

White Paper on Ending Homelessness in Wales

Reform of the existing core homelessness legislation

Q1. Do you agree these proposals will lead to increased prevention and relief of homelessness?

Yes

Q2. What are your reasons for this?

The proposals amending the prevention and relief duties upon local housing authorities are largely realistic and proportionate, and based upon the evidence as set out in the Expert Review Panel's investigation into homelessness legislation.

The extension of the period within which an individual can be deemed as at risk of homelessness to six months (in line with notice periods afforded by the Renting Homes Act) is sensible, and ought to provide greater opportunities for preventative work to be carried out by local authorities and third sector services. It is likely that caseloads will grow as a result of this longer window, but we would hope to see more proactive work and longer-term thinking, rather than cases being left until the last minute.

The proposal creating a duty for Local Housing Authorities to draw up a personal housing plans (PHPs) for all applicants is welcome and should provide a greater consistency of approach between different authorities. PHPs are a valuable tool for promoting person-centred support and should be a holistic assessment of all the needs of the individual seeking assistance, including mental and physical health, substance use, and criminal justice needs in particular.

The PHP approach is a recognition that there are multiple complex and overlapping factors that must be addressed in order for an individual to successfully maintain a tenancy. We also welcome the proposal that these plans should be co-produced with the applicant (rather than drawn-up and enforced on them), and that they should be subject to regular reviews.

Q3. Are there additional legislative proposals you think we should consider to improve the prevention and relief of homelessness?

No. We agree that with the removal of the priority need and intentionality tests, the relief duty is also no longer needed. The main legislative intervention needed to strengthen prevention working is the extension of the period of time in which an individual can be assessed as at risk of homelessness, from 56 days to six months. This will allow local services to better manage caseloads proactively, however this will not be achieved through a change in legislation alone. It will also require robust statutory guidance to ensure that the full six-month period is used effectively, as well as adequate financial resources to ensure staff are able to focus on prevention work rather than needing to prioritise emergency placements.

Q4. Do you agree with our proposal to abolish the priority need test?

Yes

Q5. Do you agree with our proposal to abolish the Intentionality test?

Yes

Q6. Do you agree with our proposal to keep the local connection test but add additional groups of people to the list of exemptions to allow for non-familial connections with communities and to better take account of the reasons why someone is unable to return to their home authority.

No, we believe that the local connection test should be scrapped altogether. However, we recognise that this is a step in the right direction, adding extra exemptions where the test will not be applied will provide some reassurance for specific groups of people, including those fleeing domestic violence and LGBT+ people.

We are also open-minded about trialling new reciprocal arrangements between local authorities; for example, one local authority may be prepared to accept a duty to assist an individual from outside their area if there would be a guarantee that the originating authority would assist an individual moving in the opposite direction. Alternatively, Welsh Government could trial a national funding model with flexible budgets ringfenced for individual clients wherever they present to services.

If the final decision is taken to retain the local connection test, then there needs to be a renewed focus on reconnection, and a genuine offer of support to help people engage with support in their home county, rather than simply paying for a bus or train ticket and abdicating from any further responsibility.

Q7. The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

The costs and benefits of each proposal set out in the Regulatory Impact Assessment seem fair and comprehensive.

The role of the Welsh Public Service in preventing homelessness

Q8. Do you agree with the proposals to apply a duty to identify, refer and co-operate on a set of relevant bodies in order to prevent homelessness?

Yes

Please give your reasons:

Yes, the statutory duty to identify, refer and cooperate will be a valuable tool to promote the cross-sector collaboration needed across all public services, for the holistic, person-centred response to homelessness.

Q9. Do you agree with the proposed relevant bodies, to which the duties to identify, refer and co-operate would apply? Would you add or remove any services from the list?

We believe that the list of public bodies proposed in the white paper to assume the duty to identify refer and co-operate is a good starting point. Social services departments and registered social landlords are obvious inclusions, as are the Local Health Boards. Although primary care services are singled out as a priority area here, we would also advocate strongly for the duty to apply equally upon secondary care services too, in particular for specialist mental health and substance use services. We would also like to explicitly include services such as health visitors and community nursing, which can often be a key trusted point of contact who can effectively signpost and refer on to other services.

