not be able to say yes categorically as we do have concerns, which we would request that Welsh Government consider.**

## Question 2

What are your reasons for this?

**We welcome, the change to the period of time in which a person can be classed as being threatened with homelessness.**

**Given the current pressures on social housing, in terms of a reduced supply of affordable properties in the privately rented sector for those on low incomes or welfare benefits, it is often not possible to prevent homelessness within a window of 56 days.**

**Similarly, the requirement to review Personal Housing Plans every 8 weeks is already cited as good practice.**

**We also welcome the categories that have been included within the grounds for an unreasonable failure to co-operate test. Housing staff often have to work with people, whose behaviour can be unpredictable.**

**We are concerned, however, that the resources required to implement the proposals far exceed what we have available as a local authority. In terms of staffing, each officer within the Housing Options team currently holds an average caseload of 120 cases. The extension of the timescale from 56 days to 6 months will inevitably increase this amount and is likely to increase the amount of time staff spend on administration.**

**Unless there is additional funding for staff recruitment, which is problematic in itself, there is a risk of staff burn out, due to work pressures and as in the case of the draft proposals for PHPs, the amount of time needed to be spent on each case. As this will be a statutory function, we cannot source this money from other sources other than Welsh government.**

**Similarly, we have concerns, in relation to the information recorded on the PHP. There has to be recognition of the fact that there will be instances when the needs of the applicant might not be deliverable by the local authority.**

**Smaller more rural communities for example, have fewer properties and a little turnover. The legislation must recognise that the PHP process will need to be a meaningful dialogue between the applicant and the case officer in question, regarding how realistic their choices are. In many cases there will need to be compromise.**



**Without doing this, there is a risk of officers being set up to fail and applicants being given expectations that are undeliverable. This has also to be seen against a backdrop of Welsh Government's desire to see the time spent in temporary accommodation reducing and a greater emphasis placed on a Rapid Rehousing model.**

**We also have concerns regarding the amendment to the right to request a review of the suitability of accommodation beyond 21 days.**

**If a property becomes unsuitable due to family size, or health issues, this would be treated as a change of circumstances, and dealt with appropriately.**

**It is unclear from the draft document, in what circumstances a review could be sought. In cases of neighbour dispute for example, we would wish to deal with this through the powers available to us as a landlord to resolve this, rather than leave a perpetrator's behaviour unchallenged.**

**Further detail is needed within the draft document regarding when a homelessness duty can be ended following the offer and acceptance of suitable accommodation.**

**If cases need to be kept open to take account of the person's right to request a review. The legislation in its current form appears to suggest that they could be open for considerable periods of time.**

**Would this impact on the need to keep reviewing PHP's, as a person could at a later date decide that they no longer see their accommodation as suitable?**

**Some of these proposals have the ability to increase the amount of bureaucracy for Housing Options Teams far beyond the considerable weight of paper that staff already have to deal with.**

### Question 3

Are there additional legislative proposals you think we should consider to improve the prevention and relief of homelessness?

**The legislation is quiet with regard to reasonable preference. There must be a discussion regarding whether this is to continue or not in its current form, in any new legislation. To link into Welsh Government's direction regarding priority need, some of the applicants within current reasonable preference groups will find it disproportionately more difficult to be given an allocation of social housing, compared to applicants who are homeless.**

**There is likewise no reference to the Rapid Rehousing Model within the white paper. Should this be considered?**

**We have concerns that unless this is included within legislation, there will not be the necessary link between policy and legislation regarding homelessness.**

### Question 4

Do you agree with our proposal to abolish the priority need test?

~~Yes~~/no

**We feel that a good starting point would be to formalising in law the current status quo with regard to priority need before embarking on new legislation. It would be useful to monitor the impact of this at a national level and Welsh Government then make an assessment of the impact that further changes will have in terms of it being able to resource abolition.**

**Unless this is done in a measured way, we run the risk of having the rapid increase in households that are in temporary accommodation, as is being seen in Scotland at the moment.<sup>6</sup>**

**Another concern, is the fact that by abolishing priority need, either everyone is a priority, or no one is a priority. In which case, there will be an increase in time spent in temporary accommodation.**

## Question 5

Do you agree with our proposal to abolish the Intentionality test?

~~Yes~~/no

**We welcome the inclusion of violence and unacceptable behaviour against staff, as a reason for intentionality. Staff are increasingly having to work with people who are experiencing homelessness due to complex needs that can make their behaviour unpredictable.**

**We would ask, however, that Welsh Government could consider widening the scope of this; to include employees of third sector organisations, who are commissioned to provide support services on behalf of local authorities.**

**We have grave reservations regarding the removal of all other classes of intentionality. In certain cases, for example, if a person has low level support needs and capacity, there has to be a degree of responsibility for their actions. The consequences of this need to be debated further.**

**Domestic abuse is a case in point. Are we to accept a duty to assist perpetrators of domestic violence and award them the same degree of priority for rehousing as the victim, especially if the removal of priority need is enacted?**

**There is a possibility that local communities will fail to understand this and see it as rewarding violence. In addition, it runs the risk of eroding the trust and good will that currently exists within Wrexham County Borough between the majority of contract holders and Housing staff.**

**It renders pointless the ability of local authorities to fast track cases of severe anti-social behaviour, including domestic abuse, through the Court system. A judge may issue a warrant based on behaviour but the outcome will, we assume, be to place the perpetrator in temporary accommodation, in the highest priority band for rehousing and work with them to find suitable alternative accommodation, until such time as a suitable vacancy becomes available, in line with the expectations laid out in their Personal Housing Plan.**

---

<sup>6</sup> [City of Edinburgh Council set to declare housing emergency - BBC News](#)

**The Integrated Impact Assessment states:**

**“2.79. Moreover, our proposals in relation to survivors of violence against women, domestic abuse and sexual violence will bring positive impacts for all victims of this type of abuse; mainly women and create a more accessible system.”**

**It does not however, make any reference to the possible mental impact on those who have experienced domestic abuse, most of whom are women, when they are aware that the perpetrator could be afforded the same level of priority for rehousing as themselves.**

**With regard to serious rent arrears. Having no reference to these when assessing intentionality will undoubtedly increase levels of rent arrears and bad debts for Housing Departments across Wales.**

**Has there been Welsh Government and ministerial dialogue with regard to this? We would seek reassurance that it will have no impact on the validity of HRA Business Plans. Likewise, there should be detailed dialogue carried out with lenders at a national level.**

**If rising levels of bad debt impact on the ability of a Housing Department to continue borrowing, this jeopardises such things as targets for new build social properties, and the functionality of Planned Development Programmes (PDPs), if it becomes more difficult to obtain the private sector funding needed to bridge gaps between development costs and the amount of Welsh Government funding available.**

## 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 take better account of the reasons why someone is unable to return to their home authority?

**No – This is something that we could not support. As with the abolition of intentionality it is likely to prove unpopular with local communities, especially as other forms of tenure become increasingly unaffordable and property developers, build for their benefits, not those of local communities. In terms of services, the County is home to the following:**

- **Wrexham Maelor hospital, one of the 3 major hospitals in North Wales;**
- **HMP Berwyn, the only prison in North Wales;**
- **Wrexham University;**
- **an asylum seeker dispersal area; and**

- Tŷ Dewr, a supported housing project, not funded by Housing Support Grant as the majority of those living there have been placed by HM Forces, from locations in England.

Wrexham County Borough is also abutted by more rural local authorities, where services are less comprehensive and more scattered.

All of these factors could create an increase on social housing here, one that has the potential to overwhelm services, staff and funding, if people are able to claim a local connection based on proximity to services alone.

It would probably make it impossible to deliver a Rapid Rehousing Model, as services and resources would be completely overwhelmed. It may also result in an increase in challenges of decisions, with staff time being eaten into, as they respond to appeals against section 80 referrals, on the new grounds proposed in the white paper.

There also needs to be consideration as to the existing validity of the Housing Act 1957. This proposal could affect the ability of local authorities to carry out its duty under section 91, which states:

*“It shall be the duty of every local authority to consider housing conditions in their district and the needs of the district with respect to the provision of further housing accommodation and for that purpose to review the information which has been brought to their notice, either as a result of inspections and surveys carried out under Part I of this Act or otherwise, and as often as occasion arises, or within three months after notice has been given to them by the Minister, to prepare and submit to the Minister proposals for the provision of new houses, distinguishing those houses which the authority proposes to provide for the purpose of rendering accommodation available for persons to be displaced by, or in consequence of, action taken by the authority under this Act.”*

Despite these pressures, the funding allocations that Wrexham has recently received have been relatively low.

Based on Census information, which indicates that since 2011, the population of the County Borough has remained practically static, recording an increase of 0.2%, during the last decade and a decrease of 0.3% during the last 5 years,<sup>7</sup> unlike many other Welsh local authorities, there is an expectation that pressures on services will not be impacted in the nearer future by a growing demand.

Unlike the position in Scotland, where a relaxation of local connection does not appear to have had any adverse effects. The close proximity of several major English conurbations; Merseyside, Greater Manchester, the West Midlands and Bristol, to Wales could lead to presentations from English local authorities, if there is a more liberal interpretation of local connection, here than in England.

Colleagues in Housing Options have already experienced instances whereby neighbouring English local authorities out of hour's homelessness services advise people to contact Wrexham and present as homeless here. At a time when some local authorities in England are issuing warnings that their spending on temporary accommodation is likely to lead to bankruptcy,<sup>8</sup> there

<sup>7</sup> [People \(local authority\) | People | People, communities and equalities | Data | Home - InfoBaseCymru](#)

<sup>8</sup> [Inside Housing - News - City council's spend on temporary accommodation up 7,660%](#)

may be a temptation to see Wales' approach to homelessness and local connection as a way to save money.

Any considerations, must also be seen against a backdrop of some of the policy statements currently being made by Westminster, in particular with regard to rough sleeping.<sup>9</sup>

Some neighbouring authorities have already acquired properties in Wrexham, where care leavers over the age of 16 are housed on a temporary basis. In addition, there are cases whereby private providers of care for children have purchased properties in the County Borough. These are also used as out of County placements. When this accommodation ends and settled accommodation is needed, there is an expectation that we will offer housing, as the young person may prefer to remain here.

We have already seen a move by London local authorities to acquire TA in areas beyond their administrative boundaries, due to issues of cost, could Wales be seen as an attractive proposition as legislation diverges? This proposal could lead to Wales being seen as the place to acquire accommodation for certain types of homeless household as Welsh local authorities would be relied upon to assist them with permanent settled accommodation due to the relaxation in the law.

There is already an issue with a severe shortage of suitable Council accommodation in the County Borough. This could lead to further strains on resources and the potential for those who do present in Wrexham to then remain here and sleep rough, especially as rough sleeping is a priority need category and if the removal of intentionality is enacted.

It has the potential to undo much of the good work that has been carried out in Wales, which has seen a significant and sustained reduction in rough sleeping.

This policy has the potential to impact on the Welsh language. We have read the Impact Assessment and think that the comments made with regard to the effects on the Welsh language are tenuous.

If local connection is relaxed to this extent, it will impact on the Welsh language. Regardless of whether a person is a Welsh speaker, the language that they will use is very much dictated by the environment in which they live. Welsh speakers who live in predominately English speaking areas, ultimately revert to English in order to converse with neighbours and to carry out everyday life. This leads to Welsh no longer being used as a living language and becomes the language of the home only.

We feel that this policy in particular, needs to be revisited. Such a major change has major ramifications for the Welsh language and community cohesion in general, as family and neighbourhood links are weakened.

For those who are unable to purchase a property, especially in some counties in Wales, social housing is the only route available for those who wish to remain in the communities where they have family links and where they grew up.

There are already considerable pressures on social housing in such areas and these proposals could place additional external demand on social

---

<sup>9</sup> [Inside Housing - News - Sector unites against Braverman's 'punitive' homelessness plans](#)

housing, thereby making it more difficult for such people to remain in areas that they call home.<sup>10</sup>

Third sector organisations whose one aim is to end homelessness are unlikely to see community cohesion and the preservation of Welsh as a living language to be of any concern. As national and local government, Welsh Government and local authorities have a duty to be aware of these matters.

Given that the Welsh language is seen as a protected characteristic, for the purposes of policy and legislative development. It is difficult to see how it cannot be awarded corresponding consideration within this white paper.

There needs to be communication with the Future Generations Commissioner, the Welsh Language Commissioner and the WLGA regarding this and the possible impact it might have in terms of sustainability, effects on the use of the Welsh language and community cohesion.

## 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?

**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.**

We agree that the extension will bring benefits in terms of a reduced need to place households in temporary accommodation. This ought to bring a cost benefit in terms of the costs of providing and sourcing temporary accommodation.

For the purposes of assessing the cost benefits, however, we think that the proportion to be used for calculation purposes should be 30%, given the proposals in terms of priority need, intentionality and local connection.

**A duty for a local housing authority to:**

- **draw up a personal housing plan containing the steps that it will take to secure accommodation for the applicant;**
- **review the needs assessment and personal housing plan with the applicant within a defined timescale of 8 weeks; and**
- **include an applicant's views on their accommodation needs in a personal housing plan.**

We think that the comments concerning double counting ought to be disregarded and that the basis of the English calculations are likely to be a good foundation for an assessment of cost.

There needs to be account taken of the need to need to review Personal Housing Plans (PHPs) every 8 weeks. There will also be a need to review a PHP when the duty owed changes, for example when a person's section 66 duty ends and a section 75 duty is accepted.

The addition of an applicant's views on their accommodation needs, will also involve more time spent on each PHP, as there will be more of a process of negotiation.

---

<sup>10</sup> [Inside Housing - News - Homelessness in rural communities up 40% in five years](#)

Whilst there is an acceptance that there will be a benefit in terms of outcomes for the person, as mentioned in 2.12, these changes will involve increased costs in terms of staff time. There has to be some financial assessment carried out.

Our concerns, which are referred to throughout this section, is that introducing legislation without a full assessment of cost is unwise given the current state of local government finances. There are currently 3 councils that have declared bankruptcy and further councils such as Brighton and Havering have issued section 114 notices, as a warning of severe financial issues.

A recent Supreme Court decision against Croydon LBC, has found that not having sufficient resources is not a valid excuse for being unable to provide a service. One of the considerations is that a council should make contingency plans in terms of additional finance put to one side, in order to meet demand.

This could mean that councils' will need to set funds aside in order to meet additional homelessness services. This will have to be at the expense of other services provided.<sup>11</sup>

**Discretionary Local Connection test to remain but with expanded list of groups/circumstances to whom test should not apply.**

We have many concerns regarding the expansion of the list of people to whom a local connection test would apply.

These are principally due to:

- Wrexham's position as a border local authority;
- having the only prison in North Wales;
- being the location of one of the major hospitals in North Wales; and
- being the location of a university

The potential cost of this amendment could be exceedingly high.

In the main consultation response document, we have highlighted the financial issues facing some neighbouring English local authorities in terms of temporary homeless accommodation.

If this change were to be enacted, it would be easy to advise homeless households to present to a neighbouring Welsh local authority if they were a care leaver, a newly released prisoner, or a person with a substance misuse issue.

This will pass the financial burden in terms of housing and support services to the Welsh public purse.

As Wrexham also has a prison, there would be nothing to prevent as many prisoners as would wish to stay here, from presenting here as homeless and being owed a full homelessness duty.

This will put additional strain on the supply of one bedroom properties at a time when we are facing a challenge in terms of moving to Rapid Rehousing due to a shortage of one bedroom accommodation.

We feel that putting forward any plans for change and including them in a regulatory impact assessment with no costings, is unwise. Given the points that have been highlighted above,

---

<sup>11</sup> [Imam, R \(on the application of\) v London Borough of Croydon \[2023\] UKSC 45 \(28 November 2023\) \(bailii.org\)](https://www.bailii.org/uk/uksc/uksc2023/uksc2023045.html)

there can currently be no measure of the potential financial impact on Welsh local authorities.

It is also unwise to make comparisons with Scotland. In simple geographical terms, Scotland is situated at a considerable distance from most UK conurbations.

This is not the case in Wales. The proximity of Merseyside, the West Midlands and Bristol to the Welsh border, will bring a completely different set of pressures in terms of both finance and staffing.

Despite the absence of these pressures, references made in the main response document indicate that funding is an issue in Scotland, with some local authorities struggling to meet their statutory duties.<sup>12</sup>

**A statutory duty to provide support in order to help an applicant retain accommodation.**

The point made at 2.26 is valid but it does appear to contradict those made at 2.18. ought the cost benefits quoted in 2.18 to be removed for the assessment?

In all probability there will still be local authority expenditure on support services. The savings on one set of services will simply transfer to others, as needs and circumstances alter.

Housing Support Grant can be used but some services are expensive and in North Wales, can be more difficult to source than in the South East.

**Removal of the “relief duty” (section 73 of the HWA 2014).**

Table 3 is useful in illustrating the costs. We would like to see these included throughout the document.

This would allow local authorities to plan for potential costs and also to have a meaningful dialogue with Welsh Government, in terms of financial shortfalls. We would want to avoid a repeat of the impact of the recent introduction of the Renting Homes (Wales) Act. This resulted in an additional spend of £500,000, due to having to source legal assistance, printing of large bilingual contracts etc.

Is the cost quoted at 2.31 for each local authority or across Wales? It is unclear.

---

<sup>12</sup> [Inside Housing - News - Scottish councils struggling to meet homelessness duties, regulator warned](#)



# The role of the Welsh Public Service in preventing homelessness

## Question 8

Do you agree with the proposals to apply a duty to identify, refer and co-operate on a set of relevant bodies in order to prevent homelessness?

Yes/no

Please give your reasons

**Yes, we agree that these proposals. If they are implemented in a robust fashion with good quality guidance, they will strengthen early intervention and homelessness prevention. We feel that the proposals should, however, be strengthened further.**

**Any duty to cooperate and refer that is placed on public bodies ought to be statutory. In addition, there should be consideration to extending the scope of some of the homelessness prevention duties, to include other public bodies and Council departments.**

**It is imperative that there is recognition of the fact that we provide a home for a person but a tenancy fails when matters arise such as anti-social behaviour and non-engagement with support services. This further highlights the need for duties to be legally binding.**

**In addition to the duties cited in the question, we would also welcome subsequent guidance produced by Welsh Government and for it to contain detail regarding them. It should place specific responsibilities on services, reflective of their public roles. It has to be more than an exercise in passing details such as name and date of birth to a local authority's Housing Options service. Too often, cases are referred to Housing Options, with no indication of what if any action the referring body is proposing to carry out.**

**There should also be monitoring introduced at the same time as the new legislation is enacted. We realise that this has potential to be a complex exercise but a legislative change of this scale must be monitored in terms of outcomes, cross service cooperation and the financial resources that have to be committed to make it work successfully.**

**Monitoring ought to identify variations in outcomes or discrepancies at a regional level that need to be addressed. It will undoubtedly be the case that there will be resource issues for all partner organisations and this must be understood and monitored carefully if this legislation is to function effectively and efficiently.**

**Prior to its introduction, awareness raising with other public bodies is vital. There needs to be awareness of the duties to be placed on them and what they will mean in practice. This must be not only in terms of working practices but also the resources that will need to be dedicated to working with homelessness teams, in order to make this work. We would want to avoid duplication of referrals, for example, one being made when a person presents at A&E and another when they are admitted onto a hospital ward.**

**For this reason, there must also be awareness raising at a ministerial Welsh level, before any new legislation is enacted and the proposed commitments become legally binding.**

**Other Welsh Government ministers and officials must be aware of the Minister for Climate Change's expectations in terms of the commitment needed from other Welsh Government departments.**

**This is the only way in which resources, in terms of staff and more importantly funding will be committed. Having this level of buy in nationally that is cascaded down is the only way in which the proposals set out in this white paper can succeed.**

**Pockets of good practice currently exist due to a strategic commitment between partners at a local level. In practice, however, this means that experiences and outcomes for those who are homeless, or threatened with homelessness can and do vary from County to County.**

**This compares to other countries such as Finland, where there was a national commitment from all partners to cooperate and apportion funding to end homelessness. Wales needs to copy this model of implementation, rather than simply adopting the policy.**

## Question 9

Do you agree with the proposed relevant bodies, to which the duties to identify, refer and co-operate would apply? Would you add or remove any services from the list?

**We agree that those identified in the white paper should remain but think that the following should also be included:**

- **The Fire Service; and**
- **Paramedics**

**At a strategic level we would also welcome the inclusion of the following:**

- **Emergency Planning;**
- **Area Planning Board;**
- **MARAC;**
- **School Governing bodies;**

## Question 10

In your view have we struck the right balance between legislative requirements and operational practice, particularly in relation to health?

**As has been alluded to before, any work that is carried out in this area has to be led from the top. If there is no discussion at ministerial level, then it is highly unlikely that services such as health will make provision for resources to be allocated to assist with homelessness at a health board level.**

**Without this buy in at the highest level, the pressures on the health board in North Wales is such, that it is highly unlikely that it will be given any priority, when compared with ambulance and A&E waiting times for example.**

## Question 11

What practical measures will need to be in place for the proposed duties to identify, refer and co-operate to work effectively? Please consider learning and development needs, resources, staffing, location and culture.

**Committing to additional funding is of primary importance. Despite the relatively generous funding in Scotland for Rapid Rehousing, in comparison to that of Wales, there remain problems in terms of continually increasing numbers of people in temporary accommodation.**

**There will also need to be resources provided by Welsh Government in terms of training for public bodies, without this there will be little understanding of what is expected of them and why.**

**If this joint working is to be achieved efficiently, without a need for creating additional layers of paper bureaucracy, there has to be investment in IT systems, which will speak to each other across services, so that referrals and requests for case conferences can be made as seamlessly and quickly as possible.**

**Welsh Government must also put robust and meaningful monitoring systems, to ensure that all public services are complying with national guidelines and expectations.**

**Guidance must also be provided in terms of data sharing. This will enable all services to provide the most appropriate support and assistance that is needed in a timely manner and in a way that also has staff safety at its heart. Could there be a role for WASPI help in this?**

## Question 12

In addition to the broad duties to identify, refer and co-operate, this chapter contains proposals to provide enhanced case co-ordination for those with multiple and complex needs. To what extent will the proposals assist in preventing homelessness amongst this group?

**We already do this for complex cases and have done so for some time. These cases are however, resource heavy in terms of staff time. It would be wrong to assume that people with complex needs are often those most willing to engage. They are often the most difficult group to engage with.**

At the moment, we currently experience issues as working practices and approaches to case management, vary greatly. Whilst there is currently an expectation that we try to engage with people with complex needs and we do so, other services often begin by making an assessment of a person's capacity.

In practice, this means that there is an assumption that a person's decision not to engage with services is based on having sound mental capacity and so services withdraw. As a result, Housing and Housing Options Officers are left to try to work with a person, without the necessary skill sets and often with pressures from those who are living in close proximity.

Whilst there are HSG commissioned services available, in the case of people with complex needs, the services of trained professionals, who are employed by the health board are needed, if there is to be a chance of a person engaging and continuing to engage with services.

As has been referred to earlier in this response, any duties placed on Health Boards must be set out in this legislation.

The Health Board currently has so many pressing issues in terms of finance, A&E waiting times and ambulance response times that it would only be natural for any duty to work with partners and commit resources to address homelessness to be overlooked, in favour of those targets on which they are measured at a national level.

Welsh Government must also give serious consideration to the question of how those who have complex needs and who are seen as high risk are assisted.

In Wrexham County Borough, there are instances where support services will not accept some individuals due to the level of risk that they may pose to their staff and other service users.

Whilst we fully understand that some people can be challenging, in these situations, housing staff are left to try to work with people, when they do not have the necessary formal training to do so. This can lead to staff being put at risk. The fact that housing cannot turn its back on a person despite the risk can mean that it becomes a means by which other services can pull back.

### Question 13

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

#### **Communication between the local housing authority and the applicant.**

At Table 6, it would have been useful to have these costs based on the local government pay scales and grading system, rather than Welsh Government's. We are assuming that the scales are unique to Welsh Government.

We have attached the staffing costs identified for the Housing Options service, if Rapid Rehousing is to be achieved. These may provide a useful reference point for Welsh Government officials in terms of local government spend.

For this structure to be achieved it is also likely that a full restructure of the Housing Options Team will be needed. This will be an additional cost in itself, regardless of the additional wage bill.

***N.B. A copy of the likely staffing requirements and costs to deliver Rapid Rehousing is attached as Appendix 1 for consideration.***

### **Broader public service “duty to identify and refer”.**

We anticipate that the cost of providing training will be ongoing. Staff will need to have refresher training, especially if ongoing changes in legislation will impact on their role in the referral process.

There will need to be provision made for staff turnover and the cost of training new team members.

Details also need to be added regarding the costs for joint working systems. This will include a database for use by Housing and relevant partners such as Social Services, Probation and HM Prison Service. The use of faxes, emails and paper is not sufficient to manage complex cases, which could be time critical and as sensitive information will be processed, there will be GDPR issues to consider.

Due to the current economic climate we are finding that adult social care services are in some instances trying to end expensive residential placements and are expecting housing to provide accommodation for them.

There needs to be some monitoring method in place that ensures this does not happen going forward and that there are the correct levels of funding allocated to ensure that residential placements are financially sustainable.

Unless these, or similar measures are put in place, there is the risk that housing will be left to try to support individuals whose support needs are far too complex to be managed by HSG services. This puts the individual at risk, leaves staff vulnerable and has the potential to erode any spirit of trust that exists between housing services and local communities.

### **Expanding the duty to co-operate.**

To ensure that the skills are in place, it would be worthwhile carrying out a skills audit and subsequent costing exercise. This will ensure that there will be no unexpected spending.

### **Co-operating to prevent homelessness for those with the highest and most complex support needs.**

It is important that this section is fully researched and costed before any proposals are enacted.

In our experience, people with complex needs are forming a growing group within those who present as homeless and often require intensive support from more than one agency.

If enacted, the relaxation of the local connection test could result in concentrations of people with complex needs and the arrival of homeless individuals with complex needs from neighbouring English local authorities as they look to reduce their social care bills.

Targeted proposals to prevent homelessness for those disproportionately affected

Question 14

Are there other groups of people, not captured within this section, which you believe to be disproportionately impacted by homelessness and in need of additional targeted activity to prevent and relieve this homelessness (please provide evidence to support your views)?

