

Review Paper: Considering recommendations on wider legislation

Expert Review Panel, June 2023

This paper seeks to provide an overview of the key areas discussed by the Expert Review Panel between February and June 2023, covering the wider public sector duties and groups which can be particularly at risk of homelessness. It seeks to outline potential recommendations to address the barriers identified within these discussions.

For each subject area, the paper sets out:

- An overview of current legislation
- Key points discussed by the panel
- A summary of evidence in support of these discussions (this includes an overview of research and points raised in consultation with experts by experience and stakeholders.)
- Potential recommendations for the panel's consideration.

For ease of reference, these *potential legal recommendations are highlighted in red italics and potential non-legislative recommendations are highlighted in blue.*

The summary of discussion and evidence set out within this paper is intended as an aide memoire only. For more detailed information, please refer to the relevant panel paper.

Likewise, the suggested options for recommendations are intended as a guide only, to which panel members may wish to consider amending the wording or additional recommendations.

The contents of this paper are as follows:

- 1. Wider Public Duties**
- 2. Health and social care**
 - a. General
 - b. Disabled people
 - c. Mental Health
 - d. Substance use
- 3. Children and families**
- 4. Youth homelessness (including care leavers)**
- 5. Violence against women, domestic abuse and sexual violence (VAWDASV)**
- 6. Criminal Justice**
- 7. Duty on support to retain a tenancy**
- 8. Considerations for local connection**
- 9. Equality**
- 10. Planning legislation**

1. Wider public duties

Current legislation

There is no current duty on public authorities to refer a person who they consider may be homeless or threatened with homelessness to a local housing authority for homelessness assistance.

However, there are existing duties requiring public bodies to collaborate with housing options services:

Section 95 of the Housing Wales Act requires local authorities to promote collaborative working between housing and social service departments. This section also places duties on specific public bodies (including social services authority; a registered social landlord; a new town corporation; a private registered provider of social housing; a housing action trust) to collaborate or provide information upon the request of local housing authorities. Such a request can be refused if it is incompatible with their own duties or would have an adverse effect on their functions, but refusal of a request must be put in writing.

Similarly, **section 164 of the Social Services and Wellbeing Act**, requires certain public sector bodies (a local authority; local health board; NHS trust; a youth offending team; the local police body and Chief officer of police; the Secretary of State responsible for offender management; probation services; and the Welsh Ministers) to respond to requests for co-operation or information from social service departments.

Under GDPR, consent is required to share information, unless in circumstances where an individual is considered to be at risk.

Key points discussed by the panel

- There was discussion that for a duty to refer to be effective, there also needs to be a duty to respond to a referral. However, there was also broad agreement that the referring agencies should have a duty to cooperate, as well as an expansive list of the agencies that should be involved.
- It was questioned whether the panel could recommend a duty to refer to non-devolved agencies.
- The panel considered whether the Regional Planning Boards could play a bigger part in facilitating multi-agency responsibility.
- It was questioned whether prevention duties could reference the whole local authority rather than the local housing authority, to encourage multi-agency responsibility. Most panel members agreed this would be useful.
- The panel considered the appropriate mechanism for challenge if an unmet duty by a public body outside of housing/homelessness results in someone becoming homeless.
- There was confusion around how safeguarding duties intersect with homelessness.
- It was suggested that a duty to refer should operate in a similar way to the “ask and act” policy of targeted enquiry.¹ ‘Targeted enquiry’ describes the recognition of indicators of violence against women, domestic abuse and sexual violence as a prompt for a professional to ask an individual whether they have been affected by any of these issues.

¹ Welsh Government Statutory Guidance (2016) The National Training Framework on violence against women, domestic abuse and sexual violence

- The panel discussed cases where there are complex and multiple health and social care needs, which impact on housing need or the ability to maintain a tenancy. It was felt that health and social care needed to take a central role in supporting in these cases.

A summary of evidence in support of these discussions

Stakeholder feedback

- Across a number of engagement events, calls for improved multi-agency working (both in terms of collaborative working and in information sharing) has been a key and reoccurring theme. However, stakeholders have noted the importance of ensuring that there is clarity on which agency holds ultimate responsibility for which area of support.
- There have also been consistent calls from within the housing sector for a partnership approach to ending homelessness in Wales, with health, mental health, social services, substance use, education, and criminal justice all being identified as having vital roles to play.
- This was especially apparent within discussions on upstream prevention, where it was recognised that people at risk of homelessness were more likely to come into contact with the above services, long before presenting as homeless.
- However, it should be noted that some professionals, including directors at Public Health Wales, felt that sufficient levers are already present within guidance and legislation to pave the way for improved collaborative working in this space.
- Stakeholders identified that collaborative working can be dependent upon the personalities of individual professionals and that. It was suggested that, in addition to legal duties, exploration of joint funding opportunities can be a fruitful way of encouraging collaborative working.
- Stakeholders identified the need for resource to assist in greater collaborative working.

Expert by Experience feedback

- Feedback indicated that earlier intervention from public services could have prevented some people's homelessness.
- Many highlighted frustration at having to repeat their story to several different professionals, which can be distressing, and commented on the lack of agency join-up.
- Experts by experience felt that distinguishing between the support that different teams provide can be difficult to navigate and that the support they received was of greater importance than where the support came from.

Research

- Nearly a third (30%) of those with lived experience of homelessness were managing long-term health conditions at the point of being identified as homeless in routine health data.²
- Preventable mortality amongst some causes of death is at a much higher rate for a person with experience of homelessness than that of the wider population in Wales.³ For example, people

² Song J, Moreno-Stokoe C, Grey CNB, Davies AR. (2021). Health of individuals with lived experience of homelessness in Wales, during the COVID-19 pandemic. Cardiff: Public Health Wales.

³ Grey CNB and Woodfine L. (2019). Voices of those with lived experiences of homelessness and adversity in Wales: informing prevention and response. Cardiff: Public Health Wales NHS Trust

experiencing homelessness are twice as likely to die as the general population from heart attacks and chronic heart disease, at an average age of 59 years, younger than the general population.⁴

- In England mental health is the most common support need for those who approach local authorities for homelessness assistance in England.⁵ Similarly, this is a known common support need in Wales.
- The Public Health Wales study⁶ analysing the health needs of with lived experience of homelessness during the COVID-19 pandemic showed that 30% of people experiencing street homelessness cited substance misuse as a contributing factor to their homelessness.
- Centre for Homelessness Impact's evidence review on mental health⁷ found that joint mental health and housing services are reported as superior to mental health care alone. A systematic review reported that mental health support with housing had a much greater impact than just mental health interventions.
- 'What works in inclusion health: overview of effective interventions for marginalised and excluded populations'⁸ found that multicomponent interventions with coordinated care are most effective and should include both health and non-health services, and that partnership working and service design around the whole person is necessary to achieve the best results.
- Fieldwork conducted as part of the *Homelessness Monitor: Wales 2021* described a positive increase in multi-agency working with health colleagues throughout the COVID-19 Pandemic⁹ resulting in better outcomes for people experiencing homelessness trying to gain access to mental health services or to withdraw from substance use.

Potential recommendations

Duty to refer

1a. That a duty to refer to the local housing authority be introduced within Welsh homelessness legislation. The Welsh Government would have provision to specify the organisations that would be subject to this duty (including obtaining the consent of the UK government for organisations falling within reserved powers). Such organisations should include:

- Social services departments (both within the same local authority as the relevant homelessness department and from different authorities).*
- All aspects of the NHS, including mental health services.*
- Head teachers of schools, pupil referral units, and principals of higher education colleges.¹⁰*
- Departments of the DWP.*
- Youth offending.*
- Probation.*

⁴ Watson I, MacKenzie F, Woodfine L and Azam S. (2019). Making a Difference. Housing and Health: A Case for Investment. Cardiff, Public Health Wales.

⁵ Department for Levelling Up, Communities, and Housing. (2021). Homelessness Statistics.

⁶ See <https://phw.nhs.wales/publications/publications1/health-of-individuals-with-lived-experience-of-homelessness-in-wales-during-the-covid-19-pandemic-infographic/>

⁷ See https://assets-global.website-files.com/59f07e67422cdf0001904c14/61deb16c421740401955c829_CHI.WWC.EvidenceNotes.MentalHealth.pdf

⁸ [https://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(17\)31959-1/fulltext](https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(17)31959-1/fulltext)

⁹ Fitzpatrick, S., Pawson, H., Bramley, G., Young, G., Watts, B. & Wood, J. (2021) The Homelessness Monitor: Wales 2021. pp.35

¹⁰ This duty could extend to identifying potentially homeless young people and also to identifying potentially homeless parents.

- vii. *Prisons and other criminal justice detention centres.*
- viii. *The police, applying the recommendation in Scotland.*
- ix. *The Home Office when aware that an asylum seeker accommodated under Immigration and Asylum Act 1999 has been granted refugee status and so will be threatened with homelessness within six months (and possibly much sooner).¹¹*
 - I. *The Secretary of State for defence in relation to armed forces accommodation.¹²*
 - II. *Registered social landlords.*
 - III. *Any others that the Panel might recommend.*

1b. That guidance is introduced around the duty to refer, which should operate on a targeted enquiry basis similar to “ask and act,” whereby awareness is raised of identifying factors, such as falling into rent arrears or other financial difficulty which may give rise to risk of homelessness; tenant behaviour or action which may give rise to risk of homelessness; other circumstances, including domestic abuse, or court proceedings.

1c.i. That private landlords be placed under a duty to refer tenants at risk of homelessness through registration with Rent Smart Wales.

1cii. That the Welsh Government seeks to create a referral duty for private landlords by negotiating with the Ministry of Justice that if a pre-action protocol is to be introduced for private landlords, the duty to refer be part of the requirements of the protocol, when a notice requiring possession is served.

Strengthening and extending the duty to Co-operate

2a. To place the same stringent measure on social services to co-operate or provide information to housing options services as is placed on external organisations. That is to say that a request to co-operate or provide information to the local housing authority can only be refused in writing and if to fulfil this request would be contrary to their duties or adversely affect their functions.

2bi. To call on the Welsh Government to utilise its power under subsection 6 of section 95 in the Housing Wales Act 2014 to extend the public sector bodies who can be required to comply with a request from the local housing authority for co-operation or information. For example, this might include schools, colleges and NHS bodies.

2bii. To call on the Welsh Government to liaise with the Secretary of State with regard to extending the duty under section 95 of the Housing Wales Act 2014 to public sector bodies under reserved powers, including the DWP and the secure estate.

2c. For the Welsh Government to consider how the duty to refer and co-operate where a person is homeless or at risk of homelessness should be aligned across existing legislation, ensuring clear responsibility of remit of the various public sector organisations.

¹¹ See previous legal note on timescales which depend on the notification of the Home Office or Tribunal decision granting leave to the asylum seeker.

¹² Certainly d, g, h and I are UK-wide bodies, where negotiation would have to take place with the relevant UK department before they could be specified.

2d. To suggest that the Welsh Government issues guidance to local authorities encouraging relevant contracts to include requirements for private sector landlords and voluntary organisations to be under a duty to co-operate and provide information to local housing authorities upon request.

2e. That the Welsh Government provides guidance encouraging local housing authorities to include consent for sharing of information in key housing and social services forms, assisting with the duty to share information where a person is homeless or at risk of homelessness.

2f. Depending on the panel's recommendations around regulation and enforcement, the panel may wish to consider whether monitoring for compliance with the duty to co-operate is necessary or beneficial.

Other means of securing improved co-operation

3. To introduce a statutory duty to establish a multi-agency approach to homelessness functions through a Joint Homelessness Board, led by the local housing authority. This Board could assist with any dispute resolution in relation to co-operation.

4. That the Welsh Government explores other means by which health, social care and wider public sector bodies can be required to 'act' within their remit to assist in the prevention of homelessness.

2. The role of health and social care in preventing homelessness

a. General

A brief overview of current legislation

The **Housing Wales Act (2014)** provides that:

- A person who is 'vulnerable as a result of old age, mental illness or handicap or physical disability or other special reason' is categorised as in priority need.
- A homelessness strategy must include provision relating to action in relation to those who may be in particular need of support if they are or may become homeless, including:
 - people leaving hospital after medical treatment for mental disorder as an inpatient
 - people receiving mental health services in the community.
- When considering whether the physical conditions of a property are reasonable for an applicant they must take 'account of their particular needs, particularly for people with physical disabilities'.
- Examples of reasonable steps given to help to secure accommodation include:
 - working in partnership with health and social care to develop a holistic plan to prevent an applicant's homelessness, which may be integrated into a statutory care and support plan under the Social Services and Well-being (Wales) Act 2014
 - looking at funds to support housing or adaptations.

Part 1 of the **Homelessness (Suitability of Accommodation) (Wales) Order 2015** outlines 'matters to be taken into account in determining whether accommodation is suitable for persons who are, or may be in priority need'. There are several related to health which must be taken into consideration.

The **Social Services and Wellbeing Act Wales 2014** outlines that the duty to accommodate and support certain groups of people, including an adult who is ill, disabled or has mental health needs, falls to social services under the Social Services and Wellbeing Act 2014.

