

HSHAWB 25 Comisiynydd yr Heddlu a Throseddu De Cymru | South Wales Police & Crime Commissioner

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: Comisiynydd yr Heddlu a Throseddu De Cymru | Evidence from: South Wales Police & Crime Commissioner

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

(We would be grateful if you could keep your answer to around 500 words).

The intentions of the Bill (to enhance the prevention and relief of homelessness across Wales through the expansion of access to homelessness services, provision of extra support to those in greatest need and widening the responsibility for identifying and responding to homelessness across specific public authorities) are aligned to the prevention-first approach of our Police and Crime Commissioner, Emma Wools, with our Police Crime and Justice Plan focusing upon early intervention, and a whole system, trauma informed approach to support for vulnerable individuals.

We agree that there is a need for legislation to deliver the stated policy intention. Despite the Housing (Wales) Act 2014, there are persistent challenges in working towards a preventative system, and there continues to be an unprecedented demand and pressure on existing services (e.g., following Covid-19 and the cost-of-living crisis). Legislation would enable duties to be placed on key partners which can support with enhancing collaboration and enabling a more effective response and efficient resource allocation. All of which will be essential in delivering the stated policy intention.

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

(We would be grateful if you could keep your answer to around 500 words).

Part 1 of the Bill, through focusing on enhancing provision and relief of homelessness, aligns with the need to address the disproportionate impact of domestic abuse and sexual violence on women's homelessness pathways (as highlighted by Shelter Cymru and Welsh Women's Aid and reinforced by the Domestic Abuse Act 2021), and the need to safeguard vulnerable young people (e.g., those at risk of exploitation; care-experienced children; those with adverse childhood experiences). It also ensures provision for prison-leavers, which is crucial given the link between homelessness and risk of reoffending.

There is a need to offer preventative services for women before they reach crisis point, which the Bill supports through the broadening of statutory duties on local authorities and other public bodies to prevent homelessness for eligible individuals, including those at risk due to domestic abuse. The Bill's drive towards enhanced partnership working and information sharing between local authorities and other public bodies supports the necessity of collaborative efforts across housing, domestic abuse/sexual violence specialist services, youth services and the public sector to support vulnerable individuals. This multi-agency approach, breaking down siloes to support a holistic and informed response, is essential to address the complex needs that vulnerable individuals may present with (e.g., supporting a more timely and proactive response for young people at risk of exploitation, and thus increasing the likelihood of positive outcomes for vulnerable young people).

In addition, the Bill's reference to the suitability of accommodation (the power for Welsh Ministers to make regulations defining this) may encourage a more nuanced and tailored approach, helping to address the need for safe and supportive spaces for vulnerable individuals and improving outcomes (including trauma informed and safeguarding considerations for victims of violence against women and girls, and victims of exploitation). Without regulations in this space, the term 'suitable' could be too broadly interpreted, leading to options that compromise safety or wellbeing.

The expansion and strengthening of prevention duties on local authorities and other specified public bodies are crucial. The emphasis on tailored advice and support plans should allow for specific consideration of safety needs and wider

support pathways where required. The general shift throughout Part 1 towards a more person centred, and trauma informed approach is welcomed. However, we wish to highlight some potential challenges to the workability of Part 1, including:

- resource implications - local authorities and other public bodies are already stretched. To ensure transformation is achieved, there would need to be adequate funding, training and capacity to effectively implement the preventative and collaborative duties. Without this, this could lead to inconsistent or inadequate delivery.
- engagement of key partners - the success of a multi-agency approach hinges on the right individuals being committed to their part in the collaborative efforts (e.g., policing, HMPPS, health, education)
- hidden homelessness - while the Bill aims to broaden prevention, there is significant 'hidden homelessness' (e.g., those who may be 'sofa surfing', including vulnerable individuals fleeing violence and young people who have experienced or are at risk of experiencing exploitation), making their housing needs less visible to official statistics and support services. Provision would need to be made to support proactive outreach, including violence against women and girls informed pathways, prison-leavers, etc.
- clear accountability frameworks and monitoring will be required to support consistent and quality delivery across Wales.
- lack of safe, affordable, accessible and appropriate housing options. Part 1 creates a framework, but its success is contingent on the broader housing market/availability of housing.