**The list set out at paragraph 252 does not include LGBTQ+ people, however, there is statistical evidence highlighting the disproportionate impact of homelessness on this group, set out in paragraph 259. There may need to be consideration given to inclusion.**

**Although captured within the section, hospital discharge needs more attention. It would be beneficial if there were liaison between hospitals and housing options teams at the point of admittance, especially for those who are elderly and would require rehabilitation following surgery. To engage with services at the point of discharge is too late.**

Question 15

What additional legislative or policy actions could be taken to prevent or relieve homelessness for the groups captured by this White Paper?

**In its simplest form, all references to joint working and protocols needs to be replaced by legal duties. If, as a nation, Wales is working to eradicate the situation whereby some young people do fall through the net, duties to cooperate must be legally binding.**

**Every local authority is aware of the financial challenges that are likely to be faced. When resources are stretched, ever service has to make a decision as to what they prioritise. It is often the case that the first services to be cut are those that a local authority does not have to provide.**

**Joint training for housing options and children’s social care teams would be beneficial.**

**In addition, it is our experience that when a substance misuser is ‘clean’ services are withdrawn immediately, as a result. There is no transitioning from support to no support. Frequently individuals are unable to access services that will prevent them from abusing substances going forward. Services only become involved when addicted. Inevitably without support, temptation can become too great.**

**There needs to be investment into appropriate support services and there needs to be a change in criteria and policies.**

## Question 16

Our proposals related to children, young people and care experience seek to improve and clarify links between homelessness legislation and the Social Services and Wellbeing Act. Significant policy development is required to assess the practicality of this. What, in your views are the benefits and challenges of our approach and what unintended consequences should we prepare to mitigate?

**We are concerned that there is no age limit included when making reference to those who are care experienced. Does this mean, as is currently implied, that a person who has an experience of the care system regardless of the length of time and the age when they present as homeless should be given priority?**

**The term care experienced is also one that is open to interpretation, there are young people who are supported by Learning Disability and Mental Health services.**

**Is it the intention to include this group of people? If not, perhaps another term that makes reference to the Corporate Parenting Responsibility ought to be used instead.**

**By placing these changes into homeless legislation, you are strengthening the view that the duty for young people and those who are care experienced is a housing issue.**

**At paragraph 265, this guidance needs to be made legislation moving forward. In this instance good practice needs to be legislative.**

**With reference to point 266, invariably, the guidance is not reflected in practice as Social Services view 17 up to 19 as non-dependants.**

## Question 17

Do our proposals go far enough to ensure that 16 and 17 year olds who are homeless or at risk of homelessness receive joint support from social services and local housing authorities? What more could be done to strengthen practice and deliver the broader corporate parenting responsibilities?

**Wrexham's Housing Options Team already carries out joint assessments with colleagues in Social Services, when a young person is involved.**

**On occasions, however, it can be difficult to ensure that a member of staff from Social Services is available. When there are competing pressures and resources are stretched, it is not always the needs of the young person that are put first.**

**There is the Southwark Agreement, that can be referred to but we feel that unless the current protocol is enshrined in legislation and that there is a duty to cooperate when a young person presents as homeless, the current situation will not be resolved.**

**Going forward guidance should recommend that a member of social services sits within the housing options team to ensure consistency.**

**As with other aspects of the white paper, this also needs to be discussed at a ministerial level. This will help to ensure that there is an understanding of what**

is required, resources can be allocated at a national level to take account of this and the appropriate training can be provided.

Education should be encouraged to play a key role to support this age group.

Having more of a focus, in schools, on life skills, such as budgeting, managing a home and what homelessness can mean could be as effective a prevention tool as anything that is put in place when a person is experiencing problems, or is in crisis.

This should form part of the legislation at an over-arching strategic level, with more detail included in guidance.

## Question 18

Do you agree or disagree that the Renting Homes (Wales) Act 2016 should be amended to allow 16 and 17 year olds to be able to hold occupation contracts?

We were under the impression that the reasons for 16 and 17 year olds being unable to hold a contract was due to the fact that they are unable to hold a deed of trust for land.

From the point of view of legislation, will the Renting Homes (Wales) Act amendment be sufficient to amend the ability to hold a deed of trust, or is this dealt with by other property law?

Legal presumption exists that entitles anyone to enter into a contract unless an exception applies. One of those exceptions is in the case of a minor. Since 1969 the age of contractual capacity for individuals has been set at 18 and reaching the age of 18 is known as attaining 'majority'. Minors are therefore those who have not attained the age of 18.

Minors are permitted to enter into contracts for limited purposes however, and the test as to whether or not they can, focuses on the nature of the transaction, and whether the minor is of an age such that they are capable of understanding it.

The general law states that contracts entered into by children that are for *necessaries* are binding on children, as are those for apprenticeship, employment, education and service where they are rightly said to be for the benefit of the child.

*Contracts for necessaries* are for such things as the supply of food, medicines, accommodation and clothing, but generally speaking conveniences and products and services for comfort or pleasure are excluded, as are commercial or 'trading' contracts. These latter contracts are therefore voidable at the option of the minor. Consequently, whether the minor may avoid a contract they have entered into depends on the nature of that contract.

Contracts where the minor may avoid the effect of the contract are for the acquisition of a legal or equitable interest in property of a permanent nature – so shares, land, marriage and partnerships would all be included here. Other contracts, however, require positive ratification in order to be enforceable, which includes contracts for debts and the sale of goods that are not for necessaries. The ratification must take the form of an acknowledgement that the debt is binding after attaining the age of 18.

Welsh Government Housing officials will need to consult with colleagues in their Legal Services Department to see whether an amendment to the Renting Homes



**(Wales) Act is sufficient, or whether it is bound up with the general legal position with regard to minors being allowed to hold a contract.**

**This proposal also runs counter to the assumption made with regard to the provision of temporary accommodation for this age group.**

**If the accommodation is temporary accommodation, it must be supported but if the accommodation is permanent it can be general needs.**

**Although there is an assumption in the consultation document that most 16 – 17 year olds may not be mature enough to hold a contract. If they insist that they wish to do so and are seen as having capacity to make this decision, we would be obliged to do so.**

**We have concerns that if this age group is allowed to hold an occupation contract, other services may pull away from supporting them. If we as a local authority are seen as having sufficient confidence in the capacity of a young person to hold an occupation contract, other support services may see this as a reason to leave housing to support the young person.**

**As has been referred to in our response in Chapter 4, this proposal does run counter to the rationale that is given with regard to not placing this age group in adult focussed temporary accommodation.**

## Question 19

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

**Provide that no 16- or 17-year-old should be accommodated in unsupported temporary accommodation and that for those leaving social care or youth detention, it is expressly prohibited to use the homelessness system as a route out of care.**

This proposal requires more detailed research and costing, in order for a response to be made.

**A duty on a local housing authority to make inquiries into whether an applicant is care-experienced, as they complete the assessment of housing need and Personal Housing Plan.**

Whilst administration costs are seen as being minimal, Welsh Government need to ensure that any cost in terms of money and time are also recorded in the section that refers to priority need.

**Requirement for accessible housing registers and to undertake a regular review of the accessible accommodation within their stock.**

Whilst the introduction of this will come at a cost, we do recognise that overall this may make savings in the future due to the best use of resources. Having the costs at Table 9 amended to the local authority payscales would be useful in order to allow us to make an assessment of cost.

**That legislation sets out a requirement for discharge assessments to include consideration of a patient's housing needs. That legislation sets out a joint duty for health and the local housing authority to work together to prevent homelessness at the point of hospital discharge.**

More up to date statistics are needed, in order to allow informed comments to be made. This is pre-pandemic information.

Without having this joint working and realisation of what the responsibilities are of each service, there will again be a risk of legal challenges being brought successfully, due to the fact that sufficient funds have not been set aside to ensure this happens.

If it becomes legislation, not having sufficient funds does not appear to be seen as an acceptable reason for not providing a service that is a statutory one.<sup>13</sup>

## Access to accommodation

### Question 20

To what extent do you agree or disagree with the short-term proposals to increase the suitability of accommodation? Are there additional immediate actions you believe should be taken for this purpose?

**If there is to be a more stringent definition of the suitability of accommodation, there needs to be a robust definition as to what a suitable property will look like and what needs to be considered.**

**Whilst we do not believe that anyone should be put at risk by living in a property that is substandard. It needs to be understood that this will further reduce the pool of properties available for use, when it is nationally acknowledged that local authorities have a severe shortage of accommodation.**

**As has already been alluded to earlier in this consultation response, it is often difficult to persuade builders to produce certain property types due to issues such as profit margins and the footprint of certain properties for example bungalows.**

**This is one of the main issues that is underlying the current housing crisis, rather than it being purely a matter of supply.**

**This is what needs to be included in legislation be it this white paper, or another piece of legislation that can link into the LDP process. Without giving the planning process more robust sanctions to use against developers who wish to maximise profits with no regard to the needs of local communities, there will always be a shortage of the correct type of accommodation.**

**If there has to be consideration given with regard to proximity to bus routes, there needs to be urgent conversations with Transport for Wales and the relevant departments of Welsh Government regarding the issue of bus routes and their funding.**

**Given that there has been reduced funding for bus routes, it will make it more difficult to source suitable properties for those who may not own a car.<sup>14</sup> This will have a particular impact on more rural Councils. It does appear that the view point of the Expert Panel with regard to many aspects of this white paper is very much Cardiff**

<sup>13</sup> [Imam, R \(on the application of\) v London Borough of Croydon \[2023\] UKSC 45 \(28 November 2023\) \(bailii.org\)](https://www.bailii.org/uk/uksc/cases/uksc2023/0045.html)

<sup>14</sup> [Bus: Wales could lose quarter of services, say operators - BBC News](https://www.bbc.com/news/health-67844444)

centric, with an assumption that there are plethora of services available across Wales and if there isn't we will need to procure them.

In Wrexham County borough approximately 19.1% of households do not own a car or a van.<sup>15</sup>

There are assumptions made with regard to younger people, in relation to their vulnerability and need for support. There also needs to be more detail with regard to support. Does this refer to a supported housing setting, or does it also extend to mainstream properties with floating support?

This also runs counter to the proposals for households to be given choice regarding the suitability of accommodation. It appears to make an assumption that only those young people who have been exposed to ACEs and other traumatic events will present as homeless.

We are seeing more people who are presenting due to mortgage and rent levels rising to a level that makes the accommodation untenable. That is the life event that brings them to approach the Council for assistance. It would surely be perverse to assume that those aged 25 or under who may fall into this group need to be placed in supported accommodation.

We also felt that it made assumptions that those who are over 25 and are homeless, as in younger people would be at risk if placed in their company.

Similarly, proposing that 16 and 17 year olds must never be placed in adult focussed accommodation runs counter to that of allowing people of the same age to take on the responsibility of an occupation contract.

Currently, we have supported accommodation, for younger people which has shared kitchen facilities. If the legislation is to be amended, we will have to stop using this.

Potentially this will result in the loss of practically all specialist supported accommodation in the County Borough. This could result in support providers having no option but to withdraw their services, as redesigning could prove to be prohibitively expensive.

With regard to personal choice, we are sure that most local authorities would agree that this is something that ought to be taken into account but there has to be management of a person's expectations.

We, for example, have an acute shortage of single person general needs accommodation at a time when over 50% of those who are currently homeless are single people.

Many of the communities outside of the town itself have very little single person accommodation. It tends to be found in Wrexham itself and furthermore, it is concentrated in certain wards.

This makes it very difficult to meet the wishes of many single people with regard to location, a matter that is worsened by the Spare Room Subsidy, as we did traditionally make offers to single people of two bedroom flats, which proved unpopular with families.

---

<sup>15</sup> [Number of cars or vans - Census Maps, ONS](#)

Similarly, we have a lack of larger accommodation, which means it would be very difficult to take account of every applicant's wishes with regard to the location of accommodation. Some smaller settlements, especially in the Ceiriog Valley and the Maelor have no socially rented accommodation that is larger than 3 bedrooms.

In relation to point 516 and the broader supporting policy and guidance, there are occasions when there have to be 'house' rules for some accommodation due to the level of risk posed by some individuals and the need to keep staff safe.

When placing Registered Sex Offenders in temporary accommodation for example, North Wales Police request that there is no Wi-Fi access, as it could encourage misuse of the internet and breaking of bail conditions.

Similarly, we are aware that certain temporary accommodation settings are able to function due to the tolerance of the local community. Having some house rules in place does help to ensure that this spirit of good will and mutual respect continues. If this were to breakdown, there is the possibility of local disquiet and in a worst case scenario, risk to homeless individuals and staff working there.

## Question 21

To what extent do you agree or disagree with the proposals around the allocation of social housing and management of housing waiting lists? What do you believe will be the consequences of these proposals?

The proposed changes with regard to RSLs needs to be made more robust. The references to a specified time period should be firmed up and a definitive time period included.

Some of the reasons for refusal ought also to be made explicit. There are instances, when nominations are refused due to grounds of affordability and the suitability of the person for the area where the vacancy occurs. Concerned that legislation doesn't apply to RSLs and other partners. RSLs don't take a proportionate amount of homeless. If proposal goes through, then they will take all homeless.

We do not feel that these are legitimate reason for refusals and can be used as loopholes to avoid making allocations to those who may be seen as in need of high support.

Although we do not disagree with what is trying to be achieved, the proposal is woolly and not worth putting in. Perhaps trying to set out the parameters within which RSLs can operate, whilst not affecting their status legally, is too tricky a balancing act to try to achieve.

There needs to be consideration for funds to be made available for RSLs to provide the support services needed to ensure that a tenancy can be sustained and neither of these reasons can be legitimately used as a means of avoiding to rehousing someone.

With regard to the proposed changes to the Test of Unacceptable Behaviour, section 55 refers only to examples of anti-social behaviour, however, at section b of the proposal reference is made to sections 160A(7) and 160A(8) of the Housing Act 1996.

In the current Code of Guidance, the references to these sections is as follows:

**“Section 160A(8) of the 1996 Act provides that the only behaviour which can be regarded as unacceptable for these purposes is behaviour by the applicant or by a member of his or her household that would - if the applicant had been a secure tenant of the local authority at the time - have entitled the Local Authority to a possession order under s.84 of the Housing Act 1985 (“the 1985 Act”) in relation to any of the discretionary grounds in Part I of Schedule 2, other than Ground 8 (see Annex 10) for relevant grounds) or a possession order under section 84A of 1985 Act in relation to serious anti-social behaviour. The grounds in Part 1 of Schedule 2 to the 1985 Act are fault grounds and include behaviour such as non-payment of rent, breach of tenancy conditions, conduct likely to cause nuisance or annoyance, and use of the property for immoral or illegal purposes.”**

**There is a specific reference to rent arrears. So, it is unclear as to whether rent arrears will continue to be considered or not.**

**We would have concerns if rent arrears were to be removed. When considering whether an exclusion can be gained due to rent arrears, we always refer to the arrears cases for which we were granted an Outright Possession Order and use this as a benchmark.**

**If values are below this, we would give an application no preference, rather than exclude. We also take into account whether the applicant has engaged with the Housing Department and/or support services and has made a payment plan to which they are keeping.**

**We also take account of the financial circumstances of the applicant when making such decision, for example we assess what is a reasonable amount to repay when compared to the applicant’s income.**

**Given the current financial climate, we feel that local authorities should be making every effort to maximise income, rather than increasing their levels of bad debt and write offs.**

**We have concerns that the levels of bad debt that we may carry as a department, will impact upon our ability to borrow money in order to finance many of the initiatives that Welsh Government are introducing such WHQS2023 and Decarbonisation.**

**We feel that the current Test of Unacceptable Behaviour is fit for purpose. The narrative supplied in the White Paper appears to indicate that there is more of a problem regarding its implementation.**

**The current guidance regarding the stages to follow is perfectly clear. Using it correctly, there should never be instances whereby lower level rent arrears are grounds for an exclusion.**

**In addition, how will this be viewed by Welsh Government Finance when we submit future HRA Business Plans?**

**It should be borne in mind, that those who have supported the removal of rent arrears, do not have the financial responsibilities that will undoubtedly accompany such a decision. It seems unfair to have this imposed upon local authorities from organisations, who will be expected to increase their spending on homelessness and housing services in general in the near future.**

**We do however, welcome the ability to remove those with no housing need from the housing register. In many cases, these applicants have no realistic chance of being rehoused and are inflating statistics regarding those waiting for rehousing.**

An assumption is made that all those on the housing register are in housing need. This is not the case and having a list based purely on a demonstrated need, is a far better use of resources.

It also enables local authorities to provide a far clearer picture of need, when working with builders and colleagues in RSLs to provide new housing.

With regard to assigning additional priority, whilst this in itself will help to achieve the national aim of reducing homelessness. We must be very careful with regard to the language that we use.

The White Paper makes many references to priority in different circumstances and it is important that local authorities are able to manage expectations.

This is particularly relevant if Welsh Government are then considering giving extra priority to certain classes of homeless applicants such as care leavers.

The language we use must make clear that being homeless does not automatically ensure that an applicant receives the next suitable vacancy. It will depend whether there is another applicant waiting, who may be in a group that has priority within the categories of homeless applicants.

With regard to care leavers, is there to be an age limit as to when a person is no longer classed as being a care leaver? Is this to be the same criteria as is used by Children Services? This would seem to be logical.

As referred to above, we have reservations regarding having priority groups with a priority group (homelessness) that contains no priority when it comes to the initial assessment process.

This has scope to create confusion and could be seen as contradicting the spirit of the legislation with regard to the removal of priority need categories for rehousing.

#### **Deliberate manipulation**

Is this not an admission that there will still be a need for an intentionality test?

We have concerns regarding when this test should be applied. We feel that this is a statutory function, as part of the homelessness assessment and should not be part of the role of an allocating Officer.

The stage when it is proposed to apply it is also too late in the process. If there are concerns about the veracity of an applicant's circumstances. It would be more appropriate to explain this to the applicant at the initial stages, rather than raise a person's expectations, only to overturn a decision at the point of allocation.

This is not only unfair on the applicant but it has the possibility of to create situations that could become volatile and put staff at risk of verbal or physical abuse.

In terms of a common housing register/Common Allocations Policy, whilst we understand the reasons for this proposal we are not convinced that this provides a better service for the customer. We have engaged with other Authorities and they have advised that a CHR does not ensure the highest

priority on the register is given the next available allocation. RSL's are still able to reject an applicant in order to find a better fit. There would need to be investment into Wrexham in order to procure an IT system that could accommodate a CHR and with an in house stock of over 11,000 we would need to take on additional resources in order to provide the administration of such a register.

## Question 22

To what extent do you agree or disagree with the proposal for additional housing options for discharge of the main homelessness duty? What do you foresee as the possible consequences (intended or unintended) of this proposal?

We would welcome the proposal for additional housing options to be available to discharge the homelessness duty.

In some cases, such as domestic violence, legislation needs to state that the assistance of other agencies must be sought. This is to ensure that a full consideration has been made of the applicant's potential well-being.

Guidance would be welcomed with regard to how written agreements ought to be drafted, in particular, those elements that Welsh Government would see as being essential.

How does Welsh Government foresee independent housing advice being provided? Is it envisaged that it will be a Housing Support Grant funded serviced, or simply sign posting to independent agencies that operate within an area.

With regard to the ending of the homelessness duty, there was uncertainty as to whether this meant that we give more choice.

This appears to run counter to the fact that a local authority will not be able to end a homelessness duty if they refuse such an offer.

In practice, will this mean that a local authority will have to keep a homelessness duty open for far longer, in line with the timescale for requesting a review?

The burden in terms of staff time and resources will be greatly increased.

Similarly, the safeguards that have been included at paragraph 607 and the additional duties proposed at 608, are not deliverable.

This is not due to any desire to be obstructive, but rather a careful consideration of pressures that officers currently have to deal with, when balanced against the amount of additional work that will be expected to accompany each case and the additional households who will be eligible for a full homelessness duty.

This could not operate effectively unless there is a requirement on RSLs and private landlords, who might have accommodated a homeless household, to keep up to date contact details for all contract holders. In these circumstances, we would be reliant upon them to help us to do this.

Given that the onus would be on the local authority to make contact, it is doubtful that partner organisations or private landlords, will give this any priority.

## Question 23

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals in relation to access to housing. Are there any costs and benefits we have not accounted for?

**43. The right to review a decision regarding suitability in relation to a local authority discharging their interim accommodation duty (s. 68 and s.82 of the HWA 2014) and their main housing duty (s.75) should be available at any time during the period of their occupation of the accommodation in question and that this right to request a review a decision must be made known to the applicant.**

There needs to be a careful consideration of the administration cost and financial burden of introducing this measure.

There will be costs involved if we have to transfer households from one unit of temporary accommodation to another. It also has the potential to create a backlog of people in need of temporary accommodation, if we have to prioritise the movement of people from one property to another.

We will also need to take into account the issue of providing flooring, which will slow the relet process down and will incur additional costs to local authorities.

There will be additional time spent on administration in terms of reviewing suitability sending the correct correspondence to the household to avoid legal challenge, and sourcing suitable accommodation.

Given the additional duties and tasks being proposed as part of this review, it is difficult to envisage how our Housing Options service can function without a substantial financial outlay.

### **The requirement to have in place a Common Housing Register (CHR)**

Wrexham does not currently have a CHR in place. Officers have made contact with some local authorities who operate this system.

It has become clear that we will need to have a considerable amount of time if we are to achieve this, in terms of:

- entering negotiations with RSLs in order to establish the administration model to be used;
- establishing a working group to draft a common policy;
- consider the issue of IT systems in use and their compatibility in terms of sharing information; and
- drafting an Information Sharing Protocol

There will be considerable cost implications in terms of:

- looking to recruit more and/or appropriate staff; and
- purchasing an IT system



The above have to be viewed against the current financial constraints that are common across many local authorities that will also act as a brake on progress being made.

In the current climate and given our current position viz à viz a CHR, a time period of 2 – 3 years would be impossible to meet.

We would ask that Welsh Government takes this into account, and works with us to help make this happen

**A power to remove people not in housing need from the waiting list.**

Having the ability to do this, will free up time in our Allocations Team to undertake more signposting and the exploring of other affordable housing options with applicants.

This will also bring benefits in terms of the reduction in staff time that is currently spent inputting application forms when it is clear that an applicant has little realistic chance of being rehoused.

## Implementation

### Question 24

To what extent do you think the proposals outlined above will support the implementation and enforcement of the proposed reforms?

**The proposals would benefit from containing some more details. It would enable local authorities to respond in a meaningful manner, with regard to whether the proposals will assist Welsh Government to meet its desired aims.**

**If this level of detail is not provided, there is a real risk that local authorities may not be able meet Welsh Government's requirements, in terms of measuring outcomes and achieving standards. There is also a risk that local authorities may not have the types of data available for self-monitoring.**

**Throughout, there needs to be consideration of the resources required. To implement what is needed to meet Welsh Government's expectations will require large scale spending in terms of staffing, IT and finance. We are aware that the proposals for collating data and data sets, will involve a review or replacement of IT systems and software. This will result in considerable cost and procurement issues at a point in time when local government finances are being squeezed. In addition, some of the cost, in terms of IT will have to be borne by the HRA, at a time when rent increases have to be capped in order to assist families to cope financially.**

**Although reserved for the last pages of this consultation document. It is recognised that without having robust regulatory and data monitoring; systems will not be possible to implement the proposals contained in the white paper and it will not be possible to track progress in achieving the aims set out in this consultation document.**

## Question 25

What other levers/functions/mechanisms could be used to hold local housing authorities and other public bodies accountable for their role in achieving homelessness prevention?

**We welcome similar regulation to that of other public Health and Social Care bodies. It would provide reassurance concerning the quality of our services and the standard of delivery. It has the potential to raise the profile of housing to a level commensurate with other social care bodies.**

**We would also welcome placing a legal duty on other health and social care bodies to work with local authority housing departments, and to act appropriately when needs are identified that cannot be met by housing or the support services funded by HSG. This will help to provide the best outcomes for a person.**

**Currently, Housing Departments are often seen as the service where people are referred to when other departments and services consider their needs to be complex and by extension costly.**

## Question 26

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

Dialogue with colleagues in Social Services at Welsh Government, would help to identify the financial pressures being faced by the service and the cost of providing support, sometimes out of county, for those who have complex needs. These are sometimes the individuals that housing departments are being expected to support. Costs need to be gathered to give an indication of the financial risk.

## Question 27

What, in your opinion, would be the likely effects of the proposed reforms in this White Paper on the Welsh language? We are particularly interested in any likely effects on opportunities to use the Welsh language and on not treating the Welsh language less favourably than English.

- Do you think that there are opportunities to promote any positive effects?

- Do you think that there are opportunities to mitigate any adverse effects?

**This policy has the potential to impact on the Welsh language. We have read the Impact Assessment and think that the comments made with regard to the effects on the Welsh language are tenuous.**

**If local connection is relaxed to this extent, it will impact on the Welsh language. Regardless of whether a person is a Welsh speaker, the language that they will use is very much dictated by the environment in which they live. Welsh speakers who live in predominately English speaking areas, ultimately revert to English in order to converse with neighbours and to carry out everyday life. This leads to Welsh no longer being used as a living language and becomes the language of the home only.**

**We feel that this policy in particular, needs to be revisited. Such a major change has major ramifications for the Welsh language and community cohesion in general, as family and neighbourhood links are weakened.**

**For those who are unable to purchase a property, especially in some counties in Wales, social housing is the only route available for those who wish to remain in the communities where they have family links and where they grew up.**

**There are already considerable pressures on social housing in such areas and these proposals could place additional external demand on social housing, thereby making it more difficult for such people to remain in areas that they call home.<sup>16</sup>**

**Third sector organisations whose one aim is to end homelessness are unlikely to see community cohesion and the preservation of Welsh as a living language to be of any concern. As national and local government, Welsh Government and local authorities have a duty to be aware of these matters.**

**Given that the Welsh language is seen as a protected characteristic, for the purposes of policy and legislative development. It is difficult to see how it cannot be awarded corresponding consideration within this white paper.**

**There needs to be communication with the Future Generations Commissioner, the Welsh Language Commissioner and the WLGA regarding this and the possible impact it might have in terms of sustainability, effects on the use of the Welsh language and community cohesion.**

## Question 28

We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

---

<sup>16</sup> [Inside Housing - News - Homelessness in rural communities up 40% in five years](#)

Organisation (if applicable):

<b>Wrexham County Borough Council</b>
---------------------------------------

Number: WG48223



Llywodraeth Cymru  
Welsh Government

Welsh Government  
Consultation response form

## Consultation on the White Paper on Ending Homelessness in Wales

Date of issue: 10 October 2023

Action required: Responses by 16 January 2024

**OGI** © Crown copyright 2023

Mae'r ddogfen hon ar gael yn Gymraeg hefyd / This document is also available in Welsh

Rydym yn croesawu gohebiaeth a galwadau ffôn yn Gymraeg / We welcome  
correspondence and telephone calls in Welsh

## Overview

This White Paper sets out a range of proposals for changes to policy and the law, to end homelessness in Wales.