The **Guidance for Local Authorities on the Allocation of Accommodation and Homelessness (2016)** states that Local authorities must have regard to Guidance when exercising their functions under the Housing Wales Act 2014 and Part 6 (Allocations) of the Housing Act 1996.¹³ The guidance consistently references health/medical/welfare needs and disabilities in a general sense and also naming specific disorders and illnesses.

In 2022, **NICE Guidelines**¹⁴ were published on Integrated health and social care for people experiencing homelessness.

Key points discussed by the panel

- It was queried whether the Social Services Well Being Act and the Housing Wales Act could be better aligned to share one assessment rather than each department conducting separate assessments, with an emphasis on a trauma-informed approach.
- It was noted that duties to cooperate between housing and social services have been in place for years, with very clear guidance. However, the panel agree that this is not working in practice.
- It was broadly agreed that multi-agency work needs a lead agency, but homeless services should not always be the lead response, as no matter how robust and trauma-informed the homelessness system is, it can still be traumatising to have to enter that system. (see wider public duties for recommendation)
- It was discussed whether legislation around hospital discharge procedures could help consistency and prevent discharge into homelessness, the panel agreed to look at recommendations in this space.
- Panel members discussed uncertainty about how adult safeguarding reviews are triggered and where homelessness sits within safeguarding considerations.

A summary of evidence in support of these discussions

Stakeholder feedback

- Stakeholders attending the health and social care stakeholder event emphasised the importance of early intervention and greater multi-agency working.
- Some health colleagues highlighted existing levers for encouraging health boards to make progress on health and homelessness and questioned whether new legislative duties were the correct tool to encourage this. However, others highlighted that legislation may encourage prioritisation for addressing these issues.
- Stakeholders also highlighted that the way data is collated makes it challenging to understand the full picture of housing status among patients.

¹³ [allocation-of-accommodation-and-homelessness-guidance-for-local-authorities.pdf \(gov.wales\)](#)

¹⁴ <https://www.nice.org.uk/guidance/ng214>

- Some stakeholders suggested that a duty to not discharge people from hospital into street homelessness is problematic as hospital requires beds for acute medical needs.
- Stakeholders suggested that improved discharge planning is required and that the NHS Planning Framework is a potential vehicle for this.
- It was raised that where there was particularly good health support for people experiencing homelessness, this was generally due to outreach from healthcare professionals or co-location with homelessness and housing services. Stakeholders felt that funding streams could be utilised to encourage working in this way.

Expert by Experience feedback

- People with lived experience suggested that health professionals could play a greater role in ensuring housing need forms part of a person's assessment of need, which may help reduce discharge from hospital into homelessness.
- Experts by experience also felt there was a need for increased awareness of the early signs and triggers among professionals across other sectors.
- When coming into contact with health and social care services, participants emphasised feeling a lack of compassion and empathy, with judgement and stigma experienced when interacting with those systems.

Research

- A 2019 publication from Public Health Wales acknowledged the effects of poor/ unsuitable housing, and homelessness on a person's health.¹⁵ The report acknowledges that although ill-health can be both a cause and consequence of homelessness, it is not always identified as the trigger of homelessness.
- In 2021 Public Health Wales published research¹⁶ which showed 15,472 adults (aged 16+ years) were found to have had 'lived experience of homelessness' recorded in their primary and/or secondary health care records from 2014 to 2020.
- Preventable mortality amongst some causes of death is at a much higher rate for a person with experience of homelessness than that of the wider population.¹⁷
- Fieldwork conducted as part of the Homelessness Monitor: Wales 2021 described a positive increase in multi-agency working with health colleagues throughout the COVID-19 Pandemic.¹⁸ This collaboration between health and homelessness services resulted in better outcomes for people experiencing homeless trying to gain access to mental health services or to withdraw from substance use. Key informants to the monitor expressed disappointment that the links formed during the pandemic were beginning to revert to 'business as usual'.
- Cymorth Cymru's *Health Matters* report shared how only 65% of participants in their research were asked by staff on discharge from hospital if they have anywhere suitable to go, and 11% of them were discharged onto the street.

¹⁵ Watson I, MacKenzie F, Woodfine L and Azam S. (2019). Making a Difference. Housing and Health: A Case for Investment. Cardiff, Public Health Wales

¹⁶ Song J, Moreno-Stokoe C, Grey CNB, Davies AR. (2021). Health of individuals with lived experience of homelessness in Wales, during the COVID-19 pandemic. Cardiff: Public Health Wales.

¹⁷ Grey CNB and Woodfine L. (2019). Voices of those with lived experiences of homelessness and adversity in Wales: informing prevention and response. Cardiff: Public Health Wales NHS Trust

¹⁸ Fitzpatrick, S., Pawson, H., Bramley, G., Young, G., Watts, B. & Wood, J. (2021) The Homelessness Monitor: Wales 2021. pp.35

- In July 2021, Chartered Housing Institute Cymru published its research *From hospital to home; planning the discharge journey*.¹⁹ This research pointed to the potential for timely referrals from health staff to assist in cases where a patient is to be discharged from hospital. The report acknowledged that there can be difficulties in ascertaining a patient’s housing status in some instances and that other cases can be complex as a patient’s housing needs may alter during their hospital stay. The report makes a number of recommendations, including suggesting that health boards review assessments made when looking at discharging patients as well as the need for Area Planning Boards to take the lead on establishing a multi-agency approach to discharge planning.
- Studies also demonstrate that the lack of availability of accommodation to meet various health needs also exacerbates issues around ill health and homelessness.

Potential recommendations

Please note that other relevant recommendations which relate to this section, are made under “wider public sector duties.”

Discharge planning

1. That the Welsh Government seeks to ensure discharge planning considers homelessness by:

1a. Requiring discharge assessments to include consideration of a patient’s housing needs.

And/Or

1b. Requiring Area Planning Boards to lead on a multi-agency approach to discharge planning.

2a. That a person at risk of homelessness cannot be discharged from hospital until a statutory duty from the local authority has been secured;

Or

2b. That a person at risk of homelessness cannot be discharged from hospital unless a referral to housing options (and to social services where appropriate) is made.

And/Or

2c. That local authorities be required to provide assistance to anyone due to be discharged from hospital within the next six months and who is considered as threatened with homelessness.

Co-ordination where there are multiple and complex needs

3. That where an individual has multiple and complex needs, requiring input from two or more public services, the Housing Act Wales should require a case co-ordination approach. The approach should consist of:

- *Identification of a professional to lead on contact with the individual and co-ordinate service provision*
- *A means for overseeing case co-ordination to identify and address gaps in service provision for such individuals as well as to manage and prevent escalation of risk.*

¹⁹ See [from-hospital-to-home-final.pdf \(cih.org\)](https://www.cih.org.uk/wp-content/uploads/2021/07/From-hospital-to-home-final.pdf)

4. Where needs are more complex, to the extent that the individual cannot be supported in mainstream housing even with additional support, then primary responsibility for meeting those accommodation support needs should lie with the health and/or social care.

Other means of improving collaboration with health and social services

5. That the Welsh Government considers how alignment between health, housing and social care assessments could be improved.

6. That care and support plans provided under the Social Services and Wellbeing Act seek to cover housing needs, as is relevant.

7. That Regional Partnership Boards are required to fill positions on housing and homelessness.

8. That local strategic housing and homelessness plans include a clear statement from health and social care partners, setting out their contribution to preventing homelessness.

9. That the Welsh Government seeks to encourage replication of good practice whereby homeless and housing services have direct access to key professionals such as occupational therapists, or key services are co-located. This might include consideration of funding streams.

10. That the Welsh Government sets out guidance/seeks to incentivise health boards to prioritise improving service delivery, including co-location and visiting services, for homeless populations.

11. That the Welsh Government encourages improved data collation on the housing situations of hospital patients.

12. That the Welsh Government requires a designated homelessness lead within each health board to assist in leading developments to support homeless patients and to encourage appropriate information sharing between agencies in order to best support homeless patients.

13. That the Welsh Government utilise the NHS Planning Framework to encourage collaborative working with local housing authorities.

b. Disabled people

A brief overview of current legislation

The **Housing Wales Act (2014)** contains the following provisions:

Priority need: A person who is 'vulnerable as a result of old age, mental illness or handicap or physical disability or other special reason' is categorised as in priority need.

Section 57(3): When considering whether the physical conditions of a property are reasonable for an applicant they must take 'account of their particular needs, particularly for people with physical disabilities'.

Section 65: Examples of reasonable steps given to help to secure accommodation include:

- working in partnership with health and social care to develop a holistic plan to prevent an applicant's homelessness, which may be integrated into a statutory care and support plan under the Social Services and Well-being (Wales) Act 2014
- looking at funds to support housing or adaptations.

Part 1 of the **Homelessness (Suitability of Accommodation) (Wales) Order 2015** outlines that there are 'matters to be taken into account in determining whether accommodation is suitable for persons who are, or may be in priority need'. Those relating to disabled people are as follows:

- the specific health needs of the person;
- the proximity and accessibility of family support;
- any disability of the person;
- the proximity and accessibility of medical facilities, and other support services which are currently used by or provided to the person; and are essential to the well-being of the person.

The **Social Services and Well-being (Wales) Act 2014** includes a duty to accommodate and support an adult who is ill, disabled or has mental health needs falls to social services.

The Social Services and Well-being (Wales) Act 2014 also sets out the duties on local authorities, relating specifically to support services for disabled people, and regarding the choice and control disabled people should be able to exercise over support, including where and with whom to live. The accompanying code of practice says that: 'when exercising social services functions in relation to disabled people who need care and support and disabled carers who need support, local authorities must have due regard to the United Nation Convention on the Rights of Persons with Disabilities.'

Key points discussed by the panel

- The panel considered the practicalities of there being a legal requirement to ensure data is being collected across Wales on the proportion of people with lived experience of homelessness who identify as being disabled or having a chronic health condition. Whilst the panel agreed this would be beneficial, stakeholder engagement suggested it could be tricky to implement.
- Panel members agreed to consider a recommendation that all local authorities in Wales must have an accessible housing register, working with the common allocations policy.
- Panel members considered whether wider cohorts, including disabled people, could be considered within the local housing market assessment (LHMA).
- Panel members considered whether it would be possible within Article 1 of Protocol 1 Protection of property (A1P1) to make it a requirement that private landlords consent to having adaptations in the property.
- Those who identify as disabled or have other chronic health conditions could also be a group who are exempt because different local authorities offer varying access to medical facilities. This would support independent living and allow people to live near/easily travel to appointments. It was raised that the panel should be mindful not to cause any unintended consequences for local authorities with a main city and a full offering of health services.

A summary of evidence in support of these discussions

Stakeholder feedback

- Stakeholders raised that perceptions of what is considered accessible housing may look different to each disabled person depending on their needs, and that there must be a range of accessible homes.
- Examples were given whereby disabled people were left sofa surfing as finding an appropriately adapted home proved difficult.
- It was raised that for those co-parenting a disabled child, accessing adaptations in both parental homes could be difficult.
- A stakeholder highlighted an example whereby a disabled young person was placed in accommodation for the over 55s. The accommodation held curfews and regulations that were not age appropriate and hampered the young person's independence.
- It was also communicated that the entire process of applying for housing should be much more person-centred.
- There was also a strong call for all local authorities to be using accessible housing registers.
- Neurodivergent people often need extra time to process information and have difficulty in advocating for themselves and navigating systems – both in terms of the homelessness system and in relation to paying bills and retaining a tenancy.
- Supply of housing that meets the variety of needs across the population was highlighted as an issue, with disabled people often being placed in inappropriate settings.
- It was felt that the Equality Act is not being properly enforced and is applied inconsistently across Wales. Stakeholders expressed support for more regulation and more support for housing developers and authorities to understand and apply the law.
- That there is a need for housing support systems to be more inclusive and to meet various communication needs.
- Stakeholders felt that every RSL should provide an advice team and that they should have responsibilities around completing advice and support assessments.
- Stakeholders felt there should be more information for landlords on how to support a disabled tenant, beyond housing adaptations.
- It was suggested that Equality Impact Assessments should be used within planning processes.

Research

- In his report on homelessness services, the Public Services Ombudsman for Wales highlighted examples of services failing to meet the needs of disabled people, both in placing applicants in inappropriate housing and in meeting applicant communication needs.
- In 2016, the Equality and Human Rights Commission report, *Housing and Disabled People: Wales' Hidden Crisis*,²⁰ highlighted a number of issues relating to access to housing for disabled people in Wales. Key themes included:
 - The need to build more accessible and adapted homes.
 - The need to improve the installation of home adaptations.
 - The need for improvements in supporting people to live independently.
 - Matching homes to the people who need them.

²⁰ See [housing-and-disabled-people-wales-hidden-crisis.pdf \(equalityhumanrights.com\)](https://www.equalityhumanrights.com/wp-content/uploads/housing-and-disabled-people-wales-hidden-crisis.pdf)

Potential recommendations

Please note that other relevant recommendations relevant to disabled people and homelessness may occur in other sections and in relation to future discussions on regulation and enforcement.

Assessment of Need

1. That the assessment of need and the personal housing plan must include, under the headings of housing needs and support needed to retain accommodation, consideration of any disabilities of the applicant or any member of his or her household.

