

Agenda – Local Government and Housing Committee

Meeting Venue:

Committee Room 2, Senedd

Meeting date: 19 June 2025

Meeting time: 09.00

For further information contact:

Manon George

Committee Clerk

0300 200 6565

SeneddHousing@senedd.wales

Hybrid

Private pre-meeting

08.45 – 09.00

1 Introductions, apologies, substitutions and declarations of interest

09.00

2 Homelessness and Social Housing Allocation (Wales) Bill: Evidence session 2

09.00 – 10.00

(Pages 1 – 42)

Professor Suzanne Fitzpatrick, Heriot-Watt University

Professor Peter Mackie, Cardiff University

Attached Documents:

Research brief

Paper 1: Professor Peter Mackie

Break

10.00 – 10.05

3 Homelessness and Social Housing Allocation (Wales) Bill: Evidence session 3

10.05 – 11.05

(Pages 43 – 60)



Liz Davies KC, Garden Court Chambers
Robin White, Head of Campaigns, Shelter Cymru
Crash Wigley, Landmark Chambers

Attached Documents:

Paper 2: Shelter Cymru

Break

11.05 – 11.15

4 Homelessness and Social Housing Allocation (Wales) Bill: Evidence session 4

11.15 – 12.15

(Pages 61 – 75)

Katie Dalton, Director, Cymorth Cymru

Sian Aldridge, Director of Operations, The Wallich

Kate Perry-Jones, Head of Services and Survivor Engagement, Welsh Women's Aid

Attached Documents:

Paper 3: Welsh Women's Aid

Paper 4: The Wallich

Break

12.15 – 13.00

5 Homelessness and Social Housing Allocation (Wales) Bill: Evidence session 5

13.00 – 13.55

(Pages 76 – 96)

David Rowlands, Acting Head of Policy and Public Affairs, Tai Pawb

Gareth Lynn Montes, Housing Policy and Research Lead, Welsh Refugee Council

Debbie Thomas, Head of Policy for Wales, Crisis

Cerys Clark, Policy and Public Affairs Manager, CIH Cymru

Attached Documents:

Paper 5: Tai Pawb

Paper 6: Welsh Refugee Council

Paper 7: Crisis

Break

13.55 – 14.00

6 Homelessness and Social Housing Allocation (Wales) Bill: Evidence session 6

14.00 – 14.45

(Pages 97 – 108)

Phoebe White, Policy and Influencing Manager, National Youth Advocacy Service

Bill Rowlands, Head of Service, End Youth Homelessness Cymru

Helen Mary Jones, Deputy Chief Executive, Voices from Care Cymru

Sharon Thomas, Support and Accommodation Services Manager, GISDA

Attached Documents:

Paper 8: National Youth Advocacy Service

Paper 9: Voices from Care Cymru

7 Papers to note

14.45

7.1 Building Safety

(Pages 109 – 112)

Attached Documents:

Paper 10: Building Safety – Letter from the Chair to Welsh Cladiators – 5 June 2025

Paper 11: Building Safety – Response from Welsh Cladiators – 9 June 2025

7.2 Private rented sector

(Pages 113 – 116)

Attached Documents:

Paper 12: Private rented sector – Letter from the NRLA in relation to energy efficiency – 12 June 2025

8 Motion under Standing Order 17.42 (ix) to resolve to exclude the public from the remainder of this meeting

14.45

Private meeting

14.45 – 15.00

**9 Homelessness and Social Housing Allocation (Wales) Bill:
Consideration of evidence**

14.45 – 15.00

Document is Restricted

HSHAWB 06 Professor Peter Mackie, Cardiff University

Senedd Cymru | Welsh Parliament

Y Pwyllgor Llywodraeth Leol a Thai | Local Government and Housing Committee

Bil Digartrefedd a Dyrannu Tai Cymdeithasol (Cymru) | Homelessness and Social Housing Allocation (Wales) Bill

Ymateb gan: Yr Athro Peter Mackie | Evidence from: Professor Peter Mackie

1. What are your views on the general principles of the Bill, and whether there is a need for legislation to deliver the stated policy intention?

Legislative reforms are required if Wales is to make meaningful progress towards making homelessness rare, brief and unrepeatable. As a package, the intended reforms have potential to make a significant impact on meeting these goals. The legislation is progressive, and I welcome the vast majority of intended changes. These largely emerge from the Expert Review Panel proposals that were developed through meaningful collaboration, compromise, and excellent input from people with lived experience, local authorities, Third Sector partners, RSLs, academics, and legal experts.

I firmly support the direction of travel and the incredibly broad range of provisions. In my response I focus mostly on those areas where I feel further consideration may be warranted.

2. What are your views on the provisions set out in Part 1 of the Bill - Homelessness (sections 1 -34)? In particular, are the provisions workable and will they deliver the stated policy intention?

I strongly support the vast majority of provisions set out in Part 1 of the Bill - Homelessness. These move Wales in a positive and prevention-oriented direction and create a more robust safety net. I support the extension of the definition of threatened with homelessness to six months, the abolition of Priority Need and Intentionality, the requirement for regularly updated PSAPs, new rights of review, the ability to discharge into a wider range of accommodation options, new provisions for young people leaving care, the requirement to engage people with lived experience of homelessness, new duties on social landlords to comply with local authority requests to provide accommodation, and many more specific revisions. Within this very positive context, I reflect on the few areas where I feel further consideration may be warranted.

S.4 Prevention, support and accommodation plans (PSAPs)

I welcome the inclusion of PSAPs as a requirement of the legislation – this was a recommendation of the Expert Review Panel. My recollection is that the initial conception of the Housing (Wales) Act 2014 did not anticipate households being expected to ‘take steps’, however this was introduced in statutory guidance in 2016 within Personal Housing Plans and it appears this is now included on the face of the proposed legislation; ‘The local housing authority must try to agree with the applicant— (a) any steps the applicant is to take.’

The Expert Review Panel did not recommend the inclusion of a requirement to record the ‘steps’ an applicant should take. This was informed by research examining the implementation of the Housing Wales Act 2014, which found the burden to act was far too frequently placed on households and not the local authority. I recommend serious consideration is given to refocussing the PSAPs on support needs, aspirations, and the reasonable steps the local authority plans to take – excluding steps households might take.

S. 18 Help to retain suitable accommodation secured in exercise of homelessness functions

I am very strongly in favour of this new support duty. Two points are worth considering:

1] How will ‘at risk of becoming homeless or threatened with homelessness unless further help is provided’ be defined? This may be addressed through statutory guidance, however it will be important to define to ensure the threshold for accessing support does not vary markedly across Wales.

2] Whilst I broadly agree with the circumstances in which this support duty comes to an end, there is a rich international evidence base that demonstrates the value of avoiding such time-limited periods of support (i.e. the current 12-month end point). If this 12-month period is to remain, I would recommend the wording is revised to give local authorities the power to continue to support households for a longer period. Experience of introducing time periods within the Housing Wales Act 2014 tells us that an unintended consequence will be a default towards commissioning support services for a maximum of 12-months.

S. 20 Further circumstances in which the duties to help applicants end

Section 20 replaces the ‘unreasonable failure to co-operate’ test, which the EM says is not sufficiently trauma-informed. New provisions within the Bill focus on failures to respond to local authority communications, threatening behaviours,

and damage to property. It is likely that many of these behaviours are the result of past and ongoing traumas, therefore I think it's unreasonable to claim the new provisions are more trauma informed. Most importantly, in this context access to housing is being removed due to problematic behaviours. If this approach is pursued, Welsh Government will not be able to meet its commitment to make homelessness rare, brief and unrepeatable for these households. Housing is a human right and there are other mechanisms and laws that can be used to address problematic behaviours.

S.21 Duty of a public authority to ask and act

Amend 'Ask and Act' to 'Identify and Act'

The Expert Review Panel discussed the distinction between 'Ask and Act' and 'Identify and Act'. The panel reached the conclusion that the duty should refer to 'Identify and Act'. I recommend reverting to the panel recommendation.

To 'identify' requires a public body to be proactive in their duty to determine who may be at risk of homelessness. This might include use of routine administrative data, routine interactions, and various forms of targeted enquiry. The act of 'asking', only when the authority considers the person may be at risk, is only one form of identification, it is more reactive, and is less likely to lead to the scale of early identification envisioned by the legislative reforms.

Revisit the list of specified public authorities

The Expert Review Panel recommended the inclusion of the widest possible range of public bodies. The intention of this keystone new provision is to identify people likely to be at risk of homelessness before they reach crisis and ultimately become homeless. Whilst the Bill includes an extensive list of specified public authorities, there are omissions that will significantly undermine the potential impact of this legislation, and I would encourage this list to be revisited.

Whilst it is true that many people become homeless from institutions listed in the Bill, such as prison or other institutions (c.13%), most people seeking homelessness assistance do not exit these institutions. Therefore, to have greatest impact we must seek to identify people through a much wider range of services. There is UK and international evidence to support the Expert Review Panel recommendations relating to institutions that reach a wider population, particularly Education and Primary Care.

Education. In Australia a schools-based early identification approach (The Geelong Project) reduced youth homelessness presentations by approximately 40%. A

similar model – Upstream – is being piloted across Great Britain and has proven effective at identifying young people at risk. The EM claims that ‘identify and act’ provisions could be achieved through amendments to the forthcoming review of ‘Keeping Learners Safe’ guidance. If this is the model Welsh Government wishes to pursue, then similar amendments would potentially also be viable within safeguarding guidance of all public bodies. In my view, there are two key problems here: 1] Such an approach would considerably undermine fidelity to the ‘identify and act’ duty and oversight of compliance would remain siloed within individual public services that do not have a homelessness prevention focus; and 2] More specifically in relation to ‘Keeping Learners Safe’, this is operationalised reactively by schools when ‘signs’ are ‘observed’. International and GB evidence is clear that such approaches consistently fail to identify young people at risk of homelessness.

Primary Care. In the USA, the Veterans Health Administration (VHA) implemented a universal homelessness risk screening questionnaire. Although the outcomes of the intervention have not yet been evaluated, its introduction coincided with a significant reduction in the rate of unsheltered homelessness among veterans. Given the reach of General Practitioners, and the high likelihood of engaging with people at risk of homelessness, it would be beneficial to consider all means through which they might be specified in the legislation.

Other institutions I would have expected to see listed include; Police and Home Office accommodation. A PhD student at Cardiff University, Sasha Eykyn, has recently produced work that documents the considerable challenges experienced by refugees exiting Home Office accommodation into the Welsh homelessness system. Another PhD student, Hannah Browne-Gott has similarly documented the potential pivotal role of the police. Of course, I recognise these are not devolved institutions, but I hope progress can be made to include them in the future.

The Private Rented Sector

It is also important to note that approximately 1 in 5 entries to homelessness in Wales are triggered by rent arrears or loss of rented accommodation. The Expert Panel recommended that private landlords should be under a duty to make a local authority homelessness referral when they issue a possession notice. Similar policies exist internationally, including in Scotland, and it would be beneficial to have a similar early identification approach in Wales. Whilst this would rightly differ from the duties placed on public sector services, it is worth highlighting at this point. The EM implies that existing provisions are sufficient. I would suggest

these are not working and local authorities are not made aware sufficiently early of potential evictions into homelessness.

3. What are your views on the provisions set out in Part 2 of the Bill – Social Housing Allocation (sections 35 – 38)? In particular, are the provisions workable and will they deliver the stated policy intention?

I am supportive of the provisions set out in Part 2 of the Bill – Social Housing Allocations, including in relation to qualifying persons, common housing registers, and particularly the addition of a sixth reasonable preference category for young people leaving care.

Whilst the Expert Review Panel recommended additional preference for homeless households, I understand local authority concerns, and the decision not to include this provision. However, the downside of failing to introduce this provision, which was intended to be time-limited, means that the legislative changes are largely reliant on the success of the additional prevention measures to reduce the vast number of people currently staying in temporary accommodation. If prevention efforts were temporarily accompanied by a more concentrated focus on moving people on, a reduction in the occupation of TA could be achieved far more rapidly – with all the associated social and economic benefits. I believe this is worth further consideration

4. What are your views on the provisions set out in Part 3 of the Bill – Social Housing Allocation (sections 39 – 43 and Schedule 1)? In particular, are the provisions workable and will they deliver the stated policy intention?

N/A

5. What are the potential barriers to the implementation of the Bill’s provisions and how does the Bill take account of them?

N/A

6. How appropriate are the powers in the Bill for Welsh Ministers to make subordinate legislation, as set out in Chapter 5 of Part 1 of the Explanatory Memorandum)?

N/A

7. Are there any unintended consequences likely to arise from the Bill?

N/A

8. What are your views on the Welsh Government's assessment of the financial implications of the Bill, as set out in Part 2 of the Explanatory Memorandum?

There is considerable uncertainty surrounding homeless data and associated costs, however the assessment of the financial implications of the Bill are thorough and as well-informed as they can be.

A key challenge to the success of the Bill will be to ensure that any additional funding is spent on the intended homelessness prevention and relief activities e.g. on meaningful time supporting individuals.

9. Are there any other issues you would like to raise about the Bill and the Explanatory Memorandum or any related matters?

It is interesting to see a 10-year timeline for implementation, including potentially retaining Priority Need until the latter part of that timeline. Given the average number of additional households who would be owed a full duty in each local authority is only 17 households per year, I would have hoped for earlier implementation of this provision.

My greatest concern surrounding this ambitious and progressive legislation relates to implementation. The Housing (Wales) Act 2014 proved relatively successful but it did not deliver fully against its intent, and I believe this is at least partly due to the absence of meaningful oversight. There have been multiple calls - including from the Public Services Ombudsman - for a regulator to provide oversight of implementation of the homelessness legislation. The role of the regulator in Scotland proved pivotal to achieving homelessness legislative reforms. I believe a regulator would be even more crucial to the success of the current Bill because of its wide-reaching remit across the public sector. In the absence of a regulator, what mechanisms are intended to hold public services to account for their 'identify and act' responsibilities?

I must reiterate that despite these potential areas for improvement, this is an incredibly positive leap forward, shaped by such a wide range of experiences and perspectives, and likely to have a very positive impact on the lives of people at risk of or experiencing homelessness in Wales.

HSHAWB 12 Shelter Cymru

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Bil Digartrefedd a Dyrannu Tai Cymdeithasol (Cymru) | Homelessness and Social Housing Allocation (Wales) Bill

Ymateb gan: Shelter Cymru | Evidence from: Shelter Cymru

1. What are your views on the general principles of the Bill, and whether there is a need for legislation to deliver the stated policy intention?

At Shelter Cymru we believe that home is everything. Everyone in Wales should have a safe, secure, suitable and genuinely affordable home that gives them a stable foundation on which to thrive. As an organisation working across every local authority area in Wales and helping more than 20,000 people a year, we know the role that a safe place to call home plays in the health, wellbeing and daily lives of people of all ages living in Wales. Sadly, we also see the devastating effects of losing a home, living in unsuitable accommodation or exclusion from local authority homelessness assistance.

Ensuring that our national approach to homelessness is progressive, person centred and trauma informed is crucial to changing this. As is providing the necessary funding, support and training to the local authorities and public and third sector organisations that work tirelessly turning legislation and ambition into reality for people. Only by doing this can we ensure that the rights provided to people through legislation can be truly realisable and - where necessary - reviewable.

We believe that the Welsh Government shares many of our ambitions on housing and homelessness. Something that is demonstrated in the commitment to make homelessness rare, brief and non-recurring. However, as outlined clearly by the Expert Review Panel, the current legislative framework for homelessness in Wales contains many barriers to making this happen.

Given this the publication of the Homelessness and Social Housing Allocations (Wales) Bill is a welcome moment. This progressive Bill sets out a positive direction of travel from the Welsh Government. However, the transformative change that it could contribute also depends on tackling wider issues - including the shortage of

social homes, stretched local authority teams, and an unaffordable and insecure private rented sector.

Providing fixed timelines for the implementation of the changes contained within the Bill is also vital. We understand the need to stagger the implementation of certain parts of the Bill but without a clear, set timeline, the Welsh Government risks delayed action from local authorities who are already dealing with unprecedented demand on their services.

In addition, given that significant changes such as the abolition of the priority need and intentionality tests build on an existing direction of travel in homelessness policy there is little reason to extensively delay. Given this we would like to see Welsh Government provide reassurance that the timeline for implementation of these measures is not dependent on broad external factors. To implement these changes only when, for instance, sufficient suitable housing stock is available Wales, would drastically undermine the progressive nature of this Bill.

To be effective, this legislation also needs to be supported by clear, appropriate guidance – something we know the Welsh Government is committed to. Through our casework, Shelter Cymru see how existing guidance and legislation is interpreted differently by a variety of decision-makers. New legislation provides an opportunity to address this and ensure guidance is developed to ensure consistency of practice across Wales. This is particularly relevant to the ending of duties for unreasonable behaviour, the introduction of the deliberate manipulation test and the continued use of the local connection test.

Another important commitment needed in connection to this Bill is on monitoring. Many of the changes being proposed will deliver significant changes. Practically this will mean significant changes to how local authorities manage their approach to homelessness. While the Bill addresses some current gatekeeping practices, it also introduces new areas where similar behaviours could emerge. Robust monitoring to understand how local authorities operate under the new system is, therefore, vital. This will help establish if the principle behind changes is translating into practice, and will provide valuable information for Welsh Government on whether further changes to legislation are needed.

2. What are your views on the provisions set out in Part 1 of the Bill - Homelessness (sections 1 -34)? In particular, are the provisions workable and will they deliver the stated policy intention?

3. What are your views on the provisions set out in Part 2 of the Bill – Social Housing Allocation (sections 35 – 38)? In particular, are the provisions workable and will they deliver the stated policy intention?

