

# Welsh Government White Paper on Ending Homelessness Crisis response January 2024



## About Crisis

Crisis is the national charity for people facing homelessness across Wales, Scotland and England. We know that homelessness is not inevitable, and we know that together, we can end it.

We provide services directly to people experiencing homelessness, carry out research into the causes and consequences of homelessness, and campaign for the changes needed to end it.

In Wales, our Crisis Skylight South Wales team works across Swansea, Neath and Port Talbot to support people at risk of or currently experiencing homelessness to end their homelessness through housing stability, financial security and employment, good health and wellbeing, and positive relationships and social networks.

## About this response

This response has been written by our Wales Policy team, with input from our members with recent lived experience of homelessness and the South Wales Skylight team. To gather this input, we held an in-person workshop for staff and members respectively, and also invited our members to complete a survey.

## Introduction

Crisis warmly welcomes this White Paper which proposes a package of world-leading legislative reforms that will ensure we continue our progress towards becoming a nation in which everybody has a safe place to call home, and homelessness is rare, brief and non-recurrent.

Crisis was proud to be invited by Minister Julie James to co-ordinate the [Expert Review Panel](#) which considered how legislative change could help to end homelessness in Wales and informed the writing of the Welsh Government's White Paper. The panel's membership consisted of representatives from local government, housing associations, third sector homelessness and equality organisations and experts from academic and legal fields. Its work involved detailed evaluation of current legislation based on research from across the UK and other nations, engagement with 300 people with lived experience of homelessness in Wales, and consultation with public and third sector professionals in the following fields: housing and homelessness; health and inclusion health; disability/disabled people's rights; social services; children's rights; criminal justice; violence against women, domestic abuse and sexual violence (VAWDASV); housing support for ex-service personnel.

Based on this robust evidence and expertise, the panel concluded that legal reform has a crucial role to play in ending homelessness in Wales. The current systems are not fit for purpose and legislative change is needed to set out new ways of working which are inclusive, trauma-informed, person-centred and focussed on preventing homelessness at the earliest stage. The panel's [report](#) sets out a package of reforms that facilitate these new ways of working, building upon and cementing the foundations of the current "no one left out" approach to homelessness support. This package was carefully shaped taking onboard and balancing views from across the sector to find workable solutions to widely evidenced barriers and difficulties.

Alongside this proposed package of reforms, the panel was clear that legal change alone will not end homelessness – if we are to become a nation in which homelessness truly is rare, brief and unrepeatable, we must see investment in homelessness services and work to increase the supply of housing so that it meets the needs of the population. While it is clear there are current national difficulties in the supply of housing and with constrained budgets, Crisis feels strongly that we cannot allow the current financial difficulty to hold back ambition for progressive and fundamental legal reform in the longer term. The reforms outlined in the White paper are fundamental to the delivery of the Welsh Government's national action plan to end homelessness and many of the key proposals within these reforms are designed to flex in order to be sensitive to the current climate.

The proposals outlined within the White Paper will address the powerful calls for change from people with lived experience of homelessness as well as from professionals working across the public and third sectors. The implementation of the proposed reforms would lead to considerable strides forward, strides which, in the longer-term, would reduce spend as well as demand on homelessness services. Whilst we are currently facing the "toughest financial situation since devolution"<sup>1</sup>, we must not lose sight of the fact that this White Paper represents an indispensable opportunity to make a step change in the way that homelessness is prevented and relieved in Wales for decades to come.

We are pleased to see that the Welsh Government has taken on board so many of the recommendations made by the panel. As the proposed changes are shaped further, we hope that the wider recommendations and detail within the panel's report will continue to play a central role in the legislative and policy solutions.

Crisis also has some suggestions that go beyond the current proposals, which we will explore in our responses to the White Paper questions below.

### **White Paper questions: Crisis responses**

#### **1. Do you agree these proposals will lead to increased prevention and relief of homelessness?**

These bold and progressive proposals represent an indispensable opportunity to make a step change in the way that homelessness is prevented and relieved in

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<sup>1</sup> [Welsh Government \(2023\) Written Statement \(2023\) Update about Budget 2023-24.](#)

Wales. Whilst there is a long journey ahead to develop the detail behind these proposals and see the changes in legislation, policy and practice, we are confident that these proposals will lead to increased prevention and relief of homelessness.

This set of reforms also represents a crucial cornerstone in the realisation of the Welsh Government's plan to end homelessness.

## 2. What are your reasons for this?

We know that the statutory homelessness system is not currently working as effectively as it could be to prevent and relieve homelessness. Whilst many people are supported effectively, far too many people are being let down. Many of our Crisis members have faced barriers to ending their homelessness because of the shortcomings of the Housing Wales Act 2014 and how local authorities and registered social landlords<sup>2</sup> are required to operate within the remits of the current legislation.

One Crisis member said of their experience with local authority Housing Options:

*"Totally useless – they refused to do anything for me until my coach advocated on my behalf... Without help of Crisis I would be on the street. [Councils need to] stop turning people away without reason."*

Another member commented:

*"...it's a broken service that doesn't work".*

These negative experiences are not necessarily a result of the decisions of individuals working on the frontline, but rather a consequence of the legal frameworks within which they are working. The 2018 post-implementation evaluation of the 2014 Act<sup>3</sup>, the 2021 Homelessness Monitor<sup>4</sup> and, more recently, the Expert Review Panel's stakeholder engagement, highlighted that frontline workers are also frustrated with certain aspects of the current legislation which make it difficult to effectively prevent and relieve people's homelessness. The Homelessness Monitor reported that calls for a revisit of the 2014 Act were widespread amongst key informants. A quote from one key informant reads:

*"I think it's pretty clear that the prevention duties need upgrading and spreading across public services, lengthening the time that people are owed a prevention duty, and that area of lowering the barriers... There's an opportunity, I think, to take all of the recommendations from the Homelessness Action Group, and make sure everything that requires a legislative change is dealt with now... address all of those barriers, particularly priority need, but also to finish off local connection and*

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<sup>2</sup> We use the term registered social landlords (RSLs) in this response, but note they are also known as housing associations and community landlords.

<sup>3</sup> A. Ahmed, M. Rogers, M. Wilding, A. Gibbons, K. Jones, I. Madoc-Jones (2018) *Post-implementation evaluation of Part 2 of the Housing Act (Wales) 2014: Final Report*.

<sup>4</sup> Fitzpatrick, S., Pawson, H., Bramley, G., Young, G., Watts, B. & Wood, J. (2021) *The Homelessness Monitor: Wales 2021*. London: Crisis

*intentionality... It's time to reopen it... That's not criticising it in any way because it was pioneering at the time.*"<sup>5</sup>

At the core of this package of reforms, there are a number of changes that will undoubtedly have a significant positive impact on the prevention of homelessness. For example, the extension of the prevention duty from 56 days to six months, the introduction of cross-public sector duties to prevent homelessness, and the removal of key barriers to support, particularly for groups at heightened risk of homelessness, will be transformative.

We are also pleased to see the recognition of the need to abolish current aspects of the law which have been open to interpretation and have caused barriers for many people experiencing homelessness, including for members of Crisis. It is widely evidenced that the priority need and intentionality tests, as well as the 'failure to co-operate' clause, are open to interpretation, which is fuelling long-term and cyclical homelessness among some of the most at-risk groups of people.<sup>6</sup>

In addition, the introduction of new legislation to help make social housing more accessible to homeless applicants and to seek services that are more trauma-informed and person-centred are crucial. Across the work of the panel, and indeed feedback from our own Crisis members, we have heard strong calls for services to be more person-centred and transparent in communication – particularly around the process of applying for a social home. Our members told us:

*"The staff need and must gain trauma informed training delivered by a lived experienced team. A person-centred trauma informed approach to delivering a successful service that creates real positive changes is critical to service delivery and the clients using them."*

*"Keep in contact with us. Treat people as individuals and not see every one as a low life."*

*"Updates as to where I am on the housing list. I made my new application last year and they have never contacted me."*

*"The last time I was in B&B I was there for 18 months with no support and no contact from housing options."*

Experiencing homelessness is traumatic in and of itself, but the lack of transparency in the system and poor communication can add to the stress. Crisis is pleased to see the adoption of recommendations to require housing services to provide clear, accessible and regular communication with people who are experiencing homelessness.

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<sup>5</sup> Fitzpatrick, S., Pawson, H., Bramley, G., Young, G., Watts, B. & Wood, J. (2021) *The Homelessness Monitor: Wales 2021*. London: Crisis

<sup>6</sup> For example: The Public Services Ombudsman for Wales, (2021). *Homelessness Reviewed: An open door to positive change*.

As outlined throughout this response, the above are just some examples of the numerous proposed reforms outlined within the White Paper that Crisis would welcome.

### **3. Are there additional legislative proposals you think we should consider to improve the prevention and relief of homelessness?**

As discussed above, Crisis was proud to play a key role in the Expert Review Panel, and we are confident that implementing the panel recommendations will lead to increased prevention and relief of homelessness. Whilst the White Paper reflects many of the panel recommendations, there are areas of omission/differences, which we feel could strengthen the package of reforms if they were to be added to the Welsh Government's proposed reforms. For example:

- Confirming the inclusion of education bodies within wider public sector duties (Question 9)
- Private landlord referrals to homelessness services (Questions 9 & 28)
- Establishing Joint Homeless Boards for oversight of the cross-public sector response to homelessness (Question 11)
- Facilitating Housing Options referrals to mental health services (Question 11)
- Case co-ordination for people requiring support from two or more (as opposed to three or more) public services (Question 12)
- Ensuring that a duty to offer support to help people retain a tenancy and avoid repeated homelessness is not limited to a prescribed period, but rather based on individual need. (Questions 14 & 28)

We also have a number of additional suggestions, beyond those included in the panel report. For example:

- Looking at potential mechanisms in order to work towards the removal of the local connection test in the not-too-distant future (Question 6)
- The introduction of a homelessness regulator (Question 25)

We will further explore these points, amongst others, throughout this document, in response to the most relevant questions as indicated above.

### **4. Do you agree with our proposal to abolish the priority need test?**

Crisis agrees with this proposal; we have long campaigned for the abolition of the priority need test and feel strongly that its abolition is essential to continuing the direction of travel established during the pandemic and the addition of people at risk of street homelessness to the priority need categories.

In 2021 we published a report entitled 'No One Left Out'<sup>7</sup> setting out detailed recommendations on what a holistic 'no one left out' approach to homelessness entails. This included a call to abolish the priority need, intentionality and local

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<sup>7</sup> Gwilym-Taylor, R. and Sanders, B. (2021) *No One Left Out: The reality of eligibility barriers for people facing homelessness in Wales*. London: Crisis

connection tests that exclude people from support because of who they are, how they became homeless or where they live.

