

Cardiff Metropolitan University

Welsh Parliament Consultation on the White Paper on Ending Homelessness in Wales WG48223

About the evidence

This response draws upon the following studies:

1. Workforce survey of domestic abuse workers (2021-2023, Dr Edith England and Dr Josie Henley. Funders: Cardiff Metropolitan University Global Academies)

Detailed survey of 110 frontline workers in the domestic abuse sector, including psychometric tests of burnout, empowerment, and autonomy; interviews with a further 64 workers.

2. Implementation of the Housing (Wales) Act 2014 (2017-2020, Dr Edith England. Funders: UK Centre for Collaborative Housing Evidence)

Interviews with 52 frontline workers and 44 applicants in the Welsh homelessness system.

3. Homelessness among trans people in Wales (2017-2019, Dr Edith England. Shelter Cymru/ End Youth Homelessness Wales. Funders: LGBTQ+ Aware)

Interviews with 28 trans people with experience of homelessness, and 12 frontline workers

4. Experiences of housing among carers of people with dementia (2021, Dr Edith England and Dr Josie Henley. Funders: Platform)

Interviews with 14 carers of people with dementia

Responses to White Paper

Below, we make the following suggestions in response to the White Paper, drawing on evidence including from the studies above.

Safeguards should be put in place around the ‘unacceptable behaviour test’ in situations of domestic abuse.

- Edith spoke with those who were unable to access social housing (significantly reducing their ability to resolve their homelessness) following eviction from social housing due to an abusive partner.

Experience of care at any point in the lifespan should afford long-term priority access to social housing.

- In our research, we have interviewed homeless applicants across the lifespan. Early experience of care, and associated trauma, places people at long term risk of homelessness.
- We suggest that enhanced support to prevent and relieve homelessness should not be restricted to recent care leavers or those within a certain age range but extended across the lifespan (1).

Offer enhanced financial support to those who have experienced domestic abuse who wish to use private rented sector accommodation.

- Those who have experienced domestic abuse have specific obstacles to accessing private rented sector housing (2).
- There is no requirement that private landlords accept those who have experienced abuse.
- Financial control is very highly correlated with other forms of domestic abuse. In our research with domestic abuse workers, we found that in particular, abuse survivors may have poor credit histories and be bankrupt.
- Domestic abuse can also result in rent arrears, which can bar access to social and private accommodation.

- For some applicants, private rented accommodation can be a preferred option. For instance, private rented accommodation can offer more geographic choice, allowing them to stay near social/ family networks, or enabling them to live in areas which do not have high levels of appropriate housing stock.
- Support could include a long-term commitment to Discretionary Housing Payments, as well as a deposit and first month's rent.
- Support should be specified at an all-Wales level and centrally funded, rather than relying on local authority decisions, given the complexity of funding to support those who have experienced domestic abuse.

Local Authorities should have discretionary powers to offer those experiencing homelessness additional long term financial assistance to enter the private rented sector.

- Housing unaffordability is a key reason why people cannot exit from homelessness.
- Due to their reduced economic power, women are especially likely to struggle to afford decent quality homes.
- This is especially a problem for lone parents who tend to have high housing costs relative to their income. Mothers in temporary accommodation we spoke to explained that they simply could not afford decent quality private rented accommodation, and that this, coupled with a shortage of social housing, was their main reason for prolonged homelessness (3).
- Those who have experienced homelessness could be offered higher rates of the Local Housing Allowance. For instance, single people under 35 could be exempted from the single room rate, and families with two children could be offered the three- or four-bedroom rate, for an indefinite period. Alternatively Discretionary Housing Payments, which we found were usually considered a short term, exceptional, intervention, could be specified as an acceptable long-term solution.

Introduce clear safeguards to prevent the PHP becoming used to assess compliance (especially 'unreasonable failure to co-operate')

- Across the Local Authorities involved in our research, use of PHPs to assess participant compliance, including in terms of whether an applicant was 'unreasonably failing to co-operate' was widespread and normalised among workers.

- If the proposed changes in guidance as to when ‘unreasonable failure to cooperate’ decisions can be made are adopted, the main risk would be that PHP adherence either became used as a proxy for contact, or that it drove disengagement.
- Among applicants, this caused considerable anxiety and a feeling of being constantly assessed and judged. This persisted even though it was relatively rare for an applicant to have the duty to them ended on these grounds (4).
- The heightened use of PHPs as a case-management tool carries a high risk of increasing antagonism between applicants and workers (5).
- We also found very little evidence that PHPs actually made a difference to compliance. For most applicants, being homeless was a strong motivation to search for accommodation and those who did not usually had other unresolved obstacles.
- Applicants also experienced the use of the PHP, and the underlying implication that they were not motivated to address their homelessness, patronising, especially when administered by those who they saw as having minimal understanding of the lived experiences of homelessness. This risked reducing the applicant-local authority co-operation at the heart of the Housing (Wales) Act 2014. In the words of one lone parent, we interviewed *‘it’s like, what do they take me for, like as if I don’t want to get us out of this, as if I need nagging to step up? I’ll be honest with you, it feels rude, it does.’* (3)

Provide support for workers involved in use of PHPs as case-management.

- The work performed by frontline homelessness workers, including those in Housing Options offices, is already time-intensive and emotionally labour intensive, and providing support in a ‘person centred, trauma informed way’ is complicated, difficult and likely to require specialist knowledge and training (5).
- Workers already feel that they are not given adequate time to work with applicants in a way that engenders engagement (4).
- Consideration needs to be given to how workers themselves are going to be supported, if use of PHPs as a case-management strategy is to be extended.

Remove the Local Connection test due to disproportionate impact upon minoritized groups

- Edith was involved in the research for Tai Pawb which underpinned these findings and has previously made similar recommendations. Edith's work with Shelter Cymru exploring trans people's experiences of homelessness additionally demonstrated that 'found families'/'families of choice' are especially important during periods of homelessness because local authority services and hostel services are often not seen as safe or welcoming places for people to be themselves (6–8).
- Additionally, LGBTQ+ people are also mobile as a way to reduce minority stress, and to avoid persecution. This is also the case for other minorities. Under current and proposed Local Connection rules, there is little recognition that some areas may simply be riskier for some groups of people than others.
- However, a recurrent key finding from Edith's work into LGBTQ+ homelessness (including, most recently, the UK LGBTQ+ Housing and Homelessness Survey 2022/23, with Dr Neil Turnbull, Cardiff University) is that LGBTQ+ people fear being open about their identity with homelessness staff because they anticipate discrimination and/or invalidation from staff. They also fear repercussions if they are overheard (7).
- If the Local Connection test is retained, exempting LGBTQ+ people would mitigate impact upon this group, but strategies to enable people to identify without being placed at risk also need to be considered. Further consultation with LGBTQ+ groups would be useful here.

Remove the unreasonable failure to co-operate test completely.

- Based on our research, there is strong evidence that the unreasonable failure to co-operate test causes anxiety among applicants and does not lead to an increase in attempts to find accommodation.
- In practice, there is also clear inconsistency between and within local authorities as to when the duty is applied.

- Especially given the close association between threatening behaviour and trauma, which is prevalent among homeless people, very careful consideration should be given as to whether it is appropriate to withdraw assistance on these grounds.
- While recognising the impact of threatening behaviour on staff, the risk to applicants of withdrawing homelessness assistance is considerable, including the long term, entrenched homelessness which the Housing (Wales) Act 2014 sought to address.
 - Terminating the duty simply displaces these individuals onto other services, e.g. nightshelters and third sector low threshold services, whose ability to assist is then compromised by the legal duty having been withdrawn.
 - An option could be to explore introducing measures to protect staff and services, without removing a right to assistance. For instance, Edith spoke with a number of individuals who had been banned from some, but not all, services due to their behaviour. Because a duty to them was still recognised, staff in services that had not excluded them were able to continue to work with them successfully.
- There already exist other ways to record persistent non-contact under the Housing (Wales) Act 2014, e.g. 'application withdrawn due to loss of contact'.

Local authorities' processes around evidence of statutory homelessness should be reviewed.

- Eviction notices should be accepted as evidence of threatened homelessness; local authorities should not require applicants to have been physically evicted before acting. In some local authorities it was clear that this was not the case, and that homelessness officers were requiring physical eviction from a property (exacerbating risk of trauma and undermining the benefits of early prevention/intervention) before considering an applicant to be statutorily homeless.
- Local authorities should be proactive in recognising how threatening behaviour and harassment from landlords can create a situation where an applicant is functionally homeless.

Example

Edith spoke to a family, including three young children, who were issued with an eviction notice from their private rented property. Their landlord began to visit the property daily to demand that they leave, with his behaviour becoming increasingly confrontational to the extent that the police were called on a number of occasions. The family could not find alternate accommodation they could afford. The local homelessness office would not accept the eviction notice or the landlord's behaviour as evidence that a duty was owed, meaning that the family had to remain in the property until court action was taken. As a result, the family was exposed to an extended period of stress, which resulted in both parents seeking medical treatment and concerns about the behaviour of the children. This resulted in an urgent and abrupt move to temporary accommodation for the family, which they highlighted as having particular impact upon their children, including meaning that they had to move schools at short notice. It further made it functionally impossible for one of the parents to maintain her part time employment. They explained that the trauma the family had experienced felt unnecessary and needless, easily avertable with proactive intervention - *'if they'd just listened you know at the beginning, so unnecessary, just help us when we ask you know?'*

- Similarly, excluded occupiers and those living with family members may not have written evidence of threatened eviction. However, these individuals have no statutory notice period.
- Those living in National Asylum Seeker Support Accommodation are likely to become homeless within a shorter time frame than those in private rented accommodation, because they do not have minimum eviction periods. Evidence that an individual has been granted leave to remain should be accepted as evidence of threatened homelessness.

Example

Edith spoke with a number of applicants who had been given leave to remain and who, despite being proactive in contacting their local homelessness

office, had not been given assistance because their change in immigration status was not accepted as being threatened with homelessness. This resulted in traumatic evictions from NASS accommodation. One woman described her distress at being evicted from her flat with her two young children *'crying, crying, tears down [their] cheeks, no one cares'*, despite being *'up and down [to Housing Options]'* every day for the preceding week.

A tribunal system or similar to enable applicants to challenge homelessness and related decisions is urgently needed.

- While partnership working is a significant achievement of the Housing (Wales) Act 2014, applicants should also be able to assert their rights independently.
- We found strong evidence in our research that applicants felt unable to assert their rights.
- This included those who reported or feared discrimination based on protected characteristics. As one applicant put it, *'You mean, my theoretical rights?'* (9)
- Those who sought help from third sector advocacy organisations, e.g. Shelter Cymru, often had a great deal more success, evidencing the success of partnership working. However, asserting their rights for those without this assistance was seen as much more difficult.
- One reason for this was the lack of a clear framework to realise their rights – as one applicant put it, following a significant error which extended her family's homelessness, *'I'm not happy, but I wouldn't know where to start with making a complaint. Where'd it get me?'*

A medical diagnosis of a disability or health condition should not be required for a recognised duty of care.

- In our research, we found that local authorities required medical evidence from applicants of their conditions in order to justify support.
- People experiencing chronic conditions that include fluctuating symptoms might have difficulty in obtaining a diagnosis, or might be undergoing a diagnostic process.

- Dr Josie Henley’s research with people with undiagnosed dementia (10), demonstrated that people would rather not undergo the diagnostic process due to a low expectation of the benefits of diagnosis.
- People with fluctuating capacity due to a chronic condition are vulnerable and this needs to be recognised whether or not they have a diagnosis.
- In our research with carers of people with dementia, we found that people with cognitive decline are more likely to experience good quality of life with support and a stable home environment.

References

1. England E, Thomas I, Mackie P, Browne-Gott H. A typology of multiple exclusion homelessness. *Hous Stud.* 2022;1–25.
2. England E. ‘You’re having us on... that’s what it felt like.’: Frontline Workers Navigating the Introduction of Moral Commitments to Domestic Abuse Support within a Statutory Homelessness System. *Soc Policy Soc.* 2022;1–15.
3. England E, Josie Henley. “It Matters How They See You”: Maternal Activation as a strategy to navigate contradictory discourses of motherhood and neoliberal activism in the Welsh homelessness system. *Soc Policy Soc.* 2024;
4. England E. Show me you’re trying, that’s all...’: Exploring the discursive impact of punishments and incentives in the Welsh homelessness system as ‘controlled conditionalities. *Soc Policy Adm.* 2023;
5. England E. Compassionate responsabilisation in a neoliberal paternalistic homelessness system: ‘They’re not just numbers to me, I do actually care.’ *Sociol Rev.* 2022;00380261221102034.
6. England E. ‘This is how it works here’’: the spatial deprioritisation of trans people within homelessness services in Wales.’ *Gender, Place Cult.* 2021;1–38.
7. England E. ‘Homelessness is a queer experience.’: utopianism and mutual aid as survival strategies for homeless trans people. *Hous Stud.* 2022;1–18.
8. Carr H, Cooper A, England E, Matthews P, Taylor G, Tunåker C. Queer utopias of housing and homelessness. *Hous Stud.* 2022;1–18.
9. England E. “You mean, my theoretical rights?” Exploring service shortfalls and administrative (in)justice among homeless trans people. In: Gregory L, Iafrazi S, editors. *Diversity and Welfare Provision: Tension and Discrimination in 21st Century Britain.* Bristol: Policy Press; 2024. p. 136–55.
10. Henley J, Hillman A, Jones IR, Woods B, MacLeod CA, Pentecost C, et al. ‘We’re happy as we are’: the experience of living with possible undiagnosed dementia. *Ageing Soc.* 2021;1–26.

Cardiff North Constituency Labour Party

Response to the Welsh Government's White Paper on Ending Homelessness in Wales

Introduction

1. The Cardiff North constituency currently comprises the electoral wards of Gabalfa, Heath, Llandaff North, Llanishen, Pontprennau & Old St Mellons, Rhiwbina, Thornhill & Lisvane and Whitchurch & Tongwynlais. The Cardiff North Constituency Labour Party has members in all wards and is the arm of the Labour Party in the constituency, but its views contained in this response in this instance represent those of the CLP and not necessarily those of the Welsh Labour Party.

Background

2. The 2021 census shows 90,300 people live in Cardiff North (Population of Wales 3,107,500) and shows that the constituency is more densely populated than Wales as a whole. On the whole Cardiff North comprises a younger population than that across Wales with 18.7 per cent (21.3 per cent Wales) over 65. 11.1% are full-time students (7.6% Wales). As to economic activity, 57% (53.8% Wales) are active, 2.8 unemployed (3.1% Wales) and 40.2% inactive (43.5% Wales). 43.3% (29.6% Wales) have managerial occupations (L1 -L6 categories) and 15.1% (26.3% Wales) in semi-routine or routine occupations (L12 and L13 categories) and 5.9% never worked/long term unemployed (8.5% Wales (L14 category)).
3. Cardiff North is healthier than Wales as a whole. 83.5% have either very good or good general health (78.6% Wales), 11.7% (14.5% Wales,) have fair general health and 4.8% (7% Wales) have either very bad or bad general health. In respect of disability within the scope of the Equality Act 17.2% are disabled (21.6% Wales) and 82.8% are not disabled (78.4% Wales).
4. There are 37,100 households in Cardiff North (1,347,100 in Wales). 83.7% of the population live in house or bungalows (87.2 in Wales). 16.2% live in flats or apartment (12.5% in Wales). 35.2% own their homes outright (38% Wales); 36% are owner-occupiers with mortgages (28.4% in Wales: 10.2% are public/social sector tenants (16.5% in Wales) and 15.6% are private rented sector tenants (17.1% in Wales).
5. There are no LSOAs in Cardiff North in the top 50 most deprived listed in the Welsh Index of Multiple Deprivation 2019. (This represents an improvement on the position in the previous survey).
6. Welsh Labour has a prominent profile in Cardiff North. Julie Morgan MS and Anna McMorris MP respectively hold the Senedd and UK Parliamentary seats

and Welsh Labour councillors hold 11 of the 21 Cardiff Council seats within the constituency. In addition, apart from the wide range of occupations and activities of CLP members bringing them into day-to-day contact with members of the public in the constituency, the CLP has always ranked constituents' personal casework as very important and through this, politicians and members are very much aware of housing problems experienced by constituents.

Overview

7. The CLP organised a series of meetings to discuss the White Paper and its objective in “ensuring the experience of homelessness is rare, brief and unrepeated”. We want to make some overall observations before addressing those specific Consultation Questions where we feel we can offer a view.
8. We note the purpose of this White Paper is primarily to present a range of high-level legislative proposals to the Welsh people, in order to inform the development of a future Housing Bill for consideration by the Senedd and that current proposals focus on principles, ideas, and intention, rather than detail of the new legislative structure and detailed guidance.
9. We welcome the engagement which has taken place with people living across Wales, including those living in temporary accommodation, children, young people, care leavers, survivors of abuse and people in prison, homeless people with protected characteristics - asylum seekers, refugees, disabled people, Black, Asian and Minority Ethnic people, Gypsies and Travellers, older people and LGBTQ+ people. A sustainable legislative policy in this area must be bottom up and we congratulate Cymorth Cymru, Tai Pawb and Children in Wales on their valuable work in this process.
10. We welcome the recognition that homelessness is not just a housing issue but requires the involvement of all public services and other agencies. We support the preventative holistic multi-agency approach as the best response to meeting the multi-faceted problems that lead to homelessness. It offers the best chance of targeting help where and when it is most needed and offers it in a person-centred way.
11. Many homeless people have complex needs arising from a variety of unhappy personal circumstances which often lead to chaotic lives that are very challenging to address. We are glad to note that the “highly person-centred and tailored” approach envisioned in the Housing (Wales) Act 2014 (H(W)A), but which did not subsequently materialise in a systematic way, is to be reinforced with the concept of the personal housing plan (PHP). In our view this ambitious and imaginative approach will only work with multi-disciplinary and multi-agency oversight, drawing on the wide range of expertise of partner agencies. This is particularly important in the exercise of the right of review

process.

12. Those in the field advocating for homeless persons have for nearly 50 years, since the Housing (Homeless Persons) Act 1977 introduced the first homelessness duties, been beating the drum for resources to provide support for complex needs through a multi-faceted, multi-agency co-operative approach. This need has been acknowledged over and over again in reports and policy documents, but a lack of sufficient funding has frustrated this aim. Legislative reform, however ambitious, without the resources made available to the agencies, will not succeed in solving homelessness.
13. We welcome the proposed new duties on local authorities to draw up PHPs, to regularly review needs and the PHP every 8 weeks and record the homeless applicant's view on their accommodation needs in the PHP. We also welcome the new rights of review for homeless applicants, especially the right of review of the "reasonable steps" an authority should take under s.65 H(W)A to "help to secure that reasonable accommodation does not cease to be available" under s. 66 (the prevention duty), and the *continuing* right of review on suitability of accommodation. In the past, a formalistic approach to "reasonable steps" – going through the motions – has been evident and too little attention has been given to the applicant's view of his/her or his/her family's needs. Local Authority officers under pressure to find accommodation need to be reminded that dismissing or ignoring applicants' views is likely to lead to unsustainable tenancies and a return to the vicious cycle of homelessness. Reviews should be conducted utilising a multi-agency and multi-disciplinary approach. We particularly welcomed para 101 in the White Paper.
14. Alongside abolition of the priority need and intentional homelessness tests, we welcome the curtailment of the unreasonable failure to co-operate test. Although the extension of priority need to the "street homeless" in October 2022 allowed rough sleepers to come in from the cold, mitigating the inconsistent approach on the meaning of "vulnerability", we are firmly of the view that the two tests to be abolished are cruel and divisive and have no place in a homelessness policy.
15. However, we are worried that discharge of duty through securing accommodation in the PRS without reform of standard contracts and abolition of no-fault evictions under RH(W)A will seriously undermine the policy of the White Paper.
16. We recognise the difficulties faced by the Welsh Government in not having control of all the levers, the most notable being Local Housing Allowances, the "bedroom tax" in housing benefit assessment and the cost of living, which have all contributed to increased homelessness but we urge it to address rising rents in a similar manner to the rent control adopted in Scotland which

was recently held to be lawful by the Court of Session.

17. We believe the traditional “staircase” model, where people move from homelessness to their own home in a series of stages, “earning” the right to move to the next stage by achieving success in the current stage, is outmoded. We welcome the intention to move away from reliance on temporary accommodation towards what is described as Rapid Rehousing, operating under the guiding principle that everyone has a right to a home and does not need to prove s/he is “tenancy ready” before being eligible for an offer of their own home. We believe, though, that the Housing First model, which includes input of intensive and personalised support, must be retained for people with complex needs.
18. We welcome the move to greater involvement of RSLs in meeting the needs of homeless persons through the imposition of new allocation obligations.
19. The many positive suggestions in the White Paper outline a process, if fully implemented, which will be a valuable template for improved working in this area of housing. Our primary concern is that there needs to be sufficient resources for it to be fully introduced and implemented by agencies, many of whom are already under acute financial pressure. To be effective it will need a high priority in agencies’ budget allocations unless other services are to suffer.

Consultation Questions

The following are our responses to the questions posed in the White Paper.

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

Answer: Yes

Q. 2 What are your reasons for this?

Answer:

- The priority need and intentional homelessness tests are a distraction and consume resources which need to be spent on root causes of homelessness;
- PHPs are a key to success provided they genuinely promote and allow the full engagement of the applicant and respect her/his views; the increased review rights of applicants are consistent with this aim;
- A 56 day “threatened with homeless” threshold was always inadequate and the increase to 6 months (or the period of a landlord’s notice to vacate, if longer), will allow agencies to properly assess all the factors which may be affecting a person threatened with homelessness and implement “reasonable steps” in the provision of practical advice and support, including financial support, before a crisis situation arises;

- The recognition of the vulnerability to homelessness of protected characteristic and other vulnerable groups and the focus on their needs is welcome;
- Working in silos will not do. Homelessness is the responsibility of all in the public services and beyond. The new duty to identify, refer and cooperate across Welsh public services and other agencies is essential;
- Moving from home to home disrupts family life, continuity of employment, children's education and drains the meagre resources of poor people. Helping people stay put is vital. The duty to help a tenant maintain an occupation contract is an important improvement. But the re-enactment of "no-fault" evictions in the RH(W)A is an obstacle to success and we urge abolition;
- A more level playing field is needed between Local Authorities and RSLs in the allocation process which ought to lead to increased allocations to homeless applicants.

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

Answer:

- Initial decision-making on applicants' housing needs and reviews should be under the oversight of an independent multi-disciplinary panel drawn from the range of partnership organisations to which the duty to identify, refer and co-operate is to be applied.
- Applicants should have access to an independent advocate when engaging in the review process. This links in with the proposed statutory duty to take account of people's views and for these to be recorded in the PHP;
- On reviews, at least 3 unrelated professionals from the multi-disciplinary panel should reconsider the assessment and decisions made regarding an applicant. Applicants should be encouraged to participate in informal oral hearings – the evidence from the activity of the HMCTS tribunal judiciary Social Entitlement Chamber is that hearings attended by appellants are more likely to produce a fuller and more accurate view of the appellants' circumstances, facts and issues with greater success for the appellant;
- Allocations should be sensitive to the very real problems people face, e.g. single parent working part time with a school age child faces multiple problems if they are allocated property in another area of the city following service of a no-fault eviction notice, risking the loss of the job and the school place.
- The role of Rent Smart Wales could be enlarged to include assessing housing standards in the PRS at the point of registration and on a subsequent annual basis, with a view to more effective enforcement of standards. Costs could be met in higher registration fees.

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

Answer: Yes

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

Answer: Yes.

Q. 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.

Answer:

Yes, subject to the additional exemptions listed below. Cardiff as Wales' capital city, operates as a pole of attraction for young people, like other cities and large towns, and experiences resulting undue pressures. We accept that without some restriction these pressures may become unmanageable. Additional resources may need to be allocated on this basis.

- a) People who are care-experienced and who are not accommodated under social services duties.
- b) Veterans and those who have cohabitated with veterans during their time in service.
- 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.
- e) Prison leavers who require a move to a new area as part of their rehabilitation, or to assist in meeting the restrictions placed on where they are able to live as a result of their offence

Q. 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?

Answer:

Adequate resources are going to be the key enable full implementation of these proposals. In so far as it has been possible for us to assess the position, we have not identified other costs. We foresee significant savings in staffing time from the abolition of priority need and intentionality and simplification of local connection criteria. The enquiries and investigations placed on homelessness officers under the current law will be significantly curtailed.

Q. 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.

Answer:

Yes. These new duties are essential if people are not to fall into the cracks between services. Agencies must be astute to the "signs and symptoms" of homelessness or

leading to it. Only a sympathetic multi-agency approach will successfully 'capture' the information that is needed to assess the person's current situation.

Q. 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?

Answer:

We prefer the view of the Expert Panel who would extend this duty to landlords in the PRS. PRS landlords could be obliged to report rent arrears when they reach a threshold or anti-social behaviour allegations which put an occupancy contract (tenancy) at risk. There may be a role for Rent Smart Wales as a route for communication to Local authorities. We also think there is scope for greater involvement of the voluntary sector (where there is considerable experience and expertise).

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

Answer:

- We support the Expert Review Panel recommendation of a new statutory duty on the local housing authority to establish and lead a multi-agency panel (referred to as a Joint Homelessness Board) which resolves disputes in relation to co-operation and should include all public authorities to whom the proposed duty to identify and refer would apply but we would go further. We would give this multi-agency and multi-disciplinary panel responsibility for oversight of administration of homelessness policy and practice in a Local Authority area enforcing consistency of decision-making and approach between and among partner agencies. We note the discussion on Regional Partnership Boards etc. What is clear is that robust arrangements need to be put in place to ensure panels in authority areas throughout Wales are working in tandem and not in isolation and the Welsh Government, working with the voluntary sector, needs to lead on this.
- In the current cost of living crisis when energy costs have gone through the roofs, we are especially concerned with people's huge difficulty in keeping themselves warm and heating their homes alongside the poor standards of insulation and ventilation in Welsh homes. Although the Welsh Housing Quality Standard applies to local authority and RSL rented homes, complaints of dampness and mould are widespread and these are a driver for both ill health, with children particularly vulnerable, and homelessness. Local authority and RSL housing managers continue to distinguish between dampness and condensation on the basis that the landlord has no responsibility for the latter and that it results from a tenant's "lifestyle choice". A cultural shift among managers is needed and the Welsh Housing Quality Standard and the fitness standard specified in the Renting Homes (Fitness for

Human Habitation) (Wales) Regulations 2022 needs to be properly enforced. Enforcement should not be left to individual tenants.

Q.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.

Answer:

- We emphasise the importance of multi-agency training at senior, middle manager and practitioner levels prior to introduction of the new proposals.
- There needs to be a cultural shift: those working in the field should have training in the needs of vulnerable people, gaining sympathetic insight into cultural norms and religious observance as well as difficulties people experience in pursuing normal lives, particularly relating to educational disadvantage and lack of skills, the effects of alcohol and drug dependence.

