

**NO NEB
ONE HEB
LEFT HELP
OUT**

NO ONE LEFT OUT

**The reality of eligibility
barriers for people facing
homelessness in Wales**

March 2021

Rhys Gwilym-Taylor and Ben Sanders



**Gyda'n gilydd
byddwn yn
rhoi terfyn ar
ddigartrefedd
Together
we will end
homelessness**

About us

Crisis is the national charity for homeless people. We are committed to ending homelessness.

Every day we see the devastating impact homelessness has on people's lives. Every year we work side by side with thousands of homeless people, to help them rebuild their lives and leave homelessness behind for good.

Through our pioneering research into the causes and consequences of homelessness and the solutions to it, we know what it will take to end it.

Together with others who share our resolve, we bring our knowledge, experience and determination to campaign for the changes that will solve the homelessness crisis once and for all.

We know that homelessness is not inevitable. We know that together we can end it.

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Foreword

The Covid-19 outbreak has reminded us all of how essential a home is to our security and how it is a base on which to build our lives. In a matter of weeks local authorities and partners across Wales succeeded in providing temporary accommodation for all those with no safe place to stay.

That approach was built on the understanding that we were not safe unless we were all safe. It demonstrated the importance of giving everyone the support they need to stay safe, regardless of who they are, where they live or how they became homeless.

Despite progress on tackling homelessness in recent years to make sure that more people could access support, people are still turned away from housing support because of the way the law is designed.

Through our research we heard from staff in local authorities, support services, and those with lived experience of homelessness that these tests create conflict between what we know people need to escape homelessness, and what our homelessness system allows them to do. The response during Covid-19 showed that with the right direction and resources we could ensure that nobody was left without a safe place to stay. It has shown how widening access to support can help us end homelessness.

It also shows how much more we could achieve if we change the law as part of a range of measures to ensure everyone can move on from homelessness.

The homelessness prevention and relief duties established in Wales from 2014 have been crucial and helped prevent and relieve homelessness for many. However, some people are still left out of rehousing support. We will never have a strong and complete safety net for people facing homelessness that provides the security and confidence people need, unless we remove the conditionality of our current system.

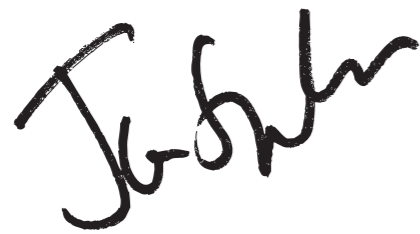
Legislation is not a panacea. It is a first step in ensuring that councils are supported to ensure nobody has to face being homeless on the street, on sofas or in hostels, with no chance to move on and rebuild their life.

Local authority and support service staff told us that, in addition to changing the law, councils and services needed support to act. This included a renewed focus on

prevention, a genuine public service response to homelessness, adequately funded services and supported workforces, improved commissioning practices, and an adequate supply of truly affordable housing.

Crisis is asking politicians to change the law to ensure everyone gets all of the support they need to escape homelessness and has the dignity of a safe and secure place to call home.

As a result of the work of the Homelessness Action Group and our experience of Covid-19 there is already much consensus about the reform needed to end homelessness in Wales. We need a cross-government, and cross-public service commitment to ending homelessness. That means putting in place and delivering the necessary approaches, investment, and partnership working needed to end homelessness. Legislative reform must underpin that plan, ensuring that nobody is left without the vital help they need to end their homelessness.



Jon Sparkes
Chief Executive, Crisis

Definitions

Core homelessness

Households who are considered homeless at any point in time due to experiencing the most acute forms of homelessness or living in short-term or unsuitable accommodation, including¹:

- Rough sleeping
- Sleeping in tents, cars, public transport
- Squatting (unlicensed, insecure, unsuitable non-residential accommodation e.g. 'beds in sheds')
- Hostel residents
- Users of night/winter shelters
- Domestic abuse survivor in Refuge
- Unsuitable temporary accommodation (including B&B accommodation, hotels etc.)
- 'Sofa surfing' – staying with others (not close family), on a short term or insecure basis/wanting to move, in crowded conditions (does not include students)

Homelessness ended

Ending homelessness does not mean that nobody will ever lose their home again. It means that where we cannot prevent homelessness from happening (homelessness is rare), any experience of homelessness is brief, and is prevented from happening again.² We define homelessness ended³ as:

- No one sleeping rough
- No one forced to live in transient or dangerous accommodation such as tents, squats and non-residential buildings
- No one living in emergency accommodation such as shelters and hostels without a plan for rapid rehousing into affordable, secure and decent accommodation
- No one homeless because of leaving a state institution such as prison or the care system
- Everyone at immediate risk of homelessness gets the help they need to prevent it happening.

1 Downie, M., Gousy, H., Basran, J., Jacob, R., Rowe, S., Hancock, C., Albanese, F., Pritchard, R., Nightingale, K. and Davies, T. (2018) *Everybody In: How to end homelessness in Great Britain*. London: Crisis.

2 Welsh Government (2019) *Strategy for Preventing and Ending Homelessness*. Cardiff: Welsh Government.

3 Downie, M., Gousy, H., Basran, J., Jacob, R., Rowe, S., Hancock, C., Albanese, F., Pritchard, R., Nightingale, K. and Davies, T. (2018) *Everybody In: How to end homelessness in Great Britain*. London: Crisis.

Vulnerability

The Housing (Wales) Act 2014 states that a person who is vulnerable would be less able than an ordinary homeless person to fend for themselves if they were to become street homeless.⁴ Additionally, a person who is vulnerable would suffer more harm than an ordinary homeless person.

“S/he would be less able to fend for herself/himself (as a result of that reason) if s/he were to become street homeless than an ordinary homeless person who becomes street homeless, and this would lead to her/him suffering more harm than would be suffered by the ordinary homeless person.”

Priority need

A household is considered to be in priority need if it contains dependent children, a pregnant woman or a vulnerable adult. Additional groups have been added to legislation over time, including care leavers and 16 – and 17-year-olds. Section 70 of the 2014 Act establishes the categories of priority need.

Local connection

A person may have a local connection with the area of a local housing authority if the person is living or has lived there, is working in the area, because of family reasons or because of special circumstances.

Intentionality

In law, someone is considered to have intentionally caused their homelessness if they satisfy all three conditions of: deliberately doing or failing to do anything which leads them to ceasing to occupy their accommodation, accommodation is available for their occupation, and it would have been reasonable for them to continue to occupy that accommodation.

In 2019 Section 75(3) was enacted, widening the categories of those groups for whom intentionality decisions are disregarded. However, an applicant in these categories will not be owed the main duty if they are found to be intentionally homeless again within five years.

Executive summary

It's only right that people who are homeless get the help they need. Extraordinary work across Wales during the Covid-19 pandemic kept thousands of people safe and ensured some people were helped for the first time as barriers to support were lifted. Now we have a chance to build on this work and the existing law and practice to ensure we leave no one out.

Homelessness is affected by public policy choices, including those relating to housing supply and affordability, social security, and what assistance is made available to people who are experiencing or threatened with homelessness, or who have experienced trauma.⁵ We can identify a set of individual, social, and structural factors – outside individual circumstances – that can push someone into homelessness, the most significant being poverty.^{6,7}

People are forced to leave their homes when the rising pressure from high rents and low incomes becomes too much. Without government support, a sudden increase in pressure, like

losing a job, becoming ill, or fleeing an abusive relationship, can quickly push people into homelessness.

There is overwhelming agreement amongst practitioners and policymakers that the *Housing (Wales) Act 2014* has led to positive outcomes for people facing homelessness.⁸ Despite growing numbers of people being pushed to the brink of homelessness, councils have succeeded in preventing and relieving homelessness for a growing number of people.

The 2014 Act was a landmark piece of legislation which sought to put prevention on a statutory footing

4 Being 'street homeless' means not having a legal right to occupy accommodation. This is the Pereira test established in the Housing Act 1996. The test has been modified following case law which determined that the comparator should be an 'ordinary person if made homeless', not an 'ordinary street homeless person'. The 2015 Hotak judgement went on to define an even more inclusive test of vulnerability, meaning that the legislation in Wales is currently perceived to be less inclusive in relation to that in England.

5 Downie, M., Gousy, H., Basran, J., Jacob, R., Rowe, S., Hancock, C., Albanese, F., Pritchard, R., Nightingale, K. and Davies, T. (2018) *Everybody In: How to end homelessness in Great Britain*. London: Crisis.
6 Bramley, G., Fitzpatrick, S. (2018) Homelessness in the UK: who is most at risk?. *Housing Studies*. 33(1). 96-116.
7 Bramley, G. (2017) *Homelessness projections: Core homelessness in Great Britain*. London: Crisis.
8 Fitzpatrick, S., Pawson, H., Bramley, G., Wilcox, S., Watts, B. & Wood, J. (2017) *The Homelessness Monitor: Wales 2017*. London: Crisis.

and address inconsistencies and deficiencies in the legal framework. It put Wales at the heart of a global shift towards homelessness prevention being a core part of legislation and government strategy.⁹ Good legislation is therefore an essential foundation in enabling services and workforces to act. Our proposals to create a full rehousing duty seek to build on the success of the Act and support our ambitions to end homelessness by ensuring that nobody is left without the support they need to escape homelessness and rebuild their lives.

There is, however, a recognition that the Act is not working for all groups of people. In recent years, 1 in 8 people who needed help to be rehoused were left out of support to access a safe and secure home. In 2019/20, 3 in 10 people (1,773) who were homeless did not qualify for help to be rehoused.¹⁰

We provide an explanation of our calculations of the number of people progressing to each stage of the homelessness system in *Chapter 3: Homelessness support in Wales today*. Eligibility tests then delay the point at which people can access support to help end their homelessness, rather than reducing the number of people who have to face homelessness.

This report seeks to understand the perceptions and understanding of local authorities and support services of the eligibility criteria, and the reality for those individuals not owed a duty. This report explores with local authority and support services staff how and why eligibility criteria are applied, their impact on those workforces responsible for implementing those criteria or providing wider housing support, and what impact they have on individuals and their ability to escape homelessness. Participants told us that:

- **The legal framework prevents services from acting to provide the help and support individuals need in order to end their homelessness and results in many continuing to face homelessness for prolonged periods of time.**
- **A large number of those not eligible for the main duty will be unable to secure their own accommodation. As a result, not only do many remain homeless but their circumstances will often deteriorate further before they are able to access support, including returning to more dangerous accommodation or forms of homelessness, and a decline in their health and wellbeing.**
- **Many lose faith in the system and lose hope that their situation can improve. For some, this can result in disengagement with what support is made available to them. All those who are not eligible for the main duty report a negative emotional impact and a deterioration in their health and wellbeing. Many present for support again at a later date, by which time their support needs have worsened.**
- **Eligibility criteria were recognised as an important tool in rationing resources, including the limited supply of adequate accommodation, but participants identified the criteria as a barrier to services acting to help end someone's homelessness.**

In Chapter 3 we discuss the approach of the Welsh Government during Covid-19 and the conditions and opportunity that this has created to build on the existing legislation to deliver the legal reform proposed in this report.

9 Mackie, P., Thomas, I. (2016) *Transitionary Single Homelessness in Wales*. Cardiff: WISERD.
10 Welsh Government Statistics: *Homelessness*. Available at: <https://stats.wales.gov.wales/Catalogue/Housing/Homelessness>

Our findings echo earlier research about why these tests are used, and that some groups of people face these barriers more than others. The inconsistencies in support depending on where someone presents as homeless and the reasons why they have become homeless exacerbates the different experiences of local authority and support services staff and people facing homelessness, and can prolong someone's experience of homelessness, as the case studies in this report show.¹¹

"They are there, and while they're there you'll never get rid of homelessness, will you? Because you'll be able to turn people away who are homeless, because they don't meet the certain criteria."
– LAA2 Housing Options Manager¹²

Our research found that people experiencing homelessness and support workers saw clearly the detrimental impact of being left out, including pushing people further away from help, losing contact with people with high support needs, and that the lack of support exacerbates issues such as debt, mental health and substance misuse. Ultimately, the tests prolong individuals' experiences of homelessness by delaying the point at which they are able to access support.

"I felt like no one can help me, do you know what I mean? Because I trust, you trust the council because that's the main one. And when they turned round and said they're still not going to help I just feel like despair really. I just couldn't see a way out and big debts were mounting up and everything was so bleak."
– Lived experience interview

"Sometimes people just disappear off the radar. When we say no, that they can't have accommodation with the local authority and there isn't anything with the private rented sector, they just stop engaging with us and then drop off the support then. And we will try and chase and try and contact them but there's sometimes, there's just nothing we can do. And then they'll come back through again, it's like a revolving door."
– LAA4 service provider

Through our research, we heard from services, local authorities and those experiencing homelessness that – while posing significant challenge – the response during Covid-19 has had significant positive results. This included engaging many individuals with prolonged experiences of homelessness for the first time, including many engaging with treatment services and with mental health support, with positive implications for those individuals leaving homelessness behind.¹³ Ensuring everyone receives help during the pandemic has also provided an insight into what could be possible, and the benefits of leaving nobody without the support they need. The combination of resources, clarity of direction, and more collaborative working show that the barriers preventing the removal of the tests can be overcome, and that moving forward we can build on the success of the pandemic response and change the law for good.

"It's quite nice being able to support somebody, because it can be quite heart wrenching telling a client that, "Sorry, we can't accommodate you."
– LAA2 Housing Options Manager

11 Campbell, A. J., (2011) *The Impact of Intentional Homelessness Decisions on Welsh Households' Lives*. Swansea: Shelter Cymru
12 LAA2 refers to Local Authority Area 2. Please see Table 1 for further detail on the case study areas for our fieldwork.
13 Cymorth Cymru (2020) Response to Senedd Cymru | Equality, Local Government and Communities Committee Inquiry into COVID-19 and its impact on matters relating to the Equality, Local Government and Communities Committee's remit. Available at: <https://business.senedd.wales/documents/s103225/ELGC%20COV%2039%20-%20Cymorth%20Cymru.pdf>

A full rehousing duty – making sure that people are not left out of support because of priority need, local connection, and intentionality – would mean that nobody facing homelessness is left without the help they need simply because of the way our homelessness system is designed. We heard from housing support workers that this would help them to act, and to give people the help they need to move on from homelessness.

This report points to the experience in Scotland, including the removal of priority need, the proposed changes to local connection and intentionality and the work of the Prevention Review Group. Chapter 2 provides an overview of the fall in the number of statutory homelessness applications and the reduction in repeat homelessness, attributed to the strengthening of legal entitlements for people facing homelessness. Appendix 1 provides a comparison of the duties in Wales and Scotland and shows that whilst the *Housing (Wales) Act 2014* provides a more comprehensive approach for more people, the more generous approach in Scotland ensures that more people are provided with the help they need to escape homelessness.

“I do think that there is an awful lot of bureaucracy and an awful lot of work that local authorities have to do before they can actually start helping people...I think the amount of bureaucracy we have now really impedes our ability to help people.”¹⁴

– Local Authority interviewee,
Review of priority need

Our findings suggest that removing assessments and tests would allow staff to focus on meeting the needs of people, rather than processing applications. We heard frustration from some services and local authorities that the conditionality in

the homelessness system generates additional hurdles for staff and for applicants. It also stands in the way of staff doing what’s needed to meet people’s needs. This echoes the view in Scotland that the removal of priority need not only helped to end the homelessness of more people and reduce repeat homelessness, but had significant implications for wider homelessness policy and practice.

“The cycle just doesn’t seem to get broken here. But I mean homelessness is very often just a consequence of some other underlying issue so unless they are addressed in the first place the homelessness will never be broken. Sometimes they just stay the same; sometimes they develop new support needs.”

– LAA1 LA Housing Officer

Changing the law is the first step to ensuring no one in Wales who is facing homelessness is left out of the support they need to secure a home. Whilst this report does not set out a blueprint for reform, it does point to the range of reforms needed in order to support the ideal homelessness system we outline here.

We heard from support staff that we also need urgent change and investment in the wider homelessness system to intervene earlier and with the right tools. It would help transition towards housing-led solutions, ensuring that everyone has the dignity of a safe and secure place to call home, and would ensure that councils and services are adequately supported based on an insight into actual levels of need and are supported to provide the help people need to escape homelessness.

“...we can focus the conversation around what type of accommodation they can be offered. ...And what might be

suitable, what might not be. Which is a much nicer conversation to have than, “Are you going to be accommodated or not?” You know, even if we can just convince people to just accept whatever they’re offered and we can challenge it if needed. That’s a different conversation to, “Sorry, you’re going to be on the street tonight.”

– LAA6 service

As a result of the work of the Homelessness Action Group there is significant consensus across the sector and amongst political parties about what needs to happen in order to end homelessness. This includes the supply of more homes, including more social homes; deepening prevention and partnership working across public services; ensuring our workforces are adequately paid and supported; and improving access to accommodation and support.

As we have seen with the duties in the 2014 Act and reform in Scotland, widening legal duties to support people facing homelessness can help change the culture of the system and ensure people get the help they need to escape homelessness. Changing the law is not a panacea for ending homelessness but ensures that councils who are the last line of defence in the homelessness system are required to leave no one out of support when all other measures have not worked to prevent or relieve homelessness.



¹⁴ Mackie, P.; Gray, T.; Hughes, C.; Madoc-Jones, I.; Moustari, V.; Pawson, H.; Spyropoulos, N.; Stirling, T.; Taylor, H.; Watts, B. (2019). *Review of Priority need in Wales*. Cardiff: Welsh Government

Chapter 1:

Introduction and policy context

Following the advent of primary law-making powers for the Welsh Parliament in 2011, the Welsh Government identified tackling homelessness through legislation as a priority. Legislation was identified as being essential in improving outcomes for people facing homelessness and in preventing people from being pushed into homelessness in the first place.¹⁵

The *Housing (Wales) Act 2014* was a landmark piece of legislation for Wales and for prevention policy more broadly.¹⁶ No other country had adopted a similar universal prevention duty in law, placing Wales at the forefront of a global shift towards homelessness prevention as an essential part of government homelessness strategies.¹⁷

The new framework strongly emphasised earlier intervention and assistance tailored towards the specific needs of households threatened with

homelessness within 56 days. For those who are already homeless when they approach the local authority, or whose homelessness cannot be prevented, local authorities were required to take reasonable steps to relieve their homelessness. The provision of earlier support for a greater number of people has ensured that fewer people have had to face the consequences of homelessness.

Between 2015 and 2020, the number of households threatened by homelessness or facing homelessness has increased 40 per cent and 80 per cent respectively.¹⁸ Despite this, prevention and relief rates have remained steady (60-70 per cent and 41 per cent respectively) since the introduction of the Act.

However, despite introducing a more comprehensive and generous legal framework, the Act retained a key element of the *Housing (Homeless*

Persons) Act 1977, which set out in legislation the groups of people considered to have a 'priority need' for support who might be owed a statutory duty to be supported to secure settled accommodation.

There has been a growing recognition that the current legal framework isn't working for all groups of people who are pushed into homelessness. An evaluation of the 2014 Act found inconsistencies in the interpretation and implementation of the Act and its rules.¹⁹ For young people, young care leavers, people facing domestic violence and parents who are not the main carer of a child, there are inconsistencies and gaps between different legal frameworks, coupled with inconsistencies in the interpretation of homelessness legislation. This can mean that the help you receive can depend on who you are and where you access support, rather than the help you need to escape homelessness.

In 2020 the Welsh Minister for Housing and Local Government accepted in principle all of the recommendations of the Homelessness Action Group. The Action Group's work and the Welsh Government's homelessness strategy²⁰ showed that Wales could end homelessness by making it rare, brief and non-recurrent:

- **Homelessness should be rare:** there are more measures to prevent it and we take opportunities to help people at a much earlier stage to ensure they do not lose their home in the first place.

- **Homelessness should be brief when it happens:** in some cases homelessness cannot be prevented but it should be a very brief experience, with people helped to stay in their home or rehoused as soon as possible with all the support they need.
- **Homelessness should not be repeated:** as well as being brief, any experience of homelessness should be a one-off.

The Homelessness Action Group said that in order to end homelessness, the homelessness system needs to undergo 'a system-level change' in the approach to homelessness prevention.²¹ Despite this, the work undertaken by councils and others since 2015 to prevent homelessness provides a foundation to achieve a full rehousing duty.

Finally, Covid-19 required a different response from local authorities and others to protect those with no safe place to stay. As the outbreak progressed, the Welsh Government issued guidance that people at risk of sleeping rough during the pandemic should generally be treated as vulnerable for the purposes of assessing priority need for re-accommodation.²² The Housing and Local Government Minister has since stated that nobody would be forced to return to the streets, and that the government remain committed to ending homelessness in Wales.²³

There has been growing consensus among political parties, decision

15 Fitzpatrick, S., Pawson, H., Bramley, G., Wilcox, S., Watts, B. & Wood, J. (2017) *The Homelessness Monitor: Wales 2017*. London: Crisis.

16 Downie, M., Gousy, H., Basran, J., Jacob, R., Rowe, S., Hancock, C., Albanese, F., Pritchard, R., Nightingale, K. and Davies, T. (2018) *Everybody In: How to end homelessness in Great Britain*. London: Crisis.

17 Mackie, P., Thomas, I., Bibbings, J. (2017) Homelessness Prevention: Reflecting on a Year of Pioneering Welsh Legislation in Practice. *European Journal of Homelessness*. 11(1). 81-107.

18 Welsh Government Statistics: *Homelessness*. Available at: <https://stats.wales.gov.wales/Catalogue/Housing/Homelessness>

19 Ahmed, A., Wilding, M., Gibbons, K., Jones, M., Rogers, I. Madoc-Jones M. Wilding, A. Gibbons, K. Jones, M. Rogers, I. Madoc-Jones (2018) *Post-implementation evaluation of part 2 of the Housing Act (Wales) 2014: final report, Project Report*. Cardiff: Welsh Government.

20 Welsh Government (2019) *Strategy for Preventing and Ending Homelessness*. Cardiff: Welsh Government.

21 Homelessness Action Group (2020) *The framework of policies, approaches and plans needed to end homelessness in Wales (What ending homelessness in Wales looks like)*. Cardiff: Welsh Government. p.5

22 Welsh ministerial letter to local authorities, on the application of vulnerability and priority need in relation to the accommodation of people sleeping rough during the COVID-19 pandemic (28 April 2020). Available at: https://gov.wales/sites/default/files/publications/2020-04/guidance-for-local-authorities-in-supporting-people-sleeping-rough-covid-19_0.pdf

23 Written Statement: Phase 2 Homelessness Plan (May 2020) Available at: <https://gov.wales/written-statement-phase-2-homelessness-plan>

makers and the sector in Wales around the change needed to end homelessness, not least in the supply of social homes for rent, the strengthening of public service responses to homelessness, and investment in housing support. All of Wales' main political parties have committed to building the required number of social homes for rent,²⁴ ensuring that everyone has access to a safe and secure place to call home. This suggests that the clarity of political direction and consensus through the Covid-19 pandemic will be continued by the next Welsh Government, building on the success of the Covid-19 response.

1.1 Research methodology

Our research seeks to build on the existing body of evidence of the experiences of those facing homelessness under the *Housing (Wales) Act 2014*, and the experiences of those not owed a Section 75 duty.

A review of existing literature, focusing particularly on the impact of eligibility criteria, informed our approach, including the impact of eligibility tests on journeys into and out of homelessness; the deterioration of housing and support needs; the effect on personal relationships, work, and education; repeat homelessness and the ability to source secure accommodation. We draw heavily on the recently published *Review of Priority Need* commissioned by Welsh Government in 2019, which provides a comprehensive overview of the views of local authorities and support services of priority need, including an overview of the process of removing the test in Scotland.²⁵

We spoke with nine local authority Housing Options staff – managers and those in front-facing roles – along with nine members of staff working in support services in six case study areas. Five individuals with lived experience of facing the eligibility barriers also contributed to the research. Our research sought to gain new insight into the practices and understanding of local authorities and services around the use and impact of eligibility criteria.

The research was conducted using an in-depth case study approach in six areas which were demographically, socio-economically and geographically representative of Wales. Selection was informed by the typology of local authorities developed in the Wales Homelessness Monitor series.²⁶ Of the original six local authorities approached five agreed to participate. An alternative was sought to replace the non-participating local authority. Fieldwork took place from autumn 2020 into early 2021. As a result of the Covid-19 pandemic the research was conducted remotely and digitally. The pandemic posed challenges, especially in terms of recruiting participants with lived experiences, in part because of the move to remote working by local services who support people and access to IT equipment. As a result, the sample sizes were smaller than hoped for. The five people with lived experience who we did speak with received shopping vouchers to the value of £20 for their participation.

The table below presents details of fieldwork across the case study areas. We spoke with nine Housing Options staff and nine members of staff working in support services in total. Participants with lived experience of

Table 1 – Research case study areas

Case study area	Homelessness Monitor typology	Number of interviews		
		Housing Option staff	Service staff	Lived experience
Local Authority Area 1	Rural	2	1	
Local Authority Area 2	Rural	2	1	
Local Authority Area 3	Other	1	1	
Local Authority Area 4	Valleys	2	1	
Local Authority Area 5	Urban	Did not participate		2
Local Authority Area 6	Urban	1	4	
Other	Urban	1	1	3
Total		9	9	5

homelessness were sought across all case study areas, working closely with support services. Given the challenges to fieldwork because of the pandemic case study collection was expanded beyond the initial case study areas.

Interviews were analysed and coded thematically in Atlas.Ti qualitative data analysis software.

1.2 Report structure

The report begins by exploring the homelessness system in Wales and makes the case for legal reform, drawing on our research about how individuals access support and their experiences of doing so. It discusses the Welsh Government's response during the Covid-19 pandemic, which participants highlighted as critical in shifting opinions on the use of the legal tests and which provides a foundation on which to deliver the legal reform proposed in this report. It then turns to discussing how and why the criteria are used, drawing on the existing literature and supported by our own research findings. Here we provide an insight into those groups of people most likely to be found ineligible for the main duty, and the

impact of each test, including how the tests prevent staff and individuals from accessing support, the consequences of the lack of support for those with support needs, and the impact on people's wellbeing and sense of hope. In discussing each test, the report combines the views of local authorities and support providers with the views of those with lived experience of homelessness. Finally, the report provides some insight into the principles and underlying framework for the proposed legal reform.

²⁴ Downie, M., Gousy, H., Basran, J., Jacob, R., Rowe, S., Hancock, C., Albanese, F., Pritchard, R., Nightingale, K. and Davies, T. (2018) *Everybody In: How to end homelessness in Great Britain*. London: Crisis. p.289

²⁵ Mackie, P.; Gray, T.; Hughes, C.; Madoc-Jones, I.; Moustari, V.; Pawson, H.; Spyropoulos, N.; Stirling, T.; Taylor, H.; Watts, B. (2019). *Review of Priority need in Wales*. Cardiff: Welsh Government.

²⁶ Fitzpatrick, S., Pawson, H., Bramley, G., Wilcox, S., Watts, B. & Wood, J. (2017) *The Homelessness Monitor: Wales 2017*. London: Crisis.

Jake

"If I didn't have support and friends and stuff like that, I could have been dead on the streets. For me to end up back down that road, it just, it broke me. It broke me. It really did."

Jake lost his home when his employer gave him notice on the tied accommodation that came with his job. His role could no longer be funded so he had to leave his home. In the weeks before he left, he tried to find affordable alternative accommodation but failed. Having to leave was 'shell shocking'.

I'd done everything in my power to look for a property and then obviously after a while I had to move out of the place. So my last resort was the council. ...it sort of puts your whole life on hold and you're comfortable, you're secure, you think everything's sorted out and then all of a sudden everything goes head over heels.

With nowhere to go, Jake rang the council for help, who asked for proof of his situation and that he could not stay with family. He provided evidence in person the next day. Within ten minutes he was told he was not in priority need and the council could not help him with accommodation.

[The council said] There's nothing we can do for you, we can offer you support through a bond scheme and stuff like that but we can't put you in emergency accommodation, you're going to have to find somewhere else.

He described this as heart breaking and ended up walking the streets of the local town with nowhere to go. Jake had experienced homelessness before but that time the council had helped him access a place in supported accommodation and he was able to use the stability of the accommodation as a building block to help address his substance misuse issues.

I was in bits, I was in tears, I'm not an emotional guy but it really did throw me to the curb.

What Jake found so hard to comprehend now was that the council declined to help him because he did not fit in any priority need category. It felt like he was left to fend for himself.

I was at the end of the road, I had nowhere to turn to and nowhere to go, it was either get support or end up on the streets and it just shocked me, it really did, I didn't expect it.

While the council offered a rent deposit bond scheme, the details of this were not explained to Jake nor that he needed to be in regular contact with the council. When he later contacted the council to find out if they had any updates for him, he was told he had been removed from their case system because of lack of engagement. Without proper recognition of Jake's situation, he did not get the support he needed.

She [Housing Officer] ended up arguing with me... I said, well look I haven't got credit, I haven't got access to properties so how am I going to search for places if I haven't got the access available? I haven't got technology, I haven't got money, I need the extra support and they hadn't explained this to me.

Unhelpfully he was told that if he had been made homeless a few weeks later after the Covid pandemic had started then the council would have housed him straight away. Speaking to the council again left him feeling that it was his fault he was homeless.

[The Housing Officer] made me feel terrible and all that, my circumstances were bad enough ... I'm made to feel like the bad guy and it's all my fault that I haven't done this and I haven't searched for this property, I haven't been in touch with them.

After complaining about his treatment, Jake was assigned a new housing officer. One who was not, 'robotic' or like 'speaking to a machine ... with no empathy'.

Jake visited the council in February and it was not until November he managed to find somewhere new to live – almost nine months since he first approached for help. In that space of

time, he was sofa surfing which served as an unwelcome reminder of the hard time he had been through when he was last homeless.

"If I didn't have support and friends and stuff like that, I could have been dead on the streets. For me to end up back down that road, it just, it broke me. It broke me. It really did."

He found the lack of security and uncertainty that characterises sofa-surfing hard to manage: he was always on edge, living out of a bag and fearful about being kicked out. He ended up taking anti-depressants again and was drinking occasionally.

Not having a home compromised his ability to find work with potential employers unwilling to take the job centre as his care of address. For Jake, a growing sense of pessimism about his future developed which was only heightened by the Covid pandemic that made it even harder for him to stay with others because of the lockdowns.

It really was impossible, and I didn't see no light at the end of the tunnel really for a long time.

It was only through fortuitous – but sad circumstances – did Jake's prospects turn around. His mother's elderly downstairs neighbour passed away and the landlord, knowing of Jake's circumstances, offered him the now vacant flat.

It's changed my life completely. Changed my life completely.

Jake found work as a security guard and is, once again, sleeping and eating well. Reflecting on his 'support' with the council, he wishes they had in place proper support for those deemed ineligible and it was clearly explained. This could have helped alleviate what was his greatest fear of ending up on the streets.

Chapter 2:

The case for leaving no one out – “should there not be a safety net for everyone who’s homeless?”²⁷

The Housing (Wales) Act 2014 has enjoyed considerable support. It has helped improve outcomes, collaboration, the sharing of practice, and has supported cultural change across the sector. It has also demonstrated the importance and potential of an approach based on prevention and person-centred intervention.²⁸

However, despite the more comprehensive legal framework the Act created, there are still gaps in

support that are designed into the system. As a result, some people are left without help to end their homelessness.

Since 2015, 1 in 8 people (9,261 people) have not been owed the main duty having been found not in priority need or were found to have intentionally caused their homelessness.²⁹ In 2019/20, 3 in 10 people (1,773 people) who were homeless and assessed under Section 75 – where the rehousing or main

27 Mackie, P.; Gray, T.; Hughes, C.; Madoc-Jones, I.; Mousteri, V.; Pawson, H.; Spyropoulos, N.; Stirling, T.; Taylor, H.; Watts, B. (2019). *Review of Priority need in Wales*. Cardiff: Welsh Government

28 Mackie, P., Thomas, I. (2016) *Transitional Single Homelessness in Wales*. Cardiff: WISERD

29 The figure of 9,261 people is calculated by multiplying the number of households not in the single person household category by 2 (by subtracting single households from the total number of households). This is then added to the number of single households over the period 2015/16 to 2019/20. The multiplier of 2 is used because households of any larger size are assumed to be families with children and therefore would be eligible for the main duty. It is assumed non-single households not owed the main duty are likely to be couples.

duty is considered – were left without the support they needed to end their homelessness.³⁰

The eligibility tests have been described as ‘odd’, ‘freakishly antiquated’, ‘arbitrary and quite subjective’, and ‘a barrier to accessing... services’.^{31,32} They are incompatible with the prevention and harm-reduction approach of the 2014 Act and hamper efforts to end homelessness by leaving many to continue facing homelessness without support.

Our current system is also incompatible with the desired shift towards more person-centred, and trauma-informed approaches.³³ Participants emphasised the importance of trauma and psychologically informed approaches for staff and workforces and how vulnerability assessments themselves can be traumatic for some applicants.

“Does having priority need require people to re-tell traumatic experiences and talk about the vulnerabilities they’ve experienced in their life and you know, does that have a negative impact?...But has putting that person through that experience been...is, you know, is that really necessary? Should we be doing that to people?”

– Third sector interviewee, Review of priority need³⁴

The response during the Covid-19 pandemic has shown us that with political direction, leadership, and funding we can provide help to more

people to escape homelessness. Whilst the legal framework has successfully reduced the number of people facing the worst forms of homelessness, it does not stop people being pushed into homelessness in the first place. While the current legislation clearly helps make homelessness rarer through prevention, it can work against the aim of making homelessness brief and non-recurrent. As our research suggests, some people can be left homeless for longer and experience multiple forms of homelessness because they are left out of support due to who they are, where they live or how they became homeless.³⁵

We now have the opportunity to build on the Covid-19 response and to change our existing framework for good, by ensuring that nobody goes without support.

Research findings – the case for change

Local authorities saw some value in the eligibility criteria as a way to ration limited resources but recognised that the system is designed in a way that prevents them from providing the help people need and ending their homelessness.

Our findings echoed earlier research that eligibility criteria create barriers; those that are ‘in’ and those that are ‘out’.³⁶ This creates conflict between what front-facing staff know people need to end their homelessness, and what is encouraged by the law.

30 Welsh Government statistics: Households for which assistance has been provided by outcome and household type. Available at: https://stats.wales.gov.wales/Catalogue/Housing/Homelessness/household_sforwhichassistancehasbeenprovided-by-outcome-householdtype

31 Mackie, P.; Gray, T.; Hughes, C.; Madoc-Jones, I.; Mousteri, V.; Pawson, H.; Spyropoulos, N.; Stirling, T.; Taylor, H.; Watts, B. (2019). *Review of Priority need in Wales*. Cardiff: Welsh Government.

32 Ibid.

33 Welsh Government (2019) *Strategy for Preventing and Ending Homelessness*. Cardiff: Welsh Government.

34 Mackie, P.; Gray, T.; Hughes, C.; Madoc-Jones, I.; Mousteri, V.; Pawson, H.; Spyropoulos, N.; Stirling, T.; Taylor, H.; Watts, B. (2019). *Review of Priority need in Wales*. Cardiff: Welsh Government.

35 Sanders, B., Boobis, S., and Albanese, F. (2019) *‘It was like a nightmare’ The reality of sofa surfing in Britain today*. London: Crisis.

36 Mackie, P. (2014) The Welsh homelessness legislation review: delivering universal access to appropriate assistance? *Contemporary Wales* 27 (1). 1-20.

“If you put an eligibility criteria there you’re instantly, well, it’s something people are going to be facing homelessness whether, whatever the situation is, if they don’t tick those boxes then they’re going to be homeless and that obviously doesn’t work towards the goal of reducing or stopping homelessness altogether because it will be inevitable that somebody will always fall through the cracks and not be saved by the safety net.”
– LAA2 service provider

“The eligibility criteria will not end homelessness unless they’re taken away.”
– LAA2 Housing Options manager

Experiences of Covid-19 changed some respondents’ views of what they felt is possible. Services reported benefits of being able to engage with individuals who had been repeatedly turned away from support, and what services were able to achieve.

“I think it’s always kind of been like an established, you know, quote/unquote, “fact” that we can’t accommodate everybody, there aren’t means to accommodate everybody. I mean that’s just simply not the case and we’ve seen that now with Covid that they have, when they’ve needed to, have found

accommodation.”
– LAA6 service provider

Some suggested that the Covid-19 response demonstrated the short-sighted nature of the eligibility criteria. Participants provided examples of the significant improvements the circumstances of those who have been accommodated during the pandemic, but who had previously been turned away. The examples provided were most often of single men.

“Especially during the Covid [pandemic], we’ve had a lot of our returning single male customers, and obviously this time they’ve been accommodated. And in some ways, that’s quite a positive thing, because you do feel now that you can actually do something to help these people.”
– LAA2 Housing Options Manager

The tests also prevent front-facing staff in local authorities and support services from providing the help people need and preventing any deterioration in people’s circumstances. Others pointed to the resource-intensive nature and administrative burden of the tests, echoing earlier research about how this detracts from a focus on finding solutions and problem solving.³⁹

Legal duties and repeat homelessness

An analysis of applications for homelessness assistance in Swansea from January 2012 to December 2015 suggests that a significant number of people present as facing homelessness on more than one occasion. In Swansea in 2015, around 1 in 4 applicants had approached the authority for assistance at some point in the previous three years.³⁷ This is of interest for our proposals, given that a decline in repeat homelessness in Scotland has been positively associated with the strengthening of entitlements for people facing homelessness, namely the removal of priority need from the statutory homelessness system.³⁸

37 Thomas, I., Mackie, P. (2020) *Measuring Repeat Homelessness*. Swansea: ADR Wales.

38 Fitzpatrick, S., Pawson, H., Bramley, G. & Wilcox, S. (2012) *The Homelessness Monitor: Scotland 2012*. London: Crisis.

39 Mackie, P.; Gray, T.; Hughes, C.; Madoc-Jones, I.; Mousteri, V.; Pawson, H.; Spyropoulos, N.; Stirling, T.; Taylor, H.; Watts, B. (2019). *Review of Priority need in Wales*. Cardiff: Welsh Government

“I’ve often found that I end up battling between departments to make sure that the person, the young person in question is given the priority that they actually qualify for in terms of criteria.”
– LAA2 service provider

The learning through the Covid-19 pandemic, coupled with a recognition of the barriers caused by the tests and inconsistencies in their application, led participants to an acknowledgement that they are not compatible with ending homelessness and that legal change is needed.

“They are there, and while they’re there you’ll never get rid of homelessness, will you? Because you’ll be able to turn people away who are homeless, because they don’t meet the certain criteria.”
– LAA2 Housing Options Manager

2.1 Why legal change?

Legislative change is only the first step to ensuring we can end homelessness for more people. Whilst legislation alone will not end homelessness, it is one of the strongest levers at our disposal.⁴⁰ The 2014 Act came from a recognition that legislative change was essential in driving improvements and addressing inconsistencies in the application of the *Housing (Homeless Persons) Act 1977*.^{41,42,43}

Existing literature on the impact of eligibility criteria suggests that tests draw focus to the system and to processing applicants and that their subjective nature results in inconsistencies – echoing concerns of the 1977 framework where practice *“mistranslated what the legislation actually said.”*^{44,45} In our research, we heard from local authorities and services that being able to help everyone through Covid-19 meant that services could focus on getting the right support to people.

Most importantly, as our research finds, whilst eligibility criteria exists, we cannot end homelessness.

40 Mackie, P.; Gray, T.; Hughes, C.; Madoc-Jones, I.; Mousteri, V.; Pawson, H.; Spyropoulos, N.; Stirling, T.; Taylor, H.; Watts, B. (2019). *Review of Priority need in Wales*. Cardiff: Welsh Government

41 Ahmed, A., Wilding, M., Gibbons, K., Jones, M., Rogers, I., Madoc-Jones, M., Wilding, A., Gibbons, K., Jones, M., Rogers, I., Madoc-Jones (2018) *Post-implementation evaluation of part 2 of the Housing Act (Wales) 2014: final report, Project Report*. Cardiff: Welsh Government.

42 Ibid.

43 Bramley, G., Fitzpatrick, S., Wood, J., Sosenko, F., Blenkinsopp, J., Littlewood, M., Frew, C., Bashar, T., McIntyre, J., & Johnsen, S. (2019). *Hard Edges Scotland: New conversations about severe and multiple disadvantage*. Lankelly Chase Foundation.

44 Mackie, P.; Gray, T.; Hughes, C.; Madoc-Jones, I.; Mousteri, V.; Pawson, H.; Spyropoulos, N.; Stirling, T.; Taylor, H.; Watts, B. (2019). *Review of Priority need in Wales*. Cardiff: Welsh Government

45 Connell, A. (2017) *The development and implementation of Part 2 of the Housing (Wales) Act 2014: Lessons for Policy and Practice in Wales*. Cardiff: Public Policy Institute for Wales.

Learning from Scotland – the importance of legal change

Developments in Scotland emphasise the importance of legislative change. Since devolution Scotland has led the UK – and Europe – by ensuring that more people are able to access the help they need. Reforms, such as the removal of priority need, and proposals to remove local connection and intentionality have been intended to remove barriers to effective prevention, taking a person-centred and compassionate approach, and giving households greater choice and control.

Scotland's expanded framework of legal rights minimised discretion and inconsistencies by creating a simpler and blunter legal framework. The removal of priority need created a stronger focus on understanding and meeting the needs of those presenting as homeless and crowded out competing priorities which acted as barriers to effective intervention. The Scottish Federation of Housing Associations said:

"The 2012 Homelessness Commitment – to give every unintentionally homeless person the right to settled accommodation – stands as one of the most significant achievements of the Scottish Parliament in international terms. It has attracted worldwide acclaim and it has set a very clear mark of the kind of society that Scots wish to live in. It has also brought about a range of changes in housing and homelessness policy and practice which has transformed the way homeless people's needs are met. In the space of a decade, we have seen a shift from a system which many felt was dehumanising, unfair and disempowering to a people-centred approach which seeks to find appropriate solutions for all."⁴⁶

Following the removal of priority need in Scotland, there was a 19 per cent decline in the number of statutory homelessness applications, which is attributed to targeted policy and administrative measures and the expansion of statutory rehousing entitlements for single homeless people.⁴⁷ Even with some of the most progressive homelessness legislation in Great Britain, Scotland has continued to consider how it can improve its own legal framework in order to strengthen rights, enable services to act, and prevent more people from facing homelessness.

The Scottish Homelessness and Rough Sleeping Action Group's report on rough sleeping said: *"In the context of considering how to achieve the best possible outcomes, particularly for those with the most complex needs, both intentionality and local connection provisions raise the issue of potential barriers within the system at the same time as more 'psychologically informed' approaches are being adopted on prevention."*

The Prevention Review Group, led by Crisis, has developed a legal framework encompassing health, public health, social care, the prison system, children and families services, private landlords, and schools. The proposals introduce duties on a range of public bodies to ask and act in order to prevent homelessness.⁴⁸

46 Written evidence from Scottish Federation of Housing Associations http://www.scottish.parliament.uk/S4_InfrastructureandCapitalInvestmentCommittee/Inquiries/SFHA.pdf

47 Fitzpatrick, S., Pawson, H., Bramley, G. & Wilcox, S. (2012) *The Homelessness Monitor: Scotland 2012*. London: Crisis. p.viii

48 Reid, B. (2021) *Preventing Homelessness in Scotland. Recommendations for legal duties to prevent homelessness: A report from the Prevention Review Group.*

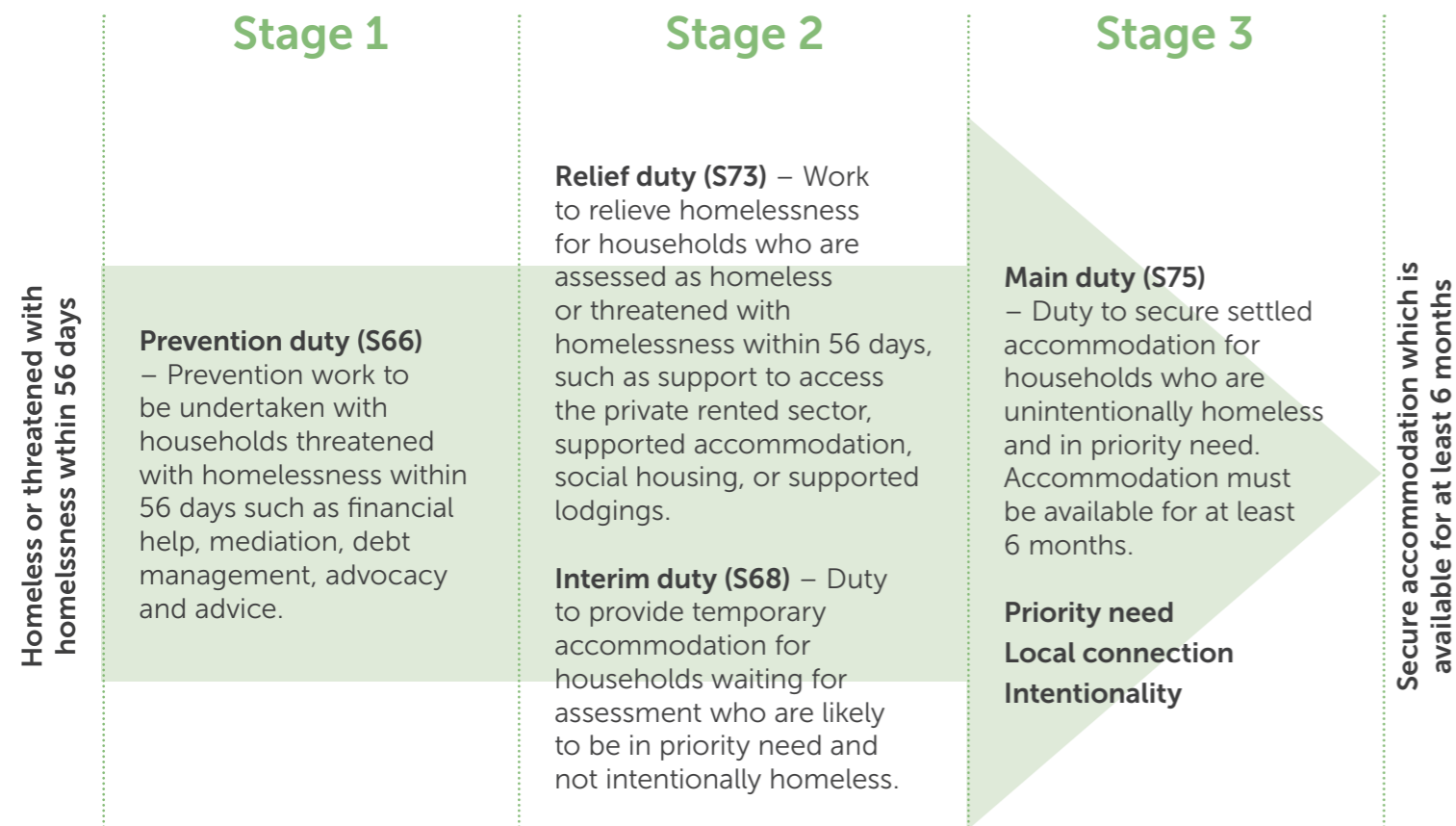
Chapter 3: Homelessness support in Wales today

The 2014 Act was a landmark piece of legislation, emphasising earlier intervention and assistance tailored towards the specific needs of households at an earlier stage to prevent homelessness and prevent a deterioration in someone's circumstances.

Under the 2014 Act the tests are only applied from the second stage of assessment, if efforts to prevent or relieve homelessness have not been successful. In practice this means that everyone should be helped to prevent or relieve their homelessness within 56 days regardless of local connection, intentionality, or priority need, as long as they are assessed as being homeless or threatened with homelessness within 56 days.