Through our work with people navigating the homelessness system, Shelter Cymru sees daily the limitations of the current system. Part 1 of the Bill proposes a number of welcome changes to address some of these. However, it is important to keep in mind that legislation can only have impact if it is implemented effectively.

There are points throughout the Bill and the accompanying Explanatory Memorandum where we would like to see greater clarity on how the measures will be resourced to ensure that rights are realisable. Due to the length and breadth of this Part of the Bill our discussion will follow sequentially through the relevant sections.

PREVENTION – s1 and s2

Extending the prevention duty to six months is a positive step towards reducing instances of homelessness in Wales and is a welcome recognition of the need to provide support to people at the earliest stage possible. Through our own work Shelter Cymru knows that with the right support and advice homelessness can be prevented, and in 88% of relevant cases in 2023/24 our advisers were able to work with people who came to us to do just this.

Ensuring an extended prevention duty delivers practical impact for individuals and households will, however, require more than just legislative change. Under existing legislation, local authorities are not restricted to a 56 day prevention period, and we are aware of a small number of local authorities who have shifted their practice in this way following implementation of the Renting Homes (Wales) Act and the six month notice period for no-fault evictions. The fact that this practice shift has not been broader across Wales is reflective of the crisis- mode that many local authorities are working in due to high demand for services and limited resources.

Shelter Cymru would like to understand how the Welsh Government will work with local authorities to enable them to focus greater officer time on prevention measures. Neath Port Talbot's homelessness team have completed a full restructure to facilitate a greater focus on prevention work. Legislation alone will not achieve the aim behind this welcome extended prevention duty.

The clarification of the role of local authorities under the prevention duty is a helpful addition under section 2 of the Bill. Shelter Cymru understand that

homelessness is not universally preventable and this amendment clarifies that it is the responsibility of local authorities to take “reasonable steps” that are likely to prevent homelessness. As with elsewhere in this Bill, “reasonable steps” opens a level of subjectivity that will need to be addressed in guidance to ensure consistent approaches across Wales. Without this guidance, applicants will also be unable to understand and advocate for their right to comprehensive support to retain existing suitable accommodation.

PREVENTION SUPPORT AND ACCOMMODATION PLANS (PSAPs) – s3 and s4

The mandating and standardisation of PSAPs is a clear improvement on the current arrangements for Personal Housing Plans and demonstrates a move towards a more person-centred, trauma-informed way of working. Currently, there are wide variations in local authority practice around Personal Housing Plans. Stronger, clearer guidance on PSAPS alongside proper resourcing and training to make the plans meaningful and effective will be key to their success.

There will be a challenge both for local authorities and applicants in defining “reasonable steps” on case-by-case basis. The flexibility of language in this section reflects the aims of the Bill to encourage person-centred approaches but legislation alone cannot create the culture shift that may be needed in some local Authority teams to realise this.

RIGHTS OF REVIEW – s5

While the Expert Review Panel suggested a lifelong right of review on suitability, the 6-month review period proposed in the draft Bill is a significant improvement on the current period. However, it must be noted that the lack of supply of social homes will inevitably continue to impact allocations made by local authorities. Only further, and faster, investment in increasing the number of social homes that reflect the needs of local people will remedy the discrepancy between the aim of this measure and the reality of the allocations process.

Shelter Cymru welcome the extended rights of review for applicants, set out in Section 5, alongside the continuation of existing rights of review under current legislation. As an independent housing advice expert, Shelter Cymru exists to help people understand and enforce their rights. Rights of review play a crucial role in ensuring our homelessness system is transparent and accountable to the people it is designed to serve. We see firsthand how rights of review enable applicants to access better options and achieve the best possible outcomes.

The need for organisations like Shelter Cymru, however, highlights how difficult understanding and accessing these rights can sometimes be. We would urge

guidance to include the need to provide applicants with adequate information to activate these rights of review – including signposting to free, quality assured, independent advice options. Particularly in cases of suitability of allocations of ending of duties.

DUTIES TO SECURE – s6 to s8

Shelter Cymru are mindful of the pressures facing local authorities to meet the current need for interim accommodation. We are, however, concerned that some local authorities appear to be taking resource management steps that run counter to their existing duties.

Our caseworkers across Wales are reporting instances of duties to provide interim accommodation being accepted but not realised and applicants being placed in unsuitable interim accommodation. Similarly, a significant number of local authorities appear to be withholding access to temporary accommodation until they or a commissioned third-sector partner have verified that the applicant is currently street homeless. This process can take several weeks and introduces an unnecessary process step that undercuts the intention behind broadening the priority need categories for access to interim accommodation.

We are hopeful that this strengthening of the duty will help to ensure appropriate access to interim accommodation for everyone who needs it.

Shelter Cymru notes that the broader definition of accommodation ending the section 75 duty overlooks provisions in the Renting Homes (Wales) Act 2016. We are clear that supported accommodation should not be included in this section. Under current rules, supported accommodation does not guarantee 12 months occupation, as landlords aren't required to issue a Supported Standard Contract until after six months. Requiring such a contract to discharge the duty would conflict with Rapid Rehousing and Housing First principles, many people entering supported accommodation will not need long-term intensive support. Its inclusion here would risk blocking limited supported housing stock, and delay move-on options for others in need.

We would also note that in the White Paper on Ending Homelessness the Welsh Government included access to independent advice as a requirement for ending the section 75 duty in the expanded circumstances. This requirement for independent advice is not referenced in the draft Bill. Access to independent advice is vital to ensure people understand decisions and the impact they will have. Furthermore, thanks to the investment that Welsh Government already

makes, access to that advice should be achievable across Wales through referral to organisations like Shelter Cymru.

If family reunification or returning domestic abuse survivors to target-hardened properties is the preferred approach, guidance must be set so that all local authorities can be confident they are ensuring that these options are genuinely suitable and safe. Shelter Cymru is concerned that mishandling of this measure could increase instances of “gatekeeping”.

We know that local authority teams don’t want to be making decisions that aren’t in the best interest of applicants but unfortunately those poor decisions are currently being made due to the resource strains of local authorities. Our caseworkers fear that the introduction of these options to end a section 75 duty will be misinterpreted and misused resulting in a potential for failings that impact people’s safety as well as their wellbeing.

The safeguard proposed in this Bill, that the applicant must agree to the ending of the section 75 duty, is difficult to monitor and enforce. Particularly if local authorities can exercise this power by making the notice available for collection, as set out in section 7, subsection 3 of the Bill or what will be the new section 7B of the HWA. There is a clear financial incentive for local authorities to use this power in a way that subverts the aims of the Bill – to build a trauma-informed approach to homelessness where it is not preventable. Given the instances of poor decision making that Shelter Cymru caseworkers already challenge, this concern should not be overlooked. We would encourage the Welsh Government to consider how stronger safeguards can be put in place if this measure is to be introduced.

ABOLISHING TESTS OF PRIORITY NEED AND INTENTIONALITY – s9 and s10

Shelter Cymru has long campaigned for the abolition of the priority need and intentionality tests, and we welcome the Welsh Government’s announcement that this will be delivered by this Bill. However, setting a firm implementation date for the abolition of these arbitrary and unnecessary tests— independent of external factors—is essential. Without it, there is a real risk that debates over what constitutes “conditions to be met” will delay progress indefinitely and undermine the Bill’s purpose.

As the Explanatory Memorandum sets out, neither test is used regularly within our current system so Shelter Cymru see no reason to delay the abolition of these legal tests that do real harm to those subjected to them. In addition, while we recognise concerns such as the availability of suitable temporary and permanent

accommodation we believe that a firm implementation date will help to focus attention on addressing these. Ensuring that being ready to realise these new rights by a specific date is a priority of both the Welsh Government and local authorities.

In our casework, we also see the impact that the “threat” of the intentionality test has for families in desperate situations across Wales. The Experts by Experience who engaged with the process ahead of this Bill shared many similar experiences. This threat has led people to make decisions that are not in their best interest and to not pursue rights that they have under our current legislation.

Shelter Cymru would like greater clarity on the timeline for the abolition of both of these tests but particularly clarification on the timeline for the abolition of the intentionality test and the introduction of the deliberate manipulation test. The progressive nature of this Bill will be grossly undermined if both tests exist concurrently and this will directly impact people reaching out for help.

We would also look to understand how the Welsh Government will monitor if there is an increase in other forms of gatekeeping after the removal of these tests. Shelter Cymru are happy to provide information related to our casework to support this but would hope to see the Welsh Government monitoring the use of the new powers to end duties that are set out in this Bill and raising conversations with local authorities that they feel are not working to the spirit of the legislative change.

LOCAL CONNECTION REFERRALS – s11 to s17

Shelter Cymru have previously advocated for the complete removal of local connection tests in support of creating a person-centred and trauma-informed homelessness system. Through our role in the Expert Review Panel we understand the positions of other parties and why some are keen to retain the test. The recommendations produced by the Panel reflect the compromise between different organisations and the spirit of compromise at the heart of that work.

FURTHER PREVENTION MEASURES – s18 and s19

Shelter Cymru welcomes the strengthening of prevention measures under these sections of the Bill. There is a resourcing question around these, and other, measures that the Bill and Explanatory Memorandum do not clearly answer.

Effective prevention work will undoubtedly reduce pressures on our homelessness system over time but prevention work will not be appropriately actioned while

local authorities are managing under strained resources and are instead working in crisis-mode. There will be a period in which local authority workload will need to increase to suitably implement the important new measures in this Bill and it is not yet clear how local authorities will be expected to meet this.

A failure to resource this change fully will result in mistakes being made and local authorities facing court proceedings following illegal decisions and practice – a process that is costly and time-consuming for the professionals involved and, most importantly, incredibly distressing for the person trying to access help.

Alongside the resourcing of local authorities it is also important that independent, expert advice is also fully funded across Wales. This will ensure that people have the support necessary to understand their housing rights and – where necessary – to challenge decisions.

Without clear answers to the resourcing questions, this and other measures in the Bill will not be implemented in line with the aims of this Bill and while the legislation may shift policy its impact on practice will be weaker.

ENDING DUTIES FOR UNACCEPTABLE BEHAVIOUR – s20

Shelter Cymru are supportive of the Welsh Government's aim to build a trauma-informed approach to homelessness. However, the substance of this section falls short of the understanding of trauma and the role of the homelessness sector as set out in other parts of this Bill.

Shelter Cymru recognises the negative impact of unacceptable behaviour on local authority officers and firmly believe that it is unacceptable for any staff to face unmitigated risks in the workplace.

The phrases “reasonable excuse” and “special circumstance” are open to subjective interpretation and will result in inconsistency of practice across local Authority areas. Unless the actions of the applicant meet the threshold for criminal behaviour as decided by our justice system, it is not within the remit of housing teams to declare guilt. Particularly where the punishment is the potential loss of access to support needed to secure or maintain a home something we firmly believe is a human right.

Furthermore, clear guidance will be needed to set out what reasonable steps local authorities will be expected to take to ensure support is offered to people with support needs that may exhibit the behaviours listed in this section. Some local

authorities may be proactive, resourceful and creative in creating the “special circumstances that would make it appropriate for the relevant duty to continue to apply”. Some already have staff working to assertive outreach models or offer 2:1 staffing levels. This is not universal across Wales and the expectation should be set by the Welsh Government to ensure that these duty ending powers are used rarely and only in circumstances where all other approaches have been explored.

Finally, we would highlight that where the potential for access to support can be withdrawn despite a person being recognised as homeless or at risk of homelessness then the ambition to end homelessness cannot be achieved.

Incorporating this approach into legislation involves acknowledging that there are certain individuals for whom there is a willingness to accept homelessness as a consequence of their actions.

ASK AND ACT – s21 and s22

Shelter Cymru supports the ethos behind this proposed duty and recognises its potential to foster stronger cross-sector collaboration in addressing homelessness as a complex, multi-dimensional issue. However, we are concerned that the exclusion of key public services – namely primary healthcare, education, and police forces – limits its effectiveness. These sectors are frequent points of contact for individuals experiencing the effects of homelessness and a threat of becoming homeless - their omission risks undermining the duty’s reach and impact.

As part of the ongoing review of the effectiveness of the Bill following implementation, Shelter Cymru would like to see plans for a scheduled, routine review of the bodies subject to this duty at least every three years. This would allow an opportunity to explore the evidence base for increased impact should additional bodies be included.

Professional curiosity is already a core expectation within these sectors, and the success of the VAWDASV model demonstrates the value of embedding safeguarding responsibilities across the public sector. Homelessness, with its far-

reaching implications for health, education, and criminal justice outcomes, warrants equivalent statutory attention.

The Ask and Act duty within this Bill differs to the Ask and Act policy for VAWDASV. The “ask” elements set out in this Bill centre solely on seeking consent to notify a local Authority of the practitioner’s concerns and identifying the most

relevant local authority. This stands in contrast to the process of enquiry which practitioners are required and supported to undergo to identify instances of VAWDASV. The “ask” elements of this Bill are closer to some existing safeguarding duties, where practitioners do not have a responsibility to investigate but should seek consent to refer all cases where they have a concern. Shelter Cymru are supportive of this broader approach but it must be acknowledged that this approach will require clear guidance for public sector partners as well as training opportunities to develop wider understanding of homelessness and housing insecurity.

Shelter Cymru’s existing work to grow understanding of homelessness and housing insecurity outside of the housing sector routinely highlights that there is narrow view of how these issues present. Some public sector teams will need a high level of ongoing support to be effective partners under this duty. We are interested to understand if the Welsh Government will be funding this learning and development resource for teams subject to this new “ask and act” or if those teams will need to source and fund this training from within their own budgets.

We would agree with the officials behind this Bill that enforcement is not an appropriate motivator for the “ask and act” duty. As an experienced training provider, we understand the importance not only of ensuring people have a technical knowledge of relevant legislation and systems but also understand the intent behind it. This increases the likelihood that teams and individuals will buy into the ethos of the legislation and their place in it.

As a final point on “ask and act”, if education authorities are to be subject to this duty, it is unclear how they will fulfil it without corresponding obligations on frontline education providers to identify and respond to people who may be in housing need. Without such alignment, the duty risks becoming ineffective at the very points where early intervention is most possible and most needed.

VULNERABLE PEOPLE - s23 to s29

Shelter Cymru strongly supports the draft legislation’s recognition that care leavers should not have to rely on the homelessness system to access suitable accommodation. The added clarity in section 24, placing responsibility on Social Services to lead in supporting young people and their families, is particularly welcome. Too often, delays caused by uncertainty between housing teams and Social Services over responsibility prolong young people’s homelessness and exacerbate its associated harms.

The requirement for local authorities to establish multi-agency protocols is commendable. While some authorities already demonstrate best practice, others will need support. In the absence of a model protocol, additional guidance—drawing on successful examples—would be beneficial.

We also support the strengthening of provisions around property protection. Our casework highlights the challenges of transitioning from prison, and the importance of personal belongings in supporting rehabilitation and stability.

However, the definition of “property” remains unclear—particularly whether it includes pets. Clarification is needed to ensure local authorities can fulfil this duty effectively and in a way that supports individual wellbeing.

Section 27 is a welcome step in ensuring that individuals in the secure estate receive housing advice. However, variations in local protocols may limit the relevance and quality of advice provided. Additionally, where individuals are held outside Wales but have a Welsh local connection, clear and practical guidance is needed to help local authorities fulfil this duty effectively.

The requirement to consult people with lived experience of homelessness is a valuable and progressive element of the draft legislation. It closely aligns with Shelter Cymru’s Take Notice project, through which we have developed a good practice guide and fostered strong partnerships with local authorities across Wales. Our work has shown that engaging those who have experienced homelessness can meaningfully shape local authority processes, procedures, and staff behaviours. However, our learning also highlights the need for clear guidance, adequate support, and a genuine commitment from teams to engage with honest feedback in a meaningful and respectful way.

CONDITION OF ACCOMMODATION – s30 and s31

Expanding legal standards on accommodation condition is a welcome step toward ensuring everyone has access to safe and suitable housing. However, Shelter Cymru is concerned that the language in section 30 lacks the necessary strength to hold local authorities fully accountable. The phrase “having regard to” does not equate to requiring compliance with Part 4 of the Renting Homes (Wales) Act 2016.

We understand that the Cabinet Secretary intends to pursue the issue of conditions further via secondary legislation but are unclear how this route would provide a better option. If it is that the Welsh Government intend to bring about this change through secondary legislation ahead of the implementation of this Bill then we would welcome transparency on this.

The omission of a clear exclusion for properties with Category 1 Health Hazards—originally proposed in the White Paper—is concerning. These hazards pose serious risks to life and health, and their absence contradicts broader regulatory efforts, such as those under consideration through the potential addition of a new rule within WHQS, that would expand upon “Awaab’s Law” in England. A person-centred, trauma-informed approach cannot be reconciled with placing people in accommodation that may endanger their lives.

This Bill also does not consider the issue of affordability within its understanding of suitability – an omission from the Renting Homes (Wales) Act that this Bill has an opportunity to resolve. Unaffordable accommodation is unsuitable accommodation. Unfortunately, there are instances within our casework where a local authority has ended a section 75 duty through facilitating access to PRS accommodation that is not affordable for the applicant. In these instances a 12month Discretionary Housing Payment is often agreed but no long-term strategy or wider support put in place. Shelter Cymru would look to see the inclusion of affordability in our working definition of suitability to ensure that settled accommodations can provide the security needed to prevent repeat homelessness.

While the requirement to report on the use and condition of temporary accommodation is a positive step, Shelter Cymru cannot support a five-year reporting cycle. If temporary accommodation is to be truly suitable, local authorities and Welsh Government must be alerted to the use of accommodation in dangerous conditions far sooner. Delayed reporting risks prolonging harm and directly undermines the Bill’s commitment to a person-centred, trauma-informed approach.

