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Llywodraeth Cymru  
Welsh Government

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Consultation response form

## Consultation on the White Paper on Ending Homelessness in Wales

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correspondence and telephone calls in Welsh

# Reform of the existing core homelessness legislation

## Question 1

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

Yes/no

In principle, YMCA agrees that these proposals will lead to increased prevention and relief of homelessness. However, in order to achieve this the right structures and resources must be in place, including funding to ensure appropriate services and sufficient staffing levels are available for local authorities and other organisations; as well as significant action to increase housing supply.

## Question 2

What are your reasons for this?

Many of these proposals are in line with the Renting Homes (Wales) Act, and so further government action to ensure that these are being implemented is welcome. For example, we agree that someone threatened with homelessness within six months should receive support from their local authority, rather than only within 56 days, and that Personal Housing Plans should be used as standard. It would be very helpful to have one standard template for Personal Housing Plans to be used across all local authorities.

However, these proposals are dependent on local authorities having sufficient staffing and other resources in order to implement them. It is important to ensure that the government is not setting local authorities or other organisations up to fail – checks of Personal Housing Plans every eight weeks is a positive idea in principle, but will require a significant amount of staff time to implement. This is similarly the case with adding more areas where applicants will have a right to request a review of the decision made.

We agree with the principle that it is important to include the applicants' views on their desired outcomes for their housing in Personal Housing Plans. However, it is important that people are supported to understand the reality of their options based on the available accommodation in their local area. We work with many people who expect to receive social housing, but there is a significant lack of available social housing for everyone who would like it. Some local authorities will have a more constrained supply of housing than others, such as rural authorities.

A key part of our work is supporting people to move into the private rented sector so that they can move on into living independently, even if they would prefer to be in social housing. Ensuring that every local authority is filling out a Personal Housing Plan with every applicant will provide local authorities with a helpful opportunity to have a personal conversation with applicants about their expectations, and what is realistically available.

In relation to abolishing the priority need and intentionality tests, and increasing the number of groups exempt from the local connection test, in principle we agree with these proposals. In particular, the intentionality test often leads to people losing access to vital services or accommodation. We also agree with the list of groups suggested to be exempted from the local connection test.

These proposals will inevitably put pressure on services and on housing stock, and so a great deal of system change and long-term commitment will be needed in order to make it possible to implement this proposal. This includes the majority of homelessness being prevented, adequate staffing for local authorities and an increased housing supply.

A statutory duty to provide support to help an applicant to retain their accommodation is crucial to preventing homelessness, as long as the right structure and resources are available to enable local authorities and other agencies to do so.

We support the narrowing of the unreasonable failure to cooperate test, although we continue to have concerns over the grounds proposed. For example, local authority staff will need to have regard to applicants' circumstances when applying the 'consistent non-contact' ground, and it might be helpful for the government to suggest a definition of this. For someone who is street homeless, persistent non-contact is often inevitable as it can be very difficult to get into contact or keep in contact with someone with no fixed address, who may not have access to a mobile phone. Some applicants, particularly those experiencing homelessness, require a lot of support from services and external agencies in order to maintain contact with the local authority, and this support might not always be available.

In relation to the 'threatening behaviour' ground, we agree that it is important to ensure that local authority staff are not experiencing abusive behaviour, and that staff feel protected and safe in their workplace, in order to maintain general workplace standards and also to avoid staff burnout. However, housing officers need to be well trained on a trauma-informed approach to engaging with applicants, as well as receiving training on other issues such as mental health and neurodiversity. Sometimes a person will exhibit what might be considered to be 'threatening behaviour' because they have been triggered by certain language or tone, or because they are autistic and sensory factors have caused them to have a meltdown. These people may need particular support and consideration of their needs.

We support the proposal that local authorities must ensure that they communicate with applicants in a way which is accessible and tailored to any individual needs. We have frequently seen communication in the form of letters from local authorities to applicants which are not written in accessible language, but instead quote extensively from the law in formal legal language and are difficult for applicants to understand, resulting in applicants dismissing or ignoring the letter.

### Question 3

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

We do not have any suggestions for additional legislative proposals.

### Question 4

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

Yes/no

In principle we agree with the proposal to abolish the priority need test, subject to the caveats around system change and increased resources mentioned in our answer to question 2.

## Question 5

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

Yes/no

In principle we agree with the proposal to abolish the intentionality test, subject to the caveats around system change and increased resources mentioned in our answer to question 2.

## Question 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 agree with the proposal to keep the local connection test but to expand the list of groups who are exempt from the test.

## Question 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?

We feel that upfront and ongoing training costs in relation to these proposals, which have been referenced but costs not specified, could be impactful. There are also significant housing costs currently being spent on temporary accommodation such as hotels and BnBs, until the rapid rehousing model is in place and there is sufficient additional housing stock, which we feel Welsh Government may want to consider in their assessment.

## The role of the Welsh Public Service in preventing homelessness

### Question 8

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

Yes/no

Please give your reasons

We 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. It is always positive to increase cooperation between different organisations and agencies, and to improve the education of these bodies around how they can help to prevent and resolve homelessness.