Our No-One Left Out research shows that these tests represent significant barriers to support for many people. Being turned away from support as a result of these tests can leave applicants feeling distrustful of homelessness services and hopeless about the possibility of ending their homelessness. People who are not eligible for the main homelessness duty report a negative emotional impact and a deterioration in their health and wellbeing. Many present for support again at a later date, by which time their support needs have worsened.<sup>8</sup>

Through our consultation with members of Crisis, it is apparent that the priority need test leads to people feeling as though councils “*pick and choose who they help,*” and this can be incredibly deflating for those who fall outside of priority need.

Since the publication of the evaluation of the Housing Act (Wales) 2014 in 2018,<sup>9</sup> there has been growing support for the complete removal of priority need – it was a key recommendation of the Homelessness Action Group in 2020 and the 2021 Wales Homelessness Monitor reported that 15 out of 22 Welsh local authorities favour abolishing the priority need test.<sup>10</sup> One informant contributing to the Homelessness Monitor commented:

*“After its ‘suspension’ throughout the Covid-19 crisis, at least with regards to people sleeping rough, and following a Welsh Government funded independent review, the momentum for permanent abolition of the priority need criterion now seems unstoppable.”<sup>11</sup>*

The many reasons why the priority need test is not fit for purpose were reinforced during the Expert Review Panel’s process of research and consultation. The panel concluded that the test goes against the broader preventative nature of the approach towards homelessness support in Wales. Refusing housing support because an individual does not fit into a particular category or is not “vulnerable” enough is likely to result in that individual becoming more vulnerable and their needs becoming more acute. This prolongs a person’s homelessness, leading to a more traumatic experience for the individual, an increase in complexity of need and, subsequently, a more costly support requirements for public services.

The panel also heard that the test is applied inconsistently across Wales because the law and guidance related to the test is open to interpretation. The Welsh Government’s Review of Priority Need in Wales also drew attention to this issue in

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<sup>8</sup> Gwilym-Taylor, R. and Sanders, B. (2021) *No One Left Out: The reality of eligibility barriers for people facing homelessness in Wales*. London: Crisis

<sup>9</sup> A. Ahmed, M. Rogers, M. Wilding, A. Gibbons, K. Jones, I. Madoc-Jones (2018) *Post-implementation evaluation of Part 2 of the Housing Act (Wales) 2014: Final Report*.

<sup>10</sup> Fitzpatrick, S., Pawson, H., Bramley, G., Young, G., Watts, B. & Wood, J. (2021) *The Homelessness Monitor: Wales 2021*. London: Crisis

<sup>11</sup> Fitzpatrick, S., Pawson, H., Bramley, G., Young, G., Watts, B. & Wood, J. (2021) *The Homelessness Monitor: Wales 2021*. London: Crisis

2019, highlighting the vulnerability test as a key source of inconsistency.<sup>12</sup> The test is subjective and means that frontline workers are making judgements on vulnerability based on moral grounds and whether or not they believe individuals are deserving of support – this is totally unacceptable.

Beyond those groups who fall outside of priority need categories, there are a number of groups which should be eligible for priority need status, but for whom the test still presents a barrier. For example, while those fleeing domestic abuse technically have priority need, this does not always come to fruition. Indeed, it can be traumatising to disclose abusive experiences and difficult to demonstrate that this is the case, especially if the person has not engaged with police or support services.

As a further example, neurodivergent people and people in distress may present in a way that, despite being vulnerable, does not appear to meet the criteria of a vulnerability assessment, and they may therefore not be classed as priority need.

Similarly, there is a lack of clarity about the 'severity' of mental health difficulties required to constitute a "special reason" for exemption from the priority need test. This can unfairly exclude people, particularly when their mental ill-health does not include an official diagnosis.

In addition to adverse effects on applicants, the Welsh Government's Review of Priority Need in Wales drew attention to the "vicarious trauma" experienced by frontline staff required to end a housing duty without having found a solution for that person. Staff reported feeling distressed at having to communicate to the individual that they were unable to help because they were not in priority need.<sup>13</sup>

For all these reasons, we would like to see the priority need test removed as soon as is practically possible. We understand the panel and White Paper approach to hold a lead time prior the abolition of priority need, acknowledging that some local authorities have concerns about how the homelessness system will work without priority need at a time when supply issues are prevalent. It will be important that a clear and absolute date for the introduction of the abolition of the priority need test is set out and that authorities already operating without the priority need test are encouraged to continue to do so in the meantime.

Given the significant barriers priority need presents, the widespread support for its abolition, and that many local authorities say they have been operating without the priority need test since its suspension during the pandemic, we would hope that such a date would not be too far in the distant future. Furthermore, we would also emphasise the importance of learning from Scotland, where many have felt

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<sup>12</sup> Mackie, P.; Gray, T.; Hughes, C.; Madoc-Jones, I.; Moustari, V.; Pawson, H.; Spyropoulos, N.; Stirling, T.; Taylor, H.; Watts, B. (2019). Review of Priority need in Wales. Cardiff: Welsh Government.

<sup>13</sup> Mackie, P.; Gray, T.; Hughes, C.; Madoc-Jones, I.; Moustari, V.; Pawson, H.; Spyropoulos, N.; Stirling, T.; Taylor, H.; Watts, B. (2019). Review of Priority need in Wales. Cardiff: Welsh Government.

that, in hindsight, the lead time to the abolition of priority observed in Scotland was longer than necessary.<sup>14</sup>

In the meantime, we would emphasise the importance of retaining the interim legislation introduced in 2022 to ensure those who are street homeless are classed as having priority need. Responses to the Homelessness Monitor Wales (2021) survey highlighted that the removal of priority need during the Covid-19 pandemic made it clear that the test presents a particular barrier for people who are sleeping rough. One informant explained:

*"...rough sleepers are the group that it failed the most, fails the most, because they are homeless and you've only got a duty to take reasonable steps to help them find somewhere, but at that time, you've got no duty to temporarily accommodate them, unless you think they're going to be in priority need."<sup>19</sup>*

Rough sleeping is the most acute and dangerous form of homelessness so retaining this interim legislation ahead of introducing the abolition of the priority need test will be important. Since the introduction of this interim legislation, Crisis has heard of instances where councils have delayed support in order to seek evidence that a person is rough sleeping. We would welcome moves to encourage councils against this practice given the significant dangers facing those who sleep rough.

## **5. Do you agree with our proposal to abolish the intentionality test?**

Crisis strongly agrees with this proposal; we have long campaigned for the abolition of the intentionality test. In 2021 we published a report titled 'No One Left Out' as part of our campaign. The report set out detailed recommendations on what a holistic 'no one left out' approach to homelessness entails, which included a call to abolish the priority need, intentionality and local connection tests that currently exclude people from support because of who they are, how they became homeless or where they live.

Crisis feels that the intentionality test is completely contradictory to the trauma-informed 'no-one left out' approach to homelessness that Wales is striving to achieve and that its abolition is an absolute necessity.

This contributor to the Experts by Experience project conducted by Cymorth as part of the Expert Review Panel work exemplifies the need to abolish the test:

*"I don't think anyone is making themselves intentionally homeless, why would they. From my experience I did everything in my power to not become homeless but I didn't get the right help."*

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<sup>14</sup> See Government Social Research. Dr. Peter Mackie, Tim Gray, Dr. Caroline Hughes, Dr. Iolo Madoc-Jones, Victoria Mousteri, Professor Hal Pawson, Nick Spyropoulos, Tamsin Stirling, Dr. Helen Taylor, Dr. Beth Watts, *Review of Priority Need in Wales*, 2020, pp. 52-53.



The evaluation of the Housing Wales Act found evidence of significant variation in the interpretation of intentionality.<sup>15</sup> The majority of local authorities reported that intentionality decisions are a barrier to positive outcomes and some reported that intentionality is used as a means to 'gatekeep' access to services.<sup>16</sup>

The Public Services Ombudsman for Wales also raised concerns regarding misuse of the intentionality test, citing examples such as an elderly woman who was classed as "intentionally homeless" after leaving her marital home because her husband was accused of child abuse.<sup>17</sup>

Local authorities that contributed to Crisis' No-One Left Out research were in favour of the abolition of the intentionality test for a number of reasons. They were critical of the way in which the tests can blame an individual for their homelessness and suggested that an intentionality decision draws an inaccurate picture of someone's circumstances.<sup>18</sup>

The Expert Review Panel's findings echoed the above sentiments. Stakeholders and experts by experience expressed that the intentionality test is not trauma-informed, that it encourages judgement around who is or is not 'deserving' of support and that it is open to misapplication. For example, people are often found to be 'intentionally homeless' when their support needs have not been met.

Stakeholders also indicated that the test is often utilised informally in discussion with applicants to deter them from taking certain actions. For example, an applicant might be encouraged to stay in an unsuitable property to avoid being considered intentionally homeless.

Furthermore, it is notable that being found to be "intentionally homeless" makes it very difficult for people to find a way to build a life beyond homelessness.

We note that the White Paper takes on board the panel's recommendation to balance the removal of the intentionality test with a narrower and less punitive manipulation clause relating to social housing allocations, given concerns raised by some that a deterrent is required to discourage manipulation of the system. Crisis believes that this test is indeed far less punitive than the current intentionality test, which can severely hamper a person's ability to build a life beyond homelessness. However, while this test is less punitive, given the examples seen of misinterpretation and misuse of the current intentionality test, Crisis would still recommend that the use of this clause is monitored to ensure it

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<sup>15</sup> Ahmed, A., Wilding, M., Gibbons, K., Jones, M., Rogers, I. Madoc-Jones M. Wilding, A. Gibbons, K. Jones, M. Rogers, I. Madoc-Jones (2018) Post-implementation evaluation of part 2 of the Housing Act (Wales)

<sup>16</sup> Ahmed, A., Wilding, M., Gibbons, K., Jones, M., Rogers, I. Madoc-Jones M. Wilding, A. Gibbons, K. Jones, M. Rogers, I. Madoc-Jones (2018) Post-implementation evaluation of part 2 of the Housing Act (Wales) 2014: final report, Project Report. Cardiff: Welsh Government.

<sup>17</sup> The Public Services Ombudsman for Wales, (2021) Homelessness Reviewed: an open door to positive change.

<sup>18</sup> Gwilym-Taylor, R. and Sanders, B. (2021) *No One Left Out: The reality of eligibility barriers for people facing homelessness in Wales*. London: Crisis

is being used appropriately (for example, not to encourage people to take up unsuitable accommodation as has been suggested under the current intentionality test).

**6. Do you agree with our proposal to keep the local connection test but add additional groups of people to the list of exemptions to allow for non-familial connections with communities and to better take account of the reasons why someone is unable to return to their home authority.**

Crisis has long campaigned for abolition of the local connection test. For many people experiencing homelessness, the local connection test is a barrier to finding a place to live where they feel safe and settled.