## How to respond

Please respond by completing the online form or completing this questionnaire and sending it to [HomelessnessLegislationReform@gov.wales](mailto:HomelessnessLegislationReform@gov.wales)

If you intend to respond in writing, please send completed forms to:

Homelessness Prevention Legislation Team  
Welsh Government  
Cathays Park  
Cardiff  
CF10 3NQ

When you reply, it would be useful if you confirm whether you are replying as an individual or submitting an official response on behalf of an organisation and include:

- your name
- your position (if applicable), and
- the name of organisation (if applicable).

## Further information and related documents

Large print, Braille and alternative language versions of this document are available on request.

## Data Protection

The Welsh Government will be data controller for any personal data you provide as part of your response to the consultation. Welsh Ministers have statutory powers they will rely on to process this personal data which will enable them to make informed decisions about how they exercise their public functions. Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about or planning future consultations. Where the Welsh Government undertakes further analysis of consultation responses then this work may be commissioned to be carried out by an accredited third party (e.g., a research organisation or a consultancy company). Any such work will only be undertaken under contract. Welsh Government's standard terms and conditions for such contracts set out strict requirements for the processing and safekeeping of personal data.

In order to show that the consultation was carried out properly, the Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. If you do not want your name or address published, please tell us this in writing when you send your response. We will then redact them before publishing.

You should also be aware of our responsibilities under Freedom of Information legislation.

If your details are published as part of the consultation response then these published reports will be retained indefinitely. Any of your data held otherwise by Welsh Government will be kept for no more than 3 years.

## Confidentiality

Responses to consultations may be made public on the internet or in a report.

**If you would prefer your response to remain anonymous, please tick here:**

# Reform of the existing core homelessness legislation

## Question 1

Do you agree these proposals will lead to increased prevention and relief of homelessness?

Yes/no

In principle, YMCA agrees that these proposals will lead to increased prevention and relief of homelessness. However, in order to achieve this the right structures and resources must be in place, including funding to ensure appropriate services and sufficient staffing levels are available for local authorities and other organisations; as well as significant action to increase housing supply.

## Question 2

What are your reasons for this?

Many of these proposals are in line with the Renting Homes (Wales) Act, and so further government action to ensure that these are being implemented is welcome. For example, we agree that someone threatened with homelessness within six months should receive support from their local authority, rather than only within 56 days, and that Personal Housing Plans should be used as standard. It would be very helpful to have one standard template for Personal Housing Plans to be used across all local authorities.

However, these proposals are dependent on local authorities having sufficient staffing and other resources in order to implement them. It is important to ensure that the government is not setting local authorities or other organisations up to fail – checks of Personal Housing Plans every eight weeks is a positive idea in principle, but will require a significant amount of staff time to implement. This is similarly the case with adding more areas where applicants will have a right to request a review of the decision made.

We agree with the principle that it is important to include the applicants' views on their desired outcomes for their housing in Personal Housing Plans. However, it is important that people are supported to understand the reality of their options based on the available accommodation in their local area. We work with many people who expect to receive social housing, but there is a significant lack of available social housing for everyone who would like it. Some local authorities will have a more constrained supply of housing than others, such as rural authorities.

A key part of our work is supporting people to move into the private rented sector so that they can move on into living independently, even if they would prefer to be in social housing. Ensuring that every local authority is filling out a Personal Housing Plan with every applicant will provide local authorities with a helpful opportunity to have a personal conversation with applicants about their expectations, and what is realistically available.

In relation to abolishing the priority need and intentionality tests, and increasing the number of groups exempt from the local connection test, in principle we agree with these proposals. In particular, the intentionality test often leads to people losing access to vital services or accommodation. We also agree with the list of groups suggested to be exempted from the local connection test.

These proposals will inevitably put pressure on services and on housing stock, and so a great deal of system change and long-term commitment will be needed in order to make it possible to implement this proposal. This includes the majority of homelessness being prevented, adequate staffing for local authorities and an increased housing supply.



A statutory duty to provide support to help an applicant to retain their accommodation is crucial to preventing homelessness, as long as the right structure and resources are available to enable local authorities and other agencies to do so.

We support the narrowing of the unreasonable failure to cooperate test, although we continue to have concerns over the grounds proposed. For example, local authority staff will need to have regard to applicants' circumstances when applying the 'consistent non-contact' ground, and it might be helpful for the government to suggest a definition of this. For someone who is street homeless, persistent non-contact is often inevitable as it can be very difficult to get into contact or keep in contact with someone with no fixed address, who may not have access to a mobile phone. Some applicants, particularly those experiencing homelessness, require a lot of support from services and external agencies in order to maintain contact with the local authority, and this support might not always be available.

In relation to the 'threatening behaviour' ground, we agree that it is important to ensure that local authority staff are not experiencing abusive behaviour, and that staff feel protected and safe in their workplace, in order to maintain general workplace standards and also to avoid staff burnout. However, housing officers need to be well trained on a trauma-informed approach to engaging with applicants, as well as receiving training on other issues such as mental health and neurodiversity. Sometimes a person will exhibit what might be considered to be 'threatening behaviour' because they have been triggered by certain language or tone, or because they are autistic and sensory factors have caused them to have a meltdown. These people may need particular support and consideration of their needs.

We support the proposal that local authorities must ensure that they communicate with applicants in a way which is accessible and tailored to any individual needs. We have frequently seen communication in the form of letters from local authorities to applicants which are not written in accessible language, but instead quote extensively from the law in formal legal language and are difficult for applicants to understand, resulting in applicants dismissing or ignoring the letter.

### Question 3

Are there additional legislative proposals you think we should consider to improve the prevention and relief of homelessness?

We do not have any suggestions for additional legislative proposals.

### Question 4

Do you agree with our proposal to abolish the priority need test?

Yes/no

In principle we agree with the proposal to abolish the priority need test, subject to the caveats around system change and increased resources mentioned in our answer to question 2.

## Question 5

Do you agree with our proposal to abolish the Intentionality test?

Yes/no

In principle we agree with the proposal to abolish the intentionality test, subject to the caveats around system change and increased resources mentioned in our answer to question 2.

## Question 6

Do you agree with our proposal to keep the local connection test but add additional groups of people to the list of exemptions to allow for non-familial connections with communities and to better take account of the reasons why someone is unable to return to their home authority.

We agree with the proposal to keep the local connection test but to expand the list of groups who are exempt from the test.

## Question 7

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

We feel that upfront and ongoing training costs in relation to these proposals, which have been referenced but costs not specified, could be impactful. There are also significant housing costs currently being spent on temporary accommodation such as hotels and BnBs, until the rapid rehousing model is in place and there is sufficient additional housing stock, which we feel Welsh Government may want to consider in their assessment.

# The role of the Welsh Public Service in preventing homelessness

## Question 8

Do you agree with the proposals to apply a duty to identify, refer and co-operate on a set of relevant bodies in order to prevent homelessness?

Yes/no

Please give your reasons

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. It is always positive to increase cooperation between different organisations and agencies, and to improve the education of these bodies around how they can help to prevent and resolve homelessness.

## Question 9

Do you agree with the proposed relevant bodies, to which the duties to identify, refer and co-operate would apply? Would you add or remove any services from the list?

We would like to see educational settings, particularly schools, and youth settings such as youth clubs included. If it is not possible to apply statutory duties to these organisations, then regulations or guidance should be applied to them. These organisations have considerable opportunities to intervene at an early stage to prevent homelessness. They should be expected to refer young people who are at risk of homelessness, and to cooperate with other agencies in order to prevent homelessness. Cardiff Council has a multi-disciplinary team which includes educational institutions as well as the police, mental health services, drug services and employment, and this is now working well to prevent homelessness and support people with complex needs.

## Question 10

In your view have we struck the right balance between legislative requirements and operational practice, particularly in relation to health?

We believe the white paper strikes the right balance between legislative requirements and operational practice.

## Question 11

What practical measures will need to be in place for the proposed duties to identify, refer and co-operate to work effectively? Please consider learning and development needs, resources, staffing, location and culture.

In order for the proposed duties to identify, refer and cooperate to work effectively, there will need to be robust information-sharing processes between organisations. This is often difficult to achieve, due to a lack of cooperation between organisations (particularly including health and housing), and because it can be difficult to acquire consent from the individual for this information sharing.

When we are able to get consent from someone to share information with other organisations, it can be difficult to share the information because other agencies have their own procedures and policies which may not align with our own. It is common for communication between agencies/organisations to break down, including around times of transition such as discharge from hospital or prison. There need to be more pathways to prevent homelessness on discharge from any setting.

In order for these duties to work effectively, the relevant bodies must have sufficient staffing and resources to have capacity to comply with them. We have concerns around how this will work within healthcare settings, given the immense pressures that the NHS is already under. We feel it

would be beneficial for hospitals to have a housing professional permanently based there and able to advise and support patients before they are discharged, as some prisons do.

Staff in the relevant bodies must also be trained on understanding and implementing the duties to identify, refer, and cooperate, as a key factor for success is raising awareness of the duties and sharing best practice. This includes comprehensive training on how to spot the signs that someone is at risk of homelessness, or guidance around how to assess this.

## Question 12

In addition to the broad duties to identify, refer and co-operate, this chapter contains proposals to provide enhanced case co-ordination for those with multiple and complex needs. To what extent will the proposals assist in preventing homelessness amongst this group?

We agree that this will assist in preventing homelessness amongst people with multiple and complex needs, as a case coordination approach can be key to succeeding in preventing homelessness for people with multiple needs, but these individuals cannot be expected to navigate complex systems and maintain communication with so many different agencies at once. However, this also requires there to be sufficient service provision for everyone who needs access to them, such as mental health and drug and alcohol services, where currently demand for these services outstrips the staff available.

## Question 13

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

We do not have any suggestions for other costs and benefits which have not been accounted for.

## Targeted proposals to prevent homelessness for those disproportionately affected

## Question 14

Are there other groups of people, not captured within this section, which you believe to be disproportionately impacted by homelessness and in need of additional targeted activity to prevent and relieve this homelessness (please provide evidence to support your views)?

We have no suggestions for groups of people who have not been captured within this section.

## Question 15

What additional legislative or policy actions could be taken to prevent or relieve homelessness for the groups captured by this White Paper?

We have no suggestions for additional legislative or policy actions.

## Question 16

Our proposals related to children, young people and care experience seek to improve and clarify links between homelessness legislation and the Social Services and Wellbeing Act. Significant policy development is required to assess the practicality of this. What, in your views are the benefits and challenges of our approach and what unintended consequences should we prepare to mitigate?

We support these proposals, given the benefits that they will hopefully bring in preventing some services from attempting to discharge their responsibility for young people and care leavers on to other departments or agencies. We hope this will also lead to culture change within local authorities, where every department should understand that it has a responsibility for the care and support for children, young people and care leavers; and departments must work together to fulfil this responsibility. However, we understand that one of the causes of this problem is the lack of adequate funding for local authorities to maintain the staffing levels and other resources needed, and so this problem will also need to be addressed in order to achieve better joint working.

## Question 17

Do our proposals go far enough to ensure that 16 and 17 year olds who are homeless or at risk of homelessness receive joint support from social services and local housing authorities? What more could be done to strengthen practice and deliver the broader corporate parenting responsibilities?

In order to strengthen practice and deliver the broader corporate parenting responsibilities, we would suggest that there should be guidance for local housing authorities and social services departments on how they should deliver coordinated, joint support for young people. Young people must know who is responsible for supporting them, and there should be strong communication between departments so that young people are not having to repeatedly explain their history and current situation to different people within the local authority.

## Question 18

Do you agree or disagree that the Renting Homes (Wales) Act 2016 should be amended to allow 16 and 17 year olds to be able to hold occupation contracts?

In principle we agree with this proposal, but the possible consequences of the proposal must be considered fully before it is implemented. For example, the level of benefits that 16 and 17 year olds receive is unlikely to cover their rent in private accommodation. This level of benefits is set by the UK Government, so Welsh Government is not able to address this problem.

We do work with some 16 and 17 year olds who are able to hold their own tenancies, and don't need to be in supported accommodation. It would be beneficial for these young people to be able to move into independent living in private rented accommodation, by being able to hold occupation contracts.

However, the majority of 16 and 17 year olds who we work with do need the support element of supported accommodation and would struggle to live alone in private rented accommodation. We must ensure that 16 and 17 year olds are not pressured into moving into private rented accommodation in order to reduce the cost for the government or the local authority of funding their supported accommodation. In addition, our experience is that social services departments sometimes withdraw support from 16 and 17 year olds once they have been placed into supported accommodation, although this should not happen; it is important to have clarity on who is responsible for 16 and 17 year olds if they do move into private rented accommodation. These young people must be aware of where they can access support from if they need it.

It is essential that social services and housing services work together in order for this proposal to be successful.

## Question 19

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

We do not have any suggestions for other costs and benefits which have not been accounted for.

## Access to accommodation

### Question 20

To what extent do you agree or disagree with the short-term proposals to increase the suitability of accommodation? Are there additional immediate actions you believe should be taken for this purpose?

We agree with the majority of the short-term proposals to increase the suitability of accommodation. For example, it is straightforwardly positive to ensure that people are never housed in accommodation with Category 1 Hazards, or in accommodation which could be deemed unfit for human habitation.

However, many of these proposals will severely restrict the options available to a local housing authority for providing accommodation, even in temporary or emergency circumstances. For example, preventing people under the age of 25 from being housed in unsupported temporary accommodation or BnBs even for very short time periods (such as one week) in emergency circumstances will make it very difficult for local authorities to house people, given the significant lack of appropriate accommodation. We would agree that overcrowded accommodation is not suitable for people to live in, but if someone is already living in this situation, it may be necessary for them to continue living in the property until alternative housing can be arranged, rather than needing to find temporary accommodation for them in the meantime.

Similarly, the proposal that “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” is a positive principle to aim for, but may be an impossible standard to meet for many years until the supply of housing stock is greatly increased.

The proposal to clarify in legislation that shared sleeping space is never permitted will be difficult to implement, and may have negative consequences. In principle we would agree that people should not be housed in shared sleeping spaces, as these are difficult to manage well, and the risks to people’s safety and health are high. However, shared sleeping spaces are currently only being used as a last resort during emergency situations such as cold weather, due to the fact that there is no alternative accommodation available. It is possible that if this proposal were implemented, rough sleeping would increase, as there would be nowhere to accommodate people. The most important factor in preventing the use of shared sleeping space is to increase housing supply, rather than to ban shared sleeping space in legislation. The accommodation options available to local authorities and other services are already too limited; it will not help to prevent or relieve homelessness for these options to be reduced further.

## Question 21

To what extent do you agree or disagree with the proposals around the allocation of social housing and management of housing waiting lists? What do you believe will be the consequences of these proposals?

We agree with all of the proposals around the allocation of social housing and management of waiting lists.

The proposal to make clear that a **Registered Social Landlord (RSL) cannot** unreasonably refuse a referral from a local housing authority, within a specified timeframe, except in specified circumstances, will be very impactful in helping people to move out of supported accommodation and into independent living. We have many experiences of RSLs refusing to allocate housing to people living in our supported accommodation even when they have the highest priority banding, because the RSL perceives them to have higher needs and thus to be a risk.

We agree with the proposal to remove people from local authority waiting lists if they do not have a housing need, although we have some concerns around how this might be interpreted and applied – it is important to avoid a situation where local authorities use this provision to shorten their waiting lists by removing people who may in fact have a housing need. It would be helpful for the Welsh Government to publish guidance around how this should be applied.

We agree with the proposal for a ‘deliberate manipulation test’, to discourage people from making themselves homeless in order to receive a higher priority for social housing, as we have experience of this occurring.

## Question 22

To what extent do you agree or disagree with the proposal for additional housing options for discharge of the main homelessness duty? What do you foresee as the possible consequences (intended or unintended) of this proposal?

We agree with the proposal for additional housing options for discharge of the main homelessness duty. We believe it is positive to give people more choice in terms of options for their accommodation, such as returning to their family home or moving into supported accommodation.

However, people need to be supported to have a realistic understanding of what their options are. The proposal allows for people to refuse to be housed in these additional options, but it may

be the case that, for example, a 17 year old returning to the family home may be the only affordable or feasible option for them to take up, even if they would prefer to live independently in social housing. Personal Housing Plans and regular reviews of these plans should help to address this challenge.

### Question 23

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals in relation to access to housing. Are there any costs and benefits we have not accounted for?

We do not have any suggestions for other costs and benefits which have not been accounted for.

### Implementation

#### Question 24

To what extent do you think the proposals outlined above will support the implementation and enforcement of the proposed reforms?

We agree with the proposals outlined in support of the implementation and enforcement of the proposed reforms. We believe that they will positively support the aims of this white paper, and the overarching goal of preventing homelessness.

Better data collection and monitoring would make it easier to ensure that registered social landlords do offer allocations to people experiencing homelessness, which would make a strong contribution to ending homelessness. However, not all local authorities provide the data on homelessness services and allocations which is requested by Welsh Government. We need to ensure that good data is available in order to hold people, local authorities and RSLs to account. It would also be helpful for the same kinds of data to be collected in the same way in local authorities across Wales.

In addition, regulation of the proposed reforms must be robust. There must be effective regulatory mechanisms available for monitoring and enforcing these reforms in order to achieve this.

#### Question 25

What other levers/functions/mechanisms could be used to hold local housing authorities and other public bodies accountable for their role in achieving homelessness prevention?

We do not have any suggestions for other levers, functions, or mechanisms to hold local housing authorities and other public bodies accountable for their role in achieving homelessness prevention.



**Question 26**

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

We do not have any suggestions for other costs and benefits which have not been accounted for.

**Question 27**

What, in your opinion, would be the likely effects of the proposed reforms in this White Paper on the Welsh language? We are particularly interested in any likely effects on opportunities to use the Welsh language and on not treating the Welsh language less favourably than English.

- Do you think that there are opportunities to promote any positive effects?
- Do you think that there are opportunities to mitigate any adverse effects?

We do not foresee any likely effects of the proposed reforms on the Welsh language, as all information on legislation, regulations and people’s rights must be available in Welsh, which we would expect to continue.

**Question 28**

We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

As we have mentioned throughout this written submission, and as is acknowledged within the white paper itself, significant systemic change will need to take place before it is possible to implement many of the proposals in this white paper.

One of the biggest challenges for implementing these reforms is housing supply, and we would like to see the Welsh Government develop further proposals to reform the housing market to help end homelessness. For example, the local housing allowance needs to be permanently maintained at the 30<sup>th</sup> percentile of rents, to help with issues around affordability and the cost of living crisis. We would like to see the Welsh Government examine all aspects of the private rented sector, and consider the possibility of new measures such as limiting the number of properties which private landlords can own, or increasing the tax on properties which are rented out on platforms like Airbnb. We cannot end homelessness without structural change to the housing market.

Organisation (if applicable):

**YMCA England & Wales**

**Number: WG48223**



Welsh Government  
Consultation response form

## Consultation on the White Paper on Ending Homelessness in Wales

Date of issue: 10 October 2023

Action required: Responses by 16 January 2024

© Crown copyright 2023

Mae'r ddogfen hon ar gael yn Gymraeg hefyd / This document is also available in Welsh

Rydym yn croesawu gohebiaeth a galwadau ffôn yn Gymraeg / We welcome correspondence and telephone calls in Welsh

## Overview

This White Paper sets out a range of proposals for changes to policy and the law, to end homelessness in Wales.

## How to respond

Please respond by completing the online form or completing this questionnaire and sending it to [HomelessnessLegislationReform@gov.wales](mailto:HomelessnessLegislationReform@gov.wales)

If you intend to respond in writing, please send completed forms to:

Homelessness Prevention Legislation Team

Welsh Government

Cathays Park

Cardiff

CF10 3NQ

When you reply, it would be useful if you confirm whether you are replying as an individual or submitting an official response on behalf of an organisation and include:

- your name
- your position (if applicable), and
- the name of organisation (if applicable).

## Further information and related documents

Large print, Braille and alternative language versions of this document are available on request.

## Data Protection

The Welsh Government will be data controller for any personal data you provide as part of your response to the consultation. Welsh Ministers have statutory powers they will rely on to process this personal data which will enable them to make informed decisions about how they exercise their public functions. Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about or planning future consultations. Where the Welsh Government undertakes further analysis of consultation responses then this work may be commissioned to be carried out by an accredited third party (e.g., a research organisation or a consultancy company). Any such work will only be undertaken under contract. Welsh Government's standard terms and conditions for such contracts set out strict requirements for the processing and safekeeping of personal data.

In order to show that the consultation was carried out properly, the Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. If you do not want your name or address published, please tell us this in writing when you send your response. We will then redact them before publishing. You should also be aware of our responsibilities under Freedom of Information legislation.

If your details are published as part of the consultation response then these published reports will be retained indefinitely. Any of your data held otherwise by Welsh Government will be kept for no more than 3 years.

## Confidentiality

Responses to consultations may be made public on the internet or in a report.

**If you would prefer your response to remain anonymous, please tick here:**

Reform of the existing core homelessness legislation

Question 1

Do you agree these proposals will lead to increased prevention and relief of homelessness?

Yes/no

Yes, attempts to prevent homelessness is welcomed, but we have reservations on how LAs can continue to offer a sustainable service when facing such increase in presentations, lack of supply of accommodation and constraints on finances.

Overall, most of the changes in legislation will hopefully assist LAs with tackling homelessness. Collectively the changes proposed should assist with prevention, whilst on an individual level, for example removing priority need alone would not prevent homelessness.

Clear guidance would be required on the definition of Homeless Prevention and how it would be recorded and reported. Is prevention now defined as “preventing a person who is at risk of homelessness having to access temporary accommodation”, or “preventing a person having a court order made against them in relation to their accommodation which would result in an eviction?”. An example of this is, if a person has been served a 6-month notice and is now threatened with homelessness, at which point would the homelessness be prevented? Whilst the notice may have been served, should a homeless duty begin if and when the landlord issues court papers and begins legal proceedings?

Question 2

What are your reasons for this?

Renting Homes Wales 2016 legislation has already brought in the 6-month minimum notice period for PRS dwellings, so that should allow homeless teams across Wales more time to work with clients during that period and hopefully prevent the need of accessing temporary accommodation.

Whilst the principal of having a longer period to prevent homeless is welcomed, the reality is that the lack of suitable accommodation in social housing means that not all cases will be prevented. The private rented sector is out of reach to many due to lack of availability, high rent levels and current freeze on LHA level, (However this is due to be unfrozen next year only).

Notice periods in social housing is less than the 6 months, and is mainly due to breeches of contracts, so ASB issues could in theory be heard in court the following day a notice is served and rent arrears heard one month after notice served. As the length of the notice period has reduced to 6 months from 12, this reduces the time available to homeless teams to work with the contract holder and landlord to try and prevent court action.

Page 5 of 15

### Question 3

Are there additional legislative proposals you think we should consider to improve the prevention and relief of homelessness?

Make a requirement that all landlords who issue a possession notice must contact the relevant homeless department at the time of serving to ensure that LAs are given the time to work with the contract holder. It should not be seen as a deterrent to stop landlords issuing notices, but an opportunity to maximise the time to try and prevent the need of temporary accommodation.

If the option is not made in homeless legislation, then lobby the Courts System to include the statutory procedure of notifying the local authority as a step in the pre court protocol. Additionally, seek changes to the Renting Homes Wales Act which already has a number of statutory obligations listed in Schedule 9A of the Act to ensure that a possession notice is valid when served.

### Question 4

Do you agree with our proposal to abolish the priority need test?

Yes/no

Yes. Following the implementation of a no one left out approach during Covid 19 pandemic, the priority need test has rarely been used when assessing homeless presentation. Abolishing the priority need will allow consistency throughout Wales.

### Question 5

Do you agree with our proposal to abolish the Intentionality test?

Yes/no

No. Similar to the priority needs test, intentionality is currently rarely used in homeless assessments, however caution must be applied to ensure that if removed what other safeguards are put in to place to protect from misuse or abuse of the homeless legislation to secure re-housing.

Renting Homes Wales introduced written Occupation Contracts, rules by which occupants must abide to. Rules that in most times only a Court Order can bring that contract to an end resulting in the occupier losing their home due not abiding to the rules they signed up for. If intentionality is removed what is stopping the cycle of a person not paying rent, being evicted and placed in temporary accommodation, highly placed on a social housing register to be offered another home and repeat the same process of not paying rent and facing eviction knowing that the local authority will rehouse them over and over again? Intentionality should be a deterrent to ensure that occupants have a responsibility to adhere to their contract whilst renting a dwelling.

When a homeless applicant has had the homeless duty discharged due to non-co-operation, if intentionality is removed what is stopping that applicant re-presenting as homeless and triggering another homeless assessment.

A burden of responsibility should exist on clients to ensure they maximise their options to be rehoused, and to ensure that homeless is unrepeated in the future. Does removing the option of being found intentionally homeless remove this responsibility?

Homelessness should be rare and unrepeated, removing the intentionality test removes all sense of consequences to the actions of individuals and provides that safety net of whatever is done they will always be offered temporary accommodation.

#### Question 6

Do you agree with our proposal to keep the local connection test but add additional groups of people to the list of exemptions to allow for non-familial connections with communities and to better take account of the reasons why someone is unable to return to their home authority.

Clear and defined guidance needs to be provided by Welsh Government to allow LAs to determine what a non-familial connection is? i.e. timelines, what type of connections are acceptable etc.

For what reason would somebody be unable to return to an authority on a whole, rather than a certain location within the local authority area?

Some local authorities will see higher presentation rates compared to other due to the nature of the cities or towns in their area, i.e. university towns, authorities with prisons, transport links, i.e. ferry ports and presentations from other Countries.

With the proposal that prison leavers be exempt from local connection if they need to move to a new area as a part of their rehabilitation or assist in meeting restrictions, how will this be implemented and monitored? What criteria would be considered to determine if a certain authority is suitable or not? How will this be implemented if the crimes committed were over a number of different authorities?

Prison leavers currently have to return to the local authority that their probation officer is located and where their last address was, this is not always possible due to restrictions placed by licensing conditions. The Prisoner Accommodation Pathway, including reciprocal agreements, would need to be reviewed as currently transfer of cases under Probation prove difficult as the last used address issue which leaves a LA placing an individual out of county without proper access to support services. Transferring within probation would then allow referral via the pathway to the other authority which would manage those presenting without local connection.