Q. 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?

Answer:

Complex cases are demanding and time-consuming and there is a real danger of them being dealt with superficially or inadequately by homelessness officers under the pressure of a heavy caseload. The proposal to introduce compulsory case co-ordination for complex cases fits with our view of multi-disciplinary oversight, bringing every aspect of the applicant's circumstances into an assessment and discarding any stereotyping. The appointment of a lead professional from outside the local housing authority should also be compulsory.

Q. 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?

Answer:

We repeat that adequate resources are going to be the key in enabling full implementation of these proposals. In so far as it has been possible for us to assess the position, we have not identified other costs.

Q. 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)?

Answer:

Yes. Gypsies, Roma and the Travelling community. They are mentioned at para 515 of the White Paper in the context of suitability and culturally appropriate

accommodation. The duty on Local Authorities to make site provision under s. 103(2) H(W)A is limited and available sites are still insufficient. This group are particularly suspicious and untrusting of authority. Lack of pitches particularly disadvantages children who are vulnerable to inadequate schooling.

Caravan dwellers, people living in houseboats and motor homes are not mentioned either.

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

Answer:

- Apart from the obvious need for a major programme of social housing construction, we believe the White Paper has attempted to cover all bases.
- There is an urgent need for local housing allowances to be raised at least in line with inflation but this is a reserved function belonging to the UK Government. The Chancellor of the Exchequer announced his intention to increase these in the Autumn Statement, but the extent of the increase is not known.
- Homelessness arises from accommodation in the PRS being unfit for human habitation, in substantial disrepair or without adequate facilities. As mentioned above (Q.3), we believe there is a greater role for Rent Smart Wales in assessing housing standards in the PRS at registration and regularly thereafter with a view to improved enforcement of standards.

Q. 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?

Answer:

- The law is clear that primary responsibility for 16–17-year-olds leaving care lies with the Local Authority Social Services Department which must engage and work with the Authority's housing department in true partnership. It is lamentable that given all local authorities in Wales are unitary in function that persons in these vulnerable groups are still bounced between departments. There are obvious long-term benefits for the individuals and community from effective joint-working and a seamless delivery to these vulnerable groups at this point in their lives.
- We support the proposals to strengthen the corporate parenting responsibilities of Local Authorities, to outlaw unsupported accommodation for 16-17 year olds; to impose a ban on using the homelessness route to housing for young people out of care or youth justice where advance planning for accommodation should be undertaken under the corporate parenting duty; and to impose an obligation on local authority housing departments to make enquiries as to whether a young applicant is care experienced.

- We support proposed legislation establishing that 16- and 17-year-olds leaving the secure, 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.

Q. 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?

Answer:

- It is not clear from the White Paper whether the Welsh Government propose to legislate for corporate parenting protection, similar to 16- and 17-year-olds, 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) or simply issue guidance to secure joint work between Social Services and Housing Departments to support and accommodate them.
- “Battles” between local housing and social services departments to avoid having to take responsibility for a 16- or 17-year-old transitioning to adulthood is entirely unacceptable. In Wales where there are 22 unitary authorities there is absolutely no excuse. Social Services- Children’s and Adults’ services - and Housing services need to be working together very closely.
- Multi-agency intake teams may be a way of responding to urgent cases in a timely and more efficient manner, involving the extended family and sensitive to individuals’ particular needs.
- There should be a level of review to take account of conflicting family views and different cultural perceptions of professionals and family members.

Q. 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?

Answer: Yes

Q. 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?

Answer:

As mentioned above, the introduction of these changes comes at a time of acute financial pressure. We are concerned about transport costs to people seeking assistance in rural authorities. Access to Public Libraries and Advice Hubs is available in urban centres but is not easily available in Welsh rural areas. What consideration has been given to such costs?

Q. 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?

Answer:

- We support the immediate proposals to improve standards, particularly those:
 - deeming accommodation with a Category 1 hazard under the Housing Act 2004 and unfit for human habitation under RH(W)A and the 2022 Regulations made thereunder as unsuitable;
 - banning shared sleeping space
 - applying same higher standards to Local Authority and RSL accommodation as currently apply to the PRS;
 - prohibiting use of unsupported temporary accommodation for young people.
- We note the number of 16–17-year-olds and vulnerable 18-21 years olds including care leavers in unsuitable accommodation (para 496). We are concerned that the “exceptional circumstances” to the standards of suitability required for emergency accommodation will continue for the time being. We believe that the cases where “exceptional circumstances” are accepted as being applicable are kept under rigorous review and time limits strictly observed.
- We welcome the proposal to deem accommodation unsuitable 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.
- There needs to be a consistency of approach and guidance with case management tools will be vital.

Q.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?

Answer:

- We note the constraints of maintaining the Private Non-Financial Corporation status of RSLs for the purpose of capital borrowing requirements and within these constraints welcome the introduction of common housing registers and common housing allocation policies as between Local Authorities and RSLs.
- Prohibition of unreasonable refusal of Local Authority allocation referrals within a reasonable period by RSLs is a welcome step;
- We welcome the “tightening up” of the “unacceptable behaviour test” which allows Local Authorities to exclude relevant persons from the housing waiting list. Inconsistent practice of authorities has resulted in uneven and unjust outcomes and use of this test should be closely monitored.
- We welcome the additional preference over other priority groups defined as having urgent housing need to be given to people experiencing homelessness, who are care leavers or people fleeing abuse.

- We believe the proposals listed above will lead to greater consistency in allocation decisions by both Local Authorities and RSLs and significantly increase the number of homeless persons rehoused by RSLs.
- We have some reservations about giving Local Authorities the power to remove people from the waiting list on the basis of their having no housing need. If this is pursued, a right of appeal to an independent panel should be instituted.
- We doubt that there will be any significant number of instances of attempted manipulation of priority in the allocation process using homelessness status and view the proposed “deliberate manipulation test” with some concern. This will open the door to the exercise of subjective and inconsistent decision-making and will be a return to the approach which led to the priority need and intentional homelessness tests in the 1977 Act (which introduced the first homelessness duties).
- At para 595 of the White Paper, mention is made of developing a mechanism to challenge Local Authority and RSL allocation decisions. There is already a right to a review of an allocations decision by a Local Authority under s.167(4A)(d) Housing Act 1996. It is barely mentioned in the Welsh Government Code of Guidance on Allocations and Homelessness at para 3.206 and the Allocation of Housing and Homelessness (Review Procedures) Regulations 1999 have been revoked. We are concerned that there is no stipulated process for pursuing a review matching that for homelessness decisions and that there is no statutory right of appeal to a county court on a point of law on an allocation review decision as is the case with homelessness review decisions. We recommend that a procedure equivalent to that provided within the homelessness area is provided as soon as possible.

Q.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?

Answer:

We agree that the full housing duty under s. 75 H(W)A should be brought to an end with the consent of the applicant where supported lodgings, supported accommodation or remaining or returning to previous accommodation, including the family home, is an outcome. But we stress the importance of gaining the applicant’s informed consent after having the opportunity of taking independent advice.

Q.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?

Answer:

Adequate resources are going to be the key in enabling full implementation of these proposals. In so far as it has been possible for us to assess the position, we have not identified other costs.

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

A. We feel we have nothing further to add to our previous comments.

Q.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?

A. We feel we have nothing further to add to our previous comments.

Q.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?

A. We feel we have nothing further to add to our previous comments.

Q.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?

Answer:

Obviously, the incidence of homelessness in predominantly Welsh speaking communities has an unfavourable impact on use of the language if it results in a resident having to leave that community. Use of the language is a relevant consideration on the issue of suitability. To the extent that the proposed reforms reduce the incidence of homelessness in predominantly English first language areas one would expect a similar outcome in Welsh speaking communities but, of course, in both, a programme of social housing construction is essential.

Q.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.

Answer:

As we stated in our response to the Call for Evidence on Securing a Path towards Adequate housing including fair rents and affordability, at the heart of the current housing crisis is supply. Without an adequate supply a discussion on solving homelessness or housing adequacy is meaningless. An adequate supply requires a sufficient pool of public and social housing to create a genuine market where there is a real choice and there is no scope for any monopoly power holding the country to ransom on security of tenure or rents.

We would also like to add comment on the position of prisoners. A term of imprisonment usually brings a life-long stigma. We believe it was a serious mistake in the H(W)A to remove prisoners' automatic priority need status on discharge from prison and this has resulted in exacerbating rough sleeping, only mitigated by the addition of the "street homeless" category to priority need in October 2022. Policy

and practice dealing with the housing of prisoners has been short-sighted, failing to take account of the importance of a secure home in promoting rehabilitation and the harm to the community caused by continued offending, anti-social behaviour and the resulting cost to public funds. We welcome the proposals for prisoners both on sentencing and on discharge.

Centre for Homelessness Impact

Response to Ending Homelessness in Wales White Paper consultation

The Centre for Homelessness Impact (CHI) champions the creation and better use of evidence, with the aim that homelessness in the United Kingdom is prevented wherever possible and is otherwise brief, rare and non-recurring. In responding to the Welsh Government's White Paper, our team has drawn from UK and global evidence, in the hope that both evidence and our experience in this space can inform this important work.

A point to consider throughout the process of developing new legislation around homelessness in Wales, is that Wales should learn lessons from similar processes elsewhere, particularly in Scotland. Importantly, where new duties and responsibilities are brought into law, the Welsh Government risks an increasing implementation gap, where legislation and practice drift apart. This is something already witnessed in other UK nations. To ensure this pitfall is avoided, the Welsh Government should:

- Invest in a thorough impact assessment, to understand how new legislation tackles, or struggles to tackle, homelessness,
- Develop a full implementation plan, so that practitioners and those with new duties fully understand new legislation and can act upon it and,
- Ensure robust evaluation of changes is in place, so that this can be a part of a longer-term learning process of what works to end homelessness in Wales.

These elements, which CHI considers crucial to the success of your legislation, are mentioned throughout this response.

In this letter, comment from CHI is, where appropriate, annotated with the relevant question number from your consultation document.

Changes to legislation

CHI agrees in principle with a number of proposed changes to legislation put forward in this White Paper. CHI agrees, for example, that the Priority Need Test (Q4) should be abolished. The Welsh Government will be aware that similar planned changes in Scotland were met with considerable concern, particularly the worry that the homelessness system could collapse if Priority Need testing was removed. Whilst this did not come to pass, the removal of Priority Need did coincide with the increased use of Temporary Accommodation, something that was not predicted prior to legislation being passed. Over ten years on, the Scottish system is still adapting to this change and the Welsh Government would do well to consider this and plan for possible increases in demand for accommodation. Additionally, average 'journey time' (the time between assessment and closure of an application) has increased since changes were made in Scotland in 2012. Scottish data includes drastic changes in more pressurised local authorities. In Edinburgh, for example, the journey time increased from 144 days in 2010-11 to 197 days in 2013-14. As of 2022-23, this

figure stands at 654 days - more than twice the Scottish average.¹ The Welsh Government would do well to consider this mixed picture, understand any possible impact on its own journey times and seek to support local authorities it could expect to run into similar challenges. CHI would gladly support with this effort.

Alongside this proposed change, CHI supports the plan to abolish the intentionality test. The abolition of the intentionality test would be a UK-leading move that would cement the Welsh Government's world-wide reputation as leaders in homelessness prevention. As highlighted in the regulatory impact assessment, there are currently around 100 cases each year where the reason for ending a duty has been that the household has been found to have been intentionally homeless. CHI is ready to support the Welsh Government and local authorities in understanding and analysing these cases, to determine whether there will be more of an impact in some areas - particularly for local authorities who use the intentionality test more than others at present. Additionally, CHI notes that there is among some a belief that the intentionality test offers locations perceived to be more desirable places to live a form of protection from people becoming intentionally homeless to secure housing. Whilst there is no data to support the premise that this is a widespread problem, close monitoring would allow the Welsh Government to resolve the issue one way or another.

Public services preventing homelessness

CHI supports the Welsh Government's intention to widen responsibility for preventing homelessness to a range of government departments and agencies (Q8, Q9) – a cross-Government and cross-society approach is key to tackling this issue. CHI believes that, while the list of organisations with a new duty is welcome, it should include schools, colleges and universities, as they can provide much needed information and evidence in support of their pupils or students, as well as identifying possible risks early on. Alongside this, the Welsh Government should engage with Voluntary, Community and Social Enterprises (VCSEs) and explain to them how - without a duty - they could contribute to preventing homelessness.

What will be key, when it comes to new duties in particular, is the approach that the Welsh Government proposes to implementation. CHI would welcome the development of a full implementation plan, which could sit alongside guidance on new duties and responsibilities, underpinned by appropriate resourcing. This plan should include awareness raising, training and support for the level of culture change required in some bodies with new responsibilities. As part of the implementation process, there should be very clear and explicit links between the extended prevention duty and the new Ending Homelessness Outcomes Framework. This is particularly true for the outcomes and indicators measuring prevention of homelessness whenever possible as well as in the outcomes for improving joint working. CHI would be very happy to assist the Welsh Government in planning the

¹ Homelessness in Scotland 2022-23

<https://www.gov.scot/publications/homelessness-in-scotland-2022-23/documents/>

implementation phase of this work, to ensure that this legislation has the positive and sustained impact intended.

Proposals to target people more likely to be affected by homelessness

CHI welcomes the recognition that certain people in society are at a higher risk of homelessness and this is something backed by evidence and CHI's work. Targeted prevention services and support are key ways to tackle homelessness in specific communities. As things stand, traditional responses have not been responsive enough to specific needs found in different cohorts of the population. CHI welcomes this approach and, again, would happily work with the Welsh Government to better understand which groups are particularly vulnerable and could respond well to targeted intervention.

Evidence shows that people seeking asylum in the United Kingdom are at greater risk of homelessness and efforts to rapidly move people on from hotel accommodation have led to reports of rushed moves from hotels without adequate alternative accommodation having been secured.² In this context, the Welsh Government should consider proposals to target support to this group and local authorities where people granted leave to remain are more likely to live.

As well as this, CHI recommends that the Welsh Government presses ahead with requirements for all local authorities to maintain an Accessible Housing Register. Such a register should list housing that is already accessible or would be particularly suited to adaptation. Relatively simple steps like this could mean that people with additional requirements from their housing find it easier to secure a safe and secure home.

Support for young people facing or experiencing homelessness

CHI recognises that educational settings play a unique role in the lives of young people, often coming to know children, families and their living situations very well. As noted above, this unique relationship and proximity is one of the reasons CHI recommends that new duties extend to schools, colleges, universities and other educational settings. In doing this, the Welsh Government could tap into the valuable information young people share with educators and ensure timely assistance where precarious housing or homelessness is identified. CHI is also interested to hear more about work to clarify links between homelessness legislation and the Social Services and Wellbeing Act. There exists, at present, some confusion around exactly which service has a duty to accommodate and where associated costs will lie. Additional clarification could ensure that nobody falls into the gap between homelessness and social services.

Proposals in this White Paper that seek to amend the Renting Home (Wales) Act are particularly welcome, and CHI recognises the importance of people from the age of

² Statement and joint letter Changes to procedure for ending asylum support causing increased homelessness

<https://naccomm.org.uk/statement-and-open-letter-changes-to-procedure-for-ending-asylum-support-causing-increased-homelessness/>

16 being able to hold tenancies in their own right. Attention is drawn to Scotland, where 16 year olds are able to hold contracts, and England, where tenants have to be 18. Changes to this legislation could improve outcomes for people without a home who are older than 16 and for whom timely housing stability could make a real difference.

Concluding thoughts

CHI recommends that a specific focus is applied to the implementation and monitoring, and rigorous evaluation of all the changes. The proposal to change the prevention duty is a strong one, for example, but will only be as strong as its implementation, impact monitoring and funding. CHI recommends that significant consideration and resources be allocated to this endeavour, so that changes to duties and responsibilities are understood by relevant bodies and so that the government can collect robust data on the impact that changes are having.

The Centre for Homelessness Impact, as a What Works Centre, is committed to the improved and embedded use of evidence in policy making; this is the case before proposals such as these become law or guidance, but it is also true of new changes that are made. CHI strongly encourages the Welsh Government to monitor, measure and record impacts from agreed changes, so that best practice from Wales can be used to improve the lives of people without homes across the United Kingdom and further afield. CHI stands ready to support the Welsh Government in ensuring its implementation and monitoring is robust and evidence led.

Flintshire Local Authority

FLINTSHIRE COUNTY COUNCIL RESPONSE TO ENDING HOMELESSNESS WHITE PAPER CONSULTATION

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

As a local authority delivering statutory homelessness services, managing a wide range of housing needs in addition to homelessness and commissioning housing related support services, it is clear that the intent of the white paper outlines a bold ambition for ending homelessness through increased prevention and relief activities and seeks to set a legislative footing to support this ambition. However, ending homelessness is not exclusively about homeless legislation.

Legislation without appropriate funding and housing supply will present significant challenges for the local authority and it is clear that homelessness in the short to medium term is a high-cost area for the Council, but ambitions through Rapid Rehousing will offer long term benefit. This is not a problem a few years in the making however and radical change over a short period of time is perhaps set up to fail in the current landscape.

2. What are your reasons for this?

Whilst working towards the Rapid Rehousing Agenda is clearly aligned to easing some of these pressures long term, the timing of implementation of changes to homeless legislation and alignment to other statutory activities and support services along with ambitious build programmes, will be critical as will strengthening of partnership working.

Extending the statutory prevention timeframe to 6 months is sensible to align with Renting Homes Wales Act 2016 and we work within this already to enable time to deliver the best possible outcomes for Flintshire residents. Many presentations of homelessness do not however provide time for prevention and are last minute, crisis management presentations. Traditional Notices are a small part of the authorities workload in comparison to many other reasons for presentations for homelessness support.

Introducing additional contact points with residents alongside the Personal Housing Plans process will make services more responsive and accessible, but this will need resourcing. Building on collaborative ways of delivering Personal Housing Plans will assist with this process and ease the burden on Homeless Officers, but clarity and further guidance on what constitutes a formal review / refresh of a PHP would be welcomed to plan resources effectively.

With a standstill HSG award and increasing costs for service delivery it is likely that the tenancy sustainment ambitions to avoid repeat homelessness will be challenging

if not resourced appropriately. Whilst Social Housing providers may be on board with the principles of tenancy sustainment, HSG services to compliment housing management functions and to increase reach into the private rented sector for those who can secure it will be key.

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

Not specifically legislative change for prevention, but there needs to be an acknowledgement that many cases of homelessness cannot be prevented. Instances of Domestic Abuse, Prison Release, relationship breakdown, families asking household members to leave are just some examples of cases where homeless teams have little if any chance to prevent homelessness.

With no priority need (which we near enough work to already) and market conditions in PRS and social housing blockages, its clear that numbers are going up and opportunities for prevention and relief are reducing. All roads then lead to costly accommodation and prolonged periods of homelessness. Better that people are helped and that the legislation provides that safety net, but without sufficient resources this is unsustainable.

Flintshire has recently had an Audit of Homelessness Services completed by Wales Audit Office. When testing our services in Flintshire, they found that we *"deliver high quality homelessness services, but this is unsustainable with current funding"*. This is a clear acknowledgement of the good services we deliver, but the risk is without sufficient funding we cannot sustain the levels of service we know our residents deserve.

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

The extent of the current priority need test with the introduction of the street homelessness category legislates for LAs to assist the vast majority of people who present as homeless already through all stages of the current act. However again it must be stressed, with more people into the system and fewer opportunities to prevent homelessness with a shrinking private rented sector and social housing supply blockages, abolition of priority need in its entirety will further compound existing financial pressures for LA's at a time of considerable financial stress and pressure.

We work to the current legislation and use the HWA Act 2014 to help people and not gatekeep, cultural this is the values we have, but it is unsustainable financially when considering the Councils financial position and the long term changes needed to address failing housing conditions. Timing on the roll out of the various changes outlined within the White Paper will be key.

Local Authorities met with Peter Mackie a number of years ago to consider the abolition of priority need and a lot has changed and major positives have been

achieved since then through No One Left Out principles and Street Homeless category, but housing market conditions and financial landscape for Councils has been challenging and continues to be so, with no immediate solutions in sight.

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

Numbers of intentional homelessness decisions are incredibly low in our County as they are across Wales and every effort is made to help people and to use the spirit of the legislation for and not against people.

Alignment with local Allocations Policies will be key addressing issues of negative conducts and contrived applications (making housing situations worse – disregarding advice of well placed services – high levels of rent arrears – poor tenancy conduct – criminality) present significant barriers to accessing social housing which is in scarce supply. Political and community perceptions of “no consequences” and “rewarding poor behaviours” will no doubt be a consideration and topic of discussion locally when changes to allocations policies are considered.

Further detail and greater clarity on the suggested “deliberate manipulation test” alongside Allocations Policies will be important along with improved understanding within housing partners around the links between trauma and challenging behaviours. Maximising tenancy sustainment is a key principle many housing partners rightly wish to mitigate prior to allocation through intelligence and insight into people needs, but this should not mean more barriers to social housing, but through more supportive and person centred allocations processes.

This is a particular challenge when rationing something in such scarce supply as social housing, but is critical to improving life chances and providing opportunities for meaningful change in cycles of complex behaviours as the foundation of a safe and settled home.

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.

As a local authority with boundary there is a broad concern that enhancements to homeless legislation including local connection, could lead to an increase in presentations from people within North West England at a time when the local authority is struggling to meet the needs of local people. The exemptions outlined make sense, but this needs to be considered alongside all other additional pressures. Consistency will be key across Welsh Local Authorities to avoid people being passed on from one county to another.

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?

Market conditions are incredibly difficult and increased demand for services over recent years, without the proposed changes are a huge concern, for the financial viability of Local Authorities with spiralling costs associated with temporary accommodation, which are unsustainable as already mentioned throughout this response. There is a concern that decision making will become less person centred and more budget focussed if funding is not available to meet current and future legislative demands short to medium term.

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?

Understanding of the additional demands this may create needs further consideration and then resourcing appropriately. Consistency in the approach required from partners for identification, referrals and co-operation must be established through further guidance and robust training across those required to fulfil these duties. There must be accountability and ownership from partner organisations and ability to robustly challenge when services fail to adhere to ensure this has the desired impact.

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

Agree with the services identified but no reference to a duty to refer for Private Landlords. Many people approach Councils late on in their notice period and also a significant change has been noted with people who have successfully being able to secure alternative PRS homes without the need for support from the Local Authority are now hitting homelessness services. Early warning of PRS notices to maximise the 6 month notice period and revised statutory period of prevention would be a positive alert for homeless services.

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

There are good examples of embedded staff within health settings that provide positive operational practice but as outlined in this response, this is often built around core professionals and not systematic or routine. Responses need to be resourced and universal. Flintshire does not have a hospital large in the County with access to emergency services in Chester, Wrexham and Denbighshire. This can result in people slip through the net in different settings and services and create pressures

through delayed discharge of patients, yet always landing on homelessness services, often without early alerts or robust information to inform local responses.

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.

Management of expectations will be key to wider public sector responses to homelessness prevention. This should not just be about awareness of the local Homeless Team contact number but comprehensive training nationally across the public sector about not just referrals routes but limitations locally and nationally as a result of the housing crisis, and what services can do to relieve risks of homelessness before people are hitting statutory homeless thresholds.

Homeless Prevention needs to be on professionals radar in the same way public sector workers have awareness of Welsh language compliance, Safeguarding and Health and Safety within their organisations. This should include advice and guidance about what services can do to spot and resolve problems much earlier and how they contribute to early intervention approaches to ease pressures on homelessness functions, not just pass people through to them. Additional duties on other parts of the public sector make sense, but must also be resourced as its acknowledged other services are under immense capacity and financial pressures also.

Homelessness is a public service challenge and a public purse pressure, but all costs for temporary housing sit with LA's so racing to get people into an already overwhelmed system is not the answer.

A national package of comms and training resources would help but also local networks and relationships and awareness must be at a corporate and operational level and not just built on a small number of key contacts or "trusted partners". Professionals move on and then the process needs to start over when building positive practice around people and organisations, alongside core operational practices and processes.

Legislation has a part to play, but people make meaningful collaborative approaches successful. It appears unclear as to what impact the duty to co-operate s.95 of HWA 2016 has achieved to date or to what extent the existing duties have been utilised to good effect as it has always been light in regards to its impact or extent of powers or impact and this needs to be acknowledged as practices are developed and emerge nationally and locally.

Receiving additional referrals into homeless and housing support services will also come at a "front end cost" to filter and assess and direct and co-ordinate responses. Single Points of Access akin to Social Services SPOAs would make sense but need resourcing and statutory homeless services are funded through Council Fund which

is stretched. Closing off feedback loops will also be important to ensure trust and confidence in referral processes.

Additional officer time would be required to build more meaningful processes and relationships with public sector partners, to train people around information needed, and overcome referral quality issues. Additional referrals, will require triaging them to prioritise risks and co-ordinate collective responses and issue advice to public sector partners. All good ideas and better co-ordination of services will offer efficiencies collectively, but this work needs resourcing. It must also be acknowledged that evidencing cost benefit of early intervention and collaborative working to inform value for money judgements can be challenging and would require consistency of data capture, to ensure sustainability of funding longer term and to evidence impact nationally and locally.

Should also be noted that our experience is that public sector partners want to help, but they don't always have the capacity or resources to deliver their own priorities, resulting in hand-off points for people when moving into or passing through other service areas. Public services are increasingly stretched and only able to react when people hit high thresholds or major problems and are then responding to crisis issues and not able to deliver sustainable prevention activities.

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?

See response to Question 11.

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?

None identified

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

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

Nothing additional identified

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 the aim of the proposals is welcomed, the main challenges relating to available housing stock and additional legislation will add to already stretched service delivery. As with all good long term intentions the benefits can be realised but need resourcing.

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 already outlined in the response, resources are stretched. Homelessness and Looked After Children are 2 of the highest costs pressures areas within existing budgetary considerations for the Council. Co-ordination of service delivery offers potential for value for money and achieving earlier and more positive outcomes will offer potential to reduce longer term challenges and reliance on the public sector system for those who are homeless, vulnerable or care experienced, but dealing with budget pressures in the here and now is a significant concern short to medium term.

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?

Whilst age is of course a consideration, so is ensuring support for young people to live independently and the ensuring they have the financial means to do so. This is not just rent liabilities but all other housing related costs. Single people in particular are exposed to significant risks associated with the cost of living crisis.

We would not wish to set young people up to fail at a young age as the potential for losing housing and the subsequent consequences of this both emotionally but also be securing future housing would be a significant obstacle for those young people who may not succeed in their 1st tenancy.

