

Expert Review Panel: Terms of Reference and membership

1) Background

The updated Welsh Programme for Government 2021-26 pledges to “Reform housing law and implement the Homelessness Action Group’s recommendation to fundamentally reform homelessness services to focus on prevention and rapid rehousing.”¹ This builds on the Welsh Government’s Homelessness Action Plan, which said that Wales can end homelessness by making it rarer through universal, targeted and crisis prevention measures. The Welsh Government plan also sets out how any experience of homelessness can be brief and non-recurring through rapid rehousing approaches and through investment in overarching measures like new social housing supply.²

Reforms to the law and to practice are needed to increase prevention and rapid rehousing. The Action Group recommended removing barriers and addressing perceptions about homelessness, and specifically changes to the law and practice to remove the priority need, intentionality and local connection tests.³ Recent years have seen “significant strides forward”⁴ in prevention and relief across Wales, due to the pioneering Housing (Wales) Act 2014. However, despite this progress not everyone is benefiting from the current system.

More recently the pandemic response has shown that temporary changes to the system, including easing some of the restrictions on accessing support, can ensure more people are given the vital homelessness support they need. The Minister, Julie James MS, said she is “determined that there will be no going back” on the progress made during the pandemic.⁵ This now raises questions about the existing legal framework, which had its last major update in 2014-15 in Wales but is still based on the framework set in the late 1970s.

The Welsh Government’s *Ending Homelessness Action Plan* proposes to develop and publish a Green Paper “examining the required legislative reform” to maintain the ‘no one left out’ approach taken during the pandemic. This includes:

- The tests in place to access local authority rehousing support (Priority Need, Intentionality and Local Connection)
- Access to housing, including allocations and ending evictions into homelessness
- Duties on public bodies
- Suitability
- A rights-based approach (although the Programme for Government sets out a separate pledge for a White Paper on proposals for a right to adequate housing, including fair rents and affordability measures, and this agenda is beyond the scope of the Expert Review Panel).

¹ Welsh Government (2021a) *Programme for Government* (updated), p.7

² Welsh Government (2021b) *Ending Homelessness Action Plan 2021-2026*

³ Homelessness Action Group (2020) *What ending homelessness in Wales looks like*, p.40

⁴ Fitzpatrick, S., Mackie, P., and Wood, J. (2019) *Homelessness Prevention in the UK – Policy Briefing*, p.4

⁵ Welsh Government (2020) *Written Statement: Homelessness Prevention Update*, 23 November 2020

2) Expert Review Panel

To help deliver the high-level action plan commitments to end homelessness in Wales, the Welsh Government announced on 30 March 2022 that there would be an Expert Review Panel, convened by Crisis and chaired by Prof. Suzanne Fitzpatrick, to look at legislative issues and recommend detailed solutions to reform the law. Crisis has experience of convening a panel for the Scottish Government on homelessness prevention legislation,⁶ and the expert panel in Westminster to develop the Homelessness Reduction Act.⁷ The charity has also developed an ideal legal framework for ending homelessness.⁸

The panel will review the existing legislation on ending homelessness in Wales and come up with proposals for reform, considering the best available evidence from services, people with experience of homelessness and other expertise in homelessness practice, policy, research and legislation.

The panel will build on the Welsh Government's policy direction to:⁹

- Encourage earlier interventions to prevent and end homelessness
- Deal with homelessness as a public services matter and taking a 'no wrong door' approach to support.
- Make sure that homelessness systems place the individual's basic need for housing and support at the centre and work in a trauma-informed way.
- Take a co-productive approach and inform policy, service delivery and practice with the best evidence on what works, including from people with lived experience of homelessness.
- Promote equality and human rights and be actively anti-discriminatory.

3) Panel task

The panel will develop recommendations to Welsh Ministers for reform of the Housing (Wales) Act 2014 and all relevant areas of law in which the Welsh Government has devolved powers. In order to fully prepare and explain proposals for legal reform, the panel will provide a report that details the recommended reforms. These will serve as a full exploration of potential reform rather than representing any form of Welsh Government policy, and the Welsh Government will make use of the Expert Review Panel recommendations along with the results of the Green Paper process. The panel will provide detailed context behind any recommendations, includes policy intention and clear reasoning for the proposed changes in legislation. The panel will also provide advice to the Welsh Government on how to ensure the recommendations can be successfully implemented.

The panel will answer these questions:

- What changes in law are required to maximise the prevention of homelessness?
- What changes in law are necessary to help ensure everyone can rapidly access the help they need to resolve their homelessness?

⁶ Prevention Review Group (2021) *Preventing Homelessness in Scotland*.

