



White paper on ending homelessness in Wales.

CIH Cymru response

This is a response to the white paper consultation on ending homelessness in Wales.

Introduction

What is clear from this consultation document is that it proposes wide-ranging changes to the homelessness and housing allocations system in Wales building on the recommendations of the expert review panel. We fully agree that wide-reaching change is needed in Wales to ensure that homelessness is rare, brief, and unrepeatable. Yet there are some impacts or unintended consequences that need to be considered if the new homelessness and housing allocations system in Wales is equitable for those needing homelessness assistance, existing social housing tenants and those housing professionals implementing the new legislation.

We fully agree with the removal of the tests of priority need and intentionality and the relief duty. This will make the homelessness system more open and easier to navigate for applicants. At face value though the removal of these tests seems to be resulting in a perverse incentive where an applicant will apply for help too late or ignore support offered as they will be guaranteed a main housing duty when they present as homeless. But we think that it is slightly more complicated than that. Crisis outlined in its plan to end homelessness that the public often lack a robust understanding of the concept of homelessness prevention. People also see addressing homelessness with intervening in a time of crisis rather than something that can be prevented if help is sought earlier¹. So rather than deliberately manipulating the system to apply for help once a main housing duty is guaranteed

¹ The plan to end homelessness. <https://www.crisis.org.uk/ending-homelessness/the-plan-to-end-homelessness-full-version/background/chapter-4-public-attitudes-and-homelessness/>



is there a lack of awareness raising about what it means to be homeless? It's time to flip the narrative, applicants are not necessarily manipulating the system. Often, they and the services they interact with are simply not aware of the help that is available. It is time to change this.

We do, however, have concerns around the levels of bureaucracy remaining in the homelessness system despite Welsh Government acknowledging the fact that this is an issue for local housing authorities. Research undertaken into bureaucracy has shown that it can disempower individuals implementing legislation and may result in more discretion being used both negatively and positively to overcome the additional administrative burden it can produce². We fully agree that communication with applicants needs to be more transparent. Effective communication helps build trust between public services and individuals accessing the service. It enables participation as individuals are clear on what actions are being taken to help them and builds in a level of accountability for both the applicant and the local housing authority³. Clear communication also enables an applicant to fully understand their legal rights in relation to duties they are owed by a local housing authority following an application for help to resolve their homelessness⁴. Yet when local authorities have sought to make communication with applicant more transparent and easier to understand in the past applicants have sought legal intervention as their rights are not communicated in a sufficiently technical manner. This has in turn resulted in paperwork being primarily a legal document in order to avoid costly and time consuming legal intervention, rather than using communication to help and guide applicants or to inform them of next steps². We would like to see all stakeholders working together to come up with a solution that ensures communication with

² Hannah Browne Gott, Peter K. Mackie & Edith England (2023) Housing rights, homelessness prevention and a paradox of bureaucracy? *Housing Studies*, 38:2, 250-268, DOI: 10.1080/02673037.2021.1880000

³ Lee Y, Li J-YQ. The role of communication transparency and organizational trust in publics' perceptions, attitudes, and social distancing behaviour: A case study of the COVID-19 outbreak. *J Contingencies and Crisis Management*. 2021; 29:368-384. 10.1111/1468-5973.12354

⁴ Miller, G. Holstein, J.A (1996) *Dispute Domains and Welfare Claims: Conflict and Law in Public Bureaucracies*



applicants is personalised and easy to understand but can also satisfy legal requirements reducing the likelihood of a legal review. Though ultimately the solution is increased funding for statutory homelessness services to ensure there are enough members in the team to provide the person-centred trauma informed communication that is proposed in the white paper.

We have seen from our latest sector snapshot report that frontline housing professionals are struggling with the increased workload that they are already seeing. Over half of the survey respondents felt that services were suffering due to a lack of resources and that significantly more resources are needed by front line housing teams to ensure that services can continue to be provided at a high standard⁵. This increase level of resource will be vital as part of implementing any new proposed legislation with its increase administrative burden. One way to increase these resources is to incorporate the right to adequate housing into Welsh legislation as part of a whole system approach to the housing crisis. This right will ensure that everyone in Wales can access a safe, suitable, and affordable home. It will also generate significant savings with £2.30 generated for every £1 spent on implementing the right⁶ monies that can be invested into frontline housing teams. It can also be used to increase the availability of social homes helping to ensure our allocations policies are equitable.

Allocations policies for local authorities are not just for applicants seeking their first social housing tenancy. As set out in Welsh Government's code of guidance for local authorities on the allocation of housing they also need to consider wider

⁵ Sector Snapshot. Survey of housing professionals in Wales.
<https://www.cih.org/media/1d0iaaeu/0361-survey-of-housing-professionals-in-wales-report-1-v1.pdf>

⁶ The right to adequate housing in Wales: cost-benefit analysis. An independent research report by Alma Economics. Commissioned by Tai Pawb, the Chartered Institute of Housing Cymru and Shelter Cymru. <https://www.taipawb.org/wp-content/uploads/2022/09/Alma-Economics-Back-the-Bill-Final-Phase-2-report.pdf>



community needs and the well-being of existing tenants⁷. The proposal to ensure homeless households are given the highest level of priority on waiting lists is an understandable policy position against the backdrop of rising numbers in temporary accommodation. However, this neglects to consider the wider needs of the community and the wellbeing of existing tenants. As set out in our Tyfu Tai research “Time to re-focus: Social housing allocations” we need to the allocation of social y rented homes as part of a wider one housing system approach. We need to develop a wider range of housing options such as low-cost home ownership, intermediate rented homes, housing co-ops. By doing this it will reduce the pressure on social housing and enable the sector to meet a wide range of housing aspirations⁸. We need to ensure that everyone in Wales can access a home as research has shown that homelessness is a direct result of market failures and an individual not being able to realise their right to a home⁹

In August 2023 there were 11,000 people in temporary accommodation in Wales including 3,500 dependent children¹⁰. Whilst we recognise that addressing homelessness isn’t simply about bricks and mortar, but wider socioeconomic factors, it is undeniable that at the root of the systemic problem we face with regards to homelessness is the chronic under-supply of social and affordable housing. In Wales there has been a 10.7 per cent increase in the cost of a newly available private rented property¹¹. In addition, just 2 per cent of available rented homes in Wales can be covered by local housing allowance¹². Whilst we welcome

⁷ Code of Guidance for Local Authorities on the Allocation of Accommodation and Homelessness. <https://www.gov.wales/sites/default/files/publications/2019-03/allocation-of-accommodation-and-homelessness-guidance-for-local-authorities.pdf>

⁸ Time to re-focus? A review of the allocation of social rented housing in Wales within the context of COVID-19. <https://www.cih.org/publications/time-to-re-focus-social-housing-allocations>

⁹ Kenna, P. (2011) Housing and Human Rights. In international Encyclopaedia of Housing and Home.

¹⁰ Homelessness accommodation provision and rough sleeping: August 2023.

<https://www.gov.wales/homelessness-accommodation-provision-and-rough-sleeping-august-2023>

¹¹ Zoopla UK Rental Market Report - December 2023. <https://advantage.zoopla.co.uk/research-and-insights/zoopla-uk-rental-market-report-december-2023/?member=true>.

¹² Wales’ Housing Crisis: Local Housing Allowance and the private rental market in Wales, Winter 2023. <https://www.bevanfoundation.org/wp-content/uploads/2023/03/Wales-Housing-Crisis-Winter-2023.pdf>



the unfreezing of the local housing allowance ensuring it will now cover the lowest 30th percentile concerns have been raised that this may not continue past 2024/25 with a predicted refreezing of the level of LHA from April 2025.

Even though this unfreezing of the LHA does provide some hope for low income families dependent on benefits to cover their housing costs the ongoing increased demand for a private rent is impacting affordability across the sector. This increased demand is being fuelled by reducing supply due to the impact of rising mortgage rates and households staying where they are to avoid rising rental costs. This rising demand is pushing up the cost of a private rent with rental affordability now at 28.4 per cent the highest in a decade¹³. We have heard from our members that the increasing rental costs in the private rented sector is having a significant negative impact on moving households onto settled accommodation. As more and more households are being priced out of the private housing market the demand for social housing is increasing yet supply is reducing.

We welcome Welsh Government's commitment to develop an additional 20,000 affordable homes coupled with its commitment to bring empty homes back into use. Yet we have concerns around the pace and scale of current development in Wales. Welsh Government's latest figures for housing need show that we should be providing between 6,154 and 8,336 additional homes annually split almost evenly between affordable and market homes¹⁴. Yet the latest annual data shows that in 2021/22 just 2,676 additional affordable homes were delivered in Wales. This figure includes new build, purchases, and conversion of larger affordable

¹³ Rental Market report: September 2023. <https://www.zoopla.co.uk/discover/property-news/rental-market-report/>

¹⁴ Average Annual Estimates of Housing Need in Wales (2019-based) by Variant, Tenure and Region. <https://statswales.gov.wales/Catalogue/Housing/Housing-Need/2019-based/annualaverageestimatesofhousingneed2019based-by-variant-tenure-region>



housing units¹⁵. What cannot be ignored is the fact that the number of additional affordable housing units delivered is below the number that is currently needed.

Whilst we appreciate the constraints on the development sector due to rising inflation, supply chain issues and phosphate issues, unless we increase the pace and scale of developing new affordable homes in Wales, we will continue to see rising rental costs in the private rented sector. In effect, we need to rebalance the tenure make-up of our housing provision in Wales. CIH Cymru sees the solution to the current housing crisis as a whole system change in the approach to housing provision. We need to ensure that there is a right to adequate housing enshrined in law. Legislating for a right must be the starting point on a journey that sees a commitment to the level of investment needed that reflects the gravity of the housing crisis we currently face, ensuring that all public services in Wales work together to ensure individuals and their families can access a safe, secure, and affordable home. The approach that the Welsh Government outlines in this white paper should be but one, albeit a very important, step on the road to progressively realising a right to be adequately housed for everyone in Wales.

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

We partially agree that the proposals will lead to increased prevention and relief of homelessness.

2. What are your reasons for this?

Whilst the extension to the period to trigger prevention assistance is welcomed it will not solve the ongoing issue of people presenting in a crisis. We are hearing from our members that one of the largest reasons for homelessness currently is family breakdown. Often this happens at a crisis point resulting in an on the day

¹⁵ Additional affordable housing provision by provider and housing type.
<https://statswales.gov.wales/Catalogue/Housing/Affordable-Housing/Provision/additionalaffordablehousingprovision-by-provider-housingtype>



application for homelessness with little opportunity to resolve the situation to ensure the applicant can return home. In addition, as outlined in research by Crisis the public often lack a robust understanding of the concept of homelessness prevention. People also see addressing homelessness with intervening in a time of crisis rather than something that can be prevented if help is sought earlier¹⁶. This is borne out by our members who report that often people will present to them in crisis when it is often too late to prevent the individual's homelessness. We also need to work to ending the public perception of homelessness equalling rooflessness by ensuring the public understand the benefit of early action and even if you have somewhere to stay you could still be at risk of homelessness. As homelessness is a complex mix of socioeconomic factors coupled with an individual's level of resilience to manage shocks to personal circumstances which for some can increase their risk of experiencing homelessness¹⁷. We need to consider a whole system approach to homelessness how can we assist those individuals with low levels of resilience due to past trauma, substance use, mental ill health or other support needs to cope with unforeseen socioeconomic shocks. It needs to be clear to everyone where the best place to get help is as part of a wider public sector focus on preventing homelessness in Wales.

