

## **HSHAWB 05 NYAS Cymru**

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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

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#### **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

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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

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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

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**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

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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

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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

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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.

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