

HSHAWB 09 Cymorth i Ferched Cymru | 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: Cymorth i Ferched Cymru | Evidence from: Welsh Women's Aid

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.