COOPERATION – s32 and s33

Our concerns about gaps in the public bodies listed under Sections 21-22 also applies to the duty to cooperate. However, Shelter Cymru strongly welcomes the recognition of Registered Social Landlords as key partners in tackling homelessness. Clear, robust, and unambiguous guidance is essential to ensure consistency and accountability when a local authority’s request to accommodate a homeless applicant is refused.

4. What are your views on the provisions set out in Part 3 of the Bill – Social Housing Allocation (sections 39 – 43 and Schedule 1)? In particular, are the provisions workable and will they deliver the stated policy intention?

Schedule 1 proposes a change in language across several existing homelessness duties—from referring to “a person with whom the applicant lives or might reasonably be expected to live with” to “a member of the applicant’s household.” While this may appear to be a technical adjustment, Shelter Cymru is concerned that it could have significant implications for how applicants’ needs are assessed and met.

This revised terminology risks narrowing the scope of who is considered part of an applicant’s household. In practice, it could be used to justify offers of accommodation that do not reflect the full composition of the applicant’s intended living arrangements. This is particularly concerning in cases where families are temporarily separated due to a lack of suitable accommodation, or where individuals are separately living in precarious or informal arrangements—such as sofa surfing or rough sleeping.

We are also concerned about how this change would apply in more complex situations. For example, would a partner currently in prison be excluded from the household definition? What about cases where one partner is rough sleeping while the other is staying temporarily with friends or relatives? These are not uncommon scenarios, and the legislation must be flexible enough to accommodate them.

We would welcome clarity on whether the definition of “household” will be updated to reflect the realities of homelessness and housing instability. A narrow or overly rigid interpretation could undermine the person-centred, trauma-informed approach that the wider Bill seeks to promote.

Section 42 of the draft legislation sets out the ability to introduce a transitional period, that supports the phased implementation of key reforms. While we recognise the need for a managed transition, Shelter Cymru is concerned that without fixed, formal timelines, there is a real risk that many of the Bill’s most transformative provisions—such as the abolition of the priority need and intentionality tests—may be indefinitely delayed or deprioritised.

Clarity is urgently needed around what will constitute the “right conditions” for the introduction of these measures. Without this, there is a danger that implementation will be contingent on subjective or shifting criteria, leaving critical reforms vulnerable to being “kicked into the long grass.” This would undermine the Bill’s ambition and the Welsh Government’s stated commitment to ending homelessness.

It is particularly important that changes to allocations legislation are not allowed to overshadow or delay the homelessness-related provisions of the Bill. While we acknowledge the pressures on the housing system, waiting for a sufficient supply of affordable homes before implementing these changes is not a reasonable or realistic expectation. Demand for suitable accommodation continues to grow, and the wider housing emergency cannot be used as a justification for inaction. Instead, tackling the housing emergency should be driven by changed legislative expectations.

The transitional period must be underpinned by clear, time-bound commitments and transparent criteria for progress. This will ensure accountability and provide confidence to stakeholders and those with lived experience of homelessness that the reforms will be delivered in full and without unnecessary delay.

5. What are the potential barriers to the implementation of the Bill's provisions and how does the Bill take account of them?

While the Bill represents a significant step forward in the effort to end homelessness in Wales, there remain potential barriers to its successful implementation that must be acknowledged and addressed.

One of the most pressing challenges is ensuring that the rights set out in the Bill are both realisable and reviewable in practice. This will require clear mechanisms for individuals to access independent legal advice and advocacy, particularly where decisions are complex or contested. Without this, there is a risk that rights will exist in principle but not in practice.

Embedding a trauma-informed, person-centred approach across all relevant sectors will also require a substantial cultural shift. This cannot be achieved through legislation alone. Comprehensive training and support will be needed across housing, health, social care, and other public services to ensure that the principles of the Bill are consistently applied. As a training provider Shelter Cymru understands the challenge this will pose and believes that the Welsh Government should begin planning immediately to ensure implementation is not delayed unnecessarily while an implementation approach is developed.

The effectiveness of early intervention and prevention measures will also depend heavily on the wider housing system functioning as intended. Shelter Cymru are an advocate for the realisation of the Right to Adequate Housing (RTAH) in Wales. While this cross-issue, cross-tenure right is beyond the scope of this Bill such a right would support the realisation of elements of this Bill through improving the supply of safe and suitable homes.

Similarly, the success of the “ask and act” duty and duty to cooperate would be significantly enhanced through being extended to a broader range of public bodies, particularly primary care services, which often serve as a first point of contact for people suffering the health effects that a risk of homelessness and homelessness itself can present.

local authorities will understandably raise concerns about the practical realities of implementation. These include the availability of social housing, the resourcing of frontline services, and the structure and capacity of local teams.

While the Bill acknowledges some of these pressures, it cannot resolve them in isolation. Tackling the wider housing emergency is key to the potential success of this legislation.

The transitional period outlined in Section 42 is intended to support implementation, but without fixed timelines or clear criteria for progress, there is a risk that key reforms—such as the abolition of priority need and intentionality tests—could be indefinitely delayed. It is essential that the transitional framework includes transparent, time-bound commitments to ensure accountability and momentum. Such commitments will ensure the legislation acts as an additional driving force to deliver the changes needed to make implementation successful. For example, ensuring that Welsh Government provides the investment needed to increase resourcing and housing supply immediately.

Ultimately, the Bill lays a strong legislative foundation, but its success will depend on the systems, resources, and political will that surround it. A coordinated, well-resourced implementation strategy will be essential to ensure that the Bill’s ambitions are fully realised and that no one is left behind.

6. How appropriate are the powers in the Bill for Welsh Ministers to make subordinate legislation, as set out in Chapter 5 of Part 1 of the Explanatory Memorandum)?

Broadly speaking, the powers in the Bill for Welsh Ministers to make subordinate legislation are unobjectionable. There is a need to ensure that there are powers to amend or enhance sections of the legislation to reflect the changing demands and unforeseen issues that might arise. These secondary powers will enable the Bill to be a responsive piece of legislation, which is not to say that certain changes should be rushed when the knowledge, expertise and viewpoints of a range of stakeholders (including those with lived experience of homelessness) might improve any proposed changes.

Shelter Cymru supports the power set out in s96(b) of the draft legislation, where local authorities may refer instances of refusals by Registered Social Landlords to accommodate homeless applicants. However, Shelter Cymru would fully support a clear set of guidelines on when a refusal might be appropriate to avoid overly risk-averse landlords from refusing any applicant with impunity. Local authorities will need to be able to mitigate any potential risks through the provision of ongoing support to the people that they nominate to a social housing provider. We would also encourage the Welsh Government to closely monitor this area to ensure a full understanding not only of the number of refusals but of instances where housing associations use a threat of refusal to limit the use of the measure in the first place.

In relation to the guidance promised throughout the draft Bill, we have concerns that numerous separate guidance documents could create confusion and might lead to inadvertently erroneous decisions being made where specific guidance might be missed, thus risking access to duties for people needing assistance.

One code of guidance, encompassing the whole of this Bill would be most useful to local authority officers who are already time poor and the homeless applicants and organisations for whom this legislation will also be relevant.

7. Are there any unintended consequences likely to arise from the Bill?

While the Bill is a welcome and ambitious step toward ending homelessness in Wales, there are areas where unintended consequences could arise if implementation is not carefully managed.

One key concern is the lack of specificity in certain provisions, particularly those that relate to powers to end duties. Where legislative language is broad or ambiguous, there is a risk that interpretation will be left to case law. This could lead to outcomes that diverge from the Bill's intended purpose, particularly if decisions are made without the benefit of clear statutory guidance. We would welcome early sight of the accompanying guidance, as this will be critical in shaping how we can help to ensure rights are realised in practice.

Gatekeeping remains a significant concern. It is important to acknowledge that gatekeeping does not generally occur because local authorities are acting in bad faith, but often because they feel compelled to find routes to manage limited resources. While the Bill addresses some current gatekeeping practices, it also introduces new areas where similar behaviours could emerge—such as in the discharge of duty for unacceptable behaviour and the application of the deliberate manipulation test. These areas must be tightly drafted, supported by

clear guidance, and subject to robust data monitoring to ensure they are applied fairly and consistently. Elsewhere in this response we have drawn attention to the language of the Bill in these areas and the potential for a wide range of interpretations of “reasonable excuse” and “special circumstances”.

We are additionally concerned by the sub-sections of the Bill (in sections 4 and 20) which set out that letters made available for collection from the authority’s office will “be treated as having been given to the applicant”. As an organisation that helps people to access their rights, these subsections do not encourage local authorities to work in a proactive, trauma-informed way to support those who may struggle to engage with support. A higher level of expectation should be placed on local authorities to make contact with individuals to inform them of decisions or provide necessary updates.

In both instances, the substance of the Bill as it stands leaves a pathway open for local authorities to engage in gatekeeping activity if they feel it necessary. While further clarity can be given in future guidance, this will not carry the same weight of responsibility as the Bill itself. If the Welsh Government is looking to create a Bill that will offer the right interventions, at the right time, for all who need them then we would encourage a review of the language in these areas.

There is also a risk that, without a strong framework for accountability and review, some of the Bill’s more progressive provisions may be undermined in practice. Ensuring that rights are not only enshrined in law but are also accessible, reviewable, and supported by independent advice will be essential to avoiding unintended barriers to support.

Ultimately, while the Bill provides a strong foundation, its success will depend on how it is resourced and implemented. A pragmatic approach—one that recognises the operational realities faced by local authorities while remaining firmly rooted in a rights-based, trauma-informed framework—will be key to ensuring that the legislation delivers on its promise.

8. What are your views on the Welsh Government’s assessment of the financial implications of the Bill, as set out in Part 2 of the Explanatory Memorandum?

While we welcome the inclusion of a financial assessment in the Explanatory Memorandum, further clarity is needed—particularly regarding the source and sustainability of the funding required to implement the Bill’s provisions.

Understanding where the necessary resources will come from is essential to ensuring that the Bill’s ambitions can be delivered in practice.

We note that the projected savings outlined in the Explanatory Memorandum align closely with findings from Alma Economics' work on the Right to Adequate Housing. This reinforces the case that investing in homelessness prevention and person-centred support can yield long-term financial and social benefits.

However, we believe the assessment would benefit from a more detailed consideration of ongoing costs. As highlighted by colleagues, it is not only the initial implementation that requires investment—sustained funding will be critical to support training, service delivery, and the cultural shift needed to embed a trauma-informed approach across sectors.

While we appreciate the complexity of forecasting costs in a changing housing landscape, a more comprehensive and transparent financial plan would help build confidence in the Bill's deliverability and support effective planning at the local level.

9. Are there any other issues you would like to raise about the Bill and the Explanatory Memorandum or any related matters?

While the Bill represents a significant and welcome step forward in addressing homelessness, it is important to recognise that it focuses on just one part of a much broader housing emergency. The structural issues affecting housing in Wales—such as affordability, supply, and tenure insecurity—require a whole-system, cross-tenure response.

This legislation must form one component of a wider strategy. Without parallel reforms across the housing system, including the private rented sector and social housing development, the Bill's impact may be limited. We believe this reinforces the importance of embedding the Right to Adequate Housing (RTAH) as a guiding principle across all housing policy in Wales.

The RTAH framework offers a holistic approach that aligns with the Bill's person-centred and trauma-informed ethos. It provides a foundation for ensuring that everyone in Wales has access not only to shelter, but to safe, secure, and suitable housing as a fundamental right.

We would welcome further opportunities to explore how the Bill can be supported by a broader strategy that addresses the full spectrum of housing need and ensures that the right to adequate housing is realised in practice.

HSHAWB 09 Welsh Women's Aid

Senedd Cymru | Welsh Parliament

Y Pwyllgor Llywodraeth Leol a Thai | Local Government and Housing Committee**Bil Digartrefedd a Dyrannu Tai Cymdeithasol (Cymru) | Homelessness and Social Housing Allocation (Wales) Bill**Ymateb gan: Welsh Women's Aid | Evidence from: Cymorth i Ferched Cymru

About Welsh Women's Aid

Welsh Women's Aid is the umbrella organisation in Wales that supports and provides national representation for independent third sector violence against women, domestic abuse, and sexual violence (VAWDASV) specialist services in Wales. Our membership comprises of 20 specialist support services. These services deliver lifesaving and life-changing support and preventative work in response to violence against women, including domestic abuse and sexual violence against children and young people, men and boys, trans and non-binary people, as part of a network of UK provision. As an umbrella organisation, our primary purpose is to prevent domestic abuse, sexual violence, and all forms of violence against women and ensure high quality services for survivors that are needs-led, gender responsive and holistic. We collaborate nationally to integrate and improve community responses and practice in Wales. We also award the Wales National Quality Service Standards (NQSS), a national accreditation framework for domestic abuse specialist services in Wales (supported by the Welsh Government) as part of a UK suite of integrated accreditation systems and frameworks. (More information on the NQSS can be found [here](#)).

Welsh Women's Aid welcomes the Welsh Government's call for evidence on the Homelessness and Social Housing Allocation (Wales) Bill. In our response we have answered the questions that are relevant to our sector and our expertise. In our previous response to the formal consultation on the White Paper on Ending Homelessness in Wales we raised a number of concerns, and we are pleased to see that some of these items have been considered and effectively addressed in this bill. We have previously clearly highlighted the myriad of obstacles that survivors of violence against women, domestic abuse, and sexual violence (VAWDASV) face when trying to access housing in Wales. Whilst there are many barriers to accessing suitable and affordable housing, these are further exacerbated for those fleeing abuse and/or violence. As highlighted by the United

Nations Human Rights Office of The High Commissioner, the right to adequate housing remains unmet particularly for vulnerable groups of women¹.

The intersection between VAWDASV and housing must not be under-estimated² and we are pleased to see this directly referenced in the explanatory memorandum. Following the Covid-19 pandemic the demand on specialist services has not slowed down, with gendered-based violence being at epidemic levels, it was estimated that over 2.4 million experienced domestic abuse in the year ending March 2022³. The actual figure is most likely to be significantly higher, due to many survivors not reporting to the police due to concern of not being believed, a lack of faith in the police⁴ or due to institutional barriers⁵. One of the biggest barriers for survivors to be able to flee abuse and/or violence is the lack of appropriate and secure housing. Refuge provision is only ever intended to be short term, emergency accommodation, however in the last year specialist services in Wales have had a significant number of survivors stay in refuge for over 6 months. This is due to the lack of suitable move on accommodation. That this bill seeks to address the issue of suitable accommodation is welcome, that it must be alert to any potential unintended consequences is vital. Women and children should feel safe within their home; however, this is one of the places that abuse is often perpetrated. Many women do not flee, or delay fleeing due to their concerns of their future housing options and often contemplate staying with the perpetrator due to the concern of having unsafe and insecure housing⁶. The impact of gender-based violence must be at the forefront of policy and decision making when it comes to ensuring that everyone in Wales has a good quality affordable home⁷.

Q1. What are your views on the general principles of the Bill, and whether there is a need for legislation to deliver the stated policy intention?

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https://www.ohchr.org/sites/default/files/Documents/publications/WomenHousing_HR.PUB.1.2.pdf, page 6.

² <https://welshwomensaid.org.uk/wp-content/uploads/2021/11/Cross-Party-Groups-on-Housing-and-on-Violence-against-Women-and-Children-on-housing-and-sexual-violence.pdf>

³ <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/domestic-abuseprevalenceandtrendsendlandandwales/yearendingmarch2022>.

⁴ https://www.endviolenceagainstwomen.org.uk/wp-content/uploads/2021/11/EVAW_SexualViolence_211028-1.xls-Compatibility-Mode.pdf

⁵ <https://www.endviolenceagainstwomen.org.uk/wp-content/uploads/2023/02/Snapshot-2022-23-final-140223.pdf>, page 1.

⁶ <https://www.womensaid.org.uk/wp-content/uploads/2020/06/The-Domestic-Abuse-Report-2020-The-Hidden-Housing-Crisis.pdf>, page 5.

⁷ <https://www.gov.wales/sites/default/files/publications/2021-02/future-wales-the-national-plan-2040.pdf>, page 50.

We are supportive of the general principles of the bill, and its ambition. We believe there is a need for effective legislation which reflects the needs of citizens in order to deliver the stated policy intention with consistency and clarity.

Q2. What are your views on the provisions set out in Part 1 of the Bill - Homelessness (sections 1 -34)? In particular, are the provisions workable and will they deliver the stated policy intention?

In general we are supportive of the provisions laid out, and we agree with the removal of the priority need test. Many weaknesses of the priority need test had been identified, including its use in gatekeeping assistance, inconsistent application, and high thresholds for vulnerability, which has left people facing critical need being turned away. This has been particularly true for certain forms of violence against women, such as sexual violence and sexual exploitation, leaving these survivors unfairly excluded from accommodation. We are hopeful that without this test, and with appropriate levels of training and understanding, more survivors of abuse will be provided the support they need.

We also agree with the removal of the intentionality test and the explanatory note captures the reasons for the removal well, again citing the impact this has had on vulnerable survivors and their families.

We have some concerns that in section 75 as the amended bill reads (page 284):

A local housing authority must secure that suitable accommodation is available for occupation by an applicant if:

(5) The circumstances are that the applicant or any member of the applicant's household with the applicant— (a) is at risk of suffering abuse in an area outside Wales— (i) to which the applicant or other member of the applicant's household has a local connection, (ii) in which the applicant or other member of the applicant's household is living or was living, and (iii) is in Wales in relevant circumstances, is living in the area outside Wales where there is a risk of abuse or is living in another area outside Wales for the purpose of seeking refuge from abuse, or (b) falls within a prescribed category of person.

(6) In subsection (5)(a)(iii), the relevant circumstances are that immediately before coming to Wales the applicant or other member of the applicant's household was— (a) living in the area outside Wales where there is a risk of abuse, or (b) living in another area outside Wales for the purpose of seeking refuge from abuse.