If we are to empower our frontline housing professionals and ensure that they have the resources needed to administer any new legislation, we need to address the levels of bureaucracy remaining within the proposed new legislation. This is despite an acknowledgement by Welsh Government that the level of bureaucracy is an issue for local authorities. Research undertaken into bureaucracy has shown that high levels of bureaucracy in legislation or policy can disempower those individuals' implementing legislation and may result in more discretion being used to overcome the additional administrative burden it can produce. Yet this

¹⁶ The plan to end homelessness. <https://www.crisis.org.uk/ending-homelessness/the-plan-to-end-homelessness-full-version/background/chapter-4-public-attitudes-and-homelessness/>

¹⁷ Glen Bramley & Suzanne Fitzpatrick (2018) Homelessness in the UK: who is most at risk? Housing Studies, 33:1, 96-116, DOI: 10.1080/02673037.2017.1344957



discretion is not always negative front-line workers also use their discretion to provide the best outcome for the person they are assisting. The homelessness system in Wales infers a significant level of rights for an individual but this comes with accompanying paperwork that is often opaque and burdensome to complete¹⁸. We are hearing from our frontline housing professionals that there is not sufficient resource to meet the level of demand for service and as a result service provision is suffering¹⁹. The proposals contained in the white paper will no doubt further increase the administrative burden placed on frontline housing services so they will need to be appropriately resourced including money and staff resource to ensure they can meet the administration demands of the new proposals and deliver an effective prevention service that ensures homelessness in Wales is rare, brief, and unrepeated.

When outlining the proposed reforms in the white paper it is often mentioned that it is to ensure that the legislation can act in a person-centred trauma informed way. Whilst there is a very real need to address the trauma experienced by those facing homelessness, we also need to acknowledge the visceral trauma of front-line housing officers because of hearing about the experiences of those, they are supporting²⁰. If we are to meet the aim of the high-level action plan to build a resilient workforce, we need to look at ways we can provide clinical supervision and/or wellbeing support to our frontline housing professionals who may experience trauma through their work.

¹⁸ Hannah Browne Gott, Peter K. Mackie & Edith England (2023) Housing rights, homelessness prevention and a paradox of bureaucracy? *Housing Studies*, 38:2, 250-268, DOI: 10.1080/02673037.2021.1880000

¹⁹ Sector Snapshot. Survey of housing professionals in Wales.
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²⁰ Aliénor H. Lemieux-Cumberlege, Helen Griffiths, Emily Pathe & Adam Burley (2023) Posttraumatic stress disorder, secondary traumatic stress, and burnout in frontline workers in homelessness services: risk and protective factors, *Journal of Social Distress and Homelessness*, DOI: 10.1080/10530789.2023.2191405



In August 2023 there were 11,000 people in temporary accommodation in Wales including 3,500 dependent children²¹. Whilst we recognise that addressing homelessness isn't simply about bricks and mortar, but wider socioeconomic factors, it is undeniable that at the root of the systemic problem we face with regards to homelessness is the chronic under-supply of social and affordable housing. Increasing this supply needs to be a foundational part of any change to homelessness legislation in Wales. We need affordable homes to be part of the solution to help ensure homelessness in Wales is rare, brief, and non-repeating. Yet we cannot ignore the wider socioeconomic factors that are having a very real impact on supply and the wider housing crisis.

In Wales there has been a 10.7 per cent increase in the cost of a newly available private rented property²². In addition, just 2 per cent of available rented homes in Wales can be covered by local housing allowance²³. Whilst we welcome the unfreezing of the local housing allowance ensuring it will now cover the lowest 30th percentile concerns have been raised that this may not continue past 2024/25 with a predicted refreezing of the level of LHA from April 2025.

Even though this unfreezing of the LHA does provide some hope for low-income families dependent on benefits to cover their housing costs the ongoing increased demand for a private rent is impacting affordability across the sector. This increased demand is being fuelled by reducing supply due to the impact of rising mortgage rates and households staying where they are to avoid rising rental costs. This rising demand is pushing up the cost of a private rent with rental affordability now at 28.4 per cent the highest in a decade²⁴. We have heard from our members

²¹ Homelessness accommodation provision and rough sleeping: August 2023.

<https://www.gov.wales/homelessness-accommodation-provision-and-rough-sleeping-august-2023>

²² Zoopla UK Rental Market Report - December 2023. <https://advantage.zoopla.co.uk/research-and-insights/zoopla-uk-rental-market-report-december-2023/?member=true>.

²³ Wales' Housing Crisis: Local Housing Allowance and the private rental market in Wales, Winter 2023. <https://www.bevanfoundation.org/wp-content/uploads/2023/03/Wales-Housing-Crisis-Winter-2023.pdf>

²⁴ Rental Market report: September 2023. <https://www.zoopla.co.uk/discover/property-news/rental-market-report/>



that the increasing rental costs in the private rented sector is having a significant negative impact on moving households onto settled accommodation. As more and more households are being priced out of the private housing market the demand for social housing is increasing yet supply is reducing.

We welcome Welsh Government's commitment to develop an additional 20,000 affordable homes coupled with their commitment to bring empty homes back into use. Yet we have concerns around the pace and scale of current development in Wales. Welsh Government's latest figures for housing need show that we should be providing between 6,154 and 8,336 additional homes annually split almost evenly between affordable and market homes²⁵. Yet in the latest annual data shows that in 2021/22 just 2,676 additional affordable homes were delivered in Wales. This figure includes new build, purchases, and conversion of larger affordable housing units²⁶. What cannot be ignored is the fact that the number of additional affordable housing units delivered is below the number that is currently needed.

Whilst we appreciate the constraints on the development sector due to rising inflation, supply chain issues and phosphate issues, unless we increase the pace and scale of developing new affordable homes in Wales, we will continue to see rising rental costs in the private rented sector which in turn impacts the levels of homelessness seen in Wales.

CIH Cymru sees the solution to rising homelessness being a whole system change for housing in Wales with the basis being a right to adequate housing enshrined in

²⁵ Average Annual Estimates of Housing Need in Wales (2019-based) by Variant, Tenure and Region. <https://statswales.gov.wales/Catalogue/Housing/Housing-Need/2019-based/annualaverageestimatesofhousingneed2019based-by-variant-tenure-region>

²⁶ Additional affordable housing provision by provider and housing type. <https://statswales.gov.wales/Catalogue/Housing/Affordable-Housing/Provision/additionalaffordablehousingprovision-by-provider-housingtype>



law. Legislating for a right must be the starting point on a journey that sees a commitment to the level of investment needed that reflects the gravity of the housing crisis we currently face, ensuring that all public services in Wales work together to ensure individuals and their families can access a safe, secure, and affordable home. The approach that the Welsh Government outlines in this white paper should be but one, albeit a very important, step on the road to progressively realising a right to be adequately housed for everyone in Wales.

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

The meaning of homeless or threatened with homelessness

We agree with the proposal to bring the timeframe for threatened with homelessness in line with the minimum notice period for a periodic standard contract. However, we would like to see the accompanying guidance to outline that even when an invalid notice is served that should be taken as an intention of the landlord seeking to end the tenancy with work to prevent the households homelessness starting at that point. Contract holders will on occasion receive invalid notice but may be advised to wait for a valid notice before any prevention work starts. This can make an already stressful situation worse. By having in guidance that invalid notice triggers prevention work we can work towards minimising the impact on the household.

Whilst we welcome the clarification within the legislation for those households who live in moveable accommodation and are permitted to reside in an area but have no access to facilities would be classed as homeless there is a need for wider policy consideration. Currently there are no transit sites in Wales for the Gypsy, Roma, and Traveller communities. This means that if they are not able to find a pitch on a permanent site or need to travel within Wales they will be classed as homeless according to the expanded definition. If we are to prevent and relieve homelessness for anyone facing homelessness in Wales, we also need to consider



how we can invest in and provide transit sites in Wales so that Gypsy, Roma, and Traveller communities always have access to suitable sites that meet their cultural needs.

Securing or helping to secure the availability of accommodation.

Personal housing plans are a key tool in ensuring that a person is appropriately supported and empowered to secure accommodation. They also help embed person-centred practice into the local housing department and put in place a process where there is regular contact with the applicant. Yet as outlined in the post implementation evaluation some service providers felt that personal housing plans were too formulaic and technical. Other service providers saw them as adding another layer of bureaucracy. It was also mentioned that often applicants did not see the value of a written record preferring regular face-to-face contact and direct work²⁷. As outlined in the draft regulatory impact assessment it can take a significant time to complete a personal housing plan to the detail needed²⁸. The housing and local government committee in their report on homelessness highlighted the impact rising homelessness was having on those working in homelessness services. Staff were tired as there were not enough of them to meet demand coupled with concerns over the quality of services due to increased pressure. Some homelessness teams are concerned that staff could burnout and the emotional impact of the decisions they have to make²⁹. These sentiments were echoed in the findings of Housing Futures Cymru's latest sector snapshot report which found 43 per cent of front-line housing professionals citing high workloads as the key pressure on service provision³⁰. This evidence, together with the

²⁷ Post-implementation evaluation of Part 2 of the Housing Act (Wales) 2014: Final Report. <https://www.gov.wales/sites/default/files/statistics-and-research/2019-06/evaluation-of-homelessness-legislation-part-2-of-the-housing-act-wales-2014-final-report.pdf>

²⁸ Welsh Government Consultation on the White Paper on Ending Homelessness in Wales. Draft Regulatory Impact Assessment. <https://www.gov.wales/sites/default/files/consultations/2023-10/ending-homelessness-integrated-draft-regulatory-impact-assessment.pdf>

²⁹ Welsh Parliament Local Government and Housing Committee: Homelessness. <https://senedd.wales/media/zs0jkb4g/cr-ld15717-e.pdf>

³⁰ Sector Snapshot. Survey of housing professionals in Wales. <https://www.cih.org/media/1d0iaaeu/0361-survey-of-housing-professionals-in-wales-report-1-v1.pdf>



acknowledgement by Welsh Government that time will need to be invested into the appropriate drafting and reviewing of personal housing plans is concerning especially against a backdrop of there not being enough staff to meet current rising demand let alone an increase administrative workload. Nobody denies the benefits of personal housing plan but, if we want the statutory introduction of personal housing plans to be effective and provide the best possible advice to homelessness applicants, we need to ensure statutory homelessness services are adequately resourced. It is these services that ensure effective administration of any homelessness legislation together with ensuring effective planning for housing support services. Effective implementation of legislation is dependent on effective resourcing including sufficient time to undertake to work needed³¹

We welcome the proposal to introduce a statutory duty to include an applicant's views on their accommodation need. This will ensure that they can access accommodation that they feel best suits their needs and the needs of their household including enabling them to take the positive steps needed to recover from addiction, ensure access to ongoing support services and ensure accommodation is suitable for their cultural needs.