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?

(We would be grateful if you could keep your answer to around 500 words).

The provision for local authorities to establish and operate more flexible and modern housing allocation schemes could potentially allow for quicker and more tailored allocations that prioritise safety and access to support, and could mark a positive step, with particular benefits for victims of violence against women and girls, domestic abuse and sexual violence.

Similarly, the abolition of the 'Local Connection' test is a significant change, removing a long-standing barrier for vulnerable individuals who need to flee their local area for safety, and supporting their ability to apply for social housing in safer, new locations without being penalised for lacking a prior connection. This directly supports the policy intention of providing housing for those most in need.

Additionally, the protection of Move-on accommodation for young people, including those who may have experienced exploitation and abuse, with a clear pathway to stable housing for those exiting specific support provisions, will help to prevent further housing instability and harm, aligning with the policy intention to take a preventative approach and to work to reduce the likelihood of repeat homelessness. To have the intended impact, the definition of suitable accommodation will need to explicitly consider the specific needs of individuals (e.g., needs arising from care experience).

Below we have highlighted some potential challenges to the workability of Part 2, including:

- Without specific and explicit mandates around how local authorities must prioritise specific groups (e.g., victims of violence against women and girls), within new allocation schemes, the positive intent of the Bill may not translate into improved outcomes for these groups. There is a risk that general housing pressures could dilute the response to specific groups.
 - As within Part 1, whilst Part 2 relates to the allocation of housing, it does not relate to development of additional housing. Delivering positive change for vulnerable individuals is heavily constrained by the overall availability of suitable housing options. This is particularly the case for individuals who require specific housing (e.g., location, accessibility requirements for those with disabilities, cultural considerations).
 - Multi-agency whole system approach – the workability of (and positive outcomes relating to) Part 2 will be heavily dependent on the strength of inter-agency working and collaboration, with robust referral pathways and partnerships with specialist support services. Allocation of housing is one part of the larger picture of needs, and the ongoing access to practical, advocacy, physical and emotional support will be essential.
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What are your views on the provisions set out in Part 3 of the Bill – Social Housing Allocation (sections 39 – 43 and Schedule 1)? In particular, are the provisions workable and will they deliver the stated policy intention?

(We would be grateful if you could keep your answer to around 500 words).

The provisions within Part 3 are critical for the overall effective implementation of Parts 1 and 2, providing legal clarity and avoiding conflicts with existing legislation (to reduce the risk of confusion or legal challenge which could undermine the Bill's objectives). It will be essential to ensure that the Bill and subordinate legislation and guidance are aligned with other key legislation and agendas (e.g., National Violence Against Women, Domestic Abuse and Sexual Violence Strategy, Domestic Abuse Act, Serious Violence Duty, Young Futures Programme).

The power for Welsh Ministers to make regulations for the transitional provisions supports flexibility in managing the shift to the new legal duties and reducing the likelihood of disruption or unintended gaps in support being created for vulnerable individuals.

The effectiveness of Part 3 (and the preceding Parts) will depend significantly on the quality of accompanying guidance that follows the Bill. While the Bill provides a legal foundation, the following policy and guidance will determine the resulting impact on vulnerable individuals.

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

(We would be grateful if you could keep your answer to around 500 words).