Our Common Allocations Policy already prioritises Looked After Children exiting the care system in Band 1 at 18, yet there are sadly many instances where their housing has been unsustainable causing more complex trauma for the young people in the future. We must remain person centred to deliver the best outcomes for young

people and have support across all services to deliver on this complex area of housing need.

Age should be a consideration but some the same principles for people who are not tenancy ready over the age of 18 apply and whilst the principles of rapid rehousing are clear, in that tenancy readiness is not a core element of access to housing and support should be wrapped around those who experience homelessness, they must be able and willing and able to engage and manage their legal obligations associated with housing.

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?

None identified.

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?

Standards of accommodation and suitability is of course important, but we are working within a broken housing system that has been broken for decades.

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?

Concern that increasing demands for homelessness and other housing hardships show no signs of slowing down presently and present social housing stock profiles do not align with current homeless demands (most acutely the lack of 1 bed self contained housing for those under the age of 55).

There is some concern that homelessness will become the only route to social housing and this may result in less co-operation from residents with local services to explore other housing options and generate additional demand on stretched homeless services. Social housing waiting lists are already swamped with applicants with clear housing needs and those other housing needs (over crowding, medical needs, other housing hardships) may become more acute resulting in other pressures on services beyond homelessness such as health, social care and education due to prolonged periods in unsuitable housing.

Closing waiting lists and stopping the clock on homelessness now, would still require years of allocations to clear the backlog of current homeless pressures.

It is right that homelessness is the most acute form of housing hardship and should be prioritised accordingly but it is not the only extreme form of housing hardship and must not be viewed in isolation or other pressing needs.

Frontline staff have expressed concern that this could just drive up the numbers of applications to homeless services as a result of “unreasonable to remain” claims and applications to homelessness services on this ground as an entry point to social housing.

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

Greater access and support to relieve homelessness through short term housing solutions is welcomed but this needs to be understood to be in limited supply in the same way as access to PRS or social housing is, and this housing option is not always suitable for some people.

Whilst wanting to be person centred, it must be acknowledged some forms of housing are very much a “hard sell”, when helping people explore their options when many people experiencing homelessness and other professionals supporting them will understandably focus is on the security, support and professionalism of social housing.

We trust our social housing partners to give people to best chance possible to avoid instances of repeat homelessness, but acknowledge they do not presently have enough homes to meet current need, so alternative must be explored and plans for this shift in approach must be resourced appropriately.

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?

None identified

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

As already referenced in the response.

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?

Appropriate resources to meet all public sector challenges alongside current pressures around homelessness prevention and housing supply.

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?

None identified

27. What, in your opinion, would be the likely effects of the proposed reforms in this White Paper on the Welsh language? We are particularly interested in any likely effects on opportunities to use the Welsh language and on not treating the Welsh language less favourably than English. a. Do you think that there are opportunities to promote any positive effects? b. Do you think that there are opportunities to mitigate any adverse effects?

Welsh Language duties are already robust.

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.

Resources by way of human resources and skills needed to deliver this programme of change. Resilience in the workforce is at an all time low and must be acknowledged as a significant barrier to delivering our ambitions to end homelessness in Wales/

Consultation Response on the White Paper on Ending Homelessness in Wales

Consultation Questions

Chapter 1: Reform of Existing Core Legislation

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

We believe that homelessness should be rare, brief, and unrepeatable and we should seek to prevent and avoid homelessness wherever possible in our efforts to end homelessness. We feel the proposals will go some way to increased prevention work and relief of homelessness. However, if we want to make a real difference, the provision of more affordable accommodation is a necessity, and far more work is required on the roles of other public services and how they will work alongside local authority housing bodies. It does feel a very one-sided referral route at this time will all roads leading to a Local Housing Solutions / Housing Options Service.

In addition, there **must be** recognition of the staffing and financial resource implications that will need to be considered, in meeting the proposed changes and the wider accommodation needs highlighted in the White Paper.

Many of our services already feel underfunded, under resourced and over stretched. Therefore, any new responsibilities imposed as a consequence of the White Paper and changes to legislation will need to be carefully considered before implementation.

2. What are the Reasons for this?

Proposed Changes

Proposed Changes 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 strongly support the principle that someone should be supported to prevent them losing their home as early as possible. We believe that a statutory time period longer than 56 days is needed to define a threat of homelessness, and this should be six months in consideration of the introduction of the Renting Homes (Wales) Act. We hope this does encourage households to present much earlier to the local authority.

However, this is likely to place additional duties on local authority housing departments, who will need to ensure they have sufficient staffing and financial resources in place, to be able to

respond to what could be perceived to be additional service demand for the Housing Solutions Service. This will include earlier contact and enhanced prevention activity, creating as a consequence of what may be an increased number of people seeking advice and assistance at a much earlier stage and potentially being referred by other public bodies.

We would also reinforce the message that homelessness is the responsibility of all Welsh Public Services. However, we feel the White Paper does not go far enough in holding other public bodies accountable for their role to really address some of the real root causes of homelessness at this time. It would be helpful to understand Welsh Government's planned targeted preventative reforms for those most at risk in order to better respond to this question.

To ensure consistency across all 22 local authorities in Wales, as a minimum, a list of expected early interventions and/or actions should be included in the guidance to ensure the minimum "reasonable steps" to be followed in advance of 56 days are clear.

We fully support a person-centred trauma approach, but again feel this is an area which needs to be strengthened within guidance with further thought given to how local authorities and their frontline staff can be provided with comprehensive training to meet this requirement?

For example, whilst current HPG funding is targeted at effective homeless prevention. It is not possible to utilise this at present, to routinely commission or support for example specialist staff training in the field which would far better equip front-line staff with the necessary skills to deploy both prevention activity and a trauma informed approach more comprehensively thus providing an effective foundation from which to deliver effective interventions.

The prevalence of such expertise is a key intervention in LA's being able to successfully engage with those at risk, yet flexibility to utilise existing funding streams to support this is extremely limited and at odds with the ethos of needing to deliver more effective approaches. Additional resources are needed to support front line staff to be able to access regular and consistent training to meet the needs of clients who present with multiple support needs, particularly those who need more specialist service provision and who can often be challenging when approaching frontline services.

A statutory duty to draw up a PHP containing the steps the local housing authority will take to secure accommodation for the applicant.
--

This is an area that may be perceived as another layer of bureaucracy in the homeless application process. However, we fully support the statutory duty for improved Personal Housing Plans (PHP's) including the requirement for them to be person centred and developed with an understanding of how the case will be managed and include the actions to be taken to prevent homelessness, including roles, responsibilities, and timescales. However, we recognise for some clients, a document of this nature may not be fully understood and therefore communication is an important factor in understanding how housing and support needs are going to be met for each client.

The role of the support worker will be fundamental in assisting the client with their PHP outcomes and ensuring the voice of the individual is heard.

We would emphasise PHPs are not just a local authority responsibility and should include all actions relating to other partners and organisations involved with clients housing, support, and care needs.

We propose a statutory duty to include an applicant’s views on their accommodation needs in a Personal Housing Plan.

We recognise at all times the needs of each applicant are critical and must be considered as part of the process to help and determine the best format to present a meaningful Personal Housing Plan.

Whilst we particularly welcome the statutory duty to include an applicant’s views on their accommodation needs in a PHP. This must also include the opportunity for a local authority to confirm how the clients’ views have been fully considered, but also how expectations can be managed in the short- and medium-term in respect of available resources and limited housing options in consideration of their support needs.

In the current national housing crisis where there is limited supply of both social and private rented sector accommodation, clients also need to understand that meeting personal preferences, for example, areas of choice not linked to support requirements is extremely difficult. We hope that in not being able to meet client need for the right reasons is often due to circumstances over which we have limited control and hope this will not automatically lead to a client review request.

This will be particularly relevant to Chapter 4 and “Building Choice into the System” where the vision outlined in the White Paper is:

We propose to introduce a requirement that these personal circumstances must be given consideration in assessing suitability of accommodation, even if it is not possible at the time of the assessment to meet all of those needs through accommodation placements.

We propose a statutory duty to review the needs assessment and PHP with the applicant within a defined timescale of 8 weeks.

We also welcome the need to review the PHP at regular intervals, to ensure client and or support worker engagement in the process. As well as to ensure actions are followed through and updated accordingly dependent on a change in circumstances to avoid repeat homelessness and ensure the effective outcome for a person. This action has already been built into the tasks and roles of our new Housing Assessment and Support Team in RCT.

We propose to make it clear that local housing authorities must ensure (based on a rigorous assessment of need and a PHP) they communicate with applicants in a way which is accessible and tailored to any individual needs.

We fully support this proposal and recognise that clear communication is essential in working with vulnerable client groups and partners. Our new Single Person Homeless Pathway has been developed to ensure a process of rigorous assessment for all homeless persons entering temporary accommodation all of whom will be assigned a dedicated case worker. Again, consideration to being able to utilise current and future funding streams to support more efficient communication methods / mediums for those at risk or who are homeless would be welcomed to support this proposal.

Proposed Change

We propose to include an additional right to request a review in the following areas:

- **A right to request a review in relation to the reasonable steps taken to prevent homelessness or secure accommodation, outlined in an applicant's assessment of housing need and their PHP.**
- **A right to request a review of the suitability of accommodation at any time during an applicant's occupation of the accommodation (which should be available beyond 21 days).**

We fully support and understand the right to enforce people's legal rights. However, this must be balanced in respect of managing unrealistic expectations, at a time of limited resources and local authority staffing resources to be able process review applications. We ask WG to fully consider unintended consequences as part of this proposal.

Additional review requests would fall on already over- burdened local government senior officers, who may have to spend more time picking up what will be an increase in review requests. Sadly, this is not the ideal world and at a time of limited temporary and permanent accommodation housing options, the number of review requests relating to the suitability of accommodation may be unrealistic and completely overwhelm local authorities. If this is taken forward Welsh Government may wish to consider funding for dedicated regional centralised staffing roles for undertaking review requests.

Despite the above concerns, If the additional right to request a review is to be taken forward. We would also welcome the development of clear guidance to advise a client and or their advocate, when a review is applicable i.e., when it is appropriate to make a review request.

This needs to fully be considered based on the high demand for social housing and in consideration of available resources in a local area to ensure un-reasonable review requests are limited. We must also ensure we are managing client expectation at all times. This will be particularly relevant for clients seeking accommodation in high demand areas where there are few or no lettings despite **client accommodation preference**, therefore making it **IMPOSSIBLE** to meet aspirations and needs.

We propose a new duty on local housing authorities to help support a person to retain accommodation where the applicant has been helped to secure accommodation (which might be their existing accommodation) or where accommodation has been offered to and accepted by the applicant.

We fully support and welcome the new proposal to help support a person to retain their accommodation. Very clear guidance and expectations on the arrangements to be provided **from other public bodies** will also be helpful to understanding the future vision.

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

We support the narrower test and the additional recommendations as below:

- a) Threatening behaviour towards local housing authority staff.
- b) Consistent non-contact with housing options services.

However, we would welcome further guidance as set out in paragraph 18.1 particularly in respect of what constitutes a definite timescale for Consistent no-contact as this may be open to interpretation by many local authorities across Wales and again lead to unnecessary review applications.

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

It is important to note legislative proposals alone will not address the significant pressures within the homelessness system which requires as we know the need for more affordable housing. However, a much wider effort, is also required to expand homelessness responsibility and good practice to wider public services which includes the role of the Prison Service, Probation Service and Health in undertaking a more preventative approach. For example, having more Specialist Housing Officer roles to support prisoners on entering and leaving prison will have an impact on the prevention of homelessness for this cohort. It is clear that current provision and service arrangements for offenders in the context of housing needs must be reviewed to better understand the outcomes of service delivery and value for money.

In addition, guidance which prevents an RSL serving an Abandonment Notice without speaking to the Local Authority Housing Solutions Service when an offender goes to Prison will go some way to preventing loss of accommodation for prison leavers.

This will also include Welsh Government again making representation for raising the level of Local Housing Allowance (LHA) and encouraging private landlords back to the market must also be a high priority for Government (If it is not already too late).

Further strengthening of a general overarching duty for improved collaboration between LA Housing Services, other public services but which also extends to those at risk directly. A cohesive legislative proposal must include all those involved and not disproportionately place responsibility at the doors of statutory homelessness services alone.

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

Whilst without doubt the removal of the Priority Need test has placed considerable pressure on local authorities and will continue to do so. We recognise the challenges of reversing this order, as well as undoing all of the good work undertaken to-date by local authorities and other third sector partners.

However, in taking this forward there must be recognition of local authority pressures in respect of continued high demand for temporary accommodation, demands on staffing resources, as well as meeting client expectations many of whom are single homeless people with complex support needs. Similarly, some households are in employment and have both the financial capability and personal capacity to be more pro-active in their own search for solutions to meet their needs.

Despite securing additional temporary accommodation provision and maximising all funding opportunities. Like many other Welsh local authorities all temporary accommodation provision in RCT is at capacity, compounded by limited move on accommodation, due to high demand and supply issues.

It must be noted all interim accommodation is at capacity in most local authority areas with current data predicting no reduction in this need moving forward. If Welsh Government are to abolish the priority need test, it would be helpful to understand the vision to assist local authorities in the short to medium term if we are to continue to meet their legal duty to provide temporary accommodation **for everyone** who is deemed to be homeless.

Rapid Rehousing alone will not have the desired effect on reducing numbers placed in temporary accommodation across Wales for many factors. Due to limited housing supply, we already have some of our Housing First clients awaiting an offer of suitable accommodation, despite being accepted onto the Project some time ago.

Whilst there is recognition in abolishing the priority need test that Housing" alone is not the answer to responding to many people's support needs. There is a lack of investment in Adult Social Care and a lack of appropriate specialist health provision particularly for people experiencing and living with significant trauma and co-occurring health needs to meet any new service demand.

It must also be noted in the current housing crisis, it will take many, many years to move away completely from the use of bed and breakfast accommodation. This form of accommodation continues to be used by many local authorities, to meet the high demand for temporary accommodation in recognition it is a costly limited resource. For many local authorities, meeting this duty in the long term without an understanding of how temporary provision can

be sustained financially will be a challenge in the current climate. As part of the new proposals for ending homelessness in Wales, we would welcome confirmation of how costs for covering the ongoing additional demand for temporary accommodation will be met in view of local authority budgetary challenges and the perceived reduction in the No One Left Out Grant in 2024/25.

The development of any new temporary accommodation provision including hostel or supported accommodation is also not without its challenges, which include the right building in the right location, community opposition, planning and funding any new support arrangements. In order to meet any new and emerging support needs existing HSG funded services have to be reviewed and decommissioned as part of new provision with approval sought for new commissioning arrangements.

There is also concern that local authority's homelessness teams are expected as part of the removal of the priority need order, to continue to be able respond to meeting the needs of people with high and complex needs. We often have to place clients in accommodation, which does not offer the specialist care some people may require. We can never make homelessness "rare, brief and unrepeatable" unless there is significant investment in the right services, for those whose needs cannot be met by general needs accommodation irrespective of them receiving a housing related support service.

Local authority homelessness teams can often have limited skills in dealing with clients with high complex support needs but are often expected to work and support clients, whose needs should be met by more specialist service provision. As above, the role of other organisations must be strong and clear in legislation if it is to be meaningful and make a real difference to the lives of homeless people. For example, Health should have clear guidance on services they need to have in place for vulnerable clients particularly individuals who do not walk "through doors," attend appointments or access services in the traditional way they are accessible to the wider general public.

As above, many of these individuals also fall outside the traditional general needs housing route offered by local authority housing departments and are often not ready to access general needs housing and or be considered for HSG funded 24/7 supported accommodation provision. Despite high support needs, they often do not meet the high thresholds for specialist accommodation provided by Adult Social Care. Therefore, guidance must also consider a co-ordinated housing pathway for those whose needs are so complex they cannot alone be met by local authority housing departments. The increase in incidents of rough sleeping in many areas can often link back to the lack of appropriate services for individuals with complex needs.

To end, it must be noted abolishing priority need alone is insufficient to meet the needs of homeless people and goes beyond the supply of social housing and local authority homelessness services.

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

We agree with the intention of this proposal. However, this does come with an air of caution and a full understanding of un-intended consequences.

Intentionality is not commonly used by my local authority, and we hope going forward in consideration of our trauma informed approach and the implementation of our new ways of working intentionality will no longer have to be routinely considered.

However, in removing the Intentionality Test and despite all available interventions and multi-agency attempts to engage people, there will be a small number of people who still choose to act in a certain way. Therefore, we would welcome further guidance in working with people, who demonstrate persistent anti-social behaviour traits. Including those who despite best efforts continue to wilfully refuse to pay their rent and or not engage in support. This cannot be left with local authority housing departments or RSLs to resolve and clarity will be required for this area, with the need for all relevant agencies to offer up a dedicated role and who can be part of multi-agency working arrangements, despite limited resources or staffing issues which can sometimes be a barrier to multi agency service delivery.

Additional guidance may also be applicable, to respond effectively to community cohesion concerns, with particular relevance to housing estates where there has been a co-ordinated multi-agency response to deal with significant levels of anti-social behaviour with the need sometimes to remove problematic residents to assist with community tensions.

We would also support the vision that intentionality is not considered at prevention stage. However, this would again include the requirement for clear WG guidance, in respect of households who do not pro-actively engage in prevention activity in collaboration with the LA to achieve successful outcomes. This will need to ensure everyone including clients themselves are involved in preventing the loss of accommodation, engaging with multi agency support, and collaborating on any planned alternative housing option to meet their needs.

This would be particularly relevant if prevention is going to work for them in the longer term. where the client's existing housing issues are linked with their own actions i.e., anti-social behaviour or rent arrears and who need to move to a more suitable location or be offered affordable accommodation.

Such circumstances as highlighted above, must be supported by clear Welsh Government guidance including an understanding of the resources and processes needed to enable this depth of work to be carried out effectively and for a cultural shift to take place within all services involved including local authority and RSL Housing Officers.

We recognise effective monitoring of implementation and tracking against outcomes will be necessary for this area of work to better understand what worked well and not so well along with ongoing monitoring of client journeys.

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 propose adding additional groups of people to the list of exemptions to allow for non-familial connections with communities and to better take account of the reasons why someone is unable to return to their home authority.

This is an area for further consideration, especially unintended consequences and the impact this may have on city areas such as Cardiff, Newport, and Swansea, including authorities who have prisons in their areas. It is also important, to consider the health and support needs of people moving into new areas and the local resources available to pick up new clients particularly for Health and Adult Social Care services.

Temporary accommodation provision will be an ongoing issue in meeting any new demand for people seeking homelessness assistance from outside the borough particularly for offenders, including those who present with high risk.

Securing appropriate and affordable accommodation will be challenging and will be an area we may not be able to meet the aspirations of a client seeking accommodation in a specific location, linked with rehabilitation and support from family and friends.

We appreciate numbers are unknown at this time, but will need to consider if funding will be allocated based on new burdens and local authorities having to meet the needs of individuals who have no previous connection with the local area?

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?

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

Consultation questions

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

Yes, but must be strengthened to be effective. It will be helpful going forward to better understand the WG vision for this proposal which is currently missing in the Consultation paper and how it will be developed into a meaningful action for wider public bodies. Will this be left to local authorities to develop their own local partnerships and good practice or are Welsh Government planning to take forward at a strategic level across Wales?

Do we strongly support the proposal to apply a duty to identify, refer and cooperate on a set of relevant bodies in order to prevent homelessness?

Such an approach for supporting people with complex needs is sensible as we know that many people either fall through the gaps between services or there is duplication of support

between services. We hope the proposals set out in the White Paper will make a real difference to the lives of vulnerable homeless people.

Health and Inclusion Health

We strongly welcome a person's housing situation being considered and involving other public services such as NHS Mental Health service as part of an early intervention and prevention pathway. However, this should not avoid a person being considered for more specialist health provision where needed. As above, we would also highlight that social and PRS general needs accommodation on its own cannot meet the needs of our most complex single homeless people particularly those **high care** needs despite the good work being undertaken by Local authority commissioned Housing First projects and outreach health provision.

The regional Cwm Taf Morgannwg Specialist Outreach Health Team provides a multi-disciplinary team and co-ordinated health care approach to all clients placed in temporary and supported accommodation throughout the region and works closely with our Housing Solutions Teams. However as above despite the good work of our project many single homeless people with complex needs are still falling through the gaps due to the lack of co-occurring health led service provision and having to navigate a complex health system despite support.

Our data supports that 67% of clients referred to the Outreach Health Team have co- occurring health needs. One front door health care provision with access to wider co-occurring service provision is very much needed if we want to make a real difference to individuals with multiple and complex support needs to help and support the re-occurrence of homelessness in the future.

The RCT Housing First project has had much success with providing a rapid rehousing pathway for many single people with complex housing and support needs. There is a slight concern that rapid rehousing is being seen as the most effective option in reducing homelessness and for many local authorities this is still a journey they need to go on.

For Local authorities who have adopted rapid rehousing policies such as Housing First, this has helped many individuals who have high support needs who would struggle without the level of support available to access and retain accommodation. However, the number of individuals identified as in need of HF provision in RCT has trebled over the past two years making it difficult at a time of a drop in lettings, to operate the accommodation side of the Rapid Rehousing Model as intended. This also has to be balanced with community cohesion issues linked with an over saturation of high support needs clients in some areas.

It is pleasing to note Welsh Government are already working with working with local authorities to help strengthen and adapt their successful early identification systems to account for additional risk factors and indicators associated with youth homelessness. This includes the Youth Engagement and Progression Framework.

Substance Misuse.

Lots of good work is being undertaken by the Area Planning Board across Cwm Taf Morgannwg who are responsible for commissioning the right services to meet the needs of those with a substance misuse need. There are also excellent partnership arrangements in place with the APB Complex Needs funding supporting the work of the Outreach Health Team. We would recommend the joint working arrangements and good practice in Cwm Taf Morgannwg be replicated across Wales.

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 welcome the below new duties to identify and refer as below:

- A new duty to identify those at risk of homelessness and refer on to specified parts of the public service, so a local authority is notified as soon as possible a person is facing a threat of homelessness or is already experiencing homelessness.
- We propose the duty to refer is accompanied by a duty on the specified parts of the public service to take action within their own functions to sustain standard or secure occupation contracts and mitigate the risk of homelessness.
- An expanded duty to co-operate (currently imposed by section 95 of the HWA 2014), to ensure a wider number of public services are engaged and responsible for making homelessness rare, brief, and unrepeatable.
- Strengthening strategic leadership of homelessness at a regional level.
- A statutory case co-ordination approach for those who are homeless or at risk of homelessness and experiencing multiple complex support needs.

However as referenced above, it does seem within the proposed new duties in the White Paper. There is a **big emphasis** being placed on referral to local authority housing departments to help resolve homelessness across all sectors. As referenced above, serious consideration of any additional referrals will be needed in light of existing staffing resources and already high caseloads.

It would be helpful to understand how Welsh Government intend to work with other public services to understand their role in the prevention of homelessness and where possible, the work of other public services in early prevention upstream activity to help with the avoidance of needing to seek the assistance of local authority housing solutions team. This would include:

- Prison Service and Resettlement Teams being monitored more vigorously to be able to confirm how many offenders, they have worked with to retain their tenancy on release.
- How third sector providers funded directly by Welsh Government are preventing homelessness in Prisons. Do we need to review Performance measures and data collection to better understand outcomes and duplication of services.
- Individuals being discharged inappropriately from Institutional settings into homelessness.

In taking this forward, it would be helpful for WG and Welsh local authorities to understand the outcomes and impact experienced by English local authorities following the new duty imposed for public authorities to notify a local housing authority about individuals they consider to be homeless or likely to be homeless. With a particular emphasis on the lessons learnt as part of this way of working and unintended consequences we need to consider before fully implementing in Wales.

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

In consideration of the considerable service pressures also being experienced by Health services. It is difficult to understand in the current climate and based on financial and staffing resources, what the expectations of Health are in working with the homelessness sector within the White Paper with particular reference to individuals who have co-occurring needs.

As referenced in the Consultation Paper there are pockets of really good practice for some local authorities in having dedicated outreach health teams attached to their Housing Solution Teams which provide excellent service provision in working with clients who are homeless.

We note again there is emphasis in this section for public bodies **to identify and refer to public housing bodies**. As above we would welcome further clarity on the expectations and meaning of the requirement “to co-operate.”

From a wider perspective, the White Paper is not currently clear on the framework, we are considering placing on Health authorities and the extent to which it will make a real difference to service delivery across the 22 local authorities. This is particularly relevant to Health who have their own challenges and limited resources and may easily consider in doing so would be incompatible with their own duties or otherwise have an adverse impact on their duties due to service pressures.

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 recognise this will be a complex and challenging area. There will be many strands involved in considering the practical measures to be put in place to identify, refer appropriately, and consider the learning and development needs as well changing operational practice and culture. Despite recent welcomed media campaigns, the recruitment of specialist housing staff remains an issue in a world perceived to be stressful, problematic, and having to carry high case- loads which could be perceived under reform to only increase. There is a potential risk that due to these issues, staff no longer actively pursue careers in the sector.

We would recommend, as a starting point having a better understanding of the main reasons for homelessness across Wales. We can then agree an area to be able to provide a wider and more specific focus and consider next steps in respect of drilling down to better understand

the key issues including what is working well and not so well and what needs to change, including involving all of the key agencies who can help to make the required changes which will make a real difference to those who are homeless or at risk of homelessness.

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 extremely supportive of an enhanced case co-ordination approach for responding to those with multiple and complex needs which is up and running in RCT. This is supported by the work of our Single Person Pathway which includes third sector providers, our Housing First projects and access to our Homelessness Prevention Fund.

However, to ensure agencies are fully engaging with local authorities, Welsh Government may want to consider putting in place monitoring arrangements whereby all agencies have to provide evidence of how they are supporting the prevention of homelessness.

Additional specialist public service roles to assist with case co-ordination may also be worth considering such as specialist workers being co-located with Housing Solutions Teams e.g., Offender Managers, as operated already in some local authority areas.

Similarly dedicated Housing Solution Officers working within Prisons and Probation Offices will be a help in understanding offenders who have housing options particularly on entering and leaving prison. This could be considered as part of an all-Wales local authority service approach or on a regional local authority basis to ensure a more cost effective and co-ordinated service provision to working with our offender cohort.

The proposed application of the duty to identify and refer on providers of Asylum Accommodation.

We would also welcome early notification of an individual leaving asylum accommodation. Although limited housing options make it difficult to prevent homelessness for this cohort at what-ever point we receive notification of them having to leave their accommodation. We would question why individuals have to leave their Asylum Dispersal Accommodation, when their asylum claim is approved and why they are not able to remain in this accommodation as a model of temporary accommodation pending identification of more suitable move on accommodation. Why are we making them homeless? Can they also if space permits move more easily to Asylum Dispersal Accommodation in other areas, if there is a better prospect of employment etc? Such individuals can often be stigmatised if they have to be placed in local authority temporary accommodation after leaving Asylum Dispersal Accommodation.