Individual right to request a review of decisions

We agree with the proposals to extend the right of review to the personal housing plans as if these are to have statutory status then an applicant should have the right to review if needed mirroring the right to review for other statutory duties within legislation. We also support the expansion of the right to review the suitability of accommodation provided to accommodate a household on an interim basis. One addition we would like to see is the sharing of learning between organisations. Case law does provide this but very few homelessness cases in Wales make it to high court and then into case law. As such we would like to see some way of sharing lessons learned from review processes. Whilst not legally

³¹ Hogwood, Brian W. & Gunn, Lewis. A. (1984) Policy Analysis for the Real World.



binding it may help improve the administration of the legislation benefiting applicants. It could also provide a useful tool to help front line officers in their understanding and application of the legislation.

A statutory duty to provide support to help an applicant retain accommodation.

We welcome the new duty on local housing authorities to help support a person to retain accommodation when they have been helped to secure that accommodation. As outlined in the white paper this will be the responsibility of the whole local authority. However, as noted in the expert review report this collaborative working is not always easy to establish. As such we would also like to see the duties to cooperate specifically include meeting this new duty on local housing authorities. We also have a concern around the time frame provided for the duty. Some individuals will not be ready for independent living without support even after 12 months have passed due to the complexity of their support needs. As such we would like this amended to ensure an individual can access support for as long as it is needed but the need for support to be reviewed every three months. There may also be a need to ensure those individuals accessing support through this new duty can quickly access support again at some point in the future following the ending of support if they get into difficulties managing the retention of their home.

Meeting this duty is also dependent on ensuring that housing support services are adequately funded. Research has shown that housing support grant services provide a saving of £1.40 for every £1 spent on providing support³². The amount of revenue funding provided to the Housing Support Grant was increased during the Covid-19 pandemic to help support agencies navigate the impact the pandemic has on individuals who needed support. Yet the level of funding was frozen for 2023/24 and remains frozen for 2024/25 against a backdrop of rising

³² Evidencing the Impact of The Housing Support Grant in Wales.
<https://www.cymorthcymru.org.uk/wp-content/uploads/2023/05/Evidencing-the-Impact-of-HSG-ENG.pdf>



inflation. We have heard from members that some floating support services are being decommissioned due to rising homelessness levels in tandem with budgets being squeezed. There have been some increases to price bands to enable wage rises to combat cost of living pressures for support staff. This in turn has reduced the amount of support that can be provided. Though without the price band increases the scheme may not run due to a lack of staff. In addition, there are concerns around the allocation of the old s.180 funding redistribution which was used to provide needed support services which do not fully align with the prevention of homelessness. The redistribution of these funds could leave some local authorities losing out on more funding due especially in areas where there were large schemes funded in the main by the old s.180 funding. This could further reduce the number of support schemes that could be operated as part of preventing and relieving homelessness. If this proposed duty to help retain accommodation is introduced, it will need to be accompanied by an appropriate level of funding to ensure services can meet increased demand.

Simplifying the current homelessness system by removing the relief duty

We agree with the simplification of the homelessness system by removing the relief duty. Yet there does not seem to be anything written into legislation or policy proposals to solve the issue of some homeless applicants presenting too late for prevention work to be looked at. Whilst there is a proposal to look at deliberate manipulation in relation to allocations, is there now a perverse incentive to not seek help until the last minute with a guarantee a main housing duty is accepted? We are sure this is not the intention of Welsh Government and there is probably just a tweak needed to improve awareness of the help on offer and extend the scope of the deliberate manipulation test. So, it can be applied when it can be evidenced an applicant knowingly waited out their notice period before applying for homelessness assistance despite offers of assistance from services.



Communication between the local housing authority and the applicant

We fully agree that communication with applicants needs to be more transparent. Effective communication helps build trust between public services and individuals accessing the service. It enables participation as individuals are clear on what actions are being taken to help them and builds in a level of accountability for both the applicant and the local housing authority³³. Clear communication also enables an applicant to fully understand their legal rights in relation to duties they are owed by a local housing authority following an application for help to resolve their homelessness³⁴. Yet when local authorities have sought to do this in the past applicants have sought legal intervention as their rights are not communicated in a sufficiently technical manner. This has in turn resulted in paperwork being primarily a legal document rather than to help and guide applicants or to inform them of next steps³⁵. We would like to see all stakeholders working together to come up with a solution that ensures communication with applicants is personalised and easy to understand but can also satisfy legal requirements reducing the likelihood of a legal review. Though ultimately the solution is increased funding for statutory homelessness services to ensure there are enough members in the team to provide the person-centred trauma informed communication that is proposed in the white paper.

No evictions into homelessness.

We fully agree that if someone is renting from a social landlord that every step should be taken to prevent a household from being made homeless from a social housing tenancy. We know that social landlords are already working to this policy making eviction from social housing rare as a result of much hard work and

³³ Lee Y, Li J-YQ. The role of communication transparency and organizational trust in publics' perceptions, attitudes, and social distancing behaviour: A case study of the COVID-19 outbreak. *J Contingencies and Crisis Management*. 2021; 29:368-384. 10.1111/1468-5973.12354

³⁴ Miller, G. Holstein, J.A (1996) *Dispute Domains and Welfare Claims: Conflict and Law in Public Bureaucracies*

³⁵ Hannah Browne Gott, Peter K. Mackie & Edith England (2023) Housing rights, homelessness prevention and a paradox of bureaucracy? *Housing Studies*, 38:2, 250-268, DOI: 10.1080/02673037.2021.1880000



dedication from social landlords in Wales. However, we have heard from some of our members that this policy could be having an unintended consequence in relation to households engaging in anti-social behaviour. In order to reduce the impact of the anti-social behaviour on resident, households could be moved to other areas with support put in place for the household. Yet the behaviour continues impacting another community and making letting a home in the new area an issue. This, in extreme circumstances, then leads to a hard to let estate and increased void levels at a time when there is an increase in demand for social housing.

Yet, as a recent report by Shelter Cymru outlined, to prevent evictions as a result of anti-social behaviour, we need to take a look at how we allocate housing to individuals in the first place. Taking a person-centred trauma informed approach to allocations so that individuals can access a home in the right place, with the right support at the right time³⁶. Yet in the midst of a severe housing shortage this is proving hard to do with the increased pressure for temporary accommodation stemming from a reduction in move on. If we are to successfully implement a policy of no eviction into homelessness, we need to consider how we allocate to individuals with support needs. Flip the narrative and see prevention of eviction starting from day one of a tenancy. Surely it is better for someone to stay in supported accommodation for a bit longer rather than providing them with a home in an area where they are at risk of relapsing into substance misuse or exposure to past trauma. We need to see allocations as providing a home for someone, a place where they are safe and secure able to build their resilience and engage with their surrounding community. Taking a person-centred trauma informed approach to allocations can help reduce the levels of severe anti-social behaviour that results in the need to move someone to another area.

³⁶ Reframing antisocial behaviour: A review of homelessness prevention good practice in Wales. <https://sheltercymru.org.uk/wp-content/uploads/2023/11/ASB-Report-v5high-1.pdf>



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

We agree with the proposal to abolish the priority need test. Its abolition will mean a more open homelessness system that is easier for applicants to navigate. It also mirrors the position in many local authorities in Wales currently where the priority need test is not enforced as part of the no one left out approach to homelessness.

As part of moving towards an abolishment of the priority need test, we need to analyse the cost implications of the no one left out approach. Whilst this is a positive move in ending homelessness in Wales it has not been without consequences through an increased financial burden on local housing authorities and the impact on households who are having to reside in temporary accommodation for long periods of time. Due to the increasing demand for temporary accommodation many local housing authorities are having to utilise hotels or B&B accommodation to meet their statutory duty to provide temporary accommodation. Yet for many this accommodation is not suitable. In many cases, families are sharing one room with little to no space for children to play or study.

In addition, our Local Authority members are seeing a significant increase in the number of single person households accessing temporary accommodation. Yet in many areas there is a significant lack of affordable one bed accommodation to move them onto resulting in long stays in temporary accommodation. The increasing support needs for single people is also impacting move on and length of stays in temporary accommodation.

Whilst our local authority members remain committed to the ongoing policy of no one left out and the positive impact this has had on individuals we cannot ignore the impact it is having on our frontline housing professionals. Our members are reporting increased pressure from increasing demand for temporary accommodation, the cost-of-living crisis, and a sustained heavy workload. Services are becoming overstretched which is having a detrimental impact leaving many staff feeling exhausted.



It's just wearing. There is ceaseless demand, not enough solutions. Even when we arrange move on it does not ease pressure as demand is constant.

At a time when local authority budgets are being squeezed through ongoing inflationary pressures, with many now reporting significant budget shortfalls for 2024/25, there are also concerns around the increasing spend needed to ensure that nobody is left out. A recent article by inside housing highlighted that the total cost to provide temporary accommodation had more than doubled to £40m with some local authorities seeing a 1000 per cent increase in the money spent on providing temporary accommodation³⁷.

Our members have also highlighted the fact that if everyone is to be made priority need, we need a robust way to ensure that allocation of more settled accommodation or move on to supported accommodation is equitable. Guidance will need to be clear on how to assess how a local housing authority is to establish who is to be given first refusal of an offer of accommodation when two applicants are eligible with similar levels of need. We acknowledge it is a difficult balancing act but due to the chronic under-supply of social and affordable housing, Local Housing Authorities have used the assessment of priority need as a form of formal rationing which has been seen as necessary to manage dwindling supply³⁸.

We fully welcome the removal of priority need but if this is to be successful and not increase time spent in temporary accommodation and increase pressure on our front-line housing professionals, we need more supply of affordable homes in Wales. We welcome Welsh Government's commitment to develop an additional

³⁷ Temporary accommodation bill rises by over 1,000% in Welsh county.
<https://www.insidehousing.co.uk/news/temporary-accommodation-bill-rises-by-over-1000-in-welsh-county-82241#:~:text=Temporary%20accommodation%20spend%20has%20been,in%20temporary%20accommodation%20each%20year>.

³⁸ Lidstone, P. 1994. Rationing housing to the homeless applicant. *Housing Studies*, 9 (4), 459-72



20,000 affordable homes coupled with their commitment to bring empty homes back into use. Yet we have concerns around the pace and scale of current development in Wales. Welsh Governments latest figures for housing need show that we should be providing between 6,154 and 8,336 additional homes annually split almost evenly between affordable and market homes³⁹. Yet in the latest annual data shows that in 2021/22 just 2,676 additional affordable homes delivered in Wales. This figure includes new build, purchases, and conversion of larger affordable housing units⁴⁰. What cannot be ignored is the fact that the number of additional affordable housing units delivered is below the number that is currently needed.