Crisis, like many others, consider that the local connection test presents barriers to truly achieving a no-one left out approach to homelessness in Wales, especially considering the wealth of evidence presented to the Expert Review Panel. Contributors to the Experts by Experience project conducted by Cymorth Cymru as part of the panel work commented:

*"I think local connection should be removed from the Welsh Law. There are lots of reasons why people may need to relocate. Someone can be in a situation where they need a fresh start, maybe a family breakdown or lack of opportunities."*

*"Many people want to move out of area as they have connections to drug use or violence in their local area. The current law does not take this into consideration and people are trapped in a cycle of homelessness due to being unable to move away from their past if they don't have local connection outside their area. It's a ridiculous rule that prevents people from getting the help they need."*

The panel also heard a wealth of evidence to suggest that the local connection test, like many other areas of the law, is being interpreted and applied inconsistently across Wales, resulting in a 'postcode lottery' and application of the test without regard to trauma and a person's unique circumstances. For others, as with priority need, proving their exemption from local connection presented difficulties, for example for those escaping abuse, demonstrating this can be difficult and retraumatising.

Despite widespread acknowledgement across the sector that the local connection test is presenting significant barriers, the panel did not recommend its total abolition due to concerns expressed by local authority stakeholders that this could disproportionately affect housing services in certain areas, which could see increased presentations at an already pressurised time. While Crisis understands this concern, we believe the perceived risk is likely higher than the reality.

Our No One Left Out report<sup>19</sup> explores how those seeking support outside their 'home' local authority typically report two or more motivating influences:

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

For these reasons, there is evidence to indicate that people remain in an area where they do not have a local connection, even if they are refused support. As such, retaining local connection is ultimately not in-keeping with ending homelessness.

Given the barriers that local connection presents, we believe that, in addition to moving forward with the proposals outlined in the White Paper to adapt how the local connection test is applied and soften the impact felt by those who are most vulnerable, the Welsh Government should continue to work towards abolition of the local connection test. This should include mapping data to ascertain a greater evidence base for the likely impact on service presentations in Wales should the test be removed; monitoring the ongoing usage of the test; and exploring potential measures that could pave the way for securing wider-spread confidence for moving forward with its abolition in Wales. This might include monitoring developments in Scotland in this area and considering collaborative systems used in other nations such as Germany and Denmark<sup>20</sup> As indicated within the panel report, such research to establish an improved and alternative way of working without the local connection clause would help to instil confidence among local housing authorities.

While Crisis would wish to see the abolition of the local connection test, we consider that in the meantime, the proposals within the White Paper would help to soften the impact of the test among vulnerable groups. The proposals to make new groups listed as exempt from the test, recognise non-familial connections in applying the test, and to introduce clearer guidance on what constitutes "special circumstances" are in line with the panel recommendations and are welcome improvements. In addition, we would suggest that refugees and asylum seekers who have been granted leave to remain in the country should be granted an exemption. We know that this group face particular housing barriers and are likely to struggle to demonstrate a local connection to an area.

Crisis would also take this opportunity to emphasise, given the wide evidence of misapplication, the importance of monitoring for appropriate implementation of the local connection test while it remains in place.

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<sup>19</sup> Gwilym-Taylor, R. and Sanders, B. (2021) *No One Left Out: The reality of eligibility barriers for people facing homelessness in Wales*. London: Crisis

<sup>20</sup> Crisis recently worked with Patrycja Jasiurska, Master of Social Policy, who carried out research on local connection in Wales as part of her master's degree. We understand she is also responding to this consultation highlighting the findings of her research.

**7. The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?**

Crisis considers that while these proposals incur costs, they also present a significant opportunity to “invest to save” with the long-term benefits of this transformative programme of legislative reforms representing a fundamental part of the Welsh Government’s wider strategy to end homelessness. Prolonged homelessness is not only traumatic on a personal level, but can also be costly to the public purse as longer-term homelessness often leads to increased and more complex health and support needs. In the long-term, this investment, alongside transition to a rapid rehousing approach and development of housing supply, will not only lead to ground-breaking systemic change, but also to savings across the Welsh public sector as homelessness becomes rare, brief and unrepeatable.

While we understand that Wales is currently facing exceptionally challenging budgets in these economically difficult times, it is clear that these changes will make a significant difference for our future.

**8. Do you agree with the proposals to apply a duty to identify, refer and co-operate on a set of relevant bodies in order to prevent homelessness?**

Crisis agrees with this proposal. In our 2018 plan of ‘how to end homelessness in Great Britain’<sup>21</sup>, we were clear that homelessness cannot be solved through housing alone and that homelessness prevention must become the business of a range of public services. We believe that all Welsh public services must work in a joined-up way across local, regional and national parameters to establish early ‘upstream’ prevention and stop people becoming homeless in the first place. This was also a strong theme across the engagement work of the panel.

Crisis members at our South Wales Skylight reported mixed experiences of multiagency working, with many saying that collaboration and understanding of homelessness among public services was poor. In particular, members reported the need for more joined up working with job centres, probation services and access to mental health services, as well as health services generally. One member said their GP practice told them they could no longer see them when they became homeless because the shelter they were sleeping in was not in the surgery area. Another Crisis member called for:

*“An integration of services throughout all sectors including mental health, physical health, addiction services, DV & SV services, police & probation, homelessness, training & employment, treatment and therapy etc... The treadmill of trauma that is currently available blatantly isn’t working.”*

In England, The Homelessness Reduction Act 2017 introduced a duty on a range of public bodies to refer a person experiencing homelessness to the local authority. Crisis research suggests that this duty is having an overall positive

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<sup>21</sup> Downie, M. (2018). *Everybody In: How to end homelessness in Great Britain*. Crisis.

impact in connecting people with homelessness services, but that the duty to refer is too narrow and more could be done to give other organisations a stronger role in preventing homelessness and ensure that wider organisations co-operate with housing services, rather than just refer to them.<sup>22</sup>

With this in mind, the Expert Review Panel recommended new legal duties on specified public authorities to identify those who are homeless or at risk of homelessness, and to identify, act, refer and co-operate as is appropriate within their remit. We are pleased to see the sentiments of this reflected in the White Paper, and as plans are developed further, we would be keen to see the word “act” explicitly included as a duty to ensure that all public services are encouraged to act within their own remit to support people at risk of and experiencing homelessness, as well as to refer to and co-operate with any other services that may be needed as part of this cross-sector approach.

**9. Do you agree with the proposed relevant bodies, to which the duties to identify, refer and co-operate would apply? Would you add or remove any services from the list?**

We agree with the proposed list of public bodies that should be subject to a homelessness duty. The list largely reflects the list suggested by the Expert Review Panel, which was proposed based on evidence of which groups are at heightened risk of homelessness and on which services can help to identify risk of homelessness at the earliest stage.

The White Paper outlines the Welsh Government’s intention to explore whether education institutions can be included within the wider public sector duties to identify and support people at risk of or experiencing homelessness duty. Crisis considers that ensuring education bodies fall within this duty is important—interventions within education settings can be key to early prevention of homelessness, and particularly youth homelessness.

Crisis also welcomes paragraph 230 of the White Paper, which outlines the Welsh Government’s intentions to liaise with the UK Government in seeking to apply these duties to other key bodies under reserved jurisdiction. Bringing these organisations under the proposed new duties would be of great assistance in preventing homelessness among some of the most at-risk groups – including prison leavers. We would also be interested in exploring whether the referral duty could extend beyond public services to PRS landlords. We understand that legislation concerning private landlords has not been proposed in this White Paper due to its alignment with the Renting Homes Wales Act, rather than the Housing Wales Act; however, we feel it is particularly important to emphasise that private landlords, as housing providers, can play a key role in preventing and relieving homelessness. We understand that extending a public duty to private entities presents difficulties, but support the panel’s recommendations for ways to

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<sup>22</sup> Sutton-Hamilton, C., Allard, M., Stroud, R., & Albanese, F. (2022) *Experiences of the Homelessness Reduction Act 2018-2021*. Crisis.

achieve this. In particular, the panel recommended that private landlords should be under an obligation to give notice to the local housing authority when they intend to bring forward a possession claim. This would not need to be onerous for landlords, but rather provide them with a simple process to follow. Crisis believes this would help people to sustain tenancies and prevent homelessness in a way that is beneficial to both landlords and contract holders.

We would also encourage consideration of whether there might be potential for exploring how creditors could be encouraged to make referrals. In Scotland, creditors must notify a local authority when they:

- serve a calling up notice requiring discharge of the debt secured on property
- serve a notice of default calling on a debtor to remedy a default
- apply to court for a warrant to exercise remedies on default
- raise proceedings to eject a proprietor.

We appreciate that looking into such a duty would require careful liaison given the reserved status of banking, but it could assist with preventing homelessness.

#### **10. In your view have we struck the right balance between legislative requirements and operational practice, particularly in relation to health?**

We know that there are some good examples of operational policy in place that takes a progressive approach towards preventing homelessness across the public sector. However, during stakeholder engagement conducted on behalf of the Expert Review Panel, we heard from professionals that where things are working well it is often due to the personal passion of certain post holders and is not consistent across Wales.

We believe legislation has an important role to play in consolidating existing good practice and ensuring that processes for prevention of homelessness are consistent across all public services in Wales.

We asked Crisis members in a survey: "In your experience, how good are public services in working together to provide support to people who are at risk of or experiencing homelessness?" They could rate the following services 'very good', 'good', 'fair', 'poor' or 'not applicable': social services, A&E department at the hospital, other department at the hospital, midwife services, GP/doctor, NHS mental health services, probation service, police, prison service, Job Centre Plus, drug and alcohol services.

Feedback on all of these public services was variable, with every single service receiving both positive and negative responses. This shows the inconsistency across public services and the variation within each public service, demonstrating the need for legislation to ensure a more consistent approach across Wales.

With regard to health services in particular, Crisis is pleased to see that the White Paper has adopted the need for legislation around early discharge planning. It is clear that improved connections are required both to facilitate patient flow and to ensure discharge into an appropriate environment where the patient can recover and thrive.

It will be important that mechanisms to facilitate this are developed through wide consultation, including with health workers on the frontline.

We often hear of cases whereby people who are experiencing homelessness find it difficult to access health care for physical, mental health and addiction needs. Left unaddressed, these health issues can worsen or even prolong a person's homelessness. Crisis is keen that the Welsh Government looks to secure improved referral pathways into healthcare for those experiencing homelessness – whether through legislation or otherwise.

**11. What practical measures will need to be in place for the proposed duties to identify, refer and co-operate to work effectively? Please consider learning and development needs, resources, staffing, location and culture.**

There are a number of measures which will need to be in place for the proposed public service duties to work as effectively as possible.

