

Agenda – Equality, Local Government and Communities Committee

Meeting Venue:

Committee Room 2 – Senedd

Meeting date: 14 February 2018

Meeting time: 08.55

For further information contact:

Naomi Stocks

Committee Clerk

0300 200 6565

SeneddCommunities@assembly.wales

At its meeting on 8 February, the Committee agreed a motion under Standing Order 17.42 (vi) to resolve to exclude the public from items 1, 2, 3 and 4 of today's meeting.

Pre-meeting 8.55 – 9.05

1 Public Services Ombudsman (Wales) Bill: consideration of draft report

(09.05 – 10.05)

(Pages 1 – 109)

2 Inquiry into poverty in Wales: making the economy work for people on low incomes – consideration of key issues

(10.05 – 10.40)

(Pages 110 – 124)

3 Inquiry into Human Rights in Wales – update

(10.40 – 10.45)

(Pages 125 – 129)

4 Inquiry into pregnancy, maternity and work in Wales – consideration of engagement options

(10.45 – 10.55)

(Pages 130 – 133)

Break (10.55 – 11.00)

5 Introductions, apologies, substitutions and declarations of interest



- 6 Inquiry into rough sleeping in Wales – evidence session 6**
(11.00 – 12.30) (Pages 134 – 137)
Rebecca Evans AM, Minister for Housing and Regeneration
Emma Williams, Deputy Director, Housing Policy, Welsh Government
Rob Owen, Homelessness Prevention Policy Manager, Welsh Government
- 7 Paper(s) to note**
- 7.1 Letter from the Leader of the House and Chief Whip to the Llywydd in relation to scrutiny of preparations for the 2021 Census of Population**
(Pages 138 – 139)
- 7.2 Letter from the Chair of the External Affairs and Additional Legislation Committee in relation to human rights in Wales**
(Page 140)
- 7.3 Letter from the Chair of the Finance Committee to the Chair of the Constitutional and Legislative Affairs Committee in relation to the Public Services Ombudsman (Wales) Bill**
(Pages 141 – 146)
- 7.4 Letter from South Wales Police to Mick Antoniw AM in relation to rough sleeping in Wales**
(Pages 147 – 148)
- 8 Motion under Standing Order 17.42 (vi) to resolve to exclude the public from the remainder of the meeting**
- 9 Inquiry into rough sleeping in Wales – consideration of evidence received under item 7**
(12.30 – 12.45) (Pages 149 – 310)

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John Griffiths AM
Chair, Equality, Local Government and Communities
Committee

8 February 2018

Dear John,

PUBLIC SERVICES OMBUDSMAN (WALES) BILL

Further to correspondence from the Clerk on 26 January 2018, I attach my response to the report of the Equality, Local Government and Communities Committee's Expert Adviser.

As noted in my evidence on 25 January 2018, I welcome the Committee's decision to commission an expert adviser to report on the financial implications of the Bill since this represents best practice.

I am pleased to note that the Committee's Expert Adviser is "very supportive" of the extension to the powers of the Public Services Ombudsman for Wales (the Ombudsman) in the four main areas set out in the Bill and Explanatory Memorandum. I welcome the observation that the ability to undertake own initiative powers is important and has potential to secure significant benefits. Also that better complaint handling would lead to a better service for individuals, have the scope to improve services as a result of learning from complaints and ultimately reduce costs through fewer complaints being received by the Ombudsman.

As well as respond to the report of the Committee's Expert Adviser, I would like to provide some further information and clarity on some of the issues that were raised with, and by, the Committee. This is also attached to this letter.

Yours sincerely



Simon Thomas AM

Chair

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.



Responses to the Expert Adviser's Report

Consideration of assumptions used in the RIA

1. Is the growth in caseload a structural increase or is it out of trend?

If it is not a structural increase then careful consideration would need to be given before using an assumption of 12% increase in caseload per annum over the next five years (paragraph 2.1).

As noted at paragraph 11.29 of the Explanatory Memorandum, the Finance Committee has calculated the cost estimates using the Ombudsman's projections for his caseload. This reflects the knowledge and experience of this office. The Finance Committee considered that this represented the best estimate for the purpose of the Regulatory Impact Assessment (RIA). However - for sensitivity analysis - the RIA also sets out the projections of caseload and the related cost of an increase of 5 per cent. More information is set out at Question 3 below.

2. If further work is to be undertaken on the RIA then it may be worth considering using the costs of the three elements of the Ombudsman's caseload in a more nuanced analysis (paragraph 2.4)

The Committee's Expert Adviser notes that the management of enquiries, assessment of complaints and investigations have significantly different costs. He notes that, "if further work is undertaken on the Regulatory Impact Assessment, it may be worth considering using the costs of all three in a more nuanced analysis".

The Finance Committee similarly noted this issue when considering the initial costings and assumptions provided by the Ombudsman. The Ombudsman advised that his office was not able to provide unit costs for the different elements of his caseload. Members concluded that using the expenditure incurred by the Ombudsman for his complaints handling service, as reported in his audited annual report and accounts, to derive the unit cost per case would provide the best estimate for the RIA.

The issue of differential costs was again explored by the Finance Committee during its scrutiny of the Ombudsman's Estimate 2018-19. The Ombudsman's office told the Finance Committee that it does not break down their costs in a way that would facilitate the reporting of the differential costs of the Ombudsman's workload. To do so would require the completion of detailed timesheets and staff were not sure of the cost/benefit of doing so.

The Finance Committee considers the issue of differential costs important in the context of the resources available to the Ombudsman's office. In its Report, [Scrutiny of Public Services Ombudsman for](#)

Wales's Estimate 2018-19, the Finance Committee recommended that, given the pressures on funds for public services, the Ombudsman demonstrates clearly the reasons for any additional resources to manage an increasing caseload, including the differential cost of elements of his work and the related financial pressures.

- 3. It is recommended that, in calculating the increase in the Ombudsman's caseload, a 6% or 8% model is used and that this be used in all relevant analyses (paragraph 2.5)**

As noted at paragraph 11.30 of the Explanatory Memorandum, the Ombudsman's projections for his caseload assume an annual increase of 12 per cent.

The Finance Committee considered this assumption, noting the annual changes in caseload over the period 2010-11 to 2015-16. Members also noted evidence given by the Ombudsman during the Committee's scrutiny of the Estimate 2017-18. This had indicated an increase between 5 and 6 per cent per annum. The Finance Committee opted also to set out the caseload numbers and related cost for an increase of 5 per cent per annum. While this was lower than the Ombudsman's projections, the Finance Committee set out the likely range of the cost of the increase in caseload given that it is considered best practice to do so.