Data

2. That the Welsh Government places a legal requirement on local authorities to ensure data is being collected across Wales identifying the proportion of people with lived experience of homelessness who identify as disabled or having a chronic health condition.

Local authority processes

3a. That all local authorities in Wales be legally required to hold an accessible housing register;

3b. That the Welsh Government provides statutory guidance to local housing authorities to ensure that the homeless application process is accessible.

3c. That applicants have access to an advocate to assist in navigating the homelessness application process.

3d. That local disabled populations to be considered within the local housing market assessment (LHMA);

3e. That local authorities be required to conduct Equality Impact Assessments when planning housing

Private and social landlords

4a. That the Welsh Government seeks to ensure landlords cannot unreasonably withhold consent to make accessibility adaptations to accommodation.

Or

4b. That the Welsh Government seeks to increase awareness of legal obligations under the Equality Act in relation to housing adaptations.

4.c That Rent Smart Wales supports landlords with information on adaptations for disabled people.

4.d That all RSLs are required to have advice teams.

c. Mental Health

A brief overview of current legislation

The **Mental Health Wales Measure 2010**²¹ contains a duty to assess the housing or well-being services (if any) which might improve or prevent a deterioration in the mental health of the person being assessed.

Welsh Government guidance on the residence of mental health patients states that where a person 'ceases to be detained' under the Mental Health Act 1983, they are eligible for aftercare services, including housing. In this case the assessment is made under section 47 of the National Health Service and Community Care Act 1990.

Under the **Housing Wales Act (2014)**, a person who is 'vulnerable as a result of old age, mental illness or handicap or physical disability or other special reason' is categorised as in priority need.

The **Homelessness (Suitability of Accommodation) (Wales) Order 2015** provides that an applicant's health needs and access to support be considered in determining whether accommodation is suitable.

The **Social Services and Wellbeing Act Wales 2014** places a duty to accommodate and support the certain groups of people, including an adult who has mental health needs, on social services.

Key points discussed by the panel

- It was noted that adapted housing needs to also meet the needs of unseen and mental disability. It was discussed that an interim accessible housing standard would be welcomed by members of the panel.
- Panel members felt there needs to be a trauma-informed approach with an understanding of why people may use substances as a form of self-medication where more formal supported (particularly mental health) is so limited.
- It was discussed how local authorities can achieve appropriate assessments to ensure people have access to the most appropriate accommodation. A lack of diagnosis means that people are often not meeting the statutory threshold for intervention, which can leave people in an extremely vulnerable state when placed in temporary accommodation. It was felt that the panel should consider recommendations around increasing support which is not dependent on a diagnosis.

A summary of evidence in support of these discussions

Stakeholder feedback

- Many stakeholders were clear in their view that access to support should not be dependant on a diagnosis. It was highlighted that the process of obtaining a diagnosis is both lengthy and traumatising.
- It was also raised that for many, the insecurity of eviction adds to mental health issues, and that mental health issues can co-occur with eviction.
- It was raised that this can include unrecorded discrimination by landlords and services because of mental health issues or symptoms.
- Stakeholders highlighted that the intentionality test and anti-social behaviour policies can be misapplied where applicants' mental health needs are unmet.

²¹ [Mental Health \(Wales\) Measure 2010 \(legislation.gov.uk\)](https://legislation.gov.uk)

- Housing Associations suggested that there was a need for greater support to help those with mental health needs access and retain a tenancy. The expensive nature of support required presented a barrier to allocating spaces to homeless applicants with mental health support needs.
- Stakeholders noted that those with combined mental health and substance misuse issues often struggled to access support/were bounced between services.
- The lack of diversity within the housing stock, including provision of wet and dry houses were identified as a key issue. (see recommendation under planning section).
- Stakeholders suggested that the local connection test presented difficulties for some who were seeking a new start in order to assist with their mental health and to escape traumatic memories. (see recommendation under local connection section).
- Stakeholders emphasised the importance of access to advocacy.
- Stakeholders suggested that wider duties to refer and collaborate would be helpful in ensuring that mental health needs are supported in order to best retain a tenancy.

Expert by Experience feedback

- The Experts by Experience papers highlight that not everyone has or wants a diagnosis, yet mental health issues and priority need are based on a diagnosis or judgement of severity of the mental health condition, which can affect the threshold to qualify.
- Experts by experience communicated that the current intentionality test does not take account of the impact mental health can have on a person's ability to maintain a tenancy, leading to people being needlessly classed as intentionally homeless.
- Transition support for mental health is particularly difficult because the offer for adults is very different to the offer for children. Tenancy support services might need to fill a gap left by the transition.

Research

- Homeless Link research showed the number of people experiencing homelessness with a mental health diagnosis has increased from 45% in 2014 to 82% between 2018 – 2021.²²
- Within its 2019 evidence review, *Housing insecurity and mental health in Wales*²³ the UK Collaborative Centre for Housing Evidence identified the strong connection between housing stability and mental wellbeing.
- The Senedd Health and Social Care Committee's 2022 report on tackling mental health inequalities outlines that the Children's Commissioner for Wales raised concerns about the progress of joined up working between mental health and social services. The Royal College of Psychiatrists Wales suggested that joined-up working should go beyond health services to take account of people's broader needs and reflect the wider social determinants of mental health. For example, it suggested co-locating financial and housing advice services with mental health services to help address the root causes of distress as well as mental health and wellbeing needs.²⁴

²² Homeless Link (2022) Unhealthy State of Homelessness 2022: Findings from the Homeless Health Needs Audit

²³ https://housingevidence.ac.uk/wp-content/uploads/2019/03/190327-Housing-insecurity-and-mental-health-in-Wales_final.pdf

²⁴ <https://senedd.wales/media/1uchw5w1/cr-ld15568-e.pdf>

- Mental health services can be difficult to access. 13% of respondents to the Cymorth Cymru Health Matters research stated that their drug or alcohol use was the reason they were unable to access healthcare or mental health services.²⁵
- The Wales Audit Office report in 2010¹ concluded that strategic planning to meet the housing needs of those with a mental health difficulty were poor. It called for improved data on mental health and homelessness in Wales.
- The Centre for Homelessness Impact's evidence review on mental health²⁶ found that joint mental health and housing services are reported as superior to mental health care alone.

Potential recommendations

Please note that recommendations under wider public sector duties on the duty to refer and collaborate are of relevance to this section.

1. That statutory guidance be amended to ensure key assessments and plans such as Care Treatment Plans more routinely consider housing needs.

2a. That the Welsh Government provides guidance and training for local authority housing services on a trauma-informed approach.

Or

2b. That local housing authorities are required to provide training on trauma-informed approaches for new staff members.

3. That the Welsh Government encourages local authorities to consider how mental health support could be improved for those accessing housing support. For example, co-location of services, an agreement with NHS partners or access to mental health workers within its housing teams. This could help to ensure that mental health input can be sought even where there is no diagnosis.

4. That local housing authorities are encouraged to signpost to mental health support where it is considered that this would be helpful to a tenant.

d. Substance use

A brief overview of current legislation

Substance use is not specifically included in the **Housing Wales Act (2014)** priority need legislation as a specific reason to consider applicants as vulnerable, but authorities may consider substance use as a 'special reason' for vulnerability, and substance misuse is specifically referenced in the guidance.

Key points discussed by the panel

²⁵ Cymorth Cymru (2016) Health Matters The health needs of homeless people in Wales

²⁶ https://assets-global.website-files.com/59f07e67422cdf0001904c14/61deb16c421740401955c829_CHI.WWC.EvidenceNotes.MentalHealth.pdf

- It was suggested that RSLs can be risk averse when it comes to housing people with substance use issues because of the Misuse of Substances Act. However, this Act has a clear policy on harm reduction. It was raised that there needs to be cooperative work between housing and criminal justice to get this right.
- It was raised that the current intentionality test does not take account of the impact substance use can have on a person's ability to maintain a tenancy. This aligns with the panel's suggestion to abolish the intentionality test.

A summary of evidence in support of these discussions

Stakeholder feedback

- Many stakeholders stated that there is a need for diversity of provision for 'wet' vs. 'dry' services to allow people to access safety without having to meet conditions or jeopardise their recovery journey. (see [recommendation under planning section](#)).
- There is also a lack of understanding around the causes of substance use across the system, with call for acknowledgment that there are a number of external factors which may cause a person to use substances.
- Stakeholders suggested that holistic approach is needed to address trauma in people's lives and facilitate recovery.
- Stakeholders raised that landlords required greater assistance in understanding how to support tenants with substance misuse issues.
- Stakeholders highlighted that systems worked well where there was mental health and substance use support inbuilt within homeless support services.
- Stakeholders highlighted that access to support services can be difficult with individuals being "bounced" between mental health and substance support services under the misunderstanding that one difficulty required support before the other.
- The importance of multi-agency working was emphasised.

Expert by Experience feedback

- The Experts by Experience reports have outlined how having issues with substance use can be a huge barrier to accessing safe and suitable housing, with many housing providers having strict conditionality rules. There was a strong feeling of need for appropriate accommodation for people with substance use issues.
- It was also communicated that being forced to remain in the local area, being offered unsuitable temporary accommodation where people are actively using, and conditionality for receiving mental health support can all have a negative impact on a person's recovery.
- Some feedback suggested that some people with lived experience have felt their only option is to be street homeless instead of accepting unsuitable temporary accommodation to keep themselves safe and their recovery journey on track. (See [local connection section for recommendation](#))
- There needs to be continuity of substance use support from temporary or supported accommodation into settled housing with a key lead moving across the services with them.

Research

- Substance use can be both a cause and consequence of homelessness.²⁷
- Reviews of the evidence around housing interventions suggest Housing First (HF) and other supportive housing interventions on substance use are deemed potentially helpful for stabilisation, which is important if the aim is to reduce homelessness.²⁸
- Mental health and substance use can often co-occur, presenting particular barriers in relation to homelessness. Of the respondents to 2022 Homeless Link research, 45% of respondents reported they are self-medicating with drugs or alcohol to help them cope with their mental health.²⁹
- People with co-occurring needs are often not able to access treatment and support due to disagreements between agencies about lead needs making it difficult to find a service that will treat both issues at the same time.³⁰

Potential recommendations

Please note recommendations in other sections, such as the duty to refer, duty to support a person to retain a tenancy and planning duties are relevant to this section, but are outlined elsewhere.

1. That local authorities have a duty to ensure housing advice and advocacy support is available to applicants, including those with substance misuse difficulties.

2. That local housing authorities ensure people presenting as wanting to recover from substance use have access to the appropriate accommodation to support this rehabilitation (even if this provision is outside of the authority's area)

3. That guidance provides that where an applicant has difficulty with substance use, support for the applicant is identified within their PHP.

4. That the Welsh Government encourages local housing services to consider how their structures include provision for substance use and mental health support.

5. That the Welsh Government encourages health partners to secure greater collaboration between mental health and substance use support services.

3. Children and families

A brief overview of current legislation

The Rights of Children and Young Persons Wales Measure (2011) requires Welsh Ministers to consider the United Nations Convention on the Rights of a Child (UNCRC), including the right to an adequate standard of living, when developing or reviewing legislation and policy.

The Social Services and Wellbeing Wales Act (2014) places a duty on social services to accommodate and support children under 18 who are homeless or about to become homeless. Key sections include:

²⁷ Song J, Moreno-Stokoe C, Grey CNB, Davies AR. (2021). Health of individuals with lived experience of homelessness in Wales, during the COVID-19 pandemic. Cardiff: Public Health Wales.

²⁸ <https://jech.bmj.com/content/73/5/379>

²⁹ Homeless Link (2022) Unhealthy State of Homelessness 2022: Findings from the Homeless Health Needs Audit

³⁰ Homeless Link (2022) Unhealthy State of Homelessness 2022: Findings from the Homeless Health Needs Audit

- **Section 15, (2) (b)** requires the local authority to promote the upbringing of children by their families, where this is in line with the child’s well-being.
- **Section 75** sets out that a local authority must take steps to secure accommodation that meets the needs of looked after children within the authority’s area.
- **Section 76** states that a local authority must provide accommodation for any child within its area who has reached the age of 16 and whose well-being is likely to be seriously prejudiced if it does not accommodate them.
- **Section 81** outlines that the local authority must make arrangements for a looked after child to live with a parent as long as it is consistent with the child’s wellbeing and reasonably practicable. If the local authority is unable to make these arrangements, it must place the child in a placement that is the most appropriate available.

Section 96 of the Housing Wales Act (2014) outlines that a local authority must ensure that, where it makes a decision that an applicant with dependent children is not entitled to rehousing, its housing department provides the social services department with advice and assistance.

Guidance for Local Authorities on the Allocation of Accommodation and Homelessness (2016) outlines that lone parents under 18 should be offered accommodation with support.

The Suitability Order Wales (2015) sets out further suitability requirements for priority need households in relation to Bed and Breakfast temporary accommodation, including the location of the placement, statutory time limits for remaining in this accommodation and conditions for offering alternative accommodation. It specifies that the alternative accommodation be self-contained if the household contains dependent children (or a pregnant woman) and that support should be provided for a 16 or 17 year-old applicant.