### Question 9

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

We would like to see educational settings, particularly schools, and youth settings such as youth clubs included. If it is not possible to apply statutory duties to these organisations, then regulations or guidance should be applied to them. These organisations have considerable opportunities to intervene at an early stage to prevent homelessness. They should be expected to refer young people who are at risk of homelessness, and to cooperate with other agencies in order to prevent homelessness. Cardiff Council has a multi-disciplinary team which includes educational institutions as well as the police, mental health services, drug services and employment, and this is now working well to prevent homelessness and support people with complex needs.

### Question 10

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

We believe the white paper strikes the right balance between legislative requirements and operational practice.

## Question 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.

In order for the proposed duties to identify, refer and cooperate to work effectively, there will need to be robust information-sharing processes between organisations. This is often difficult to achieve, due to a lack of cooperation between organisations (particularly including health and housing), and because it can be difficult to acquire consent from the individual for this information sharing.

When we are able to get consent from someone to share information with other organisations, it can be difficult to share the information because other agencies have their own procedures and policies which may not align with our own. It is common for communication between agencies/organisations to break down, including around times of transition such as discharge from hospital or prison. There need to be more pathways to prevent homelessness on discharge from any setting.

In order for these duties to work effectively, the relevant bodies must have sufficient staffing and resources to have capacity to comply with them. We have concerns around how this will work within healthcare settings, given the immense pressures that the NHS is already under. We feel it would be beneficial for hospitals to have a housing professional permanently based there and able to advise and support patients before they are discharged, as some prisons do.

Staff in the relevant bodies must also be trained on understanding and implementing the duties to identify, refer, and cooperate, as a key factor for success is raising awareness of the duties and sharing best practice. This includes comprehensive training on how to spot the signs that someone is at risk of homelessness, or guidance around how to assess this.

## Question 12

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

We agree that this will assist in preventing homelessness amongst people with multiple and complex needs, as a case coordination approach can be key to succeeding in preventing homelessness for people with multiple needs, but these individuals cannot be expected to navigate complex systems and maintain communication with so many different agencies at once. However, this also requires there to be sufficient service provision for everyone who needs access to them, such as mental health and drug and alcohol services, where currently demand for these services outstrips the staff available.

### Question 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?

We do not have any suggestions for other costs and benefits which have not been accounted for.

Targeted proposals to prevent homelessness for those disproportionately affected

### Question 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)?

We have no suggestions for groups of people who have not been captured within this section.

### Question 15

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

We have no suggestions for additional legislative or policy actions.

### Question 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 support these proposals, given the benefits that they will hopefully bring in preventing some services from attempting to discharge their responsibility for young people and care leavers on to other departments or agencies. We hope this will also lead to culture change within local authorities, where every department should understand that it has a responsibility for the care and support for children, young people and care leavers; and departments must work together to fulfil this responsibility. However, we understand that one of the causes of this problem is the lack of adequate funding for local authorities to maintain the staffing levels and other resources needed, and so this problem will also need to be addressed in order to achieve better joint working.

## Question 17

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

In order to strengthen practice and deliver the broader corporate parenting responsibilities, we would suggest that there should be guidance for local housing authorities and social services departments on how they should deliver coordinated, joint support for young people. Young people must know who is responsible for supporting them, and there should be strong communication between departments so that young people are not having to repeatedly explain their history and current situation to different people within the local authority.

## Question 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?

In principle we agree with this proposal, but the possible consequences of the proposal must be considered fully before it is implemented. For example, the level of benefits that 16 and 17 year olds receive is unlikely to cover their rent in private accommodation. This level of benefits is set by the UK Government, so Welsh Government is not able to address this problem.

We do work with some 16 and 17 year olds who are able to hold their own tenancies, and don't need to be in supported accommodation. It would be beneficial for these young people to be able to move into independent living in private rented accommodation, by being able to hold occupation contracts.

However, the majority of 16 and 17 year olds who we work with do need the support element of supported accommodation and would struggle to live alone in private rented accommodation. We must ensure that 16 and 17 year olds are not pressured into moving into private rented accommodation in order to reduce the cost for the government or the local authority of funding their supported accommodation. In addition, our experience is that social services departments sometimes withdraw support from 16 and 17 year olds once they have been placed into supported accommodation, although this should not happen; it is important to have clarity on who is responsible for 16 and 17 year olds if they do move into private rented accommodation. These young people must be aware of where they can access support from if they need it.



It is essential that social services and housing services work together in order for this proposal to be successful.

## Question 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?

We do not have any suggestions for other costs and benefits which have not been accounted for.

## Access to accommodation

## Question 20

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

We agree with the majority of the short-term proposals to increase the suitability of accommodation. For example, it is straightforwardly positive to ensure that people are never housed in accommodation with Category 1 Hazards, or in accommodation which could be deemed unfit for human habitation.