**System design**

There should be extensive consultation with professionals working within each of the named public bodies to understand how these duties should work in practice. It is unlikely that a 'one size fits all' system for joint working between all public services and housing services would be effective, and instead it would be beneficial to consult on how to design a nuanced, tailored approach to joint working for each public service but with commonalities.

When designing the systems needed to make these duties a success, we would suggest learning from good practice that already exists across Wales and beyond. Extensive research has been carried out on multi-disciplinary working within health settings and learnings from this work can be extended to apply to a cross-sector response to homelessness.

In regard to links between homelessness and health, particularly in secondary care, it would be useful to consult with Cardiff and Vale Health Inclusion Service (CAVHIS), and Pathway, the UK's leading homeless healthcare charity. In primary care, lessons could be learnt from the successful rollout of IRIS, the specialist domestic violence and abuse training, support and referral programme for General Practices that has been implemented in 6 out of 7 health board in Wales.

Beyond health, Crisis' Critical Time Intervention team could assist in advising on strengthening links between homelessness and prison and probation services, and if the duties are to be extended to education, it would be advisable to consult Upstream Cymru.

In designing mechanisms for referral, technological infrastructure needs to enable public service professionals to follow the procedures in a simple way. It would be useful to learn from the referral system used by Cardiff and Vale Health Inclusion Service.

### **Culture and awareness raising**

In order for the public service response to homelessness to be transformed, there must be greater awareness about the causes and consequences of homelessness and about psychologically informed environments, alongside the new duties.

To create a collaborative and cohesive joint working model, there needs to be a culture of understanding and respect of the expertise of other services.

It would also be worth exploring how public services could use consistent definitions of words and phrases used across the sector. We have heard from public service professionals that the terms 'wellbeing' and 'mental health' are used in different ways by different services and this leads to confusion.

These changes in culture will need to be achieved through comprehensive training and leaders taking accountability for ensuring that the training is reflected in practice.

### **Oversight and leadership**

Research by Pathway and Crisis highlights that a shortcoming of the Duty to Refer in hospital settings in England is a lack of effective governance, oversight, and accountability at both local and national level.<sup>23</sup>

The Expert Review Panel recommended the introduction of new Joint Homelessness Boards, which would help to monitor whether services are working collaboratively to resolve homelessness, discuss complex cases, share existing good practice, and investigate where there are incidents of a serious nature. Crisis is pleased that the Welsh Government supports the principle of this recommendation and understands the position outlined in the White Paper, which is to explore how existing partnership functions or boards might be able to deliver these policy aims in line with recommendation 1 in the Welsh Government's recent Review of Strategic Partnerships. However, we are aware that existing Regional Partnership Boards do not currently provide adequate space for detailed planning of support for those experiencing or at risk of homelessness.

To facilitate effective oversight within health settings, we would also welcome further consideration of the panel's recommendation on identifying homelessness leads in each health board.

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<sup>23</sup> Page, E. and Hicks, C. (2023) *Beyond the Ward – Exploring the Duty to Refer in Hospital Settings*. Pathway and Crisis.



Crisis also welcomes the reference within the White Paper to exploring how relevant inspectorate bodies can take account of these new duties, which will assist with accountability.

### **Communication and information sharing**

We asked Crisis members how working across public services could be improved and a key theme was improvement of communication and information sharing between public services:

*"Communication is key and needs to be improved."*

*"I think doctors and the job centre should be more effective when passing information on to housing options so they can process peoples applications more fairly"*

Often, homelessness applicants have to take on the responsibility of chasing their medical records for use as part of their homelessness/housing application. Better communication between services would prevent the burden falling to the applicant, as suggested by one Crisis member:

*"They [Housing Options] should work closer with medical/ health staff to get medical evidence."*

### **Referral to mental health**

A recommendation of the Expert Review Panel was that local housing authorities and support workers are added to the list of agencies able to make a direct referral for an assessment with Local Primary Mental Health Support Services, as is outlined within section 6 of the Mental Health (Wales) Measure 2010. Crisis feels that the implementation of this recommendation would make for more seamless collaborative working between housing teams and mental health teams and would reduce confusion and waiting times for people experiencing homelessness and mental ill-health.

### **Co-location and co-funding**

During the Expert Review Panel stakeholder engagement, stakeholders raised that a key enabler of joint working between different services is the co-location and of co-funding of services. We suggest that more work is done to consider how this might be achieved in this context.

We appreciate the White Paper's commitment to consider possible co-funding of multi-disciplinary homelessness and housing support teams with dedicated mental health expertise, co-location of services, or pathways that enable swift access to NHS mental health services for people experiencing or at risk of homelessness. This would certainly assist with collaboration across some of the key services accessed by people experiencing homelessness and would complement the ethos behind the new public sector duties.

**12. In addition to the broad duties to identify, refer and co-operate, this chapter contains proposals to provide enhanced case co-ordination for those with multiple and complex needs. To what extent will the proposals assist in preventing homelessness amongst this group?**

People with lived experience make it clear that the law as it stands is not resulting in the cross-sector multi-agency response to homelessness that is needed.

We believe that a case-coordination approach with a clear professional lead is needed where people have complex support needs. Collaborative and preventative working should reduce workload and ensure that the service equipped with the expertise most suited to meeting the individual's needs takes the lead in meeting those specific needs. Further consideration and consultation will be needed to develop procedures for determining who the lead professional is, how they are identified and how this should operate.

The panel heard many cases where people requiring support from more than one public service were "ping-ponged" between different services, with no service assuming a lead on their support. This often meant that people who had experienced trauma were at risk of re-traumatisation as they had to repeatedly share the same details of their history, current situation and support needs with multiple professionals.

Crisis is pleased that the White Paper recognises the need for case co-ordination but urges the Welsh Government to reconsider the suggestion that this approach is only used when an individual requires input from three public services, as opposed to two services as recommended by the Expert Review Panel.

We are concerned that requiring input from three services to warrant a case co-ordination approach will exclude a significant number of people, and potentially exclude those most in need of this approach. Some Crisis members do not engage with certain services due to a lack of trust and/or because of a difficult experience with the service in the past. The higher the complexity of needs, the more likely this is to be the case, so the need for three services could exclude these members most in need of this coordinated approach.

**13. The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?**

While these proposals incur costs, these short-term costs are justified by the long-term benefits of this transformative programme of legislative reforms and the Welsh Government's wider strategy to end homelessness. In the long-term, this investment, alongside transition to a rapid rehousing approach and development of housing supply, will not only lead to ground-breaking systemic change, but also to savings across the Welsh public sector as homelessness becomes rare, brief and unrepeatable.

**14. Are there other groups of people, not captured within this section, which you believe to be disproportionately impacted by homelessness and in need of additional targeted activity to prevent and relieve this homelessness (please provide evidence to support your views)?**

We consider that the groups identified are the main groups disproportionately impacted by homelessness. However, we would note that the lack of women's prison in Wales means that women leaving prison in England attempting to return to live in Wales face some barriers in accessing housing, and the extent to which they are at risk of homelessness should be explored further.

We would also note here the difference between care-experienced people and care leavers. The term care-experienced people, includes both those that have recently left care as well as those who left care some time ago. The term acknowledges that people who have experienced care can be disproportionately at risk of homelessness throughout their lives, for example, as they often do not have relations to assist with financial support. We are pleased this broader term is widely used within the White Paper. However, the section on social housing allocations does not include the wider group of care-experienced people – we will address this further in response to Questions 15 and 21.

**15. What additional legislative or policy actions could be taken to prevent or relieve homelessness for the groups captured by this White Paper?**

#### **Disabled people**

We support the White Paper's proposal that local authorities in Wales are legally required to hold an accessible housing register and undertake a regular review of the accessible accommodation within their stock. As detail is developed around this proposal, we would encourage recognition of the fact that 'accessible' is not a catch all term and disabled people are not a homogenous group. A property that is accessible to one disabled person may not be accessible to another. Accessible housing registers must contain detail about which features of the property are considered accessible so as to appropriately match an individual to a property accessible to them.

#### **Care experienced people**

Care-experienced people are disproportionately at risk of homelessness. We are pleased this is widely acknowledged within the White Paper; however, we do worry that certain proposals are only applied to care leavers, rather than to the wider cohort of care-experienced people. For example, the recommendation on social housing allocations refers to care leavers rather than care experienced people. Furthermore, this proposal differs from the recommendation of the panel since it implies that care leavers who are experiencing homelessness should be provided with additional preference over other homeless applicants. We believe that instead, as identified in the panel recommendations, care experienced people (i.e. not just care leavers and not just those experiencing homelessness) should

form a new sixth group to be afforded reasonable preference in social housing allocations, given that this group is at heightened risk of homelessness. We note that the Senedd Children, Young People and Education Committee has also made this point in its response to the White Paper.<sup>24</sup>

Additionally, we do not think the proposals around corporate parenting go far enough to ensure that people leaving care are supported and that their case is not being passed between social services and housing services.

### **Victims and survivors of VAWDASV**

The White Paper states that the Welsh Government will consider running Ask and Act training for registered social landlords. As per the Expert Review Panel recommendation, Crisis proposes that local authority housing officers also receive training on "Ask and Act."

### **People with NRPF**

Crisis considers that the White Paper's proposals around homelessness support for people with no recourse to public funds (NRPF) are not as strong as the recommendations from the Expert Review Panel in this area.

Whilst we understand that the Welsh Government holds limited powers in relation to reserved policy issues, we feel particularly strongly that the Welsh Government should make representations to the UK Home Office that survivors of domestic abuse who are subject to NRPF should be eligible for homelessness assistance.

### **Gypsies, Roma and Travellers**

With regard to preventing homelessness for Gypsies, Roma and Travellers, the Expert Review Panel recommended that the Welsh Government provides clarity on its preferred approach to utilising powers under the Police, Crime, Sentencing and Courts Act 2022 to require those from travelling communities (Gypsy, Roma or Travellers) to leave land. If used by police forces, this legislation has significant impact for travellers who live in a vehicle and would be homeless without a site to park upon. If these powers are being utilised, the Welsh Government should act to ensure those who are asked to leave land under this Act are promptly offered interim and culturally appropriate accommodation. This will include working to ensure that appropriate sites are available and Gypsy and Traveller Accommodation Assessments (GTTAs) are being effectively implemented. It could also include working with representatives to consider other approaches, such as "negotiated stopping,"<sup>25</sup> – this approach helps to identify areas of land which can be used as temporary stopping places and was recently used in Leeds.

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<sup>24</sup> [Letter from the Chair of the Children Young People and Education Committee to the Minister for Clim.pdf \(senedd.wales\)](#)

<sup>25</sup> <https://www.negotiatedstopping.co.uk/>

## **People with multiple and complex needs**

Crisis advises that the Welsh Government give further consideration to better defining roles and responsibilities between health/social care and housing, given that many stakeholders site this as an area of difficulty.

