Welsh Government Integrated Impact Assessment

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| **Title of proposal:** | Amendments to the Allocation of Housing and Homelessness (Eligibility) (Wales) Regulations 2014 to reflect changes to eligibility rights to housing and housing assistance for people coming to Wales from Sudan |
| **Official(s) completing the Integrated Impact Assessment (name(s) and name of team)**: | Huw Charles  Homelessness Prevention and Housing Management Branch |
| **Department:** | Climate Change and Rural Affairs Group |
| **Head of Division/SRO (name):** | Sarah Rhodes |
| **Cabinet Secretary/Minister responsible:** | Julie James MS, Minister for Climate Change |
| **Start Date:** | May 2023 |

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# What action is the Welsh Government considering and why?

**In narrative form, please describe the issue and the action proposed by the Welsh Government. How have you applied / will you apply the five ways of working in the Well-being of Future Generations (Wales) Act 2015 to the proposed action, throughout the policy and delivery cycle?**

In response to the violence which rapidly escalated in Khartoum and across Sudan on 15 April 2023, the UK Government led an evacuation that has resulted in more than 2,000 people being returned to the UK through a series of military flights. The final number of people returning to the UK is not known. Nor do we know how many of these people will come to Wales. However, in order to ease the return of those coming from Sudan, the UK Government has agreed to ensure that they can access benefits, social housing, and housing assistance even if they are not habitually resident in the UK. It will do so by disapplying its rules relating to the Habitual Residence Test.

The UK Government’s disapplication of the habitual residence test for people arriving in the UK from Sudan is not reflected in the prescribed classes of persons who are eligible for housing and housing assistance under the 2014 Regulations. Those people to whom the habitual residence test has been disapplied will consequently be ineligible to apply for social housing and housing assistance unless amendments are made to the 2014 Regulations, ensuring consistency between the benefit/welfare law and Welsh housing law.

The amending Regulations amend the 2014 Regulations, which determine which people from abroad are eligible for an allocation of housing accommodation under Part 6 of the Housing Act 1996, or for housing assistance under Schedule 2 of the Housing (Wales) Act 2014.

The amending Regulations will add to the 2014 Regulations a new Class of persons from abroad who are subject to immigration control who will be eligible for housing and housing assistance and exempt from the habitual residence test. Persons in this new Class are those who (a) were residing in Sudan before 15 April 2023, (b) left Sudan in connection with the violence which rapidly escalated on 15 April 2023 in Khartoum and across Sudan, (c) have been granted leave in accordance with the immigration rules, and (d) are not required to be supported without recourse to public funds.

The amending Regulations also make eligible for housing and housing assistance those persons who are not subject to immigration control. and who have left Sudan in connection with the increase in violence on 15 April 2023, and who were residing in Sudan before 15 April 2023. Persons in this group, most of whom will be British nationals, would also usually need to wait to be eligible as they would not immediately satisfy the habitual residence test. The amendments will exempt such persons (who are not subject to immigration control) from the habitual residence test and consequently, they too will immediately be eligible to apply for housing or housing assistance.

In addition to the practical necessity of aligning the housing rules in Wales so that the habitual residence is disapplied, there is also justification, in particular to those with immigration leave and recourse to public funds, for extending eligible for housing and homelessness assistance in Wales. This is a reflection of the Welsh Government’s commitment to promote Wales as a globally responsible nation and that of a nation of sanctuary, through its International Strategy. The violence in Sudan could harm the human rights and individual freedoms of people returning to the UK if Wales did not match the commitment being made by the UK and other devolved governments. The Welsh Government’s firm commitment to end homelessness in Wales strengthens the justification for this proposal, as any barrier preventing help from getting to people seeking housing or homelessness assistance would contradict current homelessness policy.

# Conclusion

(Please note that this section will be published)

**How have people most likely to be affected by the proposal been involved in developing it?**

As the changes made by the proposal are a product of reserved UK Government policy (immigration and welfare), it would not be possible to undertake a meaningful consultation on alternative approaches, as the effect of the proposal is to ensure consistency between Welsh housing law and immigration and welfare law.

**What are the most significant impacts, positive and negative?**

Positive impacts

Extending the eligibility rights for people coming to Wales from Sudan for housing and housing assistance, will help protect these individuals from the threat of homelessness and damaging effect that can have on their personal well-being. The proposal will enable the Welsh Government to demonstrate its aspirations towards global responsibility and commitment to human rights and promoting peace.

Negative impacts

There will be no long-term negative impacts of this proposal. The Welsh Government is working to ensure adequate accommodation and longer-term homes for those affected in addition to those currently in temporary accommodation and seeking appropriate and affordable homes.