We need whole system change for housing in Wales with the basis being a right to adequate housing enshrined in law. Legislating for a right must be the starting point on a journey that sees a commitment to the level of investment needed that reflects the gravity of the housing crisis we currently face, ensuring that all public services in Wales work together to ensure individuals and their families can access a safe, secure, and affordable home. The abolishment of priority need in Wales should be but one, albeit a very important, step on the road to progressively realising a right to be adequately housed for everyone in Wales.

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

We fully agree with the removal of the intentionality test as this is utilised very little in Wales and is a vital part of ensuring the homelessness system is open and easy to navigate. Yet at face value though the removal of the test of intentionality seems to be resulting in a perverse incentive where an applicant will apply for help too late or ignore support offered as they will be guaranteed a main housing duty when they apply as homeless. But we think that it is slightly more complicated than

³⁹ Average Annual Estimates of Housing Need in Wales (2019-based) by Variant, Tenure and Region. <https://statswales.gov.wales/Catalogue/Housing/Housing-Need/2019-based/annualaverageestimatesofhousingneed2019based-by-variant-tenure-region>

⁴⁰ Additional affordable housing provision by provider and housing type. <https://statswales.gov.wales/Catalogue/Housing/Affordable-Housing/Provision/additionalaffordablehousingprovision-by-provider-housingtype>



that. Crisis as outlined in their plan to end homelessness that the public often lack a robust understanding of the concept of homelessness prevention. People also see addressing homelessness with intervening in a time of crisis rather than something that can be prevented if help is sought earlier⁴¹. So rather than individuals seemingly manipulating the system to their gain making themselves intentionally homeless in the process is it simply just a consequence of a lack of awareness raising on what it means to be homeless? We need to work to end the public perception of homelessness equalling rooflessness by ensuring the public understand the benefit of early action and even if you have somewhere to stay you could still be at risk of homelessness. This could be done through extensively promoting the availability of prevention services and the fact that the earlier help is sought the better it may also stop you from losing your place to stay. It's time to flip the narrative applicants are not manipulating the system or making themselves homeless intentionally often they are simply not aware of the help that is available to them. This needs to change as part of the proposed legislative reform.

Even though research has shown that sometimes there is not a robust public understanding of the concept of homelessness prevention resulting in homeless application being made too late for effective prevention work, we have heard from members that there are some individuals that do make themselves homeless due to their actions such as inflicting severe damage to a property or blatantly refusing to pay their rental liability. As such there needs to be some mechanism within the legislation that acts as a deterrent to deliberate behaviour choices that result in homelessness. There are also concerns that without any test of intentionality then the instances of this behaviour could increase due to there being no effective deterrent within the homelessness legislation.

⁴¹ The plan to end homelessness. <https://www.crisis.org.uk/ending-homelessness/the-plan-to-end-homelessness-full-version/background/chapter-4-public-attitudes-and-homelessness/>



One suggestion could be to mirror how the intentionality test is applied for families who become homeless using the same criterion for anyone who applies as homeless. On a household's first application they cannot be found intentionally homeless even if their actions were deliberate resulting in homelessness. Though a separate decision would need to be made as to whether the deliberate manipulation test contained in the allocations part of the legislation applies.

Once the household is provided with a permanent home they are provided with support and if applicable housing costs paid by DWP, are paid directly to the landlord. However, if the same household presents as homeless within five years and they are homeless due to their deliberate actions intentionality can then be considered.

This would not affect their right to be provided interim accommodation as if priority need is removed this entitlement will remain unchanged as everyone should then be provided with interim accommodation for a reasonable period which would need to be defined in guidance.

Some exceptions would need to be added to guidance to enable the intentionally homeless test to be applied at any point a household makes an application for homeless assistance and one or more of the following apply:

- There has been extensive criminal behaviour at a property resulting in a police closure order
- The applicant was a joint contract holder and has been removed from the property due to a conviction for behaviour that makes them unsuitable to be a tenant.
- The applicant has caused significant damage to the property making it unfit for human habitation.

The retention of the intentionality test, albeit with caveats, would enable local housing authorities to ensure that in rare cases where homelessness is clearly a result of the applicant's actions there can be some consequences at the first point of application. This may act as a deterrent for other households going forward providing some assurance to statutory homelessness services that steps have



been taken to try and ensure that there is not going to be a rise in deliberate behaviour cases that are often complex and difficult to rehouse.

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 understand the reasoning behind retaining the local connection test but are concerned over its retention not enabling homeless households to move around Wales as needed. This is due to the local connection test not only being applied at the point of homelessness. Often the local connection test is also applied as part of social housing registers and allocation policies with those applicants who have no local connection to the local authority area being given a lesser priority on the register. Yet we need to ensure that everyone can have mobility between local areas. This mobility is already available to households in Wales who are not facing homelessness or able to afford to secure market housing. As part of an equitable housing system in Wales we would like to move towards a position where there is no local connection test. However, we also acknowledge the concerns of some local authorities around increased presentations if the test was abolished. So, we ask Welsh Government to carry out some research into what motivates a household to apply to another local authority other than through a risk of violence or to overcome substance addictions. Does one area have more support services available resulting in households going there to access better support as an example. We need to have a better understanding of the reasons for applying to another local authority and the actual numbers that are doing so as part of a robust assessment of the impact of retaining or abolishing the test.

There is also a need for clear guidance around the application of special reasons for establishing local connection so that their application is clear for both frontline housing professionals and applicants.



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?

There are costs and benefits that seem not to have been included in assessing the costs of providing temporary accommodation. The regulatory impact assessment has just covered the costs for housing support grant funded projects. There has not been an assessment of costs accrued from the ongoing use of B&B accommodation in many local authorities as we transition to a rapid rehousing approach. A recent article by inside housing highlighted that the total cost to provide temporary accommodation had more than doubled to £40m with some local authorities seeing a 1000 per cent increase in the money spent on providing temporary accommodation⁴². An assessment of likely ongoing spend because of removing the legal tests needs to be considered as monies to provide this come from local authority budgets. As costs of providing B&B increase or decrease it can impact local authorities' ability both positively and negatively, to recruit additional staff members which are likely to be needed to administer the new legislation. As such consideration of this impact should be included in the regulatory impact assessment.

We welcome the assessment of the quantitative costs that would be incurred when drafting new correspondence. What is not clear is whether this work is being carried out by Welsh Government with feedback from local authorities. Clarity on this is needed as it could impact the costs incurred. If it is going to be the responsibility of individual local authorities, we also need to see an assessment of

⁴² Temporary accommodation bill rises by over 1,000% in Welsh county.
<https://www.insidehousing.co.uk/news/temporary-accommodation-bill-rises-by-over-1000-in-welsh-county-82241#:~:text=Temporary%20accommodation%20spend%20has%20been,in%20temporary%20accommodation%20each%20year.>



how the capacity of homelessness teams would be impacted as team members concentrate on drafting the new correspondence needed.

There is no consideration in the regulatory impact assessment for the new core homelessness legislation on training needs. These costs will also need to be considered as to ensure consistent implementation of the legislation there will need to be a robust training programme. This training programme, however, cannot be a one-time offer. Consideration will need to also be given to ongoing sharing of best practice and refresher training to ensure consistent processes across Wales. Inconsistent implementation was a particular concern of the expert review panel and the initial evaluation of the existing legislation by Glyndwr University⁴³.

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, we agree with the proposal to introduce this duty. However, there would need to be clear guidance on when this duty applies and how to enforce the duty. This will ensure a consistent approach across local authorities. Our members have highlighted the importance of a consistent approach especially when they have properties within several local authority areas. In addition our members have requested that data sharing protocols are also looked at as part of this proposal to further support the collaborative working that already exists to prevent homelessness.

⁴³ Post-implementation evaluation of Part 2 of the Housing Act (Wales) 2014: Final Report. <https://www.gov.wales/sites/default/files/statistics-and-research/2019-06/evaluation-of-homelessness-legislation-part-2-of-the-housing-act-wales-2014-final-report.pdf>



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?

Schools and the wider education system play a crucial part in identifying young people at risk of homelessness and the wider work around ending youth homelessness in Wales. It is vital that the work around reducing workload and bureaucracy in the education system is completed as quickly as possible and that all education settings are added to the list of proposed relevant bodies. Welsh Government should put a referral system in place that ensures that enables this in a timely fashion to maximise the opportunities to intervene at an early stage for those young people facing the possibility of homelessness.

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

We need to consider when looking at operational practice around co-operation between health and housing consent from the applicant. Whilst the white paper proposals are clear that a referral needs consent from an applicant and this consent will cover enabling a homeless application to be started this consent also needs to allow for sharing of health information including how any unmet health needs will be addressed and/or are affecting retention of the applicant's home. Too often local authorities face the additional barrier of information sharing being insufficient so that support needs cannot be accurately assessed even when explicit consent is given. If we are to ensure effective co-operation between health and housing, we need to have an information sharing mechanism that allows the applicant a say in what is shared whilst also ensuring appropriate and current health needs information is available to frontline housing professionals so it can be considered as part of any housing needs assessment.

We also need to promote the benefits of health working with housing to prevent homelessness through effective discharge planning. By ensuring effective discharge planning from day one of a stay in hospital we can reduce the number



of bed days needed and help tackle the perennial problem of bed blocking seen in many hospital settings. An example of the good outcomes seen from effective hospital discharge planning is the Care and Repair Cymru project Hospital to a Healthier Home which is run in partnership with the NHS, Care and Repair Cymru, Hospital staff the patient and family. These all work together to identify and resolve housing and environmental issues that would prevent a hospital discharge. The service saved 25,000 bed days in 2021 and 100 per cent of patients using the service said that they were key in helping them return home⁴⁴. An example of how by housing and health working together we can improve outcomes for individuals and work towards enabling someone to retain their home as part of a whole system approach to preventing homelessness.

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.

Learning

There are two ways in which learning needs to be considered. One is to ensure that other public bodies know what could trigger a referral to a local housing authority. Whilst this will be clear to identify for registered social landlords there will need to be an education/raising awareness campaign for those professionals who work in other public sector organisations. This would also need to be available on an as needed basis for new staff members. One way of doing this is to develop a housing advice website for professionals. The chartered institute of housing produce something similar already around housing rights for new arrivals to the UK and housing advisors⁴⁵. Welsh Government could produce a similar website on when to refer, who the referral needs to be made to and the timescales

⁴⁴ Good Practice Compendium Sharing the lessons learnt from the Welsh Housing Awards 2022. <https://www.cih.org/media/euhkp544/0359-wha-gpc22-english-v1.pdf>

⁴⁵ Housing Rights website. <https://www.housing-rights.info/index.php>.



for a referral, when and if there is a concern around someone's housing situation. The website could also provide advice to applicants who are not sure where they can access help when facing homelessness as part of embedding prevention of homelessness into the thinking of the general population rather than homelessness equalling rooflessness.