(As referenced in the responses above)

1. Resourcing – referenced in responses above. Without sufficient and sustainable resourcing from the Welsh Government, there is a risk of inconsistent/inadequate provision. The Bill provides flexibility to design allocation schemes and to tailor the approach which may allow areas to adapt to their specific resource levels. There are references to the long-term benefits of prevention and the expectation that the increased efficiency and clarity of new duties will offset some of the costs. There is also reference to additional funding in the Regulatory Impact Assessment. However, further detail will be required to ensure this fully addresses

the need for sufficient resourcing to reduce the risk of failing to achieve the intended outcomes.

2. Engagement of key partners – referenced in responses above. The Bill creates a legal obligation for local authorities and other specified public bodies to ensure these responsibilities cannot be ignored. The quality of this engagement, however, and roles and responsibilities of each partner, would need to be clear within resulting guidance and local governance and delivery structures.

3. Skills and knowledge to support a trauma informed and person-centred approach – a lack of comprehensive, mandatory and ongoing training could lead to inconsistent delivery. This could be considered within subsequent guidance issued relating to the Bill that promotes best practice and strengthens existing practice in relation to training in specific sectors.

4. Awareness (public) – a lack of awareness of services available, particularly for those who are vulnerable, could limit the impact of the Bill (especially in the prevention and early intervention space). This could be considered within subsequent guidance.

5. Availability of housing – referenced in responses above. Subsequent guidance that considers impact monitoring and data collation to support an enhanced understanding of how availability may undermine the efforts of the Bill to support the policy intentions.

6. Information sharing processes – referenced in responses above. Subsequent guidance / subordinate legislation should consider this to ensure clear and consistent processes are implemented.

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

(We would be grateful if you could keep your answer to around 500 words).

Overall, the powers are considered to be appropriate and necessary for the effective implementation of the Bill, supporting a flexible and dynamic response that can reflect the complex and evolving nature of homelessness and vulnerabilities. The power to make subordinate legislation will be essential in providing greater detail and practical implementation directives (e.g., definitions of suitable accommodation; information sharing processes), supporting a consistent approach in how public bodies interpret and apply the Bill (reducing the likelihood of a postcode lottery of support) and strengthening best practice.

This power will be further optimised if subordinate legislation includes robust consultation processes that include the voices of victims and survivors and other groups who are disproportionately impacted by homelessness, in addition to specialist services and key partners working within this space.

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

(We would be grateful if you could keep your answer to around 500 words).

1. Increased pressure on specialist services including services for victims (and perpetrators) of violence against women and girls. The Bill's enhanced prevention duties, while positive and necessary, are likely to increase referrals to specialist services that are already under significant pressure. If these services are not adequately funded, it could lead to longer waiting lists for refuge spaces, and/or a reduction in the quality or level of support offered by specialist services.
 2. Risks relating to identifying those who are vulnerable. Robust training and processes will be required to ensure those who are vulnerable are identified.
 3. If the anticipated funding referenced in the Regulatory Impact Assessment does not fully materialise in a way that is able to meet the demand, this could lead to a reduced scope of what is interpreted as vulnerability in practice, leading to vulnerable individuals (e.g., victims of domestic abuse and sexual violence), particularly where experiences are more complex and less 'visible' finding it
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harder to access housing, which may lead to continued housing arrangements that are unsafe.

4. Risk of process to ascertain vulnerability level adding to trauma for vulnerable individuals.

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

(We would be grateful if you could keep your answer to around 500 words).

The assessment of financial implications acknowledges key cost areas across a comprehensive scope and appropriately highlights the benefits of prevention activity when compared to reactive responses. The assessment also acknowledges the additional burdens on local authorities in relation to duties, training, IT. However, the assessment may be optimistic in the long-term cost saving projections. The success of the Bill hinges on access to specialist support and wider services, which will come at a cost. The provision of ‘suitable accommodation’ that can meet the demand and prioritises safety and wellbeing will also come at a considerable cost. Adequate, ring-fenced funding that recognises the resourcing requirements of all key partners will be essential to support the intended outcomes of the Bill.

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

(We would be grateful if you could keep your answer to around 500 words).

Justice