We also agree that the eight non-devolved organisations and bodies identified in the white paper also ought to be subject to the duty to identify, refer and co-operate. Whilst we recognise the complexity of enforcing this duty whilst the Welsh Government lacks the powers to legislate in these areas, it should be readily apparent to each of those bodies that it is their interest to co-operate and prioritise prevention work. Failing to prevent an individual from experiencing homelessness will obviously have a greater financial impact later down the line, as demands for their services could increase in volume and complexity.

We note that education has been excluded from the list of proposed relevant bodies to be subjected to the new duty, because of a pre-existing Government policy to reduce the administrative burden upon teachers. However, we believe that to exclude education would be a missed opportunity. In particular, we believe that Pupil Referral Units and schools for pupils with special educational needs must be included in this duty, due to the disproportionately high numbers of young people in contact with these specialist services who go on to experience homelessness later in life. We also believe that Welsh universities have role to play when identifying students at risk of homelessness and referring them to the most appropriate services.

The Expert Review Panel recommended that private landlords should also have a duty to refer tenants at risk of homelessness, and this is something we would also strongly support given the high number of homelessness presentations resulting from evictions in the PRS. The ambition to end all evictions into homelessness within the social rented sector is an important one, and we would like to see this ultimately extended to all forms of tenure. A duty for private landlords to identify and refer could be a useful tool for progressing this agenda. We note that the Welsh Government has not included such a duty in its white paper proposals, preferring instead to consider this as part of parallel policy development in relation to adequate housing, fair rents and affordability. We can accept this, so long as it does not lead to undue delays, as this could leave PRS tenants at disproportionate risk of homelessness without these protections.

Q10. In your view have we struck the right balance between legislative requirements and operational practice, particularly in relation to health?

It will be difficult to determine whether an appropriate balance has been struck until the legislative changes have been implemented and we can assess the extent to which public bodies are effectively acting under the new duties. We will expect the Welsh Government to keep a close eye on the relevant bodies after implementation to ensure that the changes are having the anticipated effects.

Q11. What practical measures will need to be in place for the proposed duties to identify, refer and co-operate to work effectively? Please consider learning and development needs, resources, staffing, location and culture.

The Welsh Government needs to develop robust guidance for all affected public bodies, based upon the best practice found in existing partnership arrangements, to ensure that they are able to effectively collaborate to support clients at risk of homelessness. This will be a significant cultural change for organisations that are used to silo working and considering their work in isolation to that of the wider public sector, and needs to be given time, resources, and continuous championing by senior strategic leaders. In the current financial climate of shrinking budgets and growing demands, there must be a relentless focus on preventative working, and an acknowledgement that proactive, collaborative work now will ultimately save money in the longer term. Staff need greater assurance that budgets will be maintained over multiple years in order to deliver these long-term preventive services, but instead face short-term temporary contracts and the need to fight each year just to maintain frozen budgets.

Training for staff who are not necessarily experienced in housing and homelessness issues will be vital. However, we feel that there are opportunities for this to be delivered in line with existing training programs being rolled out to Welsh public services. For example, training is currently being rolled out for the Trauma-Informed Framework for Wales, across all public services, and there could potentially be significant cross-over between this and new training around identifying those at risk of homelessness. Similarly, there may be efficiencies to be had by incorporating this training into the curriculum for existing safeguarding training.

Q12. In addition to the broad duties to identify, refer and co-operate, this chapter contains proposals to provide enhanced case co-ordination for those with multiple and complex needs. To what extent will the proposals assist in preventing homelessness amongst this group?

We believe that enhanced case co-ordination for people with multiple and complex needs would be a significant benefit for the people we support, as many (if not most) people experiencing or at risk of homelessness are typically in contact with several different services to receive support in different areas. Case co-ordination could provide more person-centred support, that is able to engage the right agencies at the right time, reduce duplication and delays, and mean that clients do not need to constantly redisclose their personal circumstances and histories of trauma to each new agency they are in contact with. A single trusted advocate could be empowered to ensure that they get just what they need.