Key points discussed by the panel

- A duty to inform housing and homelessness services about rent arrears was considered as potentially beneficial to avoid evictions which could benefit families at risk of homelessness (see [section on wider public duties and duty to refer for recommendation](#)).
- A question was raised as to whether it would be possible to mandate the types of social homes to be built within each local authority based on the needs of the population, particularly young people and families (see [section on planning for recommendations](#)).
- Panel members expressed support for a ban on unsuitable temporary accommodation for those under 25.
- Panel members were interested in the role that education can play in helping to identify and subsequently support children who are homeless or at risk of homelessness. There was a suggestion that there could be a referral duty or a duty similar to the VAWDASV “ask and act” duty. (See [section on wider duties for recommendation](#)).
- Some panel members were interested in the idea that the school curriculum could assist in preventing future homelessness. (See [recommendation under youth homelessness](#)).
- The panel questioned whether further minimum standards should be in place around temporary accommodation and suitability orders, with regard to standards required for accommodating families.

A summary of evidence in support of these discussions

Stakeholder feedback

- The unsuitable nature of temporary accommodation for families was highlighted. In particular around location of placements and the difficulty and potential financial impact this placed on families in accessing schools, doctors, dentists. The impact of a lack of wifi, space and laundry facilities was also highlighted in relation to a child's ability to do their homework, sense of privacy and self-esteem. The difficulty of location was also highlighted where parents are separated.
- It was highlighted that unsuitable temporary accommodation placements can make it difficult for children who are primarily cared for by another guardian to visit a parent, which in turn can have a significant impact on the parent's mental wellbeing.
- Concerns were raised in relation to parents who have no recourse to public funds. There are cases where parents seeking homelessness support have had their children removed from their care in order to be housed. This disincentives others within the community from seeking housing support.
- Stakeholders called for education to play a greater role in identifying children at risk of homelessness and referring these cases to housing options.
- Stakeholders suggested that there could be a role for the curriculum in helping to prevent future homelessness.

Experts by experience feedback

- It was fed back that families, particularly families in temporary accommodation shared their struggle in maintaining children's education and social networks when placed in a different local authority.
- Families in temporary accommodation were reported as often sharing one room with limited access to washing, cooking facilities and Wi-Fi. This meant children found it difficult to do homework and maintain friendships, whilst parents struggled with the cost of having to regularly eat out, use laundrettes and public transport.

Research

- The last year of complete data collection on statutory figures for family homelessness in Wales is 2018 – 19. During this year, around 44% of all households threatened with homelessness were families with dependent children.
- The majority of these households were lone parents with dependent children and single person households which accounted for 84% of eligible households.³¹ Lone parents have the highest poverty rate among working-age adults in the UK, with 43% living in poverty.³²
- The most recent monthly statistics for homelessness accommodation provision showed that 30% (2,696) of the 9,043 individuals in temporary accommodation were dependent children aged under 16.³³
- Evidence indicates that homelessness causes harm both to individuals and families, and society as a whole. This includes harm to mental health, physical health, relationships and wellbeing, and increased need for public services support.³⁴
- Centrepoin identify the whole-family approach as an important feature in the prevention of youth homelessness.³⁵

³¹ <https://www.gov.wales/wellbeing-wales-2022-children-and-young-peoples-wellbeing-wales-cohesive-communities-html>

³² Joseph Roundtree Foundation (2020) *UK Poverty 2019/20: a comprehensive analysis of poverty trends and figures*.

³³ <https://www.gov.wales/homelessness-accommodation-provision-and-rough-sleeping-november-2022>

³⁴ See for example Homeless Link, 'Impact of homelessness' accessed 20 January 2020 on <https://www.homeless.org.uk/facts/understanding-homelessness/impact-of-homelessness>

³⁵ [prevention-what-works_full-report.pdf \(centrepoin.org.uk\)](https://www.centrepoin.org.uk/prevention-what-works_full-report.pdf)

Potential recommendations

1. That a multi-agency review be required for children and young people who present as homeless/at risk of homelessness;

2. That local authority guidance which outlines that lone parents under 18 should be offered accommodation with support should be brought into statute;

3. Local authorities should ensure family mediation available as part of their homelessness prevention offer.

4. Youth homelessness (including care leavers)

A brief overview of current legislation

Under the **Housing Wales Act**, young people aged 18-20 who are at particular risk of sexual or financial exploitation are currently considered to be in priority need for housing support, as are young people aged 18-20 who were looked after or fostered at any time while under the age of 18.

Care leavers

The **Social Services and Well-being (Wales) Act 2014** combines social services law in Wales, including Welsh local authority duties to children in their care. Part 6 of the accompanying Code of Practice³⁶ states that a care leaver's pathway plan must address their health and development, including their physical, emotional and mental health. Where a disabled young person has needs which can be met through an adult placement scheme, the Code of practice advises that it may be appropriate for the former foster carer to become that person's adult placement carer once they turn 18, if they are willing to continue in a caring role.

The Care Leavers Wales Regulations (2015) sets out various duties that local authorities have towards young people in and leaving care. The duties differ depending on care leaver status (which is grouped into four categories) but the general requirements are that local authorities should:

- Plan with young people and involve them in decisions
- avoid moving young people who are settled
- assess young people's needs and prepare them for any move
- ensure that the accommodation meets any needs relating to impairment
- consider education, training and employment needs
- where practicable, offer a choice of accommodation
- set up a package of support to go with the accommodation
- have a clear financial plan for the accommodation and a contingency plan.

³⁶ [part-6-code-of-practice-looked-after-and-accommodated-children.pdf \(gov.wales\)](#)

The 'When I Am Ready' scheme³⁷ enables young people to stay with their foster carers beyond the age of 18 if there is an agreement between a foster carer and the young person.

Young people leaving the secure estate

Section 52 of the Housing Wales Act (2014) states that local authority homelessness strategies must include provision relating to action planned in relation to people leaving youth detention accommodation.

The ['National Pathway for Homelessness Services to Children, Young People and Adults in the Secure Estate'](#) seeks to improve services designed to meet the housing needs of people leaving the secure estate. The Youth Offending Team has a responsibility to help provide suitable accommodation on release through collaborating with Children Services and/or the Housing Options in the relevant local authority.

Temporary accommodation for families and young people

In 2010, the Welsh Government issued statutory guidance on the provision of accommodation for 16- and 17-year-old young people who may be homeless. Statutory guidance requires local authorities to make 'exhaustive efforts' to avoid the use of bed and breakfast accommodation for 16- and 17-year-olds.

The **Suitability Order Wales (2015)** sets out further suitability requirements for priority need households in relation to bed and breakfast and shared accommodation. The Order states that temporary accommodation must:

- be self-contained if the household contains dependent children (or a pregnant woman)
- provide support if it is for a 16- or 17-year-old applicant
- meet the higher standard if it is shared accommodation.

Key points discussed by the panel

- Some panel members suggested a duty not to discharge into homelessness from social care or the secure estates.
- It was raised that many young people are not just transitioning between housing systems but also, for example, from CAMHS to adult mental health services where there is not the same access to support in adult services as in children's services.
- Affordability of supported accommodation was raised as a huge barrier, particularly as young people often do not have broad employment prospects.
- It was considered whether there should be a duty to provide an advocate to any young person applying for homelessness assistance. It was felt that this advocate should be independent.
- The benefits of shared training flats for young people were acknowledged. These flat-shares are designed for those with low-support needs wanting to try independent living, but they are only helpful if they are properly supported.
- Panel members were keen to consider the benefits and drawbacks of 16-17-year-olds being able to hold their own tenancies.
- A question was raised as to whether it would be possible to mandate the types of social homes to be built within each local authority based on the needs of the population, particularly young people. (See [recommendations under planning](#)).
- The panel supported the idea to ban unsuitable temporary accommodation for those under 25.

³⁷ Welsh Government Guidance (2016) 'When I am Ready' Good Practice Guide

- The majority of the panel supported the idea that local connection should not apply to 16-25-year-olds (see [section on local connection for recommendation](#)).

A summary of evidence in support of these discussions

Stakeholders

Stakeholders raised the following points around youth homelessness:

- The system is not trauma-informed for young care leavers.
- Calls for care leavers to have increased support – for example local authorities acting as guarantors for those who are care-experienced.
- Calls for housing options teams having a duty to ask if someone is care experienced and for care-experience to be considered a protected characteristic with lifelong support attached to help mitigate the increased risk of homelessness.
- Concerns were expressed that, currently, when young people in care turn 18, foster carers are required to become lodgers if the young person is to continue living with them. This presents a disincentive and means that young people are moving out of foster homes sooner than they might have done otherwise.
- Concerns were expressed that, despite guidance on local connection, care leavers have been turned away for housing support in areas where they have been accommodated previously with foster carers. (See [local connection section for recommendation](#)).
- Stakeholders felt that there is often a lack of clarity over whether support is the core responsibility of social services or housing options. The law outlines that primary responsibility for accommodating homeless 16 and 17 year olds and care leavers belongs to social services and that both homelessness and social services should work together to secure suitable accommodation. However the implementation of this is less clear.

Expert by Experience feedback

- Young people shared that they were limited on options of accommodation due to the under 35 shared room rates. This meant they were often placed in unsuitable and sometimes unsafe shared temporary accommodation. Where young people did share positive experiences, this was within specialist young people's supported accommodation.
- Young people leaving care commented on the gap between housing services and social services. Some young people expressed feeling 'bounced between services,' while others had fallen out of the system entirely and experienced street homelessness.
- Experts by experience highlighted difficulties in navigating the system.
- Young people aged 16-17 were being placed in night shelters despite legislation to the contrary.
- The system itself was criticised by young people as being difficult to navigate, with those who did have more positive experiences owing this to having help from other bodies they trusted such as youth services or young peoples' charities.
- It was identified that there was a lack of move on accommodation for this group.
- Local connection was identified as a barrier, especially for young LGBTQ+ people who were often escaping abuse or difficult relationships with their family as a result of coming out.
- The need for early support was identified.

Research

- Young people who are also care-experienced are more likely to experience homelessness than their peers. Research has highlighted that one in three (33%) care experienced young people become homeless in the first two years of leaving care.³⁸
- The young people participating in the EYHC study '*Don't let me fall through the cracks*' described turning 18 as a point of decline.
- Shelter Cymru's research³⁹ on youth evictions found that the transition from care into supported accommodation, and then from supported accommodation into independent living, was too sudden a change for many young people. It was felt that support was often reduced drastically rather than gradually reduced.
- The Children, Young People and Education Committee has recently published a report⁴⁰ looking at radical reform for care experienced children and young people. The report, in part, outlined the impact of care experience on peoples experience of homelessness. It stated that up to 1 in every 4 care-experienced children will be homeless at the age of 18. The report made recommendations on housing which are as outlined below:

As part of umbrella reforms to corporate parenting the Welsh Government should bring forward legislation to;

- *Amend the Housing Act 1996 to provide that care experienced people have priority in housing allocation.*
 - *Amend the Housing Act 1996 to state that 'local connection' should be disregarded for care experienced people at their election.*
 - *Amend the Housing (Wales) Act 2014 to ensure that care experienced people over the age of 21 retain "priority need" status when homeless.*
 - *Amend the Housing (Wales) Act 2014 so that care experienced people facing homelessness cannot be referred to another local authority due to 'local connection' if they do not wish to be.*
- Research by Stirling in 2018 on youth homelessness interventions in Wales,⁴¹ notes that it is difficult to access comprehensive information about the housing support that is available in Wales. This is further backed up by the Youth Experiential Learning Simulation being pioneered in Wales by Llamau.⁴²
 - Shelter Cymru conducted research into the reasons behind youth evictions into homelessness in Wales in 2019.⁴³ A common theme of their research findings was that young people are often not placed in the type of accommodation most suited to their needs.
 - The LGBTQ+ community is also disproportionately affected by youth homelessness. The Albert Kennedy Trust found that 24% of the youth homelessness population across the UK identified as LGBT.⁴⁴

Potential recommendations **Please note: Further recommendations relevant to young people are within the sections on local connection, wider public sector duties (including the duty to refer), as well as within the panel's future meeting on allocations.**

³⁸ <https://www.stepbystep.org.uk/news/who-cares-the-link-between-leaving-care-and-homelessness/>

⁴⁰ <https://senedd.wales/media/1okpjizg/cr-ld15849-e.pdf>

⁴⁰ <https://senedd.wales/media/1okpjizg/cr-ld15849-e.pdf>

⁴¹ [Youth-homelessness-and-care-leavers-Mapping-interventions-in-Wales.pdf \(wcppp.org.uk\)](https://www.wcppp.org.uk/wp-content/uploads/2018/06/Youth-homelessness-and-care-leavers-Mapping-interventions-in-Wales.pdf)

⁴² [Llamau's Youth Experiential Learning Simulation - Missing People](https://www.llamau.org.uk/wp-content/uploads/2019/06/LLAMAU-Youth-Experiential-Learning-Simulation-Missing-People.pdf)

⁴³ https://sheltercymru.org.uk/wp-content/uploads/2020/06/End-youth-evictions_ENG.pdf