We note the recommendation for regional arrangements to establish and lead a multi-agency approach to homelessness. We would also see this approach of establishing Joint Homelessness Board being undertaken on a regional basis in respect of assisting local authorities and other public bodies with dispute resolution across the region to avoid duplication and share best practice.

Private Landlords

The proposed duty on a landlord to refer tenants at risk of homelessness to a local housing authority at risk of homeless would need to include Letting Agents who are not always engaged in this process. In appreciation of staffing resources, the timescale for doing this should be much earlier than Possession Stage. In the ideal world to make a real difference, a referral would be undertaken when arrears are first identified by housing officers or support workers with action taken to meet with the Occupation Contract Holders to help understand red flags and the reasons for any missed payments and take the appropriate action to help prevent homelessness in the future. Perhaps as referenced in the consultation paper this can be an area for further consideration in the review of Rent Smart Wales, including how better support can be provided to landlords to help their understanding of the prevention of homelessness and the actions needed.

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?

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

Consultation questions

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

Not at this moment, we are fully supportive of the organisations and bodies listed in the paper for whom there is a duty to identify and refer which include:

- Social services departments (both within the same local authority as the relevant homelessness department and from different authorities).
- Local Health Boards including primary care.
- Registered Social Landlords.

We are also supportive of the wider range of public service organisations being considered, which include:

- Organisations or bodies subject to the control of the UK Government iv.
- Department for Work & Pensions.
- Youth Justice Services.
- Probation.
- Prisons and other criminal justice detention centres.
- His Majesty's Courts and Tribunals Service.

- The Police.
- 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 much sooner).
- The Secretary of State for defence in relation to armed forces accommodation.

However again we have noted in this section in Paragraph 232, the emphasis for public bodies is on referral **to the” local housing authority”** in the first instance. Whilst for both referrals made by Social Care and Health there is a reference to undertaking a social care needs assessment and for a mental Health team to meet unmet health needs. This may be subject to both service areas having the capacity to undertake timely referrals and meet unmet health needs.

We believe this is an area which needs to be strengthened to be meaningful and provide the intended outcome. For example, do Adult Social Care and Mental Health Teams have the staffing resources to meet the need linked with short-, medium- and long-term actions in a clients Personal Housing Plan.

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

None identified at this time.

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 of the benefits of these proposals is that they will safeguard young people. The challenges include the reality of the current housing market and the lack of available provisions. There are also workforce and budget constraints within the local authority, and it is not addressed within this paper how Welsh Government intends to support local authorities to implement these proposals.

Throughout the paper, there are references made to the difficulties faced by young people in finding suitable accommodation that is affordable, along with the lack of move on accommodation, while stating that many young people are placed in unsuitable shared temporary accommodation. Despite these references, there is no acknowledgement in the paper of where any funding or additional properties to help implement these proposals will come from. The paper seems to want to look to tackle the issues of homelessness, but without offering the foundation we feel it will fall flat.

Despite references to the difficulty in housing young people in suitable accommodation, no real reference is made to unaccompanied asylum-seeking children (UASC) and the difficulties in finding suitable move on accommodation for these young people.

It is incredibly difficult to build accommodation for care leavers in the current climate, and there is already pressure on local authorities to address the unintended consequences of and destabilisation caused by the not-for-profit agenda, and its subsequent impact on the market.

We feel as though it would be difficult to achieve these proposals, if they become legislation, at the same time as the eliminate profit agenda, particularly if there is no extra funding or resources made available to support with this.

Although we welcome most of the proposals contained in this paper, one of the challenges we have identified will be addressing the causes of homelessness when trying to end it in Wales, rather than just focusing on a sufficiency of properties.

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?

Despite references being made to the issues with housing stock throughout the paper, there is no intervention from Welsh Government mentioned about how they are going to support local authorities to address these issues, and effectively implement the proposals. There has been no mention of extra funding or resources being made available to local authorities, or steps taken to increase the housing stock. There is also the impact of the not-for-profit agenda, as referenced above. We feel as though it would be difficult to achieve these proposals, if they become legislation, at the same time as the eliminate profit agenda, particularly if there is no extra funding or resources made available to support with this.

We believe acknowledgement also needs to be made around the lack of vacancies in placements for care leavers, irrespective of the impact of the eliminate profit agenda, as homeless young people can request to become accommodated, there are no appropriate places within the care system either for this age group.

In relation to proposing care-experienced people should be considered priority need for housing, in RCT our care-experienced young people have always been considered a priority need. However, since the Covid-19 pandemic, a lot of other groups have also become priority need, so whilst young people would get priority need into Band A for being a care leaver, they are now competing with lots of others in Band A, and coupled with a lack of available housing, their 'priority' appears to have been watered down, which in some instances has left us to presenting them as homeless at 18. If this paper is suggesting that they retain and become a priority, within priority need banding, then this would be very welcomed. We would welcome any further clarity around this.

In relation to the joint support young people should receive from social services and local housing authorities, we understand and agree that us as Children's Services would have overall responsibility for housing young people, but further clarity around the roles and responsibilities of both social services and local housing authorities would be welcomed.

We would welcome clarity regarding how best to proceed in situations where there have been no available housing options identified by the local housing authority. Additionally, if this

paper is proposing greater responsibilities for the local housing authority, greater clarity on exactly what these responsibilities would be is welcomed.

When young people leave the secure estate, we currently work jointly with colleagues in Housing, in the same way probation will link in with Housing to seek accommodation. However, when there is no housing stock, we would welcome further detail and clarity surrounding the joint working proposal. Currently, it is what is available on the day, or the day before, young people are released from Prison.

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 would struggle with this proposal, particularly for 16-year-olds, as we believe it is setting young people up to fail. 16-year-olds are still children at this age, so to expect them to manage and maintain a tenancy is potentially too much for them. Without a proper package of support in place, most 16- and 17-year-olds would struggle with this.

We believe that our current system of young people going into supported accommodation and move on when they are assessed as being able to manage, is more beneficial. We would also welcome clarity on next steps if young people are then served notice, and whether they return to the system.

We are experiencing difficulties, due to the deficit of private rented accommodation, in securing private rentals for young people who are receiving the Basic Income Pilot, who can afford the rent, and so feel it is unlikely that landlords will choose to accept 16 and 17 year olds.

Education

We again welcome the role of staff working in education and school settings in identifying the risk of homelessness for young people. Working upstream to offer support to families will be a welcome model that will offer early intervention and prevention. However, such matters are often complex and require multi agency support to the young person and their families. Clear guidance or models of best practice will be needed alongside developed pathways and support interventions.

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 concrete costs have been provided in the Regulatory Impact Assessment in relation to the children and young people reforms. There are instead statements under each reform that claim many of these reforms should not come at much of an extra cost to local authorities, but due to the lack of any indication of financial impact, we are hesitant to accept these claims.

Chapter 4 – Access to Accommodation. Suitability and Temporary Accommodation

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

In the longer term, we need to see a more strategic approach to the sector to create more housing choices for people including a route out of temporary accommodation. We do not just need new rules and regulations, but support and new incentives for landlords and tenants to offer positive changes and proactive enforcement and we need to keep building and affordable homes.

Single Person Households

We note there is reference in paragraph 489, to two bedroomed properties due to size being unsuitable for some families but due to other pressures, including the under-occupancy charge (often referred to as the bedroom tax) are not able to be made available to single people as they are unaffordable. Whilst this may be the case for some local authorities, it is not the case for RCT with CHR application for two- bedroom accommodation currently **1477** applications accounting for 37% our CHR applications.

It must also be noted that due to the type of housing in the upper valley areas i.e., Terraced properties, the space standards imposed by the WG leasing scheme can be barrier particularly for households with children under 5 accessing some two- bedroom properties being accepted on scheme.

In such cases each property will be inspected in conjunction with a Public Health Officer using LACORS Guidance. This will help to apply a workable, consistent common-sense approach in consideration of prevailing conditions in an area assisting with the decision on the most appropriate action and help meet our property target of 161 properties on our Social Letting Scheme by 2026/27 as well as provide an effective housing option.

Affordability

The availability of affordable accommodation remains a key priority in addressing housing supply. Whilst the recent UK Government announcement they are increasing LHA rates to the 30th percentile of local market rents from April 2024 is welcomed. This will not provide the level of affordable private sector accommodation required to meet housing demand and assist in depth with the local authorities' legal discharge of duty. This will be particularly relevant in working with prevention cases with applicants who are not able to meet the rent level being imposed by many landlords often due to an increase in their mortgage payments. In view of potential reduction to Homelessness Prevention Grant Budgets in 2024/25 Local authorities will have difficult decisions to make in respect of spend and the level of rent top up over a medium to long term period.

Temporary Accommodation.

We agree and recognise that the use of bed and breakfast is unsuitable. However, in the current housing crisis, we know it is the form of temporary accommodation which is most readily available and most commonly used by many local authorities in order to meet the high service demand.

We welcome further for the circumstances in which accommodation is not to be regarded as “suitable” and other matters that must be taken into account or disregarded. However, going forward such a proposal cannot be met without:

- Financial commitment from Welsh Government I.e., Capital and Revenue.
- Approval for alternative forms of temporary accommodation provision in local communities
- Increasing the availability of affordable housing to enhance move on and create through put.
- Working with other public bodies to understand the needs of complex service users who require more specialist provision where their needs are identified as being over and above local authority housing provision.

The current challenge remains the significant number of households in temporary accommodation and not being able to maintain a sufficient supply of appropriate timely move on accommodation. This is placing considerable pressure including a financial strain on councils to meet these challenges and their statutory duties.

Broader Supporting Policy and Guidance

We also note throughout the White Paper there is much emphasis on the Rapid Rehousing approach in reducing reliance on temporary accommodation. Whilst this approach and increased emphasis on the early intervention and prevention model will certainly have some impact it must be noted based on the high number of people with complex needs in the system, the limited supply of single person accommodation and the high number of applicants already placed in Band A. Rapid Rehousing it is not the answer to the much wider housing pressures and high demand for suitable affordable accommodation particularly relating to 1 bedroom accommodation and those with high support needs.

To truly stem the flow and have the desired outcome more affordable housing options are needed including specialist health provision for individuals whose needs cannot be met solely by local authority housing departments through an offer of general needs accommodation.

Proposals for Immediate Improvement in Standards

<p>We propose the existing legislation be strengthened to prohibit accommodation which has Category 1 Hazards as being deemed suitable.</p>
--

The Local Housing Authority (LHA) can already determine if a property is fit for human habitation for the purposes of the Renting Homes (Wales) Act 2016 and in accordance with Part 1 of the Housing Act 2004. In accordance with previously published Welsh Government Guidance, RCT Council ensures that all properties used for Homelessness discharge are free of Category 1 hazards in accordance with Part 1 of the Housing Act 2004.

It should be noted that the Operational Guidance to determine if a property has Category 1 or 2 hazards present requires updating, particularly in terms of excess cold hazards. In its current format, any type of minor defect relating to an excess cold hazard is likely to trigger a Category 1 Hazard, however Practitioners would not necessarily deem the property not suitable to be used as accommodation.

Prohibiting Shared Sleeping Space

The definition provided is broad and unclear and requires further guidance.

It must also be noted prohibiting shared sleeping accommodation is already dealt with in accordance with overcrowding standards prescribed within the Housing Act 1985 and Part 1 of the Housing Act 2004 – Overcrowding Hazard. How is this requirement referred to in the Consultation Paper intended to work with existing space and overcrowding standards? For example, how will this standard work in terms of emergency situations e.g. The Storm Dennis flooding event in RCT?

Applying the same standards across privately owned and local housing authority/registered social landlord owned or managed non-self-contained accommodation.

We believe if this policy is adopted it is likely to create further housing shortages. In addition, Local Housing Authorities will require additional funding to administer and enforce any new standards.

Building Choice into the System.

We recognise that views of the applicant are important and should be built into the system. However as referenced above client expectations need to be managed carefully in consideration of limited housing supply. Not being able to meet such expectations should not be a lead for other agencies to seek a review of circumstances that cannot realistically be met.

We propose to strengthen legislation to make clear, when determining the suitability of accommodation at the point the main housing duty is owed, placement in overcrowded accommodation is never permitted.

Prohibiting the use of unsupported temporary accommodation for young people

We fully support the above proposal prohibiting the use of unsupported temporary accommodation for young people for any period. But would advise this is really ambitious in the current climate, with recognition, it does have its own challenges include identification of a suitable, building/s and securing alternative provision, including overcoming local community objections, and planning approval.

Most importantly funding for support arrangements for the development for this type of project are essential if the project is to be effectively managed and support made available for the young people resident in such projects.

Location

We propose accommodation cannot be deemed suitable unless it is located within reasonable travelling distance of existing or new educational facilities, employment, caring responsibilities, and medical facilities, unless the applicant wishes to move beyond a reasonable travelling distance from those facilities.

Whilst again in the ideal world, we would fully support this proposal and do everything possible to ensure an offer of accommodation made to discharge our legal duty is “suitable” in respect of location.

The current housing shortage including the limited availability of affordable housing places significant pressure on local authorities to manage any client expectation. Further guidance would also be helpful to determine a reasonable travelling distance in this section.

Taking into account wider support needs

We propose the local housing authority be required to take into account, in relation to both the applicant and any member of the applicant’s household, any specific health needs, any impairment, where the accommodation is situated outside of the area of the authority, the distance of the accommodation from the authority’s area, the significance of any disruption caused by the location of the accommodation to the employment, caring responsibilities or education of the person and the proximity of alleged perpetrators and victims of domestic or other abuse.

We would again fully support this proposal with the role of our newly recruited HAST team being responsible for overseeing the assessment of the health and support needs in conjunction with our Regional Outreach Health Team.

As part of this process, it is again really important at this time to manage client expectations in respect of the availability of limited affordable accommodation and to ensure all accommodation options are being explored and considered.

Our pathway in place with RCT Domestic Abuse Services for some victims of domestic abuse, explores the return home where it is safe to do so on a case-by-case basis. This is undertaken in conjunction with a through risk assessment, the tenancy being in the sole name of the victim and the installation of safety measures such as target hardening and includes Police markers on the property if necessary. This can sometimes be a safer option if the property is also in close proximity to family and friend than moving a victim abuse victim of domestic

abuse to an alternative area with no support networks despite it being in close proximity to the perpetrator.

We propose to finalise a Homeless at Home Scheme on a National basis.

To help alleviate significant pressures on temporary accommodation, we welcome the proposal to finalise a Homeless at Home Scheme on a national basis and the guidance to support this proposal.

We would request in taking forward this proposal that in the first instance all unintended consequences are considered. One of the main reasons for homelessness presentations across Wales is the “Breakdown of relationship with Family and Friends.” Therefore, in consideration of the wider prevention agenda and avoidance of TA in some cases, it is more beneficial to consider living with friends and family as a priority under the Allocation Scheme rather than a homelessness duty. This would be particularly relevant if the individual can stay indefinitely rather than on a day by day or weekly basis, if they can see they are placed in a high band.

Proposals for longer term improvement to temporary accommodation

We agree the proposal listed in 5.22 to review suitability standards are relevant and important to raising the minimum standards of temporary accommodation. However, the timescales for implementing this proposal must be realistic and achievable in the current housing crisis if they are to be implemented effectively.

Allocations

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 propose new legislative provision which will make clear an RSL cannot unreasonably refuse a referral from a local housing authority, within a specified timeframe, except in specified circumstances.

We believe this will be an unnecessary proposal if all local authorities adopt a Common Housing Register and Common Allocation scheme which sets out clearly how social housing is allocated in a local area.

Such arrangements must be clearly monitored by a local authority with appropriate staffing resources in place to manage such arrangements.

Unacceptable Behaviour Test

We welcome further guidance around the application of the Unacceptable Behaviour Test particularly, as referenced above where it links with an Intentionality decision and in offering a trauma approach to cases of persistent ASB and high rent arrear cases.

We therefore propose to provide local authorities the power to remove people with no housing need from the waiting list in their areas.

We welcome this proposal based on 49 % of our register being Band D applicants with no housing need. We would again request that any unintended consequences of this proposal be fully considered in respect of the high number of high support need clients in higher bands and the need to consider community cohesion through balanced communities.

We propose to assign additional preference to those who are homeless and owed a statutory homelessness duty over other priority groups who are deemed to have an 'urgent housing need.'

We again ask that any unintended consequences are fully considered before taking forward this proposal. If there is limited availability of move on accommodation available, then no changes to an allocation scheme will reduce time spent in temporary accommodation. We also need to ensure that we do not incentivise becoming homeless as the only way to obtaining a social housing tenancy particularly if general needs accommodation is not their ideal housing option. This proposal also links with developing a Homeless at Home Policy and what incentives are being offered to those where friends and family despite difficult circumstances have allowed them to remain for a period of time.

We propose to introduce legislation to require the use of CHRs and common allocations policies across all local authorities in Wales.

Having successfully operated a Common Housing Register, Common Allocation Scheme and Choice Based lettings in RCT for many years with currently 12 RSL partners. We fully endorse this process works well including providing transparency and consistency to the allocation of social housing as well as providing a strong working partnership approach with all of our RSL partners.

However, it must be noted there is a financial and staffing element to introducing and implementing CHR's which WG may wish to factor in as part of introducing legislation to require the use of CHRs and Common Allocation Policies across Wales.

We therefore propose to introduce a 'deliberate manipulation test' to be applied at the allocations stage of the homelessness process.

Whilst we can see the rationale for considering this proposal, we would again welcome further thought on any un-intended consequences of this proposal particularly relating to

homeless households. Further guidance on working with individuals who have manipulated the system would be welcome particularly if they are currently placed in temporary accommodation. Such adverse decisions may have an impact on the length of stay in temporary accommodation and applicants feeling not able to disclose matters which they feel might impact on their housing application.

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 propose an increased range of housing options through which the main homelessness duty at section 75 HWA 2014 can come to an end.

We welcome extending the options, which can include supported lodgings, support accommodation and remaining or returning to previous accommodation, including the family home. However, we have some concerns at this option needing to be available for 12 months.

In such circumstances, we recognise a longer period of time is a safety net for the client. However, longer periods can often be perceived as a barrier particularly when working with an excluder of their previous accommodation. In appreciation there will be a requirement for a timescale needed, we would like to see this reduced to be available for occupation for a period of 6 months or longer.

This would also tie in if staffing resources permit to reconnect with the client at a 6 month point to consider if their accommodation considers to be suitable.

Unfortunately, the safeguards referred to under Paragraph 607 need further clarification at this time particularly relating to meeting the accommodation standards referred to in this section.

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 account?

Chapter 5

Consultation questions

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

Overall, we are supportive that the proposals will go some way towards ending homelessness but would agree the proposed reforms with the White Paper are broad and complex and are being considered in extremely challenging times, particularly for local government and the housing sector.

In addition, we would particularly welcome more clarity on timescales for all proposals and how the shared public responsibility will become a reality.

The biggest concern remains financial resources at a time when all local authorities are experiencing significant budgetary shortfalls and how we can even begin to make a difference with such a limited supply of affordable housing in both the social housing and private rented sector.

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

Please see below examples

- ✓ Improved interaction with Health and Social Care services particularly a duty for GP surgeries to refer to a Housing Solutions Service who may be aware that a clients health needs are being impacted by their housing circumstances including a risk of homelessness.
- ✓ Enhanced service specifications for 3rd sector including substance misuse providers in respect of referral arrangements for housing assistance.
- ✓ A Housing presence in Court Settings to offer housing options advice. Such assistance may also be relevant to people facing housing issues due to offending, domestic abuse or anti-social behaviour or other matters.
- ✓ Enhanced training for ASC and Health staff to better understand what constitutes a risk of homelessness. with a dedicated point of contact in Housing Solutions services for advice, assistance, and referral if required.
- ✓ In recognition of the already significant pressures, more duties need to be placed on Health and ASC to assist people with housing needs who are deemed to have complex health and ASC needs. Many people are being supported by Homelessness services who can then find it difficult to access the appropriate services as it is seen as housing problem.
- ✓ Improved interaction with DWP services with a duty to refer where a client may be in need of housing assistance. However, this is a two- way pathway and improved communication with the DWP will also be required as part of this process.
- ✓ A better understanding of support and services available to Education and Youth Services to be able to refer a young person and their families if identified they are in need of housing assistance. Further Guidance to be considered if this relevant to CS and or Housing subject to individual circumstances and the age of the child.
- ✓ More work with RSLs to help better understand how they can prevent homelessness at pre-tenancy stage, in the initial 12 months of new Occupation Contract and ongoing housing management of people who are at risk of housing difficulties.

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?

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

We do not foresee any effects of the proposed reforms in the White Paper on the Welsh Language. From an operational perspective delay the availability of a Welsh Speaker and or translation arrangements, may be a barrier to responding effectively to the needs of some clients who present in an emergency situation including out of hours.

Senedd Cross Party Group on Children in Our Care

Response to the Consultation on the White Paper on Ending Homelessness in Wales.

Introduction.

The Senedd Cross Party Group on Children in Our Care is an official cross party group that enables Senedd Members to focus on issues affecting care experienced children and young people outside the Senedd's formal Committee structures.

The CPG discussed the White Paper at the meeting which took place on December 12th 2023 at the Senedd. This response is the outcome of those discussions. We have not attempted to respond to all the questions posed in the Consultation document, but have rather focused on those questions most immediately relevant to the care experienced community.

Response.

Q 1). Broadly speaking the CPG supports the ambition of the White Paper, but there are concerns about the ability to realise these ambitions, particularly in the current financial climate. Care experienced young people tell us that much earlier preparation for living independently is key to preventing homelessness, as is support for young people as they begin to live independently. This support needs to be provided for longer, to be more flexible and to be more comprehensive than is often the case at present.

The proposals set out in the White Paper need to work closely with the Welsh Government's wider commitment to delivering Radical Reform of services to care experienced children and young people as set out in the Declaration agreed between Welsh Ministers and care experienced young people, signed and published in May 2023.

Q 3). With regard to additional legislative proposals that should be considered to improve the prevention and relief of homelessness the CPG believes that it will be necessary for the Welsh Government to legislate to put the recently published Corporate Parenting Charter on a statutory footing. The guidance supporting the legislation that we believe is necessary must set out clearly the duties of Local Authorities and other public bodies in Wales to care experienced children and young people, including duties to prepare young people for independent living and to support them on their journey to independence.

Q 4). The CPG has grave concerns about the proposals to abolish the priority need test. The principle that anyone facing homelessness should be a priority is laudable. However, given the issues with supply of appropriate social housing, the constraints on public finances, and the challenges faced by care experienced young people seeking housing support under the current system where they do, in theory, have priority need we cannot support the abolition of the test at this time.

Options might include retaining the priority need test until such time as each Local Authority can demonstrate that they have a sufficient supply of appropriate social homes, and that all young people leaving care in their areas are appropriately housed.

Q 5). The CPG supports the abolition of the intentionality test. While it is now not a test that is frequently used in practice, young people tell stakeholders that it is still sometimes used inappropriately in a manner that they believe is sometimes influenced by judgemental attitudes and indeed discrimination. They tell us, for example, that moving out of a shared property because a friendship relationship has broken down can be treated as having made oneself intentionally homeless unless abuse can be demonstrated.

If any care experienced young person has reached the point where they are at risk of having been deemed to have made themselves intentionally homeless, they have clearly been failed by the public bodies who have, or should have, a duty to support them.

Q 6). The CPG supports this proposal. While the local connection test has merit in some circumstances it can be, as it stands, a barrier to care experienced young people being able to settle and live independently in the community that feels most like home to them and where they may be most likely to be able to access community support. For example, if a young person has spent a long time in a residential home, gone to school in that community, made friends and developed networks, they may much prefer to set up home in that community rather than in the communities served by the Local Authority responsible for their care and support. There are also, of course, sometimes safety reasons why young people should not be housed in the communities served by the Local Authority responsible for their care.

Q 8). The CPG support the proposal to apply a duty to identify, refer and co-operation a set of relevant bodies.

Q 9). The CPG is concerned that education bodies are not included in the list of bodies to which the proposed duty should apply. Almost all care experienced children and young people are in contact with the education system. Education staff are often trusted, and, seeing young people from day to day, may become aware of challenges that young people or their families are facing long before other professionals who see children and their families less often. Not to include education bodies in this duty would be a grave missed opportunity.

Q 15). In our response to Question 3 the CPG has already mentioned that need for the new Corporate Parenting Charter to be placed on a statutory footing. While we accept the Welsh Government's wish to engage Local Government and other public bodies in a voluntary and co-operative approach to delivering the Radical Reform of services for care experienced children, young people and their families to which Welsh Government is committed, past experience suggest that voluntary engagement will not be sufficient. There is also a need to address the question as to how, if engagement is voluntary, will outcomes be measured. Successful corporate parenting of care experienced young

people is key to them being able to live successful independent adult lives, avoiding homelessness. The successful delivery of the aspirations set out in this White Paper will, with regard to the care experienced community, depend to a great extent on successful corporate parenting. Hence our view that corporate parenting duties need to be placed on a statutory basis.

Q 16). There is a clear need to improve and clarify the links between homelessness legislation and the Social Services and Wellbeing Act, and other legislation and policy affecting care experienced children and young people. There is an ideal opportunity for this to happen now, in the context of developments that will take place as a result of this White Paper and the work being undertaken to deliver Radical Reform of services to care experienced children and young people and their families, as set out in the Declaration. The CPG recommends that the work arising from this White Paper be aligned with the work programme of the Transformation Delivery Group working to support radical reform through children's social services.

Qs 17 and 18). Truly effective corporate parenting of care experienced young people would not see 16 and 17 year olds living alone. That said, the CPG is aware that there are circumstances where this may occur. A strong corporate parenting framework, legally binding, should set out the support that young people in this situation should receive. Though this should be exceptional and rare, there may be circumstances where 16 and 17 year olds are living independently, and they should, in these exceptional circumstances, be able to hold occupation contracts.

Q 25). We refer you to our earlier references to the need for corporate parenting duties to be placed on a clear statutory footing.

Conclusion

The CPG is pleased to have had the opportunity to engage in the consultation with regard to this important White Paper, and we look forward to engaging further through the process.

January 2024

Society of Labour Lawyers

White Paper on ending Homelessness in Wales

Answers to the Consultation Questions on behalf of the Society of Labour Lawyers

The Society of Labour Lawyers is the legal think tank of the Labour Party. It is the pre-eminent professional association for lawyers on the left of politics and supports the Labour Party in developing legal policy and advising on legal proposals. This response It has been prepared by the housing and levelling up sub-group of the Society of Labour Lawyers. Many of us are practising lawyers, and our members also have wide-ranging expertise in housing and related areas of policy.