Figure 1 – Definitions for each Stage and where eligibility tests are applied



An applicant would be owed the ‘main duty’ (or the Section 75 rehousing duty) if they can satisfy all three of the following tests:

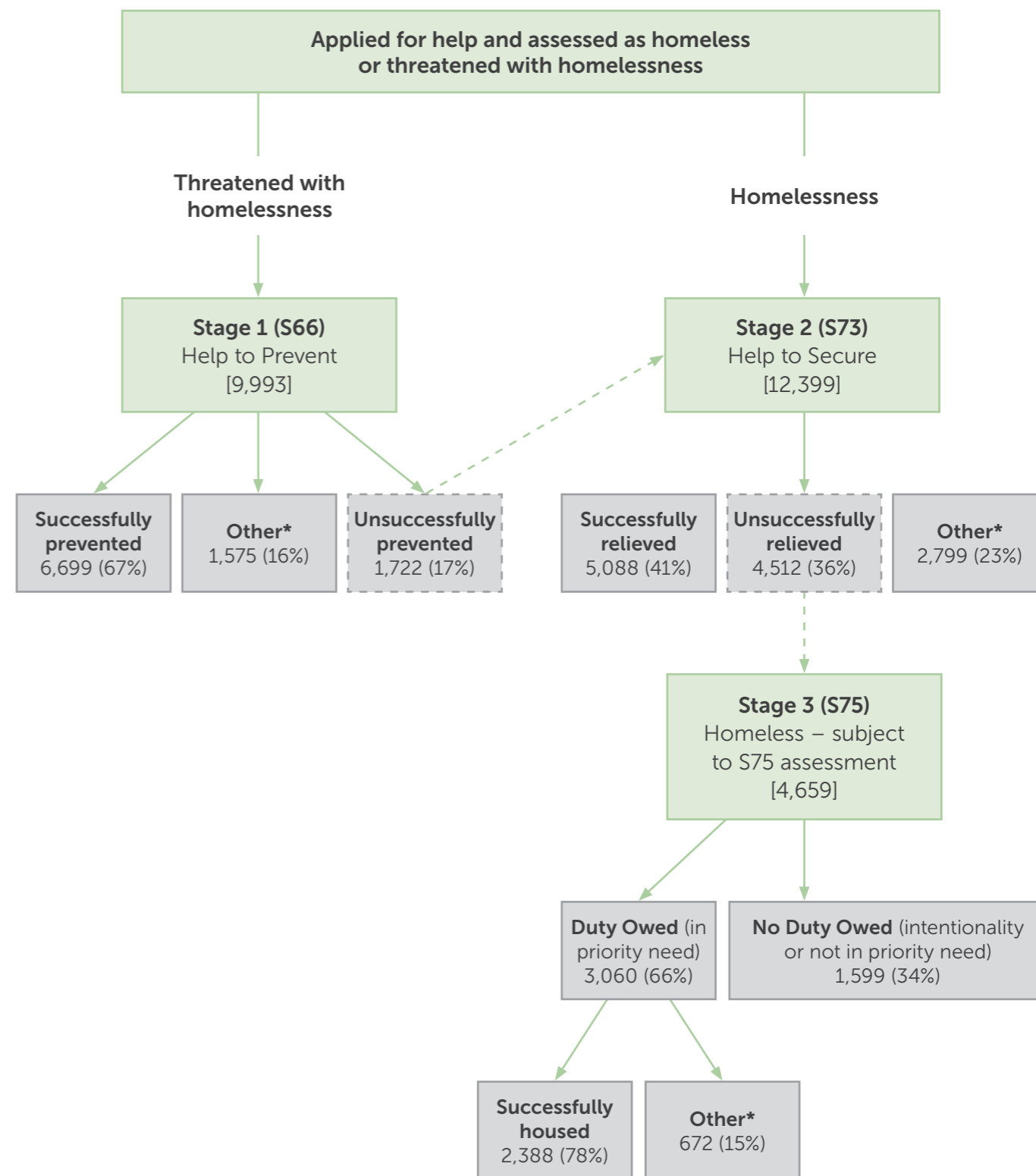
- **Priority need** assesses whether someone falls into a specified category which would determine whether they are in priority need for support.⁴⁹
- **Local connection** determines whether individuals have either family connections or have lived or worked in the area in which they are seeking help.⁵⁰
- **Intentionality** judges whether the applicant intentionally did something or failed to do something that resulted in their homelessness.⁵¹

Someone is eligible for support if they are a UK national or a non-UK national with recourse to public funds.⁵² They are owed duties if they can demonstrate that they are experiencing homelessness or are at risk within 56 days. They can access the ‘main duty’ (or rehousing duty under Section 75 of the Act) if they are in a priority need category, can demonstrate a local connection, and have not intentionally caused their homelessness.

49 Housing (Wales) Act 2014 s70
 50 Housing (Wales) Act 2014 s81
 51 Housing (Wales) Act 2014 s77
 52 Housing (Wales) Act 2014 s.61.2

Figure 2 – Homelessness process and outcomes for Stages One, Two and Three in 2019-20

Welsh homelessness legislation process, including outcome data for stages One (Help to prevent) Two (Help to Secure) and Three (Homeless – subject to S75 assessment) 2019-20



*Other includes assistance refused, non-cooperation and other reasons
 Due to aggregate nature of data, dashed lines indicate that transfer of cases has to be inferred
 Source: Welsh Government

Table 2 – Number of people approaching their local authority for help who were assessed as threatened with homelessness or experiencing homelessness since 2015/16

2015/16	2016/17	2017/18	2018/19	2019/20
7,128 households threatened with homelessness (S66); 65% prevented	9,231 households threatened with homelessness (S66); 62% prevented	9,072 households threatened with homelessness (S66); 66% prevented	10,737 households threatened with homelessness (S66); 68% prevented	9,993 households threatened with homelessness (S66); 67% prevented
6,891 households assessed as homeless (S73); 45% relieved	10,908 households assessed as homeless (S73); 41% relieved	11,277 households assessed as homeless (S73); 41% relieved	11,715 households assessed as homeless (S73); 41% relieved	12,339 households assessed as homeless (S73); 41% relieved
<ul style="list-style-type: none"> • Subject to duty to assess (S75) 3,228 • 1,611 (50%) in priority need and unintentionality (S75); 1,284 (80%) successfully housed • 1,617 no duty owed (50%) 	<ul style="list-style-type: none"> • Subject to duty to assess (S75) 3,459 • 2,073 (81%) in priority need and unintentionality (S75); 1,617 (78%) successfully housed • 1,386 (40%) no duty owed 	<ul style="list-style-type: none"> • Subject to duty to assess (S75) 3,954 • 2,229 (56%) in priority need and unintentionality (S75); 1,746 (78%) successfully housed • 1,725 (44%) no duty owed 	<ul style="list-style-type: none"> • Subject to duty to assess (S75) 4,491 • 2,631 (59%) in priority need and unintentionality (S75); 2,091 (79%) successfully housed • 1,860 (41%) no duty owed 	<ul style="list-style-type: none"> • Subject to duty to assess (S75) 4,659 • 3,060 (66%) in priority need and unintentionality (S75); 2,388 (78%) successfully housed • 1,599 (34%) no duty owed

Table 3 – Number of eligible applicants (individuals/families) and those not found in priority need or to be intentionally homeless annually since 2015/16

	Eligible, homeless and in a priority need but intentionally so	Eligible, homeless but not in priority need	Individuals/families found to be threatened with homelessness during the year	Individuals/families assessed as homeless during the year
2015/16	273	1,344	7,128	6,891
2016/17	126	1,260	9,231	10,908
2017/18	159	1,566	9,072	11,277
2018/19	201	1,659	10,737	11,715
2019/20	129	1,470	9,993	12,399

Since 2015/16, the number of people approaching their local authority for help who were assessed as threatened with homelessness or experiencing homelessness has increased year on year. Despite this, prevention and relief

rates have remained steady.⁵³ However, a significant number of people have been left without the help they need having been considered ineligible when assessed under the Section 75 rehousing duty.



⁵³ Welsh Government Statistics: *Homelessness*. Available at: <https://statswales.gov.wales/Catalogue/Housing/Homelessness>

Research findings – Realities of accessing assistance

While the 2014 Act sets out the steps that local authorities must take, research participants provided examples of significant discrepancies in how and when eligibility criteria are applied and the difficulty some applicants face as a result.

One service highlighted examples where no full assessment of individual needs is undertaken. This echoes existing findings about front-facing staff making judgements on the basis of relative vulnerability, leading to some individuals failing to 'qualify' for the main duty.^{54, 55}

"I think almost there's sometimes a blasé approach, "Oh well everyone's depressed so we don't have to". You know? It doesn't mean you're priority need, everybody's depressed in your circumstances. And so, yeah, sometimes it's just that. It's just that kind of frontline approach."

– LAA6 service provider

This is likely because of the relatively high threshold for vulnerability in Wales. The 'Pereira' test in the 2014 Act established 'the ordinary homeless person' as the comparator for vulnerability, meaning an 'ordinary street homeless person'.⁵⁶ The Hotak judgement in England has redefined the comparator as an 'ordinary person', which lowers the threshold at which someone would be defined vulnerable in the *Homelessness Reduction Act 2017*.⁵⁷

54 Mackie, P.; Gray, T.; Hughes, C.; Madoc-Jones, I.; Mousteri, V.; Pawson, H.; Spyropoulos, N.; Stirling, T.; Taylor, H.; Watts, B. (2019). *Review of Priority need in Wales*. Cardiff: Welsh Government.

55 Bretherton, J., Hunter, C., and Johnsen, S. (2013) 'You can judge them on how they look...': Homelessness Officers, Medical Evidence and Decision-Making in England', *European Journal of Homelessness*. 7(1). 69-92.

56 [England and Wales Court of Appeal \(Civil Division\) Decisions >> Pereira, R \(on the application of\) v London Borough Of Camden \[1998\] EWCA Civ 863 \(20 May 1998\)](http://www.bailii.org/ew/cases/EWCA/Civ/1998/863.html). Available at: <http://www.bailii.org/ew/cases/EWCA/Civ/1998/863.html>

57 Mackie, P.; Gray, T.; Hughes, C.; Madoc-Jones, I.; Mousteri, V.; Pawson, H.; Spyropoulos, N.; Stirling, T.; Taylor, H.; Watts, B. (2019). *Review of Priority need in Wales*. Cardiff: Welsh Government. p.14

58 Ibid. p.14

For some individuals, this could mean the difference between being owed the main duty or not. We found that people with 'low-level' mental health needs or substance misuse issues are often affected by the relatively high threshold for vulnerability, echoing existing research findings.⁵⁸

"So I would say it's those people with kind of lower level mental health issues, potentially physical health issues, but not "significant enough" quote/unquote to qualify them for priority need."

– LAA6 service provider

Services operating across multiple local authorities highlighted inconsistencies within and between authorities, with different approaches and different levels of need someone must demonstrate to access support.

"We do get a lot of people with mental health issues but because they're, it's treated by the GP, for example, then they're not classed into the priority need bracket. There seems to be a difference, and I've noticed with different local authorities as well, as to what actually triggers priority need for somebody with mental health issues. It could be a type of medication in one local authority or it could be the fact that somebody is engaging with a CPN [Community Psychiatric Nurse] in another local authority. It just varies, there's nothing hard and fast there that says, this is priority need."

– LAA4 service

Local authorities and services in some areas stated that, regardless of priority

need, support of some form would still be offered, highlighting the differences in accessing support across Wales.

"So they [local authority] do apply a priority need test. However, if somebody is not – there's been a non-priority need decision that's been made – they will still usually offer day services is what they call it. So that could be floor space or hostel accommodation, a pod, something like that."

– LAA6 service

"... the majority of people who are non-priority need are single people and we've always provided accommodation. If they then are not eligible, maybe no recourse [to public funds] or they don't have a local connection, we'd still give them emergency accommodation."

– LAA6 Housing Options Manager

This 'lottery' has consequences for many. While some of those not owed a duty will manage to secure some

form of accommodation, we know that many will struggle to do so, and as a result present for support again at a later date. Services report that when people present for support at a later date, their support needs have escalated, and housing situation deteriorated.

"I go and see people quite often that have got no priority need and they very clearly have priority need ... we go through the cycle of them being in a mental health institution, or prison institution, with us, back on the streets. I mean we know a lot that they have these needs but they won't put them down as a priority."

– LAA6 service

Services identified single men and people sleeping rough as the main group of applicants who repeatedly face these barriers, echoing existing research.⁵⁹ Evidence shows that it is this group of people who benefitted most from legal reforms in Scotland.⁶⁰

Rough sleeping in Wales

Existing research has found that people who are sleeping rough are among those who have benefitted least under the 2014 Act.^{61, 62} The last full rough sleeping data published in Wales before the Covid-19 pandemic hit the UK shows that over a two-week period in autumn 2015 an estimated 240 people were sleeping rough, rising to 405 over the same period in 2019, an increase of 69 per cent. During the pandemic local intelligence reports show that as of 31 December 2020, there were 61 individuals sleeping rough throughout Wales. This is a decrease from the 96 individuals sleeping rough at 30 November 2020.⁶³ Only as a result of the steps taking during Covid-19 and the lifting of eligibility criteria have significant numbers of people sleeping rough been able to access rehousing support and local authorities to significantly reduce the number of people sleeping rough in their areas.

59 Mackie, P.; Gray, T.; Hughes, C.; Madoc-Jones, I.; Mousteri, V.; Pawson, H.; Spyropoulos, N.; Stirling, T.; Taylor, H.; Watts, B. (2019). *Review of Priority need in Wales*. Cardiff: Welsh Government.

60 Fitzpatrick, S., Pawson, H., Bramley, G. & Wilcox, S. (2012) *The Homelessness Monitor: Scotland 2012*. London: Crisis.

61 Mackie, P.; Gray, T.; Hughes, C.; Madoc-Jones, I.; Mousteri, V.; Pawson, H.; Spyropoulos, N.; Stirling, T.; Taylor, H.; Watts, B. (2019). *Review of Priority need in Wales*. Cardiff: Welsh Government.

62 Equality, Local Government and Communities Committee. (2018). *Life on the streets: preventing and tackling rough sleeping in Wales*. Cardiff: National Assembly for Wales.

63 Whilst the most recent data collection on rough sleeping are not comparable with earlier count data, the data available demonstrates the significant decline in the number of people sleeping rough since the official count in November 2019. Welsh Government Statistics: Homelessness. Available at: <https://gov.wales/national-rough-sleeper-count>; Homelessness accommodation provision and rough sleeping: December 2020. Available at: <https://gov.wales/homelessness-accommodation-provision-and-rough-sleeping-december-2020>

David



"...mentally it just ruins you. It's horrible. I won't want to wish it upon anyone. I don't understand how they was allowed to give me sleeping bags because no one was allowed to be on the street."

David had been given a place in a hostel as part of the Covid-19 emergency accommodation measures his local council had put in place. He had sought help from the council after having to leave his mother's place because of a breakdown in their relationship. David had been asked to leave the hostel because of alleged bad behaviour. When he revisited the agency that was acting on behalf of the council's Housing Options during the pandemic, he was given a sleeping bag and no further help.

David has a history of mental health issues and becoming homeless had been particularly challenging for him. The agency told him because he had been evicted from the hostel, he had made himself intentionally homeless and was no longer entitled to help and was not a priority. David was angry and felt his treatment was unfair with no acknowledgement of the vulnerable state he was in. He left with nowhere to turn and David slept rough for three nights.

Sleeping bags, it's just after October time, what am I, what do I do with a sleeping bag outside?

He described the way the staff spoke to him as demeaning and belittling, assuming that he was solely at fault for his situation.

They was talking to me like I was a five year old because I'm a youngster and she could tell I was getting wound up ... she just kept talking to me like I was a child.

Having to sleep rough had further detrimental effects on his mental health and well-being. He gave up hope in getting further help from the council and was worried that such experiences would push him back to the drug use he had left behind.

"...mentally it just ruins you. It's horrible. I won't want to wish it upon anyone. I don't understand how they was allowed to give me sleeping bags because no one was allowed to be on the street."

David contacted a local youth homelessness service who said that he had two options: one to go on the council housing waiting list or try and find something in the private rented sector. It was not until his Universal Credit work coach suggested he contact Crisis did he eventually manage to find a bedsit. Crisis provided help to search for appropriate and affordable properties and also provided a deposit in advance.

Finding a new home brought to an end David's difficult period of sofa-surfing and meant he could focus again on the future. He described the four months it took to find a new home as the most significant of his life, in terms of the negative impact it had. Having a secure place to stay means David is able to properly address his mental health needs and look to find work again.

“Male, single applicants in their 30s plus I would say. You know, just getting to the... getting past priority need because really intentionality and local connection doesn’t really become an issue if you have an established priority need. You know, that’s kind of the first thing that the council is looking at. And I’d say, yeah, the main people falling victim to it are sort of adults, single males.”

– LAA6 service

Services and local authorities had different accounts of the assessment process and the support available to applicants, including those who were not owed a duty. Local authorities reported that all applicants are treated fairly, their circumstances fully investigated, and they are provided with some support, regardless of eligibility.

“I’m satisfied that we investigate all our cases and if there’s a clear priority need, you know, we accommodate ... and I think it is the single applicants that perhaps don’t have that priority need. But if there’s a reason to believe someone’s got a priority need; if they say I’m suffering from anxiety, depression ... we would certainly make further enquiries into that. We certainly don’t operate any blanket policy if you’re a single applicant, you can’t get anything.”

– LAA4 LA Housing Officer

Staff across local authorities were also of the view that not being in priority need did not automatically disqualify applicants from support. Some local authorities highlighted cases where some individuals were supported to access accommodation short of being owed the main duty.

“Before the pandemic say if someone was found to be not in priority need we’d usually try to work with people who required accommodation

anyway; so, not to just ask them to leave temporary accommodation but we would try to find some form of accommodation and assist with the upfront costs in terms of the assistance available.”

– LAA1 Housing Options Manager

Services in some cases concurred that local authorities would still seek to support individuals that did not qualify for the main duty.

“I think the local authority are pretty good actually. They are quite flexible in looking at people’s, their vulnerabilities and they will undertake the investigations but do it sensitively as well. And even if somebody hasn’t got the priority need, they will try and find something where they can support them.”

– LAA4 service

This raises the question about the time spent processing applications to determine eligibility, and highlights the tension we heard in our research between what front-facing staff know people need and what is encouraged by the law.

The inconsistencies in the application of the criteria, the interpretation of and different ‘acceptable levels’ of vulnerability – including the ability of individual staff to disregard the criteria – arguably makes the case for a simpler, blunter legal system which would provide greater clarity to applicants and staff and ensure nobody goes without the help they need.

“So, single people, the majority of people who are non-priority need are single people and we’ve always provided accommodation. If they then are not eligible, maybe no recourse or they don’t have a local connection, we’d still give them emergency accommodation.”

– LAA6 Housing Options Manager

3.1 How and why the tests are used

Statutory rights and duties play a key role in supporting collaboration and partnership working and have an empowering effect on workforces and those facing homelessness.⁶⁴ The lack of those rights is *“aptly illustrated by homelessness services, so often left to ‘carry the can’ when other services should be stepping up.”*^{65, 66}

Legislation can also be a driver for deeper change, building a shared understanding of priorities and creating and supporting culture and behaviour. It is because of the cultural impact and durability of legislation that, despite the recognition that tests can be harmful and create barriers to effective support, they still exist within our legal framework.

Our research and earlier studies have found that a clearer set of legal protections for people who were homeless had an empowering effect on people seeking support. What is evident in each of the lived experience case studies in our research is the negative impact of being left out of support on people’s sense of dignity and confidence, as well as the sense of security from knowing that help is available.⁶⁷

Research findings – Rationing scarce resources

Local authorities often describe eligibility tests as a means of

distinguishing between those in more or less need of support. They provide an element of control over access to limited and increasingly stretched resources to ensure that those in most need of support can be prioritised.⁶⁸

This is felt most acutely for local authorities operating within the realities of a period of contraction in affordable house building, pressured budgets, and welfare changes which push people into homelessness and restrict the options available to them.⁶⁹

All participants emphasised that eligibility criteria are not a deliberately malicious tool but are used as effective measures which enable local authorities to ration access to accommodation. This was a common sentiment among local authority participants in our research.

“I think given the resources that we have... there has to be a way or prioritising and managing the resources that we have.”

– LAA1 Housing Officer

“The key challenges that we have, as identified in our regional homelessness strategy, is a lack of suitable accommodation – whether that be a lack of temporary, a lack of social housing, not enough reach into the private rented sector, and a need for more supported housing – there’s clearly a lack of accommodation that allows us or any authority to successfully discharge duty.”

– LAA3 Housing Manager

64 Watts, B. (2014) Homelessness, empowerment and self-reliance in Scotland & Ireland: the impact of legal rights to housing and homeless people. *Journal of Social Policy*. 43(4).

65 Bramley, G., Fitzpatrick, S., Wood, J., Sosenko, F., Blenkinsopp, J., Littlewood, M., Frew, C., Bashar, T., McIntyre, J., & Johnsen, S. (2019). *Hard Edges Scotland: New conversations about severe and multiple disadvantage*. Lankelly Chase Foundation.

66 Mackie, P.; Gray, T.; Hughes, C.; Madoc-Jones, I.; Mousteri, V.; Pawson, H.; Spyropoulos, N.; Stirling, T.; Taylor, H.; Watts, B. (2019). *Review of Priority need in Wales*. Cardiff: Welsh Government

67 Watts, B. (2014) Homelessness, empowerment and self-reliance in Scotland & Ireland: the impact of legal rights to housing and homeless people. *Journal of Social Policy*. 43(4). 793-810

68 Mackie, P., Thomas, I. (2016) *Transitional Single Homelessness in Wales*. Cardiff: WISERD

69 Baptista, I., Benjaminsen, L., Pleace, N. (2015). *Local connection Rules and Access to Homelessness Services in Europe*. Brussels: FEANTSA

Service providers acknowledged the challenges caused by a scarcity of accommodation and support, especially given the growing number of people presenting for support from their local authority.

"I do also think it [eligibility] works for other issues so the resources and stuff... there isn't enough places for people so if you reduce the amount of people that actually are, sorry, if you reduce the amount of people that are eligible to be accommodated then that reduces the need for accommodation."
– LAA2 service provider

"...it is hard work when you've got somebody phoning and saying they're homeless. They [local authorities] have to jump. They have to really jump and try and find somewhere to accommodate them. And as far as possible it has to be suitable and I think they use whatever they can so they don't have to worry about that because they have enough to worry about."
– LAA3 service provider

The lack of adequately funded support services to intervene to help prevent homelessness can mean that local authorities become the first and last option for many facing homelessness. In 2021, the Prevention Review Group in Scotland recommended that there should be a shared responsibility across public services to prevent and end homelessness by asking about people's housing situation, acting where a problem is identified, and working together to ensure everyone has a safe place to stay.⁷⁰ The report finds that significant numbers of people facing homelessness have poorer health, and additional need for medical and other support, which can push people into homelessness.⁷¹

70 Reid, B. (2021) *Preventing Homelessness in Scotland. Recommendations for legal duties to prevent homelessness: A report from the Prevention Review Group.*

71 Ibid. pp.22-25

"I think one of the motivations is numbers. ... I think another issue is the scarcity of resources in X. They are really underfunded and they don't have – like I said, they don't have those kind of frontline alternative services, gateway services or anything."
– LAA6 service provider

"I do think, yeah, in terms of cost, and availability, and stuff like that for local authorities I really don't think it's realistic at all and it's quite unfortunate that you almost have to put restrictions in, in order to make sure that the amount available is sufficient to the amount of people that will be eligible."
– LA2 service provider

Participants in our research framed the criteria as pragmatic and a 'necessary evil'. They supported the intention to remove the tests, but in the context of a lack of accommodation and support felt that eligibility tests are required.

"I think given the resources that we have there has to be a way of prioritising and managing the resources that we have. I think it's just not possible at the moment to provide the sort of level to everyone as much as we'd like and try to do it."
– LAA1 Housing Officer

For local authorities, eligibility tests enable them to support those who are deemed most in need of support. They cited concerns that given the resources currently available to them, including housing supply and a general lack of one-person accommodation, a lack of prioritisation would weaken the quality of the support available to those with the greatest support needs.

"And I think again there must be a way of prioritising those certain

applications. Abolishing priority need is a great idea but then if we're not going to have resources for us to assist everyone that is not going to work because what we will see is just increasing numbers of temporary accommodation and nowhere to move people on. And then people with, say, complex support needs or higher needs they maybe just lost in the system if we'll only be treating everyone the same. Some people are more able to look for their own accommodation and some people need support. And I'm just thinking if we're going to treat everyone in exactly the same way and we're not going to have sufficient resources then there may be some people who just get lost in the system. But, yeah, I think it all comes down really to resources."
– LAA1 Housing Officer

Some local authorities reported that the use of eligibility criteria provide a means to manage anxieties about providing accommodation and support to all those presenting as homeless and managing staff workloads within the constraints of their limited resources. Some participants were concerned that if there were no criteria, applicants would be worse off.

In Chapter 6 we outline responses from participants in our research and draw from the findings of the review of priority need which highlighted the bureaucratic and administrative costs of eligibility barriers, including the sentiment that the lifting of eligibility tests through the Covid-19 pandemic

72 Mackie, P.; Gray, T.; Hughes, C.; Madoc-Jones, I.; Moustari, V.; Pawson, H.; Spyropoulos, N.; Stirling, T.; Taylor, H.; Watts, B. (2019). *Review of Priority need in Wales*. Cardiff: Welsh Government

73 Bramley, G., Fitzpatrick, S., Wood, J., Sosenko, F., Blenkinsopp, J., Littlewood, M., Frew, C., Bashar, T., McIntyre, J., & Johnsen, S. (2019). *Hard Edges Scotland: New conversations about severe and multiple disadvantage*. Lankelly Chase Foundation.

74 Mackie, P.; Gray, T.; Hughes, C.; Madoc-Jones, I.; Moustari, V.; Pawson, H.; Spyropoulos, N.; Stirling, T.; Taylor, H.; Watts, B. (2019). *Review of Priority need in Wales*. Cardiff: Welsh Government

75 Taylor, P. (2020) *The Regressive Power of Labelling People As Vulnerable*. Available at: <https://paulitaylor.com/2020/06/25/the-regressive-power-of-labelling-people-as-vulnerable/>

76 Mackie, P.; Gray, T.; Hughes, C.; Madoc-Jones, I.; Moustari, V.; Pawson, H.; Spyropoulos, N.; Stirling, T.; Taylor, H.; Watts, B. (2019). *Review of Priority need in Wales*. Cardiff: Welsh Government. p.34

77 Bramley, G., Fitzpatrick, S., Wood, J., Sosenko, F., Blenkinsopp, J., Littlewood, M., Frew, C., Bashar, T., McIntyre, J., & Johnsen, S. (2019). *Hard Edges Scotland: New conversations about severe and multiple disadvantage*. Lankelly Chase Foundation.

– and removal of priority need in Scotland – freed staff to focus on finding lasting solutions for individuals.

3.2 The unintended consequences of eligibility tests

Eligibility tests are widely perceived to cause individuals to become more vulnerable, drive inconsistencies, and are resource intensive.^{72, 73} We heard in our research that those with 'low level' support needs, including mental health and substance misuse often do not meet the high threshold for vulnerability, echoing findings from other research.⁷⁴ Where someone is not eligible and is left without support, their circumstances can deteriorate and their homelessness continues.⁷⁵

Requiring individuals to prove vulnerability can have negative consequences by reinforcing distinctions between those deemed to be more in need. In addition, participants raised concerns about the ability of some applicants to prove vulnerability and the impact of recounting trauma.⁷⁶

"...she's not enough of an addict. She's not enough of a mental health patient. She's not enough of a criminal, you know. She's just not enough of anything to get like a package. So she would be one of those people that would fall off because – until a crisis came."⁷⁷
– *Hard Edges Scotland* report

Denise



"I was advised [by the council] to keep hold of the flat, not make myself homeless, even though I was getting further into debt. So, during that time I was basically having a really long nervous breakdown, I think."

Denise received a Section 21 (also known as a 'no fault eviction') notification from her landlord to leave the flat she was living in with her children and partner. After visiting the council, Denise explained that her children were found accommodation via social services but she was not and the council told her to return to the flat. Having split from her violent

partner, she could not afford the rent and arrears were building. She felt like she was forgotten. After speaking with her landlord, they agreed to give her more time to find somewhere more affordable to move to. Upon learning of this, the council deemed Denise now not to be facing homelessness as the landlord was not enforcing the Section 21.

They [the council] seemed really helpful and nice when I went in, they weren't nasty, or they didn't seem judgemental and stuff, they seemed, but I never had anything back, I just had a few leaflets to go home with.

Denise could not stay at the flat as she was scared of the threats she was receiving from her ex-partner. Instead, she sofa-surfed and was told by the council, after contacting them again, not to leave the flat. If she did, she was told they would find her intentionally homeless, and they would not be able to help her.

"I was advised [by the council] to keep hold of the flat, not make myself homeless, even though I was getting further into debt. So, during that time I was basically having a really long nervous breakdown, I think."

Denise's mental health suffered because of accruing large amounts of rent arrears from her previous home and uncertainty over her future. Things were complicated further when her mother passed away and Denise was left a house in severe disrepair which was uninhabitable. Despite continuing to sofa surf at various friends' homes, the council still insisted she was not homeless. This was despite the fact she no longer had access to the flat and her old flat had been cleared by the landlord.

So basically, they said I wasn't eligible because I well, they said I wasn't homeless because I could've either gone to my mother's house, which obviously wasn't liveable then, or to the flat.

She felt angry at having 'stayed' in the flat upon the council's advice. Sofa-surfing continued to affect her mental health to the point friends had to speak to the council on her behalf.

My mental health was so bad, I wasn't able to speak. I was walking around with shades on, I couldn't look at anyone, I was crying all the time, I was so depressed.

The impact of the council's assessment of Denise's situation – one of potential intentional homelessness – left her in limbo; worried about the actions of her old landlord and the fear of losing friends because she felt like she was taking advantage of their kindness. Without the support of friends, she feared she would have been on the streets.

You trust the council because that's the main one. And when they turned round and said they're still not going to help I just feel like despair really. I just couldn't see a way out and big debts were mounting up and everything was so bleak.

Sadly, Denise's health deteriorated further and she had to spend time in hospital. It was during her recovery period that she received support from Women's Aid and Crisis, where she took a course on finding accommodation and maintaining a tenancy. As a result, she applied for an advertised social housing flat and was accepted. The rent arrears on the old flat were cleared and the housing association were supportive of her application.

Relieved of the threat of being on the street and having somewhere to call home has helped her rebuild her relationships with her children and she hopes to be able to see more of her grandchildren in the future too. Once the Covid-19 restrictions pass she is looking forward to getting involved in activities provided by local organisations.

Previous evaluations of the homelessness system highlighted inconsistencies in the assessment of vulnerability and the application of the eligibility tests.⁷⁸ We heard in our research that this was particularly problematic in areas with high demand.

“I mean a lot of it is open, you know, when you’re looking at medical vulnerabilities, whether it’s physical or mental. Some of it is open to interpretation and, you know, they may be successful on appeal but the frontline officer potentially who sees people referred that are depressed, you know, in every instance because they’re all presenting as homeless, everybody’s stressed.”

– LAA6 service provider

One participant described individuals being turned away prior to a full assessment because Housing Options staff anticipate that they will not have a local connection. They described this as protectionism, and contrary to the principles of the Act.

“I do feel that is gatekeeping. I understand that they’ve [local authorities] got limited resources and I understand that they want to safeguard those resources. But as far as we’re concerned the duty to assess is not – you don’t require a local connection – you don’t require a local connection before. ...You know, it’s quite clear in the law when it should be considered. I think it’s terrible. You know, they just sort of completely avoid even giving an assessment, just refer them to local connect, reconnect team.”

– LAA6 service provider

By assessing vulnerability, eligibility tests can force people to become more vulnerable before they can access help. Support services and local authorities recognised the consequences for individuals if they did not meet the threshold for vulnerability or the eligibility criteria, especially for those whom their local authority was their last option.

“The frontline homelessness duty, you think well they’re the last hope, they’re going to help me. And when they don’t I think a lot of people just lose faith in the whole process and they just become desperate. And that’s when they move on to substance misuse and disengaging from services and it’s heart-breaking.”

– LAA6 service provider

“I think what I’d say is that commonly people with complex needs....compounded by every time you come up and try and engage with the services, I think there’s a barrier, so that just compounds it further. In the end, you end up helping them to entrench themselves in homelessness.”

– LAA1 service provider

Assessing vulnerability and eligibility is also complex and time consuming, with staff required to investigate and understand whether someone is eligible for support. Some have also raised concerns that understanding vulnerability can go beyond the scope and professional competency of Housing Options teams.⁷⁹ The Review of Priority Need included examples of staff using online search engines to understand medication and health conditions when assessing how vulnerable someone was.⁸⁰ This will inevitably lead to variation within and between local authorities.

78 Ahmed, A., Wilding, M., Gibbons, K., Jones, M., Rogers, I. Madoc-Jones M. Wilding, A. Gibbons, K. Jones, M. Rogers, I. Madoc-Jones (2018) *Post-implementation evaluation of part 2 of the Housing Act (Wales) 2014: final report, Project Report*. Cardiff: Welsh Government.

79 Mackie, P.; Gray, T.; Hughes, C.; Madoc-Jones, I.; Mousteri, V.; Pawson, H.; Spyropoulos, N.; Stirling, T.; Taylor, H.; Watts, B. (2019). *Review of Priority need in Wales*. Cardiff: Welsh Government

80 Ibid.

“I’m sure over the year many individuals would have been turned away based on vulnerability, because their mental health potentially may have not been understood, based on the fact that we’re not experts.”⁸¹

– Local authority participant, Review of Priority Need

3.3 Increasing support needs

Our research echoes existing findings that for those who are not owed a duty their homelessness can become more entrenched if they are unable to find a solution themselves to end their homelessness. Many present as homeless again at a later date, often with greater support needs.⁸²

Local authorities do provide some support to those not owed a duty – signposting and referral, support to access a privately rented tenancy or a hostel, for example – however participants acknowledged that not being owed the main duty could have significant negative implications for some.

“We do try and...obviously we’ve got sort of the homeless hostels in X. We do refer them to the private agents etc. The majority, we don’t do a lot of intentionality decisions, but when we do, they sort of sort themselves out in the end. One or two, I think, intentionality decisions, they are on the streets, but that’s very, very, very rare.”

– LAA2 Housing Officer

“We do see people coming round and round again... they’re probably more vulnerable. People who are not priority and are offered some

help generally eventually help themselves. I would say it’s where other vulnerabilities come into that you will find people come round. So they may have been given an offer and have had something and then they’ve lost it and then come back.”

– LA Manager

Support services explained how they will continue to work with people who are referred to hostels and other temporary accommodation where the main duty is not owed, but acknowledge that this is challenging. For some, these environments exacerbate their support needs and this results in some people disengaging from services and support where there is no duty to help them secure accommodation.

“They [service users] might have been there numerous times or they might have been in the council’s emergency frontline accommodation, that’s not what they want, so that’s why they don’t engage but that’s just from the experience. And I think we’re, because we, a lot of the clients are entrenched they go round, I think we know them very well so and we know they’ve been in the area long so we can vouch for them.”

– LAA6 service provider

Local authorities were alive to the need to support those who were not eligible for the main duty, mindful of the potential consequences for individuals, including limiting the options available to them.

“Obviously if you’re aware that somebody is likely to have no local connection and intentionality,

81 Mackie, P.; Gray, T.; Hughes, C.; Madoc-Jones, I.; Mousteri, V.; Pawson, H.; Spyropoulos, N.; Stirling, T.; Taylor, H.; Watts, B. (2019). *Review of Priority need in Wales*. Cardiff: Welsh Government

82 Campbell, A. J., (2011) *The Impact of Intentional Homelessness Decisions on Welsh Households’ Lives*. Swansea: Shelter Cymru.

then you do work a little bit harder in those cases, obviously with intentionality, because you don't want to leave that person in a situation where they've got no way of getting themselves out of the homeless situation, because we are, in a way, the last port of call. If we're unable to assist, then it's going to be very difficult for them to be housed in the future."

– LAA2 Housing Officer

However, efforts to assist those without a duty were often hard as avenues of support were often limited and sometimes dependent on the accommodation options available to local authorities, emphasising the significance of legal change as part of a wider range of reforms, including a wider prevention and housing-led approach to homelessness.

"They don't really have a lot of options. Short-term it would be interim accommodation from the local authority or it would be friends and family, somewhere where they can maybe self-serve we don't have night shelters around here, we have hostels so obviously the hostels don't, it doesn't work on a night shelter basis, it's a referral basis and then they have to interview the person etc. So it does not happen immediately and that's it, you can go to one of the hostels to get a tent."

– LAA2 service provider

One service gave an example of an individual who was found to be intentionally homeless after being evicted from temporary accommodation because of unmet support needs and a lack of joined-up working across services.

"Now he is just sleeping rough. I asked him where he was sleeping. He said that he's just got somebody's garage and there's

just a mattress on the floor. He's sleeping there. And he was then not able to access a support worker. He was misusing alcohol. He wasn't able to access a support worker. It took him six weeks to access help from us. Which meant it was too late for us to challenge the decision to end duty to him."

– LAA6 service provider

Participants in our research reported that people not owed the main duty experienced similar pressures, including what they typically see as a deterioration in people's circumstances where support needs go unmet. Those with lived experience felt that there was little hope that things would change where they were left without support.

"The cycle just doesn't seem to get broken here. But I mean homelessness is very often just a consequence of some other underlying issue so unless they are addressed in the first place the homelessness will never be broken. Sometimes they just stay the same; sometimes they develop new support needs."

– LAA1 LA Housing Officer

Young people can be at particular risk of returning to dangerous living environments or being separated from support networks, as research on homelessness among young care leavers also found.⁸³ This can put some at risk of harm and cause some to disengage from services.

"They were sent home but then they bounce back at a later date when things escalate, you know. If things have gone to fisticuffs etc, you know, with my stepdad or mum's new boyfriend or whatever. That's the thing, it's got a huge impact on teenagers certainly."

– LAA1 service provider

Some participants described how individuals can lose faith and disengage from support when they are told they are not owed a duty. Having sought help from a local authority, which is often someone's last hope, being told that they cannot access help from their local authority can result in a loss of faith in the system. Service staff described how people often disengage from services and what support is made available to them. They describe this as people losing hope and people going off the 'radar'. Contributions from Jake and Pawl demonstrate this.

"I try and ring them and email them quite a lot to keep up to date with them, I can just see their hope diminishing each time and their will. They seem to lose all hope, that's really hard to see."

– LAA6 service provider

"[They] just completely disengage with services and potentially just get off the radar kind of thing, nobody knows where they are, nobody has a contact number for this person, everybody's concerned and this person's got, I would imagine they've got, this mentality of nobody cares anyway."

– LAA2 service provider

Services find continuing engagement with these individuals incredibly difficult, describing it as a losing battle until the point at which the individual presents for support at a later date, by which time their situation has deteriorated further.

"Sometimes people just disappear off the radar. When we say no, that they can't have accommodation with the local authority and there isn't anything with the private rented sector, they just stop engaging with us and then drop off the support then. And we will try and chase and

try and contact them but there's sometimes, there's just nothing we can do. And then they'll come back through again, it's like a revolving door."

– LAA4 service provider

These findings highlight the resource intensive and bureaucratic nature of conditionality, and the consequences for wider support services of the limited options for those who are left without support. They also reiterate the benefits of the approach during Covid-19 in providing everyone with the support they need to escape homelessness, which this report considers next.

3.4 Covid-19 outbreak response

By late 2020 nearly 6,000 people had been provided with self-contained temporary accommodation and support to move on from homelessness. We saw the true value of a home, why it's right that anyone facing homelessness can get help from their council, and staff saw the benefits of being able to give people facing homelessness the help they need.

In the early phase of the pandemic the Welsh Government provided new guidance on the assessment of vulnerability, meaning that *"In determining the vulnerability of an applicant, the comparison to be made is by reference to an 'ordinary homeless person' and not to the most vulnerable homeless person."* In practice this meant that someone experiencing or at risk of homelessness during the pandemic would be owed the main duty.⁸⁴

For participants in our research, this change was transformative, enabling them to support those who previously

⁸³ Bridgeman, J., Russell, H. (2020). *Don't Let Me Fall Through the Cracks: Homelessness amongst Care-Experienced Young People in Wales*.

⁸⁴ Welsh ministerial letter to local authorities, on the application of vulnerability and priority need in relation to the accommodation of people sleeping rough during the COVID-19 pandemic (28 April 2020). Available at: https://gov.wales/sites/default/files/publications/2020-04/guidance-for-local-authorities-in-supporting-people-sleeping-rough-covid-19_0.pdf

Welsh Government response to Covid-19

The Welsh Government committed £10 million for homelessness services to work quickly to re-accommodate those who were sleeping rough or in temporary accommodation that could be a public health risk during the pandemic. This was significantly more funding per local authority in Wales when compared to the Covid-19 funding response for homelessness in England.⁸⁷

The Welsh Government's Phase 2 approach to ensure that "no one need return to the street" was backed by £50 million of revenue and capital funding, with each local authority able to bid for funding to support the transition to rapid rehousing approaches to homelessness.⁸⁸

would have been turned away to access help for the first time.

"Anyone who was homeless we treated them as if they were in priority need because of this change of legislation....I think a lot of people we placed who normally wouldn't have been placed and firstly because of this change in legislation, and I think a lot of people benefited from that."

– LAA 1 Housing Options Manager

Local authorities and support services in this research and Crisis' earlier research, reported that the focus on meeting support needs and finding solutions was more aligned not only with the ethos of the Act, but in line with how staff wanted to respond to people facing homelessness.⁸⁵ This echoes the contributions of Scottish participants in the review of priority need.

"What we'd done was created a machine...It wasn't good for, first of all, the service user mainly, and it wasn't good for the staff....not many people are thinking I want to spend my day in an assembly

line of legalistic decision making, and most people's motivation for working in public service is more service-oriented."

– Third sector interviewee, review of priority need⁸⁶

Research findings – Covid-19 response

The Covid-19 outbreak set in place an unprecedented response, changing staff perceptions of what is possible. Many referred to the number of people who had previously been turned away who were now in receipt of support and have moved on from homelessness.

"I'm not 100% confident, but fairly confident that there will be a small core of people who have rolled round the system in X for the last ten years, precariously-housed, homeless and otherwise, who, on the back of this, will have this opportunity to turn their lives around – and that's what we all got into the sector for."

– LAA3 Housing Options Manager

85 Boobis, S., Albanese, F. (2020) *The impact of COVID-19 on people facing homelessness and service provision across Great Britain*. London: Crisis

86 Mackie, P.; Gray, T.; Hughes, C.; Madoc-Jones, I.; Mousteri, V.; Pawson, H.; Spyropoulos, N.; Stirling, T.; Taylor, H.; Watts, B. (2019). *Review of Priority need in Wales*. Cardiff: Welsh Government. p.47

87 Boobis, S., Albanese, F. (2020) *The impact of COVID-19 on people facing homelessness and service provision across Great Britain*. London: Crisis. p.6

88 Welsh Ministerial Statement on the Welsh Government's Phase 2 Homelessness Plan (28 May 2020). Available at: <https://gov.wales/written-statement-phase-2-homelessness-plan>

Eligibility criteria were described as short-sighted in the context of participants' experiences of the pandemic; failing to deal with the root cause of why someone has become homeless and contributing to some individuals repeatedly entering and exiting the system, prolonging their experience of homelessness.

"Right, because personally I don't believe in revolving doors, [organisation] doesn't believe in revolving doors and the Housing Options teams here are trying to prevent them. Because essentially if you're not actively trying to prevent the revolving door, you're actually helping spin it."

– LAA1 service provider

Services and local authorities saw this as a critical opportunity to address the support needs and engage with some individuals for the first time. This emphasises the extent to which the law in Wales can conflict with what staff know people need.

"We've noticed that we've got a hard core of people who have historically slept rough and have been in and out of accommodation, or on radars and then off radars, either due to custodial reasons or due to precariously being housed, sofa-surfing and not accessing services. It's been a good opportunity for us to reconnect with some of them. It's the longest we've ever maintained a contact with a lot of people."

– LAA3 Housing Options Manager

"I would suggest that those singles that are now in our temporary accommodation, which has increased significantly, they were probably the ones that pre-Covid, would not have been owed a duty by the local authority to assist them to look for accommodation and source accommodation."

– LAA1 Housing Options Manager

89 Boobis, S., Albanese, F. (2020) *The impact of COVID-19 on people facing homelessness and service provision across Great Britain*. London: Crisis

90 Ibid.

Some people have re-engaged with services having become aware of the suspension of the eligibility criteria. While this has created increased demand on services and accommodation, participants in our research viewed this as a positive outcome. They were clear about what needs to change in order to continue this way of working and to ensure everyone gets the help they need, including a continuation of the funding and support through Covid-19, and the approach outlined by Phase 2 homelessness plans.⁸⁹

"Obviously we've had a lot of returning clients now, people that we have previously said, "No, you're not in priority need, we can't accommodate you," they've knocked on the door and come back and obviously they're aware that they've got this sort of means of being provided with accommodation in the long-term."

– LAA2 Housing Options Manager

However, there was an awareness that the Covid-19 response was demonstrating exactly what is possible given the right circumstances, determination, and resources to deliver. Many highlighted how the Welsh Government's Covid-19 response has created a 'new normal' and expectations for the future. The response showed that it is possible to overcome the barriers preventing a removal of the eligibility criteria if backed by resources which match the determination to deliver.

This caused anxieties for some, but staff were clear about what needed to change to continue this approach. This echoed the findings of Crisis' wider research with local authorities and support services in understanding the impact of Covid-19 on service provision.⁹⁰

“I don’t understand how they’re going to be able to withdraw those protections from people when they have demonstrated that they can accommodate everybody or kind of give everybody a blanket priority need.”

– LAA6 service provider

Despite concerns about the structural shortcomings, including the availability of affordable housing, there are elements of the response during Covid-19 that local authorities and services hoped to continue, including improved partnership working, and the flexibility and rapidity of service responses.

“[There is] some really good stuff around fast-tracking people with mental health issues to get an assessment, cutting through the red tape, that kind of stuff. I think in the beginning Covid kind of allowed people the opportunity to just do things very differently and take a few risks and cut a few corners and that was really helpful.”

– LA manager

These changes in service delivery and ways of working with other services and people facing homelessness have also led to better outcomes for those in need of support.

“Some of the IT stuff, so remote working and things, actually people like a WhatsApp chat or, you know, that sort of thing and a lot of people are fine keeping in touch like that. So a lot of support work, it’s made it... It’s changed support work for some people. We still will need face to face but we’ll need a way to do that safely and do the other stuff, so I think that’s been a positive. ... I think some relationships have developed that maybe wouldn’t

have been there previously within organisations and between organisations.”

– LA Manager

Support services described how better communication and a do-all-it-takes approach has enabled them to work more efficiently with individuals. This echoes sentiments in Scotland about how the removal of priority need shifted the focus to problem-solving.⁹¹

“I think the new normal for us is a very close working relationship and picking up the phone and talking to someone rather than, you know, it’s not my remit. It’s someone else’s issue. We’ve all been working with people and trying to work with them to solve the individual problems.”

– LAA1 service

The lifting of eligibility criteria as a fundamental component of the Covid-19 response in Wales – and the success of the approach – demonstrates that removing the criteria from the statutory homelessness system is possible. The success of the approach demonstrated that with the necessary resources, collaboration across public services, and clear political direction, it is possible to ensure that nobody goes without the help they need to escape homelessness.

The prevention-centred framework set out by the Homelessness Action Group, and the direction and funding provided by Welsh Government’s Phase 2 approach, provide the foundation to build on the success of the approach during the pandemic and ensure that nobody is left out of support.

91 Mackie, P.; Gray, T.; Hughes, C.; Madoc-Jones, I.; Moustari, V.; Pawson, H.; Spyropoulos, N.; Stirling, T.; Taylor, H.; Watts, B. (2019). *Review of Priority need in Wales*. Cardiff: Welsh Government.

Chapter 4: What we know about: intentionality

Unlike priority need and local connection, intentionality is unique to the UK. Intentional homelessness decisions often relate to rent arrears, abandoning suitable accommodation, and anti-social behaviour. The principle of intentionality is also present in the wider system, including the allocation of social housing.⁹²

An evaluation of the 2014 Act found evidence of significant variation in the interpretation of intentionality.⁹³ The majority of local authorities reported feeling that intentionality decisions are a barrier to positive outcomes. Some reported that intentionality is used as a means to ‘gatekeep’ access to services.⁹⁴ In December 2019 S75(3) of the 2014 Act was enacted, widening the categories of applicants exempt from the test.⁹⁵

Intentional homelessness decisions can also add further pressures by significantly restricting the options available to individuals.⁹⁶ Shelter Cymru found that intentionality decisions exacerbate a cycle of unmet support needs, “with the long-term resource burden that this implies”.^{97, 98}

Research findings – Limited use of intentionality

Of our discussions, intentionality was the least contentious of the three criteria, largely reflecting the limited number of applicants found to be intentionally homeless in statutory statistics. Local authorities explained that intentionality is rarely used and where it is used, it is as a last resort.

92 Campbell, A. J., (2011) *The Impact of Intentional Homelessness Decisions on Welsh Households’ Lives*. Swansea: Shelter Cymru

93 Ahmed, A., Wilding, M., Gibbons, K., Jones, M., Rogers, I., Madoc-Jones M., Wilding, A., Gibbons, K., Jones, M., Rogers, I., Madoc-Jones (2018) *Post-implementation evaluation of part 2 of the Housing Act (Wales) 2014: final report*, Project Report. Cardiff: Welsh Government.

94 Ibid.

95 Statement from Minister for Housing and Local Government (2 December 2019). Available at: <https://gov.wales/written-statement-commencement-section-753-housing-wales-act-2014>

96 Albanese, F. (2018) *Intentionality in the homelessness system in Great Britain*. Brussels: FEANTSA

97 Campbell, A. J., (2011) *The Impact of Intentional Homelessness Decisions on Welsh Households’ Lives*. Swansea: Shelter Cymru

98 Rosengard, A., Laing, I., Ridley, J., Hunter, S. (2007) *Closing the Opportunity Gap: Findings of a Literature Review on Multiple and Complex Needs*. Project Report. Edinburgh: Scottish Executive.

However, among the support services we spoke to there was greater discussion and contention over its use. They were critical of the way in which it can apportion blame on the individual for their homelessness and how it can prolong experiences of homelessness.

"I think intentionality seems like something that should never be used ever because what leads to homelessness can be so complex and so varied and some people just find themselves without... not so much without friends, but they don't know how to ask them for help even they stay in the same area and they're homeless. I don't really think that intentionality should ever be a thing. Ever. I can't even believe they've used it. It makes me feel quite sick."

– LAA3 service provider

Local authorities suggested that they saw no issues with doing away with intentionality as a criteria, with one authority saying that they already actively avoided using it where possible, demonstrating the variability in implementation of the test.

"For me, things like intentionality should be an absolute last resort. We shouldn't be using intentionality excessively; the numbers should be low – I'm sure that they are. I'd be quite happy with complete disregard to intentionality, so that we can help more people."

– LAA3 Housing Service Manager

"I try and sort of avoid the intentionality as much as we can... what we try and do is sort of avoid the situation where we do issue the intentionality, if we do foresee it, but we try and work harder on that case to try and rehouse them under the 73 duty."

– LAA2 Housing Service Manager

Moreover, local authorities reported that intentionality is a difficult criterion to apply, suggesting that through thorough investigation – with reference again to the intensive and administrative nature of the tests – it would often find it not to be applicable.

"It is applied but again to be honest we have very few cases when someone is found intentionality. And recently – well, the legislation changed again so we're extending assistance available under Section 75 duties to certain households who have been found to be intentionality. So, yes, we do still apply intentionality but again it's not really easy to find someone intentionality; it's quite a complex test and if it's done properly... in most cases people end up with, I suppose, main duty."

– LAA1 Housing Officer

However, service providers working with people experiencing homelessness had a different perspective, with some reporting a rise in its use, with significant implications for some.