**In light of the impacts identified, how will the proposal:**

* **maximise contribution to our well-being objectives and the seven well-being goals; and/or,**
* **avoid, reduce or mitigate any negative impacts?**

Good quality homes are the bedrock of vibrant and cohesive communities and form the basis for individuals to flourish in all aspects of their lives. Accessing secure, affordable housing will ensure that vulnerable individuals are protected and are better able to flourish within Wales.

The proposed changes brought about through this proposal will ensure that people coming to Wales from Sudan will be able to seek housing or housing assistance, which in turn will enable them to settle more easily and contribute towards the ambitions of the seven well-being goals.

**How will the impact of the proposal be monitored and evaluated as it progresses and when it concludes?**

The Regulations to be brought forward under this proposal will be kept under review in the normal way. Welsh Government officials will monitor any adverse impacts that are reported to them by local authorities or Third Sector organisations dealing with people coming to Wales from Sudan, requiring housing or housing assistance.

# Children’s Rights Impact Assessment

**All** completed Children’s Rights Impact Assessments must be sent to the [CRIA@gov.wales](mailto:CRIA@gov.wales) mailbox

The Rights of Children and Young Persons (Wales) Measure 2011 places a duty on the Welsh Ministers to pay due regard to the [United Nations Convention on the Rights of the Child (UNCRC) and its Optional Protocols](https://www.ohchr.org/en/professionalinterest/pages/crc.aspx) when exercising any of their functions.

The CRIA process is the agreed mechanism officials should use to support Ministers to meet this duty and ensure they give balanced consideration to children’s rights in their decision making. A CRIA should be used to inform ministerial advice and must be completed prior to a ministerial decision being made. Once a decision has been reached, your CRIA must also be published.

*Please note we have an established Children’s Rights Advisory Group (CRAG), comprising the Children’s Commissioner for Wales’s office, UNICEF, the Wales Observatory on Human Rights of Children and Young People, and Children in Wales, who can be used to discuss or test your draft CRIA. Please contact the Children’s Branch* [*CRIA@gov.wales*](mailto:CRIA@gov.wales) *for further information.*

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*For further advice and guidance on the CRIA process, please consult the* [*Children’s Rights Manual for Staff*](https://gov.wales/childrens-rights-scheme-manual-welsh-government-staff) *or contact the Children’s Branch* [*CRIA@gov.wales*](mailto:CRIA@gov.wales)

1. **Policy objectives**

* What decision are you impact assessing?

The relevant decision relates to the amending of eligibility regulations to enable people who are arriving in Wales from Sudan to access housing and housing assistance. The proposal to amend housing law in Wales reflects the need to ensure compliance with a reserved UK Government policy matter (immigration and welfare/benefits).

1. **Gathering evidence and engaging with children and young People**

* What existing research and data on children and young people is available to inform your specific policy? Your policy objective may impact on other policy areas – discussions with other policy teams will be an important part of the impact assessment process ensuring you have gathered a range of information and evidence.
* Using this research, how do you anticipate your policy will affect different groups[[1]](#footnote-1) of children and young people, both positively and negatively? Please remember policies focused on adults can impact children and young people too.
* What participatory work with children and young people have you used to inform your policy? If you have not engaged with children and young people, please explain why.[[2]](#footnote-2)

*For advice on participatory work with children and young people, please contact the Children’s Branch. We have an established relationship with Children in Wales, who may be able to help you work with children and young people through their Young Wales programme.*

The proposal is being progressed to address a crisis situation, therefore any form of engagement or involvement with children has not been possible. We have not been able to obtain any data on children and young people affected by the proposal, though the overall numbers of benefiting from it in Wales is expected to be very low. However, the proposal will maintain eligibility to housing for the families of children and young people. Given the low number affected and because the policy that underpins the proposal is also a reserved matter no participatory work with children and young people is planned.

1. **Analysing the evidence and assessing the impact**

* Using the evidence you have gathered, what impact is your policy likely to have on children and young people? What steps will you take to mitigate and/or reduce any negative effects?

The amendments will make it easier for families arriving in Wales from Sudan to achieve a tenancy and to move between properties. In being able to move more easily into and within the social housing sector, parents may be better able to locate and secure property which is adequate to their needs, and the needs of their family as a whole. Their considerations in moving will include access to a clean and safe environment, as well as ensuring the standard of living in their new property is good enough to meet the whole family’s physical and mental needs.

It is possible that some families benefitting from the Regulations will include children who have experienced adverse childhood experiences on account of the violence witnessed in Sudan. Guaranteeing a right by which the families of children become eligible to housing and housing assistance should have a positive impact on their lives.