However, many of these proposals will severely restrict the options available to a local housing authority for providing accommodation, even in temporary or emergency circumstances. For example, preventing people under the age of 25 from being housed in unsupported temporary accommodation or BnBs even for very short time periods (such as one week) in emergency circumstances will make it very difficult for local authorities to house people, given the significant lack of appropriate accommodation. We would agree that overcrowded accommodation is not suitable for people to live in, but if someone is already living in this situation, it may be necessary for them to continue living in the property until alternative housing can be arranged, rather than needing to find temporary accommodation for them in the meantime.

Similarly, the proposal that “accommodation cannot be deemed suitable unless it is located within reasonable travelling distance of existing or new educational facilities, employment, caring responsibilities and medical facilities” is a positive principle to aim for, but may be an impossible standard to meet for many years until the supply of housing stock is greatly increased.

The proposal to clarify in legislation that shared sleeping space is never permitted will be difficult to implement, and may have negative consequences. In principle we would agree that people should not be housed in shared sleeping spaces, as these are difficult to manage well, and the risks to people’s safety and health are high. However, shared sleeping spaces are currently only being used as a last resort during emergency situations such as cold weather, due to the fact that there is no alternative accommodation available. It is possible that if this proposal were

implemented, rough sleeping would increase, as there would be nowhere to accommodate people. The most important factor in preventing the use of shared sleeping space is to increase housing supply, rather than to ban shared sleeping space in legislation. The accommodation options available to local authorities and other services are already too limited; it will not help to prevent or relieve homelessness for these options to be reduced further.

## Question 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 with all of the proposals around the allocation of social housing and management of waiting lists.

The proposal to make clear that a Registered Social Landlord (RSL) cannot unreasonably refuse a referral from a local housing authority, within a specified timeframe, except in specified circumstances, will be very impactful in helping people to move out of supported accommodation and into independent living. We have many experiences of RSLs refusing to allocate housing to people living in our supported accommodation even when they have the highest priority banding, because the RSL perceives them to have higher needs and thus to be a risk.

We agree with the proposal to remove people from local authority waiting lists if they do not have a housing need, although we have some concerns around how this might be interpreted and applied – it is important to avoid a situation where local authorities use this provision to shorten their waiting lists by removing people who may in fact have a housing need. It would be helpful for the Welsh Government to publish guidance around how this should be applied.

We agree with the proposal for a ‘deliberate manipulation test’, to discourage people from making themselves homeless in order to receive a higher priority for social housing, as we have experience of this occurring.

## Question 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 with the proposal for additional housing options for discharge of the main homelessness duty. We believe it is positive to give people more choice in terms of options for their accommodation, such as returning to their family home or moving into supported accommodation.

However, people need to be supported to have a realistic understanding of what their options are. The proposal allows for people to refuse to be housed in these additional options, but it may be the case that, for example, a 17 year old returning to the family home may be the only affordable or feasible option for them to take up, even if they would prefer to live independently in social housing. Personal Housing Plans and regular reviews of these plans should help to address this challenge.

## Question 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?

We do not have any suggestions for other costs and benefits which have not been accounted for.

## Implementation

### Question 24

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

We agree with the proposals outlined in support of the implementation and enforcement of the proposed reforms. We believe that they will positively support the aims of this white paper, and the overarching goal of preventing homelessness.

Better data collection and monitoring would make it easier to ensure that registered social landlords do offer allocations to people experiencing homelessness, which would make a strong contribution to ending homelessness. However, not all local authorities provide the data on homelessness services and allocations which is requested by Welsh Government. We need to ensure that good data is available in order to hold people, local authorities and RSLs to account. It would also be helpful for the same kinds of data to be collected in the same way in local authorities across Wales.

In addition, regulation of the proposed reforms must be robust. There must be effective regulatory mechanisms available for monitoring and enforcing these reforms in order to achieve this.

### Question 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?

We do not have any suggestions for other levers, functions, or mechanisms to hold local housing authorities and other public bodies accountable for their role in achieving homelessness prevention.

## Question 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?

We do not have any suggestions for other costs and benefits which have not been accounted for.

## Question 27

What, in your opinion, would be the likely effects of the proposed reforms in this White Paper on the Welsh language? We are particularly interested in any likely effects on opportunities to use the Welsh language and on not treating the Welsh language less favourably than English.

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

We do not foresee any likely effects of the proposed reforms on the Welsh language, as all information on legislation, regulations and people's rights must be available in Welsh, which we would expect to continue.

## Question 28

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

As we have mentioned throughout this written submission, and as is acknowledged within the white paper itself, significant systemic change will need to take place before it is possible to implement many of the proposals in this white paper.

One of the biggest challenges for implementing these reforms is housing supply, and we would like to see the Welsh Government develop further proposals to reform the housing market to help end homelessness. For example, the local housing allowance needs to be permanently maintained at the 30<sup>th</sup> percentile of rents, to help with issues around affordability and the cost of living crisis. We would like to see the Welsh Government examine all aspects of the private rented sector, and consider the possibility of new measures such as limiting the number of properties which private landlords can own, or increasing the tax on properties which are rented out on platforms like Airbnb. We cannot end homelessness without structural change to the housing market.