Power to accept oral complaints

- 4. It would be prudent to undertake a sensitivity analysis of the estimate of 10 per cent of complaints will be made by telephone using a higher figure such as 40% (paragraph 3.2) and using an increase in complaint numbers of 10% and 20% (paragraph 3.3).**

As noted in my evidence to the Committee, under the 2005 Act, the Ombudsman currently has discretion to accept an oral complaint as duly made. When exercising this discretion, the complaints advice team in the Ombudsman's office transcribe the complaint and send it to the complainant to be signed and returned. The Ombudsman has provided evidence to the Finance Committee that approximately 50 per cent of those to whom his office has sent a written record do not return it. This means that for every person who does complain, there is another who does not.

In preparing the RIA, the Finance Committee sought to estimate the impact of the proposal on the Ombudsman's caseload, differentiating between the likely additional costs to his office (the 'direct costs') and those incurred by listed authorities (the 'indirect costs'). Under existing legislation, the Ombudsman has a discretionary power to accept oral complaints as being duly made. The Ombudsman exercises this

discretion on a case-by-case basis when deciding whether to accept an oral complaint as being duly made. In removing the requirement to make a complaint in writing, the Bill removes the need for the Ombudsman to exercise the discretionary power. We have sought to estimate the **impact of this change**. Given existing provisions, not all oral complaints will represent an additional workload for the Ombudsman's office and listed authorities. Accepting that it is difficult to predict and the related uncertainties with the resulting figures, the Ombudsman's office has used its knowledge and experience to estimate the impact of the change.

Direct costs

While this aspect of the Bill will not change the Ombudsman's role in this regard – complaints will first need to be made to the public body that provided the service – it is anticipated that it will give rise to additional contact with, and enquiries made to, the Ombudsman's office. The Ombudsman has advised that he would not be able to accommodate the increase in his workload without additional resources. The RIA sets out an estimate of these additional direct costs. More information is set out at Question 5 below in respect of the estimate of the related cost.

Indirect costs

As required, the RIA also sets out the best estimate of the likely costs on listed authorities as a result of the proposal and the move from the discretionary power. These will be incurred in respect of the likely **additional complaints and investigations** that will give rise to additional costs for the listed authorities i.e. those over and above the complaints received under the 2005 Act and accepted as duly made.

As noted at paragraphs 11.72 and 11.73 of the Explanatory Memorandum, a number of assumptions have been made for the calculation of the cost of the move from a discretionary power. We are looking here at the impact on the listed authorities only. Therefore, rather than reflect the Ombudsman's total **caseload**, we have used the number of **complaints** about public bodies received by the Ombudsman in 2015-16, which were the latest available at the time of the preparation of the RIA. We have assumed that **10 per cent or 227 complaints** each year would be made orally under the Bill. However, 202 of these complaints each year would have been made under the discretionary power and therefore **do not represent additional complaints to listed authorities under the new provision in the Bill**. The remaining 25 complaints would be additional complaints for the Ombudsman to pursue with listed authorities and 6 of these would be investigated each year.

I note the Committee's evidence in respect of the level of oral complaints received by other ombudsmen and trust that we have

provided sufficient and appropriate evidence as to why they may not be directly relevant:

- **Scottish Public Services Ombudsman** - The evidence given to the Committee by the Scottish Public Services Ombudsman (SPSO) referred to 72 per cent of complaints being made orally. We understand that this relates to the SPSO's Scottish Welfare Fund Review Function. The Ombudsman's office told us that this is entirely different to the work of his office.

The Scottish Welfare Fund is a national scheme that provides a safety net for vulnerable people on low income through the provision of Community Care Grants and Crises Grants. From April 2016, the SPSO took on a role as the independent reviewer. Not only are service-users of the Scottish Welfare Fund usually from a highly vulnerable group but these are people who need immediate help, hence the need to pick up the phone. While the Ombudsman would expect some calls from vulnerable groups, the view is that the comparison is not relevant.

- **Financial Ombudsman Service** - The Committee's Expert Adviser refers, at paragraph 3.2 of his report, to the Financial Ombudsman Service's latest Annual Report, which indicated that about 43 per cent of contacts are by telephone.

As noted above, the RIA refers to the assumptions in respect of the number of **complaints**, while the Annual Report of the Financial Ombudsman Service refers to **proportion of contacts** by telephone. I understand that there is a significant difference between how many contacts are by telephone to the proportion of complaints made the same way. These are different figures to measure.

5. **It is suggested that the case for additional staff at a higher pay grade within the RIA has not been made and further information should be obtained from the Ombudsman (paragraph 3.6)**

The response to Question 4 sets out an explanation of the basis for the estimates of direct and indirect costs arising from the proposal to move from the discretionary power in respect of oral complaints. Essentially, that the proposal will result in an increase to the Ombudsman's workload arising from additional contact with, or enquiries from, people who believe that they have suffered hardship or injustice through service failure by a public body. This will require additional resources for the Ombudsman's office.

The Ombudsman considered the impact on the skills set needed for relevant staff. Not all members of the public who contact the Ombudsman wish his office to accept the matters that they raise with

staff as a complaint. Some members of the public want only to share their experience but, for various reasons, do not make a complaint.

When a complaint is made orally, the Bill requires the Ombudsman to confirm whether the person wishes for it to continue to be treated as a complaint. The Ombudsman is also required to ask whether the person wishes the complaint to be confirmed in writing. In the event that it is the case, the Ombudsman must make arrangements to do so. However, where this is not the case, a transcription does not need to be sent but the Ombudsman is required to keep a written record.

The Finance Committee accepted the Ombudsman's assessment that the change meant that the onus was now on a member of his staff, rather than the complainant (or caller) to establish details, such as the context of the issue, its nature, what injustice has been caused and the outcome sought, including whether the member of public wishes the Ombudsman to treat the matters raised as a complaint that has been duly made.

The policy intent of this proposal is to improve social justice and equal opportunities by ensuring that the Ombudsman's services are accessible to all citizens, including the most vulnerable and deprived, such as people with learning difficulties and the homeless. The Finance Committee was persuaded by evidence that taking an oral complaint was not an administrative function; it is a complex role. Evidence provided to your Committee, such that given by Hospice UK, local health boards and Social Care Wales, support this. They have noted that it takes both skill and time to take the right details from people and work through what can be very complex arrangements, often when people are vulnerable, possibly grief stricken and having already gone through the complaints process at the public body that provided the service. The Ombudsman's service is their 'last resort'.

