

Expert Review Panel on Homelessness

Briefing for Meeting 6: Children and Youth Homelessness and Violence Against Women Domestic Abuse and Sexual Violence (VAWDASV)

March 2023

This briefing is intended to provide background and a contextual outline for the Expert Review Panel's discussion on [children and youth homelessness \(part 1\)](#) as well as on [violence against women, domestic abuse and sexual violence \(VAWDASV\) \(part 2\)](#).

The sixth meeting of the panel marks the beginning of the second half of the panel's workplan, which intends to consider the housing barriers faced by specific groups who are more susceptible to being at risk of homelessness. As part of this work, the panel will consider both housing specific legislation and, where appropriate, other aspects of legislation where this intersects with relevant support needs.

Throughout the panel's work to date, there has been widespread calls for broader public sector duties in relation to ending homelessness. This will be a central theme within the panel's considerations.

This briefing paper should be read in conjunction with the Children in Wales Stakeholder Engagement notes and the Crisis notes on its VAWDASV Stakeholder session.

Part 1: Children and Youth Homelessness

The first part of this paper considers homelessness among children and young people in Wales. This paper will also consider particular subgroups for whom legislation differs, including care leavers and young people leaving the secure estate.

This part of the paper contains the following subsections:

1. Definition of youth homelessness
2. Statistics and trends in youth and child homelessness
3. Current relevant legislation in Wales in relation to homelessness and:
 - (a) Children under 18
 - (b) Young people aged 18-20
 - (c) Young people who are care leavers
 - (d) Young People leaving the secure estate
 - (e) Temporary accommodation for families and young people
4. Youth homelessness and three current legal tests:
 - (a) Priority need
 - (b) Local connection
 - (c) Intentionality
5. Policy Context in Wales
6. Barriers to ending child and youth homelessness in Wales
7. Guiding points for discussion
8. Appendix A: End Youth Homelessness Cymru (EYHC) recommendations

1. Definition of youth homelessness

In Wales there is currently no definition of youth homelessness in legislation.

As a result, some organisations, such as End Youth Homelessness Cymru, use the following definition from the European Framework for Defining Youth Homelessness:

Youth homelessness occurs where an individual between the ages of 13 and 26 is experiencing rooflessness or houselessness or is living in insecure or inadequate housing without a parent, family member or other legal guardian.¹

However, as the relevant UK legal frameworks (see next section) largely consider youth homelessness within the age range of 16-24 years and the 16-25 year age range is utilised within Welsh Government statistics on youth homelessness, this paper will focus on these age-ranges.

Historically, different age ranges for youth homelessness have been associated with different funding streams at Welsh Government. For example, the Housing Support Grant has been specifically for over 16 year olds. However, recently updated guidance² has

¹ See [framework-for-defining-youth-homelessness_final_pdf3614092469143708469.pdf \(feantsa.org\)](#).

² See [housing-support-grant-practice-guidance_0.pdf \(gov.wales\)](#).

allowed for some flexibility with regards to pre-tenancy support or funding family mediation for under 16 year olds.

2. Statistics and trends in youth and child homelessness

Statutory data on young people in Wales is collected for those aged 16-25 years who present to their local authority as homeless or at risk. Every year, more than 7,000 young people present as homeless to their local authority in Wales. The most recent full year of government data available is from 2018-19. It shows that 7,698 people aged between 16-25 years old presented to their local authority for homelessness assistance within that year. Of these, 732 presentations were children aged between 16-17 years old, and 3,507 were described as legally owed a duty.³

Since 2016, the Welsh Government has collected information covering the placement of 16- to 17-year-olds and 18–21-year-old care leavers in temporary bed and breakfast accommodation under homeless or social services legislation. In 2021-22, 16 and 17-year-olds were placed in temporary B&B accommodation under the current Homelessness legislation on 95 occasions, and on a further 21 occasions under Children’s Social Services legislation. Care leavers aged 18 to 21 years old were placed in temporary B&B accommodation under the current Homelessness legislation on 114 occasions.⁴

Due to the nature of youth homelessness, which is likely to include forms of homelessness that are considered ‘hidden’, such as sofa-surfing and sleeping in cars, it is widely recognised that the statutory homelessness data in Wales will not accurately reflect the scale of youth homelessness.

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.⁵

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.⁶

Child homelessness is captured in data regarding homeless families. Data collected by Welsh Government over 2021 -22 found that 24% of all households placed in temporary accommodation at 31 March 2022 were families with children, an increase from 22% the

³ <https://statswales.gov.wales/Catalogue/Housing/Homelessness/Statutory-Homelessness-Prevention-and-Relief/main-reason-for-being-threatened-with-homelessness-by-type-of-household-section-66->

⁴ <https://www.gov.wales/sites/default/files/statistics-and-research/2022-07/homelessness-in-wales-2021-22-002.pdf>

⁵ <https://www.stepbystep.org.uk/news/who-cares-the-link-between-leaving-care-and-homelessness/>

⁶ <https://www.llamau.org.uk/Handlers/Download.ashx?IDMF=1ab2fc66-c571-44f0-8ceb-2d1346f38303>

previous year. Families with children accounted for 7% of all households places in bed and breakfast accommodation and 28% of all households placed in hostels and refuges.⁷

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. These household types are considerably over-represented in homelessness statistics in comparison with their share of household population. Lone parent households with dependent children accounted for 32.3% of homelessness cases compared with 7.5% of the household population in 2011.⁸

The most recent monthly statistics for homelessness accommodation provision and rough sleeping showed that 30% (2,696) of the 9,043 individuals in temporary accommodation were dependent children aged under 16.⁹

3. Current relevant legislation in Wales

This section of the paper provides an overview of current legislation in Wales relating to child and youth homelessness. It is divided into the following subsections:

- a. Children under 18
- b. Young people aged 18-20
- c. Young people who are care leavers
- d. Young People leaving the secure estate
- e. Temporary accommodation for families and young people

a. Children under 18

Rights of Children and Young Persons Wales Measure (2011)

Children’s rights are enshrined within Welsh law under the Rights of Children and Young Persons (Wales) Measure 2011, which outlines Wales’s commitment to children’s rights and the United Nations Convention on the Rights of a Child (UNCRC).

The measure places a duty on Ministers to have due regard to the UNCRC when developing or reviewing legislation and policy. This means that Ministers must give the appropriate weight to the requirements of the UNCRC, balancing them against all the other factors that are relevant to the decision in question.

The UNCRC covers a range of specific rights, including article 27 which sets out the right for children to have an adequate standard of living.

⁷ <https://www.gov.wales/sites/default/files/statistics-and-research/2022-07/homelessness-in-wales-2021-22-002.pdf>

⁸ <https://www.gov.wales/wellbeing-wales-2022-children-and-young-peoples-wellbeing-wales-cohesive-communities-html>

⁹ <https://www.gov.wales/homelessness-accommodation-provision-and-rough-sleeping-november-2022>

In drafting any changes to legislation on homelessness, the Welsh Government will be required to pay due regard to the impact of this for children.

Social Services and Wellbeing Wales Act (2014)

The duty to accommodate and support children under 18 who are homeless or about to become homeless falls to social services. This includes unaccompanied children seeking asylum.

Some of the key sections of the Social Services and Wellbeing Act as relates to accommodating children and young people are set out below.

Section 15, (2) (b) of the Act requires the local authority to promote the upbringing of children by their families, where that is consistent with the well-being of children. Where a whole family asks social services for help, social services only have a duty towards the children and young people in the family (unless the adults have special requirements themselves). However, as part of the aim to help the young person remain with the family, they can provide accommodation for the whole family.

In May 2009, [the House of Lords made a landmark judgement in the case of R \(G\) v London Borough of Southwark](#) which affected how local authorities provide accommodation and support for homeless 16 and 17-year-olds. Following this case, if a homeless 16 or 17-year-old applies to a housing authority, they should be provided with interim accommodation under the homelessness legislation. They should then be referred to social services for an assessment of their needs under section 21 of the Social Services and Wellbeing (Wales) Act 2014.

Section 75 sets out that a local authority must take steps to secure, so far as reasonably practicable, that the local authority is able to provide looked after children with accommodation that is within the authority's area 'meets the needs of those children.'

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 the authority considers is likely to be seriously prejudiced if it does not provide the child with accommodation.

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 the placement that is, in its opinion, the most appropriate placement available:

- (a) placement with an individual who is a relative, friend or other person connected with the child and who is also a local authority foster parent
- (b) placement with a local authority foster parent who does not fall within paragraph (a)
- (c) placement in a children's home
- (d) subject to a review, placement in accordance with other arrangements that comply with any regulations made for the purposes of this section.

In determining the most appropriate placement, the local authority must give preference to a placement falling within paragraph (a).

The local authority must ensure that the placement:

- allows the child to live near their home
- does not disrupt the child's education or training
- enables the child and any sibling for whom the local authority is also providing accommodation to live together
- is suitable to the child's particular needs, if they are disabled
- is within the local authority's area.

Housing Wales Act (2014)

The Housing Wales Act (2014) requires local authorities to produce a joint strategy between housing and social services to address homelessness.

All 16- and 17-year-olds and people with whom a dependent child resides or might reasonably be expected to reside are considered to be in priority need.

Under Section 96, a local authority must make arrangements for ensuring that, where it makes a decision that an applicant with dependent children is not entitled to rehousing, i.e., became homeless intentionally or became threatened with homelessness intentionally, its housing department provides the social services department with advice and assistance as the social services department may reasonably request.

Guidance for Local Authorities on the Allocation of Accommodation and Homelessness (2016)

Lone parents under 18 should be offered accommodation with support.

b. 18- to 20-year-olds

Housing Wales Act (2014)

Young people aged 18-20 who are at particular risk of sexual or financial exploitation are considered to be in priority need, as are young people aged 18-20 who were looked after or fostered at any time while under the age of 18 (explored further below).

c. Young people who are care leavers

Care leavers in Wales have a range of entitlements set out in legislation to ensure that they are properly housed. Anyone who has been looked after for 13 weeks is eligible for post-18 support. Whether young people leaving care are accommodated by social services or the housing authority is for individual authorities to determine in each case. There should be jointly agreed protocols in place regarding the assessment of needs.

Social Services and Well-being Wales Act (2014) and The Care Leavers Wales Regulations (2015)

The Social Services and Well-being Wales Act (2014) requires that housing and social services work together to meet the needs of young people in care as they move to independent living.

Section 103 of the act states that the local authority looking after a child must advise, assist and befriend the child with a view to promoting the child's well-being when it has ceased to look after the child.

The Care Leavers Wales Regulations (2015) under this Act came into force in 2016. This Act and its accompanying Regulations set out various duties that local authorities have towards young people in and leaving care, including those relating to accommodation. 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.

The regulations and guidance also detail how the local authority strategy for care leavers should take into account:

- the diverse accommodation and support needs of care leavers
- the capacity to offer young people a degree of choice in accommodation
- existing and planned provision of safe, affordable accommodation
- gaps in provision
- priority setting
- the need for contingency arrangements.

Part 6 of the Act introduced a new duty upon local authorities to provide information about, facilitate and support post-18 living arrangements for young people in foster care. This duty was taken forward under the 'When I am Ready' scheme, rolled out across Wales during 2015-16. These arrangements allow a young person to continue living in a stable and nurturing family environment after they turn 18, up to the age of 21 (or up to 25 if they are completing an agreed programme of education or training).

Housing Wales Act (2014)

Young people aged 18-20 who were looked after or fostered at any time while under the age of 18 are considered to be priority need.