As mentioned above, we would like to reiterate here that the Welsh Government should reconsider the suggestion that the case co-ordination approach for people with multiple and complex needs is only used when an individual requires input from three public services, as opposed to two services as recommended by the Expert Review Panel.

Another key recommendation of the panel was that local housing authorities and support workers are added to the list of agencies able to make a direct referral for an assessment with Local Primary Mental Health Support Services, as is outlined within section 6 of the Mental Health (Wales) Measure 2010. Crisis feels that the implementation of this recommendation would make for more seamless collaborative working between housing teams and mental health teams and would reduce confusion and waiting times for people experiencing homelessness and mental ill-health.

## **Prison leavers**

Crisis is pleased to see a number of the Expert Review Panel's recommendations around supporting prison leavers reflected in the White Paper, including the commitment to review the National Pathway for Homelessness Services to Children, Young People and Adults Leaving the Secure Estate. However, there are a number of recommendations made by the panel in this area, which are not reflected, which Crisis would have welcomed. These include:

- That statutory guidance provides that, where there are valid reasons for not being able to place a prison leaver on an allocation list in a particular area (such as restrictions given the offence or proximity to a victim of domestic abuse), local authorities should refer the prisoner to an appropriate area. This should include robust conditions and a recognised arbitration process.
- That guidance provides that local housing authorities may utilise the power at Section 167(2E) Housing Act 1996, whereby particular housing accommodation can be reserved to people of a particular description, to prioritise suitable accommodation for prison leavers who have restrictions around the accommodation they are allowed to occupy.
- That guidance accompanying Part 6 of the Social Services and Well-being (Wales) Act 2014 highlights the need for a Care and Support Plan to plan for suitable accommodation well in advance of the expected release date.

## **Duty to support to retain a tenancy**

Crisis is pleased that the White Paper takes on board the Expert Review Panel recommendation to introduce a new duty for local authorities to offer support to help a person retain their accommodation after the housing duty has ended.

However, we would urge that consideration is given to the length of time for which this duty remains in place. We would suggest that the timeframe should be flexible, and the process to decide the duration of this duty is tailored to the needs of each individual, rather than limited to a set deadline of 12 months as set out in the White Paper.

Whilst some people may not need this support for as long as 12 months, others may benefit from support beyond 12 months, particularly given that after 12 months of a private occupation contract, it is then possible for a landlord to serve a no-fault eviction notice under the Renting Homes Wales Act. Therefore, making the timeframe more flexible to an individual's needs will allow housing support teams to deliver a more person-centred approach to support and divert resources to those who need them.

Given that the groups outlined above are at a heightened risk of homelessness, they may require support to retain their tenancy for an extended period of time, and their status as part of an at-risk group should be taken into consideration when determining the length of time for which this duty continues.

**16. Our proposals related to children, young people and care experience seek to improve and clarify links between homelessness legislation and the Social Services and Wellbeing Act. Significant policy development is required to assess the practicality of this. What, in your views are the benefits and challenges of our approach and what unintended consequences should we prepare to mitigate?**

There is currently a lack of clarity over whether social services or housing services have lead responsibility for young homeless people, and this is causing and prolonging homelessness. A Crisis member shared the following experience:

*"I was in care until the age of 16 and they did not help me to find any accommodation after this and the only place they did find me was unsuitable and I suffered physical abuse there. They also burned all my belongings. I think that when you become too old to be in care they should definitely help me to find suitable housing and help me to learn how to manage a tenancy."*

Case law provides that if a homeless 16- or 17-year-old applies to a housing authority, then they should be referred to social services for an assessment of their needs under what is now Section 21 of the Social Services and Well-being (Wales) Act 2014. However, this does not appear to be reflected in practice.

The Senedd Children, Young People and Education Committee and End Youth Homelessness Cymru also call for improved transition from child to adult services, with a report from End Youth Homelessness Cymru (EYHC)<sup>26</sup> also highlights "failed transitions between institutions" as a contributor to homelessness.

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<sup>26</sup> End Youth Homelessness Cymru (2020) *Don't Let Me Fall Through the Cracks: Homelessness amongst Care-Experienced Young People in Wales*.

A care-experienced person with lived experience of homelessness quoted the EYHC report explains: *“You’ve got social services saying: ‘they are not my (responsibility), I don’t look after them anymore - they are 18, that’s housing.’ Then housing go ‘well they are 17 they are not ours yet’. So you’ve got the battle (within) the council of who looks after (that young person).”*

Whilst an individual is being ‘ping-ponged’ between different services they are having to live without support, and it is likely that their situation could worsen and their needs could become more acute. Clarification of responsibilities of housing and social services would prevent this.

Crisis suggests that it may also be pertinent to review the approach to safeguarding in this area to ensure that current transitional procedures are not inflicting additional trauma on this group of young people.

**17. Do our proposals go far enough to ensure that 16 and 17 year olds who are homeless or at risk of homelessness receive joint support from social services and local housing authorities? What more could be done to strengthen practice and deliver the broader corporate parenting responsibilities?**

As explored above, barriers to effective joint working between social services and local housing authorities means that young people are often ‘ping-ponged’ between the two services. This means that they are living without support and it is likely that their situation could worsen and their needs could become more acute. We would welcome further work in this area to better understand the barriers to joint working between social services and local housing authorities.

Considering our engagement with stakeholders working with professionals who are supporting young people to access support, Crisis agrees with the Senedd’s Children, Young People and Education Committee calls for changes to the ‘When I am Ready’ programme to address disincentives within the foster care system to continue hosting young people beyond their 18th birthday.

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. Every local authority, as a corporate parent, should ensure that their young people have the opportunity to develop these skills while in care.<sup>27</sup>

**18. Do you agree or disagree that the Renting Homes (Wales) Act 2016 should be amended to allow 16 and 17 year olds to be able to hold occupation contracts?**

There are many reasons that people under 18-years-old may need to live independently of their parents or carers. Whilst we understand that the inability of 16- and 17-year-olds to hold occupation contracts is a barrier to accessing housing for these people, we think more research is needed to establish whether

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<sup>27</sup> End Youth Homelessness Cymru (2020) *Don’t Let Me Fall Through the Cracks: Homelessness amongst Care-Experienced Young People in Wales.*

or not this amendment would be the most appropriate solution to the problem. This research should include engagement with 16- and 17-year-olds who have experience of homelessness as well as private landlords. We would also advise that the Welsh Government engages with stakeholders in Scotland, where it is already legally possible for 16- and 17-year-olds to access tenancies.

Our suggestion of conducting more research is fuelled by a number of concerns around allowing 16- and 17-year-olds to hold occupation contracts.

Firstly, we are unsure as to whether such an amendment to the Renting Homes Act would be compatible with other relevant legislation, such as land law and contract law. This leads us to further concerns that an occupation contract holder under 18 may not be able to access contracts for utilities including gas and electricity, mobile phones and Wi-Fi, and their tenancy would then be at high risk of failure.

In a similar vein, we wonder whether it would be feasible for a 16- or 17-year-old to be able to afford rent in the current housing climate, especially given that young people receive reduced welfare benefit entitlements, have a lower minimum wage, and can face discrimination in the labour markets.

For these reasons, we worry that 16- or 17-year-olds are at high risk of tenancy failure, and this could have negative impacts for them accessing tenancies later on in their life. If this amendment were to go ahead, there would need to be a structured programme of support in place to ensure that the young person is provided with the skills needed to retain a tenancy – young people often need a considerable amount of support when transitioning to living independently. We would also like to see consideration of protections for these young people against long-lasting impact of aspects of tenancy failure such as rent arrears and other debt.

Given the current confusion between responsibilities of housing services and social services, a further point for consideration is how introducing the ability for a 16- or 17-year-old to hold an occupation contract might impact upon social services' involvement in a case. It would be important to consider improved interdepartmental working in conjunction with this proposal.

Finally, if this amendment were to go ahead, we wonder whether landlords would be likely to let to 16- or 17-year-olds. According to contract law, people under 18 can void a contract at any point before they turn 18 without providing a reason. Alongside the risks of tenancy failure already highlighted, we would anticipate that some private landlords may not view 16- and 17-year-olds as feasible tenants for this reason. We already know that certain private landlords discriminate against potential tenants based on their age, ethnicity, sexual orientation, and disability, so it is likely 16- or 17-year-olds will struggle to access housing even with this amendment to the law.



**19. The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?**

Although these proposals incur costs, these short-term costs are justified by the long-term benefits of this transformative programme of legislative reforms and the Welsh Government's wider strategy to end homelessness. In the long-term, this investment, alongside transition to a rapid rehousing approach and development of housing supply, will not only lead to ground-breaking systemic change, but also to savings across the Welsh public sector as homelessness becomes rare, brief and unrepeated.

**20. To what extent do you agree or disagree with the short-term proposals to increase the suitability of accommodation? Are there additional immediate actions you believe should be taken for this purpose?**

We agree with the short-term proposals to increase the suitability of temporary accommodation and consider the baseline standards set out within the White Paper to be important ones. The poor conditions of both temporary and settled accommodation that our Crisis members experience are unacceptable and must be improved.

*"The only thing that housing options managed to do was provide temporary accommodation however the accommodation is well below living standard. Checks need to be made regularly and more security needs to be provided due to constant anti-social behaviour which impacts the well-being of vulnerable people."*

We particularly welcome the proposals around the location of accommodation offers as we know that being moved to accommodation in a new area can cause serious problems for people experiencing homelessness. A Crisis member commented:

*"[Housing Options need to stop] Moving people outside of area so you are far away from people you know and important services such as doctors and dentists."*

We support the White Paper's proposal to amend the Code of Guidance to make clear that "individuals and households [...] should not be placed in accommodation with no access to at least shared laundry and cooking facilities and free or affordable Wi-Fi." However, we suggest extending this proposal to state that if these facilities are not available within accommodation and a household incurs additional costs as a result, for example, by using launderettes or having to order pre-prepared or takeaway food, there should be a mechanism whereby a local housing authority refunds these additional costs.

One standard recommended by the Expert Review Panel but not included in the White Paper is that any accommodation deemed suitable should allow residents access at all times of the day and night. Whilst the White Paper alludes to this in

proposals on temporary accommodation, we felt it was important to note that this is important for settled accommodation too. Free access to accommodation makes it easier for people to live autonomously, with dignity and control over their lifestyle.