* How does your proposal enhance or challenge children’s rights, as stipulated by the UNCRC articles and its Optional Protocols? Please refer to the [articles](https://gov.wales/sites/default/files/publications/2021-11/uncrc-summary-poster.pdf) to see which ones apply to your own policy.

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| **UNCRC Articles or Optional Protocol** | **Enhances (X)** | **Challenges (X)** | **Explanation** |
| **Article 24 (Health and health services):** Children have the right to good quality health care – the best health care possible – to safe drinking water, nutritious food, a clean and safe environment, and information to help them stay healthy. Rich countries should help poorer countries achieve this. | X |  | By making the families of children eligible to apply for housing and housing assistance, those children will be able live in a safe environment. |
| **Article 27 (Adequate standard of living):** Children have the right to a standard of living that is good enough to meet their physical and mental needs. Governments should help families and guardians who cannot afford to provide this, particularly with regard to food, clothing and housing. | X |  | The proposal will make it easier for children included within these Regulations to get help finding and living within a home in Wales. With the rights provided by the proposal they will be able to able to enjoy an enhanced quality of life that would not have otherwise been possible. |

* Consider whether any EU Citizens Rights (as referenced in the Equality Impact Assessment) relate to young people up to the age of 18.

Not applicable.

*For further information on the* [*UNCRC*](https://www.ohchr.org/en/professionalinterest/pages/crc.aspx) *and its Optional Protocols, please visit the* [*Children’s Rights Intranet Page*](https://wales365uk.sharepoint.com/sites/Intranet-Policy-Making-Legislation/SitePages/Childrens-Rights-Impact-Assessment-CRIA.aspx)*.*

1. **Ministerial advice and decision**

* How will your analysis of these impacts inform your ministerial advice?

The analysis within this assessment will be reflected in the advice taken by the Minister in bringing forward these amending regulations.

* *Once completed, your CRIA must be signed off by your Deputy Director.*
* *Your CRIA findings should be integrated into your ministerial advice to inform their decision.*

1. **Publication of the CRIA**

The CRIA will be published on the Welsh Government website along with the IIA.

*For further information and support on this process, please visit the* [*Children’s Rights Intranet Page*](https://wales365uk.sharepoint.com/sites/Intranet-Policy-Making-Legislation/SitePages/Childrens-Rights-Impact-Assessment-CRIA.aspx) *which contains a range of resources.*

1. **Communicating with Children and Young People**

* If you have sought children and young people’s views on your proposal, how will you inform them of the outcome?

As the Regulations have been made in response to a reserved UK Government policy (immigration and welfare), it would not be possible to undertake a meaningful consultation on alternative approaches, as the effect of the proposal is to ensure consistency between Welsh housing law and immigration and benefits law.

*If your policy affects children and young people, remember to produce child-friendly versions of any public document relating to your proposal. Please contact the Children’s Branch for further advice.*

**Monitoring and Review**

It is essential to revisit your CRIAs to identify whether the impacts that you originally identified came to fruition, and whether there were any unintended consequences.

Where you are taking forward secondary legislation, it will not be sufficient to rely on the CRIA for the primary legislation; you will need to update the CRIA to consider how the details of the proposals in the regulations or guidance may affect children.

The policy lead can revisit the published version of their CRIA, rename it as a review of the original CRIA, and update the evidence of impact. The reviewed impact assessment should be presented to Ministers with any proposals to amend the policy, practice or guidance. This review CRIA should also be published.

* Please outline what monitoring and review mechanism you will put in place to review this CRIA.
* Following this review, are there any revisions required to the policy or its implementation?

As the Regulations will be product of reserved UK Government policy (immigration and welfare/benefits), it will not be possible to amend the policy or its implementation in any meaningful way, as the intent will be to ensure consistency between Welsh housing law and immigration welfare/benefits law. However, we will engage with UK Government colleagues should we become aware of possible unintended consequences which are detrimental to children and young people.

1. You may, for instance, consider how your policy would affect the following groups of children and young people differently: early years, primary, secondary, young adults; children with additional learning needs; disabled children; children living in poverty; Black, Asian and minority ethnic children; Gypsies, Roma and Travellers; migrants; asylum seekers; refugees; Welsh-language speakers; care experienced children; LGBTQ+ children. Please note that this is a non-exhaustive list and within these cohorts there will not be one homogenous experience. [↑](#footnote-ref-1)
2. Article 12 of the UNCRC stipulates that children have a right to express their views, particularly when adults are making decisions that affect them, and to have their opinions taken into account. [↑](#footnote-ref-2)