The Code of Guidance to Local Authorities on the Allocation of Accommodation and Homelessness states the following in relation to care leavers at risk of homelessness and local connection:

In the case of young people in the looked after system who have been placed out of area, where they are leaving care and wish to return to the area to which they were originally connected they should be accepted as having a connection with the area, even where they have been placed for a considerable time elsewhere. In assessing whether an applicant's household has a local connection with their area, an Authority should also consider whether any person who might reasonably be expected to live with the applicant has such a connection. Care leavers who wish to remain in the area of placement should also be considered to have a local connection should they meet the local connection test. So if a care-leaver has been placed out of area and wishes to return to his or her original area, the authority of the original area must accept local connection with it.¹⁰

d. Young people who are leaving the secure estate

Housing Wales Act (2014)

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.

National Pathway for Homelessness Services to Children, Young People and Adults in the Secure Estate

The Welsh Government's '[National Pathway for Homelessness Services to Children, Young People and Adults in the Secure Estate](#)' sets out to improve services designed to meet the housing needs of people leaving the secure estate. The prisoner pathways were introduced in response to changes in legislation including the removal of prisoners from the list of people in priority need.

The children and young people pathway expands on the agencies that can provide support to young people in the secure estate. Youth offending teams work closely with the secure estate to ensure there are appropriate resettlement arrangements in place when a child or young person leaves the secure estate. The Youth Offending Team has a responsibility to help provide suitable accommodation on release and they should do this with Children Services and/or the Housing Options in the relevant local authority.

e. 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

¹⁰ Welsh Government (2016) Code of Guidance for Local Authorities on the Allocation of Accommodation and Homelessness, pp299-300. [allocation-of-accommodation-and-homelessness-guidance-for-local-authorities.pdf \(gov.wales\)](#)

guidance requires local authorities to make 'exhaustive efforts' to avoid the use of bed and breakfast accommodation for 16- and 17-year-olds.

Suitability Order Wales (2015)

This sets out further suitability requirements for priority need households in relation to location and bed and breakfast and shared accommodation. The Order sets out statutory time limits within which those found in priority need who are placed in shared accommodation, bed and breakfast or refuges, should be offered suitable alternative accommodation dependent on if the accommodation they are in is deemed of a basic or higher standard.

Applicants who have been offered suitable alternative accommodation may choose to remain in their current bed and breakfast, refuge or other basic standard shared accommodation. The Order states that in this circumstance the suitable alternative accommodation offered 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.

4. Youth homelessness and the legal tests

This section of the paper outlines considerations from a youth homelessness perspective for the three legal tests of:

- a. Priority need
- b. Local connection
- c. Intentionality

a. Priority need

Whilst some young people are in priority need, there is widespread belief that this should be extended.

As part of the Welsh Government's review of Priority Need¹¹, many put forward the argument that young people under the age of 35 should be automatically accepted as being in priority need because the UK Government's welfare legislation limits the amount that they can access to pay rent with until this age.

End Youth Homelessness Cymru (EYHC) state that "whether as the first of a tapered set of groups for whom testing ceases, or as part of a wholesale removal of the priority need test from legislation, this move would present one less barrier to young people trying to access accommodation."¹²

¹¹ Review of Priority Need in Wales, Welsh Government (2020) [Review of Priority Need in Wales \(gov.wales\)](https://gov.wales)

¹² A Roadmap to Ending Youth Homelessness in Wales, EYHC (2021) [EYHC Roadmap Full Report.pdf \(cardiff.ac.uk\)](https://cardiff.ac.uk)

b. Local connection

Local connection poses particular problems for care-experienced young people. EYHC highlight in their research that some care-experienced young people feel that the inflexibility of the local connection test is the cause of their homelessness as it denies them the ability to stay in local authorities where they feel at home. Some participants in their research explained that they had been relocated to local authorities that they were born in but in which they had none of the support networks crucial to maintaining tenancies.¹³ This issue was also identified at the online stakeholder session run by Children in Wales to help inform the work of the panel.

There is also an emerging understanding that the local connection test can be a particular barrier for members of the LGBTQ+ community, who are disproportionately affected by youth homelessness¹⁴. The Albert Kennedy Trust found that 24% of the youth homelessness population across the UK identified as LGBT. It is widely understood that LGBTQ+ people are much more likely to move to large cities to access LGBTQ+-specific services and communities, so it has been argued that the local connection test may discriminate against LGBTQ+ people in this way, and that its removal would benefit LGBTQ+ people moving far away from their familial home.¹⁵

c. Intentionality

The commencement of section 75(3) of the Housing (Wales) Act in December 2019 means that young people in priority need under 21 and care-experienced young people aged between 21-25 cannot be found to be intentionally homeless.

Intentionality decisions may still be made against non-care-experienced young people aged over 21, or young people who are deemed to have 'intentionally' caused their homelessness a second time within a five-year period.

5. Policy Context in Wales

In 2018, the Welsh Government alongside Cardiff University and the Economic and Social Research Council (ESRC) commissioned the Wales Centre for Public Policy to research the best ways to prevent youth homelessness.¹⁶ The *Preventing Youth Homelessness* report concluded that a youth homelessness prevention agenda should be rooted in the following areas:

¹³ [‘Don’t let me fall through the cracks’: Homelessness amongst care-experienced young people in Wales](#), EYHC, (2020)

¹⁴ Out On The Streets: LGBTQ+ Youth Homelessness in Wales, EYHC (2019) [Download.ashx \(llamau.org.uk\)](#)

¹⁵ Helen Carr, Adi Cooper, Edith England, Peter Matthews, Gill Taylor & Carin Tunåker (2022) Queer utopias of housing and homelessness, *Housing Studies*. [Full article: Queer utopias of housing and homelessness \(tandfonline.com\)](#)

¹⁶ See [Preventing Youth Homelessness | WCPP](#)

1. Structural prevention. This covers the importance of policies that seek to reduce poverty, provide financial support to low-income families and increase access to affordable housing for families.
2. Systems prevention. The report states that “unsupported transitions from care, custody, and in-patient healthcare institutions, directly causes homelessness for many youth” and points to the crucial role of effective interventions to support young people during these transitions. It outlines some of these interventions as “timely youth-led discharge planning; family mediation and reunification before, during, and after exits from public systems; financial and housing support following exit from care or prison; trauma-informed case management; prison diversion programmes; and improved access to mental health and addiction services for youth and their families / carers.”
3. Early intervention. The report points to the crucial role of early support such as school-based interventions, family mediation as well as access to mental health and addictions support at an early stage.
4. Evictions. While the report acknowledges a lack of evidence in this area, it states that the strongest evidence points to the importance of providing financial and legal supports.
5. Housing Stabilisation. The report points to the importance of providing housing subsidies and monetary supports, as well as the use of Housing First Youth initiatives.

Following on from these observations, the 2018 report made a series of recommendations, identifying the need for:

- Cross-departmental working to identify, assess and support young people at risk of homelessness.
- Support for those leaving care services and ensuring that health and social care operate on a “zero discharge into homelessness” basis.
- Partnerships between schools, healthcare, mental health supports, and community-based social services in order to focus on early identification of housing precarity.
- Support plans for young people being discharged from the criminal justice system, which should explicitly address employment, education, health and mental health, life skills, and social inclusion and connection with family, friends, and community post-care.
- Youth-centred education and advocacy on legal and human rights, coupled with tools and pathways to access legal supports when young people's rights are violated.
- Investments to support the implementation of youth-focused, evidence-based models of housing, such as Housing First for Youth.
- Ensuring that the ‘duty to assist’ legislation appropriately and effectively responds to the needs and rights of young people, guaranteeing children and youth receive the same protection as adults.

Some of the key themes identified within this report have provided the backdrop for a series of Welsh Government policies and initiatives youth homelessness in recent years, as outlined below.

Youth Support Grant/Youth Engagement and Progression Framework

Since 2019-2020 the Welsh Government has been investing an additional £3.7m each year in the Youth Support Grant. The grant seeks to identify young people at risk of becoming homeless at an earlier stage to ensure they are given the support required to prevent it.

As part of the Youth Support Grant funding, local authorities have appointed a Youth Homelessness Coordinator based in the youth service, working with their education, housing and social services colleagues to ensure those at risk of homelessness are identified and supported. They are also working with schools to ensure young people and teachers have a greater understanding of homelessness and know how to access support.

There has been cross-government working to ensure the prevention of youth homelessness is embedded in the refreshed youth engagement and progression framework (YEPF), initially developed to identify and support those at risk of becoming not in education, employment and training (NEET). The refreshed YEPF was published in September 2022.¹⁷

The Welsh Government is currently refreshing the pre-16 early identification guidance developed alongside the original YEPF. The guidance is being developed collaboratively with stakeholders and seeks to ensure the identification of risk of homelessness is included.

Youth homelessness innovation fund

The youth homelessness innovation fund projects started in 2019-20 and are specific to vulnerable young people aged 16-25 at risk of becoming homeless or currently homeless including but not limited to, care leavers, disabled young people and those who have previously been in the youth justice system. Over 20 projects providing new and innovative housing and support approaches to young people are operational across Wales as a result of Welsh Government investment of over £3.1m (2022-23) in the fund.

Children and Young People's Plan

The Welsh Government Children and Young People's Plan was published on 1 March 2022. A key priority in this cross-government plan is that all children and young people have a good and secure home to live in.

A Positive Pathway to Adulthood

The Welsh Government collaborated with the WLGA and Cymorth Cymru to produce a 'Positive Pathway to Adulthood',¹⁸ a flexible framework for local authorities and their partners to use to provide a planned approach to homelessness prevention and housing options for young people. It aims to help public service commissioners and providers of services work together in planning and delivering services for young people.

¹⁷ [Youth Engagement and Progression Framework: Overview | GOV.WALES](#)

¹⁸ <https://www.gov.wales/sites/default/files/publications/2019-03/preventing-homelessness-guidance.pdf>

Care leavers accommodation and support framework/basic income pilot

Accommodation and support framework

Barnardo's Cymru, Shelter Cymru and the Welsh Government worked together with leaving care providers and youth housing providers to establish the care leavers accommodation and support framework for Wales (2016).¹⁹ This framework works as a care-leaver-specific 'sister' to the positive pathway framework described above. It outlines a model which aims to help organisations that support young people leaving care in Wales, i.e., local authority commissioners, leaving care managers, housing managers and providers of housing and support for young people. The framework is currently being revised and will be published shortly.

Basic income pilot

In 2022, the Welsh Government launched the care leavers basic income pilot, providing a monthly payment of £1,600 (£1,280, after-tax) to all eligible recipients choosing to participate in the pilot for 24 months. The scheme is available to those leaving care who turn 18 years of age between 1 July 2022 and 30 June 2023, including looked-after children placed outside of Wales but who remain the responsibility of a Welsh local authority.