The Expert Review Panel recommended that the enhanced case co-ordination approach should be available for any individuals in contact with two or more services, whereas the proposal in the white paper is for individuals in contact with three or more services. There is a risk that a significant number of individuals could miss out on vital person-centred approach as a result of the latter proposals, which we believe ought to be made available for anybody who needs them. Rather than arbitrarily restrict this support based upon the number of services an individual is in contact with, access to case co-ordination should be based upon the needs of the individual, wherever it is considered that it may be beneficial. If this service is restricted to clients in contact with multiple services, the Welsh Government must clearly define which services will be counted and which disregarded (for example, would the service recognise engagement with food banks, religious and community groups, or other non-statutory services?)

Q13. The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

The costs and benefits of each proposal set out in the Regulatory Impact Assessment seem fair and comprehensive.

Targeted proposals to prevent homelessness for those disproportionately affected

Q14. Are there other groups of people, not captured within this section, which you believe to be disproportionately impacted by homelessness and in need of additional targeted activity to prevent and relieve this homelessness (please provide evidence to support your views)?

The seven distinct groups of people identified in the white paper as being at disproportionate risk of homelessness is a good starting point, and we agree that each of these groups is deserving of special consideration. We would like a little more detail on how rigidly each group will be defined; for example, would people experiencing mental illness only include those with formal diagnoses, or would it also be flexible enough to include individuals with undiagnosed conditions?

We note that there is considerable focus in this section on the needs of young people at risk of homelessness, which is something we strongly support given the number of different agencies involved, as well as the importance of early intervention to prevent a lifetime of difficulties in the homelessness system. We support the particular focus on continuity of care for 16- and 17-year-olds as they navigate the transition from children's to adult's services, as it is essential that we close these gaps in provision where young people can fall through the cracks and become disengaged from the support they need.

We believe that there are a number of other groups with intersectional needs not included here, that may also require further consideration to ensure that they are not disadvantaged by inaccessible or inappropriate service provision.

Firstly, services must be available for neurodivergent people, including those with diagnosed or undiagnosed autism, ADHD, dyslexia, and dyspraxia, as well as people with acquired brain injuries which can cause similar difficulties.

Secondly, consideration should be given to ensure services are available for older people, particularly those with specific needs around loneliness and isolation. We have found that older people, especially those who are bereaved or otherwise single, can often have reduced social support networks and see less of their family and friends, meaning fewer opportunities for someone to notice when they are struggling. Older people are also more likely to have specific health and care needs that may be harder to access when homelessness or insecure housing is also a factor.

Thirdly, we believe that there should also be recognition of the role of race as a risk factor for homelessness. Black, Asian and other non-white people are disproportionately more likely to experience homelessness. As well as Gypsy, Roma and Traveller communities, where services are often unsuited to meet their specific housing needs. Where services are unused to supporting people from diverse backgrounds, staff may have unconscious biases or may unintentionally create additional barriers to engagement.

Finally, Welsh Government should ensure that legislation is inclusive of the specific needs of LGBT+ people, particularly trans and non-binary people who can face particular barriers in accessing appropriate services, despite being at an increased risk of homelessness. In our experience, LGBT+ people can often have a distrust of mainstream services due to past failures, which means that they may opt for unsafe or unstable accommodation options over what is on offer from local housing services.

Q15. What additional legislative or policy actions could be taken to prevent or relieve homelessness for the groups captured by this White Paper?

The Expert Review Panel recommended that statutory guidance published by the Welsh Government ought to be amended to provide more clarity to local housing authorities in the application of the Public Sector Equality Duty to the homelessness system (ERP Recommendation 17). This should provide detailed examples of the sort of targeted work that authorities need to carry out to ensure that their services are accessible and appropriate for the groups identified here as being at a disproportionate risk of homelessness.

Another recommendation made by the Expert Review Panel but not currently included in the White Paper proposals concerned referrals between housing and mental health services. Recommendation 123 proposes that local housing authorities and support workers are added to the list of agencies able to make a direct referral for an assessment with Local Primary Mental Health Support Services, under Section 6 of the Mental Health (Wales) Measure 2010.