For these reasons, the Finance Committee accepted the Ombudsman's assessment that the proposal would require the additional resources set out in the RIA.

The Committee's Expert Adviser also notes, at paragraph 7.3 that, without a move to online sign posting and complaint forms, there is a real risk that the costs associated with this proposal will be greater than thought. I understand that the Ombudsman's office already uses online signposting and an online complaints forms. However, the policy intent for the proposal to accept oral complaints as being duly made is not about trying to move complaints from paper form to online but rather about ensuring the most vulnerable can access the Ombudsman's services. As noted at paragraph 3.11 of the report of the Committee's Expert Adviser, research evidence indicates that "many people with legitimate grounds for complaint do not do so and that they

can be deterred from making a complaint by even minor blocks in the process”.

6. Assuming that the number of additional complaints as a result of allowing oral complaints is correct, the Expert Adviser notes that the value of the costs to other public bodies has been overstated (paragraph 3.10).

The Committee’s Expert Adviser reports that total number of hours and the composition of staff involved in dealing with a complaint and investigation appear high. Hence, he concludes that the cost has been overstated.

Paragraphs 11.6 and 11.7 of the Explanatory Memorandum set out the stakeholder engagement undertaken by the Ombudsman and the independent company commissioned by his office to assist in the preparation of the RIA. This includes:

- seeking information from the 22 local authority complaints officers in Wales via the Chair of the Welsh Corporate Complaints Group;
- requesting information from NHS organisations via the NHS Wales Listening and Learning from Feedback Group; and
- seeking views as a meeting of the Welsh Corporate Complaints Group in respect of the best estimates of the indirect costs.

This engagement with stakeholders informed the estimate of the financial implications of the Bill for listed authorities (or ‘indirect cost’), which have been set out for low and high unit costs, thereby providing a range of the likely cost of the new provisions, which is considered good practice.

Own initiative investigations

7. A more realistic level for professional fees is £5,000 rather than £10,000 set out in the RIA (paragraph 4.5)

As noted in evidence I gave the Committee on 25 January 2018, the estimate of professional fees reflects the costs borne by the Ombudsman’s office. For the purpose of the estimate, the Ombudsman has assumed a requirement for 25 days of advice per year, which reflects the potential range, nature and complexity of cases.

8. Costs on public bodies (paragraph 4.6)

See response to Question 17 below.

9. Costs to public sector bodies are ‘nominal’ and should be able to be accommodated within the organisation’s existing resource (paragraph 4.10)

We note the Expert Adviser’s comment and have reflected this in our assumptions for the RIA (paragraph 11.47, Explanatory Memorandum refers). Whilst these figures are nominal and likely to be accommodated within existing resources, it is important that calculations are made to

quantify the impact of proposals in the legislation on other bodies and the Finance Committee is not in a position to recommend how these additional costs should be funded.

10. Caution must also be taken with respect to the hoped for 5% decrease in complaints arising from own initiative investigations (paragraph 4.12)

As noted at paragraph 11.34 of the Explanatory Memorandum, the Ombudsman's projections for his caseload assume that the increase will be mitigated by the power to undertake own initiative investigations, equating to 5 per cent of complaints made in 2015-16 by 2020-21 and the end of this Assembly term.

Evidence given to the Committee by witnesses, such as the Welsh Local Government Association, has acknowledged the difficulties in estimating the impact of the proposals, including the effect of legislative reform on behaviours.

The assumption in the RIA reflects the knowledge and experience of the Ombudsman's office. In the event that the Bill is enacted, the Ombudsman advises that his office is not expecting to achieve 'steady state' until three years after commencement of the new powers.

The assumptions also reflect the analysis undertaken in Northern Ireland for the preparation of new powers for the Northern Ireland Public Services Ombudsman to undertake own initiative investigations. The latter refers to achieving a reduction in caseload of 5 per cent **per annum** (or 40 complaints) as a result of own initiative investigations.

Investigating the private healthcare in public/private healthcare pathway

11. Will the number of complaints rise sharply following enactment (paragraph 5.2)

The estimate reflects an assumption that the power will result in 7 complaints per year involving care or treatment in a public/private pathway over the five years for which the RIA sets out costs and benefits.

The assumption was supported by evidence given to your Committee by witnesses, such as the Independent Healthcare Sector Complaints Adjudication Service (ISCAS) and the Welsh Independent Healthcare Association. The latter noted that, in its view, the provision would not create "an extra spike in the numbers of complaints".

In such cases, the Ombudsman will be investigating part of a complaint (rather than a whole complaint) and only where a matter cannot be

investigated effectively or completely without also investigating matters relating to the private health services.

The Ombudsman told the Finance Committee that he would not seek additional funding for this provision but would be able to absorb the related cost within existing resources (paragraph 11.119, Explanatory Memorandum). However, the Assembly's Standing Orders and best practice require costs to be quantified even when additional funding is not going to be allocated for changes to service delivery. The RIA adopts the Ombudsman's unit cost per case (£501) to estimate the cost; £3,507 per annum or £17,535 over 5 years.

12. The absence of indirect costs for private providers is a serious omission (paragraph 5.3)

This matter was explored by the Finance Committee with the Ombudsman in light of best practice, Standing Order requirements and its own considerations, including its inquiry into the costs of legislation.

As noted at paragraph 11.57 of the Explanatory Memorandum, the Ombudsman notes that he does not have access, or a right to access, to details of the number and the associated cost of complaints made about private health services. The Independent Healthcare Sector Complaints Adjudication Service (ISCAS) provides independent adjudication on patient complaints about ISCAS members but this does not cover all private healthcare providers. Other published data on the number of complaints does not cover all private healthcare providers.

Given this, the RIA notes that it has not been possible to estimate the value of indirect costs should legislation provide the Ombudsman with the power to consider complaints about all private health service providers. Therefore, the RIA notes that the cost impact on private health service providers is not known.

The Committee's Expert Adviser recommends that it would have been "reasonable to assume that the cost impact of the proposal would be similar to that on which will fall on the public sector". If this was assumed, using the low and high unit costs for a **full investigation** set out in Tables 15 and 16 of the RIA respectively would result in an estimate of costs between £12,117 and £15,099 per annum, or £60,585 and £75,495 to private health providers over five years (not including an annual cost of living increase in staff costs).