A Crisis member noted: *"We're adults, if we want to come in at 10 or 11 at night then we should be able to."*

Key to the success of any new suitability standards is providing an effective framework for enforcement of these standards. Crisis members tell of instances where Housing Options say they have checked the accommodation and that it is suitable, only for them to move in and discover it is totally unsuitable, with no hot water, cooking facilities or laundry facilities, or demonstrating health and safety issues. One Crisis member called for a clearer responsibility on local authorities to monitor standards of temporary accommodation, saying of Housing Options teams:

*"They need to ensure that all BnBs are maintained properly so that vulnerable people can feel safe and secure."*

We are pleased to see the White Paper reflecting the panel's observation that improved suitability standards must be supported by work to increase housing supply, as prescribed by the Ending Homelessness National Advisory Board.<sup>28</sup> We understand that the standards set out in the White Paper are modest due to current undersupply of appropriate housing, but as outlined in the panel and White Paper, it is important that these baseline standards are raised to match ambition as supply allows. We must not forget that these standards should be seen as temporary and that stronger standards need to be implemented in the near future. In order to maintain this drive for improved supply and standards, it will be imperative that the Welsh Government continues to set targets for housing supply and, as outlined in the White Paper, review at regular three yearly intervals whether it is possible to further raise baseline suitability standards as supply increases. It will be important to align work in this area with the Welsh Government's work in the remit of the Green Paper on adequate housing.

In addition, Crisis is pleased to see that the White Paper reflects recommendations within the panel report for suitability of accommodation to consider an individual's needs and circumstances. It is clear that Personal Housing Plans are used inconsistently and often do not reflect a person-centred approach. It will be imperative that, as the Welsh Government takes these proposals forward, it works with people with lived experience of homelessness to identify what information should be included in a statutory Personal Housing Plan and to ensure that suitability in relation to the individual's needs is clearly covered.

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<sup>28</sup> *Ending Homelessness National Advisory Board: Annual Report to Welsh Ministers 2022-23*

**21. To what extent do you agree or disagree with the proposals around the allocation of social housing and management of housing waiting lists? What do you believe will be the consequences of these proposals?**

### **Housing need**

We agree with the proposals to allow local authorities to prioritise allocations to homeless households and remove people with no housing need from allocation schemes. We feel the proposals reflect that homeless groups should be prioritised and give flexibility for times of heightened demand, while also being cognisant of the fact that there are other in need groups too.

As these proposals are developed, it will be crucial to ensure that more detail is provided on the definition of housing need. The definition must leave room for nuance in order for it to be inclusive of all the people it is aiming to protect, but must not be so broad that its very existence becomes futile. It will also be important that this prioritisation mechanism is monitored to ensure the definition is being applied consistently and fairly across different RSLs.

### **Local authority nominations to housing associations**

Crisis particularly welcomes the White Paper's proposal of a new legislative provision which will provide local authorities with a new power where RSLs unreasonably refuse a referral from a local housing authority. We anticipate that the very existence of this power will help to shift the dial where collaborative working has not been effective.

Research suggests that housing associations in Wales hold the lowest proportion of allocations to homeless households across the jurisdictions of Great Britain.<sup>29</sup> While there are areas of good practice within Wales, we believe that this is an effective way to ensure that housing associations across Wales more consistently act as a key contributor to ending homelessness in Wales.

During the COVID-19 pandemic, some RSLs worked with local authorities to increase their percentage of nomination to homeless households. Crisis has heard from local authorities that this made a significant difference to the numbers of people having to go into temporary accommodation as they were able to access secure housing at the earliest opportunity.

### **Deliberate manipulation test**

While this test is not something that Crisis would have called for, we understand the Welsh Government's decision to implement a test to address concerns that individuals will deliberately manipulate the homelessness system for the purposes of gaining priority access to social housing and this proposal is reflected from the panel recommendation. As a test created with a very small number of people in mind, it is imperative that the use of such a test must be carefully administered

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<sup>29</sup> B. Watts, G. Bramley, S. Fitzpatrick, L. McMordie, H. Pawson, G. Young (2022) *The homelessness monitor: Great Britain 2022*.

and closely monitored. We need to ensure that its use is trauma-informed and person-centred, and that it is not used to discourage individuals from applying for homelessness support.

There must also be an appropriate mechanism for appeal if an individual is subject to sanctions as a result of this test.

### Care experienced people

Care-experienced people are disproportionately at risk of homelessness. We are pleased this is widely acknowledged within the White Paper; however, the recommendation on social housing allocations refers to care leavers, rather than the wider group of care-experienced people.

In addition, we note that while the Expert Review Panel recommended that care experienced people should form a sixth group of people entitled to reasonable preference in housing allocations, the White Paper instead talks about care leavers who are homeless having additional preference above other people who are experiencing homelessness. These are distinctly different proposals, with the panel recommendation more focused on homelessness prevention for an at-risk group. We would welcome reconsideration of the panel's recommendation, given the heightened vulnerability of this group to experience homelessness. We also note that the Children, Young People and Education Committee is also endorsing this recommendation.<sup>30</sup>

### Prison leavers

There are two Expert Review Panel recommendations relevant to social allocations and prison leavers which are not reflected in the White Paper. Crisis would suggest further consideration of these recommendations:

- That statutory guidance provides that, where there are valid reasons for not being able to place a prison leaver on an allocation list in a particular area (such as restrictions given the offence or proximity to a victim of domestic abuse), local authorities should refer the prisoner to an appropriate area. This should include robust conditions and a recognised arbitration process.
- That guidance provides that local housing authorities may utilise the power at Section 167(2E) Housing Act 1996, whereby particular housing accommodation can be reserved to people of a particular description, to prioritise suitable accommodation for prison leavers who have restrictions around the accommodation they are allowed to occupy.

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<sup>30</sup> See

<https://business.senedd.wales/documents/s143789/Letter%20from%20the%20Chair%20of%20the%200Children%20Young%20People%20and%20Education%20Committee%20to%20the%20Minister%20for%20Clim.pdf>

## Local connection

Crisis suggests that the following Expert Review Panel recommendation with regard to local connection and social allocations is adopted by the Welsh Government:

That guidance outlines that, where local connection is a criterion for determining priorities within the allocation scheme: a. "Local connection" should specifically refer to the whole of the local connection criteria at Section 81 Housing (Wales) Act 2014 (including any groups specified as exempt from the local connection referrals (see recommendation 9 on local connection under the Section on the legal tests); and b. Where "residence" is used as a means of obtaining a local connection, the period of residence required in order to amount to a local connection should be specified in the allocation scheme.

## Challenging allocations decisions

The White Paper states that if the proposed changes to social allocations are taken into draft legislation the Welsh Government 'will also explore whether it is appropriate and workable to develop a mechanism or process through which an applicant may challenge a decision on allocation of social housing by a local authority or RSLs.' Crisis believes that an individual's access to challenge decisions is essential and would therefore urge the Welsh Government commit to developing this mechanism, rather than to exploring whether or not it is possible. As per the Expert Review Panel's recommendation, this mechanism should not be dependent on an applicant's eligibility for Legal Aid funding.

## Local Lettings Policies

The White Paper notes that local authorities have a legal right to include a local lettings policy within their allocation scheme. We hear from our members that these policies can be very restrictive, and we would welcome stronger guidance to ensure that they are not preventing people experiencing homelessness from accessing social housing. For example, we would particularly welcome guidance which bans blanket no-pet clauses.

One of our members commented that councils should:

*"...make it easier for people with support animals to rent...change the law so that landlords can no longer refuse anyone with a support animal..."*

## Further research

Social housing allocations remains a complex policy area and we support the Expert Review Panel recommendation which advises that the Welsh Government should continue to extend the research in this area. It will be important to explore the questions raised by the recently commissioned allocations research to understand the long-term role social housing can play in the wider national approach to ending homelessness in Wales. This research should highlight

existing good practice and consider how allocations generally might work more effectively.

**22. To what extent do you agree or disagree with the proposal for additional housing options for discharge of the main homelessness duty? What do you foresee as the possible consequences (intended or unintended) of this proposal?**

Crisis agrees that there should be an increased range of housing options through which the main homelessness duty can come to an end and see this as especially important if the relief duty is to be removed.

Whilst the 'standard' options for rehousing should continue to be the first consideration for an applicant, we believe that having a greater range of potential rehousing options may assist in finding the most appropriate and person-centred solution.

A crucial caveat to this is that there needs to be careful implementation of safeguards to ensure that applicants are protected and that this increased flexibility for local authorities is used appropriately. We are pleased to see most of the panel's recommended safeguards outlined within the White Paper and it will be of utmost importance that these are retained as the White Paper progresses into draft legislation.

As per the Expert Review Panel's recommendations, safeguards should include ensuring applicants have written agreements in place, are fully aware of their rights and are offered independent housing advice prior to taking 'additional option' accommodation.

A further important safeguard is for the applicant to have a fast-track pathway back into the homelessness system. We agree with the proposal that, if it appears to the local housing authority the accommodation is no longer available to the applicant (or to all members of their household) or is no longer suitable, then the local housing authority should assist the applicant to make a new application for homelessness assistance (section 62(1) HWA 2014). However, we would add that this application should be expedited.

Once implemented, it will be vital that data is collected to understand how this legislative change works in practice and to ensure that it is being used in a safe and appropriate way. Guidance should advise that local housing authorities should monitor their use of "additional options" accommodation, maintaining records on the numbers of offers made and accepted, the type of accommodation, the characteristics of the applicant and why it was appropriate to end the duty with this option. The Welsh Government should maintain oversight of these records and routinely review the use of this method of ending the main homelessness duty.

**23. The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals in relation to access to housing. Are there any costs and benefits we have not accounted for?**

Although these proposals incur costs, these short-term costs are justified by the long-term benefits of this transformative programme of legislative reforms and the Welsh Government's wider strategy to end homelessness. In the long-term, this investment, alongside transition to a rapid rehousing approach and development of housing supply, will not only lead to ground-breaking systemic change, but also to savings across the Welsh public sector as homelessness becomes rare, brief and unrepeated.

**24. To what extent do you think the proposals outlined above will support the implementation and enforcement of the proposed reforms?**

As co-ordinators of the Expert Review Panel, Crisis was struck by the consistent feedback from all corners around misapplication of the current law. While it is imperative that the law outlines the key principles, standards and guidelines under which public services must operate, it is also important to secure implementation and enforcement of the reforms.

To this end, Crisis is pleased to see the White Paper acknowledging and committing to the need to improve data collation across homelessness services. Again, this was a persistent theme across the engagement work conducted by the panel. While there is a need more generally to improve data collation across the sector, as identified throughout this response, there are key areas where data collation should form an important part of monitoring whether reforms have been sufficiently effective or whether further action is required. For example, in monitoring local connection, the use of additional housing options, and the application of the deliberate manipulation test, as well as determining when supply is sufficient to allow for improved suitability standards.