⁴⁴ <https://www.llamau.org.uk/Handlers/Download.ashx?IDMF=1ab2fc66-c571-44f0-8ceb-2d1346f38303>

- 1. That the Welsh Government looks to make existing guidance statutory on providing a personal adviser to support care leavers under the age of 25 with accommodation options, accessing benefit entitlements, as well as education and life-skills.*
- 2. That for those leaving social care or the secure estate, there be a duty not to discharge into homelessness.*
- 3. That local housing authorities be obliged to ascertain whether an applicant is care-experienced, seeking support as is appropriate from social services where this is the case.*
- 4. That Renting (Homes) Wales Act 2016 is amended to allow 16 and 17 year old young people to be able to hold occupation contracts.*
- 5. That care-experienced people should be considered priority need until such a time as it is abolished (see recommendation above from the recent Children, Young People and Education Committee report).*
- 6. That the Welsh Government lobby the UK Government for welfare improvements specifically for young people.*
- 7. That the Curriculum Framework for schools should encourage teaching on independent living, working with professionals (housing or social workers).*
- 8. That the Welsh Government considers how the “When I am Ready” programme might be adapted to prevent disincentivising foster carers from continuing to accommodate young people as they turn 18 years of age.*
- 9. That Local authorities should work with partners to ensure the service meets the needs of young people at risk of homelessness.*

5. Violence against women, domestic abuse and sexual violence (VAWDASV)

A brief overview of current legislation

The Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015⁴⁵ outlines responsibilities of the public sector to identify and provide specialist support to those experiencing violence, domestic abuse or sexual violence.⁴⁶

The Housing (Wales) Act 2014⁴⁷ provides that a person who is homeless as a result of being subject to domestic abuse and anyone (except the abuser) residing or reasonably expected to reside with them, has a priority need for accommodation.⁴⁸ They do not need to demonstrate vulnerability. A local authority must

⁴⁵ <https://www.legislation.gov.uk/anaw/2015/3/contents/enacted>

⁴⁶ Welsh Government Statutory Guidance (2016) The National Training Framework on violence against women, domestic abuse and sexual violence

⁴⁷ <https://www.legislation.gov.uk/anaw/2014/7/contents/enacted>

⁴⁸ https://england.shelter.org.uk/professional_resources/legal/homelessness_applications/homelessness_in_wales/homelessness_priority_need_categories_in_wales#title-4

not refer a person to another area if anyone in the household is at risk of abuse in that area. A local authority must support an applicant unless they have a local connection with another area where the household is not at risk of abuse.⁴⁹

A local authority should not refer an applicant to another area if they only have a local connection with the other area due to family connections and the survivor does not want to be near family. Even if a homeless applicant has accommodation that they can legally occupy, the Act ensures that a local authority should still consider them homeless if they can't live there because of a risk of abuse (Section 57).

The Social Services and Well-being (Wales) Act 2014⁵⁰ sets out duties in relation to the safeguarding of children and adults at risk, including an adult experiencing, or is at risk of abuse or neglect.⁵¹

- **Duty to Enquire** where a local authority suspects a person is at risk.
- **Adult Protection and Support Order**
An Authorised Officer can be appointed by the local authority to apply to 'a Justice of the Peace' for an order. The order empowers the Authorised Officer to enter a premises (with a police constable), speak in private, check decisions are made freely, determine whether there is an 'adult at risk' and if action is needed.
- **Duty to Report**
Relevant partners of a local authority must report to their local authority when they have reasonable cause to suspect a person is an adult is at risk in their or another local authority area or an area to which the adult is proposing to move.

There are duties which apply to the local authority and duties which apply to 'Relevant Partners' of a local authority. Within the Act these partners are listed as (Section 162)⁵²

With regard to **No Recourse to Public Funds (NRPF)**, the Act places a duty on local authorities to meet the care and support needs of eligible adults, or of adults who may be ineligible but "the local authority considers it necessary to meet the needs in order to protect the adult from abuse or neglect or a risk of abuse or neglect." This duty is subject to limitations. For example, section 46 outlines that an adult to whom section 115 of the Immigration and Asylum Act 1999 (exclusion from benefits) applies may not receive support solely because they are destitute or for the physical effects of being destitute.

The Renting Homes (Wales) Act 2016⁵³ ensures perpetrators of domestic abuse can be targeted for eviction to help prevent those experiencing domestic abuse from becoming homeless. Joint contract-holders can be added or removed from occupation contracts without the need to end one contract and start another.

The Domestic Abuse Act 2021 (UK) introduces a new civil Domestic Abuse Protection Notice (DAPN) to provide immediate protection following a domestic abuse incident, and a new civil Domestic Abuse Protection Order (DAPO) to provide flexible, longer-term protection for victims. DAPOs can place specific prohibitions and requirements of perpetrators and require perpetrators to report any change of address.

Outlined in statutory guidance, "**Ask and Act**" is a Welsh Government policy of targeted enquiry, to be practiced across the public service, to identify violence against women, domestic abuse and sexual

⁴⁹ [Local connection - Shelter Cymru](#)

⁵⁰ <https://www.legislation.gov.uk/anaw/2014/4/contents>

⁵¹ <https://www.legislation.gov.uk/anaw/2014/4/part/7>

⁵² <https://www.legislation.gov.uk/anaw/2014/4/section/162>

⁵³ <https://www.legislation.gov.uk/anaw/2016/1/contents>

violence.⁵⁴ ‘Targeted enquiry’ describes the recognition of indicators of VAWDASV as a prompt for a professional to ask their client whether they have been affected by any of these issues. The Welsh Government makes it clear through guidance⁵⁵ that this is not the same as a routine enquiry, where every client is screened for the potential experience of violence against women, domestic abuse and sexual violence.

Key points discussed by the panel

- The panel agreed to consider recommending a wider definition of abuse within the Housing Act (which currently only covers domestic abuse) to align with the definition within the VAWDASV Act.
- The panel considered strengthening guidance around response and prevention duties to ensure the individual can leave at a time that is appropriate, rather than awaiting increased violence.
- It was raised that some allocation schemes give applicants a lower priority if they own their home or have capital, which is an issue for people fleeing abuse who may not have immediate access to that capital.
- It was raised that if priority need is abolished, both the victim and the perpetrator would be treated with equal priority in terms of homelessness, and the dynamics of this will need to be considered to ensure everyone’s safety.
- The panel considered that clauses within the Renting Homes Act, which enable women and children the choice to remain in the home by removing the perpetrator, are not being widely implemented and that more guidance may be needed to facilitate this. It was also felt that more support from other agencies could assist women to remain in homes, where a perpetrator has been removed and it is appropriate and within the survivor’s wishes to do so.
- There was a lengthy discussion on ensuring perpetrators have access to both temporary and settled accommodation to ensure safety of the survivor and mitigate harassment and further abuse if the perpetrator is homeless.
- It was widely agreed that collaboration is needed across the key services interacting with women facing domestic abuse. MARACs were cited as a good example where high-risk cases are involved.
- It was raised that although local connection should not apply where risk of abuse/violence is a concern, some survivors have expressed that they needed to prove they were at risk in order to access their exemption from local connection. The panel recognises the difficulty and re-traumatisation associated with this and agreed to consider recommendations that strengthen this. (See local connection section for recommendation).
- Panel members discussed many barriers to accessing refuges and agreed that the model needs a variety of options so that survivors can choose the type of accommodation that is most suitable for them.
- It was highlighted that survivors who have no recourse to public funds are not eligible to be housed through homelessness services, although their children are eligible to be housed through social services. This situation often prevents survivors accessing support.

⁵⁴ Welsh Government Statutory Guidance (2016) The National Training Framework on violence against women, domestic abuse and sexual violence

⁵⁵ Welsh Government Guidance (2017) Implementation of “Ask and Act” Guidance for relevant authority leaders, co-ordinators and managers

- A panel member noted that when pulling together recommendations, it will be important to give more thought to the community support options outside of the housing and homelessness system that are available to survivors that would prefer to stay within the home.

A summary of evidence in support of these discussions

Stakeholder feedback

- Stakeholders raised that there needs to be a range of specialist support available to meet the different needs of survivors. There is a lack of specialist provision for survivors of wider forms of abuse including; those exploited by the sex industry, survivors of sexual violence and women who have experienced so-called ‘honour’ based violence.
- Women experiencing VAWDASV who have no recourse to public funds (NRPF) often experience additional barriers in accessing housing. This may include cultural and linguistic barriers, a lack of eligibility for support, and fear that their children will be removed from their care if they seek housing support.
- Similarly, it was shared that owner occupiers or people in full time employment escaping abuse often face difficulties in accessing social housing and support due to their inability to access housing benefits. However, this group may still not have access to immediate or sufficient funds to secure accommodation.
- It was also raised that there is a need to consider how the accommodation needs of perpetrators are met, both to avoid homelessness among this group and to help prevent a continuation of abuse.
- The affordability of housing and housing supply is creating a blockage in refuges hampering their ability to accommodate more survivors as they present to services.
- That housing services need to operate on a more trauma-informed basis and respond to unique and individual needs.
- That Local Connection and Priority Need duties, as they relate to survivors of domestic abuse, are not always interpreted correctly by the local authority.
- That there is a need to consider how the accommodation needs of perpetrators are met, both to avoid homelessness among this group and to help prevent a continuation of abuse.
- It was felt that Regional Multi-Agency working would assist with better coordination of services.
- Stakeholders reported that the requirement on survivors to repeat their story in order to access support can be traumatic. They also highlighted that demonstrating an individual’s status as a domestic abuse survivor can be difficult if they have not accessed formal support before escaping the home.
- Stakeholders felt that the Renting Homes Wales Act is hampering move-on accommodation because:
 - It may become more difficult for a survivor to access homelessness assistance if they are deemed to be in settled accommodation due to being on a secure contract.
 - Secure contracts will be a barrier for services relocating a survivor to a different refuge if, for example, the perpetrator becomes aware of the location of the refuge.
 - Refuges should not be seen as long-term.

Expert by Experience feedback

- People with experience of VAWDASV reported difficulty in navigating the system and knowing where to turn for help.
- Survivors shared that a quick response time from local authorities is critical to safety. However, due to a lack of supply this is often not survivor's experiences.
- Experts by experience reported that survivors often have complex financial ties or have experienced financial abuse at the hands of their perpetrator, which then present barriers to accessing housing support.
- It was emphasised that temporary accommodation was often unsuitable for the needs of women and their children.
- Experts by experience indicated that the local connection test was not always operating as it should.
- It was communicated by survivors of domestic abuse that they can often feel under pressure to accept the perpetrator back home if the perpetrator is street homeless. It was suggested the risk of this may be lower if perpetrators were adequately housed.
- Survivors considered VAWDASV specialist and trauma-informed support as crucial.

Research

- The Homelessness Monitor Great Britain 2022⁵⁶ shows that, in England, the number of households stating their main cause of homelessness as domestic abuse has increased year on year between 2018/19-2020/21. Similarly in Wales, while there is an absence of full data, local authorities reported increases in people presenting for homelessness assistance due to domestic abuse, and particularly during Covid-19 lockdown restrictions.⁵⁷
- A 2020 report⁵⁸ found that although a conventional refuge model includes benefits to the survivor, such as safety and anonymity, access to peer support and intensive on-site support, it also identified challenges, such as having to move away from support networks and disempowering house rules, under the current model.
- Women who are homeless and have multiple intersecting disadvantages (such as mental health issues or problem drug use) face greater barriers in accessing specialist women's support to assist their recovery from abuse and trauma.⁵⁹
- The Public Services Ombudsman for Wales reported that there are instances of "*poor and inconsiderate practice*" in supporting survivors of domestic abuse into housing, particularly in the instance of survivors being placed near perpetrators.⁶⁰
- Women with insecure immigration status, or whose immigration status is dependent on a spouse or employer are often at a heightened risk of violence and exploitation.^{61, 62}

⁵⁶ Watts B, Bramley G, Fitzpatrick S, McMordie L, Pawson H & Young G (2022) The homelessness monitor: Great Britain 2022 pp.59-61

⁵⁷ Fitzpatrick, S. et al (2022) The homelessness monitor: Great Britain 2022. Crisis: London.

⁵⁸ Adisa, O., Allen, K., Costello, F., Meehan, A. (2020). A scoping review of refuge provision models. University of Suffolk.

⁵⁹ FEANTSA (2022) Housing First and Women: Case studies from across Europe

⁶⁰ The Public Services Ombudsman for Wales (2021) Homelessness Reviewed: an open door to positive change

⁶¹ <https://welshwomensaid.org.uk/wp-content/uploads/2021/11/No-Recourse-to-Public-Funds-%E2%80%93-Welsh-Womens-Aid-Briefing-for-MSs.pdf>

⁶² BAWSO (2021) ANNUAL REPORT CHANGING LIVES

- A 2014 independent review of VAWDASV services in Wales⁶³ reported difficulties in finding safe accommodation for women without recourse to public funds and for women with paid employment.
- A report by the Wales Audit Office⁶⁴ suggested that data sharing needed to improve in order to assist VAWDASV survivors.