This was not an approach taken by the Finance Committee for two reasons. Firstly, the lack of evidence to support the assumption that the costs borne by private providers would be the same as those incurred by public sector bodies. Secondly, the low and high unit costs to public sector bodies set out an estimate for investigating the whole of a complaint. In these cases, the treatment or care from private health service providers would be an element in the public/private

pathway rather than the whole complaint. Therefore, the view was that it was not appropriate to use the same costs to estimate the financial impact on private providers. Tied in with the expectation that the expected number of complaints is seven a year, the omission of these unknown costs was not considered significant.

I also note evidence given to the Committee by ISCAS in respect of the availability of financial information set out in its reports. My understanding is that ISCAS reports the cost of adjudication and clinical experts. However, under the arrangements proposed in the Bill, these costs would not fall on private healthcare providers (other than in the exceptional circumstances set out in the Bill where providers have obstructed the work of the Ombudsman) where there is a complaint to the Ombudsman involving both public and privately commissioned healthcare. The cost to the private healthcare provider under the proposals in the Bill would be those arising from providing records, details of their investigation and their findings to the Ombudsman. ISCAS does not report the costs to private healthcare providers of providing information to ISCAS and cooperating with the ISCAS investigation/adjudication.

Complaints handling standards and procedures

- 13. While the RIA sets out the cost to public bodies of the development of complaint handling procedures but not related costs, such as time to be involved in their development, informing and training relevant staff on the new approach to complaint handling (paragraph 6.5)**

As noted in the response to Question 6, the Ombudsman and the independent company commissioned by his office to assist in the preparation of the RIA (OB3) engaged with stakeholders to prepare the best estimates of indirect costs. This suggested that the only additional costs to public bodies arising from the complaints standards authority role would be in respect of changes to systems, including IT systems. Public sector bodies would already be undertaking other activities under the existing provisions, such as training and dissemination of good practice. Also, the Ombudsman's office would use its current mechanisms of working with listed authorities, such as its sounding boards, regular liaison meetings with complaints handlers and the Welsh Local Government Association. As such, the cost of activities would not represent additional costs under the Bill.

- 14. The benefits identified in reduced complaints received by the ombudsman may be delayed (paragraph 6.2) but may be greater than estimated (paragraph 6.8)**

As noted at paragraph 11.34 of the Explanatory Memorandum, the Ombudsman's projections for his caseload assume that the increase will be mitigated by the complaints handling role, equating to 10 per cent of

complaints made in 2015-16 by 2020-21 and the end of this Assembly term. This assumption reflects the knowledge and experience of the Ombudsman's office, that 'steady state' will be achieved after three years but that the effect of the new power will continue to grow over the subsequent two years for which the costs/benefits of the Bill have been estimated in the RIA.

15. It is suggested that the Ombudsman be asked to provide details on the professional advice he believes is required (paragraph 6.3).

See response to Question 7 above.

Other matters

16. Additional costs would fall on different parts of the public sector

Paragraph 11.46 notes that it is not possible to predict in respect of which public bodies the increase in future caseload will relate. I understand that trends are not necessarily representative of future activity. For example, the Ombudsman set out the changes in the number of complaints within one sector, the NHS in Wales. This is noted in the Finance Committee's Report, [Scrutiny of Public Services Ombudsman for Wales's Estimate 2018-19](#):

The Ombudsman said that a large proportion of the increase in health complaints was due to a rise of 23 per cent in complaints received about Betsi Cadwaladr UHB and an increase in the volume of upheld complaints. Of the six public interest reports he had published, three related to that health board.

17. One-off transition costs and 'other staff costs' appear high. It is recommended that the Ombudsman provides details on the calculations used to arrive at these costs (paragraph 2.10)

In preparing the estimates, the Finance Committee sought not to understate the costs. The estimates reflect the costs borne by the Ombudsman and his office.

Transition costs

The transition costs include the estimate of the following for each additional member of staff:

- recruitment;
- desk and chair;
- file storage;
- telephone, computer and peripherals, monitors and stand;
- set up costs for the Ombudsman's ICT systems;
- basic office equipment;
- security pass;

- initial training/induction; and
- IT equipment for mobile working.

The Finance Committee considered that the estimate (£5,000 per member of staff) was reasonable.

Office costs

As noted in my evidence to the Committee, the Ombudsman advised the Finance Committee that his current office costs equate to around £13,000 per staff member. Not all costs increase with more staff. However, many costs do.

Ongoing costs included in the estimate are as follows:

- software licenses (including Microsoft, data encryption, virus protection and case management system);
- use of stationery;
- depreciation of office furniture and equipment;
- telephone usage and IT network usage and support costs; and
- communications costs and case-related costs such as professional specialist advice.

The Finance Committee considered that the figure of £5,000 per annum for each new member of staff was the best estimate, reflecting less than 40 per cent of current unit costs. It does not include costs that do not vary with changes in staff numbers, such as heating and lighting.

Training and travel

New staff will cover all of Wales and so will incur travel costs. A return train journey to, for example, Wrexham could cost £130. A typical training course could cost between £300 and £400 and the Ombudsman advises that the amount in the Explanatory Memorandum is in line with the training costs incurred by his office for existing relevant staff.

The Finance Committee recognised the need for training new staff for which the Ombudsman would incur additional costs and that staff would also not be wholly office based. Members sought not to understate the costs and concluded that the estimate at £1,000 per annum was reasonable.

No other benchmarking has been undertaken since the estimates reflect the actual costs borne by the Ombudsman's office. Also, it was not considered proportionate given the values involved.

Summary

I welcome the Committee's decision to commission the services of an expert adviser to report on the financial implications of the Bill. Obtaining an independent assessment is considered best practice and I hope that the Committee's approach is used, in future, as an exemplar for the development of estimates of the cost of legislation.

As recognised in evidence given to the Committee by some witnesses, such as the Northern Ireland Public Services Ombudsman, a significant amount of work has been undertaken to inform the estimate of the direct and indirect costs. This includes engagement with stakeholders by the Ombudsman and the independent company commissioned by his office to assist in the preparation of the RIA. A range of analyses has also been carried out to inform the assumptions on which the estimates are based.

The Finance Committee remains confident in its estimate of the overall costs and benefits. Members would consider any evidence that the Committee's Expert Adviser is able to provide that may improve the estimates and our understanding of the potential costs of the new provisions in the Bill. The Finance Committee would, however, need to balance any additional information against the evidence on which the assumptions and estimates have been based to ensure that the resulting costs continue to be calculated on a consistent basis. The Finance Committee will also seek to use the evidence provided by the Expert Adviser, such as that in respect of other staff costs and professional fees, in its future scrutiny of the Ombudsman's annual Estimate.

Other matters raised by the Committee

1. Criteria for own initiative investigations

The Committee sought my views on the Ombudsman's written evidence that the criteria for own initiative investigations, which are set out on the face of the Bill, may not necessarily cover all intended work in this area.