Removing local connection could mean an increase in presentations for LAs. From our perspective Anglesey, which appears to be a popular place to live, whereby homeless clients could present knowing that we were unable to refer back via S80 and contributing to increase in demand on services and local pressured housing market.

Also, exploitation of County Lines would facilitate carrying out criminal activity as people would be able to abuse a system of support if no local connection criteria was considered.

#### Question 7

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

Whilst the aim is to prevent homelessness and the rationale presented in the impact assessment identify costs and benefits, it is unclear how prevention will ultimately lead to less expenditure. Currently, all LA's have seen an increase in presentations and a system wide increase in pressure. All public services are part of preventing homelessness and if we are to succeed in offering a trauma informed service there will be greater pressures placed on health services such as mental health, substance misuse services and counselling / rehabilitation services.

#### The role of the Welsh Public Service in preventing homelessness

#### Question 8

Do you agree with the proposals to apply a duty to identify, refer and co-operate on a set of relevant bodies in order to prevent homelessness?

Yes/no

Please give your reasons

Yes, homelessness should be a safeguarding priority across all local authority departments and partner agencies, such as health boards, emergency services etc. However, as this is a housing legislation the risk is that it will always be seen as a Housing Services issue.

If a duty is introduced, how and by whom will it be governed and regulated to ensure other departments / agencies comply with such duties?

Not to underestimate the time and resources needed in getting into a position in getting to a stage of defining roles and responsibilities and how the contribution will be measured.

Question 9

Do you agree with the proposed relevant bodies, to which the duties to identify, refer and co-operate would apply? Would you add or remove any services from the list?

Yes, agree with the 3 bodies identified, Social Services, Local Health Boards and Registered Social Landlords. As the Local Health Board covers a vast number of services, which sections do the Welsh Government envisage would be able to co-operate in order to help prevent homelessness?

Will other Council Services be included, such as Public Protection services?

Whichever sectors are identified, the need for co-operation must be highlighted as an essential practice, working together to try and prevent homelessness. It cannot be a case of we have referred it to housing services so housing will deal with it. These proposals need to be firmer so that relevant bodies know their responsibility and expectations on the duties.

Also, include, UK Government bodies such as Probation/Police as housing have a duty to co-operate with MAPPA and IOM having these on board may also help address the earlier question about prison leavers applying to any authority.

Question 10

In your view have we struck the right balance between legislative requirements and operational practice, particularly in relation to health?

Whilst the duty to refer is made in the proposal, there is an opportunity to strengthen health's involvement in dealing with people who have experienced trauma and need access to health services. We believe we have a good practice example of working with health services with our range of pathways, such as mental health pathway and home kidney dialysis, to name a few.

Health is a key partner in working to prevent and deal with the effects of homelessness.



## Question 11

What practical measures will need to be in place for the proposed duties to identify, refer and co-operate to work effectively? Please consider learning and development needs, resources, staffing, location and culture.

More resources and funding to ensure that homeless teams are fully staffed and able to manage realistic workloads.

Welsh Government to produce a generic referral form that is used by all services throughout Wales giving clear guidance on what criteria needs to be met to determine if somebody is at threat of homelessness. Develop an easy pocket guide for non-housing staff members to be able to refer to when out visiting clients just to try and establish if they are at risk of homelessness, i.e. simple questions that if answered trigger the referral process to homeless.

Can the Personal Housing Plans be utilised so other departments can input how they are working with the client to assist them during their homeless journey. Personal Housing Plans should be another generic document developed by WG in partnership with each LA to ensure that consistent working practices are utilised across Wales and in line with legislation.

Welsh Government to develop a centralised IT system that all LA use when assessing homeless presentation. (i.e. similar to Universal Credit accounts) When a presentation is made, all information regarding that client is processed online. The client can access their account online, (via gov.Wales possibly) and see how their case is progressing. All notification letters can be produced with standardised templates available. Referrals to other authorities via S.80 can be initiated via their online account. Details of Temporary Accommodation properties should be stored online and accessible to WG via the account. All Performance Indicators data can be instantly accessed via live data, reducing the need for monthly returns or WHO 12 data.

A person is homeless regardless of which local authority they present to, however how local authorities communicate with the client will probably differ from one authority to another. By centralising and using standard template letters, (as seen with Renting Homes Wales) it will reduce that number of challenges to decisions, strengthen non-cooperation issues and reduce issues where decision are challenged due to errors on letters etc.

By introducing such system individuals whom have not complied with rules in one LA and are deemed to have intentionally made themselves homeless could not present in another LA area.

## Question 12

In addition to the broad duties to identify, refer and co-operate, this chapter contains proposals to provide enhanced case co-ordination for those with multiple and complex needs. To what extent will the proposals assist in preventing homelessness amongst this group?

Within homeless services in Anglesey County Council we have appointed a Complex Case Coordinator and believe this to be a good practice approach. The purpose of the role is to coordinate and lead the provision of housing related support to vulnerable complex cases who are at risk of becoming homeless or have been placed in emergency and / or temporary accommodation, having the need for enhance support identified by the our RAG rating process to ensure that residents are able to access and sustain accommodation in order to prevent homelessness by providing flexible support packages based on client needs, requirements and personal choices. The RAG rating process will assist in identifying referrals that require enhanced support and will have complex needs.

Working closely with the housing management team, housing support providers, housing options teams and Housing Single Point of Access, will deliver service requirements in line with the Housing Support Grant and prevent homelessness, especially street homelessness.

### Question 13

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

A multi-agency response is key in dealing with complex cases of homelessness, which we believe we have a god practice example on Anglesey. Whilst this co-ordinated role is HSG funded there is an expectation that the client can access services such as mental health / substance misuse and or other specialised services. These services require constant financing so that we can offer a trauma informed service and deal with and prevent homelessness. Cost benefit analysis which include other public services would enable a better conversation with key partners on this White Paper.

## Targeted proposals to prevent homelessness for those disproportionately affected

### Question 14

Are there other groups of people, not captured within this section, which you believe to be disproportionately impacted by homelessness and in need of additional targeted activity to prevent and relieve this homelessness (please provide evidence to support your views)?

We believe that those groups that are disproportionately affected have been included in this section. We welcome closer working with Social Services team as well as aligning DV victims in line with WG recognition of the range of forms that DV can take place.

### Question 15

What additional legislative or policy actions could be taken to prevent or relieve homelessness

for the groups captured by this White Paper?

With regards to young people the duty seems to lie with housing to make enquiries and whilst there is a proposal to strengthen the corporate parenting responsibilities further detail is required to ensure consistency with Social Services team regarding expectations and support needed.

### Question 16

Our proposals related to children, young people and care experience seek to improve and clarify links between homelessness legislation and the Social Services and Wellbeing Act. Significant policy development is required to assess the practicality of this. What, in your views are the benefits and challenges of our approach and what unintended consequences should we prepare to mitigate?

Guidance will be needed to ensure consistency across Wales for Social Services and Housing to work together.

It is important for legislation in bringing together Social Services and Housing to work together on one aim to support young people and those who have experienced being in the care setting.

### Question 17

Do our proposals go far enough to ensure that 16 and 17 year olds who are homeless or at risk of homelessness receive joint support from social services and local housing authorities? What more could be done to strengthen practice and deliver the broader corporate parenting responsibilities?

Currently, support is detailed in various codes of practice and guidance and would welcome detail within Act placing clear responsibility on both Housing and Social Services on an equal basis to assist in providing support and accommodation for young people.

We believe that we have a good practice approach on Anglesey in holding regular meetings between Housing and Social Services to share information on planning and providing support for young people with pathways to supported housing.

#### Question 18

Do you agree or disagree that the Renting Homes (Wales) Act 2016 should be amended to allow 16 and 17 year olds to be able to hold occupation contracts?

We have concerns will this proposal as it would create further issues such as affordability and managing tenancy and other liabilities. It is also unclear how breaches of occupation contracts would be dealt with via court procedures for 16- and 17-year-olds.

Furthermore, this could increase pressures and demand, whilst the principle is laudable, it could become impossible to meet. The lack of accommodation supply would mean more pressure.

#### Question 19

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

Whilst information has been included on potential cost, there are many proposals which do not have readily information available and will inevitably place additional pressures on LAs. Examples of these are additional costs for LAs where they have secure establishment and possible storage cost for personal belongings of a young person.

### Access to accommodation

#### Question 20

To what extent do you agree or disagree with the short-term proposals to increase the suitability of accommodation? Are there additional immediate actions you believe should be taken for this purpose?

Providing suitable accommodation is vital and agree that standards should not be comprised, with accommodation seen as unsuitable if there were Category 1 Hazards present. This will align with RHW 2016.

Client choice is important but must be balanced with what realistic options are available especially when there is lack of emergency accommodation. Whilst we endeavour at every opportunity to offer accommodation close to support networks, on occasions this has not been possible.

Placing families in overcrowding situation is unacceptable, as stated, and agree with the prohibition does not apply to the prevention duty.

Whilst agreeing that young people should not be placed in unsuitable temporary accommodation, it would be impossible to ensure that there is supported accommodation available. We are utilising our phase 2 grant for our young people supported accommodation that is being reconfigured to offer emergency access into supported accommodation in late 2024.

We agree with the location and suitability of longer term or settled accommodation; we always work with clients on the most suitable offer available before discharging our duties.

We agree with the homeless at home approach and currently work with these clients by providing mediation or other methods to assist in them being able to stay within the home and / or work with moving into longer term accommodation.

#### Question 21

To what extent do you agree or disagree with the proposals around the allocation of social housing and management of housing waiting lists? What do you believe will be the consequences of these proposals?

We agree with LA's continuation of managing waiting list and that this must be done in partnership with RSLs.

We agree with the discretion to temporarily remove applicants with no housing need from the waiting list during any "crisis" periods (e.g significant influx of applicants in TA), by temporarily removing applicants reinstatement will ensure that these applicants will be considered as there is a possibility that as their personal circumstances change (i.e. if they are issued with a notice from their Landlord, or have a change in their household makeup which would 'trigger' overcrowding) could receive a higher banding and thus prevent homelessness.

There are significant risks in giving all homeless applicants additional urgent priority over other housing need as this would lead to the impression that you could present as homeless to be given social housing. We believe this would lead to an increase in homeless presentations and the use of temporary accommodation.

We agree with the introduction of deliberate manipulation test to assist in cases of people misusing public services to obtain housing.

Considerable financial resources will be needed to increase supply of social housing in response to the additional preferences included within the proposals. An example of this on Anglesey is a shortage of 1B properties with many clients unable to afford a 2-bedroom due to the under-occupancy charge.

Amendments are needed on the unacceptable behaviour test to ensure guidance and consistency for LAs when considering this option as the result could cause distress to some contract holders and disrupt community cohesion which will lead to more pressures on housing officers who manage these estates.

#### Question 22

To what extent do you agree or disagree with the proposal for additional housing options for discharge of the main homelessness duty? What do you foresee as the possible consequences (intended or unintended) of this proposal?

We agree that a change is required so that the same principles can be applied to discharge duty on any section, i.e. S73, 68 etc. The white paper only refers to S75 duties and possible options that may be introduced. There needs to be clear and concise guidance in relation to this to ensure a consistent approach is taken by all LAs.

#### Question 23

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals in relation to access to housing. Are there any costs and benefits we have not accounted for?

The various funding streams from WG to improve the supply of accommodation is welcomed.

There are implications to these proposals, such as placing under 25-year-olds in unsuitable accommodation, such as B&B, this places additional pressures on LAs should supported accommodation not be available. This type of commitment requires continuation of HSG funds for LA to ensure that supported accommodation is available.

Whilst agreeing that the review to continue to occupy accommodation does not generate a significant financial burden, it will impact on staff capacity and time with the risk as budgetary pressure means less resources to be able to deal with the current workload and the requests for reviews putting additional pressures, and time bound pressures, on assessment teams.

### Implementation

#### Question 24

To what extent do you think the proposals outlined above will support the implementation and enforcement of the proposed reforms?

Every proposal is far reaching and will require significant resources to implement across LAs and other Public Bodies. WG is key in driving the vision forward and to gain support of other partners in potential cost saving of investment in housing, compared to the cost of dealing with the effects of homelessness.

Should prescribed standards be introduced this could limit the accommodation that would be available. This is not to say that current accommodation is substandard, achieving prescribed spaces will result in higher accommodation cost for the LA. There would also be lack of resources to carry out these checks, as suggested, by Environmental Health Officers.

#### Question 25

What other levers/functions/mechanisms could be used to hold local housing authorities and other public bodies accountable for their role in achieving homelessness prevention?

We have a good working relationship with our partner RSLs and operate a Common Allocations Policy- we welcome the consistency this provides and that additional preference is given to vulnerable groups.

We believe that there could be better partnership working across LAs with other public bodies. Currently on Anglesey there are many examples of good practice in multi-agency work. This should not happen at an individual LA level or where good relations have been fostered with other organisations. There should be consistency of service across Wales.

#### Question 26

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

There is limited costs available on this section and do not have any further information to provide

#### Question 27

What, in your opinion, would be the likely effects of the proposed reforms in this White Paper on the Welsh language? We are particularly interested in any likely effects on opportunities to use the Welsh language and on not treating the Welsh language less favourably than English.

- Do you think that there are opportunities to promote any positive effects?
- Do you think that there are opportunities to mitigate any adverse effects?

The removal of Local Connection could potentially be detrimental to the Welsh language and would seem to work against the Welsh Communities Commissions proposals / recommendations.

#### Question 28

We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

Organisation (if applicable):

Cyngor Sir Ynys Môn



Number: **WG48223**



Welsh Government  
Consultation response form

## Consultation on the White Paper on Ending Homelessness in Wales

Date of issue: 10 October 2023

Action required: Responses by 16 January 2024

© Crown copyright 2023

Mae'r ddogfen hon ar gael yn Gymraeg hefyd / This document is also available in Welsh

Rydym yn croesawu gohebiaeth a galwadau ffôn yn Gymraeg / We welcome correspondence and telephone calls in Welsh

## Overview

This White Paper sets out a range of proposals for changes to policy and the law, to end homelessness in Wales.

## How to respond

Please respond by completing the online form or completing this questionnaire and sending it to [HomelessnessLegislationReform@gov.wales](mailto:HomelessnessLegislationReform@gov.wales)

If you intend to respond in writing, please send completed forms to:

Homelessness Prevention Legislation Team

Welsh Government

Cathays Park

Cardiff

CF10 3NQ

When you reply, it would be useful if you confirm whether you are replying as an individual or submitting an official response on behalf of an organisation and include:

- your name
- your position (if applicable), and
- the name of organisation (if applicable).

## Further information and related documents

Large print, Braille and alternative language versions of this document are available on request.

## Data Protection

The Welsh Government will be data controller for any personal data you provide as part of your response to the consultation. Welsh Ministers have statutory powers they will rely on to process this personal data which will enable them to make informed decisions about how they exercise their public functions. Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about or planning future consultations. Where the Welsh Government undertakes further analysis of consultation responses then this work may be commissioned to be carried out by an accredited third party (e.g., a research organisation or a consultancy company). Any such work will only be undertaken under contract. Welsh Government's standard terms and conditions for such contracts set out strict requirements for the processing and safekeeping of personal data.

In order to show that the consultation was carried out properly, the Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. If you do not want your name or address published, please tell us this in writing when you send your response. We will then redact them before publishing. You should also be aware of our responsibilities under Freedom of Information legislation.

If your details are published as part of the consultation response then these published reports will be retained indefinitely. Any of your data held otherwise by Welsh Government will be kept for no more than 3 years.

## Confidentiality

Responses to consultations may be made public on the internet or in a report.

**If you would prefer your response to remain anonymous, please tick here:**

## Reform of the existing core homelessness legislation

### Question 1

Do you agree these proposals will lead to increased prevention and relief of homelessness?

Yes/no

Yes, we do agree that these proposals have the potential to lead to increased prevention and relief of homelessness and they will likely improve the system compared to how it currently functions. We are really pleased to see an explicit focus on the following areas:

Alignment with key principles - aligning the government's key working principles, which aim to make homelessness rare, brief and unrepeated with legislative reforms.

Trauma-informed and person centred - recognising the impact of trauma on young people and focusing on meeting their specific needs, strengths and preferences. We see this is a positive step towards young people, marginalised communities and vulnerable individuals reduce their risk of homelessness.

Rapid Rehousing - this aligns with the key principles, and aligns with both the Welsh Government's goal of making homelessness brief and with the 'recovery' prevention typology from EYHC's roadmap.

Prevention responsibility across the public service – as a group we have long argued that youth homelessness needs to be seen as far more than just a housing issue, and this brings that into legislation, indicating a multi-agency commitment to identifying and addressing homelessness at the earliest possible stage. Which is particularly important for looked after children.

Targeted actions for Vulnerable groups: As our numerous pieces of research and our Roadmap to Ending Youth Homelessness (EYHC, 2021) have shown, we know that there are groups of young people that are at a higher propensity to facing homelessness, as outlined in our 'targeted prevention' section, which includes care experienced young people. We welcome Welsh Government's appreciation that this propensity exists; and that particular measures must be in place to prevent homelessness.

Improvement of temporary accommodation: EYHC was formed on the basis of the inappropriateness of some temporary accommodation that was being used for young people, especially 16-17 year olds, so we welcome this focus, especially when we know this accommodation option is used so frequently for care experienced young people.

Easier access and communication: Our recent research 'Impossible to navigate' has shown just how inaccessible support currently can be for young people across Wales, we welcomes the commitment to simplifying the homelessness system in Wales, making it easier to navigate for both young people and practitioners working within the system.

However, we have concerns about the practicalities of effectively implementing and realising these ambitious proposals to their full potential. And we also believe that a greater, broader and earlier focus, can and should be placed on prevention.

In regards to young people with experience of the care system, it is evident from our research and focus groups and surveys undertaken with young people specifically for this white paper response, the main focus in regards to prevention has to be that preparation for independent living begins far sooner, in a clearer and more coordinated way and that the transition to adult services also starts sooner, where appropriate, in a clearer and more coordinated way.

Similarly, from discussions with our working group on care experienced young people, concerns were raised as to the lack of a clear definition of the proposed changes in duties, and in affect, who is owed what. Practitioners in the group pointed towards the fact that there are currently six categories of 'care leavers' in the social services legislation, under the proposed reforms, will they all be owed the same duty?

## Question 2

What are your reasons for this?

Given that we know that one in three care experienced young people face homelessness, as a group, we are strongly in favour of moving towards a prevention approach to tackling homelessness, and we welcome the proposed changes that move us towards this model.

However, in our view, the model of prevention set out in the White Paper is too short-term, and does not do enough to prevent care experienced young people from becoming threatened with homelessness. EYHC's Roadmap to Ending Youth Homelessness (2021) sets out five key stages of prevention, which are accompanied by examples of best practice within these stages:

Universal Prevention – preventing youth homelessness risk across the general population (provision of sufficient affordable housing for young people – e.g. Tai Fres),

Targeted Prevention – targeting particular groups that we know are at increased risk of experiencing homelessness (e.g. transition pathways from care into affordable housing),

Crisis Prevention – intervening to prevent homelessness likely to occur in 56 days (in line with current legislation) (e.g. family mediation)

Emergency Prevention – helping those at immediate risk (e.g. community hosting)

Recovery Prevention – preventing repeat homelessness (e.g. Housing First for Youth)

The proposals put forward in the White Paper, for example increasing the prevention duty to from fifty-six days to six months, whilst certainly a positive and welcome move, is not a truly preventative model in our view, as if someone is going to become homeless in six months then their situation has already reached a crisis point. Even where homelessness is ultimately prevented, being threatened with homelessness is a stressful and traumatising experience that has significant wellbeing, psychological, and health implications for young people. The White Paper does not go far enough in our view to prevent people from becoming threatened with homelessness, and more work needs to be done in the Universal and Targeted stages of prevention if homelessness in Wales is to become rare, brief, and unrepeatable. This culture of prevention should be led and cultivated by Welsh Government, with an emphasis on preventing people across the population at large from ever becoming threatened with homelessness, rather than waiting until their situation reaches crisis point to intervene and prevent homelessness.

Therefore, focus needs to be shifted upstream onto earlier identification - and wraparound support - to work with care experienced young people and resolve issues at the earliest possible stage to prevent the issues later manifesting themselves into homelessness.

The recently re-launched 'Care Leavers Accommodation and Support Framework' provides the perfect platform to ensure that this early prevention and early identification can occur. As a group however, we remain concerned about the lack of coordination and drive from Welsh Government in ensuring that is implemented equally across Wales, removing the potential for a post-code lottery of services and ways of working for Care Experienced young people.

Because when we reference a 'post-code lottery', we cannot simply accept that this occurs by some form of inevitability; it occurs because of the lack of a coordinated approach for the implementation in policy, which can result in care experienced young people not being afforded what they are owed by law, which can have life-altering affects.

### Question 3

Are there additional legislative proposals you think we should consider to improve the prevention and relief of homelessness?

Yes; as mentioned in our response to questions 1 & 2, we believe there is more work to be done in Universal & Targeted stages of prevention to stop people from becoming threatened with homelessness in the first place.

With regards to Universal Prevention, there is scope to legislate for better protections for care-experienced young people in the Private Rented Sector (PRS). The most recent Welsh Government data shows that around a third (32%) of households threatened with homelessness in the year 2018-19 were in that situation due to loss of rented or tied accommodation. Young people often struggle to find housing in the private rented sector because Local Housing Allowance (LHA) is failing to cover the cost of the majority of rents in Wales – research from the Bevan foundation (2023) highlights the “severe” shortage of rental properties for low-income households in Wales, with only 1.2% of the rental market available at LHA rates. LHA rates can further disadvantage young people due to their reduced entitlement to housing benefit. Young people are generally only entitled to the ‘shared accommodation rate’. This is lower than the rate for a one-bedroom property but it applies even if there is no shared accommodation in the area. The evidence suggests young people are more likely to have to share accommodation and have issues with privacy, lack of independence, and personal safety. These issues were of particular concern to the care-experienced young people who took part in our focus group on these proposals in December 2023, who stressed that they didn’t like sharing accommodation with other young people due to previous experiences of theft and privacy violations.

In the context of the housing crisis, the lack of suitable and affordable properties available to young people in the PRS, their reduced entitlement to LHA, and the lack of legal protection from landlord exploitation, we believe there is plenty of scope to legislate to address these issues as a Universal Prevention tool. While the amended Renting Homes (Wales) Act 2016 legislates to provide more protection for tenants, particularly from no-fault evictions, there is evidence to suggest that, in practice, there is little in place to protect tenants from becoming homeless as a result of illegal eviction. In 2023, High Court proceedings found that Cardiff Council had not investigated a single illegal eviction for at least ten years, calling it a “systemic failure”.

Although we welcome the legislative changes to provide these protections, it is essential that, going forward, the Welsh Government work to make sure that legislative changes are fully implemented and enforced. We recommend that legislation is put in place that explicitly protects young people against exploitation and discrimination from private landlords, letting agents, as well as RSLs and LAs. We also recommend that private and social landlords, as well as letting agents, are included in the duty to identify and refer in cases where young people are threatened with homelessness as a result of eviction or failure to find alternative accommodation at the end of their occupation contract. All young people deserve access to safe, appropriate, and affordable housing, so we fully support Tai Pawb's campaign on the right to adequate housing and believe that, if implemented effectively, this legislative right would protect care-experienced young people from living in unsuitable or unsafe housing and prevent them from becoming homeless.

We would add a desire to see appropriate legislative steps taken to strengthen the Welsh government's wider equality agenda. We welcome commitments such as the LGBT+ action plan (2023), the anti-racist action plan (2023) and the current commitment of the Welsh government to enter the UNCRDP (with specific reference to articles 7 and 28) into Welsh law. All three of these recognise the importance of housing and homelessness prevention for these groups. Indeed, our own research in Impossible to Navigate (EYHC, 2023), Out on the Streets (EHYC, 2019), our Llamau colleagues' work on trans homelessness in Wales report (Llamau, 2024 Forthcoming), and other partners' work within the sector on ethnic minority homeless ethnic minority homeless (Price, 2021) make clear the need for action in these areas.

There is also wider evidence of the current impact of the cost of living crisis and poverty on these groups found in the Bevan Foundation Snapshot of Poverty series (Bevan Foundation, 2023). We would like to see the Welsh Government bring forward legislation where necessary to meet these commitments.

Furthermore, we would like to see further research undertaken into the Universal Basic Income trial. If this is found to have been an effective policy in preventing homelessness for care experienced young people, then we would like to see this enshrined in legislation to ensure that it is available for all care experienced young people moving forward. Similarly, as a group we agreed with much of what was proposed by the Senedd Committee's If Not Now When? Radical Reform for Care Experienced Children and Young People (2023) report, and it has been disappointing to so few of the recommendations taken forward by Welsh Government.

#### Question 4

Do you agree with our proposal to abolish the priority need test?

Yes/no

In theory, as group we do agree with the proposal to remove priority need, and agree with a lot of the current problems in regards to the application of priority need as laid out in the white paper, such as inconsistent implementation, the high threshold for vulnerability and the nature of gate-keeping that is embodied in essence by priority need. The practice of priority need does not align with the vision of looking to create a Wales that is fair and just, nor a housing system that claims to be person-centred and psychologically informed, either for the person accessing the service nor the front-line worker determining priority need decisions.

However, in practice, we currently cannot, in good faith, advocate for the removal of priority need due to the effect that this would have on care experienced young people and the fear that such a decision would only place more care experienced young people in vulnerable and potentially dangerous situations.

NYAS Cymru's frontline workers have spoken about how care leavers experiencing homelessness have been housed far quicker by accommodation providers solely because of priority need.

The majority of the young people we spoke with did not support abolishing priority need, and across both care experienced young people and their non-looked after peers, there was a majority support for care leavers being in priority need. One of the main takeaways from our survey, and in particular the focus groups, was an all-consuming lack of faith in the system. And in regards to priority need, a lack of faith that the system would be able to accommodate the increased demands on the service.