Potential recommendations

Please note, recommendations relevant to VAWDASV are also to be made within the section on local connection and within the panel’s considerations on allocations at a later meeting (both in relation to VAWDASV and perpetrators).

Items raised within the legal advice note around emergency accommodation and the relief duty will be considered at the panel meeting on 30 June.

The definition of “abuse”

1a. In the context of homelessness legislation, the panel may wish to recommend to amend the definition of “abuse” to include controlling or coercive behaviour, economic or psychological abuse.

And/Or

1b. To amend the definition of “domestic abuse” so that it can apply where abuse is perpetrated by a person in an intimate personal relationship with the victim, removing the requirement that it should have been of a significant duration.

“Ask and Act”

2.a. To request that the Welsh Ministers include the “Ask and Act” duties within the Regulatory Framework for Housing Associations Registered in Wales.

2b. To request that consideration is given to private landlords receiving training on “Ask and Act” as part of the Rent Smart Wales registration.

Prevention

3. That the Welsh Government ensures guidance provides that local authority housing services take account of a survivor’s historical abuse where this has implications for their accommodation requirements.

4. Homelessness prevention services should work with other partners to ensure they are able to meet the needs of people requiring housing assistance due to domestic abuse. Such an approach should be coherent, including appropriate service planning, joint working across housing, homelessness and other services and training for staff. Local authorities should ensure that homelessness and housing services have effective protocols in place to identify signs of abuse as early as possible and assist people whose housing is at risk as a result of domestic abuse.

Enabling survivors to retain accommodation

⁶³ Berry V, Stanley N, Radford L, McCarry M, Larkins C (2014) Building Effective Responses: An Independent Review of Violence against Women, Domestic Abuse and Sexual Violence Services in Wales

⁶⁴ Wales Audit Office (2019) Progress in implementing the Violence Against Women, Domestic Abuse and Sexual Violence Act.

5a. That the main housing duty should include a duty to help the applicant retain their existing accommodation (immediately or in the long-term) if they wish to do so (such help could include assisting them to obtain an occupation order, installing physical safety features, helping them obtain advice to have the ownership or tenancy transferred to their name).

5b. That the applicant's views as to where they would be safe, in terms of the location of any accommodation secured under Housing Wales Act duties, should be taken into account.

5c. That guidance should provide that the proximity and accessibility of the applicant's support network (which might be broader than family) should be taken into account when considering location of accommodation.

5d. That "helping" an applicant could include assisting them to obtain an occupation order or install physical safety features, where this is the applicant's wish.

5e. That "helping" an applicant could also include assisting them to obtain advice to secure their existing accommodation in the long-term, where this is the applicant's preference.

No recourse to public funds (NRPF)

6a. That where social services are supporting a survivor of domestic abuse who has No Recourse to Public Funds (NRPF) under the Social Services and Wellbeing Act duties, guidance could provide that part of the support assistance should be help to apply for the lifting of the NRPF condition and/or application for the Destitution Domestic Violence Concession.

6b. That the Welsh Government make representations to the UK Home Office that survivors of domestic abuse who are subject to NRPF should, nevertheless, be eligible for homelessness assistance.

Suitability of accommodation

7a. That the applicant's support network might be broader than their family network and should be relevant to the location of accommodation;

7b. That if non self-contained accommodation is offered to a survivor of domestic abuse, she should have the option of women-only accommodation.

Renting Homes Wales Act

8a. That in reviewing the implementation of the Renting Homes Wales Act, the Welsh Government should consider whether there has been a negative impact in relation to secure contracts and moving on from refuges.

8b. That the Welsh Government seeks to strengthen guidance and awareness of the ability to remove perpetrators from a home where there is a joint tenancy.

6.Criminal Justice

A brief overview of current legislation

The **Offender Rehabilitation Act 2014** outlines that the Wales Community Rehabilitation Company is responsible for the management of low to medium-risk offenders and the resettlement planning of all prisoners returning to Wales on release.

Under the **Housing Wales Act 2014**, local authorities have a duty to ensure:

- The local authority homelessness strategy includes specific action to address the needs of those held in custody .
- All information, advice and assistance services meets the needs of groups at particular risk of homelessness, including people leaving prison or youth detention accommodation.

Anyone held in custody who meets the criteria for threatened with homelessness or homelessness is legally eligible for the duties contained within the Act.

The prevention duty means that local authorities have a duty to work with people at risk of homelessness prior to their release from prison.

An applicant for housing and homelessness support is categorised as priority need if they are ‘vulnerable as a result of spending time in custody’. The Code of Guidance⁶⁵ sets out factors that local authorities should consider when determining whether a person is vulnerable as a result of time spent in custody.

The Code of Guidance also states that ‘residence in prison does not in itself establish a local connection with an area’ but also explains that prison leavers may have particular reasons for wishing to be re-housed out of area, for example distancing themselves from known associates. They may also be prevented from returning to their home area due to the terms of their license. (See local connection section for recommendation).

The **National Pathway for Homelessness Services to Children, Young People and Adults in the Secure Estate** provides guidance for agencies involved in the resettlement planning for those in custody from their reception to their release. It is a joint approach between the National Probation Service, the Wales CRC and Local Authorities to bridge the gap between the Offender Rehabilitation Act 2014 and the Housing Wales Act 2014.

The table in Annex A provides a basic overview of how the Pathway integrates with the Housing Wales Act 2014.⁶⁶

Under Part 11 of the **Social Services and Wellbeing Act Wales 2014**,⁶⁷ a prisoner cannot express preference for accommodation while they are detained in prison, youth detention or approved premises. It also states that a prisoner cannot have their property protected by the local authority while they are in prison, youth detention or approved premises.

Key points discussed by the panel

⁶⁵ See [allocation-of-accommodation-and-homelessness-guidance-for-local-authorities.pdf \(gov.wales\)](#)

⁶⁶ ‘Homelessness: The Law in Wales’, Section: Prisoners and homelessness pp.44, see <https://www.lawworks.org.uk/sites/default/files/files/An-Intro-to-Homlessness-Housing-%28Wales%29-Act-Part-2-Delegates-notes-Jan2019.pdf>

⁶⁷ [part-11-code-of-practice-miscellaneous-and-general.pdf \(gov.wales\)](#)

- The panel acknowledged that this group of people are subjected to extra layers of prejudice, on top of the prejudice that homeless people already face, leading to increased housing barriers.
- The panel discussed when would be the most beneficial time for the prevention duty to apply to people in custody.
- The panel considered what support and information should be available to people in relation to retaining their accommodation through accessing benefit entitlements (short-term sentence) or offering support to leave tenancies so as not to accrue rent arrears (a known barrier when leaving custody).
- It was raised that legislation needs to make sure people have access to the right level of support in custody as this could be a crucial homelessness prevention intervention.
- It was raised that the location of where a person has been convicted can be an issue if that differs from their home county. As release is to that area of offending not their local connection. There can be disparity in where the person is from/wants to be and
- It was raised that local authorities need to be notified as soon as possible about people who are recalled to prison to avoid offenders entering into unnecessary rent arrears where the local authority have not be.
- It was raised that inappropriate release dates such as Fridays and bank holidays are still an issue for people securing accommodation the day of their release and that the panel should consider making recommendations in this area.
- It was raised that there is already a duty on prisons to identify whether people will have accommodation when they are released but the panel may want to consider extending this to identifying people at risk of homelessness, or losing that accommodation.
- It was raised that there are due to allocations policies there are many people with certain convictions who are unable to apply for social housing.

A summary of evidence in support of these discussions

Stakeholder feedback

- Stakeholders emphasised that guidance and systems suggest multiagency planning should take place prior to release, but that often this does not happen, leaving prison leavers with no accommodation upon release or dependent upon volatile temporary accommodation.
- Despite guidance around avoiding releases on Fridays, stakeholders outlined that this still happens in practice and means that prison leavers struggle to arrange accommodation for the weekend.
- Stakeholders indicated that RSL policies could make it difficult to accommodate an ex-offender and that it was often easier to find accommodation with a private landlord, although this could be subject to bias and stigma.
- It was highlighted that landlord insurance policies also presented a barrier for some ex-offenders.
- There were cases of prison leavers being placed in temporary accommodation that made it difficult for them to attend probation meetings.
- Stakeholders indicated that prisoners often did not understand their rights and could feel pressurised to surrender tenancies while serving their sentence.
- Stakeholders identified that prisoners often have complex and intersecting needs, including learning difficulties, communication needs, mental health needs or substance use.
- Stakeholders felt that the current pathway is subject to interpretation.

- It was emphasised that prisoners can often accrue debt or have difficulties financially securing a property upon release due to their unemployed status.
- Where prison leavers have restrictions on where they can live due to the nature of their offence, stakeholders pointed to a lack of forward planning and delays while waiting for police to formally approve a property.

Expert by Experience feedback

- Experts by experience discussed the impact of being placed in unsuitable temporary accommodation and how this could leave them vulnerable to substance misuse or reoffending.
- Prison leavers highlighted that they had lost belongings from their former residence when entering prison and described feeling a loss of identity as a result.
- Some described being pressurised into giving up their social housing tenancy and emphasised the need for more advocacy or legal support.
- A number of experts by experience felt that they had negative and stigmatised experiences with the police.
- Many indicated difficulties in accessing mental health support upon release and in accessing benefits.
- Many highlighted that they felt ill-equipped for leaving prison, with one interviewee suggesting that prisons should run tenancy-ready courses. Another suggested that having a key worker would be helpful.
- Many indicated that they found the systems difficult to navigate and inaccessible for people with learning needs.
- Experts by experience also expressed frustration in delays waiting for accommodation to be approved.

Research

- The criminalisation of homelessness, and more specifically rough sleeping, through the Vagrancy Act (and potential replacement legislation) is a barrier to people successfully ending their homelessness. In 2023 Freedom of Information responses from 29 police forces across England and Wales show officers have arrested 1,173 people since 2021 for offences under the Vagrancy Act.⁶⁸
- In 2019 the Commission on Justice in Wales recommended that Wales-specific data should be collected and published on a sufficient scale to enable disaggregation, with a view to proper evidence-based policy development and as a basis for research.
- An evaluation of the adult Pathway was conducted in 2018 by Wrexham Glyndŵr University and the University of Salford⁶⁹ found issues with communication and information sharing, recommending that local authority housing teams should move beyond a procedural and administrative approach and engage more assertively with prison leavers to help them secure accommodation.
- The Welsh Government's Delivering Justice for Wales Report outlines the 'myriad of challenges'⁷⁰ some people face upon release from prison including the ability to meet a landlord's requirements. These could include references, bank statements, identification, excessive deposits or rent in advance.

⁶⁸See <https://www.gov.uk/government/publications/biometrics-and-surveillance-camera-commissioner-foi-responses-2023/bfcc-foi-0423-th-police-force-compliance-visits#annex-b--reports-letters-sent-to-forces-following-compliance-visits>

⁶⁹ Madoc-Jones, I., Hughes, C., Dubberley, S., Gorden, C., Washington-Dyer, K., Wilson, F., Ahmed, A., Lockwood, K., Wilding, M (2018) *Evaluation of homelessness services to adults in the secure estate*

⁷⁰ Welsh Government (2022) *Delivering Justice for Wales*, pp.86

Potential recommendations

Please note that further recommendations relevant to prison leavers will be considered under, local connection and within the panel's future discussions on allocations.

Prevention

1a. That legislation provides that prisoners are not homeless;

1b. That legislation should provide that prisoners who are within six months of release are threatened with homelessness;

1c. That legislation should provide that, where a prisoner needs accommodation from a local housing authority in order to achieve an early release, parole or bail, the prisoner is deemed to be homeless as at the early release date and the s.75(1) main housing duty will apply, so that a prisoner is not prevented from being released by lack of accommodation;

1d. That the drawing up of the assessment of need and personal housing plan during the prevention duty (six months prior to release) is carried out early in the process, upon a prison visit and the prisoner's wishes as to the outcome he or she hopes to achieve are recorded and taken into account;

1e. Those wishes may include retaining existing accommodation and steps would then have to be taken by the local housing authority to help to retain any existing accommodation (such as arranging for the payment of benefit, rent, or allowing a sub-tenant to occupy it);

1f. That the assessment of need and personal housing plan must be reassessed when the release becomes imminent;

1g. That accommodation could be offered to the prisoner during the prevention duty, with a view to it being available on release, either under an occupation contract or on a more informal basis (accommodation with family or friends) but that the prisoner will not be penalised if he or she refuses the offer of informal accommodation;

1h. That the main housing duty should apply if the prevention duty comes to an end and the applicant is due to be homeless on release, even though the applicant has refused accommodation offered under the prevention duty.

1i) That a professional is named as a lead co-ordinator for planning a prisoner's housing support.

Duty to refer

2. That the Welsh Government approach the Ministry of Justice to provide for the duty to refer [as is outlined in recommendation 1 of the wider public duties section] to apply to police, governors of prisons, directors of contracted out prisons, governors of young offender institutions, governors of secure training centre, directors of contracted out secure training centre, principles of secure colleges, youth offending teams and providers of probation services.

Young people leaving the secure estate

3a. That legislation and guidance should be clear that 16 and 17 year old prisoners, who are expecting to be released within six months, are the responsibility of social services.