We know that people experiencing homelessness disproportionately suffer from poor mental health but can face significant barriers in accessing the right support. The ability of housing support workers to directly refer clients for an assessment would be genuinely revolutionary, speeding up the process of getting support in place, and addressing the gatekeeping that currently occurs for people with the most complex needs.

Alternatively, we would like to see Welsh Government legislate to allow mental health screening as a standard part of the homelessness application process: upon presenting to a local authority as requiring homelessness relief, individuals would be automatically referred for a mental health assessment. We believe that the scale of the mental health crisis within homelessness more than justifies such an intervention.

Q16. Our proposals related to children, young people and care experience seek to improve and clarify links between homelessness legislation and the Social Services and Wellbeing Act. Significant policy development is required to assess the practicality of this. What, in your views are the benefits and challenges of our approach and what unintended consequences should we prepare to mitigate?

We have no strong view on the proposals related to children and young people, as the majority of our services are targeted at adults only. Nevertheless, we recognise the importance of getting the right support in place for young people and agree that work to streamline homelessness legislation alongside provisions within the Social Services and Wellbeing Act will be important to ensure early prevention work for care-experienced young people who face a disproportionate risk of homelessness. We have argued elsewhere in this response that the safeguarding duties introduced by this Act could form a useful model for all public services to consider the risk of homelessness amongst the people they support.

Q17. Do our proposals go far enough to ensure that 16 and 17 year olds who are homeless or at risk of homelessness receive joint support from social services and local housing authorities? What more could be done to strengthen practice and deliver the broader corporate parenting responsibilities?

Yes, a legislative duty to identify, refer and cooperate should ensure that social services and local housing authorities work together to deliver joined-up services. Successful cooperation will depend upon robust guidance setting out expectations from all parties, as well as training and resources to ensure that all staff understand their role within the wider system.

Q18. Do you agree or disagree that the Renting Homes (Wales) Act 2016 should be amended to allow 16 and 17 year olds to be able to hold occupation contracts?

We do not have a firm view either way on this proposal, as although there are obvious benefits to treating 16- and 17-year-olds equal with adults in terms of their ability to hold and maintain a tenancy, there may also likely legal complications arising from this change. In our experience, age is a fairly arbitrary criteria upon which to determine whether a tenancy might be appropriate, so extending the legal right to 16- and 17-year-olds could be a precursor to allowing housing support services to exercise more discretion based upon their judgement of an individual's personal circumstances.

Q19. The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

The costs and benefits of each proposal set out in the Regulatory Impact Assessment seem fair and comprehensive.

Access to accommodation

Q20. To what extent do you agree or disagree with the short-term proposals to increase the suitability of accommodation? Are there additional immediate actions you believe should be taken for this purpose?

We support the proposals to improve the suitability of accommodation, both temporary and long-term settled housing, as all properties used for the discharge of homelessness duties must be fit for human habitation, and free from Category 1 Hazards and overcrowding. We also support the proposal to standardise legal requirements for accommodation regardless of whether it is owned or managed by local authorities, Registered Social Landlords or private landlords.

We are broadly supportive of the ambition of the government to prohibit shared sleeping space in all circumstances, however we feel that there may be rare situations where this could be acceptable, if there are no other accommodation options available, during extreme weather events, or if it is the preference of the individuals being accommodated. At the current time of extreme pressure on homelessness services, we know that shared sleeping space is being used in some places, and that is typically because it is the only alternative to sleeping on the streets.

We strongly support the principle of building choice into the system, as when services are able to take account of an individual's specific needs, that placement is much more likely to succeed. We have heard many examples of individuals and families being offered temporary accommodation far away from their existing social networks of family, friends, work and school. The expectation that they should entirely uproot their lives is just not fair or realistic, and they are more likely to choose sofa surfing or even rough sleeping in order to stay in their preferred area.