"I would say that I've potentially seen an increase of intentionality in respect of ending duty so that people are being found that they've made themselves intentionality from interim accommodation and temporary accommodation. So, I would say that intentionality is still being used frequently for families without children when people have, for example, misbehaved in temporary accommodation, you know, the duty has been ended through intentionality means."

– LAA6 service provider

Support services highlighted that applicants themselves are often unaware of the intentionality ruling, leaving them vulnerable if they turn down an offer of accommodation. They suggest that an intentionality decision draws an inaccurate picture of someone's circumstances.

"...if they do refuse accommodation then they are regarded as intentionality. I don't think people know that and I don't think that people know exactly what that means because you could argue that nobody's actually intentionality, nobody chooses to live on the street and if they are it's quite a minority."

– LAA2 service provider



Pawl

"I didn't even have a doctor until about April, May time, so yeah, I think it was while I was in the B&B and getting all the support worker stuff through [Wallich], Yeah, it was through them that I got contacts – , all the support networks and stuff to deal with mental health."

Pawl had been experiencing homelessness for around four years when the pandemic hit. After leaving the army and following a relationship breakdown with his wife he had moved between sofa surfing and sleeping in a tent.

"I basically just lived off the goodwill of friends for about three or four years."

During this time, he had attempted to access support from the local authority on a number of occasions. Each time he found it difficult to make progress and get the help he needed to access stable accommodation. He found that options for support were closed to him

and that the only possibility was being put on the list to bid for social housing – with a warning that it could take years.

"It seems from my point of view that they're trying to discourage you to go on the housing list. They will just give you reasons not go on the list."

The engagement he had with Housing Options over the years left him feeling dismissed and not respected, pushing him further from support.

"It was always the same, they treat you as dismissively as you can imagine then."

During this time the rest of Pawl's life was completely on hold. He had undiagnosed PTSD from his time in the army that was affecting his mental health, he was unable to work, and his relationship with his children deteriorated.

Pawl was sofa surfing at the time the pandemic hit in March 2020. It quickly became apparent that his living situation was not safe.

"Yeah there was no way I could stay, there's no sofa surfing during a pandemic. How can you go round to people's houses when they're trying to social distance from people and you're homeless like going, oh can I sleep on your couch please?"

At this point Pawl was forced onto the streets and he realised he would need to reach out to the council again. He was housed in a B&B under the Everyone In intervention to accommodate all people rough sleeping during the pandemic. Although Pawl was accommodated in a B&B, he was also told at this point that records showed he didn't have a local connection to the area and that the council were looking to reconnect him to another local authority as soon as possible. This was a surprise to Pawl as aside from his time in the army he had lived in the current local authority since he was seven.

"My family had maintained an address in X and I'd used that as my residential address for the entire time I was in the army. So, I guess I didn't pay council tax so that's how I didn't have a local connection. Because obviously in the army you pay a charge in lieu of council tax so I guess I didn't register as a person, I don't know. Being told you don't belong to a place that you've lived for 30 years is pretty tough to listen to."

Pawl's time in the army, and the years he had spent sofa surfing, had affected

the record of his residence in the area. Pawl had to prove his local connection to the local authority area before he could access ongoing support. Whilst this was ongoing Pawl was housed in a B&B but his anxiety over the uncertainty and risk of being moved to somewhere he didn't know was rising.

Fortunately for Pawl, with support from local homelessness services his issues with local connection were successfully countered and he was able to push back on the initial decision, and prove that he had lived in the local authority area since he was a child. Despite this he was never fully informed of this change in decision.

"Nobody actually phoned me up and said, oh yeah OK we've got all that and we're fine, we're happy with that, they just leave you and then nobody calls you, nobody phones you up to say, oh actually you have got a local connection, you can stay there."

After around three months in the B&B, Pawl was moved to supported housing, and after a further three months he was able to get a one-bedroom social house. During this time, he engaged fully with mental health support for the first time since he left the army and had the help he needed for his PTSD.

"I didn't even have a doctor until about April, May time, so yeah, I think it was while I was in the B&B and getting all the support worker stuff through [Wallich], Yeah, it was through them that I got contacts – , all the support networks and stuff to deal with mental health."

Instead of being pushed back to the streets, sleeping in his tent or reliant on the kindness of his friends Pawl is looking to the future. From a safe and stable home, he is building his relationships with his children, he is working on his mental health, and is actively looking for work.

Chapter 5:

What we know about: local connection

The intention of local connection criteria is to ensure that no local authority bears disproportionate costs for rehousing people sleeping rough in their area.^{99, 100} Local authorities view local connection as enabling them to deliver better accommodation services by virtue of limiting the eligible population.^{101, 102}

“I think if all the eligibility criteria are taken away, I think the government will have to look upon providing local authorities with enough revenue to build ... capital to build more units.”

– LAA2 Manager

“We haven’t got the accommodation. We haven’t got the move on. We’ve got very, very few new builds coming up, so we have got a shortage of single person accommodation in the borough anyway. We’ve got a shortage of affordable, private rented.”

– LAA4 Housing Officer

The response during Covid-19 has emphasised the acute shortage of accommodation and the challenges of moving individuals on from temporary accommodation. This was exacerbated for non-stock holding authorities.

“Accommodation-wise we’ve doubled temporary accommodation capacity pretty much so if this was to remain... well, this is the level that we would be operating at basically. But in terms of then moving people on and finding permanent accommodation that would be putting pressure as well in terms of the resources because social housing-wise that’s very limited. People have been waiting for months really for something to come up through the housing register as it is, so if there were even higher numbers then this would be getting longer, I would imagine.”

– LAA1 Housing Options Manager

99 Equality, Local Government and Communities Committee. (2018). *Life on the streets: preventing and tackling rough sleeping in Wales*. Cardiff: National Assembly for Wales.

100 Baptista, I., Benjaminsen, L., Pleace, N. (2015). *Local connection Rules and Access to Homelessness Services in Europe*. Brussels: FEANTSA

101 Ibid.

102 Ibid.

“I think that’s a culture change that is needed across services. That depends on the focus of you being at work. Am I looking to help someone or am I looking to protect my service? You know, that’s the silent mentality which a lot of people operate from. I’m ringfencing this money for this service and I’m protecting who accesses it.”

– LAA1 service provider

There is evidence of significant variation in the interpretation of local connection rules and examples of the culture of the rules entering wider policy.¹⁰³ Local connection should not be considered when delivering duties to prevent or relieve homelessness. However, the *Code of Guidance* states that priority may be given to people with a local connection so long as reasonable steps are still taken with all households.^{104, 105} Those who are least able to demonstrate a local connection could be left without the help they need.¹⁰⁶

“I don’t like the local connection test. Certainty we’ve had people that have come to us and again this is obviously just on the clients say that people have actually approached another local authority, been told that they’ve got no local connection with that area, even though we would probably argue they have, and have been turned away”¹⁰⁷

– Service provider participant, Review of priority need

103 Ahmed, A., Wilding, M., Gibbons, K., Jones, M., Rogers, I., Madoc-Jones M., Wilding, A., Gibbons, K., Jones, M., Rogers, I., Madoc-Jones (2018) *Post-implementation evaluation of part 2 of the Housing Act (Wales) 2014: final report, Project Report*. Cardiff: Welsh Government.

104 Welsh Government (2016) *Code of Guidance for Local Authorities on the Allocation of Accommodation and Homelessness*. Cardiff: Welsh Government

105 Mackie, P., Thomas, I. (2016) *Transitional Single Homelessness in Wales*. Cardiff: WISERD

106 Baptista, I., Benjaminsen, L., Pleace, N. (2015). *Local connection Rules and Access to Homelessness Services in Europe*. Brussels: FEANTSA

107 Mackie, P.; Gray, T.; Hughes, C.; Madoc-Jones, I.; Moustari, V.; Pawson, H.; Spyropoulos, N.; Stirling, T.; Taylor, H.; Watts, B. (2019). *Review of Priority need in Wales*. Cardiff: Welsh Government

108 Baptista, I., Benjaminsen, L., Pleace, N. (2015). *Local connection Rules and Access to Homelessness Services in Europe*. Brussels: FEANTSA

109 Ibid.

110 Mackie, P.; Gray, T.; Hughes, C.; Madoc-Jones, I.; Moustari, V.; Pawson, H.; Spyropoulos, N.; Stirling, T.; Taylor, H.; Watts, B. (2019). *Review of Priority need in Wales*. Cardiff: Welsh Government

Local connection criteria are also used more widely, including within housing allocation policies, bonds and prevention funds criteria. This hinders prevention and relief efforts by limiting access to support.^{108, 109}

“I made it clear to him that he can apply wherever he likes but ultimately so many things with regard to homeless prevention rely on a local connection. For instance, our housing register has a local connection criterion attached to it..... Our bond scheme has a local connection criterion attached to it....”¹¹⁰

– Local authority participant, Review of priority need

Research findings – Protecting local resources

Local connection generated the most discussion and interest amongst research participants, with local authority staff largely in favour and support service staff often more critical of the test. For local authorities, especially those in large cities, local connection is seen as a means to ensure that housing and resources are prioritised for local residents in the area.

“If local connection was abolished there will be areas which would experience possibly an influx of people from other areas; some areas are more popular than others. But I think there has to be a way of regulating it somehow.”

– LAA1 Housing Officer

Housing supply and housing need

While housing alone cannot end homelessness, the lack of affordable housing is a long-term barrier. Estimates of housing need for people with experience of homelessness and for people on low incomes suggest that we need 4,000 new social homes each year for 15 years.¹¹¹ Supply should be informed by local housing market assessments, taking into account the housing needs of current and projected homeless households – for example single occupancy housing and housing for young people.

“I think local connection means that you’re using local resources on local people, ... You know, you only have so much grant so you only have so much provision and then we know that it enables us to use that locally on people who are in difficulty locally.”

– LA Manager

Local authorities understood why people may move between areas but felt that protecting access to accommodation was essential given the lack of suitable housing. This echoes earlier research which suggests that people move to be closer to support networks, places of personal importance, and to access opportunities.¹¹²

“...because X is quite a nice place and so you see a lot of people who simply want a fresh start who have been here for holidays and decide to come back here. Very often they say, “Oh, I was here when I was a child”, or, “I used to come here for holidays and it’s such a nice place to live”. So, it is about prioritising really because they [houses] are so limited.”

– LAA1 Housing Officer

“I will say I can understand why ... it was brought in. Because you want that person to have a semblance of belonging, I guess. But that

isn’t always the case. It’s not one thing fits all. You have to look at an individual what’s brought them to you, what their circumstances are and local connection isn’t appropriate.”

– LAA3 service provider

Views among service providers varied according to their geography. Those in larger urban areas tended to echo existing findings that people are drawn from other areas in anticipation of better services and greater availability of housing.¹¹³ One service provider in a large city said that services would be overwhelmed without local connection criteria.

“There would be a floodgate [sic] of maybe people from other local authorities coming into X to use the resources in X, because their local authorities didn’t have those resources. So, I understand the financial impact on the local authority, I guess. Which is why, to a degree, I understand about local connection.”

– LAA6 service provider

There was greater variation in views among services in those areas with less ‘demand’.

For some other services in the same area there was a belief that, if appropriate, reconnection with

111 Downie, M., Gousy, H., Basran, J., Jacob, R., Rowe, S., Hancock, C., Albanese, F., Pritchard, R., Nightingale, K. and Davies, T. (2018) *Everybody In: How to end homelessness in Great Britain*. London: Crisis.

112 Mackie, P.; Gray, T.; Hughes, C.; Madoc-Jones, I.; Moustari, V.; Pawson, H.; Spyropoulos, N.; Stirling, T.; Taylor, H.; Watts, B. (2019). *Review of Priority need in Wales*. Cardiff: Welsh Government

113 Mackie, P., Thomas, I. (2016) *Transitional Single Homelessness in Wales*. Cardiff: WISERD

Insights into the likelihood and motivations to seek help in another authority

While there is some evidence to suggest that people move to more ‘service-rich areas’, it is less prevalent and significant than local authorities believe.¹¹⁴ Those seeking support outside their ‘home’ local authority typically report two or more motivating influences:

- Push factors such as loss of employment, fleeing danger or persecution, unhelpful ‘home’ authorities and parole or bail conditions.
- Pull factors include having friends in the area, previous visits to the area and being previously resident in an area.¹¹⁵

Despite this, research undertaken with those with experience of homelessness showed that half of those participants would remain in their ‘new’ local authority area, even if they were refused assistance. This is mostly because of fear of returning home, friends, employment opportunities and better third sector or church provision.¹¹⁶

Research by Crisis highlights that individuals are far more likely to gravitate towards those areas where they have existing support networks, access to employment and other opportunities and, for urban areas, perceptions of greater safety and anonymity, rather than to access ‘service rich’ areas.¹¹⁷

Existing research also challenges the assumption that those experiencing homelessness – and in particular those sleeping rough – have the resources with which to travel to access services provided elsewhere in another authority. This, however, is not borne out in the evidence.^{118, 119}

someone’s ‘home’ authority could be positive and should not cause any harm. There was an expectation that people would receive support and help from an appropriate authority.

“Local connection when used properly at least is an effective tool of safeguarding resources. And shouldn’t result in the applicant becoming street homeless. They may not be accommodated where they want to be accommodated, but that’s a different conversation I think.”

– LAA6 service provider

“So I do think if used effectively it’s not going to result in the same catastrophes as priority need and intentionality – where if a negative decision is made to those two decisions, you have the very high risk of becoming street homeless.”

– LAA6 service provider

This view was not shared by all services in this area. One service felt that the same local authority applied the local connection test too early, without a full assessment, with applicants often referred to the reconnections team at an early stage.

114 Mackie, P., Thomas, I. (2016) *Transitional Single Homelessness in Wales*. Cardiff: WISERD

115 Ibid.

116 Homeless Link (2015) *Repeat Homelessness in Brighton*. London: Homeless Link

117 Johnsen, S., Jones, A. (2015) *The reconnection of rough sleepers within the UK: an evaluation*. London: Crisis

118 Mackie, P., Thomas, I. (2016) *Transitional Single Homelessness in Wales*. Cardiff: WISERD

119 Baptista, I., Benjaminsen, L., Pleace, N. (2015). *Local connection Rules and Access to Homelessness Services in Europe*. Brussels: FEANTSA

Crisis research on experiences of reconnections

Research by Crisis on reconnections in England found whilst some people sleeping rough in the study felt well supported in the lead up to and during the reconnection process, they were outnumbered by those who were provided with minimal support. The study also found that post-reconnection checks were very rare, leading to many reconnected individuals reporting feeling 'fobbed off'.

The study also highlighted significant limitations of data collected on reconnection outcomes and the challenges this poses in improving outcomes for reconnected individuals. Outcomes could vary dramatically from positive (there is support and engagement) through to negative (rough sleeping in the recipient area because services offered are limited or time limited). In addition, the study found significant levels of resistance among those sleeping rough who believed they may be at risk of harm by returning to their 'home authority', or that the services they were offered would not properly meet their housing and other needs. Crisis found that, in such circumstances, individuals typically continued or returned to rough sleeping, be that in their current or 'home' authority, echoing our findings of the short-sightedness of eligibility criteria.¹²⁰

"X has got a bit of an issue with local connection in that they've got what they call a reconnect team. They're not accepting these people and then making a proper local connection referral under Section 80 of the Housing (Wales) Act. They are just signposting people and not accepting."

– LAA6 service provider

Services in less urban areas described the test as unfair, recognising the additional barriers created for individuals where needs are left unmet. Participants argued that it could negatively impact on an individual, especially where they would be distanced from support networks. This is a significant issue in more rural areas, which earlier research attributes to the 'geographical thinness of services'.¹²¹

"it doesn't lend itself to everyone. And I'm not saying you can pick and choose it. You can use it as a reason to have somebody to stay but I don't think it should be a reason to say no to people. Because they don't have a local connection. Because when I think about all the times that I've moved around... I did quite a bit of travelling and I've lived and worked in places and, you know, you just turn up. And you, you know, you don't think you don't have the right to be there. You know, people have a right to live wherever they... and sometimes it's where they end up, isn't it? To whatever circumstances have led them to that point. So, I don't think it's... I think to use it as a, I don't know, as a... a measurement tool of whether you let somebody stay or not I think is ridiculous."

– LAA3 service provider

¹²⁰ Johnsen, S., Jones, A. (2015) *The reconnection of rough sleepers within the UK: an evaluation*. London: Crisis

¹²¹ Gibbons, A., Madoc-Jones, I., Ahmed, A. et al. (2020) Rural homelessness: Prevention practices in Wales. *Social Policy and Society*, 19(1). pp. 133-144.

"If your support metric or whatever is say two hours away and you have no way of going there well surely it would make no sense for you to be accommodated two hours away just to tick the box of accommodation because that, you probably wouldn't even stay there, it would make you feel ten times worse and maybe somebody would even argue it would be better to stay on the street locally where you actually know the place and there's other people around than to be estranged two hours away."

– LAA1 service provider

Support services suggested that there needed to be more nuance around its use, understanding why someone may choose to live somewhere else – emotional ties, a sense of safety, existing networks, or access to opportunities – and what constitutes a local connection. We have suggested that greater flexibility is needed in understanding when someone has established a local connection in *Everybody In: How to end Homelessness in Great Britain*.¹²²



¹²² Downie, M., Gousy, H., Basran, J., Jacob, R., Rowe, S., Hancock, C., Albanese, F., Pritchard, R., Nightingale, K. and Davies, T. (2018) *Everybody In: How to end homelessness in Great Britain*. London: Crisis.

Claire



"It was so frightening, and I was only 19 years old ...it was really daunting and really scary for me. So, when I went in there I was obviously upset and everything. We went through forms and everything and basically, she turned around and said, 'you're not priority'."

Claire sought help from her council after having to leave her mother's home. They had fallen out and Claire had felt threatened by her mother. When she visited her local authority, Claire was very worried that she would have to stay on the streets if they could not help.

I had an appointment with a woman, when I went into the room, I thought this is going to be positive, they're going to help me and they were going to give me somewhere to stay, in a hostel or something.

Going to the council was 'scary' and 'daunting' and the process involved a lot of form filling. Claire felt the housing officer was suspicious of the reason she was approaching for support. The assessment ended with the housing officer telling Claire that because her mum had not hit her, and she could return to her father's, she was not in priority need for support.

It felt like they didn't believe me because they wanted my mum's number and everything, just to make sure that I was homeless. That's when I felt like, well, wait a minute now, why don't you believe me?

Claire was given a booklet of information and told to look in there if she wanted alternative accommodation. No explanation of how the application processes might work was given nor what might be affordable for her. Services specific to young people were not highlighted to her either.

"It was so frightening, and I was only 19 years old ...it was really daunting and really scary for me. So, when I went in there I was obviously upset and everything. We went through forms and everything and basically, she turned around and said, 'you're not priority'."

Hearing that she was not a priority was hard to take and made her feel very low with nowhere to turn for help. Only after contacting a particular organisation, recommended by a friend's mother, was Claire able to find accommodation specifically for young homeless people.

I tell you that hit me ... I thought I'd hit lower than rock bottom to be honest because it just, it just felt like the world was just against me.

Claire was already vulnerable, and the council decision made her feel worse. It felt to her like they wanted to force her back to her mother's and the difficult circumstances there, rather than explore the reality of her circumstances and what it would mean for her to be turned away without appropriate support or somewhere to stay.

I felt sad. I felt like was there any point in me coming here? To give a booklet out and tell us that, and say that you're not priority because you haven't had experience with violence?

Chapter 6:

What we know about: priority need

The priority need test remains an important part of the homelessness systems and culture in both Wales and England. The test has been under scrutiny for some time and has undergone changes since its introduction in the 1977 Act. It has been described as an injustice, immoral, and antiquated.¹²³

"I've worked....a long time, too long in homelessness and for a long time I've just thought that the whole notion of priority need is uncivilised, it's immoral and every day I have to make decisions that internally, basically, I just think it's wrong."¹²⁴

– Local authority participant, Review of priority need

Criticism has centred around how a conditional system, and in particular priority need, encourages a focus on processing applicants to determine whether they fall into a particular

category, rather than meeting need.¹²⁵ This is supported by evidence of inconsistencies in its application, particularly for young people, people sleeping rough, and prison leavers, who have benefited least under the new legal framework.¹²⁶

"It was like speaking to a machine on the other end of the phone..."

– Lived experience case study

"And that's all I can describe them as is robotic. It's like speaking to a machine. There's no arguing with it. There's no getting through to it. It doesn't care who's on the other end of the phone or in front of you, it's just, no luck. Ta ta. Bye."

– Lived experience case study

It is also a resource intensive process, with concern about the high threshold for vulnerability and its evidential requirements.^{127, 128} There is also concern about expectations on

123 Mackie, P.; Gray, T.; Hughes, C.; Madoc-Jones, I.; Mousteri, V.; Pawson, H.; Spyropoulos, N.; Stirling, T.; Taylor, H.; Watts, B. (2019). *Review of Priority need in Wales*. Cardiff: Welsh Government

124 Ibid.. p.29

125 Ibid.

126 Ibid.

127 Ibid.

128 Ahmed, A., Wilding, M., Gibbons, K., Jones, M., Rogers, I. Madoc-Jones M. Wilding, A. Gibbons, K. Jones, M. Rogers, I. Madoc-Jones (2018) *Post-implementation evaluation of part 2 of the Housing Act (Wales) 2014: final report , Project Report*. Cardiff:Welsh Government.

Deterring people from seeking help

Some households are also deterred from seeking assistance on the basis of their likely non-priority status, with implications for the ability of services to engage with individuals most often in incredibly vulnerable circumstances.¹³¹

"We have got single people who are not coming forward to our service because they have probably got advice that they are not priority need, they are not having the assessment, they are sort of having the assessment done by some support or some groups, and being told, 'don't bother, because you are not priority need', not understanding that we would have a duty under 62, 66, 73. So they lose all of that simply because somebody has advised them, 'They won't help you, you are not priority need.'"

– Local authority participant, Review of priority need

staff to make informed judgements about medical need.¹²⁹ This includes staff using online search engines to "establish what medication works with what....and how that can make you vulnerable".¹³⁰ This highlights the opportunity for variation in support between Housing Options staff within and across local authorities, and for individual support needs to be misunderstood.

The reliance on evidence to assess vulnerability causes ambiguity and uncertainty among Housing Options staff, with staff often required to make judgements about the level of vulnerability on the basis of medication. Some local authorities have employed mental health practitioners to advise and work alongside Housing Options staff.¹³² This also points to the resource intensive nature of assessing eligibility and vulnerability.

"...it's been a grey area with the mental health, because depression and anxiety is quite a common statement that everybody tends to say during a homeless assessment, so then we do ask them in terms of, "What medication are you on?" "Are you under a doctor?" and then we sort of judge the priority need based on the amount of medication, the dosage of the medication, type of medication, in that first instance, and obviously we ask for medical information and further information to sort of coincide with what the legislation wants us to do."

– LAA2 LA Housing Options Manager

129 Mackie, P.; Gray, T.; Hughes, C.; Madoc-Jones, I.; Mousteri, V.; Pawson, H.; Spyropoulos, N.; Stirling, T.; Taylor, H.; Watts, B. (2019). *Review of Priority need in Wales*. Cardiff: Welsh Government

130 Ibid.

131 Ibid.

132 Mackie, P.; Gray, T.; Hughes, C.; Madoc-Jones, I.; Mousteri, V.; Pawson, H.; Spyropoulos, N.; Stirling, T.; Taylor, H.; Watts, B. (2019). *Review of Priority need in Wales*. Cardiff: Welsh Government. p.36

Chapter 7:

The alternative: No One Left Out

Covid-19 has reminded us all of how essential a home is as a base on which to build our lives. In recent years, before the pandemic, councils and their partners had been preventing and relieving homelessness consistently despite more people being pushed to the brink of homelessness. They went further during the pandemic and in a very short time succeeded in providing emergency accommodation for all those with no safe place to stay, working with the legal guidance and funding from the Welsh Government.

We now stand at a crossroads where we could return to the pre-pandemic way of working or we could change the law so we leave no one out of rehousing support because of where they live, who they are or how they became homeless. If councils are not supported to help everyone, many people face the devastating impact of being stuck in homelessness for longer, often with no prospect of finding a new home soon.

“I do think that there is an awful lot of bureaucracy and an awful lot of work that local authorities have to do before they can actually start helping people...I think the amount of bureaucracy we have now really impedes our ability to help people.”¹³³

– Local authority participant,
Review of priority need

“Yeah, yeah, you’re just dragging out someone’s misery if you keep setting them rules and barriers and parameters to fulfil before you get a house, you know?”

– LAA1 service provider

We heard from local authorities, service providers and those with lived experience of homelessness that they would welcome a more open, compassionate approach. Responses during Covid-19 have given everyone a glimpse of what could be possible, and the impact of a shift in emphasis from, ‘do you qualify’ to one of, ‘what

133 Mackie, P.; Gray, T.; Hughes, C.; Madoc-Jones, I.; Moustari, V.; Pawson, H.; Spyropoulos, N.; Stirling, T.; Taylor, H.; Watts, B. (2019). *Review of Priority need in Wales*. Cardiff: Welsh Government. p.36

Scottish Government proposals for local connection and intentionality provisions

There was broad agreement in response to Scottish Government proposals that *“the capacity for an individual experiencing homelessness to have choice as to where they wish to live was... beneficial in terms of their wellbeing and their ability to maintain a sustained tenancy...”*¹³⁴ This has been cited by young care leavers, whereby criteria fail to recognise where individuals have established support networks that would help end and prevent repeat homelessness.¹³⁵

is the best accommodation outcome for you’.

“So, for years and years and years, the people working in housing options—dedicated people with hard, hard jobs, dealing with really difficult things day in, day out—they have been in a rationing situation for years. So, their job has been to try and make sure that you don’t get something you’re not entitled to, and whatever. We swapped that overnight into saying, ‘No. Everybody gets it; everybody gets what they need; everybody—.’ So, the cultural change inside those organisations is enormous. So, just trying to work with those organisations and make sure they embrace that cultural change, and they’ve put the support services in place. You know, that’s not to be sniffed at—the difficulty of that. And not surprisingly, some organisations have made that shift pretty well; others are struggling a little bit with that. And it will take many months to embed and entrench a different way of working.”

– Minister for Housing and Local Government, Julie James MS, speaking to Senedd Equality, Local Government and Communities Committee on 12 October 2020

This would represent a significant development in homelessness policy and signal to applicants that they will be treated with dignity and compassion and helped to rebuild their lives. Those with lived experience of homelessness were clear that the loss of hope was significant when they were turned away.

“I think it’s for the applicant it’s that knowledge that somebody cares. You know, it must be so devastating to go to the emergency services, to a statutory service, and have them say, “You’re not entitled to help”. So, I think just, you know, there’s humanity and decency is just having a blanket, “We are going to give you accommodation.”

– LAA6 service 2

“I can reassure my young person, yeah, they definitely have to put you somewhere so then at least instantly that trail of worry is dismissed because they know the law says they have to place me somewhere.”

– LAA2 service

Those with lived experience of homelessness talked about how this would benefit their wellbeing, confidence, and sense of self-worth, in addition to the material benefit of

134 Scottish Government (2019). A consultation on local connection and intentionality provisions in homelessness legislation. Available at: <https://consult.gov.scot/housing-regeneration-and-welfare/local-connection-and-intentionality/>

135 Bridgeman, J., Russell, H. (2020). *Don’t Let Me Fall Through the Cracks: Homelessness amongst Care-Experienced Young People in Wales*.

The reality of being left out – living in fear

We heard from those with lived experience that as a result of not being owed a duty their housing need was exacerbated, and they lived in fear of becoming street homeless as a result of being left without support.

“And living with that fear, day in, day out, thinking you could end up on the streets. You could end up in the freezing cold, in the absolute soaking rain. All elements. 24/7. No food. No water. No gas. No being able to wash your clothes. It’s scary. It’s a scary time of your life. It really is.”

being supported to access a safe and secure home. This was important for those individuals struggling with their mental health and wellbeing who had been found not vulnerable enough to be owed a duty, such as Denise who spoke to us about her experiences.

“Well I think for myself and people I work with, like I said earlier, it’s a much more comforting conversation that we’re having with clients. I’d say it’s obviously going to have a positive impact on our mental health and wellbeing because, you know, those are the ones that we’re not sweeping over.”
– LAA6 service

7.1 Next steps

Wales led the way in changing homelessness law in 2014, making sure that councils must offer more people help at an earlier stage, providing a strong foundation for change. But under the law some people can still miss out on support. During the pandemic councils have provided thousands of people who had nowhere safe to stay with extra help and emergency accommodation.

Unless we change the current law and improve the support offered, people will continue to face being homeless on the street, on sofas or in hostels, with no chances to move on and rebuild their life. A significant number of people will continue to be homeless because of who they are, where they live, and why they became homeless.

However, legal change is only a first step. In addition to legal change, our workforces need the right resources and tools to end homelessness. Participants highlighted existing challenges with staff shortages and high caseloads, citing the need to address these to allow staff to work more closely with individuals to find lasting solutions and identify interventions that meaningfully address support needs.

“I think the support element, once you place people in those units, the support is absolutely crucial ... and money and revenue would be required to provide that support because there’s no point in placing somebody with needs in a property where you know they’re going to fail ... and that’s what’s happening at the moment. ...I think the support services that would be available to homelessness departments would have to be increased significantly ... unless you put more resources into it to deal with it because obviously, we will be dealing with many more homeless people than we’re used to.”
– LAA2 Housing Options Manager

The next Welsh Government must set out the programme of reform needed to end homelessness in Wales, including a timescale for the removal of all three legal tests from the statutory homelessness system. All three of the legal tests must be phased out, ensuring that there are no legal mechanisms by which people can be left without support.

This report has not sought to set out a route map for this process but draws lessons from other legal and system reforms in homelessness. Based on this the next Welsh Government should, as part of a broader plan to end homelessness:

- **Introduce legislation in the next Parliament** providing an ‘end point’ to work towards for abolition of the three tests.
- **Set out national guidelines** for the introduction of the new framework, with appropriate discretion at a local level, including how to support people seeking help outside of their ‘home’ council area.
- **Ensure sufficient funding** on a long-term and transitional basis across local government, housing supply, and housing support, and funding prevention pathways across public services.
- **Ensure that housing-led solutions and rapid rehousing** are at the heart of our response to homelessness.
- **Support and invest in workforces** to meet the new requirements, including reviewing commissioning arrangements.
- **Improve and refine the collection, monitoring and reporting of data**, including data linkage across public services, real-time measurement of the number of people sleeping rough, informed by the Street Homeless Information Network, and improved collection of data on the number of unique applications, repeat homelessness, time spent in temporary accommodation and so on.

If we want to end homelessness and ensure everyone has the security

and dignity of a home, we need to establish a comprehensive response to preventing and ending homelessness supported by law.

Drawing on all three homelessness systems in Great Britain, and international evidence, Crisis laid out the key principles of an ideal homelessness system in *Everybody In: How to End Homelessness in Great Britain*. This included:¹³⁶

Principle 2: Where reasonable steps to prevent homelessness are unsuccessful, a complete statutory safety net providing access to suitable settled accommodation must extend across all homeless people.

Principle 3(b): Intentionality should be abolished in its current form. The current intentionality test goes far beyond what is required to control what might be considered to be any perverse incentives to access homelessness assistance.

Principle 4: Local connection should cease to be a bar to assistance.

Principle 5: Appropriate provision must be made for households who remain homeless after exhausting their entitlements under the homelessness statutory framework, particularly families with dependent children.

Priority need

Everyone should have access to suitable and safe temporary accommodation where their homelessness cannot be prevented, and they have nowhere safe to stay. This will require resources to improve the quality of temporary accommodation and should be delivered in line with the commitment to housing-led and

¹³⁶ Downie, M., Gousy, H., Basran, J., Jacob, R., Rowe, S., Hancock, C., Albanese, F., Pritchard, R., Nightingale, K. and Davies, T. (2018) *Everybody In: How to end homelessness in Great Britain*. London: Crisis. 385-395.

Review of priority need – options and cost benefit

The recent review of priority need set out a five and ten-year timescale for abolition, adding that such change would need to be delivered alongside investment in housing supply, investment and resources for local authorities, a better supported workforce, and improved data capture and monitoring.¹³⁷ The review group estimated that the Welsh Government could expect to see total annual savings of around £5m if priority need was abolished over a five year period, after meeting additional costs for local authorities and support services to meet the additional demand. Such a process needs to work alongside efforts to transition to rapid rehousing approaches, as recommended by the Homelessness Action Group and accepted in principle by the Welsh Government.¹³⁸

rapid rehousing approaches, limiting the use of temporary and emergency accommodation wherever possible. This reinforces the statutory homelessness system's role as an emergency safety net where earlier approaches have not worked to prevent or relieve homelessness.

Intentionality

There are a number of options for doing away with the intentionality test. This includes:

- Abolishing the test in its entirety.
- Abolishing the test and narrowing the definition, focussing on 'deliberate manipulation'.
- Removing the duty to investigate and replacing it with a discretion to do so, also narrowing the definition to focus on 'deliberate manipulation'.

Deliberate manipulation would involve collusion between an applicant and the parent or householder who has excluded them. It would require councils to demonstrate that someone had foreseen that their actions would lead to becoming homeless. The

implications here would be limited and, for example, households would receive no additional preference in social housing allocations but there would be no bearing on any other entitlements.¹³⁹

Local connection

There are several potential ways forward, none of which are mutually exclusive.

- **Suspend or abolish the test between local authorities in Wales only.**
- **Suspend or abolish the rules** but make allowance for resources to follow people, so that applicants can seek assistance where it is needed, but local authorities can reclaim costs where they accept applicants with no local connection (Figure 4).
- **Extend the statutory definition** to be more generous and realistic about how and when people have established a local connection.

Welsh Government should also encourage through codes of guidance

¹³⁷ Mackie, P.; Gray, T.; Hughes, C.; Madoc-Jones, I.; Mousteri, V.; Pawson, H.; Spyropoulos, N.; Stirling, T.; Taylor, H.; Watts, B. (2019). *Review of Priority need in Wales*. Cardiff: Welsh Government.

¹³⁸ Ibid.

¹³⁹ Downie, M., Gousy, H., Basran, J., Jacob, R., Rowe, S., Hancock, C., Albanese, F., Pritchard, R., Nightingale, K. and Davies, T. (2018) *Everybody In: How to end homelessness in Great Britain*. London: Crisis.

cooperation around, for example, the provision of suitable accommodation. Provisions in the 1987 Act to cooperate with local authorities across the UK would be retained.

Legislative reform is not a panacea for ending homelessness. A homelessness

system where nobody is left without the support they need to access a safe and secure home will take more than legislative change, but it should be the foundation on which we achieve our aims.

Danish Self-Presenter Principle

Access to temporary and emergency accommodation in Denmark is based on the 'self-presenter' principle, which requires municipalities to pay for their citizens if they are threatened with or experiencing homelessness in another municipality. This means that there is theoretically no financial disincentive for municipalities in providing emergency accommodation to homeless people from another area.

The system is underpinned by a mechanism that allows the local authority where someone presents as homeless to draw funding from the individual's 'home' authority. In cases of disagreement, a central agency, 'The Social Appeals Board', has the authority to determine which authorities are responsible to cover the costs of the assistance.



Chapter 8:

Conclusions

Legislation plays a key role in guiding the efforts of staff and organisations and informing the experiences of those people seeking support. Whilst legislative change alone will not end homelessness, it is an essential part of the solution and, when designed well, is an enabler for ending homelessness.

The legal changes we propose here are a first step in ensuring that local authorities are supported to help everyone, so no one is left to face homelessness without the help they need to secure a home. A full rehousing duty would create a simpler legal system and empower people and services to act.

We now face the same window of opportunity that created the conditions for the success of the *Housing (Wales) 2014 Act* – a shared recognition of the need for change, changes in culture and practice since 2015, the response and the implications of Covid-19, and the renewed direction and objectives set by political leaders.

In particular, services' experiences during Covid-19 have highlighted what could be possible, and a realisation of the benefits of having the resources and clarity to provide everyone with the help they need when and where it is needed.

As with the introduction of the 2014 Act, there is a recognition that the current legal framework needs

revisiting. It is applied inconsistently, is subjective and open to interpretation, and it can require people to become more vulnerable in order to access help. Ultimately, our current system can prolong someone's experience of homelessness and leave some without the help they need to access a safe and secure home.

Local authorities, services, and those with lived experience of homelessness all expressed a sense of frustration that the way the homelessness system in Wales is designed stops people from getting the help they need, and stops services providing the help they know people need to escape homelessness.

We know that there are significant benefits for those facing homelessness and staff in providing a blunter legal system by providing greater clarity for workforces to act and applicants to seek help and support. The inconsistencies in the application of our current legal system demonstrates the needs to remove all three eligibility tests from the system to ensure nobody goes without the help they need.

“They are there, and while they're there you'll never get rid of homelessness, will you? Because you'll be able to turn people away who are homeless, because they don't meet the certain criteria.”
– LAA2 Housing Options Manager

A full rehousing duty is a first step in ensuring that nobody goes without the help they need. Local authorities and support services reiterated calls for additional resources and investment in workforces, services, and the supply of social homes for rent.

Yet none of this is insurmountable. The response during Covid-19 and the progress made in delivering the *Housing (Wales) Act 2014* has shown what's possible with the determination of workforces, backed by shared clarity, ambition, resources, and direction from political leadership.



Bibliography

- Ahmed, A., Wilding, M., Gibbons, K., Jones, M., Rogers, I. Madoc-Jones M. Wilding, A. Gibbons, K. Jones, M. Rogers, I. Madoc-Jones (2018) *Post-implementation evaluation of part 2 of the Housing Act (Wales) 2014: final report, Project Report*. Cardiff: Welsh Government.
- Albanese, F. (2018) *Intentionality in the homelessness system in Great Britain*. Brussels: FEANTSA.
- Baptista, I., Benjaminsen, L., Pleace, N. (2015). *Local connection Rules and Access to Homelessness Services in Europe*. Brussels: FEANTSA.
- Boobis, S., Albanese, F. (2020) *The impact of COVID-19 on people facing homelessness and service provision across Great Britain*. London: Crisis.
- Bramley, G., Fitzpatrick, S., Wood, J., Sosenko, F., Blenkinsopp, J., Littlewood, M., Frew, C., Bashir, T., McIntyre, J., & Johnsen, S. (2019). *Hard Edges Scotland: New conversations about severe and multiple disadvantage*. Lankelly Chase Foundation.
- Bramley, G., Fitzpatrick, S. (2018) Homelessness in the UK: who is most at risk? *Housing Studies*. 33(1). 96-116.
- Bramley, G. (2017) *Homelessness projections: Core homelessness in Great Britain*. Crisis: London.
- Bretherton, J., Hunter, C., and Johnsen, S. (2013) 'You can judge them on how they look...': Homelessness Officers, Medical Evidence and Decision-Making in England', *European Journal of Homelessness*. 7(1). 69-92
- Bridgeman, J., Russell, H. (2020). *Don't Let Me Fall Through the Cracks: Homelessness amongst Care-Experienced Young People in Wales*.
- Campbell, A, J., (2011) *The Impact of Intentional Homelessness Decisions on Welsh Households' Lives*. Swansea: Shelter Cymru.
- Connell, A. (2017) *The development and implementation of Part 2 of the Housing (Wales) Act 2014: Lessons for Policy and Practice in Wales*. Cardiff: Public Policy Institute for Wales.
- Cymorth Cymru (2020) Response to Senedd Cymru | Equality, Local Government and Communities Committee Inquiry into COVID-19 and its impact on matters relating to the Equality, Local Government and Communities Committee's remit. Available at: <https://business.senedd.wales/documents/s103225/ELGC%20COV%2039%20-%20Cymorth%20Cymru.pdf>
- Downie, M., Gousy, H., Basran, J., Jacob, R., Rowe, S., Hancock, C., Albanese, F., Pritchard, R., Nightingale, K. and Davies, T. (2018) *Everybody In: How to end homelessness in Great Britain*. London: Crisis.
- Equality, Local Government and Communities Committee. (2018). *Life on the streets: preventing and tackling rough sleeping in Wales*. Cardiff: National Assembly for Wales.
- Fitzpatrick, S., Pawson, H., Bramley, G., Wilcox, S., Watts, B. & Wood, J. (2017) *The Homelessness Monitor: Wales 2017*. London: Crisis.
- Fitzpatrick, S., Pawson, H., Bramely, G. & Wilcox, S. (2012) *The Homelessness Monitor: Scotland 2012*. London: Crisis.
- Gibbons, A., Madoc-Jones, I., Ahmed, A. et al. (2020) Rural homelessness: Prevention practices in Wales. *Social Policy and Society*, 19(1). pp. 133-144.
- Homelessness Action Group (2020) *The framework of policies, approaches and plans needed to end homelessness in Wales (What ending homelessness in Wales looks like)*. Cardiff: Welsh Government.
- Homeless Link (2015) *Repeat Homelessness in Brighton*. London: Homeless Link.
- Johnsen, S., Jones, A. (2015) *The reconnection of rough sleepers within the UK: an evaluation*. London: Crisis.
- Mackie, P., Thomas, I., Bibbings, J. (2017) Homelessness Prevention: Reflecting on a Year of Pioneering Welsh Legislation in Practice. *European Journal of Homelessness*. 11(1). 81-107.
- Mackie, P.; Gray, T.; Hughes, C.; Madoc-Jones, I.; Moustari, V.; Pawson, H.; Spyropoulos, N.; Stirling, T.; Taylor, H.; Watts, B. (2019). *Review of Priority need in Wales*. Cardiff: Welsh Government.
- Mackie, P., Thomas, I. (2016) *Transitional Single Homelessness in Wales*. Cardiff: WISERD.
- Mackie, P. (2014) The Welsh homelessness legislation review: delivering universal access to appropriate assistance? *Contemporary Wales* 27 (1). 1-20.
- Reid, B. (2021) *Preventing Homelessness in Scotland. Recommendations for legal duties to prevent homelessness: A report from the Prevention Review Group*.
- Rosengard, A., Laing, I., Ridley, J., Hunter, S. (2007) *Closing the Opportunity Gap: Findings of a Literature Review on Multiple and Complex Needs. Project Report*. Edinburgh: Scottish Executive.
- Sanders, B., Boobis, S., and Albanese, F. (2019) 'It was like a nightmare' *The reality of sofa surfing in Britain today*. London: Crisis.
- Scottish Government (2019). A consultation on local connection and intentionality provisions in homelessness legislation. Available at: <https://consult.gov.scot/housing-regeneration-and-welfare/local-connection-and-intentionality/>
- Taylor, P. (2020) The Regressive Power of Labelling People As Vulnerable. Available at: <https://paulitaylor.com/2020/06/25/the-regressive-power-of-labelling-people-as-vulnerable/>
- Thomas, I., Mackie, P. (2020) *Measuring Repeat Homelessness*. Swansea: ADR Wales.
- Watts, B. (2014) Homelessness, empowerment and self-reliance in Scotland & Ireland: the impact of legal rights to housing and homeless people. *Journal of Social Policy*. 43(4). 793-810
- Welsh Government (2019) *Strategy for Preventing and Ending Homelessness*. Cardiff: Welsh Government.

Appendix 1:

Legal duties in Wales and Scotland

The table below provides a comparison of the duties in Wales and in Scotland, and highlights where eligibility tests are present or absent from the statutory system. This demonstrates that, whilst the *Housing (Wales) Act 2014* provides a more comprehensive approach for more people, the more generous approach in Scotland ensures that more people are provided with the help they need to escape homelessness.

	Wales
Duty to prevent homelessness	<ul style="list-style-type: none"> To take reasonable steps to help to secure that suitable accommodation does not cease to be available Where there is a risk of homelessness in the next 56 days Reasonable steps set out in law No test for priority need, local connection or intentionality
Ending of prevention assistance duty	<ul style="list-style-type: none"> Retain current accommodation, or Move to new accommodation, minimum 6 months If become homeless, further assistance through relief duty If refuse offer of accommodation LA can discharge duty to applicant Can discharge duty if applicant fails to co-operate with reasonable steps
Interim accommodation duty	Provide interim accommodation prior to assessment for main duty (not prior to relief), if there is reason to believe the applicant may be homeless, eligible and has a priority need
Duty to provide assistance if homeless	<p>Relief duty:</p> <ul style="list-style-type: none"> Take prescribed reasonable steps to help the applicant to secure that suitable accommodation becomes available Accommodation must be available for at least six months. Can discharge duty if individual fails to co-operate with reasonable steps No test for priority need or intentionality. Test for local connection Ends after 56 days <p>Full rehousing duty (after prevention / relief duties have ended):</p> <ul style="list-style-type: none"> Rehouse in social tenancy or 6 month PRS tenancy Subject to priority need, intentionality and local connection tests

	Scotland
Duty to prevent homelessness	<ul style="list-style-type: none"> To take reasonable steps so that accommodation does not cease to be available Where there is a risk of homelessness in the next 56 days Reasonable steps not set out in law or guidance No test for priority need or local connection. Intentionality test at LA discretion
Ending of prevention assistance duty	<ul style="list-style-type: none"> No longer threatened with homelessness, or Become statutorily homeless, triggering duty to secure accommodation (social or private tenancy) (N.B. definition of statutory homelessness is very wide so very often will still be occupying original accommodation but either no longer have a right or permission to do so (e.g. asked to leave family home) or it is not currently reasonable for them to reside there (e.g. victim of domestic violence) (No requirement on individual to co-operate with reasonable steps)
Interim accommodation duty	Provide interim accommodation prior to assessment, if the LA has reason to believe the applicant may be homeless. No test for priority need
Duty to provide assistance if homeless	<ul style="list-style-type: none"> Secure that accommodation becomes available – either social or PRS tenancy Not subject to priority need test. Subject to local connection test, intentionality test at LA discretion

**NO NEB
ONE HEB
LEFT HELP
OUT**

NEB HEB HELP

**Realiti rhwystrau cymhwystra i
bobl sy'n wynebu digartrefedd
yng Nghymru**

Mawrth 2021

Rhys Gwilym-Taylor a Ben Sanders



**Gyda'n gilydd
byddwn yn
rhoi terfyn ar
ddigartrefedd
Together
we will end
homelessness**

Amdanom

Crisis yw'r elusen genedlaethol ar gyfer pobl ddigartref. Rydym wedi ymrwymo i roi diwedd ar ddigartrefedd.

Bob dydd rydym yn gweld yr effaith dinistriol mae digartrefedd yn ei gael ar fywydau pobl. Bob blwyddyn rydym yn gweithio ochr yn ochr â phobl ddigartref, i'w helpu iddynt ailadeiladu eu bywydau a gadael digartrefedd ar eu hól am byth.

Drwy ein hymchwil arloesol i achosion a chanlyniadau digartrefedd a'r datrysiadau iddo, fe wyddon ni'r hyn fydd ei angen i roi diwedd arno.

Ynghyd ag eraill sy'n rhannu ein penderfyniad, rydym yn cynnig gwybodaeth, profiad a phenderfyniad i ymgyrchu ar gyfer y newidiadau a fydd yn datrys yr argyfwng digartrefedd unwaith ac am byth.

Fe wyddon ni nad yw digartrefedd yn anochel. Fe wyddon ni y gallwn roi diwedd arno gyda'n gilydd.

Awduron

Rhys Gwilym-Taylor, Uwch Swyddog Polisi a Materion Cyhoeddus (Cymru)
Ben Sanders, Uwch Swyddog Ymchwil

Diolchiadau

Safbwyntiau Crisis yn unig yw'r rhai a geir yn yr adroddiad hwn, ond yn ystod y gwaith ysgrifennu, bu i ni elwa o gyfraniadau gwerthfawr.

Y bobl hynny a gymerodd yr amser i rannu eu profiad go iawn, personol o ddigartrefedd gyda ni.

Y sefydliadau a'r awdurdodau lleol hynny a siaradodd gyda ni i helpu i lywio ein hymchwil.

Tîm prosiect Crisis: Nick Morris, Rhys Gwilym-Taylor, Ben Sanders, Christina Carmichael, Hannah Slater, Rosie Downes, Lily Holman, Kat Evans, Karl Bresnan, Marcia Williams, Claire Holt ac Anna Clark.

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Mae lluniau o modelau a ffugenwau wedi'u defnyddio er mwyn diogelu'r unigolion.

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Rhagair

Mae pandemig Covid-19 wedi atgoffa pawb ohonom mor hanfodol yw cartref i'n diogelwch a sut mae'n sylfaen y gellir adeiladu ein bywydau arni. Ymhen ychydig o wythnosau, llwyddodd awdurdodau lleol a phartneriaid ledled Cymru i ddarparu llety dros dro i'r holl bobl hynny gydag un man diogel i aros.

Adeiladwyd yr ymagwedd honno ar y ddealltwriaeth nad oeddem yn ddiogel oni bai fod pawb ohonom yn ddiogel. Dangosodd bwysigrwydd rhoi'r gefnogaeth sydd ei hangen ar bawb i gadw'n ddiogel, waeth pwy ydynt, lle maent yn byw neu sut maent yn mynd yn ddigartref.

Er gwaethaf cynnydd ar fynd i'r afael â digartrefedd yn y blynyddoedd diweddar i wneud yn siŵr y gallai mwy o bobl gael mynediad at gymorth, mae pobl yn dal i gael eu gwrthod am gymorth tai oherwydd y ffordd mae'r gyfraith wedi'i dylunio.

Drwy ein hymchwil clywsom gan staff mewn awdurdodau lleol, gwasanaethau cymorth, a'r rheiny sydd â phrofiad go iawn o ddigartrefedd fod y profion hyn yn creu gwrthdaro rhwng yr hyn a wyddom sydd ei angen ar bobl i ddianc rhag digartrefedd, a'r hyn mae ein system ddigartrefedd yn caniatáu iddynt ei wneud. Dangosodd yr ymateb yn ystod Covid-19 y gallem, gyda'r cyfeiriad a'r adnoddau cywir, sicrhau nad oes neb yn cael eu gadael heb le diogel i aros. Mae wedi dangos

sut y gall ehangu mynediad at gymorth ein helpu i roi terfyn ar ddigartrefedd.