Similarly, it is positive to see commitments within the White Paper around ensuring there is clearer information for applicants on their rights of redress, improving and clarifying guidance for a more consistent approach and committing to a review of local authority housing services. Crisis will be keen to ascertain the details of such a review.

Furthermore, we are pleased to see that the White Paper takes onboard the panel's recommendation to look at how inspectorates of other public service bodies can take account of the proposed new duties to identify, refer and co-operate where a person is at risk of homelessness.

In spite of these positive areas, Crisis does consider that more could and should be done to ensure effective implementation of these very important reforms – as is outlined below in response to question 25.

## 25. What other levers/functions/mechanisms could be used to hold local housing authorities and other public bodies accountable for their role in achieving homelessness prevention?

In order for changes to legislation to result in improved outcomes for people experiencing homelessness, it is imperative that the changes are implemented and enforced effectively.

Crisis does not feel that the package of proposals in its current form goes far enough in terms of measures to ensure the law is enforced.

We know that enforcement of the law has been one of the barriers to the success of the 2014 Act and we must prevent this from becoming the case with a new Homelessness Act. Therefore, we feel that there needs to be more stringent monitoring in place to ensure that statutory homelessness services and registered social landlords are complying with the law.

### Regulation of homelessness services and registered social landlords

Crisis believes that a regulator should be introduced to monitor the activities of statutory homelessness services and social landlords.

In 2021, the Public Services Ombudsman's report on its investigation into Welsh local authorities' homelessness services concluded that the Welsh Government should "improve and standardise the homelessness service across Wales by considering the creation of a Housing/Homelessness Regulator role to support and provide information and guidance to local authorities."<sup>31</sup> Following an inquiry in 2022, the Senedd Local Government and Housing Committee also reported that it is supportive of establishing a homelessness regulator.<sup>32</sup>

Whilst Expert Review Panel members were not able to reach a consensus in this area, the Public Services Ombudsman's recent report<sup>33</sup> reiterates the need for a regulator of homelessness services and Crisis agrees with this call.

Whilst we understand that local authority homelessness services are under significant pressure and operating with limited resources, the fact remains that they must be held accountable for the services they are providing and the impact this has on people's lives.

We also think that there is scope for including homelessness within the Regulatory Framework for Housing Associations in Wales to help bring more consistency to the ways in which RSLs contribute to ending homelessness. For example, this should cover allocations to homeless households, working relationships with Housing Options, engagement with the Regional Homeless Board, prevention of evictions into homelessness, and contribution to the

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<sup>31</sup> Ombudsman Wales (2023). *Homelessness Reviewed: an open door for positive change*.

<sup>32</sup> Welsh Parliament Local Government and Housing Committee (2023) [Homelessness \(senedd.wales\)](#).

<sup>33</sup> Ombudsman Wales (2023). *Homelessness Reviewed: an open door for positive change*.



provision of housing-related support, supported accommodation and Housing First where relevant and appropriate.

Crisis would also like to see the following panel recommendations taken forward in this area. These include:

- The Welsh Government should work with stakeholders to develop a new Housing Management Standard that takes a trauma informed approach to anti-social behaviour and sustaining tenancies, whilst also providing a broader overview on homelessness prevention.
- A regular auditing cycle of local housing authority functions should be established, with audits being conducted either by Welsh Government, Audit Wales or by peer review.

### **Individual rights to advice, review and redress**

We hear from our members that it can be very intimidating to make a complaint or request reviews and that many people feel powerless to do so. It is therefore important that they are empowered to exercise their rights to advice, review and redress through multiple avenues.

Whilst the section on PHPs offers a number of proposals to strengthen applicants' rights to review the handling of their application and the suitability of their accommodation, there are a number of additional Expert Review Panel recommendations in this space that we think should be considered.

The following is a list of recommendations from the panel report which we would like to see implemented:

- That local housing authorities work regionally where necessary to help ensure that there is availability of officers who are independent of a case to undertake a review.
- That the Welsh Government works with legal advocates and local housing authorities to produce guidance for best practice in resolution of disputes.
- That the Welsh Government acknowledges the limitations in availability of legal representation to homelessness applicants in Wales and considers how this could be reinforced. The Welsh Government should continue to ensure there are sufficient resources to provide Wales-wide access to independent legal representation.
- That access to debt and welfare advice is available to all homelessness applicants falling outside the scope of the Housing Loss Prevention Advice Service.
- That local housing authorities should provide independent housing advice, where a person needs to challenge the legality of a homelessness decision. Local authorities should be appropriately resourced to fund and provide independent housing advice.
- That the Welsh Government liaises with the UK Government to ensure that Legal Aid is available to applicants in Wales who are threatened with

homelessness within the new timeframe of six months, rather than the current 56 days, under Legal Aid, Sentencing & Punishment of Offenders Act 2012 Schedule 1 Paragraph 34.

### **Lived experience views**

Crisis knows from experience that the views of people with lived experience of homelessness are invaluable when seeking to understand how effectively a service is operating and how a service could be improved.

A Crisis member highlights the importance of this:

*"For strategy and progress projects can be achieved together combining efforts/ideas of both clients and services. Practice your own policies and practices and have accountability at the forefront of priority for those not implementing them accurately."*

We appreciate the White Paper's commitment to consider how the Welsh Government can "ensure the views of people with lived experience of homelessness can continue to inform understanding of how homelessness systems work and ensure this feedback influences ongoing development of services and prompts action from Welsh Ministers where appropriate."

Crisis suggests that Housing Options should provide an opportunity for people using the service to give anonymous feedback on their experience using the service, and that this feedback should be routinely reviewed.

We also believe that any substantial change to a local authority's homelessness service should involve consultation with people with lived experience of homelessness and using the Housing Options service so as to fully understand the impacts of a proposed change before it is implemented.

A further suggestion to integrate the views of people with lived experience of homelessness into service design is to introduce a requirement that local authority homelessness teams actively seek to recruit people with lived experience of homelessness. One of our members commented:

*"More peer mentors more training more lived experienced rolls... Have the staff available reflect the clients with a more equal diverse working environment."*

The Homelessness Covenant, developed by Crisis and the DWP (Department for Work and Pensions) and UK Government DLUHC (Department for Levelling up, Housing and Communities), is a pledge by employers to prevent and end homelessness through inclusive and supportive employment practices, providing employment and training opportunities for people experiencing or at risk of homelessness and adopting fairer employment and recruitment policies and

practices to support people affected by homelessness. We would encourage local authorities to engage with this covenant.<sup>34</sup>

### Regulation of private landlords

Enforcement of habitation standards and licensing requirements in the private rented sector is the responsibility of local authorities; however, we know that local authorities do not have the resources to dedicate sufficient time to this. This is resulting in many people living in poor and uninhabitable housing conditions.

Crisis feels that this needs to be addressed as a matter of urgency. As part of its review of Rent Smart Wales, the Welsh Government must consider how its enforcement arm could be enhanced to assist local authorities and ensure that standards are upheld in the private rented sector. Joint working between Rent Smart Wales, local authorities and private landlords could result in prevention of homelessness for many people who are living in substandard accommodation.

### Suitability of temporary accommodation

In talking to Crisis members with lived experience about this consultation, some raised the poor standard of temporary accommodation in which they are living and suggested that local authorities hold clearer responsibilities in monitoring upkeep of standards at properties with which they hold contracts.

**26. The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?**

Although these proposals incur costs, these short-term costs are justified by the long-term benefits of this transformative programme of legislative reforms and the Welsh Government's wider strategy to end homelessness. In the long-term, this investment, alongside transition to a rapid rehousing approach and development of housing supply, will not only lead to ground-breaking systemic change, but also to savings across the Welsh public sector as homelessness becomes rare, brief and unrepeatable.

**27. What, in your opinion, would be the likely effects of the proposed reforms in this White Paper on the Welsh language? We are particularly interested in any likely effects on opportunities to use the Welsh language and on not treating the Welsh language less favourably than English.**

- a. Do you think that there are opportunities to promote any positive effects?
- b. Do you think that there are opportunities to mitigate any adverse effects?

The proposed reforms in the White Paper aim to make the homelessness support system more person-centred, and we believe this will result in positive effects on

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<sup>34</sup> [https://www.crisis.org.uk/get-involved/homelessness-covenant/?utm\\_source=press&utm\\_medium=press&utm\\_campaign=HC23&utm\\_content=Homelessness\\_covenant](https://www.crisis.org.uk/get-involved/homelessness-covenant/?utm_source=press&utm_medium=press&utm_campaign=HC23&utm_content=Homelessness_covenant)

the use of the Welsh language and Welsh speakers. In particular, we envisage that proposals to improve standards around Personal Housing Plans and communication with homelessness applicants will be conducive to better meeting the communication needs of Welsh speakers.

Further consultation with the Commission for Welsh-speaking Communities and organisations such as Cymdeithas yr Iaith would be advisable to better understand how the reforms could affect use of the Welsh language and how it could benefit people whose first language is Welsh.

**28. We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:**

### **Housing Options staff training**

In our feedback about Housing Options from Crisis members, an overwhelmingly prominent theme was that our members felt let down by the service and that they were “fobbed off” and not treated with any respect or compassion.

*“Housing Options need to be more polite and helpful. They often speak to people in a condescending and demeaning manner as if to belittle the individual. I'm not sure but I think they stereotype individuals and have a very negative approach towards the vulnerable and those in need.”*

*“Attitude from staff was terrible”*

*“Members of staff at Housing Options need to stop being rude to housing applicants.”*

Many other members felt that their experience with Housing Options was dehumanising.

*“Remember homeless people are human beings not statistics and should be treated as such”.*

*“Look at the person and not the number”.*

*“Start treating homeless people as human beings not just statistics on a spreadsheet.”*

In order to move towards a service where applicants feel they are being treated with dignity, it is vital that training on trauma-informed approaches is completed, and that frontline staff comply with the training. Crisis members said:

*“I believe that Housing Option Staff should go on courses... It would be more beneficial for themselves to increase their level of emotional intelligence in dealing with the vulnerable members of society.”*

*“Trauma informed approach the people your dealing with are tired, frightened, frustrated, hungry, alone, financially broke, possibly mentally ill, suicidal, grieving,*

*poorly, emotional, depressed, hurting and probably angry especially if dealing with addiction on top."*

*"The staff need and must gain trauma informed training delivered by a lived experienced team. A person centred trauma informed approach to delivering a successful service that creates real positive changes is critical to service delivery and the clients using them."*

As suggested in the White Paper, it is imperative that this training includes awareness of a whole range of disabilities. One Crisis member suggested:

*"They [Housing Options] also need to be more considerate of disabilities... so that they can be given a fair chance to find a property."*

## **Personal Housing Plans**

Crisis believes that there needs to be significant changes to current Personal Housing Plans to improve the experience of homelessness applicants and achieve more sustainable prevention and relief of homelessness.