As such, young people, and in particular those who were care experienced, were very reluctant to give up something that potentially gave them a slight foot-up in the effective competition for places with other people accessing the services. Similarly, from discussions as a group, we also do not currently have faith in the system that does not inadvertently place care experienced further from getting the help and assistance that they need to prevent or relieve their homelessness at a time of crisis. Given the case study below, you can understand young people's and practitioner's current reservations:

*Amy\* is 19 years old and spent her teenage years in care. When Amy became pregnant and her unborn child subjected to child protection, she was referred to NYAS Cymru's Project Unity service. This vital service helps care-experienced young women navigate their journey to becoming mothers and child protection proceedings.*

*When Amy's relationship broke down due to domestic abuse, she had to flee her home at 34 weeks pregnant for her safety. With no refugee space available in South Wales, Amy would have had to travel one hundred miles to North Wales to be housed. This was not a journey Amy felt able to make in the very late stages of her pregnancy, which would have taken her far from the support of her sister and local health board.*



*NYAS Cymru's Project Unity team supported Amy to make a request for accommodation from her local authority. When Amy's local authority responded, they told her that she was not a priority, despite being her corporate parent. When stressed by the Project Unity and Shelter Cymru that Amy was heavily pregnant, the response from the local authority was that the baby was unborn and they had nowhere to accommodate her.*

*Amy was told at 34 weeks pregnant by her local authority that her only option for the night was a tent, and to come back tomorrow. As NYAS Cymru were unwilling to see a pregnant young woman living in a tent, Amy was accommodated in a hotel for one night. She then had to stay on her sister's floor as no beds were available.*

*Only after seven days was Amy was found a hostel to stay in, where she remained until her baby was born. Amy's local authority then assessed her as living in unsuitable housing for her baby to remain with her. Upon birth, Amy's baby was removed to a foster carer. To this day Amy is still waiting on a flat.*

Although as a group we understand the arguments around providing equality for all, with the removal of priority need, we do not believe such a system provides equity for care experienced young people compared to others accessing the service. We know that young people are not an even footing with their older peers; being penalised by welfare system because of their age, and therefore have a smaller entitlement to the housing element of Universal Credit, they are often working minimum wage jobs for less money, or are working jobs that are 'zero-hours' and they are routinely discriminated against by landlords when looking to access the PRS because of their age. On top of that, we know that care experienced young people are potentially even more vulnerable with research highlighting their increased likelihood of incarceration, lower educational attainment, higher prevalence of mental health issues, and a higher likelihood of facing homelessness than their non-looked after peers.

We cannot therefore advocate for the imposition of equality at this point, when care leaver's life experiences up to the crisis point of making a homelessness application, do not come close to having been on an equal footing to their non-looked after peers. Therefore, we do not support the removal of a ruling that may afford them a slight 'leg-up' from a system that has obviously not successfully supported and provided for them, if they are in the position of needing to make a homeless application.

Although as a group we are obviously working towards creating a Wales where no care experienced young person is forced to face homelessness, whilst this is not reality, their priority need status is a much-needed safety net that differentiates care leavers and acknowledges the extreme likelihood of them being placed in vulnerable situations.

## Question 5

Do you agree with our proposal to abolish the Intentionality test?

Yes/no

As a group, we agree with the proposal to abolish the intentionality test within Welsh Homelessness legislation.

We see the intentionality test as an unnecessary barrier to accessing services for young care experienced people threatened with homelessness in Wales. As we have stated elsewhere in this response, to reach a stage where the intentionality test is required already represents a wider systemic failure in the prevention-based approach advocated for by the homelessness and housing sector and supported by the Welsh Government. It also of course has a very human cost for the young care experienced person who is threatened with homelessness.

Furthermore, the test is already seldom used in practice. As noted in the white paper, only 93 individuals who presented as homeless with priority need were deemed as intentionally homeless in 22/23. As such, intentionality is not an effective tool for caseload management, as has been argued with the other tests, and does not offer a particular advantage to any one group that is more susceptible to homelessness. Conversely, given the low number of outcomes, we see the risk of someone having the test improperly applied and deemed as intentionally homeless when their case is, in fact, far more complicated as unacceptable. We therefore feel abolition of intentionality to mitigate this risk out ways any other factor.

When asked about this issue, young people gave a mixed response. Many young people see attaining support within the system as it currently is as competitive and are understandably reluctant to give up anything that would jeopardise their chances of being housed.

We also have concerns about specific groups when it comes to intentionality. In our recent research, *Impossible To Navigate - Youth Homelessness Through The Lens Of Neurodiversity* (EYHC, 2023), Neurodivergent people are often misunderstood by homeless practitioners, and homelessness professionals admit that they often struggle to work with disabled and neurodivergent young people. This stems from a lack of accessibility within the homelessness system, which is not designed with neurodivergence in mind. There is also an issue posed where there is currently a lack of provision and exceptionally long waiting lists for an official diagnosis. We envisage a situation where the understanding and judgement of the individual practitioner and the lack of an official diagnosis may be the line between being intentionally homeless or not. As such, intentionality is another area where a young neurodivergent person may be disadvantaged by the system and fall through the cracks into homelessness.

We equally see similar issues for Young LGBTQ+ people. In our previous report, *Out On The Streets – LGBTQ+ Youth Homelessness In Wales* (EHYC, 2019), young people detailed negative experiences with practitioners, which made them reluctant to share details of their private lives. There was also a lack of understanding of their lived experience, which they felt impacted how they were treated within services. It may also require a young person at a formative time in their life to “out” themselves to a stranger in order to not be considered intentionally homeless. Again, this creates a point where the test would act as an unfair and unnecessary barrier to services.

As one practitioner told us in *Impossible to Navigate*; “The service is only as good as the weakest link in the chain”, intentionality is an unnecessary weak link.

#### Question 6

Do you agree with our proposal to keep the local connection test but add additional groups of people to the list of exemptions to allow for non-familial connections with communities and to better take account of the reasons why someone is unable to return to their home authority.

We welcome the white paper’s position and the inclusion of care experienced young people in being exempt from local connection provisions, and the noted importance of found families that through research and anecdote we know to be so important to care experienced young people.

As a group therefore we support the proposals regarding local connection as they are in the draft white paper.

#### Question 7

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

### The role of the Welsh Public Service in preventing homelessness

#### Question 8

Do you agree with the proposals to apply a duty to identify, refer and co-operate on a set of relevant bodies in order to prevent homelessness?

Yes/no

Please give your reasons

Yes, we fully agree with the proposals to apply a duty to identify, refer and cooperate on relevant bodies.

The group's initial focus, *Don't Let Me Fall Through the Cracks* (2020), and EYHC's more recent research *Impossible to Navigate* (2023) both discuss the need for better multi-agency working. When a young care experienced person comes into contact with homelessness services, it can often be a highly traumatic time in their life. Equally, the young person is

likely to have experienced past trauma. A lack of multi-agency working can exacerbate the trauma faced by young people and make them more susceptible to homelessness. The quote below is taken from EYHC's Roadmap to Ending Youth Homelessness;

*"It's confusing because your foster carer and social worker tries to take you out of environments that are risk fuelled and are damaging to your health, physically and mentally. What's annoying, you've gone through trauma, you've seen parents take drugs, you've been affected by drugs yourself. It's counterproductive to put you back in the environment that they took you out of. You are supposed to be doing a job, taking us out of environments that are a risk to us. You know that there has been trauma and flashbacks, anxiety, panic attacks; to put them back into that environment... well, social services might just as well not exist. It seems pointless that they've been with you for ten, twelve years of your life then you become homeless and you're back in the same spot you were in, in the first place."*

This highlights the issues a young person may face when transitioning from youth social services to adult homeless services. The suggestion is that with proper duties to refer and cooperate in place, they would not have been in such a damaging position. Indeed, had the proper steps been taken, this young person may not have been re-traumatised and, therefore, more receptive to support. Similarly, while preparing for this white paper, we spoke to a young person who had previously encountered the youth justice system:

*Upon release from the secure estate, aged 18, they had secured accommodation with their local housing authority. However, this accommodation was removed when the LHA discovered they had a conviction, which was seen as high risk by the LHA. Had there been a proper duty in place to identify, refer and cooperate between social services, the LHA, mental health services to which the person was known, and the youth justice system, then such an incident may have been avoided.*

These stories represent just a few of numerous incidents where homelessness and its negative consequences could have been avoided had this duty been in place, and reiterate that preventing homelessness is not within the responsibility or capability of any single public service within Wales but is rather a job for all services.

Our Roadmap to Ending Youth Homelessness (2021) acknowledges the multiple routes into homelessness but also the multiple points of contact a young person may have with public services where an intervention could be made. This spans multiple services, including but not limited to those outlined in the white paper. Not only should this approach involve a duty to inform the LHA of a belief that someone is at risk, but also a duty to cooperate to ensure homelessness does not occur. By doing so, services will act both as a watchdog against homelessness and as a tool where cooperation can ensure that homelessness is prevented, leading to its rarity. As acknowledged in Impossible to Navigate, “The service is only as good as the weakest link in the chain”. By placing a shared responsibility to act across all services, it will be possible to strengthen this chain.

#### Question 9

Do you agree with the proposed relevant bodies, to which the duties to identify, refer and co-operate would apply? Would you add or remove any services from the list?

While we agree with the proposed bodies, we feel it does not go far enough. We strongly feel that for this proposal to achieve its stated aims as it relates to the prevention of homelessness, especially for young people, it must include both the education sector and the private rented sector from the outset. To be clear, when we say education, this must include primary, secondary, further and Higher education as well as youth-work settings for it to be effective. We believe failure to do so would leave chasms which young people could fall through into homelessness.

When asked, 100% of young people, excluding those who don't know, believed that Schools should be included in the duty to refer. One young person said;

*“schools see the most of young people, and would be able to help homelessness to be identified easily”*

Another young person added; “In order to prevent homelessness, you need to educate young people about what homelessness is”

We agree with the views expressed by these young people fully. As the data in the white paper notes, 77% of teachers in schools in England know of a young person who was homeless or in poor-quality housing. There are in excess of 26000 teachers (Welsh Government, 2022) in local authority-maintained schools in Wales, without consideration for other forms of schools and further and higher education settings. This creates an entire profession which comes into frequent contact with our young people who would be prepared to respond to a young person who faces homelessness and have the correct information on where to refer the young person to help prevent homelessness. We also know that education may be one of the few settings where a young person may have a trusted adult whom they feel they can approach.

Not placing a duty to identify, refer, and cooperate in schools, colleges, universities, and education settings not only does a disservice to our young people but also leaves education professionals without the tools to respond. Simply because the Welsh Government chooses not to place a duty on schools does not mean young people will not come forward to teachers and lectures with concerns relating to homelessness. Including them in this duty will simply make it clear home to respond and aid in making homelessness rare, brief and non-repeating rather than allowing for a weak link in the prevention system.

In addition to this firm belief, we see the Upstream Cymru model as the ideal starting point for homeless prevention. Figures from 2014 show that over 50% of people who experience homelessness had their first experience under the age of 21, with the median age being just 22 (Mackie, 2014). The aim of the upstream Cymru model is to reduce these numbers by screening between school years 7 and 11 for homelessness to identify those most at risk and act early to prevent homelessness. The screening allows schools and other services to work together to address concerns and prevent homelessness. The model is highly successful, with a similar scheme in Australia reducing incidents of youth homelessness by over 40% (EYHC, 2021). The value in terms of health benefits, saving for services, outcomes for individuals, and long-term benefits to the well-being of individuals and through their contribution to society is immeasurable. However, we do know this kind of prevention is a way to achieve those benefits. To us, not only should education be included in this duty to identify, refer, and cooperate, but it should also form a core branch of targeted prevention.

Not only do we feel that adding the duty to the education setting will aid in prevention, but we also feel it can aid in contributing to a culture change within the education setting. Evidence from EYHC's Impossible to Navigate research highlights the education system as having negatively impacted many disabled neurodivergent young people. To help prevent youth homelessness, schools, colleges, and universities must see changes to make them more accessible while preventing bullying and reducing stigma. This includes ensuring that education professionals are better trained and equipped to support neurodivergent young people.

Similarly, our report, Out on the Streets, highlighted the necessity of improving the education setting. We are glad to see the changes to RSE curriculum in Wales to make it more inclusive of the LGBTQ+ community. We are also welcome commitments around housing and education in the LGBTQ+ action plan. However, we feel it necessary to reiterate evidence from this report. LGBTQ+ homeless experience young People experience homophobic bullying, which schools have not effectively dealt with; "(The teachers) were the worst of them all. They were worse than the kids". Again, this shows the need for a cultural change that the duties outlined above could contribute to.

We also feel that the current duty of the private rented sector and landlords are insufficient. We understand the current provision as part of renting homes Wales act (2014) and the eviction process does provide for some support around homelessness prevention. However, we feel this does not go far enough. Given the lack of enforcement of provision within the renting home Wales act and the number of young people who find themselves homeless. In England around 9% of young people who become homeless did so after eviction from a private or social rent (CenterPoint, 2023). 32% of people threatened with homelessness in Wales in 2018/19 were in the PRS. We therefore feel that the role of the PRS must be strengthened. The Welsh government should look at an earlier point where the landlord or letting agent has a duty to refer such as when a tenant enters rent arrears for the first time, when the first complaint is made, or when the first hazard emerges which may render the property uninhabitable. We equally feel that the Welsh Government should investigate the feasibility of applying some duty on providers of temporary accommodation such as B&Bs, Hotels, and short term lets such as Air B&Bs where there may be hidden homelessness.

#### Question 10

In your view have we struck the right balance between legislative requirements and operational practice, particularly in relation to health?

#### Question 11

What practical measures will need to be in place for the proposed duties to identify, refer and co-operate to work effectively? Please consider learning and development needs, resources, staffing, location and culture.

There are a number of practical measures we feel can be put in place to ensure that the duty to identify, refer, and cooperate is implemented effectively. As mentioned elsewhere in this response, there needs to be clear leadership, guidance, and enforcement from Welsh Government in order to ensure that legislation translates to practice, as there are clear examples of where good legislation has not been implemented in practice. For example, the Southwark ruling of 2009 is explicit that 16-17 year olds presenting to homeless services are the responsibility of CYPS/Social Services rather than homelessness; however, as is referred to in the white paper, it is evident that, in practice, 16-17 year olds are still being “bounced between services” with neither department willing to take responsibility, almost fifteen years after the landmark case. To address this, there should be clear and effective oversight from Welsh Government of Local Authority housing and social services teams, as well as other relevant public sector bodies, in order to ensure that they are fulfilling their legislative duties.

With regards to culture, a number of young people EYHC spoke to as part of our work to inform this response, as well as in our previous pieces of research, told us of problems they've had with the culture amongst social workers and housing professionals when attempting to access services. In a focus group that took place in December 2023 as part of our work on this white paper consultation, a neurodivergent and care-experienced young person in Flintshire told us how they had encountered many "horrible social workers who didn't understand [them]" as a teenager in the care system; while another care-experienced young person who took part in our neurodiversity research spoke of foster carers treating them "like a job" (EYHC, 2023: 56-7). Welsh Government must work to address and change the culture of 'passing the buck', especially in relation to 16-17 year olds, which is evidently still prevalent in housing and social services teams, despite the landmark Southwark ruling. This is achievable through effective leadership, guidance, and training. In the aforementioned focus group, the young people told us how they felt that the "horrible" public sector professionals they'd encountered would benefit from having to "experience what we go through", in order to give them a better understanding of the unique challenges that young people with care- and homelessness-experience face.

This is something that EYHC work to offer in our Simulation training – a powerful, immersive training session that replicates the experience of being a young person attempting to navigate the homelessness services. As a group, we would like to see the Welsh Government support an increase in immersive Simulation training as part of the work to address the culture problems that young people tell us exist amongst many public sector professionals and frontline workers.

Furthermore, in order to ensure effective implementation of these new legislative proposals, it is absolutely paramount that Welsh Government address the short-term crisis that the housing and homelessness sector is currently facing, as none of these proposals will be possible to implement without first addressing the immediate issues around funding, resources, and supply. Cymorth Cymru's recent Housing Matters campaign provides damning evidence of this crisis. While the sector reports seeing a huge increase in the demand for their HSG services (81%) and the complexity of cases (94%) (Cymorth Cymru, 2023: 5), HSG funding has faced a real-terms cut of £24 million since 2011-12 (ibid: 4), with 75% of providers running their services at a deficit (ibid: 7). Therefore, in order to end homelessness and effectively implement these policies, it is essential that Welsh Government increase HSG funding in the 2024/25 budget in order to alleviate the immediate strain on homelessness services which are currently "on the brink of collapse" (ibid: 5). As it stands, even if every named public sector body successfully fulfils their duty to identify and refer, it will not make a difference if the referral services do not have the capacity to house and support the young people at risk of homelessness. Furthermore, Welsh Government's data collection and distribution needs to be improved in order to ensure that we have a clear picture of the scale of the homelessness problem in Wales, so that we can adjust services and supply in order to meet the demand.



To address the increasingly large gap between supply and demand, Welsh Government must allocate funding to create more availability of social housing, whether that is through new developments or through the repurposing of existing empty properties.

Another crucial issue highlighted in the Housing Matters campaign is around staff pay, recruitment, and retention: with 29% of staff in HSG funded services working below the upcoming minimum wage as of April 2023 (Cymorth Cymru, 2023: 9), service providers had to increase staff pay; however, 91% reported that their HSG funded had not been increased enough to cover this necessary increase in wages (ibid). Despite this increase, many frontline staff reported struggling to pay their rent and bills, using foodbanks, and even being at risk of homelessness despite working full-time in services that are designed to relieve homelessness (ibid). Understandably, this has a significant impact on the recruitment and retention of staff, many of whom end up “leaving careers they love because they can no longer make ends meet” (ibid). This increased turnover in staff also has a negative impact on the people, particularly young people, who access HSG services. In our recent report, Impossible to Navigate, which looks at youth homelessness neurodiversity through the lens of neurodiversity, the neurodivergent young people we spoke to told us how they found the high levels of staff turnover and the lack of consistency in the support they received to be a significant cause of distress (EYHC, 2023: 70), especially where handover was weak and they had to retell their traumatic backgrounds over and over to different staff members and agencies who were evidently not communicating effectively with each other. Therefore, we welcome any legislative changes that emphasise collaboration and multi-agency working, particularly in relation to young people who are neurodivergent, disabled, LGBTQ+, and/or care-experienced, but this approach cannot and will not be fully realised without an increase in HSG funding and effective oversight from Welsh Government.

## Question 12

In addition to the broad duties to identify, refer and co-operate, this chapter contains proposals to provide enhanced case co-ordination for those with multiple and complex needs. To what extent will the proposals assist in preventing homelessness amongst this group?

As a group, we welcome the proposal to establish a compulsory case co-ordination approach for individuals, acknowledging that the most vulnerable individuals often require multi-agency support, as homelessness is far more than just a housing problem. In regards to the broader duties to identify, refer and cooperate, the young people we spoke to supported this proposal wholeheartedly, and listed the police, hospitals, the general public, mental health services, the emergency services and social work as some of the services they've encountered which they wish would've known more about homelessness.

Similarly, a young person who was interviewed as part of our Impossible to Navigate report (2023: 81) told us about their frustration about a lack of a coordination between services, in regards to a lack of communication:

*“For example, on Wednesday I went to an appointment with my mental health doctor, and he basically upped my medication and he spoke to me about loads of things, and I just sort of sat there and was just like, ‘Yeah, yeah, yeah, yeah, yeah’. And then I was like, I don’t have a clue what you just said to me. And then I come away from that and everyone’s like, ‘Well, what happened?’ And I’m like, I have no idea. And they’re like, ‘But why, you were there?’ And it’s like, yeah, I was there, but I couldn’t tell you what happened. And then they’re very much like, ‘What do you expect us to do?’ sort of thing. And I’m like, well, I don’t know. Like you guys should know this thing. Like, I shouldn’t have to say... They should all be working together. They should already know. And like here, for example, I had a housing meeting and we all turned up at different times and... it’s just like, well, do you guys not communicate?”*

As is referenced in the white paper, people who are, or at risk of, experiencing homelessness are not a homogenous group, and therefore we believe that the threshold for a compulsory case co-ordination approach should be lowered to two or more complex needs, as was initially proposed in the Crisis Expert Review Panel.

For some individuals with two or more complex needs, the coordination of a multi-agency plan may be a relatively swift process if the clear main lead-need for the individual is identified. But given the lack of the aforementioned homogeneity of this group, there may be individuals for whom a lead-need is more difficult to identify and if their underlying issues are not resolved at the earliest possible point, may re-present with their complex needs now being deemed to have reached three or more. In the spirit of early-intervention and prevention, it surely makes more sense to afford as many individuals as possible this approach to pro-actively work to resolve and prevent homelessness at the earliest possible point, rather than potentially allow an individual’s situation to deteriorate further before hitting a potentially arbitrary and inconsistently applied threshold of ‘three or more complex needs’.

In regards to youth homelessness, if appropriate, we see schools as a key agency that need to be involved in any multi-agency approach as we know the importance of reintegration into education, employment or training for broader preventative opportunities.

Furthermore, and in taking inspiration from one of our recommendations from our Don’t Let Me Fall Through the Cracks report (2020), these multi-agency case coordination meetings should also serve as a learning opportunity for all relevant partners to ask themselves key questions, such as what happened and how the young person managed to slip through the net.

Providing an opportunity for mapping of current services and provision to identify opportunities for earlier prevention that may have been missed, to help prevent future cases from occurring, where an individual's homelessness was not prevented at an earlier point.

In regards to the implementation of this proposal, we support the Crisis Expert Review Panel recommendation of Joint Homelessness Boards, to coordinate the implementation of this recommendation. Having a clear lead for multi-agency working is key, as it's very easy for such an approach to become diluted or directionless without a clear, nominated lead for such an approach. Similarly, a lack of coordination can result in increased tensions between services, especially when the funding for such an approach needs to be discussed. This was exemplified through the below quote from a stakeholder in our Impossible to Navigate (2023: 80) research:

*"It's, you know, everyone saying this person should pay for it, housing should pay for it, but actually it needs to be an integrated approach because as housing ... they present to us and we have to house them somewhere but the housing that we're offering isn't appropriate, it isn't adequate and they're still going out and offending. They're still calling the crisis team, they're still using drugs because we haven't got it right and we just need a more joined up approach to working really and it's really basic but it isn't, it's an unbelievable amount of work to get social care to buy in, and the police, probation to buy in and mental health teams to buy in. It's just, it's just so hard. And I thought, you know, it's above my pay scale".*

### Question 13

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

### Targeted proposals to prevent homelessness for those disproportionately affected

#### Question 14

Are there other groups of people, not captured within this section, which you believe to be disproportionately impacted by homelessness and in need of additional targeted activity to prevent and relieve this homelessness (please provide evidence to support your views)?

Research has shown that more needs to be done to support certain groups of young people threatened with homelessness. As we have repeated throughout this response, EYHC's *Out on the Streets* (2019), *Impossible to Navigate* (2023), and *Don't Let Me Fall Through the Cracks* (2020) reports all highlight the plight of groups that are overrepresented within the homeless population. And in regards to care experienced young people, more support needs to be offered to asylum seeking children, as they are afforded looked after status and look to potentially navigate their way through the housing and homelessness system.

In terms of disabled young people threatened with homelessness, we strongly encourage that a review of the accessibility of services is undertaken and additional resources and training are made available to practitioners to ensure that disabled and neurodivergent young people are provided with suitable services. As our research shows, services currently do not meet the needs of disabled young people, do not take a psychologically informed approach, and are contributing negatively to their overall well-being while also leaving them at high risk of homelessness. Our *Impossible to Navigate* report addresses the specific needs of disabled young people whose impairment falls under the neurodivergence umbrella; however, even in this research, young people pointed to difficulties accessing services due to their impairment.

We are also concerned over reports in the press (Hoskin, 2023) that Young people were being left effectively homeless and unable to access the available housing stock due to local government policy prohibiting young people from being provided with certain accessible properties. This, to us, is wholly unacceptable as it represents an entirely preventable route into homelessness. We would also support ACORN's recommendation (2023) that landlords should be required to make reasonable adjustments to their property to accommodate disabled tenants. It is, of course, important to consider the impact of existing category-one hazards on disabled people, particularly in properties where access needs are not met.

#### Question 15

What additional legislative or policy actions could be taken to prevent or relieve homelessness for the groups captured by this White Paper?

As a group, our primary goal is the tackling the overrepresentation of care experienced young people experiencing and being threatened with homelessness. We are therefore pleased to see children, young people and care experienced young people identified by Welsh Government as one of the groups disproportionately affected by homelessness. However, in regards to additional legislative or policy actions that could be taken to prevent or relieve homelessness for this group, we believe that far more can be done.

As has been aforementioned, in regards to a preventative approach, we believe that the focus of the white paper is too narrow, as although the extension of the definition of threatened with homelessness from 56 days to 6 months is undeniably a welcome change, for us, this is still falls within the remit of crisis prevention. We know the stress and trauma that is induced by being threatened with homelessness, and the implications upon young people's wellbeing and psychological and physical health. We believe therefore that more work needs to be done in the 'universal' and 'targeted' stages of prevention, as laid out in EYHC's Roadmap to Ending Youth Homelessness if Welsh Government are to achieve both of their respective goals of making homelessness 'Rare, Brief and Unrepeated' whilst also ending youth homelessness by 2027.

Whilst the framing of this question is so-open ended and broad it could compel a far longer written piece, detailing each aspect of what more could be done to prevent and relieve youth homelessness at both a societal and systems level we would like to focus on one area we think requires more attention.

As a group, we advocate for a distinct youth homelessness strategy and action plan, and believe that this would form a crucial aspect of the Welsh Government's preventative strategy. This would complement the broader Welsh Government High Level Action Plan 2021-2026 but would remain distinct, reflecting the need to treat youth homelessness as a different phenomenon, with different preventative measures that are required compared to broader homelessness. We can see such an approach across the world, with both Ireland and Canada having adopted specific youth homelessness strategies. If Welsh Government were to adopt such an approach, it would both provide the clarity of focus for tackling youth homelessness, ensuring that every part of the 'system' has their preventative role well defined, whilst also embedding the required culture shift to ensure that youth homelessness is seen as both distinct and also 'everybody's business'.

The overall goal of the Irish strategy 'Housing for All, Youth Homelessness Strategy, 2023-2025' (Department for Housing, Local Government and Heritage, 2022) is laid out below:

*This Strategy focuses on young people aged 18-24 who are experiencing, or are at risk of experiencing, homelessness. At the same time, it acknowledges that the causes of homelessness often begin years before the person turns 18, as well as examining causes and making recommendations in that context. It is recognised that the causes of youth homelessness, as well as the experiences of young people in the emergency accommodation system, are distinct from those of the rest of the homeless population. It is also recognised that supporting young people at risk of becoming homeless through strategic interventions can help prevent a cycle of longer-term homelessness.*

Across all official documentation in Wales, be they strategies or action plans, we have not come close to such a clear appreciation for the distinction of youth homelessness and therefore the commitment to distinct approaches to effectively tackle the problem. We currently do not even have a working definition for youth homelessness, but reference action taking targeted at young people within the broader homelessness system.