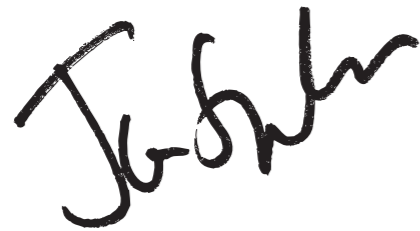
Mae hefyd yn dangos cymaint mwy y gallwn ei gyflawni, os ydym yn newid y gyfraith fel rhan o ystod o fesurau i sicrhau y gall pawb symud ymlaen o ddigartrefedd.

Mae'r dyletswyddau atal a lleddfu digartrefedd a sefydlwyd yng Nghymru yn 2014, wedi bod yn hanfodol ac wedi helpu i atal a lleddfu digartrefedd i lawer. Fodd bynnag, mae rhai pobl yn dal i gael eu gadael heb gymorth ailgartrefu. Ni fydd gennym byth rwyd hollol gryf a diogel i bobl sy'n wynebu digartrefedd, sy'n darparu'r diogelwch a'r hyder sydd eu hangen ar bobl, oni bai ein bod yn cael gwared ar amodoldeb ein system bresennol.

Nid yw deddfwriaeth yn ateb i bob problem. Mae'n gam cyntaf i sicrhau bod cynghorau yn cael eu cefnogi i sicrhau nad oes rhaid i neb wynebu bod yn ddigartref ar y stryd, ar soffas neu mewn hosteli, heb obaith i symud ymlaen ac ailadeiladu eu bywyd.

Dywedodd staff awdurdodau lleol a gwasanaethau cymorth wrthym, yn ogystal â newid y gyfraith, fod angen cymorth ar gynghorau a gwasanaethau i weithredu. Roedd hyn yn cynnwys ffocws o'r newydd ar atal, ymateb gwirioneddol gan wasanaethau cyhoeddus i ddigartrefedd, gwasanaethau wedi'u cyllido'n ddigonol a gweithluoedd a gefnogir, arferion comisiynu gwell, a chyflenwad digonol o dai gwirioneddol fforddiadwy.

Mae Crisis yn gofyn i wleidyddion newid y gyfraith i sicrhau bod pawb yn cael yr holl gymorth sydd ei angen arnynt i ddianc rhag digartrefedd a'r urddas o le diogel i alw'n gartref.



Jon Sparkes
Prif Weithredwr, Crisis

O ganlyniad i waith y Grŵp Gweithredu ar Ddigartrefedd a'n profiad o Covid-19, mae llawer o gonsensws eisoes ynglŷn â'r diwygio sy'n ofynnol i roi terfyn ar ddigartrefedd yng Nghymru. Mae angen ymrwymiad ar draws y llywodraeth, ac ar draws gwasanaethau cyhoeddus arnom i roi terfyn ar ddigartrefedd. Golyga hyn weithredu a chyflawni'r dulliau angenrheidiol, buddsoddi, a gweithio mewn partneriaeth sy'n ofynnol i roi terfyn ar ddigartrefedd. Rhaid i ddiwygio deddfwriaethol fod yn sail i'r cynllun hwnnw, gan sicrhau nad oes neb yn cael eu gadael heb y cymorth hanfodol sydd ei angen arnynt i roi terfyn ar eu digartrefedd.

Diffiniadau

Digartrefedd craidd

Aelwydydd a ystyrir yn ddigartref ar unrhyw adeg o ganlyniad i brofi'r ffurfiau mwyaf llym ar ddigartrefedd neu fyw mewn llety dros dro neu anaddas, gan gynnwys:¹

- Cysgu tu allan
- Cysgu mewn pebyll, ceir neu ar gludiant cyhoeddus
- Sgwatio (llety dibreswyl, anaddas, ansicr, heb drwydded e.e. 'gwelyau mewn siediau')
- Preswylwyr hosteli
- Defnyddwyr llochesi nos/gaeaf
- Goroeswyr trais domestig mewn lloches
- Llety dros dro ac anaddas (sy'n cynnwys llety gwely a brecwast, gwestai ayyb.)
- 'Syrffio sofffa' – aros gydag eraill (nad ydynt yn aelodau o'u teulu), ar delerau byr dymor/ansicr/eisiau symud, neu mewn amodau gorllawn (noder nad yw hyn yn cynnwys myfyrwyr)

Terfynu digartrefedd

Nid yw dod â digartrefedd i ben yn golygu na fydd neb yn colli eu cartref eto. Mae'n golygu lle na allwn atal digartrefedd rhag digwydd (dylai digartrefedd fod yn brin), a phan fydd yn digwydd dylai fod yn fyr, ac ni fydd byth yn digwydd eto.² Rydym yn diffinio terfynu digartrefedd³ fel:

- Neb yn cysgu tu allan
- Neb yn cael eu gorfodi i fyw mewn llety dros dro neu beryglus megis pebyll, sgwatio neu adeiladau dibreswyl
- Neb yn byw mewn llety brys megis llochesi a hosteli heb gynllun ar gyfer ailgartrefu cyflym i lety fforddiadwy, diogel a pharchus
- Neb yn ddigartref oherwydd eu bod wedi gadael sefydliad cenedlaethol megis carchar neu'r system ofal
- Pawb sydd mewn perygl uniongyrchol o ddigartrefedd yn cael y cymorth sydd ei angen arnynt i'w atal rhag digwydd.

1 Downie, M., Gousy, H., Basran, J., Jacob, R., Rowe, S., Hancock, C., Albanese, F., Pritchard, R., Nightingale, K. a Davies, T. (2018) *Everybody In: How to end homelessness in Great Britain*. Llundain: Crisis.

2 Llywodraeth Cymru (2019) *Strategaeth ar gyfer Atal a Rhoi Terfyn ar Ddigartrefedd*. Caerdydd: Llywodraeth Cymru.

3 Downie, M., Gousy, H., Basran, J., Jacob, R., Rowe, S., Hancock, C., Albanese, F., Pritchard, R., Nightingale, K. a Davies, T. (2018) *Everybody In: How to end homelessness in Great Britain*. Llundain: Crisis.

Agored i niwed

Noda *Deddf Tai (Cymru) 2014* y byddai person sy'n agored i niwed yn llai abl na pherson digartref cyffredin i ymdopi ar eu pen eu hunain pe baent yn dod yn ddigartref ar y stryd.⁴ Yn ogystal, byddai person sy'n agored i niwed yn dioddef mwy o niwed na'r person digartref cyffredin.

Byddai'r person yn llai abl i ymorol amdano'i hun (o ganlyniad i'r rheswm hwnnw) petai'n dod yn ddigartref ar y stryd nag y byddai person digartref cyffredin sy'n dod yn ddigartref ar y stryd ac y byddai hynny'n arwain y person at ddioddef mwy o niwed na'r hyn a fyddai'n cael ei ddioddef gan y person digartref cyffredin.

Angen blaenoriaethol

Ystyrir bod aelwyd mewn angen blaenoriaethol os yw'n cynnwys plant dibynnol, menyw feichiog neu oedolyn sy'n agored i niwed. Mae grwpiau eraill wedi cael eu hychwanegu at y ddeddfwriaeth dros amser, gan gynnwys pobl ifanc sy'n gadael gofal a phobl ifanc rhwng 16-17 oed. Adran 70 o Ddeddf 2014 sy'n sefydlu'r categorïau o angen blaenoriaethol.

Cysylltiad lleol

Gall person gael cysylltiad lleol ag ardal yr awdurdod tai lleol os yw'r person yn byw neu wedi byw yno, yn gweithio yn yr ardal, os oes ganddo resymau teuluol neu amgylchiadau arbennig.

Bwriadoldeb

O dan y gyfraith, ystyrir bod rhywun wedi achosi eu digartrefedd yn fwriadol os ydynt yn bodloni pob un o'r tri amod canlynol: yn gwneud unrhyw beth neu'n methu â gwneud unrhyw beth yn fwriadol ac o ganlyniad i hynny mae'r person yn rhoi'r gorau i feddiannu llety sydd ar gael i'r person ei feddiannu ac y byddai wedi bod yn rhesymol i'r person barhau i'w feddiannu.

Yn 2019, daeth Adran 75(3) i rym, gan ehangu categorïau'r grwpiau hynny nad yw penderfyniadau bwriadoldeb yn berthnasol iddynt. Fodd bynnag, ni fydd y brif ddyletswydd yn ddyledus i'r ymgeiswyr yn y categorïau hyn, os canfyddir eu bod yn ddigartref yn fwriadol eto o fewn pum mlynedd.

Crynodeb Gweithredol

Nid yw ond yn iawn fod pobl sy'n ddigartref yn cael y cymorth sydd ei angen arnynt. Cadwodd gwaith arbennig ledled Cymru yn ystod pandemig Covid-19, filoedd o bobl yn ddiogel a sicrhaodd fod rhai pobl yn derbyn cymorth am y tro cyntaf wrth dynnu rhwystrau i gymorth yn ôl. Nawr mae gennym gyfle i adeiladu ar y gwaith hwn, y gyfraith a'r ymarfer presennol i sicrhau nad ydym yn gadael neb allan.

Mae penderfyniadau polisi cyhoeddus yn effeithio ar ddigartrefedd, gan gynnwys y rheiny'n ymwneud â chyflenwad a fforddiadwyedd tai, diogelwch cymdeithasol, a pha gymorth sydd ar gael i bobl sy'n ddigartref neu sydd dan fygythiad o ddigartrefedd, neu sydd wedi dioddef trawma.⁵ Gallwn adnabod set o ffactorau unigol, cymdeithasol, a strwythurol – y tu allan i amgylchiadau unigol – a all wthio rhywun i ddigartrefedd, ac un o'r mwyaf arwyddocaol yw tloedi.^{6,7}

Gorfodir pobl i adael eu cartrefi pan mae'r pwysau cynyddol o renti uchel

ac incymau isel yn mynd yn ormod. Heb gymorth y llywodraeth, gall cynnydd sydyn mewn pwysau, megis colli swydd, mynd yn sâl, neu adael perthynas dreisgar, wthio pobl yn gyflym i ddigartrefedd.

Mae cytundeb llethol ymhlith ymarferwyr a gwneuthurwyr polisi bod *Deddf Tai (Cymru) 2014* wedi arwain at ganlyniadau cadarnhaol i bobl sy'n wynebu digartrefedd.⁸ Er gwaethaf niferoedd cynyddol o bobl yn cael eu gwthio at ymyl digartrefedd, mae cynghorau wedi llwyddo i atal a lleddfu digartrefedd i nifer cynyddol o bobl.

4 Golyga bod yn 'ddigartref ar y stryd' nad oes gennych hawl gyfreithiol i breswyllo mewn llety. Dyma'r prawf Pereira a sefydlwyd yn Neddf Tai 1996. Addaswyd y prawf yn dilyn cyfraith achos, a bennodd y dylid newid y cymharydd a ddefnyddir o 'berson digartref cyffredin ar y stryd' i 'berson cyffredin os gwneir yn ddigartref'. Aeth dyfarniad Hotak 2015 ymlaen i ddiffinio prawf agored i niwed hyd yn oed mwy cynhwysol, gan olygu yr ystyrir, ar hyn o bryd, bod y gyfraith yng Nghymru mewn perthynas â hynny yn llai cynhwysol na'r gyfraith yn Lloegr.

5 Downie, M., Gousy, H., Basran, J., Jacob, R., Rowe, S., Hancock, C., Albanese, F., Pritchard, R., Nightingale, K. a Davies, T. (2018) *Everybody In: How to end homelessness in Great Britain*. Llundain: Crisis.

6 Bramley, G., Fitzpatrick, S. (2018) Homelessness in the UK: who is most at risk?. *Housing Studies*. 33(1). 96-116

7 Bramley, G. (2017) *Homelessness projections: Core homelessness in Great Britain*. Llundain: Crisis.

8 Fitzpatrick, S., Pawson, H., Bramley, G., Wilcox, S., Watts, B. ac Wood, J. (2017) *Y Monitor Digartrefedd: Cymru 2017*. Llundain: Crisis.

Roedd Deddf 2014 yn ddarn pwysig o ddeddfwriaeth a oedd yn ceisio rhoi sail statudol i atal digartrefedd, a mynd i'r afael ag anghysondebau a gwendidau yn y fframwaith cyfreithiol. Gosodwyd Cymru wrth wraidd symudiad byd-eang tuag at roi lle canolog i atal digartrefedd mewn deddfwriaeth ac fel rhan o strategaeth y llywodraeth.⁹ Mae deddfwriaeth dda felly yn sylfaen hanfodol ar gyfer galluogi gwasanaethau a gweithluoedd i weithredu. Mae ein cynigon i greu dyletswydd ailgartrefu lawn, yn ceisio adeiladu ar lwyddiant y Ddeddf a chefnogi ein dyheadau i roi terfyn ar ddigartrefedd drwy sicrhau nad oes neb yn cael eu gadael heb y cymorth sydd ei angen arnynt i ddianc rhag digartrefedd ac ailadeiladu eu bywydau.

Mae cydnabyddiaeth, fodd bynnag, nad yw'r Ddeddf yn gweithio i bob grŵp o bobl. Yn y blynyddoedd diwethaf, gadawyd 1 ym mhob 8 o bobl a oedd angen eu hailgartrefu heb gymorth i gael mynediad at gartref diogel. Yn 2019/20, nid oedd 3 ym mhob 10 o bobl (1,773) a oedd yn ddigartref yn gymwys am gymorth i'w hailgartrefu'r llynedd.¹⁰

Rydym yn rhoi eglurhad o'n cyfrifiadau o nifer y bobl sy'n symud i bob cam o'r system ddigartrefedd ym *Mhennod 3: Cymorth digartrefedd yng Nghymru heddiw*. Mae profion cymhwysra yna'n peri oedi cyn y gall pobl gael mynediad at gymorth i roi terfyn ar eu digartrefedd, yn hytrach na lleihau'r nifer o bobl sy'n gorfod wynebu digartrefedd.

Nod yr adroddiad hwn yw deall canfyddiadau a dealltwriaeth awdurdodau lleol a gwasanaethau cymorth o'r meini prawf cymhwysra, a'r realiti i'r unigolion hynny nad oes dyletswydd iddynt. Mae'r adroddiad hwn yn archwilio gyda staff awdurdodau lleol a gwasanaethau

cymorth sut a pham y defnyddir meini prawf cymhwysra, eu heffaith ar y gweithluoedd hynny sy'n gyfrifol am weithredu'r meini prawf hynny neu ddarparu cymorth tai ehangach, a pha effaith maent yn eu cael ar unigolion a'u gallu i ddianc rhag digartrefedd. Dywedodd cyfranogwyr y canlynol wrthym:

- **Mae'r fframwaith cyfreithiol yn atal gwasanaethau rhag darparu'r cymorth a'r gefnogaeth y mae unigolion eu hangen i roi terfyn ar eu digartrefedd, sy'n arwain at nifer yn parhau i wynebu digartrefedd am gyfnodau hir.**
- **Ni fydd nifer fawr o'r rheiny nad ydynt gymwys am y brif ddyletswydd yn gallu sicrhau eu llety eu hunain. O ganlyniad, nid yn unig y mae nifer yn parhau'n ddigartref, ond yn aml bydd eu hamgylchiadau yn gwaethygu ymhellach cyn eu bod yn gallu cael mynediad at gymorth, gan gynnwys dychwelyd i lety neu ffurfiau mwy peryglus o ddigartrefedd, a dirywiad yn eu hiechyd a lles.**
- **Mae nifer yn colli ffydd yn y system ac yn colli gobaith y gall eu sefyllfa wella. I rai, gall hyn arwain at ddatgysylltu â'r cymorth sydd ar gael iddynt. Mae'r holl bobl hynny nad ydynt yn gymwys am y brif ddyletswydd yn adrodd effaith emosynol negyddol a dirywiad yn eu hiechyd a lles. Mae nifer yn gofyn am gymorth unwaith eto yn ddiweddarach, ac, erbyn hynny, mae eu hanghenion cymorth wedi gwaethygu.**
- **Adnabwyd meini prawf cymhwysra fel adnodd pwysig wrth rannu adnoddau, gan gynnwys y cyflenwad cyfyngedig o lety digonol, ond bu i gyfranogwyr eu hadnabod hefyd fel rhwystr i**

wasanaethau rhag gweithredu i helpu i roi terfyn ar ddigartrefedd rhywun.

Ym Mhennod 3, rydym yn trafod ymagwedd Llywodraeth Cymru yn ystod Covid-19 a'r cyfyngiadau, a'r cyfle mae hyn wedi'i greu i adeiladu ar y ddeddfwriaeth bresennol i gyflawni'r diwygiad cyfreithiol a gynigir yn yr adroddiad hwn.

Mae ein canfyddiadau yn ategu gwaith ymchwil blaenorol ynglŷn â pham y defnyddir y profion hyn, a bod rhai grwpiau o bobl yn wynebu'r rhwystrau hyn yn fwy nag eraill. Mae'r anghysondebau yn y cymorth yn dibynnu os ystyrir rhywun yn ddigartref a'r rhesymau pam eu bod wedi mynd yn ddigartref, yn dwysáu profiadau gwahanol staff awdurdodau lleol a gwasanaethau cymorth a phobl sy'n wynebu digartrefedd, a gallant ymestyn profiad rhywun o ddigartrefedd, fel y dengys yr astudiaethau achos yn yr adroddiad hwn.¹¹

"Maent yno, a thra maent yno, ni fyddwch byth yn cael gwared ar ddigartrefedd, na fyddwch? Oherwydd byddwch yn gallu troi pobl i ffwrdd sy'n ddigartref, gan nad ydynt yn bodloni'r meini prawf."

– Rheolwr Opsiynau Tai LAA2¹²

Canfu ein hymchwil fod pobl sy'n profi digartrefedd a gweithwyr cymorth wedi gweld yn glir effaith andwyol gadael pobl allan, gan gynnwys gwthio pobl ymhellach oddi wrth gymorth, colli cyswllt gyda phobl sydd ag anghenion cymorth uchel, a bod y diffyg cymorth yn dwysáu problemau eraill megis dyled, iechyd meddwl a chamddefnyddio sylweddau. Yn y

pen draw, mae'r profion yn ymestyn profiadau unigolion o ddigartrefedd drwy beri oedi cyn y gallant gael mynediad at gymorth.

"Roeddwn i'n teimlo fel pe bai neb yn gallu fy helpu, ydych chi'n deall beth dw i'n ei olygu? Oherwydd rwy'n ymddiried, rydych yn ymddiried yn y cyngor gan mai nhw yw'r prif un. A phan wnaethant droi rownd a dweud nad oeddent yn mynd i fy helpu eto, teimlais yn anobeithiol. Nid oeddwn yn gallu gweld ffordd allan ac roedd dyledion mawr yn cronni ac roedd popeth mor ddigalon."

– Cyfweiliad â pherson sydd â phrofiad byw

"Weithiau mae rhai pobl yn diflannu o'r golwg. Pan rydym yn dweud na, na allant gael llety gyda'r awdurdod lleol ac nad oes unrhyw beth ar gael gyda'r sector rhentu preifaf, maent yn rhoi'r gorau i ymgysylltu â ni, ac yna'n rhoi'r gorau i dderbyn cymorth. A byddwn yn ceisio mynd ar eu hôl a chysylltu â nhw ond weithiau, nid oes dim y gallwch ei wneud. Ac yna byddant yn dod yn ôl trwodd eto, mae fel drws cylchdroi."

– Darparwr gwasanaeth LAA4

Drwy ein hymchwil, rydym wedi clywed gan wasanaethau, awdurdodau lleol a'r rheiny sy'n profi digartrefedd bod yr ymateb yn ystod Covid-19 – er yr her, wedi cael canlyniadau cadarnhaol iawn. Roedd hyn yn cynnwys ymgysylltu â nifer o unigolion â phrofiadau estynedig o ddigartrefedd am y tro cyntaf, gan gynnwys nifer yn ymgysylltu â gwasanaethau triniaeth a chymorth iechyd meddwl, gyda goblygiadau cadarnhaol i'r unigolion hynny yn cefnu ar ddigartrefedd.¹³

9 Mackie, P., Thomas, I. (2016) Digartrefedd Sengl Trawsnewidiol yng Nghymru. Caerdydd: WISERD.

10 Ystadegau Llywodraeth Cymru: Digartrefedd. Ar gael yn: <https://stats.wales.gov.wales/Catalogue/Housing/Homelessness>

11 Campbell, A. J., (2011) *Effaith Penderfyniadau Digartrefedd Bwriadol ar Fywydau Aelwydydd Cymru*. Abertawe: Shelter Cymru

12 Mae LAA2 yn cyfeirio at Ardal Awdurdod Lleol 2. Gweler Tabl 1 am ragor o fanylion ynglŷn â'r ardaloedd astudiaeth achos ar gyfer ein gwaith maes.

13 Ymateb Cymorth Cymru (2020) i Senedd Cymru | Ymchwiliad y Pwyllgor Cydraddoldeb, Llywodraeth Leol a Chymunedau i COVID-19 a'i effaith ar faterion sy'n ymwneud â chylch gwaith y Pwyllgor Cydraddoldeb, Llywodraeth Leol a Chymunedau. Ar gael yn: <https://business.senedd.wales/documents/s103225/ELGC%20COV%2039%20-%20Cymorth%20Cymru.pdf>

Mae sicrhau bod pawb yn derbyn cymorth yn ystod y pandemig hefyd wedi darparu mewnwelediad i'r hyn a allai fod yn bosib, a'r buddion o adael neb heb y cymorth sydd ei angen arnynt. Mae cyfuno adnoddau, cyfeiriad clir, a rhagor o weithio ar y cyd yn dangos y gellir goresgyn y rhwystrau sy'n atal cael gwared ar y profion, ac wrth symud ymlaen y gallwn adeiladu ar lwyddiant yr ymateb yn ystod y pandemig a newid y gyfraith er gwell.

"Mae'n eithaf braf gallu cefnogi rhywun, oherwydd gall fod yn dorcalonnus dweud wrth gleient, "Mae'n ddrwg gennym, ond ni allwn roi llety i chi."

– Rheolwr Opsiynau Tai LAA2

Byddai dyletswydd ailgartrefu lawn – sy'n gwneud yn siŵr nad yw pobl yn cael eu gadael heb gymorth oherwydd angen blaenoriaethol, cysylltiad lleol, a bwriadoldeb – yn golygu na fyddai neb sy'n wynebu digartrefedd yn cael eu gadael heb y cymorth sydd ei angen arnynt oherwydd y ffordd mae ein system ddigartrefedd wedi'i dylunio. Clywsom gan weithwyr cymorth tai y byddai hyn yn eu helpu i weithredu, a rhoi'r cymorth sydd ei angen ar bobl i symud ymlaen o ddigartrefedd.

Mae'r adroddiad hwn yn cyfeirio at y profiad yn yr Alban, gan gynnwys cael gwared ar yr angen blaenoriaethol, y newidiadau arfaethedig i gysylltiad lleol a bwriadoldeb a gwaith y Grŵp Adolygu Atal. Mae Pennod 2 yn darparu trosolwg o'r gostyngiad yn y nifer o geisiadau digartrefedd statudol a'r lleihad mewn digartrefedd mynych, y gellir eu priodoli i gryfhau hawliau cyfreithiol i bobl sy'n wynebu digartrefedd. Mae Atodiad 1 yn darparu cymhariaeth o'r dyletswyddau yng Nghymru a'r Alban a dengys er bod *Deddf Tai (Cymru) 2014* yn darparu dull mwy cynhwysfawr i fwy o bobl, mae'r dull mwy hael yn yr Alban yn sicrhau

bod mwy o bobl yn derbyn y cymorth sydd ei angen arnynt i ddianc rhag digartrefedd.

"Rwy'n credu bod llawer o fiwrocratiaeth a llawer iawn o waith y mae'n rhaid i awdurdodau lleol ei wneud cyn y gallant ddechrau helpu pobl...Rwy'n credu bod maint y fiwrocratiaeth sydd gennym bellach wir yn amharu ar ein gallu i helpu pobl."¹⁴

– Cyfwelai Awdurdod Lleol, Adolygiad o Angen Blaenoriaethol

Awgryma ein canfyddiadau y byddai cael gwared ar asesiadau a phroffion yn caniatáu i staff ganolbwyntio ar fodloni anghenion pobl, yn hytrach na phrosesu ceisiadau. Clywsom rwystredigaeth gan rai gwasanaethau ac awdurdodau lleol fod yr amodoldeb yn y system ddigartrefedd yn creu rhwystrau ychwanegol i staff ac ymgeiswyr. Mae hefyd yn rhwystro staff rhag gwneud yr hyn sydd ei angen i fodloni anghenion pobl. Mae hyn yn ategu'r farn yn yr Alban fod cael gwared ar yr angen blaenoriaethol nid yn unig wedi helpu i roi terfyn ar ddigartrefedd i fwy o bobl a lleihau digartrefedd mynych, ond mae wedi cael goblygiadau sylweddol i bolisi ac ymarfer digartrefedd ehangach.

"Ymddengys nad yw'r cylch yn cael ei dorri yma. Ond, yr hyn rwy'n ei olygu yw bod digartrefedd yn aml yn ganlyniad rhyw broblem sylfaenol arall, felly oni chaiff y broblem honno ei datrys yn y lle cyntaf, ni fydd y digartrefedd fyth yn dod i ben. Weithiau maent yn aros yr un fath; weithiau maent yn datblygu anghenion cymorth newydd."

– Swyddog Tai LAA1

Newid y gyfraith yw'r cam cyntaf i sicrhau nad oes neb yng Nghymru sy'n wynebu digartrefedd yn cael eu gadael heb y cymorth sydd ei angen

arnynt i sicrhau cartref. Er nad yw'r adroddiad hwn yn nodi'r ffordd ymlaen ar gyfer diwygio, mae'n cyfeirio at yr ystod o ddiwygiadau sy'n ofynnol er mwyn cefnogi'r system ddigartrefedd ddelfrydol yr amlinellwn yma.

Clywsom gan staff cymorth fod angen i ni hefyd sicrhau newid a buddsoddiad ar frys yn y system ddigartrefedd ehangach i ymyrryd yn gynharach, a gyda'r adnoddau cywir. Byddai'n helpu i bontio tuag at ddatrysiadau a arweinir gan dai, gan sicrhau bod gan bawb yr urddas o le diogel i alw'n gartref, a byddai'n sicrhau bod cynghorau a gwasanaethau yn cael eu cefnogi'n ddigonol yn seiliedig ar fewnwelediad i'r lefelau gwirioneddol o angen, ac yn cael eu cefnogi i ddarparu'r cymorth y mae pobl ei angen i ddianc rhag digartrefedd.

"...gallwn ganolbwyntio'r sgwrs ar y math o lety y gellir ei gynnig iddynt...A beth fyddai'n addas, beth na fyddai'n addas. Sy'n sgwrs fwy dymunol o lawer na, "Ydych chi'n mynd i gael llety neu beidio?" Wyddoch chi, hyd yn oed os gallwn argyhoeddi pobl i dderbyn beth bynnag a gynnigir iddynt, a gallwn ei herio os oes angen. Mae hynny'n sgwrs wahanol i, "Mae'n ddrwg

gennym, rydych yn mynd i fod ar y stryd heno."

– Gwasanaeth LAA6

O ganlyniad i waith y Grŵp Gweithredu ar Ddigartrefedd mae llawer o gonsensws ar draws y sector ac ymhlith pleidiau gwleidyddol ynglŷn â'r hyn sydd angen digwydd i roi terfyn ar ddigartrefedd. Mae hyn yn cynnwys cyflenwi mwy o gartrefi, gan gynnwys mwy o gartrefi cymdeithasol; dwysáu gwaith ar y cyd ac atal ar draws gwasanaethau cyhoeddus; sicrhau bod ein gweithluoedd yn cael eu talu a'u cefnogi'n ddigonol; a gwella mynediad at lety a chymorth.

Fel yr ydym wedi gweld gyda'r dyletswyddau yn Neddf 2014 a'r diwygiad yn yr Alban, gall ehangu dyletswyddau cyfreithiol i gefnogi pobl sy'n wynebu digartrefedd helpu i newid diwylliant y system a sicrhau bod pobl yn cael y cymorth sydd ei angen arnynt i ddianc rhag digartrefedd. Nid yw newid y gyfraith yn ateb i bob problem o ran rhoi terfyn ar ddigartrefedd, ond mae'n sicrhau bod gofyniad ar gynghorau, sef yr amddiffyniad olaf yn y system ddigartrefedd, i adael neb heb gymorth pan nad yw'r holl fesurau eraill i atal neu leddfu digartrefedd wedi gweithio.



14 Mackie, P.; Gray, T.; Hughes, C.; Madoc-Jones, I.; Moustari, V.; Pawson, H.; Spyropoulos, N.; Stirling, T.; Taylor, H.; Watts, B. (2019). *Adolygiad o Angen Blaenoriaethol yng Nghymru*. Caerdydd: Llywodraeth Cymru

Pennod 1:

Cyflwyniad a chyd-destun polisi

Yn dilyn dyfodiad y pwerau deddfu sylfaenol i Senedd Cymru yn 2011, adnabuwyd mynd i'r afael â digartrefedd drwy ddeddfwriaeth fel blaenoriaeth gan Lywodraeth Cymru. Adnabuwyd deddfwriaeth yn rhywbeth hanfodol wrth wella canlyniadau i bobl sy'n wynebu digartrefedd ac atal pobl rhag cael eu gwrthio i ddigartrefedd yn lle cyntaf.¹⁵

Roedd *Deddf Tai (Cymru) 2014* yn ddarn pwysig o ddeddfwriaeth i Gymru a pholisi atal yn fwy eang.¹⁶ Nid oedd yr un wlad arall wedi mabwysiadu dyletswydd atal gyffredinol o'r fath, gan roi Cymru ar flaen y gad yn y symudiad byd-eang at atal digartrefedd fel rhan hanfodol o strategaethau digartrefedd y llywodraeth.¹⁷

Rhoddodd y fframwaith newydd bwyslais mawr ar ymyrryd yn gynharach a chymorth wedi'i deilwra at anghenion penodol aelwydydd sydd dan fygythiad o ddigartrefedd o

fewn 56 diwrnod. I'r rheiny sydd eisoes yn ddigartref pan maent yn cysylltu â'r awdurdod lleol, neu na ellir atal eu digartrefedd, roedd yn ofynnol i awdurdodau lleol gymryd camau rhesymol i leddfu eu digartrefedd. Mae darparu cymorth yn gynharach i fwy o bobl wedi sicrhau bod llai o bobl wedi gorfod wynebu goblygiadau digartrefedd.

Rhwng 2015 a 2020, mae nifer yr aelwydydd sydd dan fygythiad o ddigartrefedd neu sy'n wynebu digartrefedd wedi cynyddu 40 y cant ac 80 y cant yn y drefn honno.¹⁸ Er gwaethaf hyn, mae cyfraddau atal a leddfu wedi aros yn gyson (60-70 y cant a 41 y cant yn y drefn honno) ers cyflwyno'r Ddeddf.

Fodd bynnag, er gwaethaf cyflwyno fframwaith cyfreithiol mwy cynhwysfawr a hael, cadwodd y Ddeddf elfen allweddol o *Ddeddf Tai (Personau Digartref) 1977*, sy'n

amlinellu mewn deddfwriaeth y grwpiau o bobl a ystyrir bod ganddynt 'angen blaenoriaethol' am gymorth a dyletswydd statudol i'w cefnogi i sicrhau llety sefydlog, o bosib.

Mae cydnabyddiaeth gynyddol nad yw'r fframwaith cyfreithiol presennol yn gweithio i bobl grŵp o bobl sy'n cael eu gwrthio i ddigartrefedd. Canfu gwerthusiad o Ddeddf 2014, anghysondebau yn y dehongliad a'r gweithrediad o'r Ddeddf a'i rheolau.¹⁹ I bobl ifanc, pobl ifanc sy'n gadael gofal, pobl sy'n wynebu trais domestig a rhieni nad ydynt yn brif ofalwr plentyn, mae anghysondebau a bylchau rhwng fframweithiau cyfreithiol gwahanol, ynghyd ag anghysondebau yn y dehongliad o ddeddfwriaeth ddigartrefedd. Golyga hyn y gall y cymorth a dderbyniwch ddibynnu ar bwy ydych a lle'r ydych yn ceisio cymorth, yn hytrach na'r cymorth sydd ei angen arnoch i ddianc rhag digartrefedd.

Yn 2020, derbyniodd y Gweinidog Tai a Llywodraeth Leol yn Llywodraeth Cymru, mewn egwyddor holl argymhellion y Grŵp Gweithredu ar Ddigartrefedd. Mae gwaith y Grŵp Gweithredu a strategaeth ddigartrefedd Llywodraeth Cymru²⁰ wedi dangos y gallai Cymru roi terfyn ar ddigartrefedd drwy ei wneud yn ddigwyddiad prin, byr ac unwaith:

- **Dylai digartrefedd fod yn brin:** mae mwy o fesurau i'w atal ac rydym yn manteisio ar gyfleoedd i helpu pobl yn llawer cynt i sicrhau nad ydynt yn colli eu cartref yn y lle cyntaf.

- **Pan fydd digartref yn digwydd, dylai fod yn fyr:** mewn rhai achosion nid oes modd atal digartrefedd ond dylai fod yn brofiad hynod fyr, a dylid helpu pobl i aros yn eu cartref neu eu hailgartrefu cyn gynted â phosib a darparu'r holl gefnogaeth sydd ei hangen arnynt.
- **Ni ddylai digartrefedd ddigwydd fwy nag unwaith:** yn ogystal â bod yn fyr, dylai unrhyw brofiad o ddigartrefedd ond digwydd unwaith.

Dywedodd y Grŵp Gweithredu ar Ddigartrefedd, er mwyn rhoi terfyn ar ddigartrefedd, fod angen i'r system ddigartrefedd fynd drwy 'newid ar lefel system' yn yr ymagwedd at atal digartrefedd.²¹ Er gwaethaf hyn, mae'r gwaith a wnaed gan gynghorau ac eraill ers 2015 i atal digartrefedd yn darparu sylfaen i gyflawni dyletswydd ailgartrefu lawn.

Yn olaf, roedd Covid-19 yn mynnu ymateb gwahanol gan awdurdodau lleol ac eraill i amddiffyn y rheiny heb un man diogel i aros. Wrth i'r pandemig fynd rhagddo, cyhoeddodd Llywodraeth Cymru arweiniad y dylai pobl sy'n cysgu tu allan yn ystod y pandemig gael eu trin yn gyffredinol fel pobl sy'n agored i niwed at ddibenion asesu angen blaenoriaethol am ailgartrefu.²² Ers hynny, mae'r Gweinidog Tai a Llywodraeth Leol wedi nodi na fyddai neb yn cael eu gorfodi i ddychwelyd i'r strydoedd, a bod y llywodraeth yn parhau'n ymrwymedig i roi terfyn ar ddigartrefedd yng Nghymru.²³

15 Fitzpatrick, S., Pawson, H., Bramley, G., Wilcox, S., Watts, B. ac Wood, J. (2017) *Y Monitor Digartrefedd: Cymru 2017*. Llundain: Crisis.

16 Downie, M., Gousy, H., Basran, J., Jacob, R., Rowe, S., Hancock, C., Albanese, F., Pritchard, R., Nightingale, K. a Davies, T. (2018) *Everybody In: How to end homelessness in Great Britain*. Llundain: Crisis.

17 Mackie, P., Thomas, I., Bibbings, J. (2017) Homelessness Prevention: Reflecting on a Year of Pioneering Welsh Legislation in Practice. *European Journal of Homelessness*. 11(1). 81-107.

18 Ystadegau Llywodraeth Cymru: *Digartrefedd*. Ar gael yn: <https://stats.wales.gov.wales/Catalogue/Housing/Homelessness>

19 Ahmed, A., Wilding, M., Gibbons, K., Jones, M., Rogers, I., Madoc-Jones M., Wilding, A., Gibbons, K., Jones, M., Rogers, I., Madoc-Jones (2018) *Gwerthusiad ôl-weithredu o ran 2 Deddf Tai (Cymru) 2014: adroddiad terfynol, Adroddiad Prosiect*. Caerdydd: Llywodraeth Cymru.

20 Llywodraeth Cymru (2019) *Strategaeth ar gyfer Atal a Rhoi Terfyn ar Ddigartrefedd*. Caerdydd: Llywodraeth Cymru.

21 Grŵp Gweithredu ar Ddigartrefedd (2020) *Y fframwaith o bolisiau, dulliau a chynlluniau y mae ei angen i roi diwedd ar ddigartrefedd yng Nghymru (Beth mae rhoi diwedd ar ddigartrefedd yng Nghymru'n ei olygu mewn gwirionedd)*. Caerdydd: Llywodraeth Cymru. t.5

22 Llythyr gweinidog Cymru at awdurdodau lleol, ar gymhwyso bregusrwydd ac angen blaenoriaethol mewn perthynas â llety pobl sy'n cysgu tu allan yn ystod pandemig COVID-19 (28 Ebrill 2020). Ar gael yn: https://gov.wales/sites/default/files/publications/2020-04/guidance-for-local-authorities-in-supporting-people-sleeping-rough-covid-19_0.pdf

23 Datganiad Ysgrifenedig: Cam 2 o'r Cynllun Digartrefedd (Mai 2020) Ar gael yn: <https://gov.wales/written-statement-phase-2-homelessness-plan>

Mae consensws cynyddol ymhlith pleidiau gwleidyddol, gwneuthurwyr polisi a'r sector yng Nghymru ynglŷn â'r newid sy'n ofynnol i roi terfyn ar ddigartrefedd, yn bennaf wrth gyflenwi tai cymdeithasol ar rent, cryfhau ymatebion gwasanaethau cyhoeddus i ddigartrefedd, a buddsoddi mewn cymorth tai. Mae pob un o brif bleidiau gwleidyddol Cymru wedi ymrwymo i adeiladu'r nifer gofynnol o dai cymdeithasol ar rent,²⁴ gan sicrhau bod gan bawb fynediad at le diogel i alw'n gartref. Awgryma hyn y bydd yr eglurder ynghylch cyfeiriad gwleidyddol a'r consensws drwy bandemig Covid-19 yn parhau o dan lywodraeth nesaf Cymru, gan adeiladu ar lwyddiant yr ymateb i Covid-19.

1.1 Methodoleg Ymchwil

Nod ein gwaith ymchwil yw adeiladu ar gorff presennol o dystiolaeth am brofiadau'r rheiny sy'n wynebu digartrefedd o dan *Ddeddf Tai (Cymru) 2014*, a phrofiadau'r rheiny nad oes dyletswydd iddynt o dan Adran 75.

Llywododd adolygiad o'r llenyddiaeth bresennol, yn canolbwyntio'n benodol ar effaith meini prawf cymhwysra, ein dull, gan gynnwys effaith profion cymhwysra ar deithiau i mewn ac allan o ddigartrefedd; dirywiad anghenion tai a chymorth; effaith ar berthnasoedd personol, gwaith ac addysg; digartrefedd mynych a'r gallu i sicrhau llety diogel. Bu i ni ddibynnu'n fawr ar yr Adolygiad o Angen Blaenoriaethol a gyhoeddwyd yn ddiweddar ar gais Llywodraeth Cymru yn 2019, sy'n darparu trosolwg cynhwysfawr o safbwyntiau awdurdodau lleol a gwasanaethau cymorth ynglŷn ag angen blaenoriaethol, gan gynnwys trosolwg

o'r broses o gael gwared ar y prawf yn yr Alban.²⁵

Bu i ni siarad â naw aelod o staff Opsiynau Tai awdurdodau lleol – rheolwyr a'r rheiny mewn rolau rheng flaen – ynghyd â naw aelod o staff sy'n gweithio mewn gwasanaethau cymorth mewn chwe ardal astudiaeth achos. Cyfrannodd pum unigolyn â phrofiad byw o wynebu'r rhwystrau cymhwysra i'r ymchwil hefyd. Roedd ein gwaith ymchwil yn ceisio cael cipolwg newydd ar arferion a dealltwriaeth awdurdodau lleol a gwasanaethau ynghylch y defnydd o feini prawf cymhwysra, a'u heffaith.

Cynhaliwyd y gwaith ymchwil yn defnyddio dull astudiaeth achos manwl mewn chwe ardal a oedd yn gynrychiadol yn ddemograffeg, yn gymdeithasol-economaidd ac yn ddaearyddol o Gymru. Llywiwyd y broses ddethol gan y deipoleg o awdurdodau lleol a ddatblygwyd yng nghyfres y Monitor Digartrefedd: Cymru.²⁶ O'r chwe awdurdod lleol gwreiddiol y cysylltwyd â nhw, cytunodd pump i gymryd rhan. Ceisiwyd awdurdod arall i gymryd lle'r awdurdod lleol nad oedd yn fodlon cymryd rhan. Cynhaliwyd gwaith maes rhwng hydref 2020 a dechrau 2021. O ganlyniad i bandemig Covid-19, cynhaliwyd y gwaith ymchwil o bell ac yn ddigidol. Perodd y pandemig sawl her, yn enwedig o ran recriwtio cyfranogwyr gyda phrofiadau go iawn, yn rhannol oherwydd y symudiad i weithio o bell gan wasanaethau lleol sy'n cefnogi pobl a mynediad at offer TG. O ganlyniad, roedd y meintiau sampl yn llai na'r hyn roeddem wedi'i obeithio. Derbyniodd y pump o bobl â phrofiad byw y bu i ni siarad â nhw, dalebau siopa gwerth £20 am eu cyfranogiad.

24 Downie, M., Gousy, H., Basran, J., Jacob, R., Rowe, S., Hancock, C., Albanese, F., Pritchard, R., Nightingale, K. a Davies, T. (2018) *Everybody In: How to end homelessness in Great Britain*. Llundain: Crisis. t.289

25 Mackie, P.; Gray, T.; Hughes, C.; Madoc-Jones, I.; Moustari, V.; Pawson, H.; Spyropoulos, N.; Stirling, T.; Taylor, H.; Watts, B. (2019). *Adolygiad o Angen Blaenoriaethol yng Nghymru*. Caerdydd: Llywodraeth Cymru.

26 Fitzpatrick, S., Pawson, H., Bramley, G., Wilcox, S., Watts, B. ac Wood, J. (2017) *Y Monitor Digartrefedd: Cymru 2017*. Llundain: Crisis.

Tabl 1 – Crynodeb methodoleg ymchwil

Ardal astudiaeth achos	Teipoleg y Monitor Digartrefedd	Nifer y cyfweiliadau		
		Staff Opsiynau Tai	Staff gwasanaeth	Pobl â phrofiad go iawn
Ardal Awdurdod Lleol 1	Gwledig	2	1	
Ardal Awdurdod Lleol 2	Gwledig	2	1	
Ardal Awdurdod Lleol 3	Arall	1	1	
Ardal Awdurdod Lleol 4	Cymoedd	2	1	
Ardal Awdurdod Lleol 5	Trefol	Ni wnaeth neb gymryd rhan		2
Ardal Awdurdod Lleol 6	Trefol	1	4	
Arall	Trefol	1	1	3
Cyfanswm		9	9	5

Mae'r tabl uchod yn cyflwyno manylion y gwaith maes ar draws yr ardaloedd astudiaeth achos. Bu i ni siarad â naw aelod o staff Opsiynau Tai a naw aelod o staff sy'n gweithio mewn gwasanaethau cymorth i gyd. Ceisiwyd cyfranogwyr gyda phrofiad go iawn o ddigartrefedd ar draws pob ardal astudiaeth achos, gan weithio'n agos â gwasanaethau cymorth. O ystyried heriau'r gwaith maes yn sgil y pandemig, bu'n rhaid edrych y tu hwnt i'r ardaloedd astudiaeth achos gwreiddiol.

Cafodd y cyfweiliadau eu dadansoddi a'u codio yn thematig ym meddalwedd dadansoddi data ansoddol Atlas.Ti

1.2 Strwythur yr adroddiad

Mae'r adroddiad yn dechrau drwy archwilio'r system ddigartrefedd yng Nghymru a chyflwyno'r ddadl dros ddiwygiad cyfreithiol, gan dynnu ar ein gwaith ymchwil ynglŷn â sut mae unigolion yn cael mynediad at gymorth a'u profiadau o wneud hynny. Mae'n trafod ymateb Llywodraeth Cymru yn ystod pandemig Covid-19, y bu i gyfranogwr amlygu fel rhywbeth hanfodol yn newid safbwyntiau ynglŷn

â'r defnydd o brofion cyfreithiol ac sy'n darparu sylfaen ar gyfer cyflawni'r diwygiad cyfreithiol a gynigir yn yr adroddiad hwn arni. Yna, mae'n troi at drafod sut a pham y defnyddir y meini prawf, sy'n tynnu ar lenyddiaeth bresennol ac yn cael ei gefnogi gan ganfyddiadau ein hymchwil ein hunain. Yma, rydym yn darparu cipolwg ar y grwpiau hynny o bobl sy'n fwyaf tebygol o ganfod eu hunain yn anghymwys am y brif ddyletswydd, ac effaith pob prawf, gan gynnwys sut mae'r profion yn atal staff ac unigolion rhag cael mynediad at gymorth, goblygiadau'r diffyg cymorth i'r rheiny sydd ag anghenion cymorth, ac effaith ar les a synnwyr o obaith pobl. Wrth drafod pob prawf, mae'r adroddiad yn cyfuno safbwyntiau awdurdodau lleol a darparwyr cymorth gyda safbwyntiau'r rheiny sydd â phrofiad byw o ddigartrefedd. Yn olaf, mae'r adroddiad yn darparu cipolwg ar yr egwyddorion a'r fframwaith sylfaenol ar gyfer y diwygiad cyfreithiol arfaethedig.

Jake

"Pe na bai gennyf gymorth ffrindiau a phethau felly, byddwn wedi gallu bod yn farw ar y stryd. Torrodd fy nghalon bod yn ôl ar y trywydd hwnnw. Torrodd fy nghalon. Go iawn."

Collodd Jake ei gartref pan roddodd ei gyflogwr rybudd iddo ar y llety oedd yn dod gyda'i swydd. Ni ellid cyllido ei rôl mwyach, felly roedd rhaid iddo adael ei gartref. Yn yr wythnosau cyn iddo adael, ceisiodd ddod o hyd i lety arall fforddiadwy, ond methodd. Roedd gorfod gadael yn brofiad 'syfrdanol'.

Roeddwn wedi gwneud popeth o fewn fy ngallu i chwilio am eiddo, ac yna, yn amlwg ymhen ychydig roedd rhaid i mi symud allan o'r lle. Felly fy newis olaf oedd y cyngor...mae'n gohirio eich holl fywyd mewn ffordd, rydych yn gyfforddus, rydych yn ddiogel, rydych yn credu bod popeth wedi'i sortio ac yna, yn sydyn, mae popeth yn mynd o chwith.

Heb unman i fynd, ffoniodd Jake y cyngor am gymorth, a ofynnodd am brawf o'i sefyllfa. Dywedodd wrthynt na allai aros gyda'i deulu. Darparodd dystiolaeth yn bersonol y diwrnod dilynol. O fewn deng munud, dywedwyd wrtho nad oedd yn y categori angen blaenoriaethol ac na allai'r cyngor ei helpu gyda llety.

[Dywedodd y cyngor] Nid oes unrhyw beth y gallwn ei wneud i ti, gallwn

gynnig cymorth i ti drwy gynllun bond a phethau felly, ond ni allwn dy roi mewn llety brys, rwyf ti'n mynd i orfod dod o hyd i rywle.

Disgrifiodd hyn fel torcalonnus a chanfu ei hun yn cerdded strydoedd y dref leol heb unman i fynd. Roedd Jake wedi profi digartrefedd o'r blaen ond y tro hwnnw roedd y cyngor wedi'i helpu i gael mynediad at le mewn llety gyda chymorth a llwyddodd i ddefnyddio sefydlogrwydd y llety fel bloc adeiladu i'w helpu i fynd i'r afael â'i broblemau gyda chamddefnyddio sylweddau.

Roeddwn yn torri fy nghalon, yn crïo, dydw i ddim yn ddyn emosynol, ond fe daflodd fi oddi ar fy echel, go iawn.

Yr hyn roedd Jake yn ei chael hi'n anodd deall bryd hynny oedd bod y cyngor wedi gwrthod ei helpu am nad oedd yn ffitio yn unrhyw un o'r categorïau angen blaenoriaethol. Roedd yn teimlo fel pe bai wedi cael ei adael i ymorol amdano'i hun.

Roeddwn wedi cyrraedd pen fy nhennyn, nid oedd gennyf un man i fynd, gallwn naill ai gael cymorth

neu fyw ar y strydoedd, ac fe wnaeth hynny fy synnu, o ddifrif, nid oeddwn wedi'i ddisgwyl.

Er i'r cyngor gynnig cynllun bond blaendal rhent, ni chafodd manylion hyn eu hegluro i Jake na bod angen iddo fod mewn cyswllt rheolaidd â'r cyngor. Pan gysylltodd â'r cyngor yn ddiweddarach i ddarganfod a oedd ganddynt ddiweddariadau iddo, dywedwyd wrtho ei fod wedi cael ei dynnu oddi ar eu system achos oherwydd diffyg ymgysylltiad. Heb gydnabyddiaeth iawn o sefyllfa Jake, ni chafodd y cymorth yr oedd ei angen arno.

Yn y diwedd, ffraeodd hi [Swyddog Tai] gyda mi...Dywedais, nid oes gennyf gredyd, nid oes gennyf fynediad at eiddo, felly sut ydw i'n mynd i chwilio am leoedd os nad oes gennyf y mynediad? Nid oes gennyf dechnoleg, nid oes gennyf arian, mae angen y cymorth ychwanegol arnaf ac nid oeddent wedi egluro hynny i mi.

Yn ddi-fudd iddo, dywedwyd wrtho pe bai wedi cael ei wneud yn ddigartref rai wythnosau ar ôl i bandemig Covid ddechrau, yna byddai'r cyngor wedi ei gartrefu ar unwaith. Gwnaeth siarad â'r cyngor eto wneud iddo deimlo bod bai arno ef am ei ddigartrefedd.