Staffing/Location

Even though HMPSS are not a proposed specified body they can provide some best practice learning that may be used as a basis to ensure effective implementation of the proposed identify, refer, and co-operate duties. Some probation trusts in Wales have in place a housing expert who is employed by HMPSS but is seen as the lead person for housing related issues for individuals the service is working with. This is usually to liaise with the local housing authority around prisoners who are going to be homeless on release or around more complex MAPPA cases where a team of stakeholders are involved to ensure the best housing solution for an individual. To support this a local housing authority may also have a prison liaison officer who is the lead case manager for those individuals leaving the secure estate and will represent the local housing authority at MAPPA conferences. This officer will also provide the link between HMPSS and housing providers in the area when accommodation is needed on day of release.

Going forward some of this practice could be adopted by the specified public sector bodies. One way to do this is to have health liaison officers within the local housing authority who can provide the dedicated link between health and housing. These officers can not only provide housing advice to medical professionals in the area not sure if a referral to housing services is needed but also assist the housing team with physical and mental health queries and providing referrals as needed through the common ailments scheme or direct to community mental health teams.

Co-locating teams has also worked well in relation to children's services and local housing authorities especially for 16- and 17-year-olds who become homeless.



This co-location has enabled prompt joint assessments and tailoring of support for the young person. Another example of good outcomes from co-location is providing opportunities for dedicated nurse practitioners to attend homeless drop-in centres to provide health advice to street homeless individuals and refer onto other health services as needed usually through the common ailments scheme.

All the practices outlined here adopted pan Wales can improve partnership working, knowledge of other services and provide a person-centred approach for those individuals needing help in addition to retaining or securing homelessness in order to prevent or relieve homelessness.

Cultural

We have already spoken several times about the fact that often for the public homelessness equals rooflessness and can only be resolved at point of crisis. This is because often a narrow definition of homelessness and who it affects is portrayed by the media or in the images we use. Another challenge in addressing what homelessness actually is, is some people see homelessness as being the result of personal choices either through behaviour or choosing not to use services that are readily available to them⁴⁶. However, the housing sector sees homelessness as a complex mix of socioeconomic factors coupled with an individual's level of resilience to manage shocks to personal circumstances which for some can increase their risk of experiencing homelessness⁴⁷. We need to ensure that when we seek to raise awareness of homelessness or provide training to the rest of the public sector in Wales that we highlight not only the visible end of homelessness but to also highlight the structural impacts that can have a significant impact on the likelihood of an individual experiencing homelessness.

⁴⁶ The plan to end homelessness. <https://www.crisis.org.uk/ending-homelessness/the-plan-to-end-homelessness-full-version/background/chapter-4-public-attitudes-and-homelessness/>

⁴⁷ Glen Bramley & Suzanne Fitzpatrick (2018) Homelessness in the UK: who is most at risk? Housing Studies, 33:1, 96-116, DOI: 10.1080/02673037.2017.1344957



One quick and easy way to do this is to be conscious of the images we use in documents to portray individuals who are homeless ensuring that these images do not portray a stigmatised image of homelessness or reinforce the image that being homeless equals rooflessness and/or sleeping on the streets. The centre for homelessness impact has produced a photo gallery of homeless individuals that provides free non stigmatising images of those facing or experiencing homelessness⁴⁸. It is vital that we change the culture and the narrative around homelessness it can be caused by poverty, it can be the result of trauma, spending time in custody or substance misuse. It does not always equal rooflessness and we as a public sector need to take a whole system approach to homelessness if we are to ensure that in Wales homelessness is rare, brief, and unrepeatable.

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?

Some local authorities in Wales are already utilising a multi-disciplinary approach for those individuals with multiple and complex needs. The initial outcome from this work is that it has improved engagement with services, helped foster good collaborative working practices and most importantly helped deliver good quality person centred outcomes for applicants. To further this good practice learning from existing multi-disciplinary teams needs to be shared pan Wales and help and support made available so that this becomes standard practice in local housing authorities when supporting individuals with multiple and complex needs. This is to include the expansion of the housing first programme as often this is the most appropriate housing option whilst enabling an individual to have their own home ensuring there is access to wrap around person centred support.

⁴⁸ Centre for homelessness impact. <https://chi.resourcespace.com/pages/home.php#>



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?

All the costs and benefits of this proposal have been considered.

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

There are no other groups of people that we believe would be disproportionately impacted by homelessness.

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

People with complex health needs, including mental ill health, substance misuse and those leaving hospital.

When speaking to our members it is clear that reliance on policy and accompanying pathways is not providing the level of collaboration between health and housing services needed to ensure homeless individuals with complex health needs can access health services as needed. Too often this multi-disciplinary practice is reliant on one staff member and doesn't always continue if they leave their role. We need to ensure that the duties to refer, cooperate and identify are used as the basis for strengthened multidisciplinary practice.

We have also heard from members who work in local authority areas where there are already multi-disciplinary teams that they increase the positive outcomes for individuals with complex health needs. There is also the added benefit of developing good working relationships where knowledge and expertise can be shared, further increasing the positive impacts seen. As previously stated, we



would like to see this multi-disciplinary approach become the standard practice to support those with multiple and complex needs that includes those with mental ill health and those who use substances including where these are co-occurring. To ensure this multi-disciplinary practice becomes standard pan Wales it is necessary to include it as an activity included as part of the proposed new duty to identify, refer, and cooperate.

We fully agree with the proposal to build on the work of the discharge to recover and assess system. Our Tyfu Tai Research "From Hospital to Home: Planning the discharge journey" recommended that housing play a more prominent role in discharge planning to enable better outcomes for the person being discharged⁴⁹. Care and Repair Cymru in partnership with the NHS have a project in place called hospital to a healthier home. They work in partnership with hospital staff the patient and family to identify and resolve housing and environmental issues that would prevent a hospital discharge. The service saved 25,000 bed days in 2021 and 100 per cent of patients using the service said that the project was key in helping them return home⁵⁰. Whilst this programme is primarily aimed at older people, we can take lessons from this project to help strengthen the work currently being done around improving and strengthening discharge planning.

We have heard from our members that as part of the improved discharge planning there is a need for similar levels of funding and a standardised process to support effective discharge planning. Discharge planning also needs to be trauma informed and person-centred mirroring the approach of housing services to ensure an individual can be discharged into a home that meets their needs together with a robust package of support to not only help prevent homelessness but any further admission into a hospital setting. We see the inclusion of ensuring

⁴⁹ From hospital to home; planning the discharge journey.
<https://www.cih.org/media/vdplutxt/from-hospital-to-home-final.pdf>

⁵⁰ Good Practice Compendium Sharing the lessons learnt from the Welsh Housing Awards 2022. <https://www.cih.org/media/euhkp544/0359-wha-gpc22-english-v1.pdf>



good discharge planning as part of prevention work as a welcome addition to the proposed new legislation.

Survivors of violence against women, domestic abuse, and sexual violence.

We welcome the widening of the definition of domestic abuse to mirror the definition included within the Violence Against Women Domestic Abuse and Sexual Violence (VAWDASV) Act and the proposal to work with applicants to retain their existing accommodation if they wish to do so. However, we feel that there is a need for wider promotion of the duties contained in the Social Services and Well-being Act for survivors of abuse who have a No Recourse to Public Funds (NRPF) condition. This will not only make the system clearer for applicants, but it will ensure frontline housing professionals are also clear about the duties they can access when supporting a survivor of abuse. This can be done through including it as part of the redrafted guidance that will be published alongside any new legislation.

Whilst the proposals to strengthen the housing support available to a survivor of abuse are welcome and will enable a survivor to remain in an area and retain vital access to support the expert review panel outlined further actions to help ensure survivors can access safe and secure accommodation. The additional actions considered how we manage the housing needs of the perpetrators based on the experience of practitioners and other stakeholders, who highlighted that often when a perpetrator is excluded from the home it is into homelessness with significant sanctions placed on them impacting their ability to access alternative accommodation. This can then result in them looking to seek entry back into the family home. Sometimes the survivor will also receive pressure from other family members to take the perpetrator back due to them being homeless. One pressure point is when a perpetrator is released from prison. The expert panel recommended that when a perpetrator of domestic abuse is being released from prison and there are valid reasons for not being able to place a prison leaver on an allocations list in an area due to proximity to the person they subjected to abuse, then they should be referred to another area. It is disappointing this



recommendation was not included in the white paper as it could help reduce the risk of the perpetrator trying to return to live with the survivor.

Not every perpetrator of domestic abuse goes to prison. As such there is a need to put in place steps to break the cycle of abuse. In Wales several local authorities are partners in programmes that seek to end the cycle of abuse and increase the safety of survivors by working with the perpetrators of abuse. One of these is based in the South Wales Police force and partners with the seven local authorities in their area. The DRIVE programme challenges the behaviour of high risk, high harm perpetrators of abuse. The programme has seen significant reductions in the levels of harm:

- 82% reduction in physical abuse,
- 88% reduction in sexual abuse,
- 75% reduction in harassment and stalking,
- 82% reduction in risk to victims⁵¹.

It is vital that survivors can have a home where they feel safe and secure and start working through the trauma they've experienced. Enabling them to remain in the home they have built close to their support networks. Yet we also need to have a longer-term wider view of the whole cycle of abuse. We have seen the positive impacts of working with perpetrators in South Wales. We need a wider view of the work needed to keep survivors of abuse safe by ensuring we also work with perpetrators to break the cycle of abuse.

Disabled people

We welcome the proposal for a legal requirement for local authorities to hold an accessible housing register. We have heard from our members that as part of this there needs to be guidance to ensure a consistent approach pan Wales to accessibility. This is possible something the disability taskforce could develop in partnership with housing providers.

⁵¹ Challenging harmful behaviour. Stopping domestic abuse. <https://drivepartnership.org.uk/>



Key to providing the right level of accessible housing in Wales

is legislating for a right to adequate housing. As part of this and to ensure the right level of accessible housing is provided it is vital that we understand what our existing stock looks like and identify future need to ensure everyone can access a home that meets their needs. This could be captured as part of a re-instated Welsh Housing survey which will give a wide view of housing from the number of properties in each tenure, to affordability, to the availability and location of accessible properties. It would need to be reviewed on an annual basis to ensure the data is up to date whilst also providing data on the changing need for and accessible housing availability.

We would have liked to have seen the requirement for an accessible housing register to also include consideration of the views of those with a disability on the existing stock availability and what they would also like to see for future development of accessible housing. There is also need to ensure the requirement for an accessible housing register is implemented in a person centred way so that we don't just build houses but homes within communities with accessible access to transport and other community services needed by disabled people.

People leaving prison

Many of the amendments proposed in relation to people leaving prison are strengthening what is currently in guidance or included in the national pathway and these proposals are welcome. We would however like to highlight some concerns around the proposals.