The Bill allows the Ombudsman to investigate each of the four scenarios the Ombudsman mentions in his evidence, provided always that where a scenario leads to an own initiative investigation:

- the criteria for own initiative investigations are met; and
- the procedures that apply to own investigations are followed (subject to the discretion the Ombudsman has in sections 16(3) and 16(4) in respect of preparing investigation proposals).

As noted in my evidence, the Finance Committee amended the draft Bill to include specific criteria that need to be met (and procedures that must apply) in respect of own initiative investigations. These have been drafted to ensure delivery of policy intent set out in the Explanatory Memorandum and RIA.

2. Sections 40 and 41

I responded to the Cabinet Secretary's observations in respect of Sections 40 and 41 of the Bill in evidence I gave on 25 January 2018 to the Committee.

3. **Section 8(5)**

The Cabinet Secretary's written submission to the Committee also sets out observations in respect of Section 8(5) of the Bill. This is a very important section of the Bill. If a person makes an oral complaint and then tells the Ombudsman that they do not wish the complaint to be treated as a formal complaint that has been duly made, then the Ombudsman should not use the power in section 3 to investigate that person's complaint. So, section 8(5) prevents the Ombudsman from continuing with the complaint via a section 3 investigation.

But the Ombudsman must still have the option of investigating using his own initiative under section 4 because there may be a serious issue which needs to be investigated. Under section 4, the Ombudsman can carry out an own initiative investigation without involving the person who made the oral complaint.

Therefore, I disagree with the Cabinet Secretary's assessment that the prohibition in section 8(5) is worthless.

Agenda Item 2

By virtue of paragraph(s) vi of Standing Order 17.42

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Agenda Item 4

By virtue of paragraph(s) vi of Standing Order 17.42

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Agenda Item 6

By virtue of paragraph(s) vi of Standing Order 17.42

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Rough sleeping is the most acute form of homelessness and it's extreme manifestation. Homelessness is a condition that covers a range of scenarios and goes significantly further than those who are forced to live on the streets. The Committee has indicated they wish to focus their enquiry on rough sleeping and the causes of such. This evidence paper addresses the key themes identified by the Committee.

Effectiveness of Part 2 of the Housing (Wales) Act in preventing rough sleeping

Section 55 of the Housing (Wales) Act 2014 defines homelessness as where someone has no available accommodation which they have legal access to or which they can reasonably be expected to occupy.

Rough sleeping has no strict definition, but is widely regarded as including people who are sleeping or bedded down in the open air; and people in buildings or other places not designed for habitation such as tents, sheds, squats or any other situations which are not designed for legal residency.

Local authorities are required to review homelessness needs in their areas and prepare homelessness strategies by the end of 2018. They will be required to address rough sleeping in those reviews and strategies.

The majority of people who are homeless are not on the streets. They are staying with friends and family or other temporary accommodation following the end of a tenancy or relationship, or as a result of a family dispute. Where a homeless person seeks help from a local authority, the authority will have to provide them with temporary accommodation if they believe they may be homeless and in priority need. Where the person is found to be unintentionally homeless and in priority need, the authority will have a duty to secure them with housing.

Rough sleeping is not currently a priority need category. The Welsh Government Code of Guidance to local authorities on Allocation of Accommodation and Homelessness advises authorities to consider chronic rough sleepers with multiple needs as vulnerable under the legislation, and therefore in priority need.

The legislation has been widely acclaimed for its success in changing the focus of local authority homelessness services to prevention rather than relief. The published prevention rate for the period July to September 2017 was 64%. Overall, since the Act came in to force data shows that almost 13,000 households have been successfully prevented from becoming homeless. The Crisis annual UK wide Homelessness Monitor report highlighted these positive achievements, although the report also acknowledges the recent rise in rough sleeping across Wales, which reflects a wider trend across the UK. It places this trend in the context of rising demand for homelessness assistance amongst single people.

The Wales Audit Office report, Managing Homelessness Demand, found variations in the effectiveness of how local authorities have planned their services since the

introduction of the Act. The report highlighted the difficulties faced by Welsh Government and local authorities due to the impact of key areas where policy is not devolved, including welfare benefits, taxation, immigration and criminal justice.

The scale of rough sleeping in Wales and the adequacy of data

The Welsh Government has worked closely with voluntary sector support agencies and local authorities over a number of years to establish a robust national annual count. As a result the availability of robust data has improved over time.

Initial one off counts in 2007 and 2008 provided one night snapshot data. These annual counts were discontinued due to the burden placed on local authorities in undertaking the count, and concern over the accuracy of the information they provided.

During 2014 a Rough Sleeper Working Group (RSWG) developed a new methodology for a rough sleeping monitoring exercise to be undertaken by local authorities. A monitoring exercise based on this methodology took place in October and November 2014, although the results were not published as coverage was not complete across all 22 local authorities.

Building on this, an annual monitoring exercise was introduced in 2015. The Welsh Government worked with local authorities to further develop the methodology and process which, after further enhancement in 2016, has remained unchanged for 2017. The monitoring exercise is carried out by local authorities, in partnership with other local agencies, to gauge the extent of rough sleeping across Wales. It consists of a two week information gathering exercise in October (Phase 1), followed by a one night snapshot count in November (Phase 2). The snapshot estimate can only provide a very broad indication of rough sleeping levels on the night of the count. A range of factors can impact on single-night counts of rough sleepers, including location, timing and weather.

The 2016 count data gave an estimate of 313 persons sleeping rough across Wales over the two week count period. Local authorities reported a total of 141 individuals observed sleeping rough in Wales between the hours of 10pm on the 3rd and 5am on the 4th November 2016 - the night of the count.

<http://gov.wales/statistics-and-research/national-rough-sleeping-count/?lang=en>

The 2017 figures were published on 1st February and showed that the estimate of 345 persons sleeping rough over the two week count period – an increase of 10%. Local authorities reported a total of 188 individuals observed sleeping rough in Wales between the hours of 10pm Thursday 9th November 2017 and 5am on Friday 10th November 2017 – an increase of 33%.

<http://gov.wales/docs/statistics/2018/180201-national-rough-sleeper-count-november-2017-en.pdf>

The causes of rough sleeping and of the recent increases in rough sleeping

Homelessness is usually caused by a combination of structural and personal factors. There are significant pressures due to the limited availability of affordable accommodation, particularly for single people. The Committee has already received written evidence on the impact of welfare reform in its inquiry into making the economy work for households on low incomes, including a loss of 1.8% in net incomes from tax and benefit reforms for each household (or around £460 a year). These structural factors interact with personal factors such as relationship breakdown, unemployment, mental ill health, substance misuse, and bereavement, resulting in vulnerable people unable to navigate a difficult housing market and becoming homeless. If they have no relatives or friends to live with, they may end up having to sleep rough.