Gwnaeth [Y Swyddog Tai] i mi deimlo'n ofnadwy ac ar ben hynny, roedd fy amgylchiadau yn ddigon drwg... Gwnaeth i mi deimlo fel y dyn drwg ac mai fy mai i oedd y cwbl nad oeddwn wedi gwneud hyn, nad oeddwn wedi chwilio am yr eiddo hwn, nad oeddwn wedi cysylltu â nhw.

Ar ôl cwyno am ei driniaeth, neilltuwyd swyddog tai newydd i Jake. Un nad oedd yn, 'robotaid' neu fel 'siarad â pheiriant...heb gydymdeimlad'.

Aeth Jake at y cyngor ym mis Chwefror, ond ni ddaeth o hyd i rywle newydd i fyw tan fis Tachwedd – bron i naw mis ar ôl iddo gysylltu y tro cyntaf am gymorth. Yn ystod y cyfnod

hwnnw, roedd yn 'syrffio sofffa' a oedd yn ei atgoffa'n anffodus o'r amser caled yr aeth drwyddo y tro diwethaf roedd yn ddigartref.

Pe na bai gennyf gymorth ffrindiau a phethau felly, byddwn wedi gallu bod yn farw ar y stryd. Torrodd fy nghalon bod yn ôl ar y trywydd hwnnw. Torrodd fy nghalon. Go iawn.

Canfu'r diffyg diogelwch ac ansicrwydd sy'n nodweddiadol o 'syrffio sofffa' yn anodd eu rheoli: roedd bob amser ar bigau, yn byw allan o fag ac yn ofni y byddai'n cael ei droi allan. Canfu ei hunan yn cymryd gwrth-iselyddion eto ac yn yfed yn achlysurol.

Roedd diffyg cartref yn cyfyngu ar ei allu i ddod o hyd i waith gyda darpar gyflogwyr yn anfodlon cymryd y ganolfan waith fel ei gyfeiriad. Datblygodd Jake ymdeimlad cynyddol o anobaith am ei ddyfodol. Ychwanegodd pandemig Covid at hynny, a wnaeth hi'n fwy anodd iddo aros gydag eraill oherwydd y cyfnodau clo.

Roedd yn amhosib a dweud y gwir, ni welais oleuni ar ddiwedd y twnnel am amser hir.

Dim ond drwy hap a damwain – ac amgylchiadau trist – y newidiodd pethau er gwell i Jake. Bu farw cymydog hyn i lawr y grisiau i'w fam a chynigodd y landlord, yn gwybod am amgylchiadau Jake, y fflat oedd bellach yn wag iddo.

Mae wedi newid fy mywyd yn llwyr. Mae wedi newid fy mywyd yn llwyr.

Cafodd Jake waith fel swyddog diogelwch, ac mae'n cysgu a bwyta'n well unwaith eto. Gan fyfyrto ar ei 'gymorth' gan y cyngor, mae'n dymuno pe bai ganddynt gymorth priodol yn ei le i'r rheiny sy'n anghymwys a phe bai pethau yn cael eu hegluro'n glir. Byddai hyn wedi helpu i leddfu ei ofn mwyaf o orfod cysgu ar y stryd.

Pennod 2:

Y ddadl dros adael neb allan – “oni ddylai fod yna rwyd ddiogelwch i bawb sy'n ddigartref?”²⁷

Mae *Deddf Tai (Cymru) 2014* wedi mwynhau cryn gefnogaeth. Mae wedi helpu i wella canlyniadau, cydweithio, rhannu arferion, ac wedi cefnogi newid diwylliannol ar draws y sector. Mae hefyd wedi dangos pwysigrwydd a photensial dull yn seiliedig ar atal ac ymyrryd sy'n canolbwyntio ar y person.²⁸

Fodd bynnag, er gwaethaf y fframwaith cyfreithiol mwy cynhwysfawr a greodd y Ddeddf, mae bylchau o hyd yn y gefnogaeth sy'n rhan o'r system. O

ganlyniad, mae rhai pobl yn cael eu gadael heb gymorth i roi terfyn ar eu digartrefedd.

Ers 2015, mae 1 ym mhob 8 o bobl (9,261 o bobl) heb dderbyn y brif ddyletswydd ar ôl canfod nad oeddent yn y categori angen blaenoriaethol neu eu bod wedi achosi eu digartrefedd yn fwriadol.²⁹ Yn 2019/20, gadwyd 3 ym mhob 10 o bobl (1,773 o bobl) a oedd yn ddigartref ac wedi'u hasesu o dan Adran 75 – lle ystyrir y brif ddyletswydd neu ailgartrefu – heb y

27 Mackie, P.; Gray, T.; Hughes, C.; Madoc-Jones, I.; Mousteri, V.; Pawson, H.; Spyropoulos, N.; Stirling, T.; Taylor, H.; Watts, B. (2019). *Adolygiad o Angen Blaenoriaethol yng Nghymru*. Caerdydd: Llywodraeth Cymru

28 Mackie, P., Thomas, I. (2016) *Digartrefedd Sengl Trawsnewidiol yng Nghymru*. Caerdydd: WISERD

29 Cyfrifir y ffigur o 9,261 o bobl drwy luosi nifer yr aelwydydd nad ydynt yn y categori aelwyd person sengl gyda 2 (drwy dynnu nifer yr aelwydydd sengl o gyfanswm nifer yr aelwydydd). Yna, caiff hyn ei adio at nifer yr aelwydydd sengl dros y cyfnod 2015/16 i 2019/20. Defnyddir y lluosydd 2 oherwydd tybir bod aelwydydd o unrhyw faint mwy yn deuluoedd gyda phlant ac felly byddent yn gymwys am y brif ddyletswydd. Tybir bod aelwydydd heb fod yn sengl, nad yw'r ddyletswydd yn ddyledus iddynt, yn debygol o fod yn gyplau.

cymorth oedd ei angen arnynt i roi terfyn ar eu digartrefedd.³⁰

Mae'r profion cymhwysra wedi cael eu disgrifio yn 'rhyfedd', 'rhyfedd o hen ffasiwn', 'mymrwyl ac eithaf goddrychol', a 'rhwystr rhag cael...gwasanaethau'.^{31,32} Maent yn anghydnaws â dull atal a lleihau niwed Deddf 2014 ac yn llesteirio ymdrechion i roi terfyn ar ddigartrefedd drwy adael llawer i barhau i wynebu digartrefedd heb gymorth.

Mae ein system bresennol hefyd yn anghydnaws â'r symudiad a ddymunir tuag at dulliau sy'n canolbwyntio mwy ar y person ac yn cael eu llywio gan drawma.³³ Pwysleisiodd cyfranogwyr bwysigrwydd dulliau wedi'u llywio gan seicoleg a thrawma i staff a gweithluoedd a sut y gall asesiadau agored i niwed eu hunain fod yn drawmatig i rai ymgeiswyr.

“Ydy cael angen blaenoriaethol yn ei gwneud hi'n ofynnol i bobl ailadrodd profiadau trawmatig a siarad am y niwed maent wedi'i ddioddef yn eu bywyd, onid yw hynny'n cael effaith negyddol?...Ydy rhoi'r person hwnnw drwy'r profiad yna...ydy o wir yn angenrheidiol? A ddylem fod yn gwneud hynny i bobl?”

– Cyfwelai o'r trydydd sector, Adolygiad o Angen Blaenoriaethol³⁴

Mae'r ymateb yn ystod pandemig Covid-19 wedi dangos i ni y gallwn, gyda chyfeiriad gwleidyddol, arweinyddiaeth a chyllid, ddarparu

cymorth i fwy o bobl ddianc rhag digartrefedd. Er bod y fframwaith cyfreithiol wedi lleihau'n llwyddiannus nifer y bobl sy'n wynebu'r ffurfiau gwaethaf ar ddigartrefedd, nid yw'n atal pobl rhag cael eu gwrthio i ddigartrefedd yn y lle cyntaf. Tra bod y ddeddfwriaeth bresennol yn amlwg yn helpu i wneud digartrefedd yn fwy prin drwy atal, gall weithio yn erbyn y nod o wneud digartrefedd yn ddigwyddiad byr ac unwaith. Fel yr awgryma ein gwaith ymchwil, gall rhai pobl gael eu gadael yn ddigartref am gyfnod hwy a phrofi sawl ffurf ar ddigartrefedd oherwydd eu bod yn cael eu gadael heb gymorth am bwy ydynt, lle maent yn byw a sut maent wedi dod yn ddigartref.³⁵

Mae gennym nawr y cyfle i adeiladu ar yr ymateb yn ystod Covid-19 a newid ein fframwaith presennol er gwell, drwy sicrhau nad oes neb yn mynd heb gymorth.

Canfyddiadau'r gwaith ymchwil – y ddadl dros newid

Bu i awdurdodau lleol weld rhyw faint o werth yn y meini prawf cymhwysra fel ffordd o rannu adnoddau prin ond bu iddynt gydnabod bod y system wedi'i dylunio mewn ffordd sy'n eu hatal rhag darparu'r cymorth sydd ei angen ar bobl a rhoi terfyn ar eu digartrefedd.

Roedd ein canfyddiadau yn ategu gwaith ymchwil cynharach fod meini prawf cymhwysra yn creu rhwystrau; y rheiny sydd 'mewn' a'r rheiny sydd

30 Ystadegau Llywodraeth Cymru: Aelwydydd sydd wedi derbyn cymorth yn ôl canlyniad a'r math o aelwyd. Ar gael yn: <https://stats.wales.gov.wales/Catalogue/Housing/Homelessness/householdsforwhichassistanthasbeenprovided-by-outcome-householdtype>

31 Mackie, P.; Gray, T.; Hughes, C.; Madoc-Jones, I.; Mousteri, V.; Pawson, H.; Spyropoulos, N.; Stirling, T.; Taylor, H.; Watts, B. (2019). *Adolygiad o Angen Blaenoriaethol yng Nghymru*. Caerdydd: Llywodraeth Cymru.

32 Ibid.

33 Llywodraeth Cymru (2019) *Strategaeth ar gyfer Atal a Rhoi Terfyn ar Ddigartrefedd*. Caerdydd: Llywodraeth Cymru.

34 Mackie, P.; Gray, T.; Hughes, C.; Madoc-Jones, I.; Mousteri, V.; Pawson, H.; Spyropoulos, N.; Stirling, T.; Taylor, H.; Watts, B. (2019). *Adolygiad o Angen Blaenoriaethol yng Nghymru*. Caerdydd: Llywodraeth Cymru.

35 Sanders, B., Boobis, S., ac Albanese, F. (2019) *'It was like a nightmare' The reality of sofa surfing in Britain today*. Llundain: Crisis.

'allan'.³⁶ Mae hyn yn creu gwrthdaro rhwng yr hyn y mae staff rheng flaen yn gwybod sydd ei angen i roi terfyn ar eu digartrefedd, a'r hyn sy'n cael ei annog gan y gyfraith.

"Os ydych yn cyflwyno meini prawf cymhwysra rydych ar unwaith, wel, mae'n rhywbeth mae pobl yn mynd i'w wynebu, digartrefedd, waeth beth fo'u sefyllfa, os nad ydynt yn ticio'r bocsys maent yn mynd i fod yn ddiartref ac yn aml nid yw hynny'n gweithio tuag at y nod o leihau neu atal digartrefedd yn gyfan gwbl oherwydd mae'n anochel y bydd rhywun bob amser yn disgyn drwy'r craciau a ddim yn cael eu hachub gan y rhwyd ddiogelwch."

– Darparwr gwasanaeth LAA2

"Ni fydd y meini prawf cymhwysra yn rhoi terfyn ar ddiartrefedd oni bai y ceir gwared arnynt."

– Rheolwr Opsiynau Tai LAA2

Newidiodd profiadau o Covid-19 safbwyntiau rhai ymatebwyr ynglŷn â'r hyn sy'n bosib, yn eu tyb nhw. Nododd gwasanaethau fanteision gallu ymgysylltu ag unigolion y gwrthodwyd cymorth iddynt droeon, a'r hyn roedd gwasanaethau yn gallu ei gyflawni.

"Rwy'n credu ei fod erioed wedi bod yn "ffaith" sefydledig i ddyfynnu, na

allwn roi llety i bawb, nad oes modd rhoi llety i bawb. Yn syml nid dyna'r achos ac rydym wedi gweld nawr gyda Covid eu bod, pan oedd angen iddynt, wedi dod o hyd i lety."

– Darparwr gwasanaeth LAA6

Awgrymodd rhai bod yr ymateb yn ystod Covid-19 wedi dangos natur fyrweledol y meini prawf cymhwysra. Darparodd gyfranogwyr enghreifftiau o'r gwelliannau sylweddol i amgylchiadau'r rheiny sydd wedi cael llety yn ystod y pandemig, ond a oedd wedi cael eu gwrthod o'r blaen. Roedd yr enghreifftiau a ddarparwyd rhan amlaf yn ddynion sengl.

"Yn enwedig yn ystod [pandemig] Covid, rydym wedi cael llawer o ddynion sengl yn dychwelyd, ac yn amlwg y tro hwn maent wedi cael llety. Ac mewn rhai ffyrdd, mae hynny'n beth cadarnhaol, oherwydd rydych yn teimlo nawr eich bod yn gallu gwneud rhywbeth i helpu'r bobl hynny."

– Rheolwr Opsiynau Tai LAA2

Mae'r profion hefyd yn atal staff rheng flaen mewn awdurdodau lleol a gwasanaethau cymorth rhag darparu'r cymorth sydd ei angen ar bobl ac atal unrhyw ddirywiad yn amgylchiadau pobl. Cyfeiriodd eraill at natur drom o ran adnoddau a baich gweinyddol y profion, gan ategu

Dyletswyddau cyfreithiol a digartrefedd mynych

Awgryma dadansoddiad o geisiadau ar gyfer cymorth digartrefedd yn Abertawe o fis Ionawr 2012 i fis Rhagfyr 2015, fod nifer fawr o bobl yn wynebu digartrefedd ar fwy nag un achlysur. Yn Abertawe yn 2015, roedd 1 ym mhob 4 o ymgeiswyr wedi cysylltu â'r awdurdod am gymorth ar ryw adeg yn ystod y tair blynedd flaenorol.³⁷ Mae hyn o ddiddordeb i'n cynigion, o ystyried bod lleihad mewn digartrefedd mynych yn yr Alban wedi cael ei gysylltu'n gadarnhaol â chryfhau hawliau i bobl sy'n wynebu digartrefedd, yn arbennig cael gwared ar yr angen blaenoriaethol o'r system ddiartrefedd statudol.³⁸

36 Mackie, P. (2014) The Welsh homelessness legislation review: delivering universal access to appropriate assistance? *Contemporary Wales* 27 (1). 1-20.

37 Thomas, I., Mackie, P. (2020) *Measuring Repeat Homelessness*. Abertawe: ADR Wales.

38 Fitzpatrick, S., Pawson, H., Bramley, G. ac Wilcox, S. (2012) *Y Monitor Digartrefedd: Yr Alban 2012*. Llundain: Crisis.

gwaith ymchwil blaenorol ynglŷn â sut mae hyn yn tynnu oddi wrth y ffocws ar ddod o hyd i ddatrysiadau a datrys problemau.³⁹

"Rwy'n aml yn canfod fy hun yn brwydro rhwng adrannau i wneud yn siŵr bod y person, y person ifanc dan sylw yn cael y flaenoriaeth maent yn gymwys amdani yn nhermau meini prawf."

– Darparwr gwasanaeth LAA2

Arweiniodd y gwersi yn ystod pandemig Covid-19, ynghyd â chydabod y rhwystrau mae'r profion yn eu peri a'r anghysondebau wrth eu cymhwysu, at gyfranogwyr yn cydnabod nad ydynt yn gydnaws â rhoi terfyn ar ddiartrefedd a bod newid cyfreithiol yn ofynnol.

"Maent yno, a thra maent yno, ni fyddwch byth yn cael gwared ar ddiartrefedd, na fyddwch? Oherwydd byddwch yn gallu troi pobl i ffwrdd sy'n ddiartref, gan nad ydynt yn bodloni'r meini prawf."

– Rheolwr Opsiynau Tai LAA2

2.1 Pam newid cyfreithiol?

Dim ond cam cyntaf yw newid

Gwersi o'r Alban – pwysigrwydd newid cyfreithiol

Mae datblygiadau yn yr Alban yn pwysleisio pwysigrwydd newid deddfwriaethol. Ers datganoli, mae'r Alban wedi arwain y DU – ac Ewrop – drwy sicrhau bod mwy o bobl yn gallu cael mynediad at y cymorth sydd ei angen arnynt. Bwriad diwygiadau, megis cael gwared ar yr angen

39 Mackie, P.; Gray, T.; Hughes, C.; Madoc-Jones, I.; Moustari, V.; Pawson, H.; Spyropoulos, N.; Stirling, T.; Taylor, H.; Watts, B. (2019). *Adolygiad o Angen Blaenoriaethol yng Nghymru*. Caerdydd: Llywodraeth Cymru

40 Ibid. t.47

41 Ahmed, A., Wilding, M., Gibbons, K., Jones, M., Rogers, I., Madoc-Jones M., Wilding, A., Gibbons, K., Jones, M., Rogers, I., Madoc-Jones (2018) *Gwerthusiad ôl-weithredu o ran 2 Deddf Tai (Cymru) 2014: adroddiad terfynol, Adroddiad Prosiect*. Caerdydd: Llywodraeth Cymru.

42 Ibid.

43 Bramley, G., Fitzpatrick, S., Wood, J., Sosenko, F., Blenkinsopp, J., Littlewood, M., Frew, C., Bashar, T., McIntyre, J., a Johnsen, S. (2019). *Hard Edges Scotland: New conversations about severe and multiple disadvantage*. Sefydliad Lankelly Chase.

44 Mackie, P.; Gray, T.; Hughes, C.; Madoc-Jones, I.; Moustari, V.; Pawson, H.; Spyropoulos, N.; Stirling, T.; Taylor, H.; Watts, B. (2019). *Adolygiad o Angen Blaenoriaethol yng Nghymru*. Caerdydd: Llywodraeth Cymru

45 Connell, A. (2017) *Datblygu a gweithredu Rhan 2 Deddf Tai (Cymru) 2014: Gwersi i Bolisi ac Ymarfer yng Nghymru*. Caerdydd: Sefydliad Polisi Cyhoeddus i Gymru.

deddfwriaethol yn y broses o sicrhau y gallwn roi terfyn ar ddiartrefedd i fwy o bobl. Er na fydd deddfwriaeth ei hun yn rhoi terfyn ar ddiartrefedd, mae'n un o'r ffactorau sbarduno cryfaf sydd ar gael i ni.⁴⁰ Daeth Deddf 2014 yn sgil cydnabyddiaeth fod newid deddfwriaethol yn hanfodol i hybu gwelliannau a mynd i'r afael ag anghysondebau wrth gymhwysu Deddf Tai (Personau Digartref) 1977.^{41,42,43}

Awgryma llenyddiaeth bresennol ar effaith y meini prawf cymhwysra fod profion yn tynnu sylw at y system a phrosesu ymgeiswyr a bod eu natur oddrychol yn arwain at anghysondebau – gan ategu pryderon am fframwaith 1977 lle'r oedd ymarfer yn "camgyfieithu'r hyn roedd y ddeddfwriaeth yn ei ddweud mewn gwirionedd."^{44, 45} Yn ein gwaith ymchwil, clywsom gan awdurdodau lleol a gwasanaethau fod gallu helpu pawb drwy Covid-19 wedi golygu y gallai gwasanaethau ganolbwyntio ar roi'r cymorth iawn i bobl.

Yn bwysicaf oll, fel y dengys ein gwaith ymchwil, tra mae meini prawf cymhwysra yn bodoli, ni allwn roi terfyn ar ddiartrefedd.

blaenoriaethol a chynigion i gael gwared ar gysylltiad lleol a bwriadoldeb oedd cael gwared ar rwystrau i atal effeithiol, cymryd agwedd sy'n canolbwyntio ar y person a thosturiol, a rhoi mwy o ddewis a rheolaeth i aelwydydd.

Lleihaodd fframwaith estynedig yr Alban o hawliau cyfreithiol, ddisgresiwn ac anghysondebau drwy greu fframwaith cyfreithiol mwy syml a chryno. Arweiniodd cael gwared ar yr angen blaenoriaethol at ffocws mwy cryf ar ddeall a bodloni anghenion y rheiny sy'n wynebu digartrefedd a blaenoriaethau yn cystadlu yn erbyn ei gilydd a oedd yn gweithredu fel rhwystrau i ymyrryd effeithiol yn cael eu disodli. Dywedodd Ffederasiwn Cymdeithasau Tai yr Alban:

"Mae Ymrwymiad Digartrefedd 2012 – i roi'r hawl i lety sefydlog i bob person digartref yn anfwriadol – yn sefyll fel un o lwyddiannau mwyaf arwyddocaol Senedd yr Alban yn nhermau rhyngwladol. Mae wedi derbyn canmoliaeth fyd-eang a nodi'n glir iawn y math o gymdeithas y dymuna Albanwyr fyw ynddi. Mae hefyd wedi arwain at ystod o newidiadau mewn polisiau ac arferion tai a digartrefedd sydd wedi trawsnewid y modd y caiff anghenion pobl ddigartref eu bodloni. Mewn cwta ddegawd, rydym wedi gweld newid o system yr oedd nifer yn teimlo ei bod yn dad-ddyneiddio, annheg a dad-rymusol i ddull sy'n canolbwyntio ar y person ac yn ceisio dod o hyd i ddatrysiadau priodol i bawb."⁴⁶

Yn dilyn cael gwared ar yr angen blaenoriaethol yn yr Alban, gwelwyd leihad o 19 y cant yn nifer y ceisiadau digartrefedd statudol, y gellir ei briodoli i bolisi a mesurau gweinyddol wedi'u targedu ac ehangu hawliau ailgartrefu statudol i bobl ddigartref sengl.⁴⁷

Hyd yn oed gyda'r ddeddfwriaeth ddigartrefedd fwyaf blaengar ym Mhrydain Fawr, mae'r Alban wedi parhau i ystyried sut y gall wella ei fframwaith cyfreithiol ei hun er mwyn cryfhau hawliau, galluogi gwasanaethau i weithredu, ac atal pobl rhag wynebu digartrefedd.

Dywedodd adroddiad Grŵp Gweithredu yr Alban ar Ddigartrefedd a Chysgu Tu Allan: *"Yng nghyd-destun ystyried sut mae cyflawni'r canlyniadau gorau posibl, yn benodol i'r rheiny gyda'r anghenion mwyaf cymhleth, mae darpariaethau bwriadoldeb a chysylltiad lleol...yn codi'r mater o rwystrau posib o fewn y system ar yr un pryd ag y mae dulliau 'wedi'u llywio gan seicoleg' yn cael eu mabwysiadu ar atal."*

Mae'r Grŵp Adolygu Atal dan arweiniad Crisis, wedi datblygu fframwaith cyfreithiol sy'n cwmpasu iechyd, iechyd cyhoeddus, gofal cymdeithasol, y system carchar, gwasanaethau plant a theuluoedd, landlordiaid preifat, ac ysgolion. Mae'r cynigion yn cyflwyno dyletswyddau ar ystod o gyrff cyhoeddus i ofyn a gweithredu er mwyn atal digartrefedd.⁴⁸

46 Tystiolaeth ysgrifenedig gan Ffederasiwn Cymdeithasau Tai yr Alban http://www.scottish.parliament.uk/S4_InfrastructureandCapitalInvestmentCommittee/Inquiries/SFHA.pdf

47 Fitzpatrick, S., Pawson, H., Bramley, G. ac Wilcox, S. (2012) *Y Monitor Digartrefedd: Yr Alban 2012*. Llundain: Crisis. t.viii

48 Reid, B. (2021) *Preventing Homelessness in Scotland. Recommendations for legal duties to prevent homelessness: A report from the Prevention Review Group.*

Pennod 3:

Cymorth digartrefedd yng Nghymru heddiw

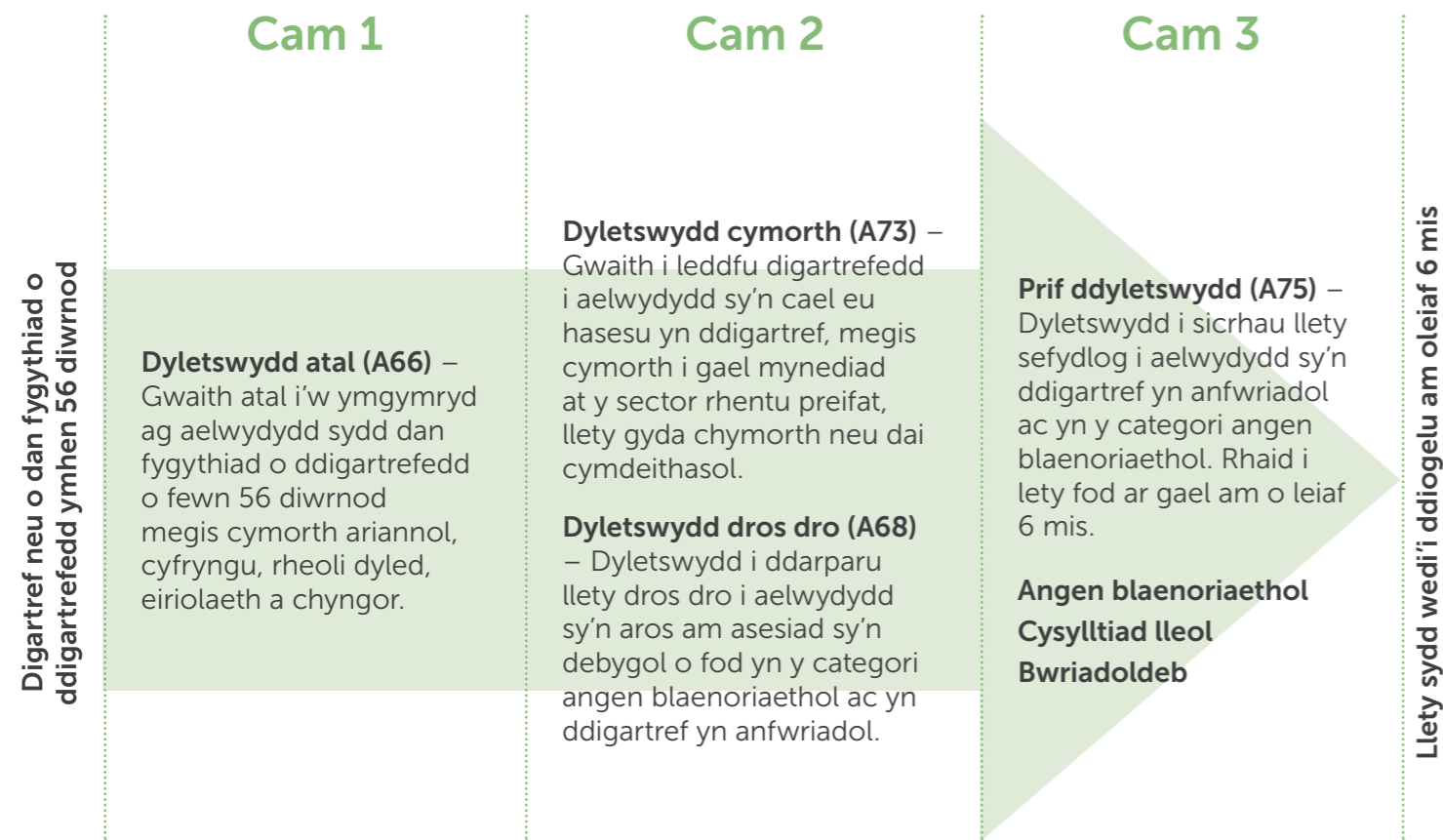
Roedd Deddf 2014 yn ddarn pwysig iawn o ddeddfwriaeth, yn pwysleisio ymyrryd yn gynharach a chymorth wedi'i deilwra at anghenion penodol aelwydydd ynghynt i atal digartrefedd ac atal dirywiad yn amgylchiadau rhywun.

O dan Ddeddf 2014 dim ond yn ystod ail gam yr asesiad y caiff profion eu cymhwyso, os yw ymdrechion i atal

neu leddfu digartrefedd wedi bod yn aflwyddiannus. Yn ymarferol, golyga hyn y dylai pawb gael cymorth i dderbyn neu leddfu eu digartrefedd o fewn 56 diwrnod, beth bynnag fo'r cysylltiad lleol, bwriadoldeb, neu angen blaenoriaethol, cyn belled ag y cânt eu hasesu yn ddigartref neu dan fygythiad o ddigartrefedd o fewn 56 diwrnod.



Ffigwr 1 – Diffiniadau ar gyfer pob Cam a lle y cymhwysir profion cymhwysra



Byddai'r 'brif ddyletswydd' (neu ddyletswydd ailgartrefu Adran 75) yn ddyledus i ymgeisydd os gallant fodloni pob un o'r profion canlynol:

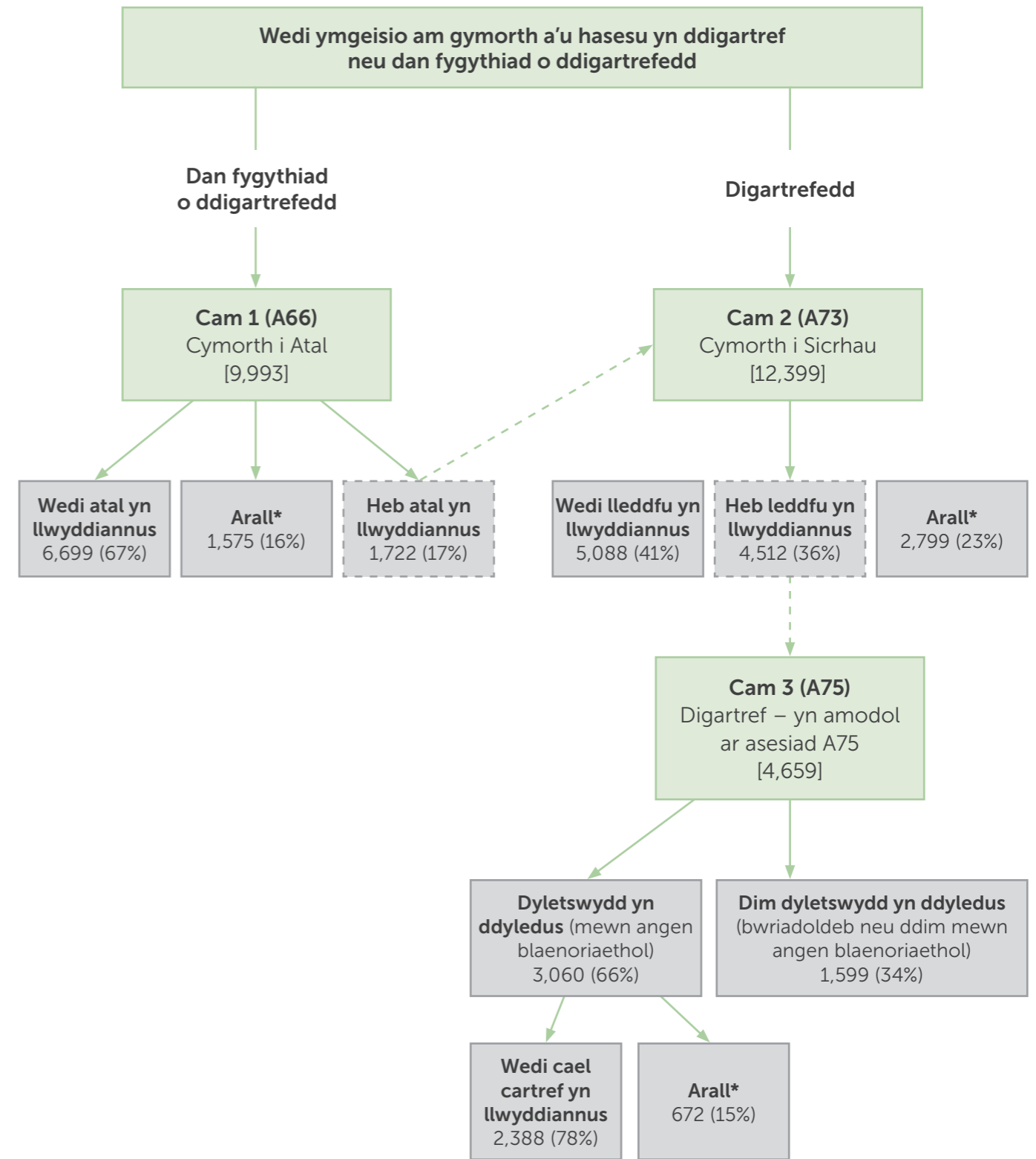
- Mae **angen blaenoriaethol** yn asesu a yw rhywun yn perthyn i gategori arbennig a fyddai'n pennu a ydynt mewn angen blaenoriaethol am gymorth.⁴⁹
- Mae **cysylltiad lleol** yn pennu a oes gan unigolion naill ai gysylltiadau lleol neu os ydynt wedi byw neu weithio yn yr ardal lle maent yn ceisio cymorth.⁵⁰
- Mae **bwriadoldeb** yn pennu a yw ymgeisydd wedi gwneud rhywbeth neu fethu â gwneud rhywbeth yn fwriadol sydd wedi arwain at eu digartrefedd.⁵¹

Mae rhywun yn gymwys am gymorth os ydynt yn ddinesydd y DU ai peidio gyda mynediad at gronfeydd cyhoeddus.⁵² Mae dyletswyddau yn ddyledus iddynt os gallant ddangos eu bod yn profi digartrefedd neu mewn perygl o hynny, o fewn 56 diwrnod. Mae'r 'brif ddyletswydd' (neu'r ddyletswydd ailgartrefu o dan Adran 75 y Ddeddf) yn ddyledus iddynt os ydynt mewn categori angen blaenoriaethol, yn gallu dangos cysylltiad lleol, ac nid ydynt wedi achosi eu digartrefedd yn fwriadol.

49 Deddf Tai (Cymru) 2014 a70
 50 Deddf Tai (Cymru) 2014 a81
 51 Deddf Tai (Cymru) 2014 a77
 52 Deddf Tai (Cymru) 2014 a.61.2

Ffigwr 2 – Y broses ddigartrefedd a chanlyniadau ar gyfer Cam Un, Dau a Thri yn 2019-20

Proses deddfwriaeth ddigartrefedd Cymru, gan gynnwys data canlyniadau ar gyfer Camau Un (Cymorth i atal) Dau (Cymorth i Sicrhau) a Thri (Digartref – yn amodol ar asesiad A75) 2019-20



*Arall yn cynnwys cymorth wedi'i wrthod, diffyg cydymffurfiaeth a rhesymau eraill
 O ganlyniad i natur grynsyth data, mae llinellau bylchog yn awgrymu y dylid tybio bod achosion wedi cael eu trosglwyddo Ffynhonnell: Llywodraeth Cymru

Tabl 2 – Nifer yr aelwydydd yn gwneud cais am gymorth a oedd yn wynebu digartrefedd neu dan fygythiad digartrefedd ymhen 56 diwrnod ers 2015/16

2015/16	2016/17	2017/18	2018/19	2019/20
7,128 o aelwydydd dan fygythiad o ddigartrefedd (A66); 65% wedi'u hatal	9,231 o aelwydydd dan fygythiad o ddigartrefedd (A66); 62% wedi'u hatal	9,072 o aelwydydd dan fygythiad o ddigartrefedd (A66); 66% wedi'u hatal	10,737 o aelwydydd dan fygythiad o ddigartrefedd (A66); 68% wedi'u hatal	9,993 o aelwydydd dan fygythiad o ddigartrefedd (A66); 67% wedi'u hatal
6,891 o aelwydydd wedi'u hasesu'n ddigartref (A73); 45% wedi'u lliniaru	10,908 o aelwydydd wedi'u hasesu'n ddigartref (A73); 41% wedi'u lliniaru	11,277 o aelwydydd wedi'u hasesu'n ddigartref (A73); 41% wedi'u lliniaru	11,715 o aelwydydd wedi'u hasesu'n ddigartref (A73); 41% wedi'u lliniaru	12,339 o aelwydydd wedi'u hasesu'n ddigartref (A73); 41% wedi'u lliniaru
<ul style="list-style-type: none"> • Yn amodol ar ddyletswydd i asesu (A75) 3,228 • 1,611 (50%) gydag angen blaenoriaethol ac anfwriadoldeb (A75); 1,284 (80%) wedi cael cartref yn llwyddiannus • 1,617 heb ddyletswydd (50%) 	<ul style="list-style-type: none"> • Yn amodol ar ddyletswydd i asesu (A75) 3,459 • 2,073 (81%) gydag angen blaenoriaethol ac anfwriadoldeb (A75); 1,617 (78%) wedi cael cartref yn llwyddiannus • 1,386 (40%) heb ddyletswydd 	<ul style="list-style-type: none"> • Yn amodol ar ddyletswydd i asesu (A75) 3,954 • 2,229 (56%) gydag angen blaenoriaethol ac anfwriadoldeb (A75); 1,746 (78%) wedi cael cartref yn llwyddiannus • 1,725 (44%) heb ddyletswydd 	<ul style="list-style-type: none"> • Yn amodol ar ddyletswydd i asesu (A75) 4,491 • 2,631 (59%) gydag angen blaenoriaethol ac anfwriadoldeb (A75); 2,091 (79%) wedi cael cartref yn llwyddiannus • 1,860 (41%) heb ddyletswydd 	<ul style="list-style-type: none"> • Yn amodol ar ddyletswydd i asesu (A75) 4,659 • 3,060 (66%) gydag angen blaenoriaethol ac anfwriadoldeb (A75); 2,388 (78%) wedi cael cartref yn llwyddiannus • 1,599 (34%) heb ddyletswydd

Tabl 3 – Nifer yr ymgeiswyr cymwys (unigolion/teuluoedd) a'r rheiny sydd heb angen blaenoriaethol neu'n ddigartref yn fwriadol pob blwyddyn ers 2015/16

	Cymwys, digartref a chydag angen blaenoriaethol ond yn fwriadol	Cymwys, digartref ond heb angen blaenoriaethol	Unigolion/teuluoedd dan fygythiad o ddigartrefedd yn ystod y flwyddyn	Unigolion/teuluoedd wedi cael eu hasesu'n ddigartref yn ystod y flwyddyn
2015/16	273	1,344	7,128	6,891
2016/17	126	1,260	9,231	10,908
2017/18	159	1,566	9,072	11,277
2018/19	201	1,659	10,737	11,715
2019/20	129	1,470	9,993	12,399

Ers 2015/16, mae nifer y bobl sy'n cysylltu â'u hawdurdod lleol am gymorth a aseswyd fel dan fygythiad o ddigartrefedd neu'n profi digartrefedd wedi cynyddu o'r naill flwyddyn i'r llall. Er gwaethaf hyn, mae cyfraddau atal a lleddfu wedi aros yn gyson.⁵³

Fodd bynnag, mae nifer cynyddol o bobl wedi cael eu gadael heb y gymorth sydd ei angen arnynt ar ôl cael eu hystyried yn anghymwys pan gawsant eu hasesu o dan ddyletswydd ailgartrefu Adran 75.



53 Ystadegau Llywodraeth Cymru: Digartrefedd. Ar gael yn: <https://statswales.gov.wales/Catalogue/Housing/Homelessness>

Canfyddiadau'r ymchwil – Y realiti o ran cael mynediad i gymorth

Er bod Deddf 2014 yn nodi'r camau y mae'n rhaid i awdurdodau lleol eu rhoi ar waith, rhoddodd cyfranogwyr yr ymchwil enghreifftiau o anghysondebau sylweddol o ran sut a phryd roedd meini prawf cymhwysra yn cael eu defnyddio, a'r anawsterau yr oedd rhai'n eu hwynebu o ganlyniad i hyn.

Nododd un gwasanaeth enghreifftiau lle nad oes asesiad llawn o anghenion unigol. Mae hyn yn adlewyrchu canfyddiadau presennol o ran staff rheng-flaen yn gwneud penderfyniadau ar sail bregusrwydd, gan arwain at rai unigolion yn methu â bod yn 'gymwys' ar gyfer y brif ddyletswydd.^{54, 55}

"Dw i'n meddwl weithiau bod ymagwedd ddifater, "O wel, mae pawb yn isel eu hysbryd felly does dim rhaid i ni". Ti'n gwybod? Nid yw'n golygu eich bod ag angen blaenoriaethol, mae pawb yn isel eu hysbryd dan eich amgylchiadau. Ac felly, ie, weithiau mae fel 'na. Dyna'r ymagwedd reng-flaen."

– Darparwr gwasanaeth LAA6

Mae hyn yn debygol o fod oherwydd y trothwy bregusrwydd eithaf uchel yng Nghymru. Sefydlodd y prawf 'Pereira', yn Neddf 2014, 'y person digartref cyffredin' fel y cymharydd ar gyfer bregusrwydd, gan olygu 'person digartref cyffredin ar y stryd'.⁵⁶ Mae dyfarniad Hotak yn Lloegr wedi ail-ddiffinio'r cymharydd i fod yn 'berson

cyffredin', sy'n lleihau'r trothwy y byddai rhywun yn cael ei ddiffinio'n fregus yn *Neddf Lleihau Digartrefedd 2017*.⁵⁷

I rai unigolion, gall hyn olygu'r gwahaniaeth rhwng bod yn amodol i'r brif ddyletswydd neu beidio. Daethom i'r casgliad bod pobl ag anghenion iechyd meddwl 'lefel isel' neu broblemau camddefnyddio sylweddau yn aml yn cael eu heffeithio gan y trothwy bregusrwydd eithaf uchel, sy'n ategu canfyddiadau gwaith ymchwil presennol.⁵⁸

"Felly, bydden i'n dweud y bobl hynny sydd â phroblemau iechyd meddwl lefel is, materion iechyd corfforol o bosib, ond nid ydynt yn "ddigon sylweddol" i'w gwneud nhw'n gymwys am angen blaenoriaethol."

– Darparwr gwasanaeth LAA6

Amlygodd gwasanaethau sy'n gweithredu dros sawl awdurdod lleol anghysondebau o fewn a rhwng awdurdodau, gydag ymagweddau gwahanol o lefelau anghenion gwahanol y mae'n rhaid i rywun eu harddangos i gael mynediad i gefnogaeth.

"Rydym yn cael llawer o bobl gyda phroblemau iechyd meddwl ond gan eu bod nhw'n, mae'n cael ei drin gan y meddyg teulu, er enghraifft, felly nid ydynt yn rhan o'r braced angen blaenoriaethol. Mae'n ymddangos bod gwahaniaeth, ac rwyf wedi sylweddoli arno gydag awdurdodau lleol gwahanol hefyd, o ran beth sy'n sbarduno angen blaenoriaethol i rywun

gyda materion iechyd meddwl. Gall fod yn fath o feddyginiaeth mewn un awdurdod lleol, neu gall fod y ffaith bod rhywun mewn cyswllt gyda CPN [Nyrs Seiciatreg Cymunedol] mewn awdurdod lleol arall. Mae'n amrywio, does dim byd cadarn sy'n nodi, dyma yw angen blaenoriaethol."

– Gwasanaeth LAA4

Nododd awdurdodau lleol a gwasanaethau mewn rhai ardaloedd, waeth beth fo'r angen blaenoriaethol, y byddai rhyw fath o gefnogaeth yn cael ei chynnig, gan amlygu'r gwahaniaethau o ran cael mynediad i gefnogaeth ledled Cymru.

"Felly maen nhw [awdurdod lleol] yn defnyddio prawf angen blaenoriaethol. Fodd bynnag, os nad yw rhywun – os oes penderfyniad nad yw'n angen blaenoriaethol – byddant fel arfer yn dal i gynnig gwasanaethau dydd, dyna maent yn ei alw. Felly gall hynny fod yn rhywbeth fel lle ar y llawr neu lety hostel, pod, rhywbeth felly."

– Gwasanaeth LAA6

"...mae'r rhan fwyaf o bobl sydd heb anghenion blaenoriaethol yn bobl sengl, ac rydym wastad wedi darparu llety. Wedyn, os nad ydynt yn gymwys, efallai dim hawl [i gael arian cyhoeddus] neu os nad oes cysylltiad lleol, byddem yn dal i roi llety brys iddyn nhw."

– Rheolwr Opsionau Tai LAA6

Mae gan y 'loteri' hon ganlyniadau drwg i lawer. Er y bydd rhai o'r rheiny nad oes ganddynt hawl i ddyletswydd yn llwyddo i gael rhyw fath o lety, gwyddom bod llawer yn dal i gael trafferth, ac o ganlyniad maent yn gofyn am gefnogaeth eto'n nes ymlaen. Mae gwasanaethau'n nodi pan fo pobl yn cyflwyno am gefnogaeth

yn nes ymlaen, mae eu hanghenion cymorth yn llawer mwy, a'r sefyllfa dai wedi gwaethygu.

"Rwy'n mynd i weld pobl yn eithaf aml sydd heb angen blaenoriaethol, ac mae'n amlwg iawn bod ganddynt angen blaenoriaethol... ry'n ni'n mynd drwy'r cylch ohonyn nhw'n bod mewn sefydliad iechyd meddwl, gyda ni, yn ôl ar y strydoedd. Ry'n ni'n gwybod bod gan lawer yr anghenion hyn, ond ni fyddant yn eu rhoi nhw i lawr fel blaenoriaeth."

– Gwasanaeth LAA6

Bu i wasanaethau nodi dynion sengl a phobl sy'n cysgu ar y stryd fel y prif grŵp o ymgeiswyr sy'n wynebu'r rhwystrau hyn yn gyson, sy'n ategu gwaith ymchwil blaenorol.⁵⁹ Dengys tystiolaeth mai'r grŵp hwn o bobl wnaeth elwa fwyaf o'r diwygiadau cyfreithiol yn yr Alban.⁶⁰

"Ymgeiswyr gwrywaidd, sengl, o leiaf 30 oed bydden i'n ddweud. Ti'n gwybod, jest cyrraedd y... mynd heibio'r angen blaenoriaethol oherwydd mewn gwirionedd nid yw bwriadoldeb a chysylltiad lleol yn broblem os oes gennych angen blaenoriaethol sefydledig. Dyna'r peth cyntaf y mae'r cyngor yn edrych arno. A bydden i'n dweud, ie, y brif bobl sy'n dioddef o hynny yw oedolion, gwrywod sengl."

– Gwasanaeth LAA6

Roedd gan wasanaethau ac awdurdodau lleol gofnodion gwahanol o'r broses asesu a'r gefnogaeth oedd ar gael i ymgeiswyr, gan gynnwys y rhai oedd heb hawl i ddyletswydd. Adroddodd awdurdodau lleol bod pob ymgeisydd yn cael ei drin yn deg, a'i amgylchiadau'n cael eu harchwilio'n llawn, a bod pob un yn cael rhyw fath o gymorth, waeth beth fo'i gymhwysedd.

54 Mackie, P.; Gray, T.; Hughes, C.; Madoc-Jones, I.; Moustari, V.; Pawson, H.; Spyropoulos, N.; Stirling, T.; Taylor, H.; Watts, B. (2019). *Adolygiad o Angen Blaenoriaethol yng Nghymru*. Caerdydd: Llywodraeth Cymru.

55 Bretherton, J., Hunter, C., a Johnsen, S. (2013) 'You can judge them on how they look...: Homelessness Officers, Medical Evidence and Decision-Making in England', *European Journal of Homelessness*. 7(1). 69-92.

56 Penderfyniadau Llys Apêl Cymru a Lloegr (Is-adran Sifil)>> Pereira, R (ar gais) v Bwrdeistref Camden, Llundain [1998] EWCA Civ 863 (20 Mai 1998). Ar gael yn: <http://www.bailii.org/ew/cases/EWCA/Civ/1998/863.html>

57 Mackie, P.; Gray, T.; Hughes, C.; Madoc-Jones, I.; Moustari, V.; Pawson, H.; Spyropoulos, N.; Stirling, T.; Taylor, H.; Watts, B. (2019). *Adolygiad o Angen Blaenoriaethol yng Nghymru*. Caerdydd: Llywodraeth Cymru. t.14

58 Ibid. t.14

59 Mackie, P.; Gray, T.; Hughes, C.; Madoc-Jones, I.; Moustari, V.; Pawson, H.; Spyropoulos, N.; Stirling, T.; Taylor, H.; Watts, B. (2019). *Adolygiad o Angen Blaenoriaethol yng Nghymru*. Caerdydd: Llywodraeth Cymru.

60 Fitzpatrick, S., Pawson, H., Bramley, G. ac Wilcox, S. (2012) *Y Monitor Digartrefedd: Yr Alban 2012*. Llundain: Crisis.

David



"...yn feddylol, mae'n dy chwalu. Mae'n ofnadwy. Ni fyddwn yn ei ddymuno ar unrhyw un. Dw i ddim yn deall sut oedden nhw'n cael rhoi bagiau cysgu i mi gan nad oedd unrhyw un i fod i gysgu ar y stryd."

Cafodd David le mewn hostel yn rhan o'r mesurau llety argyfwng yn ystod Covid-19 yr oedd ei gyngor lleol wedi'u rhoi ar waith. Roedd wedi ceisio cymorth gan y cyngor ar ôl gorfod gadael cartref ei fam o ganlyniad i'w perthynas yn chwalu. Gofynnwyd i David adael yr hostel oherwydd honiadau o ymddygiad drwg. Pan ailymwelodd â'r asiantaeth oedd yn gweithredu ar ran Opsiynau Tai y cyngor yn ystod y pandemig, cafodd fag cysgu, a dim cymorth pellach.

Mae gan David hanes o broblemau iechyd meddwl ac roedd dod yn ddigartref yn heriol tu hwnt iddo. Dywedodd yr asiantaeth wrtho ei fod wedi gwneud ei hun yn ddigartref yn fwriadol gan iddo gael ei droi allan o'r hostel, ac felly nid oedd yn gymwys i gael cymorth mwyach ac nid oedd yn flaenoriaeth. Roedd David yn flin ac yn teimlo ei fod wedi cael ei drin yn annheg, heb unrhyw gydnabyddiaeth o'i sefyllfa fregus iawn. Cafodd ei adael heb unrhyw le i droi ato, a chysgodd David ar y stryd am dair noson.