Questions following Chapter 1 (pages 26-55)

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

ANSWER

Yes

2. What are your reasons for this?

ANSWER

In brief the proposals are:-

- to refine the definition of “threatened with homelessness “ so that a person is threatened with homelessness if s/he is likely to become homeless within 6 months or has been issued with a Notice of Possession (paras 65/66 page 28);
- to refine the definition of “homeless” so that a person who is permitted to reside in an area but without access to clean water, waste and toilet facilities is to be deemed homeless (para 68). This is intended to apply particularly to those residing in caravans or houseboats.
- to introduce a statutory duty on the local housing authority to draw up a Personal Housing Plan (PHP) containing the steps the local housing authority will take to secure accommodation for each homeless applicant both at the prevention and main duty stages, the PHP will record the applicant’s views on the type of accommodation that she or he needs (paras 77/78 page 30);
- to introduce a statutory duty to review the applicant’s needs assessment and the PHP with the applicant within 8 weeks and additionally review if circumstances change (including a change to the duty owed to the applicant), that review can include the applicant’s views on the type of accommodation that she or he needs (para 81 page 31); 2

- to provide for the right to request:

- a review of the reasonable steps to be taken to prevent homelessness or secure accommodation outlined in the needs assessment/PHP; and
- a review of the suitability of accommodation secured at any time during the applicant's occupation (para 92 page 33);

- the right to request a review should be clearly communicated (para 95 page 34);

- the review is to be completed in 3 weeks unless an extension is agreed in writing (para 96);

- information and advice on homelessness and prevention is to be made available free of charge to any individual in a local housing authority (LHA) area or with which that person has a local connection. That information to include (1) the LHA system for tackling homelessness and how it operates (2) other assistance for the homeless (3) how to access the system.

Reasons for agreement

As can be seen from the above, the proposals emphasise early intervention and constant review taking into account the views of the applicant.

In our view, early intervention is vital. As the White Paper observes the highest contributory cause to homelessness is the end of the applicant's tenancy (para 61). Early intervention can avoid homelessness altogether, for example by allowing time to solve or come to agreement with the landlord about a rent arrears situation or assisting with securing alternative accommodation. Likewise the involvement of the applicant in the PHP and review enables informed decisions to be made which will facilitate a satisfactory outcome. The PHP should make clear the steps to be taken which should avoid misunderstanding. The right to request a review should have the same effect. We observe that the proposal that the right to request a review is to be clearly communicated (para 95) should specifically state that the right to request must be communicated **in writing**.

Information and advice are also important as, for a prevention service to have effect, it needs to be generally well known so that those affected are aware this resource is available.

The Society makes further observations on the revised definition of "threatened with homelessness " in its answer to question 14.

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

ANSWER

Referring to the last point made above, provision for pro-active dissemination of information is recommended to those who could be affected or who advise the

homeless or potentially homeless- eg refuges, community centres, advice centres, Shelter Cymru, Crisis and also libraries and campaigning organisations particularly those concerned with the private rented sector (PRS). 3

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

ANSWER

Yes.

Reasons for agreement

This proposal was put forward by the Society in its September 2021 paper “*Proposals for Housing Law Reform*” (page 13). The proposals have been forwarded to the Labour Party shadow front bench and circulated at the 2022 Labour Party Conferences.

The Society agrees with the features of the application of the test set out in the White Paper from the experience of its own housing practitioner members - as reducing assistance for single people, used for “gatekeeping”, a too high threshold applied for vulnerability, inconsistent application, causing trauma to applicants and diverting attention from individual need (para 126 page 40).

The Society observes also that a significant proportion of appeals to the courts in homelessness cases involve disputes over the application of the ‘vulnerability’ test. The courts have been in difficulty for many years in seeking a workable definition as shown by s.71 Housing (Wales Act 2014, which contains a definition for Wales that was subsequently changed in England by the Supreme Court in the case of *Hotak v LB Southwark* [2015] UKSC 30 amongst others. Removing the priority need test will save both delay and expense.

It is noted that Scotland has likewise repealed the priority need test (Homelessness (Abolition of Priority Need Test) (Scotland) Order 2012).

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

ANSWER

Yes

Reasons for agreement

This proposal was likewise put forward by the Society in its September 2021 paper “*Proposals for Housing Law Reform*” (page 13).

Again we agree with the experience of application of the test as variation of interpretation and the difficulty of reversing an intentionally homeless decision outlined in the White Paper (paras 145 page 45 and 148 page 46).

The Society observes that the application of the intentionality test (which was not included in the original draft legislation and was inserted by Parliament during the passage of what became the Housing (Homeless Persons) Act 1977) has, because of its width, gone far beyond the original intention to deny assistance to those who

deliberately engineered their homelessness in order to obtain public housing, so denying the benefits of the homelessness legislation to those who otherwise would have been entitled.

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.

ANSWER

The Society would prefer application of the local connection provisions (by which an applicant can be referred to another local housing authority to that which received the application for accommodation, if the receiving authority is of the view that the applicant has no local connection with its area but does with the other) to be subject to the consent of the applicant or, at the least, the applicant's views be taken into account as a whole and not limited to the local connection criteria.

However, if that is not to be the case then the Society agrees with the proposal having regard to the wide list of exemptions as those needing care, veterans, those at risk of domestic abuse, those suffering domestic abuse and prison leavers (paras 164-5 page 47]) and that special circumstances may lead to disapplying the local connection provisions for example in relation to young people, LGBTQ+, the disabled, Gypsies and Travellers (para 166).

The Society proposes that the deemed local connection for former asylum seekers providing that they are deemed to have a local connection with the area in which they were provided with accommodation by the Home Office (s.81(5) Housing (Wales) Act 2014 , be removed.

Removing the provision would permit former asylum seekers to apply to a local authority other than the one where they were accommodated at the date of grant of leave on production.

In addition, we would suggest that guidance on "special circumstances" local connection (s.81(2)(d)) provides that, in relation to former asylum seekers, they will have a local connection by way of special circumstances on production of evidence of:

Family or clan ties in that area;

Educational links in that area;

Medical links to either more than one agency and/or a link to a specialised counselling service in that area;

Suitable employment opportunities in that area.

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?

ANSWER

The Society notes the Regulatory Impact Assessment, which describes itself as a draft, presents a varied and imprecise picture, qualified by the acknowledgment that the picture is likely to change as legislation proceeds. The general tenor appears to be that the impact of the proposals particularly so far as costs are concerned are likely to be marginal. Better outcome for the homeless can be anticipated.

In the circumstances the Society does not consider it can make any more useful comment.

Questions following Chapter 2 (pages 57-72)

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

ANSWER

Yes

This is a duty to identify those at risk of homelessness and to refer them to the relevant parts of the public services ((para 220 page 65). Coupled with a duty to co-operate between the public services themselves.

Reasons for agreement

We consider that such a duty would assist in focussing the public services attention on those at risk of homelessness and to taking action which could lead to that being avoided or help being provided.

However, enforceability of such a duty is likely to be difficult and complicated so its main benefit would be to set a standard. That would be a benefit, however.

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?

ANSWER

The bodies identified appear to include all those public bodies in contact with those who are likely to be at risk of homelessness as social services departments, Local Health Boards, Registered Social Landlords, DWP, Youth Justice, Probation Service, Prisons, HM Court and Tribunal Service, Police, the Home Office (especially as regards those who have been granted refugee status and are no longer to be accommodated by the Home Office) and the Secretary of State for Defence (paras 227/9 page 67). We would not remove any of them.

We note the reference to private landlords and the proposal that landlords be required to refer contract holders at risk of homelessness to the local housing authority when notice requiring possession is served (para 235 page 69).

We support that proposal and also propose the same should apply not only to contract holders who are tenants of private landlords, but also to contract holders who are licensees so that it applies whenever an owner of property terminates the right of a person to occupy any premises or part as a residence - eg licensees of a resident owner.

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

ANSWER

Yes.

There is nothing the Society can usefully add.

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.

ANSWER

Plainly procedures will need to be established but such detail goes beyond the Society's area of expertise.

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?

ANSWER

The duty will be oriented towards those at risk of homelessness and, once identified, referring them to where assistance can be provided. This is likely to involve helping them to make that contact. The enhanced case co-ordination - including the direction of a leading professional should assist (para 247). We also commend the Housing First approach.

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

ANSWER

The Society refers to its response to question 7 .

Questions following Chapter 3 (pages 74-119)

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)?

ANSWER

The groups identified, being children, young persons, care experienced young persons, people with complex health needs including mental illness, those suffering from substance abuse and those leaving hospital, domestic violence survivors, the disabled, Armed Forces personnel, people leaving prison and those subject to the No Recourse to Public Funds condition (NRPF), cover those particularly in need (page 74 para 252).

In the Society's view the revised definition of "threatened with homelessness" should include former asylum seekers at the point when they have been granted refugee status or other leave to remain on humanitarian grounds. Usually they would have been accommodated in Home Office funded accommodation pending decision on their claims. After that decision has been made they are sent notice to leave that accommodation generally within 28 days (recently curtailed to 7 days but then restored to 28 days).

The Society considers that local authorities should be advised to treat former asylum seekers, given leave to remain, as threatened with homelessness from the receipt of grant of leave to remain, rather than waiting for receipt of the notice to quit. This would provide a longer period for the local authority to perform the prevention duty, in the hope that accommodation could be secured for the former asylum seeker before he or she is served with a notice to quit. We note that at the point of grant of leave to remain the "right to rent" provisions of the Immigration Act 2014 cease to apply. The Society considers that this should be made clear in any subsequent legislation or, at least, in accompanying guidance.

In this context, the Society also notes that the Home Office is one of the bodies to which the proposed duty to identify, refer and co-operate would apply (answer to question 9).

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

ANSWER

Provision for timely identification of a homelessness situation arising and the availability of accommodation or other assistance to meet the need identified are each key to prevention. It is observed that the aim of the White Paper is to achieve those aims in respect of each group and to enable co-operation and co-ordination between the relevant authorities eg between Social Services Departments and Housing Departments in respect of 16/17 year olds (para 280 page 80), particularly noting that those leaving the justice system within 6 months are to be the responsibility of the LHA (para 285). The Society also welcomes the proposals that bed and breakfast accommodation (B&B) be considered as not normally suitable for 16/17 year olds (para 271) and that no 16/17 year olds are to be accommodated in unsupported accommodation (para 281 page 81). By way of further example similar provisions are proposed for those being discharged from hospital (paras 311, 312, 317) and the disabled (para 383 page 101).

However the Society considers awareness of these provisions is also key to their implementation and success. So far as is practicable those employed in the various sectors by the authorities as hospitals, prisons, social services and housing departments, the Armed Forces etc should be made aware of the means and provisions to avoid homelessness and requested to look out for those in need actual or potential so that the assessors and providers can be informed. Again so far as is practicable, the individuals in need (or those assisting them) should be informed, as patients, young persons, prisoners, Armed Forces personnel etc so that they can approach the authorities for assistance. This could be part of the responsibilities of those administering co-ordination between the various authorities.

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?

ANSWER

The Society has nothing to add on 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?

ANSWER

The Society considers that the proposals, in the White Paper, properly implemented, should be sufficient to avoid homelessness for those with whom the authorities are in contact or of whom they are aware. As outlined in our answer to question 15, promoting general awareness of these measures will, through publicity, advice agencies etc, hopefully, bring those in need into contact with the authorities.

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?

ANSWER

The Society agrees with the principle set out in the Housing (Wales) Act 2016 that those being provided with residential accommodation, in the private or public sector, should also be provided with an occupation contract - which can be for a tenancy or a licence - and which includes a written statement of rights and obligations. As with adults, the advantage is that of clarity as to what those rights and obligations are to the benefit of all parties. In relation to children, ie those below the age of 18) who are to be provided with supported accommodation only, (para 281, page 81 of the White Paper) some alteration to the current provisions relating to standard or secure occupation contracts will probably be required. The Society also recognises that enforcement of such contracts can present difficulty (ie claim or defence has to be

made via a “litigation friend” who may or may not be identified in the contract). However to state the rights and obligations of the parties is, in itself, of value.

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?

ANSWER

The Society refers to its response to question 7.

Questions following Chapter 4 (pages 121-154)

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?

ANSWER

The Society assumes that the proposals referred to are those at pages 129-135 of the White Paper , which substantially include long term accommodation as well.

The Society welcomes these proposals. In particular that it is proposed to legislate:

- that accommodation with category 1 hazards (as defined by the Housing Act 2004) is unsuitable;

- that accommodation deemed unfit for human habitation having regard to the 29 matters listed in the Renting Homes (Fitness for Human Habitation) (Wales) Regulations 2022 is unsuitable;

- that shared sleeping space is impermissible (para 500);

- that the same standards are to apply to Private Rented Sector (PRS) and local housing authority (LHA) accommodation (para 503);

-that placement in an overcrowded area is never to be permitted (except in discharge of the prevention duty and at the applicant’s request (para 508));

- that for young persons under 25 and 16-17 year olds, no unsuitable B&B or shared accommodation is permissible and only supported accommodation is to be considered suitable (paras 510 and 511).

The Society also welcomes the proposal that the applicant’s views as to suitability are to be ascertained by the LHA when completing the PHP even if it is not possible to meet all needs (para 506 page 130).

The proposals as to the suitability of location are also welcome (paras 511 and 513 page 132).

The Society also welcomes the acceptance of cultural aversion to “bricks and mortar” accommodation on the part of the Gypsy, Roma and Traveller community at para 515 :-

“We propose legislation provides for sites (rather than bricks and mortar accommodation) to be generally considered the most suitable accommodation for an applicant from the travelling community (Gypsy, Roma and Travellers) and the local housing authority should be obliged to ask an applicant from the Gypsy, Roma and Travelling Community whether or not they are culturally averse to bricks and mortar and to ensure suitability of accommodation is culturally appropriate for the applicant.”

Although for the sake of clarity we would suggest inserting “*caravan*” before “sites “ in the first line.

This recognises that the “*occupation of a caravan is an integral part of [the] ethnic identity of a Gypsy*” as stated by the European Court of Human Rights in *Chapman v UK* [2001] 33 EHRR 18.

Again the Society observes that whether the provision of “*bricks and mortar* “ accommodation for Gypsies and Travellers is “*suitable*” has been a regular source of litigation in this area of law (see *Gypsy and Traveller Law* ed Marc Willers KC and Chris Johnson, 3rd ed, pub LAG 2020 pages 423-430).

The Society also welcomes the proposal that suitability standards be reviewed every 3 years (page 135). This enables the Government to respond to any increase in supply of accommodation and also to ensure that suitability standards reflect modern circumstances.

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?

ANSWER

The proposals are :-

- that RSLs (Registered Social Landlords - housing associations) be required to rehouse a statutory homeless referral by a LHA (Local Housing Authority) within a specified time period subject to exceptions (eg that the RSL is unable to provide suitable accommodation as to locality (para 573, page 145 and para 575));
- that the scope of the “Unacceptable Behaviour test” by which an applicant can be excluded from the housing waiting list of a LHA should be understood as applying only when an applicant or member of the household has been guilty of serious unacceptable behaviour which would lead to an outright order for possession **and remains unsuitable to be a tenant** by reason of that behaviour at the time of consideration of the application. This is the current legal test but guidance is needed so that it is applied correctly and consistently, and so that the applicant can contend that the reason for exclusion no longer applies by reason of changed behaviour or changes in circumstances (page 147 para 581);
- that the LHA has the power to remove persons with no housing need from the waiting list (para 584 page 148); at present there is no such power;
- that additional preference for an offer of housing be given to those who are homeless and owed a duty to accommodate over other priority groups on the waiting

list but who are also in urgent housing need (para 588); also additional preference for people who are homeless and fleeing abuse and for those homeless and care experienced (leaving care) (para 590 page 149);

- that RSLs and LHAs be required to operate Common Allocation Policies and a Common Housing Registers so as to ensure applications are dealt with consistently and in co-operation (para 591);

- that a 'deliberate manipulation' test be introduced for the removal of persons from the housing waiting list, which could include "*falsifying evidence as to the availability of accommodation or the financial circumstances of the applicant*"; and would permit the applicant to request a review of any finding (page 150, paras 596-9);

Generally the Society welcomes these proposals which should further assist in reducing homelessness. In addition the Society makes the following points:-

(1) The result of increasing the facilitation of accommodation for the homeless through the housing waiting list will inevitably result that others on the list (who will regard their own housing situation as requiring assistance) will wait longer or in vain (as the White Paper acknowledges). The presentation of these proposals should take this into account and endeavours be made to mitigate that result.

(2) The proposal for a review of the new 'deliberate manipulation test' by which an applicant can be removed from the housing waiting list is welcome as it requires housing officers to carry out investigations and come to conclusions of fact. Since this involves findings of dishonesty (as well as removal) such decisions are likely to be contentious. We do consider that there needs to be clear guidance both as to circumstances that might constitute "*deliberate manipulation*", but also circumstances that might not fall within the test. The review decision would itself be subject to judicial review, if there were an error of law in the decision or the procedure which led to the review decision. This would be a further safeguard.

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?

ANSWER

This proposal (at page 151 from para 601) relates to discharging the main housing duty by other means than an offer of social housing or private rented housing. Examples would be supported lodgings, supported accommodation or the accommodation previously occupied by the applicant and his/her household, the example given being the victim of domestic abuse, who has been assisted with the exclusion of the perpetrator, change of name on the occupation contract as necessary and safety measures taken in respect of continued occupation.

The Society notes the precautions proposed (at paras 606-8) to ensure that the applicant consents to this method of discharge, arrangements for independent advice to be given, that the suitability of the accommodation is considered and that the LHA be under a duty to check suitability within a fixed period after occupation.

In those circumstances the Society had no further observation to make.

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? 168

ANSWER

The Society refers to its response to question 7.

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

ANSWER

The aims of the proposals, as understood from para 52 page 23, are early intervention, a person centred approach, easier access to assistance, multi-agency support, improved standards to temporary (and long term) accommodation, maximum use of social housing and targeted action.

All the proposals above are welcome. The Society supports those aims and the means of achieving them.

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?

ANSWER

The Society notes that decisions under the homelessness and allocation legislation are subject to judicial control by statutory appeal (most homelessness cases) or judicial review (allocation decisions and remaining homelessness cases). The Public Sector Ombudsman can hold local housing authorities and registered social landlords to account in cases of maladministration. The ultimate means is, of course, the ballot box. The Society considers these means sufficient at the present time.

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?

ANSWER

The Society refers to its response to question 7.

27.What, in your opinion, would be the likely effects of the proposed reforms in this White Paper on the Welsh language? We are particularly interested in any likely effects on opportunities to use the Welsh language and on not treating the Welsh language less favourably than English. a. Do you think that there are opportunities to promote any positive effects? b. Do you think that there are opportunities to mitigate any adverse effects?

ANSWER

Regrettably the Society does not have the expertise to answer 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:

ANSWER

Thank you for this opportunity. The Society proposes the repeal of s 89 (5) and 7 (a) Housing (Wales) Act 2014.

Section 89 contains the power of the county court to hear an appeal against the refusal of the local housing authority (LHA) to secure accommodation for an applicant pending a hearing of an appeal (the main appeal, brought under s.88) against a decision of the LHA. Those decisions in the main appeal will usually be either that the local housing authority does not have a duty to secure accommodation to the applicant or that the accommodation secured is unsuitable. While the court has the power under s.89(4) to order the LHA to secure accommodation pending the hearing of the appeal, the exercise of that power is severely restricted by subsections (5) and (7).

In other civil proceedings, where an applicant seeks an interim order pending the hearing of the trial or appeal, it is decided on the basis of the applicant having a prima facie prospect of success in the main claim or appeal and the balance of convenience being in the applicant's favour (*American Cyanamid v Ethicon* [1975] AC 396). Instead those subsections require the applicant to show that the LHA's decision not to secure accommodation pending the hearing of the appeal was an error of law ie not fact (the same test as has to be established against the LHA's decision which is the subject of the main appeal). Secondly the applicant must show that the failure to secure that accommodation would prejudice the applicant's ability to pursue the appeal. This is difficult to establish as the appeal rests solely on legal submissions on a point of law.

The result is that the applicant and his/her household is at serious risk of being homeless pending the decision of the court as to whether s/he is owed a duty to accommodate by the LHA or not - whenever that might be (considering the current state of the court lists).

Such a result would not appear to be in accordance with the approach of the White Paper.

This proposal was likewise put forward by the Society in its September 2021 paper "Proposals for Housing Law Reform" (page 14)

Torfaen Local Authority

Torfaen County Borough Council -White Paper – Ending Homelessness – October 2023

Proposed Changes

- 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**

The Council is supportive of the proposal to extend the definition of individuals being at risk of being made homeless within 6 months in order to align this to the provisions of the RHA 2015. However, there is a concern that this opens up a very wide group of individuals and the concern is that this will significantly increase caseloads so there needs to be some clear guidance around what would constitute an application.

For example, where a young person is living at home and they approach services to say that mum has told them that they need to leave when they turn 18 then this would trigger a case and steps could then be taken to seek to prevent homelessness. A case would only be taken up when there is some verification as otherwise there could be speculative approaches made and this would detract work from those cases who need help.

Equally, as another example, where there is a case with an RSL where the RSL are considering applying to court due to non-engagement and persistent rent arrears then this could be considered a case at risk, an LA can intervene and take reasonable steps to seek to engage with the tenant and prevent homelessness.

In short there needs to be due care and consideration given to how the definition would work so that there is consistency applied across all Council's.

- 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 being homeless under Section 55 of the HWA 2014**

The Council agrees with this but would consider that this is already considered under legislation and guidance.

- 3. A statutory duty to draw up a PHP containing the steps the local housing authority will take to secure accommodation for the applicant**

The current legislation under the HWA 2014 sets out the requirements containing the reasonable steps that can be taken by both the Council and the applicant. The Council uses PHP's to convey this and reviews these and has procedures in place to direct staff in relation to the steps that can be taken to prevent or relieve homelessness and is therefore confident that the Council is already complying with this and would again reference that this is contained within existing guidance and that local authorities should be carrying out this in order to meet the guidance. The Council is of the view that guidance can only be departed from where the Council is satisfied it is reasonable to do so.

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

The Council understands the need to provide greater clarity in this area and to have greater consistency in terms of the service standards across different local authority areas. However, the Council does have some concerns around service capacity to complete this activity should the caseloads increase due to the extension of the definition of at risk of homelessness to 6 months. In reality there are limited activities and actions that can sometimes be taken and the process may well be limited – In others, these will be more complex and dynamic, requiring greater input all round. In the main though the Council does feel that this will provide greater clarity in term of managing expectations and providing a greater connectivity with those seeking assistance. The concern for the Council would be how the review would be completed. If there is no change then a revised PHP in written form seems a little pointless but accept the need to maintain contact and review so it does focus in the Council's view of how officers record interactions and how this changes given the advice provided.

5. Propose a statutory duty to include an applicants views on their accommodation needs within their PHP

The Council is supportive of this approach and considers that this would be a useful way in which to have an open and productive conversation around an individuals needs and requirements, checking this against the reality of what is available and can be reasonably accessed in order to manage expectations. The Council would hope that this would support a move towards reducing reviews of decisions around the suitability of accommodation provided that the process is followed in a reasonable and pragmatic manner. There is a concern though around the management of expectations given the availability of accommodation and resources

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 PHP

The Council feels that the right to request a review in this instance potentially adds more complexity to an already overly complex legislative system which often confuses applicants and even other professionals. To add additional layers of reviews would further complicate this and the Council would be concerned that this would detract from the intended purpose of the legislative reform and change. However, having said this the Council is not unsupportive of the approach but would have concerns around the impact this may have on reviews and time spent on this as opposed to assisting individuals.

7. A right to request a review of the suitability of accommodation at any time of the applicants occupation of the accommodation (which should be available beyond 21 days)

The Council does not support an open ended review process. Firstly, other reviews are time limited in nature and to create a review process that is in effect open ended will only serve to create greater confusion. Secondly, individuals are provided with the right to request a review when accommodation is offered and this should be held in the Council's opinion to a 21 day timescale. The paper outlines that this would extended to accommodation offered in discharging the Section 75 duty under the HWA and as such

what is being proposed is an open ended review process once an individual is housed into social housing. This does not feel reasonable and proportionate.

However, the Council would suggest that a material change in someones circumstances in interim accommodation could give rise to a review of the accommodation provided and consideration of offering alternative accommodation. For example, an individual who is accommodated in a 1 bed flat and has a child returned to their care would give rise to a review and consideration of a further offer of interim accommodation.

8. Propose to abolish priority need so that all eligible applicants will benefit from the duties under section 68, 73 and 75 of the HWA 2014

The Council is supportive of the abolition of priority need and the move towards an inclusive approach and welcomes the removal of Section 73 as this would simplify the legislation. However, there is a significant concern around how this will be managed given the current demand issues placed upon local authorities and how this will then be resourced in terms of funding, staffing and accommodation as well as the impact on other services.

Current provision across Wales is woefully inadequate to meet the need and any change would need to be managed in a systematic and controlled manner in order to ensure that the most vulnerable faced with homelessness are not lost within the system. It is therefore essential that a lead in time is provided in the move towards the removal of priority need. The Council considers that this should be at least 5 years and perhaps as long as ten years with a measure to look at how Councils are progressing in developing additional affordable homes and how this is then impacting upon the delivery of the rapid rehousing approach.

Furthermore, the Council is concerned over how the more vulnerable individuals assisted could be lost in the wider "safety net system" and whether this could have a detrimental impact on those households and individuals. However, the Council remains supportive and positive about the all inclusive approach but feels there needs to be some safeguards built within the approach to ensure the more vulnerable receive the right support and service.

9. Proposal to remove the test of intentionality from legislation and is no longer applied in determining whether an applicant is entitled to the prevention and main duties (section 68 interim duty to secure accommodation and section 75 duty to secure accommodation under the HWA 2014)

The Council understands the position of Welsh Government and the Expert Panel in this area and the evidence in the White Paper shows a distinct drop in the number of cases found to be intentionally homeless across Wales. This amounts to less than 100 cases and whilst the rationale for change is duly and carefully considered the Council does not feel that this should be wholly removed. The Council considers this number to be minimal and is only applied in a very limited number of cases. Current law removes intentionality for a number of groups presently on presentation and it is felt that this is balanced and creates a level of responsibility against the rights based approach. Removing this will, in the Council's opinion result in individuals manufacturing their circumstances to render themselves homeless in order to access accommodation where there are no reasonable and substantive reasons for the accommodation they occupy being lost.

Cases in Torfaen over the last year have shown that the intentionality test has been applied minimally and in the cases found to be intentionally homeless individuals have clearly failed to take steps to maintain their accommodation, namely withholding rent, citing that they wanted social housing and that the Council should accommodate them. Removing the test could therefore perversely incentivise homelessness and lead to larger numbers of individuals rendering themselves homeless deliberately to secure social housing. For this reason the Council feels that the test should be retained and the use of it monitored in order to ensure Council's are complying with the test and the process. The Council feels that this is in the public interest to retain the test in order to ensure the correct and appropriate use of public funds. Removing this could create some unwanted and unnecessary public and press attention that would detract from the intended changes that are more positive and inclusive in their approach.

