

## **HSHAWB 32 Comisiynydd Plant Cymru | Children's Commissioner for Wales**

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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: Comisiynydd Plant Cymru | Evidence from: Children's Commissioner for Wales

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### **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).

I am pleased to see that a full Integrated Impact Assessment (IIA) has been carried out, inclusive of children's rights, and that direct engagement with children and young people has taken place. I note that the Welsh Government have commissioned a specific research project to identify evidence gaps in children experiencing homelessness; my office has been and continues to be informed of this progress.

I welcome the amendment to the definition of 'threatened with homelessness,' extending the prevention period from 56 days to six months and the introduction of Prevention, Support and Accommodation Plans (PSAP).

My recent report into how housing and homelessness affects children and young people focused on the voices of children under the age of 16 and includes a set of six recommendations to the Welsh Government.

I welcome the commitment to ongoing engagement with people with lived experience of homelessness. Homelessness and social housing allocation affect several children's rights including:

Article 12: the right for a child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child,

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Article 16: No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, nor to unlawful attacks on his or her honour and reputation

Article 27: the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.

Article 31: the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts

I wish to reiterate my calls in my response to the White Paper that there needs to be a clear outline within the legislation on what this engagement with children and young people will look like, and that this must include data collection of factors such as age, gender, ethnicity and local authority in order to better understand differing need.

Chapter 4 of Explanatory Memorandum states, 'we intend to amend the Suitability Order 2015 to ensure that unsupported accommodation is not suitable for young people aged 16-17 but will work with local authorities in relation to the timing of this change, in recognition of the supply issues which will inhibit implementation.' I would welcome the opportunity to contribute to this process as it develops.

**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).

I broadly welcome the abolishment of priority need, as any person at risk of homelessness should be entitled to safe and secure housing, and this amendment supports the Welsh Government's policy ambition that homelessness is rare, brief, and non-repeated.

However, I am concerned that where care leavers were previously guaranteed priority, and despite continuing to be at greater risk and vulnerability, the new arrangements may now impede local authority's ability to find this cohort suitable accommodation.

Whilst I welcome the introduction of care-leavers as having 'reasonable preference' when being considered for social housing, it is important that this is

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not viewed as a substitute for the priority need criteria. There need to be strong duties in place to ensure that the Bills broader aim of enabling care leavers to avoid entering the homelessness system is upheld.

The viability of 'reasonable preference' must also be considered within the context of the housing crisis and the urgent need for increased, adequate housing.

Section 23 'introduces a duty for local authorities to ensure that suitable accommodation is available for care leavers aged 18-21. This includes taking reasonable steps to secure accommodation for young people whose well-being requires it.

The phrasing of 'young people whose well-being requires it' is concerning. Alongside the removal of priority need, care-experienced young people may feel pressure or a need to prove that they have 'bad enough' well-being to be considered a priority for suitable accommodation.

I am pleased to see a mandatory protocol for handling cases involving care-leavers under Section 24 and that chapter 3 of the Explanatory Memorandum details this as, 'It is expected that in most cases, the lead agency will be children's social services. However, the intended effect is that the joint protocols will enable partners to understand their roles and engage more effectively in joint working, leading to increased transparency and better outcomes for young people. This applies regardless of where a young person presents.'

By requiring local housing to establish arrangements for cooperation with relevant bodies to address the accommodation and support needs of a care leaver, this would result in care-leavers effectively bypassing the homelessness system and avoiding further negative experiences of systems and public bodies.

I welcome the inclusion of care-experienced young people in need of support under Section 25 of the Bill. In my response to the white paper on ending homelessness, I highlighted casework received by my office in relation to care-experienced young people who are required to present as homeless upon leaving care to access accommodation. I am pleased to see that this group of young people are now considered eligible for enhanced support and subsequent bypassing of the homelessness system.

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**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).

I welcome the amendment of the Housing Act 1996 under section 37 to give preference in social housing allocation schemes to young people for whom local authorities have duties under Section 108A of the Social Services and Well-being (Wales) Act 2014.

By requiring local housing authorities to give preference to care leavers in their allocation schemes this will help to avoid pushing care leavers into the homelessness system. However, the implementation of this proposed reform can only be achieved via the accompaniment of additional funding.

**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).

N/A

**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).

N/A

**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).

N/A

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## **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).

Whilst the amendment to local connection is now integrated into the core homelessness duty, advocating for a broader eligibility and supporting the wider aim of the bill to focus on prevention of homelessness; I am concerned that there are possible unintended consequences of relocation not by choice for both care leavers and unaccompanied asylum-seeking children.

This is because the amendment now states that care leavers are considered to have a local connection with any authority where they have been looked after, accommodated, or fostered.

Similarly, LGBTQ+ young people often seek support networks, particularly when at risk of estrangement or abuse from family rejection. Typically, these networks are found in cities, and often away from where young LGBTQ+ people have grown up. This may impact their 'local connection' with a local authority.

I am concerned that a lack of due regard for safeguarding the well-being of these two groups may mean that they are forced to return to a 'connected area' and be exposed to harm.

It is important to consider the wider housing crisis and lack of suitable housing as a significant barrier. I am therefore pleased to see in the Explanatory memorandum that, 'the Welsh Government does, however, recognise that local authorities cannot assist individuals experiencing homelessness without robust housing supply that meets a range of needs (...) the Bill will provide for the abolition of the priority need test to be commenced on a date appointed by the Welsh Ministers by order made by statutory instrument.'

The Bill lacks any mention of asylum-seeking children and refugees. This is at odds with the aims of the Anti-racist Wales Action Plan and the Nation of Sanctuary Plan where the latter states its first action point for the Welsh Government as to 'ensure refugees are supported to transition from asylum accommodation to sustainable accommodation.'

As part of my report on children's experiences of housing and homelessness, I have made a recommendation that Welsh Government should commission research with refugee and asylum-seeking children and their families to establish

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the adequacy of housing/accommodation provision for them in Wales and whether the support on offer is meeting children's needs and rights.

**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).

N/A

**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).

Children and Young People;Education ;Equality and Human Rights;Housing

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