Data shows that of those households threatened with homelessness, the main reason cited was the loss of rented or tied accommodation, followed by parent/relative/friend no longer being able to accommodate them, and then relationship breakdown.

There is very limited research evidence on the causes of the recent rise in rough sleeping, although a small part of the increase may reflect improved approach to data collection. Contributory factors almost certainly include welfare reform - particularly reductions in entitlement to Housing Benefit/Local Housing Allowance, increasing difficulties in the affordable accommodation market as rents continue to rise (Crisis Monitor 2017), reductions and pressures on public services, and flows of non-UK nationals who are not able to access benefits (Rough Sleeping 2017).

The effectiveness and availability of services including emergency accommodation

Statistics show rising demand for homelessness assistance, placing increasing pressure on services. The number of households assessed as homeless under S73 has increased by 58 per cent from 6,891 in 2015-16 to 10,884 in 2016-17 . The number of households assessed as threatened with homelessness within 56 days has increased by 29 per cent (not 27 per cent as shown below) from 7,128 in 2015-16 to 9,210 in 2016-17 - link to data attached.

<https://statswales.gov.wales/Catalogue/Housing/Homelessness>

Outreach services exist in the larger urban areas, and they have daily contact with most rough sleepers, giving the local authority up to date information. There are also many voluntary and informal services which provide food and other assistance. Services funded by the Welsh Government are expected to be proactive in helping rough sleepers into accommodation. There is concern that some of the more informal services may be enabling people to sleep rough rather than helping them into accommodation, although that assumes that there is accommodation available to them.

The Welsh Government Code of Guidance provides advice on the need for emergency accommodation, including cold weather plans which are a condition of Homelessness Prevention Grant funding to local authorities. Specialist emergency accommodation is limited or non-existent in some (particularly rural) areas. The only

alternative may be bed and breakfast accommodation, unless a tenancy is immediately available.

There were about 40 unused emergency places at the time of the 2016 count. Some rough sleepers may be unwilling to accept emergency places, which are often only floor spaces with camp beds or similar. The refusal to accept an emergency space can be due to a range of factors including safety concerns, a lack of privacy and personal space, restrictions on behaviour, limited opening times, exclusions, a lack of accommodation for couples, rules on dogs, and geographical factors. Nearly all rough sleepers wish to be rehoused, but many are understandably unwilling to stay in emergency housing when they feel it is worse than sleeping out.

Some homeless people will be receiving support through a Supporting People service aimed at helping them live independently. Some will be living in a hostel, providing supported accommodation, be that a homelessness hostel or a refuge from domestic abuse.

The steps to prevent and tackle rough sleeping in Wales.

The Welsh Government currently provides funding of around £1 million for a wide range of services for rough sleepers through its Homelessness Prevention Grant programme. This includes outreach services, night shelters and day centres. In 2017/18 a further £2.6 million was provided to local authorities to support new service developments to tackle rough sleeping, and youth homelessness and related issues. Around £1 million of this additional funding is currently being used to strengthen services for rough sleepers such as outreach and additional emergency accommodation. The money is also being used to introduce a number of new Housing First pilot schemes, designed to help rough sleepers move straight into their own permanent homes with support. Some of this funding has also been used to commission research led by Shelter Cymru into the causes of rough sleeping and the experiences of service users.

The budget for 2018/19 and 2019/20 includes an additional £10 million each year for homelessness. Of this £6 million is funding via the Revenue Support Grant. Whilst it is a matter for local authorities to decide how to utilise their RSG funding to meet local needs Welsh Government has been clear that it sees this investment as providing long term, stable funding to support local authorities in delivering and expanding their statutory prevention services.

Grant funding of £2.8 million will enable local authorities and partners to support other services and projects which tackle the causes of homelessness and help prevent rough sleeping.



Y Pwyllgor Cydraddoldeb, Llywodraeth Leol a Chymunedau
Equality, Local Government and Communities Committee
ELGC(5)-06-18 Papur 4 / Paper 4

Llywodraeth Cymru
Welsh Government

Elin Jones AM
Llywydd
National Assembly for Wales
Cardiff Bay
CF99 1NA

10 January 2018

Dear Elin,

Scrutiny of preparations for the 2021 Census of Population

The decennial Census of the population is critical for our understanding of the nation and for setting a once in a decade benchmark to produce accurate demographic statistics to ensure the statistics we have effectively inform planning, resource allocation and decision making. The Census is also vital for our detailed understanding of, for example, the Welsh language, housing, and equalities in Wales.

Under the Census Act 1920, the Office for National Statistics (the ONS, as the executive arm of the "Statistics Board") has the responsibility for undertaking the Census in England and Wales.

The ONS are now deep in preparation for the 2021 Census of Population. They have undertaken significant work on the proposed content for the 2021 Census and earlier this year undertook a large-scale test which included parts of North Powys. Furthermore, through the Census Transformation Programme they are undertaking a large amount of research for future improvements to the way census-type data are collected. This includes the use of administrative data from government and other data sources.

Functions in relation to the carrying out of the Census under the Census Act 1920 are essentially non-devolved apart from the fact that Welsh Ministers have the power under section 3(1) (as amended by para 3 of Schedule 1 to the Statistics and Registration Service Act 2007) to make regulations relating to the administration of the Census in Wales. Article 4 of the National Assembly for Wales (Transfer of Functions)(No. 2) Order 2006 (S.I. 2006/3334) also provides that the Welsh Ministers must be consulted about any Order in Council made under section 1 of the Census Act 1920 directing that a census shall take place.

Welsh Government officials work closely with the ONS at all levels of census governance and seek to ensure that the programme considers the needs of Wales.

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1NA

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
0300 0604400

Gohebiaeth.Julie.James@llyw.cymru
Correspondence.Julie.James@gov.Wales

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

I propose it would be beneficial for the ONS to be invited to present an update in early 2018 to one of our Assembly committees on their preparations for the 2021 Census. This would ensure that the Assembly are able to input into discussions on the Census at an earlier stage than the making of regulations would allow, and that ONS have more time ahead of the final preparations to consider the views of the Assembly.

I would be grateful if you could consider this proposal and if you agree, refer to the relevant Committee.