10. Proposal to add additional groups of people to the list of exemptions to allow for non familial connections with communities and to better take account reasons why someone is unable to return to their home area (local connection definitions)

Local connection should be retained and there is support from the Council in this being amended to provide greater clarity. However, the Council feels that the exemption groups should be refined. It is also felt that those fleeing abuse or exploitation should already be covered by existing provisions. Equally, the Council supports the clarity around offenders requiring to move to a new area as a result of exclusions but feel that the rehabilitation exemption is open to interpretation and would therefore feel that this is too open. Equally, the Council is unclear as to the exemption for veterans and people who are care experienced as having an exemption in terms of how reasonable and proportionate this is with individuals perhaps gravitating towards areas where there is high demand and adding to pressures within those localities. The Council would welcome further clarity around the proposals and changes in this area.

11. Propose a new duty on LA's to help to 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 and accepted by the applicant

The Council welcomes this duty and this reflects a practice that has been adopted by the Council in terms of its resettlement process through move on arrangements covering not just homeless households but other individuals moving on from supported housing or from accommodation that is unsuitable to their needs. The extension of this to wider agencies and the whole Council is welcome. The suggestion of a wider duty to all public bodies is equally welcome.

12. Section 73 to be removed in the event of Priority need being abolished

This is welcome and simplifies the process for those working with people and those individuals who are homeless. Many applicants struggle to understand the duties and this over-complicates the system and process, detracting from the work undertaken to help people find accommodation and the support they need.

13. Proposal to narrow the test which sets out a small number of clearly defined and limited grounds for the unreasonable failure to co-operate test

A better defined set of criteria will help in this area but the Council is of the opinion that the definition should include:

- Threatening behaviour towards staff (to include not just housing staff but other staff working with the individual (ie – support workers)
- Consistent non-contact with the service and/or support service provided
- Refusal to attend key appointments to address accommodation and support needs (would need to define these)

The Council has a view that the process of advising individuals is completed at present with a letter providing the intention to end duty for failure to co-operate and the reasons why. Individuals are provided with a timescale in which to address the issues and are warned that failing to do so will result in the duty being removed. Again, this is already working practice within the area.

14. Propose to make it clear that LA's must ensure that they communicate with applicants in a way that is accessible and tailored to any individuals needs (this must be based on a rigorous assessment of need and PHP)

The Council welcomes clearer guidance in this area and feels that this would be useful in clarifying what is required. However, the complexity of the law and ensuring compliance does in the Council's view provide an issue that needs to be managed and addressed. Since the adoption of the 2014 act, Council's have sought to create simplified correspondence to convey decisions but the complexity of the law requires letters to be written in a way that are legally compliant and overly elaborate for most people to fully understand. The answer is not to have an easy read letter aside a technical letter as this only serves to confuse and create further chance of litigation.

15. Propose to set out in legislation that LA's be required to communicate with applicants at regular intervals on

- a. Progress of their application for longer term accommodation and expected timescales
- b. Their rights to request reviews of the suitability of the accommodation and of any other relevant decisions
- c. Support that may be available to the applicant

The practice in Torfaen is provide support, guidance and information to individuals in an open and transparent way. At all stages applicants are advised of their rights, offered support and provided with updates. The Council does not feel that this needs further emphasis and is already adequately covered in existing law and guidance.

16. A new duty to identify those at risk of homelessness and refer on to specified parts of the public service, so a local authority is notified as soon as possible a person is facing a threat of homelessness or is already experiencing homelessness.

This is welcomed by the Council.

17. We propose the duty to refer is accompanied by a duty on the specified parts of the public service to take action within their own functions to sustain standard or secure occupation contracts and mitigate the risk of homelessness.

The Council supports this approach and feels this will enhance activity and prevention at an early stage. There will clearly need to be training and greater understanding alongside clear guidance on how this connects.

18. An expanded duty to co-operate (currently imposed by section 95 of the HWA 2014), to ensure a wider number of public services are engaged and responsible for making homelessness rare, brief and unrepeatable.

This is welcomed by the Council. However, there is a lack of understanding that needs to be tackled across the demand and pressures across all agencies and services. This is an area that needs to be addressed before any firm arrangements are put in place as to avoid any unintended consequences.

19. Strengthening strategic leadership of homelessness at a regional level.

The Council agrees that there needs to be greater accountability and leadership across all organisations and levels. However, the differing demands and pressures in local areas result in localised differences that need to be sensitively managed and addressed. Care needs to be taken to ensure that local issues and steer is not overshadowed by regional pressures which could then have significant unintended consequences.

20. A statutory case co-ordination approach for those who are homeless or at risk of homelessness and experiencing multiple complex support needs.

The Council agrees that this is required and does have this approach in some high profile and risk cases.

21. We intend to strengthen existing corporate parenting responsibilities to ensure individuals aged 16 and 17 years who are homeless or at risk of homelessness do not fall between services, and social services and homelessness services work in true partnership to secure suitable accommodation and any broader support these young people's need.

The Council welcomes the proposals and feels this will support the work that the Council is currently undertaking to review/revise the process.

22. We propose, in line with their corporate parenting responsibility, and in order to prevent any care leavers or care experienced young people getting lost in the system, local housing authorities be required to make inquiries into whether an applicant is care-experienced, as they complete the assessment of housing need and Personal Housing Plan, as proposed earlier in this White Paper.

The Council has no concerns over this requirement. However, the definition of care experienced provides a concern as this indicates a period of 24 hours in the care

system. The Council questions the relevance of this period in relation to impact and feels this should be removed or revised.

23. We propose to explore further, through this consultation exercise, whether the Renting Homes (Wales) Act 2016 should be amended to allow 16 and 17 year olds to be occupation contract-holders, and, in so doing, broaden the accommodation options available to this group.

The Council does not feel this should be explored or considered. The issues around contract holding is long standing under previous legislation and would require careful consideration before being pursued further as current law indicates that individuals under the age of 18 cannot hold a legal interest in property, of which an occupation contract would be.

24. In response to recommendation 25 in the Children, Young People and Education Committee report, we propose care-experienced people should be considered priority need (unless or until the test is abolished (based on the proposals set out earlier in this White Paper)).

The Council does not feel the definition of care experienced is particularly useful and that this shows a clear vulnerability above others especially where this care experience has been limited. There needs to be some consideration over this definition as in essence a 24 hour period does appear to have little impact on individuals in the view of the Council. Consideration should be given to either not adopting this definition or consider further expanding this guidance and definition.

25. 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 has no concerns over this proposal.

26. We propose 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.

The Council would welcome this work and the proposal to develop a multi-disciplinary response and improvements in this area.

27. In line with the Expert Review Panel we propose to ensure key assessments and plans such as Care Treatment Plans routinely consider housing needs and the stability of a person's accommodation. We will work with services to strengthen how a person's accommodation is considered as part of care and treatment planning wherever accommodation is a contributing factor to a person's mental health or wherever a person's accommodation could potentially become at risk (for example if the person is deemed by a landlord to be behaving unacceptably or if the person is unable to work and maintain bills associated with their accommodation).

The Council supports this proposal and feels this will be critical in ensuring that every opportunity is taken to prevent homelessness and safeguard the interests of vulnerable individuals.

28. We propose to build on our existing strategic commitment to ensure no one is discharged from hospital into a homelessness situation and recent work to establish the D2RA system to ensure the prevention of homelessness is considered in hospital discharge planning, by setting out the following in legislation:

- **A requirement for discharge assessments to include consideration of a patient's housing needs.**
- **A joint duty for health and the local housing authority to work together to prevent homelessness at the point of hospital discharge.**

The Council would welcome this work and the proposal to develop a multi-disciplinary response and improvements in this area.

29. We propose to widen the definition of "domestic abuse" to more explicitly include controlling or coercive behaviour, economic or psychological abuse. The Expert Review Panel have also recommended the definition should apply where abuse is perpetrated by a person in an intimate personal relationship with the victim of any duration. This is already the case in Wales under the VAWDASV Act (section 24(2)(h)).

The Council has no concerns over this definition being more prescriptive and defined. However, the Council would stress that this definition is already being reflected in local practice and has been for some time.

30. We propose a further amendment to ensure the main housing duty should include a duty to help the applicant retain their existing accommodation (immediately or in the long-term) if they wish to and it is safe to do so (such help could include assisting them to obtain an occupation order, installing physical safety features or helping them obtain advice to have the ownership or occupation contract transferred to their name).

The Council supports this and a number of these measures are already undertaken. However the specific work around transfer of ownership or tenancy is more complex and may require additional resources and support to complete this.

31. It is proposed involvement of specialist VAWDASV services in the decision making for these service users should also be strongly encouraged when the survivor is accessing this support. This will ensure safe and informed decisions.

The Council has no concerns over this proposal and in effect this is already undertaken.

32. It is our policy intention that the Personal Housing Plans proposed in section 1 of this White Paper will improve the service provided to disabled people through consideration of individual housing needs and support needed to retain accommodation, in addition to inclusion of any impairments of the applicant or any member of their household.

The Council is of the view that this will be beneficial but would stress that this is already undertaken locally as part of the PHP process and work undertaken.

33. 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.

The Council is of the view that this is a reasonable approach to take and would stress that the register of individuals seeking accessible accommodation is already part of the common register in Torfaen. As part of the Strategic Housing Partnership, the Council and partners are working towards developing a profile of stock and defining this against accessible criteria in order to understand the potential availability of accessible accommodation across the county borough. To this end, the Council is supportive of this approach and feels that this is a useful tool to address housing need.

34. In addition to the proposals outlined in section 1 on local connection we also propose to review the National Housing Pathway for Ex-Service Personnel and seek ways to ensure it is consistently applied across local authorities.

The Council supports the review of the pathway

35. We propose when an individual is first sentenced to imprisonment, an assessment should be made at reception stage (the point the person first enters prison) of whether they are likely to lose any accommodation while serving their sentence of imprisonment and, if so, whether they are also likely to lose their possessions and whether they are likely to be released, and homeless within six months.

The Council supports this approach. However, the Council would suggest that this was already undertaken and part of the offender pathway work. The application of this has not been as effective as it could have been and as such needs to be revisited. The Council would query whether the intention would be to place a duty on local authorities to carry out this work and as such how feasible this is within existing resources.

36. We propose to set out clearly in legislation that someone held in custody is not homeless despite not having access to accommodation in the community.

The Council agrees with this proposal.

37. We propose those in custody (be it on remand, recall or sentence) do not meet the criteria for homelessness unless one of the three following conditions are met:

- they are already under an existing duty under the HWA 2014;
- where existing accommodation is at risk as per the existing (or amended) definition; and/or
- six (or fewer) months prior to release.

The Council is in agreement with this proposal.

38. Where it becomes apparent a prisoner will be homeless upon release from prison, we propose the local connection test should be applied at the prevention duty stage.

The Council supports this proposal.

39. We propose legislation should set out that where a prisoner needs accommodation from a local housing authority in order to achieve an early release, parole or bail, the prisoner should be deemed to be homeless at the early release date.

Whilst the Council acknowledges this as a possible approach, the practicalities around this are complex. The Council is of the view that this could adversely impact on service demand and pressure given the position of the secure estate and there needs to be wider consideration of other accommodation options provided not just by the Council but also by HMPPS. This needs to be a collective and joint responsibility with the transfer from custody to community not solely resting on housing and support providers.

40. We propose to make clear any time in custody must be considered a change of circumstances regardless of the length of the detention or whether it is related to a recall to prison.

This is accepted but would stress that this needs to have some clarity around timescales. It is unreasonable to expect Council's to hold cases open for significant periods of time

41. We propose to make clear those who are recalled or sentenced to custody while in receipt of an existing duty must not have their duty automatically ended.

The Council agrees with the proposal but feels there needs to be some clarity around timescales.

42. To strengthen this further, we propose a new power for Welsh Ministers to make regulations in relation to reciprocal arrangements.

The Council appreciates that this is an area to explore and develop but is concerned that legislating for this will potentially create too rigid a process and practice. Due care and

consideration needs to be given to how this is developed and evolved in order to ensure this is managed effectively.

43. To ensure consistency of access and assessment, we propose to make it clear this duty places an expectation on local authorities, where there is a secure establishment within its boundaries, to secure the provision of a sufficient advice service to those in both adult or youth custody.

The Council understands the desire to ensure that appropriate advice and support is provided to those in custody. However, the services provided in the pathway were supposed to do this and it is disappointing that this has not worked fully, leaving local authorities to be legislated to conduct this work which is in effect a non devolved responsibility. However, the Council feels that the use of LA specialists in delivering will provide greater control but would wish to see funding provided from the Home Office order to facilitate this work rather than using the resources from WG to fund this provision in full. The Council is concerned over the capacity of local authorities in delivering this provision.

44. We propose, where possible, consideration is given to whether accommodation could be offered to a person in prison under the prevention duty, with a view to it being available on release, either under an occupation contract or on a more informal basis (accommodation with family or friends).

The Council has no real concerns over this proposal and if arrangements can be made then the Council has always sought to secure accommodation prior to release and plan for this. However, the complexity is often a barrier.

45. We propose the main housing duty should apply if the prevention duty comes to an end and the applicant is due to be homeless on release, even if the applicant has refused accommodation offered under the prevention duty.

The Council is unclear here – The intention is to clearly adopt a preventative stance around all cases and where an individual is provided with assistance and support, securing a suitable option but declines this then surely the duty to provide accommodation would cease. To do otherwise defeats the objective of seeking to prevent homelessness. Or is this aimed specifically at prison leavers so as to not penalise them. If it is then this does rather create a two system approach and some inequality in how applications are dealt with.

46. To strengthen co-ordination and case management we also propose to develop further guidance in this area which will explore the detail of implementation. This may include the role of lead co-ordinators for planning an individual's housing support.

On paper this appears to be a reasonable idea but the Council considers that this approach is littered with significant operational difficulties and the Council considers that the overall approach would inevitably be left to either housing or a support provider, potentially adding to workload and pressure on services.

47. We propose an amendment to the Social Services and Well-being (Wales) Act 2014 to ensure retention of belongings is included as part of the reasonable steps that need to be taken under Part 11 of that Act.

The Council is supportive of this approach

48. We propose legislation and guidance should be clearer about the link with Part 11 of the Social Services and Wellbeing (Wales) Act 2014 that 16 and 17 year old children, who are expecting to be released from the youth justice system within six months, receive a joint response across a local authority, in alignment with our proposals earlier in this section on children and young people.

This is welcomed by the Council and can only enhance the service provided by agencies involved

49. We propose the existing legislation be strengthened to prohibit accommodation which has Category 1 Hazards as being deemed suitable.

The Council strives to provide good quality accommodation at all stages of the process around homelessness and feel that this should be aspired to. However, the Council also considers that a number of homes have category one hazards but these, whilst fit with HHSRS, do not necessitate or indicate that a property is wholly unsuitable. For example, a property could be without a handrail on the stairs. This in itself is not unsuitable for a very able individual but for someone with minor mobility issues may provide a position of a category 1 hazard. The turnover in accommodation would mean that the Council would have to be undertaking assessments for each placements as this would therefore vary and this is not sustainable or reasonable given the resources available overall. Ultimately, the Council agrees with the over arching principle of ensuring that accommodation is of a good standard and is free from hazards.

50. We propose this also includes accommodation that is deemed 'unfit for human habitation' (having regard for the 29 matters and circumstances listed within the Renting Homes (Fitness for Human Habitation) (Wales) Regulations 2022 ("the 2022 Regulations")). If accommodation would be deemed unfit for human habitation in accordance with section 91 of the Renting Homes (Wales) Act 2016 ("the 2016 Act") and the 2022 Regulations, that accommodation must not be used.

The Council recognises this and would fully support this. However, the Council would question whether any reasonable local authority would use accommodation in any case.

51. 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.

The Council recognises this and understands the position. However, there needs to be some consideration around reasonableness in relation to emergency situations. These are not the norm but to completely ban shared sleeping space may well impact on the Council's ability to respond in significant emergency situations that may arise

52. We propose exceptions in law, which provide that accommodation that does not meet the higher standard will be suitable for up to 6 weeks if the accommodation is owned or managed by a local housing authority or registered social landlord, should be removed.

The Council supports this aim but given the current demand and pressure on resources, this is clearly not achievable and will not be achievable for a significant period of time.

53. We propose to introduce a requirement that these personal circumstances must be given consideration in assessing suitability of accommodation, even if it is not possible at the time of the assessment to meet all of those needs through accommodation placement.

The Council is of the opinion that current law and guidance around the suitability of accommodation takes into account a range of considerations. This is an area that the Council addresses through its existing process and does not therefore feel that any changes need to be made

54. We propose to strengthen legislation to make clear, when determining the suitability of accommodation at the point the main housing duty is owed, placement in overcrowded accommodation is never permitted.

The Council accepts that this should never be the case and considers that this is already undertaken as part of any assessments under current guidance and law.

55. There must be no predilection for placing families in overcrowded conditions, however, it is noted such a placement (with family members or friends) may be preferential to households entering emergency accommodation and for this reason, we propose the prohibition does not apply to the prevention duty, should this be in line with the applicant's wishes.

The Council accepts that this is a reasonable approach and one that may assist in reducing the pressures on temporary accommodation. However, the Council does feel that these needs to be carefully considered in terms of safety and impact on individuals wellbeing

56. We propose for people aged under 25, the use of unsuitable temporary accommodation, including Bed and Breakfasts and shared accommodation, should not be permitted for any time period.

This is completely unrealistic and unachievable under any circumstances currently and at any point in the foreseeable future. The aspiration lacks insight into current pressures, future pressures and demands on services. Where individuals have been accommodated in several units of accommodation and there are no other options available then a Local Authority would in effect be placed in a position of either breaking the legislation or leaving a person without accommodation.

57. 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.

The Council recognises the need to have a varied array of supported accommodation in order to meet need and provide some choice to individuals in their accommodation/support journey. The Council however, does not agree that an arbitrary age of 25 should not be used and contradicts Welsh Government policy approach around rapid rehousing. There are many people under the age of 25 who can manage in independent temporary accommodation exceptionally well and perhaps better than some over the age of 25. The Council would suggest that this approach is discriminatory on age grounds and does not provide those under 25 with a choice.

58. In addition, we propose to make clear in legislation those aged 16-17 must never be accommodated in adult focussed, unsupported temporary accommodation in Wales (see section 3 of this White Paper).

The Council agrees with the proposal.

59. We propose accommodation cannot be deemed suitable unless it is located within reasonable travelling distance of existing or new educational facilities, employment, caring responsibilities and medical facilities, unless the applicant wishes to move beyond a reasonable travelling distance from those facilities.

The Council feels that this is exceptionally unrealistic and is failing to acknowledge the significant pressure on housing resources in local areas. The adoption of a policy such as this will inevitably slow down the re-settlement process and does not take into account the housing circumstances in the district. For rural Council's this will be especially difficult to meet and the consequences of having such a tight criteria will inevitably adversely impact on their resources and how they are able to manage homelessness reasonably and effectively.

Current case law and guidance defines suitability of accommodation extensively and in addition local authorities clearly have to have regard and consideration to the housing circumstances within the district in discharging its functions, again set in case law that has been in place for a number of years. The Council feels that to be adjusting this and in effect removing the Council's ability to be balanced against the supply and demand of accommodation will create too greater pressure on the system overall and result in the Council being unable to achieve the outcomes for residents that they require with aspirations being set too high.

60. We propose the local housing authority be required to take into account, in relation to both the applicant and any member of the applicant's household, any specific health needs, any impairment, where the accommodation is situated outside of the area of the authority, the distance of the accommodation from the authority's area, the significance of any disruption caused by the location of the accommodation to the employment, caring responsibilities or education of the person and the proximity of alleged perpetrators and victims of domestic or other abuse.

The Council takes all reasonable steps at present to ensure that accommodation is provided within the county borough boundaries. Consideration is given to all of the above factors and officers are mindful of this for both temporary and permanent accommodation options.

61. We propose legislation provides for sites (rather than bricks and mortar accommodation) to be generally considered the most suitable accommodation for an applicant from the travelling community (Gypsy, Roma and Travellers) and the local housing authority should be obliged to ask an applicant from the Gypsy, Roma and Travelling Community whether or not they are culturally averse to bricks and mortar and to ensure suitability of accommodation is culturally appropriate for the applicant.

This is already undertaken as part of the Council's assessment. The Council does not feel this needs to be legislated for as this is already in guidance in the option of the Council and it may be worthwhile revisiting the guidance and amending this rather than legislating

62. We propose to formalise a Homeless at Home Scheme on a national basis.

The Council would welcome some guidance in this area and would be willing to contribute to discussions around how this could operate, be monitored and managed. It does possibly open some concerns around the scheme being abused but agrees with the WG view that this may provide a positive towards reducing dependence on temporary accommodation.

63. We will ensure at both a local and national level we are able to profile the availability and stock of temporary accommodation in Wales.

The Council has no objection around this but would point out that the data will be changeable and varied so should be used cautiously and heavily caveated.

64. We propose new legislative provision which will make clear an RSL cannot unreasonably refuse a referral from a local housing authority, within a specified timeframe, except in specified circumstances.

The Council does not feel that locally this is required. There has been a longstanding and successful partnership delivered through a common housing register in the area and this works effectively to manage the pressures within the limited resources available.

65. We propose the current test for unacceptable behaviour, which permits a local housing authority to exclude applicants from their allocation scheme, or to remove any reasonable preference from them, should only apply where:
a. an applicant (or a member of their household) has been guilty of unacceptable behaviour, serious enough to breach section 55 of the Renting Homes (Wales) Act 2016 so as to result in an outright possession order; and

b. at the time of consideration of the application, the applicant remains unsuitable to be a tenant by reason of that behaviour (sections 160A(7) and (8) and 167(2B) and (2C) of the Housing Act 1996).

The Council supports this proposal

66. We therefore propose to provide local authorities the power to remove people with no housing need from the waiting list in their areas

The Council broadly supports this but would like clear guidance on how this power could be delivered. However, the Council is concerned that this may conversely impact on processing time taken up reviewing decisions not to admit individuals onto the register as there needs to be due care and consideration given to how this may impact on work in the same manner and assumption made that time is spent on processing applications that are never progressed. The change may be counter productive and in event may have an unintended consequence of increasing workload and demand.

67. We propose to assign additional preference to those who are homeless and owed a statutory homelessness duty over other priority groups who are deemed to have an 'urgent housing need'.

The Council is not supportive of this approach with the primary reason being that this will, in the view of the Council, incentivise homelessness and create further demand on an already stretched system. The Council is of the opinion that the opposite should be undertaken in that those owed the Section 75 duty and in temporary accommodation should be assisted pro-actively through targeted move on arrangement that engages positively with individuals around assessing their needs and requirements, tailoring this against the available resources to find the best outcome at the earliest opportunity. Move on arrangements would take a percentage of properties available at any time linked to demand and monitored through a partnership with the Council and RSL's, fostering the principles of a rapid rehousing approach that is strategic in its oversight and operationally flexible to meet changing needs and demand. Individuals owed a S75 duty should be permitted to register and awarded preference based on their living circumstances as other applicants are assessed with the reasonable preference groups being retained as they are less the S75 cases. The Council would advocate for the additional and reasonable preference groups to be added to through the addition of a category to recognise those at risk of homelessness in order to provide additional assistance to prevent homelessness and thereby embed prevention at the core of activity. The Council feels this will have a greater impact on reducing temporary accommodation pressures.

68. Welsh Government therefore proposes to introduce amendments to legislation to allow for care leavers who are homeless, to be provided with additional preference over other priority groups defined as having an urgent housing need. This will allow for greater prioritisation of care leavers within existing allocation systems, with the intention of increasing their access to affordable accommodation and mitigating the additional risk of homelessness they face. We propose a similar change so local housing authorities are permitted to

specify in their allocation schemes people who are homeless as a result of fleeing abuse should be awarded greater priority.

The Council already provides additional preference to care leavers in order to rehouse individuals into suitable accommodation. This has been in place for several years and the Council would welcome conversations with WG around how this operates. The Council does not support the move to provide additional preference to those fleeing domestic abuse but would advocate for the same process as in recommendation 67 above.

69. We propose to introduce legislation to require the use of CHR's and common allocations policies across all local authorities in Wales.

The Council has no objection to this and does recognise that this is a sound model and one that assists individuals seeking accommodation. The Council understand though that 20 out of 22 LA's have common registers so would question the need to legislate for this.

70. We therefore propose to introduce a 'deliberate manipulation test' to be applied at the allocations stage of the homelessness process.

The Council would welcome this test and would wish to contribute to how this can be developed.

71. We propose an increased range of housing options through which the main homelessness duty at section 75 HWA 2014 can come to an end.

The Council welcomes the extension of the methods by which the Section 75 duty can be ended.

72. 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.

The Council would welcome these discussions and potential changes. However, the Council is concerned that there may be too much bureaucracy in the process.

73. 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.

The Council would welcome these discussions and potential changes. However, the Council is concerned that there may be too much bureaucracy in the process.

74. 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.

The Council would welcome these discussions and potential changes. However, the Council is concerned that there may be too much bureaucracy in the process.

75. 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.

The Council has no objections to this.

76. 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.

The Council is supportive of this work and values the views of those with lived experience. The Council has commissioned work with Shelter Cymru as part of its project to deliver and accommodation and support HUB, finding this invaluable in sense checking the service model, direction and requirements.

77. 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.

The Council is supportive of any changes to improve the quality of data. However, the Council would point out that changes to data collection can result in requirements to significantly update systems. This can be quite costly so any changes being proposed need

78. 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.

The Council has no objections to this and is supportive provided this does not over-burden local authorities with data collection as has happened in the past.