Bagiau cysgu, mae hi wedi mis Hydref, beth ydw i, beth ydw i'n ei wneud gyda bag cysgu y tu allan?

Disgrifiodd y ffordd yr oedd staff wedi siarad ag ef mewn ffordd nawddoglyd, ac yn ei fychanu, gan gymryd yn ganiataol mai ei fai ef oedd ei sefyllfa.

Ro'n nhw'n siarad gyda fi fel pe byddwn yn blentyn pump oed gan fy mod i'n ifanc, ac roedd hi'n gallu dweud fy mod yn dechrau gwylltio... parhaodd i siarad â mi fel plentyn.

Cafodd cysgu ar y stryd effeithiau niweidiol pellach ar ei iechyd meddwl a'i les. Roedd wedi colli gobaith o gael rhagor o gymorth gan y cyngor, ac roedd yn poeni y byddai profiadau o'r fath yn ei yrru i ddefnyddio cyffuriau eto, yr oedd wedi peidio ers tro.

...yn feddylol, mae'n dy chwalu. Mae'n ofnadwy. Ni fyddwn yn ei ddymuno ar unrhyw un. Dw i ddim yn deall sut oedden nhw'n cael rhoi bagiau cysgu i mi gan nad oedd unrhyw un i fod i gysgu ar y stryd.

Cysylltodd David â gwasanaeth digartrefedd ieuencid lleol wnaeth ddweud bod ganddo ddau opsiwn: un oedd mynd ar restr aros tai'r cyngor, neu geisio dod o hyd i rywbeth yn y sector rhentu preifat. Ar ôl i'w hyfforddwr gwaith Credyd Cynhwysol awgrymu iddo gysylltu â Crisis, llwyddodd i ddod o hyd i fflat un ystafell. Darparodd Crisis gymorth i chwilio am eiddo priodol a fforddiadwy, a hefyd blaendal ymlaen llaw.

Roedd dod o hyd i gartref newydd yn nodi diwedd cyfnod anodd David o syrffio-soffa, ac roedd yn golygu bod modd iddo ganolbwyntio ar y dyfodol. Disgrifiodd y pedwar mis a gymerodd iddo ddod o hyd i gartref newydd fel y rhai mwyaf arwyddocaol o'i fywyd, o ran yr effaith negyddol arno. Mae bod â lle diogel i aros ynddo yn golygu y gall David fynd i'r afael â'i anghenion iechyd meddwl a chwilio am waith eto.

Cysgu allan yng Nghymru

Mae gwaith ymchwil presennol wedi dangos bod pobl sy'n cysgu ar y stryd ymysg y rhai sydd wedi elwa leiaf dan Ddeddf 2014.^{61, 62} Mae'r data cysgu ar y stryd llawn ddiwethaf a gyhoeddwyd yng Nghymru cyn i'r pandemig Covid-19 gyrraedd y DU yn dangos dros gyfnod o bythefnos yn Hydref 2015, amcangyfrifwyd bod 240 o bobl yn cysgu ar y stryd, gan godi i 405 dros yr un cyfnod yn 2019, sy'n gynydd o 69 y cant. Yn ystod y pandemig, mae adroddiadau gwybodaeth lleol yn dangos ar 31 Rhagfyr 2020, bod 61 o unigolion yn cysgu ar y stryd ledled Cymru. Mae hyn yn ostyngiad o'r 96 o unigolion oedd yn cysgu ar y stryd ar 30 Tachwedd 2020.⁶³ Dim ond o ganlyniad i'r camau a gymerwyd yn ystod Covid-19, a chodi meini prawf cymhwysra y mae niferoedd sylweddol o bobl sy'n cysgu ar y stryd wedi gallu cael mynediad i gefnogaeth ailgartrefu, ac mae awdurdodau lleol wedi gallu lleihau nifer y bobl sy'n cysgu ar y stryd yn eu hardaloedd yn sylweddol.

"Rwy'n fodlon ein bod yn archwilio pob achos ac os oes angen blaenoriaethol amlwg, ti'n gwybod, ni'n darparu ar gyfer hynny... a dw i'n meddwl mai'r ymgeiswyr sengl sydd heb angen blaenoriaethol o bosibl. Ond os oes rheswm i gredu bod gan rywun angen blaenoriaethol; er enghraifft os ydyn nhw'n dweud eu bod yn dioddef o orbryder, iselder... byddem yn sicr yn ymchwilio i hynny ymhellach. Nid ydym yn gweithredu unrhyw bolisi cyffredinol sy'n nodi na allwch gael unrhyw beth os ydych yn ymgeisydd sengl."

– Swyddog Tai ALI LAA4

Roedd staff mewn awdurdodau lleol hefyd o'r farn nad oedd bod heb angen blaenoriaethol fel mater o drefn yn golygu nad oedd ymgeiswyr yn gymwys am gymorth. Amlygodd rhai awdurdodau lleol achosion ble roedd rhai unigolion wedi cael eu cefnogi i gael mynediad i lety er nad oedd ganddynt hawl i'r brif ddyletswydd.

"Cyn y pandemig, pe byddai rhywun heb angen blaenoriaethol byddem fel arfer yn ceisio gweithio gyda phobl oedd angen llety beth bynnag; felly, peidio â gofyn iddynt adael llety dros dro, ond ceisio dod o hyd i ryw fath o lety a rhoi cymorth o ran y costau cyntaf gyda'r cymorth oedd ar gael."

– Rheolwr Opsiynau Tai LAA1

Roedd gwasanaethau mewn rhai achosion yn cytuno y byddai awdurdodau lleol yn dal i geisio cefnogi unigolion nad oeddent yn gymwys ar gyfer y brif ddyletswydd.

"Dw i'n meddwl bod yr awdurdod lleol yn eithaf da mewn gwirionedd. Maent yn eithaf hyblyg o ran edrych ar bobl, eu bregusrwydd, a byddant yn ymchwilio, a hynny mewn ffordd sensitif hefyd. A hyd yn oed os nad oes gan rywun yr angen blaenoriaethol, byddant yn ceisio dod o hyd i rywbeth lle gallant eu cefnogi."

– Gwasanaeth LAA4

Mae hyn yn peri'r cwestiwn am yr amser sy'n cael ei dreulio'n prosesu ceisiadau i bennu cymhwysra ac yn amlygu'r tensiynau a glywsom yn ein hymchwil rhwng beth mae staff rheng-flaen yn gwybod sydd ei angen ar bobl a beth sy'n cael ei annog gan y gyfraith.

Mae'r anghysondebau o ran defnyddio'r meini prawf, dehongliad a'r 'lefelau derbynol' gwahanol o fregusrwydd – gan gynnwys y gallu i staff unigol ddiystyru'r meini prawf – o bosib yn dadlau dros system gyfreithiol fwy syml a chadarn fyddai'n rhoi mwy o eglurder i ymgeiswyr a staff i sicrhau nad oes unrhyw un yn peidio â chael y cymorth sydd ei angen arnynt.

"Felly, pobl sengl, mae mwyafrif y bobl sydd heb angen blaenoriaethol yn bobl sengl, ac rydym wastad wedi darparu llety. Wedyn, os nad ydynt yn gymwys, efallai dim hawl [i gael arian cyhoeddus] neu os nad oes cysylltiad lleol, byddem yn dal i roi llety brys iddyn nhw."

– Rheolwr Opsiynau Tai LAA6

3.1 Sut a pham y defnyddir y profion

Mae hawliau a dyletswyddau statudol yn chwarae rôl allweddol wrth gefnogi gwaith cydweithredol a phartneriaeth ac mae ganddynt effaith rymusol ar weithluoedd a'r rhai sy'n wynebu digartrefedd.⁶⁴ Mae diffyg yr hawliau hynny yn cael eu "nodi'n glir gan wasanaethau digartrefedd, sy'n aml yn cael eu gadael i 'gario'r baich' pan ddylai gwasanaethau eraill gamu i'r adwy."^{65, 66}

Gall deddfwriaeth hefyd yrru newid dyfnach, adeiladu dealltwriaeth a rennir am flaenoriaethau a chreu a chefnogi diwylliant ac ymddygiad. Oherwydd effaith ddiwyllianol a gwydnwch deddfwriaeth mae'r profion yn dal i fodoli yn ein fframwaith cyfreithiol, er bod cydnabyddiaeth y gall y profion fod yn niweidiol a chreu rhwystrau at gefnogaeth effeithiol.

Mae ein hymchwil ac astudiaethau blaenorol wedi dangos bod cyfres gliriach o amddiffyniadau cyfreithiol i bobl ddigartref wedi cael effaith bwerus ar y rhai sy'n ceisio cymorth. Beth sy'n amlwg ym mhob un o'r astudiaethau achos profiad byw o ddigartrefedd yn ein hymchwil yw'r effaith negyddol y mae cael eu gadael rhag cael cefnogaeth yn ei chael ar synnwyr o ddiogelwch pobl o ran gwybod pa gymorth sydd ar gael.⁶⁷

Canfyddiadau'r ymchwil – Dogni adnoddau prin

Yn aml, mae awdurdodau lleol yn disgrifio profion cymhwysra fel ffordd o ddweud y gwahaniaeth rhwng y rheiny sydd angen cymorth fwyaf a'r rhai sydd ei angen leiaf. Maent yn cynnig elfen o reoli dros fynediad i adnoddau prin y mae galw mawr amdanynt, er mwyn sicrhau bod y rhai sydd angen cymorth fwyaf yn gallu cael eu blaenoriaethu.⁶⁸

Mae hyn yn fwy gwir i awdurdodau lleol sy'n gweithredu mewn cyfnod o gyfyngiadau o ran adeiladu tai fforddiadwy, cyllidebau dan bwysau, a newidiadau lles sy'n gyrru pobl i ddigartrefedd ac yn cyfyngu ar yr

61 Mackie, P.; Gray, T.; Hughes, C.; Madoc-Jones, I.; Mousteri, V.; Pawson, H.; Spyropoulos, N.; Stirling, T.; Taylor, H.; Watts, B. (2019). *Adolygiad o Angen Blaenoriaethol yng Nghymru*. Caerdydd: Llywodraeth Cymru.

62 Pwyllgor Cydraddoldeb, Llywodraeth Leol a Chymunedau. (2018). *Bywyd ar y strydoedd: atal a thaclo cysgu ar y stryd yng Nghymru*. Caerdydd: Cynulliad Cenedlaethol Cymru.

63 Er nad oes modd cymharu'r casgliad data diweddaraf ar gysgu ar y stryd gyda data blaenorol, mae'r data'n dangos gostyngiad sylweddol yn nifer y bobl sy'n cysgu ar y stryd ers y cyfrifiad swyddogol ym mis Tachwedd 2019. Ystadegau Llywodraeth Cymru: Digartrefedd. Ar gael yn: <https://gov.wales/national-rough-sleeper-count>; Darpariaeth lety i'r digartref a chysgu ar y stryd: Rhagfyr 2020. Ar gael yn: <https://gov.wales/homelessness-accommodation-provision-and-rough-sleeping-december-2020>

64 Watts, B. (2014) Homelessness, empowerment and self-reliance in Scotland & Ireland: the impact of legal rights to housing and homeless people. *Journal of Social Policy*. 43(4).

65 Bramley, G., Fitzpatrick, S., Wood, J., Sosenko, F., Blenkinsopp, J., Littlewood, M., Frew, C., Bashar, T., McIntyre, J., a Johnsen, S. (2019). *Hard Edges Scotland: New conversations about severe and multiple disadvantage*. Sefydliad Lankelly Chase.

66 Mackie, P.; Gray, T.; Hughes, C.; Madoc-Jones, I.; Mousteri, V.; Pawson, H.; Spyropoulos, N.; Stirling, T.; Taylor, H.; Watts, B. (2019). *Adolygiad o Angen Blaenoriaethol yng Nghymru*. Caerdydd: Llywodraeth Cymru

67 Watts, B. (2014) Homelessness, empowerment and self-reliance in Scotland & Ireland: the impact of legal rights to housing and homeless people. *Journal of Social Policy*. 43(4). 793-810

68 Mackie, P., Thomas, I. (2016) *Digartrefedd Sengl Trawsnewidiol yng Nghymru*. Caerdydd: WISERD

opsiynau sydd ar gael iddynt.⁶⁹

Bu i bob cyfranogwr bwysleisio nad yw'r meini prawf cymhwysra yn adnodd maleisus yn fwriadol, ond eu bod yn cael eu defnyddio fel mesurau effeithiol sy'n galluogi awdurdodau lleol i ddogni mynediad i lety. Roedd y teimladau hyn yn gyffredin ymysg cyfranogwyr awdurdod lleol ein hymchwil.

"Dw i'n meddwl o ystyried yr adnoddau sydd ar gael, mae'n rhaid bod rhyw ffordd o flaenoriaethu a rheoli'r adnoddau sydd gennym."
– Swyddog Tai LAA1

"Y prif heriau sydd gennym, sydd wedi'u nodi yn ein strategaeth ddigartrefedd ranbarthol, yw diffyg llety addas – boed hynny'n brinder tai dros dro neu gymdeithasol, dim digon o dreiddio i mewn i'r sector rhentu preifat, ac angen am fwy o dai â chymorth – mae'n amlwg bod diffyg llety sy'n ein galluogi ni neu unrhyw awdurdod i gyflawni dyletswyddau'n llwyddiannus."
– Rheolwr Gwasanaeth LAA3

Roedd darparwyr gwasanaeth yn cydnabod yr heriau a achoswyd gan ddiffyg llety a chymorth, yn enwedig o ystyried y nifer cynyddol o bobl sy'n gofyn am gymorth gan yr awdurdod lleol.

"Dw i hefyd yn meddwl ei fod [cymhwysra] yn gweithio ar gyfer materion eraill felly mae" adnoddau ac ati... does dim digon o leoedd i bobl felly os ydych yn lleihau nifer y bobl sydd, sori, os ydych yn lleihau nifer y bobl sy'n gymwys i gael llety, mae'n lleihau'r angen am lety."
– Darparwr gwasanaeth LAA2

"...mae'n anodd pan mae rhywun yn ffonio ac yn dweud ei fod yn ddigartref. Mae'n rhaid iddynt

[awdurdodau lleol] weithredu ar unwaith. Mae'n rhaid iddynt weithredu ar unwaith i geisio dod o hyd i rywle addas ar eu cyfer. A chyn belled ag sy'n bosibl, mae'n rhaid iddo fod yn addas a dw i'n meddwl eu bod yn defnyddio cymaint ag y gallant fel bod dim angen poeni am hynny, gan fod ganddynt ddigon i boeni amdano'n barod."

– Darparwr gwasanaeth LAA3

Gall y diffyg gwasanaethau cymorth a ariennir yn ddigonol er mwyn ymyrryd i helpu i atal digartrefedd olygu mai awdurdodau lleol yw'r opsiwn cyntaf a'r opsiwn olaf i lawer sy'n wynebu digartrefedd. Yn 2021, argymhellodd y Grŵp Adolygu Atal yn yr Alban y dylai fod cyfrifoldeb a rennir ledled y gwasanaethau cyhoeddus i atal a dod â digartrefedd i ben drwy ofyn am sefyllfa dai pobl, gweithredu os bydd problem yn cael ei chanfod, a chydweithio i sicrhau bod gan bawb rywle diogel i aros.⁷⁰ Noda'r adroddiad bod gan nifer fawr o bobl sy'n wynebu digartrefedd iechyd salach, ac anghenion ychwanegol am gymorth meddygol a chymorth arall, a all yrru pobl i fod yn ddigartref.⁷¹

"Dw i'n meddwl mai un cymhelliant yw niferoedd... Dw i'n meddwl mai mater arall yw prinder adnoddau yn X. Nid ydynt yn cael digon o gyllid a does dim – fel dywedais i, nid oes ganddynt y gwasanaethau rheng-flaen amgen hynny, gwasanaethau porth, unrhyw beth felly."
– Darparwr gwasanaeth LAA6

"Dw i yn meddwl, ie, o ran costau, ac argaeledd, a phethau felly i awdurdodau lleol dw i wirioneddol ddim yn credu ei fod yn realistig o gwbl, ac mae'n eithaf anffodus bod rhaid rhoi cyfyngiadau ar waith bron, er mwyn sicrhau bod y cyfanswm sydd ar gael yn ddigonol

i nifer y bobl fydd yn gymwys."
– Darparwr gwasanaeth LA2

Nododd cyfranogwyr ein hymchwil fod y meini prawf yn bragmataidd ac yn 'ddrygioni angenrheidiol'. Roeddynt yn cefnogi'r bwriad i waredu'r profion, ond yng nghyd-destun diffyg llety a chymorth, roeddynt yn credu bod angen y profion.

"Dw i'n meddwl o ystyried yr adnoddau sydd ar gael, mae'n rhaid bod rhyw ffordd o flaenoriaethu a rheoli'r adnoddau sydd gennym. "Dw i'n meddwl o ystyried yr adnoddau sydd gennym... mae'n rhaid bod rhyw ffordd o flaenoriaethu a rheoli'r adnoddau sydd ar gael."
– Swyddog Tai LAA1

I awdurdodau lleol, mae profion cymhwysra yn eu galluogi i gefnogi'r rheiny yr ystyrir sydd angen y gefnogaeth fwyaf. Gwnaethant nodi pryderon ynghylch yr adnoddau oedd ar gael iddynt, gan gynnwys cyflenwad tai a diffyg cyffredinol o lety i berson sengl, byddai diffyg blaenoriaethu'n gwanhau ansawdd y gefnogaeth sydd ar gael i'r rheiny gyda'r anghenion cymorth mwyaf.

"A dw i'n meddwl, eto, mae'n rhaid bod rhyw ffordd o flaenoriaethu'r defnydd hwnnw. Mae dileu angen blaenoriaethol yn syniad da iawn, ond os na fyddwn yn cael yr adnoddau i gynorthwyo pawb, ni fydd yn gweithio oherwydd byddwn yn gweld niferoedd cynyddol o lety dros dro, a dim lle i bobl symud ymlaen iddo. Ac wedyn pobl gydag anghenion cymorth cymhleth efallai, neu anghenion uwch, efallai y byddant yn mynd ar goll yn y system os byddwn yn trin pawb yn yr un ffordd. Mae rhai pobl yn gallu chwilio am eu llety eu hunain, ac

mae ar rai pobl angen cefnogaeth. A dw i'n meddwl pe byddem yn trin pawb yn union yr un ffordd, ni fyddai gennym adnoddau digonol, ac wedyn efallai bydd rhai pobl yn mynd ar goll yn y system. Ond, ie, dw i'n meddwl ei fod i gyd yn ymwneud ag adnoddau mewn gwirionedd."
– Swyddog Tai LAA1

Adroddodd rhai awdurdodau lleol bod defnyddio'r meini prawf cymhwysra yn darparu ffordd o reoli pryderon ynghylch cynnig llety a chymorth i bawb sy'n cyflwyno'n ddigartref, yn ogystal â rheoli llwythi gwaith staff o fewn terfynau'r adnoddau prin. Roedd rhai cyfranogwyr yn poeni pe na fyddai unrhyw feini prawf, byddai ymgeiswyr dan anfantais.

Ym Mhennod 6, rydym yn amlinellu ymatebion gan gyfranogwyr ein hymchwil ac yn defnyddio canfyddiadau'r adolygiad o angen blaenoriaethol oedd yn amlygu costau biwrocraidaidd a gweinyddol y rhwystrau cymhwysra, gan gynnwys y teimlad y byddai dileu'r profion cymhwysra drwy bandemig Covid-19 – a dileu'r angen blaenoriaethol yn yr Alban – yn rhyddhau staff i ganolbwyntio ar ddod o hyd i ddatrysiadau parhaus i unigolion.

3.2 Canlyniadau anfwriadol profion cymhwysra

Ystyrir profion cymhwysra yn helaeth fel rhai sy'n achosi unigolion i ddod yn fwy bregus, gyrru anghysondebau ac yn llyncu adnoddau.^{72, 73} Clywsom yn ein hymchwil nad yw'r rhai sydd ag anghenion cymorth 'lefel isel', gan gynnwys iechyd meddwl a chamddefnyddio sylweddau yn aml yn cyrraedd y trothwy uchel ar gyfer

69 Baptista, I., Benjaminsen, L., Pleace, N. (2015). *Rheolau cysylltiad lleol a Mynediad at Wasanaethau Digartrefedd yn Ewrop*. Brwsel: FEANTSA

70 Reid, B. (2021) *Preventing Homelessness in Scotland. Recommendations for legal duties to prevent homelessness: A report from the Prevention Review Group*.

71 Ibid. tt.22-25

72 Mackie, P.; Gray, T.; Hughes, C.; Madoc-Jones, I.; Moustari, V.; Pawson, H.; Spyropoulos, N.; Stirling, T.; Taylor, H.; Watts, B. (2019). *Adolygiad o Angen Blaenoriaethol yng Nghymru*. Caerdydd: Llywodraeth Cymru

73 Bramley, G., Fitzpatrick, S., Wood, J., Sosenko, F., Blenkinsopp, J., Littlewood, M., Frew, C., Bashar, T., McIntyre, J., a Johnsen, S. (2019). *Hard Edges Scotland: New conversations about severe and multiple disadvantage*. Sefydliad Lankelly Chase.

Denise



“Cefais gyngor [gan y Cyngor] i ddal fy ngafael ar y fflat, i beidio â gwneud fy hun yn ddigartref, er bod fy nyledion yn cynyddu. Felly, yn ystod y cyfnod hwnnw, ro’n i’n cael chwalfa nerfus hir iawn, dw i’n meddwl.”

Derbyniodd Denise hysbysiad Adran 21 enwir troi allan heb fai gan ei landlord i adael y fflat yr oedd yn byw ynddo gyda’i phlant a’i phartner. Ar ôl ymweld â’r Cyngor, eglurodd Denise y cafodd ei phlant lety drwy’r gwasanaethau cymdeithasol, ond nid hi, a dywedodd y cyngor wrthi i ddychwelyd i’r fflat. Ar ôl gorffen ei pherthynas gyda’i phartner treisgar, ni allai fforddio’r

rhent, ac roedd yr ôl-ddyledion yn cynyddu. Roedd yn teimlo fel ei bod wedi’i hanghofio. Ar ôl siarad gyda’i landlord, cytunodd i roi rhagor o amser iddi i ddod o hyd i rywle mwy fforddiadwy i symud iddo. Ar ôl cael gwybod am hyn, nid oedd y cyngor yn ystyried Denise fel rhywun oedd yn wynebu digartrefedd mwyach, gan nad oedd y landlord yn gorfodi’r Adran 21.

Ro’n nhw [y cyngor] i weld yn barod i helpu ac yn garedig pan es i mewn, doedden nhw ddim yn gas, nac i weld yn beirniadu nac unrhyw beth felly, ond ni chlywais unrhyw beth wedyn, cefais ychydig o daflenni i fynd adref gyda mi a dyna ni.

Doedd dim modd i Denise aros yn y fflat gan ei bod yn poeni am fygythiadau ei chyn-bartner. Yn hytrach, dechreuodd syrffio-soffas a dywedodd y cyngor wrthi, ar ôl iddi gysylltu â nhw eto, i beidio â gadael y fflat. Pe byddai’n gadael y fflat, dywedwyd wrthi y byddai’n cael ei hystyried yn ddigartref yn fwriadol, ac felly ni fyddai modd ei helpu.

Cefais gyngor [gan y Cyngor] i ddal fy ngafael ar y fflat, i beidio â gwneud fy hun yn ddigartref, er bod fy nyledion yn cynyddu. Felly, yn ystod y cyfnod hwnnw, ro’n i’n cael chwalfa nerfus hir iawn, dw i’n meddwl.

Bu i iechyd meddwl Denise ddiodef gan ei bod wedi cronni cyfansymiau mawr iawn o ôl-ddyledion rhent o’i chyn-gartref, ac ansicrwydd ynghylch ei dyfodol. Aeth pethau’n fwy cymhleth wedyn pan fu farw mam Denise, a chafodd Denise dŷ oedd bron yn adfeiledig nad oedd modd byw ynddo yn yr ewyllys. Er iddi barhau i syrffio-soffas mewn cartrefi ambell i ffrind, roedd y Cyngor yn dal i fynnu nad oedd yn ddigartref. Roedd hyn er gwaethaf y ffaith nad oedd ganddi fynediad i’r fflat mwyach, ac roedd y landlord hyd yn oed wedi clirio’r hen fflat.

Felly, yn syml, dywedon nhw nad oeddwn yn gymwys achos, wel, dywedon nhw nad oeddwn i’n gymwys oherwydd byddwn i wedi gallu mynd i dŷ fy mam, nad oedd modd byw ynddo bryd hynny, na’r fflat.

Roedd yn teimlo’n flin am ‘aros’ yn y fflat ar ôl dilyn cyngor y Cyngor. Roedd syrffio-soffas yn dal i effeithio ar ei hiechyd meddwl i’r fath raddau bod

ei ffrindiau wedi dechrau cysylltu â’r cyngor ar ei rhan.

Roedd fy iechyd meddwl mor wael fel nad oeddwn yn gallu siarad. Ro’n i’n cerdded o amgylch y lle gyda sbectol haul, nid oeddwn yn gallu edrych ar unrhyw un, ro’n i’n crïo drwy’r amser, ro’n i’n ofnadwy o isel.

Bu i effaith asesiad y cyngor o sefyllfa Denise – un o ddigartrefedd bwriadol posibl – ei gadael mewn sefyllfa amhosib; roedd yn poeni am weithrediadau ei hen landlord ac yn poeni am golli ffrindiau gan ei bod hi’n teimlo fel ei bod yn cymryd mantais o’u caredigrwydd. Heb gefnogaeth ei ffrindiau, roedd yn poeni y gallai fod wedi bod ar y strydoedd.

Rydych yn ymddiried yn y cyngor gan mai nhw yw’r prif un. A phan wnaethant droi rownd a dweud nad oeddent yn mynd i fy helpu eto, teimlais yn anobeithiol. Nid oeddwn yn gallu gweld ffordd allan ac roedd dyledion mawr yn cronni ac roedd popeth mor ddigalon.

Yn anffodus, bu i iechyd Denise waethygu ymhellach, roedd rhaid iddi dreulio peth amser yn yr ysbyty. Yn ystod ei chyfnod yn gwella, cafodd gefnogaeth gan Gymorth i Fenywod a Crisis a mynd ar gwrs ar ddod o hyd i lety a chynnal tenantiaeth. O ganlyniad, gwnaeth gais am fflat tai â chymorth oedd yn cael ei hysbysebu, a chafodd ei chais ei dderbyn. Cafodd yr ôl-ddyledion rhent ar yr hen fflat eu clirio, ac roedd y gymdeithas dai’n gefnogol o’i chais.

Heb y bygythiad o fod ar y stryd, a chyda rhywle i alw’n gartref iddi, mae wedi gallu ailadeiladu ei pherthynas gyda’i phlant, ac mae’n gobeithio gweld mwy o’i hwyrion ac wyresau yn y dyfodol hefyd. Unwaith y mae cyfyngiadau Covid-19 yn dod i ben, mae’n edrych ymlaen at gymryd rhan mewn gweithgareddau a ddarperir gan sefydliadau lleol.

bregusrwydd, sy'n ategu canfyddiadau mewn gwaith ymchwil arall.⁷⁴ Os nad yw rhywun yn gymwys na'n cael cymorth, gall ei amgylchiadau waethygu a bydd y digartrefedd yn parhau.⁷⁵

Gall gofyn i unigolion brofi eu bregusrwydd gael canlyniadau negyddol drwy atgyfnerthu gwahaniaethau rhwng y rhai sy'n cael eu hystyried fel bod ganddynt fwy o anghenion. Yn ogystal, nododd cyfranogwyr bryderon ynghylch rhai ymgeiswyr yn gorfod profi bregusrwydd ac adrodd am drawma.⁷⁶

"...nid yw'n ddigon o berson caeth. Nid yw'n ddigon o glaf iechyd meddwl. Nid yw'n ddigon o droseddwr, ti'n gwybod. Nid yw'n ddigon o unrhyw beth i gael pecyn. Felly byddai hi'n dod yn un o'r rheiny fyddai'n cael eu gadael yn y system – nes bod argyfwng yn digwydd."⁷⁷
– Adroddiad *Hard Edges Scotland*

Bu i uwchgyfeiriadau blaenorol o'r system ddigartrefedd amlygu anghysondebau o ran asesu bregusrwydd, a defnydd o'r profion cymhwysra.⁷⁸ Clywsom yn ein hymchwil bod hyn yn benodol broblemus mewn ardaloedd gyda galw mawr.

"Mae llawer ohono'n agored, ti'n gwybod, pan ti'n edrych ar fregusrwydd meddygol, boed hynny'n gorfforol neu'n feddyliol. Mae peth ohono'n destun dadl a, ti'n gwybod, gallent fod yn

llwyddiannus wrth apelio, ond mae'r swyddog rheng-flaen o bosibl sy'n gweld pobl sy'n cael eu cyfeirio gan eu bod nhw'n teimlo'n isel, ti'n gwybod, ym mhob achos gan eu bod nhw'n cyflwyno'n ddigartref, mae pawb dan straen."
– Darparwr gwasanaeth LAA6

Disgrifiodd un cyfranogwr unigolion yn cael eu troi i ffwrdd cyn cael asesiad llawn gan fod staff Opsiynau Tai'n rhagweld na fydd ganddynt gysylltiad lleol. Roeddynt yn disgrifio hyn fel diffyniaeth, ac yn groes i egwyddorion y Ddeddf.

"Dw i'n teimlo mai porthgadw yw hynny. Rwy'n deall bod eu [awdurdodau lleol] hadnoddau'n brin, a dw i'n deall eu bod yn awyddus i ddiogelu'r adnoddau hyn. Ond o'n safbwynt ni – does dim angen cysylltiad lleol – does dim angen cysylltiad lleol ymlaen llaw. ...Ti'n gwybod, mae'r gyfraith yn eithaf clir o ran pryd ddylid ei ystyried. Dw i'n meddwl ei fod yn ofnadwy. Ti'n gwybod, maent yn osgoi'n llwyr rhoi asesiad o gwbl mewn rhyw ffordd, jest yn eu cyfeirio at gyswllt lleol, tîm ailgysylltu."
– Darparwr gwasanaeth LAA6

Drwy asesu bregusrwydd, gall profion cymhwysra orfodi pobl i ddod yn fwy bregus cyn y gallant gael mynediad i gymorth. Roedd gwasanaethau cymorth ac awdurdodau lleol yn cydnabod y canlyniadau i unigolion os nad oeddynt yn bodloni'r trothwy o ran bregusrwydd neu'r meini prawf

74 Mackie, P.; Gray, T.; Hughes, C.; Madoc-Jones, I.; Moustari, V.; Pawson, H.; Spyropoulos, N.; Stirling, T.; Taylor, H.; Watts, B. (2019). *Adolygiad o Angen Blaenoriaethol yng Nghymru*. Caerdydd: Llywodraeth Cymru

75 Taylor, P. (2020) The Regressive Power of Labelling People As Vulnerable. Ar gael yn: <https://paulitaylor.com/2020/06/25/the-regressive-power-of-labelling-people-as-vulnerable/>

76 Mackie, P.; Gray, T.; Hughes, C.; Madoc-Jones, I.; Moustari, V.; Pawson, H.; Spyropoulos, N.; Stirling, T.; Taylor, H.; Watts, B. (2019). *Adolygiad o Angen Blaenoriaethol yng Nghymru*. Caerdydd: Llywodraeth Cymru. t.34

77 Bramley, G., Fitzpatrick, S., Wood, J., Sosenko, F., Blenkinsopp, J., Littlewood, M., Frew, C., Bashar, T., McIntyre, J., a Johnsen, S. (2019). *Hard Edges Scotland: New conversations about severe and multiple disadvantage*. Sefydliad Lankelly Chase.

78 Ahmed, A., Wilding, M., Gibbons, K., Jones, M., Rogers, I. Madoc-Jones M. Wilding, A. Gibbons, K. Jones, M. Rogers, I. Madoc-Jones (2018) *Gwerthusiad ôl-weithredu o ran 2 Deddf Tai (Cymru) 2014: adroddiad terfynol, Adroddiad Prosiect*. Caerdydd: Llywodraeth Cymru.

cymhwysra, yn enwedig i'r rheiny yr oedd eu hawdurdod lleol yn opsiwn olaf.

"Y ddyletswydd ddigartrefedd rheng-flaen, ti'n meddwl wel nhw yw'r gobaith olaf, byddan nhw'n fy helpu. A phan dydyn nhw ddim, dw i'n meddwl bod llawer yn colli gobaith yn yr holl broses, a dod yn llwyr anobeithiol. A dyna pryd maent yn symud ymlaen at gamddefnyddio sylweddau ac yn stopio ymgysylltu â gwasanaethau, ac mae'n dorcalonnus."
– Darparwr gwasanaeth LAA6

"Dw i'n meddwl beth fydden i'n ddweud yw yn aml mae pobl gydag anghenion cymhleth...ochr yn ochr â phob amser rydych yn cysylltu ac yn ceisio ymgysylltu gyda gwasanaethau, dw i'n meddwl bod rhwystr, felly mae hynny'n cymhlethu pethau ymhellach. Yn y diwedd, rydych yn eu helpu i drwytho eu hunain mewn digartrefedd."
– Darparwr gwasanaeth LAA1

Mae asesu bregusrwydd a chymhwysra hefyd yn gymhleth ac yn cymryd llawer o amser, ac mae angen i staff archwilio a deall a yw rhywun yn gymwys am gymorth ai peidio. Mae rhai hefyd wedi codi pryderon y gall deall bregusrwydd fynd y tu hwnt i sgôp a chymhwysra proffesiynol timau Opsiynau Tai.⁷⁹ Roedd yr Adolygiad o Angen Blaenoriaethol yn cynnwys enghreifftiau o staff yn defnyddio peiriannau chwilio ar-lein i ddeall meddyginiaeth a chyflyrau iechyd wrth asesu pa mor fregus oedd rhywun.⁸⁰ Bydd hyn yn anochel yn arwain at amrywiaeth rhwng ac o fewn awdurdodau lleol.

79 Mackie, P.; Gray, T.; Hughes, C.; Madoc-Jones, I.; Moustari, V.; Pawson, H.; Spyropoulos, N.; Stirling, T.; Taylor, H.; Watts, B. (2019). *Adolygiad o Angen Blaenoriaethol yng Nghymru*. Caerdydd: Llywodraeth Cymru

80 Ibid.

81 Ibid.

82 Campbell, A. J., (2011) *Effaith Penderfyniadau Digartrefedd Bwriadol ar Fywydau Aelwydydd Cymru*. Abertawe: Shelter Cymru.

"Dros y flwyddyn, dw i'n siŵr y byddai llawer o unigolion wedi cael eu troi i ffwrdd ar sail bregusrwydd, gan nad oedd eu hiechyd meddwl yn cael ei ddeall o bosib, oherwydd nad ydym yn arbenigwyr."⁸¹
– Cyfranogwr Awdurdod Lleol, Adolygiad o Angen Blaenoriaethol

3.3 Anghenion cefnogaeth cynyddol

Mae ein hymchwil yn adlewyrchu canfyddiadau presennol sy'n nodi y gall digartrefedd pobl ddod yn fwy dwys os nad oes ganddynt hawl i ddyletswydd, ac os na allant ddod o hyd i ddatrysiaid eu hunain i ddod â'u digartrefedd i ben. Mae llawer yn cyflwyno'n ddigartref eto yn nes ymlaen, yn aml gydag anghenion cefnogaeth mwy difrifol.⁸²

Mae awdurdodau lleol yn rhoi peth cefnogaeth i'r rheiny heb hawl i ddyletswydd – atgyfeirio a chyfeirio, cefnogaeth i gael mynediad i denantiaeth rhent preifat neu hostel, er enghraifft – fodd bynnag roedd cyfranogwyr yn cydnabod y gall peidio â bod â hawl i'r brif ddyletswydd arwain at oblygiadau negyddol i rai.

"Rydym yn ceisio...yn amlwg mae gennym hosteli digartref yn X. Rydym yn eu cyfeirio nhw at asiantau preifat ac ati. Y mwyafrif, nid ydym yn gwneud llawer o benderfyniadau o fwriadoldeb, ond pan rydym yn gwneud hynny, maent yn datrys eu hunain yn y pen draw. Un neu ddau, dw i'n meddwl, penderfyniadau bwriadoldeb, maent ar y strydoedd, ond mae hynny'n brin iawn, iawn, iawn."
– Swyddog Tai LAA2

"Rydym yn gweld pobl yn cyflwyno eto ac eto... maent yn fwy bregus mae'n debyg. Mae pobl nad ydynt yn flaenoriaeth ac sy'n cael cynnig peth cymorth yn gyffredinol yn helpu eu hunain yn y pen draw. Bydden i'n dweud os oes bregusrwydd arall, dyna pryd fydd pobl yn dod i'r amlwg. Felly efallai eu bod wedi cael cynnig rhywbeth a'i gael, ac wedyn yn ei golli, ac maent yn dod yn ôl."

– Rheolwr ALI

Eglurodd gwasanaethau cymorth sut byddant yn parhau i weithio gyda phobl sy'n cael eu cyfeirio at hosteli a llety dros dro arall os nad oes hawl i'r brif ddyletswydd, ond roeddynt yn cydnabod bod hyn yn heriol. I rai, mae'r amgylcheddau hyn yn gwaethygu eu hanghenion cymorth ac mae hyn yn arwain at rai pobl yn peidio ag ymgysylltu gyda gwasanaethau a chefnogaeth os nad oes ddyletswydd i'w helpu i gael llety.

"Efallai eu bod [defnyddwyr gwasanaeth] wedi bod yno sawl tro, neu efallai eu bod wedi bod yn llety brys rheng-flaen y cyngor, ond nid dyna beth maen nhw ei eisiau, felly dyna pam dydyn nhw ddim yn ymgysylltu o fy mhrofiad i. A dw i'n meddwl, oherwydd ein bod, gan fod llawer o gleientiaid wedi'u hamgylchynu maent yn mynd rownd a rownd, dw i'n meddwl ein bod yn eu nabod yn dda ac rydym yn gwybod eu bod wedi bod yn yr ardal, felly gallwn eu gwarantu."

– Darparwr gwasanaeth LAA6

Roedd awdurdodau lleol yn ymwybodol o'r angen i gefnogi'r rheiny nad oedd yn gymwys ar gyfer y brif ddyletswydd, yn ystyried y canlyniadau posib i'r unigolion hyn, gan gynnwys yr opsiynau prin oedd ar gael iddyn nhw.

"Yn amlwg os ydym yn ymwybodol bod rhywun yn debygol o beidio â bod â chysylltiad lleol a bwriadoldeb, wedyn ti'n gweithio ychydig yn galetach yn yr

achosion hynny, yn amlwg gyda bwriadoldeb, oherwydd nid wyt ti eisiau gadael y person hwnnw mewn sefyllfa heb ffordd o gael ei hun allan o ddigartrefedd, oherwydd ni yw, mewn ffordd, y cam olaf. Os na allwn ni helpu, bydd yn anodd iawn iddynt gael llety yn y dyfodol."

– Swyddog Tai LAA2

Fodd bynnag, roedd ymdrechion i gynorthwyo gyda ddyletswydd yn aml yn anodd gan fod llwybrau cefnogaeth yn gyfyngedig yn aml ac weithiau'n dibynnu ar yr opsiynau llety oedd ar gael i awdurdodau lleol, gan bwysleisio pa mor sylweddol yw newid cyfreithiol yn rhan o ystod o ddiwygiadau ehangach, gan gynnwys atal ehangach ac ymagwedd ddigartrefedd ar sail tai.

"Nid oes ganddynt lawer o opsiynau mewn gwirionedd. Yn y tymor byr, byddai'r awdurdod lleol yn darparu llety dros dro neu deulu a ffrindiau, rhywle ble gallant hunan-wasanaethu, does dim llochesi nos fan hyn, mae gennym hosteli felly'n amlwg nid yw hosteli, nid yw'n gweithio ar sail llochesi nos, mae ar sail atgyfeirio ac mae'n rhaid iddynt gyfwrdd â'r person ac ati. Felly nid yw'n digwydd ar unwaith a dyna ni, gallwch fynd i un o'r hosteli i gael pabell."

– Darparwr gwasanaeth LAA2

Rhododd un gwasanaeth enghraifft o unigolyn oedd yn ddigartref yn fwriadol ar ôl cael ei droi allan o lety dros dro oherwydd anghenion cefnogaeth na gafodd eu bodloni a diffyg cydweithio ledled gwasanaethau.

"Nawr mae e jest yn cysgu ar y stryd. Gofynnais iddo ble roedd yn cysgu. Dywedodd fod ganddo garej rhywun, a bod matres ar y llawr. Mae'n cysgu yno. Ac nid oedd yn gallu cael mynediad i weithiwr cymorth. Roedd yn camddefnyddio alcohol. Nid oedd yn gallu cael mynediad i weithiwr cymorth."

Cymerodd chwe wythnos iddo allu cael cymorth gennym ni. Roedd hyn yn golygu ei bod hi'n rhy hwyr i herio'r penderfyniad i beidio â'i wasanaethu."

– Darparwr gwasanaeth LAA6

Adroddodd cyfranogwyr yn ein hymchwil bod pobl nad oedd ganddynt hawl i'r brif ddyletswydd yn profi pwysau tebyg, gan gynnwys beth roeddynt yn ei ystyried yn ddirywiad yn amgylchiadau pobl lle nad oedd yr anghenion cefnogaeth yn cael eu bodloni. Roedd y rhai gyda phrofiad byw yn teimlo nad oedd llawer o obaith y byddai pethau'n newid os nad oeddynt yn cael cefnogaeth.

"Ymddengys nad yw'r cylch yn cael ei dorri yma. Ond, yr hyn rwy'n ei olygu yw bod digartrefedd yn aml yn ganlyniad rhyw broblem sylfaenol arall, felly oni chaiff y broblem honno ei datrys yn y lle cyntaf, ni fydd y digartrefedd fyth yn dod i ben. Weithiau maent yn aros yr un fath; weithiau maent yn datblygu anghenion cymorth newydd."

– Swyddog Tai LAA1

Gall pobl ifanc fod mewn perygl penodol o ddychwelyd i amgylcheddau byw peryglus neu gael eu gwahanu rhag rhwydweithiau cefnogaeth, yn ôl ymchwil ar ddigartrefedd ymysg y rhai sy'n gadael gofal.⁸³ Mae hyn yn peri risg o niwed ac yn eu hachosi i beidio ag ymgysylltu gyda gwasanaethau.

"Cawsant eu danfon adref, ond wedyn maent yn dod yn ôl pan fydd pethau'n gwaethygu, ti'n gwybod. Os yw pethau wedi mynd o chwith ac ati, ti'n gwybod, gyda fy llys-dad neu gariad newydd mam neu beth bynnag. Dyna yw'r peth, mae'n cael effaith fawr ar bobl ifanc yn bendant."

– Darparwr gwasanaeth LAA1

Disgrifiodd rhai cyfranogwyr sut all unigolion golli gobaith a pheidio ag ymgysylltu gyda chefnogaeth pan fyddant yn cael gwybod nad oes ganddynt hawl i ddyletswydd. Ar ôl ceisio cymorth gan awdurdod lleol, sy'n aml yn obaith olaf i rywun, gall clywed nad oes modd i'r awdurdod lleol helpu arwain atynt yn colli ffydd yn y system. Disgrifiodd staff gwasanaeth sut mae pobl yn aml yn peidio ag ymgysylltu gyda gwasanaethau, a pha gefnogaeth sydd ar gael iddyn nhw. Maent yn disgrifio hyn fel pobl yn colli gobaith ac yn syrthio drwy'r rhwyd. Mae cyfraniadau Jake a Pawl yn dangos hyn.

"Dw i'n ceisio eu ffonio ac anfon e-bost yn eithaf aml i weld sut maen nhw, dw i'n gweld nhw'n colli gobaith ac awydd pob tro. Maent yn mynd yn anobeithiol, mae hynny'n drist iawn i'w weld."

– Darparwr gwasanaeth LAA6

"[Maent] yn llwyr yn peidio ag ymgysylltu gyda gwasanaethau ac o bosibl yn syrthio drwy'r rhwyd math o beth, does neb yn gwybod ble maen nhw, nid oes gan unrhyw un rif cyswllt ar gyfer y person, mae pawb yn poeni a bydden i'n tybio bod y person yn meddwl nad yw unrhyw un yn malio beth bynnag."

– Darparwr gwasanaeth LAA2

Mae gwasanaethau'n ei chael hi'n anodd iawn i barhau ag ymgysylltu gyda'r unigolion hyn, gan ei ddisgrifio'n frwydr nad oes modd ei hennill nes bod yr unigolyn yn cyflwyno i gael cefnogaeth yn nes ymlaen, ac yn aml mae'r sefyllfa wedi gwaethygu erbyn hynny.

"Weithiau mae rhai pobl yn diflannu o'r golwg. Pan rydym yn dweud na, na allant gael llety gyda'r awdurdod lleol ac nad oes unrhyw beth ar gael gyda'r sector rhentu preifat, maent yn rhoi'r gorau i ymgysylltu"

83 Bridgeman, J., Russell, H. (2020). *Peidiwch â Gadael i mi Syrthio drwy'r Craciau: Digartrefedd ymysg Pobl Ifanc â Phrofiad o Ofal yng Nghymru.*

â ni, ac yna'n rhoi'r gorau i dderbyn cymorth. A byddwn yn ceisio mynd ar eu hôl a chysylltu â nhw ond weithiau, nid oes dim y gallwch ei wneud. Ac yna byddant yn dod yn ôl trwodd eto, mae fel drws cylchdroi."
– Darparwr gwasanaeth LAA4

Mae'r canfyddiadau hyn yn amlygu natur lawn adnoddau a biwrocraidd amodoldeb, a'r canlyniadau i wasanaethau cymorth ehangach sy'n deillio o'r opsiynau prin i'r rheiny nad ydynt yn cael cefnogaeth. Maent hefyd yn ategu'r manteision o'r ymagwedd a roddwyd ar waith yn ystod Covid-19, a darparu'r gefnogaeth sydd ei hangen i bawb er mwyn dianc rhag digartrefedd, y mae'r adroddiad hwn yn ei ystyried nesaf.

3.4 Ymateb argyfwng Covid-19

Erbyn diwedd 2020, roedd bron i 6,000 o bobl wedi cael llety dros dro hunangynhaliol a chefnogaeth i symud ymlaen o ddigartrefedd. Gwelsom wir werth cartref, pam ei bod hi'n iawn i unrhyw un sy'n wynebu digartrefedd gael cymorth gan eu cyngor, a gwelodd staff y buddion o allu rhoi'r help sydd ei angen ar bobl sy'n wynebu digartrefedd.

Ar ddechrau'r pandemig, darparodd Llywodraeth Cymru ganllawiau newydd ar asesu bregusrwydd, gan nodi "Wrth bennu bregusrwydd ymgeisydd, dylid cymharu gyda 'pherson digartref cyffredin' ac nid y person digartref mwyaf bregus." Yn ymarferol, roedd hyn yn golygu bod rhywun oedd yn profi digartrefedd neu mewn perygl o ddod yn ddigartref yn ystod y pandemig yn cael hawl i'r brif ddyletswydd.⁸⁴

84 Llythyr gweinidog Cymru at awdurdodau lleol, ar gymhwyso bregusrwydd ac angen blaenoriaethol mewn perthynas â llety pobl sy'n cysgu tu allan yn ystod pandemig COVID-19 (28 Ebrill 2020). Ar gael yn: https://gov.wales/sites/default/files/publications/2020-04/guidance-for-local-authorities-in-supporting-people-sleeping-rough-covid-19_0.pdf

85 Boobis, S., Albanese, F. (2020) *The impact of COVID-19 on people facing homelessness and service provision across Great Britain*. Llundain: Crisis.

86 Mackie, P.; Gray, T.; Hughes, C.; Madoc-Jones, I.; Moustari, V.; Pawson, H.; Spyropoulos, N.; Stirling, T.; Taylor, H.; Watts, B. (2019). *Adolygiad o Angen Blaenoriaethol yng Nghymru*. Caerdydd: Llywodraeth Cymru. t.47

Ar gyfer cyfranogwyr yn ein hymchwil, roedd y newid hwn yn drawsffurfiol, gan eu galluogi nhw i gefnogi pobl fyddai fel arfer yn cael eu troi i ffwrdd, neu bobl oedd yn cael cymorth am y tro cyntaf.

"Gwnaethom drin unrhyw un oedd yn ddigartref fel pe byddai ganddo angen blaenoriaethol oherwydd y newid hwn mewn deddfwriaeth... dw i'n meddwl bod llawer wedi cael llety na fyddai fel arfer yn ei gael, ac yn gyntaf oherwydd y newid mewn deddfwriaeth, a dw i'n meddwl bod llawer o bobl wedi elwa o hynny."
– Rheolwr Opsiynau Tai LAA1

Bu i awdurdodau lleol a gwasanaethau cymorth yn yr ymchwil hon ac ymchwil flaenorol Crisis adrodd bod y ffocws ar fodloni anghenion cefnogaeth a dod o hyd i ddatrysiadau wedi'i alinio fwy, nid yn unig gydag ethos y Ddeddf, ond yn unol â sut roedd staff eisiau ymateb i bobl oedd yn wynebu digartrefedd.⁸⁵ Mae hyn yn adlewyrchu cyfraniadau cyfranogwyr o'r Alban yn yr adolygiad o angen blaenoriaethol.