Yours sincerely,

A handwritten signature in blue ink that reads "Julie James". The signature is written in a cursive, flowing style.

Julie James AC/AM

Arweinydd y Tŷ a'r Prif Chwip
Leader of the House and Chief Whip

Agenda Item 7.2

John Griffiths AM
Chair, Equality, Local Government and
Communities Committee

01 February 2018

Dear John

Brexit and Equalities

During the course of our work to assess the implications for Wales of leaving the European Union, we have received several representations pointing to the possible implications for equality of opportunity.

We recognise the importance of considering the implications for equalities in the context of our broader examination of the implications for Wales of Brexit.

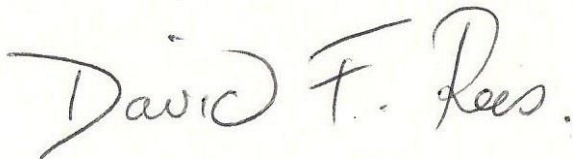
To that end, we plan to hold a meeting focused on Brexit and equalities on 26 February 2018.

We are mindful of your important work on Human Rights in Wales and will endeavour to avoid any crossover with this inquiry.

I will write again following the meeting to provide you with a transcript of the session.

Please do not hesitate to get in touch should you wish to discuss this further.

Yours sincerely



David Rees AM
Chair of the External Affairs and Additional Legislation Committee



Mick Antoniw AM,
Chair of the Constitutional and Legislative Affairs
Committee

30 January 2018

Dear Mick,

PUBLIC SERVICES OMBUDSMAN (WALES) BILL

Further to my evidence session before the Constitutional and Legislative Affairs Committee on 15 January 2018 in relation to the Public Services Ombudsman (Wales) Bill, I would like to provide some further clarity on issues that were raised by the Committee:

1. Retrospective element of own initiative investigations under section 4 and section 44

Retrospectivity is not a test of legislative competence, but human rights are part of the test of legislative competence. Therefore, the drafting of sections 4 and 44 was considered in light of human rights in particular.

To the extent that there is any interference with human rights, it can be clearly justified given the way that section 5(2) and section 45(2) are drafted – there must still be a **current and ongoing** issue around injustice and hardship. For example, if something happened 12 months before Royal Assent that: (a) is still today likely to be causing a **vulnerable or disadvantaged person** to be suffering injustice or hardship, or (b) is still today likely to amount to a **systemic failure** (bearing in mind that a systemic failure is going to affect dozens, hundreds or even thousands of people), then it is only right that the Ombudsman can investigate.

If a cut-off point of, say, 24 months before Royal Assent was included and the Ombudsman became aware of a serious ongoing issue as a result of something that was done 24 months and 1 day before Royal Assent, then the Ombudsman would not be able to help people and help secure better public services. That was not considered the right thing to do.



The Bill gives the Ombudsman discretion to make the right judgment, depending on the circumstances of the case. The Ombudsman also has that discretion in relation to section 3 investigations. Section 3(4) gives the Ombudsman that discretion in respect of section 3 investigations, and that discretion has been copied from section 2(4) of the Public Services Ombudsman (Wales) Act 2005 (the 2005 Act). Again, the discretion given to the Ombudsman under the 2005 Act is designed to give him flexibility, depending on the circumstances of each case before him. There is **no time limit** to the discretion in the 2005 Act.

In any event, how much interference is there really with human rights? The ultimate sanction under the Bill is that a report is made in respect of a listed authority; there is no fine and there is no legal duty to implement any recommendations made by the Ombudsman in a report. Yes, the Ombudsman has the power to require documents as part of an investigation, but that is a limited and justifiable interference with human rights. When you balance a request for documents with, say, the public interest of preventing vulnerable people from suffering injustice or hardship (there must always be an element of injustice or hardship) then such limited interference can clearly be justified.

Further, ignoring issues that happened before Royal Assent could amount to breaching people's right to a remedy when they have suffered injustice or hardship. Such remedies can have a real impact on their Article 8 rights (under the European Convention on Human Rights), so allowing the Ombudsman to investigate matters before Royal Assent also helps protect the human rights of individuals who have suffered injustice or hardship (who are almost always the most vulnerable people in our society).

Adding all of the above together, I do not believe there is a breach of human rights.

2. Consulting with other commissioners, regulators and statutory advisers

There has been much discussion around sections 65 and 66 of the Bill, which provide for the Ombudsman to work with other commissioners, regulators and statutory advisers.

With regard to sections 65 and 66, they take things forward significantly when compared to the 2005 Act as they make significantly greater provision for consultation and bringing various bodies together. As has been noted, the Ombudsman **must** consult and inform such bodies when he considers **appropriate**. Given that the Ombudsman is subject to the general principles of public law (including a duty to act reasonably, proportionately and to take relevant considerations into account), the Ombudsman does not have that great a discretion as to what is appropriate, so the duty to inform and consult under sections 65 and 66 is a very important duty.



In any event, the Ombudsman **must** consult all relevant persons when deciding whether to begin an own initiative investigation. This duty is clearly set out in section 4(3) of the Bill – there is no escaping this duty. The Ombudsman must consult appropriate persons when deciding whether to begin, continue or discontinue an own initiative investigation. So, for example, if the Ombudsman was deciding whether to carry out an own initiative investigation in respect of a health matter that was also relevant to the Health Inspectorate Wales (HIW), then the Ombudsman would have to consult HIW. If the Ombudsman failed to do so, he would not be acting within his powers and his decision not to consult HIW could be challenged in the courts.

With regard to own initiative investigations, the Ombudsman also has a duty to prepare an investigation proposal and send it to the listed authority under investigation. This is designed to help transparency and to get people talking to each other at an early stage.

The cumulative effect of the above is that the Bill contains significant provision for consultation.

3. Powers to work with the Children’s Commissioner for Wales

I agree that there is a better way to deal with the issue of how the Ombudsman and the Children’s Commissioner in Wales work together and that setting out that detail on the face of the Bill is a better approach than leaving the detail to the Welsh Ministers to make subordinate legislation.

There was discussion and agreement between my officials and the Cabinet Secretary for Finance’s officials on this point.

4. Section 78 – no power to amend primary legislation

Section 78 of the Bill is a narrower version of section 43 of the 2005 Act.

Section 43 of the 2005 Act includes a power to amend primary legislation that was passed before the end of the 2004/2005 Session of the UK Parliament. So the power in section 43 is limited in scope.

The power in section 43 has not been used for 12 years (11 years and 10 months).