Vale of Glamorgan Local Authority

Response to White Paper consultation from Vale of Glamorgan

General

1. The Council welcomes the aspiration to end homelessness in Wales and agrees that homelessness is intolerable. It also recognises that homelessness should be considered more broadly than 'rooflessness' and households staying in temporary accommodation sourced by Local Authorities. There are a large number of households living in inappropriate, insecure, or unaffordable accommodation as well as people who might be described as 'hidden homeless' namely people living with friends or family, sofa surfing or moving between different addresses.
2. The 'No One Left Out' approach implemented during the Covid pandemic did a great deal to identify and assist these households and quantify the scale of the housing challenge in Wales. Whilst the NOLO approach was helpful in assisting a broader range of people, it has increased the pressures on Local Authorities, both in terms of securing additional accommodation and in terms of meeting the cost of this accommodation, which tends to be bed and breakfast type provision.
3. The Vale of Glamorgan Council is grateful to Welsh Government for the grant received to tackle homelessness over the last few years, however as this grant is reduced, the financial burden is increasing on the Council. This is at a time when Council budgets are under acute pressures and significant budget savings are needed. Many years of cost savings mean that Council services have been pared back and are focussing most on ensuring legal and statutory responsibilities are met. Non statutory services are facing severe cuts and key services may need to cease in future, these include preventative services which are likely to result in further pressures on statutory services in future. It is vital therefore, that the current financial environment and Local Authority budgets are given serious consideration when new Legal obligations are being proposed. It is correct that Policy and Law need to be aspirational, but they also need to be realistic, especially when the bulk of the new obligations will be delivered by Local Authority Housing Options team and within existing budgets.
4. Whilst changes to Homeless legislation provides opportunity to improve services delivered to citizens, it does not tackle the root causes of homelessness. The operation of the Housing market in Wales is the key issue, with the shortage of existing homes, increased house prices, lower rates of new house building, high interest rates, as well as increases in costs of private renting – putting high numbers of households at risk of homelessness and preventing newly formed households getting onto the property ladder.
5. Fundamental changes in the economy and the way the housing market operates are key to increasing the supply of housing and addressing the

affordability issues experienced by so many households. Increasing the burden of responsibility on Local Authorities when there are not increases in the supply of housing and without significant financial support, will be tantamount to setting them up to fail and putting them in a position where they are unable to meet their statutory obligations.

Reforms to core homeless legislation

6. Taking account of the first section of the White Paper, the Council supports the proposal to extend the period households threatened with homelessness, are entitled to assistance (from 56 days to 6 months). This gives Housing Options team opportunities to work with households at an earlier stage to prevent or resolve homelessness. It also brings the homelessness duties into line with the contractual notice periods set out in the Renting Homes Wales Act.
7. In terms of the proposals around Personalised Housing Plans (PHP's), the need to take into account the needs and preferences of the household is supported, as is the need to tailor the actions to reflect the specific circumstances, however PHP's needs to be realistic and take into account the availability of homes locally, as well as affordability of rents. To further strengthen the PHP process, it would be helpful if applicants felt empowered to act themselves to address their housing issues, and avoid the onus being placed on Housing Options staff to do things for people.
8. The requirement to update and review PHPs every 8 weeks will have significant resource implications for the Vale Housing Options team and provide limited benefits to applicants. The Vale team are struggling to cope with current service pressures and the financial challenges faced by the Local Authority, mean it would be difficult to make the business case to expand staffing levels to cope with the additional requirements. A more flexible approach would be preferable with the removal of a minimum review period. Each applicant's circumstances are different, so it would be preferable to agree scheduled case review dates with each person or limit these to when there are changes in personal circumstances.

Three tests

9. It is accepted that removing or changing the three tests makes it simpler and more straightforward for households, at risk of homelessness, to get help to prevent homelessness or secure suitable accommodation. The tests were introduced in the first place to prioritise certain groups of people and protect the most vulnerable. The removal of the tests and making everyone a priority, effectively means that no one is a priority. Given the limited supply of temporary and permanent accommodation and the fact that when it is full, there are no other options, means that groups who were given reasonable preference previously, may not receive the same access to temporary accommodation in future. It also means that Housing Options team are having to decide who will

get the temporary accommodation that is available. For example, if there are three households needing accommodation and just one room available, staff are faced with making a difficult decision about who to accommodate.

10. It is accepted that the 11th priority need category broadens the scope of 'priority need' to many single people who may not have been assisted with temporary accommodation previously, but the impact this is having on Local Authorities, and the fact the majority of these single people are housed in hotels for long periods of time, is creating huge financial pressures. Whilst Rapid Rehousing Plans are expediting 'move on' strategies, placements of people in hotels exceeds the rate of move on, highlighting the increasing problem. It is likely in future that Local Authorities will not be able to access the single person accommodation required or are not able to pay for it. Recently, there have been examples of Local Authorities opening barracks style accommodation with rows of single beds in a warehouse type setting. It is likely the move towards this type of provision will expand when Council's are not able to pay for hotel accommodation. The added pressures arising from expedited asylum claims and resettlement schemes is likely to expedite these pressures.
11. Very few negative decisions are made in the Vale regarding 'intentionality' especially in relation to priority needs groups, however there is a real concern that without this test in place, there is potential for misuse by applicants. Feedback from Homelessness case workers shows an increase in presentations from private renters who have seen their rent increase and many people indicating they will only consider 'social housing' due to the lower rents and extra security of tenure. Affordability assessments have shown that whilst the private rents remain affordable for many tenants, they remain eager to access social housing. Whilst this is understandable, there is a risk that people could contrive their circumstances or leave affordable private rental homes to secure social housing. The intentionality test currently acts as a barrier to prevent misuse of the system. The removal of the intentionality test is not supported.
12. The local connection test enables Councils to prioritise people in their own areas for assistance. There is a danger that removing these tests will result in increasing demands on Councils in some areas and this is likely to be urban areas. Increased demands on housing in these areas and a growth in use of temporary accommodation would increase financial demands on receiving Councils and could lead to community cohesion concerns. There are tensions even within Local Authority areas, where people from one area/ town are seen to be moving to other parts of the area, these objections are likely to intensify amongst local people if they perceive that people from further afield are accessing social housing ahead of them.
13. The proposals regarding suitability of accommodation highlight the need for people to be housed close to existing networks of support and existing services

e.g. schools. Removal or relaxation of the local connection test makes this more difficult to achieve.

14. There are already exceptions to the local connection rules, for example, people fleeing domestic abuse. There are also separate arrangements and pathways to deal with care leavers and prison leavers, a relaxation would be a concern, and will provide opportunities for those particularly in the criminal justice system across the border to exploit this. There are prisons in the two neighbouring local authorities, so an increased amount of prison leavers would be a real concern for the Vale.
15. Based on the previous information and considering the concerns identified, the Council opposes the proposed changes to the three tests.

Broader duty on Public sector

16. The recognition that the broader public sector has a key role in preventing and tackling homelessness is welcomed. The proposals strengthen the existing requirements set out in the Housing Wales Act (duty to cooperate) and will require other public bodies to take account of homelessness when making decisions.
17. It is essential to consider significant budget and legislative/policy improvements, for relevant key partners in relation to 'duty to cooperate', giving these services, clear statutory/legal obligations to act in the prevention of homelessness, failure to do this would mean this element of the Bill would not prove effective and the entire burden of homelessness prevention would continue to fall on Local Authority Options Teams.
18. Of course, there are competing priorities for all public bodies, and these will need to be taken account of, however each body/ agency will respond to the consultation and give their own views. There will need to be some oversight of these broader responsibilities and a way of monitoring. Whilst a local/ regional Board seems logical, it would need to fit within existing local partnerships to avoid duplication and ensure decision making is streamlined. The existing landscape in respect of partnerships, including the Public Services Board, Regional Partnership Boards, Area Planning Boards, Regional Safeguarding Boards etc is already complex. It would be preferable if the responsibility for oversight of this new duty (in respect of preventing homelessness) could be absorbed within an existing structure and not via an additional Board.
19. Many public bodies fall under the jurisdiction of the UK Government, so there will need to be effective ways of involving the Police, Probation, Department of Work and Pensions etc.

Targeted prevention

20. Laws, regulations, and pathways are in place currently to assist people in specific groups e.g. care leavers, domestic abuse victims, prison leavers etc. If people are falling through the gaps, it may be more appropriate to understand the reasons for this and fill the gaps rather than introducing new or additional laws. For example, there is a Prisoner Pathway in place which is designed to address issues and barriers experienced by prisoners. It may be better to ensure this is adhered to and that Resettlement teams and Prison staff are able to work with offenders (focussing on prevention work) rather than passing responsibilities to Local Authorities after release.
21. Currently, Prisons and Probation services have numerous initiatives and teams which from a LA 's understanding, seem to work in isolation when it comes to resettlement. It appears therefore, that significant resources available, for example, CAS3, CAS2, CAS1, Forward Trust etc with duplication of responsibility. A structured pooling of resources and a homelessness prevention reasonability must be considered.
22. There are concerns over the ability to fulfil the requirement of all offenders being entitled to assessment whilst in custody and that the Local Authority must provide offenders with an address as soon as possible and possibly before release. It is unclear who will do this work and co-ordinate with all the agencies that are likely to be involved.
23. The proposal to include those with 'no recourse to public' funds within the eligibility for homelessness assistance is out of step with England and could lead to an increase in presentations from people who have been living in England. There will be increased costs of processing applications i.e. translation and of placing and paying for accommodation. It is not clear either, how the accommodation costs will be paid. It is acknowledged the numbers of people with NRPF are low and the proposal to procure training and resources to assist Local Authorities deal with cases is welcomed.
24. The exemption for VAWDASV victims is supported (however concerns over who would be responsible for the cost of ongoing support). However, there are real concerns over prison leavers being part of the exemption – more information is required on this, as concerns over increase of crime if not managed effectively and what the added cost would be on local services – and information sharing protocols would be needed. It is agreed that reciprocal arrangements need to be reviewed, especially in light of local issues where other Local Authorities are placing people in the Vale which has resulted in additional demands on services and work for the Community Safety Partnership, Substance Misuse services, Police, and local health practices.
25. With respect to care leavers, although the removal of local connection test is not supported, a pragmatic approach is needed for this vulnerable group, allowing the same tests to be applied to the general population rather than a mandatory referral back to the original local authority area.

Improving access

26. The aspirations to assist households to secure 'suitable' accommodation is welcomed. It is recognised that many people occupy homes which do not meet their needs on account of their size, location, condition etc. Given pressures on Housing, these households will have limited choice or be unable to secure accommodation which meets their needs and enables them to thrive.
27. Considering the challenges currently faced eradicating homelessness and minimising the use of temporary accommodation, it is unlikely that Council's will be able to address the needs of new applicants or existing tenants (who are housed but in unsuitable accommodation) in the short or medium terms. Creating a legal duty to provide 'suitable' accommodation will not create the Housing that is needed in the areas it is needed, but will place a legal duty on Councils, which they will not be able to deliver. It also opens the potential for legal challenges which will be costly to defend.
28. Whilst Local Authorities have worked with Welsh Government and partners to increase the supply of affordable housing, the pace of new building is not sufficient to keep pace with demand. This undersupply results in reduced choice and requires applicants to make compromises in terms of the home they live in or where it is. The Housing market has traditionally operated in this way and households with the highest income or savings, can exercise the greatest choice regarding accommodation. There is a concern that setting very specific requirements for suitability will build expectations which are not realistic. Furthermore, even if this were possible it would create an imbalance, with people who are not accessing accommodation via the homeless route as these households will be making compromises about the property size, type and area based on what they can afford.
29. The suitability rules proposed make it more difficult for local authorities to discharge their homeless obligations. It also makes it difficult to make use of private rented accommodation, thereby increasing the time spend in temporary accommodation and growing the numbers of housing waiting lists.
30. Financial suitability will also continue to be a barrier, especially for people aged under thirty-five. Local Housing Allowance rates and limits for people under thirty-five, will continue to make it very difficult for Councils to secure private rental accommodation for applicants and single people in particular. The small increases in the local housing allowance rates are unlikely to change this as market rents continue to be far higher than LHA rates in the Vale.
31. In terms of allocations to social housing, the shortage of suitable accommodation and high levels of homeless presentations mean that nearly all social housing is being allocated to homeless households. This is appropriate

as part of the Rapid Rehousing approach, however the consequence of this is to push applicants towards the homeless route (as there are limited prospects for others). Currently, very few social housing tenants can transfer to another social rented home and this leaves people trapped in unsuitable accommodation. Unless there are increases in Housing supply leading to a reduction in homeless cases and waiting list applicants, this will continue to be the case during the short to medium term. Whilst the White Paper sets out stricter criteria in terms of suitability of accommodation, there is very little prospect of these being met.

32. Homeless at Home – the principle of prioritising homeless people not going into temporary accommodation is logical as it reduces pressure on temporary accommodation, however the practicalities of how this might work and the danger that could be manipulated, need to be worked through. Giving people who are ‘homeless at home’ the same rehousing priority as those living in hotels (and other forms of temporary accommodation) would lead to longer stays in hotels and not support the rapid rehousing approach.
33. The proposal that 16- and 17-year-olds should be housed in supported accommodation that is separate to adults, is supported. However, given the scarcity of supported housing and the costs of providing this, it will not be possible to make the same commitment to young adults. The number of homeless presentations from young people means it would not be feasible or realistic to make a commitment to avoid housing people under the age of twenty-five in hotels or shared accommodation.
34. The proposal to remove people with no Housing need from its waiting lists is worthy of further exploration. There are costs associated with maintaining a very large waiting list, especially when many applicants have no reasonable prospect of securing social housing. However, it is likely that many applicants would challenge their priority banding to try and retain a position on the housing waiting list (when they became aware they would be removed from the list). The time dealing with these appeals may outweigh the benefits of managing a shorter waiting list.
35. The proposal to introduce a ‘deliberate manipulation’ test is welcomed. Casework feedback has indicated there are people ‘gaming’ the system to secure social housing. This has become more evident as people realise the only route into social housing is via homelessness. This diverts staff resource away from the households in greatest need of assistance. The challenge will be identifying where this is happening, and investigations will be labour intensive.

Conclusion

36. The Council welcomes the opportunity to provide feedback to the proposals set out in the white paper, the Welsh Government aspiration to end homelessness in Wales is also supported. There are, however, deep concerns about deliverability, considering both the current housing crisis - when there have been record numbers of households seeking assistance with homelessness from Councils but also, the financial challenges Local Authorities are under. The Vale of Glamorgan is no different to other Councils who are trying to balance the books and identify large cost savings across the whole range of services. Homelessness challenges and in particular the need to provide temporary accommodation to homeless households, creates a huge cost pressure.
37. The Housing service Rapid Rehousing Plan is designed to reduce the need for temporary accommodation, however the sustained high levels of new applicants and the long lead in time to increase the supply of more permanent accommodation, means the overall situation in terms of numbers of households in temporary accommodation, remains stubbornly high. After the next financial year, it is unlikely this continued provision of hotel type accommodation will be affordable.
38. Recognising these pressures it is strongly suggested that the requirements proposed be reviewed again or paused.

Voices from Care Cymru

Response to the Consultation on the White Paper on Ending Homelessness in Wales.

Introduction.

Voices from Care Cymru is Wales' leading charity upholding the rights of care experienced children and young people. A key component of our role is enabling care experienced children and young people to get their voices heard where decisions are made that affect them. We are a children's rights organisation, dedicated to ensuring that children and young people affected by the care system have their rights as set out in the United Nations Convention on the Rights of the Child and incorporated into Welsh law and policy fully realised.

We welcome the opportunity to respond to this important consultation. We have not attempted to respond to every consultation question. Instead we have focused on those aspects of the consultation most directly relevant to care experienced children and young people, particularly young people leaving care.

Response.

Q 1). Voices From Care Cymru (VFCC) applauds the ambition of the White Paper. However, we are concerned about the practicality of realising this ambition, particularly in the current financial climate. Care experienced young people tell us that much earlier preparation for living independently is key to preventing homelessness, as is support for young people as they begin to live independently. This support needs to be provided for longer, to be more flexible and to be more comprehensive than is often the case at present. The Welsh Government guidance supporting the new Corporate Parenting Charter needs to specify requirement of Local Authorities as corporate parents in this regard, and their delivery on those requirements must be effectively monitored.

The proposals set out in the White Paper need to work closely with the Welsh Government's wider commitment to delivering Radical Reform of services to care experienced children and young people as set out in the Declaration agreed between Welsh Ministers and care experienced young people, signed and published in May 2023.

Q 3) With regard to additional legislative proposals that should be considered to improve the prevention and relief of homelessness we at VFCC are convinced that it will be necessary for the Welsh Government to legislate to put the new Corporate Parenting Charter on a statutory footing. As stated above the guidance supporting the legislation that we believe is necessary must set out clearly the duties of Local Authorities and other public bodies in Wales to care experienced children and young people, including duties to prepare young people for independent living and to support them on their journey to independence.

We submit that corporate parenting responsibilities should be extended to all care experienced young people up to the age of 25. We believe that these responsibilities should include ensuring that all young people leaving care have a safe, warm home where they feel secure and happy. To enable this, we believe that Welsh Government should learn from the early evidence coming from the Basic Income Pilot (BIP) which suggests that many young people have chosen to prioritise finding a home in which they feel truly secure when deciding how to use their BIP payments. Whatever the final outcomes of the evaluation of BIP, it is clear to us that financial security is key to enabling young people leaving care to find and maintain a suitable home, avoiding the risk of homelessness. Consideration should be given to mandating Local Authorities under their corporate parenting duties to ensure that young people leaving care have incomes above subsistence level, and are therefore able to make positive choices, including with regard to their homes.

Q 4). VFCC opposes the abolition of the priority need test at this time. The principle that anyone facing homelessness should be a priority is, of course praiseworthy. However, even with the current priority given – in theory – to young people leaving care, they still all too often face serious challenges in getting housing at all, and when they do it is all too often of poor quality, and often not in the community where they wish to live. Given the issues with supply of appropriate social housing, and the constraints on public finances, we believe that the abolition of the priority need test at this time would make what is often already a difficult situation for young people leaving care worse.

The priority need test should be maintained while the current pressures on the system continue.

Q 5). VFCC supports the abolition of the intentionality test. While it is now not a test that is frequently used in practice, young people tell us that it is still

sometimes used inappropriately in a manner that they believe is sometimes influenced by judgemental attitudes, and possibly discrimination. They say that those applying the test, when it is used, often have little understanding of the reality of their lives. They tell us, for example, that moving out of a shared property because a friendship relationship has broken down can be treated as having made oneself intentionally homeless unless abuse can be demonstrated.

If any care experienced young person has reached the point where they are at risk of having been deemed to have made themselves intentionally homeless, they have clearly been failed by the public bodies who have, or should have, a duty to support them.

Q 6). VFCC agrees with this proposal. The local connection as it currently stands, can be a barrier to care experienced young people being able to settle and live independently in the community that feels most like home to them. For example, if a young person has spent a long time in a residential home, gone to school in the community where the home is, made friends and developed networks, they may much prefer to set up home in that community rather than in the communities served by the Local Authority responsible for their care. These community networks can play a key role in supporting care experienced young people to live independently and maintain a stable home. There are also, of course, sometimes safety reasons why young people should not be housed in the communities served by the Local Authority responsible for their care.

We welcome the proposal for a new list of exemptions to allow for non – familial connections, and ask that care experienced people be specifically referenced, whether in the new list itself or in the guidance supporting new legislation.

Q 8). and **Q 9).** VFCC supports the proposal to apply a duty to identify, refer and co-operate on a set of relevant bodies in order to prevent homelessness.

However, we do not understand why education bodies are not, as the proposal currently stands, included in the list of bodies to which the proposed duty should apply. Almost all care experienced children and young people are in contact with the education system. Education staff are often trusted, and, seeing young people from day to day, may become aware of challenges that young people or their families are facing long before other professionals who

see children and their families less often. We understand that the proposal as it currently stands does not prevent education professionals from identifying, referring and co-operating. But this is not enough. The public service with most contact with children and young people must be bound by these duties if the aspirations of this White Paper are to be met for care experienced children and young people.

Q 15). Responding to Question 3 VFCC has already mentioned that need for the new Corporate Parenting Charter to be placed on a statutory footing. While we accept the Welsh Government's wish to engage Local Government and other public bodies in a voluntary and co-operative approach to delivering the Radical Reform of services for care experienced children, young people and their families to which Welsh Government is committed, past experience demonstrates that voluntary engagement will not be sufficient. The high performing public bodies will engage and continue to deliver. The less well performing bodies may either not engage or pay lip service and make no meaningful change. We do not understand how, if engagement is voluntary, outcomes will be measured and public bodies held to account. Successful corporate parenting of care experienced young people is key to them being able to live successful independent adult lives, avoiding homelessness. The successful delivery of the aspirations set out in this White Paper will, with regard to the care experienced community, depend to a great extent on effective corporate parenting. That is why we hold the view that corporate parenting duties need to be placed on a statutory basis.

Q 16.) There is a clear need to improve and clarify the links between homelessness legislation and the Social Services and Wellbeing Act, and other legislation and policy affecting care experienced children and young people. There is an ideal opportunity for this to happen now, in the context of developments that will take place as a result of this White Paper and the work being undertaken to deliver Radical Reform of services to care experienced children and young people and their families, as set out in the Declaration. We recommend that the work arising from this White Paper be aligned with the work programme of the Transformation Delivery Group working to support radical reform through children's social services.

Qs 17 and 18) Truly effective corporate parenting of care experienced young people would not see 16 and 17 year olds leaving care and living alone. Most young people at that age do not have the skills and resilience to live alone, nor

do we expect them to be able to so. If a 16 or 17 year old in the care system is living alone that is an indication of a serious corporate parenting failure. However, we know that there are circumstances where this may occur. A strong corporate parenting framework, legally binding, should set out the support that young people in this situation must receive. Though this should be exceptional and rare, there may be circumstances where 16 and 17 year olds are living independently, and they should, in these exceptional circumstances, be able to hold occupation contracts.

Q 25). We refer you to our earlier references to the need for corporate parenting duties to be placed on a clear statutory footing.

Conclusion.

VFCC, on behalf of the care experienced community, is pleased to have had the opportunity to engage in the consultation on this important White Paper, and we look forward to engaging further through the process to ensure that the voices of care experienced children and young people continue to be heard.

January 2024

Consultation questions

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

Yes, in principle.

2. What are your reasons for this?

Newport City Council welcomes the policy intent of the White Paper to end homelessness in Wales. The proposals for increasing prevention through formal partnership working are fundamental to achieving these ambitions and robust guidance will be required to ensure that responsibilities are outlined.

The delivery of the proposals will be a major challenge and increased pressure to local authorities within the current climate due to finite supply of affordable housing. The authority is committed to effective case management through regular reviews of PHP's. However, reviews at the specified timescale of 8 weeks would be resource intensive, given the current high number of cases held by officers.

There are on average 480 households living in Temporary Accommodation at any time. Of these, 180 are placed into Bed and Breakfast type accommodation, including c.140 families with dependent children across all types of Temporary Accommodation. The total number represents a c.113% increase since the pandemic.

The number of people to whom the council holds a full homelessness duty (average 537 at any one time) exceeds the number of people moving on from TA (average thirty-two per month).

Newport regularly reports amongst the highest number of people sleeping rough in Wales. On an average night there are thirty people on street, many of whom have complex histories of trauma and mental and physical health needs.

There are around 7,800 people registered for Social Housing in the City, of which 70% have been assessed as having some housing need with 16% having acute and housing needs. In total there are 948 social lettings per year and the average wait for someone on the housing register across all priority bands is 72 weeks.

In December 2023 there were 7,800 households on the Common Housing Register. This compares to 418 lettings made to all households in the first 6 months of 2023/24.

The proposals appear to suggest that the time period in which to request a review of suitability of accommodation is infinite which could result in an increase of requests for review at any time during an applicant's tenure. Currently, clients can spend a considerable time in temporary accommodation, so this proposal would place undue pressure on the housing system when the supply of suitable housing is not meeting demand. It will be paramount to understand what 'reasonable steps' would be expected of both the LA and the LA and the client to ensure that expectations are clear and to help create accountability on both sides. The expectations of those accessing services need to be managed.

The authority anticipates that substantial resources would be required to undertake reviews and would support a trigger for a review of the PHP upon a change of circumstances, or at a later time period.

It should be noted that the majority of the proposals will require extensive additional training and support for housing and other practitioners, which needs to be instrumental to the implementation timelines.

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

There is a heavy focus in the paper on those with additional and complex needs being able to access services. However, it should be made clear that the public sector has a duty to support all citizens in the prevention and relief of homelessness, in a trauma-informed manner. There does seem to be a heavy focus on those with complex needs, however all eligible citizens need to be able to access service (not just the LA) for the right specialist support from the public sector. Complex needs support will require additional funding and governance from Welsh Government.

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

No, not in its entirety.

The authority is facing pressure to accommodate the increased number of applicants who are presenting as homeless, and the abolition of priority need will place further pressure on this system. The demand for both affordable temporary accommodation and longer-term housing has reached unprecedented levels, and it is anticipated that the abolition of priority need will increase the numbers of households to whom the authority will owe a housing duty, who may have the means to access market housing. This is not considered an appropriate use of public funds and it is feared that an unintended consequence of this policy would be a dependency on the LA, not personal resilience to work together to address the reasons that homelessness occurred in the first place.

Significant additional funding would be required to assist with the additional pressures that this will place on local authority resources. The local authority is already under significant budget pressures and having to fund homelessness from our core budget to sustain the current high demand on services. Corporately, alongside Social Services and Education, homelessness in Newport is creating a huge budget pressure which in both long and short term cannot be sustained without additional external funding.

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

No, not in its entirety.

The number of 'intentionality' decisions made by NCC is extremely low and are used only in cases where there has been an evidenced deliberate act or omission to worsen housing circumstances. However, 'intentionality' as a tool can help guard against repeat homelessness which contradicts the principles of rapid rehousing. RSLs would be unlikely to rehouse those who have a history of unacceptable behaviour within previous tenancies and an unintended consequence could be an increase in local lettings plans as the last defence for the RSL to not rehouse those via a revolving door who are not expected to take accountability for their actions. As a non-stock holding LA this would have an impact on the provision of housing and could cause tensions around allocations with RSL partners, with whom partnership working can sometimes be a challenge when housing those with complex housing and support needs.

The deliberate manipulation test could compliment the removal of the intentionality test but would place additional barriers to moving a household from temporary accommodation, should a homeless duty be accepted.

An unintended risk to removing the intentionality test could create a dependency on the LA and encourage repeat homelessness as the applicant is not encouraged to develop accountability and resilience.

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, in principle.

This is supported as it will assist with the management of resources where it is apparent that an applicant has no connection to the city, within the meaning of guidance. If this test is not retained, demand for services in certain local authority areas could increase disproportionately. Newport's proximity to both the English boarder and the capital city of Cardiff currently places additional pressure on

demand for services and this has been echoed within the experiences in Scotland whereby local connection was abolished.

Additionally, NCC would support a review of local connection criteria across homeless and allocations guidance as a disparity currently exists.

Local connection needs to be retained because an unintended consequence for Welsh Authorities could be no mechanism to refer a household with no local connection to another LA in England if the priority need and intentionality tests are removed.

Robust guidance would also be required in the use of reciprocal arrangements regarding 'exceptional circumstances.

NCC agrees that care leavers are excluded from local connection criteria, however robust guidance needs to take account of those care leavers who have been placed out of area and wish to remain in this area.

Newport has a high number of prison leavers who are owed a housing duty. If LC were removed for this group, it is anticipated that an increased number would gravitate to the city. Which would place further demands on services. NCC are part of the MAPPA platform and WISDOM. Not all LAs are part of WISDOM relating to voluntary supervision which is an existing pressure for housing and support services. Prison leavers need to be a shared responsibility across Wales as Criminal justice work to their own blueprint agenda this will contradict responsibilities for the LA to provide a housing duty to those who might have to be in the GWENT area to probation allocation or where the offence was committed.