"Beth wnaethon ni oedd creu peiriant...Nid oedd yn dda i, yn gyntaf, y defnyddwyr gwasanaeth yn bennaf, ac nid oedd yn dda i staff... nid yw llawer o bobl yn meddwl dw i eisiau treulio fy niwrnod yn yr un hen drefn o wneud penderfyniadau cyfreithiol, ac mae cymhelliant y rhan fwyaf o bobl dros weithio yn y gwasanaethau cyhoeddus yn canolbwyntio'n fwy ar y gwasanaeth."
– Cyfwelai o'r trydydd sector, adolygiad o angen blaenoriaethol⁸⁶

Ymateb Llywodraeth Cymru i Covid-19

Ymrwymodd Llywodraeth Cymru £10 miliwn i wasanaethau digartrefedd i weithio'n gyflym i roi llety i'r rheiny oedd yn cysgu ar y stryd neu mewn llety dros dro all fod yn risg iechyd y cyhoedd yn ystod y pandemig. Roedd hyn yn sylweddol fwy o gyllid fesul awdurdod lleol yng Nghymru o'i gymharu gydag ymateb cyllid digartrefedd yn ystod Covid-19 yn Lloegr.⁸⁷

Cafodd ymagwedd Cam 2 Llywodraeth Cymru i sicrhau "nad oes angen i unrhyw un ddychwelyd i'r stryd" gefnogaeth gan £50 miliwn o reffeniw a chyllid cyfalaf, gyda phob awdurdod lleol yn gallu bidio am gyllid i gefnogi'r symudiad at ymagweddau ailgartrefu cyflym ynghylch digartrefedd.⁸⁸

Canfyddiadau'r ymchwil – ymateb Covid-19

Rhoddodd argyfwng Covid-19 ymateb digynsail ar waith, gan newid canfyddiadau staff o ran beth sy'n bosibl. Cyfeiriodd llawer o bobl at y nifer oedd wedi cael eu troi i ffwrdd yn y gorffennol oedd bellach yn derbyn cefnogaeth, ac sydd wedi symud ymlaen o ddigartrefedd.

"Dw i ddim yn 100% hyderus, ond dw i'n eithaf hyderus y bydd casgliad bach o bobl sydd wedi bod yn y system yn X ers deng mlynedd, gyda sefyllfa dai ansefydlog, yn ddigartref ac fel arall, sydd, oherwydd hyn, wedi cael cyfle i newid eu bywydau – a dyna pam rydym i gyd yn dewis gweithio yn y sector."

– Rheolwr Opsiynau Tai LAA3

Cafodd y meini prawf cymhwysra eu disgrifio'n ddifffygol yng nghyd-destun profiadau'r cyfranogwyr o'r pandemig; gan fethu ag ymdrin ag achos craidd dros rai o bobl yn dod yn ddigartref ac yn cyfrannu at rai unigolion yn dod i mewn i'r system ac yn ei gadael sawl tro, gan ymestyn eu profiad o ddigartrefedd.

"Reit, oherwydd yn bersonol dw i ddim yn credu mewn drysau

cylchdroi, nid yw [sefydliad] yn credu mewn drysau cylchdroi ac mae'r timau Opsiynau Tai yma'n ceisio eu hosgoi. Oherwydd yn y bôn, os nad ydych yn ymarferol yn ceisio atal y drws cylchdroi, rydych yn helpu i'w agor eto."

– Darparwr gwasanaeth LAA1

Roedd gwasanaethau ac awdurdodau lleol yn ystyried hyn yn gyfle hanfodol i fynd i'r afael ag anghenion ac ymgysylltu gyda rhai unigolion am y tro cyntaf. Mae hyn yn pwysleisio'r graddau y gall y gyfraith yng Nghymru wrthdaro gyda'r hyn y mae staff yn gwybod sydd ei angen ar bobl.

"Rydym wedi sylweddoli bod gennym griw craidd o bobl sy'n hanesyddol wedi bod yn cysgu ar y stryd ac sydd wedi bod mewn ac allan o lety, o fewn cyrraedd ac yna'n diflannu, un ai oherwydd rhesymau'n ymwneud â'r ddalffa neu sefyllfa dai ansefydlog, syrffio-soffas neu beidio â chael mynediad i wasanaethau. Mae wedi bod yn gyfle da i ni ailgysylltu gyda rhai ohonynt. Dyma'r cyfnod hiraf erioed i ni gynnal cyswllt gyda llawer o bobl."

– Rheolwr Opsiynau Tai LAA3

"Bydden i'n awgrymu bod y bobl sengl sydd bellach yn ein llety dros dro, sydd wedi cynyddu'n

87 Boobis, S., Albanese, F. (2020) *The impact of COVID-19 on people facing homelessness and service provision across Great Britain*. Llundain: Crisis. t.6

88 Datganiad Gweinidogol Cymru ar Gam 2 Cynllun Digartrefedd Llywodraeth Cymru (28 Mai 2020). Ar gael yn: <https://gov.wales/written-statement-phase-2-homelessness-plan>

sylweddol, mae'n debyg mai nhw oedd y rhai na fyddai wedi cael hawl i ddyletswydd gan yr awdurdod lleol i'w helpu i chwilio am lety a sicrhau llety cyn-Covid."

– Rheolwr Opsiynau Tai LAA1

Mae rhai pobl wedi ailymgysylltu gyda gwasanaethau ar ôl cael gwybod bod y meini prawf cymhwysra wedi cael eu gohirio. Er i hyn gynyddu'r galw am wasanaethau a llety, roedd cyfranogwyr yn ein hymchwil yn ystyried hyn yn ganlyniad positif. Roeddent yn ymwybodol o'r hyn oedd angen ei newid er mwyn parhau â'r ffordd hon o weithio a sicrhau bod pawb yn cael y cymorth sydd ei angen, gan gynnwys parhau â'r cyllid a'r gefnogaeth drwy Covid-19, a'r ymagwedd a amlinellwyd gan gynlluniau digartrefedd Cam 2.⁸⁹

"Yn amlwg rydym wedi cael llawer o gleientiaid yn dychwelyd nawr, pobl rydym wedi dweud wrthym o'r blaen "Na, nid oes gen ti angen blaenoriaethol, ni allwn roi llety i ti", maent wedi cnocio ar y drws ac yn amlwg maent yn ymwybodol bod ganddynt ffordd o gael llety hirdymor."

– Rheolwr Opsiynau Tai LAA2

Fodd bynnag, roedd ymwybyddiaeth bod yr ymateb Covid-19 yn arddangos yn union beth sy'n bosibl pe byddai'r amgylchiadau iawn, y penderfynoldeb a'r adnoddau ar gael i ddarparu. Amlygodd llawer ohonynt sut roedd ymateb Covid-19 Llywodraeth Cymru wedi creu 'normal newydd' a disgwyliadau ar gyfer y dyfodol. Roedd yr ymateb yn dangos ei bod hi'n bosibl goresgyn rhwystrau atal y broses o ddileu'r meini prawf cymhwysra, pe byddai'r adnoddau a'r penderfynoldeb ar gael i gyflawni hyn.

Roedd hyn yn gwneud rhai'n bryderus, ond roedd staff yn gwybod beth oedd

angen ei newid er mwyn parhau â'r ymagwedd hon. Roedd hyn yn ategu canfyddiadau ymchwil ehangach Crisis gydag awdurdodau lleol a gwasanaethau cefnogaeth er mwyn deall effaith Covid-19 ar ddarpariaeth gwasanaeth.⁹⁰

"Dw i'm yn deall sut y byddant yn gallu tynnu nôl yr amddiffyniadau hynny oddi wrth bobl pan maent wedi dangos eu bod yn gallu rhoi llety i bawb neu roi rhyw fath o angen blaenoriaethol i bawb."

– Darparwr gwasanaeth LAA6

Er gwaethaf pryderon ynghylch y diffygion strwythurol, gan gynnwys argaeledd tai fforddiadwy, mae elfennau o'r ymateb yn ystod Covid-19 yr oedd gwasanaethau ac awdurdodau lleol yn gobeithio parhau â nhw, gan gynnwys gweithio mewn partneriaeth, a hyblygrwydd a chyflymder rhai ymatebion gwasanaeth.

"[Mae] rhai pethau sy'n wirioneddol dda ynghylch cynnig gwasanaethau'n gyflym i bobl gyda materion iechyd meddwl i gael asesiad, torri drwy'r tâp coch, pethau felly. Dw i'n meddwl yn y dechrau, rhoddodd Covid gyfle i bobl i wneud pethau'n wahanol iawn a chymryd risgiau a thorri corneli, ac roedd hynny'n ddefnyddiol iawn."

– Rheolwr ALI

Mae'r newidiadau hyn i ddarpariaeth gwasanaeth a ffyrdd o weithio gyda gwasanaethau eraill a phobl sy'n wynebu digartrefedd hefyd wedi arwain at ganlyniadau gwell i'r rheiny sydd angen cefnogaeth.

"Rhai o'r pethau TG, felly gweithio o bell ac ati, mae pobl yn hoffi sgwrs ar WhatsApp mewn gwirionedd, ti'n gwybod, pethau felly ac mae llawer yn hollol fodlon gyda chadw

mewn cyswllt felly. Felly mae llawer o'r gwaith cefnogi, mae wedi ei wneud yn... Mae wedi newid gwaith cefnogi i lawer o bobl. Bydd dal angen gwaith wyneb yn wyneb ond dw i'n meddwl bydd angen i ni wneud hynny'n ddiogel a gwneud y pethau eraill, felly dw i'n meddwl bod hynny wedi bod yn bositif. ...dw i'n meddwl bod rhai perthnasoedd wedi datblygu na fyddai o bosib wedi cael eu datblygu fel arall gyda sefydliadau a rhwng sefydliadau."

– Rheolwr ALI

Disgrifiodd gwasanaethau cymorth sut mae cyfathrebu gwell ac ymagwedd gwneud pob dim wedi eu galluogi i weithio'n fwy effeithlon gydag unigolion. Mae hyn yn adlewyrchu'r sefyllfa yn yr Alban ynghylch sut mae gwaredu'r angen blaenoriaethol wedi newid y ffocws at ddatrys problemau.⁹¹

"Dw i'n meddwl mai'r normal newydd i ni yw perthynas waith agos iawn a chodi'r ffôn a siarad gyda rhywun yn hytrach na, ti'n gwybod, nid dyna yw fy nghylch

gwaith i. Mae'n fater i rywun arall. Rydym oll wedi bod yn gweithio gyda phobl ac yn ceisio gweithio gyda nhw i ddatrys y problemau unigol."

– Gwasanaeth LAA1

Mae dileu'r meini prawf cymhwysra fel elfen hanfodol o'r ymateb Covid-19 yng Nghymru – a llwyddiant yr ymagwedd honno – yn arddangos bod dileu'r meini prawf o'r system ddigartrefedd statudol yn bosibl. Roedd llwyddiant yr ymagwedd yn dangos gyda'r adnoddau angenrheidiol, cydweithio ar draws gwasanaethau cyhoeddus a chyfeiriad gwleidyddol clir, mae'n bosibl sicrhau nad oes unrhyw un yn peidio cael y cymorth sydd ei angen i ddianc rhag digartrefedd.

Mae'r fframwaith sy'n canolbwyntio ar atal a grëwyd gan y Grŵp Gweithredu ar Ddigartrefedd, a'r cyfeiriad a'r cyllid a ddarparwyd gan Gam 2 ymagwedd Llywodraeth Cymru, yn creu sail i adeiladu ar lwyddiant yr ymagwedd yn ystod y pandemig, a sicrhau nad oes unrhyw un yn mynd heb gefnogaeth.



89 Boobis, S., Albanese, F. (2020) *The impact of COVID-19 on people facing homelessness and service provision across Great Britain*. Llundain: Crisis

90 Boobis, S., Albanese, F. (2020) *The impact of COVID-19 on people facing homelessness and service provision across Great Britain*. Llundain: Crisis.

91 Mackie, P.; Gray, T.; Hughes, C.; Madoc-Jones, I.; Moustari, V.; Pawson, H.; Spyropoulos, N.; Stirling, T.; Taylor, H.; Watts, B. (2019). *Adolygiad o Angen Blaenoriaethol yng Nghymru*. Caerdydd: Llywodraeth Cymru.

Pennod 4:

Beth rydym yn ei wybod am: bwriadoldeb

Yn wahanol i angen blaenoriaethol a chysylltiad lleol, mae bwriadoldeb yn unigryw i'r DU. Mae penderfyniadau digartrefedd bwriadol yn aml yn ymwneud ag ôl-ddyledion rhent, gadael llety addas ac ymddygiad gwrthgymdeithasol. Mae'r egwyddor bwriadoldeb hefyd yn bresennol yn y system ehangach, gan gynnwys dyrannu tai cymdeithasol.⁹²

Canfu gwerthusiad o Ddeddf 2014, anghysondebau yn y dehongliad o fwriadoldeb.⁹³ Nododd y rhan fwyaf o awdurdodau lleol bod penderfyniadau bwriadoldeb yn rhwystr i ganlyniadau positif. Nododd rhai bod bwriadoldeb

yn cael ei ddefnyddio i "borthgadw' mynediad i wasanaeth.⁹⁴ Ym mis Rhagfyr 2019, cafodd A75(3) y Ddeddf 2014 ei gweithredu, gan ehangu'r categorïau o ymgeiswyr nad oedd yn gorfod cyflawni'r prawf.⁹⁵

Gall penderfyniadau digartrefedd bwriadol hefyd ychwanegu rhagor o bwysau drwy gyfyngu'n sylweddol ar yr opsiynau sydd ar gael i unigolion.⁹⁶ Daeth Shelter Cymru i'r casgliad bod penderfyniadau bwriadoldeb yn gwaethgu'r cylch o anghenion cefnogaeth nad ydynt yn cael eu bodloni, "gyda'r baich adnoddau hirdymor y mae hyn yn ei awgrymu".^{97, 98}

92 Campbell, A. J., (2011) *Effaith Penderfyniadau Digartrefedd Bwriadol ar Fywydau Aelwydydd Cymru*. Abertawe: Shelter Cymru

93 Ahmed, A., Wilding, M., Gibbons, K., Jones, M., Rogers, I. Madoc-Jones M. Wilding, A. Gibbons, K. Jones, M. Rogers, I. Madoc-Jones (2018) *Gwerthusiad ôl-weithredu o ran 2 Deddf Tai (Cymru) 2014: adroddiad terfynol, Adroddiad Prosiect*. Caerdydd: Llywodraeth Cymru.

94 Ibid.

95 Datganiad gan y Gweinidog Tai a Llywodraeth Leol (2 Rhagfyr 2019).

Ar gael yn: <https://gov.wales/written-statement-commencement-section-753-housing-wales-act-2014>

96 Albanese, F. (2018) *Intentionality in the homelessness system in Great Britain*. Brwsel: FEANTSA

97 Campbell, A. J., (2011) *Effaith Penderfyniadau Digartrefedd Bwriadol ar Fywydau Aelwydydd Cymru*. Abertawe: Shelter Cymru

98 Rosengard, A., Laing, I., Ridley, J., Hunter, S. (2007) *Closing the Opportunity Gap: Findings of a Literature Review on Multiple and Complex Needs. Project Report*. Caeredin: Gweithrediaeth yr Alban.

Canfyddiadau'r ymchwili – Defnydd cyfyngedig o fwriadoldeb

O'n trafodaethau ni, bwriadoldeb oedd y maen prawf lleiaf dadleuol o'r tri, gan adlewyrchu'n helaeth nifer cyfyngedig yr ymgeiswyr oedd yn ddigartref yn fwriadol mewn ystadegau statudol. Eglurodd awdurdodau lleol nad yw bwriadoldeb yn cael ei ddefnyddio'n aml, ac os caiff ei ddefnyddio, mae'n ddewis olaf.

Fodd bynnag, ymysg y gwasanaethau cymorth y gwnaethom siarad â nhw, roedd llawer o drafodaeth ac anghytundeb dros ei ddefnydd. Roeddent yn beirniadu'r ffordd y gall roi bai ar yr unigolyn am ei ddigartrefedd, a hefyd yn gallu ymestyn profiadau digartrefedd.

"Dw i'n meddwl bod bwriadoldeb i'w weld yn rhywbeth na ddylai fyth gael ei ddefnyddio, oherwydd gall yr hyn sy'n arwain at ddigartrefedd fod yn gymhleth ac yn amrywiol iawn ac mae rhai pobl yn cael eu hunain heb... dim ffrindiau, ond nid ydyn nhw'n gwybod sut i ofyn am gymorth hyd yn oed os ydynt yn aros yn yr un ardal ac yn ddigartref. Dw i'm yn meddwl y dylai bwriadoldeb fod yn rhywbeth o bwys. Byth. Dw i'm yn gallu credu eu bod wedi'i ddefnyddio. Mae'n gwneud i mi deimlo'n eithaf sâl."
– Darparwr gwasanaeth LAA3

Awgrymodd awdurdodau lleol nad oedden nhw'n gweld problem o ran dileu bwriadoldeb fel maen prawf, gydag un awdurdod yn nodi eu bod yn bwrpasol yn ei osgoi lle bo'n bosibl, sy'n arddangos pa mor amrywiol oedd gweithredu'r prawf.

"I mi, dylai pethau fel bwriadoldeb fod yn gam olaf. Ni ddylem fod yn defnyddio bwriadoldeb yn helaeth; dylai'r niferoedd fod yn isel – dw i'n siŵr eu bod nhw. Bydden i'n eithaf bodlon ar ddileu bwriadoldeb yn

llwyr, fel y gallwn helpu mwy o bobl."
– Rheolwr Gwasanaeth Tai LAA3

"Dw i'n ceisio osgoi bwriadoldeb cymaint ag sy'n bosibl... rydym yn ceisio osgoi'r sefyllfa ble rydym yn gweld bwriadoldeb, os ydym yn ei ragweld, ond rydym yn ceisio gweithio'n galetach ar yr achos a cheisio cael llety iddynt dan ddyletswydd 73."
– Rheolwr Gwasanaeth Tai LAA2

Ymhellach i hyn, adroddodd awdurdodau lleol bod bwriadoldeb yn faen prawf anodd ei roi ar waith, gan awgrymu drwy archwilio manwl – gan gyfeirio eto at natur ddwys a gweinyddol y profion – byddai'n aml yn amherthnasol.

"Mae'n cael ei ddefnyddio ond eto i fod yn onest nid oes gennym lawer o achosion sy'n nodi bwriadoldeb. Ac yn ddiweddar – wel, mae'r ddeddfwriaeth wedi newid eto ac felly rydym yn ymestyn y cymorth sydd ar gael dan ddyletswyddau Adran 75 i rai aelwydydd sydd wedi nodi bwriadoldeb. Felly, ie, rydym yn dal i ddefnyddio bwriadoldeb ond nid yw'n hawdd dod o hyd i fwriadoldeb rhywun; mae'n brawf eithaf cymhleth ac os yw'n cael ei gyflawni'n gywir... yn y rhan fwyaf o achosion mae pobl yn cael y brif ddyletswydd yn y pen draw am wn i."
– Swyddog Tai LAA1

Fodd bynnag, roedd gan ddarparwyr gwasanaeth sy'n gweithio gyda phobl sy'n profi digartrefedd bersbectif gwahanol, gyda rhai'n adrodd am gynnydd o ran defnydd, gyda goblygiadau sylweddol i rai.

"Bydden i'n dweud fy mod o bosibl wedi gweld cynnydd mewn bwriadoldeb o ran diweddu'r ddyletswydd fel bod pobl yn cael eu hystyried fel rhai sydd wedi gwneud eu hunain yn ddigartref

yn fwriadol drwy adael llety dros dro. Felly, bydden i'n dweud bod bwriadoldeb yn dal i gael ei ddefnyddio'n helaeth ar gyfer teuluoedd heb blant pan fo pobl, er enghraifft, wedi camymddwyn mewn llety dros dro, ti'n gwybod, mae'r ddyletswydd wedi dod i ben oherwydd bwriadoldeb."

– Darparwr gwasanaeth LAA6

Nododd gwasanaethau cymorth nad yw ymgeiswyr eu hunain yn aml yn ymwybodol o'r rheol bwriadoldeb, sy'n eu gwneud nhw'n agored i niwed os ydynt yn gwrthod cynnig am lety. Maent yn awgrymu bod penderfyniad bwriadoldeb yn creu darlun anghywir o amgylchiadau person.

"...os ydyn nhw'n gwrthod llety, yna maent yn cael eu hystyried fel rhywun sy'n gweithredu'n fwriadol (bwriadoldeb). Dw i'm yn meddwl bod pobl yn gwybod hynny a dw i'm yn meddwl bod pobl yn gwybod yn union beth mae hynny'n ei olygu oherwydd gallet ti ddadlau nad yw unrhyw un yn gweithredu'n fwriadol go iawn, does neb yn dewis byw ar y stryd, ac os ydyn nhw maent yn lleiafrif."

– Darparwr gwasanaeth LAA2



Pawl

“Doedd gen i ddim meddyg hyd yn oed tan tua mis Ebrill, mis Mai, felly ie, dw i’n meddwl tra fy mod yn y B&B ac yn cael yr holl bethau gweithiwr cymorth drwy [Wallich]. Ie, drwy nhw ges i’r cysylltiadau – yr holl rwydweithiau cefnogaeth a’r pethau’n ymwneud ag iechyd meddwl.”

Mae Pawl wedi bod yn profi digartrefedd ers tua pedair blynedd pan ddaeth y pandemig. Ar ôl gadael y fyddin a’i berthynas gyda’i wraig yn chwalu, roedd wedi symud rhwng syrffio-soffas a chysgu mewn pabell.

“Ro’n i’n byw oddi ar ewyllys da fy ffrindiau am oddeutu tair neu bedair blynedd a dweud y gwir.”

Yn ystod y cyfnod hwn, roedd wedi ceisio cael cefnogaeth gan yr awdurdod lleol sawl tro. Bob amser, roedd yn ei chael hi’n anodd gwneud unrhyw gynnydd a chael y cymorth oedd ei angen arno i gael llety sefydlog. Daeth i’r amlwg bod opsiynau cymorth ar gau iddo, ac mai’r unig bosiblwydd oedd cael ei roi ar y rhestr i wneud cais am dai cymdeithasol – gyda rhybudd y gallai gymryd blynyddoedd.

“O fy safbwynt i, mae’n ymddangos eu bod yn ceisio eich perswadio i beidio â mynd ar y rhestr dai. Maen nhw jest yn rhoi rhesymau i chi i beidio â mynd ar y rhestr.”

Roedd yr ymgysylltiad a gafodd gydag Opsiynau Tai dros y blynyddoedd yn gwneud iddo deimlo fel eu bod wedi’i anghofio, a ddim yn ei barchu, gan ei wthio ymhellach i ffwrdd o gefnogaeth.

“Roedd yr un peth bob tro, maent yn dy ddiystyru cymaint ag y galli di ddychmygu.”

Yn ystod y cyfnod hwn, roedd gweddill bywyd Pawl ar stop yn llwyr. Roedd ganddo PTSD heb ddiagnosis ers ei gyfnod yn y fyddin oedd yn effeithio ar ei iechyd meddwl, nid oedd yn gallu gweithio, a gwaethygodd ei berthynas gyda’i blant.

Roedd Pawl yn syrffio-soffas pan ddigwyddodd y pandemig ym mis Mawrth 2020. Daeth i’r amlwg yn gyflym nad oedd ei sefyllfa fyw’n ddiogel.

“Ie doedd dim ffordd y gallwn i aros, does dim syrffio-soffas yn ystod pandemig. Sut alli di fynd i dai pobl pan maent yn ceisio cadw pellter cymdeithasol, a ti’n ddiartref, a gofyn, o alla’i gysgu ar dy sofffa plis?”

Ar y pwynt hwn, cafodd Pawl ei orfodi i fynd allan ar y strydoedd eto a sylweddolodd y byddai angen iddo gysylltu â’r cyngor eto. Cafodd lety mewn gwely a brecwast dan yr ymyrraeth Pawl i Mewn er mwyn rhoi llety i bawb oedd yn cysgu ar y stryd yn ystod y pandemig. Er bod Pawl wedi cael llety mewn cyfleuster gwely a brecwast, cafodd glywed ar y pwynt hwn nad oedd cofnodion yn dangos bod ganddo gysylltiad lleol â’r ardal, a bod y cyngor yn ceisio ei gysylltu gydag awdurdod lleol arall cyn gynted â phosibl. Roedd hyn yn syndod i Pawl, oherwydd heblaw am ei gyfnod yn y fyddin, roedd wedi byw yn yr ardal awdurdod lleol ers iddo fod yn saith oed.

“Roedd fy nheulu wedi cynnal cyfeiriad yn X ac ro’n i wedi defnyddio hwnnw fel fy nghyfeiriad preswyl gydol fy nghyfnod yn y fyddin. Felly, mae’n rhaid am nad oeddwn i’n talu’r dreth gyngor, doedd gen i ddim cysylltiad lleol. Oherwydd yn amlwg yn y fyddin ti’n talu ffi yn lle’r dreth gyngor, felly mae’n rhaid nad oeddwn i wedi fy nghofrestru fel person, dw i’m yn gwybod. Roedd hi’n eithaf anodd clywed nad oeddwn i’n perthyn i rywle yr oeddwn wedi byw yno ers 30 mlynedd.”

Roedd cyfnod Pawl yn y fyddin, a’r blynyddoedd yr oedd wedi’u treulio’n syrffio-soffas wedi effeithio’r cofnod o’i breswylfa yn yr ardal. Roedd yn rhaid i Pawl brofi ei gysylltiad lleol â’r ardal awdurdod lleol cyn y gallai gael

mynediad i gefnogaeth barhaus. Yn y cyfamser, roedd gan Pawl lety mewn cyfleuster gwely a brecwast ond roedd ei orbryder a’r ansicrwydd o ran gorfod symud i rywle arall nad oedd yn gyfarwydd iddo’n cynyddu.

Yn ffodus i Pawl, gyda chefnogaeth gan wasanaethau digartrefedd lleol cafodd ei broblemau cysylltiad lleol eu datrys ac roedd yn gallu mynd yn erbyn y penderfyniad gwreiddiol, a phrofi ei fod wedi byw yn yr ardal awdurdod lleol ers pan roedd yn blentyn. Er hyn, ni chafodd wybod yn llawn am y newid penderfyniad hwn.

“Ni wnaeth unrhyw un fy ffonio a dweud, o ie OK mae gennym yr wybodaeth honno i gyd ac rydym yn iawn, mae hynny’n iawn, maent yn eich gadael chi a does neb yn ffonio, does neb yn ffonio i ddweud, o ie mae gen ti gysylltiad lleol, galli di aros yno.”

Ar ôl tua tri mis yn y gwely a brecwast, cafodd Pawl ei symud i lety â chymorth, ac ar ôl tri mis arall llwyddodd i gael tŷ cymdeithasol un ystafell wely. Yn ystod y cyfnod hwn, ymgysylltodd yn llawn gyda chefnogaeth iechyd meddwl am y tro cyntaf ers iddo adael y fyddin, a chafodd y cymorth oedd ei angen arno ar gyfer ei PTSD.

“Doedd gen i ddim meddyg hyd yn oed tan tua mis Ebrill, mis Mai, felly ie, dw i’n meddwl tra fy mod yn y B&B ac yn cael yr holl bethau gweithiwr cymorth drwy [Wallich]. Ie, drwy nhw ges i’r cysylltiadau – yr holl rwydweithiau cefnogaeth a’r pethau’n ymwneud ag iechyd meddwl.”

Yn lle cael ei wthio nôl i’r strydoedd, cysgu yn ei babel neu ddibynnu ar garedigrwydd ei ffrindiau, mae Pawl yn edrych tua’r dyfodol. O gartref diogel a sefydlog, mae’n adeiladu ei berthynas gyda’i blant, yn gweithio ar ei iechyd meddwl ac yn weithredol yn chwilio am waith.

Pennod 5:

Beth rydym yn ei wybod am: cysylltiad lleol

Bwriad meini prawf cysylltiad lleol yw sicrhau nad yw unrhyw awdurdod lleol yn talu costau anghymesur am ailgartrefu pobl syn cysgu ar y stryd yn eu hardal.^{99, 100} Mae awdurdodau lleol yn ystyried cysylltiad lleol fel rhywbeth sy'n eu galluogi i ddarparu gwasanaethau llety gwell drwy gyfyngu'r boblogaeth sy'n gymwys.^{101, 102}

"Dw i'n meddwl os caiff yr holl feini prawf cymhwysra eu dileu, dw i'n meddwl y bydd angen i'r llywodraeth geisio rhoi digon o refeniw i awdurdodau lleol i adeiladu... cyfalaf i adeiladu rhagor o unedau."

– Rheolwr LAA2

"Nid oes llety gennym. Does unman i symud ymlaen ato. Prin iawn, iawn yw'r tai newydd sy'n cael eu hadeiladu, felly mae prinder llety i bobl sengl yn y fwrdeistref beth bynnag. Mae gennym ddiffyg tai fforddiadwy, rhentu preifat."

– Swyddog Tai LAA4

99 Pwyllgor Cydraddoldeb, Llywodraeth Leol a Chymunedau. (2018). *Bywyd ar y strydoedd: atal a thaclo cysgu ar y stryd yng Nghymru*. Caerdydd: Cynulliad Cenedlaethol Cymru.

100 Baptista, I., Benjaminsen, L., Pleace, N. (2015). *Rheolau cysylltiad lleol a Mynediad at Wasanaethau Digartrefedd yn Ewrop*. Brwsel: FEANTSA

101 Ibid.

102 Ibid.

Mae'r ymateb yn ystod Covid-19 wedi pwysleisio'r diffyg llety gwirioneddol a'r heriau o ran symud unigolion ymlaen o lety dros dro. Roedd hyn yn waeth fyth i awdurdodau heb stoc.

"O ran llety, rydym wedi dyblu'r capasiti llety bron, felly pe byddai hyn yn parhau... wel, dyma'r lefel y bydden ni'n gweithio arni. Ond o ran symud pobl ymlaen a dod o hyd i lety parhaol, byddai hynny'n rhoi pwysau hefyd o ran yr adnoddau gan fod hynny, yn enwedig o ran tai cymdeithasol, yn brin iawn. Mae pobl wedi bod yn aros ers misoedd i rywbeth ddod ar gael drwy'r gofrestr dai fel ag y mae, felly pe byddai niferoedd hyd yn oed yn fwy bydden i'n dychmygu y byddai'n hirach fyth wedyn."

– Rheolwr Opsynau Tai LAA1

"Dw i'n meddwl bod angen newid diwylliant ar draws y gwasanaethau. Mae hynny'n dibynnu ar eich ffocws yn y gwaith. Ydw i'n ceisio helpu rhywun

neu ydw i'n ceisio amddiffyn fy ngwasanaeth? Ti'n gwybod, dyna yw'r meddylfryd cudd y mae llawer yn gweithredu oddi arno. Dw i'n clustnodi'r cyllid hwn ar gyfer y gwasanaeth hwn ac yn cyfyngu pwy all gael mynediad iddo."

– Darparwr gwasanaeth LAA1

Mae tystiolaeth o amrywiaeth sylweddol o ran dehongliad rheolau cysylltiadau lleol ac enghreifftiau o'r diwylliant o'r rheolau'n cael eu defnyddio gyda'r polisi ehangach.¹⁰³ Ni ddylid ystyried cysylltiad lleol wrth gyflawni dyletswyddau i atal neu liniaru digartrefedd. Fodd bynnag, mae'r Cod Canllawiau yn nodi y gellir rhoi blaenoriaeth i bobl sydd â chysylltiad lleol cyn belled â bod camau rhesymol yn dal i gael eu cymryd gyda phob aelwyd.^{104, 105} Gellid gadael y rhai sy'n lleiaf abl i ddangos cysylltiad lleol heb yr help sydd ei angen arnynt.¹⁰⁶

"Dydw i ddim yn hoffi'r prawf cysylltiad lleol. Yn sicr rydyn ni wedi cael pobl sydd wedi dod atom ac unwaith eto mae hyn yn amlwg yn ôl gair cleientiaid bod pobl wedi cysylltu ag awdurdod lleol arall, wedi cael gwybod nad oes ganddynt gysylltiad lleol â'r ardal honno, er y byddem ni fwy na thebyg yn dadlau bod ganddyn nhw, ac wedi cael eu gwrthod."¹⁰⁷

– Cyfranogwr darparwr gwasanaeth, Adolygiad o angen blaenoriaethol

Defnyddir meini prawf cysylltiad lleol yn ehangach hefyd, gan gynnwys o fewn polisiau dyrannu tai, bondiau

103 Ahmed, A., Wilding, M., Gibbons, K., Jones, M., Rogers, I., Madoc-Jones M., Wilding, A., Gibbons, K., Jones, M., Rogers, I., Madoc-Jones (2018) *Gwerthusiad ôl-weithredu o ran 2 Deddf Tai (Cymru) 2014: adroddiad terfynol, Adroddiad Prosiect*. Caerdydd: Llywodraeth Cymru.

104 Llywodraeth Cymru (2016) *Cod Canllawiau i Awdurdodau Lleol ar Ddyrannu Llety a Digartrefedd*. Caerdydd: Llywodraeth Cymru

105 Mackie, P., Thomas, I. (2016) *Digartrefedd Sengl Trawsnewidiol yng Nghymru*. Caerdydd: WISERD

106 Baptista, I., Benjaminsen, L., Pleace, N. (2015). *Rheolau cysylltiad lleol a Mynediad at Wasanaethau Digartrefedd yn Ewrop*. Brwsel: FEANTSA

107 Mackie, P.; Gray, T.; Hughes, C.; Madoc-Jones, I.; Moustier, V.; Pawson, H.; Spyropoulos, N.; Stirling, T.; Taylor, H.; Watts, B. (2019). *Adolygiad o Angen Blaenoriaethol yng Nghymru*. Caerdydd: Llywodraeth Cymru

108 Baptista, I., Benjaminsen, L., Pleace, N. (2015). *Rheolau cysylltiad lleol a Mynediad at Wasanaethau Digartrefedd yn Ewrop*. Brwsel: FEANTSA

109 Ibid.

110 Mackie, P.; Gray, T.; Hughes, C.; Madoc-Jones, I.; Moustier, V.; Pawson, H.; Spyropoulos, N.; Stirling, T.; Taylor, H.; Watts, B. (2019). *Adolygiad o Angen Blaenoriaethol yng Nghymru*. Caerdydd: Llywodraeth Cymru

a meini prawf cronfeydd atal. Mae hyn yn llesteirio ymdrechion atal a lliniaru drwy gyfyngu ar fynediad at gymorth.^{108, 109}

"Fe wnes i ei gwneud yn glir iddo y gallai wneud cais ble bynnag yr hoffai ond yn y pen draw mae cymaint o bethau o ran atal digartrefedd yn dibynnu ar gysylltiad lleol. Er enghraifft, mae gan ein cofrestr tai faen prawf cysylltiad lleol ynghlwm wrthi..... Mae gan ein cynllun bondiau faen prawf cysylltiad lleol ynghlwm ag ef...."¹¹⁰

– Cyfranogwr Awdurdod Lleol, Adolygiad o angen blaenoriaethol

Canfyddiadau'r ymchwil – Diogelu adnoddau lleol

Cysylltiad lleol a greodd y drafodaeth a'r diddordeb mwyaf ymhlith cyfranogwyr ymchwil, gyda staff awdurdodau lleol yn bennaf o blaid a staff gwasanaeth cymorth yn aml yn fwy beirniadol o'r prawf. I awdurdodau lleol, yn enwedig y rhai mewn dinasoedd mawr, ystyrir bod cysylltiad lleol yn fodd i sicrhau bod tai ac adnoddau'n cael eu blaenoriaethu ar gyfer trigolion lleol yr ardal.

"Pe bai cysylltiad lleol yn cael ei ddiddymu bydd ardaloedd a fyddai'n profi mewnlifiad o bobl o ardaloedd eraill o bosibl; mae rhai ardaloedd yn fwy poblogaidd nag eraill. Ond rwy'n credu bod yn rhaid cael ffordd o'i reoleiddio rywsut."

– Swyddog Tai LAA1

Amcanestyniadau o'r angen am dai

Er na all tai yn unig roi terfyn ar ddigartrefedd, mae'r diffyg tai fforddiadwy yn rhwystr hirdymor. Mae amcangyfrifon o'r angen am dai ar gyfer pobl sydd â phrofiad o ddigartrefedd ac ar gyfer pobl ar incwm isel yn awgrymu bod angen 4,000 o gartrefi cymdeithasol newydd arnom bob blwyddyn am 15 mlynedd.¹¹¹ Dylai'r cyflenwad gael ei lywio gan asesiadau o'r farchnad dai leol, gan ystyried anghenion tai aelwydydd digartref presennol a rhagamcanol – er enghraifft tai meddiannaeth sengl a thai i bobl ifanc.

"Rwy'n credu bod cysylltiad lleol yn golygu eich bod yn defnyddio adnoddau lleol ar bobl leol, ... Wyddoch chi, dim ond swm penodol o grant sydd gennych chi felly dim ond maint penodol o ddarpariaeth sydd gennych chi ac yna rydym yn gwybod ei fod yn ein galluogi i ddefnyddio hynny'n lleol ar bobl sydd mewn trafferthion yn lleol."

– Rheolwr ALI

Roedd awdurdodau lleol yn deall pam y gallai pobl symud rhwng ardaloedd ond roeddent yn teimlo bod diogelu mynediad i lety yn hanfodol o ystyried diffyg tai addas. Mae hyn yn adleisio ymchwil gynharach sy'n awgrymu bod pobl yn symud i fod yn agosach at rwydweithiau cymorth, lleoedd o bwysigrwydd personol, ac i gyrchu cyfleoedd.¹¹²

"...oherwydd bod X yn lle eithaf braf ac felly rydych chi'n gweld llawer o bobl sydd eisiau dechrau o'r newydd sydd wedi bod yma ar wyliau ac yn penderfynu dod yn ôl yma. Yn aml iawn maen nhw'n dweud, "O, roeddwn i yma pan oeddwn i'n blentyn", neu, "Roeddwn i'n arfer dod yma ar wyliau ac mae'n lle mor braf i fyw". Felly, mae'n ymwneud â blaenoriaethu mewn gwirionedd oherwydd eu bod [tai] mor brin."

– Swyddog Tai LAA1

111 Downie, M., Gousy, H., Basran, J., Jacob, R., Rowe, S., Hancock, C., Albanese, F., Pritchard, R., Nightingale, K. a Davies, T. (2018) *Everybody In: How to end homelessness in Great Britain*. Llundain: Crisis.

112 Mackie, P.; Gray, T.; Hughes, C.; Madoc-Jones, I.; Moustari, V.; Pawson, H.; Spyropoulos, N.; Stirling, T.; Taylor, H.; Watts, B. (2019). *Adolygiad o Angen Blaenoriaethol yng Nghymru*. Caerdydd: Llywodraeth Cymru

113 Mackie, P., Thomas, I. (2016) *Digartrefedd Sengl Trawsnewidiol yng Nghymru*. Caerdydd: WISERD

"Fe wnaif fi ddweud fy mod yn gallu deall pam ... cafodd ei gyflwyno. Oherwydd rydych chi am i'r person hwnnw gael rhyw lun o berthyn, am wn i. Ond nid yw hynny'n wir bob amser. Nid yw'n un peth sy'n addas i bawb. Mae'n rhaid i chi edrych ar unigolyn beth sydd wedi dod â nhw atoch chi, beth yw eu hamgylchiadau ac nid yw cysylltiad lleol yn briodol."

– Darparwr gwasanaeth LAA3

Roedd barn darparwyr gwasanaethau yn amrywio yn ôl eu daearyddiaeth. Roedd y rhai mewn ardaloedd trefol yn tueddu i adleisio'r canfyddiadau presennol bod pobl yn dod o ardaloedd eraill gan ragweld gwell gwasanaethau a mwy o dai ar gael.¹¹³ Dywedodd un darparwr gwasanaeth mewn dinas fawr y byddai gwasanaethau'n cael eu llethu heb feini prawf cysylltiad lleol.

"Byddai llifddor [sic] o bobl efallai o awdurdodau lleol eraill yn dod i X i ddefnyddio'r adnoddau yn X, gan nad oedd gan eu hawdurdodau lleol yr adnoddau hynny. Felly, rwyf yn deall yr effaith ariannol ar yr awdurdod lleol, am wn i. Dyna pam, i raddau, rwy'n deall am gysylltiad lleol."

– Darparwr gwasanaeth LAA6

Roedd mwy o amrywiaeth barn ymhlith gwasanaethau yn yr

Cipolwg ar debygrwydd a chymhelliad i geisio am gymorth mewn awdurdod gwahanol

Er bod rhywfaint o dystiolaeth i awgrymu bod pobl yn symud i ardaloedd mwy 'cyfoethog o ran gwasanaeth', mae'n llai cyffredin ac arwyddocaol nag y mae awdurdodau lleol yn ei gredu.¹¹⁴ Mae'r rhai sy'n ceisio cymorth y tu allan i'w hawdurdod lleol 'cartref' fel arfer yn adrodd am ddau ddylanwad ysgogol neu fwy:

- Ffactorau gwthio fel colli cyflogaeth, dianc rhag perygl neu erledigaeth, awdurdodau 'cartref' di-fudd ac amodau parôl neu fechniaeth.
- Mae ffactorau gwthio yn cynnwys cael ffrindiau yn yr ardal, ymweliadau blaenorol â'r ardal ac wedi preswyllo mewn ardal o'r blaen.¹¹⁵

Er gwaethaf hyn, dangosodd ymchwil a wnaed gyda'r rhai â phrofiad o ddigartrefedd y byddai hanner y cyfranogwyr hynny'n aros yn eu hardal awdurdod lleol 'newydd', hyd yn oed pe byddai cymorth yn cael ei wrthod iddynt. Mae hyn yn bennaf oherwydd ofn dychwelyd adref, ffrindiau, cyfleoedd cyflogaeth a gwell darpariaeth trydydd sector neu eglwysig.¹¹⁶

Mae ymchwil gan Crisis yn tynnu sylw at y ffaith bod unigolion yn llawer mwy tebygol o dynnu at yr ardaloedd hynny lle mae ganddynt rwydweithiau cymorth sy'n bodoli eisoes, mynediad i gyflogaeth a chyfleoedd eraill ac, ar gyfer ardaloedd trefol, canfyddiadau o fwy o ddiogelwch ac anhysbysrwydd, yn hytrach na chael mynediad i ardaloedd 'cyfoethog o ran gwasanaeth'.¹¹⁷

Mae ymchwil bresennol hefyd yn herio'r dybiaeth bod gan y rhai sy'n profi digartrefedd – ac yn enwedig y rhai sy'n cysgu ar y stryd – yr adnoddau i deithio i gael mynediad at wasanaethau a ddarperir mewn mannau eraill mewn awdurdod arall. Fodd bynnag, nid yw hyn yn cael ei gadarnhau yn y dystiolaeth.^{118, 119}

ardaloedd hynny gyda llai o 'alw'.

Ar gyfer rhai gwasanaethau eraill yn yr un ardal, roedd cred, os yn briodol, y gallai ailgysylltu ag awdurdod 'cartref' rhywun fod yn gadarnhaol ac na ddylai achosi unrhyw niwed. Roedd disgwyl y byddai pobl yn cael cefnogaeth a chymorth gan awdurdod priodol.

"Mae cysylltiad lleol, o'i ddefnyddio'n briodol o leiaf, yn arf effeithiol i ddiogelu adnoddau. Ac ni ddylai arwain at yr ymgeisydd yn dod

yn ddigartref ar y stryd. Efallai na fyddant yn cael eu lletya lle maen nhw am gael eu lletya, ond mae honno'n sgwrs wahanol rwy'n meddwl."

– Darparwr gwasanaeth LAA6

"Felly rwy'n credu os bydd yn cael ei ddefnyddio'n effeithiol nad yw'n mynd i arwain at yr un trychinebau ag angen blaenoriaethol a bwriadoldeb – lle os gwneir penderfyniad negyddol i'r ddau benderfyniad hynny, mae gennych

114 Ibid.

115 Ibid.

116 Homeless Link (2015) *Repeat Homelessness in Brighton*. Llundain: Homeless Link

117 Johnsen, S., Jones, A. (2015) *The reconnection of rough sleepers within the UK: an evaluation*. Llundain: Crisis.

118 Mackie, P., Thomas, I. (2016) *Digartrefedd Sengl Trawsnewidiol yng Nghymru*. Caerdydd: WISERD

119 Baptista, I., Benjaminsen, L., Pleace, N. (2015). *Rheolau cysylltiad lleol a Mynediad at Wasanaethau Digartrefedd yn Ewrop*. Brwsel: FEANTSA

Ymchwil Crisis i brofiadau o ailgysylltu

Canfu ymchwil gan Crisis ar ailgysylltu yn Lloegr tra bod rhai pobl sy'n cysgu ar y stryd yn yr astudiaeth yn teimlo eu bod yn cael cefnogaeth dda yn y cyfnod cyn ac yn ystod y broses ailgysylltu, roedd y rhai na chafodd fawr o gefnogaeth yn fwy niferus. Canfu'r astudiaeth hefyd fod gwiriadau ôl-ailgysylltu yn brin iawn, gan arwain at lawer o unigolion wedi'u hailgysylltu yn dweud eu bod yn teimlo eu bod wedi'u 'gwthio i ffwrdd'.

Tynnodd yr astudiaeth sylw hefyd at gyfyngiadau sylweddol data a gasglwyd ar ganlyniadau ailgysylltu a'r heriau y mae hyn yn eu cyflwyno o ran gwella canlyniadau i unigolion ailgysylltu. Gallai canlyniadau amrywio'n ddramatig o gadarnhaol (cefnogaeth ac ymgysylltiad) i negyddol (cysgu ar y stryd yn yr ardal sy'n eu derbyn oherwydd bod y gwasanaethau a gynigir yn gyfyngedig neu'n gyfyngedig o ran amser). Yn ogystal, canfu'r astudiaeth lefelau sylweddol o ymwrthedd ymhlith y rhai sy'n cysgu ar y stryd a oedd yn credu y gallent fod mewn perygl o niwed drwy ddychwelyd i'w 'hawdurdod cartref', neu na fyddai'r gwasanaethau a gynigiwyd iddynt yn diwallu eu hanghenion tai ac anghenion eraill yn briodol. Canfu Crisis fod unigolion, mewn amgylchiadau o'r fath, fel arfer yn parhau i gysgu ar y stryd neu'n dychwelyd i gysgu ar y stryd, a hynny yn eu hawdurdod presennol neu 'gartref', gan adleisio ein canfyddiadau o gibddallineb meini prawf cymhwysra.¹²⁰

risg uchel iawn o fod yn ddigartref ar y stryd."

– Darparwr gwasanaeth LAA6

Nid oedd yr holl wasanaethau yn y maes hwn yn rhannu'r farn hon. Teimlai un gwasanaeth fod yr un awdurdod lleol yn cymhwyso'r prawf cysylltiad lleol yn rhy gynnar, heb asesiad llawn, gydag ymgeiswyr yn aml yn cael eu cyfeirio at y tîm ailgysylltu yn gynnar.

"Mae gan X rhywfaint o broblem gyda chysylltiad lleol gan fod ganddyn nhw'r hyn maen nhw'n ei alw'n dîm ailgysylltu. Nid ydynt yn derbyn y bobl hyn ac yna'n gwneud atgyfeiriad cysylltiad lleol priodol o dan Adran 80 o Ddeddf Tai (Cymru). Maen nhw'n cyfeirio pobl ac nid ydynt yn derbyn."

– Darparwr gwasanaeth LAA6

Dywedodd gwasanaethau mewn ardaloedd llai trefol fod y prawf yn

annheg, gan gydnabod y rhwystrau ychwanegol a grëwyd i unigolion lle nad yw anghenion yn cael eu diwallu. Dadleuodd cyfranogwyr y gallai effeithio'n negyddol ar unigolyn, yn enwedig lle byddent yn ymbellhau oddi wrth rwydweithiau cymorth. Mae hwn yn fater arwyddocaol mewn ardaloedd mwy gwledig, sy'n cael ei briodoli gan ymchwil gynharach i 'denuwch daearyddol gwasanaethau'.¹²¹

"nid yw'n addas i bawb. A dydw i ddim yn dweud y gallwch chi ei ddewis a'i ddethol. Gallwch ei ddefnyddio fel rheswm dros gael rhywun i aros ond dydw i ddim yn credu y dylai fod yn rheswm dros ddweud na wrth bobl. Oherwydd nad oes ganddyn nhw gysylltiad lleol. Oherwydd pan dw i'n meddwl am yr holl amseroedd dw i wedi symud o gwmpas...Fe wnes i gryn dipyn o deithio ac rwyf wedi byw a gweithio mewn mannau a, wyddoch chi, rydych chi'n troi fyny."

120 Johnsen, S., Jones, A. (2015) *The reconnection of rough sleepers within the UK: an evaluation*. Llundain: Crisis.

121 Gibbons, A., Madoc-Jones, I., Ahmed, A. et al. (2020) Digartrefedd yng nghefn gwlad: Arferion atal yng Nghymru. *Social Policy and Society*, 19(1). tt. 133-144.

A wyddoch chi, dydych chi ddim yn meddwl nad oes gennych chi hawl i fod yno. Wyddoch chi, mae gan bobl hawl i fyw ble bynnag maen nhw... ac weithiau lle maen nhw'n cyrraedd ydy hynny, ynde? I ba amgylchiadau bynnag sydd wedi eu harwain at y pwynt hwnnw. Felly, dydw i ddim yn meddwl ei fod yn... Dw i'n meddwl i'w ddefnyddio fel, wn i ddim, fel... offeryn mesur i weld a ydych yn gadael i rywun aros ai peidio, rwy'n credu ei fod yn hurt."

– Darparwr gwasanaeth LAA3

"Os yw eich metrig cefnogaeth neu beth bynnag yn ddwy awr i ffwrdd er enghraifft ac nad oes gennych chi unrhyw ffordd o fynd yno, siawns nad yw'n gwneud synnwyr i chi gael eich llety ddwy awr i ffwrdd dim ond i dicio'r blwch

llety oherwydd, mae'n debyg na fydddech chi hyd yn oed yn aros yno, byddai'n gwneud i chi deimlo ddeg gwaith yn waeth ac efallai y byddai rhywun hyd yn oed yn dadlau y byddai'n well aros ar y stryd yn lleol lle rydych chi'n adnabod y lle ac mae pobl eraill o gwmpas na bod yn ddiarth ddwy awr i ffwrdd."