We have heard from people with lived experience of homelessness and professionals supporting people with lived experience of homelessness that Personal Housing Plans in their current form are not fit for purpose. They are reported to be generic, non-personalised and inconsiderate of the needs and capabilities of applicants.

Reflecting on this, one Crisis member called for Housing Options to "stop calling the PHP a plan."

It could be helpful to introduce an entirely new structure and name for Personal Housing Plans so as to prevent confusion between past and future procedures and to replace it with a mechanism that is truly person-centred and useful to an applicant and Housing Options team.

Any new structure should be co-produced with people with lived experience of homelessness as well as frontline workers in the third sector who work on alternative documents with the goal of ending a person's homelessness. For example, at Crisis, we receive positive feedback from our members about the use of an Outcomes Star™, which is an evidence-based tool for both supporting and measuring change. We also channel constructive criticism about our methods into continuous development and improvement of the processes we use.

Statutory guidance should outline specified topics that should be covered within this new iteration of the Personal Housing Plan. This should include, for example, support for the applicant in relation to finances and information about their support network. The plans should be holistic, considering a person's whole life rather than just their housing situation so as to achieve a more robust assessments of an applicant's needs. Furthermore, they should be written in plain language and record any communication or accessibility requirements the applicant might have.

The Welsh Government should explore whether these plans could be offered as a digitalised, editable live document as well as a hard-copy paper version, dependent on an applicant's preference and ensuring that applicants with no or limited access to the internet, as well as those who might not be computer literate, are not disadvantaged.

One of our Crisis members commented that councils and housing options should start *"showing clients that they are being proactive instead of reactive"*. A digitalised live version of the plan which can be accessed by the Housing Options team and the applicant via an easily accessible password protected system could help with this.

## Communication

When we asked our Crisis members what councils and housing options should start doing to make things better, another common answer was that housing options teams should keep in regular contact with over the course of an application and residence in temporary accommodation. Members explained:

*"They just dump you in a B&B and don't bother checking in... The last time I was in B&B I was there for 18 months with no support and no contact from housing options."*

*"I went to Housing Options three months ago and I've heard nothing from them since."*

*"I made my new application [for social housing] last year and they have never contacted me... They also closed my homeless application without telling me."*

In 2021, Crisis completed a project with three Welsh local authorities, helping them identify and develop local solutions to reduce the number of people 'falling out' of the housing and homelessness support system. We found that not all Housing Options teams understood or recorded the literacy levels or communication preferences of clients, some local authorities ask clients if they prefer text, WhatsApp, emails or phone calls, but others do not. The findings of the Ombudsman's 2021 investigation into homelessness services mirrored these findings, reporting "unclear and insufficient communication that was not always understood by clients."<sup>35</sup>

Our members also raised that it would be reassuring to be provided with regular updates on the status of their application even if there has been no change.

For this reason, we support the White Paper's proposal that Personal Housing Plans (or a similar, alternative mechanism) should be used to gain an understanding of how and at what points the local housing authority will communicate with an applicant on the status of their application.

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<sup>35</sup> Public Services Ombudsman for Wales, 2021, *Homelessness Reviewed: an open door to positive change*.

We also heard calls for the communication from Housing Options to be more transparent:

*"They need to be more honest with how things are and not just fob people off because it is soul destroying for homeless people."*

*"[Housing options teams need to stop] giving false hope. This has been done to me several times. [They] should start being honest."*

Further, our members emphasised that active listening is a key part of communication. As well as the importance of applicants understanding what Housing Options tell them, Housing Options also need to understand what a housing applicant says in order for their needs to be met. Contributions from our members urged Housing Options teams to:

*"Start listening properly"*

*"Listen better"*

Given the current shortfalls with communication between Housing Options teams and homelessness applicants, we appreciate the many proposals in the White Paper dedicated to improving communication between applicants and housing options teams, and request that people with experience of poor communication are consulted as these communication protocols are developed further.

### **Unreasonable failure to co-operate test**

As part of the Expert Review Panel work, we heard widespread concerns about the way that the 'failure to co-operate' clause is currently operating – many stakeholders highlighted that it is applied inconsistently as it is open to interpretation. The main concern is that people are often deemed as failing to co-operate as a result of unmet support needs or a misunderstanding of the system, rather than an intentional decision to disengage. This can lead to prolongation of a person's homelessness and distrust of public services.

For this reason, Crisis would call for an abolition of the failure to co-operate clause. However, in line with the panel recommendation, we are supportive of the proposal for a narrower failure to co-operate test which sets out a small number of clearly defined and limited grounds for the unreasonable failure to co-operate test. However, we would be keen to see a clear definition of what constitutes 'threatening behaviour' to ensure that the same subjectivity causing issues with the current iteration of the clause does not persist when this new wording comes into force. As with other areas, monitoring the usage of this clause to ensure it is not disproportionately applied or misapplied will be important.

### **Support to retain accommodation**

Crisis is pleased that the White Paper takes on board the Expert Review Panel recommendation to introduce a new duty for local authorities to offer support to help a person retain their accommodation after the housing duty has ended.

However, we would urge that consideration is given to the length of time for which this duty remains in place. We would suggest that the timeframe should be flexible, and the process to decide the duration of this duty is tailored to the needs of each individual, rather than limited to a set deadline of 12 months as set out in the White Paper.

Whilst some people may not need this support for as long as 12 months, others may benefit from support beyond 12 months, particularly given that after 12 months of a private occupation contract, it is then possible for a landlord to serve a no-fault eviction notice under the Renting Homes Wales Act. Therefore, making the timeframe more flexible to an individual's needs will allow housing support teams to deliver a more person-centred approach to support and divert resources to those who need them.

This support should continue to be led by the same member of staff that led the work on the applicant's homelessness application– continuity and understanding. We heard from our members that tenancy support is available from local authorities, but a person would need to ask for it and then it requires a referral.

### **Ending of the prevention duty**

In order to end the prevention duty, Crisis believes the law should state that local housing authority should be satisfied that accommodation is likely to be secure for at least 12 months, as opposed to the current six months. This would align with the proposed change of the prevention duty window from 56 days to 6 months, the proposed timeframe for considering the stability of additional housing options for discharge of the main homelessness duty, the timeframes of the Renting Homes Wales Act, and the broader aim to prevent homelessness from re-occurring.

### **Duties on private landlords**

As explored earlier in this paper, the Expert Review Panel recommended that private landlords should be under an obligation to give notice to the local housing authority when they intend to bring forward a possession claim. We wish to re-emphasise that this would help people to sustain tenancies and prevent homelessness in a way that is beneficial to both landlords and contract holders. We would encourage further consideration of the role of adopting this recommendation from the panel.

### **Expanding data**

Crisis feel strongly that the lack of data available in the housing and homelessness sector in Wales is hindering efforts to develop effective policy to end homelessness and track outcomes.

We believe there is a need to collect and publish ongoing and detailed data in order to build a deeper national understanding of broader population need for housing and accessibility, including supply, evictions and allocations. It will also be necessary to monitor the progress of implementation of new legislation.



We urge the Welsh Government to take on the recommendation from the Ending Homelessness National Advisory Board to identify, scope and then invest in better quality data and research on homelessness, supply, evictions and allocations to inform evidence-based decision making and track individuals and outcomes through the homelessness system.

As outlined in our response to the Welsh Government's consultation on the Ending Homelessness Outcomes Framework, it will be important to ensure that the Outcomes Framework is updated to reflect observations and recommendations from the Expert Review Panel's work as well as the package of reforms proposed by this White Paper.

We appreciate the White Paper's commitment to collecting data on evictions from social housing into homelessness as part of the Welsh Government's efforts to ensure that progress towards eradicating evictions into homelessness continues. We suggest that it is important that this data is able to be broken down by landlord, and that the data is publicly available.

As suggested by the White Paper, the design of data collection and publication methods should be co-produced with people with lived experience – we would emphasise that this should include a range of different lived experiences from a diverse network of experts by experience who are appropriately remunerated or rewarded for this work.

A final note on data is that different services have different perceptions and definitions of what 'homelessness' means – we would advise that awareness of an agreed definition is spread across public services so that any data collected is as accurate as possible. Crisis would encourage the use of 'core homelessness' and 'wider homelessness'<sup>36</sup> and would suggest that data should be able to be broken down into more granular forms of homelessness included within these umbrella terms.

### **Non-devolved legislation and policy**

We understand that some of the panel's recommendations may have been deemed out of scope of the White Paper because they pertain to non-devolved powers. However, we feel it is important to address particular parts of non-devolved legislation and policy that have a significant impact on homelessness in Wales.

Firstly, it is absolutely imperative that homelessness is not criminalised as is intended by the Criminal Justice Bill currently being considered by UK Parliament. Proposals which seek to punish people for rough sleeping are inhumane and counterproductive. In order to best support people out of homelessness, it is vital that these proposals do not become a reality.

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<sup>36</sup> Bramley, G. (2017) *Homelessness projections: Core homelessness in Great Britain*. Crisis and Heriot Watt University.

We would urge the Welsh Government to join Crisis and homelessness organisations across the third sector in voicing concern over these reforms, which are out of sync with the direction of travel outlined in the White Paper. Specifically, Crisis is calling for the sections on 'nuisance rough sleeping' and 'nuisance begging' in the Bill to be removed, as they will result in the criminalisation of people sleeping rough and experiencing homelessness, and duplicate existing legislation that can be used to tackle genuinely problematic elements of begging such as organised crime and modern slavery.

Secondly, the Welsh Government should clearly communicate its position on the UK Government's Anti-Social Behaviour Plan published in 2023. Whilst the Welsh Government has outlined that there should be no evictions into homelessness from social housing in Wales, this position differs from the position outlined within the UK Government's Anti-Social Behaviour Action Plan.

These differences between the Welsh and UK Governments' positions on homelessness must be made clear to relevant public services, particularly RSLs and Police and Crime Commissioners in Wales.

### **Implementation**

It will be crucial that consultation with the sector continues as this legislation develops and accompanying guidance is drafted and implementation dates (for example the lead time for the abolition of priority need) are discussed. Crisis would very much welcome such an opportunity.

### **Conclusion**

The ambition shown in this White Paper is world-leading and if these reforms are progressed, the results would be life-changing for so many people in Wales. Whilst we have used this response to suggest areas for improvement, we must reiterate here that Crisis is strongly in favour of the proposals contained in the White Paper. We believe this package of legislative reform is a crucial cornerstone for ending homelessness in Wales and must be prioritised alongside efforts to develop housing supply.

We acknowledge that this legislative process is set against a backdrop of significant financial difficulty, but we must not let the current economic context dilute our ambition to implement ground-breaking systemic change that will have such a long-lasting positive impact on the current and future generations of Wales.