3b. Similarly, if care leavers aged 18 – 21 (or 18 – 24 if in education or training) are to be the responsibility for social services and have accommodated provided by social services, the same should apply to young

prisoners who were in custody at any time prior to their 18th birthday and, between the ages of 18 – 21, expecting to be released.

3c. That the Youth Offending Team should be subject to the duty to refer.

Advocacy and support

4a. That Local housing options services work with the courts service to ensure housing options advice is easily accessible within a court setting.

4b. That prisoners be informed of their housing rights and offered advocacy support.

Miscellaneous

5a. That Part 11 of the Social Services and Wellbeing Act Wales 2014 be amended to provide that all reasonable steps should be taken to assist a prisoner in making arrangements to retain their belongings while serving their sentence.

5b. That the Welsh Government reviews and updates the National Pathway, considering whether aspects of this guidance may be placed on a statutory footing.

6c. That the Welsh Government seeks to encourage the practice of avoiding Friday releases from prison.

6d. That Rent Smart Wales provides training and awareness among private landlords to improve availability of rental homes to prison leavers.

6e. That the Welsh Government calls on Westminster to move ahead with the decriminalisation of begging under the Vagrancy Act and encourages good practice among Welsh police forces.

6f. That the Welsh Government seeks improved data on prison leavers and housing.

6g. That by working with other partners, local authorities ensure that the service for prevention and alleviation of homelessness is designed to meet the needs of people leaving prison or youth detention accommodation, and anyone at risk of homelessness due to impending court proceedings.

7. Duty on support to retain a tenancy

Current legislation – support to retain accommodation

Under section 62 of the **Housing Wales Act 2014**, a local authority in Wales has a duty to assess any applicant who applies to the authority for accommodation for help in retaining or obtaining accommodation, where they appear to the authority to be homeless or threatened with homelessness within 56 days.

The following are examples given in the legislation (section 64 of the Housing Wales Act 2014) of what may be provided or arranged to secure or help to secure that suitable accommodation is available, or does not cease to be available, for occupation by an applicant:

(a) mediation

- (b) payments by way of grant or loan
- (c) guarantees that payments will be made
- (d) support in managing debt, mortgage arrears or rent arrears
- (e) security measures for applicants at risk of abuse
- (f) advocacy or other representation
- (g) accommodation
- (h) information and advice
- (i) other services, goods or facilities.

An outline of the recommendation on 3rd February

The panel considered either:

1a) Amending the Housing Wales Act 2014 so that, where a local housing authority has assessed that the applicant needs support to retain accommodation, the local housing authority is under a duty to provide housing support and to request that other authorities co-operate with the provision of non-housing support required for the applicant to retain the accommodation. Suggested wording could include: “where an applicant has been assessed as needing support in order to retain accommodation, the local housing authority is under a duty: a. To provide such support as falls within its functions; and b. To request that support is provided from other public authorities.” The relevant statutes, including Social Services and Well-being (Wales) Act 2014, are amended so as to provide that, where a local housing authority requests co-operation in these circumstances, a duty is owed to the applicant to provide that support. Some thought would have to be given as to whether amendments could be made to UK wide legislation, such as that governing the DWP, the Home Office etc. The duty must have a means of being brought to an end. Either it continues for a specified time period (for example, 12 months in line with the effective minimum tenancy under the Renting Homes Wales Act), or it would end when a further assessment has been carried out and the conclusion of the assessment is that the applicant is no longer in need of support in order to help him or her retain the accommodation. Guidance would need to provide details of what such support would include and how it would interact with other areas of support.

Or

1b) Section 59 of the Housing Wales Act (which contains criteria for the suitability of accommodation) could be amended to provide that accommodation secured for a person who has been assessed as in need of support will not be suitable unless that support is to be provided (and the applicant has been notified of the level of support to be provided). Appropriate phrases could be “a person requiring support in order to retain accommodation” or “a person with multiple and complex needs who requires support in order to retain accommodation.”

What was discussed

- It was raised that a duty to help sustain a tenancy needed to include the wider local authority, not just the housing options team.
- It was felt that the insertion of a duty to help sustain a tenancy was in keeping with the Welsh Government’s ethos of keeping homelessness ‘rare, brief and unrepeatable’.
- Some panel members raised the importance of ensuring that such support is embedded within the law and is not reliant on goodwill will help to secure funding for these vital services.

- It was suggested that social landlords have concerns when there is no support to help tenants. If the panel is looking to increase allocations to homeless households, this support will be especially important.
- There was discussion as to whether the duty should be on the local authority rather than specifically the local housing authority, since the budget for such support comes from the wider local authority and isn't necessarily held by the housing departments.
- The importance of defining what is meant by "support" within this duty was discussed. For example, one member asked whether there was scope for support services to include financial support such as paying rent arrears?
- The need to ascertain the timeframe to which this duty applies was raised. The timeframe could be anything from 12 months to such a time as to when the tenancy is considered stable and not at risk. It was highlighted that this duty would require guidance on co-operation and the provision of support in practice and provide additional resources.

A summary of evidence in support of these discussions

Stakeholder feedback

- The importance of meeting individual support needs and supporting people to retain tenancies was identified as a key theme across Crisis led stakeholder events.
- Stakeholders highlighted that the support provided under this duty would need to reflect the individual's needs and wishes. However, examples included the local authority acting as a guarantor and providing support and advice in relation to finances.
- It was communicated that organisations with the expertise in these different areas would be best placed to deliver such support and that there should be the necessary resource to ensure this is possible.

Expert by Experience feedback

- Experts by experience frequently raised the importance of support in maintaining a tenancy. People raised countless instances of where if they had received support at the right time they wouldn't have necessarily become homeless or their situation would not have worsened.

Research

Impact of housing related support

- In 2020, a research paper was published looking at the social and financial impact of the Supporting People Grant (now Housing Support Grant). The Housing Support Grant (HSG) is an early intervention grant programme to support activity, which prevents people from becoming homeless, stabilises their housing situation, or helps potentially homeless people to find and keep accommodation. Key conclusions showed that all participants reported a significant improvement in the very early stages of their support (after the 'up to 2 months' period). This improvement is generally sustained throughout the life of their HSG support.
- An evidence review from Public Health Wales in 2011⁷¹ stated that *"in order to achieve good housing outcomes for vulnerable people a broad approach prepared to tackle diverse and complex*

⁷¹ Price, S. (2011) Housing related support interventions: A rapid review of the evidence from descriptive studies

problems is required. Although many problems that vulnerable people face appear not to be directly related to housing they clearly have a bearing on housing related outcomes.”

Potential for outlining further detail to accompany the recommendation on 3rd February

- 1. The panel is required to specify a timeframe for the duty to assist in retaining a tenancy. This may be a specific timeframe or as long as the individual’s tenancy remains unstable.*
- 2. That support to retain a tenancy does not automatically fall to the local housing authority, rather be part of a multi-agency approach where the most appropriate partner leads on meeting support needs in partnership with commitment to collaborate with other agencies and organisations.*
- 3. That guidance includes examples of what this duty may constitute. For example, this might include acting as a guarantor, assisting in accessing mental health support, or assistance in understanding finances.*

8. Considerations for local connection

A brief outline of February recommendation

At its meeting on 3rd February, the panel decided to recommend that the legal local connection test be retained, but adapted in order to be more flexible to individual needs and trauma-informed.

It was considered that such adaptations could include:

- Adding further groups to the list of those who are exempt from the test;
- Providing greater clarity on the “special reasons” category as a means to achieve a more consistent national and trauma-informed approach;
- Ensuring making available a properly supported end-to-end reconnection service to enable people to relocate to their country of origin rather than become homeless in Wales, only if this is in their best interests and is their preferred option;
- Ensuring appropriate application of the test, especially since this is the only one of the three main legal tests remaining.

Key points discussed by the panel in relation to issues with local connection and the need for exemptions for various groups

- Many panel members felt that local connection is damaging, presents barriers to a number of groups who have valid reasons for seeking housing support in a new area, and is often subject to misapplication and differing interpretations.
- However, the local authority reference group was strongly opposed to abolishing the test, stating that to do so would make it difficult for local authorities to plan support and leaving particular areas vulnerable to a influx of applicants. As such, it was considered that the way forward may be to look to soften rather than abolish the test.
- It was felt that local connection is a gatekeeping rather than person-centred tool.
- A panel member suggested that the reality of keeping local connection would mean that there will always be street homelessness, noting that suspending of local connection tests during the Covid-19 pandemic led to a fall in street homelessness.

- Panel members felt that the current local connection test is too narrow and needs to be widened and broader in the way it recognises the establishment of a connection. For example, to consider access to support networks, links to LGBTQ+ communities.
- Panel members felt that application of the local connection test must be pragmatic and trauma-informed.
- If local connection is not abolished, and the other two legal tests of intentionality and priority need are abolished, this places significant emphasis on the test as a potential gatekeeping tool. Stringent and clear statutory guidance on its implementation would be imperative.
- Guidance- and potentially regulation - will be essential in clarifying grey areas, encouraging local authorities to pool resources and achieving consistency across Wales.
- It was discussed that the phrase “special circumstances” within the law is very broad, and its application differs. Panel members wondered whether the “special circumstances” could be more closely connected to a trauma-informed and person-centred approach.
- Some panel members felt that there is a need to address local connection being used as a deterrent before applicants apply.
- Panel members noted that the law is very clear that local connection does not apply in temporary accommodation.
- Panel members raised the need for a ‘reconnection service’ or partial support to protect those who have no local connection.
- The question was also raised about how referrals back to England should be addressed.

A summary of evidence in support of these discussions

Stakeholder feedback

During numerous Crisis led engagement events, local connection was cited as a huge barrier for a number of at-risk groups. There was also feedback that the test is often misunderstood and interpretations vary between local authorities. Examples given include:

- Young people leaving care who want to remain in the area of foster family where they may have built networks and being told they don’t have a local connection, despite the current law allowing for this.
- Alternatively, other young people leaving care who want to move back to their original area are also sometime denied this due to not having ‘enough’ of a connection.
- Local connection can be a barrier in general to young people who may not have had the life experience to develop local connections beyond their home authority and might be at risk of abuse in their home authority.
- Survivors of VAWDASV who are supposed to be exempt from local connection are reporting that this is not always working in practice.
- Alternatively, survivors reported their authority interpreting the test as them having no choice but to move authorities, and were sometimes removed from support networks where they wished to remain within their home authority.
- It was also highlighted that perpetrators of VAWDASV might be allowed to be exempt from local connection, in order to ensure that they are rehoused away from their victim, where the victim remains in the locality.
- People from the LGBTQ+ community, particularly young people, were frequently highlighted as at risk in relation to the local connection test. It is well documented that this group may seek support in a new area in order to escape from abuse or to build networks with the LGBTQ+ community.

Many people end up street homeless rather than return to an area they are unsafe, unconnected or isolated.

- Disabled people sometimes require moving to new areas with more accessible transport, housing and healthcare.
- Local connection was also cited as a barrier for veterans and their families – emphasising that veterans may seek housing in a particular type of area that aids their recovery from PTSD and that separated spouses of veterans can struggle to access housing support having regularly moved around. This can even be the case where their child attends school.
- Local connection is considered a key barrier for prison leavers. A prison leaver may seek to reside in a new area in order to escape negative influences or stigma. Alternatively, the nature of the offence that they have committed may make it difficult for them to remain in their home authority.

Expert by Experience feedback

The feedback presented in experts by experience papers heavily reflected the above observations from the stakeholder engagement events. Key quotes include:

“There are lots of reasons why people may need to relocate. Someone can be in a situation where they need a fresh start, maybe a family breakdown or lack of opportunities.”

“Many people want to move out of area as they have connections to drug use or violence in their local area. The current law does not take this into consideration and people are trapped in a cycle of homelessness...”

“Especially for prison leavers and people dealing with domestic abuse as you may never stop the cycle.”

“The rules should be extended to include extended family, those who have secured work in the area, and in particular those who have children under the age of 18 in the area.”

However, survey respondents contributing to the experts by experience papers felt that people from the local area should have priority access to housing and that local connection was a way of ensuring this. Others worried about the pressure on particular local authority areas if people without a local connection had a right to housing there.

Potential for outlining further detail to accompany the recommendation on 3rd February

Given the strength of feeling on both sides, it was agreed that the panel would recommend that local connection remain, but with the caveats that:

- Guidance is closely reviewed to provide greater clarity on “special reasons” making it more encompassing of the points that have been put to the panel and take account of a trauma-informed approach.
- Consideration is given to extending the list of those with exemption to the local connection test.
- That a reconnection service is considered.
- That consideration is given as to how misapplication of the law can be avoided
- The need to retain the test is kept under review.

In order to add further detail to these caveats and in light of the points raised by stakeholders and experts by experience, the panel may wish to include the following recommendations:

1. That the following at risk groups are added to/clarified as belonging to the list of those who are exempt from the test and outlined as such within statutory guidance:

a. Prison leavers who require moving to a new area as part of their rehabilitation, or to assist in meeting the restrictions placed on where they are able to live as a result of their offence. In this instance, wherever practicable, the local connection test should be applied at the prevention duty stage, to avoid a situation whereby one local housing authority helps a prisoner at the prevention stage and then refers to another local housing authority as release becomes imminent and the main housing duty will apply.

b. Young people aged 25 and under

ci. That the local connection criteria at s.81 are amended so as to provide that a person who has been looked after, accommodated or fostered should have a local connection both with the area of social services authority which was responsible for him and, if placed out of that area, with the area in which the accommodated was situated.