We would seek clarity in legislation rather than subsequent guidance as to the meaning of 'immediate' or an additional subsection which addresses the issue that if a survivor were to have secured short term accommodation with a friend or a family member, or perhaps in a hotel, via their own initiative, this would not then exclude them from the provisions set out. From experience, we know that having supporting guidance which relies on a pre-requisite level of training or implied discretion can result in inconsistent application, thus undermining the intent of

the legislation. At a time when many Local Authorities are facing austerity, their ability to apply discretion also becomes limited by external, competing priorities and so we would ask that the legislation be clearer in setting out how this section should be applied.

Q3. What are your views on the provisions set out in Part 2 of the Bill – Social Housing Allocation (sections 35 – 38)? In particular, are the provisions workable and will they deliver the stated policy intention?

N/A

Q4. What are your views on the provisions set out in Part 3 of the Bill – Social Housing Allocation (sections 39 – 43 and Schedule 1)? In particular, are the provisions workable and will they deliver the stated policy intention?

N/A

Q5. What are the potential barriers to the implementation of the Bill's provisions and how does the Bill take account of them?

N/A

Q6. How appropriate are the powers in the Bill for Welsh Ministers to make subordinate legislation, as set out in Chapter 5 of Part 1 of the Explanatory Memorandum)?

N/A

Q7. Are there any unintended consequences likely to arise from the Bill?

Whilst we are supportive of the principle to include a duty to 'ask and act' to prevent homelessness on public bodies, and note the acknowledgement of the term being borrowed from existing 'ask and act' provisions, we would be keen to ensure this new provision does not have the unintended consequence of diluting the pre-existing commitment to addressing and effectively responding to VAWDASV.

We have some concerns that without clarity section 75 duty (page 284) could have an adverse impact on some survivors of VAWDASV who having escaped abuse to alternative accommodation but not immediately into refuge or supported accommodation would then be inadvertently excluded from the provisions and support offered by the bill. We believe that one of the strengths of the national network of refuges across our four nations is that we are able to enable safe passage and accommodation for those at risk of harm. The lack of clarity around the immediacy of abuse that an individual seeking refuge or facing abuse may have to demonstrate is both concerning and open to a high degree of interpretation by local authorities. We would welcome an opportunity to refine this point to a greater degree.

Q8. What are your views on the Welsh Government's assessment of the financial implications of the Bill, as set out in Part 2 of the Explanatory Memorandum?

N/A

Q9. Are there any other issues you would like to raise about the Bill and the Explanatory Memorandum or any related matters?

In chapter 12, post implementation review (page 189-190), where the explanatory notes sets out the proposal for evaluation, we would like to see the addition of specific reference to VAWDASV in the homelessness data, we would also like to see specific reference to engagement with survivors of VAWDASV in the lived experience of homelessness section. We believe that any post implementation review must ensure that it intentionally reviews impacts on different and specified vulnerable categories.

We would like to call for consideration to be made as to the local, regional and national scrutiny of decision-making around the discharge or non-acceptance of duty for survivors of VAWDASV. Whilst we are certain that mechanisms must exist within individual Local Authorities, we would like to see more done formally to address the issue of consistency. Whether this be through 'lessons learned' exercises or through a duty to record and report statistics around this topic, we believe it would be of huge benefit to ensuring that no matter where a survivor flees to in Wales (and England), they are treated equitably by a system that continually seeks to provide consistency and improvement.

With the abolition of the priority need and intentionality test not being due to take place until 2030-31 (estimated), we believe that strengthened guidance for local authorities which clarifies how these areas should be being applied in the interim period would be beneficial. Although there are limited short-term changes in this respect, we receive regular feedback from across Wales which evidences the inconsistency with which the current guidance is being applied. The work being done on the Bill now gives us an opportunity to make clear the current position and procedures which should be being applied until full enactment of the duties and powers created and clarified in this new legislation.

We also wish to note that many pieces of legislation, though robust in nature, have not always been accompanied by the necessary tools that the people discharging the duties need to ensure parity and equity for service users. We can see that the intention of this act is to be clearer, more straight-forward and more effective in addressing homelessness and we hope that the accompanying practice direction for Local Authorities and Housing Officers reflect these principles.

We believe that navigating the Welsh housing system can be challenging and complex for survivors of VAWDASV. This legislation lays out a commitment to a clear and comprehensible process, one which is trauma informed and places the user at the heart of decision making.

HSHAWB 08 The Wallich

Senedd Cymru | Welsh Parliament

Y Pwyllgor Llywodraeth Leol a Thai | Local Government and Housing Committee

Bil Digartrefedd a Dyrannu Tai Cymdeithasol (Cymru) | Homelessness and Social Housing Allocation (Wales) Bill

Ymateb gan: The Wallich | Evidence from: The Wallich

1. What are your views on the general principles of the Bill, and whether there is a need for legislation to deliver the stated policy intention?

We strongly support the general principles of the draft Bill, to enhance systems for the prevention and relief of homelessness in Wales. We believe that new legislation is urgently needed, because the current system based upon existing provisions in the Housing (Wales) Act 2014 and the Housing Act 1996 has significant shortcomings, meaning support can be withdrawn or denied altogether, and many people are falling through the gaps, leading to prolonged traumatic experiences of housing instability.

The Government sets out in the Explanatory Memorandum that the Bill is intended to;

Expand access to homelessness services and provide additional support to those who need it most;

Widen responsibility to certain specified public authorities to identify individuals who are homeless or at risk of homelessness and respond effectively, and;

Prioritise allocation of social housing to those most in need.

We strongly support these three aims and are broadly confident that the provisions within this draft bill are realistic and consistent with their intentions. The Bill is the culmination of many years of work, including the Expert Review Panel of representatives from local authorities, Registered Social Landlords, the third sector and others. The Panel's report included a range of carefully-negotiated policy recommendations, balancing these competing perspectives, and the Bill replicates these compromise positions in a way that means all parties should be able to support it, to work towards the shared vision of a Wales where homelessness is rare, brief and unrepeatable.

2. What are your views on the provisions set out in Part 1 of the Bill - Homelessness (sections 1 -34)? In particular, are the provisions workable and will they deliver the stated policy intention?

Sections 1 and 2 – Help to prevent homelessness.

We believe that this will be a very welcome change, extending the prevention window from just 56 days to six months, allowing housing services to get appropriate support in place sooner, and manage caseloads more effectively. The six-month window also brings the prevention duty in line with the notice period that must be provided to tenants if issued with a ‘no-fault’ eviction under the Renting Homes (Wales) Act 2016. This means as soon as an individual is served notice, they are eligible for support to ensure they are not evicted into homelessness.

Sections 3 to 5 – Assessment of needs and plans for securing accommodation and support, and reviews.

These provisions include useful reforms to the 2014 act to ensure services remain accessible for people with a range of different support needs, and that they receive timely communications in a format that can be more easily understood. The initial needs assessment is a vital step in the homelessness support process, and experts by experience tell us that this can be incredibly stressful and retraumatising if not managed sensitively. Service users tell us that the assessment process can feel like something ‘being done to them’ rather than ‘with them,’ and these reforms ought to make it easier to deliver more inclusive, trauma-informed processes.

Section 4 creates a new duty on local housing authorities to prepare a person-centred Prevention, Support and Accommodation Plan (PSAP) for each applicant owed a duty. We are pleased to see that this acknowledges that suitable accommodation is only a part of the solution for ending homelessness; wrap-around support must also be provided at an appropriate level. Finally, the Bill clarifies the process by which an applicant can request a review if they feel their needs assessment was not carried out appropriately.

Sections 6 to 8 – Reform of duties to secure accommodation.

These sections provide some welcome updates to the main homelessness duty to ensure applicants can access appropriate interim and permanent accommodation, however it also introduces a new concept of ‘a local connection to Wales.’ Whilst we note that there is an exemption to this test if the applicant or a member of their household are at risk of abuse, we remain somewhat sceptical

about the need for a new eligibility test. The Wallich has a longstanding position that local connection tests exist only to exclude people from much-needed support, and whilst we support the negotiated compromise position agreed by the Expert Review Panel, ultimately, we would prefer to see local connection tests scrapped altogether. This is based upon the testimony of countless people we have supported over many years who have been excluded from support services and left with nowhere else to turn.

Sections 9 and 10 – Abolishing entitlement by reference to priority needs and intentional homelessness.

The Wallich fully supports these two key measures and believe that scrapping these two outdated exclusionary tests will be a major achievement for this piece of legislation. We do however note that many local authorities are expressing concerns that scrapping these tests will lead to increased presentations when they are already experiencing record levels of demand, and perhaps as a consequence of this concern, the Welsh Government suggests in its Regulatory Impact Assessment that Sections 9 and 10 are likely to be implemented only by 2030-31 at the earliest. We consider this to be an unreasonably long delay.

The Welsh Government has been discouraging the use of both tests since the 2014 Act and effectively suspended them through the ‘no-one left out’ policy implemented at the start of the Coronavirus Pandemic in 2020. The most recent data suggests fourteen of the twenty-two local authorities no longer apply the priority need test, and eleven of the twenty-two no longer apply the intentionality test. In this context, we believe that both priority need and intentionality could be ended immediately with limited impact on local authorities.

Sections 11 to 17 – Local connection referrals.

As mentioned above, The Wallich would prefer to see local connection abolished altogether, however we are content to accept the pragmatic compromise position agreed by the Expert Review Panel, to retain local connection albeit with additional safeguards to protect people experiencing or at risk of abuse. A longstanding complaint about priority need and intentionality tests is that they have been inconsistently applied across different areas of Wales, so our main hope for the reformed local connection rules are that they can be easily understood and applied consistently and fairly. We hope that the Welsh Government will monitor this closely, and uphold the exemptions set out in Section 13 of the Bill, adding additional categories for exemption if necessary.

Sections 18 and 19 – Further homelessness prevention duties.

These provisions create an important new duty on local authorities to stay connected with people even after resolving their homelessness, to ensure they are supported to retain their accommodation long-term. This will be a valuable tool to ensure homelessness is non-repeated, recognising that some people will need ongoing support in order to maintain their tenancy. We also appreciate the provision that authorities must take reasonable steps to contact applicants, even if they are in alternative housing outside of the private or social rented housing sectors.

Section 20 - Unacceptable behaviour that brings duties to an end.

We are pleased that the Bill proposes to scrap the 'unreasonable failure to cooperate' test, which has often been used as an excuse to end a duty without investigating why someone may be having difficulties engaging in support. People who have experienced significant trauma are more likely to have difficulty trusting others, may be using drugs or alcohol to self-medicate, or may simply be unready to engage. It is vital that support staff take the time to understand their clients' unique circumstances and build trusting relationships. There may be numerous missed appointments and false starts, but a truly trauma-informed service must be patient and available on the client's terms.

We acknowledge the new circumstances in which duties may be ended are designed to protect frontline staff; everyone working in homelessness services deserve to be safe at work, protected from violent or threatening behaviour. Nonetheless, ending a duty under this section must be seen as an absolute last resort, only considered after all other avenues have been exhausted. There may be more proportionate steps which could be taken to promote positive behaviour changes, in recognition that violence and aggression is often a trauma-response to someone feeling unsafe. The exact wording of Guidance on the use of this section will be vital in order to ensure people are not excluded from services and left to face homelessness and ongoing trauma without support.

Sections 21 and 22 - Duty to ask and act

The Wallich considered the proposals to create new duties on other public bodies to identify, refer and cooperate as some of the most radical and important in the White Paper. This is a significant departure from the system as established in the 2014 Act, finally recognising that it will take all public services working together to end homelessness in Wales. We acknowledge that the changed language of 'ask and act' will bring this duty into line with similar duties such as the identification of violence against women, domestic abuse, and sexual violence (VAWDASV). We do however hope that there will continue to be an emphasis on ongoing

cooperation within the duty, as it is not enough for public services to simply make a referral to the housing department and take no further actions. They need to remain engaged and cooperate until all support needs have been identified and a PSAP is in place.

Whilst we are glad to see the eighteen specified public authorities in the draft bill, there are some significant gaps where we believe further bodies should be included. Specifically, we believe that primary care services (including GPs and community mental health services), education providers (including universities and colleges, as well as special needs schools and pupil referral units), private landlords, and all police forces should be subject to this new duty. There is widespread support across these sectors to take a more active role in homelessness prevention, and indeed a recent survey run by Public Health Wales found that 80 per cent of people in Wales believe primary care services have a role in supporting people with non-medical issues.

Whilst the Bill provides for the Welsh Ministers to amend this list and the Explanatory Memorandum states that it expects the list to grow over time, we would urge the Government to include the widest possible range of public bodies upon commencement.

Sections 23 to 28 – Provision for vulnerable people.

These sections provide some additional targeted prevention measures, in recognition that some people are at greater risk of homelessness, and less likely to be able to engage with mainstream support services. We agree that people leaving care, leaving prison, or otherwise leaving the care of the state must not be discharged into homelessness, and these provisions are sensible tools to ensure different agencies are working together to prevent this from happening. We understand that Section 25 provides a legal basis for a case-coordination model where clients are in touch with multiple different agencies, and we hope that this change will be enough to create a presumption in favour of multi-agency working. At present, people are falling through the gaps, particularly when they present with co-occurring mental health and substance use issues, as neither service can be compelled to accept lead responsibility.

Section 29 – Seeking the views of homeless persons.

We were delighted to see this proposal included in the bill, creating a new duty on local authorities to consult with and co-produce services with people who have lived experience of homelessness. The Wallich strongly believes in the power of genuine co-production, as people who have gone through the homelessness

system are best placed to identify its shortcomings and suggest alternative approaches. This duty is also a welcome recognition of the work of over 350 experts by experience whose testimony helped shape the work of the Expert Review Panel, the White Paper, and ultimately the proposals throughout this draft Bill.

Sections 30 and 31 – Condition of accommodation

We welcome these sections bringing temporary accommodation standards into line with the more widely recognised housing standards in the Renting Homes (Wales) Act 2016. Many of the properties currently used as TA fall well below acceptable standards, including fitness for human habitation standards, so we hope this change will drive up quality. We accept the Government's intention to report on use and condition of interim accommodation every five years, although we would prefer this to be reported more frequently, at least every three years with annual progress updates.

Sections 32 and 33 – Co-operation.

We welcome any and all measures to improve cooperation between public bodies and particularly welcome this change to ensure that all Registered Social Landlords (RSLs) comply with requests from local housing authorities. This should not pose a problem to the vast majority of RSLs who already work well with authorities, however this should improve the practices of the small minority who do not.

Section 34 – Viewing accommodation

Finally, this is an entirely sensible proposal to allow applicants to view properties on offer and make an informed choice whether or not to accept, even if they are currently in prison or hospital and unable to visit the property in person. People who have made an active choice about their housing are more likely to be able to maintain that home for the longer term

3. What are your views on the provisions set out in Part 2 of the Bill – Social Housing Allocation (sections 35 – 38)? In particular, are the provisions workable and will they deliver the stated policy intention?

Section 35 – Qualifying persons for allocation of social housing.

The Wallich is broadly content with the amendments to the Housing Act 1996 giving greater discretion to local authorities to manage their own social housing allocations, although the draft Bill could be stronger in emphasising that social

housing ought to be prioritised towards those currently experiencing or at risk of homelessness. We worry that allowing authorities to exclude people guilty of ‘unacceptable behaviour’ will be open to interpretation and could be used to penalise people who have experienced trauma and/or are not receiving appropriate support.

Sections 36 and 37 – Preference for persons in allocations system.

We strongly support the reasonable preference category for young people leaving care, as this will be a powerful safeguard against homelessness for care-leavers.

On the other hand, we do not support the introduction of a new ‘deliberate manipulation test,’ as we are concerned that it may in fact be re-introducing the intentionality test albeit for social housing allocations. We accept that there may be some perverse incentives in the current system, and households in suitable accommodation must be provided with the right support to allow them to stay in that accommodation. However, we do not believe that local housing authorities should have the discretion to unilaterally decide that somebody intentionally abandoned a tenancy in order to ‘deliberately manipulate’ the social housing waiting list. In such instances there are likely to be complicating factors unique to their circumstances, and household ought to be supported rather than punished.

Section 38 – Registers.

Finally, we support the proposal in this Section to create common housing registers for the whole local housing authority area. This significantly simplifies the process of applying for social housing, and we understand from the Explanatory Memorandum that common housing registers are already in place in nineteen of the twenty-two local areas. This Section will simply bring the final three areas up to this common standard. We do however expect that there must be protections put in place whilst those three areas transition to a common register, and where possible households should not be made to reapply if they are already on a waiting list.

4. What are your views on the provisions set out in Part 3 of the Bill – Social Housing Allocation (sections 39 – 43 and Schedule 1)? In particular, are the provisions workable and will they deliver the stated policy intention?

We have no particular views on the provisions set out in Part 3 or in Schedule 1 of the Bill.

5. What are the potential barriers to the implementation of the Bill’s provisions and how does the Bill take account of them?

We believe that the two major potential barriers to successful implementation of the measures set out in this Bill are a lack of long-term sustainable funding, and the difficulties in effecting cultural change across all local authorities and other public bodies.

Firstly, we recognise that the Welsh Government has estimated the costs of implementation for the Bill at £325.8 million over a ten-year period. These costs will fall not only on Welsh Government, but also on local authorities, RSLs, and other public services. That means the success of these reforms will be dependent upon enduring political and financial commitment to invest and realise these changes. Not only will the current Welsh Government need to secure cross-party support from Members of the Sixth Senedd in order to pass the Bill, but future Governments will also need to maintain a leadership role to ensure Welsh public services remain committed to ending homelessness for as long as is necessary.