The pilot's introduction is in recognition of the fact that care-experienced people are disproportionately disadvantaged and are statistically more likely to experience homelessness as well as mental ill-health.²⁰ End Youth Homelessness Cymru have identified that they feel there are some issues with the pilot, but state that they remain positive and hopeful that through the exploration of this pilot, further developments for-care experienced young people will follow.²¹

Ending Homelessness National Plan

The Welsh Government's ending homelessness national plan²² pledges to improve early intervention and targeted prevention measures by:

- Strengthening local authority systems for identifying young people at risk of homelessness much earlier, ensuring suitable support is put in place for those identified.
- Developing, revising or improving implementation of pathways with tailored support, appropriate interventions and housing solutions for groups at risk of harm, including but not limited to children at risk of adverse childhood experiences and care experienced young people.
- Adopting an integrated approach to the Ending Homelessness Plan with the Children and Young People's Plan

¹⁹ <https://www.barnardos.org.uk/sites/default/files/uploads/Care%20leavers%20accommodation%20and%20support%20framework%20for%20Wales%20October%202016%20%28PDF%29.pdf>

²⁰ <https://www.gov.wales/basic-income-pilot-care-leavers-overview-scheme#:~:text=The%20Basic%20Income%20for%20Care%20Leavers%20in%20Wales%20pilot%20is,in%20the%20pilot%2C%20via%20BACS.>

²¹ P. 35 [Final+Don't+Let+Me+Fall+Through+The+Cracks+-+Report+Review.pdf \(squarespace.com\)](#)

²² See [Ending homelessness in Wales: a high level action plan 2021 to 2026 \(gov.wales\)](#)

- Refreshing the Youth Engagement Progression Framework
- Continuing investment in Youth Homelessness Co-ordinators
- Ensuring actions to reduce child poverty and adverse childhood experiences are aligned with homelessness prevention policy and practice.

Small Homes Project for children of imprisoned mothers

The Minister for Social Justice and the Deputy Minister for Social Services have recently agreed to work together with the Ministry of Justice to deliver an outcome that will see children in the welfare and justice systems in Wales fully co-located in the same building/site. The vision is to move away from the existing provision towards small, regional homes.²³

Upstream Cymru

Cardiff University and Llamau are working together on Upstream Cymru, a school-based early intervention programme, modelled on the [Australian Geelong Project](#), which resulted in a 40% reduction in youth homelessness and a 20% reduction in the number of young people leaving school early.

Upstream Cymru is a collaborative, early intervention initiative that works in partnership with schools to consider how youth homelessness systems need to be designed. The aim is to identify young people at risk of homelessness long before they reach crisis point or are threatened by homelessness. It begins with a simple survey completed by students aged 11-16 whilst in school. The survey focuses on a range of areas, allowing for a wide scope of data to be collected by the Upstream team and the respective school. More than 1200 surveys have been conducted across the seven schools partaking in the initial roll out of the Upstream Cymru programme in Wales.

5. Barriers to ending youth and family homelessness in Wales

Whilst the barriers to ending all forms of homelessness are applicable to youth and family homelessness, there are some specific issues faced by young people that it is important to highlight here.

a. Barriers to ending youth homelessness in Wales

End Youth Homelessness Cymru

End Youth Homelessness Cymru (EYHC), a coalition led by Llamau, launched in 2017 and has since produced a wealth of research into the barriers for ending youth homelessness in

²³ Letter from Jane Hutt, Minister for Social Justice to Jenny Rathbone, Chair of Equality and Social Justice Committee, January 2023. Available at: <https://business.senedd.wales/documents/s133249/Letter%20from%20the%20Minister%20for%20Social%20Justice%20-%202019%20January%202023.pdf>

Wales, as well as specific policy recommendations. Short summaries are included here, with each report's recommendations in full available in Appendix A.

- **Out on the streets: LGBTQ+ Youth Homelessness in Wales** – This report emphasises the overrepresentation of LGBTQ+ young people within the youth homelessness population, recommending strategic direction on the issue at both national and local scale.²⁴
- **'Don't let me fall through the cracks'** - This report on homelessness amongst care-experienced young people in Wales (2020)²⁵ sets out 13 recommendations for reconsidering the systems in place for care leavers. EYHC recently published a review of the progress towards the *'Don't let me fall through the cracks'* recommendations, identifying barriers to implementation, highlighting best practice and also providing a response to the Universal Basic Income Pilot.²⁶
- **Young People's Golden Rules of Temporary Accommodation** – This resource was developed in collaboration with care-experienced young people with experience of homelessness.²⁷
- **Roadmap to Ending Youth Homelessness in Wales (2021)** – This report sets out youth-informed and evidenced recommendations to end youth homelessness in Wales.²⁸
- **A Better Way Home (2021)** - This report examines three models of Community Hosting as a way of preventing youth homelessness in Wales, recommending that a network of community hosts is developed across Wales and sought as a proactive offer to young homeless people.²⁹
- **Youth Experiential Learning Simulation events (2022)** – these simulations sought to demonstrate young people's experiences when they try to access help from systems, such as social services, youth justice and housing services and seeks to help participants understand how complex it can be for a young person to navigate public systems.

Unsuitable accommodation and unmet support needs

Shelter Cymru conducted research into the reasons behind youth evictions into homelessness in Wales in 2019³⁰. 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.

Supported accommodation is often the default route into housing for young people, whether they need a high level of residential support or not. This can be a result of a lack of

²⁴ <https://www.llamau.org.uk/Handlers/Download.ashx?IDMF=1ab2fc66-c571-44f0-8ceb-2d1346f38303>

²⁵ ['Don't let me fall through the cracks': Homelessness amongst care-experienced young people in Wales \(EYHC, 2020\)](#)

²⁶ [Final+Don't+Let+Me+Fall+Through+The+Cracks+-+Report+Review.pdf \(squarespace.com\)](#)

²⁷ [Don't+Let+Me+Fall+Through+The+Cracks+-+Golden+Rules.pdf \(squarespace.com\)](#)

²⁸ <https://orca.cardiff.ac.uk/id/eprint/149649/1/EYHC%20Roadmap%20Full%20Report.pdf>

²⁹ <https://static1.squarespace.com/static/5eec973487c9c707d4e46170/t/629f0fca9ed2b8104776605b/1654591435881/A+Better+Way+Home+-+Full+Report.pdf>

³⁰ https://sheltercymru.org.uk/wp-content/uploads/2020/06/End-youth-evictions_ENG.pdf

affordable housing, difficulties with partnership working between local authority children's services and housing services, and allocation processes not being person-centred enough.

The Shelter Cymru research on evictions also shows that young people in temporary and supported accommodation do not feel that the support available to them is adequate or intensive enough. Participants felt that with better commissioning and higher ratios of support workers to young people most issues could be prevented and addressed in a holistic and trauma-informed way.

Lack of access to social housing for young people

The Shelter Cymru research on evictions mentioned above suggests young people face the following barriers when attempting to access social housing:

- An inadequate supply of shared and one-bed accommodation affordable for young people.
- A refusal among some RSLs to grant tenancies to people under the age of 18s.
- A perceived tendency of RSLs as overly risk averse. Some research participants described examples of RSLs requesting a young person's full support case file history. It was felt that this would have been beneficial if they were genuinely trying to identify and understand the support needs of the young person to prepare and manage the tenancy. However, those support needs were often viewed as a risk which meant that the young person wasn't 'tenancy ready.'

Difficulty navigating housing systems

Research by Stirling in 2018 on youth homelessness interventions in Wales,³¹ notes that it is difficult to access comprehensive information about the housing support that is available in Wales. The Youth Experiential Learning Simulation being pioneered in Wales by Llamau also emphasises the difficulties young people in Wales face when navigating the homelessness support system.³² Furthermore, care-experienced people have expressed that having to repeat their story in order to get the support that they need was often retraumatising.³³

Youth Homelessness Co-ordinator caseloads

As part of the Youth Support Grant funding, local authorities appointed a Youth Homelessness Co-ordinator based in the youth service, working with their education, housing and social services colleagues to ensure those at risk of homelessness are identified and supported. They are also working with schools to ensure young people and teachers have a greater understanding of homelessness and know how to access support.

³¹ [Youth-homelessness-and-care-leavers-Mapping-interventions-in-Wales.pdf \(wcpp.org.uk\)](#)

³² [Llamau's Youth Experiential Learning Simulation - Missing People](#)

³³ [Don't+Let+Me+Fall+Through+The+Cracks+-+Full+Report+-+End+Youth+Homelessness+Cymru+09-2020.pdf \(squarespace.com\)](#)

Stakeholders attending the online engagement session run by Children in Wales felt that these posts have been occupied with crisis management and as such have been unable to reach out on the preventative side as was originally intended. However, Welsh Government progress reports suggest that, while during the pandemic these roles were more focused on crisis support, more recently there has been a shift into the early intervention and prevention space and an increase in school engagement.

Whole-family approach

Centrepoin identify the whole-family approach as an important feature in the prevention of youth homelessness.³⁴ Upcoming research on family mediation in Wales will demonstrate its efficacy as a tool to prevent homelessness but will also note that it is not widely available across Wales and generally not available to children until they are 16 years old.³⁵

Disconnect between definitions of ‘Care Leaver’ or ‘Care Experienced’

A misunderstanding of the difference between a ‘Care Leaver’ or a ‘Care Experienced’ young person, as defined in the in the Housing Act Wales (2014) and the Social Services and Wellbeing Act (Wales) 2014 respectively, can some young people ‘stuck in the middle’ of two agencies, potentially without accommodation.

According to the Housing Act Wales, someone ‘*who has attained the age of 18, when the person applies to a local housing authority for accommodation or help in obtaining or retaining accommodation, but not the age of 21, who was looked after, accommodated or fostered at any time while under the age of 18*’ is considered to be in priority need. This rule will apply as long as the person has been accommodated by the social services department for a period of 24 hours or more before their 18th birthday.

However, according to the Social Services and Wellbeing Act, a care leaver must have been under the care of the Local Authority for a period of at least 13 weeks between the ages of 14 and 16 years.

As the latter definition of a Care Leaver requires 13 weeks of being in care, if there is an enquiry of social services about a young person who is homeless and over 18, but has not experienced care for 13 weeks or more (but may have for under 13 weeks), the answer as to whether or not they are a care leaver is ‘no’. This therefore could lead to no priority status and no interim accommodation as there is an assumption that they have not been accommodated by the local authorities at any time.³⁶

³⁴ https://centrepoin.org.uk/media/1699/prevention-what-works_full-report.pdf

³⁵ Paper due to be published later this year but presentation of key findings available here: https://www.feantsaresearch.org/public/user/Observatory/2021/Research_Conference/Presentations/WS17_Rees.pdf

³⁶ Blog from End Youth Homelessness Cymru <https://www.endyouthhomelessness.cymru/voices/priority-need-care-leaver-or-care-experienced>

Transition into independent living

EYHC's research *'Don't let me fall through the cracks'* explains that, before leaving care, looked after children in Wales should be provided with a personal adviser who is supposed to provide support with accommodation options and accessing entitlements such as welfare benefits, as well as support with education, training and life-skills until the young person reaches the age of 25 (regardless of whether they are in education or not). However, this is not currently a duty, but rather an expectation of Welsh Government.

The young people participating in the EYHC study described turning 18 as a point of decline, and Shelter Cymru's research on youth evictions found that the transition from care into supported accommodation, and 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 tapered off.