Or

Cii. That those who are care-experienced are exempt from local connection. [Legal advice also recommends that the local connection criteria can be amended to include care leavers, drawing on the English model.]

d. Those fleeing domestic abuse, sexual abuse and/or violence

e. Members of the LGBTQ+ community who are fleeing abuse or seeking a connection with the LGBTQ+ community

f. Those who have a child that attends school in the area

g. veterans, former veterans, and family members who have previously lived with veterans

h. Disabled applicants who require access to particular support. For example this may include an applicant seeking to move away from a rural area in order to access accessible transport or a Deaf applicant seeking to connect with the Deaf community

i. Gypsy, Roma and Traveller communities

j. That local connection does not apply to people using substances where staying in the area would be harmful to recovery, leaving them free to apply to any local housing authority. The panel could opt to include a caveat that, if local connection is to apply, the applicant should be offered accommodation that is as appropriate as is practicable within the authority at the prevention duty stage.

2. That guidance states that the local connection test should be applied in a person-centred way, taking account of an individual's assessment and circumstances.

3. That applicants should have a means to appeal a decision taken regarding local connection and be informed of their right to do so.

4a. That legislative amendments or guidance provide that where there has been abuse (including but not confined to domestic abuse) and the applicant continues to experience trauma or would experience trauma if referred under local connection, it is the local housing authority's discretion whether or not to refer;

Or

4b. That legislative amendments or guidance provide that where there has been abuse (including but not confined to domestic abuse) and the applicant continues to experience trauma or would experience trauma if referred under local connection, the local authority should only make a referral under exceptional circumstances. [Please note this is not to be confused with “at risk”, on which there is existing legislation in place.]

5. That the requirement of prove of an individual’s exemption should be flexible in order to take account of a trauma-informed approach. For example, references or referrals from professionals should be accepted in order to avoid applicants repeating their story, which can be traumatising.

9. Equality

A brief overview of the Tai Pawb report

Tai Pawb produced a research report on the experiences of those with protected characteristics who have been homeless in Wales. Key points raised within this report include:

- For particular groups such as Gypsy, Roma and Travellers, and LGBTQ+ community, interacting with the law, local authority and services is leading to more hidden forms of homelessness.
- The importance of advocacy support.
- The report emphasises the need for housing supply and stock to meet the various needs of different protected groups. For example, larger homes can be important for particular ethnicities, consideration of sites for travellers, the need for accessible housing.
- The report’s conclusion is that the legislative reform should look at the whole situation, and equality matters holistically as opposed to just at individual levels, and recommended that the panel need to find a solution for the intersectionality of housing and homelessness law with so many different policy areas (with some being devolved).

Key points raised by the panel

- The panel acknowledged that there is inequity in terms of quality and standards of both temporary accommodation and settled accommodation.
- It was considered that if work is to be done on legislation/guidance around standards, how do the panel ensure that these inequities that certain groups face are reduced. Consideration for information rights, with extra guidance and/or duties for local authorities to pay particular attention to at-risk groups, should be on the agenda.
- The panel decided to consider as a recommendation that people have access to advocacy upon point of access or application (thinking specifically about groups such as LGBTQ and young people).
- It was raised that there is the inappropriate culturally insensitive nature of provision for people experiencing homelessness from marginalised backgrounds.

Potential recommendations

1a. That equality needs within reasonable steps currently governed by the public sector equality duty at s.149 Equality Act 2010, could be reinforced by new guidance;

1b. That asylum seekers who are notified that they have been granted leave to remain (and so they will at some point be served with a 28 day notice to quit) could be deemed to be threatened with homelessness (either because it is accepted that they are likely to be homeless within 6 months or because legislation provides that they are deemed to be threatened with homelessness when they are granted leave) and there could be a mechanism by which the Home Office is under a duty to refer the former asylum seeker for homelessness assistance at that point.

1c. That the assessment of need and the personal housing plan must include, under the headings of housing needs and support needed to retain accommodation, consideration of any disabilities of the applicant or any member of his or her household.

1d. That local authorities are required to provide information on housing services in plain language.

1e. That there be a requirement on local authorities to publish and utilise accessible housing registers.

1f. That applicants be informed of their right to challenge decisions at relevant points in their application and on plain language.

1gi That advocacy be available to applicants

Or

1gii That advocacy be available to applicants who fall within a group considered to be particularly at risk.

1h. That the Welsh Government seeks to improve data collation on people with protected characteristics who access homeless services.

Gypsies, Roma and Travellers

2a. That applications for homelessness assistance by those who are asked to leave land under the Police, Crime, Sentencing and Courts Act 2022 must be dealt with promptly and interim accommodation offered promptly.

The Panel could reflect on:

2b. Whether to specify that sites, rather than bricks and mortar accommodation, will generally be considered suitable accommodation for those from the Gypsy, Roma and Travelling community, and thus bricks and mortar accommodation would generally not be considered to be suitable accommodation.

10.Planning legislation

A brief overview of current legislation

The **Planning (Wales) Act 2015** provides for strategic planning through a National Development Framework, Strategic Development Plans and Local Development Plans. The Act requires or permits certain planning applications to be made directly to the Welsh Ministers rather than to local planning authorities and introduces a statutory pre- application procedure for certain categories of planning application.

Increasing supply of affordable homes through planning

In 2019 Welsh Government published guidance stating local planning authorities must include affordable housing led sites in local development plans (LDPs). These sites must include at least 50% affordable housing.

Sections 50 to 52 of the Housing Wales Act, place a duty on local housing authorities to carry out a homelessness review and formulate/publish a homelessness strategy. The objectives of the strategy, based on the findings of the review, are to achieve:

- a. The prevention of homelessness;
- b. That suitable accommodation is and will be available for people who are or may become homeless; and
- c. That satisfactory support is available for people who are or may become homeless (s.52(1)).

The strategy must set out actions *“in relation to those who may be in particular need of support if they are or may become homeless, including in particular—*

- (a) people leaving prison or youth detention accommodation,*
- (b) young people leaving care,*
- (c) people leaving the regular armed forces of the Crown,*
- (d) people leaving hospital after medical treatment for mental disorder as an inpatient, and*
- (e) people receiving mental health services in the community.” (s.52(6)).*

Guidance is at Chapter 5 of the Code. The local housing authority’s strategy should reflect the Welsh Government’s Ten Year Homelessness Plan (as it was). Social services, health, criminal justice and other organisations should be involved and there should be a corporate approach across the whole of the local housing authority so that housing, planning, social services, education, social inclusion, finance, environmental health, Chief Executive and equality and diversity at the very least would be expected to be involved.

At para 5.41 the Code describes the themes for the strategy: *“The following themes underpin the Ten Year Homelessness Plan, and these ought to be taken account of in planning homelessness services:*

- a. preventing homelessness wherever possible*
- b. working across organisational and policy boundaries*
- c. placing the service user at the centre of service delivery*
- d. ensuring social inclusion and equality of access to services.”*

Local housing market assessments

Under section 8 of the Housing Act 1985 local authorities are responsible for undertaking a periodical review of housing need. In taking this guidance forward, local authorities are required to rewrite Local housing market assessments (LHMAs) every five years and refresh that LHMA once during this five-year period utilising section 87 of the Local Government Act 2003.

Section 87 requires a local housing authority in Wales to have a strategy in respect of housing issues specified by Welsh Ministers.

Specific guidance draws attention to the Rapid Rehousing Strategy and advises *“[i]t is therefore critical that there is co-ordination between the planning cycles associated with homelessness need, the Housing Support Programme, the Rapid Rehousing Planning and LHMAs”*

Planning Policy Wales, 10th Edition

The 10th edition of Planning Policy Wales guidance introduced the concept of ‘placemaking’ intended to inform plan making and development management decisions so that the planning system can contribute

effectively to achieving the statutory goals embodied in the Well-Being of Future Generations (Wales) Act 2015. Part of this included 'Active and Social Places' which should be concerned with ensuring the provision of housing, retailing, employment and community and leisure development in locations which minimise the need to travel and where a choice of modes of transport is available.

Key points discussed by the panel

- It was raised that section 87 of the Local Government Act sets out requirements for a local Housing Authority to put together a strategy from which the housing market assessment powers are drawn. It was considered that a reference could be added to the legislation on considering the needs of homeless households as an explicit requirement for local authorities when preparing strategies and their LHMA.
- In addition, it was suggested that a similar amendment to the Planning Wales Act 2015 could help to ensure that homeless households and the rapid rehousing agenda are considered within strategic plans and the Local Development Plans.
- A panel member raised the question as to whether it would be possible to mandate the types of social homes to be built within each local authority based on the needs of the population, particularly young people.

A summary of evidence in support of these discussions

Stakeholder feedback

Supply of affordable housing and of a range of types of housing (for example, one bedroom properties) has repeatedly been highlighted as a core and underlying issue across stakeholder engagement events, individual meetings and reference groups. Although not fully within the panel's scope, it is an important policy backdrop to the recommendations being made.

It is also felt that there are potential areas such as local housing market assessments which might be strengthened to help support planning.

The difficulty presented by local elected members opposing local housing plans was also cited as an issue in building supply, particularly in relation to provision such as wet houses.

Expert by Experience feedback

Experts by experience often highlighted the importance of accessing suitable accommodation, emphasising that the housing supply in Wales lacks key types of accommodation, for example wet and dry houses.

People with lived experience reported the difficulties of being trapped in temporary accommodation where there is little settled accommodation to move on to, highlighting that the conditions within temporary accommodation make it difficult to rebuild a life, access employment, cook meals at home and participate in activities that many take for granted.

Research

- Welsh Government's 2016 work programme 'Taking Wales Forward 2016 -2021', included a commitment to deliver an extra 20,000 affordable homes during 2016-21, including supporting the construction of more than 6,000 homes through the Help to Buy.

- However, barriers to reaching this target have been identify, including the increasing cost of building, difficulty accessing building supplies post-Brexit and meeting phosphate level targets.⁷²
- In November 2019, ONS published two reports on affordable housing statistics as part of a UK wide programme of work to improve housing and planning statistics:
 - (a) Comparing affordable housing in the UK,⁷³ an article making cross-UK comparisons of affordable housing statistics
 - (b) Affordable Housing Statistics in the UK,⁷⁴ a review of definitions, terminology and the feasibility of harmonising affordable housing statistical definitions.
 - As part of its Ending Homelessness National Action Plan,⁷⁵ the Welsh Government required all local authorities to develop a Rapid Rehousing Transition Plan, outlining plans for how the authority will move towards ensuring homeless households are able to move into settled homes swiftly. However, the set deadline was missed by a number of authorities.

Potential recommendations

1a. That section 87 of the Local Government Act is amended to specifically require local housing authorities to consider the local homeless population in setting out its strategy and LHMA.

1b. To include specific mention of homelessness within the Planning Wales Act 2015.

1c. To use statutory guidance to ensure that housing strategies, LHMA's and LDPs consider and connect with ambitions set out within the Local Authority Rapid Rehousing Transition Plan.

2. That the Welsh Government require local authorities to profile the availability and stock of accommodation across Wales, including temporary accommodation, accessible accommodation, wet and dry houses, mapping out where there are gaps in provision against identified need. Such a review should inform Rapid Rehousing Transition Plans.

⁷² <https://research.senedd.wales/research-articles/increasing-housing-supply/>

⁷³ <https://www.ons.gov.uk/peoplepopulationandcommunity/housing/articles/comparingaffordablehousingintheuk/april2008tomarch2018>

⁷⁴ <https://analysisfunction.civilservice.gov.uk/policy-store/affordable-housing/>

⁷⁵ See [Ending homelessness in Wales: a high level action plan 2021 to 2026 \(gov.wales\)](#)

Annex A

Overview of how the Prisoner Pathway integrates with the Housing Wales Act 2014.⁷⁶

When?	What?	Who?
Reception into custody	Screen for housing needs Retain existing accommodation where viable	CRC/NPS Prison Link Cymru
12-week resettlement window	Support to retain or obtain accommodation	CRC
66 days prior to release	Refer to local authority for an assessment under Section 62 if housing issue not resolved. If Section 66 or 73 duty owed, local authority to take reasonable steps to help	CRC Local authority
On release	Continue with reasonable steps under Section 66 or 73 as applicable & review assessment as appropriate. If Section 73 duty ended prior to release, carry out further assessment under Section 62 on release. If applicable (reason to believe homeless, eligible for help and in priority need) provide interim accommodation under Section 68.	Local authority Local authority Local authority

⁷⁶ 'Homelessness: The Law in Wales', Section: Prisoners and homelessness pp.44, see <https://www.lawworks.org.uk/sites/default/files/files/An-Intro-to-Homlessness-Housing-%28Wales%29-Act-Part-2-Delegates-notes-Jan2019.pdf>