<https://www.crisis.org.uk/media/244558/preventing-homelessness-in-scotland.pdf>

⁷ *The homelessness legislation: an independent review of the legal duties owed to homeless people* (2015)

https://www.crisis.org.uk/media/20606/crisis_the_homelessness_legislation_2015.pdf

⁸ Downie, M., Gousy, H., Basran, J., Jacob, R., Rowe, S., Hancock, C., Albanese, F., Pritchard, R., Nightingale, K. and Davies, T. (2018) *Everybody In: How to end homelessness in Great Britain*. London: Crisis, p. 373

⁹ Welsh Government (2021b) Ending Homelessness Action Plan 2021-2026, p.5

Where the panel feel legislative reform is not the most appropriate action to solve a current issue, but take the view it is an area that must be addressed by the Welsh Government, in order to achieve the full intention of legislative reform, this will also be made clear in the final report.

4) Membership

Chair and confirmed core panel membership

- Professor Suzanne Fitzpatrick, Heriot-Watt University (Chair)
- Matt Downie, Crisis
- Liz Davies KC, Garden Court Chambers
- Dr Pete Mackie, Cardiff University
- Jennie Bibbings, Shelter Cymru
- Katie Dalton, Cymorth
- Jim McKirdle, WLGA
- Angela Bowen, Carmarthenshire Council
- Sam Parry, Conwy Council
- Clarissa Corbisiero, Community Housing Cymru
- Nazia Azad-Warren, Tai Pawb

Support and advice to the core panel

- Welsh Government officials
- Jordan Brewer, Crisis
- Abi Renshaw, Crisis
- Where there is consensus from the panel, individuals with particular technical expertise may be invited to individual meetings

5) Working approach

Ways of working

- Crisis will act as secretariat for the group with some support from Welsh Government officials to manage logistics for meetings.
- The core panel will meet a minimum of 8 times from August 2022 and report after 12 months. Before meetings Crisis will issue papers for consideration and, if relevant, draft reform proposals for discussion. Meetings will be primarily online but the panel will meet in-person occasionally when required and if Covid-19 requirements and government guidance permit.
- Panel members will contribute to ongoing work between meeting and engagement with papers to ensure core meetings are focussed and productive.
- Panel members to become 'thematic leads' in their areas of expertise.
- Crisis will also convene consultation meetings before core panel meetings, to explore themes in greater detail and feed into core panel discussions. These meetings will take in perspectives from a broader group of stakeholders beyond the core panel membership, and will be informed by an overall plan for consultation and engagement.

- The panel will consider and incorporate the results of consultation work with people with lived experience of homelessness and people working professionally to end homelessness. Cymorth Cymru will lead this work on behalf of the panel.
- The core panel will provide input into the agenda in advance of each consultation meeting and will receive a report from Crisis following each consultation meeting and advance policy papers and briefings before each core panel meeting.
- Engagement will be broad reaching, flexible and ongoing throughout the process
- The experiences of people who require specialist support, marginalised groups, and people with protected characteristics will be considered in every part of the Expert Review Panel's work.
- Each thematic area will be considered as part of an overall equalities impact lens and all recommendations made by the group will be assessed for equality impact and sustainability (in line with the Wellbeing of Future Generations (Wales) Act).
- Crisis will produce a report reflecting the conclusions of the review.
- Minutes will be shared publicly on the Crisis website but will be anonymised, with only key points noted and not which individual said them.
- Minutes from the core group and relevant papers will be published on a webpage hosted by Crisis following each meeting. The panel will provide periodic updates on progress to stakeholders.

6) Meeting schedule

Provisionally, dependent on periodic review, meetings of the panel will focus on:

1. Purpose and overview of the panel
2. Prevention and relief duties for local authorities
3. Priority need, intentionality and local connection, evictions leading to homelessness
4. Access to housing, (to include: eligibility, allocations, temporary accommodation, suitability)
5. Review meeting
6. Children and families (including leaving care, youth homelessness, and violence against women, domestic abuse and sexual violence (VAWDASV)).
7. The role of health and social care in preventing and ending homelessness
8. Criminal justice systems and prevention
9. Contextual check and review of proposals.

7) Principles

- Proposals should integrate effectively at local, regional and national level with other changes to the homelessness framework as part of the Welsh Government ending homelessness action plan.
- The panel will combine different viewpoints with the evidence and input of stakeholders and experts, including people with lived experience of homelessness, to form co-produced recommendations. The panel will operate by joint consensus where possible, but where there are significant differences of opinion these will be noted within the final report.
- The experiences of people who require specialist support, marginalised groups, and people with protected characteristics will be considered in every part of the Expert Review Panel's work.

- Core panel members will be expected to bring their personal expertise and knowledge to the panel and engage with their networks outside the panel, and if they are associated with or employed by an organisation then their organisation will not be held to the review's conclusions.
- Proposals will be informed by the most recent and robust available data and evidence.
- The core panel will work in a transparent way and provide periodic updates to stakeholders and opportunities for stakeholders interested in improving the legal framework to engage.