Universal Credit Shared Accommodation Rate

Currently care leavers are only exempt from the Shared Accommodation Rate (SAR) until they are 25. Once they turn 25 the housing element of Universal Credit is limited to the lower SAR meaning they can only afford to pay for a room in a shared house, which is inappropriate for many and restricts their ability to access settled accommodation. This exemption was previously only for care leavers up to the age of 22, but it was extended to 25 years in 2021 by the Westminster Government.³⁷

d. Families

Evidence indicates that being forced to be homeless 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.³⁸ For this reason, the Homeless Action Group called on the Welsh Government to revisit and revise child poverty targets in its 2020 report.³⁹

Unsuitable accommodation

At the panel's stakeholder session run by Children in Wales, we heard that families are often placed in out of area temporary accommodation far from children's schools. This can have several negative consequences on a child's education and wellbeing. For example:

- Children travel long distances to school and therefore have less energy to engage meaningfully with schoolwork and less time to do homework
- Children feel isolated from their peer groups
- Children are late to school or miss school

³⁷ [Don't+Let+Me+Fall+Through+The+Cracks+-+Full+Report+-+End+Youth+Homelessness+Cymru+09-2020.pdf \(squarespace.com\)](#)

³⁸ See for example Homeless Link, 'Impact of homelessness' accessed 20 January 2020 on <https://www.homeless.org.uk/facts/understanding-homelessness/impact-of-homelessness>

³⁹ See [Homelessness Action Group: report March 2020 \(gov.wales\)](#)

- Parents are late to pick their children up from school
- Children have to move schools, disrupting their education and giving schools fewer opportunities to monitor a child's wellbeing and academic development.

It was also raised that being placed in accommodation with a lack of privacy between parents and children can take an emotional toll on both parents and children. Given that 'family breakdown' is such a prominent cause of homelessness, this could not only be seen as a negative aspect of the current experience of homelessness as a family, but also a cause for future occurrences of homelessness for the individual members of the family.

Lone parents

Lone parents have the highest poverty rate among working-age adults in the UK, with 43% living in poverty.⁴⁰ Therefore, lone parents are more likely to be struggling with financial hardship and housing insecurity. In England, the number of women in temporary accommodation rose by 88% from 2011 to 2021, and lone parents were disproportionately represented. This is also reflected in the last year of complete data collection on statutory figures for family homelessness in Wales showed that lone parent households with dependent children accounted for 32.3% of homelessness cases between 2018-19.

Research suggests that lone parents are more likely to struggle with housing costs and fall into rental arrears, and where the lone parent is a women, domestic abuse may be a cause of homelessness. In research from Shelter in England in 2021, some of the lone parents who had experienced domestic abuse stated they did not seek help as they were worried about having their children removed.

6. Guiding points for discussion

Core Housing/homelessness legislation

1. The Housing Wales Act (2014) requires local authorities to produce a joint strategy between housing and social services to address homelessness. Could statutory guidance help to further embed specific considerations for supporting children, families and young people who are at risk of homelessness?
2. How might legislative change help young people to better navigate housing systems? Should there be more emphasis on duties to inform young people of their rights and to provide access to advocacy?
3. Research has consistently pointed to the importance of ensuring that young people have access to support. The panel has been considering the insertion of duty to help support a person to retain a tenancy. What specific considerations may be required for young people within such a duty?
4. Should Welsh Government give consideration to the differing interpretations of the age range for youth homelessness in order to maximise the support that is available to this group?

⁴⁰ Joseph Roundtree Foundation (2020) *UK Poverty 2019/20: a comprehensive analysis of poverty trends and figures*.

5. Would it be appropriate to use legislation to implement the following recommendation from Ending Youth Homelessness Cymru?¹
Welsh Government should commit to ensuring that no 16- or 17-year-old should be accommodated in unsupported temporary accommodation. 16- and 17-year-olds who present to a local authority as homeless, whether care experienced or not, should be found appropriate, supported accommodation, whether via a supported housing project, foster placement, supported lodgings or similar, supported placement. If short term accommodation is required, to allow for assessments to be made and appropriate accommodation found, it must meet the minimum standards set out by young people in this report, with support provided and a timescale provided to the young person for their move to settled accommodation.
6. How might the local connection test be adapted to take better account of young people with specific vulnerabilities? For example, care leavers and LGBTQ+ young people?
7. Should there, as suggested by Ending Homelessness Youth Cymru (EHYC), be a proactive duty on local authority housing options teams to seek to establish whether a young person is care experienced, upon presentation as at-risk-of-homelessness?

Wider duties

8. Could a multi-agency review be required for children and young people who present as homeless/at risk of homelessness?
9. How might school and education services support the preventative agenda for youth homelessness? For example, could there be a duty to for education staff to refer cases? Should this be reinforced with training for staff and early identification systems to help identify students who may be at risk?
10. For those leaving social care or the secure estate should there be a duty not to discharge into homelessness? What might this duty entail?
11. How might statutory guidance or legislation help to further embed consideration of housing needs within support and transition planning for those who are leaving social care or the youth justice system?
12. Ending Youth Homelessness Cymru (EYHC) makes clear recommendations in relation to young people falling into rent arrears. It calls for the Welsh Government to lobby the UK Government for welfare improvements. In addition, it recommends that private landlords hold a duty to inform local authorities when tenants fall into arrears. Are these areas which the panel wishes to consider?
13. Are there any ways in which legislation could better support lone parents in particular, who are at high risk of homelessness?

Please note: This paper also raises specific points around families and young people in connection with temporary accommodation, suitability of accommodation and allocations. These points should be considered within the panel's planned future meeting on these topic areas.

Part 2: Violence Against Women, Domestic Abuse and Sexual Violence

The second part of this paper seeks to provide the panel with background information ahead of its discussion on homelessness legislation and Violence against women, domestic abuse and sexual violence (VAWDASV). It is set out within the following subsections:

1. Relevant and current legislation and guidance in Wales
2. Research and Evidence, covering:
 - a) VAWDASV and the increased risk of homelessness
 - b) Refuge accommodation
 - c) Welsh context of homelessness caused by VAWDASV
 - d) Wales Audit Office Review on progress in implementing the Violence Against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015
 - e) No Recourse to Public Funds (NRPF)
 - f) Multi-agency working
 - g) Housing First for Women
3. Consideration of approaches to VAWDASV and homelessness in other nations
4. Guiding points for consideration

1. Relevant and current legislation and guidance in Wales

There are several pieces of legislation (devolved and non-devolved) which impact on a survivor of VAWDASV's access to accommodation and support. These are outlined briefly below.

The Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015⁴¹ The purpose of this Act is to safeguard any child, young person or adult, at risk, or experiencing any form of violence against women, gender-based violence, domestic abuse or sexual violence. The Act seeks to improve arrangements for the prevention, protection and support of those affected by violence against women, domestic abuse and sexual violence.

The Act places a duty, known as Ask and Act,⁴² on the public sector to identify and provide specialist support to those experiencing violence, domestic abuse or sexual violence. "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 violence.⁴³ The term targeted enquiry describes the recognition of indicators of violence against women, domestic abuse and sexual violence 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

⁴¹ <https://www.legislation.gov.uk/anaw/2015/3/contents/enacted>

⁴² Welsh Government Guidance (2019) Delivery of "Ask and Act" The role of the frontline practitioner

⁴³ Welsh Government Statutory Guidance (2016) The National Training Framework on violence against women, domestic abuse and sexual violence

clear through guidance⁴⁴ 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.

The policy and training were developed to accompany the 2015 VAWDASV Act and as a response to the National Institute of Health and Care Excellence (NICE) and the World Health Organisation recommendation of a system of targeted clinical enquiry across Health and Social Care to better identify and therefore respond to domestic abuse.⁴⁵

The review of the 2015 Act found that housing officers who regularly visit tenants and families in their home are better able to identify abuse and violence within the home. The report credits this to embedding training, and reinforcement through national campaigns such as the White Ribbon UK campaign which helps to raise awareness to make domestic abuse and violence 'everyone's business.'

The Act also details several definitions (full definitions in Appendix B) which impacts on who is eligible for accommodation and support.

Domestic abuse is defined as '*abuse where the victim of it is or has been associated with the abuser*'. The Act clearly defines that this association is not limited to partners who are cohabiting, and extends to including any family member, a (current or previous) member of a person's household or a people who have previously had close intimate relationship which has now ended.

The Housing (Wales) Act 2014⁴⁶ revised the responsibilities of local authorities in preventing and alleviating homelessness, including those at risk of domestic abuse and violence.⁴⁷

Currently under the Act, 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.

The council is not allowed to refer a person to another area if anyone in the household is at risk of abuse in that area. This includes domestic and non-domestic abuse. The term 'abuse' can include violence, threatening or intimidating behaviour. The council the person applied to will have to help unless there a local connection with another area where the household is not at risk of abuse.⁴⁹

The council should also not refer someone 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

⁴⁴ Welsh Government Guidance (2017) Implementation of "Ask and Act" Guidance for relevant authority leaders, co-ordinators and managers

⁴⁵ Domestic violence and abuse: how health services, social care and the organisations they work with can respond effectively. NICE public health guidance 50 (February 2014)

⁴⁶ <https://www.legislation.gov.uk/anaw/2014/7/contents/enacted>

⁴⁷ https://www.audit.wales/sites/default/files-old/publications/VAWDASV_eng.pdf

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

⁴⁹ [Local connection - Shelter Cymru](#)

be near family. Even if a homeless applicant has accommodation that they can legally occupy, the Act ensures that a council 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 provides a legal framework for improving the wellbeing of adults and children who need care and support. Increasing preventative services to minimise the escalation of critical need is seen as essential to address problems, and these include many services for victims and survivors. The Act places a reporting duty in relation to the safeguarding of children and adults at risk. The theme of safeguarding runs throughout the Act.

Part 7 of the Act makes specific reference to procedures for safeguarding an 'adult is at risk', this definition includes an adult experiencing, or is at risk of abuse or neglect.⁵¹ 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

- a) the local policing body and the chief officer of police for a police area any part of which falls within the area of the local authority;
- b) any other local authority with which the authority agrees that it would be appropriate to co-operate under this section;
- c) the Secretary of State to the extent that the Secretary of State is discharging functions under sections 2 and 3 of the Offender Management Act 2007 in relation to Wales;
- d) any provider of probation services that is required by arrangements under section 3(2) of the Offender Management Act 2007 to act as a relevant partner of the authority;
- e) a Local Health Board for an area any part of which falls within the area of the authority;
- f) an [NHS Trust] providing services in the area of the authority;
- g) the Welsh Ministers to the extent that they are discharging functions under Part 2 of the Learning and Skills Act 2000;
- h) such a person, or a person of such description, as regulations may specify.

Part 7 of the act also contains:

- **Duty to Enquire (Section 126)**. A local authority, where it suspects a person is an adult at risk must: make enquiries; cause others to make enquiries; decide if the person is an adult at risk; decide what if any action is required; record conclusions in care and support plan.
- **Adult Protection and Support Order (Section 127)**. An Authorised Officer can be appointed by the local authority to apply to 'a Justice of the Peace' (*a person appointed by the monarch to preside over criminal and civil cases in England and Wales*) for an order. The order empowers the Authorised Officer to enter a premises

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>

(with a police constable); speak in private; check decisions are made freely; determine whether “adult at risk” and action needed.

- **Duty to Report (Section 128).** 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. Relevant partners are defined in Section 162, as outlined above.

With regard to **No Recourse to Public Funds (NRPF)**, Section 35 of 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 (“the 1999 Act”) (exclusion from benefits) applies may not receive support solely because they are destitute or for the physical effects of being destitute. The Act also includes a safeguarding duty at section 126, which requires local authorities to make enquires and decide whether any action needs to be taken where it suspects that a person within its area (whether or not ordinarily resident there) is at risk.

The Well-Being of Future Generations (Wales) Act 2015⁵³ sets out seven wellbeing goals and introduces a sustainable development principle for how public bodies covered by the Act should work. Taken together, these are all important for how public bodies prevent violence against women, domestic abuse and sexual violence, and support survivors.

As a result of this legislation being published, Section 5 (subsection 5a relating to the publication and review of local strategies) of the Violence Against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 was updated to read:

A local strategy or revised strategy may be published by including it within a local well-being plan published under section 39 or 44(5) of the Well-being of Future Generations (Wales) Act 2015 (anaw 2) by a public services board of which both the local authority and the Local Health Board is a member.