This leads on to the second challenge of overturning the long legacy of services treating homelessness as simply a lack of housing. The Welsh Government has set out a detailed plan for upskilling staff across a wide range of public bodies to meet the new Ask and Act duty, and hopefully it has learned lessons from the rollout of similar duties around safeguarding and VAWDASV to ensure that public service workers are able to buy-in to the Wales-wide mission of ending homelessness. The Wallich will play its part in helping to foster an environment of determined collaboration

6. How appropriate are the powers in the Bill for Welsh Ministers to make subordinate legislation, as set out in Chapter 5 of Part 1 of the Explanatory Memorandum)?

We have no particular views on the powers to make subordinate legislation as set out in Chapter 5 of Part 1 of the Explanatory Memorandum

7. Are there any unintended consequences likely to arise from the Bill?

As mentioned above, we are worried about the introduction of ‘unacceptable behaviour’ and ‘deliberate manipulation’ tests, which could be used in a comparable way as the current intentionality test, albeit for social housing allocations rather than homelessness support. We understand the Government’s reasoning for introducing them, however they must provide really clear guidance to local authorities about when and how they can be used, ensuring that they are only ever considered as a last resort.

As we have tried to repeatedly highlight, people experiencing or at risk of homelessness are disproportionately more likely to have experienced significant

trauma, and therefore more likely to engage in problematic safety behaviours. Genuinely trauma-informed services must recognise this reality, and instead of seeking the first available opportunity to discharge their duty, take the time to build a trusting relationship, to understand the underlying causes of these safety behaviours, and work together to address them. Without a patient, compassionate approach, these tests could unintentionally become new forms of punishment, abandoning people in a crisis with no hope of support.

Finally, we note that the success or otherwise of this legislation will be largely dependent upon future Welsh Government's ability to significantly increase the supply of affordable accessible housing. Without enough appropriate homes support services will continue to struggle when moving people on from temporary accommodation, and prevention efforts will be significantly hamstrung

8. What are your views on the Welsh Government's assessment of the financial implications of the Bill, as set out in Part 2 of the Explanatory Memorandum?

We are content with the detailed financial modelling that the Welsh Government has conducted and detailed within the Explanatory Memorandum and note that the estimated cost of £325.8 million over ten years should be offset by the estimated £1.195 billion of financial benefits, thanks to a shift towards preventative spending. Of course, these numbers are likely to vary depending upon the successes and challenges of implementation, but the underlying principle, that investing in prevention yields significant savings to all parts of the system, is sound. We also note that the Welsh Government estimates that just a 6.1 per cent improvement to the prevention rate and no change to the relief rate would by itself break even with the proposed costs of implementation in the Bill. This powerfully makes the case for investment, which ought to guide the budget strategy of future Governments for many years to come.

9. Are there any other issues you would like to raise about the Bill and the Explanatory Memorandum or any related matters?

We have highlighted our ongoing concerns about the continuation of the local connection tests (both for the main homelessness duty, and the allocation of social housing), as well as the introduction of 'unreasonable behaviour' and 'deliberate manipulation' tests. We hope that if these provisions do remain in the final draft of the Bill that Welsh Government will publish robust guidance for local authorities about how and when those tests can be used in a way that minimises potential harms.

We would like to see the Welsh Government go further on creating specific prevention powers to stop people being discharged from hospitals into homelessness. There are welcome proposals around young people leaving care, as well as for people leaving prison, so we see no reason equivalent powers could not be created for people leaving hospital, particularly since health (unlike the criminal justice system) is entirely devolved.

As mentioned above, we see no reason priority need and intentionality could not be abolished much sooner than the proposed 2030-31 timescale. Both tests were effectively ended instantly at the outset of the coronavirus pandemic, and the majority of local authorities are not actively using those tests in 2025, so it would seem a missed opportunity to let the commencement of these Sections of the Bill drag on for years.

Finally, we would like to highlight that the case co-ordination approach recommended in the White Paper has been considerably watered down in this draft Bill. The White Paper proposed “a compulsory case co-ordination approach including the identification of a lead professional (which would not be expected to be the local housing authority in all cases) alongside a means for overseeing this case co-ordination to identify and address gaps in service provision for such individuals, as well as to manage and prevent escalation of risk”. In contrast, Section 25 of the draft Bill proposes only that “A local housing authority in Wales must make arrangements to promote co-operation between itself and such persons mentioned in subsection (1D) that exercise functions in the authority’s area as it considers appropriate”. We believe that case co-ordination is a vital part of the solution where people are engaged with multiple agencies, and risk falling through the gaps if those agencies fail to communicate and support rather than unintentionally undermine one another

HSHAWB 07 Tai Pawb

Senedd Cymru | Welsh Parliament

Y Pwyllgor Llywodraeth Leol a Thai | Local Government and Housing Committee

Bil Digartrefedd a Dyrannu Tai Cymdeithasol (Cymru) | Homelessness and Social Housing Allocation (Wales) Bill

Ymateb gan: Tai Pawb | Evidence from: Tai Pawb

1. What are your views on the general principles of the Bill, and whether there is a need for legislation to deliver the stated policy intention?

Tai Pawb welcomes the general principles of the Bill. We recognise a lot of work has gone into designing this legislation from Welsh Government officials, Local Authorities, Housing Associations and other third sector organisations..

As an organisation, we played an important role in supporting the development of these proposals through participating in the Expert Review Panel and amplifying the voices of people with protected characteristics experiences of homelessness through a specific research report.

Tai Pawb also campaign in partnership with Shelter Cymru and the Chartered Institute of Housing to incorporate the right to adequate housing in Wales. We welcome the legislation, the urgent need to end homelessness in Wales and the vital role of social homes. Prioritising improved measures to prevent and eradicate homelessness is consistent with the RTAH for which we together campaign.

With the aim of improving the final legislation, campaign partners will respond in detail as individual organisations to the consultation on the H&SHA Bill, reflecting their different roles and different areas of expertise.

The RTAH puts a focus on a good home as a human right - a right that we want realised for everyone in Wales. A RTAH in the next Senedd term would mark a step change, turbocharging measures such as the proposed new homelessness legislation, by driving long term policy thinking and investment across the whole of our housing system and beyond - with the goal of everyone in Wales being able to find, and keep, a home that is suitable, safe, secure and genuinely affordable.

We believe the legislation is required to reform our homelessness systems. Wales is currently experiencing a housing crisis, of which homelessness is one

manifestation. We hope that legislation will drive the changes required to make homelessness brief, rare and non-recurring.

Overall, we feel the legislation is progressive. We welcome the changes around priority need and intentionality but recognise the challenge this may present through increased demand for local authorities in the future.

We also welcome the proposals around Accessible Housing Registers. Tai Pawb have undertaken research on this area in the past, and what is required to make these succeed. We hope this research can inform later stages of the development of legislation (i.e., code of practice) and will be responding in more detail later in our consultation response.

We recognise legislation is often a compromise, with different stakeholders, presenting diverse challenges. We appreciate clarity and more detailed information may come at a later stage, including during implementation. However, we are concerned that some of the earlier suggestions focused on proposals that would benefit marginalised groups are not included – or as explicitly as we would have hoped. These include:

People with no recourse to public funding (NRPF),

Refugees,

LGBTQ+ Community and

Gypsy Roma and Traveller communities.

Given that we know homelessness can disproportionately affect these communities, we are concerned the overall legislation while positive, may not achieve the policy goals of making homelessness brief, rare and non-recurrent for all

2. What are your views on the provisions set out in Part 1 of the Bill - Homelessness (sections 1 -34)? In particular, are the provisions workable and will they deliver the stated policy intention?

Part 1 of the bill contains numerous reforms to our homelessness system. On the whole, we welcome the direction of travel and recognise these to be progressive improvements. However, there are a small number of areas we believe clarity, amendments and/or enhanced focus in later guidance is required:

Meaning of threatened with homelessness – We welcome the extension around prevention from 56 days to 6 months. We recognise this as a significant change to how we approach preventing homelessness. Later guidance on designing these services will need to ensure they are designed to be diverse and meet the needs of different communities, in particular those with protected characteristics. However, we are uncertain about how this duty would apply to people in asylum system prior to being granted leave to remain. The Home Office has not been included in the list of bodies with a duty to refer, increasing the risk that refugees become even more overrepresented in the homelessness population.

Prevention, Support and Accommodation plans – We believe there is a need to ensure these meet any communication needs of the individuals concerned. There should also be an emphasis on plain language and accessible formats.

Meaning of Local Connection– We recognise the strong feeling around the Local Connection Test, particularly from local authorities. We welcome opportunities for a Minister to add relevant groups in the future. Our research in particular highlighted that LGBTQ+ who experience homelessness may have friendship support connections that perform the role of family. Given that 1 in 4 young people who experience homelessness are from the LGBTQ+ community, we are concerned about the risks of repeat homelessness to this community in particular, if no exemption from local connection applies.

We are also unclear how this would apply in practice to people who are newly granted refugees and people fleeing domestic abuse who have NRPf conditions attached to their visa. Clarity either in the legislation or guidance which follows would be beneficial.

Circumstances in which duties to help applicants end – Some of the circumstances listed may be affected by protected characteristics, including around poor behaviour. We recommend guidance states equalities data is collected where these decisions are made and robust monitoring takes place, to identify any potential patterns of bias in decision-making.

Duty to ask and act – We welcome this section of the legislation – and in particular the opportunity for Welsh Ministers to add to this in the future. We are disappointed the Home Office is not currently listed – and have concerns about how this may affect people with newly granted refugee status. We are uncertain whether the omission of primary care and schools, may disproportionately affect children in families where there is NRPf status, as these are the public services they may be more likely to engage with.

We also wonder whether provisions could be made in the future to explore whether landlords in the PRS could have a mechanism to refer people at risk of homelessness when they are handed notice. Consultation with PRS landlords we work with indicates they would welcome the opportunity to have such a mechanism.

Duties to seek the views of homeless people in exercise of homelessness functions - We welcome the inclusion of this, particularly having undertaken work in the development of this legislation to allow the voices of people with lived experience to be heard. We would recommend subsequent guidance states that the engagement is representative of the characteristics of the homelessness population in an area so the views of all can be heard and undertaken in a way that ensures all can participate.

3. What are your views on the provisions set out in Part 2 of the Bill – Social Housing Allocation (sections 35 – 38)? In particular, are the provisions workable and will they deliver the stated policy intention?

Tai Pawb are supportive of the provisions included in Part 2 of the Bill.

In particular, we welcome the inclusion of accessible housing registers having a) undertaken research on this area across Gwent in recent years and across Wales previously and b) advised and assisted local authorities in the development of AHR's. We advise legislation and future guidance take account of our key findings and recommendations and are happy to support developments and implementation in our role as a sector body. These include:

Accessible Housing systems can be either separate or embedded within the wider Common Housing Registers (both can work well).

Needs should be assessed at application stage (by an Occupational Therapist) rather than at allocation stage.

Adapted housing does not necessarily mean accessible housing. Therefore, categorising homes within the register can greatly support the allocation process. All homes should be categorised according to their accessibility level. E.g. from A (most accessible) to H (not accessible) – see our research.

In our regional research - virtually all stakeholders supported a regional categorisation of properties and applicants therefore we would recommend a nationally standardised accessibility categorisation of properties (some RSL's have properties across many local authority areas, with different categorisation creating confusion and extra work)

Age restrictions - Some disabled people as well as housing/social care practitioners highlighted age restrictions on some accessible properties limited disabled people's options and access to housing. There should be flexibility where possible.

Development of accessible housing allocation framework and guidance. The framework could help establish common ground and work towards more standardised and improved practice based on an agreement between stakeholders.

Consider investing in mapping of accessible housing stock onto centrally held database(s). Our research found that even 'good practice' local authorities/common housing registers were only able to hold accessibility information on ca.50% of homes. Assessing and recording accessibility level of homes in a standard way should be a proactive exercise (and could be undertaken as part of e.g. regular stock condition surveys). Invest in proactive assessments, classification and mapping of accessible properties (potential for pooling resources to carry this out).

Focus on increase and exchange of practice and skills amongst housing, health and social care staff. Many stakeholders we engaged with were not aware of social model of disability, therefore training should be provided on this model, in line with the new Disability Rights Plan. This also includes Investing in Occupational Therapists in housing options teams. We hope to work further with local authorities and the Welsh Government to implement these changes.

Lack of specific provision for Gypsy, Roma and Travellers – The White Paper proposed legislation provides for sites (rather than bricks and mortar accommodation) to be generally considered the most suitable accommodation for an applicant from the travelling community (Gypsy, Roma and Travellers) and the local housing authority should be obliged to ask an applicant from the Gypsy, Roma and Travelling Community whether or not they are culturally averse to bricks and mortar and to ensure suitability of accommodation is culturally appropriate for the applicant. Unfortunately, provisions do not appear to have been carried through to deliver this, negatively impacting a community already affected by inequality and homelessness

4. What are your views on the provisions set out in Part 3 of the Bill – Social Housing Allocation (sections 39 – 43 and Schedule 1)? In particular, are the provisions workable and will they deliver the stated policy intention?

N/A

5. What are the potential barriers to the implementation of the Bill's provisions and how does the Bill take account of them?

Tai Pawb recognise this bill to be transformative and ambitious in scope. We welcome the policy goals to make homelessness brief, rare and non-recurrent. We see potential barriers to achieving this as following:

Supply of suitable homes – The current target of 20K social homes in this Senedd term looks unlikely to be achieved. To achieve the goals of this legislation, we will need to boost the supply of homes. In doing this, we must ensure that we build the right homes in the right places to address homelessness. This will require data driven local approaches, and given the changes in the demographics, a particular focus on accessible homes.

Lack of strategy to ensure the right homes – It's been over a generation since Wales last had a housing strategy. This lack of a strategic approach to housing has been a contributory factor in our homelessness crisis. Unless we get a more strategic approach, we risk undermining the progressive and positive aspirations of this legislation.

Capacity of staff at a local authority level – Local authorities may need additional resource to ensure they have the capacity and staff to deliver on the enhanced changes, especially at the prevention side of delivery.

Finance – We note and welcome the positive financial benefits identified in the cost-benefit analysis. To achieve the changes desired by this legislation, we believe there needs to be a long-term approach and increase in funding available to housing and homelessness – ideally taking homelessness and housing away from being a party-political issue.

Focus on diversity – We feel one of the strengths of the original Expert Review Panel Recommendations and White Paper, was a focus on diversity. Our research highlighted people with protected characteristics experiences of homelessness had a common theme that understanding diversity would enable a more flexible approach. This would be particularly beneficial when dealing with people with protected characteristics, who may have more complex lives. We've already outlined a few of these areas in this response around LGBTQ+, Refugees and people with NRPF, but the same also applies to the Gypsy, Roma and Traveller communities. Later guidance must ensure an understanding of diversity, or we will risk homelessness not being rare, brief, and non-recurrent for some communities

6. How appropriate are the powers in the Bill for Welsh Ministers to make subordinate legislation, as set out in Chapter 5 of Part 1 of the Explanatory Memorandum)?

N/A

7. Are there any unintended consequences likely to arise from the Bill?

Unintended consequences can be difficult to accurately predict. However, given the scope of changes proposed, we feel it necessary to recommend robust monitoring of these, accompanied by the ability and preparedness to respond as they occur. This could include additional guidance, finances or partnership working – as well as legislative amendments in the longer term. Potential unintended consequences we foresee could include:

Lack of duty to ask and act on Home Office – We welcome the provision for changes in the future in this area. However, the lack of this at this stage risks Refugees making up a bigger proportion of the homelessness system. Given the challenges in place already around racism and far right populism in our communities, we feel this may stigmatise a vulnerable group and presents the risk of further community unrest.

Accessible Housing Registers – While the creation of these is undoubtedly positive, this may raise expectations amongst disabled people for better accommodation. There is a risk that unless these are tied to increases in supply and good practice recommendations, this leads to little change in the system and disappoints disabled people further.

8. What are your views on the Welsh Government’s assessment of the financial implications of the Bill, as set out in Part 2 of the Explanatory Memorandum?

N/A

9. Are there any other issues you would like to raise about the Bill and the Explanatory Memorandum or any related matters?

N/A

HSHAWB 03 Welsh Refugee Council

Senedd Cymru | Welsh Parliament

Y Pwyllgor Llywodraeth Leol a Thai | Local Government and Housing Committee

Bil Digartrefedd a Dyrannu Tai Cymdeithasol (Cymru) | Homelessness and Social Housing Allocation (Wales) Bill

Ymateb gan: Cyngor Ffoaduriaid Cymru | Evidence from: Welsh Refugee Council

1. What are your views on the general principles of the Bill, and whether there is a need for legislation to deliver the stated policy intention?

It is evident that Wales needs immediate action to tackle homelessness. The current figures for those in temporary accommodation are indefensible. Some of the suggested proposals, such as the extension of prevention duties to six months (section 1), the introduction of PSAPs (section 5), the removal of intentionality tests (section 10) and provisions for the removal of priority need (section 9), or help to maintain accommodation (section 18) are among the extremely positive steps to alleviate or end homelessness in Wales.

There is a desperate need for this legislation, but there is a worry that implementation may come too late. Consideration should be given to using all the powers in existing legislation to lay the groundwork for the successful introduction of this Bill. A perfect example of this is Section 34, which is a great proposal. It is somewhat surprising though that we need to create a new duty on local authorities to take “reasonable steps” to provide an applicant with an opportunity to view accommodation being offered, “whether in person or otherwise”, before the local authority can end its homelessness duty on the basis that the applicant has refused a suitable offer. It seems that amending current guidance could achieve this aim.