– Darparwr gwasanaeth LAA1

Awgrymodd gwasanaethau cymorth fod angen mwy o ddealltwriaeth am ei ddefnydd, gan ddeall pam y gallai rhywun ddewis byw yn rhywle arall – cysylltiadau emosiynol, ymdeimlad o ddiogelwch, rhwydweithiau presennol, neu fynediad at gyfleoedd – a beth yw cysylltiad lleol. Rydym wedi awgrymu bod angen mwy o hyblygrwydd o ran deall pryd mae rhywun wedi sefydlu cysylltiad lleol yn *Everybody In: How to end homelessness in Great Britain*.¹²²



122 Downie, M., Gousy, H., Basran, J., Jacob, R., Rowe, S., Hancock, C., Albanese, F., Pritchard, R., Nightingale, K. a Davies, T. (2018) *Everybody In: How to end homelessness in Great Britain*. Llundain: Crisis.

Claire



Roedd mor frawychus, a dim ond 19 mlwydd oed oeddwn i ... roedd yn frawychus iawn ac yn ddychrynlyd iawn i mi. Felly, pan es i oddi yno, roeddwn i'n amlwg yn ofidus. Fe wnaethon ni fynd drwy ffurflenni a phopeth ac yn y bôn, fe wnaeth hi droi ataf a dweud, 'dwyt ti ddim yn flaenoriaeth'.

Gofynnodd Claire am gymorth gan ei chyngor ar ôl gorfod gadael cartref ei mam. Roedden nhw wedi cweryla ac roedd Claire wedi teimlo dan fygythiad gan ei mam. Pan ymwelodd â'i hawdurdod lleol, roedd Claire yn poeni'n fawr y byddai'n rhaid iddi aros ar y stryd pe na allent helpu.

Roedd gen i apwyntiad gyda menyw, pan es i mewn i'r ystafell, roeddwn i'n meddwl bod hyn am fod yn gadarnhaol, maen nhw'n mynd i'm helpu ac roedden nhw'n mynd i roi rhywle i mi aros, mewn hostel neu rywbeth.

Roedd mynd at y cyngor yn 'frawychus' ac yn 'ddychrynlyd' ac roedd y broses yn cynnwys llawer o lenwi ffurflenni. Teimlai Claire fod y swyddog tai yn amheus o'r rheswm yr oedd hi'n cysylltu am gymorth. Daeth yr asesiad i ben gyda'r swyddog tai yn dweud wrth Claire, gan nad oedd ei mam wedi'i tharo, ac y gallai ddychwelyd at ei thad, nad oedd angen blaenoriaethol am gymorth.

Roedd yn teimlo fel nad oedden nhw'n fy nghredu gan eu bod nhw eisiau rhif fy mam a phopeth, dim ond i wneud yn siŵr fy mod i'n ddigartref. Dyna pryd y dechreuais deimlo, wel, arhoswch funud nawr, pam nad ydych chi'n fy nghredu i?

Rhoddwyd llyfryn gwybodaeth i Claire a dywedwyd wrthi am edrych yno os oedd am gael llety arall. Ni roddwyd esboniad o sut y gallai'r prosesau ymgeisio weithio na'r hyn a allai fod yn fforddiadwy iddi. Ni thynnwyd ei sylw ychwaith at wasanaethau sy'n benodol i bobl ifanc.

Roedd mor frawychus, a dim ond 19 mlwydd oed oeddwn i ... roedd yn frawychus iawn ac yn ddychrynlyd iawn i mi. Felly, pan es i oddi yno, roeddwn i'n amlwg yn ofidus. Fe wnaethon ni fynd drwy ffurflenni a phopeth ac yn y bôn, fe wnaeth hi droi ataf a dweud, 'dwyt ti ddim yn flaenoriaeth'.

Roedd clywed nad oedd hi'n flaenoriaeth yn anodd ac fe wnaeth iddi deimlo'n isel iawn heb unman i droi am help. Dim ond ar ôl cysylltu â sefydliad penodol, a argymhellwyd gan fam ffrind, y llwyddodd Claire i ddod o hyd i lety yn benodol ar gyfer pobl ifanc ddigartref.

Fe wnaeth hynny fy nharo ... Roeddwn i'n meddwl fy mod wedi cyrraedd y gwaelod i fod yn onest oherwydd ei fod yn teimlo fel bod y byd yn fy erbyn.

Roedd Claire eisoes yn agored i niwed, ac fe wnaeth penderfyniad y cyngor iddi deimlo'n waeth. Roedd yn teimlo iddi fel eu bod am ei gorfodi'n ôl at ei mam a'r amgylchiadau anodd yno, yn hytrach nag archwilio realiti ei hamgylchiadau a'r hyn y byddai'n ei olygu iddi gael ei gwrthod heb gymorth priodol na rhywle i aros.

Roeddwn i'n teimlo'n drist. Roeddwn i'n teimlo a oedd unrhyw bwynt fy mod wedi dod yma? I roi llyfryn allan a dweud hynny wrthym, a dweud nad ydych chi'n flaenoriaeth gan nad ydych chi wedi cael profiad o drais?

Pennod 6:

Beth rydym yn ei wybod am: angen blaenoriaethol

Mae'r prawf angen blaenoriaethol yn parhau i fod yn rhan bwysig o'r systemau a'r diwylliant digartrefedd yng Nghymru a Lloegr. Mae'r prawf wedi bod yn destun craffu ers peth amser ac mae wedi newid ers ei gyflwyno yn Neddf 1977. Mae wedi cael ei ddisgrifio fel anghyfiawnder, anfoesol a hen ffasiwn.¹²³

"Rwyf wedi gweithio....amser hir, yn rhy hir mewn digartrefedd ac ers amser maith rwyf wedi meddwl bod yr holl syniad o angen blaenoriaethol yn anwar, mae'n anfoesol a phob dydd mae'n rhaid i mi wneud penderfyniadau yr wyf yn credu yn fefnol, yn y bôn, sydd yn anghywir."¹²⁴
– cyfranogwr Awdurdod Lleol, Adolygiad o angen blaenoriaethol

Mae beirniadaeth wedi canolbwyntio ar sut mae system amodol, ac yn

¹²³ Mackie, P.; Gray, T.; Hughes, C.; Madoc-Jones, I.; Mousteri, V.; Pawson, H.; Spyropoulos, N.; Stirling, T.; Taylor, H.; Watts, B. (2019). *Adolygiad o Angen Blaenoriaethol yng Nghymru*. Caerdydd: Llywodraeth Cymru

¹²⁴ Ibid. t.29

¹²⁵ Ibid.

¹²⁶ Ibid.

enwedig angen blaenoriaethol, yn annog ffocws ar brosesu ymgeiswyr i benderfynu p'un a ydynt yn perthyn i gategori penodol, yn hytrach na diwallu angen.¹²⁵ Cefnogir hyn gan dystiolaeth o anghysondebau yn y ffordd mae'n cael ei ddefnyddio, yn enwedig i bobl ifanc, pobl sy'n cysgu ar y stryd, a'r rhai sy'n gadael y carchar, sydd wedi elwa leiaf o dan y fframwaith cyfreithiol newydd.¹²⁶

"Roedd fel siarad â pheiriant ar ben arall y ffôn..."
– astudiaeth achos Profiad Byw

"A dyna'r unig ffordd y gallaf eu disgrifio, robotig. Mae fel siarad â pheiriant. Does dim dadlau ag ef. Does dim modd mynd drwodd ato. Does dim ots pwy sydd ar ben arall y ffôn neu o'ch blaen, dim lwc. Ta ta. Hwyl."
– astudiaeth achos profiad byw

Rhwystro pobl rhag ceisio cymorth

Mae rhai aelwydydd hefyd yn cael eu rhwystro rhag ceisio cymorth ar sail eu statws tebygol nad ydynt yn flaenoriaeth, gyda goblygiadau i allu gwasanaethau i ymgysylltu ag unigolion sydd fwyaf aml mewn amgylchiadau eithriadol o agored i niwed.¹³¹

"Mae gennym bobl sengl nad ydynt yn cysylltu â'n gwasanaeth oherwydd mae'n debyg eu bod wedi cael cyngor nad oes ganddynt angen blaenoriaethol, nid ydynt yn cael yr asesiad, maen nhw'n rhyw fath o gael yr asesiad wedi'i wneud gan rywffaint o gymorth neu rai grwpiau, ac yn cael gwybod, 'peidiwch â thrafferthu, oherwydd nid oes gennych chi angen blaenoriaethol', heb ddeall y byddai gennym ddyletswydd o dan 62, 66, 73. Felly maen nhw'n colli hynny i gyd dim ond am fod rhywun wedi'u cynghori, 'Fyddan nhw ddim yn eich helpu chi, nid oes gennych chi angen blaenoriaethol.'"

– Cyfranogydd Awdurdod Lleol, Adolygiad o angen blaenoriaethol

Mae hefyd yn broses sy'n defnyddio llawer o adnoddau, gyda phryder am y trothwy uchel ar gyfer bod yn agored i niwed a'i ofynion tystiolaethol.¹²⁷

¹²⁸ Mae pryder hefyd ynghylch disgwyliadau ar staff i lunio barn wybodus am angen meddygol.¹²⁹ Mae hyn yn cynnwys staff sy'n defnyddio peiriannau chwilio ar-lein i *"sefydlu pa feddyginiaeth sy'n gweithio gyda beth....a sut y gall hynny eich gwneud yn agored i niwed"*.¹³⁰ Mae hyn yn amlygu'r cyfle i amrywio'r cymorth rhwng staff Opsiynau Tai o fewn ac ar draws awdurdodau lleol, ac i anghenion cymorth unigol gael eu camddeall.

Mae'r ddibyniaeth ar dystiolaeth i asesu bregusrwydd yn achosi amwysedd ac ansicrwydd ymhlith staff Opsiynau Tai, gyda staff yn aml yn ofynnol i lunio barn am lefel y bregusrwydd ar sail meddyginiaeth. Mae rhai awdurdodau lleol wedi cyflogi ymarferwyr iechyd

meddwl i gynghori a gweithio ochr yn ochr â staff Opsiynau Tai.¹³² Mae hyn hefyd yn cyfeirio at natur ddwys asesu cymhwysedd a bregusrwydd o ran adnoddau.

"...mae wedi bod yn faes llwyd gyda'r iechyd meddwl, oherwydd mae iselder a phryder yn ddatganiad eithaf cyffredin y mae pawb yn tueddu i'w ddweud yn ystod asesiad digartref, felly rydym yn gofyn iddynt yn nhermau, "Pa feddyginiaeth ydych chi arnyn nhw?" "Ydych chi o dan feddyg?" ac yna rydym yn barnu'r angen blaenoriaethol yn seiliedig ar faint o feddyginiaeth, dos y feddyginiaeth, y math o feddyginiaeth, yn y lle cyntaf hwnnw, ac yn amlwg rydyn ni'n gofyn am wybodaeth feddygol a gwybodaeth bellach i gyd-fynd â'r hyn mae'r ddeddfwriaeth am i ni ei wneud."
– Rheolwr Opsiynau Tai ALL LAA2

¹²⁷ Ibid.

¹²⁸ Ahmed, A., Wilding, M., Gibbons, K., Jones, M., Rogers, I., Madoc-Jones M., Wilding, A., Gibbons, K., Jones, M., Rogers, I., Madoc-Jones (2018) *Gwerthusiad ôl-weithredu o ran 2 Deddf Tai (Cymru) 2014: adroddiad terfynol. Adroddiad Prosiect*. Llywodraeth Cymru

¹²⁹ Mackie, P.; Gray, T.; Hughes, C.; Madoc-Jones, I.; Mousteri, V.; Pawson, H.; Spyropoulos, N.; Stirling, T.; Taylor, H.; Watts, B. (2019). *Adolygiad o Angen Blaenoriaethol yng Nghymru*. Caerdydd: Llywodraeth Cymru

¹³⁰ Ibid.

¹³¹ Ibid.

¹³² Mackie, P.; Gray, T.; Hughes, C.; Madoc-Jones, I.; Mousteri, V.; Pawson, H.; Spyropoulos, N.; Stirling, T.; Taylor, H.; Watts, B. (2019). *Adolygiad o Angen Blaenoriaethol yng Nghymru*. Caerdydd: Llywodraeth Cymru. t.36

Pennod 7:

Yr opsiwn amgen: Neb Heb Help

Mae Covid-19 wedi ein hatgoffa ni i gyd o ba mor hanfodol yw cartref fel sylfaen i adeiladu ein bywydau arni. Yn ystod y blynyddoedd diwethaf, cyn y pandemig, roedd cynghorau a'u partneriaid wedi bod yn atal a lliniaru digartrefedd yn gyson er bod mwy o bobl yn cael eu gwthio i drothwy digartrefedd. Aethant ymhellach yn ystod y pandemig ac mewn cyfnod byr iawn llwyddwyd i ddarparu llety brys i bawb heb le diogel i aros, gan weithio gyda'r canllawiau cyfreithiol a'r cyllid gan Lywodraeth Cymru.

Rydyn ni nawr yn sefyll ar groesffordd lle gallem ddychwelyd at y ffordd cyn pandemig o weithio neu gallem newid y gyfraith fel na fyddwn yn gadael unrhyw un allan o gymorth ailgartrefu oherwydd ble maen nhw'n byw, pwy ydyn nhw na sut y daethant yn ddiartref. Os na fydd cynghorau'n cael eu cefnogi i helpu pawb, mae llawer o bobl yn wynebu'r effaith ddinistriol o fod yn gaeth i ddiartrefedd am fwy o amser, yn aml heb unrhyw obaith o ddod o hyd i gartref newydd yn fuan.

133 Mackie, P.; Gray, T.; Hughes, C.; Madoc-Jones, I.; Moustari, V.; Pawson, H.; Spyropoulos, N.; Stirling, T.; Taylor, H.; Watts, B. (2019). *Adolygiad o Angen Blaenoriaethol yng Nghymru*. Caerdydd: Llywodraeth Cymru. t.36

"Rwy'n credu bod llawer iawn o fiwrocratiaeth a llawer iawn o waith y mae'n rhaid i awdurdodau lleol ei wneud cyn y gallant ddechrau helpu pobl... Rwy'n credu bod faint o fiwrocratiaeth sydd gennym bellach yn amharu'n fawr ar ein gallu i helpu pobl."¹³³

– cyfranogwr Awdurdod Lleol, Adolygiad o angen blaenoriaethol

"Ie, ie, rydych chi'n hwyhau dioddefaint rhywun os ydych chi'n parhau i osod rheolau a rhwystrau a pharmedrau i'w cyflawni cyn i chi gael tŷ, wyddoch chi?"

– darparwr gwasanaeth LAA1

Fe wnaethom glywed gan awdurdodau lleol, darparwyr gwasanaethau a'r rhai sydd â phrofiad byw o ddiartrefedd y byddent yn croesawu dull mwy agored a thosturiol. Mae ymatebion yn ystod Covid-19 wedi rhoi cipolwg i bawb o'r hyn a allai fod yn bosibl, ac effaith newid pwyslais o, 'ydych chi'n gymwys' i 'beth yw'r canlyniad llety gorau i chi'.

Cynigion Llywodraeth yr Alban ar gyfer darpariaethau cysylltiad lleol a bwriadoldeb

Roedd cytundeb cyffredinol mewn ymateb i gynigion Llywodraeth yr Alban bod y "gallu i unigolyn sy'n profi digartrefedd gael dewis o ran ble y mae'n dymuno byw yn... fuddiol o ran eu lles a'u gallu i gynnal tenantiaeth barhaus..."¹³⁴ Cyfeiriwyd at hyn gan bobl ifanc sy'n gadael gofal, lle mae meini prawf yn methu â chydabod lle mae unigolion wedi sefydlu rhwydweithiau cymorth a fyddai'n helpu i ddod â digartrefedd mynych i ben ac atal digartrefedd mynych.¹³⁵

"Felly, ers blynyddoedd maith, mae'r bobl sy'n gweithio mewn opsiynau tai—pobl ymroddedig sydd â swyddi caled, caled, yn delio â phethau anodd iawn o ddydd i ddydd—maen nhw wedi bod mewn sefyllfa o ddogni ers blynyddoedd. Felly, eu gwaith nhw fu ceisio gwneud yn siŵr nad ydych chi'n cael rhywbeth nad oes gennych chi hawl iddo, a beth bynnag. Fe wnaethon ni newid hynny dros nos i ddweud, 'Na. Mae pawb yn ei gael; mae pawb yn cael yr hyn sydd ei angen arnynt; pawb—.' Felly, mae'r newid diwylliannol y tu mewn i'r sefydliadau hynny'n enfawr. Felly, ceisio gweithio gyda'r sefydliadau hynny a sicrhau eu bod yn croesawu'r newid diwylliannol hwnnw, ac maen nhw wedi rhoi'r gwasanaethau cymorth ar waith. Wyddoch chi, nid yw hynny i'w anwybyddu—anhawster hynny. Ac nid yw'n syndod bod rhai sefydliadau wedi gwneud y newid hwnnw'n eithaf da; mae eraill yn cael rhywfaint o drafferth gyda hynny. A bydd yn cymryd misoedd lawer i wreiddio ac ymwreiddio ffordd wahanol o weithio."

– Y Gweinidog Tai a Llywodraeth Leol, Julie James AS yn siarad o flaen Pwyllgor Pwyllgor Cydraddoldeb, Llywodraeth Leol a Chymunedau ar 12 Hydref 2020

Byddai hyn yn ddatblygiad sylweddol mewn polisi digartrefedd ac yn awgrymu i ymgeiswyr y byddant yn cael eu trin ag urddas a thosturi ac yn cael cymorth i ailadeiladu eu bywydau. Roedd y rhai â phrofiad byw o ddiartrefedd yn glir bod colli gobaith yn sylweddol pan roedden nhw'n cael eu gwrthod.

"Rwy'n credu ei fod i'r ymgeisydd y peth yw gwybod fod rhywun yn poeni. Wyddoch chi, mae'n rhaid ei bod mor ddinistriol mynd at y gwasanaethau brys, at wasanaeth statudol, a bod y rhain yn dweud, "Nid oes gennych chi hawl i gael help". Felly, rwy'n meddwl, wyddoch chi, mae dyngarwch a gwyleidd-dra mewn cael blanced, "Rydyn ni'n mynd i roi llety i chi."

– Gwasanaeth 2 LAA6

"Dw i'n gallu tawelu meddwl fy mherson ifanc, ie, mae'n rhaid iddyn nhw eich rhoi chi yn rhywle felly o leiaf ar unwaith bydd y llwybr pryder yn cael ei ddiystyru oherwydd eu bod yn gwybod bod y gyfraith yn dweud bod yn rhaid iddyn nhw fy rhoi yn rhywle."

– Gwasanaeth LAA2

Soniodd y rhai â phrofiad byw o ddiartrefedd am sut y byddai hyn o fudd i'w lles, eu hyder a'u hymdeimlad o hunanwerth, yn ogystal â'r budd

134 Llywodraeth yr Alban (2019). Ymgynghoriad ar ddarpariaethau cysylltiad lleol a bwriadoldeb mewn deddfwriaeth ddiartrefedd. Ar gael yn: <https://consult.gov.scot/housing-regeneration-and-welfare/local-connection-and-intentionality/>

135 Bridgeman, J., Russell, H. (2020). *Peidiwch â Gadael i mi Syrthio drwy'r Craciau: Digartrefedd ymysg Pobl Ifanc â Phrofiad o Ofal yng Nghymru*.

Realiti bod heb help - byw mewn ofn

Clywsom gan y rhai â phrofiad byw fod eu hanghenion tai wedi'u gwaethygu o ganlyniad i beidio â haeddu dyletswydd, a'u bod nhw'n byw mewn ofn o fod yn ddigartref ar y stryd o ganlyniad i gael eu gadael heb gymorth.

"A byw gyda'r ofn hwnnw, o ddydd i ddydd, yn meddwl y gallech chi fynd ar y strydoedd. Gallech fynd i'r oerfel, i'r glaw. Pob tywydd. 24/7 Dim bwyd. Dim dŵr. Dim nwy. Ddim yn gallu golchi eich dillad. Mae'n frawychus. Mae'n gyfnod brawychus o'ch bywyd. Mae wir yn."

materol o gael cymorth i gael mynediad i gartref diogel. Roedd hyn yn bwysig i'r unigolion hynny oedd yn cael trafferth gyda'u hiechyd meddwl a'u lles y canfuwyd nad oeddent yn ddigon agored i niwed fel eu bod yn haeddu dyletswydd, fel Denise a siaradodd â ni am ei phrofiadau.

"Wel rwy'n meddwl i mi fy hun a phobl rwy'n gweithio gyda nhw, fel y dywedais yn gynharach, rydyn ni'n cael sgwrs llawer mwy cysurion gyda chleientiaid. Byddwn i'n dweud ei bod yn amlwg yn mynd i gael effaith gadarnhaol ar ein hiechyd meddwl a'n lles oherwydd, wyddoch chi, dyna'r rhai nad ydyn ni'n eu diystyru."

– Gwasanaeth LAA6

7.1 Camau nesaf

Arweiniodd Cymru'r ffordd o ran newid cyfraith digartrefedd yn 2014, gan sicrhau bod yn rhaid i gynghorau gynnig cymorth i fwy o bobl yn gynharach, gan ddarparu sylfaen gref ar gyfer newid. Ond o dan y gyfraith mae rhai pobl yn parhau i golli allan ar gymorth. Yn ystod y pandemig mae cynghorau wedi darparu miloedd o bobl nad oedd ganddynt unman diogel i aros gyda chymorth ychwanegol a llety brys.

Oni bai y byddwn yn newid y gyfraith bresennol a gwella'r cymorth sy'n cael ei gynnig, bydd pobl yn parhau i wynebu bod yn ddigartref ar y stryd, ar soffas neu mewn hosteli, heb unrhyw gyfle i symud ymlaen ac ailadeiladu eu

bywyd. Bydd nifer sylweddol o bobl yn parhau i fod yn ddigartref oherwydd pwy ydyn nhw, ble maen nhw'n byw, a pham y daethant yn ddigartref.

Fodd bynnag, dim ond cam cyntaf yw newid cyfreithiol. Yn ogystal â newid cyfreithiol, mae angen yr adnoddau a'r offer cywir ar ein gweithluoedd i roi terfyn ar ddigartrefedd. Tynnodd cyfranogwyr sylw at yr heriau presennol gyda phrinder staff a llwythi achosion uchel, gan nodi'r angen i fynd i'r afael â'r rhain er mwyn galluogi staff i weithio'n agosach gydag unigolion i ddod o hyd i atebion parhaol a nodi ymyriadau sy'n mynd i'r afael yn ystyrlon ag anghenion cymorth.

"Rwy'n credu bod yr elfen gymorth, unwaith y byddwch yn rhoi pobl yn yr unedau hynny, yn gwbl hanfodol ... a byddai angen arian a refeniw i ddarparu'r cymorth hwnnw gan nad oes diben rhoi rhywun ag anghenion mewn eiddo lle rydych chi'n gwybod eu bod yn mynd i fethu ... a dyna sy'n digwydd ar hyn o bryd. ... Rwy'n credu y byddai'n rhaid cynyddu'r gwasanaethau cymorth a fyddai ar gael i adrannau digartrefedd yn sylweddol ... oni bai eich bod yn rhoi mwy o adnoddau iddo i ddelio ag ef oherwydd yn amlwg, byddwn yn delio â llawer mwy o bobl ddigartref nag yr ydym wedi arfer â nhw."

– Rheolwr Opsiynau Tai LAA2

Rhaid i Lywodraeth nesaf Cymru nodi'r rhaglen ddiwygio sydd ei hangen i roi terfyn ar ddigartrefedd yng Nghymru,

gan gynnwys amserlen ar gyfer dileu pob un o'r tri phrawf cyfreithiol o'r system ddigartrefedd statudol. Rhaid cael gwared ar bob un o'r tri phrawf cyfreithiol fesul cam, gan sicrhau nad oes unrhyw fecanweithiau cyfreithiol ar gyfer gadael pobl heb gymorth.

Nid yw'r adroddiad hwn wedi ceisio nodi trywydd ar gyfer y broses hon ond mae'n tynnu sylw at wersi o ddiwygiadau cyfreithiol a diwygiadau eraill i'r system mewn digartrefedd. Yn seiliedig ar hyn, dylai Llywodraeth nesaf Cymru, fel rhan o gynllun ehangach i roi terfyn ar ddigartrefedd wneud y canlynol:

- **Cyflwyno deddfwriaeth yn y Senedd nesaf** gan ddarparu 'pwynt terfyn' i weithio tuag ato i ddiddymu'r tri phrawf.
- **Nodi canllawiau cenedlaethol** ar gyfer cyflwyno'r fframwaith newydd, gyda disgresiwn priodol ar lefel leol, gan gynnwys sut i gefnogi pobl sy'n ceisio cymorth y tu allan i ardal eu cyngor 'cartref'.
- **Sicrhau cyllid digonol** ar sail hirdymor a throsiannol ar draws llywodraeth leol, y cyflenwad tai, a chymorth tai, ac ariannu llwybrau atal ar draws gwasanaethau cyhoeddus.
- **Sicrhau bod atebion sy'n cael eu harwain gan dai ac ailgartrefu cyflym** wrth wraidd ein hymateb i ddigartrefedd.
- **Cefnogi a buddsoddi mewn gweithluoedd** i fodloni'r gofynion newydd, gan gynnwys adolygu trefniadau comisiynu.
- **Gwella a mireinio'r broses o gasglu, monitro ac adrodd ar ddata**, gan gynnwys cysylltu data ar

draws gwasanaethau cyhoeddus, mesur nifer y bobl sy'n cysgu ar y stryd mewn amser real, wedi'i lywio gan Rwydwaith Gwybodaeth Digartrefedd ar y Stryd, a chasglu data'n well ar nifer y ceisiadau unigryw, digartrefedd mynych, yr amser sy'n cael ei dreulio mewn llety dros dro ac yn y blaen.

Os ydym am roi terfyn ar ddigartrefedd a sicrhau bod gan bawb ddiogelwch ac urddas cartref, mae angen i ni sefydlu ymateb cynhwysfawr i atal a rhoi terfyn ar ddigartrefedd sy'n cael ei gefnogi gan y gyfraith.

Gan ddefnyddio pob un o'r tair system ddigartrefedd ym Mhrydain Fawr, a thystiolaeth ryngwladol, nododd Crisis egwyddorion allweddol system ddigartrefedd ddelfrydol yn *Everybody In: How to end homelessness in Great Britain*. Roedd hyn yn cynnwys:¹³⁶

Egwyddor 2: Pan fo camau rhesymol i atal digartrefedd yn aflwyddiannus, rhaid i rwyd ddiogelwch statudol gyflawn sy'n darparu mynediad i lety sefydlog addas ymestyn ar draws yr holl bobl ddigartref.

Egwyddor 3(b): Dylid diddymu bwriadoldeb ar ei ffurf bresennol. Mae'r prawf bwriadoldeb presennol yn mynd ymhell y tu hwnt i'r hyn sy'n ofynnol i reoli'r hyn y gellid ei ystyried yn unrhyw gymhellion gwrthnysig i gael cymorth digartrefedd.

Egwyddor 4: Dylai cysylltiad lleol beidio â bod yn rhwystr i gymorth.

Egwyddor 5. Rhaid gwneud darpariaeth briodol ar gyfer aelwydydd sy'n parhau'n ddigartref ar ôl dihybyddu eu hawlau o dan y fframwaith statudol digartrefedd, yn enwedig teuluoedd â phlant dibynnol.

¹³⁶ Downie, M., Gousy, H., Basran, J., Jacob, R., Rowe, S., Hancock, C., Albanese, F., Pritchard, R., Nightingale, K. a Davies, T. (2018) *Everybody In: How to end homelessness in Great Britain*. Llundain: Crisis. 385-395

Adolygiad o angen blaenoriaethol – opsiynau a dadansoddiad cost a budd

Roedd yr adolygiad diweddar o angen blaenoriaethol yn nodi amserlen o bum mlynedd a deng mlynedd ar gyfer ei diddymu, gan ychwanegu y byddai angen cyflawni newid o'r fath ochr yn ochr â buddsoddi mewn cyflenwad tai, buddsoddiad ac adnoddau ar gyfer awdurdodau lleol, gweithlu â chymorth gwell, a gwell casglu a monitro data.¹³⁷ Amcangyfrifodd y grŵp adolygu anghenion blaenoriaethol y gallai Llywodraeth Cymru ddisgwyl gweld cyfanswm arbedion blynyddol o tua £5m pe bai angen blaenoriaethol yn cael ei ddiddymu dros gyfnod o bum mlynedd, ar ôl talu costau ychwanegol i awdurdodau lleol a gwasanaethau cymorth i ateb y galw ychwanegol. Mae angen i broses o'r fath weithio ochr yn ochr ag ymdrechion i drosglwyddo i ddulliau ailgartrefu cyflym, fel yr argymhellwyd gan y Grŵp Gweithredu digartrefedd ac sy'n cael ei dderbyn mewn egwyddor gan Lywodraeth Cymru.¹³⁸

Angen blaenoriaethol

Dylai pawb gael mynediad at lety dros dro addas a diogel lle na ellir atal eu digartrefedd, ac nid oes ganddynt unman diogel i aros. Bydd hyn yn gofyn am adnoddau i wella ansawdd llety dros dro a dylid ei ddarparu yn unol â'r ymrwymiad i ddulliau ailgartrefu cyflym a arweinir gan dai, gan gyfyngu ar y defnydd o lety dros dro a llety brys lle bynnag y bo modd. Mae hyn yn atgyfnerthu rôl y system ddigartrefedd statudol fel rhwyd diogelwch brys lle nad yw dulliau cynharach wedi gweithio i atal neu liniaru digartrefedd.

Bwriadoldeb

Mae nifer o opsiynau ar gyfer dileu'r prawf bwriadoldeb. Mae hyn yn cynnwys:

- Diddymu'r prawf yn ei gyfanrwydd.
- Diddymu'r prawf a chulhau'r diffiniad, gan ganolbwyntio ar 'drin yn fwriadol'.

- Dileu'r ddyletswydd i ymchwilio a'i ddisodli gyda disgrisiwn i wneud hynny, gan leihau'r diffiniad hefyd i ganolbwyntio ar 'drin yn fwriadol'.

Byddai trin yn fwriadol yn golygu cydgyllwynio rhwng ymgeisydd a'r rhiant neu'r deiliad tai sydd wedi'u cau allan. Byddai'n ei gwneud yn ofynnol i gynghorau ddangos bod rhywun wedi rhagweld y byddai eu gweithredoedd yn arwain at fod yn ddigartref. Byddai'r goblygiadau yma yn gyfyngedig ac, er enghraifft, ni fyddai aelwydydd yn cael unrhyw ddewis ychwanegol o ran dyraniadau tai cymdeithasol ond ni fyddai unrhyw effaith ar unrhyw hawliau eraill.¹³⁹

Cysylltiad lleol

Mae sawl ffordd bosibl ymlaen, ac nid oes yr un ohonynt yn annibynnol ar ei gilydd.

- **Atal neu ddiddymu'r prawf rhwng awdurdodau lleol yng Nghymru yn unig.**

¹³⁷ Mackie, P.; Gray, T.; Hughes, C.; Madoc-Jones, I.; Moustari, V.; Pawson, H.; Spyropoulos, N.; Stirling, T.; Taylor, H.; Watts, B. (2019). *Adolygiad o Angen Blaenoriaethol yng Nghymru*. Caerdydd: Llywodraeth Cymru.

¹³⁸ Ibid.

¹³⁹ Downie, M., Gousy, H., Basran, J., Jacob, R., Rowe, S., Hancock, C., Albanese, F., Pritchard, R., Nightingale, K. a Davies, T. (2018) *Everybody In: How to end homelessness in Great Britain*. Llundain: Crisis.

- **Atal neu ddiddymu'r rheolau** ond rhoi lwfans i adnoddau ddilyn pobl, fel y gall ymgeiswyr geisio cymorth lle mae ei angen, ond gall awdurdodau lleol adennill costau lle maen nhw'n derbyn ymgeiswyr heb gysylltiad lleol (Ffigur 3).
- **Ymestyn y diffiniad statudol** i fod yn fwy hael a realistig ynghylch sut a phryd mae pobl wedi sefydlu cysylltiad lleol.

Byddai darpariaethau yn Neddf 1987 i gydweithredu ag awdurdodau lleol ledled y DU yn cael eu cadw.

Nid yw diwygio deddfwriaethol yn ateb i bopeth o ran rhoi terfyn ar ddigartrefedd. Bydd system ddigartrefedd lle nad oes neb yn cael ei adael heb y cymorth sydd ei angen arnynt i gael mynediad i gartref diogel yn cymryd mwy na newid deddfwriaethol, ond dylai fod yn sylfaen i ni gyflawni ein nodau.

Dylai Llywodraeth Cymru hefyd annog, drwy godau cyfarwyddyd, gydweithrediad ynghylch darparu llety addas, er enghraifft.

Egwyddor Hunan-Gyflwynydd Danaidd

Mae mynediad i mynediad at dros dro a llety mewn argyfwng yn Nenmarc yn seiliedig ar yr egwyddor 'hunan-gyflwynydd', sy'n ei gwneud yn ofynnol i fwrdeistrefi dalu am eu dinasyddion os ydynt dan fygythiad neu'n profi digartrefedd mewn bwrdeistref arall. Mae hyn yn golygu nad oes unrhyw anghymhelliad ariannol mewn egwyddor i fwrdeistrefi wrth ddarparu llety brys i bobl ddigartref o ardal arall.

Mae'r system yn cael ei hategu gan fecanwaith sy'n caniatáu i'r awdurdod lleol lle mae rhywun yn cyflwyno'i hun yn ddigartref gael arian gan awdurdod 'cartref' yr unigolyn. Mewn achosion o anghytundeb, mae gan asiantaeth ganolog, 'The Social Appeals Board', yr awdurdod i benderfynu pa awdurdodau sy'n gyfrifol am dalu costau'r cymorth.



Pennod 8:

Casgliadau

Mae deddfwriaeth yn chwarae rhan allweddol wrth arwain ymdrechion staff a sefydliadau a llywio profiadau'r bobl hynny sy'n ceisio cymorth. Er na fydd newid deddfwriaethol ar ei ben ei hun yn rhoi terfyn ar ddigartrefedd, mae'n rhan hanfodol o'r ateb ac, o'i gynllunio'n dda, mae'n alluogwr i roi terfyn ar ddigartrefedd.

Y newidiadau cyfreithiol rydyn ni'n eu cynnig yma yw'r cam cyntaf tuag at sicrhau bod awdurdodau lleol yn cael eu cefnogi i helpu pawb, fel nad oes unrhyw un yn cael ei adael i wynebu digartrefedd heb y cymorth sydd ei angen arnynt i sicrhau cartref. Byddai dyletswydd ailgartrefu lawn yn creu system gyfreithiol symlach ac yn grymuso pobl a gwasanaethau i weithredu.

Rydym bellach yn wynebu'r un cyfle a greodd yr amodau ar gyfer llwyddiant *Deddf Tai (Cymru) 2014* – cydnabyddiaeth gyffredin o'r angen am newid, newidiadau mewn diwylliant ac ymarfer ers 2015, ymateb a goblygiadau Covid-19, a'r cyfeiriad a'r amcanion newydd a bennwyd gan arweinwyr gwleidyddol.

Yn benodol, mae profiadau gwasanaethau yn ystod Covid-19 wedi amlygu'r hyn a allai fod yn bosibl, ac arwain at sylweddoli manteision cael yr adnoddau a'r eglurder i roi'r cymorth sydd ei angen ar bawb pryd a ble mae ei angen.

Fel gyda Deddf 2014, mae cydnabyddiaeth bod angen ailedrych ar y fframwaith cyfreithiol presennol. Mae'n cael ei gymhwyso'n anghyson, mae'n oddrychol ac yn agored i gael ei ddehongli, a gall ei gwneud yn ofynnol i bobl ddod yn fwy agored i niwed er mwyn cael gafael ar gymorth. Yn y pen draw, gall ein system bresennol ymestyn profiad rhywun o ddigartrefedd a gadael rhai heb yr help sydd ei angen arnynt i gael mynediad i gartref diogel.

Mynegodd awdurdodau lleol, gwasanaethau, a'r rhai â phrofiad byw o ddigartrefedd i gyd ymdeimlad o rwystredigaeth bod y ffordd mae'r system ddigartrefedd yng Nghymru wedi'i chynllunio yn atal pobl rhag cael y cymorth sydd ei angen arnynt, ac yn atal gwasanaethau rhag darparu'r cymorth maen nhw'n gwybod sydd ei angen ar bobl i ddianc rhag digartrefedd.

Gwyddom fod manteision sylweddol i'r rhai sy'n wynebu digartrefedd a staff o ran darparu system gyfreithiol

ddi-flewyn-ar-dafod drwy roi mwy o eglurder i weithluedd weithredu ac ymgeiswyr i geisio cymorth a chefnogaeth. Mae'r anghysondebau o ran cymhwyso ein system gyfreithiol bresennol yn dangos yr angen i ddileu pob un o'r tri phrawf cymhwysedd o'r system er mwyn sicrhau nad oes neb yn mynd heb y cymorth sydd ei angen arnynt.

“Maent yno, a thra maent yno, ni fyddwch byth yn cael gwared ar ddigartrefedd, na fyddwch? Oherwydd byddwch yn gallu troi pobl i ffwrdd sy'n ddigartref, gan nad ydynt yn bodloni'r meini prawf.”

– Rheolwyr Opsiynau Tai LAA2

Mae dyletswydd ailgartrefu lawn yn gam cyntaf tuag at sicrhau nad oes neb yn mynd heb y cymorth sydd ei angen arnynt. Fe wnaeth awdurdodau lleol a gwasanaethau cymorth bwysleisio'r galw am adnoddau a buddsoddiad ychwanegol mewn gweithluedd, gwasanaethau a chyflenwad cartrefi cymdeithasol i'w rhentu.

Ac eto, nid oes dim o hyn yn anorchfygol. Mae'r ymateb yn ystod Covid-19 a'r cynnydd a wnaed o ran cyflawni *Deddf Tai (Cymru) 2014* wedi dangos yr hyn sy'n bosibl gyda phenderfynu ar weithluedd, wedi'i gefnogi gan eglurder cyffredin, uchelgais, adnoddau, a chyfeiriad gan arweinyddiaeth wleidyddol.



Llyfryddiaeth

- Ahmed, A., Wilding, M., Gibbons, K., Jones, M., Rogers, I. Madoc-Jones M. Wilding, A. Gibbons, K. Jones, M. Rogers, I. Madoc-Jones (2018) *Gwerthusiad ôl-weithredu o ran 2 Deddf Tai (Cymru) 2014: adroddiad terfynol, Adroddiad Prosiect*. Caerdydd: Llywodraeth Cymru.
- Albanese, F. (2018) *Intentionality in the homelessness system in Great Britain*. Brwsel: FEANTSA
- Baptista, I., Benjaminsen, L., Pleace, N. (2015). *Local connection Rules and Access to Homelessness Services in Europe*. Brwsel: FEANTSA
- Boobis, S., Albanese, F. (2020) *The impact of COVID-19 on people facing homelessness and service provision across Great Britain*. Llundain: Crisis.
- Bramley, G., Fitzpatrick, S., Wood, J., Sosenko, F., Blenkinsopp, J., Littlewood, M., Frew, C., Bashar, T., McIntyre, J., a Johnsen, S. (2019). *Hard Edges Scotland: New conversations about severe and multiple disadvantage*. Sefydliad Lankelly Chase.
- Bramley, G., Fitzpatrick, S. (2018) Homelessness in the UK: who is most at risk? *Housing Studies*. 33(1). 96-116
- Bramley, G. (2017) *Homelessness projections: Core homelessness in Great Britain. Core homelessness in Great Britain*. Llundain.
- Bretherton, J., Hunter, C., a Johnsen, S. (2013) 'You can judge them on how they look...': Homelessness Officers, Medical Evidence and Decision-Making in England', *European Journal of Homelessness*. 7(1). 69-92
- Bridgeman, J., Russell, H. (2020). *Peidiwch â Gadael i mi Syrthio drwy'r Craciau: Digartrefedd ymysg Pobl Ifanc â Phrofiad o Ofal yng Nghymru*.
- Campbell, A, J., (2011) *Effaith Penderfyniadau Digartrefedd Bwriadol ar Fywydau Aelwydydd Cymru*. Abertawe: Shelter Cymru.
- Connell, A. (2017) *Datblygu a gweithredu Rhan 2 Deddf Tai (Cymru) 2014: Gwersi i Bolisi ac Ymarfer yng Nghymru*. Caerdydd: Sefydliad Polisi Cyhoeddus i Gymru.
- Ymateb Cymorth Cymru (2020) i Senedd Cymru | Ymchwiliad y Pwyllgor Cydraddoldeb, Llywodraeth Leol a Chymunedau i COVID-19 a'i effaith ar faterion sy'n ymwneud â chylch gwaith y Pwyllgor Cydraddoldeb, Llywodraeth Leol a Chymunedau. Ar gael yn: <https://business.senedd.wales/documents/s103225/ELGC%20COV%2039%20-%20Cymorth%20Cymru.pdf>
- Downie, M., Gousy, H., Basran, J., Jacob, R., Rowe, S., Hancock, C., Albanese, F., Pritchard, R., Nightingale, K. a Davies, T. (2018) *Everybody In: How to end homelessness in Great Britain*. Llundain: Crisis.
- Pwyllgor Cydraddoldeb, Llywodraeth Leol a Chymunedau. (2018). *Bywyd ar y strydoedd: atal a thaclo cysgu ar y stryd yng Nghymru*. Caerdydd: Cynulliad Cenedlaethol Cymru.

Fitzpatrick, S., Pawson, H., Bramley, G., Wilcox, S., Watts, B. ac Wood, J. (2017) *Y Monitor Digartrefedd: Cymru 2017*. Llundain: Crisis.

Fitzpatrick, S., Pawson, H., Bramley, G. ac Wilcox, S. (2012) *Y Monitor Digartrefedd: Yr Alban 2012*. Llundain: Crisis.

Gibbons, A., Madoc-Jones, I., Ahmed, A. et al. (2020) Digartrefedd yng nghefn gwlad: Arferion atal yng Nghymru. *Social Policy and Society*, 19(1). tt. 133-144.

Grŵp Gweithredu ar Ddigartrefedd (2020) *Y fframwaith o bolisiau, dulliau a chynlluniau y mae ei angen i roi diwedd ar ddigartrefedd yng Nghymru (Beth mae rhoi diwedd ar ddigartrefedd yng Nghymru'n ei olygu mewn gwirionedd)*. Caerdydd: Llywodraeth Cymru.

Homeless Link (2015) *Repeat Homelessness in Brighton*. Llundain: Homeless Link.

Johnsen, S., Jones, A. (2015) *The reconnection of rough sleepers within the UK: an evaluation*. Llundain: Crisis.

Mackie, P., Thomas, I., Bibbings, J. (2017) Homelessness Prevention: Reflecting on a Year of Pionerring Welsh Legislation in Practice. *European Journal of Homelessness*. 11(1). 81-107.

Mackie, P.; Gray, T.; Hughes, C.; Madoc-Jones, I.; Moustari, V.; Pawson, H.; Spyropoulos, N.; Stirling, T.; Taylor, H.; Watts, B. (2019). *Adolygiad o Angen Blaenoriaethol yng Nghymru*. Caerdydd: Llywodraeth Cymru.

Mackie, P., Thomas, I. (2016) *Digartrefedd Sengl Trawsnewidiol yng Nghymru*. Caerdydd: WISERD.

Mackie, P. (2014) The Welsh homelessness legislation review: delivering universal access to appropriate assistance? *Contemporary Wales* 27 (1). 1-20.

Reid, B. (2021) *Preventing Homelessness in Scotland. Recommendations for legal duties to prevent homelessness: A report from the Prevention Review Group*.

Rosengard, A., Laing, I., Ridley, J., Hunter, S. (2007) *Closing the Opportunity Gap: Findings of a Literature Review on Multiple and Complex Needs. Project Report*. Caeredin: Gweithrediaeth yr Alban.

Sanders, B., Boobis, S., ac Albanese, F. (2019) *'It was like a nightmare' The reality of sofa surfing in Britain today*. Llundain: Crisis.

Llywodraeth yr Alban (2019). A consultation on local connection and intentionality provisions in homelessness legislation. Ar gael yn: <https://consult.gov.scot/housing-regeneration-and-welfare/local-connection-and-intentionality/>

Taylor, P. (2020) The Regressive Power of Labelling People As Vulnerable. Ar gael yn: <https://paulitaylor.com/2020/06/25/the-regressive-power-of-labelling-people-as-vulnerable/>

Thomas, I., Mackie, P. (2020) *Measuring Repeat Homelessness*. Abertawe: ADR Wales.

Watts, B. (2014) Homelessness, empowerment and self-reliance in Scotland & Ireland: the impact of legal rights to housing and homeless people. *Journal of Social Policy*. 43(4). 793-810

Llywodraeth Cymru (2019) *Strategaeth ar gyfer Atal a Rhoi Terfyn ar Ddigartrefedd*. Caerdydd: Llywodraeth Cymru.

Atodiad 1:

Dyletswyddau cyfredol yng Nghymru a'r Alban

Mae'r tabl isod yn darparu cymhariaeth o'r dyletswyddau yng Nghymru ac yn yr Alban, ac yn amlygu lle mae profion cymhwysra yn bresennol neu wedi cael eu tynnu o'r system statudol. Dengys hyn, tra bod Deddf Tai (Cymru) 2014 yn darparu dull mwy cynhwysfawr i fwy o bobl, mae'r dull mwy hael yn yr Alban yn sicrhau bod mwy o bobl yn derbyn y cymorth sydd ei angen arnynt i ddianc rhag digartrefedd.

	Cymru
Dyletswydd i atal digartrefedd	<ul style="list-style-type: none"> Cymryd camau rhesymol i helpu i sicrhau bod llety addas yn parhau i fod ar gael Lle mae risg o ddigartrefedd yn y 56 diwrnod nesaf Camau rhesymol wedi'u hamlinellu yn y gyfraith Dim prawf am angen blaenoriaethol, cysylltiad lleol na bwriadoldeb
Rhoi terfyn ar y ddyletswydd cymorth atal	<ul style="list-style-type: none"> Dargadw llety presennol, neu Symud i lety newydd, lleiafswm o 6 mis Os ydynt yn dod yn ddigartref, rhagor o gymorth drwy'r ddyletswydd cymorth Os gwrthodir cynnig o lety, gall yr Awdurdod Lleol gyflawni'r ddyletswydd i'r ymgeisydd Gallant gyflawni'r ddyletswydd os yw'r ymgeisydd yn methu â chydymffurfio â'r camau rhesymol
Dyletswydd llety dros dro	Darparu llety dros dro cyn asesiad am y brif ddyletswydd (nid cyn cymorth), os oes rheswm i gredu y gallai'r ymgeisydd fod yn ddigartref, cymwys ac mewn angen blaenoriaethol
Dyletswydd i ddarparu cymorth os ydynt yn ddigartref	<p>Dyletswydd cymorth:</p> <ul style="list-style-type: none"> Cymryd camau rhesymol rhagnodedig i helpu'r ymgeisydd i sicrhau bod llety addas yn dod ar gael Rhaid i lety fod ar gael am o leiaf chwe mis Gallant gyflawni'r ddyletswydd os yw'r unigolyn yn methu â chydymffurfio â'r camau rhesymol Dim prawf am angen blaenoriaethol na bwriadoldeb. Prawf am gysylltiad lleol Dod i ben ar ôl 56 diwrnod <p>Dyletswydd ailgartrefu lawn (ar ôl i ddyletswyddau atal / cymorth ddod i ben):</p> <ul style="list-style-type: none"> Ailgartrefu mewn tenantiaeth gymdeithasol neu'r sector rhentu preifat am 6 mis Yn ddarostyngedig i brofion angen blaenoriaethol, bwriadoldeb a chysylltiad lleol

	Yr Alban
Dyletswydd i atal digartrefedd	<ul style="list-style-type: none"> Cymryd camau rhesymol i sicrhau bod llety yn parhau i fod ar gael Lle mae risg o ddigartrefedd yn y 56 diwrnod nesaf Camau rhesymol heb eu hamlinellu yn y gyfraith nac mewn canllawiau Dim prawf am angen blaenoriaethol na chysylltiad lleol. Prawf bwriadoldeb yn ôl disgrisiwn yr Awdurdod Lleol
Rhoi terfyn ar y ddyletswydd cymorth atal	<ul style="list-style-type: none"> Ddim dan fygythiad o ddigartrefedd mwyach, neu Ddod yn ddigartref yn statudol, sy'n sbarduno'r ddyletswydd i sicrhau llety (tenantiaeth gymdeithasol neu breifat) (D.S. mae'r diffiniad o ddigartrefedd statudol yn eang iawn, felly byddant yn aml yn dal i feddiannu llety gwreiddiol, ond ni fydd ganddynt yr hawl neu'r caniatâd i wneud hynny mwyach (e.e. wedi cael gorchymyn i adael cartref teuluol) neu nid yw'n rhesymol iddynt breswyllo yno ar hyn o bryd (e.e. dioddefwr trais domestig) (Dim gofyniad ar yr unigolyn i gydymffurfio â'r camau rhesymol)
Dyletswydd llety dros dro	Darparu llety dros dro cyn asesiad, os oes gan yr Awdurdod Lleol reswm i gredu y gallai'r ymgeisydd fod yn ddigartref. Dim prawf am angen blaenoriaethol.
Dyletswydd i ddarparu cymorth os ydynt yn ddigartref	<ul style="list-style-type: none"> Sicrhau bod llety yn dod ar gael – naill ai tenantiaeth gymdeithasol neu'r sector rhentu preifat Ddim yn ddarostyngedig i brawf angen blaenoriaethol. Yn ddarostyngedig i brawf cysylltiad lleol, prawf bwriadoldeb yn ôl disgrisiwn yr Awdurdod Lleol