The Renting Homes (Wales) Act 2016⁵⁴ ensures perpetrators of domestic abuse can be targeted for eviction to help prevent those experiencing domestic abuse from becoming homeless.

Implementation of the Act, Chapter 5 has brought in new measures on joint contracts. Joint contract-holders can be added or removed from occupation contracts without the need to end one contract and start another. This can help people experiencing domestic abuse by enabling the perpetrator to be targeted for eviction.

Some third sector VAWDASV groups, including Welsh Women’s Aid have outlined concern that the nature of moving towards longer term, more secure contracts could have negative and unintended consequences for refugees, which are intended to provide temporary

⁵³ <https://www.futuregenerations.wales/about-us/future-generations-act/>

⁵⁴ <https://www.legislation.gov.uk/anaw/2016/1/contents>

accommodation.⁵⁵ Survivors in refuges are often on license. Where a survivor or family stays in refuge longer than six months, services will be required to issue them with an occupation contract. The key concerns are:

- 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 contract.
- 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.

The Domestic Abuse Act 2021 (UK) applies to both England and Wales. It 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.

Guidance

Housing support for survivors is cross referenced in various national guidance documents on VAWDASV in Wales:

- The Welsh Government's *Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015: Guidance for Local Strategies*⁵⁶ highlights the importance of including housing option services in developing local strategies to address VAWDASV. In addition, it states:

"An effective needs assessment should gather together local data, evidence from professionals and survivors and review research and best practice. Sources could include: qualitative and quantitative data from public services – in particular social care, housing and homelessness." (Page 7).

- The 2016 guidance on national VAWDASV training (*National Training Framework on violence against women, domestic abuse and sexual violence: Statutory guidance under section 15 of the Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 and section 60 of the Government of Wales Act 2006*)⁵⁷ highlights housing services as a priority group for training on the Ask and Act duty.
- Published in 2019, the *Statutory Guidance for the Commissioning of VAWDASV Services in Wales*⁵⁸ outlines the importance of co-ordinating with housing when commissioning VAWDASV services or jointly commissioning services. It states:

⁵⁵ See letter from Welsh Women's Aid to the Welsh Government, December 2022 [Welsh-Womens-Aid-Renting-Homes-Act-Open-Letter.pdf \(welshwomensaid.org.uk\)](#)

⁵⁶ The Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015: Guidance for Local Strategies, see here [guidance-for-local-strategies.pdf \(gov.wales\)](#)

⁵⁷ See [sub-Id10514-e.pdf \(senedd.wales\)](#)

⁵⁸ See [statutory-guidance-for-the-commissioning-of-vawdasv-services-in-wales.pdf \(gov.wales\)](#)

“In addition to local specialist VAWDASV services, there will be other commissioning functions, such as substance misuse, housing, mental health, perpetrator work and children and young people, where good practice will be available. This will provide opportunities to share data appropriately, and look for ways to introduce joint commissioning across different thematic needs to provide integrated services.” (Page 16).

2. Research and evidence

a. Violence Against Women Domestic Abuse and Sexual Violence (VAWDASV) and the increased risk of homelessness

Violence against women, domestic abuse, and sexual violence are significant contributors to homelessness applications across Wales, Scotland and England.⁵⁹ This group is more likely to be at risk of homelessness as they may need to leave a home quickly as well as flee the area they are familiar with and their support networks.

Survivors that have experienced controlling behaviour may also have limited access to finances and, as such, may lack the means to source alternative accommodation and will require housing support. This is also true for survivors with financial ties to a property which they share with an abusive partner. A lack of alternative housing often leads women to stay in or return to violent relationships.

The Homelessness Monitor Great Britain 2022⁶⁰ shows that, in England, the amount of households stating their main cause of homelessness as domestic abuse has increased year on year between 2018/19-2020/21. In Scotland the main reason for application homelessness application as domestic abuse has maintained a similar level. 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.⁶¹

A recent study from the Centre for Homelessness Impact highlights women are disproportionately affected by violence⁶² as well as extensive evidence which suggests violence is a common cause of homelessness amongst women and that a high proportion of women who are homeless have experienced gender-based violence. A 2016 study found

⁵⁹ <https://www.unwomen.org/en/news/in-focus/in-focus-gender-equality-in-covid-19-response/violence-against-women-during-covid-19>

⁶⁰ Watts B, Bramley G, Fitzpatrick S, McMordie L, Pawson H & Young G (2022) The homelessness monitor: Great Britain 2022 pp.59-61

⁶¹ Fitzpatrick, S. et al (2022) The homelessness monitor: Great Britain 2022. Crisis: London.

⁶² Bimpson E, Green H, Reeve K, Centre for Homelessness Impact (2021) Women, homelessness and violence: what works

that if street sleeping, women are proportionately more likely to be abused (verbally, physically, sexually) than men.⁶³

A report from Safe Lives states women who are street sleeping are particularly likely to be overlooked as they tend to not visibly 'bed down' in the ways that are typically recorded by official counts.⁶⁴ Statistics from England⁶⁵ estimate 13% of the total people recorded as sleeping rough are women. There are currently no national street sleeping estimates for Scotland,⁶⁶ and comparative data for Wales does not currently record gender.⁶⁷

There are concerns that a current lack of data means the picture of violence and those experiencing homelessness as a result could be incomplete. A Welsh Women's Aid consultation response to the Welsh Government highlighted concerns around the many forms and manifestations of VAWDASV that still lack solid evidence or data, particularly Wales-specific data.⁶⁸ These included:

- Older people
- Children and young people, particularly surrounding child to adolescent parent violence, particularly those with care experience
- Those with no recourse to public funds (NRPF)
- Adult sexual exploitation
- Communities in rural areas in Wales
- Protected characteristics, particularly the impact of VAWDASV and accessibility of support services for Deaf/disabled people, LGBTQ+ people and those from Black and ethnic communities
- Speakers of other languages.

b. Refuge accommodation

Welsh Women's Aid states that refuges fulfil a vital role in responding to domestic abuse and other forms of violence against women.⁶⁹ Highlighting that, in addition to providing crisis shelter, many refuges offer a planned programme of therapeutic and practical support and access to peer support from other survivors.

A 2020 report⁷⁰ 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 with the current model. These challenges included

⁶³ Sanders, B. & Albanese, F. (2016) *"It's no life at all": Rough sleepers' experiences of violence and abuse on the streets of England and Wales.*

⁶⁴ Safe Lives (2018) Safe at Home: Homelessness and domestic abuse pp.19

⁶⁵ <https://www.gov.uk/government/statistics/rough-sleeping-snapshot-in-england-autumn-2021/rough-sleeping-snapshot-in-england-autumn-2021#demographics>

⁶⁶ <https://osr.statisticsauthority.gov.uk/homelessness-and-rough-sleeping-statistics-in-the-uk/>

⁶⁷ <https://www.gov.wales/homelessness-accommodation-provision-and-rough-sleeping-november-2022>

⁶⁸ <https://welshwomensaid.org.uk/wp-content/uploads/2022/12/WW267A1.pdf>

⁶⁹ Welsh Women's Aid (2020) Time to Act on Sustainability pp.8

⁷⁰ Adisa, O., Allen, K., Costello, F., Meehan, A. (2020). A scoping review of refuge provision models. University of Suffolk.

potentially having to move away from support networks, house rules to ensure safety feeling disempowering and increased stress if relationships with peers are not positive.

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 support their recovery from abuse and trauma.⁷¹ For women with multiple intersecting needs, more traditional routes to housing such a refuge, may be closed off to them or not be suitable to meet their needs. While refuges play a crucial role, it is also important to ensure there is community-based support for this group.

Barriers to accessing a refuge

A report from Women's Aid England⁷² identifies the following as some key barriers which may prevent survivors from accessing refuge:

- No Recourse to Public Funds (NRPF);
- unable to support needs around mental health;
- and unable to support needs around substance misuse.

A Welsh Women's Aid report suggests that, in 2020/21 a significant proportion of survivors of violence against women, domestic abuse and sexual violence (VAWDASV) were not able to access specialist VAWDASV services (both refuge and community based services) in Wales due to a lack of resources and capacity. The charity reported a 22% increase (a total of 692 survivors) in the number of survivors who could not be supported by the refuge due to the lack of capacity or resources, when compared with the previous financial year.⁷³

Welsh Women's Aid also reported in 2021⁷⁴ that there had been increases from the previous year in a refuge not being able to accommodate survivors for the following reasons:

- An inability to meet support needs (around drug and alcohol) (27%)
- An inability to meet support needs (around mental health) (61%)
- That the survivor has no/ limited recourse to public funds (29%)

In 2018/2019, 1154 children and young people were living in emergency refuges at some point during that period.⁷⁵ The charity's *State of the Sector* report shows how according to its membership data, refuge-based support services supported 283 children per quarter, showing a continued high number of children in refuge settings during the pandemic with limited access to specialist child support workers.

Where survivors are placed in communities by the local authority, there have been examples of "*poor and inconsiderate practice*", particularly in the instance of survivors being placed near perpetrators. The Ombudsman's report on homelessness in Wales⁷⁶ stated:

⁷¹ FEANTSA (2022) Housing First and Women: Case studies from across Europe

⁷² Women's Aid Federation England (2022) Nowhere to Turn, pp.11

⁷³ Welsh Women's Aid (2021) A Strategy for Sustainable Support

⁷⁴ Welsh Women's Aid (2021) A Strategy for Sustainable Support, pp.7

⁷⁵ Welsh Women's Aid Annual Membership Report 2018-19

⁷⁶ The Public Services Ombudsman for Wales (2021) Homelessness Reviewed: an open door to positive change

“It was disheartening to see a number a cases where victims of domestic abuse were placed in properties near the perpetrator or the perpetrator’s associates.”

The report cited specific case review examples which included clients being placed in properties near violent ex-partners,⁷⁷ despite the case officer having prior knowledge of the issue. This does not meet duties to provide suitable accommodation and indicates a potential need to regulate the process.

However, the Ombudsman also noted good practice on partnership working between other homelessness services, to ensure early intervention whenever possible. This included the co-location of representatives from Shelter Cymru, The Wallich, Housing Associations, Youth Services, and Domestic Abuse Services within the Housing Options Service to provide on-the-spot support and advice on matters relating to housing, homelessness and debt.

c. Welsh context of homelessness caused by VAWDASV

In Wales, under the Violence Against Women Domestic Abuse and Sexual Violence (Wales) 2015 Act, the intention is to safeguard any child, young person or adult, at risk, or experiencing any form of violence against women, gender-based violence, domestic abuse or sexual violence. This is notably different to other UK nations whose legislation, although references sexual violence, has a primary focus on domestic abuse.^{78,79}

VAWDASV is a cause and consequence of inequality between women and men,⁸⁰ which intersects with factors such as ethnicity, age, class, sexuality and disability to impact on experiences of abuse and routes to recovery. The latest Welsh Government Violence against women, domestic abuse and sexual violence strategy⁸¹ acknowledges the importance of these intersectional approaches. The strategy also states it will be delivered alongside the Strategy for Preventing and Ending Homelessness:

The provision of good quality temporary and permanent housing as well as protecting the housing rights of those who experience VAWDASV must all play an important part in our response.

The strategy has a specific objective on early intervention and prevention. Which is set to align with the purpose and ‘spirit’ of the Housing (Wales) Act 2014.