There are other parts and sections of the Bill which we find more disappointing. These will be detailed in question 2. We were pleased when in January 2024, the Welsh Government commissioned us to feed into the White Paper’s consultation process with the lived experience of sanctuary seekers. At the time, we found that several of the proposals felt alien to participants in the focus group we set up, and other proposals did not take particular consideration of the experiences of sanctuary seekers. There was a frustration among participants that they were ignored in these proposals and that there was no effort to find solutions to their

problems. Members of the focus group did not understand why sanctuary seekers were not mentioned and were regularly excluded from the proposal, as seen with local connection or with the groups mentioned in Chapter 3 of the White Paper. Although there was some cause for optimism, confidence was low that the White Paper would end homelessness for sanctuary seekers unless there were specific proposals for them. Disappointingly, the Bill has actually gone further back in its sanctuary seeker-specific proposals. This may act to further alienate this demographic group. We hope that this Committee and Members of the Senedd can advocate to make this Bill friendlier to sanctuary seekers. The notion of a Nation of Sanctuary and an anti-racist Wales must count for something.

The Bill recognises that “while multiple factors lead to homelessness, the highest recorded reason for homelessness applications in Wales is the end of a tenancy or occupation contract.” It is evident that homelessness legislation alone cannot solve the multi-faceted causes of homelessness. This was demonstrated by the housing sector’s overwhelming response to the recent White Paper on Fair Rents and Adequate Housing, which we feel has continuously been watered down since its inception. Without introducing the progressive realisation to the right to adequate housing and taking control of spiralling rents, we will continue to see record numbers of homelessness applications.

2. What are your views on the provisions set out in Part 1 of the Bill - Homelessness (sections 1 -34)? In particular, are the provisions workable and will they deliver the stated policy intention?

We welcome the extension of the definition of “threatened with homelessness” from 56 days to 6 months in Section 1, aligning with the Renting Homes (Wales) Act 2019. This is an important step forward in homelessness prevention. However, this change will have limited impact on sanctuary seekers, particularly newly granted refugees.

Currently, newly granted refugees must leave their asylum accommodation within 56 days; a recent trial extension from the previous 28-day period. While this change has slightly improved outcomes, 68% of refugee households still end up in local authority temporary accommodation and 9% experience homelessness or sofa surfing. Delays and inconsistencies in implementation also remain, meaning that some newly granted refugees still do not have 56 days. Despite the Welsh Government’s limited control over Home Office policy, further support for refugees within Wales’ Nation of Sanctuary aims is necessary. It is unjust that this group cannot fully access the rights and support laid out in the Bill.

We strongly support the introduction of more person-centred and trauma-informed homelessness assessments through Prevention, Support, and Accommodation Plans (PSAPs) in Section 4. These plans will foster greater transparency and individualised support. Language access through interpretation services must also be strengthened, as evidenced by a recent local authority's eviction of a family in temporary accommodation who claimed that there had not been enough translation provision for them to understand what was happening.

We are disappointed that the removal of local connection requirements was not adopted in the Bill. The previously proposed "special circumstances" category in the White Paper was a reasonable compromise. Yet refugees, who are dispersed without choice across the UK, were explicitly excluded from this category. This policy undermines integration, especially when individuals are forced to remain in areas where they feel isolated or unwelcome. Maintaining local connection rules will increase barriers to support and contradict the Anti-Racist Wales Action Plan's vision.

The new duties in Section 21 requiring public services to support homelessness prevention are encouraging. However, we are concerned by the omission of education bodies, as young people are particularly vulnerable. Additionally, while we recognize limitations in devolved powers, the Home Office must take on similar "ask and act" responsibilities to prevent refugee homelessness. Many refugees receive inadequate information before status is granted and fall through the cracks as a result. Better coordination between the Welsh Government, Home Office, and contracted accommodation providers such as Clearsprings Ready Homes is needed.

Finally, we welcome Section 29's requirements for lived experience to shape local and national homelessness strategies. We urge clear guarantees that sanctuary seekers and marginalised groups will be able to participate fully in these processes, regardless of immigration status or language barriers.

3. What are your views on the provisions set out in Part 2 of the Bill – Social Housing Allocation (sections 35 – 38)? In particular, are the provisions workable and will they deliver the stated policy intention?

Overall, the sections in Part 2 of the Bill are positive. Our only concern is that new powers for "qualifying persons" and "unacceptable behaviour" in Section 35 are used to exclude certain demographics based on racial biases.

At a recent joint event with Tai Pawb, a local authority staff member shared that a local housing association had been rejecting applications from a certain minority

group. Hopefully, provisions in Part 1 of the Bill would prevent this from happening, but we hope for caution.

4. What are your views on the provisions set out in Part 3 of the Bill – Social Housing Allocation (sections 39 – 43 and Schedule 1)? In particular, are the provisions workable and will they deliver the stated policy intention?

N/A

5. What are the potential barriers to the implementation of the Bill's provisions and how does the Bill take account of them?

The Bill's Explanatory Memorandum addresses the barriers to implementation best.

"The current approach to homelessness service provision is therefore not sustainable and does not have a sufficiently preventative focus. Since the start of the 2014 Act, prevention rates have stagnated and dropped significantly in the last two years. Moreover, repeat homelessness is high and the system is very expensive to deliver. Long stays in temporary accommodation can result in negative impacts for individuals. In order to address this, alongside broader practice, policy changes and investment in housing supply, legislative reform is required to achieve systemic transformation to enable more effective homelessness prevention, provide a more effective individualised service to those who are homeless or at risk of homelessness in Wales and make better use of accommodation supply to those most in need."

There is a further acknowledgement that aspects of the Bill "will not address issues with housing supply and applicants may not have full and free choice of the accommodation on offer." Other similar supply caveats are present throughout the Bill's Explanatory Memorandum.

Until the necessary housing supply is made available, the overall Welsh Government aim of making homelessness rare, brief, and unrepeated will not be realised.

The removal of specific interventions or special categories for a number of demographic groups will also impact implementation. We know that a 'one size fits all' approach is not adequate, and that certain demographics are more likely to become homeless than others. Without acknowledging this, and without taking action, the outcomes for these groups will not improve.

6. How appropriate are the powers in the Bill for Welsh Ministers to make subordinate legislation, as set out in Chapter 5 of Part 1 of the Explanatory Memorandum)?

N/A

7. Are there any unintended consequences likely to arise from the Bill?

Without an increase in housing provision and supply, local authorities risk failing in their legal duties as set in the future Act to follow on from this Bill. The legal costs involved would be one aspect. There would potentially also be an impact on relationships between statutory duties, homelessness applicants, and volunteer support services, where one perceives the other to be failing in its duties. We must ensure that existing good collaboration practices remain unaffected by any legislative change

8. What are your views on the Welsh Government's assessment of the financial implications of the Bill, as set out in Part 2 of the Explanatory Memorandum?

N/A

9. Are there any other issues you would like to raise about the Bill and the Explanatory Memorandum or any related matters?

N/A

Preliminary response to the Committee Inquiry on the Homelessness and Social Housing Allocations Bill



9 June 2025

Please see below an outline of Crisis' preliminary views on the Homelessness and Social Housing Allocations Bill in response to a request to submit early written evidence in advance of giving oral evidence.

As discussed, please note that Crisis will continue to shape our views in order to submit our full and formal response by the general deadline of 20 June. For this reason, we have not answered all inquiry questions below. We hope this approach is helpful.

What are your views on the general principles of the Bill, and whether there is a need for legislation to deliver the stated policy intention?

- Crisis [warmly welcomes](#) the Bill, which proposes a package of progressive legislative reforms that will ensure we continue our progress towards becoming a nation in which everybody has a safe place to call home, and homelessness is rare, brief and non-recurrent.
- Crisis was proud to convene an [Expert Review Panel](#) in 2022, which considered how legislative change could help to end homelessness and made recommendations to the Welsh Government. The panel consulted widely with professionals across the sector and beyond, and listened to the voices of more than 300 people with lived experience of homelessness. From all corners, there were powerful calls for change. Legislative change is needed to set out new ways of working which are inclusive, trauma-informed, person-centred and focussed on preventing homelessness at the earliest stage.
- The Expert Review Panel [recommended a package of reforms](#), which sought to provide balance across the views of wide-ranging stakeholders. Crisis was pleased to see the former White Paper on Ending Homelessness largely reflect this package. While there have been further changes to the proposals within the draft bill since the publication of the White Paper, we are pleased that many of the key items from the panel's proposed package of reforms remain in place.
- Aspects of the Bill which we particularly welcome include; the emphasis on prevention with an increased timeframe for the prevention duty and the introduction of wider public sector body duties on homelessness; the abolition of intentionality and priority need, which lock people out of support; the

introduction of a new duty to offer help to maintain a tenancy; and other measures.

- With thousands of people experiencing homelessness in Wales, this legislation is urgently needed. The recent [Homelessness Monitor Wales](#) research indicated that homelessness in Wales has been rising more steeply than elsewhere in Great Britain. It demonstrated that if we don't act now, homelessness could rise by a further 24% by 2041. This research pointed to the importance of driving forward changes to increase allocations to homeless households and improve the scope of homelessness prevention in Wales in order to turn the tide on rates of homelessness.
- The measures within this Bill are designed to take prevention upstream and to aid with flow through the system. While it can be challenging to introduce change when housing services are already overstretched, bold action is needed to ensure that pressures do not build further.
- The proposed reforms would lead to considerable strides forward, which, in the long-term, will reduce public spending as well as demand on homelessness services.
- Accompanying guidance, resourcing and an implementation programme will be critical in effectively implementing the bill.

2. What are your views on the provisions set out in Part 1 of the Bill - Homelessness (sections 1 -34)? In particular, are the provisions workable and will they deliver the stated policy intention?

Overall, Crisis believes that the provisions within the Bill are workable and will deliver the stated policy intention. While there are some areas where we would emphasise the importance of guidance or seek tweaks, we warmly welcome the Bill. We consider that this legislation would be a significant milestone in Wales' progress towards making homelessness rare, brief and unrepeatable.

Extension of the Prevention Duty to 6 Months: Crisis is strongly in favour of moving the prevention duty upstream and in line with eviction notice timeframes. The Expert Review Panel heard strong and wide evidence for this shift, so that people at risk of homelessness are able to seek preventative support earlier. Furthermore, the recent Homelessness Monitor Wales research demonstrated widespread support for this proposal among stakeholders across the sector.

Abolition of the priority need test: Crisis has long campaigned for the abolition of the priority need test. Contrary to what is suggested by its name, the priority need test is not a test that creates a priority order in which people receive support. Rather, it is an eligibility test to determine whether a person is entitled to settled housing or not.

Under current legislation, local authorities do not have a legal duty to secure settled accommodation for people who do not have Priority Need status. This means that people who do not fall into the specific priority need categories can access assistance and advice, but are not eligible for the 'Main Housing Duty' under the Housing Wales Act 2014.

This outdated eligibility test that locks people out of the support they need to prevent or to help end their homelessness. For many people at risk of or already experiencing homelessness, the test is a significant barrier they have to face with little or no accommodation options whilst facing the trauma of homelessness or the terrifying prospect of not having a safe space to call home. The abolition of this test is an essential part of creating a more person-centred system.

While we understand the rationale for taking a phased approach to the implementation of the abolition of priority need, we would urge that the Welsh Government sets out a clear time frame and transitional approach. We note that, as outlined in the 2021 Homelessness Monitor, many local authorities are already operating without priority need following the no one left out approach adopted during the pandemic. Furthermore, the addition of rough sleeping to the priority need categories in 2022 brought Wales even closer to the abolition of priority need. As such, Crisis does not feel that there should be a significant delay to introducing the abolition of priority need.

Abolition of the Relief Duty: We would highlight that the proposal to abolish the relief duty was made in direct conjunction with the proposal to abolish priority need. In setting out transitional arrangements, it will be important that the abolition of the relief duty is phased in alongside the abolition of priority need.

Abolition of the intentionality test: The intentionality test was initially introduced to prevent deliberate system manipulation in order to gain unfair priority in social housing allocations. However, the Ombudsman and the Expert Review Panel has seen much evidence that this test is being misinterpreted and misused in ways that do not align with the reasons for which the law was brought in in the first place. The Public Services [Ombudsman report on homelessness](#) states that "decisions of 'intentionality' or 'ending duties for non-compliance' were being made without first finding out the reason for behaviours and exploring why clients failed to engage in the process and whether this was due to a lack of support or understanding." The report gives the example of an elderly woman who was found to be intentionally homeless because she had left the family home after her husband was accused of child abuse.

Being found to be "intentionally homeless" makes it very difficult for people to find a way to build a life beyond homelessness. Once someone is found intentionally homeless, they have very little avenue for support or hope of resolving their homelessness. Ultimately, this means that the intentionality test can push people into unsafe situations, hidden or street homelessness and further complexity of need.

Crisis feels a system which labels people intentionally homeless cannot not be a trauma-informed system – the two concepts are incompatible. The intentionality test is completely contradictory to the trauma-informed ‘no-one left out’ approach to homelessness that this Bill is striving to achieve, and its abolition is an absolute necessity. We would urge that, as with Priority Need, and given the underlying importance of abolishing the intentionality test, the Welsh Government provides a clear timeframe for its abolition and that this is not subject to undue delays.

Introduction of a new Deliberate Manipulation Test: Crisis would not call for the introduction of this test, but we understand that it is being introduced to alleviate concerns local authorities hold on abolishing intentionality. The Deliberate Manipulation Test was part of the Expert Review Panel’s recommended package of reforms and it seeks to provide a deterrent for the small numbers of people who may be inclined to manipulate the system with a less punitive measure that would not entirely lock a person out of support, as the intentionality test does.

However, it is to be noted that the deliberate manipulation test as it appears in the Bill is more punitive than the recommended test from the panel. While the panel recommended that a person lose enhanced priority status that they would otherwise have held in accessing social housing through their homeless status, the Bill would seek to put people on the very lowest priority for accessing social homes. Crisis feels that the recommendation from the panel held a better balance of creating a deterrent while considering the need for flow through the system.

Given that the Deliberate Manipulation Test was created to balance the abolition of priority need, it is important that this test is not introduced before intentionality is phased out.

In light of the misapplication Wales has seen of the intentionality test, Crisis would also urge that this is an area in need of clear guidance and on which the Welsh Government seeks to collate data and monitor its implementation.

Changes to the local connection test: Crisis has long campaigned for abolition of the local connection test because, for many people, it is a barrier to finding a place to live where they feel safe and settled. We were hopeful that the exemptions to the test proposed in the White Paper would provide protection for groups who are particularly disadvantaged by the test.

We note the powers on the face of the bill for the Welsh Government to add to groups as exempt from the test in the future and strongly urge that data on local connection is kept under review with a view to utilising these powers.

Crisis is currently considering the impact of the proposed changes to the local connection test.

Changing the definition of abuse: Crisis welcomes this change, which is in line with the Expert Review Panel's recommendation and provides improved protections for people fleeing abuse.

Prevention, accommodation and support plans: Crisis welcomes the introduction of these plans, which reflect recommendations from the Expert Review Panel on requiring housing services to provide clear, accessible and regular communication with people who are experiencing homelessness. Experiencing homelessness is traumatic in and of itself, but the current lack of transparency in the system and poor communication can add to the stress.

Duty to offer help to retain accommodation: We welcome the inclusion of this new duty, which is in line with the Welsh Government's aim of moving towards a rapid rehousing approach and recognises that people can be at heightened risk of repeated homelessness. We would have preferred for the duty to not be capped at 12 months, but look forward to developing and strengthening this new duty through guidance.

Circumstances in which the duty to secure accommodation comes to an end: This section of the Bill is broadly aligned with the Expert Review Panel's recommendation to respond to local authority concerns that services are overstretched and to assist with flow through the system.

However, it is imperative that certain safeguards accompany this expansion of ways in which the main housing duty can be discharged. While many of the panel's recommended safeguards have appeared in the Bill, we would also wish to see the inclusion of offering independent advice to a person before they accept discharge of the duty in this way. In addition, we would suggest that this aspect of the Bill be closely monitored post implementation.

Further circumstances in which duties to help applicants end: We are pleased to see the Bill taking on board learnings around the misapplication of "failure to co-operate" clause in the current law, whereby applicants have been unfairly dismissed from support for communication reasons. The panel heard examples of people being deemed as failing to engage when they had only missed one appointment or their communication needs had not been met. Indeed, under this clause, people can be entirely dismissed from support, so it is important that the test is not open to misinterpretation.

However, we are disappointed to see the inclusion of property damage within this aspect of the Bill. We believe property damage should be left to criminal law. We also query whether, in its current form, people who reside with a person who damages property through domestic abuse may be disadvantaged as a result. We would welcome the opportunity to look at this during stage 2 of the Bill. In addition, we believe that this is an area of the Bill that would benefit from carefully considered guidance and monitoring.

Duty of a public authority to ask and act: The Expert Review Panel heard strong evidence from wide-ranging stakeholders on the need to establish duties and collaboration between key public sector bodies.

Crisis welcomes the introduction of these duties, and believe that they are strengthened by the inclusion of the accompanying co-operation duty. Bringing forward these duties for the public sector bodies listed within the Bill holds significant potential to make strides forward in homelessness prevention. Crisis would emphasise the importance of developing guidance and training to implement these duties.

In addition, we note that there is a power to add to the list of public sector bodies under this duty in the future. We would urge that the Welsh Government continues conversations with other relevant bodies/departments as outlined within the original White Paper with a view to further extending these duties in the future.

Protections for care leavers: Crisis understands that care leavers can be at increased risk of homelessness and therefore welcomes the protections this Bill seeks to provide to the group

Prison leavers: Crisis knows that this group can be at increased risk of homelessness, we welcome the introduction of measures which seek to improve support for this group, and the inclusion of secure estates and probation services within the public sector duties.

Reports on use and condition of interim accommodation: We welcome the requirement to report on the condition of interim accommodation.

Duty to seek the views of homeless persons in exercise of homelessness functions: Crisis warmly welcomes this provision, which acknowledges the expertise of people with lived experience and the support they can provide in developing trauma-informed and person centred approaches.