An alternative approach to including a Henry VIII element in section 78 of the Bill would be to:



- make all consequential amendments to primary legislation on the face of the Bill, and
- broaden the scope of the transitional provision in section 78(3) of the Bill to capture in one sweep any amendments that may have been missed from the face of the Bill.

I am happy to explore further the consequential amendments that are needed to primary legislation (and that are not already achieved by section 78(3)) and to discuss with the Cabinet Secretary whether the above alternative approach might still leave gaps in consequential amendments, meaning that the Henry VIII power would need to be included in section 78 (and whether that should be limited to a power to amend primary legislation made before the Bill becomes an Act, along the lines of how section 43 of the 2005 Act was limited, as noted above).

5. Recovering other costs from private health services providers

The only costs that may be recovered are those incurred as a result of the private health services provider obstructing the Ombudsman.

The Bill does not allow the Ombudsman to recover the full costs of investigation because of human rights issues. Investigating the listed authorities that are public bodies does not raise the same human rights concerns, but once you move towards private companies you have to consider human rights very carefully where you might be interfering with their possessions (as we learned from the Supreme Court judgment in the Asbestos Bill case).

If the Equality, Local Government and Communities Committee (ELGC) wishes to explore the possibility of recovering other costs from private health services providers then it should be based on evidence and it should be subject to thorough debate – that is how human rights issues should be dealt with in order to help avoid the risk of a legal challenge. If the ELGC Committee carries out that debate then we will of course listen and consider what amendments could be made to the Bill.

6. The meaning of “expedient” in section 78

In addition to the points I made before the Committee, I would like to add some further principles that confine the meaning of “expedient” in the context of this Bill. I accept that “expedient” has a subjective element and it is not a hard-edged term. But there are two important limitations on the use of the “expedient” power:

- the Welsh Ministers must act proportionately and reasonably as a matter of public law. So, for example, the Welsh Ministers cannot use the “expedient” power in a disproportionate way or in an irrational way;



- the Welsh Ministers cannot use this expedient power (or any other power in the Bill) in such a way as to frustrate the purposes of the Bill. This is a well-established legal principle, called the Padfield principle, that the courts will enforce. One clear purpose of this Bill is to help people who have suffered injustice or hardship, and no matter how wide a power is in the Bill, the Welsh Ministers cannot use the power to frustrate that purpose – to do so would be acting illegally. So in the context of this particular Bill, that is a very important limitation on the use of powers.

And, of course, any inappropriate use of these powers would be brought to the attention of this Committee and the Committee would prepare a report criticising the inappropriate use before any vote is taken in Plenary.

I am copying this letter to the Chair of ELGC Committee which is currently undertaking Stage 1 scrutiny of the Bill. I very much look forward to considering the reports of the Constitutional and Legislative Affairs Committee and the ELGC Committee, with a view to bringing forward the necessary amendments at Stage 2 should evidence support your views.

Yours sincerely



Simon Thomas AM

Chair

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English





Our Reference: CC/MJ/GW/MT15093
 External Telephone: 01656 655555
 Extension: 20200

Your Ref:

23rd January 2018

Mick Antoniw AM
 10 Market Street
 PONTYPRIDD
 CF37 2ST

Dear *Mr Antoniw,*

Cardiff Rough Sleepers

Thank you the letter from yourselves dated the 8th of January 2018, to which I respond.

I share your concerns around the people affected by rough sleeping in Cardiff and in other areas across the South Wales Police area. Indeed, on taking up my role as Chief Constable, I made it a priority to patrol with officers engaged in our work on the issue. From personal interaction with the community, I am very aware that the majority of those sleeping rough are doing so as a result of challenging personal circumstances and are amongst the most vulnerable within our community. In many cases they need the protection of the Police and other agencies.

It is important at this stage that I make a distinction that the majority of the beggars who have come to our attention are not homeless. There is no single 'street community' and we have been clear to emphasise that in our communication. Where officers come across members of the homeless community they are expected to treat them with dignity and compassion, something not only I have seen, but which has been reported in local media. It is understandable that the homeless community members may have some reticence towards the police and local authority, but I have witnessed first-hand the City Centre teams giving guidance and reference material to those they encounter whilst on patrol and making contact with outreach workers to try and obtain accommodation for them from the mobile phone at the scene.

HEDDLU DE CYMRU

SOUTH WALES POLICE

(Cont.)

Pencadlys Heddlu De Cymru, Heol y Bont-faen, Penybont CF31 3SU
 Mewn argyfwng ffoniwch 999, fel arall, ffoniwch 101
 Gwefan: www.heddlu-de-cymru.police.uk

South Wales Police Headquarters, Cowbridge Road, Bridgend CF31 3SU
 In an emergency always dial 999, for non-emergencies dial 101
 Website: www.south-wales.police.uk

Mae Heddlu De Cymru yn croesawu derbyn gohebiaeth yn Gymraeg a Saesneg.
 Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

South Wales Police welcomes receiving correspondence in Welsh and English.
 Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

2.

As well as patrolling with the City Centre team, I have also spent time in the Huggard and Tresillian Centre, where I was able to see first-hand what is being done by our partners, and I must emphasise partners, because homelessness is not an issue where the principle response will come from policing. The work they undertake to make accommodation available sees more spaces than people in need of them. We have pledged to work with the local authority in order to see more members of the community accommodated, particularly now in the winter months. We are mindful that not everyone will wish to access services because of the presence of aggressive individuals and it is important that we deal with those issues, as there are occasions where the vulnerability and need is lost in the wider issue of aggressive begging. I am keen that we support the work of the 'Big Issue' in coordinating the work around alternative giving and projects such as 'Give Differently' so that help really does go to those who need it and issues such as substance misuse are not compounded.

I appreciate the concerns you raise around personal property and I can confirm that there have been referrals made in relation to some property on a small number of occasions. There are two circumstances where this would happen; firstly, where a person is in hospital or custody to reunite them with their property. Secondly, where there are public health concerns, as uncapped needles are often found and human or animal waste is sometimes present. I have seen tents and other material checked and left in situ, but we do remain vigilant to left items at a time of heightened security. The use of plain clothes has allowed officers to discreetly talk to members of the community to afford them some dignity in their interactions.

I am grateful you are not suggesting poor practice, indeed it is because of our need to protect those who are vulnerable that we cannot share more widely some of the positive work undertaken, but I am committed that we are transparent in what we are doing. To that extent, I would like to invite you to patrol with the City Centre team, so that you can talk to the officers and witness first-hand the work that is being done. If you do wish to do so, please contact Chief Inspector Ian Randell on 01656 869211 x30201.

Yours Sincerely



Matt Jukes
Chief Constable