Early release

Whilst the planned release of prisoners subject to Multi Agency Public Protection Arrangements (MAPPA) works well often resulting in a property being available on day release, early release of other prisoners or accommodating those on bail has proven problematic. Our members have told us that often when a prisoner is considered for early release, they have little notice or are expected to hold



accommodation for a few days with no guarantee that the prisoner will be released on the proposed date. This is in contrast to MAPPA cases where often there is a significant lead time to prepare for release. The late notice or holding of accommodation for an early release can incur costs to the authority as well as taking a temporary accommodation unit out of general availability. If Welsh Government legislate for this change to support early release, then there is also a need for better planning of the release ensuring there is a multi-agency approach to early releases applying the good practice seen when agencies work together when planning the release of a prisoner subject to MAPPA conditions.

Local Housing Authorities with secure establishments in their area responsible for providing housing advice.

Whilst the interpretation of the duty to provide, information advice and assistance in accessing help may be a correct legal interpretation in that a local housing authority must provide housing advice to everyone living in their local authority area, we are concerned that this could place more pressure on frontline housing services in local authority areas where there is a secure establishment located. It is certainly not equitable as not every local authority area in Wales has a secure establishment. We would also question whether it applies to an individual who is only in a local authority area by virtue of receiving a custodial sentence. They did not choose to go and live in the local authority area it just happens the secure establishment where they are in custody happens to be in a specific local authority area. Current guidance for the legislation is clear that residence in prison does not establish a local connection⁵². We are unclear why it is now proposed that an enforced residence in a local authority area places a duty on the local housing authority to provide housing advice. Secure establishments in Wales are in areas of existing high demand for housing and homelessness services and it is likely that this proposal will further increase demand and pressure on frontline housing

⁵² Code of Guidance for Local Authorities on the Allocation of Accommodation and Homelessness. <https://www.gov.wales/sites/default/files/publications/2019-03/allocation-of-accommodation-and-homelessness-guidance-for-local-authorities.pdf>



professionals. We cannot currently support this proposal but will work with our members and Welsh Government to develop an equitable solution for providing housing advice to those in custody.

Retaining existing accommodation

We fully agree with the proposals to have a greater focus on retaining a prisoners existing accommodation when they enter custody. As part of strengthening this work at reception into custody we would like to see Welsh Government evaluate its current effectiveness and establish what is working well and what isn't working as well as part of any legislating for prevention work to start on day one of custody.

We also must be mindful around the DWP rules relating to prisoners and claiming for help with housing costs. If a prisoner receives a longer than 13 weeks sentence, they cannot claim housing costs for any period of their sentence. Also, if a prisoner is likely to be on remand for more than 52 weeks, they also cannot claim housing costs. There is no help if the individual has a mortgage⁵³. So even if an individual has accommodation when they receive a custodial sentence unless it is likely they will serve less than 13 weeks no housing costs can be claimed, and they are likely to lose that accommodation or come out of prison with significant arrears. Whilst retaining accommodation for release is a viable prevention option in practice it is a very difficult one to utilise when there is a tenancy involved.

Review of the national pathway

We welcome the proposed review of the national pathway. This review should also consider how and when risk assessments are provided to local housing providers. Prompt sharing of risk assessments will enable appropriate placements into temporary accommodation on release that reduces the risk of recidivism, ensures the right level of support is in place and that the accommodation provided is of the right type in the right place. The pathway or accompanying guidance should

⁵³ Benefits and prison. <https://www.gov.uk/benefits-and-prison/housing-benefit#:~:text=You%20will%20not%20be%20entitled,to%20return%20home%20on%20release>



also outline the timeframe for risk assessments to be reviewed and shared with housing register partners to enable robust move on plans to permanent accommodation. Any risk assessment will need to be person centred and trauma informed as part of a consistent approach to ending homelessness in Wales. Risk assessments should also be a strength-based assessment of risk so that the individuals can be supported to live independently with minimal support.

Any review of the national pathway needs to be undertaken alongside the development of any new legislation. It also needs to be published at the same time any new legislation comes into force. This was not the case for the Housing (Wales) Act 2014 and some of our members feel that this led to confusion as interpretation of the legislation varied between housing and HMPSS. By publishing pathways alongside enactment of any new legislation there will be a seamless change in ways of working and will make it clear to both stakeholders and those leaving the secure estate what duties they are owed, who is responsible to meet those duties and when these duties should be given. This will ensure an open, easy to access housing system that provides targeted specialised support for individuals facing homelessness as a result of a custodial sentence.

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

We welcome the proposed strengthening of the corporate parenting duties including the clarification that any 16- or 17-year-old at risk of or actually homeless meets the threshold for an assessment from children's services. However, it must remain the choice of the young person who they wish to receive their main support from together with who they would like to have the responsibility for



providing their accommodation. Though in making this choice the young person should be supported by someone independent from social services or the local housing authority so the pros and cons of each option can be fully explained allowing the young person to make an informed choice.

Yet the choice around whether to seek the support of social services or the local housing authority could be coloured by the benefit regulations set out by the UK Government. Under the benefit regulations a 16- or 17-year-old in the care of a local authority should have their housing costs paid for by the local authority until they turn 18. Any 16- or 17-year-old estranged from parents and not in the care of the local authority would have their housing costs paid for by benefits usually as part of universal credit⁵⁴. This disparity in the system needs to be solved to ensure that 16 and 17 years olds can both access and pay for accommodation of their choosing.

Whilst we welcome work to ensure that no care experienced young person gets lost in the system asking local housing authorities to make inquiries about every young person seems burdensome. As part of the assessment process many local housing authorities already ask young people if they have ever been in the care of a local authority. To ensure a young person does not fall through the gaps a more efficient way is for guidance on housing need assessments is to ensure a question on time spent in care is included. Where a young person states they have been in care at that point inquiries can be made and the duties of a corporate parent established.

⁵⁴ Universal Credit. <https://www.gov.uk/universal-credit/eligibility#:~:text=Claiming%20if%20you're%2016,re%20responsible%20for%20a%20child>



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 part of the clarification around corporate parenting responsibility we would like to see accompanying guidance for both social services and local housing authorities, recommend the development of a dedicated young person's housing pathway. We have heard from members that where these pathways are in place, they have enabled services to be streamlined and young people have benefited positively from having one point of contact together with a dedicated housing and support service. Making these pathways part of standard practice across Wales will provide clarification of roles and responsibilities for stakeholders whilst ensuring young people can access the right support at the right time. We would also like to see these pathways include priority access to family mediation services who can work with the young person and their families to retain accommodation where it is safe to do so.

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

We agree with this proposal in principle as it would widen the accommodation options for 16- and 17-year-olds. It would also enable those ready for independent living to not have to wait in supported or temporary accommodation until they turn eighteen. Yet as simple as this proposal seems on face value there are conflicts with benefit regulations that could make this proposal unworkable. As previously stated, if a 16- or 17-year-old is in the care of the local authority then the local authority is responsible for their housing costs until they turn eighteen. Yet a 16- or 17-year-old estranged from their parent can claim housing costs from



DWP⁵⁵. We need a way of ensuring a 16- or 17-year-old can access support from social services accessing all the benefits this provides but not actually be taken into care. Ideally splitting the support and housing elements with support provided by social services and housing by the local housing authority. This means a 16- or 17-year-old can not only access the right support at the right time but access accommodation when they are ready even if this is before the age of eighteen.

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?

All the costs and benefits of this proposal have been considered.

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?

Category 1 hazards

We fully agree with the proposal to make accommodation with category 1 hazards and accommodation deemed unfit for human habitation unsuitable. The report by the Senedd's local government and housing committee highlighted some of the poor conditions that were experienced by a number of households when placed into temporary accommodation in Wales⁵⁶. Whilst these experiences are in the minority nobody should be placed in poor quality accommodation and as such, we welcome this step in ensuring that where temporary accommodation is provided it is of good quality.

⁵⁵ Universal Credit. <https://www.gov.uk/universal-credit/eligibility#:~:text=Claiming%20if%20you're%2016,re%20responsible%20for%20a%20child>

⁵⁶ Welsh Parliament Local Government and Housing Committee. Homelessness. <https://senedd.wales/media/zs0jkb4g/cr-ld15717-e.pdf>



Shared sleeping spaces

We have taken this to cover both floor space in night shelters and a prohibition of the practice of placing a family into the same room in a B&B which happens occasionally and was highlighted in the Senedd's local government and housing committee report on homelessness⁵⁷. Research has shown the negative impact sharing sleeping space can have on a child through, worsening health outcomes, impact on educational achievement and the impacts from a lack of space to play⁵⁸. It is vital we provide temporary accommodation that does not rely on families sharing the same room and that children have access to space to play.

We have also heard from stakeholders and members that floor space provision can often trigger trauma for individuals and this can result in them making the choice to return to sleeping on the streets. We need to ensure that anyone accessing temporary accommodation can have their own space and that it meets their needs in a person-centred trauma informed way. We fully welcome the proposal to abolish shared sleeping spaces.

Parity on standards across the housing sector.

We fully agree with the standards for the provision of temporary accommodation to be the same no matter who is providing the accommodation. This provides clarity to applicants and ensures they can access good quality temporary accommodation no matter who owns and manages it.

⁵⁷ Welsh Parliament Local Government and Housing Committee. Homelessness. <https://senedd.wales/media/zs0jkb4g/cr-ld15717-e.pdf>

⁵⁸ Rosenthal, D.M.; Schoenthaler, A.; Heys, M.; Ucci, M.; Hayward, A.; Teakle, A.; Lakhanpaul, M.; Lewis, C. How Does Living in Temporary Accommodation and the COVID-19 Pandemic Impact under 5s' Healthcare Access and Health Outcomes? A Qualitative Study of Key Professionals in a Socially and Ethnically Diverse and Deprived Area of London. *Int. J. Environ. Res. Public Health* 2023, 20, 1300. <https://doi.org/10.3390/ijerph20021300>



Overcrowded accommodation at the point the main housing duty is owed.

We welcome the amendment to ensure that overcrowded accommodation is never suitable at the point the main housing duty is owed. Currently many local housing authorities and RSL's calculate overcrowding using the bedroom standard set by the DWP for housing benefit⁵⁹ so not to incur additional rent payments from the spare room subsidy regulations. However, we would like to see accompanying guidance to state that where an additional bedroom is likely to be needed in the next six months that the bedroom need of the household is amended as part of any considerations of suitability regarding the temporary accommodation used to satisfy the main housing duty. If this then triggers the spare room subsidy payment that DHP is used to cover these monies in the interim. This inclusion of an additional bedroom if it is likely to be needed in the next six months should also apply to offers of permanent settled accommodation.

Location

The consideration of location when offering longer term or settled accommodation is a welcome addition. It will enable households to maintain both formal and informal support networks together with access to employment, education, and medical facilities. However, one amendment we would like to see accompanying guidance to provide examples of what would and would not be considered as reasonable travelling distance. This to not only include the physical distance but also the length of time it would take to travel that distance depending on the household's access to transport. Any offer letter or correspondence around the offer of accommodation should also set out why the local housing authority feels the travelling distance is reasonable considering local circumstances.