Protocol for handling cases involving persons in particular need of support: Crisis recognises that systems can be particularly difficult for people with complex needs to navigate and case-coordination can be critical in supporting a person through this journey. We therefore welcome this provision. However, we would question the Explanatory Memorandum which sets out that the “Welsh Government does not intend to specify a model protocol”. While we understand the need for local arrangements, centralised guidance can be helpful in providing direction.

Viewing accommodation: We welcome measures to help ensure people can view accommodation and make informed decisions.

Rights of Review: We welcome the inclusion of rights for applicants to request a review at key stages.

Co-operation between social landlords and local housing authorities: Crisis welcomes the introduction of this measure. Our research, and evidence heard by the panel indicates that while there is existing good practice among RSLs in allocating to homeless households, this good practice is not consistent across Wales. In the most recent Homelessness Monitor for Wales, a number of local authorities reported struggles in holding open dialogue with RSLs on allocations for homeless households. The research also demonstrates that taking action on increasing social housing allocations to homeless households is one of the most effective policy changes the Welsh Government can take towards ending homelessness. The introduction of this power was recommended by the Expert Review Panel and is based on a similar power that is already in use in Scotland. It is designed to be flexible so that it is used where local authorities deem it helpful. The panel considers that the very existence of this power will help to facilitate improved co-operation.

3. What are your views on the provisions set out in Part 2 of the Bill – Social Housing Allocation (sections 35 – 38)? In particular, are the provisions workable and will they deliver the stated policy intention?

The availability of social housing plays a key role in preventing and ending homelessness, and the social housing allocations process need to work fairly and efficiently to this end. We believe part 2 of the Bill contains some helpful measures, alongside the power identified in part 1 of the Bill around co-operation between RSLs and local authorities, which we especially welcome.

Enabling local authorities to set out qualifying criteria for social housing:

Should this aspect of the Bill go ahead, the guidance produced by Welsh Government on this criteria will be critical and must make clear that such criteria should never seek to exclude people who are homeless or at risk of homelessness.

Unacceptable behaviour: We welcome the clarification that the risk of unacceptable behaviour should be assessed in the current context. Guidance and monitoring will be critical in supporting implementation.

No preference for persons who try to manipulate the housing system: We have set out our views on the introduction of deliberate manipulation test above. While this is not something that Crisis would have called for, we understand the Welsh Government's decision to implement a test to address local authority concerns that a small number of individuals might deliberately manipulate the homelessness system for the purposes of gaining priority access to social housing. We believe that this test is less punitive than the current intentionality test that it seeks to replace, since it does not shut people out of homelessness support. However, as outlined above, we

consider that the deterrent recommended by the Expert Review Panel was more balanced.

As a test created with a very small number of people in mind, it is imperative that the use of such a test is carefully administered with considered guidance and closely monitored. There must also be an appropriate mechanism for appeal if an individual is subject to sanctions as a result of this test.

Furthermore, as outlined above, this test should not be introduced prior to the abolition of intentionality given the intention that this clause replace intentionality.

Preference for young people leaving care: Crisis understands the increased risks facing young people leaving care and supports this measure.

Housing registers We support the proposal that local authorities in Wales are legally required to hold a common housing register, as well as an accessible housing register.

As detail is developed around accessible housing register proposals, we would encourage recognition of the fact that 'accessible' is not a catch all term and disabled people are not a homogenous group. A property that is accessible to one disabled person may not be accessible to another. Accessible housing registers must contain detail about which features of the property are considered accessible so as to appropriately match an individual to a property accessible to them.

Other points

Crisis considers that while these proposals incur costs and resourcing, they also present a significant opportunity to "invest to save" with the long-term benefits of this transformative programme of legislative reform representing a fundamental part of the Welsh Government's wider strategy to make homelessness rare, brief and unrepeated. Prolonged homelessness is not only traumatic on a personal level, but can also be costly to the public purse as longer-term homelessness often leads to increased and more complex health and support needs. In the long-term, this investment, alongside transition to a rapid rehousing approach and development of housing supply, will not only lead to ground-breaking systemic change, but also to savings across the Welsh public sector as homelessness becomes rare, brief and unrepeated.

We acknowledge that this legislative process is set against a backdrop of significant financial difficulty and high workloads across housing services, but we must not let the current economic context dilute our ambition to implement ground-breaking systemic change that will have such a long-lasting positive impact on the current and future generations of Wales. Indeed, as outlined above, without shifting to a more preventative approach, homelessness presentations and the pressures on our system will continue to increase. The recent Homelessness Monitor for Wales

projects that – without policy change – core homelessness in Wales would rise by a further 24% by 2041. This Bill represents bold actions that will turn this tide.

Conclusion

As highlighted at the start of this response, Crisis is still working through the detail of the Bill but wanted to meet the request to share our initial thoughts by 9 June and in advance of giving oral evidence.

We welcome the principles and overall approach across the Bill, which represents a package of reforms that would make a significant difference in making homelessness rare, brief and unrecurred.

There are aspects of the Bill that we feel would benefit from tweaks or careful guidance in order to secure effective implementation. In addition, we strongly urge that clear transitional arrangements for the abolition of intentionality and priority need are established. Indeed, these aspects of the Bill are a crucial and underpinning factor.

Further information

Crisis is happy to provide further information at any stage. Please do not hesitate to contact us.

Jasmine Harris, Senior Policy and Public Affairs Officer, Wales:
Jasmine.Harris@crisis.org.uk

Debbie Thomas, Head of Policy and Communications, Wales:
Debbie.Thomas@crisis.org.uk

HSHAWB 05 NYAS Cymru

Senedd Cymru | Welsh Parliament

Y Pwyllgor Llywodraeth Leol a Thai | Local Government and Housing Committee

Bil Digartrefedd a Dyrannu Tai Cymdeithasol (Cymru) | Homelessness and Social Housing Allocation (Wales) Bill

Ymateb gan: NYAS Cymru | Evidence from: NYAS Cymru

1. What are your views on the general principles of the Bill, and whether there is a need for legislation to deliver the stated policy intention?

NYAS (National Youth Advocacy Service) is pleased to see the introduction of the Homelessness and Social Housing Allocation (Wales) Bill and we believe there is a need for legislation to deliver the stated policy intention.

As a leading children's rights charity in Wales working with care-experienced children, young people and care leavers, we strongly stand by the view that no young person should leave care in Wales to experience homelessness. Unfortunately, too many young people in Wales are leaving care without having safe, suitable or secure housing available or accessible to them, and as a result, are at risk of, or already are experiencing homelessness.

We agree that the homelessness system should not be used as the default route from care to independent living. We welcome that Welsh Government have recognised this immediate threat facing young people in the care system and are considering proposals to help end this crisis. As a children's rights charity, our views exclusively focus on how the proposed legislation will impact care leavers in Wales. Overall, while we do welcome the proposals, we have identified some areas where we believe further clarity and policy is necessary to make sure every young person leaving care in Wales has a safe, secure and stable home to move into

2. What are your views on the provisions set out in Part 1 of the Bill - Homelessness (sections 1 -34)? In particular, are the provisions workable and will they deliver the stated policy intention?

Section 12: NYAS Cymru had welcomed the proposals to reform the local connection test within the White Paper, which proposed that people who are care-experienced and who are not accommodated under social services duties would be exempt from the test. We were disappointed to see this proposal had

not been taken forward in the Bill and we are concerned that the criteria for local connection may continue to exclude individuals who are care-experienced but not accommodated under social services duties. This proposal, as outlined in the White Paper, would have recognised the absolute importance that non-familial connections with communities and friendship networks can hold in the life of a care-experienced individual and sometimes mirroring the role of family relations.

We understand that the Bill provides Welsh Ministers powers to make further changes to the tests criteria, but we believe there needs to be stronger measures in place to ensure every care-experienced young person is not disadvantaged by local connection. We therefore call for Welsh Government to revert to their original proposals in the White Paper in which would give an exemption to care-experienced individuals and who are not accommodated under social services duties. Similarly, NYAS Cymru would call for all young people under the age of 25 to be exempt from the local connection test, as we know this can be a barrier for many young people seeking accommodation across Wales.

Section 21: We welcome the proposed introduction of the 'Ask and Act' duty to Wales. In our response to the White Paper proposals, NYAS Cymru supported the recommendations of the Expert Review Panel which called for additional bodies to be included within this duty. While we do welcome this section, we are concerned that there are key public authorities, as identified by the Panel's report, who have not had this duty placed on them and we believe this will lead to missed opportunities surrounding early identification and intervention. Some of these include:

- All aspects of the NHS, including mental health services.
- Education sector including higher education, head teachers of schools, pupil referral units, and principals of further education colleges
- Youth work sector
- Private landlords
- Antenatal services
- Providers of asylum accommodation

NYAS Cymru would call for these public bodies to be added alongside those in which the 'Ask and Act' duty will apply, either through amending the Bill or via regulatory powers provided to Welsh Ministers. Should Welsh Government strengthen Corporate Parenting duties through statutory legislation, we would

also call for any named corporate parents in Wales to also be added to this list. We believe the same changes should also be made to section 32.

Section 23: In principle, NYAS Cymru supports section 23 of the Bill, however, we have identified some areas of this section which we believe need strengthening and further clarity to ensure that no young person faces homelessness after leaving care.

Section 23 states that "if the young person's well-being requires it, the responsible local authority for the young person must take reasonable steps to secure that suitable accommodation". It is unclear what is meant by 'if the young person's well-being requires it'. All young people leaving care must be supported by their local authority to find suitable accommodation, regardless of whether it is deemed that their 'well-being requires it'. We are concerned about how 'well-being requires it' will be assessed in practice and what support young people will get to find suitable housing, if it is deemed that their wellbeing 'doesn't' require it. We believe this wording must be amended. Similarly, 'reasonable steps' could be strengthened as this could be interpreted differently across local authorities, leading to inconsistent practice and inequalities. We are concerned that this duty only applies to care leavers up to the age of 21 rather than all care leavers up to the age of 25. We know that the risk of homelessness presented to care leavers does not stop when they reach 21 years old, therefore we would call for amendments to make sure the duties within section 23 apply to all care leavers up to the age of 25, regardless of their education or training status.

Finally, within subsection 109(A) there must be more clarity given to what Ministers can define as 'suitable accommodation'. Too many care leavers have told us how they have been placed in unsuitable accommodation, leading them to feel physically and emotionally unsafe which has negatively impacted their mental wellbeing. We believe a specific list should be issued of what is considered 'suitable' accommodation, so it is clear for local authorities.

Section 24

We welcome section 24 of the Bill and the proposals to introduce a protocol for handling cases involving care leavers, including a joint protocol between social services and housing functions. In principle this appears to be a good approach to improving multi-agency working between both authorities and ensuring a wraparound approach to supporting care leavers. We are concerned that it appears this duty will only apply for cases where the young person is aged 18-21, rather than all care leavers up to the age of 25. As described in our views on

section 23, we would call for this duty to apply for all care leavers until the age of 25.

3. What are your views on the provisions set out in Part 2 of the Bill – Social Housing Allocation (sections 35 – 38)? In particular, are the provisions workable and will they deliver the stated policy intention?

Section 37: In principle, NYAS Cymru welcomes section 37 of the Bill which will give reasonable preference to young people leaving care under a local authority's housing allocation scheme.

We would like to see more explanation provided to the wording 'reasonable preference' as it is unclear what this will mean in practice. We believe that young people leaving care should always be given priority to have somewhere safe, secure and stable to live, and in its current form, it is unclear whether 'reasonable preference' is strong enough language to achieve this in practice. As we had outlined in our response to the White Paper, NYAS Cymru believes that this proposal must not be viewed as an alternative to the current priority need assessment. Care leavers must be provided with as much support as possible to make sure they can access safe and secure housing. Whilst this proposal could work to achieve this, it must not be viewed as the alternative to abolishing priority need and Welsh Government should issue further guidance and reassurance of what other measures will be introduced to safeguard care leavers in response to the abolition of priority need.

Additionally, we are concerned that the duties in section 37 will only apply to care leavers up until the age of 21. We know that the risk of homelessness presented to care leavers does not stop when they reach 21 years old, therefore we would call for amendments to make sure the duties within section 37 apply to all care leavers up to the age of 25, regardless of their education or training status.

4. What are your views on the provisions set out in Part 3 of the Bill – Social Housing Allocation (sections 39 – 43 and Schedule 1)? In particular, are the provisions workable and will they deliver the stated policy intention?

N/A

5. What are the potential barriers to the implementation of the Bill's provisions and how does the Bill take account of them?

N/A

6. How appropriate are the powers in the Bill for Welsh Ministers to make subordinate legislation, as set out in Chapter 5 of Part 1 of the Explanatory Memorandum)?

N/A

7. Are there any unintended consequences likely to arise from the Bill?

Section 9: NYAS Cymru understands that removing the priority need category would in part ensure equality for all people experiencing homelessness. While we agree that Wales should strive towards a system where no one faces homelessness, the reality is that there are groups of individuals who are in much more vulnerable situations that place them at higher risk of homelessness and the priority need status is a much-needed safety net. We are particularly concerned that the abolition of priority need may negatively impact care leavers across Wales. NYAS Cymru has worked with many care leavers, including care-experienced young women and girls who are pregnant or already have children, experiencing homelessness who have been housed far quicker by accommodation providers because of priority need.

Though we appreciate that Welsh Government will communicate with stakeholders to 'determine an appropriate date' for the abolition of the test, it is currently unclear from the proposed legislation and Explanatory Memorandum what additional safeguards and reassurances there are to ensure the abolition of priority need does not negatively impact those in most need of help, such as care leavers. The White Paper had proposed that should the priority need test be abolished, care leavers would be given priority need until the test is abolished. The current Bill does not appear to have taken this proposal forward and we believe this would have been a strong safeguard to implement to support care leavers facing the immediate threat of, or already experiencing, homelessness, particularly as it is indicated the abolition may not come into force until 2030/31.

NYAS Cymru would call for Welsh Government to implement the proposal made in the White Paper to provide care leavers with priority need until the test is abolished.

Supporting care leavers to the age of 25

NYAS Cymru has welcomed the proposals in the Bill which intend to ensure that young people leaving care will be able to access accommodation and will not leave care to face homelessness. However, we are concerned that these proposals will only extend duties to "certain care leavers" in Wales and not all care leavers up to the age of 25. While we understand this has been imposed in line with sections

103-118 of the Social Services and Well-being (Wales) Act, we are concerned that an opportunity has been missed to support all care leavers up to the age of 25 to access safe, secure and stable housing through amending this legislation.

The CYPE Committee recommended to Welsh Government in 2023 that they should introduce legislation to raise the upper threshold of support for care leavers from 21 to 25, which Welsh Government accepted in part. In England, care leavers can access support up to the age of 25 and in Scotland, until the age of 26.

We know that the risk of homelessness presented to care leavers does not stop when they reach 21 years old, therefore we would call for any duties concerning care leavers within the Bill are amended to ensure they apply to all care leavers up to the age of 25, regardless of their education or training status.

8. What are your views on the Welsh Government's assessment of the financial implications of the Bill, as set out in Part 2 of the Explanatory Memorandum?

N/A

9. Are there any other issues you would like to raise about the Bill and the Explanatory Memorandum or any related matters?

Unsupported accommodation: NYAS Cymru is delighted that Welsh Government have stated their policy intention to 'ensure that unsupported accommodation is not suitable for young people aged 16-17' as we firmly believe no child should be placed in these types of homes. While we welcome this proposal will be done through amending the Suitability Order 2015, it is unclear when this will take place as it does not appear to have been included within the proposed Bill.

We know that too many children are being accommodated in unsupported and unsuitable accommodation in Wales, with Welsh Government data recording that in 2023/24 "16- and 17-year-olds were placed in temporary bed & breakfast accommodation under the current Homelessness legislation on 126 occasions, and on a further 36 occasions under Children's Social Services legislation". We firmly believe that ending the use of unsupported accommodation for these children must be an absolute priority for Welsh Government and we would therefore call for this to be included either in the current bill or implemented before the next Senedd term in 2026.

Additionally, NYAS Cymru had welcomed the White Paper proposals which intended that the use of unsuitable temporary accommodation, including Bed

and Breakfasts and shared accommodation, should not be permitted for under 25's. We are disappointed that Welsh Government have chosen to not include this within the current Bill and we are concerned that without legislative change, young people in vulnerable situations – particularly care leavers, will continued to be placed in unsuitable and unsafe accommodation. Additionally, until there is sufficient data collection from Welsh Government, the true extent of this issue is unknown. We would recommend for Welsh Government to use the proposals made in the White Paper to end the use of unsuitable temporary accommodation for all under 25's in Wales. We also call for robust data collection methods, led by Welsh Government, to truly understand how many young people are impacted by this, to allow for targeted policies to address the issue.

When I'm Ready: The 'When I'm Ready' scheme enables young people to remain living with foster carers past the age of 18 in Wales. The scheme is a vitally important safeguard to support care-experienced young people's transition into adulthood by providing them a way to continue living in a stable, safe and familiar environment when they may otherwise be facing the 'cliff edge' of care or at high risk of homelessness. The scheme is currently only eligible for care leavers in foster care until the age of 21, or 25 if in education or training, so young people either in residential care or over the age of 21 cannot benefit from it, despite its transitional importance. With the average age of young people moving out of their parental homes in the UK being 25, it is unclear why care leavers are expected to do this at such a younger age, when there is a far greater risk of homelessness facing them.

The CYPE Committee recommended to Welsh Government in 2023 that the 'When I'm Ready' scheme should be extended to all young people aged up to 25, and for a review to be undertaken to identify if it could be extended to residential care. Though Welsh Government accepted these in part, it is unclear what progress has been made to achieve this. As part of the reforms to the Social Services and Wellbeing (Wales) Act to end homelessness as the route out of care, we believe there is an opportunity for Welsh Government to extend the provision of 'When I'm Ready' to the age of 25 and commit to fully exploring its feasibility within residential care, to ensure more young people in Wales can continue living in safe and stable environments as they transition out of care, if they wish to do so.