We agree with the proposal that young people under the age of 25 should not be placed in temporary accommodation without wrap-around support, and would prefer the Government to go further, and ensure appropriate support is offered to everyone in temporary accommodation, regardless of age or circumstances. Homelessness is often a result of traumatic life events, and is also a trauma itself, so everybody who comes into contact with the system must be assessed and offered appropriate support, particularly for physical and mental health needs, substance use, and criminal justice needs. All temporary and long-term supported accommodation should be classified as suitable for residents with low, medium, or high support needs, in line with the national Rapid Rehousing strategy.

We also support the proposals around ensuring accommodation is culturally appropriate (in particular for people from Gypsy, Roma and Traveller communities), the proposal to formalise a 'Homeless at Home Scheme' to allow applicants to remain in accommodation whilst accessing support, and plans to improve data collection around TA stock and availability.

The proposals should ultimately have the effect of improving the quality and increasing the supply of all different accommodation options, to allow services to deliver more person-centred support and solutions. But of course, legislation change is only part of the picture here: Welsh Government also needs to provide more investment in order to drive these improvements, as currently the system is running at full capacity, with very little opportunity to carry out property renovations or offer choice to clients in desperate need.

Q21. 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 strongly support the proposal to make clear that RSLs cannot unreasonably refuse a referral from a local housing authority when they have a vacant property that could meet the needs of the individual. The similar provision in the corresponding Scottish legislation has proved to be a useful tool in ensuring RSLs play their role in rehousing people who have experienced homelessness.

In our experience across Wales, we have had a mixed response from different housing associations in different areas: whilst some have been willing to offer tenancies to the people we support who may have a range of support needs, others have set unrealistically high thresholds in order to cherry-pick tenants that they see as more stable. This poses particular challenges to rehousing clients with challenging behaviours, substance use, or criminal records, who could benefit most from a stable home environment.

We also support proposals to create Common Housing Registers for each local area, standardise how homeless households are prioritised within long social housing waiting lists, and more clearly define 'unacceptable behaviour' to ensure that individuals are not unfairly barred from accessing social homes.

We do not support the proposal to create a new 'deliberate manipulation' test within the housing allocations process, which may simply reintroduce the intentionality test by another name. This risks creating a culture of blame, shame and stigmatisation, which may inadvertently erode trust in the homelessness system amongst those who need it most. We understand that pressures on public finances and high demand for services has led to a rationing mentality, but we must resist the instinct to impose more barriers and restrictions, creating excuses to withdraw support rather than prioritising inclusion and accessibility.

Q22. To what extent do you agree or disagree with the proposal for additional housing options for discharge of the main homelessness duty? What do you foresee as the possible consequences (intended or unintended) of this proposal?

We are comfortable with increasing the range of housing outcomes through which the section 75 homelessness duty can come to an end, in order to allow greater flexibility in the support that can be provided.

Q23. The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals in relation to access to housing. Are there any costs and benefits we have not accounted for?

The costs and benefits of each proposal set out in the Regulatory Impact Assessment seem fair and comprehensive.

Implementation

Q24. To what extent do you think the proposals outlined above will support the implementation and enforcement of the proposed reforms?

The proposals to strengthen scrutiny and regulation of housing and homelessness services are welcome, as this is an area that we have felt to be lacking for some time in Wales. In many situations, the services offered in long-term supported accommodation for people with the most complex needs can feel almost akin to social care, and yet are not subject to anything like the same levels of regulatory oversight.

Additionally, when decisions are taken by local authority commissioners which we feel are counterproductive or out of line with national strategy, there are limited avenues for scrutiny or appeal. Local authority scrutiny committees typically have a wide scope of responsibilities, so are only ever able to dedicate a small amount of time to consider homelessness policies and service performance.

The approach outlined in the white paper, to strengthen regulation of local housing authorities and registered social landlords, is a sensible starting point, but any independent regulator needs have 'teeth', to hold services accountable for their decisions, and ensure that individual organisations are not pulling in an opposite direction to the Welsh Government and the national, sector-wide ambitions to deliver evidence-led, trauma-informed, and person-centred support services.

