



Local Authorities

28 April 2020

Good afternoon,

It has been over a month since the social distancing measures were introduced, and I thank each and every one of you for your commitment to protecting the most vulnerable by reducing people's exposure to COVID19 virus thus far. The efforts to source and secure additional accommodation to safely house and support those who are rough sleeping or displaced as a result of this emergency has helped to protect not just the individuals concerned but the wider community. Please pass on my sincere thanks to your teams and officers who are doing tremendous work, often under extremely difficult circumstances, to help and support some of our most vulnerable people.

I have been heartened by the examples I have heard about of authorities and their partners working in collaborative and innovative ways to ensure everyone is housed and supported during this emergency. I am of course aware of the considerable pressure in the system and we remain committed to working with you to try to resolve issues as they emerge.

Following the publication of our guidance relating to rough sleeping during the [pandemic](#), I think it would be helpful to provide further clarification of our expectations during this emergency period. This letter and the attached guidance is intended to assist you as authorities in your actions, in accordance with current legislation, to reduce the exposure of people sleeping rough and other homeless people who are in vulnerable situations as a result of the COVID19 pandemic. These are unprecedented times, and I know you recognise the responsibility we all have to protect the people who are more at risk of homelessness and exposure to COVID19, and also the opportunity to work with individuals who may not previously have come into services. The assistance being offered now can provide the foundation to rebuild lives once this crisis ends.

Our very clear expectation is that every Local Authority continues to do **all** it can to ensure no one is sleeping rough. As Minister for Housing and Local Government I am clear that no one should be without suitable accommodation and support during this pandemic. This includes those, who are currently sleeping rough, and those who are under threat of having to do so, for example, those who are leaving prisons or other institutions without any accommodation to go to, and those who are precariously reliant on others such as people sofa surfing or in unsuitable temporary accommodation.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Given the severity of the current situation I am providing you with additional guidance in relation to the homelessness legislation set out in the Housing (Wales) Act 2014, specifically in relation to 'priority need' and 'vulnerability'. This additional guidance is set out in the attached Guidance Note.

Providing long term accommodation will continue to be challenging and we must use all available resources to maximum effect. I am aware of excellent practice in Local Authorities and in partnerships between authorities and RSLs to prioritise bringing empty properties into use to help meet this challenge, I encourage everyone to look at adopting these approaches. Given the pressure on housing, it is particularly important to bring all available stock into use and ensure it is utilised, whilst of course, ensuring the health and safety of landlords and contractors. Risk assessments will need to be undertaken to ensure adherence to the guidance and I attach links to relevant guidance links below.

<https://gov.wales/coronavirus-covid-19-closure-businesses-and-premises-0>

<https://gov.wales/taking-all-reasonable-measures-maintain-physical-distancing-workplace>

Partnership working across the sector is delivering in great excess of the sum of its individual parts. I encourage authorities to develop closer partnerships with neighbouring authorities in order to support each other and develop reciprocal arrangements to ensure people can be fully supported. The virus takes no account of local authority boundaries and we need to take a regional and national approach to ensuring that we can support everyone who is in need of help.

I recognise the additional burden the pandemic places on Local Authorities and have already provided additional funding to assist you in providing a swift response in these circumstances. I am grateful for the work Local Authorities and your partners are undertaking to pro-actively move people into accommodation and then onward to more permanent accommodation. I hope that some of the accommodation provided in response to this pandemic will become more permanent, so that those people who seek accommodation now, have accommodation available in the longer term. Where this is not possible I hope we can continue the collaborative and creative working to find suitable alternative accommodation for individuals such that this becomes their first step on a journey to permanent housing.

These are unprecedented times, we are all working in different ways to achieve common goals. I applaud the creative and collaborative approaches being taken and thank everyone involved in their efforts to ensure that the most vulnerable in our society are able to protect themselves and others at this time.

Yours sincerely



Julie James AC/AM
Y Gweinidog Tai a Llywodraeth Leol
Minister for Housing and Local Government

Guidance for local authorities in supporting people sleeping rough – Covid-19 outbreak

Introduction

It is clear that we are facing an unprecedented global public health emergency caused by the continuing spread of COVID-19. All statutory services have a part to play in supporting the wider humanitarian response and local authorities have a key role to play.

Guidance

I am issuing this additional guidance to local authorities in Wales, in exercise of the power under section 98 of the Housing (Wales) Act 2014. This is additional to the Code of Guidance for Local Authorities on the Allocation of Accommodation and Homelessness (March 2016).

<https://gov.wales/sites/default/files/publications/2019-03/allocation-of-accommodation-and-homelessness-guidance-for-local-authorities.pdf>

In accordance with section 98(4) this guidance is published on the Welsh Government website at <https://gov.wales/homelessness-coronavirus> and has been developed following consultation with the WLGA, Shelter Cymru, Crisis and CAB.

Part 2 of the Housing (Wales) Act 2014 contains provisions which are particularly relevant to people faced with rough sleeping during the pandemic. In exercising their functions under Part 2 of the Act, local authorities must have regard to the following guidance:

Priority need for accommodation – People sleeping rough during the Covid-19 pandemic

In considering whether an applicant who is rough sleeping has a priority need for accommodation, local authorities should consider, amongst other matters, section 70(1)(c)(i) of the Act. Section 70(1)(c)(i) provides that a person who is vulnerable as a result of some special reason has a priority need for accommodation. The provision sets out a non-exhaustive example list of special reasons which includes old age, physical or mental illness or physical or mental disability. There may, of course, be other special reasons, including the current Covid-19 pandemic and the actions required to be taken in response to it, for example the need to self-isolate and to socially distance.

Meaning of vulnerable in section 70 - People sleeping rough during the Covid-19 pandemic

In considering whether an applicant is vulnerable, local authorities must consider section 71 of the Act which defines who is vulnerable under section 70. Section 71 provides that a person who is vulnerable would be less able than an ordinary homeless person to fend for himself or herself, if the person were to become street homeless. Additionally, a person who is vulnerable would suffer more harm than an ordinary homeless person would suffer.

The Covid-19 pandemic presents a grave and exceptional risk to those persons who are homeless. Such persons may be unable to adhere to health advice, to self-isolate or socially distance, or to maintain the necessary hygiene requirements. This is not the level of risk to which an 'ordinary homeless person' is exposed.

In determining the vulnerability of an applicant, the comparison to be made is by reference to an 'ordinary homeless person' and not to the most vulnerable homeless person. An ordinary

homeless person may be street homeless but will **not** be at risk of contracting Covid-19 or suffering from Covid-19 symptoms, and trying to adhere to health advice.

During this Covid-19 pandemic it appears almost inevitable that a person who is either street homeless or faced with street homelessness is less able than an ordinary homeless person to fend for himself or herself and would suffer more harm than an ordinary homeless person would suffer.

A local authority which decides that a person who is either street homeless or faced with street homelessness (the latter would include, for example, a prison leaver with no accommodation available) during this Covid-19 pandemic is not vulnerable for the purpose of section 70 must have a documented and robust evidential basis for its determination which will withstand rigorous scrutiny and legal challenge.

Review

Given the changing situation during this pandemic the Welsh Ministers will review this guidance note at regular intervals and will issue updates as required.