⁵⁹ Housing Benefit. <https://www.gov.uk/housing-benefit/what-youll-get>.



Consideration of cultural needs.

Whilst we recognise the fact that in the short-term bricks and mortar accommodation may need to be offered to applicants from the Gypsy, Roma, and Traveller communities this cannot be the long-term solution. It is vital that we look to plan for the provision of transit sites in Wales so that culturally appropriate accommodation for Gypsy, Roma and Traveller communities is available. This is also a vital policy as part of becoming an anti-racist Wales.

Homeless at home

We support the proposition to formalise a homeless at home scheme on a national basis as this will significantly ease pressures on temporary accommodation. It will also provide reassurance to family members providing accommodation that their relatives will have the same level of priority as any other household in temporary accommodation and it is a temporary arrangement only. Often this reassurance is the difference between a family member accepting or not accepting relatives to reside with them while they wait for settled accommodation.

In addition, there should also be the option of moving into temporary accommodation if the wait for settled accommodation starts to put unreasonable pressure on family relationships. At all times the choice to become homeless at home should be the applicants and not used as the only option for temporary accommodation where space is available with family members.

Data on temporary accommodation

We welcome the proposal to increase the level of data available around temporary accommodation in Wales. The data on the number of units, provider type, accommodation type could be provided within an annual Welsh Housing Survey. Data on who is accessing the accommodation including protected characteristics could be included in revised data returns. It will enable evaluation of progress being made to transition to rapid rehousing. It will also provide information on the profiles of households more likely to use temporary

accommodation which in turn could provide further opportunities for targeted prevention work.



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

We agree in principle with most proposals around the allocation of social housing and management of housing waiting lists. Though there are areas where the proposals may cause some unintended consequences or may be seen to be not necessary considering other proposals made.

Referrals to RSL's and Common Waiting Lists/Allocation Policies

There is a proposal to make it clear in legislation that an RSL cannot unreasonably refuse a referral from a local housing authority. The aim being to ensure allocations policies are used more effectively as a lever to end homelessness. Whilst we understand the thinking behind such a proposal, we are not convinced that this separate proposal is necessary considering the proposal to introduce legislation to require the use of common housing registers and common allocation policies in each of the 22 local authority areas in Wales.

Where common housing waiting lists and common allocations already exist in Wales there is often the inclusion of management decisions when making allocations. These decisions cover direct allocations for MAPPA prison leavers, to making a managed allocation for individuals with multiple and complex support needs or to ensure an adapted property is matched to an applicant's needs. These arrangements work well and ensure appropriate allocation of a property to an applicant with all partners working together for the best outcome. By ensuring that common housing registers and common allocation policies are standard practice we can ensure this holistic and collaborative way of working can continue as it provides an equitable solution for everyone involved. We are not sure that by



using punitive legislation to mandate allocations we are fostering the right relationship between local authorities and RSL's.

Rather the allocation of housing should be a collaborative partnership arrangement with everyone working together to ensure an applicant can access the right housing, in the right place at the right time, including the right support to meet the needs of the applicant and their household. This also needs to include opportunity for the views of those living in the local authority area to be considered. This can be achieved by having a statutory consultation period whenever a new allocations policy or significant changes to how reasonable preference is applied to different households is proposed by a local housing authority.

In addition, by having common housing registers and common allocation policies we can ensure that there cannot be any perception of a public body having control over and RSL. This will avoid any unintended impact on the ONS's current classification status of RSL's. Rather it will ensure the status quo is retained and no further amendment to regulatory procedures needed.

Unacceptable behaviour test

We agree with the change to the test, so it is only applied when an applicant has breached the anti-social behaviour clause contained in the renting homes act. We would however, like any accompanying guidance to outline that there must have been a conviction for the behaviour. The person guilty of the behaviour does not have to have held a tenancy and the decision to exclude must be the majority decision of the partners of the common housing register and common allocations policy. The officer making the decision must be a senior housing professional within the local housing authority and any partner organisation e.g., the housing manager. At the point a decision to exclude from the waiting list is made there needs to be an assessment of any unmet support needs with support put in place as needed as part of a trauma informed person-centred approach. Also, in line



with homelessness legislation the applicant should have the right to review the decision to exclude them from the waiting list. The decision to exclude must also be reviewed every six months by the local housing authority and their partners so that it provides the applicant with an opportunity to amend their behaviour and if positive changes made considered to be included on any common housing register. It cannot be seen as a one-time decision.

Removing people with no housing need

There have been previous attempts by local housing authorities to remove those with no housing need from their housing registers, but this faced backlash from potential applicants and on occasion elected members. As a result, many local authorities now have a process where those applicants in no housing need are allocated a band or a reduced number of points to reflect the fact that there is no current housing need effectively resulting in them not having any reasonable preference on the waiting list. If the aim of this proposal is to make data returns easier and more accurate, then perhaps a better proposal would be the including of no housing need bands as part of any common housing register or common allocation policies which can be excluded from any data returns. This would involve some work at its implementation but would ensure that social housing remains open to anyone with acknowledgement in the relevant common allocation policy that some people will be classed as having no housing need and in the current housing market unlikely to secure a social housing tenancy. If, however, their circumstances change resulting in them meeting the definition of being in housing need their level of reasonable preference would be assessed with any change applying for the date the local housing authority was notified of the change.



Providing additional preference to people experiencing homelessness, care experience people and those fleeing abuse.

Whilst we understand the reasoning behind this especially in light of rising homelessness and use of temporary accommodation, we have some concerns about its use in practice.

It has been argued that social exclusion and homelessness are linked. With homelessness being a consequence of social exclusion as well as homelessness creating social exclusion⁶⁰. Social exclusion can also be defined as when a person is not socially integrated as they are not able to access employment, are not able to access state provided services or have limited access to family and friends and the support that they can provide⁶¹. It is these social support networks that provide resilience for an individual when having to manage a change in circumstances. A lack of access to these networks may reduce an individual's level of resilience which in turn can heighten the risk of homelessness whether for the first time or repeated homelessness⁶². We have heard from members that due to pressure in the system homeless households will be offered a property and will be expected to accept the offer even if it is a distance away from established support networks. This has then led to tenancies failing and a repeated cycle of homelessness for some individuals. When looking to end homelessness it should not just be about providing four walls and a roof. We are providing someone with a home and we should do everything we can to ensure that they can thrive where they are. This must mean ensuring they can access existing support networks and can be part of a community. Often informal support networks are key to an individual building resilience and recovering from the trauma of becoming homeless. Allocation of social housing cannot be "here's a property with some support but its three bus

⁶⁰ Clapham, D. & Evans, A. (2000) Social exclusion: the case of homelessness. In A. Anderson & D. Sims (eds) Social Exclusion and Housing: Context and Challenged. Coventry: Chartered Institute of Housing.

⁶¹ Clapham, D. (2007) Homelessness and Social Exclusion.
<https://doi.org/10.1002/9780470773178.ch5>

⁶²Glen Bramley & Suzanne Fitzpatrick (2018) Homelessness in the UK: who is most at risk?, Housing Studies, 33:1, 96-116, DOI: 10.1080/02673037.2017.1344957



journeys from your informal support network". If we want to ensure that homelessness is rare, brief and non-repeated we also need to ensure that by prioritising homeless households in allocations policies we do not exclude them from their established networks making them feel excluded, and thus increasing the risk of homelessness occurring again. Ending homelessness needs to be person-centred trauma informed and be able to give the household choice and agency when securing their next home.

We also need to consider if everyone who is homeless is given more priority how we decide who is next provided with a home when the property is in the right area for two people who have the same level of waiting time and the same priority on the waiting list. Whose decision is it as to who gets the property? Whilst we have a shortage of stock these will be difficult decisions for allocations teams to make if this is included in any future legislation. It could also increase the level of trauma for individuals if they know someone in the same circumstances was given first choice.

Whilst we understand the need to ensure homeless applicants and their households can access settled accommodation in as short a time frame as possible, we also need to consider the impact this could have on existing social housing tenants. When managing housing registers, social landlords also ensure existing tenants have a home that is suitable for their needs. No-one is denying that a homeless household has an urgent housing need but is it reasonable for existing tenants to live in overcrowded homes, or homes that do not meet their changed physical needs? As the prioritising of homeless households could run the risk of increasing waiting times for existing social housing tenants. We also need to ensure our ageing population can downsize as needed enabling increased availability of larger family homes. This was highlighted in our Tyfu Tai Cymru research "Right place, right home, right size" which outlined that providing choice for tenants is needed as people's circumstances change over time and tenants involved in the research shared concerns around disability, illness and changing physical needs all of which need to be considered when looking to ensure our



existing tenants also have a suitable home⁶³. This is further supported in our Tyfu Tai Cymru research into housing allocations which highlighted in its recommendations the impact of inadequate housing on health and wellbeing⁶⁴. We need to ensure that local housing providers and their partner RSL's can allocate a percentage of their newly available housing stock to meet the needs of existing tenants. Unless this provision is put in place it could result in a tenant making a homeless application because their medical needs or family size makes their current home unsuitable. An easier way surely is to ensure that a percentage of social housing stock is always reserved for existing tenants to ensure movement in the system which is likely to also release properties of the right type, size, and location to provide a home for a homeless household.

We acknowledge it is a difficult balancing act to ensure existing tenants and homeless applicants can access a suitable home in as short a time frame as possible. Yet due to the chronic under-supply of social and affordable housing Governments have used assessments of housing needs as a form of formal rationing seen as necessary to manage dwindling supply⁶⁵. We note that the Welsh Government remains committed to addressing this specific issue around dwindling supply of affordable homes in Wales through its commitment to supplying 20,000 new low-carbon homes at social rent over the lifetime of this Senedd term. In order to achieve an outcome where homelessness in Wales is rare, brief, and unrepeatable, we need to ensure that there is a right to adequate housing enshrined in law. Legislating for a right must be the starting point on a journey that sees a commitment to the level of investment needed that reflects the gravity of the housing crisis we currently face, ensuring that all public services in Wales work together to ensure individuals and their families can access a safe,

⁶³ Right place, right home, right size? Increasing housing mobility for social housing tenants in North Wales. <https://www.cih.org/publications/right-place-right-home-right-sizeeur>

⁶⁴ Time to re-focus? A review of the allocation of social rented housing in Wales within the context of COVID-19. <https://www.cih.org/publications/time-to-re-focus-social-housing-allocations>

⁶⁵ Lidstone, P. 1994. Rationing housing to the homeless applicant. *Housing Studies*, 9 (4), 459-72



secure, and affordable home in the right place at the right time to enable their household and the community they live in to thrive. To ensure nobody feels excluded and individuals can build their resilience and overcome the trauma of becoming homeless.