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 one can decry Welsh Government's policy ambitions to eradicate homelessness. However, experience suggest Welsh Government and Central Government tend to significantly underestimate their national homelessness agenda aspiration costs.

As examples, most authorities saw a significant uptick in homelessness presentations during Covid, (influenced in part by the public health aspect). Such that even after Housing Benefit there was a net additional cost of circa £2.8m p.a., for which the Council was grateful to receive hardship funding. The responsibility and aspiration to house a very similar demand/volume has continued post Covid, despite that Hardship funding being withdrawn. The supply situation has not changed markedly since Covid, there is still a reliance upon B&B and hotel accommodation which tends to be extremely expensive and an unsuitable cornerstone to housing need/support.

It has been suggested by WG officials that the HSG resourcing have been increased complementary to this withdrawal of hardship funding. Unfortunately, we are just not seeing that in the financial monitoring. Using WG's own figures, Councils have dealt with circa £260k presentation since 2015, in that similar timeframe, WG facilitated less than 40k new supply of appropriate Housing. Government support is always welcome but the deficiency in supply issues remain fundamental to being able to resolve Housing presentations. We are even using the more recent No one left out grant receipts to compensate in part for that Hardship grant withdrawal (and for which WG recently consulting on reducing by third in 24-25), but that grant stream is £1m and due to the funding conventions of central government, Department of Work and Pensions only funds a small percentage of the Housing Benefits costs for this client group and even then has it tied to an arbitrary 2011 rate, such that our Housing Benefit subsidy deficit costs are circa £4m this year.

So, whilst the consultation describes being supportive of local authority Housing colleagues, the proposed legislation appears to involve more onerous responsibilities, more frequent case review/management, bigger caseloads, potentially removes tools like intentionality, and infers a greater legal challenge upon local authorities to house, which tends to be expensive and distracting in the use of current resourcing. So, that leads to a perfect storm, given current resourcing is not sufficient to meet temporary need, even before we consider an eradication agenda.

There is now a suggestion that NOLO and Prevention grant funding will not be reduced in 24-25, and that it was a mistake on WG behalf in putting the provisional settlement info together.

That is great if so, but appreciating mistakes can happen and was not spotted, and this is SO important and significant, how much confidence should local authorities place on WG undertaking a sufficiently granular and precise Regulatory Impact Assessment?

Would for instance you be prepared to share the detail of that examination with Councils for agreement/endorsement before imposing greater legal responsibilities upon them?

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

Yes, in principle.

NCC agrees with this principle which will be essential to implore wider public services to develop the appropriate governance arrangements to assist with the homeless prevention agenda in addressing the housing and support those with complex needs.

A wider public service approach needs to be supported by robust guidance and training programmes to ensure there is a consistent approach from all stakeholders and to ensure all roles and responsibilities are understood.

An MDT approach has been adopted in Newport to address the needs of individuals with the most complex needs. However, this resource is stretched and is limited in terms of being able to deliver bespoke solutions for those whose needs cannot be met by housing services alone.

Investment in resources and establishment of the correct governance and oversight will be required to make homelessness a public service issue. Memorandums of Understanding will not be sufficient to instigate the change required.

Do you agree with the proposed relevant bodies, to which the duties to identify, refer and co-operate would apply?

Yes, NCC agrees with the proposed list and suggests that education and schools are also included.

The third sector and voluntary sectors should be encouraged to comply.

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

NCC considers that there could be a better working relationship with between health and housing, potentially via a specialist worker who could also facilitate joint funding arrangements to increase shared accountability. There is a tendency for partners to place the responsibility for finding housing solutions to clients' housing and support needs with the local authority. A client with complex needs might have an array of issues that housing cannot always be the driver to address or resolve. Accountability both all partners, including health needs to be strengthened and other (non-housing) services may often be best placed to take the lead. Housing cannot be the only service left to resolve the needs of homeless clients if multiple services are failing to meet the needs of complex cases.

10. 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 training will be required. Information sharing is key for cooperation, and barriers exist both internally and within the wider public service to sharing information. NCC encourages outreach work with housing officers, but this work is limited due to resource constraints.

The cultural shift required to fulfil this duty will be the greatest barrier.

The authority would be keen to understand the learnings from the operation of this duty in England.

11. 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?

An MDT approach is in its infancy within the authority and there are aspirations to expand this approach across the complex needs group. However, service pressures within partner organisations are proving to present barriers to finding effective solutions to meet the needs of this client group. Certain cases can be discussed at multiple meetings, so more co-ordinated responses to meeting the needs of complex individuals are required.

12. 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 response to question 7.

13. 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.

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

Due to the authority currently accommodating a high number of prison leavers, any additional requirements to accommodate this client group would place added pressure onto services. The council is part of the CAS3 programme but are facing barriers to sourcing suitable accommodation because of the risks posed by clients with specific accommodation needs.

15. 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 main challenge is the availability of housing stock and changes to an already stretched service will have a resource implication. The supply of supported accommodation specifically for young people does not meet demand. The Eliminate programme will also put pressure on the demand for this type of accommodation via the homelessness route where the young person chooses not to become a 'looked after' child.

16. 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?

NCC have developed a 16–17-year-old protocol between housing and the social services pathway team. Social services colleagues could even further strengthen this. The authority employs a youth accommodation officer who works within both services and has a high caseload. There are aspirations to expand housing services into social services' HUB for young people, but these are dependent upon resources.

NCC would support the implementation of additional guidance from Welsh Government which implores social services to outline the risks and benefits for a young person when making the decision to become a looked after child (or not) within the LA.

17. 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?

NCC considers that this should be on an individual basis and could include those who have a mentor or sponsor. Research into best practice models could assist with this policy direction.

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 response to Question 7.

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?

NCC agree in principle with the proposal to increase the suitability and the standards of accommodation but as a non-stock holding authority, access to temporary accommodation is restricted. NCC is at the mercy of the market where rates have fluctuated enormously in the Newport, increasing the cost of temporary accommodation are longer-term accommodation in the private sector. In the long term, NCC wishes to cease the use of B+B but it is heavily relied on at the current time.

There are instances whereby a household may need to move into accommodation that would be considered 'overcrowded' because of a clients' wish to be rehoused with an extended family.

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?

NCC agree with the principle to afford the greatest priority to homeless households but would suggest that this is only used as a short-term measure to assist with the acute pressures associated with the housing crisis and pressure on temporary accommodation. In the longer-term there is a concern that citizens will consider homelessness to be the only route into social housing. Managing the expectations of

both those seeking accommodation and organisations supporting them will be crucial to the successful implementation of these reforms.

Although it could be argued that social housing would be allocated to those in the most housing need, here is a concern that removing those with no housing need from the housing register could have an impact on achieving balanced communities through the lettings process.

As a non-stock holding authority, RSL partners are key, although competing priorities and lack of clear accountabilities for Housing Associations can become barriers to effective partnership working.

The deliberate manipulation test will need to be robust to give LA's direction for the minority of applicants who deliberately worsen their circumstances. This test could give rise to a number of complaints and appeals. The governance over such needs to be clear.

'Homeless at home' will need to be supported by robust guidance to ensure that a minority of clients cannot abuse the system. Consideration should be given to a time limit against any additional priority.

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 which states that '***an offer of such accommodation must be accepted in writing by the applicant if this option is to be utilised to end the housing duty. A refusal of such accommodation cannot lead to the main housing duty coming to an end***' would safeguard the client. However, client expectations would need to be managed and choice would need to be balanced against the availability of accommodation.

Although the principle of contacting the applicant 6 months after acceptance of an offer of accommodation align with rapid rehousing ambitions, it is considered that retaining contact with the applicant once they have been rehoused will place increased demand on 'housing' teams. Floating support could be provided where needed, however in the absence of additional HSG funding, this would present a challenge to resources. The practicalities of making contacting with those who are living in accommodation in the PRS would also need to be carefully managed from a resource perspective.

RSL's in Newport have designated tenancy support teams who are already offering services at a 3,6,9 months into a new contract. There needs to be clear guidance on the respective roles of the authority's homelessness teams and RSLs to ensure that valuable work already being undertaken is not duplicated.

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 response to Question 7

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

As a non-stockholding authority, changes to the regulatory standards that apply to RSL's would assist with rapid rehousing aspirations.

Many of the proposals apply to those with the most complex needs. However, clients with low (or no) support requirements must not be lost sight of within the reforms.

A cultural mindset shift is required and Welsh Government support for this message for the public would be welcomed to ensure that a narrative does not develop which suggests that becoming homeless is a passport into social housing.

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?

An all-Wales housing data system would assist WG to plan resources and enable authorities to learn from best practice. This would allow data to be comparable across Wales and help generate the true costs to local authorities of providing temporary accommodation to WG when preparing budgets. This would also help with proportionality for funding across the LAs, based on service pressures and the relevant costs of accommodation within the authority's boundary.

Data sharing across services via legally compliant data-sharing protocols would assist with multi-agency approaches to preventing and ending homelessness.

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 response to question 7.

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.

In Newport it would be more around the diverse nature of people in Newport who speak a multitude of languages. This will need to be considered for Newport and the diverse community.

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

Bevan Foundation

response to the Homelessness White Paper Consultation

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

Yes

2. What are your reasons for this?

The proposals set out in the White Paper will lead to increased prevention and relief of homelessness.

The Bevan Foundation is especially pleased to see the Welsh Government propose that the period of time in which local authorities are expected to undertake meaningful prevention work will be extended to six months or, where a Possession Notice has been issued, the period of that notice. As our *Wales' Housing Crisis: Making the LHA work for Wales* highlighted back in 2022, the potential benefits of the Welsh Government's decision to legislate to introduce a minimum six-month notice period for no-fault evictions risked not being realised without change in operating practice. The proposal set out in this White Paper would go a long way to achieve such a change.

The effectiveness of this proposal, and the other welcome proposals set out in the White Paper, risk having a less significant impact on preventing and relieving homelessness without greater action to address the fundamental root causes of the housing crisis. A lack of affordable housing is the key driver of many problems evident in Wales' housing system. If the proposals set out in the White Paper are not accompanied by a significant increase in the supply of social housing, then this will undermine the effectiveness of the White Paper.

The proposal to extend the period of time in which local authorities are expected to undertake meaningful prevention work to six months provides a vivid illustration of this. Extending the period of time that a household is provided with support will undoubtedly reduce people's risk of homelessness. The extra fourth months of support increases the possibility of a local authority being able to work with a landlord to persuade them not to evict a tenant and gives local authorities longer to find alternative accommodation where this is not possible. Given the acute shortage of social housing and private rented sector properties available at LHA rates in many Welsh communities, even six months is unlikely to be long enough to find an adequate resolution in all circumstances. Rapidly increasing the supply of social housing would ease the pressure faced by local authorities, making it more likely that they are able to find a household threatened with homelessness with alternative, long term accommodation within six months, strengthening the real-world effect of the proposal set out in the White Paper.

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

As stated in our response to question 2, steps need to be taken to address the housing crisis in the round to increase the effectiveness of the White Paper in preventing and relieving homelessness. As noted, rapidly increasing the supply of social housing is one of the primary means through which we can address the housing crisis, but there is also a need to take action to make the private rental sector work more effectively for people in Wales.

The Welsh Government's Green Paper, *Securing a path towards adequate housing including fair rents and affordability* contains many proposals that could address these challenges. There is therefore an urgent need to put these proposals into law if we are to improve the prevention and relief of homelessness.

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

Yes

Yes, we do agree with this proposal, but we also note that the Independent Expert Review Panel noted that this change should be accompanied by an increase in resources. The Welsh Government should therefore ensure that the Panel's recommendation is adopted in full, not just the legislative change.

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

Yes

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.

Non-familial community connections are vitally important for many protected groups and the impact of living within a safe and familiar community should not be underestimated.

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 broader the range of bodies that have a stake in working to prevent homelessness the greater the possibility of us developing a wholistic system that effectively prevents homelessness. If these bodies are under-resourced however, then there is a risk that their capacity to comply with the legislation is limited, leading to the emergence of the gap between how bodies co-operate in theory and how they co-operate in practice.

The proposed exploration with the UK Government of the proposal that the Home Office and asylum accommodation providers be affected by a duty to refer is particularly welcome. This would be a key step towards preventing homelessness at the point at which refugee status is granted.

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 establishment of a statutory guardianship service for all unaccompanied children in Wales would make a significant difference to outcomes for unaccompanied children. This would include prevention of homelessness. Evidence also shows that guardianship significantly improves legal

outcomes for young unaccompanied asylum seekers³, which in turn would reduce the risk of future homelessness.

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

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 are supportive of the proposals to increase the suitability of temporary accommodation. As the number of people living in temporary accommodation has increased dramatically, the risk of people being forced to live in unsuitable accommodation is also likely to have increased. We believe that the proposals set out in White Paper are a step in the right direction in terms of addressing this.

It is vital however that in seeking to improve the suitability of temporary accommodation that focus isn't lost on the need to increase the supply of social housing. Increasing the supply of suitable, temporary accommodation, whilst important, is a sticking plaster solution. The medium-term aim must be to increase the availability of move on accommodation in Wales, reducing the number of people living in temporary accommodation. The Bevan Foundation will be starting on a new project in the next few weeks to explore methods to achieve this.

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

As we have noted in our response to other questions in this consultation we believe that this proposal, whilst sound, risks being undermined without broader efforts to rapidly increase the availability of social housing. Challenges around social housing allocation are fundamentally driven by a lack of supply. It is addressing the supply challenge that will make a long-term difference to allocations.

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 believe that Welsh Government NRPF Guidance needs to be strengthened. Training for local authorities is currently inadequate and the knowledge and understanding of local authorities both in respect of their duties and in relation to developing and implementing pathways out of destitution, is insufficient. Our current research, which is pending publication, shows that key staff in many local authorities are unaware of the details of the Guidance or of local authority duties that apply to people with no recourse to public funds. It is essential that relevant local authority staff in social services and housing understand and implement their duty to assess needs and to meet care and support needs where these do not arise from a person's immigration status. Staff in information services also need appropriate training and information resources to ensure that people subject to an NRPF condition are appropriately and fully informed and advised.

³ An evaluation of the Scottish Guardianship Service, November 2021, Scottish Refugee Council. www.scottishrefugeecouncil.org.uk/wp-content/uploads/2022/02/An-evaluation-of-the-Scottish-Guardianship-Service-2022.pdf

North and Mid Wales Association of Local Councils

The meeting considered the White Paper on Homeless in Wales.

The secretary is to respond the consultation taking the following into account:

- i. A paper on the consultation on the White Paper were issued with the agenda.
- ii. The main concerns were 'where are the homes going to come from' and 'who is going to fund this'.
- iii. The meeting was not sure how the proposals would operate – there was a danger of it not being workable.
- iv. There needs to be a clear definition of any 'tests' applied.
- v. The intended consequences need better assessment.
- vi. Those homeless due to mental health needs to a priority.
- vii. Government needs to extend financing to provide a lot more social housing.
- viii. Provisions should allow for easier movement of existing tenants (ie from a 4 bed house not need to a small property).
- ix. Buying back properties to increase housing stock should be considered.

The Association is generally in support of the white paper but is a little concerned about how practical it all is, looking at funding, housing stock available etc.

HMPPS Wales

RE: Consultation on the White Paper on Ending Homelessness in Wales – HMPPS Wales.

We are writing in relation to the Welsh Government's White Paper on ending homelessness in Wales.

As a vital stakeholder committed to the wellbeing and reintegration of individuals in our communities and keeping people safe, HMPPS Wales recognises the critical intersection between homelessness and the criminal justice system. This response reflects our dedication to collaborative efforts aimed at addressing the challenges surrounding homelessness and its links to the criminal justice system within Wales.

HMPPS Wales acknowledges the Welsh Government's dedication, initiated through the Homelessness Action Group, and reinforced by the strategic vision laid out in 2019 and the input of the Expert Review Panel in consultation ahead of the White Paper publication.

The commitment to legislative reform to foster systemic transformation, as highlighted in the White Paper, aligns with our organisational response to support reintegration and rehabilitation in Wales. To help keep individuals and communities safe and free from crime whilst acknowledging the collective responsibility in preventing and addressing homelessness. We acknowledge the ambitious nature of these proposals and the financial challenges faced by the Welsh Government and are committed to working collaboratively with our partners, leveraging existing systems, fostering innovation within the housing sector, and exploring creative solutions to confront and overcome these challenges.

We remain dedicated to working alongside Welsh Government and partners to realise the vision of Wales without homelessness.

The proposals outlined within the White Paper offer a meaningful reform to policy and process and HMPPS recognise the specific consideration given to the role of the Welsh public service in preventing homelessness and targeted proposals to prevent homelessness for those disproportionately affected, including those within the criminal justice system.

We have given consideration of the 5 chapters and consultation proposals and offer some comment below.

Chapter 1

HMPPS acknowledges the intention to introduce a new duty on local housing authorities to support individuals in retaining their accommodation, we support this ambition and the recognition of the commitment to preventing homelessness at the earliest opportunity. Additionally, the proposal to remove the relief duty and streamline processes, ensuring that individuals threatened with homelessness are owed the prevention duty and those homeless are owed the main housing duty, supports swift and appropriate support provision to prevent homelessness. HMPPS supports the recognition of potential unintended consequences and the intention to

maintain expected preventative duties or responsibilities under the main housing duty.

Embracing a person-centred approach through comprehensive needs assessments and goal-oriented outcomes within Personal Housing Plans reflects a crucial step forward in preventing homelessness effectively, recognising the significance of collaborative efforts between applicants and local housing authorities. HMPPS supports this proposal and the ethos of tailored support and proactive measures to address homelessness.

HMPPS agrees with the proposal for the abolition of the priority need test. This approach recognises the ongoing challenges in homelessness services and signifies a commitment to a system where homelessness prevention and Rapid Rehousing are the norm. Additionally, the recognition of the continued role of allocation policies in managing housing resources demonstrates a balanced approach to address limited housing supply within the framework of the proposed changes.

HMPPS supports the proposal to remove the intentionality test from legislation, this shift aligns with the principle of providing comprehensive support and accommodation to individuals experiencing homelessness, regardless of their perceived intentionality in their circumstances. Removing this test signifies a move towards a more inclusive and supportive framework, ensuring that those in need receive appropriate assistance without the judgment of intentionality influencing their access to vital support services. Alongside this, the recognition in the White Paper to exempt specific groups from local connection provisions, including prison leavers requiring relocation as part of their rehabilitation recognises the challenges faced by prison leavers in finding suitable accommodation upon release, this exemption acknowledges the unique circumstances of these individuals with specific needs.

Removing the local connection test in certain circumstances (please see comment on Chapter 3) for prison leavers aligns works to support their rehabilitation. HMPPS views that this will reduce barriers to successful community integration whilst acknowledging the importance of enabling individuals to establish themselves in new areas as part of a person's reintegration process, contributing to stability and reducing the risk of reoffending. This change reflects an understanding of the distinct needs of prison leavers and is a positive step towards ensuring more effective transitions post-release.

Chapter 2

HMPPS support the proposed reforms by the Welsh Government which signify a significant transition towards a more encompassing and collaborative strategy for homelessness prevention, in line with a holistic and person-centric perspective.

HMPPS acknowledge the engagement of various public service entities in identifying and referring individuals facing homelessness which will support a collective responsibility for the identification of need and support for timely interventions. HMPPS supports the proposed duty to refer which presents a structured framework for public bodies to detect potential risk factors early, fostering a culture of cooperation and shared responsibility. Collaborative working supports HMPPS

objectives, emphasising the importance of prevention at the earliest possible stage. The implementation of this duty necessitates a shared commitment to responsibility, ensuring a more unified and robust response to homelessness. This collective approach aligns with HMPPS's aim for comprehensive and coordinated support, underlining homelessness as a collective concern and responsibility for all. To support implementation of the duty, a collaborative approach and effective resource should be implemented alongside robust and effective learning and development support to all agencies involved.

The emphasis on expanding the duty to co-operate across public services is a positive move towards preventing homelessness, in line with our mission to minimise its occurrence and duration. HMPPS recognises strengthening regional strategic leadership and introducing a statutory case co-ordination approach for individuals facing complex support needs is positive in acknowledging the diverse circumstances of those experiencing homelessness.

The proposal for mandatory case co-ordination for those with complex needs, involving multiple agencies and a designated lead professional supports collaborative planning and intervention bridging identified service gaps. HMPPS recognise the establishment of Joint Homelessness Boards to facilitate collaboration among public authorities, streamlining dispute resolution and enabling seamless cooperation in identifying and supporting at-risk individuals as an important and positive way forward.

Chapter 3

HMPPS supports the proposals to strengthen collaborative practices among homelessness, mental health, and substance use services supporting young people leaving the secure estate by extending collaboration between social services and local housing authorities. HMPPS acknowledge the potential for improvement without direct legislative reform with the integration of housing needs into key assessments and plans, such as Care Treatment Plans.

Through expanding the definition of domestic abuse to explicitly encompass controlling or coercive behaviour, economic, or psychological abuse aligns with HMPPS's stance on safeguarding individuals vulnerable to domestic abuse. This proposition supports consistency across legislative frameworks. Bringing definitions in line across various acts demonstrates a commitment to offering comprehensive protection to victims of domestic abuse, irrespective of the nature or duration of the abuse. Such alignment not only reinforces the legal safeguards but also reflects our dedication to supporting victims and addressing the complex dynamics of domestic abuse within our justice system. HMPPS acknowledges the proposed amendment aimed at expanding the scope of the main housing duty. The amendment seeking to provide survivors of domestic abuse with the option to influence their housing decisions, including the possibility to return to their family home if assessed as safe and suitable. This alteration emphasises the individual's viewpoint, allowing considerations beyond basic shelter, such as access to support networks. This proposal aims to address the complex challenges confronted by those individuals

impacted by domestic abuse, aligning with our efforts toward a comprehensive approach to ensure public safety and individual well-being.

HMPPS appreciates and acknowledges the comprehensive approach taken by the Welsh Government in considering the challenges faced by individuals leaving prison, as highlighted in the white paper. The paper addresses the critical link between stable accommodation and successful rehabilitation, with a refreshed focus on the need for robust support systems for those released from the secure estate. The proposal outlined in the paper to conduct statutory housing assessments upon entry into the prison system to identify individuals at risk of homelessness upon release aligns with HMPPS's commitment to proactive intervention supporting early identification of need and action to addressing the housing needs faced by those entering the prison system. HMPPS recognise in setting out clearly in legislation that someone held in custody is not homeless despite not having access to accommodation in the community clarifies the process for individuals in custody and stakeholders whilst also providing a proactive stance toward homelessness prevention and sustained support for those leaving the secure estate.

In triggering the prevention duty 6 months (or within) prior to release, when combined with strengthened activity at the point of reception, HMPPS acknowledge the proposals will ensure those who continue to be homeless or threatened with homelessness upon release are entitled to further help to alleviate their homelessness. This proactive approach aligns with the objective of preventing homelessness, the proposed referral process to the local housing authority, coupled with the potential initiation of a prevention duty, reflects a concerted effort to intervene and support those most vulnerable to housing instability post-release. By explicitly stating that individuals in custody are not subject to certain discharge points in the Housing (Wales) Act 2014 supports the need for consistent support throughout custody. It's crucial that updated guidance reflects the right to support for those returning to family or choosing alternative arrangements, ensuring their access to necessary assistance isn't compromised due to custodial sentence or remand.

HMPPS appreciate the reference to reciprocal process outlined within the White Paper and acknowledge the value of these arrangements. HMPPS are committed to working with local authorities to develop and facilitate reciprocal arrangements effectively and are actively engaged in reviewing processes with local authorities with a view to supporting a defined process. The collaboration between HMPPS and local authorities remains crucial in addressing these challenges effectively. HMPPS looks forward to further engagement and collaboration to implement strategies that prioritise development in this area.

HMPPS recognise the proposals within the White Paper to support prevention of homelessness through retention of existing accommodation and support the aim that priority should be given to retaining a person's existing accommodation and recognise the importance of early identification and close collaboration to achieve this, again in support of the duty to co-operate outlined above.

HMPPS support the proposed Review of the National Pathway and are committed to supporting broader policy work including a review and update of the National

Pathway, additional support, training and guidance for landlords around vulnerable clients and those with complex needs, as well as working with Welsh Government and partners to improve data collection and analysis and strengthen partnership working.

Chapter 4

HMPPS recognises the challenges posed within section 4 and the proposed short-term actions to enhance accommodation suitability, the revisions concerning social housing allocation and housing waiting lists, as well as the expansion of housing options for fulfilling the main homelessness duty. We recognise the importance of these measures in preventing homelessness among those leaving custody. Moreover, HMPPS is committed to supporting the learning needs across the organisation to ensure effective understanding and access for those with the criminal justice system.

HMPPS acknowledge the need for a comprehensive understanding of potential costs and benefits and are in support of collaboration to identify any unaccounted aspects, enabling a more holistic and effective approach to housing access for individuals leaving custody. HMPPS have committed to the support of accommodation to those leaving the secure estate including the Community Accommodation Service (CAS3) which provides a pathway for tackling homelessness for prison leavers, and those moving on from Approved Premises (AP), and those in accommodation for bail CAS2. Prison leavers are offered temporary accommodation and support for up to 84 nights, together with assistance to move into settled accommodation. HMPPS aim to continue close collaboration and an approach has been taken with Welsh Government and Local Authorities to ensure that the scheme compliments Welsh Housing legislation and Welsh Government (WG) Priorities, therefore integrating with their approach to homelessness. Consultation with WG has supported the CAS3 referral mechanism being integrated into Local Authority Homeless Application; enhancing partnership working across Wales in addressing housing needs within Justice sector. HMPPS aims to continue this close collaboration throughout the proposed changes in the White Paper.

Chapter 5

HMPPS supports the comprehensive strategies outlined in the proposals to address homelessness and its prevention. The involvement of HMPPS in the development and engagement surrounding these reforms is crucial.

Beyond these proposals, other levers and mechanisms can further enhance accountability. Collaboration between HMPPS, local housing authorities, commissioned services and third sector organisations is vital, and we are committed to actively engaging and supporting the implementation of these reforms. Our involvement will ensure a holistic approach to addressing homelessness, leveraging expertise, and fostering collaboration among public bodies to achieve the shared goal of homelessness prevention in Wales.

We support the Welsh Government's White Paper on ending homelessness in Wales and are committed to collaboration, innovation, and proactive measures aimed at

addressing the complex intersection between homelessness and the criminal justice system. We acknowledge the ambitious nature of these proposals; however, we remain dedicated to working alongside Welsh Government and partners to ensure successful implementation, leveraging existing systems, fostering innovation, and exploring creative solutions influence systemic change to serve the people of Wales. We are keen to understand how Welsh Government intends to evaluate and understand the impact of the proposed changes.