We believe that EYHC's Roadmap for Ending Youth Homelessness provides the basis for such a strategy, from which the Welsh Government could work. Our 5 prevention typologies, Universal, Targeted, Crisis, Emergency and Recovery certainly have significant overlap with the Welsh Government's broad priorities of making homelessness rare, brief and non-recurrent in regards to policy decisions and guidance.

In regards to Policy Action therefore, to accompany our Roadmap we continue to work on our Best Practice Guides which detail different schemes, projects and approaches that have been implemented in Wales or abroad, that have proven to be effective in either preventing or relieving homelessness for young people, that we believe should be implemented on a far larger scale, either through legislation or encouraged via guidance by the Welsh Government. These guides cover:

**Housing First for Youth** - Housing First for Youth is a model of housing and support likely to be effective when delivered to young people, aged between 16 and 25, who have experienced or are experiencing multiple complex issues (for example, trauma, mental health issues and/ or substance use issues) and are homeless or at risk of homelessness.

**Upstream Cymru** - Upstream Cymru is a collaborative, early intervention initiative that works in partnership with schools to get to the heart of how youth homelessness systems need to be designed. The aim is to identify young people at risk of homelessness long before they reach crisis point or are threatened by homelessness.

**Ty Pride** - Tŷ Pride is a specialist LGBTQ+ project, staffed 24 hours a day, supporting LGBTQ+ young people who were experiencing, or at risk of, homelessness.

**Supported Lodgings and Enhanced Supported Lodgings** - Supported Lodgings schemes provide young people with a safe place to stay, in a room of their own, in the home of a vetted and trained host in a private house. The host and the young person receive support from a specialist organisation. This combined and tailored support, from a host and specialist organisation, enables young people to develop independent living skills in a supportive family environment helping them to develop the skills to live independently.

The Virtual Learning Environment - The Virtual Learning Environment (VLE) is an online platform designed with, by and for young people. It provides information, support and learning resources in order to aid a successful transition to living independently and help avert homelessness.

Shared Accommodation Scheme - The POBL Shared Accommodation Project is a housing and support scheme which allows young people aged 18-25 at risk of or experiencing homelessness to access two-bedroom properties through a shared arrangement with another young person

Training Flats - The Training Flats Scheme in Carmarthenshire provides good quality and affordable accommodation to young people who would benefit from living independently whilst accessing individual support and bespoke training.

Shared Furniture Scheme - The Furniture and Equipment Library is an innovative initiative which allows young people aged 16-25 to loan furniture and household items upon moving into independent housing for free, which hopes to prevent young people from becoming trapped by Buy-Now-Pay-Later schemes and high interest credit to furnish and equip their homes.

#### Question 16

Our proposals related to children, young people and care experience seek to improve and clarify links between homelessness legislation and the Social Services and Wellbeing Act. Significant policy development is required to assess the practicality of this. What, in your views are the benefits and challenges of our approach and what unintended consequences should we prepare to mitigate?

In relation to the link between the body of Welsh homelessness law and the Social Services and Well-being Act, we feel that there are several areas where further guidance and, if necessary, legislative work can be looked at to strengthen both areas of legislation.

Primarily, we are concerned with the guidance issues around who is responsible for 16-17-year-olds. Despite what we feel is a clear instruction under the act and the supporting evidence, local authorities are still unsure of who is responsible for 16-17-year-olds. This is particularly true of those who have left care where, despite the Southwark ruling, we have heard anecdotal evidence of young people still being put under the responsibility of housing rather than social services. This requires further guidance and monitoring to ensure that the existing law and any changes are fully communicated and implemented.

We would reiterate the need, expanded on below, for the corporate parenting charter to be fully implemented into Welsh law. This would ensure better protections and service provision for our young people while clarifying the role of local authorities.

#### Question 17

Do our proposals go far enough to ensure that 16 and 17 year olds who are homeless or at risk of homelessness receive joint support from social services and local housing

authorities? What more could be done to strengthen practice and deliver the broader corporate parenting responsibilities?

As a group, we welcome the Welsh Government's commitment to strengthen existing corporate parenting to ensure individuals aged 16 and 17 years who are homeless or at risk of homelessness do not fall between services. As the chair of our Care Experienced working group, Sharon Lovell, stated in the publication of our research into care experienced young people's propensity to homelessness 'The Corporate Parenting of young people in care is the responsibility of all of us. It is unacceptable that any child in care ends up homeless' (EYHC, 2020: 2). As the most up-to-date data shows, the numbers of care experienced young people coming into contact with the homelessness remains unacceptably high: 90 care-experienced young people in 2018-2019 were found to be eligible for assistance, unintentionally homeless and in priority need.

From our research and focus groups and surveys for the white paper, effective coordination between social services and housing authorities is seen to be crucial in ensuring that young care experienced people receive the care and support they're entitled to that can prevent their homelessness from occurring. When asked "What can be done to improve the support given to 16-17 year olds who are experiencing homelessness and/or transitioning from children's to adult services?" young people focused on:

*People to be made aware of Southwark ruling. young people not having it explained in a way that deters them from becoming looked after.*

*More support and education*

*A slow transition instead of thrown from one service to the other*

*Giving them a safe place to stay without any expenses and expectations until they are ready*

*Specialist supported accommodation*

Prevention by working with families to keep them together

And similarly, when asked "What can be done to strengthen how local councils & public services deliver their corporate parenting responsibilities?" young people focused on:

*Employ more staff*

*Being more hands on with the treatment of the young people*

*Knowledge of the responsibilities and have more than 1 southwark social worker*



*Drop in sessions once a week if assigned social worker is busy or away from work*

*Further funding. HSG Grant needs to be increased*

Furthermore, the below case study highlights what can happen when there is not effective coordination;

*Upon release from the secure estate, aged 18, the young person had secured accommodation with their local housing authority. However, this accommodation was removed when the LHA discovered they had a conviction, which was seen as high risk by the LHA. Had there been a proper duty in place to identify, refer and cooperate between social services, the LHA, mental health services to which the person was known, and the youth justice system, then such an incident may have been avoided.*

In regards to what more can be done to strengthen practice and deliver the broader corporate parenting requirements, as a group we believe a number of things can be done.

In our opinion the clearest way which Welsh Government could deliver the broader corporate parenting responsibilities is to make its voluntary corporate parenting charter statutory.

Published on 29th June 2023, the Welsh Government's voluntary Corporate Parenting Charter is a strong foundation from which to build systemic change for care-experienced children and young people, including care-experienced young mothers. A foundation from which, if fully implemented to its widest potential, could dramatically improve the life experiences and opportunities available to care experienced young people across Wales, such is the breadth of the potential. At EYHC we support the Welsh Government's list which details which kind of public sector bodies, public service or professionals should take on the role of a corporate parent.

Yet although the Welsh Government has extended corporate parenting duties for other public bodies beyond children's services, it is voluntary for public bodies to choose whether they sign up to be corporate parents. The Welsh Government has promised to monitor sign-up for the Charter and consider future steps for corporate parenting in Wales, and indicated that the Charter has "initially been published on a voluntary basis" only in its written response to the CYPE radical reform report.

By making corporate parenting mandatory for a broader range of public bodies, this would encourage other bodies to develop specific practices and work collaboratively to end youth homelessness. The Welsh Government should follow the Scottish Government's lead and make fulfilling corporate parenting duties mandatory for named public bodies.

Furthermore, on a more practical basis for young people, we believe that multi-agency working and collaboration should be at the point so that young people do not have to disclose whether they are care experienced upon making a homelessness application. The burden of evidence should not be on care-experienced young people when they try to access their entitlements, such as priority need status. Local Authorities have this data, so as corporate parents they should make it as easy as possible for care-experienced young people to access what they're entitled to.

We also believe that improved data collection, and publically available data collection, would greatly strengthen practice in regards to highlighting the extent of the issue. In this answer, we have had to reference stats that are now nearly six years out of data because of a lack of any further updated data.

Finally, as has been referenced throughout this response, the lack of clarity and leadership on the Southwark ruling has led to this continued confusion regarding responsibilities that is still present today. In looking to strengthen practice, Welsh Government needs to show leadership to ensure that policy is implemented as intended, and we believe that making the corporate parenting charter statutory is the most straightforward way of doing this.

#### Question 18

Do you agree or disagree that the Renting Homes (Wales) Act 2016 should be amended to allow 16 and 17 year olds to be able to hold occupation contracts?

We view this proposal as having potential to empower more young people to live independently; however, we have concerns about implementation, which are also shared by the young people we worked with as part of this consultation.

In the survey we distributed amongst young people as part of our work to inform this response, only 11% of respondents agreed with this proposal, and 44% answered that they don't think it's a good idea. Those who provided further comment in their answers emphasised that it may be appropriate for some 16-17 year-olds, but not all:

*"It depends on where they are in life, a 16 year old in school no, but a 17 year old with life experience yes"*

*"Depending on assessment of maturity, common sense and responsibility"*

Participants in Focus Groups also expressed similar concerns. The general consensus from young people is that, if this proposal is carried forward, it would need to be accompanied by strict guidance for professionals, consistent assessment of the young person's capacity and maturity, tailored and person-centred support, and training for young people in independent living skills. Another important point raised by a young person in a Focus Group was that the minimum wage for 16-17 year olds would need to be raised in order for them to earn enough to stay on top of their rent and bills and sustain an occupation contract.

Furthermore, as a group we have a few concerns regarding:

*Who is this proposal serving? Is it being used to empower young people or is it potentially going to be used as a way to discharge duties, and then inadvertently placing young people in tenancies without the required support?*

*Will the corporate parent, the local authority, act as a guarantor for care experienced young people interested in exploring this option? To provide equity to their non-looked after peers?*

*In proceeding with this, are we inadvertently setting young care experienced people up to fail, as if we have not got it right in the preceding years in regards to independent living and relationship skills, is this a feasible option for care experienced young people that we should support?*

In one focus group, one of the young people had been placed in a hostel with adults ahead of her 18th birthday as she left the care system. She felt that, given the option, she would have been safer living independently in her own home as a 17-year-old rather than her current situation of sharing accommodation with much older adults who she described as “a bad influence”; however, she acknowledged that she would’ve needed support around independent living skills, even if it was just the knowledge that she could “pick up the phone whenever she needed help”. The young people in this session agreed that, in order for this proposal to work for them personally, they would want the transition to independent living to happen gradually, with floating support in place and for them to have a say in where they lived and to be involved in any decisions taken about them.

However, we also have concerns around the practicalities of implementing such a proposal, particularly given the broader challenges young people are currently facing in the PRS. Landlords would likely be reluctant to let their properties to a 16/17-year-old, especially if they have complex needs and/or comorbidities and, given how competitive the market is at present, they’d likely have plenty of choice of other tenants with more stable income and better skills to maintain an occupation contract. Therefore, there would need to be some sort of insurance in place in order to mitigate the risk from the landlord’s perspective. Furthermore, we also have safeguarding concerns on landlord exploitation of young renters, a problem that already occurs with many young people who rent from private landlords, particularly students (Department for Education et al., 2019). Young renters are often perceived as naïve or ignorant by landlords and letting agents, who may feel they are able to ‘get away with’ more than they would be able to with an older tenant with more life experience. From anecdotal evidence based on our conversations with young people, we know that this is a common pathway into homelessness and a cause for concern for many young people. We are planning to take on further research into this issue in 2024 in order to strengthen the evidence base to advocate for better regulation procedures for private landlords and letting agents, especially in relation to young renters.

We feel this policy has potential but it could be strengthened by improved education for young people on their rights as tenants and more robust guidelines and prosecution processes for private landlords. Therefore, we support ACORN's recommendation in their Renter's Manifesto (2023) to implement a mandatory national register of all private landlords, letting agents, and rental properties that is free and available to the public (ACORN, 2023: 5), as well as their recommendation to "end policies which allow discrimination based on migrant status, disability, age, lone and parental status, receipt of benefits, or low income (such as 'No DSS')" (ibid: 9). If this legislation were accompanied by a blanket ban on low-income and age-discrimination (including against 16-17 year-olds) in the PRS, as well as strengthened education on tenants' rights and independent living, there is potential for successful implementation.

However, our recent conversations with young people have highlighted the need for better support in independent accommodation. EYHC's recent report, Impossible to Navigate, found tenancy breakdown to be a common pathway into homelessness for neurodivergent young people (EYHC, 2023: 58). Where neurodivergent young people, especially those who struggle with challenges like executive dysfunction, are placed in independent accommodation without support or training in independent living skills, the tenancy is almost bound to break down, which can leave young people vulnerable to repeat homelessness as well as having an impact on their mental health, wellbeing, and self-esteem. Many young people may want to live independently but do not have the confidence or skills to do so successfully. While this legislation has the potential to empower more vulnerable young people to live independently, there are few resources currently available to young people to prepare them for independent living. In order to supplement this, it might be appropriate to consider funding more schemes like the Training Flats schemes that are provided in both Pembrokeshire and Carmarthenshire, amongst other local authorities, which "provides good quality and affordable accommodation to young people who would benefit from living independently whilst accessing individual support and bespoke training" (EYHC, 2022: 1). We mentioned this scheme to some young people in our aforementioned focus group, who expressed that it was "too much of an upheaval" for them personally. However, depending on how the project is implemented the duration of the stay can vary significantly, with some young people living there for up to eighteen (18) months, and others for only two (2) weeks. This type of accommodation offers a healthy balance between independence and support and has an emphasis on preparing young people to move on into independent living. Implementing more schemes like this across Wales and targeting them towards 16-18 year-olds could therefore supplement some of the risk associated with allowing 16-17 year-olds to be occupation contract holders, as well as giving them the skills and confidence to successfully live independently.

Question 19

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

**Access to accommodation**

**Question 20**

To what extent do you agree or disagree with the short-term proposals to increase the suitability of accommodation? Are there additional immediate actions you believe should be taken for this purpose?

We agree with many of these proposals and welcome the move towards rapid rehousing and improving the standards and suitability of temporary accommodation. We feel, as do the young people we've spoken to as a part of this consultation response, that care experienced young people should have more autonomy over their housing and should be meaningfully included in suitability assessments and decisions.

We fully support the proposal to prohibit the placement of 16-17 year olds in unsupported, adult accommodation. This issue in particular is very important to EYHC as our formation in 2017 came as the result of the 2016 campaign to end the placement of 16-17 year-olds in B&Bs. However, despite the apparent success of this campaign, it is evident that eight (8) years later, there are still cases of young people being placed in B&B, hotels, and hostels alongside adults. A young person we spoke to in a recent focus group is currently living in a hostel alongside adults in their 20s, 30s, and 40s. She was not involved in this decision or any suitability assessments and felt there weren't any alternative options presented to her, stating that the local authority will "always choose the cheapest option", which further speaks to the sense of distrust that young people have in local authorities; and the realities of the financial situation in which local authorities are currently operating.

We also welcome the prohibition of placing young people in overcrowded and/or shared accommodation. Some of the young people we've spoken to recently have expressed their hesitancy to live in shared accommodation due to concerns around privacy and theft. However, there is a lack of clarity in the White Paper's definition of 'shared accommodation'. As is mentioned elsewhere in this response, many young people want to live independently but don't feel able to do so, therefore we welcome any legislative changes that empower more young people to be able to confidently and successfully live in independent accommodation.

We also agree with the proposal to prohibit the placement of under-25s in unsupported accommodation, whilst appreciating that Local Authorities will need support, both in guidance and financial support, to make this reality. Especially in regards to the small number of cases where young people have potentially limited housing options, for example as one practitioner mentioned, if they pose an arson risk.

While many of the young people we've spoken to have expressed a desire to live independently, we feel that those with homeless-experience should not be left unsupported in independent housing, especially those who are neurodivergent/disabled, care-experienced, and/or LGBTQ+. However, given what we know about the realities of the current housing crisis, it is unlikely that this rule could be followed in all instances without addressing this immediate crisis. As we have discussed elsewhere in this response, there is scope to provide more youth-focused accommodation across Wales. While there is an overall lack of suitable accommodation options available to young people that provide meaningful support and prepare them for independent living, there are also plenty of examples of good practice and success where these kinds of schemes have been commissioned. For example, Housing First for Youth, Carmarthenshire's Training Flats scheme, and supported or enhanced supported lodgings to name a few. In order to avoid the placement of 16-25 year olds in unsuitable accommodation, Welsh Government should allocate funding and resources to provide more youth-focused housing options like these.

However, a problem we foresee with the rapid rehousing approach is around the lack of suitable, young-person appropriate accommodation available in the housing stock. In our survey which was sent out to young people to inform this response, we asked what their ideal accommodation would be if they had a free choice. 43% said they would ideally want to live in a 2-3 bedroom flat with friends/family/partner, and a further 28.5% said they would like to live in a single-bedroom flat. 100% of those who answered also said that they aspire to be owner-occupiers (the question allowed respondents to select multiple answers). But, in reality, these housing options are rarely available to young people.

However, there isn't necessarily a lack of supply. In Cardiff in particular, there is a large number of luxury student accommodation buildings – far more than there are students who can afford to live in them, representing a rare case of supply outweighing demand. In a report by BBC News (2019), leading architect Jonathan Adams foresees that “they could all end up being dismantled in 20 to 30 years' time” (Flint, BBC News, 2019). We find it unacceptable that so many of the rooms in these buildings end up going empty or being let as residential hotels or temporary accommodation for tourists/visitors, when there are currently around 11,000 people in Wales living in temporary accommodation (5,481 households).

Unfortunately, there is no evidence regarding what proportion of these numbers are young people; however, we know from anecdotal evidence from our conversations with homeless-experienced young people that many of them are still living in wholly unsuitable temporary accommodation like B&Bs, hotels, and hostels, which are often shared with adults who expose them to dangerous behaviour like drug/alcohol misuse and criminal activity. While we wholeheartedly advocate for the building of new social homes that are designed with and for young people (for example, United Welsh's 'Tai Fres' development'), we feel that there are also steps that can be taken in the short term to repurpose some of these empty luxury flats to rehouse the young people who are living in temporary accommodation, as well as a longer-term strategy to review and legislate to ensure the suitability and sustainability of luxury student accommodation and how they meet the wider needs of the Welsh housing market.

#### Question 21

To what extent do you agree or disagree with the proposals around the allocation of social housing and management of housing waiting lists? What do you believe will be the consequences of these proposals?

We agree to an extent with these proposals however we feel that some changes are needed with further consideration of the needs of young people.

On the unreasonable behaviour test. We wish to stress that this must be applied in a trauma-informed way. While we understand the need to protect the wellbeing of staff and other residents in a locality. However, as our neurodivergence report highlights, some young people react in ways that may be seen as "naughty" or "aggressive", but it is actually part of their impairment which can be managed with proper support. Due to the current lack of support and poor understanding of the impact of neurodivergence on people's day-to-day lives, we feel more clarity and safeguarding need to be included in any unreasonable behaviour test. Below are some short quotes which highlight both the experiences and perceptions of some neurodivergent young people;

*"And I'm seen as an angry and aggressive person, and I'm not. I'm not, I just get like that sometimes. And I've literally written letters to members of staff to apologise and saying, listen, it's not like that. I've just written apology letters to them because I feel so bad about that. And I feel guilty obviously, but I think yeah... just more understanding please".*

*"I wasn't like officially diagnosed at all then so I was just seen as like this troubled teen who was just acting out and being angry at everyone and stuff like that when I was more angry at myself, you know... and people who I was around didn't understand that".*

*“Well school was really hard. They always used to just say that I was really naughty and I didn’t want to learn, but I’ve been telling people for years that there’s something wrong and they all just thought I was not well. Yeah, they basically said I was making it up. I was just, they all just kept calling me the troubled child. I’m just a troubled child. I’m just, and that’s all I’ve ever heard my whole life is ‘She’s just different. She’s a troubled child, she needs help, She’s this and blah, blah, blah. She’s different”.*

This is not to say we believe an official diagnosis should exempt people from this test. This is in large part due to the poor state of the diagnosis system in Wales. But robust safeguards which follow the logic of the social model of disability, as our report does, should be put in place around this test.

We also worry about how this will impact the trust between young people and local authorities. In preparing for this response, we spoke with a number of young people, and the belief in competition for place and lack of trust in local authority services was evident. Much work must be done to ensure that young people are brought along with these plans and fully understand them to build trust if they are to be effective.

As a group, we have a number of concerns about the levels of preference within the allocation. As the white paper acknowledges and our own research in Don’t Let Me Fall Through the Cracks demonstrates, care-experienced young people are at an increased risk of homelessness. While we welcome the recognition of the white paper, we would like to see this go further. Given that the white paper expressly prohibits homelessness as a route out of the care, we believe that all care-experienced young people should be given additional preferences, not just those threatened with homelessness. We also feel that the impact of being cared for is so great that there should be no upper age limit on this reasonable preference. You never stop being a ‘care leaver’ so an element of the support linked to this should always be with you.

We also believe that all young people, more generally who are threatened with homelessness. Should be given additional preference. As has been established, 48% of people who become homeless experience their first incident of homelessness below the age of 21. 73% of people who experience homelessness have experienced more than one incident of homelessness in their lifetime. We, therefore, know that early intervention is essential. By giving additional priority to all young people threatened with homelessness, we can make more successful early interventions and, therefore, prevent more incidents of homelessness.

For similar reasons, we feel that all young people should be given reasonable preference in relation to social housing allocation. We know that poverty is the main driver of homelessness. We also know that 28% of children in Wales live in poverty. In-work poverty affects a high proportion of people in Wales, placing stress on people’s ability to pay rent.



Young people are particularly at risk, as the most likely to work in low-paid roles, with reduced access to welfare payments compared to older people. We also know that young people earn less due to lower minimum wages and have reduced universal credit entitlements. This make landlords less likely to rent to young people. Despite this, young people aged 18-25 are still overrepresented in the PRS due to the cost of buying a home being out of their reach. Specifically, young people will also be disadvantaged by the waiting list as they will be starting much further down the waiting list and be waiting longer to be allocated social housing. We, therefore, believe that if social housing is to be used as a tool to end homelessness in Wales, all young people should be entitled to reasonable preference.

## Question 22

To what extent do you agree or disagree with the proposal for additional housing options for discharge of the main homelessness duty? What do you foresee as the possible consequences (intended or unintended) of this proposal?

We do agree with the proposals to offer a broader range of housing options. However, we would like to see strong safeguards to protect young people from being pressured to take a solution that isn't right for them or facing outright discrimination.

A consistent theme within our research for this white paper was a lack of trust. Given this we feel there must be a fair and transparent system for young people that ensure trust is built. As part of this, we feel that the element of choice guarantees choice where the person in receipt of the duty may refuse an unsuitable offer and must take a "no-questions-asked" approach.

Our research in Impossible to Navigate and Out on the Streets showed some of the issues with young people looking for accommodation. We are concerned that a young person may be pushed to return to a situation in which they feel unsafe or overwhelmed. We believe a no-questioned-asked approach would make a young person more confident to refuse such a solution as they would not be required to "out" themselves to practitioners. This is of particular concern given the evidence in our report of young people facing discrimination from homeless services. Equally, some neurodivergent young people may be undiagnosed or not fully realise what it was about their home environment, which was overwhelming and may therefore struggle to justify to a practitioner why they cannot return to their previous situation. We want to ensure young people have a true say and do not feel pressured to take an unsuitable option. Equally, we feel the above approach deals with these issues in a trauma-informed way.

This said, we also feel that doors should be left open to young people with mediation to return to the family home at some point in the future being an option. We have heard cases of young people who are able to return after weeks, months or even years of estrangement.

We therefore feel that mediation and a "no closed doors" approach should be a tool on offer as part of the housing options approach which can be coupled with an alternative form of accommodation to aid in preventing youth homelessness.

### Question 23

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals in relation to access to housing. Are there any costs and benefits we have not accounted for?

## Implementation

### Question 24

To what extent do you think the proposals outlined above will support the implementation and enforcement of the proposed reforms?

As was referenced frequently throughout our focus group on the white paper as group the two main focus areas for implementation have got to be funding and accountability.

Adequate funding has to be provided to turn these proposals into a reality at practice level. As a group we are pleased to see that the youth homelessness grant for allocation to youth work has not been affected in the most recent draft budget. However, as has been reiterated throughout this response is the importance of an uplift to HSG funding.

Similarly, as has again been referenced throughout, there is a real need for accountability and a focus on driving the implementation of these proposals. We cannot afford for any more policy for policy's sake, whilst we continue to see care experienced young people in Wales and care leavers have such a higher propensity to homelessness compared to their non-looked after peers.

### Question 25

What other levers/functions/mechanisms could be used to hold local housing authorities and other public bodies accountable for their role in achieving homelessness prevention?

As aforementioned; we believe that implementing the corporate parenting charter on a statutory footing, rather than voluntary, will have seismic positive implications for care experienced young people and care leavers across Wales.

Published on 29th June 2023, the Welsh Government's voluntary Corporate Parenting Charter is a strong foundation from which to build systemic change for care-experienced children and young people, including care-experienced young mothers. A foundation from which, if fully implemented to its widest potential, could dramatically improve the life experiences and opportunities available to care experienced young people across Wales, such is the breadth of the potential. At EYHC we support the Welsh Government's list which details which kind of public sector bodies, public service or professionals should take on the role of a corporate parent.

Yet although the Welsh Government has extended corporate parenting duties for other public bodies beyond children's services, it is voluntary for public bodies to choose whether they sign up to be corporate parents. The Welsh Government has promised to monitor sign-up for the Charter and consider future steps for corporate parenting in Wales, and indicated that the Charter has "initially been published on a voluntary basis" only in its written response to the CYPE radical reform report.

By making corporate parenting mandatory for a broader range of public bodies, this would encourage other bodies to develop specific practices and work collaboratively to end youth homelessness. The Welsh Government should follow the Scottish Government's lead and make fulfilling corporate parenting duties mandatory for named public bodies.

Similarly, we would like to re-state our believe in the importance of an accompanying Action Plan, to detail how these proposals will be turned into practice on the ground. We need to see clear timelines and accountability for delivery. We cannot allow the opportunity that the white paper presents, generational change for care experienced young people and care leavers across Wales, to be missed because of patchy implementation, as we have seen far too often across Wales.

#### Question 26

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

#### Question 27

What, in your opinion, would be the likely effects of the proposed reforms in this White Paper on the Welsh language? We are particularly interested in any likely effects on opportunities to use the Welsh language and on not treating the Welsh language less favourably than English.

- Do you think that there are opportunities to promote any positive effects?
- Do you think that there are opportunities to mitigate any adverse effects?