Introduction of a deliberate manipulation test

The aim of this test is to reduce a homeless applicant's reasonable preference for social housing where it can be evidenced that there has been deliberate manipulation of the homeless system. This could be very difficult to prove. But we think that it is slightly more complicated than that. Crisis as outlined in their plan to end homelessness that the public often lack a robust understanding of the concept of homelessness prevention. People also see addressing homelessness with intervening in a time of crisis rather than something that can be prevented if help is sought earlier⁶⁶. So rather than individuals seemingly manipulating the system to their gain is it simply just a consequence of a lack of awareness raising on what it actually means to be homeless. We need to work to end the public perception of homelessness equalling rooflessness by ensuring the public understand the benefit of early action and even if you have somewhere to stay you could still be at risk of homelessness. This could be done through extensively promoting the availability of prevention services and the fact that the earlier help is sought the better it may also stop you from losing your place to stay. It's time to flip the narrative applicants are not manipulating the system often they are simply not aware of the help that is available to them.

If this test is to remain in the legislation its application will need to establish whether there were any unmet support needs. The decision to reduce reasonable preference would also need to be subject to review in line with other decisions relation to homelessness and the allocation of social housing. We have heard from our members that they support the inclusion of a robust review or appeal process

⁶⁶ The plan to end homelessness. <https://www.crisis.org.uk/ending-homelessness/the-plan-to-end-homelessness-full-version/background/chapter-4-public-attitudes-and-homelessness/>



when the deliberate manipulation test is applied. This process would also need to ensure that the household can provide evidence as part of the process or secure support to help them navigate a review or appeal process. In addition, the whole process of applying the deliberate manipulation test would need to be applied as soon as it becomes apparent the applicant is trying to deliberately manipulate the homelessness applications process. This will ensure that an appeal or review can be heard in a timely manner and does not affect a registered social landlords or local housing authorities' ability to allocate properties once they are ready. Any delay to the application of the test or the review or appeals process could impact the length of time a property is held void. Something that should be avoided given the shortage of social housing in Wales.

We do have concerns that the inclusion of this test could result in the unintended consequence of increasing the length of time a household or individuals spends in temporary accommodation. This would negatively affect the household as despite best efforts to avoid their use some Local Authorities are having to utilise hotels or B&B accommodation to meet their statutory duty to provide temporary accommodation. Yet for many this accommodation is not suitable. In many cases, families are sharing one room with little to no space for children to play or study. Single people may need to share bathroom facilities or are asked to leave their accommodation during the day. The lack of cooking facilities or places to adequately store food means that many are reliant on takeaways which as a time of rising unaffordability is negatively impacting their ability to effectively budget or save. If we reduce a household's preference on the waiting list, we are then asking them to remain in often poor-quality temporary accommodation for longer periods of time increasing the risk of harm.

There is also a risk of increased costs to a local authority through extended stays. A recent article by Inside Housing highlighted that the total cost to provide temporary accommodation had more than doubled to £40m with some local authorities seeing a 1000 per cent increase in the money spent on providing



temporary accommodation. This increased spend comes at a time when inflation is already squeezing local housing authority budgets. Whilst we understand why this test is included there is a very real risk of it increasing the financial burden being faced by local housing authorities at a time when budgets are being cut to meet budget shortfalls due to inflation.

These potential unintended consequences need to be fully considered as part of any decision making around the inclusion of the deliberate manipulation test.

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

We agree in principle with the proposals for additional housing options for discharge of the main housing duty. However, for some there are amendments or additional guidance that we feel need to be in place before this proposal is fully implemented.

Supported Lodgings or other supported accommodation

Whilst we agree that this is likely to be the most suitable option for some applicants especially those with multiple complex support needs there is a need to consider how this accommodation would be financed. The support element of supported lodgings or supported accommodation is partially or fully funded by housing support grant. Research has shown that housing support grant services provides a saving of £1.40 for every £1 spent on providing support⁶⁷.

⁶⁷ Evidencing the Impact of The Housing Support Grant in Wales.
<https://www.cymorthcymru.org.uk/wp-content/uploads/2023/05/Evidencing-the-Impact-of-HSG-ENG.pdf>



The amount of revenue funding provided to the Housing Support Grant was increased during the Covid-19 pandemic to help support agencies navigate the increased need for support against the background of the no one left out policy. Yet the level of funding for the housing support grant was frozen for 2023/24 and is again frozen in 2024/25 against a backdrop of rising inflation. This has resulted in a real term cut to the level of funding available.

We have heard from members that some support services are being decommissioned due to rising homelessness levels in tandem with budgets being squeezed. There have been some increases to price bands to enable wage rises to combat cost of living pressures for support staff. This in turn has reduced the amount of support that can be provided. Though without the price band increases the scheme may not run due to a lack of staff. In addition, there are concerns around the allocation of the old s.180 funding redistribution which could leave some local authorities losing out on more funding, reducing the number of support schemes that could be operated as part of preventing and relieving homelessness. So that we can ensure this is a viable housing option to discharge the main housing duty there needs to be an appropriate level of funding.

As part of utilising supported lodgings or supported accommodation we acknowledge the fact that there is a proposed six-month review of the ongoing suitability of the accommodation. Yet there also must be a mechanism whereby the provider of the supported lodging or supported accommodation can also ask for a resident to be placed in alternative accommodation where the support provided is no longer meeting the needs of the resident. This could be they no longer need the level of support provided or the level of support is not enough for the applicant. This to be accompanied by a process where an individual can be moved into a more appropriate accommodation setting quickly so that they are able to access the right level of support for their needs in a timely manner.



Parents and family

The ability to discharge the main housing duty is already there in legislation though it is rarely used. Often it is difficult to secure accommodation with family as you are effectively asking two households to form one household which can prove difficult. It can also reduce reasonable preference on a housing register as the household is now seen to be adequately house. Surely it would be better to retain the use of this accommodation option as it is currently within the legislation and add in the option of homelessness at home scheme. The purpose of homeless at home is to ensure there is parity with the level of priority on waiting list afforded to those who are in temporary accommodation. This recognises the fact that a placement with parents or family is often temporary. This solution also provides reassurance that family is not expected to help on a long-term basis as this can affect relationships. As such we would like to see any placement with family or parents on a long term basis to also attract a higher level of reasonable preference which can reduce the amount of time someone has to stay with family helping to ensure we can maintain valuable family ties

Making accommodation reasonable to occupy

We welcome the focus on ensuring a survivor can remain in their home in an area where they can access existing support networks. Yet in using this housing option we must use caution. The expert review panel heard from practitioners and other stakeholders that often when a perpetrator is excluded from the home it is into homeless with significant sanctions on them being able to access alternative accommodation. This can then result in them looking to seek entry back into the family home. Sometimes the survivor will also receive pressure from other family members to take the perpetrator back due to them being homeless.

It is vital that survivors can have a home where they feel safe and secure and start working through the trauma they've experienced. Enabling them to remain in the home they have built close to their support networks. This is why we welcome the focus within the white paper to enable survivors of abuse to remain in their home.



Yet there is also a need as part of this for a longer-term wider view of the whole cycle of abuse. We have seen the positive impacts of working with perpetrators in South Wales. In Wales several local authorities are partners in programmes that seek to end the cycle of abuse and increase the safety of survivors by working with the perpetrators of abuse. One of these is based in the South Wales Police force and partners with the seven local authorities in their area. The DRIVE programme challenges the behaviour of high risk, high harm perpetrators of abuse. The programme has seen significant reductions in the levels of harm:

- 82% reduction in physical abuse,
- 88% reduction in sexual abuse,
- 75% reduction in harassment and stalking,
- 82% reduction in risk to victims⁶⁸.

When looking to improve the safety of and aid survivors cope with the trauma they have experienced we also need to consider how we can prevent the abuse from happening in the first place as part of a whole system approach to homelessness prevention.

This is likely to be a long-term piece of work as we work towards ensuring the cycle of abuse. As such we need to ensure survivors have accommodation that is safe and secure for them to occupy. When making a decision that is reasonable for the survivor of abuse to return to their home, we would like to see court appointed Independent Domestic Violence Advocate (IDVA's) to be part of any decision making. In addition, where the survivor has been discussed as part of a Multi-Agency Risk Assessment Conference (MARAC) assessment of risk should also be provided by MARAC and be considered as part of the decision-making process.

Ultimately the decision on whether to remain in accommodation in these circumstances should be the applicants and they should not be penalised if they

⁶⁸ Challenging harmful behaviour. Stopping domestic abuse. <https://drivepartnership.org.uk/>



decide they do not feel safe remaining in the property and would prefer to move away from the area.

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

There are no costs or benefits that have not been accounted for in relation to access to housing.

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

We think the proposals outlined will support the implementation of the proposed reforms. However, we would also like to see some of the learnings both positive and negative to be used when designing an implementation plan.

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?

Good data and the availability of good data needs to form part of the mechanisms used to hold local housing authorities and other public bodies accountable. A vital part of this is the ending homelessness outcomes framework. This has provided detailed data outcomes that will be measured and developed to measure progress in ending homelessness in Wales. However, this framework is based on the current legislative framework so will need to be amended and updated when new legislation comes into force. To ensure it is effective as a monitoring mechanism these changes need to be made to ensure that the framework is issued and in use on the same day the legislation comes into force. Any delay to amending the homelessness outcomes framework so it mirrors legislation could adversely affect Welsh Government's ability to hold local housing authorities and public bodies accountable for their roles in achieving homelessness prevention.



The new homelessness data framework does include more detailed data that could be onerous and place further administrative burdens on already time pressured local housing authorities. It has often been suggested by local housing authorities that there is one central database where homelessness cases are recorded enabling Welsh Government to pull off data on an as needed basis. It has also been suggested that Wales' data collection system mirror England's. In England local housing authorities manage their case data on statutory homelessness using specialist software that generates the appropriate data needed for the data submissions which are submitted through a government portal. By producing a similar system in Wales, it will enable local housing authorities to continue to manage their cases as needed whilst streamlining the process involved in producing the data needed by Welsh Government to monitor homelessness levels in Wales. This data system will also assist in meeting the proposal to monitor a local housing authorities' data as part of strengthening the implementation process and moving towards a Wales where homelessness is rare, brief, and unrepeated.

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?

All costs and benefits have been accounted for.



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?

Local Authorities and public sector bodies will have duties placed on them to ensure that they do not treat the Welsh Language less favourably than the English language. Any new service put in place or policy made by these organisations would also have to include an equalities impact assessment that would include any impact on the use of the Welsh Language. As these procedures and duties have been in place for some time the proposals contained in this white paper are likely to have a negligible effect on the opportunities for people to use Welsh.

About CIH

The Chartered Institute of Housing (CIH) is the independent voice for housing and the home of professional standards. Our goal is simple - to provide housing professionals and their organisations with the advice, support, and knowledge they need to be brilliant. CIH is a registered charity and not-for-profit organisation. This means that the money we make is put back into the organisation and funds the activities we carry out to support the housing sector. We have a diverse membership of people who work in both the public and private sectors, in 20 countries on five continents across the world. Further information is available at: www.cih.org.

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