The Welsh Government’s *Ending Homelessness Action Plan for 2021-2026* also sets out that the Welsh Government “will work to develop, revise or improve implementation of

⁷⁷ [https://www.equalityhumanrights.com/en/human-rights-act/article-8-respect-your-private-and-family-life#:~:text=Article%20%20protects%20your%20right,and%20emails%2C%20for%20example\).](https://www.equalityhumanrights.com/en/human-rights-act/article-8-respect-your-private-and-family-life#:~:text=Article%20%20protects%20your%20right,and%20emails%2C%20for%20example).)

⁷⁸ Domestic Abuse Act 2021

⁷⁹ Domestic Abuse (Scotland) Act 2018

⁸⁰ <https://hdr.undp.org/content/violence-against-women-cause-and-consequence-inequality>

⁸¹ Welsh Government (2022) Violence against women, domestic abuse and sexual violence: strategy 2022 to 2026

pathways with tailored support, appropriate interventions and housing solutions for groups at risk of harm,” including VAWDASV.⁸²

d. Wales Audit Office Review on progress in implementing the Violence Against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015

The Wales Audit Office 2019 review⁸³ of the VAWDASV (Wales) 2015 Act, included consideration of the housing needs of this group. It found that the implementation of the Act had seen positive progress in the following areas:

- The roll-out of national training was having some success in improving public sector workers’ awareness of the issues around VAWDASV.
- In general, the Wales Audit Office stated that social housing landlords were working well to support victims and survivors.
- The Audit office considered that the Act was helping to drive the transformation of VAWDASV services and that collaboration was working well in some parts of the country.

However, the review also identified persistent barriers for survivors of VAWDASV, such as data-sharing and working with perpetrators. The report cited the latter as the most challenging and weakest area of prevention activity.

Data sharing

The Wales Audit Office⁸⁴ expressed that it would expect to see agencies collaborating to provide integrated VAWDASV services with clear pathways and eliminate any duplication. This requires effective information and data sharing within and between partners, and local and regional leadership which understands the benefits of joint working and drives collaboration accordingly. However, the report states that evidence currently suggests sharing information remains a barrier to improving local and regional collaboration. In particular, the introduction of the General Data Protection Regulation (GDPR) in May 2018 has brought these tensions into even greater focus and is seen by some as a barrier to planning, integration and collaboration.

One commentator noted that staff “are scared to share information because of GDPR and this is a big issue. Cross departmental sharing is not happening – social workers refuse to share phone numbers for domestic abuse victims internally.” Consequently, the establishment and effectiveness of data sharing protocols vary widely, and key agencies are often not party to agreements, as identified in the report’s surveys.

⁸² See [Ending homelessness in Wales: a high level action plan 2021 to 2026 \(gov.wales\)](#), page 21.

⁸³ Wales Audit Office (2019) Progress in implementing the Violence Against Women, Domestic Abuse and Sexual Violence Act

⁸⁴ Wales Audit Office (2019) Progress in implementing the Violence Against Women, Domestic Abuse and Sexual Violence Act

Working with perpetrators

Appropriate housing and support for perpetrators of VAWDASV is also an important factor in the safety of the survivor. The right intervention could stop the continuation and abuse and result in safety for the survivor.

The Welsh Audit Office review of the 2015 Act outlined:

“Local authorities recognise the importance of perpetrator rehabilitation, but the provision of evidence-based programmes across Wales is highly variable. For instance, perpetrator work is often focussed on short-term interventions, is restricted to specific geographical areas, has limited capacity, and tends to focus on men only without recognising that women can be perpetrators. One commentator noted that ‘there is a strong need for a (national) perpetrator programme’ given the variability of current provision. From our survey of public bodies, we found that whilst 75% of organisations felt that they identify potential perpetrators, only 20% are able to provide appropriate services for perpetrators and only 20% that they are effectively promoting and encouraging the awareness and importance of services for perpetrators.”

The 2020 Welsh Women’s Aid *State of the Sector* report echoes this call for ‘accredited perpetrator programmes’⁸⁵ citing how, if executed constructively, such programmes will both increase survivor safety and also potentially prevent future victims of abuse. However, the report also highlights that whilst there are a range of programmes, interventions and projects currently being provided in Wales, this work is still predominantly focused on domestic abuse, and that there is a noticeable lack of perpetrator interventions covering the varied forms of VAWDASV.

Role of Social Landlords in supporting survivors to retain accommodation

Findings from the Wales Audit Office national interviews and surveys show that social housing landlords are well placed to identify victims and perpetrators of VAWDASV, and to protect and support victims who live in their property.⁸⁶ Indeed, all landlords responding to the audit’s survey said they provide enhanced security measures to support and safeguard victims. Meanwhile, just under two-thirds of survey respondents said they supported people experiencing VAWDASV with rent arrears to transfer to alternative housing.

The report outlined good practices on how landlords seek to shape their response and solution on discussions with victims and agree their action with them in collaboration.

However, the review also found areas that it recommended for improvement in relation to the support social landlords provide to survivors of VAWDASV. The review found that less than half of survey respondents felt they had a good understanding on the extent of

⁸⁵ Welsh Women’s Aid (2020) *State of the Sector 2020: The COVID-19 pandemic and the case for immediate sustainable funding*

⁸⁶ Wales Audit Office (2019) *Progress in implementing the Violence Against Women, Domestic Abuse and Sexual Violence Act*, pp. 29-30

VAWDASV issues amongst tenants. Furthermore, less than half of respondents stated that they held a VAWDASV policy for employees and only 22% of landlords had provided training to all their staff to support them to recognise the signs of VAWDASV among tenants. Whilst 44% stated that most staff had been provided with training, 35% noted that only front-line staff who regularly come into contact with tenants such as support workers, housing officers or building surveyors receive training.

A 2014 independent review of VAWDASV services in Wales⁸⁷ reported difficulties in finding safe accommodation were concerns for women without recourse to public funds and for women with paid employment. The report's findings concluded that most service users agreed that alternative and affordable housing was difficult to find, and increased awareness is needed concerning the housing needs of families who experience domestic abuse. There have been no significant changes in Wales making it easier for survivors from these groups to access housing and is still consistently highlighted by stakeholders.

While there is some guidance on the local authority duty to accommodate survivors of violence and abuse in Wales, this does not go into extensive detail. Welsh Government Guidance to local authorities on allocation of accommodation to homeless households⁸⁸, states:

Persons of any gender and of any age may be subject to abuse. Authorities should consider whether applicants who have suffered, or who are at risk of, for example, hate incidents or hate crime on account of their gender, physical or mental health issues, race, colour, ethnic or national origin, religion or sexual orientation are vulnerable as defined in S.71

As allocations data is limited in Wales, we do not know how many social housing allocations are made to survivors of VAWDASV experiencing homelessness.

e. No Recourse to Public Funds (NRPF)

No recourse to public funds (NRPF) acts as a serious barrier for survivors experiencing violence and abuse with restricted or insecure immigration status in the UK. Several bodies across the homelessness and specialist VAWDASV sector highlight this is an area which must be considered as part plan to completely end homelessness in Wales. Research by the Domestic Abuse Commissioner for England and Wales shows that abusers will use a victim's insecure immigration status to exert control over them.⁸⁹

As part of the Welsh Government response to the COVID-19 pandemic, ministers lifted restrictions on a specific pot of money which enabled services to support survivors with NRPF.⁹⁰ During the lockdown period, 50% of specialist services reported supporting one or

⁸⁷ 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

⁸⁸ Welsh Government Guidance (2016) for Local Authorities on the Allocation of Accommodation and Homelessness

⁸⁹ Domestic Abuse Commissioner (2021) Improving pathways to support for migrant victims of domestic abuse

⁹⁰ <https://gov.wales/10-million-emergency-support-rough-sleepers-wales-during-coronavirus-outbreak>

more women with NRPF.⁹¹ The Wales Homelessness Action Group has called for Welsh Government to ensure safety and support for survivors with NRPF beyond COVID with a dedicated fund for services.⁹²

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.^{93, 94} They face a hostile environment by immigration checks happening in healthcare, maternity, education and housing settings; they are prevented from accessing protection and support due to their NRPF status and they face a risk of being detained and deported rather than assisted if they report abuse.

Through our online stakeholder engagement session to advice the expert review panel on VAWDASV issues, it was also highlighted that there have been cases where mothers with NRPF have sought help from local authorities, and subsequently had their children removed from their care in order to be housed. Case studies such as these deter other women in similar situations from seeking help.

As already outlined, there are specific duties under the Social Services and Well-being (Wales) Act 2014 Act, that allow social services to support adults at risk of violence or abuse even if they do not have recourse to public funds. However, it is important to highlight the limited awareness of the additional duty on social services (section 126(1)).

Welsh Women's Aid have produced an 8-step toolkit⁹⁵ which assists specialist services in challenging a decision on whether or not a person presenting as homeless and at risk of violence or abuse is able to be supported.

A report by the [Senedd's Equality and Social Justice Committee](#) following an [inquiry into Violence Against Women, Domestic Abuse and Sexual Violence \(VAWDASV\) and the needs of migrant women](#) demonstrated that:⁹⁶

- A woman's immigration status can restrict their access to vital support, including a place in specialist-supported accommodation.
- Migrant women experiencing abuse, and subject to the NRPF condition, are frequently continuing to live with the perpetrator as they aren't being offered secure accommodation.
- Improved implementation of the Social Services and Well-being (Wales) Act 2014 could ensure the vast majority of migrant women with NRPF are able to access safe accommodation and support.

⁹¹ Welsh Women's Aid (2020) Impact of COVID 19 on Violence against Women, Domestic Abuse and Sexual Violence Specialist Service: June Report

⁹² Homeless Action Group (2020) The framework of policies, approaches and plans needed to end homelessness in Wales (What ending homelessness in Wales looks like)pp.34

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

⁹⁴ BAWSO (2021) ANNUAL REPORT CHANGING LIVES

⁹⁵ <https://welshwomensaid.org.uk/what-we-do/campaigning/toolkit-on-the-rights-of-vawdasv-survivors-subject-to-immigration-control/>

⁹⁶ Senedd Research (2022) "Has she got status?": Gender based violence and the needs of migrant women

- Migrant women are often prevented from reporting abuse because they fear their data and immigration will be shared with the Home Office – an action which could lead to enforcement action being taken on them.

The panel may also wish to note that the Homelessness Action Group's 2020 report advised that the Welsh Government should lobby "the UK Government to allow survivors of VAWDASV (violence against women, domestic abuse and sexual violence) who have no recourse to public funds to access housing and support services."⁹⁷

In Scotland the ASSIST project⁹⁸ has developed a service delivery agreement for providing gender-specific legal assistance and support to trafficked migrant women. This covers the areas of legal and material assistance, access to safe and appropriate housing, and integration support regarding access to education, training, and work opportunities.

f. Multi-Agency Working

A current approach to multi agency working in Wales for survivors of violence and abuse take the form of Multi-Agency Risk Assessment Conference (MARACs). MARACs are multi-agency meetings where both statutory and voluntary agency representatives share information about high-risk victims of domestic abuse in and then create a coordinated response. Representatives at the meeting can include local police, health, child protection, housing practitioners, Independent Domestic Violence Advisors (IDVAs), probation and other specialists from the statutory and voluntary sectors. Over 270 MARACs operate across England, Wales, Northern Ireland and Scotland.⁹⁹ Last year, MARACs across Wales discussed 9,324 cases.¹⁰⁰

A 2009 evaluation on MARACs found that following intervention by a MARAC and an IDVA service, up to 60% of domestic abuse victims report no further violence.¹⁰¹ In its review of the 2015 Act, the Wales Audit Office expressed that despite general concerns around data sharing between public sector agencies acting as a barrier to survivors accessing the right support at the right time, there are some positive examples¹⁰² of how public bodies work collectively together to share and use data to protect victims and survivors - particularly in MARACs.