Question 28

We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

Organisation (if applicable):

End Youth Homelessness Cymru Care Experienced Working Group

Number: WG48223



Llywodraeth Cymru  
Welsh Government

Welsh Government  
Consultation response form

## Consultation on the White Paper on Ending Homelessness in Wales

Date of issue: 10 October 2023

Action required: Responses by 16 January 2024

**OGI** © Crown copyright 2023

Mae'r ddogfen hon ar gael yn Gymraeg hefyd / This document is also available in Welsh

Rydym yn croesawu gohebiaeth a galwadau ffôn yn Gymraeg / We welcome  
correspondence and telephone calls in Welsh

## Overview

This White Paper sets out a range of proposals for changes to policy and the law, to end homelessness in Wales.

## How to respond

Please respond by completing the online form or completing this questionnaire and sending it to [HomelessnessLegislationReform@gov.wales](mailto:HomelessnessLegislationReform@gov.wales)

If you intend to respond in writing, please send completed forms to:

Homelessness Prevention Legislation Team  
Welsh Government  
Cathays Park  
Cardiff  
CF10 3NQ

When you reply, it would be useful if you confirm whether you are replying as an individual or submitting an official response on behalf of an organisation and include:

- your name
- your position (if applicable), and
- the name of organisation (if applicable).

## Further information and related documents

Large print, Braille and alternative language versions of this document are available on request.

## Data Protection

The Welsh Government will be data controller for any personal data you provide as part of your response to the consultation. Welsh Ministers have statutory powers they will rely on to process this personal data which will enable them to make informed decisions about how they exercise their public functions. Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about or planning future consultations. Where the Welsh Government undertakes further analysis of consultation responses then this work may be commissioned to be carried out by an accredited third party (e.g., a research organisation or a consultancy company). Any such work will only be undertaken under contract. Welsh Government's standard terms and conditions for such contracts set out strict requirements for the processing and safekeeping of personal data.

In order to show that the consultation was carried out properly, the Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. If you do not want your name or address published, please tell us this in writing when you send your response. We will then redact them before publishing.

You should also be aware of our responsibilities under Freedom of Information legislation.

If your details are published as part of the consultation response then these published reports will be retained indefinitely. Any of your data held otherwise by Welsh Government will be kept for no more than 3 years.

## Confidentiality

Responses to consultations may be made public on the internet or in a report.

**If you would prefer your response to remain anonymous, please tick here:**

# Reform of the existing core homelessness legislation

## Question 1

Do you agree these proposals will lead to increased prevention and relief of homelessness?

Yes/no

Not entirely

## Question 2

What are your reasons for this?

The case and evidence set out in the White Paper demonstrates a need for change. The proposals will go some way towards achieving change but is constrained by limited accommodation options. The relief of homelessness will not be achieved until there is adequate accommodation availability for children and young people that is always safe, suitable and sustainable. Many more units / options are required, including Move On to own home. Investment from all stakeholders is needed to achieve this. Up-stream, increased early identification, intervention and prevention is key.

## Question 3

Are there additional legislative proposals you think we should consider to improve the prevention and relief of homelessness?

Yes, there is a need to strengthen joint accountability to improve LA department co-working. The White Paper recognises the issue of children and young people being passes back and forth between social services, housing and other services. This has a traumatising effect on the children and young people. A stronger partnership approach is required to meet the needs of the child. The guidance could be strengthened to make joint working mandatory.

## Question 4

Do you agree with our proposal to abolish the priority need test?

Yes/no

Yes. Everyone in need should be helped based on their needs and based on bespoke and holistic assessment.



### Question 5

Do you agree with our proposal to abolish the Intentionality test?

Yes/no

Yes

### Question 6

Do you agree with our proposal to keep the local connection test but add additional groups of people to the list of exemptions to allow for non-familial connections with communities and to better take account of the reasons why someone is unable to return to their home authority.

Yes. Supporting people to live in the area they prefer is the right approach.

### 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?

No

## The role of the Welsh Public Service in preventing homelessness

### Question 8

Do you agree with the proposals to apply a duty to identify, refer and co-operate on a set of relevant bodies in order to prevent homelessness?

Yes/no

Please give your reasons

Yes

### Question 9

Do you agree with the proposed relevant bodies, to which the duties to identify, refer and co-operate would apply? Would you add or remove any services from the list?

The YJB agrees with the principle of placing duties on bodies that have a role in preventing homelessness. It is not clear why this is not a universal duty for all aspects of public service delivery instead of the duty placed on Local Authorities being restricted to Social Services. Education plays a critical role. Part of the role of the Youth Engagement and Progression Coordinator is preventing children becoming at risk of homelessness. Prevention duties should apply to all Local Authority departments.

The white paper excludes youth justice services on the basis of youth justice being a reserved matter. While youth justice policy is reserved, delivery is a semi-devolved model. Youth Justice services are established under local authorities and are made up of a multi-agency partnership. Statutory partners include police and probation in addition to health, education and the local authority itself.

### Question 10

In your view have we struck the right balance between legislative requirements and operational practice, particularly in relation to health?

Yes

### Question 11

What practical measures will need to be in place for the proposed duties to identify, refer and co-operate to work effectively? Please consider learning and development needs, resources, staffing, location and culture.

YJB is not sufficiently knowledgeable about practice in this area to be qualified to comment however it is clear from the White Paper that the availability of suitable accommodation provision in Wales is fundamental to the success of the policy. In addition, establishing multi-agency approaches will impact on the resources of the

services who come together. Practitioners would need to be trained and the policy would need an education campaign to inform the public.

## Question 12

In addition to the broad duties to identify, refer and co-operate, this chapter contains proposals to provide enhanced case co-ordination for those with multiple and complex needs. To what extent will the proposals assist in preventing homelessness amongst this group?

A Multi-agency approach has proven to be effective in youth justice. One example is the Enhanced Case Management approach to working with children with developmental trauma. This is used to support the children in the justice system in Wales with the most significant barriers to achieving their potential. This multi-agency case formulation brings together practitioners from multiple agencies, all working with the same child to pool their knowledge and resources in order to better understand and address the huge impact that early childhood trauma has on repeat offending. It gives practitioners the tools and knowledge to support them in their work with these children and young people.

Case co-ordination also has the benefit of reducing the complexity caused by multiple agencies being involved in people's lives as case co-ordination can improve planning. For children: the critical factor is co-ordination with personal support. A case coordination approach will be critical to ensure 16-17 years olds are not passed between services which further compounds children getting the right help and support when they need it the most.

## Question 13

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

No

Targeted proposals to prevent homelessness for those disproportionately affected

## Question 14

Are there other groups of people, not captured within this section, which you believe to be disproportionately impacted by homelessness and in need of additional targeted activity to prevent and relieve this homelessness (please provide evidence to support your views)?

No, although children in or at risk of entering the YJ system should be entitled to equal rights under these proposals.

## Question 15

What additional legislative or policy actions could be taken to prevent or relieve homelessness for the groups captured by this White Paper?

## Question 16

Our proposals related to children, young people and care experience seek to improve and clarify links between homelessness legislation and the Social Services and Wellbeing Act. Significant policy development is required to assess the practicality of this. What, in your views are the benefits and challenges of our approach and what unintended consequences should we prepare to mitigate?

The YJB agrees:

- any 16 or 17 year old who is homeless or at risk of homelessness should meet the threshold for an assessment from children's services.
- no 16 or 17 year old should be accommodated in unsupported temporary accommodation and for those leaving social care or the youth justice system, the express prohibition of use the homelessness system as a route out of care or youth justice is welcome.
- with proposals to stop care leavers or care experienced young people getting lost in the system and that care experienced children be treated as priority need.
- the proposal for young people leaving the secure estate, namely legislation and guidance should be clear 16 and 17 year old, 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. The YJB assumes that this refers to youth secure estate, otherwise this would also apply to community orders.

The benefit of the approaches outlined will be that there will be appropriate level of focus on children and young people, with the outcome of service delivery that will better meet their needs.

In the current fiscal climate, implementation may be a challenge. YJB oversight of the youth justice system gives us a perspective on the whole youth justice system. Our oversight activity provides intelligence not just on the performance of youth justice services themselves, but also on partnerships with other services. Through our

oversight of the youth justice system we are identifying challenges with accommodation. More children are presenting with accommodation challenges when they first come into contact with youth justice services. For these children finding suitable accommodation is a challenge throughout their order. This impacts on the services' ability to be able to effectively work with children if they are not in safe and secure accommodation and upon completion of their order accommodation options are extremely limited.

It is clear that there is insufficient appropriate accommodation provision to meet demand – a point recognised in the White paper.

In addition, our oversight activity and engagement with services has identified challenges with resources, including budgets and workforce across the whole system (not just youth justice services, but wider partnerships). The Welsh Government has recently published its budgets and it is clear that Local Authorities and all public services face a challenging period. In this context, implementation of the policy will be challenging, alongside other priorities that may compete for resources. Some examples include: the work to make Wales an anti-racist nation, social services reform, and activity to re-engage children with education while meeting their emotional and mental health needs post-COVID.

## Question 17

Do our proposals go far enough to ensure that 16 and 17 year olds who are homeless or at risk of homelessness receive joint support from social services and local housing authorities? What more could be done to strengthen practice and deliver the broader corporate parenting responsibilities?

Yes, but there should be no distinction between children in the youth justice system and any other children. Children in or at risk of entering the YJ system should be entitled to equal rights under these proposals.

## Question 18

Do you agree or disagree that the Renting Homes (Wales) Act 2016 should be amended to allow 16 and 17 year olds to be able to hold occupation contracts?

Yes, the YJB agrees (where it is appropriate to enable children to hold occupation contracts). It should be made clear how suitability would be determined. Many children may not have the cognitive or emotional capacity to understand what the implications and impacts are of entering into a contract. There may be the need for additional support or work to educate or improve understanding of contracts among any children that may be subject to such a contract, in addition to ongoing support. We note the proposed statutory duty to provide support in order to help people retain accommodation. Such support may be vital for 16 and 17 year olds.

## Question 19

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

No

## Access to accommodation

## Question 20

To what extent do you agree or disagree with the short-term proposals to increase the suitability of accommodation? Are there additional immediate actions you believe should be taken for this purpose?

The YJB agrees that temporary accommodation is often unsuitable for children. Our oversight activity has seen an increase in the use of inappropriate accommodation for children completing both community and custodial orders. More children are presenting with accommodation challenges when they first come into contact with youth justice services. For these children finding suitable accommodation is a challenge throughout their order. This impacts on the services' ability to be able to effectively work with children if they are not in safe and secure accommodation and upon completion of their order accommodation options are extremely limited. The YJB welcomes measures to reduce the reliance or use of temporary accommodation is welcome.

The YJB agrees with the positions set out in the White Paper that state:

- Children should never be placed in temporary accommodation, including B&B and shared accommodation.
- Children should not be placed in adult focused, unsupported temporary accommodation.
- Any temporary accommodation placement that is made for children must be in supported accommodation.

The YJB also welcomes the focus on wellbeing and support needs and on culturally appropriate accommodation.

It should be noted that the way the consultation questions are set out does not provide an opportunity to give views on the unacceptable behaviour elements of the policy.

Th YJB recognises the need for such provisions however, caution should be taken when applying them to children aged 16 or 17 who may hold occupation contracts. The enforcement of such provisions must avoid adultification of children aged 16 and 17. Many children who are in or at risk of entering the youth justice system function below their age in terms of cognitive, social and emotional development. The implementation of such

measures should consider the specific needs and circumstances of children and include evidence-based trauma-informed approaches.

### Question 21

To what extent do you agree or disagree with the proposals around the allocation of social housing and management of housing waiting lists? What do you believe will be the consequences of these proposals?

With regards to the proposal to provide local housing authorities with a power to specify that certain groups of people, who are not in housing need, the YJB would urge that consideration be made to the risk of unintended consequences for children. The White Paper states a definition for housing need will be provided in guidance which will also seek to set out where exceptions to this power are necessary. Any case where removal from waiting lists may have a detrimental impact on children should qualify as an exemption.

### 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?

YJB agrees that the duty should not end if such accommodation is refused.  
The Safeguards outlined in the White Paper do not cover escalation should there be issues the person experiences or if things go wrong. This needs to be clarified.

### Question 23

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals in relation to access to housing. Are there any costs and benefits we have not accounted for?

N/A

## Implementation

**Question 24**

To what extent do you think the proposals outlined above will support the implementation and enforcement of the proposed reforms?

**Question 25**

What other levers/functions/mechanisms could be used to hold local housing authorities and other public bodies accountable for their role in achieving homelessness prevention?

**Question 26**

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

**Question 27**

What, in your opinion, would be the likely effects of the proposed reforms in this White Paper on the Welsh language? We are particularly interested in any likely effects on opportunities to use the Welsh language and on not treating the Welsh language less favourably than English.

- Do you think that there are opportunities to promote any positive effects?
- Do you think that there are opportunities to mitigate any adverse effects?



**Question 28**

We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

Organisation (if applicable):

**Youth Justice Board for England and Wales**

Number: WG48223



Welsh Government  
Consultation response form

## Consultation on the White Paper on Ending Homelessness in Wales

Date of issue: 10 October 2023

Action required: Responses by 16 January 2024

**OGL** © Crown copyright 2023

Mae'r ddogfen hon ar gael yn Gymraeg hefyd / This document is also available in Welsh

Rydym yn croesawu gohebiaeth a galwadau ffôn yn Gymraeg / We welcome correspondence and telephone calls in Welsh

## Overview

This White Paper sets out a range of proposals for changes to policy and the law, to end homelessness in Wales.

## How to respond

Please respond by completing the online form or completing this questionnaire and sending it to [HomelessnessLegislationReform@gov.wales](mailto:HomelessnessLegislationReform@gov.wales)

If you intend to respond in writing, please send completed forms to:

Homelessness Prevention Legislation Team  
Welsh Government  
Cathays Park  
Cardiff  
CF10 3NQ

When you reply, it would be useful if you confirm whether you are replying as an individual or submitting an official response on behalf of an organisation and include:

- your name
- your position (if applicable), and
- the name of organisation (if applicable).

## Further information and related documents

Large print, Braille and alternative language versions of this document are available on request.

## Data Protection

The Welsh Government will be data controller for any personal data you provide as part of your response to the consultation. Welsh Ministers have statutory powers they will rely on to process this personal data which will enable them to make informed decisions about how they exercise their public functions. Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about or planning future consultations. Where the Welsh Government undertakes further analysis of consultation responses then this work may be commissioned to be carried out by an accredited third party (e.g., a research organisation or a consultancy company). Any such work will only be undertaken under contract. Welsh Government's standard terms and conditions for such contracts set out strict requirements for the processing and safekeeping of personal data.

In order to show that the consultation was carried out properly, the Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. If you do not want your name or address published, please tell us this in writing when you send your response. We will then redact them before publishing.

You should also be aware of our responsibilities under Freedom of Information legislation.

If your details are published as part of the consultation response then these published reports will be retained indefinitely. Any of your data held otherwise by Welsh Government will be kept for no more than 3 years.

## Confidentiality

Responses to consultations may be made public on the internet or in a report.

**If you would prefer your response to remain anonymous, please tick here:**

## Reform of the existing core homelessness legislation

### Question 1

Do you agree these proposals will lead to increased prevention and relief of homelessness?

Yes/no

Yes

### Question 2

What are your reasons for this?

The proposed changes fall in line with the Renting Homes (Wales) Act 2016. Following the implementation of the legislation in December 2022, most authorities are picking up a duty at the 6 month valid notice period, we have been operating this model, and welcome this being adopted in legislation. Since the start of the Covid pandemic it has been impossible to do any meaningful prevention work in the current 56 days of the Housing (Wales) Act 2014. Removing the s.73 duty will make the process easier for a customer and less bureaucratic. This is caveated with the assumption that other areas e.g. review stages do not become too rigorous. This removes bureaucracy from one element of the legislation to another, which in turn could result in less direct support to customers, which is the intention of the proposed changes.

Unintended consequences – examples of landlords not releasing tenants from their contract early, despite both parties knowing that the tenancy is going to end. Currently with the Discretionary Homelessness Prevention Grant Funding there is flexibility to assist with these cases. However, there is no clear indication of figures of households in that position. This would need to be mapped.

Barriers – ongoing Discretionary Homeless Prevention grant support, without the available options normally in prevention, then this requires further funding, otherwise the ability to support customers will become more limited. The grant has already reduced for the 2024/25 financial year, with no indication post 2025.

Each Local Housing Authority differs in the ability to provide different levels of “reasonable steps” options and ability to meet all support needs. Statutory services thresholds have got higher due to budgetary pressures. Waiting times and access into services vary by areas. The non-statutory element is funded by the Housing Support Grant (HSG), the formula for the grant has led to historic and ongoing “real term cuts” for services. National Living Wage and external pressures impact on the providers who are unable to access uplifts, therefore the outcome is that less hours of support are available to customers. The Housing Support Grant formula review which would have led to Pembrokeshire having an increase via a levelling up phased process to align to other Local Authorities has not happened.

This puts us at a disadvantage to other Local Authorities. Whilst we do not want other Local Authorities to have to cut services, we would still request consideration is given to levelling up our grant allocation. In addition, a directly Welsh Government funded service is taking a large cut to funding as the service migrates to the Housing Support Grant. Again, this will mean either losing that service, which we require to support prevention work or looking to decommission other services. This will put pressures on prevention work.

Short – long term change implementation – with consideration of comments below.

All with the adequate funding to support prevention and via an appropriate, flexible funding stream e.g. HSG and current No-One Left Out, Discretionary Homeless Prevention.

### Question 3

Are there additional legislative proposals you think we should consider to improve the prevention and relief of homelessness?

We would suggest an amendment to the Renting Homes (Wales) Act (RHWA) to be flexible to the needs of a tenant/ contract holder who has been served with notice, where all parties involved know that the notice will be pursued. Especially if a suitable and affordable option is made available by the Local Housing Authority. In addition as already proposed we would like for all temporary and supported accommodation to be exempt from RHWA. This is a barrier to prevention work, particularly for customers whose engagement fluctuates.

Potential changes to the Social Services and Wellbeing Act to assist with a trauma informed approach to support provision.

We are not supportive of Option 2.2 around the statutory elements proposed around Personal Housing Plans. Firstly, having “housing” in the plan immediately does not support the person centred and multi-agency/ trauma informed approach to support. It does not clearly identify other support needs Every customer has a PHP already in Pembrokeshire, we do not envisage any challenges quickly implemented through legislative change. Whilst removing the bureaucracy around s.73 duty, the PHP (or rebranded name) stipulating statutory review periods is not person centred.

We are of the view that we do not want this to become a tick box exercise, creating unnecessary processes. Reviews should take place when there is a change in circumstance and in agreement with the individual. We are moving to an online solution, which will allow customers to view and update their plans as can the Housing Officer.

Depending on the relationship with the customer and them accessing HSG funded support, it would make more sense for the PHP to be part of their support plan and updated by them with the customer. Each agency involved in supporting the customer should be responsible for their own section of the plan. The onus should not be on housing to chase this and in some cases co-ordinate it.

With the ratio of staff:cases the 8 week timescale is also not achievable in the short to medium term. It could generate requests for reviews, with no real term

benefit to the customer. In addition staff have concerns about managing expectations if the customer has a an unrealistic view on their settled accommodation e.g. not affordable, desire to live in specific set areas in the county where there is low turnover of stock and limited private rented accommodation.

The same is the case for the right to request the right to review of the reasonable steps and suitability of accommodation at any time. These conversations and aspirations should be discussed and agreed during the initial assessment and formulation of the PHP. Where there are no other options, these need to be realistically explained and not open to challenge.

As mentioned above Local Authority caseloads are high in terms of Officers:cases, funding to support a reduction in cases to enable realistic cases per Officer would support more direct prevention. Where cases are more complex in nature this should also be a consideration.

#### Question 4

Do you agree with our proposal to abolish the priority need test?

Yes/no

Yes

We adopted this way of working in during the Covid pandemic and agree with Welsh Governments change imposed on Local Authorities, during and after the pandemic.

However, this does need to be caveated with funding made available to pay for temporary accommodation. The increased demand on temporary accommodation is likely to remain in the short to medium term. Funding from Welsh Government needs to be more flexible to provide temporary accommodation, numbers are not reducing and budgets are overspent and pressurised, with Local Authorities struggling to meet the demands of services.

It is important that some of the checks Housing Officers make whilst trying to establish priority status e.g. writing to doctors, medical investigations, care summaries etc. there are often essential to consider when looking at housing need and suitability are not overlooked due to the removal of the test. Other vulnerabilities need to considered during the assessment stage.

We currently split this assessment (via a Housing Needs Assessment with our third sector partner, prior to Covid we split the priority need assessment with the provider, prior to covid, with the provider (funded directly by Welsh Government) taking the non-priority cases and the Council taking the priority cases. Due to the volume of cases and dependent on relationships with the customer, they are better placed to ensure engagement takes place. We will need to consider this following the reduction in their funding from the 2025/26 financial year. The Local Authority is already overspent on our budget line for homelessness services due to the demand for temporary accommodation.

We agree abolishing the test ensures a consistent assessment at presentation stage, however, the ongoing review of the PHP's (or whatever the assessment is

following above comments) should be undertaken by all agencies dependent on the support needs of the customer. This will lead to a more prevention based assessment.

We agree to the grouping as long as evidence is in place to support this – as a Local Authority we do not want the system to be abused to ensure that actual in need cases are supported.

Medium and longer term implementation to allow the pressures on the current system to be in a more stable system. Albeit with the caveats of the robust evidence basis.

## Question 5

Do you agree with our proposal to abolish the Intentionality test?

Yes/no

No

Officers are concerned with the removal of this test. Whilst it can be argued that the test is rarely used, so abolish it, the reality is those few cases who do progress to that stage of the current legislation do have extensive tenancy related problems e.g. anti-social behaviour, rent arrears etc. It gives no tools for Officers to try and engage customers to make changes and break the cycle they are in. This goes against the principles of early intervention and support.

Unintended consequences - cases where customers have been given advice and gone against the advice coming back round the system and constantly re-presenting, additional resources and not in line with prevention, rare, brief and non-recurring, as those particular cases are likely to re-occur. This concerns Officers as there could be an increase in presentations from harder to accommodate customers who know that the safety net is the Local Authority rehousing them. The reality is those options to keep re-accommodating are extremely complex and challenging. Customers not taking responsibility for damage (loss of bond for the LA) rent arrears and ASB causes friction with landlords particularly Private Rented Sector (PRS) landlords who tend to know families/ individuals in our area. If they are evicted from social housing the PRS is the only option for them as is the case if they have been suspended from the joint housing register. Our Registered Social Landlord (RSL) partners are starting to look at evictions due to arrears. Whilst we can try and support the customers have to want to engage and is limited by funding options specifically grant funding. We are also not supportive of RSL's requesting rent in advance and would recommend further exploration of this in the outcome of the White Paper.

The PRS is not affordable at the moment despite increases to the welcomed increase of Local Housing Allowance (LHA), meaning the customer/ family will sit in temporary accommodation indefinitely. This is not rare or brief. Due to the geographic footprint of our Local Authority, in order to provide suitable temporary accommodation (particularly by location) this requires temporary accommodation to be dispersed across the county, but this comes at a cost. There is also



increased uncertainty around the length of time waiting settled accommodation in those specific localities e.g. rural locations.

The only PRS options for some of our customers in these circumstance will be through the Leasing Scheme Wales. We are signed up to this scheme and had higher uptake than we initially thought, potentially as landlords left the sector due to the RHWA. However, the amount of properties:people ratio does not provide a robust offer to more customers due to the limited numbers on the scheme. We welcome further investment in the scheme, there has been additional funding for 2024/25 but there is uncertainty post 2025.

Concerns could be for the onward referral from other parts of the United Kingdom, Wales should not be seen as an easy or quick solution to discharge homeless duties. Data around this element of the proposed changes requires due consideration. Welsh Local Authorities on the border with England will see some pressing challenges. However, Pembrokeshire is often seen as a place of sanctuary as end of the line for most transport routes (with poor links in transport therefore seen as a protective factor applicants consider).

Therefore, the risk for us as a LA outweighs the proposed changes due to the ethos of the legislation. It would be interesting to look at the 100 cases per year to understand the pinch points in their presentation needs.

Longer term changes possible - once the 100 cases have been reviewed.

## Question 6

Do you agree with our proposal to keep the local connection test but add additional groups of people to the list of exemptions to allow for non-familial connections with communities and to better take account of the reasons why someone is unable to return to their home authority.

Yes

We would require clear guidance, processes and evidence to support the reason to be in the category. In practice, some LA's are more keen to impose this test than others and close or refer duties. We would like this to be clearly defined to ensure that customers are not being passed back and forth. The options around this need further consideration before legislative change including case study referrals.

With regards to the proposed categories:

- c) People at risk of domestic abuse or other abuse or exploitation if referred to another local housing authority, whether or not there was previous abuse.
- d) People who were subject to domestic abuse, other abuse or exploitation, and will experience trauma as a result of that domestic abuse, other abuse or exploitation, if referred to another local housing authority.

Officers are concerned that there could be misuse of the categories. Therefore, referrals to another county need to be done by agreed consistent processes via an All Wales approach.

Mid level implementation – once mapping is completed. A review of referrals to other LA's needs to be considered.

## Question 7

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

The area of cost and savings is a complex one. Having implemented the Housing (Wales) Act 2014 in April 2015 Local Authorities were provided with transitional funding to support the changes. Due consideration seems to have been considered in the proposed changes, but the real impact will be on Officer time and the appropriate ratio of cases:staff whilst working in a Housing First/ multi-agency way with other public bodies. In addition the ability to sustain the ability to offer temporary accommodation that is suitable and timely and the pressures on the HSG spend line.

Rapid Rehousing Transition Plans drawn up by Local Authorities require, short, medium and long term investment. This would be the case with proposed changes. There are things that can be implemented quickly, e.g. the removal of the priority need test, however in practice that has led to huge increases in use of temporary accommodation across Wales. There will be a peak in demand in the short to medium terms as we work toward the RRTP and proposed changes in legislation.

Accommodation and the appropriate support are vital to make the customers journey rare, brief and unrepeatable. Without investing in the prevention work the revolving door scenario will continue, at worst rough sleeping will also increase as no temporary accommodation is available. Whilst it is part of the legal changes via the Homelessness (Priority Need and Intentionality) (Wales) Regulations 2022 to hold a waiting list, the reality is without appropriate funding directly from Welsh Government this is likely to take place, if it is not already.