Refugee and Asylum-Seeking Young People: While we understand matters relating to immigration and asylum are reserved to UK Government, we were disappointed to see little mention to refugee and asylum-seeking young people throughout the Bill, despite it being known that these young people are vulnerable to homelessness. We would call for Welsh Government to consider

what levers it has available to prevent these young people experiencing homelessness. This could be one through creating an exemption to the local connection test and continuing to ensure refugee and asylum-seeking young people are supported to transition from asylum accommodation to sustainable accommodation, in line with the aims of the Nation of Sanctuary – Refugee and Asylum Seeker Plan.

HSRAWB 04 Voices from Care Cymru

Senedd Cymru | Welsh Parliament

Y Pwyllgor Llywodraeth Leol a Thai | Local Government and Housing Committee

Bil Digartrefedd a Dyrannu Tai Cymdeithasol (Cymru) | Homelessness and Social Housing Allocation (Wales) Bill

Ymateb gan: Voices from Care Cymru | Evidence from: Voices from Care Cymru

Voices From Care Cymru

June 6th 2025

Voices From Care Cymru welcomes steps taken through legislation to improve homelessness prevention for care leavers in Wales.

Based on our engagement with young people in Wales, we believe that scrutiny of the bill should examine the risks of gaps between policy and implementation, and the influence of power dynamics affecting the accessibility of services to care leavers. This will be essential to ensure that challenges of the current arrangements do not reproduce themselves, that the changes will lead to genuinely preventative action rather than action which reacts to a new set of requirements in much the way it has in the past.

Policy-implementation gap

Our engagement with young people frequently raises the inconsistent standards across local authorities in Wales. Whilst local responsibilities are important, young people, particularly those who move between local authority areas as a result of changing placements, deserve to know that there is a standard of support they will receive even if the ways in which that is organised locally may differ.

Young people tell us that plans developed to safeguard their rights are not known to them, they are unaware of their existence or feel excluded from the processes through which they are developed. Whilst local authorities may have flexibility in how they discharge their duties, there should remain some level of consistency to ensure that support on offer is accessible and known to young people. Planning processes must ensure that young people are not excluded from the process, that they are aware of genuine choices they have in making their plan, and that they have advocacy support if they request it.

Eligibility for support designed to incentivise young people and local authorities to make good choices can end up producing perverse effects – young people who are in part time education and part time work so that they can afford to live can be excluded from support offered to those in full time, when that option is not accessible or not in that young person's interest, creating a perverse situation where a young person who may need more support to remain in education is instead eligible for less.

Obligations to safeguard personal belongings require significant strengthening – there is an immense difference between the importance of these matters to young people and the importance that local authorities place on them. To some extent this is an unavoidable difference of perspective, which is why very robust policy action at the national level is needed – the costs of failing to meet these duties must be prohibitive, otherwise the position will not change. There should be both strong national rules and consideration should be given to national arrangements for ensuring these duties are properly upheld.

Power dynamics

It is incredibly important to keep in mind the power dynamics at play when a young person is interacting with public services. The intentionality test is a case in point – a system which the government acknowledges resulted in decisions being made about support for young people which do not reflect natural justice. A momentary lapse of emotional regulation by a traumatised and desperate young person who is attempting to navigate a large, powerful and confusing bureaucracy may be both unacceptable and at the same time a counterproductive rationale for ending the duty to support. Young people tell us they are subject to discrimination and stigma when accessing housing services from local authorities and housing associations. Therefore any context in which unacceptable behaviour or disengagement occurs must take into account the young person's past and recent experiences, and they should be given every opportunity to make amends and to re-engage. The problem with intentionality is that it forced into destitution and exploitation some people who should have been helped, in part as a result of the pressures of the need to manage overall demand – robust safeguards will be needed if the new tests are not to lead to the same outcome as a result of the same underlying forces at work.

Applying the new tests will need to ensure that these are standards of communication and approach which ensure the exercise is not cursory. Standards of communication with young people varies widely between local authorities in

Wales. There needs to be an obligation on local authorities to record an actual explanation as to why the young person is not engaged and record details of the steps they have taken to establish communication. This should include explaining what access to advocacy the young person has been offered. Reports from young people we speak to indicate provision of a suitable advocate is not always in place when young people need it. Follow up support must similarly be meaningful and involve real assessment rather than provision of standardised advice. Similarly, communications challenges and difficulties in forming relationships as a result of past trauma should be taken into account - to withdraw support from a young person who is not deliberately frustrating those seeking to support them but rather is simply struggling would be an infringement of their rights and, in our view, a failure of services to reach that young person, not because they are too hard to reach but because they are too easy to ignore.

Voices From Care Cymru believes that the Welsh Government should be in a position to guarantee to young people that they will not need to present themselves as homeless when leaving care. The government expects families in Wales to ensure their children are housed, and they can be liable to sanction should they fail to fulfil their duties. The challenges of housing supply compound the difficulties of meeting housing need, therefore we believe the government should strengthen its commitment to care leavers given the timescales that will be involved in addressing Wales' housing shortages. Young people tell us they are told there is a significant risk they will be homeless on or around their 18th birthday and, sadly, this is a fact for young people living in Wales today.

Proactive support

There is a need to avoid changes leading to a shift in reactivity rather than a shift to prevention.

Fixed timelines should take account the need for flexibility - care experienced young people report a great deal of stress and anxiety caused by the timelines of service changes being insensitive to their lives, such as moving into a homeless hotel on the day of your 18th birthday or being uncertain as to where you will live during or after your upcoming exams. For young people living in residential children's homes, they do not have the equivalent of the 'When I'm Ready' scheme and tell us the change in their living arrangements around this time come as a real shock. The support for these young people should begin earlier and must avoid creating any disruption to critical stages in their lives like exams.

Increasing the requirements around suitability of accommodation are welcome, however to be in line with the government's commitment to person-centred

services, the criteria must take account of social factors and mental health factors. There might be otherwise suitable accommodation that meets the tests and yet is not somewhere a young person can realistically live because of factors like the community it is in, who lives in the accommodation, and the likely impact on that young person's mental as well as physical health. Young people report to us that even if a property might in itself be suitable, they are ill-prepared with basic items they need to live and to maintain their home, and getting support once they have accepted the property can mean a long wait. Assessments therefore must lead to the provision of timely support to enable that young person to maintain the tenancy and meet their own basic needs.

We welcome the requirements to engage people with lived experience in designing services. We believe it is important that feedback mechanisms established from the outset ensure that there is proper reporting on how people's input has been used and what has changed as a result. A failure to close this feedback loop undermines the ability of those who promote civic engagement of this kind to do their work because it undermines confidence that there is value in participation.

Mark Thomas and Rob Nichols

Welsh Cladiators

5 June 2025

Building Safety

Dear Mark and Rob,

Thank you for contacting the Local Government and Housing Committee and for meeting with me in February to discuss the current state and pace of fire and building remediation in Wales. I appreciate that it remains a deeply worrying time for residents and leaseholders of high rise buildings in Wales and I am grateful to you for sharing your personal experiences with me.

The Committee considered your request to appear before the Committee at our meeting on 7 May and agreed to invite you to provide evidence early in the Autumn term. We are expecting the Welsh Government's forthcoming Building Safety Bill to be referred to the Committee for scrutiny, and your experiences and expertise will be invaluable to our consideration of that Bill. We found the evidence that you provided to the Committee in March 2023, as well as our visit to Celestia in March 2024, informal meetings and correspondence, extremely helpful to increase our understanding of issues facing leaseholders and residents in high rise building in Wales.

The Clerk of the Committee will be in touch in the next couple of months with a formal invitation to provide written and oral evidence, which I hope you will accept. In the meantime, the Committee will continue to pursue any concerns or issues you wish to raise with the Cabinet Secretary for Housing and Local Government. Please do not hesitate to contact us if there is anything in particular you would like to draw to our attention.

Thank you again for contacting the Committee and we look forward to you coming to provide evidence.

Yours sincerely,

John

John Griffiths MS

Chair

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.



Dear Chair

Thank you for your letter of 5th June setting out the Committee's views on our request to appear before you for a second time. We were also grateful to have the opportunity to share with you on 12 February the seriously dangerous issues that some of our developments are experiencing..

It has always been our priority to focus on the immediate pressures that come with living in serious fire and build, defective homes. Equally we have always expressed support for any long term policies that seek to transform what is clearly, a toxic and low quality Welsh and English housing ecosphere. Grenfell tragically exposed decades of both manufacturers, developers and government failures (across all parties).

It is a basic citizen right that we all enjoy a robust and effective system of planning and a safe, high quality housing construction industry.

So we reiterate that our key focus is getting our developments remediated today at no cost to owners. As you know many of us face severe pressures both from a well-being and financial basis. Pressures that have been in place for some eight years and for some of our supporters well before that. Citizens are trapped in houses they cannot sell and from which they can see no escape in the foreseeable future. We now have one key leaseholder figure (not a Welsh Cladiator) who is liable for some £36,000 in legal costs because he dared to challenge a leading developer over this crisis. This is the brutal reality! It's also a stark contrast to the WG's repeated statements that leaseholders should not have to pay for developers mistakes

We stress is that time is not on our side. People are suffering, On 29th April we attended the first WG sponsored Leaseholders and Residents Forum. It involved some 50 people (many Welsh Cladiators had never heard from previously). It was an eye-watering meeting that revealed a litany of distressing stories from people who clearly feel isolated and cut off from any kind of information or support as regards the failures in their buildings and what their futures might hold.

One Cardiff delegate reported that she had written to the WG Minister some 14 times and had never received a response! She went on to say she had received no support from her MP! Others talked of severe financial worries and even concerns over self-harm such is the mental stress some people are experiencing. Many voiced frustration at the sheer lack of information regarding their development's defects and future direction. It was a damning session and frankly a stark contrast to the Minister's continued Senedd statements (that also follow her long serving predecessor) that all is going well In the Welsh Building Safety Crisis. Clearly things are not going well and frankly we are shocked by the lack of political interest in the ongoing crisis. Despite writing to the WG about the meeting we have to still to receive a response. It is depressing that not one member of your new Committee has sought to reach out to us to express concern or seek further information.

We were previously advised that following our meeting with you in February that the Committee had written to the Minister and that subsequent questions and issues had been raised with her. Regrettably, four months on we have seen no outcomes from those exchanges. Repeated requests to meet with the Minister have been met with replies that we first meet a new senior civil servant who is taking over responsibility for the crisis. This will be another in a long line of civil service rotations that we have experienced over the last six years.

Since meeting you in February, some of our members have experienced negotiating with developers access to their fire and build defective sites via the WG's Developers Contract (DBC). We believe there is much learning to be shared with other impacted groups as they attempt to navigate a similar path. Citizens need to be informed as to the mistakes that can easily be made as developers seek to protect their agendas and interests. There is also much to learn from developments such as Victoria Wharf where remediation plans are already being delayed as new defects are discovered and argued between the various parties and stakeholders.

So I trust you will recognise that we have less interest in commenting on future policies when we are still in the thick of a battle to get our current challenges resolved. For too many people involved in this crisis it is just a job but to us it is our lives!

We again appeal for far greater urgency and action on the issues and challenges that thousands of innocent Welsh citizens, who did everything right, are facing on a daily basis

Diolch yn fawr

Mark Thomas & Rob Nichols Welsh Cladiator Leads



12th June 2025

John Griffiths MS
Chair
Local Government and Housing Committee
Welsh Parliament
Cardiff Bay
Cardiff
CF99 1SN

Dear Chair,

Thank you for our recent meeting to discuss the UK Government's plans related to the energy efficiency of private rented housing in England and Wales. As agreed, I am writing to you to outline the key challenges in further detail.

As your Committee will know, the UK Government has recently closed its consultation on new energy efficiency standards in the private rented sector, which will cover both England and Wales.

The National Residential Landlords Association (NRLA) wants to see all rental homes as energy efficient as possible. However, the scale of the task cannot be underestimated.

According to [data](#) from Rent Smart Wales, at the end of April this year around 61% of private rented properties in Wales had an Energy Performance Certificate (EPC) rating of D-G. Meanwhile, the most recently available [Welsh Government data](#) suggests that 43% of private rented dwellings in Wales were built prior to 1919. These are some of the hardest properties to improve, not least since they are most likely to have solid walls, making them incredibly hard to insulate.

Whilst we understand and support the UK Government's ambition, it is essential that the adopted policy, following consultation, is realistic and deliverable in practice. Given the scale of the challenge, we have serious concerns about its feasibility in its current form.

1. A lack of trained professionals

There are simply not enough of the skilled tradespeople that will be required to upgrade the rental housing stock in the timescales envisaged.

Research by [Kingfisher](#) (owners of Screwfix, B&Q and TradePoint) suggests that the UK is facing a shortage of 166,000 tradespeople, with the shortfall set to grow to 250,000 by 2030.

What is more, we are concerned about the quality of workmanship currently available given that earlier this year the UK Government had to [suspend 39 businesses](#) from installing new insulation in homes due to poor quality work.

Given this, the UK and Welsh Government's must clearly outline how they plan to ensure a sufficient supply of properly trained tradespeople to meet the objectives as set out in the consultation.

2. A lack of support for investments required

In April last year, the Committee on Fuel Poverty [wrote to the then UK Government](#) in relation to the energy efficiency of rented housing. The letter included concerns about the lack of a bespoke financial package to support investments in energy efficiency measures in the sector. As it noted:

“Currently the major energy efficiency programmes are targeted at the owner occupier sector (e.g. Energy Company Obligation, Home Upgrade Grant, Great British Insulation Scheme) or the SRS (Social Housing Decarbonisation Fund). Previously the Committee on Fuel Poverty argued that the PRS be treated as a commercial sector as landlords are effectively managing a business that should meet required standards. Landlords could be helped to meet these standards through tax offsets for improvements, loans or potentially grants for landlords with a low profit margin in areas of low rental value.”

The tax treatment of energy efficiency investments requires urgent reform if the Government's plans are to work. As the now disbanded [Office for Tax Simplification](#) noted in 2022, current tax rules create no incentive for landlords to invest in energy efficiency improvements. For instance, whilst replacing a broken boiler is considered a deductible expense against rental profits, upgrading a boiler to a more energy efficient system or installing insulation where none previously existed is not.

In view of this, we are calling on the UK Government to make investments in energy efficiency improvements deductible against income tax. A similar proposal has been mooted, among others, by [Citizens Advice](#) and the think tank, [E3G](#).

At the very least, the UK Government could publish a clear list of energy efficiency improvements that qualify for tax deductibility, prioritising those most effective in helping properties to meet the new energy efficiency standards under consultation.

Alongside this, the Welsh Government could also consider how the Land Transaction Tax (LTT) could be used to encourage investment in energy efficiency improvements. This could include a rebate on the LTT paid, or a lower level, where landlords purchase properties and bring them up to the new standards being consulted on.

3. A graduated cap on investments

The proposals in the consultation would increase the cost cap – the maximum amount a landlord would be required to invest in energy efficiency improvements – from £3,500 to £15,000. It is also consulting on whether to introduce an affordability exemption, which would lower the cost cap to £10,000 for certain properties, however the details of its implementation remain unclear.

It is vital that any cost cap reflects regional variations in house prices and rental values across the country. Without a graduated approach, there is a very real risk of placing a disproportionately higher financial burden on landlords in lower-value areas. For example, a landlord in Blaenau Gwent, where the average [house price](#) is £140,000, will have less capital to invest in energy efficiency works than a landlord in Monmouthshire, where average [house prices](#) are almost £330,000.

To address this, we would suggest a graduated cap linked to house values, with an initial threshold set at £7,000. This would reflect the UK Government's modelling, outlined in its consultation, which estimates that the average investment required to meet its preferred energy efficiency standard is between £6,100 and £6,800.

More broadly, the UK Government must provide a clear rationale for setting an upper cap of £15,000, given this figure is more than double its own estimates of the average cost required.

Alongside this, we would encourage the Welsh Government to consider increasing the grants available under the Leasing Scheme Wales policy. At present grants of up to £5,000 are available under the scheme to bring properties to improve the energy efficiency of properties. At the very least, consideration should be given to increasing this in line with the cost caps proposed by the UK Government.

4. A realistic implementation timetable

The UK Government's consultation envisages regulations being introduced next year to implement its final policy decisions. As things stand, that would mean:

- Private rented properties where new tenancies are created would have around two years to meet the Government's objectives by 2028; and then
- Less than four years for all private rented dwellings to meet the standard by 2030.

To ensure a practical and achievable approach, we propose the following staggered timeline:

- A deadline of 2030 for all private rented properties to undertake the works needed to the fabric of a property (e.g. insulation measures) to meet the Government's objectives.
- A deadline of 2036 for all private rented properties to meet the 'smart readiness' and 'heating system' objectives outlined in the Government's consultation.

Given the planned regulations are likely to come into force in 2026, it is likely that many landlords will want to update their EPCs at that point to establish if their properties meet the Government's new standards or not. Aligning the final deadline with the EPC's 10-year renewal cycle in 2036 would provide a more structured and manageable transition for landlords while ensuring sustained progress towards improved energy efficiency.

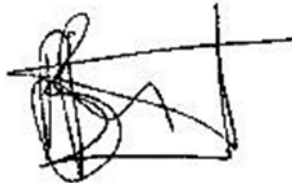
5. Welsh Government's response to the UK Government's Consultation

More broadly, and given the importance of energy efficient homes, at the very least we would call on the Welsh Government to publish its response to the UK Government's consultation to better understand its thinking and policy positions on this important issue.

The NRLA is committed to improving the energy efficiency of the rental housing stock but achieving this requires credible, evidence-based policies.

Should the Committee require any further information, please email policy@nrla.org.uk.

Yours sincerely,



Ben Beadle
Chief Executive