⁹⁷ See [Homelessness Action Group: report March 2020 \(gov.wales\)](https://gov.wales/homelessness-action-group-report-march-2020)

⁹⁸ Just Right Scotland (2020) ASSISTING TRAFFICKED WOMEN Best practice principles of gender-specific legal assistance and integration supports to third country national female victims of trafficking for sexual exploitation.

⁹⁹ <https://safelives.org.uk/sites/default/files/resources/MARAC%20FAQs%20General%20FINAL.pdf>

¹⁰⁰ See [Marac data 2021-2022 for publication.xls \(live.com\)](https://live.com/marac-data-2021-2022-for-publication.xls)

¹⁰¹ Robinson, A. (2004); Howarth, E., Stimpson, L., Barran, D., & Robinson, A., (2009) Independent Domestic Violence Advisors: A multi-site process evaluation

¹⁰² Wales Audit Office (2019) Progress in implementing the Violence Against Women, Domestic Abuse and Sexual Violence Act, pp.27

Respondents to an evaluation of MARACs in 2011¹⁰³ identified both barriers and levers to an effective MARAC. The following barriers and levers were identified:

- Partners not bringing the appropriate information to the MARAC which can lead to an inefficiency and delay, sometimes frustrating colleagues.
- MARACs are consistently unclear as to the role of health and who within health should be involved in the MARAC. Further clarification would be beneficial as the right mix of health professionals can have a profound positive impact on outcomes for victims.
- The MARAC should be clear in its aims and objectives and raise its profile within partner agencies to encourage referrals and avoid partners feeling that it is a Police led process.
- Effective coordination of the MARAC is very helpful – timely information sharing, and quick turnaround on agreed actions makes a positive difference.
- Approaches to working more collaboratively are beneficial, giving partners a sense that work undertaken in and outside of the MARAC is a part of people’s day jobs. Further integration of working practices locally would facilitate this.

g. Housing first for Women

Housing First is a leading, evidence-based approach to help end homelessness. People supported in Housing First projects have typically been failed by current housing systems, have repeat histories of homelessness, who have experienced significant levels of trauma. Housing First projects follow a strict set of principles,¹⁰⁴ it is person-centred, open ended and unconditional housing. The model hinges on its engagement of statutory services, particularly health and substance misuse.¹⁰⁵

FEANSTA recently published a report reviewing case studies of Housing First For Women projects across Europe. In the report they state:

“This housing-led approach can be very well integrated with gender- and trauma-informed approaches to care and support. In fact, these approaches are complementary and can be combined to create the appropriate set-up for women to exit homelessness and break the cycle of violence and homelessness.”¹⁰⁶

¹⁰³ Home Office Violent and Youth Crime Prevention Unit (VCYU) and Research and Analysis Unit (RAU) (2011) Research into Multi-Agency Risk Assessment Conferences (MARACs)

¹⁰⁴ <https://www.cymorthcymru.org.uk/en/policy/housing-first/>

¹⁰⁵ Welsh Government Guidance (2019) Housing First (HF) – National Principles and Guidance for Wales

¹⁰⁶ FEANSTA (2022) HOUSING FIRST & WOMEN Case studies from across Europe

3. Consideration of approaches to VAWDASV and homelessness in other areas

a. Domestic Abuse and Homelessness in Scotland

The Prevention Review Group made a number of recommendations for improving homelessness prevention for people experiencing domestic abuse. These included:

- Assistance from homelessness services to prevent homelessness must include support and security measures to enable applicants to remain in their homes safely where this is their preference.
- 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.
- When considering the suitability of accommodation offered to a perpetrator or victim of domestic abuse, consideration must be given to its proximity to the other party in the abuse.
- Social landlords should put in place protocols to address housing issues relating to domestic abuse.

In 2019, Scottish Women's Aid in partnership with Chartered Institute of Housing (CIH), Association of Local Authority Chief Housing Officers (ALACHO), Shelter, and Scottish Federation of Housing Associations (SFHA) published a [good practice guide for social landlords](#) in responding to domestic abuse. The report gives specific guidance on allocations including:

- Protocols to ensure women are not allocated housing that continues to put them at risk, for example in the same area as the perpetrator or his family (unless women have requested that area for example because they want to keep their children at the same school).
- Not requiring a month's rent in advance as a condition of the tenancy, as this discriminates against women who have experienced domestic abuse, who are highly likely to have experienced financial abuse and been prevented from earning/employment.
- Specialist domestic abuse housing officers who can advise and support staff and who have the authority to make decisions about transfers, allocations and tenancy support.
- A consistent systematic approach to making decisions about transfers, allocations and tenancy support.

In 2020, a Scottish Government Working Group looked at routes for improving housing outcomes for women experiencing domestic abuse. The group split its work into two phases: Phase one focused on the work of social landlords; and phase two on the issue of private housing. The partnership published its [recommendations from Phase 1](#) in December 2020. The report made six recommendations, of which the following are relevant to legal change:

1. **Temporary accommodation.** Local authorities and partners should review their provision of temporary accommodation to provide suitable single-sex temporary accommodation for women and provide specialist training to all staff working in homeless services. Temporary accommodation standards should be based on gender analysis.
2. **Social security.** The Scottish Government has committed to introducing split payments of the Universal Credit (UC) award in Scotland to ensure everyone has access to an independent income. While recognising that UC is reserved to the UK Government and that progress on this development with the Department for Work and Pensions (DWP) has been delayed by Covid-19, the Scottish Government should strongly pursue this commitment.
3. **Financial support for women experiencing domestic abuse** The Scottish Government should explore options for a dedicated support fund or entitlements with clear guidance and capable of delivering short-term recurring payments to support women leaving an abusive partner. This should include essential crisis costs to enable a woman to leave and to bridge the gap between leaving and the first payment of a UC payment.

Domestic Abuse Protection (Scotland) Act 2021

The Domestic Abuse (Protection) (Scotland) Act was passed in 2021, although it has not yet commenced. The Act introduces new forms of protection with Police Scotland and the courts being given powers to protect those who are most at risk by issuing Domestic Abuse Protection Notices (DAPNs) and Domestic Abuse Protection Orders (DAPOs).

DAPOs are court orders which can remove a suspected perpetrator of domestic abuse from the home of a person at risk and prohibit them from contacting or otherwise abusing the survivor while the order is in effect. DAPNs provides a power for the police to impose a very short-term administrative notice ahead of applying to the court for a DAPO in circumstances where such a notice is necessary for protecting someone from abusive behaviour before an interim or full DAPO can be made.

DAPNs and DAPOs can also be applied in England and Wales under the new Domestic Abuse Act 2021.

Wider European Examples

Across Europe, there are varied approaches to supporting survivors of violence and abuse in accessing safe accommodation.

FEANTSA's policy statement, [*Homelessness and Domestic Violence: Tailoring Services to meet the needs of Women who are Homeless and Fleeing Domestic Violence*](#),¹⁰⁷ draws on examples of good practice from the Netherlands, Vienna and Germany to outline the following as key principles for tailoring services to meet the needs of those who are fleeing domestic abuse:

- Access to support from female staff

¹⁰⁷ See [FEANTSA Position: Homelessness and Domestic Violence](#), 2007. These the key points were also repeated within FEANTSA's 2010 response to a [Consultation on an EU Strategy for Combating Violence against Women 2011-2015](#).

- Access to Practical Help and Support such as accessing benefits and employment or language training for migrant women.
- Trauma and mental health support services which are readily available and geared towards the needs of victims of violence. Such services should be “part of an integrated service offer available to women in this situation”.
- Working with children and creating a stable environment for them. FEANTSA acknowledges that “it is important that mothers accompanied by children still have the space to look after them and have some family life with them, so that they can establish a sense of security.”
- Supporting the building of social networks.
- Follow-up to continue to support women after they leave services
- The need for services to work with the perpetrators of domestic violence.

Guiding points for discussion

Core homelessness/housing legislation

1. The panel is minded to recommend that the priority need test be abolished. In light of this, how might the panel mitigate any unintended consequences for groups who are currently owed a priority need, including survivors of domestic abuse?
2. The panel is considering the insertion of a new legislative duty to help sustain tenancies. What type of support might be encapsulated under this duty to assist VAWDASV survivors in sustaining a tenancy?
3. How might legislation help to ensure that housing options approach to supporting survivors of VAWDASV is more trauma-informed?
4. The panel is minded to retain local connection, but to look at how the law around local connection could be improved. Should this also consider:
 - a. that, while it is important to retain the exception to the local connection test for those fleeing abuse, some local authorities have misinterpreted this and denied a survivor the choice to be housed in their home authority.
 - b. Whether an emphasis could be placed on housing perpetrators of abuse away from the home authority of their victim, where this is the most appropriate option.
 - c. Stakeholders have reported that VAWDASV survivors can find talking about their experiences traumatising, and for those who have not accessed specific VAWDASV services, demonstrating this status can be difficult. Is there a need to consider how demonstrating survivor status in order to be exempt from local connection could avoid these issues?
 - d. Does the local connection in its current format adequately take account of those whose current housing application is not related to VAWDASV, but who has experienced VAWDASV in the past?

Access to accommodation and support

5. What role might social landlords be able to play in helping to identify and support those with experience of VAWDASV? What support would be needed in order to achieve this? Should the panel consider how protocols and/or allocations could assist with this?
6. How could legislative change seek to better address the housing needs of perpetrators of abuse?
7. How might legislation or statutory guidance better encourage the development of varied support services and housing supply that is better equipped to meet the often complex and intersecting needs of VAWDASV survivors across Wales?

NRPF

8. Are the duties for social services to supporting adults with No Recourse to Public Funds adequately embedded? Could elements of the Welsh Women's Aid toolkit be drawn further into statutory guidance?
9. In light of the particular barriers faced by women with NRPF who experience VAWDASV, does the panel wish to expand upon its recommendation to the Welsh Government on seeking a path to offer support to those with NRPF?

Other considerations

10. Does the panel consider ways in which multi-agency working, and in particular the sharing of information, might be improved in order to better protect survivors of VAWDASV from being at risk of homelessness?
11. How might FEANTSA's key principles for structuring support for those with experience of VAWDASV be embedded within statutory guidance?

Please note: There are some points raised within this paper that the panel will need to return to as part of future discussions. For example, the question around whether regulation is needed to ensure survivors of VAWDASV are being placed appropriately.

Appendix A: Recommendations published by End Youth Homelessness Cymru (EYHC)

Recommendations published in [Out on the streets: LGBTQ+ youth homelessness in Wales](#)¹⁰⁸ are as follows:

1. Any future Welsh Government strategy should address LGBTQ+ Youth Homelessness specifically, drawing upon the findings of this report, plus consultation with young people, LGBTQ+ groups and service providers to make LGBTQ+ youth homelessness rare, brief and non-recurrent.
2. We recommend that Welsh Government support the trial of an Upstream-style service, whereby schools work with youth homelessness specialists to identify young people at risk of homelessness.
3. Welsh Government should request data from Local Authorities on the numbers of LGBTQ+ people accessing homelessness services.
4. Local Authorities should revisit their Statutory Homelessness Reviews and 5 Year Homelessness Strategies in light of these findings.
5. LGBTQ+-specific supported housing services, where young LGBTQ+ people who have been made homeless can feel comfortable and safe should be developed.
6. Local authorities should ensure that they are aware of and linked in with the youth groups in their areas and that financial support is available to them, as necessary.
7. Local authorities, third sector providers and health practitioners working with young people should commission training from LGBTQ+ organisations to ensure that their staff feel fully confident when working with young LGBTQ+ people and know where to refer for specialist interventions.
8. Local authorities and third-sector agencies should consider ways to make homelessness services more welcoming and inclusive of LGBTQ+ people.
9. Organisations working with young people should provide gender-neutral toilets.
10. Young people presenting to homelessness services should be proactively offered a private space in which to talk to staff members about their reasons for presenting.
11. More research on this subject is required to help us to better understand young LGBTQ+ people's needs in Wales.