All Local Authorities (LA's) need to be consistent in their approach to this. NOLO/ DHP funding needs to be more flexible in the short term to enable LA's and support providers to engage with customers to follow the ethos of the legislation. LA's are overspent on TA accommodation and the grant has been too specific to enable meaningful work to take place with customers.

There is a variety of implementation stages under these proposals which require further consideration during implementation. The prevention work to support these changes cannot be implemented without significant financial support. This is the

main barrier and a discrepancy in support schemes available across LA's. The HSG formula needs further consideration to enable LA's via a levelling process to provide appropriate and sustainable support services across client groups. Without this some LA's including our own will be unable to support these functions and proposed changes.

## The role of the Welsh Public Service in preventing homelessness

### Question 8

Do you agree with the proposals to apply a duty to identify, refer and co-operate on a set of relevant bodies in order to prevent homelessness?

Yes/no

Please give your reasons

Yes

However, this is a complex area and needs to be considered in terms of the pressures on all public bodies. As with safeguarding homelessness impacts on all public bodies and the costs attached to these services, should in theory reduce if there is a robust referral process and multi-agency case management. We would support the rebranding of the PHP to achieve this.

Whilst the proposal hinges on the duties of a specific public body fulfilling their own role, a robust Housing First principle should be in place across agencies to support the referral process. This will require robust and mandatory joint training and some case study reviews by smaller working groups (across all key agencies) might identify significant pinch points for relevant body's and opportunities to implement change.

There needs to be recognition that this will increase referrals into the homelessness service and as mentioned above staff:case are unmanageable to do true prevention work under current working practices. The proposed changes will require triaging and screening via a competent duty officer. In this case additional staff will need to be employed to meet demand. If staff are not available to pick the referrals up in a timely way, then this will frustrate other public bodies and present problems which have been present with the Prison Leaver Pathway.

Referral processes need to be contributed to by all key agencies to ensure relevant information and Information Sharing Protocols are in place to limit the need to ask for additional information and consent to be provided. Currently agencies are reluctant to share information, which delays the most appropriate support being provided by the right people at the right time.

There could be further work around the capacity of customers within the process, which needs further consideration. It requires clear access into and out of the homelessness process. With current workloads Officers are not in a position to

follow up on referrals into support providers around unmet support needs and potential engagement. This could impact on the rare, brief and non-recurring ethos of the legislation.

Additional resource for gaps in service provision in LA's will need consideration and funding e.g. wet house provision, prison leaver step down accommodation etc, in order to improve successful tenancy sustainment figures. What is key is that this requires multi-agency support and no service area should be left to solely deal with support needs. There should be a clear pathway which all relevant bodies have signed up to, to ensure this is successful. This is required throughout organisations as golden thread from senior level to operational delivery. We are able to evidence this is not currently working practice. This is often due to capacity within services and not necessarily a lack of buy in from professionals.

Third sector agencies need to be included in the group of referring agencies. It would be worthwhile for case studies to be reviewed to ensure all agencies are covered by the duty to refer and "support" where applicable. Family, friends and carers support should not be underestimated especially where they are considered to be a protective factor providing an avenue to engage.

Housing needs to be recognised as a professional public service by other public bodies, which we would argue is inconsistent depending on professions and not a catch all which referring agencies currently take for granted.

Mid - long term implementation with the above areas considered in further detail to ensure the desired case co-ordination is in place. Small trials across a range of urban and rural communities may help tease out further areas or principles to adopt in other areas, to create a whole Wales approach.

## Question 9

Do you agree with the proposed relevant bodies, to which the duties to identify, refer and co-operate would apply? Would you add or remove any services from the list?

Yes

We would welcome the consideration of HSG and third sector partner agencies being included as relevant bodies. The case management element needs to be fully considered with partner agencies. Using the example of how housing and social services current practices work, whilst desirable are not working with varied practice across Wales. There are significant challenges within these services which need to be considered and strengthened prior to implementation, just as you have suggested with schools and further education. For example these are the most under pressure services in most LA's (including Housing) with the additional difficulty of recruiting, retaining and training staff. There are significant budgetary pressures associated with these services, adding additional duties will pose increased unsustainable financial pressures.

## Question 10

In your view have we struck the right balance between legislative requirements and operational practice, particularly in relation to health?

This is difficult to assess without some trial cases or piloting. Each Health Board area has differing geographic coverage, therefore they may not be in similar positions. The role of the Joint Homelessness Board with guidance around their roles and responsibilities will need to be clear. Appropriate membership of this Board needs robust consideration and falls under the 'duty' section of the proposed legislative changes. This will be achieved by strengthening strategic leadership at a regional level, however local issues can be quite specific and unique to an area and should not be overlooked. How these are dealt with may require further consideration.

## Question 11

What practical measures will need to be in place for the proposed duties to identify, refer and co-operate to work effectively? Please consider learning and development needs, resources, staffing, location and culture.

Social Work degrees should involve a module on Housing, in addition part of social work placements should have a mandatory element of location in housing to understand how it interfaces with Social Care.

Joint mandatory training events including lessons learnt and data analysis would be beneficial at a local, regional and national level. This should include frequency of customer presentation to all services, in some cases co-location of services could be worth trialling (where practical with office space reducing due to hybrid models of working). If Education are to be left out of the current proposals, then Youth Service teams (lead for youth homelessness in Pembrokeshire) will need to be the lynchpin to gathering data and reviewing cases. There needs to be planned level of education within the curriculum provided in schools to enable early intervention and identification.

## Question 12

In addition to the broad duties to identify, refer and co-operate, this chapter contains proposals to provide enhanced case co-ordination for those with multiple and complex needs. To what extent will the proposals assist in preventing homelessness amongst this group?

Further thought needs to be given to this, we would be in agreement that the best placed service should take a lead on this, but then that causes issues to the PHP and the review periods proposed which we disagree with. As we have said this should be where there is a change in circumstances. The short to medium term costs to in essence flip the system, need to be appropriately funded.

Long term aim.

### Question 13

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

As you have stated the costing of benefits may not be straightforward. We agree with this but none of these changes can happen without significant funding to support them. If meetings across partners were mapped per client group, identifying where the same individual is being discussed in a wide range of fora then this could show some initial cost savings.

Targeted proposals to prevent homelessness for those disproportionately affected

### Question 14

Are there other groups of people, not captured within this section, which you believe to be disproportionately impacted by homelessness and in need of additional targeted activity to prevent and relieve this homelessness (please provide evidence to support your views)?

Prison Leavers – whilst this client group are covered within White paper proposals, in Pembrokeshire there are no approved premises for prison leavers, there are also no dedicated supported accommodation based services for the client group. We had been hoping that with redistribution of the HSG via the proposed formula that this would allow more scope to develop schemes. Sadly, the pandemic occurred and this did not come into fruition. Therefore, the client group is one of the most disadvantaged with limited options available to them. Looking at loss of temporary accommodation it is particularly high for this client group. In addition, there are significant barriers to access TA, with many B&B proprietors unwilling to take prison leavers, in particular RSO's. Communities also oppose the location of prison leavers, often with the support of their local town and community councils and local Council members. Awareness raising sessions with both of these would be beneficial, driven by Welsh Government and cross party buy in. Community cohesion and sustainability is key to the successful integration of homeless customers and households. However, there is a stigma attached to "homeless customers and households".

The client group is also harder to accommodate in the PRS due to previous their name effectively being blacklisted with a small number of PRS landlords in the area. Considering the number of meetings attended for a small but complex cohort

often with additional needs, then this is disproportionate to other client groups, which evidences the complexities of homelessness for this client group.

Customers under the criminal justice system are the most complex customers to accommodate, we support the need to collect the correct information at imprisonment stage, there is a step before this. Whilst it is mentioned within the White Paper, Local Housing Authorities need to be notified at an early stage of recall or sentencing to enable us to try and retain a customers accommodation. This requires a more robust system and the Offender Pathway, which was an excellent piece of work need to be adhered to.

With regards to the prevention duty in prison, the proposed changes are understandable. Our experience is that a prisoner may need to be challenged on the practicality of a proposed address upon release e.g. not the property where an incident occurred. In addition, what should happen if a customer is offered a property prior to release? There are two options at this stage; let the property go as not ready to take up residency, or via financial assistance pay to ensure that the property is a viable one on release.

We would agree that prevention work can be done in prison, however this needs to be clearly set out for the prisons to support. There remains the issue that not all Welsh offenders go to a Welsh prison so there will be discrepancies from releases from other parts of the UK.

Early prison releases need to be flagged at the earliest possible time to enable housing partners to consider options. We would particularly support assessments such as health, mental health, substance abuse and occupational therapist assessments are undertaken and support provided as set out in option 32.2 of the regulatory impact assessment, however there will remain barriers to accessing accommodation due to the reasons set out above. Step down, approved premises and supported accommodation need to be more available in each locality. If a person is identified as too high risk for an AP then unsupported temporary accommodation should not be the option.

Hospital admission – needs to be robust at admission to identify the likelihood of a homelessness presentation so this can be planned through discharge arrangements. Landlords and Local Housing Authorities need to be notified at an early stage to ensure rent arrears and abandonment notices are minimised or not occurring in the first place. Grant funding to assist with rental shortfalls could be considered if it is unaffordable for the tenant or their benefits will not cover this period.

There are a number of local examples of patients being discharged and dropped down to the council offices, this is not person centred and a planned discharge should always be the option. We have previously tried to attend discharge meetings, but there has been a reluctance to share information. This makes it a waste of officer time if there is no engagement from service. With a duty on public bodies to refer and cooperate this should assist with this. Data collection sets need to be put into place to evidence the impact of the proposals.

With regards to young prison leavers, the current expectation is that social housing is the only solution. However, it can lead to length periods of time being suspended from the housing register, which in a majority of cases is correct. If you

look at data around representations and breakdown of tenancies (the latter of which in our view need to be an in depth piece of work) then this can be high.

People fleeing Domestic Abuse – it needs to be explicitly clear that women, whilst the dominant numbers presenting are not the only gender who require assistance. There are many cases of men fleeing and LGBTQ customers presenting to services and this should not be a barrier to access services. In addition, households with young males are often not able to access refuges, yet this is the specialist support they require. This has been an ongoing barrier and frustration for Officers, however down to lack of significant funding for refuge options, in particular for placements outside of Wales.

Accessible housing on its own is limited, where there are co-occurring or complex needs that require an accessible property with appropriate access to housing including temporary accommodation is problematic. Examples have been with prison leavers, particularly RSO's who have health conditions that require specialist accommodation. We agree with holding an Adapted Housing Register across housing partners in the Local Authority area to be more open and transparent and enable more choice.

Neurodiversity – this is an increased area of complex needs which are under represented in thinking. We would welcome further consideration of customers with a neurodiversity diagnosis, albeit there are long waiting lists delay diagnosis. However, more focussed support would be beneficial where a number of professionals have agreed it is likely there is a diagnosis confirmed. We have had examples of customers who are unable to be accommodated in flats due to noise sensitivity as part of their condition. There is also an increase in adult diagnosis which requires specialist support as customers work through their diagnosis as this in itself can be traumatic.

Older people – whilst there are specific schemes to look accommodate over 55s, 60s etc. These are historic age categories and with life expectancy increasing this needs to be reviewed. Is there scope to repurpose some of these schemes nationally and locally?

## Question 15

What additional legislative or policy actions could be taken to prevent or relieve homelessness for the groups captured by this White Paper?

A review of the synergy between the SSWBA and HWA would be beneficial.

Reciprocal arrangements are suggested within the White Paper, LA's have always been supportive of this as an option to enable increased successful tenancy sustainment. However, this does not mean that there will be an increase in the availability of suitable accommodation.

Where a reciprocal is agreed as the most appropriate pathway into accommodation, there needs to be a robust multi-agency support plan and financial support for PRS landlords e.g. 6 months rent guarantee in addition to bond and rent in advance to incentivise the offer and alleviate some concerns from



landlords. Where there is a property identified whilst the individual is still in prison but during the 6 month release date, financial support to secure that accommodation on release could be a more creative way of achieving this.

Any policy proposals must be robust, the Prisoner Pathway is a prime example of a good process that has not been adhered to in practice. In order to not prevent overwhelming organisations phasing in proposals will be essential.

Noted that SSWBA will be amended to store belongings, however this needs further consideration as customers are not always open to Social Services, it should be the lead agency they are working with (with a pot of funding ) where they are best equipped to assist. However, we disagree that this will have no cost impact, storage facilities are expensive and if there are no next of kin, consideration needs to be given to how long is it deemed reasonable to hold onto items. There could be storage of items that with longer-term sentences are not practical. Where there are next of kin this should be the first option. Often TA has large volumes of belongings. Customers should have some input over what they want stored and the rest removed or repurposed. In some cases it may be practical to consider charging for storage to prevent misuse of this option.

## Question 16

Our proposals related to children, young people and care experience seek to improve and clarify links between homelessness legislation and the Social Services and Wellbeing Act. Significant policy development is required to assess the practicality of this. What, in your views are the benefits and challenges of our approach and what unintended consequences should we prepare to mitigate?

The biggest challenge is funding, many young people fail in their first few tenancies and do not want to engage with support. One of the main barriers is suitable available move on accommodation. With the pressures on shared and one bed accommodation there are often limited options available when they are ready. Especially when they are ready to move on with either lower level support or completely independently.

Opportunities exist where Education can be more involved to allow for training and presentations from youth services and homelessness colleagues. There could be scope to include housing/ independent living as part of the curriculum delivered by specialist officers (this could be the third sector where projects are already in existence or Youth and Housing colleagues), breaking down barriers to access services moving forward should be at the fore front of thinking and practice. We would support more joint working in this area, although working relationships at a local level between Youth and homelessness services are well developed (potentially due to co-location and working practice prior to Covid). The benefits should be evidenced with more successful tenancy sustainment, families being supported to remain as a unit, via mediation and more family based support. There is still a preconceived view that asking your 16 year old to leave means they will get a tenancy but that just is not practical and many 16-18 year olds do not have the skills to live independently.

Care experienced children/ young adults would benefit from improved person centred case management at an earlier stage not just at transition stage to their 18<sup>th</sup> birthday. Whilst Personal Advisors can assist until they are 25 sometimes, their support needs go beyond this timescale dependent on the individual needs. Looking at the data around under 35's presentation if you look back far enough in their records many have been care experienced. It may be more beneficial to support referrals to HSG funded projects at this stage and ensure consistency of support.

Joint mandatory training across all public bodies would be beneficial as this client group like others often access other services as part of their support needs. The trauma informed focus could be an ideal opportunity to lead to significant benefits for the customer and services alike. If we provide opportunities for more failure in tenancies or more leniency under the RHWA then this needs to be considered. Member understanding of these changes is key as they will need to be supportive of this approach.

Challenges remain around the sharing of information, often Housing Officers are involved in case management during their tenancies as we are a stock holding authority and have an awareness of household pressures and needs, to then have barrier around sharing of information from other public bodies once the member of the household presents as an individual to homelessness services. This makes no sense. Sharing of information via ISP's needs to be fully considered and consistent across Wales with the local connection not applying to some customers in this client group. For instance, it should not take an agency to request a SAR to get records as we can evidence, more prison/ MAPPA related than younger people, but the principle is the same. This is a barrier that needs to be removed.

Care leavers based outside of Wales will also need further consideration so they are not disadvantaged on a return to Wales. What arrangements could be in place if they choose to remain in an English or Scottish authority due to their length of time in their locality? We appreciate this may require a longer-term implementation in some areas. If the young person wishes to remain in the area they have been placed then from a duty perspective (as long as this is not abused) that duty should transfer to Local Authority they are settling with under the local connection exemption. Further processes around this need to be developed from a multi-agency perspective.

Additional unintended consequences are that there may be an increase in presentations during data collection around this client group, which needs to include narrative along the lines of the priority need removal during Covid.

## Question 17

Do our proposals go far enough to ensure that 16 and 17 year olds who are homeless or at risk of homelessness receive joint support from social services and local housing authorities? What more could be done to strengthen practice and deliver the broader corporate parenting responsibilities?

A strong message across the board from all WG departments is required to ensure that this is a priority. We agree with the proposals as set out in the Southwark judgement and that should have had more impact than they have. However, supported accommodation is limited and requires significant investment to ensure that options are available for 16/17 year olds.

All public bodies not just social services, youth services and housing are responsible for 16/17 year olds in terms of their individual support needs. Case management via a multi-agency support involving the young person where relevant could reap benefits. Both the SSWBA and HWA put the customer's choice at the centre and meetings without the individual involved are in some cases counterproductive, with agencies making decisions for the customer. This is not specific to just 16/17 year olds, but across all the client groups.

Often corporate parenting responsibilities can be quoted in order to try and secure accommodation but then the support can end once they move in, again there is evidence of this. This is setting the young person up to fail. Further consideration around the support once they have moved in needs to be worked through, potentially with case reviews. It requires a consistent All Wales approach. This should also prevent some tenancy related issues.

### Question 18

Do you agree or disagree that the Renting Homes (Wales) Act 2016 should be amended to allow 16 and 17 year olds to be able to hold occupation contracts?

Yes

We agree, all landlords should offer tenancies to 16/17 who are able to live independently and are tenancy ready.

### Question 19

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

As above, there are wider considerations and change in processes explained in the detailed answers to specific consultation questions. This will need to be considered via a phased approach with financial support to achieve this. In order to ensure the approach is consistent, pilots in certain LA's with the correct financial support may prove useful, with learning outcomes shared with all LA's.

Rent arrears and increased bond claims could be an area that needs further consideration.

## Access to accommodation

### Question 20

To what extent do you agree or disagree with the short-term proposals to increase the suitability of accommodation? Are there additional immediate actions you believe should be taken for this purpose?

We agree that Category 1 hazards should not be deemed suitable. However, a customer may choose to live in a Category 1 hazard property e.g. some of our cottage accommodation in Pembrokeshire is likely to have some category 1 hazards but may be in the location the customer wishes to reside. It should then fall to the LA with financial support to ensure that these are minimised where practical. This requires grant support.

We agree with the fitness for human habitation criteria, the landlord should however be engaged to remedy this where possible. If this requires in intermediate placement in interim accommodation for the works to be completed, then this should be considered, with a move back into to the property where that is an option. At the moment, many presentations are made and then move through process rather than the proposed approach detailed above. LA's are able to put a charge against the property if grant funding is available. Sometimes this is more practical than inflating presentations and rehousing where remedial work can and should be considered. Close working with sufficiently resourced Private Sector Housing Teams may support more success in cases being resolved via this method.

We agree that shared sleeping space should not be permitted. In terms of applying a 6 week deadline to accommodation where the higher standard cannot apply will depend on the availability of more appropriate accommodation. This may require a more phased longer term approach where this is currently common practice.

In terms of TA, shared facilities are in some of the properties, that is also the offer that under 35s are made due to affordability as permanent accommodation. To move towards self-contained accommodation is unrealistic in the interim if they are not going to be able to access that via an offer of accommodation. If this is an option then the customers are more likely to refuse accommodation, which the Housing Officer would deem suitable, due to affordability, therefore discharging and then reviewing.

Overcrowding in both temporary and settled accommodation is subjective. Households may prefer to be overcrowded especially in their preferred location for support and affordability reasons. Putting this specifically in legislation removes customer choice and could create barriers to working with customers. There are also shortages in larger 4+ bedroom accommodation in social housing therefore customers will accept a 3 bedroom property in their preferred location. Again, this is customer choice. In terms of the PRS they may also consider overcrowding where it is more affordable. We would like this proposal to be further considered. We support the review every three years to fall in line with supply options, with the caveat of choice. How this is captured in the discharge of duty seems the most appropriate.

Prohibiting the use of unsupported accommodation for young people, should be a longer term aspiration, with funding provided to create more options in key locations through LA's. This will require investment in HSG support and in some cases capital investment for properties to be repurposed. Not everyone under 25 is vulnerable and in need of support, therefore this should only be considered where appropriate rather than a blanket approach. Customers may also choose that they do not want to go into supported accommodation, even if there is need for it.

There are complex areas proposed for regular review which will require Officer time to work through. This is a longer term proposal we would support once we are able to work through the current high levels in TA. This is likely to be a full time role/s and needs further consideration in terms of its impact.

Gypsy, Roma and Travellers presentations and options are already considered as the most appropriate for most applicants; however there is a shortage of sites. To ensure that there is a potential resolution there will be a requirement to access grant funding from WG. We have already been accessing these in previous years to increase the number of pitches and ease overcrowding on sites. With benefits changing it may be that with grant funding financial support can be provided to allow customers to be "Homeless at Homes" with their families currently on sites. We support the use of this category.

## Question 21

To what extent do you agree or disagree with the proposals around the allocation of social housing and management of housing waiting lists? What do you believe will be the consequences of these proposals?

Agree that a RSL cannot unreasonably refuse a referral as long as this is captured in data.

We are currently reviewing our Allocations Policy and assessing housing need, with the view to remove people from the register who are not in housing need. We are also looking to adopt an Affordable Housing register where some of these customers can be signposted, where applicable.

We already provide additional preference to households/ customers experiencing homelessness, the removal of s.73 will assist with this being clearer for customers. We also agree additional preference to categories who are in a special category, this links in with the proposed local connection exceptions. However, proof should be provided so that LA's are in a position to operate the deliberate manipulation test which we are in agreement with. This does tie in with intentionality in some cases, therefore our reason to keep the test in place. In addition as covered in the White Paper the housing register as a standalone with homelessness legislation should not be the route out of care.

We already operate a Common Housing Register. We would propose that within a Local Authority area a common allocations policy should be in place and agreed by all housing partners/ community landlords. The requirement for separate policies should not be permitted.

We currently suspend applicants where they have met a number of tests from the Housing Register and would prefer that this remains in place. Whilst it may narrow options for customers working with homelessness teams, this allows realistic housing options to be discussed and explored.

The deliberate manipulation test will require further guidance for consistency across Wales.

## Question 22

To what extent do you agree or disagree with the proposal for additional housing options for discharge of the main homelessness duty? What do you foresee as the possible consequences (intended or unintended) of this proposal?

We agree with the proposals however, an unintended consequence is that not all LA's have the availability of options e.g. supported lodging and supported accommodation, which may be more appropriate to the customer. This requires further thought and will require appropriate support being available through HSG funding.

The rights to review on reasonable steps is an area of concern, this links with the above observation. If a customer clearly requires supported accommodation but there is limited or no availability in an area, e.g. wet house, offender management, neurodiversity, mental health schemes etc. then this is not a "reasonable step" as it is not a viable option. This needs to be considered in the guidance once the legislation is being implemented.

It should also be a longer term solution where there are areas who need investment.

## Question 23

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals in relation to access to housing. Are there any costs and benefits we have not accounted for?

As you have stated this is a complex area with some of the costings from unintended consequences hard to identify, some task and finish specific groups in these areas may help to inform guidance. There are benefits around engagement with customers. LA's undertaking their impact assessments might enable the costs to be more clearly evidenced.

## Implementation

### Question 24

To what extent do you think the proposals outlined above will support the implementation and enforcement of the proposed reforms?

Housing needs to become a core part of other services processes and what they consider in order to implement some of these reforms. Further work could be considered around co-operation and collaboration data sets, this could support either efficiency savings or alleviation of increased financial pressures across public bodies. We would propose WG holding an IT/ data function that LA's and public bodies can populate instead of separate systems, allowing data to be more live and consistent. Large amounts of Officer time and finances are spent by 22 LA's individually changing systems, where this appears to be the most practical to be achieved through WG system development. This would mean that increasing the data teams across the LA's would be limited. If it is preferred that LA's do undertake this task, sufficient funding to enable this option needs to be worked through and introducing a power will need to be a longer term decision. If it is not a collective system then other data sets for the public bodies will also require reform to more accurately evidence the impact of the legislative changes.

### Question 25

What other levers/functions/mechanisms could be used to hold local housing authorities and other public bodies accountable for their role in achieving homelessness prevention?

See comments above re: data sets and working practices. The proposal is that this is done at a regional basis as discussed above. But improving collaborative data and analysis across organisations could inform future working methods.

### Question 26

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

As stated above the data sets might provide more detail that needs consideration for longer term less silo service provision. There are clear increases in funding required during the implementation stage. This needs to be similar to the support provided to implement the HWA April 2015, with guidance consultation prior to any implementation dates. Like this consultation LA's and wider public bodies can be engaged in the development of these.

### Question 27

What, in your opinion, would be the likely effects of the proposed reforms in this White Paper on the Welsh language? We are particularly interested in any likely

effects on opportunities to use the Welsh language and on not treating the Welsh language less favourably than English.

- Do you think that there are opportunities to promote any positive effects?
- Do you think that there are opportunities to mitigate any adverse effects?

As long as communities can be kept together with the proposed changes, e.g. funding to make enough temporary accommodation available in varied locations whilst the changes take place in a short to medium term basis. There are specific areas within Pembrokeshire that are first language Welsh, some of the RSL's have local letting schemes with preference to the Welsh Language and are being considered in the review of our Allocation Policy. Therefore, this theme is split between the Allocations Policy and the Homelessness legislation to ensure any effects are mitigated and consistent. This may be impacted if there is the removal of some temporary accommodation options as LA's look to rationalise funding in order to minimise overspends which put the LA at financial risk.

## Question 28

We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

We would agree with the proposal in 180 and 181 of the white paper around behaviour of customers and unreasonable failure to co-operate, with evidence.

Rapid Rehousing is the key to the proposals from WG, we would support this being the Homelessness Strategy in currently legislation as this underpins the Housing Strategy, HSG strategy and adding in additional strategy may prove confusing, more so for other public bodies.

It will be intriguing to see the responses from other public bodies to the consultation, as it a Housing legislative change. If this information could be disseminated to the relevant LA's then the opportunities for further engagement with those organisations. This may improve intelligence around unintended consequences and implementation costs. It is important that Welsh Government work internally during the implementation stages as cross division theme, with proposals and guidance rolled out to all key agencies both strategically and operationally.

As raised in the response to Q14 - awareness raising sessions with both local Council members and Town and Community Councils driven by Welsh Government and cross party buy in would assist the implementation of the proposed changes. Community cohesion and sustainability is key to the successful integration of homeless customers and households. However, there is a stigma attached to "homeless customers and households".

We were part of the Expert Review Panel, where a lot of information and oversight was shared during that review process. We look forward to working with Welsh Government via close working/ consultation through the pre-implementation, implementation and post implementation review. There are a learning outcomes



from the 2015 implementation process which we are happy to share and be a part of to ensure the legislative changes are delivered in a joined up and consistent way.

Organisation (if applicable):

Pembrokeshire County Council