The proposal to consider the roles of other regulators such as Care Inspectorate Wales and Healthcare Inspectorate Wales is also welcome, to ensure that other parts of the health and care system are also working towards the same priorities as set out elsewhere in the White Paper. Welsh Government should also consider what oversight is needed to ensure standards are maintained by third sector service providers, who would not fall into the RSL category, but may be acting in both the capacity of landlord and support provider in supported accommodation projects. At present organisations in this position like The Wallich are covered by Rent Smart Wales licenses, but there may be more appropriate tools to ensure compliance with national homelessness priorities.

As identified in this section, it is also very important that the views of people with lived experience of homelessness is taken into consideration when developing new services, as well as evaluating the effectiveness of existing services. At present this is considered to be good practice, and coproduction is encouraged through the Housing Support Grant guidance, but it is often the first thing to fall by the wayside when time and resource pressures are high. The Welsh Government should put the requirement to coproduce services on a statutory footing, as well as share good practice and practical tools to help organisations with less experience embed this approach.

Q25. What other levers/functions/mechanisms could be used to hold local housing authorities and other public bodies accountable for their role in achieving homelessness prevention?

As identified in the White Paper, the Public Services Ombudsman has some powers to hold local authorities accountable for their homelessness services, however this is only a small part of their role providing wider oversight of the range of other services delivered by public bodies. Similarly, Audit Wales have some powers to investigate financial and governance issues in local authority homelessness services, and have the power to demand improvements, however again this is only a very small part of an extremely broad scope of interests, meaning that there are still opportunities for poor practices or performance to be missed.

We would be content to see the powers of either or both of these bodies strengthened, alongside the provision of extra financial resources, in order to carry out greater scrutiny of homelessness services across all 22 local authority areas. Alternatively, this independent scrutiny function could be carried out by another existing body or a new organisation entirely such as a social housing regulator, but it will be important to avoid duplication of responsibilities and unnecessary governance complexity.

Beyond this, it does seem like there is a role for the Welsh Ministers to act as the ultimate backstop, with the power to call in decisions and demand improvements to ensure all partners are working to the letter and the spirit of legislation and national strategy. A good example of a time when this could be needed is the recent decision of Cardiff Council to begin enforcing the intentionality test, in opposition to this White Paper, the report of the Expert Review Panel, and many other commitments made across the sector recommending that intentionality be scrapped. Whilst this particular example is in line with the current legislative requirements upon local authorities, it is not in keeping with the national direction of travel and suggests that Welsh Government needs additional powers to ensure that their considerable policy work towards ending homelessness is not undermined by the decisions of individual councils.

Finally, we strongly support the proposals to develop stronger data collection and analysis in order to better understand the drivers of homelessness and the effectiveness of specific interventions. The work going into the Ending Homelessness Outcomes Framework will be essential in developing more evidence-based services, ensuring our efforts are focussed where they can have the greatest impact towards ending homelessness in Wales.

Q26. The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

The costs and benefits of each proposal set out in the Regulatory Impact Assessment seem fair and comprehensive.

Q27. What, in your opinion, would be the likely effects of the proposed reforms in this White Paper on the Welsh language? We are particularly interested in any likely effects on opportunities to use the Welsh language and on not treating the Welsh language less favourably than English. Do you think that there are opportunities to promote any positive effects? Do you think that there are opportunities to mitigate any adverse effects?

We have no particular view on the effects of the proposals on the Welsh language, as we do not believe they would have any significant positive or adverse effects.

Q28. We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

Nothing further to add at this time, but we are grateful for the opportunity to engage with the work of this White Paper, and we are looking forward to engaging further as the Welsh Government prepares its draft legislation.

Submit your response

Q29. Do you live in Wales?

Yes

Q30. Do you have a business interest in Wales?

Yes

Q31. Please provide the first part of your home postcode, e.g. CF10

CF10 3DQ

Q32. You are about to submit your response. Please ensure you are satisfied with the answers you have provided before sending.

Name Thomas Hollick

Organisation (if applicable) The Wallich

Q33. If you want to receive a receipt of your response, please provide an email address.

Email address

thomas.hollick@thewallich.net