¹⁰⁸ <https://www.llamau.org.uk/Handlers/Download.ashx?IDMF=1ab2fc66-c571-44f0-8ceb-2d1346f38303>

Recommendations published in [‘Don’t let me fall through the cracks’: Homelessness amongst care-experienced young people in Wales](#)¹⁰⁹ are as follows:

1. Welsh Government should review the practical implementation of the Barnardo’s Care Leavers Accommodation and Support Framework for Wales.
2. A multi-agency review should be undertaken any time a care experienced young person presents to a local authority as homeless or at-risk-of-homelessness.
3. Welsh Government should explore the feasibility of a ‘Right to Return to Care’ policy.
4. Welsh Government and Local Authorities should review local connection rules and practice with regard to care experienced young people.
5. Local authority housing options teams must always proactively seek to establish whether a young person is care experienced, upon presentation as at-risk-of-homelessness.
6. Welsh Government should review the capacity and levels of staff turnover in social services, providing additional investment, as necessary.
7. Corporate parents need to ensure care leavers’ financial capabilities are developed through the pathway planning process and support is given to them from professionals to prepare for financial independence.
8. UK Government should bring forward care leavers’ exemption from the Shared Accommodation Rate of Universal Credit.
9. Local Authorities should review the level of support available to young people in their care making the transition between CAMHS and adult mental health services.
10. Local Authorities should review the availability of bereavement support to care-experienced and homeless young people.
11. Welsh Government should commit to ensuring that no 16- or 17-year-old should be accommodated in unsupported temporary accommodation. 16- and 17-year-olds who present to a local authority as homeless, whether care experienced or not, should be found appropriate, supported accommodation, whether via a supported housing project, foster placement, supported lodgings or similar, supported placement. If short term accommodation is required, to allow for assessments to be made and appropriate accommodation found, it must meet the minimum standards set out by young people in this report, with support provided and a timescale provided to the young person for their move to settled accommodation.
12. Welsh Government should deliver a commitment to strictly limit the length of time that any young person over the age of 17 should be expected to remain in temporary accommodation before being found settled housing, as has been done in Scotland. The term accepted in Scotland is 7 days. This fits with Welsh Government’s current stated approach of rapid rehousing in settled accommodation. This settled accommodation might include youth-focussed, shared supported accommodation, or single-person accommodation (with floating support, as necessary), depending on the needs of the young person.
13. Welsh Government should enforce new, minimum standards of temporary accommodation. These should be agreed in consultation with young people and informed by the ‘golden rules’ set out in this paper.

¹⁰⁹ [‘Don’t let me fall through the cracks’: Homelessness amongst care-experienced young people in Wales](#)

Recommendations published in [Roadmap to Ending Youth Homelessness in Wales](#)¹¹⁰ are as follows:

1. Welsh Government should deliver a comprehensive child poverty strategy, with clear, measurable and ambitious milestones.
2. Welsh Government should build on work undertaken by the Bevan Foundation and addressed in detail in the second Homelessness Action Group report, to improve the welfare system so that young people in Wales are able to access and sustain tenancies.
3. Local Authorities should proactively seek the views of young people when determining housing need for local development plans. Consultation mechanisms should be reviewed to ensure that, in particular, the views of those young people for whom affordable housing is least accessible are heard. This should result in a better mix of properties being developed, with more delivered in areas, and at prices, accessible to young people.
4. Registered Social Landlords should specifically consider young people when determining rent affordability across their housing stock. If additional grant is required to develop housing which is both suitable and affordable for young people, then Welsh Government should work with the sector to determine how this could be most effectively delivered.
5. Welsh Government should continue to support Tai Ffres, a uniquely youth-focused route into stable, secure housing, as it develops. At an appropriate point, this support should include funding for a comprehensive evaluation of its potential to reduce youth homelessness with further expansion.
6. Welsh Government should introduce a Right to Adequate Housing to increase accountability on this most fundamental of needs.
7. Local authorities, third sector providers and health practitioners working with young people should commission training from LGBTQ+ organisations to ensure that their staff feel fully confident when working with young LGBTQ+ people and know where to refer for specialist interventions. Improved understanding across Wales would reduce intolerance and ensure problems were picked up earlier, reducing the numbers of young people entering crisis.
8. “No care-experienced young person should be excluded from school. They must be considered a protected group for whom alternative provision should be offered, perhaps via a regional approach” – This is one of the priorities of the EYHC working group on ‘Reducing the Links between Care Experience and Youth Homelessness’.
9. We recommend that research be undertaken to examine if there is a need for a distinct housing pathway for young people aged 18 – 25 leaving the secure estate. These young people will face difficulties finding housing and there needs to be a specific pathway that takes into account young people’s needs.
10. We recommend young people at risk of youth homelessness – including those with care experience, those not in education, employment or training (NEET) and those known to the criminal justice sector or those at risk of becoming known to the criminal justice system – are included in Welsh Government and Local Authority social procurement policies. Based on the findings of EYHC’s work on Preventing Youth Homelessness through Social Procurement we know that supported employment can help prevent the homelessness of at risk young people in Wales.

¹¹⁰ <https://orca.cardiff.ac.uk/id/eprint/149649/1/EYHC%20Roadmap%20Full%20Report.pdf>

11. We recommend that PRS landlords in Wales are compelled to tell LAs when their tenants have rent arrears so appropriate support can be put in place. This could be one of the requirements to register with Rent Smart Wales.
12. Welsh Government should facilitate the establishment of a national Community Hosting network for local authorities and the third sector.

Recommendations published in [A Better Way Home: Community hosting to prevent youth homelessness](#)¹¹¹ are as follows:

1. Welsh Government should facilitate the establishment of a national Community Hosting network for local authorities and the third sector. We recognise that there have been sporadic meetings of some local authority and third sector partners to this end, but this should be formalised and supported by Welsh Government to ensure that Community Hosting is recognised, and accessible, across the country as a valuable element of the overall strategy to end youth homelessness. This report suggests that this network should consider reviewing and sharing practice on:
 - ways of ensuring hosts feel valued (including pay-levels)
 - the production of a universal set of quality standards for Community Hosting
 - training resources for hosts, co-designed with young people. Young people were particularly keen that hosts receive training in mental health issues.
2. Welsh Government should fund an advertising campaign designed to increase the numbers and diversity of hosts, with input from the national network to reflect need at a local level.
3. The national Community Hosting network should consider whether they can offer a space for hosts to come together as a peer network to share good practice, tips and experiences.
4. Welsh Government should ensure that every local authority is sufficiently well resourced to deliver Community Hosting with dedicated Community Hosting staff members, whether local authority or third sector, to manage the increase in placements alongside this campaign.
5. Local Authority Fostering Teams should actively recommend Foster Care applicants whose lifestyle is better suited to Community Hosting to the appropriate department in their local authority to enhance recruitment of hosts.
6. Local authority homelessness departments should proactively offer Community Hosting as an option for young people, where available, in line with Welsh Government guidance to end the use of unsuitable and harmful emergency accommodation. At present the service is often delivered via social services departments but needs to be considered as part of all Local Authorities' Youth Homelessness Strategies. Community Hosting offers a useful source of support and accommodation for all young people at risk of homelessness, regardless of 'looked-after' status.

¹¹¹<https://static1.squarespace.com/static/5eec973487c9c707d4e46170/t/629f0fca9ed2b8104776605b/1654591435881/A+Better+Way+Home+-+Full+Report.pdf>

Appendix B: Definitions under the Violence Against Women Domestic Abuse and Sexual Violence (Wales) 2015 Act

(1) In this Act—

“abuse” (*“cam-drin”*) means physical, sexual, psychological, emotional or financial abuse;

“domestic abuse” (*“cam-drin domestig”*) means abuse where the victim of it is or has been associated with the abuser;

“gender-based violence” (*“trais ar sail rhywedd”*) means—

- a) violence, threats of violence or harassment arising directly or indirectly from values, beliefs or customs relating to gender or sexual orientation;
- b) female genital mutilation;
- c) forcing a person (whether by physical force or coercion by threats or other psychological means) to enter into a religious or civil ceremony of marriage (whether or not legally binding);

“sexual violence” (*“trais rhywiol”*) means sexual exploitation, sexual harassment, or threats of violence of a sexual nature;

(2) A person is associated with another person for the purpose of the definition of “domestic abuse” in subsection (1) if—

- a) they are or have been married to each other;
- b) they are or have been civil partners of each other;
- c) they live or have lived together in an enduring family relationship (whether they are of different sexes or the same sex);
- d) they live or have lived in the same household; and for this purpose a person is a member of another person’s household if—
 - i. the person normally lives with the other person as a member of his or her family, or
 - ii. the person might reasonably be expected to live with that other person;
- e) they are relatives;
- f) they have agreed to marry one another (whether or not that agreement has been terminated);
- g) they have entered into a civil partnership agreement between them (whether or not that agreement has been terminated);
- h) they have or have had an intimate personal relationship with each other;
- i) in relation to a child, each of them is a parent of the child or has, or has had, parental responsibility for the child.

(5) In this section—

- “child” (“*plentyn*”) means a person under the age of 18 years;
- “civil partnership agreement” (“*cytundeb partneriaeth sifil*”) has the meaning given by section 73 of the [Civil Partnership Act 2004 \(c.33\)](#);
- “female genital mutilation” (“*anffurfio organau cenhedlu benywod*”) means an act that is an offence under sections 1, 2 or 3 of the [Female Genital Mutilation Act 2003 \(c.31\)](#);
- “financial abuse” (“*cam-drin ariannol*”) means—
 - a) having money or other property stolen,
 - b) being defrauded,
 - c) being put under pressure in relation to money or other property, and
 - d) having money or other property misused;
- “harassment” (“*aflonyddu*”) means a course of conduct by a person which he or she knows or ought to know amounts to harassment of the other; and for the purpose of this definition—
 - a) a person ought to know that his or her conduct amounts to or involves harassment if a reasonable person in possession of the same information would think the course of conduct amounted to or involved harassment of another person, and
 - b) “conduct” includes speech;
- “sexual exploitation” (“*camfanteisio rhywiol*”) means something that is done to or in respect of a person which—
 - a) involves the commission of an offence under Part 1 of the [Sexual Offences Act 2003 \(c.42\)](#), as it has an effect in England and Wales, or
 - b) would involve the commission of such an offence if it were done in England and Wales;
- “parental responsibility” (“*cyfrifoldeb rhiant*”) has the meaning given by section 3 of the [Children Act 1989 \(c.41\)](#);
- “relative” (“*perthynas*”), in relation to a person, means that person’s parent, grandparent, child, grandchild, brother, half-brother, sister, half-sister, uncle, aunt, nephew, niece (including any person who is or has been in that relationship by virtue of a marriage or civil partnership or an enduring family relationship).